



Agenda Item: ATCM 4

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# Report of the Antarctic and Southern Ocean Coalition (ASOC)

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### Information Paper Submitted by ASOC to ATCM XXXI (ATCM Agenda Item 4)

#### 1. *Introduction*

ASOC extends its appreciation to the Government and people of the Ukraine for hosting this ATCM in Kiev. We appreciate the invitation by ATCPs for ASOC to attend the meeting as an Expert, and look forward to contributing to substantive discussions across a wide range of matters that are critical in both the Antarctic Treaty Area, and for our planet as a whole. We hope for substantive outcomes as the Antarctic Treaty approaches its 50<sup>th</sup> anniversary.

With the Protocol of Environmental Protection to the Antarctic Treaty (the Protocol), Antarctic Treaty Parties committed themselves to the protection of the Antarctic environment, its dependent and associated ecosystems, and the intrinsic value of Antarctica as a fundamental consideration in the planning and conduct of Antarctic activities. The current status of the implementation of the Protocol is characterized by widely differing environmental standards in different Antarctic Treaty Parties. This gap is apparent in recent official inspection reports. Parties have been working on the implementation of the Protocol since 1991, so it is about time that a common understanding of what constitutes appropriate Protocol implementation standards emerges and is put into action by all Parties, both individually and collectively. ASOC contends that Parties should aim for the highest possible environmental standards rather than settling for the lowest common denominator.

An effective implementation of the letter and spirit of Protocol is critical to many of the issues that are important to the Antarctic region, notwithstanding, in many cases, the urgent need for additional actions and new instruments. This report outlines the key issues identified by ASOC that should be discussed at this ATCM, some of which are discussed in detail in ASOC's Information Papers.

#### 2. *ASOC Worldwide*

ASOC has member groups located in most Antarctic Treaty Consultative Parties. ASOC campaigns are coordinated by a team of specialised representatives located in Argentina, Australia, Brazil, Chile, France, Japan, The Netherlands, New Zealand, Norway, Poland, South Korea, South Africa, Spain, Russia, Ukraine, United Kingdom and USA.

ASOC maintains a Secretariat office in Washington DC, USA, and a website (<http://www.asoc.org>), which provides details about the organisation and contains all ASOC documents prepared for the Antarctic Treaty System since 2000.

#### ***Information Papers for XXXI ATCM***

In addition to this report, ASOC has introduced 5 Information Papers:

- **IP 41: A decade of Antarctic tourism: Status, change, and actions needed**

Tourism in Antarctica over the past decade has been characterised by steep annual increases, diversification, and geographic expansion. ASOC fears that tourism is becoming entrenched as the main Antarctic activity in terms of scale and influence, resulting inevitably in the erosion of the intrinsic values of Antarctica and the primary roles of science and environmental protection in the Antarctic Treaty System. The particularly negative forms of tourism currently emerging, such as land based tourism, state sponsored tourism, and the use of massive general purpose ships, should be constrained before their scale is beyond the capacity of the Antarctic Treaty System to control them. Given the growing complexity of tourism, there is not a single specific action that Antarctic Treaty Parties should take to address the problems raised by tourism. Rather,

there is a range of measures needed, some of them urgently. Antarctic Treaty Parties need to develop a vision for tourism in the Antarctic and to agree on a tourism strategy, which can deliver the required instruments – both legally binding and hortatory.

ASOC urges Parties to adopt a Resolution stating that it does not see unending growth of Antarctic tourism as desirable or necessary, and to ensure that Measure 4 (2004) comes into force expeditiously, perhaps through "provisional application" analogous to Decision 2 (2003). Shipping standards in the Southern Ocean should be improved, in cooperation with IMO, and vessels above a certain size and/or carrying more than a specified number of persons prevented from operating within the Antarctic Treaty Area. The development of land based tourism infrastructure should be prevented, and infrastructure already used for tourism purposes should be subject of a critical review. The management of the most commonplace aspects of tourism should be improved by building on the main existing environmental management tools – EIA, monitoring, and management plans – with major improvements required in all three areas.

