Maintaining CCAMLR’s ambition on Marine Protected Areas

Submitted by ASOC
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ASOC

Abstract

CCAMLR began work to develop a representative system of marine protected areas (MPAs) in 2005. Now in 2014, despite commitment within both the Scientific Committee and the Commission and the concerted effort by CCAMLR Members, significant progress towards implementing a representative system of MPAs has stalled. Furthermore, ASOC has been concerned to see a diminishing scale of ambition for CCAMLR’s representative system of MPAs and marine reserves. ASOC believes that the changes to proposed CCAMLR MPAs over the past several years have reflected a ‘lowest common denominator’ approach to consensus decision-making. The time has come for CCAMLR to move decisively towards meeting its commitment to implement a representative system of MPAs by designating the East Antarctic and Ross Sea MPAs.

Introduction

The CAMLR Convention, embodying the ecosystem and precautionary approaches, was an ambitious agreement specifically aimed at conserving and managing Antarctic marine living resources. Based on these approaches to management, CCAMLR has a history of demonstrating conservation leadership in the multi-lateral governance of international marine spaces. CCAMLR’s ambitious leadership has led to several significant conservation achievements to conserve and sustainably manage Southern Ocean species, habitats, and ecosystems. These include measures to manage new and exploratory fisheries, the near elimination of seabird bycatch from CCAMLR fisheries, the implementation of a regime to protect vulnerable marine ecosystems, the development of a compliance evaluation procedure, and significant reductions in the level of Illegal, Unregulated, and Unreported (IUU) fishing. Even though timely action was taken on these issues, they are ongoing and evolving areas of work that require continued effort by CCAMLR, including the development of effective conservation measures. The responses to these issues demonstrate that once at the table, CCAMLR Members have often shown remarkable capacity to develop good conservation measures over a relatively short time period.

However, in the case of CCAMLR MPAs, efforts to achieve consensus have resulted in significant reductions in the scale of ambition. ASOC is concerned that the reduced ambition for the current MPA proposals is inconsistent with the Commission’s commitments and obligations. CCAMLR Members must remain ambitious to meet the objectives of the Convention through the timely designation of a representative system of MPAs and marine reserves. These MPAs and marine reserves must be of sufficient scale to adequately protect the biodiversity of the Southern Ocean while facilitating monitoring of the effects of fishing and other human activities, natural variability, and long-term change on Antarctic marine living resources and on their ecosystems.

CCAMLR began work to develop a representative system of MPAs in 2005. Now in 2014, despite commitment within both the Scientific Committee and the Commission and the concerted effort by CCAMLR Members, significant progress towards implementing a representative system of MPAs has stalled. Rather than consensus functioning as a mutually beneficial decision making process, ASOC is concerned that it has become a block, contributing to an accelerating reduction in willingness to demonstrate ambition and leadership.
Making progress in a timely manner

When the South Orkney Islands Southern Shelf MPA was designated in 2009, it was expected that it would soon be joined by further MPA designations as part of the agreed representative system of CCAMLR MPAs. Five years later, CCAMLR has failed to designate any further areas as part of its representative system of MPAs. A strong proposal for East Antarctica was submitted to the Scientific Committee in 2010, and two scenarios for the Ross Sea were submitted to the SC in 2011, but are still under consideration. For the CAMLR Commission to meet the objectives of the Convention in a timely manner, significant progress implementing a representative system of MPAs and marine reserves is long overdue.

ASOC began highlighting the need for CCAMLR to implement a representative system of MPAs and marine reserves to fulfill CCAMLR conservation objectives in 2001. CCAMLR started substantive discussions on MPAs in 2005. That year, the Scientific Committee agreed to work toward developing a system of protected areas (SC-CAMLR-XXIV para. 3.57). The work of the Scientific Committee was subsequently endorsed by the Commission (CCAMLR-XXIV, para.4.17). In 2009, CCAMLR Members agreed to a work plan composed of a series of milestones in order to meet the World Summit on Sustainable Development (WSSD) goal1 of designating a representative system of MPAs by 20122. Sadly, CCAMLR Members were unable to meet this commitment within the time frame originally agreed upon.

Since 2005 CCAMLR Members have committed very significant resources across a number of meetings, working groups, and workshops. As a result, a number of significant milestones have been reached, most notably the successful negotiation of Conservation Measure 91-04, which provides a robust framework to guide the designation and management of CCAMLR’s system of MPAs. However, no concrete ‘on the water’ protection has been achieved beyond the South Orkney Islands Southern Shelf MPA.

