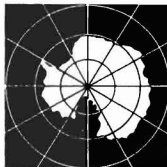


ANTARCTIC TREATY
XVIth CONSULTATIVE MEETING



TRATADO ANTÁRTICO
XVI REUNIÓN CONSULTIVA

TRAITÉ SUR L'ANTARCTIQUE
XVI^e RÉUNION CONSULTATIVE

ДОГОВОР ОБ АНТАРКТИКЕ
XVI КОНСУЛЬТАТИВНОЕ СОВЕЩАНИЕ

Bonn
07 - 18 October 1991

XVI ATCM/WP 1
07 October 1991
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Area Protection and Management in the Antarctic

Item 11

(submitted by United Kingdom)

AREA PROTECTION AND MANAGEMENT IN THE ANTARCTIC

1. Attached is a further UK attempt to draft an Annex dealing with the protection and management of designated Antarctic areas. It will be recalled that the UK had originally proposed that all types of area should be designated Antarctic Protected Areas and that all necessary differences in management procedures between one area and another could be accommodated within management plans. Taking particular account of the US paper tabled at Madrid I (XI ATSCM/2/WP21) we now agree that this was taking simplification a step too far.
2. The attached draft Annex accordingly provides for the designation of "Antarctic Protected Areas", "Antarctic Managed Areas" and the listing of Historic Sites and Monuments. We expect that all the current Specially Protected Areas and, in all probability, Sites of Special Scientific Interest and Specially Reserved Areas will fall within the category of Antarctic Protected Areas.
3. As regards Antarctic Managed Areas (Article 4), we have followed the line of thinking behind Recommendation XV-11, although we have not kept the term "Multiple-use Planning Area" in the belief that the term is too restrictive and that there could be areas which we might wish to manage for a single purpose, such as, for example, Areas of Special Tourist Interest.
4. The fundamental distinction between Antarctic Protected Areas and Antarctic Managed Areas is that no-one can enter a Protected Area without a permit, but that Managed Areas are managed in accordance with an agreed Code of Conduct with no permit for entry being required.
5. In both US and UK earlier drafts, provision was made for transition of arrangements between the system as it exists now and the system as it would be under an Annex. The reason for this was to maintain existing obligations regarding SPAs

and SSSIs until Management Plans had been adopted and had entered into force under the Annex. On reflection, we do not believe, subject to one caveat, that such provision is necessary. The caveat is that the Annex should not enter into force until Management Plans for SPAs have been prepared and are themselves about to enter into force. This will avoid two separate systems operating simultaneously.

6. It follows from this that preparation of Management Plans for SPAs should be put in hand as a matter of some urgency. It will help that a great deal of the necessary work has already been published in SCAR's 1985 "Conservation Areas in the Antarctic" edited by Nigel Bonner and Ron Lewis-Smith. A new edition is in preparation but awaits decisions about the treatment of protected areas under the Protocol.

7. The following notes on some Articles may be helpful:

Article 1

These definitions are derived from Article I of the Agreed Measures for the Conservation of Antarctic Fauna and Flora.

Article 3

Paragraph 2. This paragraph is not exhaustive and does not prevent the accordance of Antarctic Protected Area status for the purpose of providing protection to interests other than those listed here as long as they fall within the scope of paragraph 1 of this Article.

Article 4

Paragraph 2. The same applies to this paragraph as to Article 3(2).

Article 5

This Article states (paragraph 1) who may propose an area for designation by submitting a proposed Management Plan to an ATCM. It states (paragraph (2)(i)-(v)) what must be included in all Management Plans; in paragraph (2)(vi) what must be included in a Management Plan for an APA; and in paragraph 2(vii) what must be included in a Management Plan for an AMA. It will be seen that paragraph (2)(vi)(a) to (h) and (vii)(a) to (h) are virtually identical. This arrangement has been adopted to allow for possible differences that debate may show are necessary with respect to sub-paragraphs (a) to (h) in each case.

Article 8

In principle, access to Historic Monuments ought not to be restricted. Some Monuments, however, such as the heroic age huts on Ross Island, would be candidates for either APA or AMA status. For others, such as busts and plaques in the middle of Antarctic stations, it would not make much sense to provide individual Management Plans. For yet others, such as busts or plaques far away from any station, visits to them ought not to be subject to a permit arrangement. We have therefore provided in the Article for a general obligation to respect all listed historic monuments and for either APA or AMA status to be accorded to particular monuments in cases where such status would be appropriate to achieve the desired level of protection.

