Report on informal discussions on marine protection measures

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**Working Paper submitted by New Zealand**

Summary

This paper reports on informal discussions among interested Members to respond to the request from the ATCM set out in Resolution 5 (2017).

Background

At ATCM XL (2017), the Parties agreed [Resolution 5 (2017)](https://www.ats.aq/devAS/Meetings/Measure/663) which welcomed the establishment of the Ross Sea Region Marine Protected Area (RSRMPA) and invited the CEP to:

* consider any appropriate actions within the Antarctic Treaty Consultative Meeting’s competence to contribute to the achievement of the specific objectives set forth in CCAMLR Conservation Measure 91-05, particularly in the designation and implementation of Antarctic Specially Protected Areas and Antarctic Specially Managed Areas in the Ross Sea region and the management of relevant human activities; and
* identify opportunities to conduct and support relevant research and monitoring activities that support the objectives and the forthcoming Research and Monitoring Plan of the RSRMPA, in particular through international collaborations.

At CEP XX (2017) the Committee discussed the benefit of looking at the connectivity between ocean and land, and agreed to consider if and how complementary measures within the framework of the Environmental Protocol, in particular Annex V, could support and strengthen marine protection initiatives. An action was added to the CEP Five-year Work Plan under the Priority 2 issue of marine spatial protection and management to “*consider connectivity between land and ocean, and complementary actions that could be taken by Parties with respect to MPAs.”*

At CEP XXI (2018), Belgium, Chile, France, Germany, the Netherlands, New Zealand and the United States submitted [WP 12 on Harmonisation of Marine Protection Initiatives across the Antarctic Treaty System](https://documents.ats.aq/ATCM41/wp/ATCM41_wp012_e.doc) which proposed that an ICG be established to identify options, within its mandate, to contribute to the RSRMPA. The CEP did not agree to establish an ICG and New Zealand offered to lead informal intersessional discussions on these matters and report back to CEP XXII.

At CEP XXII (2019), New Zealand submitted [WP 48 Harmonisation of Marine Protection Initiatives across the Antarctic Treaty System](https://documents.ats.aq/ATCM42/wp/ATCM42_wp048_e.doc), which reported on informal discussions held by interested Parties to develop a response to the ATCM’s request in Resolution 5 (2017). Work focussed on drafting a list of general complementary measures within the framework of the Protocol that could support connectivity between land and ocean, and strengthen marine protection initiatives within the Antarctic Treaty System. The intersessional discussions did not have sufficient time to conclude the discussion and New Zealand offered to continue to facilitate informal discussions during the next intersessional period.

Intersessional discussions

Since CEP XXII (2019), New Zealand held informal discussions with some Members to consider how to address the request of the ATCM as set out in Resolution 5 (2017) and did not focus on the connectivity between land the ocean.

It was noted that the roles of the ATCM and CEP in relation to CCAMLR are considered different by some Parties and the consideration of the term complementary does not accurately reflect the relationship between the ATCM and CCAMLR, rather coordination or cooperation are considered more accurate. Therefore, using the RSRMPA as a case study, a number of indicative examples where the ongoing work of the CEP is contributing to the objectives outlined in CM 91-05 were identified.

The Committee was invited to comment on the identified scientific research and monitoring in the RSRMPA and CEP measures related to the protection of the marine environment through the CEP Forum. Appendix 1 presents the actions within the ATCM’s competence that can or already is contributing to the achievement of the specific objectives set forth in CCAMLR Conservation Measure 91-05 and relevant research and monitoring activities in the RSRMPA.

Additional issues

Participants raised a number of additional issues that were not discussed or agreed during the informal intersessional discussions, but which may warrant further consideration and discussion by the Committee to progress work on marine spatial protection and management. These include:

* Facilitate access for the CEP to SC-CCAMLR Working Group on Ecosystem Monitoring and Management papers on summaries of past and current research projects in the Ross Sea region MPA.
* Consider the criteria from the CCAMLR Ecosystem Monitoring Programme and Annex B and C of CCAMLR Conservation Measure 91-05 when encouraging Parties to conduct research, and monitoring activities related to the protection of the marine environment across the Ross Sea region.
* Integrate the CCRWP with CCAMLR initiatives, particularly with regard to climate change resilience building.
* Consider how the network of ASPAs and ASMAs in the Ross Sea region can be enhanced to support the protection of the terrestrial and marine environment from activities not covered by CCAMLR, such as contributing to climate change resilience, addressing land-based sources of pollution and considering areas exposed by glacial retreat.
* Consideration to be given to holding a SC-CAMLR and CEP joint workshop as identified in the CEP Five Year Work Plan under Issue/Environmental Pressure: Marine spatial protection and management. The workshop might useful consider the CEP Five Year Work Plan task to, ‘*Consider connectivity between land and ocean, and complementary actions that could be taken by Parties with respect to MPAs*.’
* Identify how the identified CEP tools in Appendix 1 address the specific objectives[[1]](#footnote-1) of the RSRMPA in paragraph 3 of CM 91-05.
* Consider how the designation of Important Marine Mammal Areas and Marine Important Bird and Biodiversity Areas can support protection of the marine environment in the Ross Sea region.
* Consider the adoption of standardised monitoring to support future management.
* Consideration of a step-wise approach to marine protection whereby Parties collaborate to conduct a regional-scale comprehensive environment impact assessment on the scientific basis to identify management needs and gaps. Such an assessment could include a number of elements to be identified in a collaboration between the CEP and SC-CAMLR (see the CEP Forum for further information).

