**Marine Toolkit: Policy and Advocacy**

**International and regional policy instruments that support the protection and management of key biodiversity areas.**

*Implementation and effectiveness may vary depending on the specific context and commitments of individual countries or regions.*

# Table of Contents

[1. Table of Contents 2](#_Toc137455423)

[1. The significance of characterising and protecting important marine areas 4](#_Toc137455424)

[1.1 Definition and Focus 4](#_Toc137455425)

[1.2 Recognition and Implementation 5](#_Toc137455426)

[1.3 1.3 Criteria and Process 5](#_Toc137455427)

[2. How does a site become recognised as a KBA? 6](#_Toc137455428)

[3. International policy mechanisms offering frameworks for KBA protection 7](#_Toc137455429)

[3.1 Convention on Biological Diversity (CBD) 7](#_Toc137455430)

[3.2 United Nations Convention on the Law of the Sea (UNCLOS) 8](#_Toc137455431)

[3.3 United Nation’s Sustainable Development Goals 9](#_Toc137455432)

[4. Protecting KBAs through marine protected areas 10](#_Toc137455433)

[4.1 Regional Seas Agreements 10](#_Toc137455434)

[4.2 The (Currently Draft) High Seas Treaty 11](#_Toc137455435)

[4.3 Advocating for the protection of a KBA through MPA status 12](#_Toc137455436)

[4.3.1 Build a Strong Case 12](#_Toc137455437)

[4.3.2 Raise Awareness and Mobilize Support 12](#_Toc137455438)

[4.3.3 Engage Decision-Makers 13](#_Toc137455439)

[4.3.4 Collaborate with Environmental Mechanisms 13](#_Toc137455440)

[5. Seek Legal and Policy Support 14](#_Toc137455441)

[5.1 Monitor and Document 14](#_Toc137455442)

[6. Leveraging the protection of KBAs through alternative pathways 14](#_Toc137455443)

[6.1 Sustainable fisheries management 15](#_Toc137455444)

[6.2 Ecosystem-based management through marine spatial planning (MSP) 17](#_Toc137455445)

[6.3 Species-specific protection 18](#_Toc137455446)

[7. Further organisations that offer guidance on how to protect KBAs 19](#_Toc137455447)

[7.1 The International Union for Conservation of Nature (IUCN) 19](#_Toc137455448)

[7.2 The Global Ocean Biodiversity Initiative 20](#_Toc137455449)

[8. Case studies 21](#_Toc137455450)

[8.1 NACES MPA under the OSPAR Commission 21](#_Toc137455451)

[8.1.1 The NACES MPA advocacy strategy 22](#_Toc137455452)

[8.2 Tristan da Cunha MPA in the South Atlantic Ocean 22](#_Toc137455453)

[8.3 Seasonal fisheries closures in George’s Bank 23](#_Toc137455454)

[8.4 Te Whaka ā Te Wera Mātaitai 25](#_Toc137455455)

[9. Appendix 27](#_Toc137455456)

**List of acronyms**

30x30: Policy ambition under the KMGBF to protect 30% of land and sea areas by 2030

ABMT: Area-based Management Tool

ACAP: Agreement on the Conservation of Albatrosses and Petrels

BBNJ: Biodiversity Beyond National Jurisdiction

CBD: Convention on Biological Diversity

CMS: Convention on the Conservation of Migratory Species

COP: Conferences of the Parties

EBSA: Ecological and Biologically Signification Areas

EEZ: Exclusive Economic Zone

GBF or KMGBF: Kunming-Montreal Global Biodiversity Framework

GOBI: Global Ocean Biodiversity Initiative

IBA: Important Bird Area

IMMA: Important Marine Mammal Area

IPCC: Intergovernmental Panel on Climate Change

ISRA: Important Shark and Ray Areas

IUCN: International Union for the Conservation of Nature

IUU: Illegal, unreported and unregulated fishing

KBA: Key Biodiversity Area

MIPA: Marine Important Plant Areas

MKEF: Marine Key Ecological Features

MPA: Marine Protected Area

MSP: Marine Spatial Planning

OECMs: Other Effective Conservation Measures

OSPAR: Oslo and Paris Conventions

RFMO: Regional Fisheries Management Organisations

SDG: Sustainable Development Goal

UNCLOS: United Nations Convention on the Law of the Sea

WWF: World Wildlife Fund

# The significance of characterising and protecting important marine areas

Multiple different frameworks exist aimed to identify and describe areas of the marine environment that are of ecological significance, differing in their focus, scope, and processes of identification. Some of these sites have been identified as Key Biodiversity Areas (KBAs), Important Bird Areas (IBAs), Ecological and Biologically Signification Areas (EBSAs), Marine Key Ecological Features (MKEFs), Important Shark and Ray Areas (ISRAs), Important Marine Mammal Areas (IMMAs), Marine Important Plant Areas (MIPAs) and more. While these do not imply any kind of protected status for the specific area, they guide policy makers in identifying which areas are of most importance for preserving biodiversity according to a set of pre-defined criteria.

In this document, we focus most strongly on KBAs as a tool for defining the biological characteristics of a marine area, due to its quantitative nature, and its alignment with BirdLife generated spatial datasets such as IBAs. However, in the following section we discuss the distinction between KBAs and EBSAs and highlight the utility of each of these complementary approaches.

## Definition and Focus

A KBA is a site that is globally significant for the conservation of a single species, assemblages of species, ecosystems, or sites of outstanding ecological integrity.

In contrast, other important marine areas such as those described as EBSAs refer to an area that demonstrates significant ecological or biological characteristics and plays a critical role in the functioning of ecosystems.

KBAs are identified based on 11 *quantitative* criteria, such a threshold proportion of the global population of a threatened species, geographically restricted species or species assemblages, exceptional aggregations, or critical life cycle stages. Use of quantitative criteria enables comparisons to be made between countries and regions of the world. The KBA programme builds on the Important Bird and Biodiversity Areas (IBAs), representing sites have long-term significant importance to birds.

Our focus on Key Biodiversity Areas (KBAs) in this marine toolkit is driven by several rationales. One being that due to their use of quantitative data, KBAs are comparable between different geographies and facilitate their use by industries. Unlike some other designations that rely on qualitative criteria, KBAs provide a standardized approach that allows for meaningful comparisons.

EBSAs are identified through expert workshops and review of biological and oceanographic datasets, and based on *qualitative* criteria such as uniqueness, importance for life history stages, vulnerability, and diversity. Some EBSAs are very large. The nine largest EBSAs are bigger than any marine protected area and together contribute to 55% of EBSA coverage of oceans.

KBAs are global in their application and thresholds for KBA designation apply to global populations or ecosystem representation, not to national or regional ones. Therefore, depending on the conservation status of a species, a certain percentage of its global population is required for the threshold for KBA designation to be met.[[1]](#footnote-2) Other frameworks such as IBAs or ISRAs can operate at regional levels.

## Recognition and Implementation

KBAs are recognized and supported by various conservation organizations, governments, and international bodies including the International Union for Conservation of Nature (IUCN). They serve as valuable indicators of the CBD Kunming-Montreal Global Biodiversity Framework and Sustainable Development Goals 14 and 15.

They are recognised by the [private sector and financing institutions](https://portals.iucn.org/library/sites/library/files/documents/2018-005-En.pdf) as ‘Critical Habitat’, used in performance standard 6 of the International Finance Corporation (IFC) and adopted by 84 Equator Principles Financial Institutions. To meet this standard, companies should not have demonstrable negative impacts on the biodiversity features that trigger KBA status.

They are also used by international funding agencies to guide their funding decisions. For Example, the Global Environment Facility 7th Replenishment (GEF-7) and GEF-8 funds new protected areas only if they meet KBA global criteria.

The integration of KBA data, IUCN Red List data, and Protected Planet data through tools like the Integrated Biodiversity Assessment Tool (IBAT) enables the generation of comprehensive reports. These reports are sought after by companies to assess how their activities may impact KBAs and guide their decision-making processes. The funding generated from these reports supports the maintenance of the KBA, IUCN Red List, and Protected Planet databases, ensuring their continued availability and reliability. This integration of KBAs into diverse frameworks and guidelines demonstrates their significance and influence on corporate activities and supply chains as well as to global conservation efforts.

The significance of KBAs also extends to the Global Biodiversity Framework Target 3 of protecting 30% of the planet's land and sea areas by 2030 (referred to hereafter as 30x30). They serve as a tool to guide conservation efforts and inform decision-making, with KBA monitoring assisting in defining the status and trends of species populations and habitat quality within its scope. KBAs provide a well-established and effective criterion to expand on this ambitious target, ensuring the inclusion of critical biodiversity areas in protected area networks.

