



Interim Secretariat provided by the Australian Government

Scientific Meeting

Hobart, Australia, 8-9 November 2004

Agenda Item No. 6

ACAP/ScM1/Inf.7

A paper by the South African Delegation

**Conserving albatrosses and petrels at sea: towards the
creation of a marine protected area around South
Africa's sub-Antarctic Prince Edward Islands**

**CONSERVING ALBATROSSES AND PETRELS AT SEA: TOWARDS THE
CREATION OF A MARINE PROTECTED AREA AROUND SOUTH AFRICA'S
SUB-ANTARCTIC PRINCE EDWARD ISLANDS**

J. Cooper¹, T. Akkers², R.J.M. Crawford² & D.C. Nel³

¹*Avian Demography Unit, University of Cape Town, Rondebosch 7701, South Africa;
jcooper@adu.uct.ac.za*

²*Marine & Coastal Management, Department of Environmental Affairs & Tourism, Pvt
Bag X2, Roggebaai 8012, South Africa*

³*Marine Programme, WWF South Africa, Pvt Bag X2, Die Boord 7613, South Africa*

PREAMBLE

“2.3 Conservation of marine habitats

2.3.1 The parties shall endeavour individually and collectively to manage marine habitats so as to:

- a) ensure the sustainability of marine living resources that provide food for albatrosses and petrels; and
- b) avoid pollution that may harm albatrosses and petrels.

2.3.2 Parties shall individually or collectively seek to develop management plans for the most important foraging and migratory habitats of albatrosses and petrels. Such plans shall seek to minimise risks in accordance with paragraph 2.3.1.

2.3.3 Parties shall take special measures individually and collectively to conserve marine areas which they consider critical to the survival and/or restoration of species of albatrosses and petrels which have unfavourable conservation status.”

From: Annex 2, Action Plan of the Agreement on the Conservation of Albatrosses and Petrels.

INTRODUCTION

South Africa's sub-Antarctic Prince Edward Islands in the southern Indian Ocean are its only overseas possession. The islands (Marion and Prince Edward) have been managed as a Special Nature Reserve since 3 November 1995 in terms of Section 18 of South Africa's Environment Conservation Act (Act No. 73 of 1989). The boundaries of the reserve were then set at low-water mark.

Currently, no South African conservation legislation has been extended to either the territorial waters (out to 12 nautical miles) or to the 200-nautical mile Exclusive Economic Zone (EEZ) surrounding the islands. However, no fishing activities are allowed within eight nautical miles of the island in order to reduce the incidental mortality of procellariiform seabirds by longline fishing. Additionally, fishing activities by South African vessels in waters surrounding the islands in the main abide with the various regulations and guidelines adopted by CCAMLR.

The National Environmental Management: Protected Areas Act (Act No. 57 of 2003; NEMPA) allows for the continued proclamation of Special Nature Reserves, and as well as applying to territorial waters “also applies to the exclusive economic zone and continental shelf of the Republic” as defined in the Maritime Zones Act (Act No. 15 of 1994). A Marine Protected Area (MPA) as defined by the Marine Living Resources Act (Act No. 18 of 1998) may be included in a Special Nature Reserve, which must then be “managed and regulated as part of the special nature reserve”, as set out in the National Environmental Management Protected Areas Amendment Bill (B2 of 2004). NEMPA applies to the Prince Edward Islands, which are specifically named in the Act. Marine Protected Areas as defined in terms of the Marine Living Resources Act may be created for several purposes, including protection of flora and fauna and to facilitate fishery management. However, in terms of NEMPA, fishing is not an activity that would be allowed within a Special Nature Reserve.

A management plan for the islands was adopted in 1996 which allowed for the establishment of the Prince Edward Islands Management Committee (PEIMC), which advises the South African National Antarctic Programme (SANAP) of the Department of Environmental Affairs and Tourism (DEAT) on environmental matters. At its 14th Meeting, in August 2002, the PEIMC considered a verbal proposal for an expansion of the Special Nature Reserve to include territorial waters, and requested that a short document be prepared for further discussion at its next meeting. A written document was produced for the 15th meeting of the PEIMC, held in January 2003, when the committee endorsed the proposal and requested that the matter be discussed within governmental structures to ascertain a way forward.

On 28 July 2004 the Minister of Environmental Affairs and Tourism, Mr Marthinus van Schalkwyk, announced at a function to receive a WWF “Gift to the Earth” Award on behalf of the South African Government the “firm intention to proclaim a major new MPA in the waters around the Prince Edward and Marion Islands which will effectively become one of the largest marine protected areas in the world”. He further noted that the first step in this process was likely to be the extension of the no-fishing zone around the island from eight to 12 nautical miles. His statement makes it clear that these intentions are to help combat Illegal, Unreported and Unregulated (IUU) fishing in the Southern Ocean, noting that new environmental patrol vessels and international co-operation with Australia and France through bilateral negotiations would strengthen South Africa’s ability to police its sub-Antarctic waters.

It is proposed that the territorial waters surrounding the Prince Edward Islands should be included as a Marine Protected Area within an expanded Special Nature Reserve, thus affording them the maximum level of environmental protection under South African legislation. However, to allow for the continuation of regulated fishing, a Marine Protected Area within the EEZ will need to fall outside this Special Nature Reserve. It would be zoned to allow for regulated activities in defined areas, whereas other zones would be fully protected as no-fishing areas.

