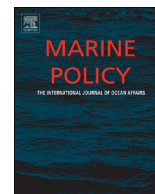




ELSEVIER

Contents lists available at ScienceDirect

## Marine Policy

journal homepage: [www.elsevier.com/locate/marpol](http://www.elsevier.com/locate/marpol)

# China's changing position towards marine protected areas in the Southern Ocean: Implications for future Antarctic governance



Nengye Liu<sup>a,\*</sup>, Cassandra M. Brooks<sup>b</sup>

<sup>a</sup> Adelaide Law School, University of Adelaide, 5005 Adelaide, SA, Australia

<sup>b</sup> Environmental Studies Program, University of Colorado Boulder, 397 UCB, Boulder, CO 80309, United States

## ARTICLE INFO

## Keywords:

China  
Southern Ocean  
Antarctica  
Marine protected area

## ABSTRACT

The paper first briefly describes the negotiation process of Marine Protected Areas (MPAs) in the Southern Ocean. Then it examines China's changing position towards the establishment of a Ross Sea MPA, as proposed by the United States and New Zealand in the Commission for Conservation of Antarctic Marine Living Resources. Finally, the paper explores how China's position towards or against Southern Ocean MPAs implies China's future role in Antarctic governance.

## 1. Introduction

Antarctica is re-emerging, as compared to the exploration age at the beginning of 20th Century, at the forefront of global affairs and public imagination [50]. Technology is making Antarctica more accessible and resource scarcity elsewhere is making some countries, like China, look south. As a major and growing industrial power, China is no doubt interested in the resource-rich Antarctic. To date, China has undertaken 34 national Antarctic expeditions and runs four research stations in Antarctica with a fifth station under construction ([65,49]). Chinese krill fishing in Antarctica has grown significantly since 2009, reaching over 65,000 t in 2016 ([26]; Fig. 1).

The Antarctic Treaty System (ATS) is an extensive and continually evolving regime that governs Antarctica and the Southern Ocean [38]. The ATS comprises the 1959 Antarctic Treaty and its 1991 Environmental Protocol (Madrid Protocol), the 1972 Convention on the Conservation of Antarctic Seals, and the 1980 Convention on the Conservation of Antarctic Marine Living Resources (CAMLRL Convention). Being an area beyond national jurisdiction, the Southern Ocean is also subject to the United Nations Convention on the Law of the Sea (UNCLOS). Further, additional international instruments have emerged during the lifetime of the ATS, which intersect and overlap with both the ATS and UNCLOS [60]. These instruments include, for example the Convention on Biological Diversity, the International Convention for

the Regulation of Whaling, and International Maritime Organization's International Code for Ships Operating in Polar Waters (Polar Code).

The ATS is one of the most celebrated successes of contemporary international law and diplomacy [62]. However, the politics of Antarctica continue to be influenced by the changing interests and capacities of different nation State actors [64]. This is particularly true of the post-Cold War era, in which rising powers – countries with significant economies – seek to expand their influence abroad while pressing to reform global governance [1]. Because of the rapid and profound redistribution of power in the international system writ large in the last half-century, rising nation States are using their power to advance their interests within the international legal system [8]. In its 13th Five Year Plan (2016–2020), the Chinese Government clearly stated its intentions to actively participate more in governance regimes in ‘Strategic New Frontiers’, including cyber security, deep seabed, Polar Regions and outer space.<sup>1</sup> Although China has been generally supportive of the current Antarctic governance regime,<sup>2</sup> China is becoming increasingly assertive in pursuing its national economic interests in Antarctic affairs while also recognizing the Antarctic as a space for international diplomacy.

A prominent example is China's evolving position towards the establishment of marine protected areas (MPAs) in the Southern Ocean within the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLRL), the management body that gives effect to the

\* Corresponding author.

E-mail address: [nengye.liu@adelaide.edu.au](mailto:nengye.liu@adelaide.edu.au) (N. Liu).

<sup>1</sup> The 13th Five-Year Plan for Economic and Social Development of the People's Republic of China (2016–2020), *Central Compilation and Translation Press* (Translated by Compilation and Translation Bureau, Central Committee of the Communist Party of China). < <http://en.ndrc.gov.cn/newsrelease/201612/P020161207645765233498.pdf> > accessed 28 November 2017.

<sup>2</sup> China became a contracting party to the Antarctic Treaty in 1983. China also ratified the Madrid Protocol in 1998 and the CAMLR Convention in 2007. See, Secretariat of the Antarctic Treaty, Parties < [http://www.ats.aq/devAS/ats\\_parties.aspx?lang=e](http://www.ats.aq/devAS/ats_parties.aspx?lang=e) > accessed 26 December 2017.

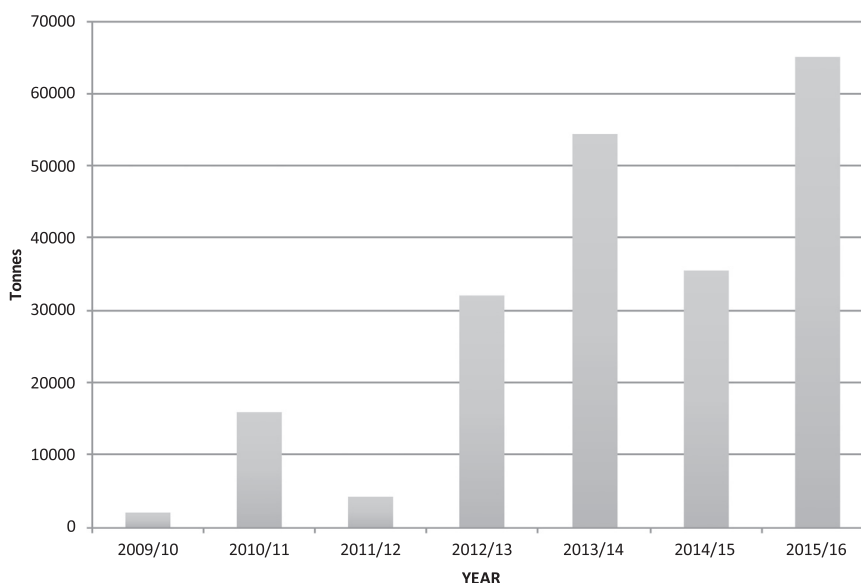


Fig. 1. China's Antarctic krill catch over time. China's Antarctic krill (*Euphausia superba*) catch in the CCAMLR area (Fig. 2) over time (data from [26]).

