

ANNEX TO RECOMMENDATION XVI-10

ANNEX V TO THE PROTOCOL ON ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY

AREA PROTECTION AND MANAGEMENT

ARTICLE 1 DEFINITIONS

For the purposes of this Annex:

- (a) "appropriate authority" means any person or agency authorised by a Party to issue permits under this Annex;
- (b) "permit" means a formal permission in writing issued by an appropriate authority;
- (c) "Management Plan" means a plan to manage the activities and protect the special value or values in an Antarctic Specially Protected Area or an Antarctic Specially Managed Area.

ARTICLE 2 OBJECTIVES

For the purposes set out in this Annex, any area, including any marine area, may be designated as an Antarctic Specially Protected Area or an Antarctic Specially Managed Area. Activities in those Areas shall be prohibited, restricted or managed in accordance with Management Plans adopted under the provisions of this Annex.

ARTICLE 3 ANTARCTIC SPECIALLY PROTECTED AREAS

1. Any area, including any marine area, may be designated as an Antarctic Specially Protected Area to protect outstanding environmental, scientific, historic, aesthetic or wilderness values, any combination of those values, or ongoing or planned scientific research.
2. Parties shall seek to identify, within a systematic environmental-geographical framework, and to include in the series of Antarctic Specially Protected Areas:
 - (a) areas kept inviolate from human interference so that future comparisons may be possible with localities that have been affected by human activities;
 - (b) representative examples of major terrestrial, including glacial and aquatic, ecosystems and marine ecosystems;
 - (c) areas with important or unusual assemblages of species, including major colonies of breeding native birds or mammals;
 - (d) the type locality or only known habitat of any species;
 - (e) areas of particular interest to ongoing or planned scientific research;
 - (f) examples of outstanding geological, glaciological or geomorphological features;
 - (g) areas of outstanding aesthetic and wilderness value;
 - (h) sites or monuments of recognised historic value; and
 - (i) such other areas as may be appropriate to protect the values set out in paragraph 1 above.
3. Specially Protected Areas and Sites of Special Scientific Interest designated as such by past Antarctic Treaty Consultative Meetings are hereby designated as Antarctic Specially Protected Areas and shall be renamed and renumbered accordingly.

4. Entry into an Antarctic Specially Protected Area shall be prohibited except in accordance with a permit issued under Article 7.

ARTICLE 4 ANTARCTIC SPECIALLY MANAGED AREAS

1. Any area, including any marine area, where activities are being conducted or may in the future be conducted, may be designated as an Antarctic Specially Managed Area to assist in the planning and co-ordination of activities, avoid possible conflicts, improve cooperation between Parties or minimise environmental impacts.

2. Antarctic Specially Managed Areas may include:

- (a) areas where activities pose risks of mutual interference or cumulative environmental impacts; and
- (b) sites or monuments of recognised historic value.

3. Entry into an Antarctic Specially Managed Area shall not require a permit.

4. Notwithstanding paragraph 3 above, an Antarctic Specially Managed Area may contain one or more Antarctic Specially Protected Areas, entry into which shall be prohibited except in accordance with a permit issued under Article 7.

ARTICLE 5 MANAGEMENT PLANS

1. Any Party, the Committee, the Scientific Committee for Antarctic Research or the Commission for the Conservation of Antarctic Marine Living Resources may propose an area for designation as an Antarctic Specially Protected Area or an Antarctic Specially Managed Area by submitting a proposed Management Plan to the Antarctic Treaty Consultative Meeting.

2. The area proposed for designation shall be of sufficient size to protect the values for which the special protection or management is required.

3. Proposed Management Plans shall include, as appropriate:

- (a) a description of the value or values for which special protection or management is required;
- (b) a statement of the aims and objectives of the Management Plan for the protection or management of those values;
- (c) management activities which are to be undertaken to protect the values for which special protection or management is required;
- (d) a period of designation, if any;
- (e) a description of the area, including:
 - (i) the geographical co-ordinates, boundary markers and natural features that delineate the area;
 - (ii) access to the area by land, sea or air including marine approaches and anchorages, pedestrian and vehicular routes within the area, and aircraft routes and landing areas;
 - (iii) the location of structures, including scientific stations, research or refuge facilities, both within the area and near to it; and
 - (iv) the location in or near the area of other Antarctic Specially Protected Areas or Antarctic Specially Managed Areas designated under this Annex, or other protected

