FROM COMMITMENT TO ACTION:

ACHIEVING THE 30X30 TARGET THROUGH THE GLOBAL OCEAN TREATY

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COVER: © Paul Hilton / Greenpeace
Manta rays, Indonesia

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ACKNOWLEDGEMENTS
We acknowledge the sharing of data from Global Fishing Watch and thank them for their assistance with accessing and interpreting data. We would also like to thank all the sources who made their data freely available. Additional thanks must be given to all who gave invaluable input and helped with editing the text and especially Chris Thorne, Ruth Ramos Robles, Sebastian Losada, Pilar Marcos Rodriguez, Laura Meller and Megan Randles.

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Red Bell Jellyfish on Ningaloo Reef

EXECUTIVE SUMMARY

In 2022, the 15th Conference of the Parties to the Convention on Biological Diversity (CBD) adopted the Kunming-Montreal Global Biodiversity Framework (GBF), which aims to halt and reverse biodiversity loss. Target 3 of the GBF is to *'Ensure and enable that by 2030 at least 30 per cent … of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas'* (Convention on Biological Diversity, 2022, p. 9). This is known as the 30x30 target. **At the current rate of protection, the 30% goal will not be reached until 2107.**[1]

The ocean and seabed in areas beyond national jurisdiction (ABNJ) – making up 64% of the global ocean – represent Earth's largest commons and are home to thousands of unique species (Crespo *et al*., 2022) and a wide range of ecosystems, from dynamic pelagic systems to highly fragile habitats thousands of metres below the surface. Due to the lack of comprehensive governance, **less than 1% of ABNJ are fully or highly protected (Marine Conservation Institute, 2024b), with the remainder vulnerable to overfishing, habitat destruction, pollution and climate change**.

The Global Ocean Treaty has emerged as a potential framework to address these challenges by, among other means, facilitating the establishment of area-based management tools (ABMTs), including marine protected areas (MPAs), in ABNJ. One of the Treaty's objectives is to create an ecologically representative network of MPAs in ABNJ. It therefore represents a critical new legal vehicle to help achieve the 30x30 target. **Without a high seas MPA network, 83% of marine areas under national jurisdiction would need to be protected to achieve the 30x30 goal** – but this outcome would be neither socially balanced nor ecologically representative.

Rapid establishment of MPAs in waters beyond national jurisdiction is imperative. However, the Global Ocean Treaty can only provide this pathway once it enters into force, after at least 60 countries have ratified it. As of 30 September 2024, just 13 nations have ratified the treaty (United Nations Treaty Collection, 2024). **Governments must accelerate the pace of ratification to bring the Global Ocean Treaty to life in 2025 in order to keep the 30x30 target within reach.**

> **AT THE CURRENT RATE OF PROTECTION, THE 30% GOAL WILL NOT BE REACHED UNTIL 2107**

In parallel, governments must begin the process of identifying high seas sites to be protected, selecting not just the most politically feasible, but the most ecologically valuable. The rate at which MPA coverage is increased will need to ramp up significantly as well: to reach the target of protecting 30% of the ocean by 2030, **the equivalent of 23.5 MPAs, each the size of France, will have to be established every year between now and the end of 2030**[2]. These MPAs must form an interconnected network that protects ecosystems and species under direct threat from human activities and is resilient to climate change impacts.

Getting on track will require hard work and determination, but the global community has a powerful new tool to finish the job. Through the Global Ocean Treaty, the global community can deliver the 30x30 target and ensure the long-term health and sustainability of the ocean beyond borders.

1 8.4[% currently protected] / 32 [yrs since Rio] = 0.26% coverage/yr; 30[% needed] – 8.4[% have] = 21.6% remaining to conserve; 21.6[% remaining] / .26 [avg cov %/yr] = 83.08 [yrs]; 83 [yrs] – 6 [yrs to end of 2030] = 77 [years remaining]; 77 [years remaining] + 2030 = 2107 [year the 30x30 will be achieved].

2 The global ocean has a total surface area of approximately 361 million km^2. The target is 30% coverage (361,000,000 km^2 * 0.30 = 108,300,000 km^2). Currently, 8.4% of the ocean is covered by MPAs (361,000,000 km^2 * 0.84 = 30,324,000 km^2). 108,300,000 km^2 – 30,324,000 km^2 = 77,976,000 km^2 remaining to protect. The land area of France is 551,695 km^2. Therefore 77,976,000 / 551,695 = 141.33 Frances (~141). With six years remaining to the end of 2030, meeting the target would require implementing 141 / 6 = 23.5 Frances' worth of MPAs/yr.

LIST OF ACRONYMS

ABMTs	area-based management tools
ABNJ	areas beyond national jurisdiction
BBNJ	Biodiversity Beyond National Jurisdiction
CBD	Convention on Biological Diversity
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
COP	Conference of the Parties
EBSA	Ecologically or Biologically Significant Marine Area
GBF	Global Biodiversity Framework
GEF	Global Environment Facility
IBAs	Important Bird Areas
IMMAs	Important Marine Mammal Areas
ISRAs	Important Shark and Ray Areas
IUCN	International Union for the Conservation of Nature
IUU	illegal, unreported and unregulated
MDGs	Millennium Development Goals
MPA	marine protected area
NBSAP	National Biodiversity Strategies and Action Plan
OECMs	other effective area-based conservation measures
PADDD	Protected Area Downgrading, Downsizing and Degazettement
RFMO	regional fisheries management organisation
SDGs	Sustainable Development Goals
STB	Science and Technical Body
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea

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Hawksbill Turtle in Komodo National Park

OVERVIEW

The Kunming-Montreal Global Biodiversity Framework (GBF), which aims to halt and reverse biodiversity loss by 2030, was adopted in December 2022 at the 15th meeting of the Conference of the Parties (COP) to the Convention on Biological Diversity (CBD). The Framework furthers the overall agenda of the CBD, which strives to ensure that biodiversity is protected and used sustainably and that the benefits accrued from its use are shared equitably with the communities that have protected it for centuries. It includes concrete measures to halt and reverse nature loss through 23 targets, with Target 3, also known as the 30x30 target, seeking to effectively conserve and manage 30% of terrestrial, inland water, and coastal and marine areas by 2030 (Convention on Biological Diversity, 2022, p. 9). At the current rate, achieving the remaining percentage needed to meet the marine 30x30 target would take the international community an estimated 83 years – pushing the deadline to the year 2107.[3]

The Biodiversity Beyond National Jurisdiction (BBNJ) Agreement – also known as the Global Ocean Treaty – was agreed upon in March 2023 and adopted three months later (United Nations, 2024). The Treaty's aim is to safeguard life in the ocean beyond the jurisdiction of coastal and island States. Once ratified, it will enhance the work on Target 3 of the GBF, which proposes actions to protect at least 30% of land and seas by 2030, by providing a pathway through which the target can be realised.

The next COP of the CBD takes place in October 2024, just six years before the end-of-2030 deadline, and it will be a political moment for governments to show progress towards turning the four goals and 23 targets of the Kunming-Montreal GBF into nationally driven action.

Moreover, it will be a good opportunity to show how far governments are from achieving the 30x30 target and why it is urgent that they ratify the Global Ocean Treaty and create proposals for high seas marine protected areas (MPAs).

Mediterranean Parrotfish, Siracusa, Sicily

While there are a variety of challenges to be overcome to achieve the 30x30 goal, the establishment of a network of MPAs must be based on objective criteria that allow for the protection of important ecosystems and biodiversity. It is critical to protect the most ecologically valuable 30%, not the most politically convenient or easiest 30%.

3 8.4[% currently protected] / 32 [yrs since Rio] = 0.26% coverage/yr; 30[% needed] – 8.4[% have] = 21.6% remaining to conserve; 21.6[% remaining] / 0.26 [avg cov %/yr] = 83.08 [yrs]; 83 [yrs] – 6 [yrs to end of 2030] = 77 [years remaining]; 77 [years remaining] + 2030 = 2107 [year the 30x30 will be achieved].

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Humpback Whales along Ningaloo Coastline in Western Australia

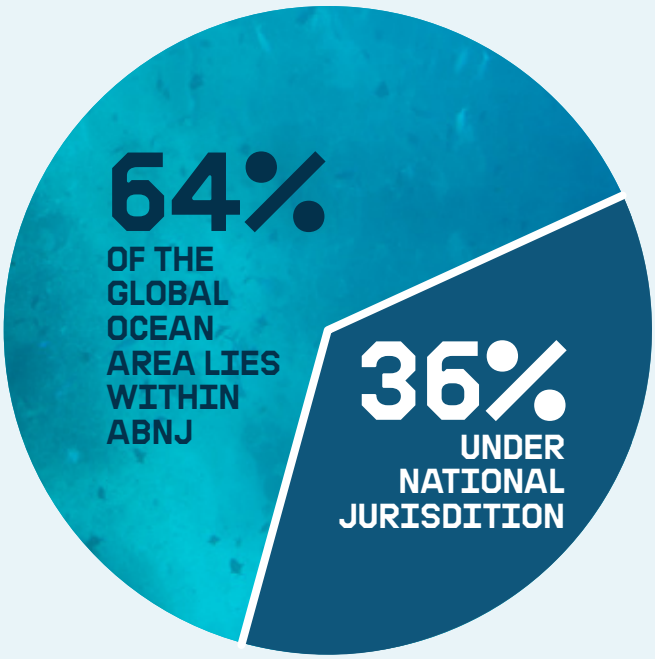
1. INTRODUCTION

BACKGROUND AND HISTORY OF THE 30X30 TARGET

In March 2023, history for the global ocean was made through the conclusion of negotiations for a third implementing agreement under the United Nations Convention on the Law of the Sea (UNCLOS). This third implementing agreement – officially known as 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' (herein referred to as the Global Ocean Treaty) will, once it has been ratified and enters into force, provide a pathway towards conservation and sustainable use of biodiversity for almost half of the planet – the ocean and its seabed in areas beyond national jurisdiction (ABNJ).[4]

Parties to the Global Ocean Treaty will achieve this through, *inter alia*, the establishment of area-based management tools (ABMTs). ABMT is an umbrella term that encompasses a broad range of spatially explicit management options, one of which is marine protected areas (MPAs). The Global Ocean Treaty defines an ABMT as *'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 in accordance with this Agreement'* (United Nations, 2023, p. 2). It defines an MPA specifically as *'a geographically defined marine area that is designated and managed to achieve specific long-term biological diversity conservation objectives and may allow, where appropriate, sustainable use provided it is consistent with the conservation objectives'* (United Nations, 2023, p. 3).