Recommendations

New Zealand, on behalf of the participants of the informal intersessional discussions, recommend that the CEP:

1. Respond to the request of the ATCM as identified in Resolution 5 (2017) and note Appendix 1, which identifies
   1. relevant research and monitoring activities in the RSRMPA; and
   2. actions within the ATCMs competence that can or already are contributing to the achievement of the specific objectives set forth in CCAMLR Conservation Measure 91-05.
2. Discuss the identified additional issues and consider options for how to progress any of these issues as part of the CEP Five Year Work Plan.

Appendix 1: Existing examples of CEP ‘tools’ that may contribute to the protection of the marine environment and CCAMLRs objectives, in particular to the Ross Sea Region Marine Protected Area (as defined in CCAMLR Conservation Measure 91-05).

| **CEP Measures related to the protection of the marine environment[[2]](#footnote-2)** | **CEP tools** | **Examples within the**  **Ross Sea Region** |
| --- | --- | --- |
| **Scientific research and monitoring to support decision-making** | | |
| Encourage Parties, where appropriate, to conduct research, and monitoring activities related to the protection of the marine environment across the Ross Sea region. | * Consider existing and planned research. | * Ross Sea region Adelie penguin census * Ross RAMP project * Top Predators study * [CCAMLR Ecosystem Monitoring Programme](https://www.ccamlr.org/en/science/ccamlr-ecosystem-monitoring-program-cemp) (Note: Papers are not publicly available) |
| Provide advice and recommendations to the Parties on the need for scientific research, including environmental monitoring related to the implementation of the Protocol, and on the state of the environment, including the marine environment. | * CEP Five-Year Work Plan and incorporated science, knowledge and information needs * State of the Environment report | * No examples identified. |
| **Management of human activities through the provisions of the Environmental Protocol and its Annexes** | | |
| Support prior environmental impact assessment of all proposed activities (Annex I), and the planning, management and monitoring of activities to avoid or minimise significant adverse effects on the environment, including the marine environment. | * Environmental Impact Assessment (Annex 1) * Environmental Impact Assessments and related environmental monitoring * Guidelines for Environmental Impact Assessment in Antarctica (Resolution 1 (2016)) | * All activities undergo an EIA. * View the EIA Database and consult with National Antarctic Programmes operating in the region. |
| Prepare for, and build resilience to, the environmental impacts of a changing climate, including through the implementation of the Climate Change Response Work Program, which addresses climate-related issues relevant to the marine environment (Resolution 4 (2015)). | * Climate Change Response Work Programme (Resolution 4, 2015) | * CCRWP applicable across all of Antarctica |
| Prevent non-native species introductions to Antarctica, including to the marine environment (including through the ongoing development of the Non-Native Species Manual). | * Conservation of Antarctic Fauna and Flora (Annex II) * CEP Non-Native Species Manual. Revision 2019. | * Annex II and the CEP Non-native Species manual applicable across all of Antarctica. * National Antarctic Programme specific examples. |
| Clean-up of past and present waste disposal sites, abandoned facilities and contaminated sites in coastal areas, noting the potential impact to the marine environment (including through the ongoing development of the Clean-Up Manual). | * Waste Disposal and Waste Management (Annex III) * Revised Clean-up Manual 2019 | * Annex III and the Clean-up manual area applicable across all of Antarctica. * Former joint USA/NZ Cape Hallett Station site cleaned up by USA/New Zealand effort, aided by Italy, to remove remaining staged waste. |
| Prevent marine pollution (Annex IV), reduce plastic pollution in Antarctica and the Southern Ocean (Resolution 5 (2019) and manage ballast water (Resolution 3 (2006)). | * Prevent marine pollution (Annex IV) * Ballast water exchange (Resolution 3, 2006). * Reducing Plastic Pollution in Antarctica and the Southern Ocean (Resolution 5, (2019)). | * Measures applicable across all of Antarctica. No specific Ross Sea Region examples. |
| Minimise potential impacts arising from waste disposal and waste management, including in the marine environment (Annex III). | * Waste disposal and waste management (Annex III) | * National Antarctic Programme specific examples. |
| Consider risks to the marine environment when establishing and / or reviewing contingency plans to respond to environmental emergencies in accordance with Article 15 of the Protocol. | * The Protocol, Article 15 Emergency Response Action * Liabilities arising from environmental emergencies (Annex VI – not yet in force) | * National Antarctic Programme specific examples. |
| Consider updating the General Guidelines for Visitors to the Antarctic (Resolution 3 (2011)) and updating or developing new Visitor Site Guidelines for sites that are adjacent, near or within MPAs, where updates or new guidelines would complement the protection of the marine environment. | * General Guidelines for Visitors to the Antarctic (Resolution 3 (2011) * Visitor Site Guidelines | * General Guidelines for Visitors applicable across all of Antarctica * Cape Royds Visitor Site Guidelines * Seabee Hook, Cape Hallett Visitor Site Guidelines |
| Consider the designation of Specially Protected Species | * Specially Protected Species (Annex II) | * The Ross Seal is designated as a Specially Protected Species. |
| Undertake appropriate monitoring of bird populations in the Ross Sea region to inform future management actions and consider the extent to which Important Bird Areas are, or should be, represented within the series of Antarctic Specially Protected Areas, in particular those areas that might qualify as “major colonies of breeding native birds” (Resolution 5 (2015)) | * Important Bird Areas | * IBA 165 Cape Adare (ASPA 105) * IBA 170 Cape Hallett (ASPA 106) * IBA 175 Edmonson Point (ASPA 165) * IBA 176 Cape Washington (ASPA 173) * IBA 182 Blue Glacier to Chocolate Island (No ASPA) * IBA 186 Caughley Beach (ASPA 116) * IBA 187 Cape Crozier (ASPA 124) * IBA 188 Beaufort Island (ASPA 105) |
| 1. Promote regular and effective monitoring on the values protected in ASPAs and ASMAs; 2. Consider how the designation and implementation of Antarctic Specially Protected Areas and Antarctic Specially Managed Areas can support protection of the marine environment in the Ross Sea region (Resolution 5 (2017)), drawing on the best available scientific advice; and 3. Identify the need for a higher level of protection for specific values beyond that achieved by other forms of planning and management measures under the Protocol on the basis of scientific assessment. | * ASMA * Guidelines for the preparation of ASMA management plans (Resolution 1 (2017)) | * ASMA 2 McMurdo Dry Valleys, Southern Victoria Land |
| * ASPA * Guidelines for Implementation of the Framework for Protected Areas (Resolution 1 (2000) * Revised Guide to the Preparation of Management Plans for Antarctic Specially Protected Areas (Resolution 2 (2011)) * Checklist to assist in the inspection of Antarctica Specially Protected Areas and Antarctic Specially Managed Areas (Resolution 4 (2008) | * ASPA 104 Sabrina Island, Balleny Islands * ASPA 105 Beaufort Island * ASPA 106 Cape Hallett * ASPA 116 New College Valley, Cape Bird * ASPA 121 Cape Royds * ASPA 124 Cape Crozier * ASPA 137 Norwest White Island * ASPA 154 Botany Bay, Cape Geology * ASPA 161 Terra Nova Bay * ASPA 165 Edmonson Point * ASPA 173 Cape Washington * ASPA XXX Inexpressible Island and South Bay. |