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ANNEX V TO THE PROTOCOL ON ENVIRONMENTAL PROTECTION
TO THE ANTARCTIC TREATY

AREA PROTECTION AND MANAGEMENT

ARTICLE 1

DEFINITIONS

For the purposes of this Annex:

- (a) "appropriate authority" means any person or agency authorised by a Party to issue permits under this Annex;
- (b) "permit" means a formal permission in writing issued by an appropriate authority.

ARTICLE 2

OBJECTIVES

1. For the purposes set out in this Annex, any area may be designated as an Antarctic Protected Area or as an Antarctic Managed Area. Activities in those Areas shall be prohibited, restricted or managed in accordance with Management Plans adopted under the provisions of this Annex.

ARTICLE 3

ANTARCTIC PROTECTED AREAS

1. Any area, including any marine area, may be designated as an Antarctic Protected Area to protect conservation, scientific,

aesthetic, wilderness, or historic interests, or any combination of those interests.

2. Antarctic Protected Areas may include:

- (a) areas kept inviolate from human interference so that future comparisons may be possible with localities that have been affected by human activities;
- (b) areas of important natural ecological systems including:
 - (i) examples of major terrestrial, including glacial and aquatic, ecosystems or marine ecosystems;
 - (ii) areas with important or unusual assemblages of species, including major colonies of breeding native birds or mammals;
 - (iii) the type locality or only known habitat of any species;
- (c) areas of exceptional scientific interest or locations of ongoing or planned scientific research;
- (d) examples of outstanding geological, glaciological or geomorphological features;
- (e) areas of exceptional aesthetic and wilderness value; and
- (f) sites or monuments of recognised historic value.

3. Entry into an Antarctic Protected Area shall be prohibited except in accordance with a permit issued under Article 7.

ARTICLE 4

ANTARCTIC MANAGED AREAS

1. Any area, including any marine area, where activities are being conducted or may in the future be conducted, may be designated as an Antarctic Managed Area to assist in the planning and co-ordination of activities and to reduce possible conflicting interests, improve co-operation between Parties and minimise environmental impacts.
2. Antarctic Managed Areas may include:
 - (a) areas where multiple activities pose risks of mutual interference or cumulative environmental impacts;
and
 - (b) sites or monuments of recognised historic value.
3. Entry into an Antarctic Managed Area shall not require a permit.

ARTICLE 5

MANAGEMENT PLANS

1. Any Antarctic Treaty Consultative Party, the Committee for Environmental Protection, the Scientific Committee for Antarctic Research, or the Commission for the Conservation of Antarctic Marine Living Resources may propose an area for designation as an Antarctic Protected Area or an Antarctic Managed Area by submitting a proposed Management Plan to the Antarctic Treaty Consultative Meeting.
2. Proposed Management Plans shall include:

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- (i) a description of the interest or interests for which additional protection or management is required;
- (ii) a statement of the aims and objectives of the Management Plan for the protection or management of those interests;
- (iii) a physical description of the area, including:
 - (a) the geographical co-ordinates, boundary markers and natural features that delineate the area;
 - (b) access to the area by land, sea or air including marine approaches and anchorages, pedestrian and vehicular routes within the area, and aircraft routes and landing areas;
 - (c) the location of structures, including scientific stations, research or refuge facilities, both within the area and near to it;
 - (d) the location in or near the area of other Antarctic Protected Areas or Antarctic Managed Areas designated under this Annex, or other protected areas designated in accordance with measures adopted under other components of the Antarctic Treaty system;
- (iv) the identification, where appropriate of zones within the area, in which activities are to be prohibited, restricted or managed for the purpose of achieving the aims and objectives referred to in subparagraph (ii) above;
- (v) maps and, as appropriate, photographs that show clearly the boundary of the area in relation to surrounding features and key features within the area;

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(vi) in respect of an area proposed for designation as an Antarctic Protected Area, a clear description of the conditions under which permits may be granted by the appropriate authority regarding:

- (a) access to and movement within or over the area;
- (b) activities which are or may be conducted within the area, including restrictions on time and place;
- (c) the installation, modification, or removal of structures;
- (d) the location of field camps;
- (e) the taking of or harmful interference with native flora and fauna;
- (f) the collection or removal of anything not brought into the area by the permit-holder;
- (g) the disposal of waste;
- (h) any requirement for reports to be made to the appropriate authority regarding visits to the area;

(vii) In respect of an area proposed for designation as an Antarctic Managed Area, a code of conduct regarding:

- (a) access to and movement within or over the area;
- (b) activities which are or may be conducted within the area, including restrictions on time and place;

- (c) the installation, modification, or removal of structures;
 - (d) the location of field camps;
 - (e) the taking of or harmful interference with native flora and fauna;
 - (f) the collection or removal of anything not brought into the area by the visitor;
 - (g) the disposal of waste;
 - (h) any requirements for reports to be made to the appropriate authority regarding visits to the area;
- (viii) the period of time after which the Management Plan is to be reviewed.