The ability to establish MPAs in ABNJ is key to achieving 30x30 because 64% of the global ocean area lies within ABNJ, with the remaining 36% in marine areas under national jurisdiction (Parliamentarians for Global Action, 2020, p. 2). This 64% represents nearly 95% of the global ocean's volume, where unique ecosystems and species thrive, with potentially thousands of new species yet to be discovered. Of course, the Global Ocean Treaty is just the latest in a series of agreements, treaties or conventions built with the goal of the conservation



of the marine environment. Ensuring that the Treaty is implemented in a synergistic manner with existing frameworks is of utmost importance for meeting not only the objectives of the new implementing agreement but also those of the other frameworks it will interact with.

The intergovernmental journey towards the conservation and sustainable use of ecologically important areas in the ocean started near the end of the 20th century. In the 1990s, there was global recognition of the need for scientifically backed decisions guiding the conservation and sustainable use of the global environment. In 1992, the Rio Earth Summit established the Convention on Biological Diversity (CBD), which in 2002 adopted a Strategic Plan with part of its mission *'to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level'* (Conference of the Parties, 2002). This goal was later refined to specify a target of effectively conserving at least 10% of the world's ecoregions by 2010 (Conference of the Parties, 2004). In 2006, in Decision VIII/24, the CBD's Conference of the Parties (COP) agreed that the CBD should have a key role in supporting the identification of sites in need of protection in ABNJ (Conference of the Parties, 2006). In the same Decision, the CBD COP requested the Secretariat to convene experts to work towards the establishment of criteria that would allow for the identification of these sites;

4 This includes both the high seas (waters beyond 200 nautical miles from the coastline) and the Area (seabed and subsoil beyond the limits of national jurisdiction).

Manta Ray in Raja Ampat in Papua

this would culminate in the process of identifying Ecologically or Biologically Significant Marine Areas (EBSAs), discussed in more detail later in this report.

Meanwhile, in 2000, world leaders came together at the United Nations Headquarters in New York City to adopt the Millennium Declaration, which outlined eight areas of global key objectives. These objectives would, in 2001, form the basis of the Millennium Development Goals (MDGs). Each MDG contained a list of targets to be accomplished by 2015. MDG #7, Ensure environmental sustainability, included a target to *'Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss'* (United Nations, 2013). This goal was broad, covering both marine and terrestrial areas, with little guidance on how to achieve it.

In 2010, the 10th CBD COP, held in Nagoya, Aichi Prefecture, Japan, adopted a new Strategic Plan for Biodiversity (2011–2020) that included five goals and 20 targets, all aimed at preventing the loss of biodiversity in marine and terrestrial environments. Target 11 stated that *'by 2020 … 10% of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative, and well-connected systems of protected areas and other area-based conservation measures'* (Convention on Biological Diversity, 2020). MPAs provide a wide array of benefits to both humans and ecosystems. For example, MPAs can, if designed and implemented adequately, bolster protections against climate change, provide refugia for key species and promote food security for nearby communities (Bates *et al*., 2019; Nocito and Brooks, 2020; Nowakowski *et al*., 2023).

In 2015, the MDGs expired. Subsequently, all Member States of the United Nations adopted the 2030 Agenda for Sustainable Development, a blueprint for people, planet, peace and prosperity through 17 Sustainable Development Goals (SDGs), many of which expanded on the previous MDGs. Notably, MDG #7 was expanded for different environmental features, such as Climate Action (SDG #13), Life Below Water (SDG #14) and Life on Land (SDG #15). The Life Below Water goal includes a target that references Aichi Target 11: SDG 14.5 calls for the conservation of at least 10% of coastal and marine areas by 2020 (United Nations, 2015).

With the deadline for some of the targets under the SDGs passed and the CBD's Strategic Plan for Biodiversity concluded, a new call for conservation was needed. The goal of protecting 30% of land and seas by 2030, or '30x30', was formalised with the signing of the Kunming-Montreal Global Biodiversity Framework (GBF) during the 15th CBD COP in December 2022. Target 3 – one of the 23 targets of the GBF – calls for signatories to *'Ensure and enable that by 2030 at least 30 percent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed'* (Convention on Biological Diversity, 2022, p. 9). This is one of several GBF targets intended to address the current biodiversity loss crisis that threatens the biosphere and the millions of people who depend on its services.

Once it is ratified and enters into force, the Global Ocean Treaty will be a concrete, legally binding instrument that will help governments reach this 30% target by creating a framework that allows for the systematic establishment of MPAs and other ABMTs in ABNJ. Both the Global Ocean Treaty and the GBF call for the establishment of an ecologically representative network of MPAs. Ensuring the connectivity of future MPAs in ABNJ and marine areas under national jurisdiction is pivotal, as marine biodiversity may straddle multiple jurisdictions throughout its life cycle (Harrison *et al*., 2018; Popova *et al*., 2019).

As of mid-September 2024, this report provides updated information on the latest developments in the ratification and early implementation of the Global Ocean Treaty, the progress towards achieving Target 3 of the GBF and the role the Global Ocean Treaty will play in reaching the 30x30 target.

THE GBF WITHIN NATIONAL JURISDICTIONS

Given the strong interconnection between the biodiversity in ABNJ and marine areas under national jurisdiction, the effective implementation of the GBF within national jurisdictions will also prove critical for ensuring the long-term sustainability of a large portion of species in international waters. In order to achieve the 30x30 target at the national level, it will be essential for governments to recognize the leadership, knowledge and rights of Indigenous peoples and coastal communities in the conservation and sustainable use of marine biodiversity. This will require an inclusive governance approach that incorporates traditional knowledge – which is emphasised throughout the Global Ocean Treaty – free, prior and informed consent and the promotion of co-management and sustainable practices, especially within national waters. Countries must implement the agreement to protect at least 30% of national waters by 2030, ensuring that unsustainable extractive industries are banned and that local communities are central to decision making in marine conservation policies, including marine spatial planning and National Biodiversity Strategies and Action Plans (NBSAPs).

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Aerial of Great Barrier Reef

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Coral Reef in Papua

2. PROGRESS TOWARDS 30X30

OVERVIEW OF THE PROGRESS TOWARDS THE ESTABLISHMENT OF A GLOBAL MPA NETWORK

With the ambitious goal of protecting 30% of our oceans by 2030, where do we stand in 2024? In the 32 years since the Rio Earth Summit, only 8.4% of the global ocean has been protected within MPAs (Marine Conservation Institute, 2024a), falling well short of the original target of 10% by 2010. To reach 30% in the six years that remain until the end of 2030, we would need to conserve an additional 77,976,000 km^2 of our global ocean.[5] This would be equivalent to establishing 23.5 MPAs, each the size of France, each year.[6] On average, since the Rio Summit in 1992, the MPA coverage of the global ocean has increased by just 0.26% per year.[7] At this rate, achieving the remaining 21.6% needed to meet the 30x30 target would take the international community an estimated 83 years – pushing the deadline to the year 2107.[8]

It is crucial to emphasise that the quantity of MPAs alone does not guarantee successful conservation. Effective MPAs require strong management frameworks and favourable conditions to achieve long-term conservation goals. As discussed later in this report, MPAs can have varying levels of protection. Meaningful conservation benefits only begin when an MPA is fully implemented and actively managed. MPAs that are proposed or established without regulations, enforcement or consistent active management do not contribute effectively to conservation goals (Grorud-Colvert *et al*., 2021; Pike *et al*., 2024).

Pike *et al*. (2024) analysed the 100 largest MPAs, which accounted for 89% of the total reported global MPA coverage. Three-quarters of the area covered

5 The global ocean has a total surface area of approximately 361 million km^2. The target is 30% coverage (361,000,000 km^2 * 0.30 = 108,300,000 km^2). Currently, 8.4% of the ocean is covered by MPAs (361,000,000 km^2 * 0.84 = 30,324,000 km^2). 108,300,000 km^2 – 30,324,000 km^2 = 77,976,000 km^2 remaining to protect.

6 The land area of France is 551,695 km^2. 77,976,000 / 551,695 = 141.33 Frances (~141). With six years remaining to the end of 2030, meeting the target would require implementing 141 / 6 = 23.5 Frances' worth of MPAs/yr.

7 8.4[% currently protected] / 32 [years since Rio] = 0.26[% coverage/year].