- areas designated in accordance with measures adopted under other components of the Antarctic Treaty system;
- (f) the identification of zones within the area, in which activities are to be prohibited, restricted or managed for the purpose of achieving the aims and objectives referred to in subparagraph (b) above;
 - (g) maps and photographs that show clearly the boundary of the area in relation to surrounding features and key features within the area;
 - (h) supporting documentation;
 - (i) in respect of an area proposed for designation as an Antarctic Specially Protected Area, a clear description of the conditions under which permits may be granted by the appropriate authority regarding:
 - (i) access to and movement within or over the area;
 - (ii) activities which are or may be conducted within the area, including restrictions on time and place;
 - (iii) the installation, modification, or removal of structures;
 - (iv) the location of field camps;
 - (v) restrictions on materials and organisms which may be brought into the area;
 - (vi) the taking of or harmful interference with native flora and fauna;
 - (vii) the collection or removal of anything not brought into the area by the permit-holder;
 - (viii) the disposal of waste;
 - (ix) measures that may be necessary to ensure that the aims and objectives of the Management Plan can continue to be met; and
 - (x) requirements for reports to be made to the appropriate authority regarding visits to the area;
 - (j) in respect of an area proposed for designation as an Antarctic Specially Managed Area, a code of conduct regarding:
 - (i) access to and movement within or over the area;
 - (ii) activities which are or may be conducted within the area, including restrictions on time and place;
 - (iii) the installation, modification, or removal of structures;
 - (iv) the location of field camps;
 - (v) the taking of or harmful interference with native flora and fauna;
 - (vi) the collection or removal of anything not brought into the area by the visitor;
 - (vii) the disposal of waste; and
 - (viii) any requirements for reports to be made to the appropriate authority regarding visits to the area; and
 - (k) provisions relating to the circumstances in which Parties should seek to exchange information in advance of activities which they propose to conduct.

ARTICLE 6 DESIGNATION PROCEDURES

1. Proposed Management Plans shall be forwarded to the Committee, the Scientific Committee on Antarctic Research and, as appropriate, to the Commission for the Conservation of Antarctic Marine Living Resources. In formulating its advice to the Antarctic Treaty Consultative Meeting, the Committee shall take into account any comments provided by the Scientific Committee on Antarctic Research and, as appropriate, by the Commission for the Conservation of Antarctic Marine Living Resources. Thereafter Management Plans may be approved by the Antarctic Treaty Consultative Parties by a measure adopted at an Antarctic Treaty Consultative Meeting in accordance with Article IX(1) of the Antarctic Treaty. Unless the measure specifies otherwise, the Plan shall be deemed to have been approved 90 days after

the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or is unable to approve the measure.

2. Having regard to the provisions of Articles 4 and 5 of the Protocol, no marine area shall be designated as an Antarctic Specially Protected Area or an Antarctic Specially Managed Area without the prior approval of the Commission for the Conservation of Antarctic Marine Living Resources.

3. Designation of an Antarctic Specially Protected Area or an Antarctic Specially Managed Area shall be for an indefinite period unless the Management Plan provides otherwise. A review of a Management Plan shall be initiated at least every five years. The Plan shall be updated as necessary.

4. Management Plans may be amended or revoked in accordance with paragraph 1 above.

5. Upon approval Management Plans shall be circulated promptly by the Depositary to all Parties. The Depositary shall maintain a record of all currently approved Management Plans.

ARTICLE 7 PERMITS

1. Each Party shall appoint an appropriate authority to issue permits to enter and engage in activities within an Antarctic Specially Protected Area in accordance with the requirements of the Management Plan relating to that Area. The permit shall be accompanied by the relevant sections of the Management Plan and shall specify the extent and location of the Area, the authorised activities and when, where and by whom the activities are authorised and any other conditions imposed by the Management Plan.

2. In the case of a Specially Protected Area designated as such by past Antarctic Treaty Consultative Meetings which does not have a Management Plan, the appropriate authority may issue a permit for a compelling scientific purpose which cannot be served elsewhere and which will not jeopardise the natural ecological system in that Area.

