

BLUE AZORES

REVIEW OF THE AZORES MARINE PROTECTED AREAS NETWORK

**EXECUTIVE SUMMARY
AND RECOMMENDATIONS**

APRIL 2024





The "Executive Summary and Recommendations" constitutes part of the document "Review of the Azores Marine Protected Areas Network: status and next steps", prepared by the Blue Azores program in April 2024 to be delivered to the XIV Government of the Azores. The complete document, available in digital format, presents all the work developed by the program until the present time, which included the collaboration of several institutions and the Azorean community. It also proposes a set of recommendations considered essential regarding the next steps to be taken.

A large school of small fish swimming in deep blue water, creating a dense, textured background.

1. EXECUTIVE SUMMARY AND RECOMMENDATIONS



1.1. EXECUTIVE SUMMARY

STRATEGIC FRAMEWORK OF THE AZORES SEA

The Azores Sea constitutes about 55% of Portugal's Exclusive Economic Zone. The vast maritime space surrounding the Azores archipelago, totaling nearly 1 million Km², holds a variety of natural resources and is increasingly seen as a strategic area for the region's and the country's socioeconomic development. As an autonomous and outermost region with particular vulnerabilities, and opportunities, the Azores are aware of the potential of their sea. The Region has invested in protecting marine ecosystems and innovating in various aspects related to the sea and the blue economy, aiming to preserve the biological legacy of the Azorean Sea.

ABOUT THE DOCUMENT

This document refers to the revision of the Azores Marine Protected Areas Network (RAMPA) and the work carried out by the Blue Azores program up to the date of this report. It also includes essential recommendations for the next steps, as a catalyst program for public policies regarding the protection, valorization, and promotion of the Azores Sea's assets.

It describes the processes of scientific support, stakeholder engagement, and decision-making that led to the RAMPA revision proposal. Additionally, it presents the legal process culminating in the proposal for the second amendment to Regional Legislative Decree n.º 28/2011/A, of November 11th, amended and republished by Regional Legislative Decree n.º 13/2016/A, of July 19th, which defines and establishes the legal framework of RAMPA and creates the Azores Marine Park (offshore marine protected areas). This framework addresses the interaction challenges between European Union environmental law and fisheries law in the context of the aforementioned legislative proposal. Finally, mechanisms to support the transition and restructuring of the fishing sector are discussed, which should be developed in conjunction with the RAMPA strategy and in collaboration with the fishermen, as well as other support actions related to ocean literacy, blue bioeconomy, and civil society organizations capacity-building.

INTERNATIONAL COMMITMENT

Creating marine protected areas is essential to address current significant environmental degradation challenges such as overexploitation, the species extinction crisis, pollution, and climate change. These challenges require mobilization and collaboration from intergovernmental, governmental, non-governmental organizations, and civil society. The commitment to protect 30% of the planet Earth through protected areas is an internationally agreed-upon goal. The 30% target was defined in the Kunming-Montreal Global Biodiversity Framework, a deal established at the 15th United Nations Conference on Biodiversity (COP15), and within the European context, in the European Union Biodiversity Strategy for 2030. At the national level, this goal is reflected in the National Strategy for the Sea 2030. The Azores have been actively pursuing these targets under the established national and international agreements, making efforts to effectively protect 30% of the Azores Sea by 2030.

MARINE PROTECTED AREAS

Marine protected areas (MPAs) are conservation instruments based on the geographical delimitation of areas with defined objectives for the protection of biodiversity and the health status of marine ecosystems. They are also considered internationally the most effective instrument for protecting and recovering marine life. In these areas, human activity is regulated according to their level of protection, aiming at the preservation and sustainable use of important natural resources. Using the best scientific information and community engagement is crucial to ensure their proper designation, implementation, and management. Their success depends on the appropriate combination of various planning factors, such as location, size, spacing, and level of protection of the areas, as well as their active and adaptive management.

THE AZORES SEA

The Azores Sea contains some of the most important island, open sea, and deep sea environments in the North Atlantic, such as those associated with seamounts and the Mid-Atlantic Ridge. Despite its significance, this invaluable and irreplaceable blue natural capital is under threat. The best scientific knowledge developed in the region tells us that the marine species and environments of the Azores are unique, fragile, and in need of protection. Decades of scientific expeditions and national and international studies conducted in the region show this surprising richness in marine natural capital.

