Report of the CEP Intersessional Contact Group established to develop a Specially Protected Species Action Plan for the emperor penguin

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Working Paper submitted by the United Kingdom as ICG Convener

Summary

This paper reports on the outcomes of the CEP Intersessional Contact Group (ICG) tasked with the preparation of a draft Action Plan for the emperor penguin for presentation at ATCM XLIV - CEP XXIV together with SCAR’s assessment of the emperor penguin’s conservation status (Vulnerable).

The ICG recommends that the CEP:

* considers the draft Specially Protected Species Action Plan for the emperor penguin developed by the ICG and provided as Attachment A to this Working Paper;
* forwards the draft Action Plan and SCAR’s assessment of the conservation status of the emperor penguin (provided in ATCMXLIII WP37) to the ATCM for their consideration; and
* recommends to the ATCM (i) the designation of the emperor penguin as a Specially Protected Species under Annex II to the Protocol through adoption of the draft Measure in Annex 1 and (ii) that it encourages Parties to undertake the timely implementation of the Specially Protected Species Action Plan.

Background

At CEP XXIII, SCAR introduced WP 37 *Projections of future population decline emphasise the need to designate the emperor penguin as an Antarctic Specially Protected Species*. SCAR described how loss of breeding habitats and the profound transformation of the foraging habitat associated with significant change in and loss of sea ice as part of climate change are primary threats to emperor penguins.

In its review on the status of the emperor penguin, SCAR found that the emperor penguin was vulnerable to ongoing and projected climate change, thereby warranting protection as an Antarctic Specially Protected Species. SCAR recommended that the Committee establish an ICG to review the draft Action Plan prepared by SCAR (provided in Annex A to ATCMXLIII WP37) and provide a draft Action Plan.

The Committee agreed to establish an ICG to prepare a draft action plan for the emperor penguin to be presented to ATCM XLIV - CEP XXIV, together with SCAR’s assessment of the emperor penguin’s conservation status (provided in ATCMXLIII WP37).

The Committee agreed that the ICG would operate in accordance with the following terms of reference:

* With reference to the ‘Guidelines for CEP Consideration of Proposals for New and Revised Designations of Antarctic Specially Protected Species under Annex II of the Protocol’, and taking into consideration ATCM XLIII/WP37, ATCM XLIII/IP22 and other input from Members, Observers, and other relevant scientific, environmental and technical organisations, prepare a draft Action Plan for the emperor penguin.
* Report to CEP XXIV

At the fortieth meeting of the CCAMLR Scientific Committee, Working Paper SC-CAMLR/40-9 rev.1 informed CCAMLR about the work of the ICG, including an invitation to CCAMLR Members to provide advice on practical measures to provide special protection for the emperor penguin.

***Development of the Action Plan***

During the 2021-22 intersessional period, an ICG called ‘Development of a Specially Protected Species Action Plan for the emperor penguin’ was established that communicated via the CEP Forum. The ICG was convened by Dr Kevin Hughes of the United Kingdom. The ICG undertook six rounds of discussion with participation by Argentina, Australia, China, Ecuador, France, Germany, New Zealand, Norway, Portugal, South Africa, Spain, the United Kingdom, the United States, ASOC, COMNAP, IAATO and SCAR. The draft Action Plan was prepared with reference to the ‘Guidelines for CEP Consideration of Proposals for New and Revised Designations of Antarctic Specially Protected Species under Annex II of the Protocol’ and took into consideration information contained within ATCM XLIII WP37 and ATCM XLIII IP22.

The draft Action Plan is provided as Attachment A to this Working Paper. The draft Action Plan is comprised of several sections. Section 2 provides background information on emperor penguin biology, conservation status, vulnerability to direct and indirect threats and also provides details of Antarctic Treaty System agreements and management tools that are in place to protect this species. In Section 3, the Action Plan goal is established and in Section 4 the overarching objectives to deliver the goal are set out. In Section 5, specific actions are described for each objective, including the provision of information on the relevant spatial scale of each action, the emperor penguin life cycle stage the action is relevant to and the identification of the organisation(s) that will lead work to deliver the action.

***SCAR’s assessment of the emperor penguin’s conservation status***

The assessment by SCAR of the conservation status of the emperor penguin is provided in ATCMXLIII WP37. In this assessment, SCAR states that models and analyses ‘indicate that the species might best be classified within the IUCN Red List as ‘Vulnerable’’.

***Conclusion***

To fulfil the ICG Terms of Reference, the Group has produced the draft Specially Protected Species Action Plan, provided as Attachment A, and SCAR’s assessment of the conservation status of the emperor penguin is provided in ATCMXLIII WP 37. These outputs provide the basis for an assessment by the CEP and recommendation to the ATCM regarding the designation of the emperor penguin as an Antarctic Specially Protected Species, as set out in Article 3(4) of Annex II to the Protocol.

***Recommendation***

The ICG recommends that the CEP:

* considers the draft Specially Protected Species Action Plan for the emperor penguin developed by the ICG and provided as Attachment A to this Working Paper;
* forwards the draft Action Plan and SCAR’s assessment of the conservation status of the emperor penguin (provided in ATCMXLIII WP37) to the ATCM for their consideration; and
* recommends to the ATCM (i) the designation of the emperor penguin as a Specially Protected Species under Annex II to the Protocol through adoption of the draft Measure in Annex 1 and (ii) that it encourages Parties to undertake the timely implementation of the Specially Protected Species Action Plan.

**Annex 1. Draft Measure for the designation of the emperor penguin as an Antarctic Specially Protected Species.**

**Measure X (2022)**

**Specially Protected Species: emperor penguin**

**The Representatives,**
*Recalling* Article 3(4) of Annex II to the Protocol on Environmental Protection to the Antarctic Treaty ("the Protocol"), providing for the designation of Specially Protected Species to be accorded special protection by the Parties;

*Further recalling* that the Committee for Environmental Protection ("CEP") adopted at CEP VIII guidelines for consideration of proposals for new and revised designations of Specially Protected Species;

*Concerned* about the implications for Antarctica arising from a warming global climate, including changes to the Antarctic and Southern Ocean ecosystems;

*Noting* that the extent of sea ice around Antarctica reached a record low in early 2022 and bearing in mind the predicted decline in sea ice upon which the emperor penguin (Aptenodytes forsteri) largely relies for breeding habitat;

*Noting* that SCAR has determined the conservation status of the emperor penguin to be ‘vulnerable’;

*Believing* that, in the light of the scientific advice from SCAR, the emperor penguin should now be added to the list of Specially Protected Species contained in Appendix A to Annex II to the Protocol;

*Noting* the work by the CEP to produce a Specially Protected Species Action Plan for the emperor penguin, the goal of which is ‘to reduce and, where practicable, prevent threats to emperor penguins and their habitat at all stages of their life cycle, taking into account observed and potential impacts of climate change on emperor penguins, in order to improve the threat status and degree of endangerment of the species’.

**Recommend** to their Governments the following Measure for approval in accordance with Article 9 of Annex II to the Protocol on Environmental Protection to the Antarctic Treaty:

That:

1. the emperor penguin be designated as a Specially Protected Species and in Appendix A to Annex II to the Protocol on Environmental Protection to the Antarctic Treaty, the words "*Aptenodytes forsteri*, emperor penguin" be added; and
2. the Specially Protected Species Action Plan that is annexed to this Measure be approved.