Summary and Recommendations

- The proposal for a Weddell Sea Marine Protected Area (WSMPA) submitted by the EU to CCAMLR in 2018 is the result of over six years of data collation and analysis, bilateral and international consultations convened by Germany as the lead proponent, and discussions in the context of SC-CAMLR.
- The proposed WSMPA spans Domain 3 and parts of Domain 4 in order to include the ecological boundaries of the Weddell Sea gyre within the MPA planning area as previously agreed by CCAMLR. The integrity of the ecosystem which is preserved in the WSMPA proposal submitted to CCAMLR XXXVII should be maintained in any MPA proposal for Domains 3 and 4.
- The WSMPA proposal submitted to CCAMLR XXXVII is based on a solid and sufficiently thorough analysis of the best available science and should be designated without further delay or obfuscation.
- Most CCAMLR Members supported the proposed WSMPA, reflecting that it was a strong proposal based on rigorous scientific analysis.
- Norway’s proposal for how to deal with the proposed WSMPA will unnecessarily delay the implementation of CCAMLR’s commitment to establish a representative network of MPAs. Their plan is currently open-ended, with no committed timeline for delivering the promised outcomes. Designation of the present proposal in its entirety is not incompatible with Norway’s plan to gather additional scientific data and to protect other important areas of Domain 4 at a later date.
- China and Russia have concerns with the WSMPA proposal articulated at the 2018 CCAMLR meeting.
- These concerns are not addressed by Norway’s proposal, and they have not shown their support for the Norwegian proposal. Therefore, accepting the Norwegian proposal does not result in obtaining the support of China and Russia, or increase the likelihood of designation of any Weddell Sea MPA as China and Russia are not supportive of the Norwegian proposal.

Context and Background

The proposal for a Weddell Sea Marine Protected Area (WSMPA) submitted by the EU to CCAMLR in 2018 is the result of over six years of data collation and analysis, and bilateral and international consultations convened by Germany as the lead proponent. The WSMPA spans over Domain 3 and parts of Domain 4 in order to include the ecological boundaries of the Weddell Sea gyre within the MPA planning area as previously agreed by CCAMLR.

As set out in the preliminary version of the CCAMLR-XXXVII Report, "Most Members confirmed that the proposal was based on the best available science and that this proposal would make an important contribution to the development of a representative network of MPAs in the Convention

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1 This document focuses on Norway’s concerns and proposal at the 2018 CCAMLR meeting with regards to protection of the Weddell Sea, and presents ASOC’s response and recommendations for a way forward for the WSMPA. It does not address issues with the WSMPA proposal raised by other CCAMLR Members during the 2018 CCAMLR meeting.
Furthermore, the 2018 EU proposal was based on science that the Scientific Committee accepted as best available science in 2016.

Norway has focused its concerns on areas in the current proposal that are east of the prime meridian. These eastern areas of the proposed WSMPA include the Maud Rise and Astrid Ridge, two ecologically rich and important areas. The Astrid Ridge is one of only five margin ridges extending out from the Antarctic continent. It includes the Astrid Plateau – one of only two plateaus located along the continental margin of Antarctica. These features are areas of upwelling and increased primary production, which supports enhanced local biodiversity.

The Maud Rise is a dramatic mid-ocean plateau. It interacts with the Weddell Gyre, resulting in the upwelling of deep water, which creates a polynya. This is one of only two recurring open ocean polynyas in the Southern Ocean. These factors produce an area of significant primary productivity, supporting a diverse species assemblage throughout the region. The seafloor is rich in invertebrate life, many of which are unique to Maud Rise. A locally high krill abundance attracts high concentrations of seals, whales, penguins and petrels.

These areas are also the focus of ongoing fisheries research, with some CCAMLR Members having indicated an interest in expanding fishing there. There is concern that applying a different approach to designing an MPA in these key areas could lead to inadequate protection.

