CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

Introductory note

The first Antarctic marine living resources to be exploited were fur seals and elephant seals early in the 19th century. Subsequently, great whales were hunted in Antarctic waters. Antarctic fin fish and krill, a crustacean which provides the staple food of most of the Antarctic whales, seals and birds, have been exploited since the mid 1960s.

The conclusion of the Convention for the Conservation of Antarctic Seals in 1972, dealing with a high seas resource, opened the way to a consideration of the questions that would be posed by the potential large scale exploitation of krill. In 1975, at ATCM VIII, the Consultative Parties adopted Recommendation VIII-10 which noted the need to "promote and achieve within the framework of the Antarctic Treaty, the objectives of protection, scientific study and rational use of [Antarctic] marine living resources". The Recommendation went on to focus attention on scientific study as the necessary basis for protection and rational use, and remitted certain questions to SCAR for consideration. The result of the remit to SCAR was a meeting of scientists in 1976 out of which was developed a research program on the Biological Investigation of Marine Antarctic Systems and Stocks with the acronym BIOMASS. The BIOMASS program, together with three reports prepared by the UN Food and Agriculture Organisation in 1977, highlighted the importance of krill in the Antarctic marine ecosystem; irrational, large scale exploitation of krill could have severe repercussions on the birds, seals and whales of the Antarctic which depend on krill for their food.

The 1950s-60s had seen the development of large, distant water freezer trawlers. The 1970s saw the steady development of the legal concept of extended coastal state jurisdiction over fisheries. These scientific, technical and legal developments lent a certain note of urgency to the consideration of the living resources item on the agenda of ATCM IX in 1977. On the one hand there existed the fishing capacity to exploit these marine living resources at a high rate, and on the other hand the consequences of heavily exploiting the food of most of the Antarctic birds, seals and whales could be grave.

Following the adoption of Recommendation IX-2, calling for a Special Consultative Meeting to elaborate a regime governing Antarctic marine living resource conservation, the negotiation of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) began in Canberra in February 1978 and was concluded there in May 1980. The Convention entered into force on 7 April 1982.

The Convention contained several innovations. Although it was developed under the aegis of the Antarctic Treaty, the area of application of the Convention is larger than the Antarctic Treaty Area. The northern limit of the Antarctic marine ecosystem is the Antarctic Convergence, a major circum-Antarctic biogeographic boundary where the cold northerly-moving waters dip beneath warmer southerly-moving subtropical waters. South of the Antarctic convergence and within the Antarctic marine ecosystem, krill is the

dominant feature of the food web. The Convention adopted an ecosystem approach to conservation, requiring that in reaching conclusions about the rate of use of any target species, the effects on species dependent on the target species for food must be taken into account. It would not be enough to have regard to the effect utilization will have on the target species alone. The scientific and fishery management questions posed by this approach are formidable, but to have adopted a single species approach would have left the consequences of krill exploitation on its predators out of account.

Convention on the Conservation of Antarctic Marine Living Resources

[*Note*. The text of the Convention does not carry headings to its preamble and articles. Headings in square brackets have been inserted for ease of reference.]

The Contracting Parties,

Recognizing the importance of safeguarding the environment and protecting the integrity of the ecosystem of the seas surrounding Antarctica;

Noting the concentration of marine living resources found in Antarctic waters and the increased interest in the possibilities offered by the utilization of these resources as a source of protein;

Conscious of the urgency of ensuring the conservation of Antarctic marine living resources;

Considering that it is essential to increase knowledge of the Antarctic marine ecosystem and its components so as to be able to base decisions on harvesting on sound scientific information;

Believing that the conservation of Antarctic marine living resources calls for international co-operation with due regard for the provisions of the Antarctic Treaty and with the active involvement of all States engaged in research or harvesting activities in Antarctic waters;

Recognizing the prime responsibilities of the Antarctic Treaty Consultative Parties for the protection and preservation of the Antarctic environment and, in particular, their responsibilities under Article IX, paragraph 1(f) of the Antarctic Treaty in respect of the preservation and conservation of living resources in Antarctica;

Recalling the action already taken by the Antarctic Treaty Consultative Parties including in particular the Agreed Measures for the Conservation of Antarctic Fauna and Flora, as well as the provisions of the Convention for the Conservation of Antarctic Seals;

Bearing in mind the concern regarding the conservation of Antarctic marine living resources expressed by the Consultative Parties at the Ninth Consultative Meeting of the Antarctic Treaty and the importance of the provisions of Recommendation IX-2 which led to the establishment of the present Convention;

Believing that it is in the interest of all mankind to preserve the waters surrounding the Antarctic continent for peaceful purposes only and to prevent their becoming the scene or object of international discord;

Recognizing in the light of the foregoing, that it is desirable to establish suitable machinery for recommending, promoting, deciding upon and coordinating the measures and scientific studies needed to ensure the conservation of Antarctic marine living organisms;

Have agreed as follows:

Article I: [Scope and definitions]

1. This Convention applies to the Antarctic marine living resources of the area south of 60° South latitude and to the Antarctic marine living resources of the area between that latitude and the Antarctic Convergence which form part of the Antarctic marine ecosystem.

2. Antarctic marine living resources means the populations of fin fish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence.

3. The Antarctic marine ecosystem means the complex of relationships of Antarctic marine living resources with each other and with their physical environment.

4. The Antarctic Convergence shall be deemed to be a line joining the following points along parallels of latitude and meridians of longitude:

50°S 0°; 50°S, 30°E; 45°S, 30°E; 45°S, 80°E; 55°S, 80°E;55°S, 150°E; 60°S, 150°E; 60°S, 50°W; 50°S, 50°W; 50°S, 0°.

Article II: [Objective]

1. The objective of this Convention is the conservation of Antarctic marine living resources.

2. For the purpose of this Convention, the term 'conservation' includes rational use.

3. Any harvesting and associated activities in the area to which this Convention applies shall be conducted in accordance with the provisions of this Convention and with the following principles of conservation:

a) prevention of decrease in the size of any harvested population to levels below those which ensure its stable recruitment. For this purpose its size should not be allowed to fall below a level close to that which ensures the greatest net annual increment;
b) maintenance of the ecological relationships between harvested, dependent and related populations of Antarctic marine living resources and the restoration of depleted populations to the levels defined in sub-paragraph (a) above; and

c) prevention of changes or minimization of the risk of changes in the marine ecosystem which are not potentially reversible over two or three decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting, the effect of the introduction of alien species, the effects of associated activities on the marine ecosystem and of the effects of environmental changes, with the aim of making possible the sustained conservation of Antarctic marine living resources.

Article III: [Antarctic Treaty]

The Contracting Parties, whether or not they are Parties to the Antarctic Treaty, agree that they will not engage in any activities in the Antarctic Treaty area contrary to the principles and purposes of that Treaty and that, in their relations with each other, they are bound by the obligations contained in Articles I and V of the Antarctic Treaty.