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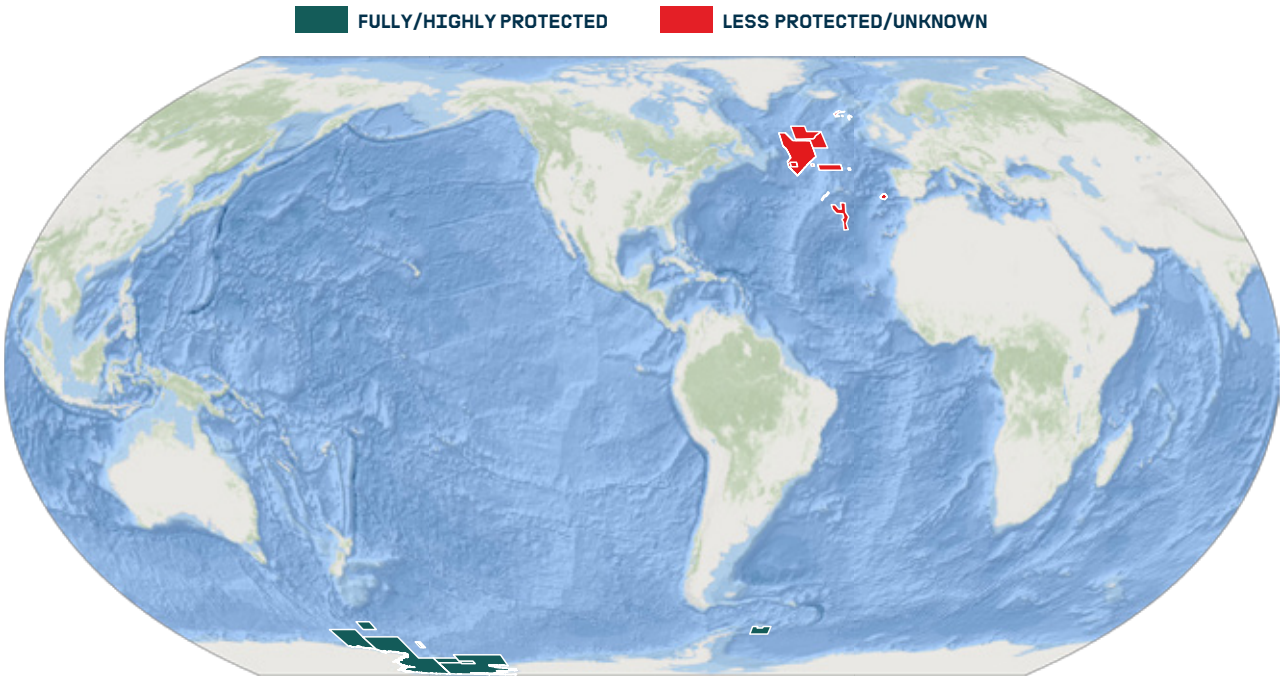
by these MPAs was found to be in implemented or actively managed MPAs (the remaining quarter were merely proposed or designated), and just a third of the area was classified as 'highly or fully protected,' according to the *The MPA Guide* framework. This is equivalent to just 2.7% of the global ocean being fully or highly protected. For areas beyond national jurisdiction, the figure is much smaller - only 0.9%.

As of September 2024, approximately 1.4% of ABJN have been established as MPAs (WDPA, 2024). To achieve the 30% target solely in ABNJ, an additional 28.6% of the international ocean must therefore be designated as protected areas. This amounts to approximately 66 million square kilometres – a surface area that is equivalent to 58 Colombias, 130 Spains, or 90,750 Singapores – that would need to be established as MPAs by the end of 2030. In the 2,190 days between January 1, 2025, and December 31, 2030, approximately 41.4 MPAs the size of Singapore would need to be established daily to reach the 30% MPA target in ABNJ.[9]

HIGH SEAS MARINE PROTECTED AREAS



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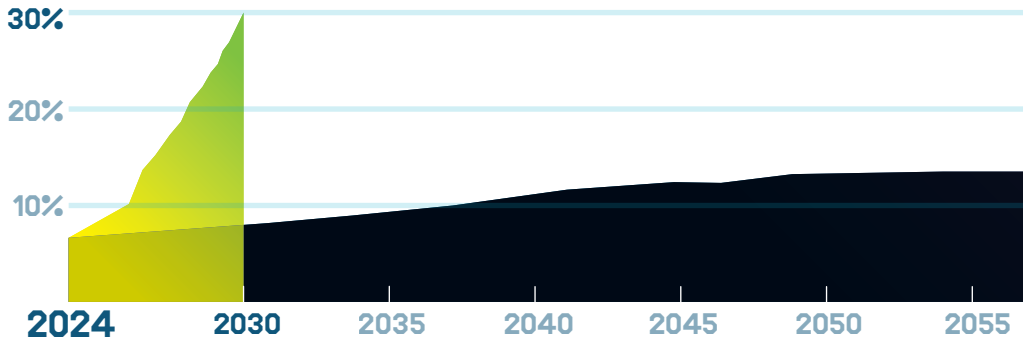
9 ABNJ have an approximate surface area of 231 million km² (64% of the 361 million km² of the global ocean). 30% of the surface area of ABNJ = ~69.3 million km². Of this, ~3.3 million km² (1.4% of the total surface area) is covered by an MPA, leaving approximately 66 million km² (28.6%) still to cover. The surface areas of Colombia, Spain and Singapore are 1,141,748 km², 505,990 km² and 728 km², respectively. By dividing the remaining 28.6% of ABNJ with no MPA coverage (~66 million km²) by the surface areas of each of the three countries, we calculated how many country-equivalent polygons would have to be established to reach the 30x30 target in ABNJ.

WHERE WE STAND ON GLOBAL OCEAN PROTECTION IN 2024

MPAs COVER 8.4% OF THE GLOBAL OCEAN

TO REACH **30% BY 2030**
WE NEED TO CONSERVE AN ADDITIONAL
77,976,000 KM² –
EQUIVALENT TO PROTECTING
141 AREAS THE SIZE OF FRANCE
(OR 23.5 EACH YEAR)

AT THE CURRENT RATE OF GLOBAL OCEAN MPA COVERAGE:
0.26% PER YEAR
(SINCE 1992 RIO EARTH SUMMIT)



TYPES OF MPAs

There are a variety of ways to categorise MPAs based on their features, such as management objectives or level of protection. One widely accepted means of categorising MPAs by their management objective and type of governance is through the International Union for the Conservation of Nature (IUCN) MPA Guidelines (Day *et al*., 2019). These categories range across seven different types of MPAs, from strict nature reserves (Categories IA and IB) to protected areas where sustainable management and small-scale non-industrial use of the natural resources is permitted (Category VI). The IUCN MPA Guidelines also highlight activities that, if occurring in a protected area, are *'incompatible with the conservation of nature'*,[10] regardless of the management and governance scheme.

A different way to determine types of MPAs is through *The MPA Guide*, a science-based framework created to categorise, track and evaluate MPAs based on their Stage of Establishment (Proposed/Committed, Designated, Implemented, Actively Managed) and Level of Protection (Minimally, Lightly, Highly, Fully), while also recognizing the 'enabling conditions' needed for the successful management of MPAs (Grorud-Colvert *et al*., 2021). Those MPAs with a level of protection of Highly or Fully Protected best deliver conservation benefits (O'Leary *et al*., 2016), and are often referred to as 'ocean sanctuaries'.

Through these three metrics, expected ecological outcomes, such as increased ecosystem resilience or the protection of rare and endangered species, can be determined. By assessing MPAs, insight is gained regarding the accrued biodiversity benefits, not just a percentage spatial statistic (Sullivan-Stack *et al*., 2024). For example, a recent study by Aminian-Biquet *et al*. (2024) utilised *The MPA Guide* and found that 86% of the European Union's MPAs showed protection levels of Lightly or Minimally Protected or even no protection, and only 0.2% of the EU's national waters were Highly or Fully Protected.

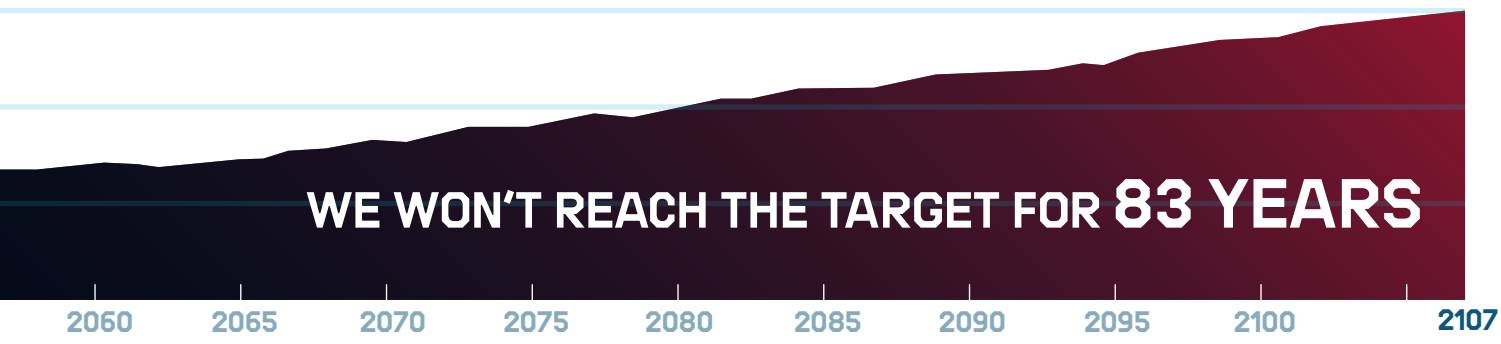
While there are numerous ways to categorise MPAs, the key similarity is that their main objective is to provide conservation benefits, unlike other forms of spatial management, such as other effective area-based conservation measures (OECMs), which may have sustainable use objectives. MPAs can have many benefits, from increased species richness to protecting sites of economic, social and cultural importance to local communities. However, when not adequately designed or implemented, established MPAs may not provide any conservation and/or social benefits. Such MPAs, commonly referred to as 'paper parks', often result from a lack of resources, enforcement and other enabling conditions for their effective implementation (Rife *et al*., 2012).