Russia and China also expressed concerns about the proposed WSMPA. These concerns were different from those of Norway, with China noting it could not support designation of an MPA in the western areas of the proposal because sea ice would make research and monitoring difficult. Russia requested more research on the commercial fishing opportunities in the area.

The Norwegian proposal

At CCAMLR XXXVII Norway restated its commitment to realising a representative network of MPAs in the Southern Ocean. Norway noted that a Weddell Sea MPA would be a key component in achieving this. They also confirmed that the WSMPA proposal presented by the EU was based on the best available science. However, they expressed the opinion that there is a contrast in the data between the western and the eastern parts of the proposed area.

For this reason, Norway proposed an approach that splits the WSMPA into two areas at the prime meridian “in order to obtain a more comprehensive result”. Norway proposed that the western areas of the MPA could be designated as a first phase. Then, in a a second phase, Norway would carry out an analysis of the area east of the meridian and develop a separate MPA proposal, as discussed below, pending further multi-year Norwegian research. However, Norway have not clarified what is meant by “a more comprehensive result” or how this “second phase” will in any way produce a CCAMLR consensus to adopt MPAs in Domains 3 and 4.

Although Norway asserted that their proposal was intended to support the process for designating the WSMPA, it introduces a delay of several years in adopting protections for a significant proportion of the proposed WSMPA and therefore would prevent the achievement of the current proposal’s conservation objectives. This would also delay CCAMLR’s fulfilment of its commitment to establish a representative network of MPAs in the Southern Ocean.

In the absence of a formal written proposal by Norway, the relevant CCAMLR report paragraphs are reproduced below (emphasis added):
6.31 Norway expressed its dedication to contributing to the implementation of a representative network of MPAs in the Convention Area and noted that the WSMPA is a critical component to achieving this. Norway noted that the proposal is based on the best available science. It noted that there still remains a contrast in data availability moving from the western to the eastern parts of the current planning area. This would have consequences for the modelling efforts and potentially for the designation of subareas in need of various protective actions. In such a situation, it would be advisable to split contrasting subareas in order to obtain a more comprehensive result. Norway suggested to split the contrasting subareas at the prime meridian. Norway also raised concerns that the current proposal leaves a gap between 20°E and 30°E and would prefer to see an eastward extension to fully cover Domain 4. This would allow the inclusion of the priority areas for protection which were identified by EU (German) scientists in the WSMPA proposal, put more emphasis on a north–south ecosystem connectivity and a better connectivity with other areas further east in the context of a representative system of MPAs.

6.32 Norway encouraged agreement during this meeting on protective measures addressing the western subarea WSMPA proposal and undertook to engage with the EU (Germany) and other Members to further collate and enhance information for the subarea east of the prime meridian in the coming years. This process would allow for the designation of targeted measures for the MPA in this part of the Domain 4 within 3–4 years that would then be presented for the consideration of the Commission. In order to proceed along these lines, in particular in the eastern areas of Domain 4, Norway is planning extensive field investigations, including an initial cruise with the Kronprins Haakon in the waters off Dronning Maud Land in 2019.

Considerations for next steps on the WSMPA

- It is unclear what specific data is missing in the view of Norway for the areas east of the prime meridian and whether/how these suggested data gaps will be addressed and filled by any research undertaken by Norway.
- It is unclear if and when Norway’s research results will be developed into a coherent MPA planning area and eventual proposal. Without a formal commitment within the CCAMLR context, there is no guarantee that the baseline research, analysis, and proposal submission would be completed within the estimated timeframe proposed by Norway.
- The WSMPA will not be designated without Russian and Chinese support, and they did not indicate that Norway’s proposal addressed any of their concerns. Thus it is unclear if a revised proposal for the western areas or any future proposal for eastern areas has any greater chance of success.
- In other cases, including in CCAMLR, Norway has also demonstrated skepticism about MPAs and their conservation objectives. For example, they rejected protections for benthic areas in the proposed East Antarctic MPA. Given past precedent with Norway, they are likely to support management measures for the areas east of the prime meridian other than large-scale, no-take MPAs.
- Norway, as stated in the CCAMLR XXVII meeting report, “would prefer to see an eastward extension to fully cover Domain 4. This would allow the inclusion of the priority areas for protection that were identified by German scientists in the WSMPA proposal, put more