Article IV: [Territorial sovereignty and coastal state jurisdiction]

1. With respect to the Antarctic Treaty area, all Contracting Parties, whether or not they are Parties to the Antarctic Treaty, are bound by Articles IV and VI of the Antarctic Treaty in their relations with each other.

2. Nothing in this Convention and no acts or activities taking place while the present Convention is in force shall:

a) constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in the Antarctic Treaty area or create any rights of sovereignty in the Antarctic Treaty area;
b) be interpreted as a renunciation or diminution by any Contracting Party of, or as prejudicing, any right or claim or basis of claim to exercise coastal state jurisdiction under international law within the area to which this Convention applies;
c) be interpreted as prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any such right, claim or basis of claim;
d) affect the provision of Article IV, paragraph 2, of the Antarctic Treaty that no new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the Antarctic Treaty is in force.

Article V: [Agreed Measures for the Conservation of Antarctic Fauna and Flora, etc]

1. The Contracting Parties which are not Parties to the Antarctic Treaty acknowledge the special obligations and responsibilities of the Antarctic Treaty Consultative Parties for the protection and preservation of the environment of the Antarctic Treaty area.

2. The Contracting Parties which are not Parties to the Antarctic Treaty agree that, in their activities in the Antarctic Treaty area, they will observe as and when appropriate the Agreed Measures for the Conservation of Antarctic Fauna and Flora and such other measures as have been recommended by the Antarctic Treaty Consultative Parties in

fulfilment of their responsibility for the protection of the Antarctic environment from all forms of harmful human interference.

3. For the purposes of this Convention, 'Antarctic Treaty Consultative Parties' means the Contracting Parties to the Antarctic Treaty whose Representatives participate in meetings under Article IX of the Antarctic Treaty.

Article VI: [Relationship to existing conventions relating to the conservation of whales and seals]

Nothing in this Convention shall derogate from the rights and obligations of Contracting Parties under the International Convention for the Regulation of Whaling and the Convention for the Conservation of Antarctic Seals.

Article VII: [Commission for the Conservation of Antarctic Marine Living Resources: membership].

1. The Contracting Parties hereby establish and agree to maintain the Commission for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as 'the Commission').

2. Membership in the Commission shall be as follows:
   a) each Contracting Party which participated in the meeting at which this Convention was adopted shall be a Member of the Commission;
   b) each State Party which has acceded to this Convention pursuant to Article XXIX shall be entitled to be a Member of the Commission during such time as that acceding party is engaged in research or harvesting activities in relation to the marine living resources to which this Convention applies;
   c) each regional economic integration organization which has acceded to this Convention pursuant to Article XXIX shall be entitled to be a Member of the Commission during such time as its States members are so entitled;
   d) Contracting Party seeking to participate in the work of the Commission pursuant to sub-paragraphs (b) and (c) above shall notify the Depositary of the basis upon which it seeks to become a Member of the Commission and of its willingness to accept conservation measures in force. The Depositary shall communicate to each member of the Commission such notification and accompanying information. Within two months of receipt of such communication from the Depositary, any Member of the Commission may request that a special meeting of the Commission be held to consider the matter. Upon receipt of such request, the Depositary shall call such a meeting. If there is not request for a meeting, the Contracting Party submitting the notification shall be deemed to have satisfied the requirements for Commission Membership.

3. Each Member of the Commission shall be represented by one representative who may be accompanied by alternate representatives and advisers.

Article VIII: [Commission: legal personality, privileges and immunities]

The Commission shall have legal personality and shall enjoy in the territory of each of the States Parties such legal capacity as may be necessary to perform its function and achieve the purposes of this Convention. The privileges and immunities to be enjoyed by the Commission and its staff in the territory of a State Party shall be determined by agreement between the Commission and the State Party concerned.

Article IX: [Commission: functions, conservation measures, implementation, objection procedure]

1. The function of the Commission shall be to give effect to the objective and principles set out in Article II of this Convention. To this end, it shall:
   a) facilitate research into and comprehensive studies of Antarctic marine living resources and of the Antarctic marine ecosystem;
   b) compile data on the status of and changes in population of Antarctic marine living resources and on factors affecting the distribution, abundance and productivity of harvested species and dependent or related species or populations;
   c) ensure the acquisition of catch and effort statistics on harvested populations;
   d) analyse, disseminate and publish the information referred to in sub-paragraphs (b) and (c) above and the reports of the Scientific Committee;
   e) identify conservation needs and analyse the effectiveness of conservation measures;
   f) formulate, adopt and revise conservation measures on the basis of the best scientific evidence available, subject to the provisions of paragraph 5 of this Article;
   g) implement the system of observation and inspection established under Article XXIV of this Convention;
   h) carry out such other activities as are necessary to fulfil the objective of this Convention.

2. The conservation measures referred to in paragraph 1(f) above include the following:
   a) the designation of the quantity of any species which may be harvested in the area to which this Convention applies;
   b) the designation of regions and sub-regions based on the distribution of populations of Antarctic marine living resources;
   c) the designation of the quantity which may be harvested from the populations of regions and sub-regions;
   d) the designation of protected species;
   e) the designation of the size, age and, as appropriate, sex of species which may be harvested;
   f) the designation of open and closed season for harvesting;

g) the designation of the opening and closing of areas, regions or sub-regions for purposes of scientific study or conservation, including special areas for protection and scientific study;
h) regulation of the effort employed and methods of harvesting, including fishing gear, with a view, inter alia, to avoiding undue concentration of harvesting in any region or sub-region;
i) the taking of such other conservation measures as the Commission considers necessary for the fulfilment of the objective of this Convention, including measures concerning the effects of harvesting and associated activities on components of the marine ecosystem other than the harvested populations.

3. The Commission shall publish and maintain a record of all conservation measures in force.

4. In exercising its functions under paragraph 1 above, the Commission shall take full account of the recommendations and advice of the Scientific Committee.

5. The Commission shall take full account of the any relevant measures or regulations established or recommended by the Consultative Meetings pursuant to Article IX of the Antarctic Treaty or by existing fisheries commissions responsible for species which may enter the area to which this Convention applies, in order that there shall be no inconsistency between the rights and obligations of a Contracting Party under such regulations or measures and conservation measures which may be adopted by the Commission.

6. Conservation measures adopted by the Commission in accordance with this Convention shall be implemented by Members of the Commission in the following manner:

a) the Commission shall notify conservation measures to all Members of the Commission;
b) conservation measures shall become binding upon all Members of the Commission 180 days after such notification, except as provided in sub-paragraphs (c) and (d) below;
c) if a Member of the Commission, within ninety days following the notification specified in measure, in whole or in part, the measure shall not, to the extent stated, be binding upon that member of the Commission;
d) in the event that any Member of the Commission invokes the procedure set forth in sub-paragraph (c) above, the Commission shall meet at the request of any Member of the Commission to review the conservation measure. At the time of such meeting and within thirty days following the meeting, any Member of the Commission shall have the right to declare that it is no longer able to accept the conservation measure, in which case the Member shall no longer be bound by such measure.

