

ARK'S COMMITMENT REVIEW PANEL 2022

Meeting report

The Review Panel (RP) met on 2 November 2022 in a hybrid meeting. The list of representatives from ARK and NGOs is presented at the end.

The RP reviewed the following items:

- outcomes of the Expert Panel 2022 Report
- implementation of the ARK Commitment in 2021/22
- 5-year Review Process framework

Outcomes of the Expert Panel 2022 Report

The RP acknowledged the 100% compliance with the seasonal VRZs and the single non-compliance with the year-round Hope Bay VRZ. Regarding the latter, RP members agreed with the advice of the Expert Panel (EP) to remind fishing vessels of the importance of full compliance with this measure. Members discussed the need to inform captains of the VRZs limits and send them reminders of their implementation.

As in former years, RP members were disappointed with the lack of response from Chinese vessels. RP members discussed ways to make these companies comply with the data requested by the EP, including the need to make it explicit in the ARK Commitment. Industry representatives indicated that the ARK Commitment implicitly required all vessels to provide catch and effort data.

Dr. Arata noted that the implementation of VRZs had impacted the krill fishing fleet distribution, including an absence of fishing in Subarea 48.1 during summer and an increasing concentration of fishing activities during winter. Dr. Arata also noted that new evidence suggested that the current VRZs size effectively minimizes fishery overlap with Chinstrap penguins during the chick-rearing season. On the other hand, recent studies on baleen whales highlighted the overlap between whales and fishing activities in the Bransfield and Gerlache Straits.

The EP report also highlighted a recent paper on the VRZs, which acknowledged this positive effort by the industry to protect coastal areas. The paper also underscored the need to develop a credible data collection plan to improve fishery management and support a future MPA. The RP acknowledged the latter and considered the coming 5-year review process a good opportunity for elaborating such a data collection plan, but it was underlined that any initiative should try to align with CCAMLR priorities. The EP report suggested the need to obtain data on krill concurrent with fishing operations and develop robust penguin monitoring, which was disrupted during the COVID pandemic.

The EP also asked for a meeting with the RP to clarify the ARK Commitment objectives and specific questions to dwell on during the 5-year review process. RP members endorsed the proposition of

meeting before the end of this year and suggested the second or third week of December 2022. RP members highlighted the need to develop clear questions for the EP ahead of this meeting.

The EP also requested funds for conducting a spatial overlap analysis to test the effectiveness of the VRZs and the D1MPA proposal in conjunction with the small spatial units considered by CCAMLR Working Groups during 2022. The NGOs representatives asked ARK to consider funding such a project.

Members of the NGOs asked if the EP could assess the conservation impact/benefits of the VRZs during their regular deliberations or if we need funding for a separate project to develop this work. Likewise, they requested that when developing a plan for vessel monitoring, the EP should ensure that this data collection plan is in line with the work plan that CCAMLR is currently developing.

Finally, the RP discussed the composition of the EP. It was agreed to adopt a new member from 2023, Dr. Andrew Lowther, an expert in fur seals and penguins, with experience using fishing vessels as science platforms. It was also noted that having a "representative" from the D1MPA proposal in the EP could contribute toward harmonizing the ARK Commitment and the D1MPA proposal, avoiding undermining the work conducted by CCAMLR.

ARK Commitment implementation in 2021/22

Representatives from NGOs reiterated that the main objective when developing the ARK Commitment was and remained to advance toward implementing the D1MPA proposal. In this sense, they asked members from the industry to clarify their current ambition regarding the ARK Commitment.

Dr. Arata clarified that ARK Members are committed to continuing with the VRZs but that there is no intention of implementing a D1MPA-like spatial protection scheme as a voluntary measure.

In addition, ARK Members noticed the revival in CCAMLR of discussion for integrating the krill management strategy and the D1MPA proposal. Dr. Arata commented that the development of the new management strategy would have implications for the distribution of the fleet, given an increase in proposed quotas during summer. As the new strategy is likely to be implemented in steps, this would allow us to review the effect of VRZs on catches, but also noted the unlikeliness that the fishery would reach catch levels in line with the quotas assigned.

Transshipment & Vessel Safety

Regarding any progress on transshipment and vessel safety since the instauration of the ARK Commitment, Dr. Arata explained the main recommendations made by ARK on transshipment and vessel safety to the CCAMLR-41. ARK advocates for all vessels engaging in fishing to comply with these recommendations, although no actual implementation of these has been made.

RP members discussed a potential joint paper between ARK and ASOC on transshipment. It was acknowledged that such a joint paper would be helpful, but actual actions implemented by ARK Members would be more effective.

Review the 5-year Review Process framework

There was an exchange of views on expectations from the 5-year evaluation and the desirability of renewing the Commitment for another period.

NGO representatives agreed that the ARK Commitment was a good interim measure, but the final goal has always been the implementation of the D1MPA proposal. They were looking forward to the 5-year review process and how the ARK Commitment has contributed to the management of the krill fishery and the D1MPA proposal. However, they also noted that the harmonization process between the krill management approach and the D1MPA proposal was crucial.

Industry representatives noted that ARK is content with the Commitment and that the VRZs seem to have better acceptance from CCAMLR. They also noted that ARK Members would maintain the VRZs for another 5 years if the review process suggested so, even though some years fishing was challenging due to changes in krill distribution. They also commented that ARK would need to examine how the new spatial subdivision of quotas may impact fishing operations.

Review process

Members of the RP discussed the Review Process framework.

Representatives from NGOs noted that the review process involves two online surveys and some specific questions directed to the RP and EP, and asked who will analyze all the data emerging from the polls.

Dr. Arata informed that the data from the polls will be summarized by ARK but that the analysis of the information and the advice emerging from it will be produced by an external panel.

Representatives from NGOs consider the importance of having an independent panel to analyze all information collected and the need for clear Terms of References and guidelines. They acknowledge that the selection of an external panel is a complicated but important step.

List of Attendees, Review Panel Meeting, 2 November 2022

Laure Meller – *Greenpeace Norden*
Willie MacKenzie – *Greenpeace UK*
Emily Grilly – *WWF Australia*
Chris Johnson – *WWF Australia (online)*
Nicole Bransome – *The PEW*
Ron Naveen – *Oceanites (online)*
Frida Bengtsson – *Stockholm Resilience Centre (online)*

Valeria Carvajal – *ARK President*
Pål Skogrand – *ARK VicePresident*
Shannon Lee – *ARK Treasurer*
Steven Rooney – *Rimfrost*
Enrique Gutierrez – *PescaChile (online)*
Yoonhyung Kim – *Dongwon (online)*

Secretary: Javier Arata – *ARK's Executive Officer*