



Agreement on the Conservation of Albatrosses and Petrels

Interim Secretariat provided by the Australian Government

First Meeting of Advisory Committee

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ACAP/AC1/Inf.10
Report on ATCM XXVIII
Australia

Report on the 28th Antarctic Treaty Consultative Meeting, held in Stockholm, 6 to 17 June 2005.

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This report outlines relevant outcomes of the 28th Antarctic Treaty Consultative Meeting (ATCM XXVIII) and the 8th meeting of the Committee for Environmental Protection (CEP VIII), which Australia agreed to observe on behalf of ACAP.

ACTION REQUIRED

The Advisory Committee is invited to note the report, in particular that the Meeting decided to grant ACAP Observer status at CEP IX (Edinburgh, 12-16 June 2006).

Introduction

The ATCM is the regular (lately annual) meeting between representatives of Parties to the Antarctic Treaty (1959), which meet to exchange information, hold consultations and consider and recommend to their governments measures in furtherance of the principles of the Treaty. ATCM XXVIII was hosted by the Government of Sweden, and chaired by Mr Hans Corell (Sweden).

ATCM XXVIII was attended by representatives of the following Consultative Parties to the Antarctic Treaty: Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, China, Ecuador, Finland, France, Germany, India, Italy, Japan, the Republic of Korea, the Netherlands, New Zealand, Norway, Peru, Poland, the Russian Federation, South Africa, Spain, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Uruguay. Delegations from the following Contracting Parties which are not Consultative Parties also attended: Austria, Canada, the Czech Republic, Denmark, Estonia, Greece, Hungary, Romania, Slovakia and Switzerland. A delegation from Malaysia was also invited to observe the Meeting.

Observers from the Commission for the Conservation of Antarctic Marine Living Resources, the Scientific Committee on Antarctic Research and the Council of Managers of National Antarctic Programs attended the Meeting, as did Experts from nine international organisations and non-governmental organisations.

The Committee for Environmental Protection was established by the Protocol on Environmental Protection to the Antarctic Treaty (1991) to provide advice and formulate recommendations to Treaty Parties on the implementation of the Protocol, including the operation of its Annexes, for consideration at ATCM, and to perform such other functions as may be referred to it by the ATCM. CEP VIII was hosted by the Government of Sweden, in conjunction with ATCM XXVIII, and chaired by Dr Tony Press (Australia).

CEP VIII was attended by representatives from Argentina, Australia, Belgium, Brazil, Bulgaria, Canada, Chile, China, the Czech Republic, Ecuador, Finland, France, Germany, Greece, India, Italy, Japan, the Republic of Korea, the Netherlands, New Zealand, Norway, Peru, Poland, Romania, the Russian Federation, South Africa, Spain, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United

States of America, and Uruguay. A delegation from Estonia also observed the Meeting, as did the Observers and Experts mentioned above.

ACAP progress report tabled at ATCM XXVIII

The first Session of the Meeting of the Parties to ACAP asked Australia to observe ATCM XXVIII and CEP VIII on ACAP's behalf (see Annex 7 of the report of MOP1).

In Stockholm, Australia tabled ATCM XXVIII Information Paper 32, *Progress with the implementation of the Agreement on the Conservation of Albatrosses and Petrels (ACAP): Report to ATCM XXVIII & CEP VIII from the ACAP Interim Secretariat hosted by the Australian Government*. A copy of this document – which highlighted ACAP's desire to work with and assist ATCM and CEP, particularly on seabird conservation – is attached to ACAP/AC1/Doc6. Further, in its capacity as the depositary government, Australia reported one new accession to ACAP – being that of Peru.

Main outcomes of ATCM XXVIII

The ATCM agenda covered a broad suite of topics, addressed in 72 Working Papers and 125 Information Papers. Agenda items included the operation of the Antarctic Treaty System, the question of liability for environmental damage in Antarctica, safety and operations in Antarctica, developments in the Arctic and in the Antarctic, the International Polar Year 2007-08, tourism and non-governmental activities in the Antarctic Treaty Area, inspections under the Treaty and Protocol, scientific cooperation and facilitation, operations, education, exchange of information and biological prospecting. Discussions occurred primarily in the four working groups – addressing liability, tourism, legal and institutional matters, and operations.

- The meeting adopted a new Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty, on "Liability Arising from Environmental Emergencies."

Annex VI applies to environmental emergencies in the Antarctic Treaty area which relate to scientific research programmes, tourism and all other governmental and non-governmental activities in the Antarctic Treaty area for which advance notice is required under Article VII(5) of the Antarctic Treaty, including associated logistic support activities.

The new Annex is the first step towards establishing a comprehensive regime of liability for environmental damage in Antarctica, which Treaty Parties are obliged to do under Article 16 of the Protocol. Within the next five years, Parties will decide a time-frame for the resumption of negotiations, to elaborate further rules and procedures.

Treaty Parties will now implement the Annex under their respective domestic legislation. Parties will henceforth require their operators to take preventative measures, establish contingency plans and take response action to environmental emergencies arising from their activities, in accordance with the Annex – which also establishes liability to pay the costs of emergency response action, sets exemptions and defines limits to liability.

- The meeting adopted the first ever site-specific guidelines for frequently visited sites on the Antarctic Peninsula.

