

## **Guidance for assessing an area for a potential Antarctic Specially Managed Area designation**

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## **Introduction**

The aim of this document is to provide any potential proponent(s) with some guidance and support in their process of assessing and determining whether, why and how an area indeed merits a designation as an Antarctic Specially Managed Area (ASMA). The guidance is non-mandatory, but provides points to consider when a Party or Parties begin to consider designating an area as an ASMA.

Article 4 of Annex V to the Environmental Protocol provides that any area, including any marine area, where activities are being conducted or may in the future be conducted, may be designated as an ASMA to assist in the planning and co-ordination of activities, avoid possible conflicts, improve co-operation between Parties or minimize environmental impacts. ASMAs may include areas where activities pose risks of mutual interference or cumulative environmental impacts, and sites or monuments of recognized historic value. ASMAs can include Antarctic Specially Protected Areas (ASPAs) and Historic Sites and Monuments (HSMs) within their area. Article 5 of Annex V provides that any Party, the Scientific Committee for Antarctic Research (SCAR) or the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) may propose an area for designation as an ASMA by submitting a proposed management plan to the Antarctic Treaty Consultative Meeting (ATCM). Article 6 of Annex V describes designation procedures, including the need for prior approval of CCAMLR should the ASMA include a marine area.

Articles 5 and 6 of Annex V to the Environmental Protocol make it clear that the process of designating an ASMA is formally initiated through the submission of a proposed Management Plan to the Committee for Environmental Protection (CEP). This document provides guidance for and assistance to proponents with regard to a suggested practical process leading up to the point at which the formal proposal is made through the submission of a proposed Management Plan.

Experience with the development of existing ASMAs has shown that the process to establish an ASMA can be long and involved. In particular, the complexity of an ASMA designation process may increase with the scale of the area, and with the number of activities and/or Parties or other stakeholders involved.

This document focuses on the process for assessing an area for potential ASMA designation. Depending on the circumstances of the area in question, there are other options that can contribute to achieving the objectives for spatial management of an area (e.g. ASPA designation, bilateral agreements between Parties, national procedures or Codes of Conduct).

All ASMA proposals must be considered by the CEP, and ultimately be agreed by the Antarctic Treaty Consultative Parties at an ATCM. An ASMA management plan is the internationally-agreed instrument applicable to all visitors to the Area, and should be given effect by each Party according to the provisions of the Antarctic Treaty and the Protocol, as implemented by National Authorities through domestic legislation. Consequently, each ASMA proposal has relevance for all Parties, not only for those Parties and other operators conducting activities within the area in question..

This document should be regarded as guidance only, to aid in ensuring that all relevant aspects have been considered appropriately and sufficiently in the process for the potential proponents to consider whether to propose an area as an ASMA or not. All areas considered for ASMA designation will have different qualities, past, current or future pressures and management challenges associated with them, and the specific circumstances will need to be taken into account when it comes to the designation process.

In addition to the guidance provided to the proponent(s), it is the long-term aim that this guidance may contribute to a degree of consistency and comparability among assessment processes (while recognizing that each potential ASMA will have its own requirements and dynamics), and ensure that the process is sufficiently documented for future reference.

This document should be used with reference, as appropriate, to the following material:

- Annex V to the Protocol (specifically Article 4, 5 and 6),
- *Guidelines: A Prior Assessment process for the designation of ASPAs and ASMAs* (Appendix 3 of CEP XVIII Final Report 2015),
- *Guidelines for the implementation of the Framework for Protected Areas* (Resolution 1 (2000)<sup>1</sup>, and
- *Report of the CEP Workshop on Marine and Terrestrial Antarctic Specially Managed Areas* Montevideo, Uruguay, 16-17 June 2011 (IP136 ATCM XXXIV/CEP XIV, 2011).

## **Determining the need for ASMA designation**

If a Party or Parties operating within an area identify that current or reasonably foreseeable future activities pose risks of mutual interference or cumulative environmental impacts, or there is a need to assist in the planning and coordination of activities or improve cooperation between Parties, they may wish to give consideration to proposing the area for ASMA designation.

## **Documentation of process**

It is important to document the methods used in the development and submission of a management plan for ASMA designation. Documentation could be in the form of results of science or monitoring projects, workshop reports, discussion papers, lists of major meetings held and key outcomes, list of stakeholders consulted, lists of reference material, etc.

The conclusions from the assessment process should be clearly documented and communicated to the stakeholders, regardless of the final outcome of the assessment process.