## 1.3 Criteria and Process

The identification of KBAs follows a standardized set of criteria developed over five years of consultation and testing with the global conservation community, which includes elements such as threatened biodiversity, geographically restricted biodiversity, biological processes, irreplaceability, and ecological integrity. The KBA process involves scientific assessments and stakeholder consultations.

The recent revision of criteria for IBAs has made it easier to determine whether a site also qualifies as a KBA, enabling a streamlined approach for those who prefer to use IBAs as a reference. However, in the long-term, there is a need to include more KBA language and principles in conventions and frameworks to strengthen their integration and influence on conservation and management decisions.

While KBAs have been extensively used on land, their application in the marine realm is relatively recent, and is currently far from comprehensive. This toolkit serves as a starting point to address this gap and inform multi-sector engagement with marine KBAs and to improve the understanding by readers of how other frameworks and tools differ in their application to KBAs but can be complementary to them.

# How does a site become recognised as a KBA?

The Key Biodiversity Area (KBA) Partnership is the official body responsible for recognising KBAs. The Partnership was launched in 2016 and consists of 13 international conservation organisations, including BirdLife International, the International Union for the Conservation of Nature (IUCN), American Bird Conservancy, Amphibian Survival Alliance, Conservation International, Critical Ecosystems Partnership Fund, Global Environment Facility (GEF), NatureServe, Rainforest Trust, Re:wild, the Royal Society for the Protection of Birds (RSPB), Wildlife Conservation Society, and World Wildlife Fund (WWF).

Once all relevant data of a KBA has been collected, analysed, and delineated, the area needs to be assessed to see whether it meets the [criteria](https://portals.iucn.org/library/node/49979) to be considered a KBA. Once officially proposed and confirmed, the details of a KBA are published in the World Database of KBAs.

It is generally expected that proposals to establish new KBAs will largely originate from the countries’ waters in which the KBAs are located. KBAs can be proposed by the KBA National Coordination Group or an independent proposer (e. g., taxonomic expert or conservation scientist). KBA assessments cannot only be carried out remotely simply using global datasets without ‘on-the-ground’ confirmation of presence and sufficient Reproductive Units of the species named in the listing.

Tools to aid in creating KBA proposals can be accessed [here](https://www.keybiodiversityareas.org/working-with-kbas/proposing-updating/proposal-process), with the specific excel proposal form found [here](https://www.keybiodiversityareas.org/assets/434e0d13ed63523dbd19bc082d8d6f4b). Any user can also register to access the World Database of KBAs and directly propose sites into the database. Regional KBA Focal Points can be contacted to help guide proposers through the KBA proposal process, the relevant points of contact can be found [here](https://www.keybiodiversityareas.org/working-with-kbas/programme/regional-focal-points). BirdLife’s Marine IBA e-atlas can be found [here](https://maps.birdlife.org/marineIBAs/) which serves as a starting point for bird related areas which may trigger KBA criteria, based on their marine IBA status, which requires similar data and thresholds to meet the designation criteria.

Once the area has been confirmed as a KBA, legally protected is required under one or multiple international and regional mechanisms to ensure the space and its biodiversity can be defended against the adverse effects of exploitation, development or other human activities.

The following key mechanisms encompass a range of conventions that provide clear processes for proposing Key Biodiversity Area (KBA) protections. While some conventions directly facilitate the protection of KBAs through the submission of marine protected area (MPA) proposals to national authorities, many serve as instrumental tools to protect KBAs through alternative pathways. By holding the signatory parties accountable to adhere to the conventions' objectives and principles, these mechanisms ensure a more robust framework for conservation efforts.

# International policy mechanisms offering frameworks for KBA protection

## 3.1 Convention on Biological Diversity (CBD)

The CBD is an international treaty that aims to conserve biodiversity, sustainably use its components, and ensure the fair and equitable sharing of benefits arising from genetic resources. It aims to ensure that KBAs, IBAs and other ecologically or biologically significant marine areas are under spatial planning or other effective management under [Target 1](https://www.cbd.int/gbf/targets/1/) of the [Global Biodiversity Framework](https://prod.drupal.www.infra.cbd.int/sites/default/files/2022-12/221222-CBD-PressRelease-COP15-Final.pdf?_gl=1*izis72*_ga*MjU3MjgzNzU2LjE2Nzg0NDY2NDU.*_ga_7S1TPRE7F5*MTY4NDI0MDk5NC40LjAuMTY4NDI0MDk5Ni4wLjAuMA..) (GBF). Furthermore, this target promotes the establishment and management of Marine Protected Areas (MPAs) as a tool for conserving marine biodiversity under Target 3. Progress towards achieving Target 1 and [Target 3](https://www.cbd.int/gbf/targets/3/) of the GBF will use the *Percentage of spatial plans utilizing information on key biodiversity areas* and *Coverage of KBAs by Protected areas and OECMs* as component indicators, respectively.

The states that have signed and/or ratified the Convention on Biological Diversity can be found [here](https://www.cbd.int/information/parties.shtml#tab=0), and the obligation of signatory parties to meet the targets of the Global Biodiversity Framework can be seen as one of many reasons to protect KBAs. Although the GBF lacks the power to establish protected areas, signatory parties can be guided by this mechanism in order to pursuing its targets through national processes.

1. **National Legislation and Policy**: Ensure that the proposing country has appropriate national legislation and policies in place to support the establishment and management of protected areas and the conservation of biodiversity. Over 200 countries have signed the GBF and are therefore obliged to adopt legal mechanisms to achieve its targets.
2. **Stakeholder Engagement**: When drafting a proposal, use the templates provided by the relevant national authority or [contact national experts](https://www.cbd.int/doc/lists/nfp-cbd.pdf) for their guidance. During the process it is important to engage with relevant stakeholders, such as local communities, expert scientists, regional/local NGOs, and government agencies (such as environment, fisheries, or transport ministries). Their involvement is crucial to ensure that the proposed protection measures reflect local needs, traditional knowledge, and concerns. Organising online or in-person consultations, workshops, and meetings can be useful to gather input and build support.
3. **CBD National Focal Point**: Share the national KBA or MPA proposal with the respective CBD National Focal Point, who serve as the contact point for CBD-related activities and can provide guidance, support, and feedback on proposals. National Focal Points for the Global Biodiversity Framework can be found [here](https://www.cbd.int/doc/lists/nfp-cbd.pdf), and those specific to Marine and Coastal Biodiversity can be found [here](https://www.cbd.int/doc/lists/nfp-cbd-marine.pdf).
4. **CBD Regional Bodies**: Engaging with the relevant CBD regional bodies that focus on protecting biodiversity can provide additional support, guidance, and technical assistance in the establishment of protected areas and the conservation of key biodiversity areas. A list of bodies across all continents can be found [here](https://www.cbd.int/nbsap/related-info/region-bsap/).
5. **Review and Approval**: The national proposal will undergo a review process by the CBD National Focal Point and potentially other relevant national authorities and stakeholders. This review may involve expert assessments, peer reviews, and consultations. Revise and refine the proposal based on feedback and recommendations.
6. **Adoption and Designation:** The National CBD National Focal Point can guide where to submit a proposal. Once a proposal is reviewed and approved by the correct national authorities, it can be formally adopted and designated as a protected area under the CBD. This may involve enacting national legislation, signing international agreements, or making formal declarations to provide legal recognition and support for the establishment and management of the protected area.
7. **Implementation and Management**: Develop and implement a management plan for the protected area, including regulations, zoning schemes, enforcement mechanisms, and monitoring programs. Collaborate with relevant stakeholders, local communities, and government agencies to ensure effective implementation and sustainable management of the protected area.
8. **Reporting and Collaboration:** The [CBD monitoring framework](https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-05-en.pdf) offers a method to regularly report on the progress, achievements, and challenges related to achieving Targets 1 and 3 of the GBF. It is important for countries to develop and incorporate national monitoring systems into their National Biodiversity Strategies and Action Plans (NBSAPs) that report conservation progress against the biological headline, component and complementary indicators set out by the CBD monitoring framework. Collaboration with other countries and organizations is encouraged under the CBD framework to share experiences, best practices, and resources for enhanced biodiversity conservation efforts.

It should be noted that the specific process of proposing and establishing the protection of a marine KBA various between countries. Therefore, along with the CBD National Focal Point, it is recommended to consult with the relevant authorities and experts to ensure compliance with national processes.

## United Nations Convention on the Law of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea (UNCLOS) primarily focuses on the legal framework for ocean governance rather than the establishment of protected areas. However, UNCLOS provides a foundation for the conservation and sustainable use of marine resources, including the protection of marine biodiversity. The countries that have signed onto and/or ratified UNCLOS can be found [here](https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en).

