

Report on the Open Ended Intersessional Contact Group on Protected Areas

Terms of Reference (c) - Consideration of the Need for Further Elaboration of an Antarctic Conservation Strategy

New Zealand Working Paper

1. Background

This paper reports on the outcomes of the work of the open-ended intersessional contact group on protected areas regarding Part (c) of the terms of reference (TOR) for the group. Part (c) charged the group with the following task:

To consider the need for further elaboration of an Antarctic conservation strategy.

The outcome of the work on parts (a) and (b) of the terms of reference are reported in separate working papers. Twenty-two contact points registered their interest in participating in the work of the contact group. New Zealand co-ordinated this process with contributions on part (c) of the TOR received from Argentina, Australia, France, Germany, Italy, United States, ASOC, IAATO and IUCN.

The paper includes, for the consideration of the CEP, recommendations relating to this part of the terms of reference, as well as a discussion of the issues discussed by the contact group during the course of its work.

2. The Purpose and Audience of an Antarctic Conservation Strategy

The possible purpose and audience of any Antarctic conservation strategy were identified and discussed by the contact group in order to clarify issues relating to whether such a strategy is needed.

Two categories of purpose were identified:

- I. overarching governance, management and legal aspects affecting Antarctic-wide conservation issues generally, including both terrestrial and marine ecosystems south of the Polar Front (Antarctic Convergence) ; and
- II. those relating to protected area systems in particular.

Treaty party contact points that addressed this question agreed that both categories were important. At least one contact point noted that the Treaty provides for governance, management and legal aspects to apply only south of 60 degrees, not south of the Antarctic convergence.

Contact points from Germany, IUCN and ASOC emphasised that the scope of a conservation strategy was much wider than protected area issues. Each purpose would offer both strategic (general) and practical or operational information.

There was general agreement that the audience for an Antarctic conservation strategy already exists and is unchanged since the IUCN strategy was published in 1991. It includes members of the Antarctic Treaty System, SCAR, CCAMLR, organisations and people active in the Antarctic, plus the wider international community of nations, intergovernmental and non-governmental organisations with interests in Antarctic conservation, and others that can contribute to Antarctic conservation efforts (IUCN 1991).

3. Role of the Environmental Protocol and its Five Annexes

There was general agreement that the first category of purpose (I above) has been at least partly addressed by the Protocol and its five annexes. The CEP 1 report noted that “*several members noted that a strategy for the protection of the Antarctic environment should take into account that the Protocol and its four annexes in force provide protection to the whole Antarctic area*” (CEP 1998, paragraph 47). One contact point suggested that Article 2 of the Protocol was actually a succinct statement of purpose for a conservation strategy. This contact point also noted that the Protocol is only one of a number of instruments established to address wider conservation matters in the Antarctic Treaty System.

There were differing views expressed by contact points over whether the Protocol or Antarctic Treaty instruments in general give adequate conservation coverage. Some contact points indicated that adequacy would be achieved once the Protocol was fully implemented and Parties have fulfilled their obligations under the Protocol. One contact point considered that guidance on using the Protocol is the main need. Others went further suggesting that adequacy would be achieved only when consistent approaches, procedures or standards were adopted by Parties. The recent EIA guidelines and the contact group’s current work on protected areas were noted as useful tools for this implementation and standardisation process. However these tools are not mandatory and one contact point noted that Parties are free to adopt a variety of approaches as long as they fulfil their obligations under the Protocol.

Other specific issues regarded by some contact points as not well covered by the Protocol or insufficiently explicit under existing mechanisms (e.g. Articles 3, 8, Annex I) included:

- judging what are acceptable levels of interference (e.g. the “minor or transitory” terminology)
- management of cumulative impacts - some contacts contend that the Protocol focuses on individual activities by individual operators or Parties, and not on overall activities, which might lead to an under-estimation of cumulative impacts.
- novel or emerging activities that could have more than minor or transitory impacts.

In addition, some contact points noted that discussions to elaborate rules and procedures under the provision of Article 16 of the Protocol (Liability) are not yet complete after several years and is an important conservation issue.