A large part of the Azores' economy depends on the continuous health of the ocean, namely fishing and tourism, which are the main activities in the Azores Sea. In 2017, it was estimated that the annual value of fishing represents €31.7 million per year. More recently, it was calculated that marine ecotourism activities in the Azores generated €80 million for the economy, equivalent to 2.2% of the regional GDP. However, the potential of the Azores Sea to create economic value from the valorization of its natural capital is much higher, starting with a future blue carbon market. Similarly, the emerging marine biotechnology

sector, in which marine biological resources play a leading role, has a global potential estimated to reach €200 billion by 2030. The Azores Sea, with its living resources, also offers opportunities for new discoveries and scientific advances, for example, in the fields of biomedicine, biomaterials, pharmaceuticals, and nutraceuticals.

ABOUT BLUE AZORES

Blue Azores is an action program aimed at promoting marine conservation in the Azores Sea, creating pathways for its sustainable economic development and the valorization of blue natural capital.

Led by the Azores Autonomous Region, through successive Governments, with the support of the Oceano Azul Foundation and the Waitt Institute, the program also involves the University of the Azores and numerous regional and international partners and constitutes an aggregator program of existing capacities in the region.

In 2016, a scientific expedition was carried out in the Azores, assessing the environmental status of marine ecosystems in the Eastern group. Subsequently, in 2018, a second expedition focused on coastal, open sea, and deep-sea ecosystems in the Central and Western groups. These expeditions, along with many others, developed over the years by the region's scientists and through international collaborations, allowed the mobilization of the available scientific knowledge for the RAMPA revision process.

On February 28th, 2019, the Blue Azores program was officially created, a partnership between the Regional Government of the Azores, the Oceano Azul Foundation, and the Waitt Institute, united around a shared vision - to protect, promote, and value the marine natural capital of the Azores - supporting the ambition to ensure a healthy ocean as the basis for a prosperous blue economy. Initially committed to creating fully protected marine areas in 15% of the Azores Sea, the Regional Government of the Azores subsequently increased its ambition, committing to protect 30% of the Azorean Sea, maintaining the goal of 15% of fully protected areas and aligning with international objectives for the decade. This commitment was made in December 2021 by the President of the Government of the Azores and internationally reaffirmed on June 27th, 2022, at the United Nations Oceans Conference. This decision was motivated by the Azores' desire to be a national and international example of conservation and sustainable development.

To effectively protect natural values in 2030, it is essential to legally create the MPAs now in order to be adequately implemented and produce effects.

In this context, the Regional Government of the Azores decided to approve by the end of 2023 an MPA network that protects 30% of the EEZ adjacent to the Azores so that its full implementation is possible by 2030. The same Government approved a preliminary proposal for a Regional Legislative Decree in 2023. In addition to its entry into force not being immediate, the subsequent definition of coastal MPAs and the entire support strategy need to be developed and approved, including management plans and the human and financial resources allocated, to ensure the effective management of this network.

The RAMPA revision process, promoted by the Blue Azores program, is based on two fundamental principles: 1) the use of the best available scientific knowledge and 2) the development of a collaborative and participatory approach with various stakeholders. For practical reasons and according to the scientific advice, the RAMPA revision assumes two distinct processes: the first process regarding offshore marine protected areas located between 6 and 200 nautical miles; the second process, concerning coastal marine areas between 0 and 6 nautical miles, is an ongoing work, with the participatory process set to resume in 2024.

In this context, the proposal to revise the offshore MPAs, which are part of the Azores Marine Park, was the result of an innovative scientific approach and participatory process in the Azores. In 2020, the Blue Azores program engaged a multidisciplinary scientific team and other invited scientists in a scientific workshop to discuss conservation scenarios. In this event, 12 national and international institutions were represented by 30 scientists with expertise in the field. This workshop was followed by a series of formal and informal meetings held between 2021 and 2023, along with continued engagement with stakeholders, to maximize the effectiveness of the process. The participatory process benefited from the strong involvement of 17 stakeholders whose scope of action are in oceanic MPAs, including the main fishing associations, an association of maritime tourism operators, a maritime transport operator, representatives of environmental non-governmental organizations, as well as authorities with a role on MPAs, in advising on an optimal solution for the Azores Marine Park.