3. Each Party shall require a permit-holder to carry a copy of the permit while in the Antarctic Specially Protected Area concerned.

ARTICLE 8 HISTORIC SITES AND MONUMENTS

1. Sites or monuments of recognised historic value which have been designated as Antarctic Specially Protected Areas or Antarctic Specially Managed Areas, or which are located within such Areas, shall be listed as Historic Sites and Monuments.

2. Any Party may propose a site or monument of recognised historic value which has not been designated as an Antarctic Specially Protected Area or an Antarctic Specially Managed Area, or which is not located within such an Area, for listing as a Historic Site or Monument. The proposal for listing may be approved by the Antarctic Treaty Consultative Parties by a measure adopted at an Antarctic Treaty Consultative Meeting in accordance with Article IX(1) of the Antarctic Treaty. Unless the measure specifies otherwise, the proposal shall be deemed to have been approved 90 days after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Consultative Parties notifies the Depositary,

within that time period, that it wishes an extension of that period or is unable to approve the measure.

3. Existing Historic Sites and Monuments which have been listed as such by previous Antarctic Treaty Consultative Meetings shall be included in the list of Historic Sites and Monuments under this Article.

4. Listed Historic Sites and Monuments shall not be damaged, removed or destroyed.

5. The list of Historic Sites and Monuments may be amended in accordance with paragraph 2 above. The Depositary shall maintain a list of current Historic Sites and Monuments.

ARTICLE 9 INFORMATION AND PUBLICITY

1. With a view to ensuring that all persons visiting or proposing to visit Antarctica understand and observe the provisions of this Annex, each Party shall make available information setting forth, in particular:

- (a) the location of Antarctic Specially Protected Areas and Antarctic Specially Managed Areas;
- (b) listing and maps of those Areas;
- (c) the Management Plans, including listings of prohibitions relevant to each Area;
- (d) the location of Historic Sites and Monuments and any relevant prohibition or restriction.

2. Each Party shall ensure that the location and, if possible, the limits, of Antarctic Specially Protected Areas, Antarctic Specially Managed Areas and Historic Sites and Monuments are shown on its topographic maps, hydrographic charts and in other relevant publications.

3. Parties shall co-operate to ensure that, where appropriate, the boundaries of Antarctic Specially Protected Areas, Antarctic Specially Managed Areas and Historic Sites and Monuments are suitably marked on the site.

ARTICLE 10 EXCHANGE OF INFORMATION

1. The Parties shall make arrangements for:

- (a) collecting and exchanging records, including records of permits and reports of visits, including inspection visits, to Antarctic Specially Protected Areas and reports of inspection visits to Antarctic Specially Managed Areas;
- (b) obtaining and exchanging information on any significant change or damage to any Antarctic Specially Managed Area, Antarctic Specially Protected Area or Historic Site or Monument; and
- (c) establishing common forms in which records and information shall be submitted by Parties in accordance with paragraph 2 below.

2. Each Party shall inform the other Parties and the Committee before the end of November of each year of the number and nature of permits issued under this Annex in the preceding period of 1st July to 30th June.

3. Each Party conducting, funding or authorising research or other activities in Antarctic Specially Protected Areas or Antarctic Specially Managed Areas shall maintain a record of such activities and in the annual exchange of information in accordance with the Antarctic Treaty

shall provide summary descriptions of the activities conducted by persons subject to its jurisdiction in such areas in the preceding year.

4. Each Party shall inform the other Parties and the Committee before the end of November each year of measures it has taken to implement this Annex, including any site inspections and any steps it has taken to address instances of activities in contravention of the provisions of the approved Management Plan for an Antarctic Specially Protected Area or Antarctic Specially Managed Area.

ARTICLE 11 CASES OF EMERGENCY

1. The restrictions laid down and authorised by this Annex shall not apply in cases of emergency involving safety of human life or of ships, aircraft, or equipment and facilities of high value or the protection of the environment.

2. Notice of activities undertaken in cases of emergency shall be circulated immediately to all Parties and to the Committee.

ARTICLE 12 AMENDMENT OR MODIFICATION

1. This Annex may be amended or modified by a measure adopted in accordance with Article IX(1) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or that it is unable to approve the measure.

2. Any amendment or modification of this Annex which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.