## **Stakeholder identification and engagement**

As noted above, the decision on whether to designate an area as an ASMA will ultimately be made by the ATCM, and will reflect the consensus view of the Antarctic Treaty Consultative Parties.

Because any decision on whether to designate an ASMA will likely be informed by a range of views, the Party or Parties initiating the assessment process may find it helpful to involve other stakeholders **in the process in order to get a comprehensive overview of all issues that may have bearings on the future management of the area**. The Party or Parties initiating the assessment process could, for example, seek to identify and engage with other Parties, and where appropriate with relevant organisations (e.g. SCAR, COMNAP, IAATO), that might have an interest in the area as a result of their past, current or planned activities. Where appropriate, such engagement might range from information-sharing to active participation in the assessment process.

It should also be noted that it may be necessary to present an ASMA proposal to CCAMLR for consideration, in accordance with Decision 9 (2005), for areas in which there is actual harvesting or

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<sup>1</sup> Note that while this document pertains to Antarctic Specially Protected Areas, it nevertheless contains common principles which provide useful points in the consideration of potential ASMA.

potential capability of harvesting of marine living resources which might be affected by site designation; or for which there are provisions specified in a draft management plan which might prevent or restrict CCAMLR related activities.

## **Working methods**

When the potential proponents are considering whether to propose designating an ASMA to achieve the objectives for spatial management of an area, the following methods supporting the assessment process, inter alia, could be applied to ensure stakeholder engagement and a comprehensive screening and assessment of issues:

- Initial Documentation: one or more of the Parties should initiate the process by developing a discussion paper (based on an initial scoping, desktop study, or general discussions with others interested in an area), providing background material for the need to assess and consider management options.
- Workshop(s): arrange a meeting or series of meetings in which key elements of the assessment needs are considered. Invite experts and stakeholders.
- Working groups: establish groups charged with assessing various elements identified as relevant for the area in question, to ensure a comprehensive and focused assessment of the various aspects.
- On-site activities: arrange for a workshop/site-visit, including stakeholders if appropriate and possible.
- Web-based discussion forums and other remote means of communication: use such means to post discussion papers and other relevant documents to engage the broader community of stakeholders in the process.

## **Identify values, activities and management objectives**

The management objectives for an area will depend on the values, activities and pressures in the area. The initial proponent(s) will have an idea of the area management objectives when initiating the assessment, however understanding of these matters is likely to evolve through the process of consultation with other stakeholders with activities or interests in the area. Ultimately, it is important to reach a clear picture of the agreed management objectives for an area, to enable the proponent(s), stakeholders and CEP to proceed.

An ASMA can be established to increase cooperation amongst Parties with interests in the area, to minimize negative impacts from activities on specific values of the area, or to minimize conflict between various activities. In considering area management objectives and options, it is necessary to identify the values of an area, and the past, current and future activities. The following guidance may be of help, and the location and extent of values and activities should be mapped to the degree possible.

Note that this stage of the process is similar to considering areas for potential ASPA designation, and so the following closely reflects the guidance in the *Guidelines for implementation of the Framework for Protected Areas set forth in Article 3, Annex V of the Environmental Protocol*.

### **Values**

Consider whether any of the following values of the area are present:

- **Environmental values:** Does the area contain physical, chemical or biological features e.g., glaciers, fresh water lakes, melt pools, rock outcrops, biota that are particularly unique or representative components of the Antarctic environment (e.g. Important Bird Area<sup>2</sup>)?
- **Scientific values:** Does the area contain physical, chemical or biological features of special interest to scientific researchers where the principles and methods of science would be applicable? Note that a forward-looking assessment as well as an assessment of current scientific interest is relevant in this context. Consider also if there are multiple scientific values in the same area, as this may be relevant in considering potential competing scientific interests and cumulative impact from field science activities.
- **Historic and heritage values:** Does the area contain a Historic Site or Monument(s) designated under Annex V, or other features or objects that represent, suggest or recall events, experiences, achievements, places or records that are important, significant or unusual in the course of human events and activity in Antarctica?
- **Aesthetic values:** Does the area contain features or attributes e.g., beauty, pleasantness, inspirational qualities, scenic attraction and appeal that contribute to people's appreciation and sense or perception of an area?
- **Wilderness values:** Does the area contain characteristics (e.g., remoteness, few or no people, an absence of human-made objects, traces, sounds and smells, untraveled or infrequently visited terrain) that are particularly unique or representative components of the Antarctic environment?
- **Educational values:** Does the area provide an opportunity for outreach and education to the public with the aim of promoting the Protocol-identified values listed above and fostering an understanding of the importance of Antarctica in the global context?