During these meetings, each stage of the revision process of the offshore MPAs was discussed. For instance, a joint vision for the Azores Sea was discussed and approved, and specific objectives and criteria for achieving them were agreed upon. In total, over 40 meetings were facilitated, with representatives from various sectors defending for their interests and values transparently and working collaboratively on the conservation scenarios indicated by science. A set of complementary measures and challenges to these objectives were also identified, particularly those with implications for the management of fishing activity, its monitoring, and restructuring. The program aimed for an effective, efficient, and sustainable solution for the offshore MPAs, one resulting from a high level of participation and possible consensus among stakeholders. The final decision-making process used criteria to find solutions to maximize conservation objectives while minimizing the impact on professional fishing activity. All this work culminated in the

development of a legislative proposal for the Azores Marine Protected Area, which integrates not only scientific advice but also the contributions of stakeholders, reflecting the best international practices in this area. This legislative proposal will provide a legal framework for all existing and future MPAs, ensuring a coherent network with an integrated management system.

LEGISLATIVE PROPOSAL

The legislative proposal that structures the RAMPA, namely the Azores Marine Park (draft of the Regional Legislative Decree), was developed by the Regional Government's Center for Legal Consultation and Studies, in coordination with the competent Regional Government bodies, with the support of the Blue Azores program and independent legal consultants. The proposal for the new Azores Marine Park includes offshore MPAs that will protect 30% of the Azores Sea, with half of that area completely closed to any extractive activity, while the existing coastal MPAs will remain under the current legal framework of Natural Island Parks. The proposal also provides the legal framework for managing the new network, including its Management Strategy and respective Action Plan. This draft law was subject to public consultation, submitted to a hearing of the Regional Council for the Environment and Sustainable Development, and approved by the Regional Government Council, as mentioned. However, it has not yet been submitted to the Parliament of the Azores, due to its dissolution in December 2023. In this context, two public petitions of opposing nature were also submitted to the Regional Assembly: one requesting more time to assess the socioeconomic impacts and restructuring of the fishing sector (1765 signatures, October 11, 2023); calling on the Parliament to urgently implement the legislation revising the Azores Marine Park, extending it to coastal areas and providing the necessary resources for its implementation (3387 signatures, November 17, 2023).

PROGRAM SUPPORT ACTIONS

Over the past four years, significant work has also been developed with civil society and various stakeholders in the areas of ocean literacy, blue bioeconomy, and organizations' capacity-building, promoting an integrated vision of the value of the Azorean Sea and informed participation of the society. Among other actions, the following stand out: the Educating for a Blue Generation program, which enables teachers through certified training and educational resources to integrate ocean literacy into the primary school's curriculum; the Ocean Protection and Value program, aimed at increasing ocean literacy in the fishing community; the Blue Bio Value program, an accelerator of startups and R&D projects in the marine biotechnology area; the Blue Biotech Roadshow to Azores initiative, which aims to connect the main stakeholders of blue biotechnology in the archipelago and promote sustainable economic development in the region; the Save the Future program, dedicated to building the capacity of civil society organizations on ocean-related matters and mobilizing them for action, through initiatives such as those carried out under the Convention of Organizations for a Clean Ocean (COOL), thereby integrating them into the national network of organizations.

NEXT STEPS

First, the new Government needs to submit the draft legislation (already approved by the previous Government) for analysis, discussion, and approval by the Parliament of the Azores. This will enable the development of a management strategy and help define the financial, human, and institutional means and resources needed for marine protection, as well as the restructuring of the fishing sector, including compensation and economic activity enhancement measures. These steps are crucial for the socioeconomic and environmental balance of ocean protection and valorization in the Azores.

