



China's engagement in the establishment of marine protected areas in the Southern Ocean: From reactive to active



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ABSTRACT

The stalemate since 2012 over the establishment of marine protected areas (MPAs) in the Southern Ocean has been a source of debate within and outside the Commission for Conservation of Antarctic Marine Living Resources (CCAMLR). In 2015, China's support for the proposal for the establishment of a Ross Sea MPA was commended as a major step forward. As the newest Member of the CCAMLR, China refrained itself from commenting specifically on the issue of MPAs in the previous years, and had not articulated clearly its basic position until 2014. In light of its basic position and practices, China may become more active, maintain its basic position and take a case-by-case approach in relation to other MPA proposals. Moreover, bilateral interaction is helpful in finding practical solutions.

1. Introduction

As one of the last great wildernesses in the planet [1], the Southern Ocean is of global significance for conservation [2,3]. Climate Change, together with increased human activities, such as marine scientific research, fishing and tourism, prompted a call for establishing a system network of marine protected areas (MPAs) in the Southern Ocean for long-term conservation of marine living resources therein. Consequently, great expectation and attention had been directed to the Commission for Conservation of Antarctic Marine Living Resources (CCAMLR). In response, the CCAMLR committed itself to meeting the goals set up by the Plan of Implementation of the World Summits on Sustainable Development (WSSD) [4]. In 2009, the CCAMLR established its first high-seas MPA, the Southern Orkney Islands Southern Shelf MPA (the SOISS MPA), a milestone for the CCAMLR and precedence for the international community [5].

However, a stalemate in the CCAMLR has surfaced since 2012 with Russia, China and other fishing States alleged to be against such a process [6]. On the last day of the 2015 CCAMLR meeting, when lending its support to the joint proposal for the establishment of a Ross Sea MPA (the RSMMPA proposal) by USA and New Zealand, China was commended by many other Members and observers. China's support was seen as 'a major step forward in reaching the required consensus [7]. Nevertheless, questions arise about what made China change its position and what China's position would be towards other MPA

proposals in the future, particularly the proposal for establishing the East Antarctic Representative System of Marine Protected Areas (the EARSMPA proposal).

With the questions in mind, this paper first describes the practices of the CCAMLR relating to MPAs. Then it reviews China's engagement with the CCAMLR in general and the MPAs issue in particular, followed by the discussions about the rationale for China's arguments, the possible reasons of its support in 2015 for the RSMMPA proposal, and its likely position towards the EARSMPA proposal. It concludes with observations: China, as the newest member of the CCAMLR, barely managed to follow the discussion on MPAs, and is anticipated to become more active in the Southern Ocean governance, particularly regarding MPAs issues in the future.

2. The CCAMLR and MPAs

2.1. The CCAMLR

The CCAMLR, established under Article VII of the Convention on the Conservation of Antarctic Living Resources (the CAMLR Convention) [22–24], is endowed with 'conservation of Antarctic marine living resources' [25–27] while the primary responsibility of protection marine environment remains on the Antarctic Treaty Consultative Meeting (ATCM).¹ It has increasing intersection with the ATCM. In the case of protected areas, the CCAMLR's relationship

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¹ The Antarctic Treaty, Article IX (1)(f); the CAMLR Convention, preamble and Articles II & V.

with the Committee for Environmental Protection is of direct salience [28–31].

The CCAMLR is assisted by the Scientific Committee for Conservation of Antarctic Marine Living Resources (SC-CAMLR),² a consultative body. It is obligated to take full account of the recommendations and advice of the SC-CAMLR in making its decision,³ of which decisions on matters of substance shall be taken by consensus.⁴

Both the CCAMLR and the SC-CAMLR can establish subsidiary bodies that are necessary for the performance of their functions. Currently the CCAMLR has established two subsidiary bodies⁵; the SC-CAMLR has four working groups and one specialist subgroup.⁶ As for MPAs, the Working Group on Ecosystem Monitoring and Management (WG-EMM) of the SC-CAMLR is relevant.

In general, a proposal for the establishment of MPAs shall be submitted first to the WG-EMM and to the SC-CAMLR respectively for scientific consideration, and then to the CCAMLR for discussion and adoption. Before the adoption, Members of the CCAMLR have to decide by consensus whether more general discussions in the plenary meeting are needed or the proposal is appropriate to be referred to a drafting group for detailed consideration and development.⁷ The drafting group is usually established on an interim basis and is mandated to prepare draft conservation measures for the CCAMLR's adoption.⁸ If certain substantive issues cannot be agreed on within the drafting group, they will be referred back to the CCAMLR for further discussion. When compromises reached, the proposal can be adopted by the CCAMLR.

To fulfill its functions, the CCAMLR has since its inception adopted 517 conservation measures, of which 66 conservation measures are in force for the 2015/16 season.⁹ As for the area-based management tools, the CCAMLR has adopted, among others, conservation measures regarding CCAMLR Ecosystem Monitoring Program (CEMP) site [8], vulnerable marine ecosystem (VME) [9], and MPAs in a very narrow sense, all of which have been discussed under the Agenda of 'spatial management to facilitate the conservation of marine biodiversity' of the WG-EMM since 2009.¹⁰ The conservation measures for the protection of the CEMP sites and VMEs include CM 91-01 (2004), and CM 22-04 (2010) to CM 22-09 (2012).

