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REPORT OF THE NINTH ANTARCTIC TREATY CONSULTATIVE MEETING

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I

FINAL REPORT OF THE NINTH 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 London from 19 September to 7 October 1977 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.

2. Mr George Hall, Representative of the United Kingdom, acted as Temporary Chairman of the Meeting pending the election of a Chairman.
3. The Meeting was formally opened by Mr Ted Rowlands, MP, Minister of State for Foreign and Commonwealth Affairs of the United Kingdom.
4. Mr Hall was then elected Chairman, Mr John Smallwood of the FCO was appointed Secretary-General and Mr Ian Duncan of the FCO was appointed Assistant Secretary General.
5. The Opening Session was held in public. Opening statements were made by the Heads of Delegations (Annex 1).
6. The Meeting adopted the following Agenda:
 1. Opening of meeting
 2. Election of officers
 3. Opening statements
 4. Adoption of agenda
 5. Antarctic resources - the question of mineral exploration and exploitation (Recommendation VIII-14, operative paragraph 4)
 6. Antarctic marine living resources (Recommendation VIII-10, operative paragraph 5)
 7. Improvement of telecommunications in Antarctica and of the collection and distribution of meteorological data
 8. Effects of tourists and non governmental expeditions in the Antarctic Treaty Area. Completion of Annexes A and B to Recommendation VIII-9
 9. Co-operation in transport (Recommendation VIII-7)
 10. Man's impact on the Antarctic environment
 11. Activities in the Antarctic of states that are not Contracting Parties
 12. Documents of the Consultative Meetings
 13. Review of conservation measures and Sites of Special Scientific Interest
 14. Date and place of next Consultative Meeting
 15. Any other business
 16. Adoption of Final Report
 17. Closing of meeting

7. The Meeting considered in Plenary Session all the items on the Agenda and appointed four main Working Groups, as well as Working Committees, comprising members of all those Delegations wishing to participate, to assist it in reaching conclusions on certain items. A Working Group of Experts on Exploration and Exploitation of Antarctic Minerals was chaired by Dr Martin Holdgate, Alternate Representative of the United Kingdom; a Working Group on Antarctic Marine Living Resources was chaired by HE Mr John McArthur, Representative of New Zealand; a Working Group on Antarctic Telecommunications was chaired by HE Mr Stephane Hessel, Representative of France; a Working Group on the Legal and Political Aspects of Mineral Resources, was chaired by HE Mr Juan Carlos Beltramino, Representative of Argentina. HE Mr Keith Brennan, Representative of Australia, chaired a Working Committee on Marine Living Resources; Mr Jorge Berguno, Deputy Representative of Chile, chaired a Working Committee on Tourism; and HE Mr Stephane Hessel, Representative of France, chaired a Working Committee on the Legal and Political Aspects of Mineral Resources.

8. The Meeting adopted unanimously the following Recommendations, which are set forth in this Report:

- IX-1 : Antarctic mineral resources
- IX-2 : Antarctic marine living resources
- IX-3 : Improvement of telecommunications in the Antarctic
- IX-4 : Co-operation in transport
- IX-5 : Man's impact on the Antarctic environment
- IX-6 : Oil contamination of the Antarctic marine environment

9. Mineral resources

The Working Group of Experts on Exploration and Exploitation of Antarctic Minerals met from 20 September until 29 September and had before it the report of the Scientific Committee on Antarctic Research (SCAR) Group of Specialists entitled A preliminary Assessment of the Environmental Impact of Mineral Exploration/Exploitation in Antarctica (EAMREA). Its Report was submitted to Plenary by Dr Holdgate on 29 September. The Report was welcomed by Representatives who decided that it should be annexed to the Final Report of this meeting, together with a list of the /experts

experts who participated in the discussions (Annex 5).

The Working Group on the Legal and Political Aspects of Mineral Resources, and its Working Committee, met from 29 September-6 October. Its Report, which included a draft Recommendation, was submitted to Plenary on 7 October.

