

CONSERVATION MEASURE 91-04 (2011)
General framework for the establishment of
CCAMLR Marine Protected Areas

Species	all
Area	various
Season	all
Gear	all

The Commission,

Recalling its endorsement of the work program of the Scientific Committee to develop a representative system of Antarctic Marine Protected Areas (MPAs) with the aim of conserving marine biodiversity in the Convention Area, and in accordance with the decision at the World Summit on Sustainable Development (WSSD) in 2002 to achieve a representative network of MPAs by 2012,

Desiring to implement Article IX.2(f) and 2(g) of the CAMLR Convention where conservation measures, formulated on the basis of the best scientific evidence available, may designate the opening and closing of areas, regions or sub-regions for the purposes of scientific study or conservation, including special areas for protection and scientific study,

Noting the establishment by CCAMLR of the South Orkney Islands southern shelf MPA as a first step towards a network of MPAs in the Convention Area,

Noting the importance of MPAs in facilitating research and monitoring of Antarctic marine living resources,

Appreciating that establishment of MPAs in the Convention Area (CCAMLR MPAs) may involve exchange of information between CCAMLR and the Antarctic Treaty Consultative Meeting,

Recognising that CCAMLR MPAs aim to contribute to sustaining ecosystem structure and function, including in areas outside the MPAs, maintain the ability to adapt in the face of climate change, and reduce the potential for invasion by alien species, as a result of human activity,

Noting the importance of establishing CCAMLR MPAs in the Convention Area in accordance with Article II of the CAMLR Convention, where conservation includes rational use,

Recognising that activities and management arrangements within CCAMLR MPAs should be consistent with the objectives of those MPAs,

Noting that individual MPAs alone will not be able to achieve all of the desired objectives for MPAs in the CAMLR Convention Area, but that together they should be able to do so,

Recalling the Scientific Committee's advice that the whole Convention Area is equivalent to an IUCN Category IV MPA, but there are areas within the Convention Area that require further special consideration in a representative system of MPAs,

hereby adopts the following conservation measure in accordance with Article IX of the Convention to provide a framework for the establishment of CCAMLR MPAs:

1. This conservation measure and any other CCAMLR conservation measures relevant to CCAMLR MPAs shall be adopted and implemented consistent with international law, including as reflected in the United Nations Convention on the Law of the Sea.
2. CCAMLR MPAs shall be established on the basis of the best available scientific evidence, and shall contribute, taking full consideration of Article II of the CAMLR Convention where conservation includes rational use, to the achievement of the following objectives:
 - (i) the protection of representative examples of marine ecosystems, biodiversity and habitats at an appropriate scale to maintain their viability and integrity in the long term;
 - (ii) the protection of key ecosystem processes, habitats and species, including populations and life-history stages;
 - (iii) the establishment of scientific reference areas for monitoring natural variability and long-term change or for monitoring the effects of harvesting and other human activities on Antarctic marine living resources and on the ecosystems of which they form part;
 - (iv) the protection of areas vulnerable to impact by human activities, including unique, rare or highly biodiverse habitats and features;
 - (v) the protection of features critical to the function of local ecosystems;
 - (vi) the protection of areas to maintain resilience or the ability to adapt to the effects of climate change.
3. The Commission shall establish CCAMLR MPAs following advice from the Scientific Committee by adopting conservation measures in accordance with this measure. These conservation measures shall include:
 - (i) the specific objectives of the MPA, consistent with paragraph 2;
 - (ii) spatial boundaries of the MPA, including as needed, the geographical coordinates, boundary markers (where feasible), and natural features that delineate the area;
 - (iii) activities that are restricted, prohibited, or managed in the MPA or parts thereof, and any temporal (seasonal) or spatial limits on those activities;
 - (iv) unless otherwise agreed by the Commission, priority elements for a management plan, including administrative arrangements, and for a research and monitoring plan, and any interim management, research and monitoring arrangements required until those plans are adopted. These requirements shall include the date when plans would need to be introduced to the Commission;
 - (v) the period of designation, if any, which shall be consistent with the specific objectives of the MPA.

4. The management plan for an MPA, once developed and adopted by the Commission, will be annexed to the conservation measure and will include management and administrative arrangements for achieving the specific objectives of the MPA.
5. The Commission will, on the basis of the advice of the Scientific Committee, adopt a research and monitoring plan for an MPA.
 - (i) This plan shall specify, to the extent necessary, the scientific research to be undertaken in the MPA, including, *inter alia*:
 - (a) scientific research pursuant to the specific objectives of the MPA;
 - (b) other research consistent with the specific objectives of the MPA; and/or
 - (c) monitoring of the degree to which the specific objectives of the MPA are being met.
 - (ii) Research activities not in the research and monitoring plan shall be managed according to Conservation Measure 24-01 unless otherwise decided by the Commission.
 - (iii) All Members may undertake research and monitoring activities in accordance with this plan.
 - (iv) The data as specified in the research and monitoring plan will be submitted to the Secretariat and made available in accordance with the Rules for Access and Use of CCAMLR Data for analyses by Members pursuant to this plan.
 - (v) Unless otherwise agreed by the Commission, every five years, Members conducting activities according or related to the research and monitoring plan will compile a report on those activities, including any preliminary results for review by the Scientific Committee.
6. Vessels subject to CCAMLR conservation measures designating CCAMLR MPAs shall be vessels under the jurisdiction of Parties to the Convention, which are either fishing vessels¹ or vessels conducting scientific research activities on Antarctic marine living resources in accordance with CCAMLR conservation measures.
7. Notwithstanding paragraph 6, the CCAMLR conservation measures designating MPAs shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this conservation measure.
8. Unless otherwise provided in the relevant conservation measure to take appropriate account of specific objectives for the CCAMLR MPAs, conservation measures designating CCAMLR MPAs shall be reviewed every 10 years or as agreed by the Commission when advised by the Scientific Committee, including in order to evaluate if the specific objectives of the MPAs are still relevant or being achieved and the delivery of the research and monitoring plan.

9. In order to encourage cooperation in implementing CCAMLR MPAs, the Commission shall make available information on CCAMLR conservation measures establishing MPAs in the Convention Area, including to any relevant international or regional organisation and any State that is not a Party to the Convention, whose nationals or vessels may enter the Convention Area.
10. When a new CCAMLR MPA is designated, the Commission shall endeavour to identify which actions by other elements of the Antarctic Treaty System, and other organisations, such as the International Maritime Organization, should be pursued to support the specific objectives of the MPA once established.

¹ For the purposes of this conservation measure, 'fishing vessel' means any vessel of any size used for, equipped to be used for, or intended for use for fishing or fishing-related activities, including support ships, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products except container vessels and excluding Members' marine science research vessels.