- **IP 56: Impacts of Climate Change on Antarctic Ecosystems**

IP 66 summarizes impacts on Antarctic ecosystems based on recent scientific research. Over the past 50 years, the Western Antarctic Peninsula has warmed more than four times faster than the global average, thus making it one of the most rapidly warming regions on the planet. Although some Antarctic areas are cooling, with organisms responding in accord with their adaptations to cold, dramatic changes to terrestrial and marine ecosystems are occurring in areas of warming. The southward retreat of the high Antarctic zone, and successful invasions of non-indigenous species to sub-Antarctic islands are among a continuing trend in biotic change brought by increasing human activity and increasing temperatures.

Climate change is no longer an issue limited to the developed and more populated parts of the world. The Consultative Parties to the Antarctic Treaty have committed themselves to provide comprehensive protection to the Antarctic environment and its dependent ecosystems under the Protocol. Therefore, and based on the precautionary principle, Consultative Parties should recognize the adverse impacts of climate change on Antarctica and the Southern Ocean and take proactive action within the framework of the Treaty System to contribute towards climate change mitigation and adaptation efforts.

- **IP 57: Area Protection: Time for Action**

IP 57 reviews the progress made in delivering the objectives of Annex V (Area protection and management) and proposes that the Antarctic Treaty Consultative Meeting (ATCM) move from discussion to concrete action. It suggests that the current rolling annex review process offers an opportunity both to consider the effectiveness of Annex V to deliver best practice area protection for the Antarctic Treaty Area, and to review the barriers to effective implementation of current requirements.

More than 40 years ago, SCAR proposed a number of conservation-oriented recommendations, including the '*designation of selected areas as sanctuaries within which no form of disturbance should be permitted*' to protect especially important or vulnerable species or habitats in the Antarctic. While 67 Antarctic Specially Protected Areas and 6 Antarctic Specially Managed Areas have since been designated, less than 0.1 % of the Antarctic Area has been afforded special protection, and many of the values identified in Annex V of the Environment Protocol remain under-represented. In particular Treaty Parties appear to have difficulty in declaring any large geographic areas, significant wilderness sites or meaningful marine areas for ASPA level protection.

The current annex review process provides an opportunity to focus on the underachievement of Annex V. ASOC suggests that the CEP be urgently tasked with providing the ATCM with advice on which values and types of sites listed in Annex V are not yet fully represented as designated Protected Areas, in addition to designations that no longer represent best-practice or are otherwise outdated, and best new approaches to address the needs of the 21st century. The review and amendment or modification, and any actual drafting of changes to Annex V, can then occur within the ATCM.

- **IP 58: Antarctic Shipping**

IP 58 addresses a range of vessel-related issues in the Southern Ocean. Traffic has increased significantly in Antarctic waters over the past decade both in terms of overall numbers and the different types of vessels operating in the area, which raises a number of intrinsic environmental and marine safety issues. This is no small matter in the relatively isolated Ross Sea region, which is seeing a growth in numbers of fishing vessels, but also significant increases in sea-ice extent and a reduction in length of the open-water season.

While it might appear that there is considerable effort underway to improve the standards of shipping in the Antarctic region, not all proposed measures apply to all vessels operating in the region, and many international shipping instruments developed and adopted by the International Maritime Organization (IMO) over the past decades have not been ratified.

ASOC recommends that the ATCM consider the desirability of conducting an assessment of the threats resulting from the full range of vessels operating in the region, which could be done jointly by the ATCM and IMO; increase collaboration between national-level IMO and ATCM representatives on proposals to improve Antarctic shipping operations; urge all Parties to quickly ratify and implement existing shipping instruments; and ensure greater control by Flag and Port States over vessels operating in the Antarctic region to ensure strict compliance with the highest safety and environmental standards.

▪ **IP 119: Designation of Marine Protected Areas within the Antarctic Treaty Area**

IP 119 calls on the ATCM to breathe new life into the Marine Protected Area debate within the Antarctic Treaty System. It calls upon XXXII ATCM to reaffirm, via a Decision, its intention to create a representative and coherent network of MPAs as ASPAs and ASMAs. At least 30% of the marine area of the Antarctic Treaty Area should be placed within MPAs by 2018, with a representative series in place by 2012.