1. **National Jurisdiction**: Each coastal state has the authority to establish MPAs within its exclusive economic zone (EEZ) and continental shelf, in accordance with UNCLOS. The coastal state should have a clear understanding of its jurisdictional boundaries and the areas it can designate as MPAs.
2. **Conduct Scientific Assessment:** Conduct a scientific assessment of the marine KBA to gather data on its ecological importance, biodiversity values, and conservation needs. This assessment should include ecological surveys, biodiversity monitoring, and analysis of threats and vulnerabilities. The scientific evidence will support the proposal and inform the decision-making process.
3. **Proposal Development:** once a KBA has undergone a scientific assessment and stakeholder consultations, those proposing it must advocate for its implementation by including how its proposed protection would aligns with the objectives and principles of UNCLOS (as outlined in the Articles in the point below). The proposal should outline the ecological significance of the area, biodiversity values, threats, and proposed management measures.
4. **Identify Relevant Provisions**: The UNCLOS contains [relevant provisions](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf) that can be used to support the protection of marine biodiversity, at least 18 of which deal specifically with marine-biodiversity or environmental management topics (Appendix A). Linking which of these UNCLOS Articles are relevant to the threats that the KBA faces, will strengthen the reason for its protection and the overall proposal.
5. **National Implementation:** This will depend on national legislation and policies, as seen with implementation through other international/regional mechanisms. Work with the relevant national authorities to implement the proposed protection measures *within* the national jurisdiction.
6. **Reporting and Collaboration:** States are required to regularly report on the progress, achievements, and challenges related to the protection of the KBA through national and international reporting mechanisms. They should collaborate with other countries and organizations under the UNCLOS framework to share experiences, exchange information, and foster collaborative efforts to protect marine biodiversity.

It is important to note that UNCLOS does not provide a specific process for proposing and establishing protected areas. The establishment of protected areas is primarily governed by national legislation and policies, often guided by regional or international frameworks, and will therefore vary across regions. The UN Treaty on the High Seas, negotiated in New York in 2023 is a new process under which marine protected areas may be designated in the future, once this treaty enters into force. See section 4.2 below for further details.

## United Nation’s Sustainable Development Goals

The Sustainable Development Goals (SDGs), adopted by the United Nations in 2015, include a specific target to conserve and sustainably use the oceans, seas, and marine resources: [Goal 14 Life Below Water](https://sdgs.un.org/goals/goal14). This target specifically calls for the establishment of effectively managed MPAs to protect biodiversity and support ecosystem resilience. Targets of SDG 14 include:

**Target 14.1**: By 2025, prevent and significantly reduce marine pollution of all kinds, particularly from land-based activities, including marine debris and nutrient pollution.

**Target 14.2:** By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including through the establishment of effectively managed marine protected areas.

**Target 14.3:** Minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels.

**Target 14.4:** By 2020, effectively regulate harvesting and end overfishing, illegal, unreported, and unregulated (IUU) fishing, and destructive fishing practices, and implement science-based management plans to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics.

**Target 14.5:** By 2020, conserve at least 10 percent of coastal and marine areas, consistent with national and international law and based on the best available scientific information. KBA coverage by protected areas is an indicator of this SDG.

**Target 14.6:** By 2020, prohibit certain forms of fisheries subsidies that contribute to overcapacity and overfishing, eliminate subsidies that contribute to IUU fishing, and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation.

**Target 14.7:** By 2030, increase the economic benefits to small island developing states and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture, and tourism.

**Target 14.a:** Increase scientific knowledge, develop research capacities, and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular, small island developing states and least developed countries.

**Target 14.b:** Provide access for small-scale artisanal fishers to marine resources and markets.

**Target 14.c:** Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS, which provides the legal framework for the conservation and sustainable use of oceans and their resources.

# Protecting KBAs through marine protected areas

## Regional Seas Agreements

Regional Seas programs, such as the Mediterranean Action Plan, the Caribbean Environment Programme, and the East Asian Seas Action Plan, promote cooperation among countries in specific regions to protect and manage marine and coastal environments. These programmes often include provisions for establishing MPAs and conserving key biodiversity areas.

There are several Regional Seas programs established around the world which have the authority to establish MPAs in their respective regions. Some examples of existing Regional Seas programs that have a mandate to create protected areas include:

1. **Baltic Sea Regional Seas Programme:** Covers the Baltic Sea region and is governed by the [Helsinki Commission (HELCOM).](https://helcom.fi/) The program addresses pollution, biodiversity conservation, fisheries, and maritime spatial planning in the Baltic Sea area. Contracting Parties of the Baltic Sea Regional Seas Programme can be found [here](https://helcom.fi/about-us/contracting-parties/).
2. **Black Sea Regional Seas Programme:** Focuses on the Black Sea region and is governed by the [Black Sea Commission (BSC).](http://www.blacksea-commission.org/) The program addresses pollution, biodiversity conservation, sustainable fisheries, and integrated coastal zone management in the Black Sea area. Contracting Parties include Republic of Bulgaria (Bulgaria), Georgia, Romania, the Russian Federation, the Republic of Turkey, and Ukraine.
3. **Caribbean Regional Seas Programme:** Covers the Caribbean Sea and is governed by the [Caribbean Environment Programme (CEP).](https://www.unep.org/cep/)The program addresses pollution, coral reef conservation, coastal erosion, climate change impacts, and sustainable tourism in the Caribbean region.
4. **Mediterranean Regional Seas Programme:** Governed by the United Nations Environment Programme - [Mediterranean Action Plan (UNEP/MAP)](https://www.unep.org/unepmap/node/7619), the program focuses on the Mediterranean Sea region and aims to implement the provisions of the legally-binding Barcelona Convention. It addresses pollution, marine biodiversity, coastal zone management, and sustainable development in the Mediterranean. The 22 Contracting Parties of the Barcelona Convention can be found [here](https://www.unep.org/unepmap/who-we-are/contracting-parties).
5. **Northeast Atlantic Regional Seas Programme**: Governed by the [Oslo-Paris Convention (OSPAR)](https://www.ospar.org/convention), this program covers the Northeast Atlantic Ocean. It addresses pollution, marine biodiversity conservation, fisheries management, and offshore oil and gas activities in the region.
6. **The Abidjan Convention:** A regional Treaty established in protect and manage the marine and coastal environment of the West and Central African region. The [Abidjan Convention](https://abidjanconvention.org/home) focuses on addressing pollution, conserving biodiversity, and promoting sustainable development.
7. **Northwest Pacific Regional Seas Programme:** Governed by the [Northwest Pacific Action Plan (NOWPAP)](https://www.unep.org/nowpap/), the program focuses on the marine environment of the Northwest Pacific region. It addresses pollution, biodiversity conservation, sustainable development, and marine litter management.
8. **South Asian Seas Programme:** Covers the marine and coastal areas of the South Asian region and is governed by the [South Asia Co-operative Environment Programme (SACEP)](http://www.sacep.org/). The program addresses pollution, biodiversity conservation, climate change impacts, and integrated coastal zone management in the region.
9. **Southeast Pacific Regional Seas Programme:** Governed by the [Permanent Commission for the South Pacific (CPPS)](http://www.cpps-int.org/), this program focuses on the marine environment of the Southeast Pacific region. It addresses pollution, marine biodiversity conservation, sustainable fisheries, and climate change impacts.
10. **The Nairobi Convention**: A Regional Seas Programme of the UNEP, covering the coastal countries of the Western Indian Ocean. [The Nairobi Convention](https://www.nairobiconvention.org/) aims to promote the protection and sustainable management of the marine and coastal environment in the region, focussing on pollution, conserving biodiversity, and promoting sustainable development through cooperative efforts and the implementation of specific action plans and protocols. Its Contracting Parties can be found [here](https://www.nairobiconvention.org/nairobi-convention/who-we-are/contracting-parties/), with its National Focal Points listed [here](https://www.nairobiconvention.org/nairobi-convention/who-we-are/country-representation/).
11. **Antarctic Regional Seas Programme:** Governed by the [Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)](https://www.ccamlr.org/en/organisation/home-page): Manages marine living resources in the Southern Ocean, including fisheries. Members and their respective contact details can be found [here](https://www.ccamlr.org/en/organisation/members).

## The (Currently Draft) High Seas Treaty

Currently in its ratification phase, the Agreement 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 (also called the High Seas Treaty or the “BBNJ Treaty”) is hoped to come into force following ratification by 60 parties, by the next United Nations Ocean Conference in June 2025 in Nice, France. If a KBA is identified in international waters, the High Seas Treaty is the appropriate framework to use to propose a protected area.

The Treaty provides a legal pathway for the designation and implementation of MPAs that are fully or partially located on the high seas. Under the draft text of the treaty, they are defined as areas for “conservation and sustainable use” of biodiversity. For the high seas, this mechanism previously only existed in Antarctica, the Northeast Atlantic and the Mediterranean and relatively few high seas MPAs have been designated to date.