However, one contact point disagreed that most of these issues were insufficiently covered under the Protocol. In particular, with regard to the first bullet point above, it was noted that the Protocol does not make mention of “acceptable levels of interference”. Rather it requires an environmental impact assessment to assess impacts of a proposed activity, with a decision made on whether an activity should proceed and, if so, whether in its original or modified form, based on the assessment “as well as other relevant considerations”. It was further noted that the Protocol does not provide a basis for judging whether levels of impact greater than minor or transitory are inherently acceptable.

Treaty party contact points who commented on the second type or category of purposes (II above), noted that they include important matters concerned with ensuring that protected areas meet appropriate conservation objectives, providing agreed and standard guidelines for protected areas and identifying priorities for future action. While these matters are covered in a general way by Annex V further elaboration and guidance is sought by some contact points (and has been partly addressed by this intersessional contact group - refer parts (a) and (b) of the Terms of Reference).

IUCN and ASOC contacts believed that protected area issues could be resolved now using existing tools (including Antarctic Specially Managed Areas) if Treaty Parties implement them. However no contact points see any need to review the protected area system established in the Protocol.

4. Possible Need for a More Focussed Conservation Strategy on Protected Areas

There appears to be little support for a strategy addressing only the second category of purposes relating to protected areas. Most contact points did not see a need, thought the Protocol was conceptually sound and that together with its annexes provide the only and best conservation strategy within the Antarctic Treaty system so far. It was noted that time and experience is needed to allow for implementation of the Protocol. This could include continued identification and designation of new protected areas, preparation of guidelines and eventual evaluation of whether protection objectives were being achieved.

However some contact points consider that there are important questions currently unanswered that need to be addressed if the protected area objectives of the Protocol and Annex V are to be achieved. Some of these questions or issues have been raised in the CEP meetings, by SCAR (1998) or in protected area workshops (Table 1). Because they either directly or indirectly relate to the task of this contact group they are noted below:

- What are the threats to values identified in Annex V, Article 3(1)?
- How many protected areas are necessary to guarantee sufficient protection of these values?
- Where should these protected areas be?
- How effective are existing protected areas (and what performance measures might be suitable to determine this)?
- How should wilderness values be protected?
- Does the process for designating marine protected areas need to be further clarified?

5. A Review of IUCN (1991) Strategy for Antarctic Conservation

IUCN's strategy was published in 1991 before the Environmental Protocol was signed. It identified actions to strengthen conservation in the Antarctic and the Treaty system. Many issues (e.g. minerals, recognition of values, environmental impact assessment, waste disposal, protected area framework, tourism, broader representation/participation) have been addressed and taken into account by the Protocol and its five annexes. Treaty Parties are still resolving some issues (e.g. wilderness values, liability for environmental damage). Therefore, while the purpose of the IUCN strategy appears to have been largely met by the Protocol, it is not yet outdated.

Few contact points addressed this aspect. IUCN and ASOC believe that the IUCN strategy does not need updating in the context of protected areas (but the strategy did not address aspects of protected area system planning in detail.) One contact point suggested that the sustainable use objective in the IUCN strategy is inconsistent with the comprehensive protection objectives of the Protocol. Sovereignty aspects of IUCN's world-wide protected area system may still be being interpreted in ways that deter some protected area planning in the Antarctic when the real issue is the need for improving protected area coverage and management under the Treaty system.

6. Recommendations from Workshops on Antarctic Protected Areas

Since the Protocol was signed and the IUCN strategy published, there have been three international workshops on Antarctic protected areas involving Treaty Parties and SCAR. The first was the SCAR/IUCN workshop at Cambridge on 29 June – 2 July 1992 (Lewis and others 1992). The second was at Tromso on 23 May 1998 (Njaastad 1998) and the third was at Lima on 22 – 23 May 1999 (Peru 1999).

An international workshop on cumulative impacts in Antarctica that was held in Washington on 18-21 September 1996 (De Poorter and Dalziell 1996) also contained references to protected areas.

Table 1 was prepared to summarise recommendations from these four workshops to provide background information for the contact group on conservation issues related to protected areas. Detailed review of reports of any of these workshops is outside the scope of the terms of reference of this contact group. However, it was noted that identification of recommendations that are relevant might help the group address the current task and recommend further action to the CEP. Contact points were generally supportive of this approach.

7. Conclusions

The following conclusions have been drawn from the contact group discussions.

There is general agreement that further elaboration of a strategy for Antarctic conservation is not needed, given the provisions of the Protocol and its five Annexes.