Article X: [Commission: monitoring function]

1. The Commission shall draw the attention of any State which is not a Party to this Convention to any activity undertaken by its nationals or vessels which, in the opinion of the Commission, affects the implementation of the objective of this Convention.

2. The Commission shall draw the attention of all Contracting Parties to any activity which, in the opinion of the Commission, affects the implementation by a Contracting Party of the objective of this Convention or the compliance by that Contracting Party with its obligations under this Convention.

Article XI: [Commission: relations with adjacent areas]

The Commission shall seek to co-operate with Contracting Parties which may exercise jurisdiction in marine areas adjacent to the area to which this Convention applies in respect of the conservation of any stock or stocks of associated species which occur both within those areas and the area to which this Convention applies, with a view to harmonising the conservation measures adopted in respect of such stocks.

Article XII: [Commission: making of decisions]

1. Decisions of the Commission on matters of substance shall be taken by consensus. The question of whether a matter is one of substance shall be treated as a matter of substance.

2. Decisions on matters other than those referred to in paragraph 1 above shall be taken by a simple majority of the Members of the Commission present and voting.

3. In Commission consideration of any item requiring a decision, it shall be made clear whether a regional economic integration organization will participate in the taking of the decision and, if so, whether any of its member States will also participate. The number of Contracting Parties so participating shall not exceed the number of member States of the regional economic integration organization which are Members of the Commission.

4. In the taking of decisions pursuant to this Article, a regional economic integration organization shall have only one vote.

Article XIII: [Commission: headquarters, meetings, officers, subsidiary bodies]

1. The Headquarters of the Commission shall be established at Hobart, Tasmania, Australia.

2. The Commission shall hold a regular annual meeting. Other meetings shall also be held at the request of one-third of its members and as otherwise provided in this Convention. The first meeting of the Commission shall be held within three months of

the entry into force of this Convention, provided that among the Contracting Parties there are at least two States conducting harvesting activities within the area to which this Convention applies. The first meeting shall, in any event, be held within one year of the entry into force of this Convention. The Depositary shall consult with the signatory States regarding the first Commission meeting, taking into account that a broad representation of such States is necessary for the effective operation of the Commission.

3. The Depositary shall convene the first meeting of the Commission at the headquarters of the Commission. Thereafter, meetings of the Commission shall be held at its headquarters, unless it decides otherwise.

4. The Commission shall elect from among its members a Chairman and Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for reelection for one additional term. The first Chairman shall, however, be elected for an initial term of three years. The Chairman and Vice-Chairman shall not be representatives of the same Contracting Party.

5. The Commission shall adopt and amend as necessary the rules of procedure for the conduct of its meetings, except with respect to the matters dealt with in Article XII of this Convention.

6. The Commission may establish such subsidiary bodies as are necessary for the performance of its functions.

Article XIV: [Scientific Committee: membership, meetings, other experts]

1. The Contracting Parties hereby establish the Scientific Committee for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as 'the Scientific Committee') which shall be a consultative body to the Commission. The Scientific Committee shall normally meet at the headquarters of the Commission unless the Scientific Committee decides otherwise.

2. Each Member of the Commission shall be a member of the Scientific Committee and shall appoint a representative with suitable scientific qualifications who may be

3. The Scientific Committee may seek the advice of other scientists and experts as may be required on an *ad hoc* basis.

Article XV: [Scientific Committee: functions]

1. The Scientific Committee shall provide a forum for consultation and co-operation concerning the collection, study and exchange of information with respect to the marine living resources to which this Convention applies. It shall encourage and promote co-operation in the field of scientific research in order to extend knowledge of the marine living resources of the Antarctic marine ecosystem.

2. The Scientific Committee shall conduct such activities as the Commission may direct in pursuance of the objective of this Convention and shall:

a) establish criteria and methods to be used for determinations concerning the conservation measures referred to in Article IX of this Convention;
b) regularly assess the status and trends of the populations of Antarctic marine living resources;
c) analyse data concerning the direct and indirect effects of harvesting on the populations of Antarctic marine living resources;
d) assess the effects of proposed changes in the methods or levels of harvesting and proposed conservation measures;
e) transmit assessments, analyses, reports and recommendations to the Commission as requested or on its own initiative regarding measures and research to implement the objective of this Convention;
f) formulate proposals for the conduct of international and national programs of research into Antarctic marine living resources.

3. In carrying out its functions, the Scientific Committee shall have regard to the work of other relevant technical and scientific organizations and to the scientific activities conducted within the framework of the Antarctic Treaty.

Article XVI: [Scientific Committee: first meeting, procedure, subsidiary bodies]

1. The first meeting of the Scientific Committee shall be held within three months of the first meeting of the Commission. The Scientific Committee shall meet thereafter as often as may be necessary to fulfil its functions.

2. The Scientific Committee shall adopt and amend as necessary its rules of procedure. The rules and any amendments thereto shall be approved by the Commission. The rules shall include procedures for the presentation of minority reports.

3. The Scientific Committee may establish, with the approval of the Commission, such subsidiary bodies as are necessary for the performance of its functions.

Article XVII: [Commission and Scientific Committee: Secretariat]

1. The Commission shall appoint an Executive Secretary to serve the Commission and Scientific Committee according to such procedures and on such terms and conditions as the Commission may determine. His term of office shall be for four years and he shall be eligible for re-appointment.

2. The Commission shall authorize such staff establishment for the Secretariat as may be necessary and the Executive Secretary shall appoint, direct and supervise such staff according to such rules and procedures and on such terms and conditions as the Commission may determine.

3. The Executive Secretary and Secretariat shall perform the functions entrusted to them by the Commission.

Article XVIII: [Languages]

The official languages of the Commission and of the Scientific Committee shall be English, French, Russian and Spanish.

Article XIX: [Budget and financial obligations]

1. At each annual meeting, the Commission shall adopt by consensus its budget and the budget of the Scientific Committee.

2. A draft budget for the Commission and the Scientific Committee and any subsidiary bodies shall be prepared by the Executive Secretary and submitted to the Members of the Commission at least sixty days before the annual meeting of the Commission.

3. Each Member of the Commission shall contribute to the budget. Until the expiration of five years after the entry into force of this Convention, the contribution of each Member of the Commission shall be equal. Thereafter the contribution shall be determined in accordance with two criteria: the amount harvested and an equal sharing among all Members of the Commission. The Commission shall determine by consensus the proportion in which these two criteria shall apply.

4. The financial activities of the Commission and Scientific Committee shall be conducted in accordance with financial regulations adopted by the Commission and shall be subject to an annual audit by external auditors selected by the Commission.

5. Each Member of the Commission shall meet its own expenses arising from attendance at meetings of the Commission and of the Scientific Committee.

6. A Member of the Commission that fails to pay its contributions for two consecutive years shall not, during the period of its default, have the right to participate in the taking of decisions in the Commission.

Article XX: [Information: collection and provision]

1. The Members of the Commission shall, to the greatest extent possible, provide annually to the Commission and to the Scientific Committee such statistical, biological and other data and information as the Commission and Scientific Committee may require in the exercise of their functions.