10. Living resources

The Working Group on Marine Living Resources, and its Working Committee, met from 21 September-6 October. Its Report, which included a draft Recommendation, was submitted to Plenary on 7 October.

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.

In connection with the Special Consultative Meeting referred to in paragraph 2, Part III of Recommendation IX-2, the Representatives welcomed the invitation issued by the Government of Australia to hold the meeting in Canberra from 27 February to 17 March 1978.

11. Telecommunications

The Working Group met on 30 September and 4 October. Its Report, which included a draft Recommendation, was submitted to Plenary on 6 October.

12. Tourism

A draft statement of accepted practices and the relevant provisions of the Antarctic Treaty, together with a draft

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containing practical guidance for visitors to the Antarctic, were considered for inclusion in Annex A of Recommendation VIII-9 but, owing to lack of time for full discussion, the matter was referred to the Tenth Consultative Meeting. The drafts are reproduced at Annex 6.

No action was taken to list or define areas of Special Tourist Interest for inclusion in Annex B of Recommendation VIII-9.

13. Man's impact on the Antarctic environment

With the items on the agenda concerning Antarctic resources particularly in mind, the Representatives discussed the question of man's impact on the Antarctic environment. They recalled the numerous steps already taken by Consultative Parties designed to protect the Antarctic environment from unnecessary interference, including:

- (i) The designation by the Consultative Parties of the Treaty Area as a Special Conservation Area and the adoption of the "Agreed Measures for the Conservation of the Antarctic Fauna and Flora".
- (ii) The designation of "Specially Protected Areas" to preserve their unique ecological system and "Sites of Special Scientific Interest" to enable scientific investigations to be carried out at those sites without interference.
- (iii) The negotiation of the Convention for the Conservation of Antarctic Seals (London 1972).
- (iv) The adoption of measures to preserve and protect from damage historic monuments situated in the Antarctic Treaty Area.
- (v) The adoption of a Code of Conduct to be observed at their stations and by their expeditions within the Antarctic Treaty Area.
- (vi) In close co-operation with the Scientific Committee on Antarctic Research (SCAR) of the International Council of Scientific Unions, and through SCAR with other appropriate international organizations concerned, they have developed plans for the comprehensive study of the Southern Ocean considered as an

integral part of the Antarctic environment and have sought to:

- (a) identify the types and assess the extent of human interference which has occurred in the Treaty area as a result of man's activities;
- (b) assess the possible impact on the environment of the Treaty Area and other dependent ecosystems if mineral exploration and/or exploitation were to occur there.

The Representatives, while considering the next steps to be taken with regard to questions concerning Antarctic resources, decided to recommend that their Governments should reaffirm their commitment to environmental protection. Accordingly the Representatives drew up the statement contained in Recommendation IX-5.

14. Activities in the Antarctic of other states

This question was widely discussed. Consultative Parties welcomed the precedent established by Iceland, in accordance with paragraph 2 of Recommendation VIII-8, with regard to approval of the Recommendations of Consultative Meetings.

In connection with possible substantial or continuing activities in the Antarctic Treaty Area by States that are not Contracting Parties of the Treaty, the Representatives recalled their agreed view expressed in the Final Report of the Seventh Antarctic Treaty Consultative Meeting that it would be advisable for Governments to consult together as provided for by the Treaty and be ready to urge or invite as appropriate the State or States concerned to accede to the Treaty, pointing out the rights and benefits they would receive and also the responsibilities and obligations of Contracting Parties.

15. Information and documents of Consultative Meetings

The Representatives discussed the question of publicity for the work of the Antarctic Treaty system and it was agreed that more should be done to bring this work to public attention.

16. Review of Conservation Measures and Sites of Special Scientific Interest

The attention of Representatives was drawn to two errors in Recommendations VIII-1 and VIII-4 respectively. The Representatives decided to correct the latitude shown on the map

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attached to Recommendation VIII-1 so as to read 66° 16' S. The Representatives decided to remove the discrepancy between the Management Plan for Site of Special Scientific Interest No 6 (attached to Recommendation VIII-4) and the attached map by substituting the word "three" for the word "four" in section (i) of the Management Plan.