However, some contact points expressed concerns that the Protocol does not yet ensure full coverage of Antarctic conservation issues but noted that this coverage should be achieved once the Protocol is fully implemented, including guidelines to elaborate aspects such as environmental impact assessment and protected areas. Other matters may require further attention by the CEP and ATCM and indeed several of the issues are the subject of ongoing work in these forums (see sections 3 and 4 above).

The IUCN contact point noted that their strategy might require an update. ASOC suggested that this might build on the fact that Antarctica is a protected continent and address reasons why its ecosystems (and other values) are not yet fully protected.

8. Recommendations

The following recommendations relating to this part of the terms of reference are provided for consideration by the CEP.

- (a) Further elaboration of an Antarctic conservation strategy is not needed at present, given the provisions of the Environmental Protocol and its five Annexes.

- (b) However, ongoing attention is needed to address some specific matters, including differing approaches to implementation of the Protocol and its annexes (probably the concern expressed by most but not all contact points), management of cumulative impacts and management of “novel” or emerging activities.
- (c) Existing protected area tools and guidelines should be fully implemented. In particular, the Antarctic Treaty Parties, SCAR and other interested organisations should continue efforts to identify and provide protection to a network of sites in Antarctica representative of the values and kinds of area referred to in Article 3 of Annex V.
- (d) There is potential to aid the designation and management of such sites through furthering the understanding and implementation of the protected area system under Annex V. This could include, for example, the elaboration of an environmental-geographic framework and development of performance or effectiveness measures for existing protected areas.
- (e) Those Parties conducting activities in areas where their activities may interfere with each other or cause cumulative environmental impacts should develop plans for co-operatively managing activities in those areas and have areas designated as Antarctic Specially Managed Areas (ASMAs) as provided for in Articles 4 and 5 of Annex V. Such areas may serve as models for the eventual development of guidelines for ASMAs.

References

- De Poorter, M and Dalziell, JC (Editors) 1996. Cumulative impacts in Antarctica. Proceedings of IUCN workshop, Washington, 18-21 September 1996.
- IUCN 1991. A strategy for Antarctic conservation IUCN, Gland, Switzerland and Cambridge UK, 85 pages
- Njastad, B (compiler) 1998. Antarctic protected areas workshop. Norsk Polarinstitutt, Tromso, Norway, Report No. 110, 87 pages.
- Lewis Smith, RI, Walton DWH and Dingwall PR (Editors) 1992. Developing the Antarctic Protected Area System. Proceedings of the SCAR/IUCN Workshop 29 June-2 July 1992. IUCN, Gland, Switzerland and Cambridge UK, 137 pages.
- Peru 1999. Report of the second [Antarctic Treaty] workshop on Antarctic protected areas. Working paper 37 at CEP II, 4 pages.
- SCAR 1998. Developing the protected area system in Antarctica. Working paper 27 at CEP I, 1 page.

Table 1 - Summary of Recommendations of main Antarctic Protected Area (PA) Workshops held by SCAR, Antarctic Treaty Parties and IUCN. Implementation and other comments made by intersessional contacts are noted in italics, including whether the recommendation is directly relevant to the terms of reference (TOR) for this contact group.