A study of 184 MPAs that were categorised using the IUCN framework found that 27% were considered paper parks, with the largest number occurring in Latin America and the Caribbean (Relano and Pauly, 2023). It is therefore key that, as the 30x30 goal is pursued, decisive steps are taken to ensure real protection is delivered at sea, in order to prevent the establishment of more such legally designated but ineffective conservation areas. Otherwise, a significant portion of the 30% of the global ocean GBF Target 3 aims to protect will end up failing to deliver conservation benefits. Additionally, as the 30x30 target stipulates, these MPAs must be established in a manner that supports the formation of an ecologically representative and interconnected network, without simply focusing on meeting the area goal.

BARRIERS TO HIGH-QUALITY MPAs

MPAs are not guaranteed to be fully effective even once established and actively managed. There can be various reasons for this. Even if a country has already reached the target of protecting 30% of its waters,

10 E.g., large-scale industrial harvest of fisheries and/or extraction of resources through dredging, mining or drilling.



the areas designated as MPAs may have been poorly chosen. MPAs may be subject to changes in their rules and regulations that can result in their protection level being downgraded. Countries might lack the necessary governance and enforcement mechanisms for effectively managing established MPAs. Similarly, governments may allow certain human activities within MPAs that undermine their effectiveness and call into question whether or not they can truly be considered MPAs, according to the IUCN MPA Guidelines.

CASE STUDY #1: Trawling in UK MPAs

The United Kingdom (UK) is one of the 100+ countries that has committed to taking domestic action to achieve the 30x30 goal, and the UK leads the Global Ocean Alliance, whose 77 member countries aim to undertake activities that spotlight and promote achievement of that goal (GOV.UK, 2024a). Though on paper the UK has met the 30x30 target by formally designating 38% of marine areas under national jurisdiction as MPAs, the quality of the protected areas has been brought into question (Joint Nature Conservation Committee, 2024). In recent years, the UK government has taken steps to increase the quality of their MPAs, such as through the Benyon review into Highly Protected MPAs (Benyon *et al*., 2022) and the Blue Belt Programme, which works with the UK's overseas territories and, among other things, provides support for the management, enforcement and monitoring of MPAs (GOV.UK, 2024b).

Greenpeace UK (2022) found that the vast majority of UK MPAs allow for fishing, including fishing that utilises extremely destructive practices, in part because the Marine Management Organisation follows a features-based approach rather than an ecosystem approach to managing MPAs. Of the 386 MPAs in the UK's MPA network, only two are ocean sanctuaries, fully protected from all fishing activities. The remaining 384 MPAs permit a variety of fishing activities, including many that allow for bottom-towed gear. At the time of the study, less than 0.1% of the UK's marine areas under national jurisdiction were fully closed to towed fishing gear, resulting in minimal protections to the marine ecosystem.

> **FISHING WITH BOTTOM-TOWED GEAR IS CONSIDERED AMONG THE MOST DESTRUCTIVE FISHING PRACTICES.**

Fishing with bottom-towed gear is considered among the most destructive fishing practices. Vessels using this gear, such as bottom trawlers, destroy seabed habitats, disrupt ecosystems and can alter the biochemical composition of the trawled area (Broadhurst *et al*., 2006; Pusceddu *et al*., 2014). When bottom trawling disrupts

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Operation Ocean Witness in the English Channel

Aerial Photo of Illegal Gold Mine in Sangihe Island, North Sulawesi

the sediments of the seabed, buried organic carbon is introduced into the water column, where it may be converted to carbon dioxide, further acidifying the ocean (Black *et al*., 2022; Atwood *et al*., 2024). Furthermore, MPAs that allow for industrial fishing, such as with this type of gear, are considered by the IUCN and *The MPA Guide* to be incompatible with the conservation of nature, meaning that no biodiversity benefits are accrued (Day *et al*., 2019; Grorud-Colvert *et al*., 2021). In certain MPAs (such as the North Sea's Dogger Bank MPA), bottom-towed gear is restricted but other methods of industrial fishing, such as pelagic trawling by so-called 'supertrawlers' (vessels in excess of 55 m) is still permitted. This means that although the UK has made quantitative progress towards the 30x30 goal, the quality of the MPAs, and therefore the biodiversity benefits, are lacking. This case study is a prime example of how the numerical goal, while laudable, can only be fully achieved through effectively protected and managed MPAs.

CASE STUDY #2: Australia and Protected Area Downgrading, Downsizing and Degazettement

MPAs, like all protected areas, may be subject to changes in their management plans. Sometimes, this process involves what is referred to as PADDD, or Protected Area Downgrading (e.g., a change that results in a decrease in legal restrictions), Downsizing (e.g., a change that results in an MPA getting smaller) and Degazettement (e.g., a loss of legal protection for the entirety of the protected area).

Australia is widely seen as a leader in ocean protection through MPAs; in 2012, 36.9% of the MPAs in Australian waters were Highly Protected as ocean sanctuaries (Cockerell *et al*., 2020). However, in 2018, the management plans for 38 of Australia's MPAs were changed, resulting in many MPAs being downgraded. These changes, which affected 1,090,815 km^2 of protected ocean, left just 22.4% of MPAs Highly Protected (Cockerell *et al*., 2020; Albrecht *et al*., 2021). This resulted in the downgraded MPAs becoming Habitat Protection or Multi-Use Zones, with many allowing for industrial fishing and shipping activities, as well as mining and dredging (Albrecht *et al*., 2021). Though the quantity in terms of percentage of ocean area protected did not change much, the overall quality of the protected areas suffered.

While the affected MPAs are still not reaping the biodiversity benefits they once provided, the Australian government has since established two new marine parks, Christmas Island and Cocos (Keeling) Islands, which include 739,00 km^2 of Highly Protected areas (Australian Marine Parks, 2024). Additionally, it expanded the Macquarie Island Marine Park, which now includes 385,000 km^2 of Highly Protected areas (Commonwealth of Australia, 2023).

Iceberg, Ross Sea

CASE STUDY #3: Enforcement of MPA regulations in Indonesia

The enforcement of MPA regulations is a global problem. Although it is key for ensuring the sustained protection of the biodiversity in MPAs, enforcement is expensive, and there is often hesitancy to report those who break the rules (Balmford *et al*., 2004; Bergseth *et al*., 2018). Non-compliant activities that require enforcement range from pollution to illegal, unregulated and unreported (IUU) fishing to the poaching of protected species. Activities outside the MPAs, such as nickel mining, which has seen a huge increase in production capacity in Indonesia in recent years, may also negatively affect ocean biodiversity (Naryono, 2023), and these risks must be monitored as well.

Indonesia is home to extensive coral reefs with high levels of biodiversity and a rich history of traditional management (Amkieltiela *et al*., 2022; White *et al*., 2022; Sobha *et al*., 2023). However, enforcement of regulations is a particular challenge for MPAs in Indonesia, such as those in South and Southeast Sulawesi. Support at the national level is lacking, and a revision of local government law in 2014 that led to the jurisdiction over MPAs being transferred from a city/regency level to a provincial government level resulted in a decrease in funds and personnel that has made even basic management activities difficult, with negative consequences for many MPAs across Indonesia (Jompa *et al*., 2023). This reinforces that enabling conditions, such as enforcement, are key for effective MPAs (Grorud-Colvert *et al*., 2021). Moreover, given the challenges of MPA enforcement, it is necessary to include communities in marine conservation governance. Indonesia presents a prime opportunity to implement community-based marine OECMs due to the presence of hundreds of potential OECMs (Estradivari *et al*., 2021) and supportive marine regulations for co-management (Dudayev *et al*., 2022).

CASE STUDY #4: Ross Sea Region MPA

Until the Global Ocean Treaty is ratified, the pathways towards conserving ABNJ are limited and can be achieved primarily through regional bodies. In Antarctica, dredging, dumping, mining and oil extraction are banned under the Madrid Protocol, part of the Antarctic Treaty System, and fishing is regulated by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) (Nocito *et al*., 2022). The Ross Sea Region MPA in the Southern Ocean is the first large-scale, Highly Protected and actively managed MPA in international waters (Brooks *et al*., 2021; Nocito *et al*., 2022). But a serious downside of the Ross Sea Region MPA is that it does not exist in perpetuity; rather, it has a limited duration clause, meaning that the MPA will only exist until 2052 unless the conservation measure establishing it is renewed by the CCAMLR Member States (Brooks *et al*., 2020). Though the topic was discussed during the Global Ocean Treaty negotiations, the newly adopted Treaty does not require a set duration, meaning that MPAs can be established in perpetuity through the Global Ocean Treaty (Nocito and Brooks, 2023).

