

MARINE PROTECTED AREAS

7.1 The Commission noted the outcomes of the Workshop on MPAs (SC-CAMLR-XXX, Annex 6) and expressed its gratitude to France for hosting the workshop and to the Co-conveners for their extensive work in preparation for and during the workshop.

7.2 The Commission endorsed the recommendation that the CCAMLR Secretariat liaise with the UK to further develop the GIS database to aid the management of spatial data, including in the development of proposals for MPAs and to make this database available for the use of all Members (SC-CAMLR-XXX, paragraph 5.13).

7.3 The Commission endorsed the Scientific Committee's advice that proposals for MPAs should include a clear description of the balance between the protection of ecological function and allowance for, and impact on, harvesting (SC-CAMLR-XXX, paragraph 5.16).

7.4 The Commission welcomed the development of planning domains for representative systems of MPAs (SC-CAMLR-XXX, Annex 6, Figure 3) and endorsed these to replace the priority areas defined in 2008 as the basis for planning MPAs in the Convention Area. It also endorsed proposals by Members to hold technical workshops to examine the Western Antarctic Peninsula–South Scotia Arc domain (domain 1), the del Cano–Crozet domain (domain 5) and the circumpolar systematic conservation planning (SC-CAMLR-XXX, paragraph 5.20).

7.5 In response to the request from the Scientific Committee on how plans for management of MPAs, including implementation plans and research and/or scientific monitoring plans, might be developed (SC-CAMLR-XXX, paragraphs 5.22 to 5.27), the Commission agreed that as MPA proposals are brought forward, there will be different needs for monitoring and management plans and, therefore, advice on how these associated plans are developed should be considered on a case-by-case basis.

7.6 The Commission agreed that management plans for MPAs need to be in accordance with the objectives for that MPA and that, given the scale of the CCAMLR region and of the proposed MPAs system, while it may be the responsibility of the proponent to articulate the broad aims of the proposal, there is a clear need for a process that allows wider engagement in the process of determining and implementing management arrangements for each MPA.

7.7 Some Members suggested that management plans that accompany MPA proposals should address surveillance and control of IUU fishing. The USA agreed that IUU fishing threatens the success of MPAs, but noted that the threat of IUU fishing is circumpolar. The USA recommended that CCAMLR develop an overall strategy for surveillance and control of illegal activities, which would support all MPAs in the Convention Area, and ensure that IUU fishing does not threaten the values for which the MPAs are established or other elements of the Antarctic marine ecosystem. The USA recalled from the discussion on IUU that legal fishing vessels are not the most important source of information about the presence of IUU vessels, and the USA saw little evidence that keeping areas open for fishing will deter IUU fishing.

7.8 Argentina made the following statement:

‘Four decades have passed and certain species have not recovered yet, and only now, after several years of fishery closures, some of them are showing signs of a recovery. These instances have clearly demonstrated that the characteristics of Antarctic ecosystems make compliance with Article II of the Convention difficult to achieve when there is overfishing.

Argentina therefore supports the establishment of Marine Protected Areas as a vehicle to achieve the objectives of Article II. Their establishment and implementation need to be in accordance with international law.

Moreover, it wishes to note that each of such areas should necessarily include a management and administration plan.’

7.9 The EU expressed its support for the establishment of MPAs on the basis of best scientific evidence, in line with the commitments of World Summit on Sustainable Development in 2002 as well as the Convention on Biological Diversity, and hoped that CCAMLR will soon be in a position to adopt a representative network of MPAs.

Ross Sea region

7.10 The USA introduced SC-CAMLR-XXX/9, which presented a scenario for an MPA in the Ross Sea planning domain that articulated three policy aims to guide its effort, all of which were consistent with Article II of the Convention. The USA noted its view that establishing an MPA to achieve these aims will constitute rational use. It also noted that the Scientific Committee had concluded that the proposed scenario supports the identification of areas for protection consistent with its aims (SC-CAMLR-XXX, paragraph 5.45). The USA invited all Members to endorse the establishment of an MPA in the Ross Sea Region to:

- (i) conserve ecological structure and function – at all levels of biological organisation – by prohibiting fishing in habitats that are important to native mammals, birds, fishes and invertebrates throughout the Ross Sea region
- (ii) maintain a reference area in which there is no fishing to better gauge the ecosystem effects of climate change
- (iii) promote research and other scientific activities (e.g. monitoring) focused on marine living resources.

