

## MARINE PROTECTED AREAS

7.1 The Commission endorsed the Scientific Committee recommendations on a proposal for a protected area in the South Orkney Islands (SC-CAMLR-XXVIII, paragraph 3.19). Accordingly, it adopted Conservation Measure 91-03 (2009) 'Protection of the South Orkney Islands southern shelf'.

7.2 The Commission recognised that the establishment of the protected area on the southern shelf of the South Orkney Islands, as recommended by the Scientific Committee (SC-CAMLR-XXVIII, paragraph 3.19), would be a substantial achievement and confirmed CCAMLR's innovative and global leadership in the conservation of marine living resources.

7.3 The Commission recognised that areas to be designated as protected in the Convention Area be linked to a management plan specific to the area concerned. Therefore, when such a plan was established by the Commission, it should be reviewed by all Members, the Scientific Committee and the Commission as to its suitability.

7.4 Japan stated that neither the objectives nor the management plan of MPAs were clear and that such spatial designations as CEMP sites, ASMAs, ASPAs and VME Risk Areas in the Antarctic region need coordination. Japan was able to accept the revised UK proposal because the area where fishing activity is carried out has been excluded from the original proposal so as to avoid restricting the fishery. It noted that the amended MPA constitutes a good precedent for future deliberations with respect to the establishment of MPAs by this organisation. Japan reiterated its hope that when the establishment of MPAs is considered in the future, the same consideration is given to the fisheries.

7.5 The Republic of Korea and Russia supported the statement by Japan.

7.6 Argentina noted its support for the original MPA proposal, indicating that this area has the particular value of containing oceanographic fronts and that as such, might be of great value in monitoring climate change in the Antarctic and its effects on krill distribution. Argentina further indicated that it looked forward to working with other Members in this regard and expressed its hope that a clear definition of administration objectives would allow reaching consensus on the original proposal in the next meeting.

7.7 A significant number of Members rejected the notion expressed by Japan that MPAs and fishing activities should be mutually exclusive.

7.8 The USA noted that it supports efforts within CCAMLR to work on the establishment of MPAs in appropriate areas. It was not of the view that establishing an MPA near the South Orkney Islands sets a precedent on how MPAs would be established or defined in the future. Rather, in the view of the USA, MPAs should be established on a case-by-case basis, being mindful of the need to develop a network of MPAs and considering the relative merits of differing objectives for conservation, including rational use. The USA noted that fishing grounds often coincide with areas that, for the purposes of conserving biodiversity, may ultimately require protection that extends beyond typical approaches to fisheries management.

7.9 Many Members supported the designation of a representative system of MPAs. They also noted that the Performance Review recommended the strategic development of an Antarctic system of comprehensive, adequate and representative MPAs as a matter of

urgency. They also noted that MPAs can be established for a variety of purposes, as described in 2005 by the Scientific Committee (SC-CAMLR-XXIV, Table 1), including representativeness, protection of areas vulnerable to human activities, science and protection of ecosystem function.

7.10 Those Members noted that the protection of the South Orkney Islands southern shelf area is a first step towards a representative network of MPAs within the Southern Ocean. In the development of the representative system, they recognised that rational use provides access to Antarctic marine living resources on the condition that it includes consideration of the environmental and fisheries management requirements to assist the Commission in achieving the objectives in Article II. In the view of these Members, rational use does not mean that fishing vessels need to have access to the entire range of a stock. They also noted that this may result in some areas being closed to fishing for conservation, research or monitoring purposes, whilst others may have multiple management purposes including fishing.

7.11 Those Members also noted the need to consider all issues in developing the representative system and encouraged all Members to be involved in the development of a network of MPAs across the 11 priority areas endorsed by the Commission in 2008 (CCAMLR-XXVII, paragraph 7.2; SC-CAMLR-XXVII, Annex 4, Figure 12) according to the work plan of the Scientific Committee (SC-CAMLR-XXVIII, paragraph 3.28).

7.12 China expressed the view that:

- (i) MPAs should be established case-by-case, on the basis of all conservation measures adopted and taking into account the strict necessity and particularities of each specific species and area. Every MPA is case-specific in itself, and would not be considered as precedent.
- (ii) The establishment of an MPA as a conservation measure should meet the objectives and requirements of CAMLR Convention, Article II. The balance of conservation and rational use must be maintained. The total network area of MPAs in the Convention Area should be limited to a rational proportion of the Convention Area so as not to compromise rational use.

7.13 China expressed its view that the impact of an MPA on the existing legal regimes of UN Convention on the Law of the Sea (UNCLOS) should be a subject of study in the Commission's future work, and the view that the Commission should be asked to invite legal experts to make such a study.

7.14 In accepting the South Orkney Islands southern shelf MPA, Australia noted that all activities that may have an impact on the conservation of Antarctic marine living resources are within the competency of CCAMLR. As such, it expects the Commission, in keeping with the objective of establishing MPAs, to properly protect the values of the established area and establish regulations as needed to avoid potential impacts on marine living resources from all activities, not only fishing activities.

7.15 Australia also noted that the measure requires the Commission to communicate details of the MPA to the ATCM. In addition, it requested that the Commission seek advice from the ATCM on other measures that may be needed to ensure any other activities that may have an impact on the MPA are properly regulated.

7.16 Belgium expressed the view that the restriction to fishing vessels of the interdiction of transshipments within the designated area was in contradiction with the two main objectives of the MPA, to protect the environment and serve as a scientific reference site, and that other types of vessels could be encountered in the area.

7.17 ASOC made the following statement:

‘ASOC commends the Commission for the establishment of this first MPA in the vicinity of the South Orkneys as it constitutes an important step to establishing a network across the Southern Ocean. The methodology employed by the UK to identify the boundaries of the South Orkneys MPA in its original proposal was based on the best available science and is applicable across the Southern Ocean. By reducing the MPA’s borders and making allowances for fisheries, the principles behind the original proposal have been undermined and the ecological values of the new MPA compromised.

ASOC trusts that Member States will take the lessons from this year and will return next year with proposals for MPAs that are of sufficient scale to actually meet agreed conservation objectives and confer real protection to the Southern Ocean.’

7.18 COLTO noted the values of MPAs and views as expressed by a number of Members. COLTO asked that future consideration of MPAs by CCAMLR should aim to minimise the impact of any closed areas on commercial fishing for toothfish, and recognise the significant environmental and management requirements that already exist for fisheries in the CCAMLR regions.

7.19 The Commission endorsed the milestones agreed by the Scientific Committee to guide its work towards the achievement of a representative system of MPAs within the Convention Area by 2012 (SC-CAMLR-XXVIII, paragraph 3.27). It also supported the Committee’s recommendations to use the MPA Special Fund to facilitate progress (SC-CAMLR-XXVIII, paragraph 3.33).