The process for MPA designation under the High Seas Treaty, once it enters into force will be as follows: Proposals are submitted by a Contracting Party to the Treaty, which outlines the area that needs to be protected, the threats it faces and a draft management plan with proposed management measures. The High Seas Treaty sets out the process for defining an MPA in international waters:

1. That proposal will undergo a consultation process where stakeholders and NGOs will have an opportunity to review and comment on the proposal.
2. The proponent will consider the input received during the consultation process and may revise the proposal.
3. The Scientific and Technical Body of the High Seas Treaty would review and assess the MPA proposal and provide a recommendation to the Conference of Parties (COP).
4. The COP would decide whether to establish the MPA. Decisions on MPAs at the Conference of Parties can be taken by voting with a ¾ majority to be adopted. This process creates the ability to designate areas towards the target of 30% of ocean areas protected by 2030, target that was pledged in the CBD Kunming-Montreal Global Biodiversity Framework.
5. The text also provides guidelines for implementation, monitoring, and review of MPAs established.

The current agreed text of the High Seas Treaty agreement 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 can be found [here](https://www.un.org/bbnj/sites/www.un.org.bbnj/files/draft_agreement_advanced_unedited_for_posting_v1.pdf).

## Advocating for the protection of a KBA through MPA status

When advocating for the official protection of a marine KBA under national legislation or by Regional Seas Programmes, there are several effective advocacy strategies to consider. The following steps have been tailored to support the advocacy efforts for an IBA that has been identified using seabird tracking data and meets the KBA criteria.

### 4.3.1 Build a Strong Case

To support the advocacy efforts for the official protection of a KBA, conducting scientific surveys and research is crucial. These efforts aim to gather comprehensive data on seabird populations, their distribution, and the ecological significance of the IBA. Key species of seabirds that rely on the IBA for breeding, feeding, or migration should be identified, and their conservation status and vulnerability assessed. Collaboration with researchers with specialist knowledge on these species and relevant ecosystems is essential to analyse and interpret the collected data, emphasizing the importance of the IBA for seabird conservation. The scientific evidence should then be used to develop a proposal, as well as fact sheets and publications that effectively its significance for seabirds and the broader marine ecosystem.

### 4.3.2 Raise Awareness and Mobilize Support

To generate support for the official protection of a marine KBA, various advocacy strategies can be employed. Collaboration with bird enthusiasts, environmental organizations, and local NGOs can be useful in promoting and highlight the value of the KBA and fostering public support. Leveraging the power of social media platforms, websites, and local media channels enables the widespread dissemination of information about the KBA, including success stories, interesting seabird facts, and the need for its protection.

Encouraging community involvement through citizen science programs provides opportunities for locals to contribute valuable data and observations on seabird populations and habitats, fostering a sense of ownership and engagement in the protection of the KBA. It should be noted that engaging local communities in supporting the protection of an KBA is likely to be easier if it’s located in areas of national jurisdiction or near coastlines, and that other strategies may be needed for areas in the high seas.

### Engage Decision-Makers

Engaging decision-makers is essential in advocating for the official protection of a marine KBAs. The first step is to identify key decision-makers at the national level, such as ministries of environment, fisheries, or tourism, and focus advocacy efforts on them, including engaging with their key advisors. This can be done by engaging in government frameworks to develop MPA networks, and through formal submissions on marine protection processes. It is crucial to demonstrate the socio-economic benefits associated with protecting the KBA, emphasizing how conservation efforts can contribute to sustainable development. Where possible, engaging with Ministers or high-level officials over the important value that IBAs and the related science can bring to MPA network development is useful. Emphasise the role of seabirds and coastal birds as umbrella species for many other parts of the marine ecosystem.

Supporting the advocacy with policy briefs, proposals, and case studies that showcase successful examples of protected KBAs in other regions and the positive outcomes they have achieved can help sway decision-makers. Additionally, seeking endorsements from influential individuals, organizations, or businesses who can lend their support to the cause and effectively influence decision-makers can further strengthen the advocacy efforts.

### 4.3.4 Collaborate with Environmental Mechanisms

When advocating for the protection of a marine KBA, it is important to identify and collaborate with relevant global and regional environmental mechanisms that address the specific threats faced by seabirds in the KBA. For example, there are many mechanisms that address marine plastic pollution, such as the [African Marine Waste Network](https://sst.org.za/projects/african-marine-waste-network/), , that aims to combat marine litter, including plastic pollution, in African coastal areas and the and the European Union LIFE project [SEABIL](https://www.lpo.fr/la-lpo-en-actions/developpement-durable/milieu-marin/pollution-marine/life-seabil) which aims to create regional level governance structures that will help reduce the production of waste by marine professionals and upskill the public in reporting pollution events and seabird deaths on beach areas across Western Europe.

In the case of overfishing and bycatch, engagement with Regional Fisheries Management Organizations (RFMOs) or the Agreement on the Conservation of Albatrosses and Petrels (ACAP) can be effective, as their objectives include minimizing the effects of fishing on associated and dependent species (for RFMOs and ACAP) and protecting seabirds in specific regions (for ACAP).

Additionally, to address climate change impacts, collaboration with the Intergovernmental Panel on Climate Change (IPCC) and regional climate change organizations is crucial. By sharing relevant data and research on the vulnerability of seabirds to climate change, advocacy efforts can emphasize the need for climate action to protect these vulnerable species and their habitats.

Referring to the relevant mechanisms to support different aspects of the identified KBA (i.e., by region, threat, species), as well as how it can contribute to a country’s global commitments to environmental conventions (e.g., CMS, CBD, ACAP), can be crucial for securing an area’s protected status.

# Seek Legal and Policy Support

To support the establishment of the marine KBA as a legally protected area, it is crucial to research national legislation and policies pertaining to marine conservation, protected areas, or fisheries management. This research will help identify existing legal frameworks that can be leveraged to provide support for the KBA's protection. Working alongside legal experts or environmental organizations, an assessment can be conducted to identify any gaps in the current laws or policies and develop recommendations for strengthening them.

Additionally, advocating for the inclusion of the KBA in marine spatial planning processes, marine protected area strategies, or conservation plans that focus on seabirds or marine biodiversity can significantly enhance the KBA’s chances of being legally protected.

### Monitor and Document

To effectively monitor and protect seabird populations within the marine KBA, it is essential to establish a comprehensive monitoring programme. This programme should regularly assess the status and trends of seabird populations, including their breeding success, foraging behaviour, and any changes in their habitat. Collaboration with research institutions, universities, and citizen science initiatives is crucial to collect valuable data on seabird abundance, distribution, and potential threats. Standardized monitoring protocols and methodologies should be implemented to ensure data consistency and comparability over time, enabling accurate analysis of long-term trends. The BirdLife Datazone offers a [framework for monitoring IBAs](http://datazone.birdlife.org/userfiles/file/IBAs/MonitoringPDFs/IBA_Monitoring_Framework.pdf) and can be applied when working with IBAs that meet the global KBA criteria.

It is important to document any observed changes or threats within the KBA, such as habitat degradation, pollution incidents, emergence of new threats or disturbances, while maintaining detailed records. The monitoring findings and reports should be shared with decision-makers, environmental mechanisms, and relevant stakeholders to emphasize the ongoing importance of protecting the KBA and the need for continued conservation efforts.

# Leveraging the protection of KBAs through alternative pathways

It is important to note that not all KBAs will become marine protected areas and that many may gain various levels of protection through other effective area-based conservation measures (OECMs), areas-based management tools or species-based protection.

An OECM is “a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in-situ conservation of biodiversity with associated ecosystem functions and services and where applicable, cultural, spiritual, socio–economic, and other locally relevant values” (as set out in [CBD Decision 14/8](https://www.cbd.int/doc/decisions/cop-14/cop-14-dec-08-en.pdf), CBD, 2018).

For KBA protection to be included in the Global Biodiversity Framework Target 3, which aims to protect 30% of marine and coastal areas by 2030 (policy ambitions known as “30x30”), it must be covered by either a marine protected area or an OECM. Inclusion of OECMs in CBD targets allows an alternative pathway to achieve biodiversity conservation through a wider range of spatial management practitioners, even in cases where conservation isn’t the primary objective but nonetheless an outcome of such management.

Area-based management tools (ABMTs) are a “tool, including a marine protected area, for a geographically defined area through which one or several sectors or activities are managed with the aim of achieving particular conservation and sustainable use objectives” (BBNJ Draft Agreement, 2023; Part III). In the marine context, ABMTs may include but are not limited to temporary or permanent fishing closures, customary fisheries management areas and marine spatial planning.

