ASOC update on Marine Protected Areas in the Southern Ocean 2016-2017
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Information Paper submitted by ASOC

Summary

In 2016 ASOC submitted XXXIX ATCM IP083, which provided ASOC's perspectives on the ongoing CCAMLR process to adopt Marine Protected Areas (MPAs) in the CAMLR Convention area. This document updates on discussions on the issue of MPAs that took place at the XXXV CCAMLR meeting in October 2016, primarily to inform ATCM/CEP participants not involved in those discussions. After several years of negotiations, the Ross Sea Region Marine Protected Area was adopted in October 2016. The path now is clear for CCAMLR to continue the timely adoption of additional MPAs in the Southern Ocean. Further progress on the designation of MPAs for East Antarctica and the Weddell Sea should be made at CCAMLR XXXVI in October 2017. MPA proposals for those regions were first submitted in 2010 and 2016, respectively.

Introduction

The establishment of Marine Protected Areas (MPAs) by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) has been one of the most significant issues discussed in the Antarctic Treaty System context in recent years. This process is significant in terms of the ambition to secure marine protection at a regional scale in the Antarctic region to an extent as yet unparalleled in the continent itself.

At ATCM XXXIX in 2016 ASOC submitted IP083, which contained an update of previous discussions in the context of CCAMLR and provided ASOC's perspectives on the designation of MPAs in the Southern Ocean. Following that document, ASOC provides an update on MPAs discussions that took place at the XXXV CCAMLR meeting in October 2016. A more detailed account of that meeting is available on the ASOC website.

The ongoing discussion on the adoption of MPAs is not only relevant to those Antarctic Treaty Parties who are Members of CCAMLR, but also to other ATCPs interested in the conservation of marine living resources in the Southern Ocean, and to the Antarctic community in general, especially given the overlap in environmental protection, conservation and management objectives between the ATCM and CCAMLR.

The ATCM/CEP have discussed spatial marine protection in a number of instances, including at the joint CEP-SC-CCAMLR meeting in 2009, which focused on areas of common interest and mechanisms for cooperation. A second joint CEP-SC-CCAMLR meeting took place in 2016 and was aimed at identifying the effects of climate change that most likely are having an impact on the conservation of the Antarctic. The workshop also discussed the existing and potential sources of research and monitoring data relevant to the work of the CEP and SC-CCAMLR. In addition, in recent years some CCAMLR Members have held formal and informal discussions on MPAs on the margins of the ATCM and CEP.

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1 Lead author Ricardo Roura with contributions from Chris Johnson, Barry Weeber, Rodolfo Werner and Bob Zuur.
2 This document refers to the Convention for the Conservation of Antarctic Marine Living Resources As "CAMLR Convention" or "Convention" and to the Commission for the Conservation of Antarctic Marine Living Resources as "CCAMLR" or "Commission".
Background on CCAMLR MPAs

The CAMLR Convention, which entered into force in 1982, was established with the primary objective of conserving Antarctic marine life. This was in response to the concern over increasing commercial interest in Antarctic krill - a keystone component of the Antarctic ecosystem - and a history of over-exploitation of several other marine resources in the Southern Ocean. Thus, CCAMLR was established in response to over-fishing and the expansion of fishing in the Southern Ocean.  

The Convention's primary objective is the conservation of Antarctic marine living resources (Art. II (1)). For the purposes of the Convention, conservation "...includes rational use..." (Art. II (2)). However, "...any harvesting and associated activities..." in the Convention Area must be conducted in accordance with three principles of conservation that give rise to CCAMLR’s application of ecosystem and precautionary approaches (Art. II(3)). So, if "...any harvesting and associated activities..." occur, including commercial fishing, they must meet the three conservation objectives of Art. II (3). Overall, Art. II makes clear that conservation is the focus of CCAMLR with fishing accommodated as a secondary activity, where consistent with the Convention's objectives.

In 2009, CCAMLR set itself the target of 2012 to establish a representative system of MPAs within the Convention Area. Concurrently, CCAMLR adopted the South Orkney Islands Southern Shelf MPA (Conservation Measure 91-03, 2009), the first high seas MPA worldwide. Subsequently, in 2011 CCAMLR agreed a General Framework for the Establishment of CCAMLR MPAs through Conservation Measure 91-04 (2011). As part of a systematic conservation planning strategy, in 2011 the Convention Area was divided into nine "planning domains."

After 2011, CCAMLR held discussions to create MPAs in the Ross Sea and in East Antarctica. Prior to CCAMLR XXXV in 2016, these proposals were discussed at regular annual CCAMLR meetings (CCAMLR XXIX-XXIV) from 2012 to 2015, at a special MPA intersessional meeting (CCAMLR-SM II) in Bremerhaven, Germany, in 2013, at many meetings of CCAMLR's Working Groups, and in dedicated scientific and technical workshops, as well as in bilateral and multilateral gatherings between various CCAMLR Members.