A. SCAR/IUCN Workshop, Cambridge, 29 June – 2 July 1992 (Lewis and others 1992)

	Recommendation	Implementation (question marks indicate uncertainties)
1.	Ratification of Protocol and Annexes.	All ratified. Annex V not yet in force. <i>Further work outside scope of TOR</i>
2.	CEP rules of procedure to include development of PA system.	Rules implemented. <i>Recommendation overtaken. Further work outside scope of TOR.</i>
3.	Encourage proposals for new PA to achieve adequate geographical and comprehensive environmental representation.	Some new emphasis on protecting a wider range of values but representation is still biased (at least geographically). <i>Further work outside scope of TOR but it is hoped that guidelines under TOR (a) will encourage proposals.</i>
4.	SCAR to continue to receive and evaluate PA proposals in the form of draft management plans and advise CEP/ATCM.	Implemented. <i>Implicit in TOR (b).</i>
5.	PA proposals should not be rejected because of insufficient knowledge provided sufficient detail (and draft management plan) are included.	Implemented but not accepted throughout Treaty system? <i>Further work outside scope of TOR.</i>
6.	SCAR should utilise revised 1977 ecosystem classification system as the environmental – geographic framework (Annex V) until an improved and agreed system, including comprehensive assessment criteria (e.g. wilderness, aesthetic), is adopted by an ATCM.	Did SCAR utilise it? An improved environmental – geographic framework is not yet agreed. <i>Relevant to TOR (a). Classification matrix found helpful but not sufficient at Tromso and Peru workshops.</i>
7.	SCAR and IUCN to continue to advise on PA, planning and design, research to enhance protection and distribution of a SCAR handbook on preparation of management plans.	Collaboration and advice continues? SCAR produced guidelines adopted at XXII ATCM on preparation of management plans for ASPAs. <i>No guide yet on ASMAAs. Further work outside scope of TOR.</i>
8.	PA boundaries should be defined by natural features where appropriate, fixed by GPS where possible, and standardised signs should be erected at them.	Partly reflected in Annex V and guidelines (TOR (a)). <i>Signs are not standardised or commonplace. Further work outside scope of TOR.</i>
9.	Management plans should identify values, management objectives, and activities to be observed. COMNAP support should be sought.	Guidelines adopted at XXII ATCM contain these aspects. When the ATCM approves management plans, Parties and associated organisations (e.g. COMNAP) implement them. <i>Further work outside scope of TOR..</i>
10.	When existing PAs are reclassified in accordance with Annex V, new management plans should be prepared.	Implemented and underway. <i>Further work outside scope of TOR..</i>
11.	Standard methodology for site surveillance, monitoring and co-operative management.	SCAR reporting form adopted by XXII ATCM. Co-operative management has improved <i>but more work needed. Further work outside scope of TOR.</i>
12.	Issue of permit to enter PAs to require compliance with management plan; permits should be subject to review.	Standard practice in most countries but difficult to enforce everywhere. <i>Further work outside scope of TOR..</i>
13.	Parties inspect PAs at not more than five year intervals to ensure use in accordance with management plans; inspections to be co-ordinated.	Practice being adopted but backlog exists. <i>Further work outside scope of TOR..</i>
14.	Protection measures for Historic Sites and Monuments.	Implemented. <i>Further work outside scope of TOR.</i>
15.	Historic and scientific values of abandoned work sites to be considered before clean-up sanctioned.	Generally implemented. <i>Further work outside scope of TOR.</i>
16.	Conservation principles for assessment and management of tourist operations be considered.	<i>IAATO has prepared such principles but responsibility for management resides with Treaty Parties. Not all tourist operators belong to IAATO. Further work</i>

		<i>outside scope of TOR.</i>
17.	Research into and monitoring of tourist activities and impacts to facilitate planning and management.	Some research and monitoring is and has been undertaken. <i>Further work outside scope of TOR.</i>
18.	Establishment of PA database to allow access to management plans and site data to be considered.	Some relevant databases have been established at national sites. Wider establishment still under discussion at ATCMs and CEP. <i>Further work outside scope of TOR.</i>
19.	Information in four languages to be made available to all visitors to ensure compliance with conservation measures.	<i>Not implemented in all languages. Documents important for protection of Antarctica should be translated into as many visitors' languages as possible, especially for operations near protected areas (e.g. Recommendation XVIII-I has been translated into the four official languages plus Italian, Chinese, Japanese and German). Further work outside scope of TOR.</i>
20.	Parties to ensure that expeditions shall oblige pilots, captains, officers, crew and passengers to comply with conservation measures and PA regulations.	Generally implemented. <i>Further work outside scope of TOR.</i>
21.	CEP should develop an information strategy for data collection etc associated with PA management.	Under preliminary discussion. <i>Further work outside scope of TOR.</i>
22.	Parties to consider opportunities for applying international PA designations to areas of exceptional and universal conservation value and explore the possibility of 'Antarctic Heritage Landscapes'.	Discussed at subsequent workshops and briefly in ATCM's and CEP. <i>Indirectly relevant in part to TOR (a).</i>

