

Memorandum

5 June 2009

From: Walter Starck

To: Whom it may concern

Re: Are extensive Marine Protected Areas necessary or even desirable?

In recent discussion in regard to the matter of a greatly expanded network of large MPAs right around Australia, Department of Environment and Heritage personnel have claimed that these MPAs are necessary to meet international obligations to which Australia is committed. In order to better understand the specific nature of such obligations Mr Wayne Bayne of the Fishing Party yesterday requested from DEH a list of the relevant treaties and conventions. The following were then supplied by DEH:

1. [Convention on Biological Diversity](#)
2. [Global Representative System of Marine Protected Areas](#).
3. [Inter-governmental Agreement on the Environment \(1992\)](#).
4. [National Strategy for Ecologically Sustainable Development \(1992\)](#)
5. [National Strategy for the Conservation of Australia's Biological Diversity \(1996\)](#)

(Internet links provided)

Wayne requested my comments -

1. The **Convention on Biological Diversity** (CBD) has 3 main objectives: *'...the conservation of biological diversity; the sustainable use of its components; and the fair and equitable sharing of benefits arising out of the utilization of genetic resources.'* The CBD deals primarily with sustainable development and the agricultural and bio-medical uses of natural resources. It makes no mention of MPAs or obligation to any specific conservation measures. However, Article 10 (c) of this Convention requires signatories to, *"...protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements...."* "Customary" and "traditional" in this context is not limited to indigenous peoples. Under this convention the obligation to protect and encourage the customary use of recreational and commercial fishing by non-indigenous Australians is in no way distinct from the obligation to protect such use by indigenous Australians.

2. The **Global Representative System of Marine Protected Areas** is an imitative of The World Conservation Union (IUCN). The IUCN is an NGO based in Switzerland. Their stated mission is to: *"influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable"*. One of their objectives is the establishment of a global representative system of MPAs. An objective by an NGO creates no obligation under international law or treaty. It should also be noted that even the IUCN has explicitly recognised that trivial increases in environmental protection should not be pursued using highly restrictive and economically expensive measures.

3. The **Intergovernmental Agreement on the Environment** is an agreement between different levels of government in Australia to provide a mechanism by which to facilitate:

- *a cooperative national approach to the environment;*
- *a better definition of the roles of the respective governments;*

- *a reduction in the number of disputes between the Commonwealth and the States and Territories on environment issues;*
- *greater certainty of Government and business decision making;*
- *and better environment protection;*

This agreement is relevant to establishment of MPAs only in respect to administrative procedure. It has nothing to do with an obligation to create them.

4. The **National Strategy for Ecologically Sustainable Development** calls for, *“using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.”* This strategy clearly has nothing to do with international obligations.

5. The **National Strategy for the Conservation of Australia's Biological Diversity**

“...acknowledges the core objectives of the National Strategy for Ecologically Sustainable Development:

- *to enhance individual and community wellbeing and welfare by following a path of economic development that safeguards the welfare of future generations;*
- *to provide for equity within and between generations;*
- *to protect biological diversity and maintain essential ecological processes and life-support systems.”*

It also recognises that :

- *There is a need for more knowledge and better understanding of Australia's biological diversity.*
- *Decision making processes should effectively integrate both long- and short-term economic, environmental, social and equity considerations.*
- *The need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection should be recognised.*
- *The need to maintain and enhance international competitiveness in an environmentally sound manner should be recognised.*
- *Cost effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms.*
- *Decisions and actions should provide for broad community involvement on issues which affect them.*

This strategy likewise, has nothing to do with international obligations and if paid more than lip service would require a re-think on the need for, and socio-economic cost of, locking away large portions of marine resources from sustainable usage.

Curiously, The International Law of the Sea Treaty (LOST) is unmentioned. This treaty provides the claim to Exclusive Economic Zone rights for marine resources from the 12 mile sovereignty limit to the 200 mile EEZ limit and it is only under this claim that most of the proposed MPAs could be declared. However, this treaty also provides that exclusive use of EEZ resources involves utilization. Access to unused resources can be petitioned for by other nations. Such a petition regarding some of the un-utilised fisheries in our northern waters is now being considered by Asian fishing interests. It seems doubtful that vast no-take MPAs could be defended as utilisation.

Also unmentioned are the ANZECC guidelines which set out an agreed process for the establishment of the MPAs. The proposed process is broadly consistent with the RIS guidelines and involves:

- Identifying the nature and extent of the problem. In particular, it requires:
 1. determining the biodiversity that exists in each region

2. identifying activities that potentially threaten that biodiversity
 3. identifying problems with existing regulations
- Identifying options for reform
 - Implementing the preferred option
 - Monitoring and reviewing its effectiveness

All this is being effectively ignored in favour of a charade of public consultation, then ramming through the pre-determined agenda agreed to with the Greens.

MPAs are only a hypothetical solution to an imaginary problem. Clearly they have nothing to do with international obligations and everything to do with a political cheap shot pandering to the green vote at the expense of billions of dollars in lost production and sustainable development of our highly unutilised marine resources. The proposed Coral Sea MPA is irrefutable evidence of such pandering. It will be the world's largest MPA immediately adjacent to what is already the world's largest coral reef MPA and contains no species or ecotypes not already protected by the existing park.

The establishment of extensive MPAs amounts to large scale environmental meddling with no clear idea of efficacy or consequences. Ironically, this is in direct disregard of the precautionary principle so often cited as justifying such measures.

Most importantly, there is no urgent need for extensive MPA's in Australia and we can afford the time to learn more and know what we are doing instead of imposing costly and un-needed measures that may create more problems than they address.

Already MPA's constitute about 10% of Australia's entire EEZ area and 25% of total global MPA coverage. Additional planned and proposed MPAs would more than double our protected area and give us nearly 50% of the world total. However, the U.S. in distant second place, has only about 1% of it's MPAs as no take areas. We are much more holy than that. Most of ours will be strictly no take.

We also have the world's lowest fishery harvest rate at only $\frac{1}{30}$ the global average. In other words, we have the most protection where it is needed the least and we put $\frac{2}{3}$ of our seafood demand on heavily exploited resources elsewhere by importing it. This is unconscionable. Worse yet, we sell off non-renewable mineral resources to pay for \$1.8 billion in imports of a renewable resource we have in abundance. Then, as final assertion of idiocy, this is called "sustainable management".

Why, at a time when government is faced with exploding deficits and trying desperately to stimulate economic activity do we need to be taking on additional millions of dollars in expenditure to address a problem which does not exist and to further curtail productive activity and employment?

In current economic conditions adding more and more ill-conceived restrictions on our producers is tantamount to treason in a time of war. It is time that positive outcomes be required, not just meaningless eco-waffle. It is also time that real evidence be demanded for claims, not just unsupported opinions by a chorus of "experts" singing for their supper. Above all, it is past time for the public to realise that government is blatantly lying and we are all paying the price of gross resource mismanagement in our cost of living, our health, our freedom and in the broader well being of the nation.