7.11 New Zealand introduced SC-CAMLR-XXX/10 which presented a scenario for an MPA in the Ross Sea planning domain. New Zealand sought to apply the systematic conservation planning method in a transparent, rigorous and scientifically defensible manner consistent with international best-practice as referenced in SC-CAMLR-XXX, paragraph 5.12 and following the advice of the Scientific Committee (SC-CAMLR-XXX, paragraphs 5.14 to 5.18). The specific areas assigned the highest protection targets in Table 1 of SC-CAMLR-XXX/10 were chosen to eliminate identifiable risks to the stated objectives of the MPA in different areas, and were endorsed by the Workshop on MPAs (SC-CAMLR-XXX, Annex 6, paragraph 3.40). The scenario achieves high protection while minimising associated

displacement of fishing effort; fishery displacement under this scenario is 15% with respect to catch, or 21% with respect to effort. The scenario was also planned with careful consideration of ice dynamics, of the potential for vessel crowding under existing effort levels and of the effect of the MPA on tag returns to inform stock assessments.

7.12 New Zealand sought the views of Members regarding appropriate protection targets for different objectives and on appropriate trade-offs between protection and rational use. New Zealand reiterated that it can provide the MPA planning software and associated data used in the New Zealand MPA planning process to other Members in order to explore such trade-offs.

7.13 The Commission thanked New Zealand and the USA for the significant amount of work contained in both scenarios for an MPA in the Ross Sea planning domain and noted the advice of the Scientific Committee (SC-CAMLR-XXX, paragraphs 5.45 to 5.47) that the scenarios are based on the best scientific evidence available and that no further scientific analysis and debate is needed in that Committee.

7.14 Italy thanked the USA for its scenario for a Ross Sea MPA. In Italy's view, the US proposal represented an appropriate balance and was a good basis for discussion of a Ross Sea MPA in 2012 pending future deliberations of this issue.

7.15 Norway stressed the importance of a balanced approach with regard to the provisions in a measure to establish an MPA. For Norway, sustainable, ecosystem-based, responsible fishing founded on science is a fundamental part of harvesting and harvesting is a fundamental part of Article II of the CAMLR Convention. Any suggestion that raises doubt of the definition of 'rational use' as it is defined in Article II in the Convention will not be helpful and cannot be supported.

7.16 Some Members supported the rigorous and transparent approach used in the New Zealand proposal for the MPA scenario in the Ross Sea and especially the two-phase 'systematic conservation planning' that clearly outlines the available scientific data, analysis and resulting management decisions that could be proposed on the basis of these data. This provides a sound basis for further consideration of the proposal. At the same time, some Members questioned the size and border of the suggested MPA and encouraged the USA and New Zealand to explore different levels of protection for different objectives and resulting outcomes, and forward a revised version to the Commission next year.

7.17 Sweden believed it is important that work on biodiversity, as well as fishing-related issues, continues in order to protect the living organisms within Antarctic waters, and it supported the establishment of the suggested MPAs. It also recalled a suggested definition of rational use found in the report of the Workshop on MPAs (SC-CAMLR-XXX, Annex 6):

'The use of the resources of an ecosystem in such a way that the goods and services provided by that ecosystem are maintained in perpetuity along with the biological diversity and ecosystem structure on which they depend.'

7.18 Argentina expressed its disagreement with the definition of 'rational use' included in the report of the Workshop on MPAs (SC-CAMLR-XXX, Annex 6, paragraph 5.16), which was offered by one of the invited experts, since it considers inappropriate in the context of CCAMLR to limit this concept to the sustainable use of the resources and to the conservation

of the ecosystem, if necessary, for the exploited populations. In its view, the objectives set out in Article II also apply to non-exploitable species as established in Article I.2 of the Convention.