The Meeting considered the question of the designation of Marine Sites of Special Scientific Interest and the opinion was expressed that SCAR should be invited to examine this matter. In this connection, Representatives noted that the Government of Chile intended to propose to SCAR, following agreed procedures, two Marine Sites of Special Scientific Interest.

The United States Delegation submitted the following information on its experience in Sites of Special Scientific Interest:

Management plans for seven Sites of Special Scientific Interest (SSSI) were accepted as interim guidelines by Recommendation VIII-4 in 1975. The 1976-77 austral summer provided the first opportunity to incorporate these guidelines into Antarctic operating procedures.

The existing seven SSSI expire June 30, 1981, which date is likely to occur before the eleventh Consultative Meeting.

The US Antarctic Program controls visits to SSSI by a permit system and has found this to be an effective means of reducing harmful interference at SSSI 1, 2, 3 and 4 during the 1976-1977 operating season. The posting of information signs around SSSI has been a deterrent to unintended interference by tourists. During this initial year of operations, the US issued one permit for access to SSSI. One request for access to SSSI 3 was denied on grounds that the proposed purpose was in conflict with the Management Plan as set forth in Recommendation VIII-4.

17. Tenth Consultative Meeting

Representatives accepted with pleasure the invitation of the Representative of the United States to hold the Tenth Consultative Meeting in Washington, DC in 1979.

18. Other business

The United States Delegation submitted documents showing the status of approvals by Governments of Recommendations adopted at Consultative Meetings, as received and recorded by the United States Government as depositary Government for the Antarctic Treaty, up to and including 13 September 1977. The documents are reproduced at Annex 3.

During the course of the Ninth Consultative Meeting it was unanimously agreed that the greetings of all Representatives be conveyed to the Antarctic Stations of the Consultative Parties. The text is at Annex 4.

The Consultative Parties were agreed that in view of the number of important matters requiring continuing consideration it was desirable to meet on a more frequent basis than in the past. It was noted that the holding of Special Consultative Meetings for ad hoc purposes was already providing a response to this need; and it was agreed that the question of periodicity and nature of meetings within the Treaty framework should be included as an item on the agenda of the Xth Consultative Meeting.

II

RECOMMENDATIONS ADOPTED AT THE NINTH ANTARCTIC TREATY CONSULTATIVE MEETING

IX - 1

ANTARCTIC MINERAL RESOURCES

The Representatives,

Recalling the provisions of the Antarctic Treaty, which establishes a regime for international cooperation in Antarctica, with the objective of ensuring that Antarctica should continue forever to be used exclusively for peaceful purposes and should not become the scene or object of international discord;

Bearing in mind the provisions of Article IV of the Treaty;

Convinced that the framework established by the Antarctic Treaty has proved effective in promoting international harmony in furtherance of the purposes and principles of the United Nations Charter, in ensuring the protection of the Antarctic environment, and on promoting freedom of scientific research in Antarctica;

Noting with thanks the Report of the Scientific Committee on Antarctic Research (SCAR) Group of Specialists entitled Preliminary Assessment of the Environmental Impact of Mineral Exploration/Exploitation in Antarctica (EAMREA);

Recognizing nevertheless that adequate scientific data concerning the harmful environmental effects of activities related to the exploration and exploitation of Antarctic mineral resources, should they occur, are not yet available;

Concerned that unregulated activities related to exploration and exploitation of mineral resources could adversely affect the unique environment of the Antarctic and other ecosystems dependent on the Antarctic environment;

Conscious that the Consultative Parties to the Antarctic Treaty in carrying out scientific research in the area have accumulated valuable experience and can substantially contribute to the protection of the environment and the rational use of Antarctic mineral resources, should exploration or exploitation thereof occur;