2. The Members of the Commission shall provide, in the manner and at such intervals as may be prescribed, information about their harvesting activities, including fishing areas and vessels, so as to enable reliable catch and effort statistics to be compiled.

3. The Members of the Commission shall provide to the Commission at such intervals as may be prescribed information on steps taken to implement the conservation measures adopted by the Commission.

4. The Members of the Commission agree that in any of their harvesting activities, advantage shall be taken of opportunities to collect data needed to assess the impact of harvesting.

Article XXI: [Domestic measures to ensure compliance]

1. Each Contracting Party shall take appropriate measures within its competence to ensure compliance with the provisions of this Convention and with conservation measures adopted by the Commission to which the Party is bound in accordance with Article IX of this Convention.

2. Each Contracting Party shall transmit to the Commission information on measures taken pursuant to paragraph 1 above, including the imposition of sanctions for any violation.

Article XXII: [Activities contrary to objective of Convention]

1. Each Contracting Party undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, t the end that no one engages in any activity contrary to the objective of this Convention.

2. Each Contracting Party shall notify the Commission of any such activity which comes to its attention.

Article XXIII: [Relations with other international organizations]

1. The Commission and the Scientific Committee shall co-operate with the Antarctic Treaty Consultative Parties on matters falling within the competence of the latter.

2. The Commission and the Scientific Committee shall co-operate, as appropriate, with the Food and Agriculture Organization of the United Nations and with other Specialised Agencies.

3. The Commission and the Scientific Committee shall seek to develop co-operative working relationships, as appropriate, with inter-governmental and non-governmental organizations which could contribute to their work, including the Scientific Committee on Antarctic Research, the Scientific Committee on Oceanic Research and the International Whaling Commission.

4. The Commission may enter into agreements with the organizations referred to in this Article and with other organizations as may be appropriate. The Commission and the Scientific Committee may invite such organizations to send observers to their meetings and to meetings of their subsidiary bodies.

Article XXIV: [Observations and inspection]

1. In order to promote the objective and ensure observance of the provisions of this Convention, the Contracting Parties agree that a system of observation and inspection shall be established.

2. The system of observation and inspection shall be elaborated by the Commission on the basis of the following principles:

a) Contracting Parties shall co-operate with each other to ensure the effective implementation of the system of observation and inspection, taking account of the existing international practice. This system shall include, inter alia, procedures for boarding and inspection by observers and inspectors designated by the Members of the Commission and procedures for flag state prosecution and sanctions on the basis of evidence resulting from such boarding and inspections. A report of such prosecutions and sanctions imposed shall be included in the information referred to in Article XXI of this Convention;
b) In order to verify compliance with measures adopted under this Convention, observation and inspection shall be carried out on board vessels engaged in scientific research or harvesting of marine living resources in the area to which this Convention applies, through observers and inspectors designated by the Members of the Commission and operating under terms and conditions to be established by the Commission.
c) Designated observers and inspectors shall remain subject to the jurisdiction of the Contracting Party of which they are nationals. They shall report to the Member of the Commission by which they have been designated which in turn shall report to the Commission.

3. Pending the establishment of the system of observation and inspection, the Members of the Commission shall seek to establish interim arrangements to designate observers and inspectors and such designated observers and inspectors shall be entitled to carry out inspections in accordance with the principles set out in paragraph 2 above.

Article XXV: [Dispute settlement]

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of this Convention, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent in each case of all Parties to the dispute, be referred for settlement to the International Court of Justice or to arbitration; but failure to reach agreement on reference to the International Court or to arbitration shall not absolve Parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 above.

3. In cases where the dispute is referred to arbitration, the arbitral tribunal shall be constituted as provided in the Annex to this Convention.

Article XXVI: [Signature]

1. This Convention shall be open for signature at Canberra from 1 August to 31 December 1980 by the States participating in the Conference on the Conservation of Antarctic Marine Living Resources held at Canberra from 7 to 20 May 1980.

2. The States which so sign will be the original signatory States of the Convention.

Article XXVII: [Ratification, acceptance or approval]

1. This Convention is subject to ratification, acceptance or approval by signatory States.

2. Instruments of ratification, acceptance or approval shall be deposited with the Government of Australia, hereby designated as the Depositary.

Article XXVIII: [Entry into force]

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the eighth instrument of ratification, acceptance or approval by States referred to in paragraph 1 of Article XXVI of this Convention.

2. With respect to each State or regional economic integration organization which subsequent to the date of entry into force of this Convention deposits an instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day following such deposit.

Article XXIX: [Accession]

1. This Convention shall be open for accession by any State interested in research or harvesting activities in relation to the marine living resources to which this Convention applies.

2. This Convention shall be open for accession by regional economic integration organizations constituted by sovereign States which include among their members one or more States Members of the Commission and to which the States members of the organization have transferred, in whole or in part, competences with regard to the matters covered by this Convention. The accession of such regional economic integration organizations shall be the subject of consultations among Members of the Commission.

Article XXX: [Amendment]

1. This Convention may be amended at any time.

2. If one-third of the Members of the Commission request a meeting to discuss a proposed amendment the Depositary shall call such a meeting.

3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all the Members of the Commission.

4. Such amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification, acceptance or approval has been received by the Depositary. Any such Contracting Party from which no such notice has been received within a period of one year from the date of entry into force of the amendment in accordance with paragraph 3 above shall be deemed to have withdrawn from this Convention.

Article XXXI: [Withdrawal]

1. Any Contracting Party may withdraw from this Convention on 30 June of any year, by giving written notice not later than 1 January of the same year to the Depositary, which, upon receipt of such a notice, shall communicate it forthwith to the other Contracting Parties.

2. Any other Contracting Party may, within sixty days of the receipt of a copy of such a notice from the Depositary, give written notice of withdrawal to the Depositary in which case the Convention shall cease to be in force on 30 June of the same year with respect to the Contracting Party giving such notice.

3. Withdrawal from this Convention by any Member of the Commission shall not affect its financial obligations under this Convention.

Article XXXII: [Functions of the Depositary]

The Depositary shall notify all Contracting Parties of the following:

a) signatures of this Convention and the deposit of instruments of ratification, acceptance, approval or accession;
b) the date of entry into force of this Convention and of any amendment thereto.

Article XXXIII: [Texts]

1. This Convention, of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Government of Australia which shall transmit duly certified copies thereof to all signatory and acceding Parties.

2. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Drawn up at Canberra this twentieth day of May 1980.

IN WITNESS THEREOF the undersigned, being duly authorized, have signed this Convention.