Many of CCAMLR’s successful initiatives were achieved within timeframes that make their progress on MPAs seem glacial. CCAMLR instituted effective measures to address seabird mortality from interactions with longline fisheries within a year of the first longline fishery in Subarea 48.3 being notified. Development of CCAMLR’s Catch Documentation Scheme to combat IUU fishing began in 1998 and entered into force in 2000. The development of CCAMLR’s management of new and exploratory fisheries began in the very early 1990s and continued through the early 2000s; importantly, the core measures (CMs 21-01 and 21-02) were already in place by 1993. This ensured that CCAMLR fisheries were managed upon their commencement. Crucially, the precautionary approach was applied to new and exploratory fisheries including the data collection required for assessment and management purposes3. Also, within three years of adoption of the United Nations General Assembly Resolution 61/105, CCAMLR had a framework in place to effectively mitigate and manage impacts of bottom fishing on vulnerable marine ecosystems (VMEs). Most recently, the development and adoption of a compliance evaluation procedure (CM 10-10) was achieved in less than five years.

By no means should CCAMLR consider the successes highlighted above to mean that the issues of seabird bycatch, IUU fishing, and VME management have been fully resolved, or that there is no longer a need to continue refining the measures relating to new and exploratory fisheries. These measures need to be refined and improved upon, taking advantage of the latest information and

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1 WSSD, 2002; Agenda 21 Plan of Implementation, paragraph 32 (c).
technologies, and adopting complementary measures. In addition, action to ensure compliance of measures adopted by the Commission is an ongoing body of work.

These examples demonstrate that CCAMLR can take effective action within a five year time period from the time an issue is first seriously considered by the Commission. Furthermore, after acting quickly, continued refinement of measures and increasing compliance have increased the effectiveness of CCAMLR’s management regime.

Scale of Ambition

Since the East Antarctic and Ross Sea MPA proposals were first discussed, ASOC has been concerned to see a diminishing scale of ambition for CCAMLR’s representative system of MPAs and marine reserves. Figure 1 (attached) graphically demonstrates this reducing scale of ambition.

ASOC recognises that CCAMLR Members need to critically evaluate the submitted MPA proposals to ensure that they support the achievement of the objectives of the CAMLR Convention. For CCAMLR’s representative system of MPAs and marine reserves to be effective, individual MPAs must be of sufficient size to meet the criteria of comprehensiveness, adequateness, and representativeness (CAR). CCAMLR has previously acknowledged the Scientific Committee's advice that these criteria are important to ensuring a system of MPAs furthers the objectives of the Convention4. More recent work has supported the CAR criteria demonstrating that large, ecosystem scale areas are required to provide adequate protection to species and habitats5. Therefore, further reduction in the size of proposed MPAs will not achieve the desired results.

East Antarctica

The East Antarctic Representative System of Marine Protected Areas (EARSMPA), when first proposed in 2010, contained 7 areas covering more than 1.71 million square km². Over subsequent CCAMLR meetings, amendments have seen it reduced to 4 areas covering approximately 1.21 million km². This is a reduction of almost 500,000 million km², approximately 30% of the original proposal.

ASOC and the Antarctic Ocean Alliance’s vision for East Antarctica spans 2.4 million km², including 4 additional areas adjacent to the areas proposed in 2011. The current EARSMPA covers less than half of that vision. Key habitats associated with seamounts adjacent to the proposed d’Urville Sea-Mertz MPA, seafloor habitats north of Wilkes and Enderby land, the highly productive foraging areas associated with the Bruce Rise and Prydz Bay, and seafloor habitats and foraging areas around the recurring Cosmonaut Polynya are now no longer being considered for protection under the current proposal. Given these gaps, it is imperative that CCAMLR adopts the current EARSMPA proposal with no further erosion and agrees to a plan for consideration of the eventual inclusion of these other important habitats in the EARSMPA. The current EARSMPA proposal already represents a significant compromise to the detriment of conservation, scientific, and management objectives. This compromise is at odds with the CAMLR Convention's objectives where conservation is the central overarching consideration.

Ross Sea

Initial scenarios put forward to protect the Ross Sea in 2011 were over 2.2 million km² from New

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Zealand and close to 1.8 million km$^2$ from the United States. The first combined proposal from the US and New Zealand was over 2.1 million km$^2$ while AOA advocated a marine reserve covering almost 3.3 million km$^2$ of the Ross Sea planning region.

The current Ross Sea proposal spans less than 1.3 million km$^2$. This is more than 500,000 km$^2$ smaller than the original US proposal and close to 800,000 km$^2$ smaller than the first joint proposal from the US and New Zealand. Since the first joint Ross Sea MPA proposal was submitted in 2012 it has decreased by almost 40% in scale and is now just over a third of the original AOA/ASOC vision.

Areas that the science has clearly identified as important habitats for a range of Ross Sea fauna were either never included in any proposal to protect the Ross Sea or have been gradually negotiated away to protect fishing interests rather than biodiversity. This includes significant portions of the outer shelf and slope, shelf and slope commencing canyons, and the Iselin and Mawson Banks. Further concessions have significantly reduced seamount habitat in the northwest and removed protection from mid-ocean ridge rift areas in the northeast that may host rare hydrothermal vent communities.

