

#### 4.118 Antarctica and the Southern Ocean

RECALLING Resolution 16.9 *Antarctica (II)* adopted by the 16th IUCN General Assembly (Madrid, 1984), Resolution 18.74 *The Antarctic Conservation Strategy* adopted by the 18th IUCN General Assembly (Perth, 1990), Recommendation 19.95 *Improved Protection for Wildlife in Subantarctic Island Ecosystems* and Resolution 19.96 *Antarctica and the Southern Ocean* adopted by the 19th IUCN General Assembly (Buenos Aires, 1994), Resolution 2.54 *Antarctica and the Southern Ocean* adopted by the 2nd IUCN World Conservation Congress (Amman, 2000), and Resolution 3.036 *Antarctica and the Southern Ocean* adopted by the 3rd IUCN World Conservation Congress (Bangkok 2004);

ALSO RECALLING the recommendations endorsed by marine theme participants at the Vth IUCN World Parks Congress (Durban, 2003) calling for the establishment and effective management by 2008 of at least five scientifically and globally representative high seas marine protected areas, and for relevant organizations to "... by 2012, devote urgent attention to creating and expanding marine protected area networks, including the marine biodiversity and ecosystem processes in the world oceans that lie beyond national jurisdiction, including Antarctica...", with the Ross Sea highlighted as a priority for protection as the largest relatively intact marine ecosystem remaining on Earth;

NOTING the progress made in defining broad-scale bioregions of the Southern Ocean and classifying Environmental Domains for the terrestrial environment, which together provide a 'systematic environmental-geographic framework' upon which a representative system of protected areas may be developed;

ACKNOWLEDGING that Annex V to the *Protocol on Environmental Protection to the Antarctic Treaty* (the Madrid Protocol) allows for Antarctic Specially Protected Areas (ASPAs) and Antarctic Specially Managed Areas (ASMAs) to be established in both terrestrial and marine environments;

DEEPLY CONCERNED about the emerging impacts on Antarctic ecosystems from global climate change;

CONCERNED about the potential for cumulative impacts on wilderness and scientific values of the Antarctic should the numbers of tourists coming to the Antarctic continue to rapidly grow, along with the sizes of tourism vessels, without effective and legally binding regulations covering the tourism industry being in place;

GREATLY CONCERNED by the rapidly increasing interest in the Antarctic Krill *Euphausia superba* fishery, which operates in complete overlap with the foraging ranges of land-based krill-dependent predators such as penguins and seals, and targets the keystone species of the Antarctic marine foodweb, vital for the recovery of Blue Whale *Balaenoptera musculus*, Fin Whale *B. physalus*, Sei Whale *B. borealis* and Humpback Whale *Megaptera novaeangliae*, and in the absence of a fully operational adaptive management system of this fishery at a small scale that takes into account the needs of predators and the uncertainties posed by climate change, while welcoming the progress being made by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) to develop such a management system, and looking forward to its completion as soon as possible;

WELCOMING the progress made in recent years in reducing Illegal, Unreported and Unregulated (IUU) fishing in Antarctic waters;

CONCERNED however by the continued IUU fishing for certain fish species, especially toothfish *Dissostichus* spp. in high-seas areas within the competence of CCAMLR, and CCAMLR's inability to eliminate this threat;

WORRIED by the continuing deaths of seabirds in large numbers from long-line fishing operations, an activity that constitutes a serious threat to albatross (Diomedidae) and petrel (Procellariidae) populations that breed in the Southern Ocean, with many albatross and petrel species listed as Critically Endangered, Endangered or Vulnerable;

NOTING the increasing numbers of vessels using the Southern Ocean and the absence of an integrated approach to setting appropriate ice-classification standards for those vessels, regulating discharges of waste water, or controlling the types of fuels used by the vessels;

CONCERNED by the absence of a management plan for the Southern Ocean whale sanctuary;

AWARE of increasing interest in biological prospecting and applications for patents for commercial exploitation of genetic material from unique organisms in the Antarctic Treaty area and the area of application of CCAMLR;

CONCERNED about the plans of the Russian Federation to penetrate Lake Vostok in the 2008-2009 Antarctic research season using a borehole filled with kerosene and other drilling-related materials and technology not best suited to protecting the integrity of the Lake;

FURTHER CONCERNED at the slow pace of Parties to the Madrid Protocol in ratifying and bringing into force Annex VI on liability and emergency response action;

NOTING that states do not currently give advance notice of fishing and whaling vessels in accordance with Article VII (5) of the Antarctic Treaty and that environmental assessments according to Article 8 of the Madrid Protocol are not carried out;

FURTHER NOTING that the presence in the Southern Ocean of refuelling vessels emphasizes the need for prior environmental assessments to be carried out for all vessels operating in Antarctic waters;

OBSERVING therefore that conditions have changed since the Final Act of the XI Antarctic Treaty Special Consultative Meeting (ATSCM) in 1991 whereby fishing and whaling vessels were said to be not included in activities referred to in Article 8 of the Madrid Protocol; and

RECOGNIZING the important role of IUCN in providing a forum for the discussion of issues affecting Antarctica's environment by governmental and non-governmental bodies and in contributing to the work of the components of the Antarctic Treaty system;