These guidelines cover Penguin Island, Aitcho Islands, Cuverville Island and Jougla Point, Wiencke Island. Each set describes the sensitivity and features of each site, lists the wildlife present and visitor pressure, sets a visitor code of conduct, and includes a detailed map. Example parameters in the code of conduct are confining visits to ships with a maximum of 200 or 500 passengers, suggesting a time limit of 6 or 8 hours ashore during peak breeding times where practicable, and a 50 metre precautionary distance from nesting southern giant petrels.

One ACAP-listed species is mentioned in three of the four sets of guidelines: nesting sites of the southern giant petrel, *Macronectes giganteus*, are confirmed on Penguin Island, Aitcho Islands, and Cuverville Island.

While the provisions are non-mandatory, and do not apply to individuals engaged in official governmental activities, they are intended as practical and flexible provisions to manage visitor-related pressures. The guidelines will be disseminated widely by the Antarctic Treaty Secretariat, especially among tour operators, and will be reviewed as required by the CEP.

- The meeting was the first since the establishment of the Antarctic Treaty Secretariat.

The Secretariat was installed in Buenos Aires in September 2004, and therefore ATCM XXVIII was the first meeting for which the host government has had the benefit of the Secretariat's administrative support. While it is still in its development phase, the Secretariat nonetheless provided valuable support to the meeting.

Main outcomes of CEP VIII

The CEP met over five days during the first week of ATCM XXVIII, and considered 37 Working Papers and 62 Information Papers – over half the total number of papers submitted to ATCM XXVIII. Main topics of discussion included operation of the CEP, environmental aspects of Antarctic Treaty inspections, draft comprehensive environmental evaluations, specially protected species, quarantine and non-native species, waste disposal and management, prevention of marine pollution, area protection and management, environmental monitoring, state of the Antarctic environment reporting, data and exchange of information, and cooperation with other organisations.

- The Committee adopted *Guidelines for CEP Consideration of Proposals for New and Revised Designations of Antarctic Specially Protected Species under Annex II of the Protocol* - available from the CEP website at <http://www.cep.aq/default.asp?casid=5193>

The development of guidelines for listing, delisting and managing Specially Protected Species (SPS) has been a major topic of CEP discussion for several years, and the adoption of such guidelines during the meeting was a significant outcome. The Committee asked the Scientific Committee on Antarctic Research (SCAR) to report to

CEP IX on the potential listing of southern giant petrels and macaroni penguins, and on the potential delisting of Antarctic and subantarctic fur seals, using the new SPS guidelines.

- The Committee adopted 17 management plans (including plans for two new Antarctic Specially Protected Areas (ASPAs), 14 ASPAs, and one new Antarctic Specially Managed Area (ASMA)) and established an intersessional contact group to consider six draft management plans (2 ASMAs and 4 ASPAs).

Of relevance to ACAP, a review by New Zealand of existing protected areas adopted prior to CEP VIII indicated that 15 ASPAs include southern giant petrel colonies. Two of the plans to undergo intersessional review – for Ardley Island ASPA 150 and a proposed ASMA at Admiralty Bay – support colonies of southern giant petrels.

Consideration of management plans continues to consume a great deal of the Committee's time. A Steering Committee established to consider the CEP's work and strategic directions will also discuss options for streamlining the process for considering management plans.

- New Zealand to host a workshop to discuss quarantine and non-native species in Antarctica.

The Committee discussed a number of issues relating to non-native species in the Antarctic including ballast water, hull fouling and the need to develop practical Antarctic quarantine measures. These issues will be major topics for discussion at CEP IX, during which the Committee will also consider the outcomes of a workshop to be hosted by New Zealand during the coming year.

- The Committee adopted an updated version of the *Guidelines for Environmental Impact Assessment in Antarctica* and new *Practical Guidelines for Developing and Designing Environmental Monitoring Programmes in Antarctica*.
- The Committee considered the draft comprehensive environmental evaluations (CEEs) for the construction and operation of Halley VI station (United Kingdom) and Neumayer Station (Germany) to meet the requirements of Annex 1 of the Protocol.

Major discussion topics at CEP IX will include the CEP's strategic directions, quarantine (including hull fouling and ballast water exchange), fuel storage and handling, marine acoustics, marine debris, review of protected area guidelines, International Polar Year, and emergency response and contingency planning. Dr Tony Press (Australia) will serve his final (fourth) meeting as CEP Chair at CEP IX, with re-elected Vice-Chair Anna Carin Thomer (Sweden) and newly elected Vice-Chair Yves Frenot (France).

ACAP invited to attend future meetings of the Committee for Environmental Protection

CEP VIII recommended that the ATCM invite ACAP to attend future CEP meetings. CEP Rule of Procedure 4 (f) opens Observer status at CEP meetings to "other relevant scientific, environmental and technical organisations which can contribute to the work of

the Committee,” subject to the specific approval of the ATCM. ATCM XXVIII granted its approval. ACAP will therefore be entitled to participate in discussions at CEP IX, but not in the taking of decisions. ACAP may also submit Information Papers to the Antarctic Treaty Secretariat for distribution to members of the Committee – at least 45 days before the meeting, should a Party request that the paper be translated, or 30 days before the meeting, should translation not be required.

Other organisations with scientific or technical interest in Antarctica invited to send experts to the 2006 meeting are: Antarctic and Southern Ocean Coalition, International Association of Antarctica Tour Operators, International Hydrographic Organisation, International Maritime Organisation, Intergovernmental Oceanographic Commission, International Polar Year Program Office, World Conservation Union (IUCN), United Nations Environment Program, World Meteorological Organisation and World Tourism Organisation.