7.19 The Commission agreed that both the US and the New Zealand proposal for an MPA for the Ross Sea region are very good starting points for further discussions. In Norway's view, the New Zealand text takes a more holistic approach, enabling a customised approach to the different parts of an MPA and to what kind of measures are needed in each MPA. Norway also appreciated the transparency of the proposal.

7.20 Japan reiterated its position that restrictions on fishing activities as part of an MPA should be commensurate with the objectives of the MPA. It therefore requested further scientific analysis of the impact of fishing activities on the specific objectives of the proposed MPA.

7.21 China and Russia appreciated the work done by New Zealand in accommodating comments from Members, especially in providing clarity on the conservation objectives and the level of protection provided. They also noted the advantage in having mechanisms to explore the effects of different levels of protection for different values being protected to provide different options for consideration by the Commission.

7.22 Japan welcomed the approach taken in the New Zealand scenario and the analysis of the potential impacts of fishing on specific objectives of each target area. It also welcomed the idea of making the protection target proportional to the expected impact of fishing in the objectives of the MPA as a useful concept for MPA planning. Japan noted that further examination of the New Zealand scenario is necessary to examine the appropriateness of the size and delineation of the proposed MPA.

7.23 New Zealand and the USA confirmed their willingness to undertake further consultation with Members and encouraged all interested parties to engage in these discussions with the intention of bringing forward proposals for the formal establishment of an MPA to the Commission in 2012.

East Antarctica

7.24 Australia and France jointly presented the proposal for a representative system of MPAs for the whole East Antarctic planning domain (SC-CAMLR-XXX/11).

7.25 Australia noted that the system aims to conserve representative areas of marine biodiversity in the region based on analyses of biology, ecology and biogeography of biota in the region. It highlighted that the system will provide reference areas for measuring the effects of climate change independent from the effects of human activities, and provide the reference areas necessary for managing ecosystem effects of fishing.

7.26 The Commission thanked Australia and France for the significant amount of work contained in their proposal in the East Antarctic planning domain and noted the discussion of the Scientific Committee on the proposal (SC-CAMLR-XXX, paragraphs 5.48 to 5.62) and its advice that the proposal contained the best scientific evidence available (SC-CAMLR-XXX, paragraphs 5.63 to 5.66).

7.27 Australia and France appreciated the views and advice of the Scientific Committee on the scientific paper for MPAs in East Antarctica and expressed their intention to prepare a conservation measure for consideration by the Commission in 2012.

7.28 South Africa endorsed the basis on which the proposal on the East Antarctic planning domain is based on and agreed that the analyses proposed by Australia and France for a representative system of MPAs within the East Antarctic region are based on the best scientific evidence available when their analyses were performed.

7.29 Australia and France also invited other Members to consider the analyses presented in the current proposal and to provide comments in the intersessional period.

7.30 China welcomed the statements by Australia and France and encouraged the proponents to adopt a more explicit, and preferably, a statistical approach to deal with the impact on rational use (in the present context, the fishery) as done in other proposals.

Protection of habitats newly exposed by the collapse of ice shelves

7.31 The Commission noted the UK proposal in SC-CAMLR-XXX/13 concerning the protection of marine habitats that may be newly exposed as a consequence of ice-shelf collapse. The EU presented to the Commission a proposal for a conservation measure to provide protection for such areas, noting that this had been borne out of the recommendations of the Workshop on MPAs, and, in particular, focused on protection in the Antarctic Peninsula region, given the risk to ice shelves associated with the elevated rate of warming in this region.

7.32 The Commission noted the advice of the Scientific Committee in regard to this proposal and noted that the science available was limited because the areas to be protected were currently inaccessible (SC-CAMLR-XXX, paragraphs 5.76 and 5.77).

7.33 Some Members noted that, as with other proposals, there was a desire to have a clearly articulated research and monitoring plan before the Commission could proceed with this proposal. In response, the UK noted that, in following the precautionary approach described in the proposal, there was a strong case to put in place measures to protect newly exposed habitats before plans for scientific research and monitoring could be fully developed. Furthermore, detailed research and monitoring plans would depend on the precise location of any individual ice-shelf collapse.