ADVANTAGES OF MARINE PROTECTED AREAS AROUND THE PRINCE EDWARD ISLANDS

An “inshore” Marine Protected Area within territorial waters

Currently the Special Nature Reserve is made up of two islands, 19 km apart. Expansion of the reserve’s boundary to 12 nautical miles will greatly increase the area of South Africa’s only Special Nature Reserve and will create a single geographical entity, offering full legal protection to the shallow waters (<300 m) linking the two islands.

Fishing has never been allowed between the two islands, although passage for South African-flagged vessels is allowed. Further, longline fishing has not been permitted within eight nautical miles of the islands since 1 December 2001 (not within five nautical miles since 1997). An expansion of this no-fishing zone to all of the territorial waters around the island will offer further protection to the affected bird species (five species of albatrosses, and four large petrels of the genera *Macronectes* and *Procellaria*), nearly all of which are considered globally threatened by the World Conservation Union, and all of which are listed in Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels (ACAP). However, the South African legally-fishing vessels are to be commended for their efforts in minimizing the incidental mortality of birds in recent years.

Enhanced legal protection will be extended to those inshore-foraging bird species, including the Imperial Cormorant *Phalacrocorax [atriceps] melanogenis*, Antarctic *Sterna vittata* and Kerguelen *S. virgata* Terns and Gentoo *Pygoscelis papua* and Eastern Rockhopper *Eudyptes chrysocome filholi* Penguins whose numbers are decreasing at the islands, and of which several species are listed as globally threatened by the World Conservation Union. These decreases are thought due to environmental changes affecting food availability. Whereas legal protection will not improve food supply, it will allow for controls over such matters as pollution and disturbance from vessels.

An expanded Special Nature Reserve will greatly increase the number of legally protected species within its boundaries, including a large suite of benthic marine species that have been studied to varying degrees. Several of these species represent important prey for birds and seals breeding on the islands.

An expanded Special Nature Reserve with a large marine component will enhance the value of the island group as a Wetland of International Importance in terms of the Ramsar Convention. A proposal to nominate the Prince Edward Islands as a Ramsar site has been endorsed by the PEIMC and is currently under review by DEAT.

An expanded Special Nature Reserve will strengthen South Africa's World Heritage Site draft nomination text for the Prince Edward Islands, which includes territorial waters. This will match other World Heritage island sites in the Southern Ocean, which all include territorial waters.

Congruity will be reached with a number of other island nature reserves in the Southern Ocean which extend to 12 nautical miles from shore. These include Gough and Inaccessible (UK), Heard & McDonald and Macquarie (Australia) and the Auckland Islands (New Zealand)

Lastly, the soon-to-be expanded capability of South Africa to protect its marine waters with the provision of new environmental patrol vessels with powers of seizure and arrest will allow for the more effective protection and management of the territorial waters around the Prince Edward Islands, making the declaration of an expanded Special Nature Reserve a more practical option.

An “offshore” Marine Protected Area within the Exclusive Economic Zone

A Marine Protected Area proclaimed within the EEZ of the Prince Edward Islands will hugely expand the area of sea surrounding the islands that is legally protected. It will represent South Africa's largest, and one of the world's largest, MPAs.

Control of both legal and IUU longline fishing will be enhanced, by way of regular patrols and by the adoption of regulations and imposition of penalties for infringements.

Legal protection at sea will be extended to a larger suite of foraging seals and seabirds breeding at the Prince Edward Islands, including the mollymawk albatrosses of the genus *Thalassarche* and the White-chinned Petrel *Procellaria aequinoctialis*, all globally threatened ACAP species, as well as the more offshore foraging Macaroni Penguin *E. chrysolophus*.

Legal protection will be extended to benthic and pelagic marine species of deep (>4500-m) waters and on at least three sea mounts which rise to within 200 m of the surface, many species of which are very little known and some of which may be of potential commercial importance. It is most likely that many species are yet to be discovered as occurring within the EEZ, given the paucity of biological studies in the region that have been undertaken to date. Notably, a bottom-trawl survey conducted in the EEZ in April 2001 recorded 36 new taxa for the area investigated.

A South African Marine Protected Area within its sub-Antarctic EEZ will match and complement the two Marine Parks (equivalent to MPAs) recently declared by Australia in the EEZs of its sub-Antarctic islands.

A BIODIVERSITY SPATIAL ASSESSMENT AND CONSERVATION STRATEGY

Before an informed decision can be taken on how best Marine Protected Areas should be proclaimed around the Prince Edward Islands, a comprehensive review of the biotic and abiotic environment needs to be conducted. This biodiversity spatial assessment would include, *inter alia*, descriptions of physical and chemical oceanographic conditions, lists of biota known to occur within both territorial and EEZ waters, where possible descriptions of pelagic and benthic ecosystems, and a description and history of the legal and illegal fisheries for Patagonian Toothfish *Dissostichus eleginoides*.

In consultation with the various stakeholders, the Department of Environmental Affairs and Tourism will develop conservation strategies for both territorial and EEZ waters. It is considered that a conservation strategy for the proposed territorial waters' MPA should form part of a planned revision of the Islands' management plan on behalf of the PEIMC.

Furthermore, it is the intention of DEAT to conduct biodiversity surveys of the EEZ during 2006 and 2007. The South African Delegation to ACAP welcomes expressions of interest for international collaboration on these research cruises. They will also contribute to various Southern Ocean and Antarctic research initiatives forming part of the International Polar Year of 2007/08.