

MARINE PROTECTED AREAS

7.1 The Commission noted the extensive discussion undertaken in the Scientific Committee and its working groups on bioregionalisation and systematic conservation planning and endorsed the guidance of the Scientific Committee for Members undertaking bioregionalisation and systematic conservation planning in the CAMLR Convention Area, particularly in respect of the use of systematic conservation planning principles (SC-CAMLR-XXIX, paragraphs 5.14 to 5.16).

7.2 The Commission noted that ‘a discussion of how rational use can best be incorporated into MPA planning has relevance to the Scientific Committee, but that discussions of what types of activities constitute rational use and how to measure success in balancing rational use and conservation was primarily a Commission issue’ (SC-CAMLR-XXIX, paragraph 5.18).

7.3 With respect to how rational use can best be incorporated into MPA planning, some Members noted the utility of approaches such as those described in SC-CAMLR-XXIX, paragraph 5.34. With respect to what types of activities constitute rational use, some Members considered that the concept of rational use was adequately accommodated in Article II of the Convention and that this had served the Commission well for 30 years.

7.4 Argentina said that Article II of the Convention, apart from including the ‘rational use’ in the concept of conservation, requires potential recovery in a term of 20 or 30 years. This period should not be taken as from the present status of the ecosystem but from a previous one, at least at the time of the adoption of the Convention. One of the main premises of the establishment of MPAs is to provide such a point of reference.

7.5 The Commission endorsed the terms of reference and potential workshop outputs from an MPA Workshop to be hosted in France in 2011. It is proposed the workshop will review progress, share experience on different approaches to the selection of candidate sites for protection, review draft proposals for MPAs in the CAMLR Convention Area and determine a work program for the identification of MPAs in as many of the priority regions as possible (SC-CAMLR-XXIX, paragraphs 5.21 to 5.25).

7.6 The Commission endorsed the revised management plan for ASPA No. 149, Cape Shirreff and San Telmo Islands (SC-CAMLR-XXIX, paragraph 5.26). The USA acknowledged the endorsement of the Commission of this plan and undertook to work with Chilean colleagues to take this management plan forward for consideration by the CEP.

7.7 The Commission noted the discussions of the Scientific Committee on a process to elaborate a representative system of MPAs (RSMPA) that could be applied to data-poor areas, while different approaches may be more appropriate in regions where sufficient datasets exist, such as the Ross Sea and the South Orkney Islands (SC-CAMLR-XXIX, paragraphs 5.27 to 5.33).

7.8 The Commission endorsed the recommendation that the process for designation of an MPA include the development of a research and monitoring program to be conducted within a specified timetable (e.g. 3 to 5 years), and that the development of a designation process and a monitoring plan may proceed in a stepwise fashion or both processes may occur simultaneously (SC-CAMLR-XXIX, paragraphs 5.36 and 5.37).

7.9 Many Members noted developments related to MPAs outside the Convention Area, including the work of the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) and the Convention on Biodiversity (CBD). The EU stated that work on establishment of MPAs is being undertaken under relevant EU legislation, including the Habitats Directive (92/43/EEC) and the Integrated Maritime Policy of the EU, and that scientific knowledge underpins that work.

7.10 Japan said that it does not categorically object to the establishment of MPAs in the CAMLR Convention Area and is able to accept MPAs which may, on the basis of sufficient scientific evidence, prohibit fishing activities. However, Japan is unable to accept the establishment of an MPA which prohibits rational use of fish resources without clear objectives and scientific justification. Other important elements with respect to the establishment of MPAs are monitoring mechanism and periodical mandatory review processes to assess whether the established MPA is achieving its objectives. Japan also noted that MPAs will attract IUU fishing which undermines the objectives of the Convention.

7.11 The Commission welcomed those comments of Japan which underlined the importance of scientific knowledge and noted that there may be a requirement for different approaches for designating MPAs depending on different levels of information available.

