

COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

Twenty-fourth Antarctic Treaty Consultative Party Meeting

11.1 The Executive Secretary reported on his participation at ATCM-XXIV (CCAMLR-XX/BG/11 to which his statement to ATCM-XXIV is appended). The main points of direct relevance to CCAMLR-XX were: the decision to establish a permanent ATCM Secretariat in Buenos Aires, Argentina; Resolution No. 1 in support of CCAMLR and its measures to combat IUU fishing in the Convention Area; and the Declaration of ATCM-XXIV.

11.2 The Chair of the Scientific Committee participated at the fourth meeting of the Committee on Environmental Protection (CEP-IV) (CCAMLR-XX/BG/3). The most important issues of relevance to CCAMLR were: the development of criteria for, and a mechanism to ensure consistency in, the designation of Antarctic Specially Protected Species; evaluation of the risk that human activities in Antarctica might introduce diseases; and presentation of papers prepared by the CCAMLR Secretariat on data management and monitoring of marine debris and its impact on marine living organisms. CEP agreed to consider at CEP-V more extensive cooperation with CCAMLR.

11.3 Sweden indicated that the Executive Secretary's report on the ATCM and the Scientific Committee Chair's report on CEP-IV highlight the close interrelation between different parts of the Antarctic Treaty System (ATS). Such contacts are welcome and should continue, and cooperation should be strengthened.

11.4 The Protocol on Environmental Protection has been in force for almost four years. CEP has had four meetings and is developing rapidly into a major advisory body of the ATS.

11.5 Sweden indicated that it will be important to avoid any inconsistency between the different parts of ATS as the systems above evolve. Issues of overlap include:

- criteria for Specially Protected Species and whether this designation should extend to marine species;
- ASPAs that include marine components; and
- fishing activities that impact on seabird populations.

11.6 Sweden recommended that to enhance cooperation, the chairpersons of CEP and CCAMLR's Scientific Committee should meet and that, to strengthen and develop the relationship with other parts of the ATS, the Commission considers asking the incoming Executive Secretary to report to the next CCAMLR meeting, ideas and proposals on how to promote cooperation.

11.7 Other Members, in particular, Australia, Chile, Italy, Norway, South Africa, UK and USA endorsed the statement made by Sweden. The observer from CEP, Dr A. Press (Australia), drew the Commission's attention to the fact that much of the work conducted by CEP is of specific importance to CCAMLR, and encouraged closer links between CCAMLR and CEP.

11.8 Following substantial discussion, the Commission agreed to:

- strengthen cooperation with ATCM and CEP, especially on issues such as monitoring and protection of the environment, preparation of the State of the Antarctic Environment Report (SAER), protected species and areas, environmental pollution and other common responsibilities;
- maintain contact with the permanent ATCM Secretariat, once established, and provide it with assistance as required;
- coordinate activities with respect to the implementation of the Protocol on the Environmental Protection and, in particular, on the issue of whether under Article 8 of the Protocol, a Party to the Protocol can require activities pursuant to CCAMLR in the Antarctic Treaty Area to be subjected to environmental impact assessment; and
- maintain the distinct identity and responsibility of CCAMLR in the light of the overlapping of some matters of competence between CCAMLR and ATCM, especially taking into account that not all Members of CCAMLR are now parties to the Antarctic Treaty and the Environmental Protocol.

Cooperation with SCAR

11.9 There was no full meeting of SCAR in 2001. The SCAR/CCAMLR Observer, Dr Fanta presented a summary of the intersessional activities of SCAR in 2001 (CCAMLR-XX/BG/31). The Scientific Committee also considered a report from SCAR (SC-CAMLR-XX, paragraph 11.22).

11.10 A SCAR Biology Symposium 'Antarctic Biology in a Global Context' was held in August–September 2001 in Amsterdam, the Netherlands. A large number of scientific presentations was of direct interest to the CCAMLR working groups, in particular, on biology and population dynamics of krill, seals and seabirds.

11.11 A meeting of the Subcommittee on Evolutionary Biology of Antarctic Organisms was held in August 2001 immediately before the SCAR Symposium. The Evolution in Antarctica project (EVOLANTA) was approved at last year's meeting of SCAR and the Committee is now implementing its objectives. It was decided at this year's meeting to establish a website containing all the available information on the program. The website would be of considerable importance to CCAMLR in stimulating research.

11.12 The Group of Specialists on Environmental Affairs and Conservation (GOSEAC) has not met for two years. The next meeting will take place in the USA in April 2002, prior to the next meeting of SCAR. Its agenda will include the preparation of the SAER, the environmental impact of marine acoustic methods on marine organisms, biological environmental monitoring and proposals for protected areas under the Antarctic Treaty System.

