

PROTECTION OF CEMP MONITORING SITES

6.1 In the intersessional period the Executive Secretary, in accordance with the Commission's direction (CCAMLR-VIII, paragraph 61), had prepared and distributed for comment, a paper on the designation and protection of monitoring sites in CEMP. Further discussion of this matter was referred to an *ad hoc* group under the Convenership of Dr J. Bengtson (USA) and a report was presented to the Commission.

6.2 In considering Conservation Measure 18/IX, the Commission noted that the prohibition contained in paragraph 10 might require some Members to legislate to give effect to it within their domestic jurisdiction. In this connection, the Commission expressed its strong desire to see this Conservation Measure enter into force as soon as possible and requested any Member who foresaw the probability of delay, arising from the need to complete necessary constitutional procedures, to inform the Executive Secretary accordingly.

6.3 It was also noted that three proposals for protecting CEMP sites had been drafted using provisional guidelines (SC-CAMLR-VII, paragraph 5.19 and 5.20) and submitted to WG-CEMP and the Scientific Committee for review. These proposals pertained to CEMP sites at Prydz Bay, Cape Shirreff and Seal Islands (SC-CAMLR-IX/6, Corrigendum). It was agreed that these proposals should be redrafted and brought forward for consideration in accordance with the procedures specified in Conservation Measure 18/IX.

6.4 Conservation Measure 18/IX was adopted.

CONSERVATION MEASURE 18/IX Procedure for According Protection to CEMP Sites

6.5 The Commission,

Bearing in mind that the Working Group for the CCAMLR Ecosystem Monitoring Program (WG-CEMP) has established a system of sites contributing data to the CCAMLR Ecosystem Monitoring Program (CEMP), and that additions may be made to this systems in the future;

Recalling that it is not the purpose of the protection accorded to CEMP sites to restrict fishing activity in adjacent waters;

Recognising that studies being undertaken at CEMP sites may be vulnerable to accidental or wilful interference;

Concerned, therefore, to provide protection for CEMP sites, scientific investigations and the Antarctic marine living resources therein, in cases where a Member or Members of the Commission conducting or planning to conduct CEMP studies believes such protection to be desirable;

hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

1. In cases where a Member or Members of the Commission conducting, or planning to conduct, CEMP studies at a CEMP site believe it desirable that protection should be accorded to the site, it, or they, shall prepare a draft management plan in accordance with Annex A to this Conservation Measure;
2. Each such draft management plan shall be sent to the Executive Secretary for transmission to all Members of the Commission for their consideration at least three months before its consideration by the WG-CEMP;
3. The draft management plan shall be considered in turn by the WG-CEMP, the Scientific Committee and the Commission. In consultation with the Member or Members of the Commission which drew up the draft management plan, it may be amended by any of these bodies. If a draft management plan is amended by either the WG-CEMP or the Scientific Committee, it shall be passed on in its amended form either to the Scientific Committee or to the Commission as the case may be;
4. If, following completion of the procedures outlined in paragraphs 1 to 3 above, the Commission considers it appropriate to accord the desired protection to the CEMP site, the Commission shall adopt a Resolution calling on Members to comply, on a voluntary basis, with the provision of the draft management plan, pending the conclusion of action in accordance with paragraphs 5 to 8 below;
5. The Executive Secretary shall communicate such a Resolution to SCAR, the Antarctic Treaty Consultative Parties and, if appropriate, the Contracting Parties to other components of the Antarctic Treaty System which are in force;
6. Unless, before the opening date of the next regular meeting of the Commission, the Executive Secretary has received:

- (i) an indication from an Antarctic Treaty Consultative Party that it desires the resolution to be considered at a Consultative Meeting; or
- (ii) an objection from any other quarter referred to in paragraph 5 above;

the Commission may, by means of a conservation measure, confirm its adoption of the management plan for the CEMP site and shall include the management plan in Annex B to Conservation Measure 18/IX;