ABMTs have previously been promoted in UN commitments such as the sustainable development goals and the Global Biodiversity Framework. Recognising which ABMTs can meet OECM criteria remains a work in progress as many government authorities and the private sector still set up standardized processes for the identification, designation, and ongoing management of OECMs (Himes-Cornell et al., 2022). Whether the area-based management tool meets all the OECM criteria is very context specific and can vary on a case-by-case basis.

The following section outlines both area-based and species-specific conservation methods that offer an alternative pathway towards protecting KBAs.

## Sustainable fisheries management

Regional Fishery Management Organisations (RFMOs) are international bodies responsible for the conservation and management of fishery resources in specific regions. Some RFMOs, such as the Northwest Atlantic Fisheries Organization (NAFO), have adopted measures to protect important marine habitats. Most RFMOs focus strongly on management of fishing activity on specific stocks that they manage as defined in the agreements, their activities can include setting allowable catches, reporting catch and effort, implementing measures to prevent overfishing, and regulating fishing practices within their areas of competence.

ABMTs can meet the criteria to qualify as an OECM if there is evidence that they provide co-benefits to biodiversity, with those that do using ecosystem-wide approaches to achieve both socio-cultural and biodiversity goals. If the identified KBA is threatened by unsustainable fishing practices, such as fish stock over-exploitation or incidental mortality (also known as bycatch), RFMOs can be approached to contribute to the protection of KBAs. Management of fisheries by an RFMO, contributing to sustainable management of a KBA also has the potential to meet OECM criteria, if one of its primary objectives is to enable sustainable management of fisheries (Himes-Cornell et al., 2022).

RFMOs provide scientific advice on fish stocks and fisheries management, which in turn can inform zoning management plans and spatial management measures in an area could be further protected by area-based management actions or time-based management of fishing activity (e.g., seasonal restrictions). The regions and RFMOs with most influence on Albatross populations were examined by Beal et al. (2021) and showed that multiple countries had strong connections with different RFMOs, creating a complex web of interactions between fishery management organisations and their member countries, in terms of seabird conservation. This highlighted the shared responsibility of international agencies on marine biodiversity, and the difficulty of working on multiple fronts to achieve conservation outcomes.

Some prominent Regional Fisheries Management Organizations (RFMOs) include:

* [International Commission for the Conservation of Atlantic Tunas (ICCAT)](https://www.iccat.int/en/): Manages tuna and tuna-like species in the Atlantic Ocean and adjacent seas. Contracting Parties of the ICCAT can be found [here](https://www.iccat.int/en/contracting.html).
* [Northwest Atlantic Fisheries Organization (NAFO)](https://www.nafo.int/): Manages fisheries in the Northwest Atlantic Ocean. Contracting Parties of NAFO can be found [here](https://www.neafc.org/becomingacp).
* [North Atlantic Salmon Conservation Organization (NASCO)](https://nasco.int/): Focuses on the conservation and management of Atlantic salmon. Contracting Parties of NASCO can be found [here](https://nasco.int/about/).
* [International Pacific Halibut Commission (IPHC):](https://iphc.int/) Manages the Pacific halibut fishery in the waters of Canada and the United States.
* [North Atlantic Marine Mammal Commission (NAMMCO)](https://nammco.no/): Promotes the conservation and management of marine mammals in the North Atlantic. Members of the NAMMCO are the Faroe Islands, Greenland (autonomous territory of Denmark), Iceland and Norway.
* [South Pacific Regional Fisheries Management Organization (SPRFMO):](https://www.sprfmo.int/) Manages fisheries in the high seas of the South Pacific Ocean. Commission Members and Cooperating countries of the SPRFMO can be found [here](https://www.sprfmo.int/about/participation/).
* [Western and Central Pacific Fisheries Commission (WCPFC)](https://www.wcpfc.int/home): Manages fisheries for tunas and other highly migratory species in the western and central Pacific Ocean. Members of the WCPFC can be found [here](https://www.wcpfc.int/about-wcpfc).
* [Indian Ocean Tuna Commission (IOTC):](https://iotc.org/) Manages tuna and tuna-like species in the Indian Ocean. Members of the IOTC can be found [here](https://iotc.org/about-iotc/structure-commission).
* [Commission for the Conservation of Southern Bluefin Tuna (CCSBT):](https://www.ccsbt.org/en) Manages the Southern Bluefin Tuna fishery in the southern hemisphere. It’s area of activity is based on the sites where Southern Bluefin Tuna is fished and covers the Southern Ocean, Indian, Pacific and Atlantic Oceans. This RFMO overlaps its activities with several other RFMOs. Members of the Extended Commission comprise: Australia, the European Union, the Fishing Entity of Taiwan, Indonesia, Japan, Republic of Korea, New Zealand, and South Africa.
* [Inter-American Tropical Tuna Commission (IATTC](https://www.iattc.org/)): Manages tuna and tuna-like species in the eastern Pacific Ocean. Members of the IATTC can be found [here](https://www.iattc.org/en-US/About/Role#parties).
* [North-East Atlantic Fisheries Commission (NEAFC):](https://www.neafc.org/) Manages fisheries in the North-East Atlantic Ocean. Contracting Parties of the NEAFC are Denmark (in respect of the Faroe Islands & Greenland), the EU, Iceland, Norway, the Russian Federation and the United Kingdom, with cooperating Non-Contracting Parties including the Bahamas, Canada and Panama.

Most fisheries ABMTs have the potential to allow various fishing activities while achieving the desired outcomes of an OECM, as long as the fisheries can operate in accordance with its criteria.

## Ecosystem-based management through marine spatial planning (MSP)

Marine spatial planning (MSP) is a comprehensive and integrated process that aims to strategically manage and allocate the use of marine space and resources. It involves the systematic analysis of marine ecosystems, human activities, and stakeholder interests to make informed decisions about how to best utilize and protect marine areas. MSP considers ecological, economic, social, and cultural considerations to achieve sustainable and balanced outcomes. MSP can play a crucial role in protecting marine KBAs through:

1. **Zoning and Spatial Management:** MSP allows for the allocation of specific zones within a marine area based on ecological importance and different uses. By designating zones that prioritize the conservation of KBAs, such as no-take zones or restricted-use areas, MSP helps minimize the impact of potentially harmful activities on these critical habitats.
2. **Ecosystem-Based Approach**: MSP encourages an ecosystem-based approach to management, considering the interconnectedness of different habitats, species, and ecological processes. By considering the broader ecosystem context, MSP can help protect and maintain the ecological integrity of KBAs.
3. **Stakeholder Engagement and Collaboration**: MSP promotes stakeholder engagement and collaboration, bringing together various sectors, including government agencies, industries, NGOs, indigenous groups, and local communities. Stakeholder consultations may include establishing guidelines for activities such as fishing, shipping, energy exploration, tourism, and conservation. This participatory approach allows for the inclusion of different perspectives and knowledge, helping to ensure the effective protection of KBAs while addressing the needs and interests of all stakeholders.
4. **Adaptive Management and Monitoring:** MSP emphasizes adaptive management and monitoring, enabling the assessment of the effectiveness of conservation measures in protecting KBAs. By regularly evaluating the status of KBAs and adjusting management strategies as needed, MSP ensures the ongoing conservation of these important areas.

The entities responsible for carrying out MSP in EEZs and ABNJ vary depending on the jurisdiction. In EEZs it may be the responsibility of a national government agency or a dedicated MSP authority. Here are a few examples of specific MSP authorities that can assist mapping out the activities of a marine area within and around a KBA:

1. United Kingdom Marine Management Organisation (MMO)
2. Norwegian Coastal Administration
3. Swedish Agency for Marine and Water Management
4. Dutch Ministry of Infrastructure and Water Management
5. Australian Marine Spatial Planning Portal
6. Baltic Sea Region Spatial Planning
7. The United States of America National Oceanic and Atmospheric Administration (NOAA)
8. European MSP Platform – A collaborative initiative that supports MSP in European waters

In areas beyond national jurisdiction, regional or international organizations, such as regional fisheries management organizations or the regional seas organisations may play a role in coordinating and implementing MSP processes. For example, the Nairobi convention which operates across several nations in the Western Indian Ocean and East Africa region has conducted an [extensive MSP process](https://nairobiconvention.org/clearinghouse/node/385) combining work across the EEZs of several nations under their SAPPHIRE and WIOSAP programmes. It's important to note that with the ongoing ratification of the BBNJ Treaty, marine spatial planning methodologies is still a developing field.

## Species-specific protection

As an environmental treaty of the United Nations, Convention on Migratory Species (CMS) provides a global platform for the conservation and sustainable use of migratory animals and their habitats. CMS brings together the States through which migratory animals pass, the Range States, and lays the legal foundation for internationally coordinated conservation measures throughout a migratory range. CMS Parties strive towards strictly protecting these animals, conserving, or restoring the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them. Parties and Range States of CMS can be found [here](https://www.cms.int/en/parties-range-states).