In considering the values present in the area, make also note of whether the area contains one or more ASPAs, or other areas managed to protect any of the environmental or other values identified.

## **Activities**

Consider whether any of the following activities take place or are planned or may in the future be conducted in the area, and whether these activities take place regularly / continuously / seldom / seasonally, and how the range of activities have changed in recent years. It is important to consider whether ongoing activities have changed over time or are anticipated to change in the future, as this might have different impacts on other activities and/or values in the area:

- **Scientific activities:** Are scientific activities (including monitoring) conducted in the area? What type and at what locations? Do these activities require separation in time or space from other activities that may cause interference (i.e. a 'buffer'), or do they rely on the state of the environmental values in all or part of the area.
- **Station operations and science support activities:** Are there any (scientific) stations or other facilities or equipment in the area? What location? What is the spatial and temporal extent of the normal operations of the station(s)?
- **Transportation:** Are there areas, corridors or sites that are particularly important for transportation activities? Where are these located?
- **Recreational activities:** Are there areas that are used for recreational purposes by National Antarctic Programs? Where and what kind of activities are these?
- **Tourism:** Are there areas that are used for organized tourism purposes or private expeditions? What type of activities? Where are these areas?

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<sup>2</sup> Refer to Resolution 5 (2015) on Important Bird Areas in Antarctica for further information.

- **Harvesting/fishing:** If an area contains a marine component, does harvesting of marine resources currently occur in the area or is there potential for harvesting to occur in the future, and if so where?
- **Environmental management:** Are there any areas where there are ongoing environmental management activities (e.g. ASPAs, Site Guidelines for Visitors, other)?
- **Other activities:** Are there other activities taking place in the area? What types and where?
- **Future activities:** Is it anticipated that expanded or new activities will take place in the area in the reasonably foreseeable future? What types and where? Are other changes to ongoing activities anticipated, such as diminishing, ending, change in timing, etc.?

## Interactions between multiple activities/operators, and between activities and the values of the area

### Potential pressures / environmental impacts

Consider the environmental and other values of the area in the context of activities taking place in the area by posing the questions below. Note that it is particularly important to involve scientists and operational managers with knowledge of the area, or with relevant expertise, in discussing these issues, especially with regard to the identification of important environmental values.

- Are there environmental values of particular importance within the area that would be harmed by any current or planned activities taken individually or collectively? Specific activities? Level of activity? Frequency/timing of activity?
- Are there more efficient ways that activities could be carried out while reducing impacts?
- Are there areas/environments within the area that can cause safety concerns?
- Are there certain sites or locations within the area that contain values that are more vulnerable to human impact than others?

Consider whether there are knowledge gaps related to the issues identified above that require further investigations and consider initiating relevant studies (including field work to assess and ground truth values, activities, potential conflicts, etc.) to fill these gaps as required.

Consider whether the potential pressures associated with current or reasonably foreseeable activities in the area are likely to require coordination between parties in order to achieve the management goals desired for the area.

Consider whether there are specific coordination initiatives that could be implemented to minimize impacts in the area, such as:

- Sharing of facilities
- Sharing of logistics, such as personnel movement, transport of goods, etc.
- Encouraging and implementing scientific cooperation to maximize scientific output and minimize unnecessary duplication of research
- Sharing of information through management meetings or other communication initiatives
- Application of management zones (e.g. Restricted, Scientific, Visitor, Historic, etc.). Refer to *Guidelines for the application of management zones within ASMAs and ASPAs*
- Other

### **Potential for co-ordination, co-operation or conflict**

To assess ongoing conflict or potential for conflict<sup>3</sup>, and opportunities for planning, co-ordination or co-operation to avoid such conflict or achieve other management objectives, consider the activities in the context of the environment they take place in, and in relation to other activities taking place in the area by addressing the questions detailed below for all identified activities. Note that it is particularly important to provide Parties and other stakeholders with the opportunity to consider these issues, especially with regard to the sensitivities related to the activity they are engaged in.