Discussions resulted in significant changes to the original proposals to satisfy concerns from some CCAMLR Members about MPA size, duration, review period, and their interest to maintain access to actual or potential fishing areas. Consequently, prior to the 2016 meeting there was no certainty that CCAMLR could reach consensus on any of the MPA proposals being discussed.

MPA discussions at CCAMLR XXXV

CCAMLR held its XXXV Meeting at the Secretariat Headquarters in Hobart (Australia), from October 17 to 28, 2016. As in previous years, the issue of MPAs was high on the agenda. While the proposals for East Antarctica and the Ross Sea MPAs were once again on the table, the EU also presented a proposal for a Weddell Sea MPA, the development of which was led by Germany. Japan also referred to its suggested checklist to assess MPA proposals to be used voluntarily by Members. A more detailed account of CCAMLR XXXV is available at the ASOC report on the meeting on the ASOC website.  

East Antarctica

The East Antarctica Representative System MPA (EARSMPA) proponents (Australia, EU and its Member States Belgium, France, Germany, Italy, Poland, Spain, Sweden and UK) noted that the proposal was first presented to the SC-CAMLR in 2010 and that the draft Conservation Measure has been under consideration since 2012. The proposal aims to provide added protection to important areas representative of Antarctic marine ecology in that region and establish science reference areas, while permitting multiple uses consistent with the objectives of the MPA and utilising adaptive management approaches. The revised proposal presented in 2016 maintained its fundamental principles, although significant compromises had been made to

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7 CCAMLR XXXIV/BG/25 (2015): Implementing Article II of the CAMLR Convention. ASOC.
8
take account of the views of Members since then. Members received the proposal with a spectrum of different positions - from expressing full support, to noting that most concerns had been addressed, to continued objections of principle or what was regarded as lack of clarity in the proposal. Unfortunately, the proposal was not adopted.

**Weddell Sea**

Germany introduced the EU’s proposal for an MPA in the Weddell Sea. The proposal covers most of the key areas needing protection. Some Members expressed issues with the proposal, and thought that the proponent needed to discuss the proposal further at the meeting of the Working Group on Ecosystem Monitoring and Management in 2017 (especially the interface with research fishing). One Member noted that some of its scientific data had not been included in the proposal. Germany agreed that work on the proposal would continue intersessionally.

**Ross Sea**

After several years of negotiations, CCAMLR achieved consensus on the adoption of the Ross Sea Region Marine Protected Area (Conservation Measure 91-05), which includes an area of over 1.55 million square kilometres and will be the largest MPA in the world to date once it enters into force in December 2017.

Despite the erosion that resulted from years of negotiations - including notably on the issue of duration - the final Ross Sea Region MPA as adopted maintains the boundaries of the 2015 version of the proposal unchanged, and so many critical habitats will be protected.

The new MPA in the Ross Sea will limit, or entirely prohibit, certain activities in order to meet specific conservation, habitat protection, ecosystem monitoring and fisheries management objectives. Seventy-two percent of the MPA will be a "no-take" general protection zone, which will forbid all commercial fishing, while other sections will permit exploratory harvesting of fish and krill as reference areas for scientific research. Fishing will shift to the north and east away from key predators and to areas with less sea ice.

Unfortunately, the MPA has a duration of 35 years. Many ASOC members as well as CCAMLR Members made it clear that limited duration did not set a precedent for other MPAs to follow.

**Future developments**

Further work on the development of the research and monitoring plan of the Ross Sea Region MPA will be carried out through 2017, to be submitted to XXXVI CCAMLR.

The designation of the Ross Sea MPA has created the right momentum for adopting other MPAs in the rest of the CAMLR Convention Area in 2017 and beyond. Despite several years of deadlock there has been progress in the development of MPAs in the Convention Area. This was underscored in a summary produced by SC-CAMLR of the activities being undertaken on MPA planning in each of the MPA planning domains (Fig. 1).

As noted above, there are already two advanced MPA proposals for discussion, namely for Domain 7 (East Antarctica, proposed by Australia, France and the EU since 2010) and Domain 3 and parts of Domain 4 (included in the Weddell Sea Region, proposed by the EU under German leadership since 2016). A proposal for parts of Domains 1 and 2 (Antarctic Peninsula) has been in development for some years under the leadership of Argentina and Chile, and is likely to be presented to CCAMLR for discussion in 2017 or 2018.

ASOC considers that both the EARSMPA and the WSMPA include several positive conservation objectives and that both could be strengthened by removing ambiguity in some previsions and by adding a number of additional specific measures for conservation. No-take areas have been found to be an essential component of successful MPAs, and thus ASOC hopes that these two proposals will also include large no-take areas.

