

Subsidiary Group on Management Plans

Background

Since its first meeting in 1998, the CEP has discussed the need to improve its procedures for reviewing new and revised Management Plans. During this time, the CEP has adopted a documented process for its consideration of draft Antarctic Specially Protected Area Management Plans,¹ established individually convened informal intersessional contact groups for each draft Management Plan and established an online Discussion Forum to assist with intersessional work. The resource burden created by the large number of Management Plans under review each year will continue to be further considered within the context of the CEP's wider discussions on its five year work plan.

Revised Terms of Reference for the Subsidiary Group on Management Plans (*Appendix 1 CEP XIII Report*)

The CEP's proposal to establish a Subsidiary Group on Management Plans (SGMP) was approved by ATCM XXXI in 2008 (Final Report paragraph 94) and the SGMP's Terms of Reference were outlined in Appendix 3 to the CEP XI Final report. At that time it was agreed that the CEP should review the effectiveness of the SGMP after a two-year period, and revise the terms of reference as necessary. CEP XIII conducted such a review, and determined that SGMP had been effective in its carrying out its role of developing advice to the CEP on draft management plans referred for intersessional review and on improving management plans and the process for their intersessional review. Following a proposal by the SGMP (outlined in ATCM XXXIII/WP 30), CEP XIII agreed to include an additional Terms of Reference for the group, as follows.

Terms of Reference

- 1) Examine any draft new or revised Management Plan to consider, in consultation with relevant experts if appropriate:
 - whether it is consistent with the provisions of Annex V to the Protocol, particularly Articles 3, 4 and 5², and with relevant CEP guidelines;³
 - its content, clarity, consistency and likely effectiveness;⁴
 - whether it clearly states the primary reason for designation;⁵ and
 - whether it clearly states how the proposed Area complements the Antarctic protected areas system as a whole.⁶

¹ *Guidelines for CEP Consideration of New and Revised Draft Management Plans for Protected Areas* (2000, and revised in 2003)

² Modified from "Terms of Reference for an Intersessional Contact Group to Consider draft Management Plans" ToR #2 (CEP VII Final Report, Annex 4).

³ Currently including – for ASPAs – Resolution 2 (1998) *Guide for the Preparation of Management Plans for Antarctic Specially Protected Areas* and Resolution 1 (2000) *Guidelines for Implementation of the Framework for Protected Areas set forth in Article 3, Annex V of the Environmental Protocol*.

⁴ From "Guidelines for CEP Consideration of New and Revised Draft ASPA and ASMA Management Plans" paragraph 8 (CEP VI Final Report, Annex 4), and "Terms of Reference for an Intersessional Contact Group to Consider draft Management Plans" ToR #2 (CEP VII Final Report, Annex 4).

⁵ Agreement at CEP VIII (Final Report paragraph 187).

⁶ Agreement at CEP VIII (Final Report paragraph 187).

- 2) Advise proponents of suggested amendments to the draft Management Plan to address issues in relation to 1) above.
- 3) Submit a Working Paper to the CEP with recommendations for the adoption or otherwise of each new or revised draft Management Plan, identifying where the Plan reflects comments received by Members, and where they have not been, the reasons for not doing so. The Working Paper is to include all revised Management Plans and the information required by the ATCM's Legal and Institutional Working Group.
- 4) Provide advice to the CEP as necessary for the purpose of improving Management Plans and the process for their intersessional review.
- 5) Develop and suggest procedures that would assist in achieving a long-term goal aiming at ensuring that all ASPA and ASMA management plans contain adequate content, and are clear, consistent and likely to be effective.⁷