7.12 Australia introduced CCAMLR-XXIX/38 Rev. 1 and expressed appreciation to Members for the work undertaken during the meeting to progress an overarching measure that it had proposed to support the establishment of an RSMMPA (see also paragraphs 12.73 to 12.75). Australia recalled that consideration of principles for the establishment of an RSMMPA had commenced in 2005 and that, since then, significant progress had been made. This included the establishment of the South Orkney Islands MPA last year. Australia was of the view that a general conservation measure is necessary to provide:

- (i) a transparent process for adopting individual MPAs, including a provision for review;
- (ii) a statement of general outcomes to which an MPA will contribute;
- (iii) a process for updating the MPAs as new scientific research is undertaken and new knowledge is acquired;
- (iv) a process for collaboration and exchange of information with related international organisations;
- (v) a mechanism to provide for multiple use.

7.13 This approach has been directly modelled on CM 21-02, the exploratory fisheries conservation measure, which is an overarching conservation measure that establishes broad principles for exploratory fisheries and is then followed by a series of conservation measures for individual exploratory fisheries.

7.14 Such a measure will provide a road map for the consideration of all proposals for MPAs as the Commission moves towards meeting the 2012 deadline of the World Summit on Sustainable Development while, at the same time, providing a means to ensure MPAs meet individual objectives. Australia advised that it will be submitting proposals for seven MPAs in East Antarctica to the MPA Workshop in 2011 that are intended to be included within the framework of the general conservation measure if it is implemented.

7.15 Members considered that an overarching measure to implement MPAs should be linked to the objectives of the Convention and be based on sound science, and could provide guidance on ‘sufficient’ size, and include provisions for scientific research, monitoring and review. Consideration of the impacts of IUU fishing on MPAs, established as part of the system, would also require consideration. In addition, some Members considered that MPAs should be established on a case-by-case basis, each with its own objectives for protecting particular components of the ecosystem.

7.16 In subsequent discussion, some Members proposed that any measure concerning the designation and review of MPAs needed to be consistent with the international legal framework provided by UNCLOS, the Antarctic Treaty and the CAMLR Convention, and be guided by three principles:

- (i) protection of the environment
- (ii) freedom of scientific research
- (iii) rational use.

7.17 The Commission noted that, in 2005, the Scientific Committee had identified a number of conservation objectives that could be achieved through the establishment of MPAs. While representativeness was one such objective, other objectives include those identified in SC-CAMLR-XXIV, paragraphs 3.54(i), (iii), (iv-b) and (iv-c). The value of MPAs as a means to monitor change in the Antarctic ecosystem was also noted.

7.18 The Commission acknowledged that an overarching measure may help facilitate the designation of MPAs in the future and, therefore, it was important that such a measure reflected appropriate conservation and policy objectives, including consideration of the types of vessels/activities to be covered by the measure, including vessels not flagged to CCAMLR Members. The Commission recognised that this underscored the need to consider CCAMLR’s relationship to other organisations in further development of such a measure.

7.19 In relation to Australia’s proposal regarding an RSMMPA, Argentina referred to the possible implications of the term ‘representative system’. It pointed out that the establishment of precise general definitions, terms and objectives was appropriate and may assist in deliberations on this matter, but stated that a clear definition of future MPAs administrative procedures should be included and needs to be fully consistent with international law and the Antarctic Treaty System.

7.20 ASOC welcomed the initiative to develop a conservation measure that would provide the framework for developing an RSMMPA within the Southern Ocean. This would provide clarity on the purposes and processes of MPA designation, and facilitate the development of an RSMMPA that will deliver on multiple objectives and be more than the sum of its parts. ASOC appreciated the substantive discussion on MPAs at this meeting and looked forward to the outcomes of next year’s MPA Workshop. It encouraged all Members to work on identifying candidate MPAs of sufficient scale to protect biodiversity and ecological function in time for the workshop. ASOC submitted that designating the Ross Sea continental shelf and slope as an MPA is a high priority and noted that support for protecting the Ross Sea shelf and slope was growing amongst the wider scientific community, with 462 scientists from 37 countries having already signed a statement calling for their protection.