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Pinzón Island, the Galápagos

3. THE ROLE OF BBNJ IN ACHIEVING 30X30

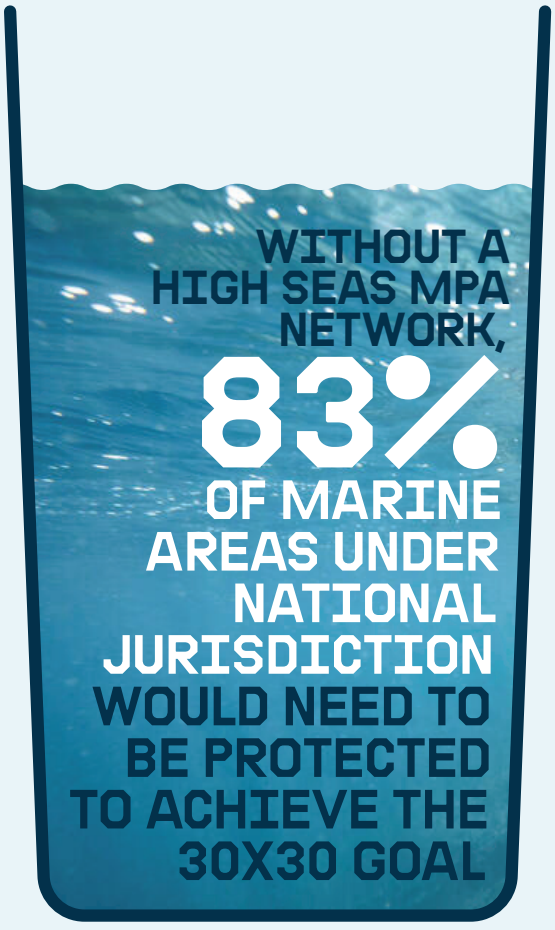
The ocean in ABNJ hosts a wide variety of pelagic and benthic ecosystems, along with thousands of species, many of which have been documented exclusively in these regions (Crespo *et al*., 2017; Crespo *et al*., 2022). The conservation of these species and ecosystems through the establishment of MPAs in ABNJ has been a slow and non-linear process that has relied on regional treaties and bodies and has so far resulted in the protection of just 1.4% of these waters (WDPA, 2024), primarily in the Northeast Atlantic Ocean and the Southern Ocean (Smith and Jabour, 2018; Sobrido-Prieto, 2020; Brooks *et al*., 2021).

According to the Marine Protection Atlas, only one MPA zone in ABNJ (the Ross Sea Region MPA, Parcel D) is categorised as Fully Protected; however, the degree of protection of the Northeast Atlantic MPAs has not been determined (Marine Conservation Institute, 2024b). While the MPAs that have been established in ABNJ represent significant achievements in protecting international waters, especially given the limitations of current ocean governance, they are standalone regional achievements that have yet to be integrated into a global, ecologically representative MPA network – the goal set by Target 3 of the GBF.

The relationship between the GBF and the high seas is synergistic. The GBF has been crucial for accelerating the creation of MPAs across the global ocean, including in ABNJ. Conversely, ABNJ are crucial for meeting the GBF target of protecting 30% of marine areas by 2030.

The Global Ocean Treaty represents the most appropriate international legally binding instrument to achieve this objective by, *inter alia*, overcoming some of the challenges of establishing MPAs through regional treaties (Jiang and Guo, 2023), creating a pathway to grant global recognition for those MPAs that have already been established regionally in ABNJ and creating a process for the establishment of new MPAs. Without the Global Ocean Treaty, the establishment of MPAs in ABNJ would remain an ad hoc, geographically fragmented process that would likely, in the short term, 'leave behind' regions that lack similar governance arrangements to those in the Southern or Northeast Atlantic Oceans.

Two main arguments can be made as to why the establishment of protected areas in the high seas is critical for achieving Target 3 of the GBF. The first is arithmetic in nature. Since the high seas comprise 64% of the global ocean, if Target 3 of the GBF were to be implemented exclusively within national waters, over 83% of all marine areas under national jurisdiction would have to be established as MPAs – a political impossibility given the current rate of MPA establishment, and practically impossible to balance with securing sustainable coastal livelihoods. Even if



all countries designated and established 30% of their marine areas under national jurisdiction as MPAs, that would only contribute 10.8% towards the 30x30 goal.

Secondly, and perhaps most importantly, Target 3 of the GBF emphasises the need to establish an ecologically representative and well-connected network of protected areas (Convention on Biological Diversity, 2022, p. 9).

Silky Shark, Rainbow Runners, and Pilot Fish in the Pacific Ocean

The current division of the ocean into two legal regimes – marine areas under national jurisdiction (i.e., territorial waters and exclusive economic zones) and ABNJ – is a social and legal construct derived from UNCLOS that does not account for the ecological connectivity between these areas. In fact, marine areas under national jurisdiction and ABNJ are strongly connected ecologically through both passive oceanographic[11] and active[12] forms of connectivity (Dunn *et al*., 2017; Popova *et al*., 2019). In order to create a truly ecologically representative and well-connected system of MPAs, it is essential to view and assess both as a single, interconnected system. The establishment of a global system of MPAs therefore requires the integration of the ocean beyond the jurisdiction of coastal and island States as an integral part of the network solution.

Research by Harrison *et al*. (2018) suggests that highly migratory species encounter a broad array of threats and levels of protection as they migrate across multiple waters under national jurisdiction and ABNJ; this has contributed to the widespread decline of the populations of many wide-ranging species, such as oceanic sharks, rays and other elasmobranchs (Pacoureau *et al*., 2021).

The inadequate implementation of international agreements hinders effective cooperation among stakeholders, particularly in the high seas. Spatial protections of species groups such as elasmobranchs are extremely limited; in fact, Cronin *et al*. (2023) determined that most tuna-related regional fisheries management organisation (RFMO) policies (~76%) are ineffective at avoiding or minimising elasmobranch bycatch and highlight the lack of bycatch avoidance measures such as spatial management. Harrison *et al*. (2018), using biologging data from over 1,500 tagged specimens across 14 species of, among others, sea turtles, tuna and seabirds, found that some of these species spent up to three-quarters of their annual cycles in ABNJ, pointing to the need for comprehensive international strategies to protect transboundary biodiversity in the ocean within and beyond national jurisdiction.

The Global Ocean Treaty was opened for signature and ratification on 20 September 2023. In the first year (through 19 September 2024), 92 UN Member States signed the Treaty; however, it was only ratified by eight countries (United Nations Treaty Collection, 2024).[13] A study by Blasiak and Jouffray (2024) found that similar multilateral agreements focused on ocean issues took an average of 7.4 years to enter into force. If the Global Ocean Treaty follows this same trend, which it is currently in line with at eight ratifications in its first year, it will not enter into force

11 Passive oceanographic connectivity is primarily driven by ocean currents, which facilitate the dispersal of larvae and plankton. These currents can also carry human-induced impacts, such as pollutants, into and out of coastal State waters (Dunn *et al*., 2017).

12 Active dispersal occurs through intentional movement by various marine animals such as seabirds, sea turtles, marine mammals and fish. This type of dispersal can result in a range of transboundary movements, including transoceanic migrations that cross multiple marine areas under national jurisdiction and the high seas, as well as more localised movements that extend into the high seas (Dunn *et al*., 2017).

13 As of 30 September 2024, 104 Member States had signed and 13 countries had ratified the Treaty.

until January 2031 – past the 2030 deadline set as the goal for conserving 30% of the global ocean.

Additionally, once the Global Ocean Treaty enters into force, there is still a multistep process that must be undergone to establish MPAs. In the section on ABMTs (Part III), the Treaty stipulates that MPA proposals must be reviewed by a Science and Technical Body (STB), which will publicise its findings ahead of a consultation process that will allow stakeholders – such as Member States, the scientific community and others – to provide their input and considerations. The STB will then review the revised proposal and make a recommendation to the Ocean COP, which will take a decision on the proposal by consensus as a general rule. Where consensus cannot be reached, if a two-thirds majority has determined that all efforts to reach consensus have been exhausted, the Ocean COP can decide on adopting the MPA by a three-quarters majority. The decision to adopt an MPA will become binding after a period of 120 days, which allows for Member States to register concerns or objections (United Nations, 2023, pp. 18–23).

THE FASTER THE GLOBAL OCEAN TREATY IS RATIFIED, THE MORE LIKELY WE WILL REACH THE GOAL OF PROTECTING 30% OF THE OCEAN BY 2030.

The faster the Global Ocean Treaty is ratified, the more likely it is that we, as a global community, through our national governments, will reach the goal of protecting 30% of the ocean by 2030. As participants in the future Ocean COP work towards the establishment of MPAs, it will be important for robust MPAs to be operationalized through the lens of frameworks such as the IUCN MPA Guidelines or *The MPA Guide*, to ensure their effectiveness.

Manta Ray off Nusa Penida Island

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Projection Calling for Ocean Protection in Greece

4. THE WAY FORWARD

The Global Ocean Treaty represents a historic opportunity to sustainably manage and conserve thousands of marine species worldwide, many of which are only known to occur in ABNJ (Crespo *et al*., 2017; Crespo *et al*., 2022). It also represents a unique opportunity to innovate in the design and establishment of MPA networks that are adaptive to changing environmental conditions and human activities. Meeting Target 3 of the GBF in time will inevitably require the prompt and effective implementation of Part III of the Global Ocean Treaty, on ABMTs. Various key milestones will have to be met before any ABMTs can be established by the future Ocean COP:

- For the Treaty to enter into force, a total of 60 UN Member States must ratify it.
- Preparations for the Ocean COP, including the formation of various new subsidiary bodies, must take place.
- Candidate sites must be identified through governmental leadership and international collaboration, with the appropriate stakeholder consultations starting as soon as possible.

In addition to these steps, preparing relevant scientific and technical documents and innovating around the design of ABMTs in candidate locations will prove critical for ensuring that the network of MPAs created under the new Global Ocean Treaty is ecologically representative, impactful and climate-resilient.

THE ROAD TOWARDS THE ENTRY INTO FORCE OF THE GLOBAL OCEAN TREATY

Recent multilateral environmental agreements have taken an average of four years to enter into force, while those related to the Ocean have taken nearly twice as long (Blasiak and Jouffray, 2024). As of 30 September 2024, the Global Ocean Treaty has 104 signatories and 13 Member States have ratified it (United Nations Treaty Collection, 2024), with many others announcing that they are undergoing the pertinent domestic consultations and processes to secure ratification. The Treaty is set to enter into force 120 days after the date of deposit of the sixtieth instrument of ratification, approval, acceptance or accession. At the time that this report was written, there was an unofficial objective of reaching the sixtieth ratification in time for the Third United Nations Ocean Conference, to be held in Nice, France, in June 2025; if achieved, the entry into force could take place before the end of that same year. Various international organisations, including Greenpeace International (2023), as well as a group of States, such as the European Union (Kingdom of Belgium FPS, 2024), have publicly called for the ratification of the Global Ocean Treaty by the 2025 United Nations Ocean Conference.