7. In the event that an Antarctic Treaty Consultative Party has indicated its desire for the resolution to be considered at a Consultative Meeting, the Commission shall await the outcome of such consideration, and may then proceed accordingly;
8. If objection is received in accordance with paragraphs 6 (ii) or 7 above, the Commission may institute such consultations as it may deem appropriate to achieve the necessary protection and to avoid interference with the achievement of the principles and purposes of, and measures approved under, the Antarctic Treaty and other components of the Antarctic Treaty System which are in force;
9. The management plan of any site may be amended by decision of the Commission. In such cases full account shall be taken of the advice of the Scientific Committee. Any amendment which increases the area of the site or adds to categories or types of activities that would jeopardise the objectives of the site shall be subject to the procedures set out in paragraphs 5 to 8 above;
10. Entry into a CEMP site included in Annex B shall be prohibited except for the purposes authorised in the relevant management plan for the site and in accordance with a permit issued under paragraph 11;
11. Each Contracting Party shall, as appropriate, issue permits authorising its nationals to carry out activities consistent with the provisions of the management plans for CEMP sites and shall take such other measures, within its competence, as may be necessary to ensure that its nationals comply with the management plans for such sites;
12. Copies of such permits shall be sent to the Executive Secretary as soon as practical after they are issued. Each year the Executive Secretary shall provide the Commission and the Scientific Committee with a brief description of the permits that have been issued by the Parties. In cases where permits are issued for purposes not directly

related to the conduct of CEMP studies at the site in question, the Executive Secretary shall forward a copy of the permit to the Member or Members of the Commission conducting CEMP studies at that site; and

13. Each management plan shall be reviewed every five years by the WG-CEMP and the Scientific Committee to determine whether it requires revision and whether continued protection is necessary. The Commission may then act accordingly.

CONSERVATION MEASURE 18/IX: ANNEX A

INFORMATION TO BE INCLUDED IN MANAGEMENT PLANS FOR CEMP SITES

Management plans shall include:

A. GEOGRAPHICAL INFORMATION

1. A description of the site, and any buffer zone within the site, including:

- (a) geographical coordinates;
- (b) natural features;
- (c) boundary markers;
- (d) natural features that define the site;
- (e) access points (pedestrian, vehicular, airborne, sea-borne);
- (f) pedestrian and vehicular routes in the site;
- (g) preferred anchorages;
- (h) location of structures within the site;
- (i) areas or zones within the site, described in generic or geographical terms, or both, in which activities are prohibited or otherwise constrained;
- (j) location of nearby scientific stations, research or refuge facilities; and
- (k) location of areas or sites, in or near the site, which have been accorded protection status in accordance with measures adopted under the Antarctic Treaty or other components of the Antarctic Treaty System which are in force.

2. Maps showing:

- (a) the location of the site in relation to major surrounding features; and
- (b) where applicable, the geographical features listed in paragraph 1 above.

B. BIOLOGICAL FEATURES

1. A description of the biological features of the site, in both space and time, which it is the purpose of the management plan to protect.

C. CEMP STUDIES

1. A full description of the CEMP studies being conducted or planned to be conducted, including the species and parameters which are being or are to be studied.

D. PROTECTION MEASURES

1. STATEMENTS OF PROHIBITED ACTIVITIES:

- (a) throughout the site at all times of the year;
- (b) throughout the site at defined parts of the year;
- (c) in parts of the site at all times of the year; and
- (d) in parts of the site at defined parts of the year.

2. Prohibitions regarding access to and movement within or over the site.

3. Prohibitions regarding:

- (a) the installation, modification, and/or removal of structures; and
- (b) the disposal of waste.

4. Prohibitions for the purpose of ensuring that activity in the site does not prejudice the purposes for which protection status has been accorded to areas or sites, in or near the site, under the Antarctic Treaty or other components of the Antarctic Treaty System which are in force.

E. COMMUNICATIONS INFORMATION

1. The name, address, telephone, telex and facsimile numbers of:

- (a) the organisation or organisations responsible for appointing national representative(s) to the Commission; and
- (b) the national organisation or organisations conducting CEMP studies at the site.

Notes:

1. A code of conduct. If it would help towards achieving the scientific objectives of the site, a code of conduct may be annexed to the management plan. Such a code should be written in hortatory rather than mandatory terms, and must be consistent with the prohibitions contained in Section D above.
2. Members of the Commission preparing draft management plans for submission in accordance with this Conservation Measure should bear in mind that the primary purpose of the management plan is to provide for the protection of CEMP studies at the site through the application of the prohibitions contained in Section D. To that end, the management plan is to be drafted in concise and unambiguous terms. Information which is intended to help scientists, or others, appreciate broader considerations regarding the site (e.g., historical and bibliographic information) should not be included in the management plan but may be annexed to it.