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9 SC-CAMLR XXXV (2017), Table 9: Summary of activities being undertaken on MPA planning in each of the MPA planning domains. (SC-CAMLR XXXV Preliminary report).

when adopted. Also, ASOC hopes that the MPAs will be in place indefinitely to ensure meeting conservation objectives.

The tourism dimension
Antarctica tour operators have a significant stake in keeping the Antarctic environment and ecosystems pristine and well managed in order to protect tourism resources – the pristine natural values that make the Antarctic experience unique. Consequently, the CCAMLR MPA process generated interest among some Antarctica tour operators. One tour operator has already issued a formal statement supporting current and future MPAs in Antarctica. Arguably some Antarctic tourists too have followed this process, and some are known to have signed petitions supporting the adoption of the Ross Sea MPA. This is a welcome development that underscores the significance of large-scale marine spatial protection across different international treaties and stakeholder groups. It is hoped that the tourism industry will add its voice to that of the conservation community and other stakeholders - including many scientists, and the general public - promoting stronger marine protection in the Southern Ocean.

Closing remarks
The adoption of a representative network of MPAs in the CAMLR Convention Area would be a major development in the conservation of the Southern Ocean. Despite substantial progress made early on by CCAMLR, several years were spent in discussions about protecting access to fishing grounds rather than protecting the environment. The conservation value of the MPA proposals under discussion was weakened as a result.

The adoption of the Ross Sea Region MPA not only helped to break the impasse, but also restored faith in CCAMLR's ability to take action on marine conservation. This has created a significant momentum for the adoption of further MPAs in the Southern Ocean. Meaningful MPAs must be robust, large, representative and ecologically significant, without any time restrictions, and must include no-take zones.

The process of systematic conservation planning followed by CCAMLR gives food for thought to the ATCM and CEP, and should be an encouragement to follow a similar process with respect to expanding the network of specially protected and managed areas in the Antarctic Treaty Area, including marine areas, covering values, and areas or activities relevant to the ATCM/CEP. In due time, the ATCM/CEP and CCAMLR should look at further harmonization of their work on marine spatial protection.

Recommendations
- The CEP and the ATCM note the progress made by CCAMLR on the adoption of MPAs in the Southern Ocean and encourage CCAMLR to further continue its work on this issue to completion. ASOC contends that CCAMLR should adopt MPAs for East Antarctica and the Weddell Sea at its XXXVI meeting in 2017.
- Based on the example of CCAMLR, the ATCM - upon the advice of the CEP - considers developing a process of systematic conservation planning with a view to expanding the network of terrestrial and marine protected areas in Antarctica. These should be relevant to the areas or activities that are not covered by CCAMLR MPAs, and complement the network CCAMLR MPAs.

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Table 1: Summary of activities being undertaken on MPA planning in each of the MPA planning domains (source: Table 9 SC-CAMLR-XXXVb report - preliminary version, downloaded April 2017).

<table>
<thead>
<tr>
<th>Domain</th>
<th>Name</th>
<th>Subarea/ division (whole or part)</th>
<th>Current status</th>
<th>Progress/ available documents</th>
<th>Future activities</th>
<th>CCAMLR web page/data resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Western Antarctic Peninsula/South Scotia Arc</td>
<td>48.1, 49.2, 88.3</td>
<td>MPA report and draft research and monitoring plan, MPA review due in 2019</td>
<td>Domain 1 expert workshop in 2012, 2013 and 2014; informal workshop in 2016</td>
<td>South Orkney MPA review due in 2019</td>
<td><a href="http://www.ecamrl.org/node/90101">www.ecamrl.org/node/90101</a></td>
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<td></td>
<td></td>
<td></td>
<td>GIS shapefiles and data layers available via e-group</td>
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<tr>
<td>2</td>
<td>North Scotia Arc</td>
<td>48.3, 48.4</td>
<td>Expert workshops in 2014 and 2015</td>
<td>Scientific background and proposal documents (see website; draft list)</td>
<td></td>
<td><a href="http://www.ecamrl.org/node/90105">www.ecamrl.org/node/90105</a></td>
</tr>
<tr>
<td>3</td>
<td>Weddell Sea</td>
<td>48.5, 49.6 South</td>
<td>Draft conservation measure</td>
<td>Scientific background and proposal documents (see website; draft list)</td>
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<td></td>
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<tr>
<td>4</td>
<td>Bouvet/Maud Rise</td>
<td>48.6 north</td>
<td>2012 Circumpolar Gap Analysis workshop</td>
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<tr>
<td>5</td>
<td>del Caio/Crozet</td>
<td>50.6, 50.7, 50.4</td>
<td>2012 technical MPA workshop</td>
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<td>6</td>
<td>Kerguelen Plateau</td>
<td>58.5, 58.4</td>
<td>2011 Breit WS MPA reports</td>
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