## ***Other Important Issues for XXXI ATCM***

### **4.1 Ratification of the Liability Annex**

ASOC is concerned at the seeming lack of urgency among ATCPs for bringing Annex VI into force. At the present rate, it will be decades before this very limited first step in addressing the requirements of Articles 15 and 16 of the Protocol enters into force. That should be unacceptable to ATCPs. Accordingly, ASOC urges Parties to redouble their efforts to ratify the Annex, with the goal of bringing it into force during 2009, the 50<sup>th</sup> anniversary of the Antarctic Treaty. This should be the subject of a Resolution of the ATCM.

In addition, ASOC suggests that this ATCM promotes a joint intersessional contact group with CCAMLR and IMO colleagues to address the remaining sources of potential liability arising from misadventure in the Southern Ocean.

### **4.2 Biological Prospecting**

ASOC is surprised by the lack of response by Parties to Recommendation 2 of Resolution 7 (2005), to annually provide information on the nature and extent of their biological prospecting activities in the Antarctic Treaty area. This is necessary in order to support informed discussion about what management arrangements might be necessary in order to regulate this commercial activity. While ASOC strongly supported an Intersessional Contact Group being established at the last ATCM to further these discussions, it was unhelpful to exclude from these discussions key sources of information, including UNEP, IUCN and ASOC. We note that while Japan insisted on this exclusion, it did not itself then participate in the ICG. We look forward to more inclusive discussions at this ATCM and in an ICG over the next year.

### **4.3 Accomplishing a Greener International Polar Year**

The International Polar Year (IPY) 2007-8 has been an ambitious and important international scientific initiative. As noted last year, the cumulative effect of research activities associated with the IPY is leading to increased infrastructure and levels of human activity in the Antarctica, as well as greatly enhancing world-class scientific research. ASOC congratulates the scientists and scientific programmes that have been part of the IPY, which is generating crucial information about some of the earth's most pressing problems, first and foremost global climate change, and encourages participants to strive for the greenest possible IPY.

### **4.4 Managing Krill Fisheries**

With the key role of krill in the Antarctic ecosystem, the growing pressure to fish for krill puts CCAMLR in a pivotal position. Not only does this force CCAMLR to build on its precautionary management strategy that balances ecosystem effects of fishing with commercial interests, but also requires collaboration with other bodies of the ATS. As acknowledged by Resolution 1 (2006), ATCPs have "prime responsibilities" for the

protection and preservation of the Antarctic environment.<sup>1</sup> Parties to the Protocol have a clear responsibility to look after the entire Antarctic environment, which includes the marine environment and its living resources. Specifically, the Antarctic krill fishery overlaps with the foraging ranges of land-based, krill-dependent predators, directly impacting species that are under the protection of the Environment Protocol, such as penguins and seals, but also recovering cetacean populations under the IWC's jurisdiction.

ASOC supports the ATCM maintaining an active interest in CCAMLR's progress towards ecosystem-based management of the krill fishery, so as to ensure that krill fishing is conducted in a way that limits adverse impacts on the Antarctic environment and dependent and associated ecosystems, as well as avoiding detrimental changes in the distribution, abundance or productivity of species populations<sup>2</sup>. Specifically, the ATCM should pay attention to links between its work and that of CCAMLR over issues that relate to krill conservation, such as Marine Protected Areas (MPAs); biological prospecting;<sup>3</sup> and environmental monitoring and reporting.<sup>4</sup>

#### 4.5 Addressing the Emerging Crisis in the Ross Sea

Recent information about the Ross Sea and its web of life makes sobering reading.<sup>5</sup> In spite of CCAMLR applying a precautionary approach to the TAC for the toothfish fishery in CCAMLR Areas 88.1 and 88.2, the first signs of ecosystem disruption are appearing in SSRU 88.1J. In McMurdo Sound and vicinity, after 40 years of fishing by scientists, catching 200-500 adult fish per season, it is now difficult to catch an adult fish. In addition, the numbers of fish-eating killer whales has dropped dramatically and the changed diet of penguins reflects disappearance of a trophic competitor. Thus, even without a CCAMLR-designed CEMP in place, decreasing the Ross Sea TAC for toothfish is warranted under the 'precautionary principle' that guides CCAMLR. Ironically, the CCAMLR Scientific Committee has requested CCAMLR scientists to recommend data sets and analytical procedures by which fishing effects can be separated from climate effects to marine ecosystems; the toothfish fishery is now compromising several of the longest, continuous biotic data sets available in the Southern Ocean and ones which heretofore had a 'pure' climate signal.