Preparing for Ocean COP1

Part VI of the Global Ocean Treaty (Article 47.1) states that *'The first meeting of the Conference of the Parties shall be convened by the Secretary-General of the United Nations no later than one year after the entry into force of this agreement'* (United Nations, 2023, p. 42).

The preparations for the first Ocean COP have already begun. In June 2024, a Preparatory Commission meeting elected Co-Chairs (Australia and Belize), adopted a work programme and set out the schedule for future meetings (United Nations General Assembly, 2024). The Commission decided to hold at least two sessions in 2025, each lasting two weeks (April 14–25 and August 18–29), and to convene for at least one two-week session in 2026, with the dates to be determined by the Secretary-General in consultation with the Co-Chairs. Further meetings may be scheduled at a later stage if needed.

Three distinct clusters of issues to be addressed by the Preparatory Commission were identified and published on 1 July 2024 by the UN General Assembly (United Nations General Assembly, 2024):

I. GOVERNANCE ISSUES

The first cluster of issues to be discussed by the Preparatory Commission focuses on establishing the foundational rules and structures for effective governance. It includes creating rules of procedure for the COP and defining the terms of reference, operational modalities and rules for key subsidiary bodies established under the implementing agreement (the Access and Benefit-Sharing Committee, the Capacity-Building and Transfer of Marine Technology Committee, the Finance Committee, the Implementation and Compliance Committee and the STB). Additionally, it addresses the selection process for members of these subsidiary bodies, arrangements for the functioning and location of the secretariat, reporting requirements, and mechanisms to enhance cooperation with relevant legal instruments, frameworks and bodies.

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Local Fishermen Activity in Dakar, Senegal

II. CLEARING-HOUSE MECHANISM OPERATIONS

The second cluster of issues to be discussed deals with the operational aspects of the Clearing-House Mechanism, such as the platform architecture and functionalities and the process for generating the BBNJ standardised batch identifier. Other topics in this category include defining modalities to match capacity-building needs with available support and marine technology transfer, as well as facilitating access to relevant expertise and outlining the terms of cooperation with relevant legal instruments, frameworks and bodies at various levels.

III. FINANCIAL RULES AND MECHANISMS

The focus of the third cluster of topics to be discussed by the Preparatory Commission is on establishing financial rules for funding the COPs, the secretariat and any subsidiary bodies. It also includes arrangements with the Global Environment Facility (GEF) to implement relevant funding provisions. Additionally, this theme addresses the operationalization of other financial resources and mechanisms, including the establishment of a voluntary trust fund, setting up a special fund with appropriate application and approval procedures and determining the scale of assessed contributions.

Importantly, the mobilisation of financial resources to accelerate the ratification and early implementation of the Treaty has already started. For example, the GEF approved US$34 million to support the agreement (Global Environmental Facility, 2023), thus contributing to some of the focal areas of the COP, including inclusivity and resource commitment.

DESIGNING THE FIRST GENERATION OF HIGH SEAS MPAs

As the international community prepares to embark on the implementation of the Global Ocean Treaty, it is important to bear in mind that one of the main objectives under Part III of the Treaty is the establishment of *'ecologically representative and well-connected networks of marine protected areas'* (United Nations, 2023, p. 16). It is therefore vital to make sure that the future establishment of MPAs follows a systems approach that envisions the potential contribution of each protected site to the overall representativity and connectivity of these networks.

The establishment of such networks of MPAs could be approached in various ways. A reasonable point of departure could be to integrate the 3% of ABNJ that have either already been protected through the establishment of an MPA or where an MPA proposal already exists. In fact, the Global Ocean Treaty already includes provisions that would facilitate the assimilation of existing ABMTs into the system of ABMTs or network of MPAs that the Treaty aims to establish (Article 22; United Nations, 2023, pp. 20–22).

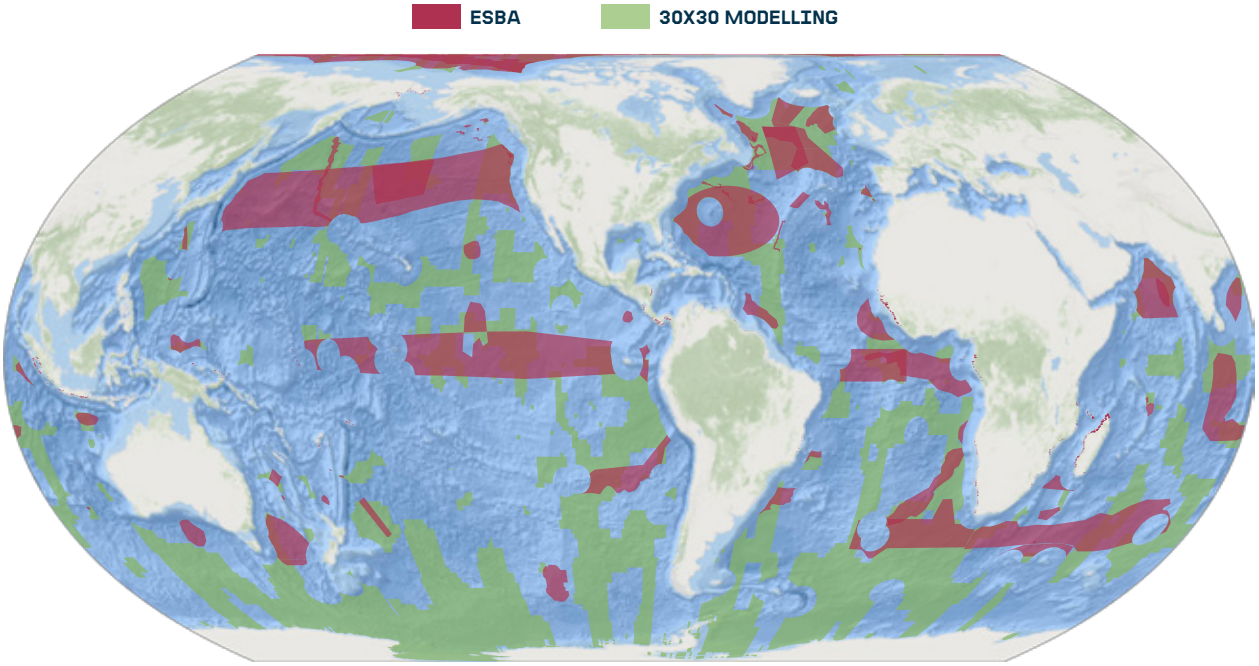
Sites of biological or ecological importance in ABNJ that are described, but not protected, could also form the basis for designing an initial network of MPAs under the Global Ocean Treaty. Various international efforts have taken place over the past two decades to map the locations of areas of particular biological or ecological importance to biodiversity. One of these is the EBSA process, an effort that has been orchestrated

by the CBD since 2011 to facilitate the description of EBSAs to effectively ascribe value to sites across the global ocean. Through a series of regional workshops, the EBSA process helped identify 338 individual sites (Dunn *et al*., 2014), 38 of which are entirely in ABNJ and 42 of which straddle ABNJ and areas within national jurisdiction. Such straddling EBSAs represent a promising opportunity for harmonising sustainable management and conservation between ABNJ and of marine areas under national jurisdiction (Mackelworth *et al*., 2024).

Similar expert-driven processes have focused on identifying sites of importance for specific taxonomic groups, including Important Bird Areas (IBAs; Smith *et al*., 2014), Important Marine Mammal Areas (IMMAs; Hoyt and Notabartolo di Sciara, 2021) and Important Shark and Ray Areas (ISRAs; Kyne *et al*., 2023). These initiatives serve to focus conservation efforts on areas that scientific research has shown are essential to species survival and well-being. Marine IBAs identify at-sea locations used by seabird populations for foraging, staging and migration. They include areas with high concentrations of globally threatened species, sites important to range- or biome-restricted species as well as areas where seabirds are thought to congregate in their largest numbers, such as migration bottlenecks (BirdLife International, 2024). ISRAs focus on areas of importance for sharks, rays, and skates, including breeding grounds, feeding zones, migratory routes and aggregation sites; their protection can help guard populations against threats such as overfishing, bycatch, habitat destruction and climate change. IMMAs similarly highlight regions that are vital for marine mammals like whales, dolphins or pinnipeds, ensuring the protection of habitats essential for behaviours such as reproduction, feeding, resting and migration. Protecting these areas helps mitigate risks like ship strikes, pollution and noise disturbances, safeguarding marine mammals' survival across their extensive ranges. As with the EBSA process, ISRAs, IMMAs and IBAs have been identified by experts in a series of regional workshops, and many of the identified sites are in ABNJ (Corrigan *et al*., 2014; Hyde *et al*., 2022).

A different approach for identifying multiple sites in ABNJ that could form the basis for a future system of ABMTs or network of MPAs involves the use prioritisation algorithms that ingest a large amount of information about, *inter alia*, environmental conditions, species distributions or fisheries ranges and find an optimal solution based on a desired conservation target.