CAMLR Convention. In 2011, the United States and New Zealand brought scenarios for a MPA in the Ross Sea region to the CCAMLR annual meeting [19]. In 2012, when a Ross Sea MPA was formally proposed and negotiated at the CCAMLR annual meeting, China was one of the most vocal States in expressing its concerns against MPA proposals [3]. In 2014, the Chinese delegation formally laid out the reasons for its opposition. A year later, Chinese delegates once again looked set to block the issue as they did in 2014, posing a series of questions about the proposed MPAs: including how could MPAs allow rational use of marine living resources? How could they facilitate scientific research? How would they be monitored and regulated, and how long would the protections last? Nevertheless, China suddenly supported the Ross Sea proposal at the end of the 2015 CCAMLR meeting [22], paving the way for the establishment of Ross Sea MPA in 2016 [24]. Meanwhile, China still has concerns regarding the MPA proposal in East Antarctic, initiated by the European Union (EU), France and Australia [25].

This paper first briefly describe the negotiation process of MPAs in the Southern Ocean. Then it examines reasons behind China's changing position towards the establishment of a Ross Sea MPA. Finally, the paper explores how China's position towards or against Southern Ocean MPAs implies China's future role in Antarctic governance.

## 2. Negotiations on the establishment of a Ross Sea MPA

CCAMLR, comprised of 24 States plus the EU, is the management body charged with conserving Southern Ocean ecosystems under the ATS. Under the CAMLR Convention, CCAMLR has the explicit objective to conserve marine living resources Convention on the Conservation of Marine Living Resources, 1980, Article II). While conservation includes “rational use,” the CAMLR Convention demands that CCAMLR employs a science-based precautionary and ecosystem-based management approach (Convention on the Conservation of Marine Living Resources, 1980; [40,45,46,39]). In doing so CCAMLR is arguably a leader in managing marine living resources [43,30]. MPAs are an increasingly popular tool for conserving biodiversity and management fisheries [35,44] and have always been incorporated into the CAMLR Convention (CAMLR Convention 1980, Article IX.2 g). Discussions regarding Southern Ocean MPAs commenced in CCAMLR in the mid to late 1990s [3]. Then in 2002, CCAMLR committed to designating a network of Southern Ocean MPAs [15] in accordance with global targets set by a number of international institutions [36].

Working towards this goal, after a series of scientific workshops, CCAMLR adopted the world's first international (*i.e.*, high seas) MPA in 2009, protecting 94,000 km<sup>2</sup> south of the South Orkney Islands [16]. In 2011, CCAMLR adopted a management framework to guide the MPA process [18]. Also in 2011, scenarios for a Ross Sea and East Antarctic MPAs came to CCAMLR's Scientific Committee, which subsequently endorsed the science behind both the proposals [52]. In 2012, at the CCAMLR annual meeting, formal proposals for MPAs in the Ross Sea (proposed by New Zealand and the United States) and the East Antarctic (proposed by Australia, France and the European Union) came under negotiation [20]. While these MPAs were not adopted in 2012, CCAMLR agreed to an unprecedented intercessional meeting to be held in July of 2013 dedicated to discussing the two MPA proposals [5]. While the MPAs were still not adopted during this intercessional meeting, support among CCAMLR Member States was building with the majority supporting the two proposals [3].

By the close of the 2014 CCAMLR annual meeting, only Russia and China opposed the Ross Sea MPA [3]. By the close of the 2015 meeting, China supported the Ross Sea MPA [3] with Russia joining them in 2016 when the MPA was finally adopted by full consensus of CCAMLR [23]. The Ross Sea MPA, now in force as of December 2017, is not only the world's first large scale high seas MPA, it is the largest MPA in the world. Notably, China still opposes the long-standing East Antarctic MPA proposal in CCAMLR waters [25].

## 3. Exploring China's changing position towards the Ross Sea MPA

### 3.1. China's changing position

China is the newest Member to CCAMLR, only joining in 2007, more than five years after MPA discussions commenced. China missed the first two CCAMLR MPA science workshops in 2005 and 2007, while sending one individual to [18] MPA workshop [3]. In 2009, during negotiations over the South Orkney Islands Southern Shelf MPA, representatives from China voiced three points: 1. That CCAMLR MPAs should be established case-by-case rather than setting precedent; 2. That MPAs should meet the objectives of Article II of the CAMLR Convention and should not compromise rational use; 3. That CCAMLR should invite a legal study into the impact of Southern Ocean MPAs on UNCLOS [17]. Despite voicing these concerns, China did not block consensus and the South Orkney Islands Southern Shelf MPA was subsequently adopted in 2009 [16].

Download English Version:

<https://daneshyari.com/en/article/7487706>

Download Persian Version:

<https://daneshyari.com/article/7487706>

[Daneshyari.com](https://daneshyari.com)