ASOC urges the ATCPs and CCAMLR Parties to take action now while there is still time, starting by agreeing on a Resolution at this ATCM declaring a pause in all commercial fishing activities in the Ross Sea for the next five years. This will require joint action with CCAMLR regarding fishing and with the IWC on whaling in the Whale Sanctuary.<sup>6</sup>

#### 4.6 Protecting Lake Vostok

After a 6-year pause to consider the risks of environmental contamination, the Russian research team resumed drilling in December 2005. At XXX ATCM in 2007, Russia reported on a serious accident deep in

<sup>1</sup> This Resolution also recalls that CCAMLR is an integral part of the ATS. Consequently, CCAMLR's conservation principles need to be read in the light of Antarctic Treaty environmental goals, and especially of the Environment Protocol.

<sup>2</sup> Articles 3(2)(a) and 3(2)(b)(iv) of the Environment Protocol.

<sup>3</sup> Antarctic krill has served, either wholly or in part, as the basis for a significant percentage of patents on Antarctic organisms in recent years. As the ATCM progresses in developing policy responses to biological prospecting in Antarctica, close coordination and information exchange on this issue with CCAMLR will become increasingly important.

<sup>4</sup> Synergies between CCAMLR's Ecosystem Monitoring Program and on-going efforts by the Committee for Environmental Protection in the area of environmental monitoring should be further explored, especially in view of the need to increase the understanding of climate change in Antarctica and its implications for CCAMLR and ATCPs responsibilities.

<sup>5</sup> Arthur L. DeVries, David G. Ainley and Grant Ballard, Decline of the Antarctic Toothfish and its Predators in McMurdo Sound and the Southern Ross Sea, and Recommendations for Restoration (paper under preparation for CCAMLR's WG-EMM). See also Addressing Uncertainty Over the Importance of Antarctic Toothfish As Prey of Seals And Whales in the Southern Ross Sea: A Review, David G. Ainley & Donald B. Siniff (paper under preparation for CCAMLR's WG-EMM).

<sup>6</sup> ASOC submits that it is timely for the IWC and the Antarctic Treaty System to address the realities facing the Southern Ocean Whale Sanctuary (SOWS), and to consider additional steps that will help protect the Sanctuary's integrity. These include developing a Management Plan for the Sanctuary, carrying out research needed to underpin a sound management approach, and for individual states to voluntarily cease any whaling activities. A significant shift by governments and international organizations is needed to fund the sorts of research needed. To this end, ASOC welcomes the call by the Government of Australia at the March 2008 IWC Intersessional Meeting in London for a cooperative, long-term, non-lethal international research effort, nominally called the Southern Ocean Whale Research Partnership. ASOC calls on Parties to the ATCM, CCAMLR, the IWC and other international bodies to adjust their collective marine research priorities for the Southern Ocean to take full account of the international community's long-term duty of care towards the Southern Ocean Whale Sanctuary and the whales in it.

the borehole when the drill froze and broke. After herculean efforts, the drilling gear was removed. Also in 2007, an international working group of experts recommended very different technology for penetration of these unique ecosystems in order to protect the environment to the maximum extent.<sup>7</sup>

This year Russia has committed itself once again to penetrating the Lake, in the 2008-09 season. ASOC argues that this is a profoundly unfortunate step, which endangers not only Lake Vostok itself but also risks harm to other linked subglacial systems.

By filing a final CEE with the Antarctic Treaty Consultative Meeting and Committee on Environmental Protection, Russia has completed all procedural requirements of the Protocol on Environmental Protection to the Antarctic Treaty. However, Parties are still obliged to meet their substantive commitments to protect the Antarctic environment. Notwithstanding its meeting the procedural obligations, Russia's proposed drilling into Lake Vostok raises very reasonable fears about it contaminating the lake. It is inappropriate to proceed in the face of such concerns, in the context of recent operating realities at the drilling site, enumerated in information papers tabled by Russia.