While this is no formal process to protect KBAs under the CMS, applying for the protection of specific species that frequently inhabit the identified KBA not only safeguards these migratory species and their habitats but also extends protection to the KBAs themselves. This synergistic approach ensures that both the species and their critical habitats receive the necessary levels of conservation and management.

The CMS has however [recommended](https://www.cms.int/sites/default/files/011_CMS%20analysis%20post%202020_e.pdf) the inclusion and effective conservation of KBAs for migratory species as headline indicators for Target 3 of the Global Biodiversity Framework. This approach would integrate elements of effectiveness, which entails creating favourable conditions, and connectivity, as demonstrated by the status of migratory species. It would rely on standardized monitoring of Key Biodiversity Areas (KBAs) using data collected through on-site observations and remote sensing methods, leveraging existing monitoring practices and datasets for Important Bird and Biodiversity Areas (IBAs)[[2]](#footnote-3). The coordination of these efforts would be facilitated through the KBA Partnership.

If there are certain migratory species within the boundaries of the KBA that should be protected under the Convention on Migratory Species (CMS), there are the general steps one can follow to do so:

1. **Understand the CMS and its** [**mandate**](https://www.cms.int/en/convention-text)**:** ensure that the proposal aligns with the CMS goals and specifically addresses the conservation needs of migratory seabirds.
2. **Consult with experts and stakeholders**: Engage with experts, scientists, and stakeholders who have expertise in migratory seabirds, marine conservation, and the CMS. Seek their input, advice, and support regarding the proposed KBA and its potential protection under the CMS framework.
3. **Prepare a proposal:** A state that is party to the CMS must sponsor any proposal for protection. However, civil society groups, researchers or experts can assist the process of developing a comprehensive proposal outlining the ecological importance of the KBA for migratory seabirds, including information on species, populations, breeding and feeding habitats, and migratory pathways. Identify any threats the area faces and propose conservation measures that can be implemented under the CMS framework to address these threats. Existing proposals, as well as Appendix I and II templates can be found [here](https://www.cms.int/en/listing-proposals).
4. **Engage with the CMS:** Contact the [CMS Secretariat](https://www.cms.int/en/convention-bodies/secretariat/contact) and express the intention to propose the establishment and protection of the KBA under the CMS. Request guidance on the submission process, relevant agreements, and any specific requirements they may have for such proposals.
5. **Submit the proposal:** Prepare the formal proposal according to the CMS guidelines and submit it to the Secretariat within the specified timeframe. Include all relevant information, supporting documents, and scientific evidence to strengthen its case.
6. **Participate in CMS meetings:** If the proposal is accepted, the proposer may be invited to present and discuss it at CMS meetings or relevant working groups.
7. **Advocate for support:** Reach out to member countries of the CMS and other relevant stakeholders to garner support for the proposal. This may involve diplomatic efforts, raising awareness about the KBA's significance for migratory seabirds, and mobilizing support from conservation organizations, birding communities, and the scientific community.
8. **Follow the decision-making process:** The CMS operates through a decision-making process involving the Conference of the Parties (COP) and other subsidiary bodies. The proposal will undergo review and assessment by relevant expert groups and committees. Ultimately, the proposal will be considered for adoption or endorsement during the COP meetings.
9. **Monitor and adapt:** If the proposal is successful and the KBA is recognized and protected under the CMS, it is crucial to continue monitoring the area and adapting conservation measures as needed. Collaborate with relevant stakeholders and contribute to ongoing research and monitoring efforts related to migratory seabirds and their habitats.

# Further organisations that offer guidance on how to protect KBAs

## The International Union for Conservation of Nature (IUCN)

The IUCN is an international organization that provides guidelines, expertise, and recommendations related to conservation and sustainable management practices. The establishment of MPAs is typically the responsibility of governments or relevant authorities at the national or local level. These authorities are responsible for designating and legally establishing MPAs within their jurisdiction.

However, the IUCN plays a crucial role in providing guidance and technical support to governments, stakeholders, and communities in the establishment and management of MPAs. The IUCN's expertise, including its protected area management categories and guidelines, can assist in developing effective MPA networks, ensuring conservation objectives are met, and promoting best practices in MPA management.

Once **the conservation needs of the KBA have been identified and its boundaries delineated**, the IUCN offers comprehensive guidelines on [establishing](https://portals.iucn.org/library/efiles/documents/pag-003.pdf) and effectively [managing](https://portals.iucn.org/library/sites/library/files/documents/PAG-019-2nd%20ed.-En.pdf) MPAs. The following steps are recommended:

1. **Stakeholder engagement:** Identify and engage relevant stakeholders, including local communities, indigenous groups, scientists, and resource users, to gather their perspectives and ensure their involvement throughout the process.
2. **Zoning and regulations**: Develop a zoning plan that designates specific areas for different levels of protection or use and establish regulations and management measures accordingly.
3. **Assess the potential environmental, social, and economic impacts**, and develop mitigation measures to address any negative effects.
4. **Legal and institutional framework:**
   1. Legal designation: Identify the appropriate legal mechanisms for designating the MPA, considering national laws and international obligations.
   2. Governance structure: Define the governance structure and management arrangements, involving relevant government agencies, local communities, and other stakeholders.
5. **Develop a comprehensive management plan:** Formulate a management plan that outlines specific objectives, strategies, and actions for conservation, monitoring, enforcement, and community engagement. Allow for flexibility and adaptive responses to changing conditions and new information.
6. **Capacity building:** Identify capacity needs and develop training programs to enhance the skills and knowledge of MPA managers and staff.
7. **Enforcement and compliance:** Establish mechanisms for monitoring compliance with regulations, detecting and addressing illegal activities, and imposing appropriate penalties for non-compliance.

Establishing marine protected areas, particularly in areas that have been identified as KBAs or IBAs is key to achieving Target 3 of the Global Biodiversity Framework, which aims for the protection of 30% of marine and coastal areas by 2030 (30x30). The IUCN offers additional [guides](https://www.iucn.org/our-work/region/asia/our-work/protected-and-conserved-areas) on how to best achieve 30x30, as well as how to implement effective area-based management tools, conserve connectivity and strengthen ecological networks can be found [here](https://www.iucn.org/our-work/region/asia/our-work/protected-and-conserved-areas).

## The Global Ocean Biodiversity Initiative

The [Global Ocean Biodiversity Initiative](https://gobi.org/) (GOBI) is not a formal regulatory body but rather a collaborative [partnership](https://gobi.org/our-partners/) that supports the conservation and sustainable use of marine biodiversity.

While GOBI does not have a specific process for proposing and establishing MPAs, it provides expertise, knowledge and data to support the Convention on Biological Diversity’s efforts to identify ecologically or biologically significant marine areas (EBSAs) by assisting a range of intergovernmental, regional and national organisations to use and develop data, tools and methodologies. GOBI also undertakes research that will generate new science to enhance the value of EBSAs and their utility for promoting environmental protection and management for specific areas of the world’s oceans.

The GOBI Advisory Board comprises representatives from the Convention on Biological Diversity, the Convention on the Conservation of Migratory Species of Wild Animals, the Food and Agriculture Organisation, the Global Environment Facility, the International Maritime Organisation, the Intergovernmental Oceanographic Commission of UNESCO, the International Seabed Authority, the UN Development Programme, the UN Environment Programme and, as an observer, the Division for Ocean Affairs and the Law of the Sea of the United Nations Office of Legal Affairs.

Therefore, those who want to propose the protection of KBAs may contact GOBI for guidance regarding the following:

1. **Proposal developments:** Advise on the scientific assessment of the marine KBA to gather data on its ecological importance, biodiversity values, and conservation needs. This assessment should include ecological surveys, biodiversity monitoring, and analysis of threats and vulnerabilities. The scientific evidence will support a proposal and inform conservation efforts.
2. **Stakeholder Engagement:** Engaging with relevant stakeholders, including local communities, scientists, NGOs, and government agencies. As the partnership consists of many diverse NGOs, they can put proposers in contact with relevant local partners within their own partnerships that may act as consultants or stakeholders to a KBA.
3. **GOBI Secretariat and Partnerships:** Share a MPA proposal with the [GOBI Secretariat](https://gobi.org/contact-us/) and relevant partners. The GOBI Secretariat serves as a central hub for coordinating GOBI activities and can provide guidance, support, and feedback on proposals. Collaboration with partners can enhance the implementation of conservation measures and access to resources.
4. **GOBI Workshops and Capacity Building**: Participate in GOBI workshops, training programs, and capacity-building initiatives. These activities provide opportunities to learn from experts, share experiences, and build technical and scientific capacities related to marine biodiversity conservation. Stay updated on GOBI events and initiatives that can support certain proposals.
5. **Funding Opportunities:** Explore funding opportunities provided by GOBI and its partners. GOBI often supports projects and initiatives that contribute to marine biodiversity conservation and the establishment of protected areas. Consider applying for relevant grants, awards, or fellowships to secure resources for the implementation of a proposal.

