



Antarctic Treaty

1 Xth CONSULTATIVE MEETING

PREPARATORY MEETING

LONDON 14 - 18 MARCH 1977

ANT/EPM/9
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Provisional Agenda Item 2

ANTARCTIC MARINE LIVING RESOURCES

(Comments submitted by the UK Delegation on the "Informal outline of questions submitted by the US Delegation" (ANT/EPM/6) and on the Australian paper (ANT/EPM/4) listing a "possible range of options from which a living marine resource management regime might be chosen".)

1. Attached to these comments is an "outline of the possible content of a Southern Ocean Fisheries Convention." This outline is based on the following assumptions:

- a. that while, initially such a convention would apply in the Antarctic Treaty Area, it could be extended, in principle, to the whole Antarctic marine ecosystem of which the northern boundary is the Antarctic Convergence. (US Question 1).
- b. that such a convention could be extended to cover any species which were the object of fisheries exploitation. But it is not the intention that this provision should be used to extend the convention to cover either Antarctic whales or Antarctic seals. (US Question 2.)
- c. it is the intention that such a convention should be negotiated by the Antarctic Treaty consultative parties plus other interested nation's actively engaged in the development of Southern Ocean fisheries. (US Question 3.) (see paragraph 3 below)

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- d. the attached outline is intended to show the possible content of a fisheries convention answering US Question 4(d) and is thus different from the Convention for the Conservation of Antarctic Seals which would appear more closely to answer to US Question 4(b).
- e. it is intended that a standing body, a commission, should, in principle, be created from the outset with functions answering US Question 5(c). (See paragraph 4 below.).
- f. it is intended that the convention should be open for accession. (US Question 6.).
- g. the US Questions 7 (conservation measures) and 8 (enforcement) have been touched on in the outline but have not been amplified.

2. The intentions behind this outline appear to coincide more closely with Australian option iv but it could be developed to coincide with option ii.

3. The UK does not consider Australian option vii could be accomplished without substantial renegotiation of the existing Agreed Measures which are already the subject of UK national legislation. Nor does the UK consider that it would be appropriate to attempt to control Antarctic fisheries by further Agreed Measures under the Treaty (Australian option vi). To do so would run the risk of discouraging the extension of fisheries conservation to states not interested in paying the price exacted by Article IX (2) for participation in the subsequent development of the Measures. It is the preliminary UK view that there is considerable merit in the Antarctic Treaty consultative parties initiating international solutions to Antarctic problems separate from the Treaty, based on their unique combined knowledge of the area, and sharply focussed on the particular problem under consideration. This would enable other states to accede to the international instrument(s) most closely related to their interests while retaining for the Antarctic Treaty consultative parties the advantage of flexibility

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and initiative that lies with a smaller group.

4. It is the preliminary UK view that it would be prudent, in the first instance, to strive for a Southern Ocean fisheries convention adequate to provide the degree of conservation management required by what might become a vast industry. It is recognised that this is a more ambitious goal than was attempted in the case of Antarctic seals. The 'stop' procedure provided in Article 5(5) of the Convention for the Conservation of Seals would be operable and acceptable in the case of a small industry whose catch was easily measurable against scientifically based estimates of total stocks. In the case of Antarctic fisheries, however, it would be necessary to operate more sensitive conservation and management techniques on an industry in which the investment in each fishing unit was likely to be one, and possibly two, orders of magnitude greater than investment in sealing units. It would, in particular, be necessary to seek conservation and management methods which would avoid, for example, a repetition of the explosive investment in whale catching and factory ship between the introduction of the first stern slip factory ship in 1925 and the vast overkill of whales in 1930-31.

5. As long as the Antarctic fishing industry remained small in relation to estimated stocks, the conservation and management methods envisaged in the negotiated convention could be operated selectively and in a manner appropriate to the scale of the industry. But the existence of explicit conservation and management methods appropriate to a larger industry would, in themselves, exert a cautionary influence over the development of that industry.

6. The conventional view of fisheries regulations is that they cannot be developed until there is an adequate scientific basis. In practice this has always meant that either commercial fishing has been proceeding for many years or that the fishery is recognised to be in need of conservation. In the Antarctic it is of the essence that such fishery biological does not yet exist and it is axiomatic that it will only be obtained as a result of fishery exploitation and cannot be produced by scientific investigations

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alone. Given the rapid build up of an industry which could possibly follow the solution of technical problems of catching and processing Antarctic fish (including brill) and the development of appropriate markets, it would appear to be undeniable that internationally agreed conservation and management methods should be established as soon as possible.

AN OUTLINE OF THE POSSIBLE CONTENT OF A SOUTHERN OCEAN
FISHERIES CONVENTION

Preamble paragraph setting out that:

- (a) there are resources;
- (b) they need to be conserved and rationally managed;
- (c) rational management depends on:
 - (i) Scientific and technological research;
 - (ii) provision of statistical information concerning fishing effort and the resulting catch;
 - (iii) regulation of catch effort;
 - (iv) mutually acceptable assurance of the effectiveness of the convention provisions.

Operative Articles

1. Scope

- (i) Would establish the area South of 60°S and/or the species to which the convention would apply.
- (ii) Would affirm Article IV of the Antarctic Treaty.
- (iii) Would establish (if not done under 1(i) above) the species to which the convention would apply (species should be listed in the Annex).
- (iv) Would establish the Annex as an integral part of the convention.

2. Implementation

- (i) Would establish that the contracting parties would agree not to take listed species except in accordance with the provisions of the convention.

/(ii) Would require

- (ii) Would require that contracting parties take appropriate legislative steps to ensure observance of this commitment.
- (iii) Would require that contracting parties accept and exercise provisions ensuring the observance of the convention provisions.

3. Commission

- (i) Would establish a Southern Ocean fisheries commission for the purpose of regulating fishing activity within the convention area.
- (ii) Would establish the constitution of the commission,
- (iii) Would establish the appointment of costs of the commission between the parties to the convention.
- (iv) Would establish that the costs arising from the operation of regulation mechanisms and assurance of the observance of the convention would be a charge on the commission.

4. Exchange of information

- (i) Would designate a body (PAC) to which contracting parties would provide the information specified in the Annex.
- (ii) Would provide for that body to analyse that information.
- (iii) Would provide for that body to provide to contracting parties, to the Commission and to SCAR the information provided to it in accordance with section (1) of this Article and their analysis of that information.

5. Provision of independent advice

- (i) Would provide for the giving of advice to all

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contracting parties by the body designated in Article 4 on all matters relevant to the principles, purposes and operation of the convention.

- (ii) Would provide for the giving of scientific advice to all contracting parties by SCAR relevant to the impact of fishing operations on the Antarctic ecosystem in whole or in part.

6. Annexed measures

- (i) Would require that contracting parties adopt the Annexed Measures and would make provision for other measures to be adopted in the future.
- (ii) Would establish that the Annex could be amended.

7. Amendments to the convention

- (i) Would establish procedures for amending the convention.

8. Amendments to the Annex

- (i) Would establish procedures for amending the Annex.

Formal Articles

Annexed Measures