ARTICLE 6

DESIGNATION PROCEDURES

1. Proposed Management Plans for Antarctic Protected Areas and Antarctic Managed Areas shall be forwarded to the Environmental Protection Committee, the Scientific Committee for Antarctic Research and, with respect to marine areas, to the Commission for the Conservation of Antarctic Marine Living Resources for advice and comment. Thereafter Management Plans may be approved by the Antarctic Treaty Consultative Parties by a measure adopted at an Antarctic Treaty Consultative Meeting in accordance with Article IX(1) of the Antarctic Treaty. Unless the measure specifies otherwise, the Plan shall be deemed to have been approved 90 days after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Consultative Parties notifies the Depositary, within that time period, that it

wishes an extension of that period or is unable to approve the measure.

2. Management Plans may be amended or revoked in accordance with paragraph 1 above.

3. Upon approval Management Plans shall be circulated promptly by the Depositary to all Parties. The Depositary shall maintain a record of all currently approved Management Plans.

ARTICLE 7

PERMITS

A Party may appoint an appropriate authority to issue permits to enter and engage in activities within an Antarctic Protected Area in accordance with the requirements of the Management Plan relating to that Area. The permit shall be accompanied by the relevant sections of the Management Plan and shall specify the extent and location of the Area, the conditions on which any activities are authorised and any other conditions imposed by the Management Plan, including reporting requirements.

ARTICLE 8

HISTORIC SITES AND MONUMENTS

1. Sites or monuments of recognised historic value which have been designated as Antarctic Protected Areas or Antarctic Managed Areas, or which are located within such Areas, shall be listed as Historic Sites and Monuments.

2. Any Antarctic Treaty Consultative Party may propose a site or monument of recognised historic value which has not been designated as an Antarctic Protected Area or an Antarctic Managed Area, or which is not located within such an Area, for listing as a Historic Site and Monument. The proposal for listing may be

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approved by the Antarctic Treaty Consultative Parties by a measure adopted at an Antarctic Treaty Consultative Meeting in accordance with Article IX(1) of the Antarctic Treaty. Unless the measure specifies otherwise, the proposal shall be deemed to have been approved 90 days after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or is unable to approve the measure.

3. Historic Sites and Monuments shall not be damaged, removed or destroyed.

4. The list of Historic Sites and Monuments may be amended in accordance with paragraph 2 above. The Depositary shall maintain a list of current Historic Sites and Monuments.

ARTICLE 9

INFORMATION AND PUBLICITY

1. With a view to ensuring that all persons visiting or proposing to visit Antarctica understand and observe the provisions of this Annex, each Party shall prepare and make available information setting forth, in particular:

- (a) the location of Antarctic Protected Areas and Antarctic Managed Areas;
- (b) listings and maps of those Areas;
- (c) the Management Plans including listings of prohibitions relevant to each Area.
- (d) the location of Historic Sites and Monuments.

2. Each Party shall ensure that the location and, if possible, the limits, of Antarctic Protected Areas, Antarctic Managed Areas

and Historic Sites and Monuments are shown on its topographic maps, hydrographic charts and in other relevant publications.

3. Parties shall co-operate to ensure that, where appropriate, the boundaries of Antarctic Protected Areas, Antarctic Managed Areas and Historic Sites and Monuments are suitably marked on the site.

ARTICLE 10

EXCHANGE OF INFORMATION

1. The Parties shall make arrangements for:
 - (a) collecting and exchanging records (including records of permits for and reports of visits to Antarctic Managed Areas and Antarctic Protected Areas);
 - (b) obtaining and exchanging information on any significant change or damage to any Antarctic Managed Area, Antarctic Protected Area or Historic Site or Monument;
 - (c) establishing common forms in which records and information shall be submitted by Parties in accordance with paragraph 2 below.

2. Each Party shall inform the other Parties and the Environmental Protection Committee before the end of November of each year of the number and nature of permits issued under this Annex in the preceding period of 1st July to 30th June.

ARTICLE 11

CASES OF EMERGENCY

1. The restrictions laid down and authorised by this Annex

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shall not apply in cases of emergency involving safety of human life or of ships, aircraft, or environmental protection.

2. Notice of activities undertaken in cases of emergency shall be circulated promptly to all Parties.

ARTICLE 12

AMENDMENT OR MODIFICATION

1. This Annex may be amended or modified by a measure adopted in accordance with Article IX(1) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or that it is unable to approve the measure.

2. Any amendment or modification of this Annex which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.

ARTICLE 13

This Annex is an integral part of the Protocol on Environmental Protection to the Antarctic Treaty.

Revised 22 August 1991

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