/Aware

Aware of the special responsibilities of Consultative Parties to ensure that any activities in Antarctica, including commercial exploration and exploitation in the future, should they occur, should not become the cause of international discord, of danger to the unique Antarctic environment, of disruption to scientific investigation, or be otherwise contrary to the principles or purposes of the Antarctic Treaty;

Recommend to their governments that:

1. They reaffirm the basic principles set forth in Recommendation VIII-14 of the Eighth Antarctic Treaty Consultative Meeting;
2. They take note with appreciation of the Report of the Group of Experts on Mineral Exploration and Exploitation annexed to the Report of the Ninth Consultative Meeting and make the best possible use of its conclusions and guidelines;
3. They continue to study the environmental implications of mineral resource activities in the Antarctic Treaty Area and hold at a time and place to be arranged through diplomatic channels a meeting of ecological, technological and other related experts, in accordance with Recommendation IV-24, with a view to developing scientific programmes aimed at:
 - (i) improving predictions of the impact of possible technologies for mineral exploration and exploitation in the Antarctic, as outlined in Section IIB of the Report of the Group of Experts, and in Section 5 of the SCAR EAMREA Group Report;
 - (ii) developing measures for the prevention of damage to the environment or for its rehabilitation, in accordance with Section IIC of the Report of the Group of Experts;
4. They endorse the following principles elaborated at the Special Preparatory Meeting held in Paris from 28 June to 10 July 1976:-
 - (i) The Consultative Parties will continue to play an active and responsible role in dealing with the question of the mineral resources of Antarctica;
 - (ii) the Antarctic Treaty must be maintained in its entirety;

/(iii)

- (iii) protection of the unique Antarctic environment and of its dependent ecosystems should be a basic consideration;
 - (iv) the Consultative Parties, in dealing with the question of mineral resources in Antarctica, should not prejudice the interests of all mankind in Antarctica;
5. They note that 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 of the Antarctic Treaty are safeguarded in application to the area covered by the Antarctic Treaty;
 6. They study the content of a future regime based on the principles contained in paragraphs 4 and 5 and on such further principles, rules and arrangements as may be agreed, taking full account of all proposals submitted to the IXth Consultative Meeting;
 7. The subject "Antarctic Resources - The Question of Mineral Exploration and Exploitation" be the subject of intensified consultation among them and they urge the host Government of the Tenth Consultative Meeting to convene a meeting to consider legal and political aspects of mineral resource issues; this meeting to report to the Tenth Consultative Meeting on the results of its work;
 8. They urge their nationals and other states to refrain from all exploration and exploitation of Antarctic mineral resources while making progress towards the timely adoption of an agreed regime concerning Antarctic mineral resource activities. They will thus endeavour to ensure that, pending the timely adoption of agreed solutions pertaining to exploration and exploitation of mineral resources, no activity shall be conducted to explore or exploit such resources. They will keep these matters under continuing examination;
 9. The subject "Antarctic Resources - The Question of Mineral Exploration and Exploitation" be placed on the Agenda of the Tenth Antarctic Treaty Consultative Meeting.

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;

Recognising 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 cooperate broadly and comprehensively in scientific investigations, and in the exchange of information thereon, relating to the Antarctic

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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. They 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)

- (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 A 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 than 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 finalise 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 discussions 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 recognise 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 4 of the Antarctic Treaty shall not be affected by the regime. It should ensure that the principles embodied in Article 4 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.

IMPROVEMENT OF TELECOMMUNICATIONS IN THE ANTARCTIC

The Representatives,

Considering that requirements in the field of telecommunications as regards collection and dissemination of meteorological data and the need for, scientific, administrative and operational traffic have developed substantially since the second telecommunications meeting of experts of the Consultative Parties held in Buenos Aires in 1969;

Considering that the implementation of Recommendation VI.1 and VII.7, and participation in the programmes of the World Meteorological Organisation, particularly the World Weather Watch, require a thorough review and improvement of the network operating in the Antarctic;

Recommend to their Governments that they:

1. Compile comprehensive data, each for its own part, on the types of traffic, modes of transmission, timing, frequencies of their telecommunications schedules and current equipment of their telecommunications programmes in the Antarctic, as well as on projects in the process of implementation and proposed improvements, in particular by designating, where appropriate, stations capable of replacing others in the event of breakdown.