Annex for an Arbitral Tribunal

1. The arbitral tribunal referred to in paragraph 3 of Article XXV shall be composed of three arbitrators who shall be appointed as follows:

a) The Party commencing proceedings shall communicate the name of an arbitrator to the other Party which, in turn, within a period of forty days following such notification, shall communicate the name of the second arbitrator. The Parties shall, within a period of sixty days following the appointment of the second arbitrator, appoint the third arbitrator, who shall not be a national of either Party and shall not be of the same nationality as either of the first two arbitrators. The third arbitrator shall preside over the tribunal.

b) If the second arbitrator has not been appointed within the prescribed period, or if the Parties have not reached agreement within the prescribed period on the appointment of the third arbitrator, that arbitrator shall be appointed, as the request of either Party, by the Secretary-General of the Permanent Court of Arbitration, from among persons of international standing not having the nationality of a State which is a Party to this Convention.

2. The arbitral tribunal shall decide where its headquarters will be located and shall adopt its own rules of procedure.

3. The award of the arbitral tribunal shall be made by a majority of its members, who may not abstain from voting.

4. Any Contracting Party which is not a Party to the dispute may intervene in the proceedings with the consent of the arbitral tribunal.

5. The award of the arbitral tribunal shall be final and binding on all Parties to the dispute and on any Party which intervenes in the proceedings and shall be complied with without delay. The arbitral tribunal shall interpret the award at the request of one of the Parties to the dispute or of any intervening Party.

6. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the Parties to the dispute in equal shares.

CCAMLR Contracting Parties

Contracting Party	Date of signature	Date of ratification acceptance (Ac) or approval (Ap)	Date of Entry into Force	Date of Commission membership
MEMBERS OF CCAMLR				
Argentina	11 Sep 80	28 May 82	27 Jun 82	27 Jun 82
Australia	1 Sep 80	6 May 81	7 Apr 82	7 Apr 82
Belgium	11 Sep 80	22 Feb 84	23 Mar 84	23 Mar 84
Brazil		28 Jan 86	27 Feb 86	8 Sep 86
Chile	11 Sep 80	22 Jul 81	7 Apr 82	7 Apr 82
European Community		21 Apr 82	21 May 82	21 May 82
France	16 Sep 80	16 Sep 82	16 Oct 82	16 Oct 82
German Democratic Republic*	11 Sep 80	30 Mar 82 (Ap)	29 Apr 82	29 Apr 82
Germany, Federal Republic of	11 Sep 80	23 Apr 82	23 May 82	23 May 82
India		17 Jun 85	17 Jul 85	29 Jun 86
Italy		29 Mar 89	28 Apr 89	30 Jun 90
Japan	12 Sep 80	26 May 81	7 Apr 82	7 Apr 82
Korea, Republic of		29 Mar 85	28 Apr 85	19 Nov 85
Namibia		29 Jun 00	29 Jul 00	5 Feb 01
New Zealand	11 Sep 80	8 Mar 82	7 Apr 82	7 Apr 82
Norway	11 Sep 80	6 Dec 83	5 Jan 84	5 Jan 84
Poland	11 Sep 80	28 Mar 84	27 Apr 84	27 Apr 84
Russian Federation	11 Sep 80	26 May 81 (Ac)	7 Apr 82	7 Apr 82
South Africa	1 Sep 80	23 Jul 81	7 Apr 82	7 Apr 82
Spain		9 Apr 82	9 May 84	21 Oct 87
Sweden		7 Jun 84	6 Jul 84	30 Dec 89
Ukraine		22 Apr 94	22 May 94	14 Dec 94
United Kingdom	11 Sep 80	31 Aug 81	7 Apr 82	7 Apr 82
United States of America	11 Sep 80	18 Feb 82	7 Apr 82	7 Apr 82
Uruguay		22 Mar 85	22 Apr 85	

STATES PARTY TO THE CONVENTION BUT NOT MEMBERS OF THE COMMISSION

Contracting Party	Date of signature	Date of ratification acceptance (Ac) or approval (Ap)	Date of Entry into Force	Date of Commission membership
Bulgaria		1 Sep 92	30 Sep 92	
Canada		1 Jul 88	31 Jul 88	
Finland		6 Sep 89	6 Oct 89	
Greece		12 Feb 87	14 Mar 87	
Netherlands		23 Feb 90	25 Mar 90	
Peru		23 Jun 89	23 Jul 89	
Vanuatu		20 Jun 01	20 Jul 01	

* Membership ceased on 2 Oct 90 following unification with the Federal Republic of Germany.

Conference on the Conservation of Antarctic Marine Living Resources, Canberra, 7–20 May 1980: Final Act

The governments of Argentina, Australia, Belgium, Chile, The French Republic, German Democratic Republic, Germany, Federal Republic of, Japan, New Zealand, Norway, Poland, The Republic of South Africa, The Union of Soviet Socialist Republics, The United Kingdom of Great Britain and Northern Ireland, and The United States of America; having accepted the invitation extended to them by the Government of Australia to participate in a Conference on the Conservation of Antarctic Marine Living Resources, appointed their representatives, advisers and observers who are listed below: [not reproduced]

The following international organizations were invited by the Government of Australia to participate as observers in the Conference: European Communities; Food and Agriculture Organization; Inter-governmental Oceanographic Commission; International Union for the Conservation of Nature and Natural Resources; International Whaling Commission, Scientific Committee on Antarctic Research; Scientific Committee on Oceanic Research.

The Conference met at Canberra on 7 May 1980 under the chairmanship of Mr J. E. Ryan, representative of the delegation of Australia. The Secretary-General was Mr R. H. Wyndham.

The Final Session was held on 20 May 1980. As a result of its deliberations the Conference has established and drawn up for signature a 'Convention on the Conservation of Antarctic Marine Living Resources', the text of which is annexed hereto.

The Conference also decided to include in the Final Act the text of the following statement made by the Chairman on 19 May 1980 regarding the application of the Convention on the Conservation of Antarctic Marine Living Resources to the waters adjacent to Kerguelen and Crozet over which France has jurisdiction, and to waters adjacent to other islands within the area to which this Convention applies over which the existence of State sovereignty is recognized by all Contracting Parties.

1. Measures for the conservation of Antarctic marine living resources of the waters adjacent to Kerguelen and Crozet, over which France has jurisdiction, adopted by France prior to the entry into force of the Convention, would remain in force after the entry into force of the Convention until modified by France acting within the framework of the Commission* or otherwise.

2. After the Convention has come into force, each time the Commission should undertake examination of the conservation needs of the marine living resources of the general area in which the water adjacent to Kerguelen and Crozet are to be found, it would be open to France either to agree that the waters in question should be included in the area of application of any specific conservation measure under consideration or to indicate that they should be excluded. In the latter event, the Commission would not proceed to the adoption of the specific conservation measure in a form applicable to the waters in question unless France removed its objection to it. France could also adopt such national measures as it might deem appropriate for the waters in question.

3. Accordingly, when specific conservation measures are considered within the framework of the Commission and with the participation of France, then:
   a) France would be bound by any conservation measures adopted by consensus with its participation for the duration of those measures. This would not prevent France from promulgating national measures that were more strict than the Commission's measures or which dealt with other matters;
   b) In the absence of consensus, France could promulgate any national measures which it might deem appropriate.