1. The MPA is designated to contribute to the following specific objectives, in line with Article II of the CAMLR Convention:

   1. To conserve natural ecological structure, dynamics and function throughout the Ross Sea region at all levels of biological organisation, by protecting habitats that are important to native mammals, birds, fishes and invertebrates;
   2. To provide reference areas for monitoring natural variability and long-term change, and in particular a Special Research Zone, in which fishing is limited to better gauge the ecosystem effects of climate change and fishing, to provide other opportunities for better understanding the Antarctic marine ecosystem, to underpin the Antarctic toothfish stock assessment by contributing to a robust tagging program, and to improve understanding of toothfish distribution and movement within the Ross Sea region;
   3. To promote research and other scientific activities (including monitoring) focused on marine living resources;
   4. To conserve biodiversity by protecting representative portions of benthic and pelagic marine environments in areas where fewer data exist to define more specific protection objectives;
   5. To protect large-scale ecosystem processes responsible for the productivity and functional integrity of the ecosystem;

   To protect core distributions of trophically dominant pelagic prey species;

   To protect core foraging areas for land-based top predators or those that may experience direct trophic competition from fisheries;

   To protect coastal locations of particular ecological importance;

   To protect areas of importance in the life cycle of Antarctic toothfish;

   To protect known rare or vulnerable benthic habitats; and

   1. To promote research and scientific understanding of krill, including in the Krill Research Zone in the north western Ross Sea region.

   [↑](#footnote-ref-1)
2. CEP measure identified in WP48 and further refined through informal intersessional discussions and identified. [↑](#footnote-ref-2)