

CONVENTION ON THE PROTECTION OF THE MARINE ENVIRONMENT OF THE BALTIC SEA AREA
(HELSINKI CONVENTION)

OSPAR CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST
ATLANTIC

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Statement on the Ecosystem Approach to the Management of Human Activities

“TOWARDS AN ECOSYSTEM APPROACH TO THE MANAGEMENT OF HUMAN ACTIVITIES”

The Baltic Marine Environment Protection Commission (the Helsinki Commission – HELCOM) and the OSPAR Commission for the Protection of the Marine Environment of the North East Atlantic (OSPAR) jointly adopt this statement of their common vision of an ecosystem approach to managing human activities impacting on the marine environment (an “ecosystem approach”) in their maritime areas:

The foundation of an ecosystem approach

1. The North-East Atlantic and its adjacent seas, as well as the Baltic Sea, are part of the world’s oceans. In assessing and conserving them, restoring them where practicable, and managing our activities in them, we must apply the principles that the international community has adopted for the world’s oceans and seas.
2. The oceans and seas constitute the major part of the planet that supports life, and drive the climate and the hydrological cycle. It is crucial to conserve marine biological diversity and its intrinsic value for maintaining life on earth in order to help provide the vital resources for sustainable use to ensure well-being for present and future generations and economic prosperity, to help eradicate poverty, and to help ensure food security.
3. The marine environment is both an ecosystem and an interlocking network of ecosystems. The Convention on Biological Diversity defines an ecosystem as “a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit”. No particular spatial unit of scale is included in this definition. The scale of analysis and action is to be determined by the problem being addressed.
4. All the components of an ecosystem, including the human component, function together and interact to form an integrated network. Ensuring the integrity of the ecosystems, thereby restoring when practicable and/or maintaining their characteristic structure and functioning, productivity and biological diversity, requires a long-term integrated management of human activities, explicitly:
 - a. managing human activities in order to respect the capacity of ecosystems to fulfil human needs sustainably;
 - b. recognising the values of ecosystems, both in their continuing unimpaired functioning and specifically in meeting those human needs;
 - c. preserving or increasing their capacity to produce the desired benefits in the future.
5. The ecosystem approach can therefore be defined as “the comprehensive integrated management of human activities based on the best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of marine ecosystems, thereby

achieving sustainable use of ecosystem goods and services and maintenance of ecosystem integrity”. The application of the precautionary principle is equally a central part of the ecosystem approach¹.

Global principles

6. The international community has progressively agreed on principles to ensure the conservation and sustainable use of the world’s oceans and seas, including:
- a. the United Nations Convention on the Law of the Sea (UNCLOS), which sets out the overall legal framework within which all activities in this field must be considered;
 - b. Chapter 17 of Agenda 21, adopted in 1992, which remains the fundamental programme of action for achieving sustainable development in respect to oceans and seas;
 - c. the 1995 Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities;
 - d. the 1995 UN Fish Stocks Agreement², and the FAO Code of Conduct for Responsible Fisheries;
 - e. the 1992 Convention on Biological Diversity and Decisions II/10 (conservation and sustainable use of marine and coastal biological diversity) and V/6 (ecosystem approach) taken under it, which set out vital aims, principles and operational guidance for an equitable and integrated approach to conservation and sustainable use of the marine and coastal environment.
 - f. the commitments made in 2002 at the World Summit on Sustainable Development which highlight the issues on which action is most urgently needed, including in particular:
 - i. encouraging the application by 2010 of the ecosystem approach;
 - ii. maintaining or restoring fish stocks to levels that can produce the maximum sustainable yield, with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015;
 - iii. putting into effect the FAO international plans of action, in particular the International Plan of Action for the Management of Fishing Capacity by 2005 and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing by 2004;
 - iv. establishing effective monitoring, reporting and enforcement, and control of fishing vessels to further the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;
 - v. eliminating subsidies that contribute to illegal, unreported and unregulated fishing and to over-capacity, while completing the efforts undertaken at the World Trade Organization to clarify and improve its disciplines on fisheries subsidies;
 - vi. establishment of marine protected areas consistent with international law and based on scientific information, including representative networks by 2012;
 - vii. establishing a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessment;
 - viii. promoting sustainable patterns of production and consumption, applying *inter alia* the polluter-pays principle
 - ix. supporting sustainable development of aquaculture.