4. Conservation measures, whether national measures or measures adopted by the Commission, in respect of the waters adjacent to Kerguelen and Crozet, would be enforced by France. The system of observation and inspection foreseen by the Convention would not be implemented in the waters adjacent to Kerguelen and Crozet except as agreed by France and in the manner so agreed.

5. The understandings, set forth in paragraphs 1–4 above, regarding the application of the Convention to waters adjacent to the Islands of Kerguelen and Crozet, also apply to waters adjacent to the islands within the area to which this Convention applies over which the existence of State sovereignty is recognized by all Contracting Parties.

No objection to the statement was made.

The Conference on the Conservation of Antarctic Marine Living Resources,

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* See Article VII.

Noting that a definitive regime for the conservation of Antarctic marine living resources has been elaborated, and desiring to have that regime enter into force as quickly as possible;

Recognizing that harvesting of Antarctic marine living resources is presently taking place and underlining the importance of the objectives of the Convention on the Conservation of Antarctic Marine Living Resources;

Recognizing the need to identify, emphasize and co-operate in carrying out research activities that will facilitate the effective operation of the Convention;

Desiring further to facilitate the implementation of the Convention by emphasizing and co-ordinating the collection of scientific and fisheries data needed for the Scientific Committee, to be constituted under the terms of the Convention, to begin effective work upon entry into force of the Convention;

Calls upon the Parties entitled to become Members of the Commission;

1. To take all possible steps to bring the Convention on the Conservation of Antarctic Marine Living Resources into force as soon as possible;

2. To show the greatest possible care and concern, bearing in mind the principles and objectives of Article II of the Convention, in any harvesting of Antarctic marine living resources in the period prior to entry into force of the Convention and examination of the status of stocks by the Scientific Committee to be established by the Convention on the Conservation of Antarctic Marine Living Resources;

3. To the greatest extent practicable and feasible to co-operate broadly and comprehensively in the continued development of the scientific and fisheries data necessary for the effective operation of the Convention on the Conservation of Antarctic Marine Living Resources, and to this end:

a) to intensify research related to Antarctic marine living resources;
b) to identify the specific scientific and fisheries data needed and how those data should be collected and recorded to facilitate the work of the Scientific Committee to be established by the Convention; and
c) to compile scientific and fisheries data identified pursuant to sub-paragraph (b) above in order to distribute those data to the Contracting Parties upon entry into force of the Convention on the Conservation of Antarctic Marine Living Resources.

III

The Conference on the Convention for the Conservation of Antarctic Marine Living Resources,

Having agreed on a text of a Convention which would establish a Commission and Scientific Committee for the Conservation of Antarctic Marine Living Resources and an Executive Secretariat;

Recognizing the need to examine working methods for the Executive Secretary and Secretariat so that they may being their work as soon as possible after entry into force of the Convention;

Takes note of the intention of the Depositary to convene a meeting of representatives of Parties entitled to become Members of the Commission within one year after expiration of the period during which the Convention is open for signature for the purpose of considering steps which might be taken to facilitate the early operation of the Commission, Scientific Committee and Executive Secretariat when these bodies are established.

Report of the Second Special Antarctic Treaty Consultative Meeting

Report of the Second Special Consultative Meeting held in three sessions at Canberra 27 February – 16 March 1978, at Buenos Aires 17 – 28 July 1978, and at Canberra 5 – 6 May 1980

Explanatory note

Three formal sessions of the Second Special Consultative Meeting and four informal meetings were held to elaborate a draft definitive regime. At the close of the third formal session the Consultative Parties adopted a Recommendation which had the effect of passing, *inter alia*, the draft of a Convention on the Conservation of Antarctic Marine Living Resources to a diplomatic conference which opened in Canberra on the following day. At that conference the Consultative Parties were joined by the Federal Republic of Germany, the German Democratic Republic and observer delegations from the European Community and other international organizations. The Convention was concluded at the conference. The Final Report of the Second Special Consultative Meeting is reproduced below.

Final Report of the Second Special Antarctic Treaty Consultative Meeting

1. In accordance with the provisions of Article IX of the Antarctic Treaty, representatives of the Consultative Parties (Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, Poland, the Republic of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America) met in Canberra from 27 February to 16 March 1978 to consult together and consider measures which might be taken to further the principles and purposes of the Treaty and, where appropriate, make recommendations to their Governments. Specifically pursuant to Recommendation IX-2 of the Ninth Consultative Meeting, they met to elaborate a draft definitive regime for the Conservation of Antarctic Marine Living Resources. They met again in Buenos Aires from 17 to 28 July 1978 and in Canberra on 5-6 May 1980.

2. Mr J. R. Rowland, Representative of Australia, was elected Chairman of the First Session of the Special Consultative Meeting. Ambassador Raul A. Medina Munoz, Representative of Argentina, was elected Chairman of the Second Session. Mr J. E. Ryan, Representative of Australia, was elected Chairman of the Third Session.

3. Mr R. H. Wyndham of the Australian Department of Foreign Affairs was appointed Secretary-General of the First and Third Sessions. Mr Victor E. Beauge of the Argentine Ministry of Foreign Relations and Worship was appointed Secretary-General of the Second Session.

4. The opening meetings of the First and Second Sessions were held in public. The First Session was opened by the Australian Minister for Foreign Affairs, the Hon. Andrew

Peacock, MP. The Second Session was opened by the Argentine Minister for Foreign Relations, Mr Oscar A. Montes. Opening statements were made by the Heads of Delegations.

5. The Meeting adopted the following Agenda which it followed at all three sessions:

1. Opening of Meeting.
2. Election of officers.
3. Opening Statements.
4. Adoption of Agenda.
5. Elaboration of a draft definitive regime for the conservation of Antarctic marine living resources taking into account all the points listed in Recommendation IX-2, Section III.
6. Consideration of steps in connection with the work of the decisive meeting for the establishment of the definitive regime taking into account all the points listed in Recommendation IX-2, Section III.
7. Adoption of Final Report.
8. Closure of Meeting.

6. The Meeting considered all the items on the Agenda. At its First Session, it appointed one Working Group, under the Chairmanship of the Representative of the United Kingdom, Sir Donald Logan, to consider the scope of the Convention to be elaborated, including the definition of the marine living resources of the area to which the Convention would apply. At its Second Session, it appointed a Working Group under the Chairmanship of the Representative of South Africa, Mr P.Oelofsen, to consider political and juridical questions and a Working Group under Dr Richard Laws (United Kingdom) on Scientific and Technology Questions.