Operational matters

- **Translation:** Under Rule 22 of the CEP Rules of Procedure, English, French, Russian and Spanish shall be the official languages of subsidiary bodies. The appropriateness of translation arrangements for subsidiary bodies needs to be considered on a case by case basis. Noting that the proposed SGMP will conduct its business remotely, the CEP considers that translation of the SGMP's advice to proponents and to the CEP is sufficient to achieve compliance with Rule 22.
- **Membership:** While membership of the SGMP will remain open to all CEP Members, CEP Representatives are particularly encouraged to participate in the SGMP where they will be able to do so for several consecutive intersessional periods so as to achieve continuity in membership and improved institutional knowledge. The expectation is that all Members in the SGMP would participate in the review of all Plans except those they have proposed. The SGMP needs to maintain a minimum number (4) of participants to remain viable. The convener will have oversight of maintaining the membership of the SGMP.
- **Convener:** The convener of the SGMP may be either one of its elected Vice-Chairs or a CEP Representative elected as convener under the same conditions as set out for the Vice-Chairs in Rule 16 of the Rules of Procedure as applicable. The convener may, but is not required to, provide technical contribution to the SGMP's activities.
- **Submission:** Revised draft Management Plans should be submitted to the SGMP at least 60 days prior to the meeting at which the Plan will be considered by the CEP.
- **Review:** The CEP intends to review the effectiveness of the SGMP after a 2 year period, and to revise the TOR as necessary.

Timeline

Period	Action	Timing
Intersessional period	<ul style="list-style-type: none"> • Antarctic Treaty Secretariat posts all draft Management Plans referred for intersessional discussion to the online Discussion Forum. 	As soon as possible following CEP meeting

⁷ Term of Reference added at CEP XIII (Final Report paragraph 162)

	<ul style="list-style-type: none"> Interested CEP Members and Observers post comments on draft Management Plans via the Discussion Forum. Subsidiary Group on Management Plans (SGMP) considers draft Management Plans in accordance with its Terms of Reference and prepares a report with recommendations for proponents. SGMP report is translated and posted to the Discussion Forum. 	3-6 months following CEP meeting
	<ul style="list-style-type: none"> Draft Management Plans are revised by proponents in response to comments provided by Members, Observers and the SGMP, and posted to the Discussion Forum. 	60 days prior to CEP meeting
Working Paper deadline	<ul style="list-style-type: none"> SGMP convenor submits Working Paper with recommendations for the adoption or otherwise of draft Management Plans. 	45 days prior to CEP meeting.
CEP meeting	<ul style="list-style-type: none"> Consideration by CEP of Working Paper containing SGMP's recommendations. 	

Guidelines for CEP Consideration of New and Revised Draft ASPA and ASMA Management Plans

1. Draft Management Plans (new or revised) shall be submitted by the proponent(s) to the CEP for consideration at its next meeting.
2. For those areas that include a marine component, and which meet the criteria set out in Decision 9 (2005)⁸, draft Management Plans shall also be forwarded by the proponent(s) to CCAMLR for its consideration.
 - o The proponent(s) shall submit draft Management Plans to the CCAMLR Secretariat by mid-June to ensure that CCAMLR has adequate time to review the draft plans and provide comments within the timetable of the CEP's own review. Draft Management Plan(s) may be submitted to CCAMLR ahead of submission to the CEP depending on the timing of the CEP meeting in any one year.
3. At its meeting the CEP may, as appropriate, refer draft Management Plans to:
 - o the ATCM for adoption; or
 - o to the Subsidiary Group on Management Plans (SGMP) for intersessional review.
4. In accordance with its Terms of Reference, the SGMP shall consider each draft Management Plan referred to it, advise the proponent(s) on recommended changes, consider any revised version of the Management Plan prepared during the intersessional period, and report to the CEP on its review.

⁹Decision 9 (2005) states that:

Draft management plans which require the approval of CCAMLR are those which include marine areas:

- In which there is actual harvesting of potential capability for harvesting of marine living resources which might be affected by the sites' designation; or
- For which there are provisions specific in a draft management plan which might prevent or restrict CCAMLR-related activities.

And that:

Proposals for ASPAs and ASMAs which might have implications for CCAMLR Ecosystem Monitoring and Management (CEMP) sites should be submitted to CCAMLR for its consideration before any decision is taken on the proposal.

5. With consideration of the recommendations of the SGMP, and any additional comments by Members, the CEP shall consider each Management Plan reviewed by the SGMP in accordance with paragraph 3 above.