B. Treaty Parties – NGO Workshop, Tromso, 28 May 1998 (Njastad 1998)

	Recommendation	Implementation
1.	That the ATCPs, the CEP, SCAR and CCAMLR, take urgent steps to identify possible new protected areas in the following categories: areas kept inviolate from human interference (Annex V, Article 3(2a)); representative examples of ecosystems (Annex V, Article 3 (2b)).	Recommendation A.3 applies here. <i>Meaning of "representative" examined in TOR task (a). Partly relevant to TOR part (a).</i>
2.	That the CEP, in collaboration with SCAR and IUCN, should develop new systems for classifying protected areas in Antarctica making good use of existing knowledge and methods (and taking account of all types of area referred to in Annex V, Article 3.2).	Similar to A.6 and A.22. Not yet agreement or formal development in Treaty system. <i>Recommendation consistent with TOR part (a).</i>
3.	That the ATCPs through the CEP examine ways of establishing and maintaining a database on Antarctic protected areas, which could be made accessible electronically.	Similar to A.18. <i>Further work outside scope of TOR.</i>
4.	That the ATCPs, through the CEP, undertake a gap analysis based on the values for site protection identified in Article 3 of Annex V, in order to make recommendations for new protected areas.	Argentine paper at Peru workshop useful but author considered more systematic work was required. <i>Further work outside scope of TOR.</i>
5.	That the ATCPs, the CEP, SCAR and COMNAP should consider means by which adopted management plans and the Guidelines on the Preparation of Management Plans can be made as widely available as possible.	Overlap with A.18, 19 and B.3. Under discussion. <i>Further work outside scope of TOR.</i>
6.	That the CEP should develop criteria for the five year review of management plans as required by Article 6 (3) of Annex V, and establish a standardised	See A.11. Discussed at CEP II, Peru workshop. <i>Implicit in TOR (b) and also (a).</i>

	reporting system for the exchange of information as required by Article 10 (1c) of Annex V.	
7.	That the CEP should consider how it can best review plans for ASPAs proposed because of their wilderness, aesthetic or historic values given that consideration of such values lies outside the relevant competence of SCAR and CCAMLR.	Information papers by UK and NZ at CEP I and II provided background. <i>TOR (b) implicitly includes this.</i>
8.	That the CEP consider establishing a sub-group(s) to address elements of the protected areas system, and select appropriate convenors for such sub-groups.	Intersessional group for EIA useful model of intersessional subgroups. Discussed at Peru workshop and CEP II. <i>Part of TOR (b).</i>
9.	That the Terms of Reference of and sub-group be determined by the CEP.	Accepted <i>and required by CEP rules of procedure.</i> Discussed at Peru workshop and CEP II. <i>Implicit part of TOR (b).</i>
10.	That the CEP should examine the timelines for the submission and processing of proposed management plans with a view to improving the process, where possible.	UK paper at Peru workshop. <i>Implicit part of TOR (b).</i>

C. Treaty Parties – NGO workshop, Lima, 22 – 23 May 1999 (Peru 1999)

	Recommendation	Implementation
1.	That the CEP elaborates the existing framework for protected areas in Antarctica, which draws on the schema (identified).	Overlap with A.6, B.2? <i>ICG TOR (a).</i>
2.	That the CEP considers the need for further elaboration of an Antarctic conservation strategy.	<i>TOR (c)</i> (This paper).
3.	That in selecting new protected areas, a range of tools be used, including analysis of environmental risk, quality and feasibility.	<i>TOR (a).</i>
4.	When preparing and periodically reviewing protected area management plans [for which it has been assigned responsibility], the Party compile inventories of the values found in those areas, and assess the effectiveness of protection for the designated assemblages. In addition consider whether there is inappropriate duplication between areas, and whether there are other assemblages which need inclusion in the protected area.	Advice to CEP II. <i>Further work outside scope of TOR.</i>

D. IUCN Antarctic cumulative impacts workshop, Washington, 18-21 September 1996 (De Poorter, M and Dalziell, JC (Editors) 1996).

	Recommendation	Implementation
5.	The use of ASMAs and ASPAs should be encouraged as a tool to manage cumulative impacts.	<i>Further work outside scope of TOR.</i>
6.	International cooperation is essential and should be strongly encouraged in the establishment and management of protected areas.	<i>Implicit in TOR.</i>
7.	In the management of these areas, steps should be taken to avoid or minimise the increased risk of cumulative impacts [arising] from the possibility that protected areas attract further scientific activities.	<i>Further work outside scope of TOR.</i>
8.	“Pristine” areas should be identified and consideration given to designations under Annex V to achieve the appropriate level of protection of them (which	<i>Further work outside scope of TOR.</i>

	could include exclusion of activities).	
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