7. The Meeting adopted unanimously the following Recommendation which is set out at the end of this Report.

Recommendation

The Representatives,

Recalling the special responsibilities conferred upon the Consultative Parties in respect of the preservation and conservation of living resources in the Antarctic by virtue of Article IX paragraph 1(f) of the Antarctic Treaty;

Convinced that provision for effective measures to conserve Antarctic marine living resources as well as for collection and analysis of the data necessary to develop such measures will require the early conclusion of a definitive conservation regime;

Recalling Recommendation IX-2 under which the Consultative Parties recommended that a definitive regime for the Conservation of Antarctic Marine living Resources should be concluded;

Recognizing that the Objective of the Protocol (Article 2) is for Parties to commit themselves to the comprehensive protection of the Antarctic environment and dependent and associated ecosystems;

Recalling that the Eighteenth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources introduced a Catch Documentation Scheme for *Dissostichus spp.* to identify the origins of Dissostichus spp. entering the markets of Contracting Parties and to determine whether Dissostichus spp. harvested in the Convention area were caught in a manner consistent with CCAMLR Conservation Measures;

Recalling also that as part of that Scheme, the Commission invited non-Contracting Parties to the Convention whose vessels fish for *Dissostichus spp.* to participate in the Catch Documentation Scheme;

Welcoming efforts by some key non-Contracting Parties involved in trade in *Dissostichus spp.* to participate in the Catch Documentation Scheme;

Noting with satisfaction that the adoption, under the auspices of the Food and Agriculture Organization, of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing in February 2001, will assist the Commission to address illegal, unreported and unregulated fishing in the Convention Area; and

Welcoming recent accessions to the Convention by Namibia and Vanuatu, States not party to the Antarctic Treaty;

Recommend that:

All Parties to the Antarctic Treaty which are not Contracting Parties to the Convention or Members of the Commission, and whose flag vessels fish for toothfish or who are involved in the trade of toothfish, implement the CCAMLR Catch Documentation Scheme for *Dissostichus spp.*]

ATSCM XII: Resolution 2(2000):

Support for CCAMLR and its Measures to Combat Illegal, Unregulated and Unrestricted Fishing, Including a Catch Documentation Scheme for *Dissostichus spp.* (Toothfish)

The Representatives,

Recalling ATCM XXII Resolution 3 (1999) regarding Support for the Commission for the Conservation of Antarctic Marine Living Resources in its efforts to deal with the problem of illegal, unreported and unregulated fishing in the Convention Area;

Recalling also that the Preamble to the Protocol on Environmental Protection to the Antarctic Treaty (the Madrid Protocol) reaffirms the conservation principles of the Convention on the Conservation of Antarctic Marine Living Resources;

Recognizing that the Objective of the Protocol (Article 2) is for Parties to commit themselves to the comprehensive protection of the Antarctic environment and dependent and associated ecosystems;

Recalling that the Eighteenth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources introduced a Catch Documentation Scheme for *Dissostichus spp.* to identify the origins of Dissostichus spp. entering the markets of Contracting Parties and to determine whether Dissostichus spp. harvested in the Convention area were caught in a manner consistent with CCAMLR Conservation Measures;

Recalling also that as part of that Scheme, the Commission invited non-Contracting Parties to the Convention whose vessels fish for *Dissostichus spp.* to participate in the Catch Documentation Scheme;

Welcoming efforts by some key non-Contracting Parties involved in trade in *Dissostichus spp.* to participate in the Catch Documentation Scheme;

Noting with satisfaction that the adoption, under the auspices of the Food and Agriculture Organization, of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing in February 2001, will assist the Commission to address illegal, unreported and unregulated fishing in the Convention Area; and

Welcoming recent accessions to the Convention by Namibia and Vanuatu, States not party to the Antarctic Treaty;

Recommend that:

All Parties to the Antarctic Treaty which are not Contracting Parties to the Convention or Members of the Commission, and whose flag vessels fish for toothfish or who are involved in the trade of toothfish, implement the CCAMLR Catch Documentation Scheme for *Dissostichus spp.*]

ATSCM XII: Resolution 2(2000):

Support for CCAMLR and its Measures to Combat Illegal, Unregulated and Unrestricted Fishing, Including a Catch Documentation Scheme for *Dissostichus spp.* (Toothfish)

The Representatives,

Recalling ATCM XXII Resolution 3 (1999) regarding Support for the Commission for the Conservation of Antarctic Marine Living Resources in its efforts to deal with the problem of illegal, unreported and unregulated fishing in the Convention Area;

Recalling also that the Preamble to the Protocol on Environmental Protection to the Antarctic Treaty (the Madrid Protocol) reaffirms the conservation principles of the Convention on the Conservation of Antarctic Marine Living Resources;

Recognising that the Objective of the Protocol (Article 2) is for Parties to commit themselves to the comprehensive protection of the Antarctic environment and dependent and associated ecosystems;

Noting that the Eighteen Meeting of the Commission to CCAMLR has introduced a Catch Documentation Scheme for *Dissostichus* spp. to identify the origins of *Dissostichus* spp. entering the markets of Contracting Parties and to determine whether *Dissostichus* spp. harvested in the Convention Area were caught in a manner consistent with CCAMLR Conservation Measures; and

Noting further that as part of that Scheme; the Commission invites non-Contracting Parties (to CCAMLR) whose vessels fish for *Dissostichus* spp. to participate in the Catch Documentation Scheme.

Recommend that:

All Parties to the Antarctic Treaty which are not Contracting Parties to CCAMLR and whose flag vessels fish for toothfish, or who are involved in the trade of toothfish, participate in, or comply voluntarily with, the CCAMLR Catch Documentation Scheme for *Dissostichus* spp.

XXIII: Resolution 3(1999)

Support for CCAMLR

The Representatives,

Recommend that Consultative Parties, which are Members of CCAMLR, take action within their competence to support strongly the CCAMLR Commission in its efforts to deal with the problem of illegal, unreported and unregulated fishing in the Convention Area, including adoption of a catch documentation scheme at the Commission's XVIII meeting in Hobart, 1999, and to consider further measures consistent with the obligations each Contracting Party has under CCAMLR.

XI-2: Antarctic Marine Living Resources

The Representatives,

Recalling the responsibilities of the Consultative Parties regarding the conservation of Antarctic marine living resources;

Recalling further the history of actions taken by Consultative Parties concerning protection of the Antarctic ecosystem, including in particular, Recommendations III-VIII, VIII-10. VIII-13, IX-2, IX-5 and X-2;

Welcoming the conclusion of the Convention on the Conservation of Antarctic Marine Living Resources at a diplomatic conference held in Canberra, Australia in May 1980 and the signature of that convention, also in Canberra, Australia in September 1980;

Noting that a meeting is to be held later this year in Hobart, Tasmania to consider steps to facilitate the early operation of the Commission, the Scientific Committee and the Executive Secretariat to be established under the Convention on the Conservation of Antarctic Marine Living Resources,

Recommend to their Governments that:

1. They seek the earliest possible entry into force of the Convention on the Conservation of Antarctic Marine Living Resources; and
2. They take all possible steps to facilitate the early operation of the bodies to be established by the Convention on the Conservation of Antarctic Marine Living Resources upon entry into force.