**The World Conservation Congress at its 4th Session in Barcelona, Spain, 5-14 October 2008:**

1. URGES all Parties to the Antarctic Treaty, the Madrid Protocol on Environmental Protection and CCAMLR to take the steps necessary to:
  - (a) develop a comprehensive and representative network of protected areas pursuant to Annex V of the Madrid Protocol by 2012, including consideration of declaring the Ross Sea an Antarctic Specially Protected Area;
  - (b) prevent introduction of alien species to Antarctic environments, including through ships, personnel and cargoes;
  - (c) assess the framework within which legal and environmental issues surrounding bioprospecting are considered and review the merits of better monitoring;
  - (d) ratify existing shipping instruments negotiated under the International Maritime Organization (IMO) and ensure full implementation of such instruments, and for flag and port states to increase their inspections and controls over vessels operating in the Antarctic region in order to ensure strict compliance with the highest safety and environmental standards; and
  - (e) ensure full implementation of Annex VI to the Madrid Protocol, by all parties for which the Annex is effective, to cover all vessels operating in the Southern Ocean;
2. URGES all Parties to the Madrid Protocol to:
  - (a) explore the feasibility of more active management of Antarctic tourism with legally binding and enforceable rules;
  - (b) ratify Annex VI to the Protocol by 2010 to bring into force this important instrument on liability for harm to the environment;
  - (c) consider providing protected status to Lake Vostok and other important sub-glacial lakes, and ensure that if any penetrations of these lakes are attempted,

they will be done only with the most sophisticated and protective technologies in order to minimize harm to these pristine, ancient lakes; and

- (d) provide advance notice of and require environmental assessments for all vessels intending to voyage to and operate in the Antarctic Treaty Area;
3. URGES all Parties to CCAMLR to:
- (a) maintain a highly precautionary approach to the development of all fisheries in the CCAMLR Area, as mandated by CCAMLR principles, so as to ensure that the expansion of fisheries around Antarctica, including new and exploratory fisheries, does not occur at a faster rate than the capacity to manage these fisheries based on the best scientific information, including the timely acquisition of adequate data;
  - (b) complete as a matter of priority the development of a highly precautionary, adaptive management system for the Antarctic Krill fishery, including Small Scale Management Units that minimize competition between the fishery and krill predators at the local level, takes account of foraging needs of all krill-dependent species including recovering populations of baleen whales, as well as the uncertainties caused by climate change and the absence of the necessary data; and
  - (c) as a matter of priority, take the necessary measures to stop IUU fishing in the oceans around Antarctica, including the use of trade-related measures (consistent with the WTO) to be agreed by CCAMLR against Flag States that support IUU fishing and other enforcement tools as necessary to effectively prevent, deter and eliminate IUU fishing in the near future;
4. CALLS ON all range states to accede to the Agreement on the Conservation of Albatrosses and Petrels (ACAP), especially those breeding range states that have not yet ratified it;
5. ENCOURAGES all existing Parties to implement the Agreement effectively;
6. URGES those nations whose vessels undertake longline fishing within the foraging ranges of albatross and petrels to require the adoption of best-practice seabird by-catch mitigation measures, such as line weighting and night setting in their fisheries, to promote the adoption of such measures by relevant Regional Fisheries Management Organizations (RFMOs) and to implement National Plans of Action for Reducing Incidental Catch of Seabirds in Long-line Fisheries (NPOA-Seabirds) as part of the International Plan of Action (IPOA-Seabirds) adopted by the Committee on Fisheries of the United Nations Food and Agriculture Organization (FAO) in 1999;
7. CALLS ON the IWC to develop a Management Plan for the Southern Ocean Whale Sanctuary, and urges all member states of the UN to fully respect the integrity of the Sanctuary; and
8. CALLS ON the IMO and Parties to the Antarctic Treaty System's instruments, especially the Madrid Protocol and CCAMLR, to collaborate to:
- (a) take the necessary steps to set appropriate iceclassification standards for vessels operating in the Antarctic;
  - (b) consider a ban on the carriage and use of heavy fuel oil;
  - (c) strengthen regulation of sewage and grey-water discharge;
  - (d) take steps to prevent entry of alien species through various pathways, including ballast water and biofouling; and
  - (e) enforce the prohibition on the dumping of garbage into the Southern Ocean.

The State member Japan provided the following statement for the record:

*As was pointed out at the plenary when this Motion was tabled for the first time, this Motion contains several errors, false and misleading information and unnecessary descriptions, and therefore it was recommended that the Motion be withdrawn.*

*Although one of the sponsors mentioned about the distribution of an amended text, the amended text has not been distributed until this morning. Furthermore, although you mentioned an organized contact group, different from other Motions, a contact group was not clearly called in order for members to correct those errors and remove inappropriate descriptions for rectifying the situation.*

*Taking into account the considerable difficulties in properly addressing this important issue at this late stage, I would sincerely request through you Chair to sponsors to seriously examine a withdrawal of the Motion.*

The State member Norway indicated that it would vote against this motion for the same reasons as given by Japan.

State and agency members of the United States abstained during the vote on this motion.