

Legal Tools available for controlling risk and management of non-native species

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Protecting the Antarctic Environment

- Environmental Protocol to the Antarctic Treaty adopted 1991
 - Provides for the comprehensive protection of the Antarctic environment;
 - Designates Antarctica as a natural reserve devoted to peace and science;
 - Requires protection of the Antarctic environment to be a fundamental consideration in the planning and conduct of all activities.
- Antarctica enjoys high level of protection.

Protecting the Antarctic Environment

- Over last 45 years Treaty Parties have attempted to be proactive
- CCAS, CCAMLR and CRAMRA negotiated “in anticipation”
- Need for ongoing vigilance to ensure highest levels of protection afforded to Antarctica
 - Includes biodiversity management and risks from non-native species

Antarctica geographically and biologically isolated for 35 million years.

But no longer!

Increasing visitation and a changing, more moderate climate mean that the risks of introducing non-native species are increasing.

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Risks from Invasive Alien Species

- World-wide there are numerous examples of invasive alien species causing, environmental, social and economic harm



Cane toad

Water hyacinth



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Risks from Invasive Alien Species

- Examples from New Zealand



Didymo

www.biosecurity.govt.nz



Sea squirt

www.niwa.co.nz



Managing the Risks in Antarctica

- What legal provisions are in place?
- What can we learn from elsewhere?
- What more needs to be done in the Antarctic context?

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What legal provisions are in place?

- Issue first addressed in 1964 through the Agreed Measures on the Conservation of Fauna and Flora
- Article IX
 - Prohibition on the importation of any non-indigenous animal or plant species except with a permit
 - A restriction on the types of animals and plants that can be permitted (e.g. dogs, domestic animals and plants)
 - An exemption for food
 - Precautions against accidental introductions of parasites and diseases (i.e. dogs to be inoculated)
- Issue not new to Antarctic Treaty Parties!
- But little attention to the issue between 1964 and 1991

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Environmental Protocol

- Annex II – Conservation of Fauna and Flora
- Article 4 on non-native species largely mirrors (and supersedes) Article IX of Agreed Measures
 - Prohibition on non-native species except with a permit
 - Restrictions on what can be permitted
 - Exemption for food
 - Permitted species must be destroyed / removed
 - Dogs to be removed by 1 April 1994
 - Precautions to be taken to prevent introduction of *micro-organisms* not present in native fauna and flora

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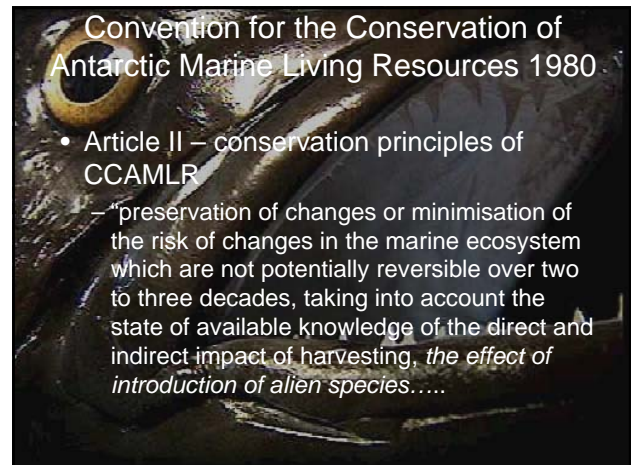
Environmental Protocol

- Annex II largely addresses intentional introductions
- Protocol largely silent on unintentional introductions - though:
 - Article 3 requires all activities to be planned and conducted so as to avoid:
 - Detrimental changes in the distribution, abundance and productivity of species and populations of species of fauna and flora, and
 - Further jeopardy to endangered and threatened species and populations of such species

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Environmental Protocol

- Annex IV – restrictions on ballast water discharge (though concern is pollutants)
- Annex V – ASPAs can be designated for:
 - Areas kept inviolate from human interference
 - Examples of major ecosystems
 - Areas with important and unusual assemblages of species
- ASPA Management plans to include restrictions on organisms brought in to protected areas



Convention for the Conservation of Antarctic Marine Living Resources 1980

- Article II – conservation principles of CCAMLR
 - “preservation of changes or minimisation of the risk of changes in the marine ecosystem which are not potentially reversible over two to three decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting, *the effect of introduction of alien species*.....”

What can we learn from elsewhere?

- Treaties that specifically address the issue:
 - Convention on Biological Diversity 1992
 - “Parties shall prevent the introduction of, control and eradicate those alien species which threaten ecosystems, habitats and species” Article 8h
 - UNCLOS 1982
 - Parties shall “take all measures necessary to prevent, reduce and control the intentional or accidental introduction of species.....which may cause significant and harmful changes..” Article 196
 - Ballast Water Convention 2004 (not yet in force)
 - Aims to prevent, minimise and ultimately eliminate the risks arising from transfer of harmful aquatic organisms through the control and management of ships’ ballast water and sediments

What can we learn from elsewhere?

- Other sectors addressing the issue include:
 - Aviation
 - ICAO Resolution 35-19 (2004) urged member states to reduce risk of introducing invasive alien species through civil air transport
 - Tourism
 - CBD Guidelines on Biodiversity and Tourism Development (Decision VII/14 (2003))
 - World Tourism Organisation - Guidelines on Sustainable Tourism Development
 - NGOs
 - IUCN Guidelines for the Prevention of Biodiversity Loss due to Biological Invasion

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What can we learn from elsewhere?

- Significant international attention
 - though being addressed in a highly sectoral way
- Few international legal controls – but ample body of expertise, guidelines and knowledge
- Key treaties already apply to Antarctica
 - UNCLOS and Ballast Water Convention apply to Southern Ocean and vessels operating south of 60° South

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What more needs to be done in Antarctica?

- Treaty Parties recognised the risk as early as 1964
- Agreed Measures and Environmental Protocol focus largely on intentional introductions
 - Little attention to unintentional introductions (limited to micro-organisms not present in the native fauna and flora)
- Elsewhere significant international focus on the issue – intentional and unintentional introductions
 - Steps taken range from international treaties and legally binding obligations to strategies, standards, guidelines, and sharing of best practice

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What more needs to be done in Antarctica?

- Increasing visitation and changing climate have increased the risk in Antarctica
- Treaty Parties need to be proactive, and have the advantages of:
 - International and national experience
 - ATS decision making structures
 - Spirit of co-operation among Treaty Parties
 - Relatively low visitation and vested commercial interests
- ATS has opportunity to develop a comprehensive non-native species regime to cover key pathways, species and environments

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What more needs to be done in Antarctica?

- CEP most likely body (in cooperation with CCAMLR) to begin to assess:
 - The risks
 - Best practice developed elsewhere
 - Practical measures such as:
 - Monitoring / research needs; response strategies; information sharing; awareness raising and education etc
- In longer term – Parties should commit to developing rules and processes that form part of a legally binding regime
 - Such an approach would be consistent with the high standards of environmental protection afforded to Antarctica

Conclusions

- Treaty Parties have not ignored the issue of non-native species but unintentional introductions need closer attention
- Opportunity exists for Treaty Parties to address the issue in a comprehensive way and to develop a regime that is consistent with Antarctica's high environmental standards