2.2. The developments on MPAs

The issue of MPAs was first addressed by the CCAMLR in 2000 (Table 1), at the time when the proposal of enlarging the Balleny Islands Antarctic Specially Protected Area (ASPAs) to include a larger marine component was submitted to the SC-CAMLR for assessment.¹¹ Meanwhile, the CCAMLR requested the SC-CAMLR to develop scientific advice on consideration of the proposals for ASPAs or Antarctic Specially Managed Areas (ASMAs) with marine components and to provide 'advice on the application of the provision of Article IX (2)(g) of the [CAMLR] Convention'.¹² The advice in this regard from the SC-CAMLR clarifies the relationship between the CCAMLR and the ATCM, which was reflected into Decision 9 (2005) of ATCM XXVIII.

The 2012 target set by the WSSD [10] was a catalyst for the CCAMLR in pursuit of establishing MPAs. In 2004 the CCAMLR urged the SC-CAMLR to proceed with the work of MPAs as a matter of

Table 1

Major activities or conclusions of the CCAMLR in respect to MPA since 2000.

Year	Major activities or conclusions of CCAMLR in respect to MPA
2000	The CCAMLR began to assess proposals for marine protected areas, for instance the proposal to enlarge the Balleny Islands Specially Protected Area.
2001	The CCAMLR agreed 'that consideration of Article IX.2(g) could be included in discussions of management options for fisheries' and reaffirmed the two criteria for the consideration of the proposals for ASPAs or ASMAs.
2002	The CCAMLR approved the four management plans for ASPAs containing marine areas, recalled the WSSD target by 2012 and agreed that 'the topic of management of protected areas should form a separate agenda item at its future meetings.'
2003	The CCAMLR extended terms of reference for the Advisory Subgroup on Protected Areas to include reviewing CEMP management plans, assessing proposals for ASPAs and ASMAs and providing advice on the implementation of marine protected areas in accordance with the provisions of Article XI (2)(g) of the CAMLR Convention.
2004	The CCAMLR urged the SC-CAMLR to proceed with the work of MPA as a matter of priority and reaffirmed the need to develop advice on MPAs which were commensurate with Articles II and IX of the CAMLR Convention.
2005	The CCAMLR endorsed the advice arising from the 2005 MPA workshop, including the Convention Area as a whole qualified as Category IV of the IUCN, and agreed on the SC-CAMLR's future work plan for developing a system of protected areas.
2006	The CCAMLR endorsed the recommendations from SC-CAMLR on the 2007 Bioregionalisation Workshop and ATCM Decision 9 (2005). The Bioregionalisation Workshop Steering Committee was formed.
2007	The CCAMLR agreed the Seal Islands CEMP site to be discontinued and approved the proposed management plan for ASMA No. X. The Workshop on Bioregionalisation was held in Belgium.
2008	The SC-CAMLR revised and restructured WG-EMM's future agenda; 11 priority areas for further work on the development of MPAs were identified. The CCAMLR recognized that 'the term MPA does not have a single definition' and agreed that 'it is important to develop a clear process for implementing MPAs concurrent with the ongoing scientific process.'
2009	The SC-CAMLR agreed the five milestones describing tasks to be completed by the end of each year leading up to 2012. The CCAMLR established its first MPA, the South Orkney Islands southern shelf MPA (the SOISS MPA).
2010	The CCAMLR approved the revised management plan for ASPA No. 149. Australia introduced a proposal for the East Antarctic Representative System MPAs in the SC-CAMLR and a proposal for 'a General Conservation Measure to Implement a Representative System of Antarctic Marine Protected Areas (RSAMPA) in the CCAMLR.
2011	The Second MPA Workshop was held in France. The CCAMLR endorsed the advice from the SC-CAMLR that 'proposals for MPAs should include a clear description of the balance between the protection of ecological function and allowance for, and impact on, harvesting', and the 9 planning domains replace the 11 priority areas defined in 2008. The CCAMLR discussed the four proposals for the Ross Sea region, the East Antarctic and habitats newly exposed by the collapse of ice shelves and adopted a new conservation measure, CM 91-04 (2011) 'General framework for the establishment of CCAMLR Marine Protected Areas'.
2012	Three MPA technical workshops were held during the intersessional period. The CCAMLR approved the management plans for ASPAs No. 114, 145 and 146 and adopted a new conservation measure for protection of the values of ASPAs and ASMAs, CM 91-02 (2012). The CCAMLR considered the merged proposal for the Ross Sea region, the proposal for the East Antarctic and the proposal for special areas for scientific research, and agreed to convene a special meeting in July 2013.
2013+	The second special CCAMLR meeting considered the joint proposals for the Ross Sea Region and the East Antarctic.
2013	The preparatory work for the spatial planning for MPAs in Domains 1 and 3 was undertaken; data collation and compilation were conducted for Domains 5 and 9. The CCAMLR established a MPA working group discussing the revised proposals for the Ross Sea region and the East Antarctic.

(continued on next page)

² The CAMLR Convention, Article XIV.

³ The CAMLR Convention, Article IX (4).

⁴ The CAMLR Convention, Article XII (1).

⁵ www.ccamlr.org/en/organisation/commission.

⁶ www.ccamlr.org/en/science/scientific-committee.

⁷ CCAMLR XXXIV (2015), paras. 8.43–8.46 and 8.51.

⁸ CCAMLR XXXIV (2015), para. 8.1.

⁹ Schedule of Conservation Measures in Force 2015/16 Season. www.ccamlr.org/en/conservation-and-management/conservation-measures.

¹⁰ SC-CAMLR XXVII (2008) para. 3.48; SC-CAMLR XXVIII (2009) Annex 4.

¹¹ SC-CAMLR XIX (2000) paras. 11.9–11.17.

¹² CCAMLR XIX (2000) paras. 11.20–11.21.

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