7.34 Russia expressed concern that establishment of MPAs adjacent to the Antarctic Peninsula may impede logistic operations of national Antarctic programs. Russia seeks clarification about the legal framework for the establishment of MPAs adjacent to land masses in the CCAMLR area.

7.35 China expressed its understanding that a thorough scientific analysis might not be feasible as the proposal was mainly aiming to protect areas which would be the results of future events, but noted that information describing the recent trend and the present state of those ice shelves would be of great help. China indicated that because the area to be protected had significant scientific merits, research and monitoring plans would be particularly needed.

At the same time, China questioned the necessity to protect all of those areas and stated that the fact that those areas were not utilised by any fishery or logistic activities at present should not constitute an excuse to exclude such activities in the future.

7.36 Many delegations expressed the view that the protection of the unique habitats found when ice shelves collapse would have been a sound precautionary measure, noting that it had been recommended by the Antarctic Treaty Meeting of Experts on Climate Change, held in 2010, and endorsed by the CCAMLR MPA Workshop held this year in France. These delegations stressed that protecting those habitats would have had no implications for harvesting or logistics, but would have protected the areas for science, as envisaged under Article IX.2(g) of the CAMLR Convention. These delegations further noted that the lack of progress during the meeting on this issue meant that there would be no new designations for marine protection going into 2012. These delegations urged greater progress by the Commission in respect of MPAs next year.

Proposal for a general conservation measure on MPAs

7.37 Australia presented CCAMLR-XXX/30, a conservation measure that provides a general framework for the establishment of CCAMLR MPAs. In presenting this proposal, Australia noted that the general conservation measure for establishing MPAs was introduced last year (CCAMLR-XXIX, paragraphs 12.74 to 12.76), considered through intersessional correspondence, and has been discussed extensively in SCIC (Annex 6, paragraphs 2.71 to 2.73).

7.38 Australia stated that it was of the view that there is general support for this proposal and noted the importance of establishing a framework for CCAMLR MPAs. Australia noted that CCAMLR is held in high regard for its leadership in managing the conservation and sustainable use of Antarctic marine living resources, and that it greatly values the positive and cooperative approach taken by Members to conclude the development of a general conservation measure on MPAs this year.

7.39 Russia pointed out that a general conservation measure on CCAMLR MPAs should include a clear timeframe within which a management plan and research and monitoring plan associated with every MPA should be reviewed, as well as a clear timeframe within which MPA status should be reviewed on the basis of information collected under these plans.

7.40 Australia noted the considerable discussion to date regarding the balance between conservation and rational use in the establishment of MPAs, and recognised the need for the general conservation measure on MPAs to adequately reflect Article II to achieve the appropriate balance.

7.41 Australia acknowledged the general goodwill to date of Members to conclude the development of a general conservation measure this year to guide the establishment of MPAs in 2012, and encouraged Members to focus on the text of the measure to ensure this can be achieved.

7.42 The EU welcomed the adoption of this general conservation measure and expressed its appreciation for the flexible approach of Members in agreeing to this measure, which will guide the establishment of CCAMLR MPAs in the future (paragraph 12.39).

7.43 ASOC made the following statement in respect of MPAs:

‘The East Antarctica and ice shelves proposals embody the implementation the ecosystem and precautionary approaches at the heart of Article II of the CAMLR Convention. As Members are well aware, the objective set out in Article II is the conservation of Antarctic marine living resources, where the term conservation includes rational use, and plainly marine protected areas and marine reserves are entirely consistent with this objective.

Furthermore, Article IX of the Convention allows for the “designation of the opening and closing of areas, regions or sub-regions for purposes of scientific study or conservation, including special areas for protection and scientific study” – that is the establishment of marine protected areas and marine reserves.

ASOC does not consider conservation and rational use to be two separate goals but as complementary and central aspects of CCAMLR’s central objective. Marine protected areas and marine reserves can provide a range of benefits, not least to fisheries management in the form of reducing the risk of overfishing, providing reference areas to study the effects of fishing and environmental change and in some cases have been shown to lead to enhanced catches.

Thus ASOC is strongly supportive of the East Antarctica and ice shelves proposals and especially the adoption of a general MPA conservation measure.’