emphasis on a north–south ecosystem connectivity and a better connectivity with other areas further east in the context of a representative system of MPAs”. On the surface this position would seem to be in agreement with the priorities of the current proposal, but protection can best be achieved through designation of the current proposal in its entirety. In the future, a new complementary proposal could be elaborated for those areas of Domain 4 that are not covered by the current EU proposal.

- There will likely be a substantial time lag between the completion of the Norwegian-led data collection (estimated to be from 2019-2021) and submission of any MPA proposal to CCAMLR. The timing of this work would be critical, and a clear submission date would need to be stipulated. CCAMLR is already several years past its intended completion date for the realization of a representative network of MPAs and the Norwegian proposal threatens to delay it further.

- A perceived difference by Norway in data density between the east and west of the prime meridian is the basis of their opposition to the MPA. This does not justify removing the eastern part from the proposal. SC-CAMLR confirmed in 2016 that the current proposal has been designed with the best science currently available.

- Russia and China have not indicated that removing the eastern areas would satisfy their concerns.³ They would have yet to support the proposal on the basis that further research into the commercial potential of dominant fish species in the area is required. This argument is not limited to the eastern subarea. China has specifically stated that the western part of the area should not be considered due to extensive sea ice cover and “an absence of threats” (which disregards the objectives of CM 91-04). Therefore, splitting the area as proposed by Norway would not satisfy the concerns raised by Russia or China and is unlikely to result in gaining their support for any MPAs in Domains 3 and 4.

A way forward

ASOC asserts the best way forward is to maintain the current EU proposal (Figure 1: purple outline) without removing the eastern area (B). At the same time, Norway’s research (when completed) can contribute to expand the best available science for MPAs in the Weddell Sea, and also to other areas in Domain 4 (C) that can be used for a future MPA proposal for the remaining of Domain 4. Norway’s commitments should be presented in greater detail and formalized.

³ Paragraphs 6.34 and 6.35 in CCAMLR-XXXVII Report.
ASOC bases this scenario on the following concepts, which will ensure that the proposal can be successfully designated without losing its current conservation benefits:

- The best way to address Norwegian concerns without delaying protections for a large portion of Domains 3 and 4 is to designate the proposal as it currently stands, with opportunities to revise the management plan for the MPA and consider additional areas to be protected in Domain 4 once any relevant new data is obtained and analysed.
- A timeline for Norway’s proposed research in the eastern areas will be included in the 2019 proposal for the WSMPA so that it is a formal commitment rather than an informal estimate. It is expected that the EU and Germany will be active collaborators in all of Norway’s work to ensure a continuation of the rigorous scientific approach used by Germany.
- Norway develops an outreach plan, in cooperation/coordination with other MPA proponents, to secure Russian and Chinese support for the designation of the MPA.
- Norway adopts conservation priorities and ambitions similar to those in the current EU WSMPA in any future work on the MPA.
- Norway matches the scale and ambition of the currently proposed WSMPA in any expansion into additional areas in Domain 4. This will ensure that identified conservation objectives can be achieved consistently across Domains 3 and 4.

Conclusion

The 2018 WSMPA proposal submitted to CCAMLR by the EU was based on best available science and should be designated in its current form.

Norway can use any additional data gathered during 2019-21 to develop and propose a complementary MPA within the wider Domain 4 planning area, along with putting forward additional recommendations to the WSMPA once designated. Such data and analysis will be a contribution to best available science, and to the work of SC-CAML in accordance with Resolution...
31/XXVIII. The conservation ambitions and other benefits of the current EU proposal should not be diluted. It has to be avoided that the WSMPA process is ending up in a drawn-out timeline with no commitments for final adoption.