¹ It is understood that, in the context of the management of fisheries, the “application of the precautionary principle” has the same result as the application of the precautionary approach as referred to in, for example Article 6 of the 1995 UN Fish Stocks Agreement.

² The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

The HELCOM and OSPAR frameworks

7. All States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit the marine resources available to them in accordance with the UN Convention on the Law of the Sea pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

8. The HELCOM and OSPAR Conventions are major instruments through which a proper balance of these rights and responsibilities is achieved for the North East Atlantic and the Baltic Sea Area. Within the overall framework created by those Conventions, particular significance attaches to:

- a. the general obligation, in accordance with the provisions of the Conventions, to take all possible steps to prevent and eliminate pollution and to take the necessary measures to protect the maritime area against the adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems, including natural habitats and biodiversity and to restore marine areas which have been adversely affected;
- b. the acceptance of the precautionary principle and the polluter-pays principle;
- c. the use of best available techniques and best environmental practice, including, where appropriate, clean technology;
- d. the emphasis on monitoring and assessing inputs of nutrients and hazardous substances and all compartments of the marine environment (water, sediments and biota) and on developing priorities for action for their conservation and sustainable use;
- e. the development of programmes and measures, in accordance with the provisions of the Conventions:
 - i. to combat pollution from all sources; and
 - ii. to address adverse impacts from human activities in the light of their extent, intensity, duration, actual and potential adverse effects on species communities, habitats and ecological processes, and the irreversibility or durability of these effects, subject (in the case of OSPAR) to a prohibition on adopting programmes and measures on questions relating to the management of fisheries.

9. All HELCOM and OSPAR Contracting Parties have further commitments to promoting environmental and nature protection and sustainable use and development.

10. Particular commitments for the Contracting Parties concerned arise from the decisions of North Sea Ministers in the framework of the International Conferences on the Protection of the North Sea. Within this framework, the global principles have been interpreted for application at a regional level, through the commitment by Ministers in 1997 to an ecosystem approach to the management of fisheries and other activities³ and the commitment by Ministers in 2002 to a conceptual framework for an ecosystem approach⁴.

Applying the ecosystem approach in the HELCOM and OSPAR frameworks

11. Only by considering together the ecosystem structures, processes, functions and interactions relevant to the development of policies on the different issues arising in the North East Atlantic and the Baltic Sea Area can management measures be developed that will ensure the sustainable use of the Atlantic ocean and its adjoining seas, and the balance of the interests of different sectors.

12. Therefore, in the light of the future development of the European Marine Strategy, of the relevant EC directives and of measures adopted by other international organisations, HELCOM and OSPAR will aim to develop the existing systems and further establish for their spheres of competence:

³ Statement of conclusions of the Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues, Bergen, Norway 1997 – paragraph 2.6.

⁴ Ministerial Declaration of the Fifth International Conference on the Protection of the North Sea, Bergen, Norway, March 2002 – paragraph 2 and Annex 2.

- a. by 2005, a concept and methodology for determining the full range of measures which are necessary to implement consistently an ecosystem approach to the management of human activities in the marine environment;
- b. by 2010, a full set of management measures that are consistent with an ecosystem approach.

13. HELCOM and OSPAR will encourage all other authorities whose management actions impact upon the North East Atlantic and the Baltic Sea Area to do the same. In this context and in addition to the global principles set out in §6 above, they draw the attention of the national authorities and international bodies competent for fisheries management to the following elements for further consideration:

- a. further development of sound, widely accepted scientific advice on fisheries and the marine environment, especially through the International Council for the Exploration of the Sea, based on research into the structure and functioning of marine ecosystems and giving special attention to research on undisturbed areas;
- b. further improvement of the management of deep-water fisheries, in line with scientific advice and following the precautionary approach, in order to protect relevant fish stocks and contribute to the protection and conservation of deep sea vulnerable habitats, such as sponge aggregations, cold-water coral reefs, sea-mounts, and carbonate mounds;
- c. minimising by-catch of species which are not the intended object of commercial fishing and to avoid damage to sensitive habitats in other areas. Such action is needed to protect the species and habitats identified by the HELCOM and OSPAR Commissions as in need of protection;
- d. cooperation between fisheries authorities and nature-protection authorities in resolving issues on marine species, especially those listed in the EC Habitats Directive, which lie on the boundaries between fisheries and nature-protection policies and in particular develop, and promote the implementation of, recovery plans for harbour porpoises in the Baltic Sea and the North Sea;
- e. development of eco-labelling schemes as means of promoting sustainable fishing practices and providing objective and verifiable information to the consumer, while ensuring that their certification methods are equitable, transparent, scientifically- based and fully accessible to the fishing industry;
- f. proper management of all forms of mariculture, aquaculture of marine species and marine artificial stocking programmes.

14. At the same time, HELCOM and OSPAR will pursue the implementation of their agreed strategies, so as to provide management measures consistent with an ecosystem approach. In doing so, the aim will be to work coherently towards a holistic approach to the problems addressed by the strategies.

15. HELCOM and OSPAR will focus on four elements in particular:

- a. promoting understanding and acceptance by all stakeholders of the ecosystem approach to the management of human activities, and collaboration among the various management authorities in the North East Atlantic and in the Baltic Sea Area in implementing that approach;
- b. monitoring the ecosystems of the marine environment, in order to understand and assess the interactions between and among the different species and populations of biota, the non-living environment and humans;
- c. setting objectives for environmental quality, underpinned by monitoring, in support both of the formulation of policy and of assessments;
- d. assessing the impact of human activities upon biota and humans, both directly and indirectly through impacts on the non-living environment, together with the effects on the non-living environment itself.

Understanding and acceptance

16. To achieve understanding and acceptance by stakeholders of the ecosystem approach to management will require action both by HELCOM and OSPAR collectively and by the individual Contracting Parties:

- a. HELCOM and OSPAR will need to ensure that stakeholder representatives can play an effective role in developing and applying the ecosystem approach within HELCOM and OSPAR. This will require more attention to presenting the issues being studied within the HELCOM and OSPAR frameworks in ways which are more readily understood by the representatives of the various stakeholders. Only in this way can transparency and, consequently, understanding be achieved. This is particularly important for proper assessments of the marine environment, required as a basis for all policy decisions;
- b. HELCOM and OSPAR will need to work with the other management authorities to develop better systems of collaboration, including systems for developing the framework to establish the full range of management measures necessary for implementing the ecosystem approach;
- c. the Contracting Parties will need to ensure that they involve stakeholders in the development of their national thinking on the stewardship of the oceans and seas, and make clear the relevance of what is being done within the HELCOM and OSPAR frameworks.

Monitoring and assessing ecosystems

17. HELCOM and OSPAR have obligations to measure and monitor the quality of the marine environment and its compartments (water, sediments, and biota), the activities and inputs that can affect that quality and the effects of those activities and inputs, and to assess what is happening in the marine environment as a basis for identifying priorities for action.

18. Therefore HELCOM, for its part, will continue with collecting the necessary information and developing and producing indicator reports, thematic assessments of specific issues and periodic general assessments of the whole of the marine environment of the Baltic Sea Area as a basis for the policy decisions on managing the human activities that impact on ecosystems.

19. OSPAR, for its part, will continue with collecting the necessary information and producing thematic assessments of specific issues and periodic general assessments of the whole of the marine environment of the North East Atlantic, as a basis for the policy decisions on managing the human activities that impact on ecosystems.

20. In doing this, HELCOM and OSPAR will continue to deploy the best available scientific and technical knowledge to achieve integrated assessments.

Setting objectives

21. In order to provide a robust framework for assessment and policy formulation, HELCOM and OSPAR will pursue the setting of objectives for environmental quality.

22. In particular, for its part, HELCOM will pursue a pilot project in the Baltic Sea Area for identifying environmental quality issues and the specific elements against which they can be measured, and for developing ecological quality objectives for each of those elements;

23. For its part, OSPAR will:

- a. pursue the pilot project on ecological quality objectives for the North Sea and further identify environmental quality issues and the specific elements against which they can be measured, and further develop ecological quality objectives for each of those elements;
- b. in the light of that pilot project, decide how to evaluate environmental quality against clear ecological quality objectives, both as a long-term system for the North Sea and in other OSPAR regions.

