



LONDON

Agenda Item 6

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DRAFT REPORT OF THE WORKING GROUP ON MARINE LIVING RESOURCES

The Working Group on Marine Living Resources held a number of meetings between 26 September and 6 October 1977. Its terms of reference, as contained in ANT/IX/39, were to examine the question of Marine Living Resources in all its aspects, scientific, legal, political, or other including:

- (a) possible interim measures;
- (b) measures for the further development of a marine living resources regime.

The mandate included the direction that the Group "shall consider all papers and proposals put before it, report, and make draft recommendations."

The Working Group, which comprised representatives of all delegations to the IXth ATCM, elected Mr J G McArthur of New Zealand as its chairman. The chairman's opening statement to the Group is reproduced in ANT/IX/44.

The documents before the Group during its deliberations were:

UK	-	ANT/IX/6
USA	-	ANT/IX/8
USA	-	ANT/IX/9
Australia	-	ANT/IX/21
Australia	-	ANT/IX/22
South Africa	-	ANT/IX/25
Chile	-	ANT/IX/30
Argentina	-	ANT/IX/34
USSR	-	ANT/IX/37
France	-	ANT/IX/38
USA	-	ANT/IX/43

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Chairman	-	ANT/IX/45
France	-	ANT/IX/47
France	-	ANT/IX/48
UK	-	ANT/IX/54
France and UK	-	ANT/IX/54 (Rev 1)
UK	-	ANT/IX/54 (Annex)
Chile	-	ANT/IX/58
Norway and UK	-	ANT/IX/73
Chairman	-	ANT/IX/77
Australia	-	ANT/IX/77 (Amend, 1)

The Working Group established a Drafting Group under the chairmanship of Mr K G Brennan of Australia. Mr Brennan's group subsequently elaborated for the approval of the Working Group operative paragraphs for a recommendation on the scientific research relating to Antarctic marine living resources, which made particular reference to the BIOMASS programme. The Drafting Group also produced operative paragraphs for a recommendation on interim measures to cover the period between the Ninth Consultative Meeting and the entry into force of a definitive regime.

The full Working Group drafted operative paragraphs for a recommendation on the establishment of a definitive conservation regime. It was agreed that a draft definitive conservation regime should be elaborated by a Special Consultative Meeting. It was also agreed to record in the Working Group's 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.

The Working Group agreed that the operative paragraphs drafted by it and those produced by Mr Brennan's group should be combined to form one recommendation. Preambular paragraphs for that document were subsequently devised by the Working Group.

The Working Group now submits for consideration by plenary the draft recommendation attached hereto. The Japanese delegation has reserved its position on the recommendation pending further instructions from its capital in regard to paragraph 3 (b) of Part III.

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 1X 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-8, VIII-10, VIII-13 [and 1X]

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.

I

SCIENTIFIC RESEARCH

Recommend to their Governments that:

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 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;

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- (b) they should show the greatest possible restraint, 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 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;

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- (e) to take any 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 of 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 S of 60° S 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.