# Case studies

## NACES MPA under the OSPAR Commission

*Establishing a MPA through a Regional Seas Convention.*

Seabird populations in the Atlantic, including species like the Atlantic Puffin and Northern Fulmar, have experienced significant declines. While breeding colonies in the North-East Atlantic receive good protection, their foraging areas at sea, particularly in the High Seas beyond national jurisdictions, have remained poorly understood and lacked adequate conservation measures (Ramirez et al., 2017). However, the use of seabird tracking data, which involves gathering location information through animal-borne devices, has provided a valuable opportunity to identify important bird areas and inform area-based management strategies.

In 2016, BirdLife International led a collaborative analysis aimed at addressing a gap in the network of marine protected areas in the North Atlantic within the framework of the OSPAR Convention—an agreement designed to protect the marine environment of the North-East Atlantic. BirdLife International collaborated with researchers through the Seabird Tracking Database to compile relevant seabird tracking data that overlapped with the OSPAR Maritime Area. Following a workshop involving data holders to discuss the analytical approach, more than 2,000 seabird tracks were analysed. This analysis identified an Important Bird and Biodiversity Area (IBA), and this analysis was used to advocate for marine protection in the area now referred to as the NACES MPA.

The NACES MPA has emerged as a significant foraging hotspot, estimated to be utilized by up to 5 million birds throughout the year, originating from at least 56 colonies across 16 countries. The birds using this area come from both the North and South Atlantic. Tracking data has revealed the presence of 21 different species at the site, including Arctic Tern, Long-tailed Jaeger, and Cory's Shearwater, which use the area as a staging ground for their trans-equatorial migrations. On the other hand, species like the South Polar Skua, Great Shearwater, and Sooty Shearwater undertake remarkable migrations of up to 13,000 km from the Southern Hemisphere to spend their winters in the NACES MPA. The seabirds that rely on this MPA travel extensive distances, with some utilizing it throughout the year, indicating a consistently productive marine areas with reliable availability food resources.

Information regarding the significance of the site and a proposal to designate it as a marine protected area were presented to the OSPAR Commission in 2016 by BirdLife International, an Observer to the Convention. The proposal underwent three complete meeting cycles, involving multiple edits and revisions, ultimately gaining the support of all Contracting Parties. On October 1, 2021, the OSPAR Commission officially designated the NACES MPA, making it the first MPA on the High Seas to be identified based on seabird tracking data. OSPAR had previously designated several high seas MPAs based on biodiversity characteristics of these areas, such as thermal vents and seamounts.

To improve and update the management strategies of the NACES MPA, the OSPAR Commission opened the opportunity to undertake public consultation that includes new evidence for potentially including the seabed, ocean floor and subsoil, as well as their species, within its scope. Allowing this flexibility allows OSPAR to update the existing NACES MPA policies to keep up to date with new information and best practices.

### The NACES MPA advocacy strategy

#### **Awareness Raising:** To achieve the conservation objectives of the NACES MPA, Contracting Parties should promote awareness of the MPA and OSPAR’s objectives for its conservation at the national level. This was achieved by engaging with relevant stakeholders and national authorities to include the MPA in sea charts and other maps, as well as getting vessels to comply with its management framework.

#### **Information Building:** Sharing information about the impacts of human activity on seabirds and ecosystems within the NACES MPA, as well as informing OSPAR on any scientific information outside of NACES that is relevant to the site’s conservation objectives.

#### **New Developments**: Keeping potential new developments that OSPAR may authorise in the MPA publicly available and communicated, as well as their potential impact on the ecosystems. OSPAR has stated that they would subject, where appropriate, new developments to an environmental impact assessment (EIA) or strategic impact assessment (SEA) and using best available scientific guidance to mitigate any impacts.

#### **Achieving Conservation Objectives**: Applying the OSPAR Code of Conduct for responsible Marine Research in the deep seas and high seas of the OSPAR Area, by involving third party and relevant international organisations to research and deliver conservation objectives of the MPA.

## Tristan da Cunha MPA in the South Atlantic Ocean

*Establishing an MPA through national legislation.*

One notable case study where seabird tracking data played a crucial role in establishing a MPA is the Tristan da Cunha archipelago in the South Atlantic Ocean. Tristan da Cunha is a British Overseas territory, with less than 300 inhabitants and its own government.

The Tristan da Cunha archipelago has a high diversity of seabird species, including the endemic Tristan Albatross, and several petrel species, which undertake extensive foraging trips across vast oceanic areas. The Tristan da Cunha marine environment was vulnerable to many common threats, such as overfishing, bottom trawling, bycatch, plastic pollution and illegal, unreported and unregulated (IUU) fishing. Tracking data collected from these seabirds provided valuable insights into their foraging ranges and highlighted the significance of specific areas for feeding and breeding.

These data revealed that the waters surrounding the Tristan da Cunha archipelago are a critical foraging hotspot and a key area for multiple seabird species. The tracked birds from various colonies across the region converged on these waters, indicating their importance for the survival and reproductive success of the seabird populations.

Using the evidence provided by these tracking data and other scientific evidence, the Tristan da Cunha community, in collaboration with conservation organizations such as the Royal Society for the Protection of Birds (RSPB), the Blue Marine Foundation, the British Antarctic Survey and more, developed a proposal for the establishment of a large-scale MPA around the archipelago.

The proposed MPA aimed to protect the rich biodiversity and ecosystem functioning of the area, including the important foraging grounds for seabirds. In the process of developing the MPA proposal, stakeholder consultations took place in the form of workshops as part of the UK Blue Belt Programme. One such workshop was to develop a strategy for marine protection and sustainable management in the Tristan da Cunha EEZ, which was hosted by the RSPB and attended by a range of scientists, managers, and other experts from the UK and abroad, including three representatives from the local government and several scientists with long-term involvement in Tristan research.

The tracking data played a crucial role in justifying the need for protection and demonstrating the ecological significance of the Tristan da Cunha waters. It provided evidence of the extensive use of these waters by seabirds and helped build a strong case for the establishment of the MPA to safeguard the marine environment and support the long-term conservation of seabird populations.

In 2020, the Tristan da Cunha archipelago's waters were officially designated by the Government of Tristan da Cunha as a highly protected MPA, covering an area of approximately 687,000 square kilometres and its *no-take* zone covering 90% of its EEZ. The MPA addresses overfishing through its new Seamount Fishery Management Plan and management zones set out by the government’s fisheries legislation and regulatory framework, which has recommended areas to be avoided.

Additionally, two RFMOs (ICCAT and CCSBT) manage tuna fisheries in the waters of Tristan da Cunha, with large-scale commercial tuna fishing banned in the EEZ. To support the local community on Tristan da Cunha, sustainable commercial lobster fishing, sustainable small-scale commercial fisheries and subsistence fishing in inshore fishing zones are permitted. Bottom trawling is banned in inshore and seamount fishing zones.

This MPA is as an example of how biological data can contribute to the establishment of MPAs for the conservation of biodiversity and the protection of key habitats.

## Seasonal fisheries closures in George’s Bank

*Restoring ecologically important marine areas through Area-Based Management Tools.*

Georges Bank is an example of a marine area that has been managed under seasonal fishing closures, but that is not designated as a Marine Protected Area (MPA). As such, it is an example of an AMBT in action. Georges Bank is a large submarine plateau located in the Gulf of Maine between the coasts of Massachusetts, USA, and Nova Scotia, Canada.

Due to the mixing of the cold Labrador current and warm Gulf stream, as well as the penetrating sunlight, the plateau offers ideal conditions for phytoplankton and zooplankton (American Natural History Museum, 2023). Its high marine productivity attracts many marine species, including over 100 species of fish – such as commercially valuable Atlantic cod, haddock and yellowtail flounder – as well as marine birds, scallops, porpoises, dolphins and whales (Keith et al., 2020). The currents also circulate fish eggs throughout the bank, making it an ideal spawning ground for many fish species.