Managing human activities

24. On the basis of the knowledge gained from the assessments produced, HELCOM and OSPAR will continue to act on policy issues already identified, and identify and act on newly-emerging issues where human activities impact directly or indirectly on the biota and threaten to undermine the health, productivity and biological diversity of the ecosystems or damage valuable features of the non-living environment itself. In particular:

- a. they will pursue their strategies to combat eutrophication, and pollution from hazardous substances and radioactive substances and the OSPAR Strategy on Environmental Goals and

Management Mechanisms for Offshore Activities, with the aim of providing for a chemical, physical and biological environment in the North East Atlantic and the Baltic Sea Area consistent with a high level of protection for the critical features of its ecosystems and protection of the food web;

- b. where measures to prevent, reduce or control inputs of hazardous substances, nutrients or radioactive substances appear to be required, and the European Union or some other international forum can be clearly identified as more appropriate and more efficient, they will draw the attention of that forum to such a need;
- c. they will pursue their strategies on the protection and conservation of ecosystems and biological diversity, with the aim of identifying and controlling human activities which so affect the non-living environment and impact on biota as threaten the health, productivity and biological diversity of the ecosystems. Where appropriate, this includes promoting cooperation in spatial planning between competent authorities, especially in the development of spatial planning tools for the maritime areas;
- d. they will address, if necessary, threats to the health, productivity and biological diversity of ecosystems in respect of:
 - i. species or habitats which have been identified as threatened, declining or in need of protection; or
 - ii. marine protected areas.
- e. they will draw to the attention of the authorities responsible for questions of fisheries management any issues highlighted by assessments of interactions between and among biota and humans which could justify intervention by those authorities;

25. On the basis of the knowledge gained from the assessments produced and other studies, HELCOM and OSPAR will also continue to act on policy issues already identified, and identify and act on newly-emerging issues, where human activities otherwise threaten to damage the marine environment.

26. In particular, HELCOM, for its part, will:

- a. continue to monitor and assess the environmental impacts of shipping and, when appropriate, initiate joint actions within the International Maritime Organization, within other international organisations and/or within HELCOM as well as continue to ensure effective and harmonised implementation of already adopted rules;
- b. continue to ensure adequate abilities to respond to marine incidents and reduce the number of illegal deliberate discharges of oil, through the standing operational network established under HELCOM, and with the aim of further improving regional cooperation;
- c. assess the environmental impacts caused by fisheries, and, when appropriate initiate joint actions with the competent authorities for the management of fisheries, especially with International Baltic Sea Fisheries Commission.

27. In particular, OSPAR, for its part, will:

- a. consider the impact, including the cumulative and combined impacts, of different types of human activities other than pollution on the marine environment and, where appropriate, take action under its Strategy on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area;
- b. consider the extent of the adverse impact of shipping and, where appropriate, take initiatives to ensure consideration of the issue by the International Maritime Organization or take regional initiatives, especially under agreements established by the International Maritime Organization or;
- c. draw to the attention of the authorities responsible for questions of maritime transport and navigation any issues concerning maritime safety, the prevention, reduction and control of marine pollution from ships and other matters concerning the effect of shipping on the maritime environment.

- d. maintain close liaison with the Helsinki Commission, the Bonn Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and other Harmful Substances and the North East Atlantic Agreement for Cooperation in the Protection of Coasts and Waters against Pollution due to Hydrocarbons or Other Harmful Substances (Lisbon Agreement), in order to ensure that illegal discharges of oil from ships and marine pollution emergencies are prevented and their adverse impacts mitigated.

Feedback and review

28. Through their assessment and monitoring programmes, HELCOM and OSPAR will continue to contribute to the improvement of scientific understanding of the marine environment processes, and on this basis will keep the implementation of their strategies and the pursuit of ecological quality objectives under periodic review in order to improve and up-date them and to determine the need for further measures to protect the marine environment.

29. In particular, this statement will be reviewed in the light of developments.