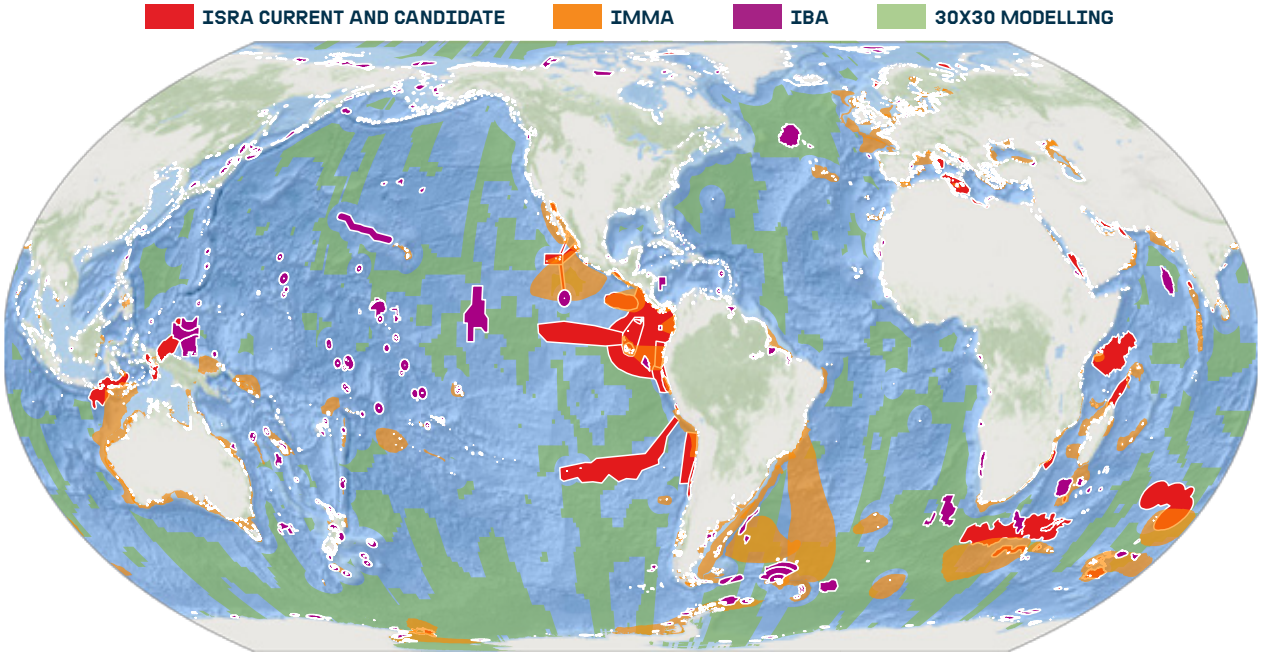
HIGH SEAS ECOLOGICALLY OR BIOLOGICALLY SIGNIFICANT MARINE AREAS (EBSAs)



© EBSA/Greenpeace
Esri, Garmin, GEBCO, NOAA NGDC, and other contributors

30X30 MODELLING: These are the areas recommended for protection under the United Nations' target to protect 30% of the world's oceans by 2030. The areas were identified using ground-breaking modelling conducted by the Universities of York and Oxford and detailed in our report 30x30: A Blueprint for Ocean Protection (Greenpeace International, 2019)

IMPORTANT SHARK AND RAY AREAS (ISRA), IMPORTANT BIRD AREAS (IBA) AND IMPORTANT MARINE MAMMAL AREAS (IMMA)



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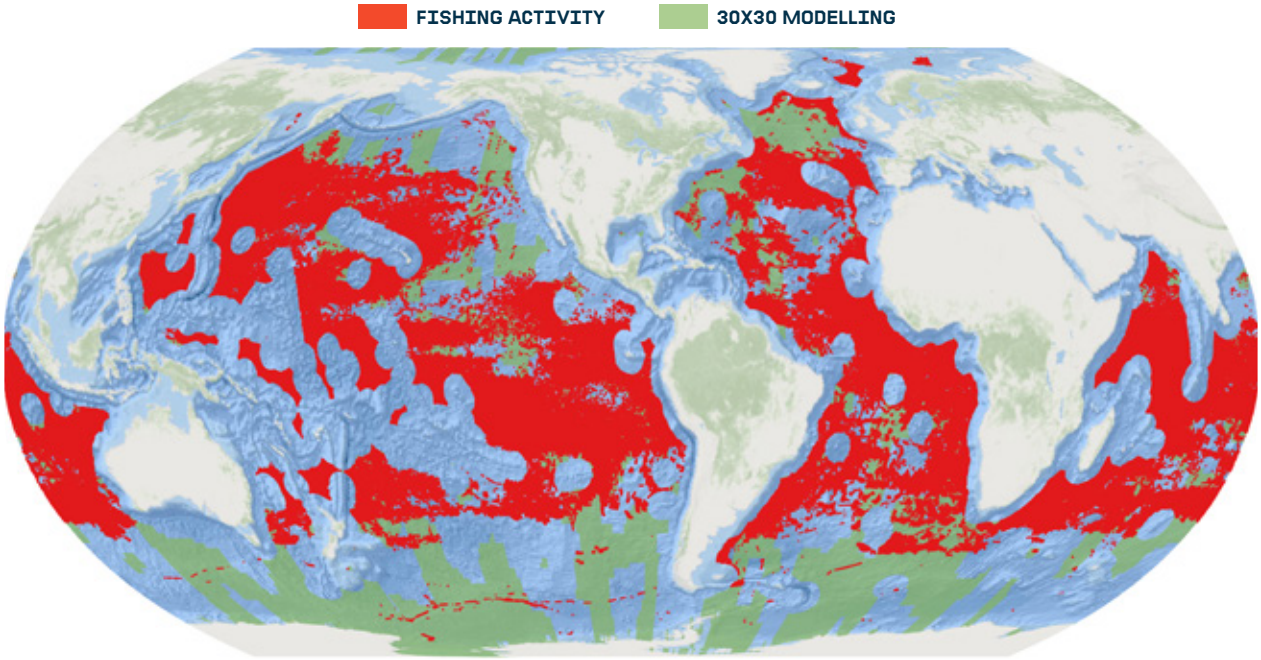
HIGH SEAS FISHING ACTIVITY



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A HIGH SEAS MPA CANDIDATE

One of the biodiversity hotspots identified by the ESBA process is the Salas y Gómez and Nazca Ridges, a pair of adjacent seamount chains spanning 2,900 km in the Southeast Pacific (Figure 1). Several recent studies have highlighted the presence of vulnerable marine ecosystems, a designation that the UN General Assembly has passed resolutions to protect (United Nations General Assembly, 2007), along these seamounts (Chavez-Molina *et al*., 2023). The parts of the Salas y Gómez and Nazca Ridges that are in marine areas under national jurisdiction have been protected to an extent by Peru and Chile; however, the majority of the two ridges (~73%) lie in ABNJ and remain unprotected (Chavez-Molina *et al*., 2023).

Using remote autonomous baited cameras, Friedlader *et al*. (2021) conducted surveys at depths ranging from 75 to 2,363 m across Rapa Nui, Salas y Gómez and Desventuradas Islands. Vulnerable marine species, including corals and sponges, were observed at depths exceeding 1,800 m, underscoring the region's importance for biodiversity conservation. At least 82 threatened or endangered marine species inhabit or transit through the Salas y Gómez and Nazca Ridges, and the area is key for species connectivity

Map showing the location of MPAs around the Salas y Gómez and Nazca ridges. Over 73% of Salas y Gómez and Nazca ridges lie in ABNJ where they are unprotected. (Boteler *et al*, 2022).

(Wagner *et al*., 2021; Friedlander *et al*., 2021). In addition to high degrees of endemism, the parts of the ridges in ABNJ are highly connected to areas within national jurisdiction, through both passive larval connectivity and active animal connectivity (Boteler *et al*., 2022).

The waters surrounding the Salas y Gómez and Nazca Ridges also have a rich human history (Delgado *et al*., 2022). Understanding this history is vital for managing the region's marine resources, as natural and cultural elements are closely intertwined. Recent efforts by governments and organisations aiming to protect these remote waters have emphasised the need to involve local communities, such as those from Rapa Nui and the Chilean coast, in conservation planning to ensure socially responsible and equitable management (Delgado *et al*., 2022).

As Chavez-Molina *et al*. (2023) describe in their review of policy pathways for protecting this unique region, fishing in the Salas y Gómez and Nazca Ridges is managed by two RFMOs: the South Pacific Regional Fisheries Management Organization and the Inter-American Tropical Tuna Commission. The management of other activities, such as shipping and deep sea mining, falls to their respective intergovernmental organisations. While measures to protect the Salas y Gómez and Nazca Ridges from destructive activities could be adopted immediately through a regional pathway – such as through those RFMOs and pre-existing regional conventions and agreements – Chavez-Molina *et al*. assert that the most comprehensive and direct pathway would be through the Global Ocean Treaty. This would facilitate cooperation between stakeholders that are already involved in management activities, such as the RFMOs, as well as other relevant stakeholders, such as the International Whaling Commission and adjacent coastal States (United Nations, 2023), in the implementation of conservation measures.

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Marine Reserves in Samal Island

Thresher Sharks from Malapascua, The Philippines

Zhao *et al*. (2024) calculated the marine protection priority levels of the global ocean, including ABNJ, based on the distribution of over 150 types of marine species, habitats, ecosystems and abiotic elements. A similar approach was used by Visalli *et al*. (2020), who combined 55 global data layers on species diversity, habitat variability, benthic characteristics, productivity and fishing activity in ABNJ to identify priority regions for potential spatial protection. In 2019, Greenpeace International published a report following a similar site prioritisation approach that identified priority sites for protecting 30% as well as 50% of biodiversity in ABNJ.