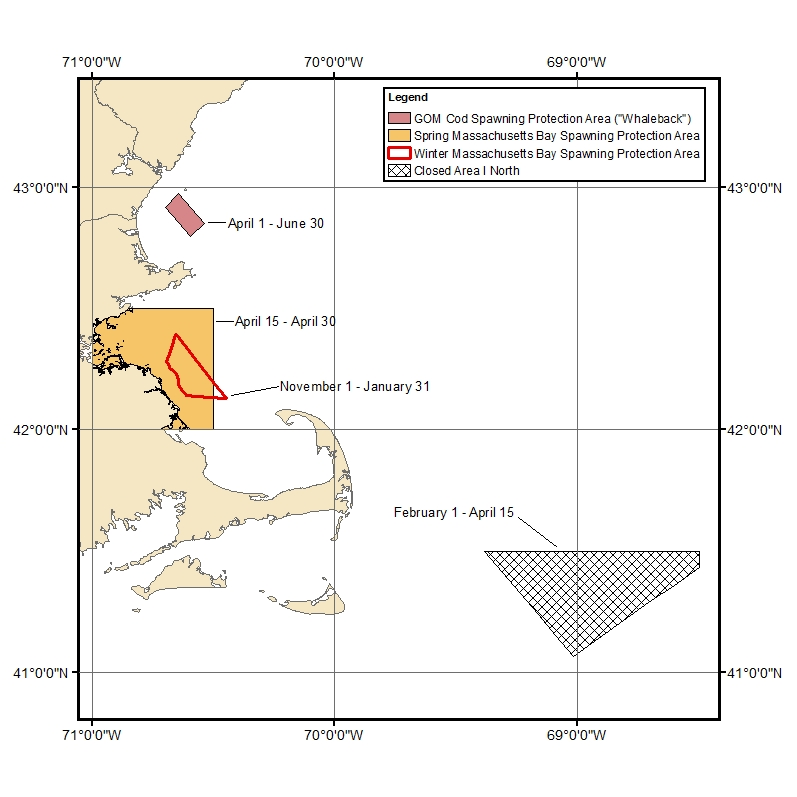
Hundreds of years ago George’s Bank sported many more fish than it does today, with increased bottom trawling taking place during much of the twentieth and twenty-first century, overfishing led to damaged corals, seafloors, and depleted fish stocks. Fish populations that were impacted were the Atlantic cod, haddock and yellowtail flounder (British Sea Fishing, 2023). Due to contrasting environmental legislations throughout the successive presidencies in the USA, Georges Bank has been subjected to various levels of protection in recent years.

To protect the spawning and nursery grounds of these important fish populations, seasonal fishing closures have been implemented in certain areas of Georges Bank during specific times of the year. These include the Gulf of Maine Cod Spawning Protection Area (closed from April 1st to June 30th), the Spring Massachusetts Bay Spawning Protection Area (closed from April 15th to April 30th), the Winter Massachusetts Bay Spawning Protection Area (closed from November 1st to January 31st) and the Closed Area I North (from February 1st to April 15th). Both seasonal and year-round closed fishing areas allow exceptions to certain fishing gear types.

The seasonal fishing closures on Georges Bank are typically enforced during the spawning seasons of target species to prevent overfishing and promote the recovery and sustainability of the fish populations. While not designated as an MPA, these temporary closures represent a management strategy focused on protecting critical life stages of fish and conserving the biodiversity and productivity of the Georges Bank ecosystem.

For cod closures, a 10-year moving window is used to calculate which areas of the plateau are expected to have the highest abundance at certain times of the year and are superimposed with scallop fisheries data to see where the two overlap (Keith et al., 2020). Similarly, yellowtail closures use groundfish fishery discard rates and scallop data to identify closure times and areas (Keith et al., 2020). Keith et al., (2020) concluded that while their assessment indicated that the seasonal closures had a minimal impact on local scallop fisheries, more direct monitoring was needed to evaluate whether the closures equally achieved both the conservation and socio-economic objectives of George’s Bank.

Specific details of fishing closures, including their duration and location, can vary based on scientific assessments, fisheries management plans, and regulatory decisions made by the respective governing bodies responsible for the area.



**Figure 1.** Seasonal fisheries closures in Georges Bank ([NOAA, 2023](https://www.fisheries.noaa.gov/new-england-mid-atlantic/commercial-fishing/northeast-multispecies-closed-area-regulations-georges#seasonal-closure-areas)).

## Te Whaka ā Te Wera Mātaitai

A mataitai is a management measure defined under New Zealand government fishery legislation to allow management of fishery resources for their conservation and sustainability by representatives with mandate from local indigenous people (iwi) in each region and those with historical connection the land (*tangata whenua*). The Te Whaka ā Te Wera inlet has held spiritual significance to the *tangata whenua*[[3]](#footnote-4) offering a haven for a diversity of marine flora and fauna. The inlets rocky, mud and sand floor hold at least 56 fish species, attracting both fisheries and tourists to the area. To safeguard Te Whaka ā Te Wera, the, Rakiura Māori iwi, together with support from the broader local community of Stewart Island, established the largest Mātaitai reserve in New Zealand in 2004.

Mātaitai reserves are designated marine areas where special fishing regulations and limitations are enforced. These rules are specifically outlined in the Fisheries (South Island Customary Fishing) Regulations 1999, to honour and uphold the legal provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the 1997 Ngāi Tahu Deed of Settlement. Mātaitai reserves are managed by Tangata Tiaki/Kaitiaki (guardians) through the Mātaitai bylaws, details of those for this specific site are found [here](https://www.mpi.govt.nz/dmsdocument/44974-Te-Whaka-a-Te-Wera-Paterson-Inlet-Mataitai-Reserve-Fishing-Bylaws-and-recreational-fishing-rules-brochure).

Bylaws of the Te Whaka ā Te Wera Mātaitai[[4]](#footnote-5):

1. Daily catch limits on blue cod (10), Flatfish (10), Red Cod (10), Shellfish (5) and Paua (5)...
2. Prohibition on taking of mako shark and white pointer—No person may, on any day.
3. Use of small hooks prohibited for taking fish on board any fishing vessel or any fishing hook less than hook size 6/0 or smaller than 50mm.
4. Restriction on line fishing—No person may: use or possess more than 1 or any line that has more than 2 hooks attached.
5. Prohibition on using drag nets within Te Whaka a Te Wera Mataitai Reserve
6. Restrictions on the use of rock lobster pots
7. Prohibition on taking paua in the Bravo Islands area within Te Whaka a Te Wera Mataitai Reserve
8. Prohibition on taking of scallops.

The Te Whaka ā Te Wera Mātaitai Committee consists of representatives from local iwi, commercial fishing, and recreational fishing. These members have a deep-rooted association with the fishery that spans over 70 years (Russell et al., 2014).

A picture containing text, map, screenshot, atlas

Description automatically generated

**Figure 2.** Te Whaka ā Te Wera Mātaitai at Stewart Island/ Rakiura, New Zealand, showing multiple management areas within the wider customary management area. Graphic After [MPI](https://www.mpi.govt.nz/dmsdocument/44974-Te-Whaka-a-Te-Wera-Paterson-Inlet-Mataitai-Reserve-Fishing-Bylaws-and-recreational-fishing-rules-brochure).

The Mātaitai is an example of how biodiversity can be protected through other area-based management measures, such as through rooting the knowledge of Indigenous Peoples into the core of the reserves management strategy.

# Appendix

**Appendix A.**

UNCLOS Articles that are relevant to the protection of the marine environment.

* Article 192: General Obligation to Protect and Preserve the Marine Environment
* Article 194: Measures to Prevent, Reduce, and Control Pollution of the Marine Environment
* Article 195: Duty to Protect and Preserve the Marine Environment
* Article 196: Cooperation in the Field of Marine Pollution
* Article 197: Pollution from Vessels
* Article 198: Responsibility and Liability for Pollution Damage
* Article 199: Liability for Pollution Damage
* Article 200: Compensation for Pollution Damage
* Article 201: Cooperation in Response to Pollution Emergencies
* Article 206: Environmental Impact Assessment
* Article 211: Preservation of the Living Resources of the High Seas
* Article 215: Protection and Preservation of the Marine Environment in Areas Under National Jurisdiction
* Article 216: Protection of the Marine Environment in the Area
* Article 238: Conservation and Management of Living Resources on the High Seas
* Article 239: Highly Migratory Species
* Article 240: Marine Mammals
* Article 245: Cooperation in Research and Development
* Article 246: Marine Scientific Research on the High Seas

1. The KBA criteria allows different parameters to be used to determine the percentage of a population within the KBA. [↑](#footnote-ref-2)
2. [BirdLife Data Zone](http://datazone.birdlife.org/info/ibamonitoring) to IBA Monitoring links. [↑](#footnote-ref-3)
3. The distinction between the terms *tangata whenua* and *mana whenua* are described in summaries of relevant [Waitangi Tribunal reports](https://environment.govt.nz/publications/tribunal-findings-rma/crown-definition-of-partner/). [↑](#footnote-ref-4)
4. Full bylaws of Te Whaka ā Te Wera Mātaitai can be found [here](https://gazette.govt.nz/notice/id/2006-go1978). [↑](#footnote-ref-5)