In the legal sphere, the approval of the RAMPA, at national level and within the European Union, will still face some challenges. There must be national and international recognition of the RAMPA for it to be a recognized and respected reality to all fishing fleets, including those external to the Region. In the sphere of interaction with the Republic, and within the current legal framework, RAMPA's future management and planning instruments will only have to be included in the National Maritime Spatial Planning. Nevertheless, the proposed amendment to the National Law on Maritime Spatial Planning, recently preliminary approved by the Portuguese Parliament, aims to change the approval process for MPAs. In its text, along with other existing planning tools, MPAs appear as national maritime spatial planning instruments. In this sense, the proposed law states that only the Government of the Republic can approve MPAs, in the maritime space surrounding the archipelagos, removing this competence from the Regions.

In the EU context, environmental legislation requires that EU Member States adopt appropriate legislation and establish MPAs for conservation purposes.

On the other hand, according to the Common Fisheries Policy, fisheries management is the exclusive competence of the EU. Except in certain specific circumstances, Member States can only adopt conservation measures that do not affect fishing vessels from other Member States. In the Azores context, this conflicting legal framework applies to the EEZ strip between 100 and 200 nautical miles, where vessels from other Member States operate.

Regarding coastal MPAs, it is critical to move forward with their revision in 2024 through the coastal participatory process, which began in January 2023 on the islands of Santa Maria, São Jorge, and Graciosa. Continuing this process will give the population of all islands the opportunity to be heard and to inform the decision-making process. Also in the coastal realm, the "Ocean Use Survey" Report was developed, presenting the results of the participatory mapping survey, which assessed the usage patterns of the coastal areas of the Azores Sea. In total, 2483 responses were gathered, representing ocean usage patterns of 5050 individuals from all sectors. Still within this scope, the scientific support report for the planning of coastal MPAs is nearing completion. This scientific report aims to provide guidance on objectives, goals, and criteria for the coastal network, produce a portfolio of natural values at the island level, and produce scenarios for coastal MPAs, following a Systematic Conservation Planning approach and introducing the climate change adaptation component in identifying priority conservation areas.





1.2. RECOMMENDATIONS FOR THE AZORES MARINE PROTECTED AREAS NETWORK

The new RAMPA will be a crucial instrument in the recovery, valorization and conservation of marine biodiversity, through which a truly sustainable blue economy can be established.

The Azores should strive to set an example nationally and internationally in its ability to protect and manage its sea.

SHORT-TERM RECOMMENDATIONS

- | Approve the proposal for the second amendment to Regional Legislative Decree n.º 28/2011/A, which defines and structures the Azores Marine Protected Areas Network (RAMPA), establishes the Azores Marine Park, and sets deadlines for the implementation of the Management System, as this proposal will be the enabling legal instrument to address the implementation stage of RAMPA.
- | Continue working with the fishing sector to finalize the sector restructuring strategy, focusing on measures to support the implementation of the new RAMPA.
- | Implement legal, policy, and administrative measures to ensure the adoption of the measures outlined in RAMPA, particularly regarding fishing restrictions and resource extraction applied to national and European fleets.

MEDIUM-TERM RECOMMENDATIONS

- | Approve and implement the strategy and revised measures proposed in the legislation, as this will be a fundamental instrument for the recovery, valorization, and conservation of marine biodiversity, laying the groundwork for a truly sustainable blue economy.
- | Strengthen and provide financial, material, and human resources to the entities responsible for implementing and managing the new RAMPA (monitoring, surveillance, and control).
- | Increase surveillance and control capacity and adapt existing legislation to use new technologies, ensuring coordination among entities for the integrated use of these tools
- | Complete the review of coastal protected marine areas through the coastal participatory process initiated in January 2023 to finalize the RAMPA revision.
- | Develop and approve the implementation and financing model for RAMPA management from a long-term perspective, defining different sources and mechanisms.
- | Establish and implement a long-term monitoring program by reinforcing investment in scientific development in the Region.

LONG-TERM RECOMMENDATIONS

- | Define and approve mechanisms for coordinating the various regional, and national entities with responsibilities in marine spatial planning and management, particularly in surveillance, control, and environmental monitoring, to increase efficiency in managing resources allocated to regional marine spatial management efforts.
- | Ensure compliance with the precautionary principle and avoid compromising the effective implementation of RAMPA due to information gaps, implementing the adaptive management cycles envisaged for RAMPA, which will allow the integration of scientific knowledge when available and consolidated.

PHOTOS

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