The Pelagos Sanctuary for the conservation of Mediterranean marine mammals: an iconic High Seas MPA in dire straits

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Giuseppe Notarbartolo di Sciara
Tethys Research Institute, via Benedetto Marcello 43, 20124 Milano, ITALY
giuseppe@disciara.net

The Pelagos Sanctuary, a large protected area trilaterally declared in 1999 by France, Italy and Monaco for the conservation of Mediterranean marine mammals, extends over 87,500 km^2 of the region's waters – in large part in areas beyond national jurisdiction - between south-eastern France, Monaco, north-western Italy and northern Sardinia (Fig. 1).

Fig. 1. Location of the Pelagos Sanctuary, in the north-western Mediterranean Sea.

The Sanctuary was designated because it contains important foraging and breeding habitats for the entire complement of cetacean species regularly occurring in the Mediterranean, supports large resident, genetically distinct cetacean populations, and provides umbrella protection to other marine predators in this area. In addition, the Sanctuary contains what was once suitable habitat for the critically endangered Mediterranean monk seal. This landmark agreement illustrates how MPA design can be reconciled with the dynamic nature of oceanic systems, because its spatial scale was defined by the location of the Ligurian permanent frontal system (Notarbartolo di Sciara *et al.* 2008).

Creation of the Sanctuary resulted in the world's first High Seas MPA, and was thus met with much acclaim in the marine conservation community. Having been adopted as a *Specially Protected Area of Mediterranean Importance* (SPAMI) by the Parties to the Barcelona Convention in 2001 (Gjerde 2009), the Sanctuary's tenets apply to most Mediterranean riparian countries beyond the three original signatories of the Agreement, thereby extending *de facto* protection to the Mediterranean High Seas. However, in the 10 years since its creation, Pelagos has failed to fulfil its main goal of significantly improving the conservation status of the area's marine mammal populations, which are threatened by intense human pressures. Threats to cetaceans in the area derive, amongst other things, from fisheries, maritime traffic, military exercises, climate change, coastal construction, downstream effects of land use, and whale watching. Effectively mitigating those threats would require an Ecosystem-based Management (EBM) approach, which includes regulation of marine resource use and activities, control of land-based and maritime sources of pollution, integrated coastal zone/ocean management, and an adaptive management approach that would deal with rapidly changing patterns of use as well as with technological, socio-economic, political and natural change.

Management would include creating a zoning scheme to optimize conservation, channelling the area's intense maritime traffic along established corridors, systematically addressing fishery impacts on cetaceans, ensuring that no high-intensity noise is produced, ensuring the orderly and respectful development of the whale watching industry, and, in general terms, establishing precise regulations to address and mitigate impacts exerted on the local cetacean populations by pressures deriving from human activities. Other relevant management actions would include using national coast guard and navies to ensure compliance, increasing public awareness and education, and implementing a systematic programme of monitoring. All these actions would require an adequately empowered management body, which is also an obligate requisite for SPAMIs, as clearly stated in the SPA/BD Protocol to the Barcelona Convention (Annex I, D.6).

Unfortunately, actual management and conservation actions within Pelagos' waters are severely limited by the Sanctuary's current rather unusual governance regime. The Agreement's contracting parties adopt political commitment resolutions during their meetings, approximately every three years. Amongst such resolutions there was, in 2004, the adoption of a management plan which was commissioned to a consultant, and is now becoming obsolete. However, there is no proper management body of the Pelagos Sanctuary. The parties' assumption that the Agreement Secretariat – which is undermanned and devoid of sufficient powers as well as means and human resources to prevent or control activities that contrast with the aims of the protected area – should act as a surrogate management body of the Pelagos SPAMI has been a crippling misunderstanding, resulting in severely deficient management action in the area.

The continuing existence of management shortcomings concerning the Pelagos Sanctuary is difficult to understand when considering the effort currently undertaken by UNEP's Mediterranean Action Plan, under mandate from the parties to the Barcelona Convention and with funding from the European Commission, of planning the creation of a network of SPAMIs in Mediterranean areas beyond national jurisdiction (ABNJ). Such effort, which will hopefully result in the establishment of at least half a dozen SPAMIs in the Mediterranean High Seas within the next decade (thus creating a first hardcore of the future pan-Mediterranean MPA network), begs the question of how do the parties to the Barcelona Convention envisage managing such High Seas protected areas, or whether it is conceivable to establish MPAs without providing for a solid and effective management mechanism. This, in turn, raises the further question of whether a management

mechanism appropriate for MPAs in the Mediterranean ABNJ can be envisaged within the existing legislative framework, or is there a need for more advanced juridical creativity which will account for the likely multi-national nature of such protected areas. Considering the scenario described above, the lack of interest by Mediterranean countries in the opportunities for management experimenting and development, presented by the only SPAMI in the ABNJ currently existing – the Pelagos Sanctuary - is baffling.

The Pelagos Sanctuary could still represent an extraordinary opportunity for innovative marine conservation in the Mediterranean and elsewhere. However, without a strong political impulse to make the Agreement work, the risk of failure is ever-increasing. To avoid this, an *ad hoc* body could be created through an amendment to the Agreement or the addition of a specific protocol, having a clear management mandate and the necessary human and financial resources to get the job done.

In this respect, the recent effort by the European Union to launch an *Integrated Maritime Policy* (IMP: Commission of the European Communities 2007) could serve to break such a deadlock. Maritime spatial planning (MSP), as envisaged in the IMP, could serve to subsume the "spirit" of the Pelagos Agreement aimed at the protection of a highly valuable pelagic ecosystem, while allowing the orderly coexistence of such protection policies with the indefeasible human activities in the area. An MSP scheme implemented within the framework of the European IMP is unlikely to fail to address the issue of MPA management. Such a possibility might bring back to life the political will to protect the pelagic environment and biodiversity in the north-western Mediterranean that existed in France, Italy and Monaco at the time of the Pelagos' adoption (1999), and that now looks rather moribund.

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