11.13 Dr Fanta emphasised that there were many ways for further improvement of cooperation between CCAMLR and SCAR.

Assessment of Proposals for Antarctic Specially Protected Areas which include Marine Areas

11.14 Last year the Commission requested the Scientific Committee to continue its work on the development of scientific advice on the review by CCAMLR of protected area proposals put forward by the ATCM under the Protocol on Environmental Protection to the Antarctic Treaty, that contain a marine component. In particular, the requirement is to develop advice on steps to be taken to determine:

- (i) whether a site proposed for designation as a marine protected area affects actual or potential harvesting of marine resources in relation to Article II of the Convention; and
- (ii) whether the draft management plan for the proposed site might prevent or restrict CCAMLR-related activities.

11.15 Dr Fanta called the attention of the Commission to the criteria that were already established by the Scientific Committee in 1994 (SC-CAMLR-XIII, paragraph 6.11) and agreed by the Commission (CCAMLR-XIII, paragraphs 11.16 to 11.19) and that the procedures elaborated by Articles V and VI, Annex V to the Protocol on Environmental Protection to the Antarctic Treaty should be followed by CCAMLR (CCAMLR-XIII, paragraphs 11.17 and 11.18).

11.16 The Commission noted the Scientific Committee's latest report (SC-CAMLR-XX, paragraphs 4.11 to 4.21) and its request for clarification from the Commission on several specific issues involved in the review of draft management plans for ASPAs or Antarctic Specially Managed Areas (ASMAs) under the Protocol of Environmental Protection to the Antarctic Treaty, that contain a marine component, forwarded to CCAMLR for comment (SC-CAMLR-XX, paragraph 4.22), namely:

- (i) Should the Scientific Committee review the values of protection identified in an Antarctic Treaty management plan or limit its comments to issues related to items in paragraph 11.14?

- (ii) What is the pathway of submission and referral to the Scientific Committee and its working group(s) for review of proposals received for comment by CCAMLR?
- (iii) Should the Scientific Committee review proceed independently of any review process under way within SCAR?
- (iv) What is the timeline for a CCAMLR review of an ATCM management plan?

11.17 In response, the Commission:

- (i) reaffirmed that the two criteria set out in CCAMLR-XIX, paragraphs 11.20 and 11.21 were central to the consideration of such proposals by the Scientific Committee. However, the advice of the Scientific Committee should not be limited exclusively to consideration of these two criteria;
- (ii) indicated that proposals received by the Secretariat should be immediately referred to the Scientific Committee for attention at the next meetings of its subsidiary bodies. These bodies would provide advice to the Scientific Committee which would, in turn, advise the Commission. It was noted, however, that there might still be some uncertainty as to whether proposals could be submitted directly by ATCPs or could only be submitted via an ATCM;
- (iii) confirmed that the Scientific Committee shall, while considering advice from other scientific bodies such as SCAR, review proposals irrespective of whether any review of a proposal is being undertaken within SCAR; and
- (iv) indicated that it hoped that proposals could be reviewed by the Scientific Committee and considered by the Commission within one calendar year of receipt. However, it noted that this would depend on the timing of submissions to the Secretariat relative to the timing of meetings of the subsidiary bodies of the Scientific Committee and, perhaps more critically, on the complexity of the proposal.

11.18 The review process would include the following procedural steps:

- submission of an ATCM proposal to the Secretariat and immediate forwarding to the Scientific Committee;
- consideration of issues by WG-EMM and WG-FSA;
- development of advice by the Scientific Committee;
- consideration of issues and decisions by the Commission; and
- reporting of discussions and decisions to the ATCM.

11.19 The Commission tasked the Executive Secretary with contacting Poland, host of the forthcoming ATCM, to outline these procedural steps, and to request that the ATCM forward current proposals, if any, to CCAMLR by June 2002 so that these may be first considered at the 2002 meeting of WG-EMM. The Commission also requested clarification from the ATCM on its process for the submitting proposals to CCAMLR (e.g. would individual countries submit proposals directly to CCAMLR or would proposals be reviewed by the ATCM prior to submission).

11.20 In the absence of such proposals, the Commission recognised the difficulties faced by Scientific Committee and its working groups in developing an approach to the scientific review of ATCM management plans.

11.21 It was recognised that the range of issues to be addressed by the Scientific Committee will vary depending on the type and size of the proposals under consideration.

11.22 The Commission also noted advice from the Scientific Committee on its request on the application of the provisions in Article IX.2(g) of the Convention on 'the designation of the opening and closing of areas, regions or subregions for purposes of scientific study or conservation, including special areas for protection and scientific study' (CCAMLR-XIX, paragraph 11.21).

11.23 The Scientific Committee had noted the global interest in the use of marine protected areas and that consideration of Article IX.2(g) could be included in discussions of management options for fisheries (SC-CAMLR-XX, paragraph 4.20).