ASOC has urged Russia, through an appeal to the State Duma, to re-consider its plan to penetrate Lake Vostok, and to opt for a joint international project to penetrate a smaller and more isolated lake using the latest and safest technology first. In due course, the question of whether penetration of Lake Vostok is environmentally defensible, and if so, how best to do it, can be reconsidered.

## **5. Intersessional activities**

Since XXX ATCM ASOC has been monitoring various aspects of the implementation of the Madrid Protocol, and has participated in intersessional work including the review of management plans for ASPAs and ASMAs; discussions of the Deception Island Management Group; the special IAATO meeting on tourism in Miami and the regular IAATO meeting held in Uruguay; and the Intersessional Contact Group on Vessels. We have monitored the Intersessional Contact Group on biological prospecting, given that we were blocked from participating.

- ASOC participated in the conference convened in Miami by the International Association of Antarctica Tour Operators (IAATO) March 17-19, 2008. Despite the positive discussion and goodwill of participants, the conference highlighted that there is still not a single conceptual framework to address Antarctic tourism. As a result there is not much coherence on tourism discussions – rather, they tend to follow multiple forking paths such as environment/safety, tourism impacts/impacts from other operators, IAATO/non IAATO. Any perceived problems with tourism are almost always attributed to others – usually actors that are not present in the discussions: adventure tourists, national program staff, luxury yachts, etc. Further, many of the problems are passed off as resulting from misdemeanors rather than from day-to-day mainstream tourism, while in fact both types of conduct may have detrimental effects on the intrinsic values of Antarctica. ASOC submits that all stakeholders, particularly Parties and the industry, have a collective responsibility to bring clarity to discussions on Antarctic tourism so that the issues can be addressed effectively.
- ASOC provided detailed comments on management plans for ASPA 150, Ardley Island, Maxwell Bay, King George Island (Chile); and ASMA “X”, Southwest Anvers Island and Palmer Basin (United States).
- ASOC has been involved with the development of the Deception Island Antarctic Specially Managed Area (ASMA) since 2001, and participated in the discussions conducted by the Deception Island Management Group since ATCM XXX. Deception Island is a test case of the management of a site representative of outstanding Antarctic values as well as a popular place for tourism. ASOC considers that Spain has made valid comments on certain issues concerning the management of Deception Island that have so far not been considered – the sensitivity of certain landing sites, the effect of concentrated tourism on science values and the conduct of science, the need to review the number of people landing at sites that are now established tourism destinations, and issues of

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<sup>7</sup> Exploration of Antarctic Subglacial Aquatic Environments: Environmental and Scientific Stewardship, <http://www.nap.edu/catalog/11886.html>

maritime security and impacts on the coastal environment. ASOC considers that these issues deserve further detailed discussion in Kiev and beyond.

- Since XXX ATCM ASOC participated actively in the Intersessional Contact Group on Vessels, including circulating the paper on vessel safety that we introduced to the Marine Environment Protection Committee of IMO at its most recent session in April and commenting on the other offerings and draft report. We look forward to this ICG being continued, and for much closer coordination between the ATCM and IMO bodies.
- ASOC is encouraged by the progress made on the five-year plan for the CEP, and hopes that this plan can be implemented in a timely and effective manner.

### ***Concluding Remarks***

The Antarctic Treaty Area is facing ever-increasing pressures from global climate change and a diversifying range of human activities within the region. Without effort by all ATCPs at both national and global levels, and full implementation on the ground of existing international agreements, the wilderness, scientific, biodiversity and other intrinsic values of the region will deteriorate rapidly.

At the same time, the steadily increasing human footprint from the uncoordinated growth of human activities needs strategic analysis and action at regional and local levels. Kiev presents an opportunity to vow to the world community that the ATCPs and other parts of the Antarctic Treaty System will deepen their common efforts to leave the Antarctic as a place of wonder and immense value for future generations of humans and wildlife.