X-2: Antarctic Marine Living Resources

The Representatives,

Recalling the responsibilities of the Consultative Parties regarding the conservation of Antarctic marine living resources;

Recalling further the history of action taken by Consultative Parties concerning protection of the Antarctic ecosystem, including, in particular, Recommendations III-VIII, VIII-10, VIII-13, IX-2, and IX-5;

Aware of the continuing need to compile more information and data with a view to developing an adequate scientific basis for the development of rational management policies and the taking of effective conservation measures for all Antarctic marine living resources;

Welcoming progress made toward the elaboration of a definitive regime for the conservation of Antarctic marine living resources;

Recommend to their Governments that:

1. They seek early conclusion and entry into force of a Convention on the Conservation of Antarctic Marine Living Resources;

2. They identify, emphasize and co-operate in those research activities which will facilitate the effective operation of such a Convention once it is in force;

3. They provide practical support to facilitate the carrying out of these needed research activities, including the mutual exchange of statistics relating to catch of Antarctic marine living resources.

IX-2: Antarctic Marine Living Resources

The Representatives,

Recalling the special responsibilities conferred upon the Consultative Parties in respect of the preservation and conservation of living resources in the Antarctic by virtue of Article IX paragraph 1(f) of the Antarctic Treaty;

Recalling further the history of action taken by Consultative Parties concerning conservation and protection of the Antarctic ecosystem including, in particular, Recommendations III-VIII, VIII-10, VIII-13 and IX-5;

Noting that concentrations of marine living resources are found in the Antarctic Treaty Area and adjacent waters;

Aware of the need to compile more information with a view to developing a good scientific foundation for appropriate conservation measures and rational management policies for all Antarctic marine living resources;

Recognizing the urgency of ensuring that these resources are protected by the establishment of sound conservation measures which will prevent overfishing and protect the integrity of the Antarctic ecosystem;

Concerned that interim guidelines for the protection and conservation of Antarctic marine living resources are desirable until such time as a definitive regime enters into force;

Convinced that provision for effective measures to conserve Antarctic marine living resources as well as for collection and analysis of the data necessary to develop such measures will require the early conclusion of a definitive conservation regime;

Recommend to their Governments that:

I. Scientific Research

1. To the greatest extent feasible, they co-operate broadly and comprehensively in scientific investigations, and in the exchange of information thereon, relating to the Antarctic marine environment and that they intensify as far as possible scientific research related to Antarctic marine living resources;

2. In planning their marine activities in the Antarctic, they have regard to the advantages that will accrue from coordination by them of their scientific investigations contributing to the BIOMASS programme;

3. They give sympathetic consideration to the provision of practical measures (such as ships, ship time, personnel and finance) in support of the implementation of the BIOMASS programme or other similar programmes;

4. The examine the possibility of integrating, in so far as is practicable, research vessel programmes with the activities of other vessels, and make available on vessels operating in the Antarctic, other than research vessels contributing directly to the BIOMASS programme, time and facilities for routine observations aimed at extending the data base for the programme.

II. Interim Guidelines for the Conservation of Antarctic Marine Living Resources

1. They observe the following interim guidelines pending entry into force of the definitive regime for Antarctic Marine Living Resources:

a) they cooperate as broadly and comprehensively as possible in the mutual exchange of statistics relating to catch of Antarctic Marine Living Resources;
b) they should show the greatest possible concern and care in the harvesting of Antarctic Marine Living Resources so that it does not result in the depletion of stocks of Antarctic marine species or jeopardizing the Antarctic marine ecosystem as a whole;
c) they urge those Governments which are not Parties to the Antarctic Treaty and which engage in activities involving the use of the marine living resources of Antarctica to take account of these guidelines;

2. They review these interim guidelines as and when necessary and in any event following the conclusion of the definitive regime with a view to their future elaboration in the light of the provisions of the definitive regime.

III. Establishment of Definitive Conservation Regime

1. A definitive regime for the Conservation of Antarctic Marine Living Resources should be concluded before the end of 1978.

2. A Special Consultative Meeting be convened in order to elaborate a draft definitive regime, and in particular:

a) to determine the form of the definitive regime, including the question as to whether an international instrument such as a convention is necessary;
b) to prepare, if necessary, draft rules of procedure for a subsequent decisive meeting for the establishment of the definitive regime;
c) to decide on participation in such a meeting by States other that Consultative Parties which are actively engaged in research and exploitation of Antarctic Marine Living Resources and the participation, on an observer basis, of appropriate international organisations;
d) to finalize the date and place of the decisive meeting;
e) to take any other steps in order to facilitate the work of the decisive meeting referred to above.

3. The Special Consultative Meeting shall base its work on this recommendation and take account of the discussion at the Ninth Consultative Meeting, its report and the documents presented to it, and, in the elaboration of a draft definitive regime, shall take into account *inter alia* the following elements:

a) the regime should explicitly recognize the prime responsibilities of the Consultative Parties in relation to the protection and conservation of the environment in the Antarctic Treaty Area and the importance of the measures recommended by the Consultative Parties to this end;
b) the provisions of Article IV of the Antarctic Treaty shall not be affected by the regime. It should ensure that the principles embodied in Article IV are safeguarded in application to the marine areas south of 60° South latitude;

c) the regime should provide for the effective conservation of the marine living resources of the Antarctic ecosystem as a whole;
d) the regime should cover the area of specific competence of the Antarctic Treaty;
e) the regime should, however, extend north of 60° South latitude where that is necessary for the effective conservation of species of the Antarctic ecosystem, without prejudice to coastal state jurisdiction in that area;
f) the regime should not apply to species already regulated pursuant to existing international agreements but should take into account the relationship of such species to those species covered by the regime.

Extract from report of IXth ATCM

The Working Group agreed to include in its Report the understanding of the Group that the word 'conservation' as used in the draft Recommendation includes rational use, in the sense that harvesting would not be prohibited, but the regime would exclude catch allocation and other economic regulation of harvesting. It was similarly the understanding of the Group that the word 'resources' was not limited to commercially exploitable species

VIII-10: Antarctic Marine Living Resources

The Representatives,

Recalling Article IX, paragraph 1(f), of the Antarctic Treaty;

Convinced that the Antarctic Treaty Area contains significant concentrations of marine living resources;

Recognizing the need to promote and achieve, within the framework of the Antarctic Treaty, the objectives of protection, scientific study and rational use of these marine living resources;

Aware of the inadequacy of the information concerning the stocks of these living resources and of the need to develop a good scientific foundation for appropriate conservation measures;

Recommend to their Governments that:

1. They initiate or expand, insofar as is practicable within their Antarctic scientific programmes, detailed studies of the biology, distribution, biomass and population dynamics and the ecology of Antarctic marine living resources;

2. They encourage further cooperation among the Consultative Parties in scientific studies of an programmes relating to Antarctic marine living resources;

3. They encourage studies which could lead to the development of effective measures for the conservation of Antarctic marine living resources in the Treaty Area;

4. They urge the Scientific Committee on Antarctic Research (SCAR), through their National Antarctic Committees, to continue its scientific work on these matters and to consider convening, as soon as practicable, a meeting to discuss current work and report on programmes for the study and conservation of Antarctic marine living resources;

5. They include the subject 'Antarctic Marine Living Resources' on the agenda of the Ninth Consultative Meeting.