2. Forward all such data to each of the other Consultative Parties via diplomatic channels on the one hand and on the other by direct despatch to the departments concerned.

3. Arrange for a meeting of telecommunications experts to be held, on the initiative of the Government of the host country, before the Tenth Consultative Meeting, to analyse the data thus compiled, suggest desirable measures of harmonisation and put forward recommendations on improvements to be made in the operation of the telecommunications network in the Antarctic.

4. Request SCAR through their National Antarctic Committees to undertake, at the earliest opportunity, a study of the most recent applications of science and technology to the specific problems of the Antarctic in the field of propagation of radio waves, and to pass on its conclusions to the Consultative Parties prior to their Tenth Meeting or if necessary to the next Consultative Meetings.

CO-OPERATION IN TRANSPORT

The Representatives,

Recalling the appropriate provisions of the Treaty as well as Recommendation VIII-7;

Acknowledging the comprehensive report on transport resources and potential requirements delivered to the Fourteenth Meeting of the Scientific Committee on Antarctic Research (SCAR);

Concurring that the most effective use of aviation assets will be in coordinated air support projects (as circumstances permit) without major additional construction or investment;

Noting that new types of aircraft, equipment, and facilities are either being developed or likely to be introduced, and the continuing need for standardization of facilities and procedures to ensure effective coordination;

Recommend to their governments that:

1. They request SCAR, through their National Antarctic Committees, to continue the work of the Sub-committee on Cooperative Air Transport System for Antarctica (CATSA) of the Working Group on Logistics.
2. They request their offices responsible for the administration of Antarctic expeditions to adopt, to the extent practicable, such measures for improved compatibility of facilities and procedures as SCAR might be able to suggest.

MAN'S IMPACT ON THE ANTARCTIC ENVIRONMENT

The Representatives,

Recommend to their Governments that they approve the following declaration on the Protection of the Antarctic Environment,

The Governments participating in the Ninth Antarctic Treaty Consultative Meeting,

Deeply aware that the Antarctic environment is unique and vulnerable to contamination and disturbance,

Determined to protect the Antarctic environment from harmful interference,

Having particular regard to the conservation principles developed by the Scientific Committee on Antarctic Research (SCAR) of the International Council of Scientific Unions,

Recalling their obligation to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the Antarctic Treaty,

Declare as follows:

1. The Consultative Parties recognise their prime responsibility for the protection of the Antarctic environment from all forms of harmful human interference.
2. They will ensure in planning future activities that the question of environmental effects and of the possible impact of such activities on the relevant ecosystems are duly considered.
3. They will refrain from activities having an inherent tendency to modify the Antarctic environment unless appropriate steps have been taken to foresee the probable modifications and to exercise appropriate controls with respect to harmful environmental effects

4. They will continue to monitor the Antarctic environment and to exercise their responsibility for informing the world community of any significant changes in the Antarctic Treaty Area caused by man's activities.

OIL CONTAMINATION OF THE ANTARCTIC MARINE ENVIRONMENT

The Representatives,

Recommend to their Governments that:

1. They consider the possibility of preparing reports concerning the pathways by which oil may reach the Antarctic marine environment as a result of man's maritime activities in the Antarctic;
2. They include in these reports proposals relating to practicable means, if any, by which such oil contamination might be reduced;
3. They consider the possibility of instituting, in association with appropriate organisations, a programme for the determination of baseline levels of contamination of the Antarctic marine environment by oil;
4. They provide such reports as they may have prepared to, and further consider this matter at, the Meeting of Experts recommended in paragraph 3 of Recommendation IX-1, with a view to making proposals concerning these matters for consideration at the next Consultative Meeting.