- Are there activities currently occurring or planned that are incompatible or specific sites within an area where incompatible activities are currently going on?
- Are current or planned activities particularly prone to being affected by disturbance from other activities? Consider whether this is a general sensitivity or time limited sensitivity. Consider sensitivity to all types of disturbance, not only those stemming from ongoing activities in the area.
- Are there aspects of the activity that are dangerous/risky and therefore hinder/limit other types of activities in the same area? Consider whether this is general or time limited.
- Is the activity particularly disruptive to the environment, or for specific values of the environment, either permanently or temporarily?
- Is it possible to envision future potential conflicts (e.g., in introducing new scientific methods, such as UAVs or ROVs or large scale scientific installations or increasing logistic capabilities) that could increase the numbers of people conducting activities within the site?

Consider whether there are steps that may be taken to limit the potential conflicts identified by posing the following questions to the Parties and other stakeholders:

- Can steps be taken to avoid/limit negative impact on your interests in the area?
- Can steps be taken to avoid/limit negative impact on other interests in the area?

### **Drawing conclusions**

When the potential proponent(s) are considering whether to propose designating an ASMA to achieve the objectives for spatial management of an area, they should consider whether this will require the engagement of multiple parties/stakeholder groups.

The suite of management options that can contribute to achieving the objectives for spatial management of an area includes, but is not limited to: ASPA designation, bilateral agreements between Parties, national procedures or Codes of Conduct, etc.

Summarize the results of the previous considerations and evaluate whether the management of the area would be improved by designation of the ASMA, with a management plan. Include in the deliberations, if appropriate and possible, the value of an ASMA Management Group to facilitate and coordinate actions to achieve the management objectives.

If the assessment conducted by the potential proponents concludes that an ASMA designation should be considered in accordance with the Protocol, the Party/Parties involved could at this stage make the CEP aware of a possible proposal for an ASMA and seek feedback and views from other members consistent with the CEP's *Guidelines: A Prior Assessment process for the designation of ASPAs and ASMAs*.

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<sup>3</sup> Conflict is considered the incompatibility of two or more activities taking place in the same area at the same time.

After the potential proponent(s) have undertaken the assessment process described above they may consider it appropriate for a management plan to be developed for the Area A draft management plan should be developed in a manner consistent with the *Guidelines for the preparation of ASMA management plans*, and then submit for wider consideration in accordance with Article 5 and 6 of Annex V of the Protocol.

## References and background information

### General

- Annex V to the Protocol (specifically Article 4, 5 and 6)
- *Guidelines: A Prior Assessment process for the designation of ASPAs and ASMAs* (Appendix 3 of CEP XVIII Final Report 2015)
- *Guidelines for the preparation of ASPA management plans* (Resolution 2 (2011))
- *Guidelines for the application of management zones within ASMAs and ASPAs* (WP 10, ATCM XXXIII/CEP XIII, 2010)
- *Guidelines for the implementation of the Framework for Protected Areas* (Resolution 1 (2000))
- *Report of the CEP Workshop on Marine and Terrestrial Antarctic Specially Managed Areas* Montevideo, Uruguay, 16-17 June 2011 (IP136 ATCM XXXIV/CEP XIV, 2011)
- *Guide to the presentation of Working Papers containing proposals for Antarctic Specially Protected Areas, Antarctic Specially Managed Areas or Historic Sites and Monuments* (Resolution 5 (2011))
- *Checklist to assist in the inspection of Antarctic Specially Protected Areas and Antarctic Specially Managed Areas* (Resolution 4 (2008))

### Documents from previous ASMA processes<sup>4</sup>

- Downie, RH. And Smellie, JL. *A management Strategy for Deception Island* (2001)
- Valencia J. and Downie, RH. (eds.). *Workshop on a Management Plan for Deception Island* (2002)
- Report from workshop: *Description of the biological research program in the vicinity of Palmer Station, Antarctica and possible impacts on the program from activities in the area to serve as a basis for development of a provisional research/management plan for the Palmer area* (1988)
- Report from McMurdo Dry Valley workshops: *Environmental Management of a cold desert ecosystem: The McMurdo Dry Valleys* (1995) and *McMurdo Dry Valley Lakes: impacts of research activities* (1998)
- Harris C.M. 1998: Science and environmental management in the McMurdo Dry Valleys Southern Victoria Land, Antarctica
- Report from McMurdo Dry Valley workshop: *Environmental Assessment of the McMurdo Dry Valleys: Witness to the Past and Guide to the Future* (2016)
- Report from workshop: *Larsemann Hills: an Antarctic Microcosm* (1997)

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<sup>4</sup> These documents from former ASMA processes may provide some ideas and insights into the various stages of an assessment process and how they in these instances have been documented.