Neither approach is likely to deliver perfect outcomes in isolation. Site prioritisation algorithms find statistical solutions to a multidimensional conservation challenge. While they are powerful tools, their solutions may sometimes be difficult to interpret. Similarly, expert-driven approaches allow for areas of high certainty to be identified, but their scope might be constrained by the experts in the room or specific taxonomic groups. Both expert-driven and algorithm-driven approaches can still provide valuable support to systematically identifying future candidate sites for ABMTs, including MPAs, under the Global Ocean Treaty.

FUTURE-PROOFING OF HIGH SEAS MPAs AND PROTECTING THE 'RIGHT' 30%

The Global Ocean Treaty offers a crucial opportunity to innovate and to future-proof critical networks of well-connected, ecologically representative MPAs in ABNJ in the face of evolving global challenges. While much progress has been made in recent decades towards improving our knowledge of ecological connectivity (Kot *et al*., 2019; Popova *et al*., 2020), one key gap is the lack of comprehensive data on connectivity across vast ABNJ, including connectivity to marine areas under national jurisdiction, which hinders efforts to create ecologically coherent networks. This is especially important for migratory species and ecosystems that depend on such linkages for survival.

Additionally, ensuring the representativity of MPAs – so that all ecosystems and species are protected – requires a more dynamic and flexible approach, particularly as climate change forces biodiversity to shift across regions (García Molinos *et al*., 2016). For instance, species might move beyond the boundaries of regional seas conventions like CCAMLR, making it critical for these conventions to adapt. In order to ensure the objective of ecological representativity – enshrined in both the

Global Ocean Treaty and the GBF – the design of an MPA network in ABNJ should be supported by the appropriate process to categorise and map global pelagic and benthic bioregions. The IUCN World Commission on Protected Areas High Seas Specialist Group is exploring pathways (IUCN, 2021) through which previous global and regional efforts that have made significant progress towards this objective (Dunstan *et al*., 2020a; Dunstan *et al*., 2020b; Testa *et al*., 2021) can be harmonised and leveraged towards the implementation of the Treaty.

The concept of 'climate refugia' MPAs is increasingly relevant, as certain areas may serve as safe havens for species vulnerable to climate change, but these zones also face new challenges related to changing ocean temperatures and conditions. The development of methodologies and strategies for nesting climate refugia in the design of future ABMTs and the revision of existing ones is a growing field of interest (Johnson and Kenchington, 2019; Wilson *et al*., 2020; Buenafe *et al*., 2023).

As climate change reshuffles marine biodiversity across regions, fostering inter-convention cooperation will be essential. The Global Ocean Treaty, which sets out to strengthen and enhance cooperation with other relevant legal instruments and frameworks as well as global, regional and sectoral bodies, could act as an enabler for greater collaboration. In doing so, it can contribute to the creation of more adaptive and responsive MPA networks, ensuring that future conservation efforts are resilient and capable of addressing shifting ecological realities.

ENSURING THE REPRESENTATIVITY OF MPAs REQUIRES A DYNAMIC AND FLEXIBLE APPROACH, PARTICULARLY AS CLIMATE CHANGE FORCES BIODIVERSITY TO SHIFT ACROSS REGIONS

In addition to areas with features, species and ecosystems of conservation interest and climate refugia, as the international community works towards implementing Target 3 of the GBF in ocean areas within and beyond national jurisdiction, the site selection

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Protect the Oceans Projection in New York

Red Bell Jellyfish on Ningaloo Reef

process must prioritise sites directly threatened by human activities. Industrial fisheries have expanded into almost all ABNJ, but most fishing effort in these areas is concentrated in a few well-defined regions (Carmine *et al*., 2020). In the short term, addressing potential challenges in establishing MPAs through the Global Ocean Treaty in areas of high fishing interest will be crucial. In the vast expanse of ABNJ, fishing fleets naturally tend to operate in regions of high productivity and predictability, which often correspond with sites of biological and/or ecological importance. While establishing an MPA network in areas with little to no fishing activity may be the most politically feasible approach in the short term, such a network would likely fail to achieve effective conservation outcomes.

The Global Ocean Treaty emphasises and encourages consultation, collaboration and coordination with existing frameworks and bodies, including RFMOs. Working with RFMOs and high seas fishing States will be fundamental to reaching agreements on the need to protect sites that may be of high fishing and conservation interest. In fact, a study on trade-offs between conservation and fisheries sites of importance in ABNJ concluded that a quarter of ABNJ are of conservation interest, while only 4% were prioritised for fishing (Cashion *et al*., 2020). Of course, this reflection also applies to other existing or future sectoral activities, such as shipping, offshore energy production or pelagic aquaculture. While certain rights granted under UNCLOS must be respected, the obligation to *'protect and preserve the marine environment'* (Article 192; United Nations, 1982, p. 100) must be upheld. It would be a grave mistake for the international community, in trying to avoid friction with sectoral uses, to establish a connected network of MPAs that is not ecologically representative or fails to mitigate direct anthropogenic threats to the species, features or ecosystems of conservation concern. Climate resilience and ecological representativity must therefore be integrated into the network from the start.

To achieve the goal of conserving 30% of the global ocean by 2030, implementing MPAs in areas under national jurisdiction alone will not be sufficient – especially considering the need for a network of ecologically representative MPAs to protect biodiversity across the entire ocean. For these MPAs to be successful, they will also need to have their enabling conditions met to ensure the benefits of conservation are fully realised and to avoid becoming 'paper parks'. The only way to effectively achieve 30x30 is through:

- the ratification and implementation of the Global Ocean Treaty,
- protecting the most beneficial 30%, not just the most politically convenient 30%, and
- ensuring protection is effectively implemented at sea, not just on paper.

Humpback Whale Underwater in Indian Ocean, Western Australia

FROM CONCEPTUALISATION TO IMPLEMENTATION

When the Global Ocean Treaty comes into force, the designation of MPAs will not be an automatic process that merely follows on from the identification of areas aligned with some of the indicative criteria listed under Annex I of the Treaty (United Nations, 2023, p. 59). While a well-researched array of initial candidate sites has already been curated, much political and procedural work remains to ensure that these sites are formally established and actively protected and managed.

Since all new ABMTs adopted by the Ocean COP will be legally binding on all States Parties (Article 23; United Nations, 2023, p. 22), governments working towards the ratification of the Global Ocean Treaty will need to integrate the provisions of the Treaty into their national legal frameworks that enable them to effectively monitor and enforce new measures. This may require creating new agencies or departments within their ministries. Collaboration across administrations will likely also be required to effectively monitor and enforce ABMTs, including MPAs, with multiple stakeholder groups.

It will be vital for proponent States to engage with a broad array of stakeholders – including civil society, Indigenous groups, industry sectors and intergovernmental bodies – to gather insights, build support and raise awareness for any new ABMT that is to be proposed under the Treaty (Rochette *et al*., 2024). Also critical are the mobilisation of financial resources and sustained political commitment, which will highly affect the long-term effectiveness of all new ABMTs adopted by the Ocean COP. While costs may be expected to be higher during the establishment phase (Rochette *et al*., 2024), all costs associated with the establishment, surveillance and monitoring of new ABMTs should be taken into consideration throughout the process and be reflected in the proposal's management and monitoring plans.

Implementing effective protection will continue after a proposed ABMT passes through the scrutiny of the STB, the consultation with all relevant stakeholders and the COP. Article 23 of the Treaty provides an objection mechanism through which any given Party to the Global Ocean Treaty may choose to opt out from a newly established ABMT. This mechanism underscores the delicate balance that proponent States will have to maintain between achieving the necessary support for adopting a new ABMT and accommodating individual States' concerns. According to Article 23, any State that does choose to opt out *'shall, to the extent practicable, adopt alternative measures or approaches that are equivalent in effect to the decision to which it has objected'* (United Nations, 2023, p. 22). In this event, monitoring efforts will be critical to ensure that the ABMT is not undermined and remains effective.

> **GOVERNMENTS WILL NEED TO INTEGRATE THE PROVISIONS OF THE TREATY INTO THEIR NATIONAL LEGAL FRAMEWORKS THAT ENABLE THEM TO EFFECTIVELY MONITOR AND ENFORCE NEW MEASURES**

Ultimately, Parties to the new Global Ocean Treaty will need to be proactive at every stage – from identifying sites to securing the necessary financial resources to the design, designation, monitoring and enforcement of new ABMTs – in order to ensure that MPAs move from being proposed to receiving binding and long-lasting protection under the new Treaty.

THE WAY FORWARD

KEY MILESTONES BEFORE HIGH SEAS MPAs CAN BE ESTABLISHED BY THE FUTURE OCEAN COP

60 UN Member States must ratify the Treaty for it to enter into force

The Treaty is set to enter into force 120 days after the date of deposit of the sixtieth instrument of ratification

Preparations must take place for the Ocean COP, including the formation of various new subsidiary bodies

After the Treaty enters into force, Ocean COP 1 must be held within 1 year

Candidate sites must be identified through governmental leadership and international collaboration, with the appropriate stakeholder consultations:

Civil society, Indigenous groups, industry sectors and intergovernmental bodies – to gather insights, build support and raise awareness for any new ABMT

GLOBAL OCEAN TREATY TO DATE

AS OF 30 SEPTEMBER 2024

104 SIGNATORIES

13 MEMBER STATE RATIFICATIONS

TO EFFECTIVELY ACHIEVE 30X30

- The ratification and implementation of the Global Ocean Treaty
- Protecting the most beneficial 30%, not just the most politically convenient 30%
- Ensuring protection is effectively implemented at sea, not just on paper

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Red Sea Anemonefish in Egypt

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PUBLISHED OCTOBER 2024

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Surinameplein 118
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