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ANTARCTIC MARINE LIVING RESOURCES

(Informal outline of questions submitted by the US Delegation)

There are clear indications that large-scale harvesting of Antarctic marine living resources, particularly krill, may be initiated in the near future. This prospect raises the question of how to ensure that such activity takes place in accordance with sound management and conservation practices.

There are many information gaps in our knowledge of Antarctic marine living resources, and their inter-relationships. It is known, however, that the Antarctic marine environment is characterized by short simple food chains, making it one of those systems which can be quickly affected by large-scale harvesting. Thus early consideration is required of the need to provide for effective conservation measures to be applied to any large-scale exploitation of Antarctic marine living resources.

This paper proceeds on the assumption that the Antarctic Treaty Consultative Parties should take the initiative to develop means for ensuring that harvesting of marine living resources is conducted in accordance with the special character of the Antarctic environment and sound conservation and management practices. The paper outlines the questions which would have to be answered in development of an international regime to accomplish these objectives. The outline of questions is not intended to be exhaustive, but to establish an initial basis for discussion and mutual examination of the principles involved.

1. What geographic area should be covered by a conservation regime?

(a) Should it apply only to marine areas south of 60° South Latitude?

(b) Should it apply to marine areas north of 60° South Latitude, as well as marine areas south of 60° South Latitude, in order to cover the full range of certain Antarctic marine living resources?

2. What living resources should be covered by a conservation regime?

(a) Should a conservation regime apply to identified target species only?

(b) Should a conservation regime apply to identified target species plus dependent or otherwise related species?

(c) Should a conservation regime apply to the Antarctic marine ecosystem as a whole?

(d) What would be the relationship of a conservation regime to other international arrangements applying to living resources in Antarctic waters -- for instance, the International Whaling Commission or the Convention for the Conservation of Antarctic Seals, when in force?

3. Who should take part in the creation of a conservation regime?

(a) Should a regime be developed by the Antarctic Treaty Consultative Parties only?

(b) Should a regime be developed by Antarctic Treaty Consultative Parties plus other states with harvesting interests?

(c) Should a regime be developed by the international community at large?

4. What form should a conservation regime take?

Any conservation regime involves three functions: first, the collection, analysis and monitoring of data, including catch data, on the living resources and their environment; second, determination of the conservation goals to be achieved; and third, the development of effective conservation measures to achieve those goals. There are a number of forms in which these functions could be performed.

(a) Should a conservation regime be initially limited to collection, analysis and monitoring of data with a general commitment to conserve living resources and to develop international conservation measures and goals at an appropriate time?

(b) Should a conservation regime include provisions on the collection, analysis and monitoring of data and on conservation goals coupled with a specific procedure to develop international conservation measures once certain objective criteria have been met?

(c) Should a conservation regime include provisions on the collection, analysis and monitoring of data, and on conservation goals coupled with provisions on international conservation measures which would become effective upon fulfillment of certain criteria?

(d) Should a conservation regime include, from the start, provisions on both collection, analysis and monitoring of data and on specific conservation goals and international conservation measures?

5. What institutional arrangements are necessary in a conservation regime?

(a) Is coordination of action by the states participating in a conservation regime sufficient institutional basis for the regime?

(b) Should there be a standing body to perform the information functions associated with a regime?

(c) Should there be a standing body not only to perform international functions but to initiate conservation goals and measures, or to revise existing ones?

(d) If a standing body is required, should it be established upon creation of a conservation regime or at some later point?

6. Who may participate in a conservation regime?

(a) Should eligibility to participate in a regime be limited to a specific group of states?

(b) How can observance of conservation measures by all states engaged in harvesting be ensured?

(c) Who should participate in any institutional body created pursuant to a conservation regime?

(d) How should decisions be made in any such institutional bodies?

7. What kinds of conservation measures would be appropriate?

At some point, the specific conservation measures needed for an international conservation regime should be discussed. Such conservation measures could include closed areas and closed seasons, gear regulations, effort limitation and allocations.

8. How should conservation measures be enforced?

(a) What kinds of enforcement techniques should be applied to ensure compliance with conservation measures?

(b) Who should be empowered to take enforcement measures?

(c) Should a conservation regime address the question of penalties for non-compliance with conservation measures?

(d) What sort of dispute settlement procedures, if any, should be established?