**Duration**

Ambition is not only limited to the size of MPAs. Ambition must also be applied to the timescales required for both the achievement of specific MPA objectives and also the objectives of the CCAMLR Convention. Research and monitoring objectives of MPAs, particularly in regard to observing natural variability and long-term environmental change, require multi-decadal scale commitments to allow collecting robust datasets for the detection and attribution of factors involved in those changes. This is also true where MPAs are established to support the maintenance or recovery of populations, as well as the assessments of population status.

**Research and Monitoring**

CCAMLR MPAs are the collective responsibility of all Commission Members. Due to this fact, CCAMLR Members must also be ambitious in regards to research and monitoring. CCAMLR has a history of aiming to implement comprehensive monitoring work to support the achievement of its management objectives, most notably the CCAMLR Ecosystem Monitoring Programme (CEMP). CCAMLR MPAs will require a greater collective commitment of all its Members than the efforts that have been devoted towards CEMP to support their management. It is also likely that research and monitoring directed towards supporting MPA management will deliver various CEMP objectives. Such research and monitoring commitments to support the management of MPAs will provide CCAMLR Members with outstanding opportunities to participate and collaborate in science projects.

**Ambitious Decisionmaking**

ASOC believes that the changes to proposed CCAMLR MPAs over the past several years have reflected a ‘lowest common denominator’ approach to consensus decision-making. Through the debate on the current MPA proposals, the Commission has exhibited limited vision in meeting its CCAMLR commitments and supporting the achievement of the objectives of the Convention. While it is self evident that Members bring national interests to the table, CCAMLR should not engender a culture that allows or encourages one nation to block agreement. It is difficult to see a constructive way forward unless CCAMLR Members can collectively embrace a more accurate application of consensus decision-making. Without such a collaborative approach to resolving issues that are important to many Members, CCAMLR Members may be inclined to be less
collaborative on other management decisions, including fisheries measures. ASOC would prefer an approach to decision-making that encourages collaborative work in good faith and honours the spirit of the Antarctic Treaty to take mutually agreeable solutions that uphold the ambition inherent in the text of the CCAMLR Convention.

**Conclusion**

There are two important elements for CCAMLR Members to consider as they deliberate the current MPA proposals for the Ross Sea and East Antarctic and progress work to develop further MPA proposals in other regions of the Southern Ocean. The first is to ensure that in achieving progress, CCAMLR’s representative system of MPAs and marine reserves should deliver against its intended purpose to meet the aims and objectives of the Convention. To meet those aims and objectives, CCAMLR MPAs must be effective. To be effective, CCAMLR MPAs must be of sufficiently large scale to encompass the Southern Ocean’s biodiversity at a range of scales from species up to and across habitats and ecosystem processes. The second element is taking concerted concrete actions in a timely manner. Now is the time to designate the East Antarctic and Ross Sea MPAs.

CCAMLR must move decisively towards meeting its commitment to implement a representative system of MPAs by designating the East Antarctic and Ross Sea MPAs. The NGO community and the millions of supporters that we represent around the world (including in all CCAMLR countries) will welcome a successful outcome in 2014.
CCAMLR’S DIMINISHING SCALE OF AMBITION FOR MARINE PROTECTION

This info-graphic represents the major changes to the current MPA proposals from 2010 to 2014.

2010

East Antarctica – 2010 Proposal 1,716,517 km²

Ross Sea – 2011 New Zealand Scenario 2,210,596 km²

Ross Sea – 2011 United States Scenario 1,785,344 km²

Ross Sea – Shared area of US & NZ Scenarios

2011

East Antarctica – 2011 Proposal 1,804,346 km²

Ross Sea – 2011 New Zealand Scenario 2,210,596 km²

Ross Sea – 2011 United States Scenario 1,785,344 km²

Ross Sea – Shared area of US & NZ Scenarios

East Antarctica – July 2013 Proposal 1,540,595 km²

Ross Sea – 2012 New Zealand Proposal 2,500,788 km²

Ross Sea – 2012 United States Proposal 1,663,441 km²

Ross Sea – Shared area of US & NZ Proposals 2,130,564 km²

East Antarctica – 2013 Proposal (revised) 1,217,798 km²

Ross Sea – July 2013 Proposal 2,130,564 km²

2014

East Antarctica – 2014 Proposal 1,041,802 km²

Ross Sea – 2014 Proposal 1,282,024 km²

East Antarctica – AOA vision 2,425,812 km²

Ross Sea – AOA vision 3,282,644 km²

Note: 1) There were no boundary changes between the 2012 Combined Ross Sea Proposal and the July 2013 Ross Sea Proposal; 2) There were no boundary changes between the 2013 Ross Sea Proposal and the 2014 Ross Sea Proposal; 3) There are no boundary changes between the 2011 East Antarctic Proposal and the 2012 East Antarctic Proposal; 4) There were no boundary changes between the July 2013 East Antarctic Proposal and the 2013 East Antarctic Proposal.