



Antarctic Treaty

IXth CONSULTATIVE MEETING

PREPARATORY MEETING

LONDON 26-29 JULY 1977

ANT/EPM2/5

27 July 1977

SUMMARY OF PRELIMINARY VIEWS EXPRESSED BY DELEGATIONS TO THE SECOND EXTENDED PREPARATORY MEETING ON THE QUESTIONS POSED IN THE UNITED STATES' PAPER ANT/EPM/6 ON ANTARCTIC MARINE LIVING RESOURCES ISSUES

Submitted

(Prepared at the request of the Chairman, by the UK Delegation)

Preambular paragraphs

1. It was agreed that there was an urgent need to conserve Antarctic marine living resources and to demonstrate that the Treaty powers were dealing effectively with questions arising from the increasing scale of exploitation. In this connection many delegations referred to the existence of under-utilized distant water fishing capacity and to the increasing interest in these resources being shown by the Third World states. It was noted that any delay in taking action carries the risk that international bodies would seize the initiative from the Treaty states. There was agreement that the purpose of any future instrument would be the conservation of the marine living resources although one delegation added that conservation did not include management or exploitation.

Question 1 - Area to be covered

2. Opinion was divided on the area to be covered by a convention. Most delegations believed that as the Treaty powers were only competent to regulate activity south of 60°S this was the area to start with. Others felt that the position of the

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ecosystem boundary required that areas north of 60°S should also be covered either at once or eventually. One delegation expressed the view that the restriction to south of the 60th parallel need only apply if regulations were devised within the Treaty framework, whereas if a separate convention were negotiated, areas north of 60°S could legitimately be included. One delegation noted a potential conflict between a regional South Pacific fisheries agreement, the southern boundary of which was 60°S if areas north of 60°S were included.

Question 2 - Definition of species to be covered

3. Some delegations believed that it would be unwise to list the species to be included although there might be special measures for particular species. There was general support for the "ecosystem approach", though some delegations stressed to start with exploitable species and the need to exempt cetaceans and seals from the regulations, as these were already covered by other measures. One delegation felt that it would be possible to include these and to come to a working arrangement with the International Whaling Commission and the Convention for the Conservation of Antarctic Seals thereafter.

Question 3 - Participation in the creation of a régime

4. While there was general agreement that the Treaty states should take the initiative, most delegations believed that a conference should in due course be held outside the framework of

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the Treaty, to which should be invited other interested parties. This conference would draw up a separate convention to which states could accede separately. Some delegations, however, quoting the third preambular paragraph of Recommendation VIII-10 stressed that the creation of a régime should be confined within the Antarctic Treaty framework and that the régime should take the form of Agreed Measures adopted by a Recommendation of a Consultative Meeting. Under this system other nations would only accede to the arrangements by acceding to the Antarctic Treaty.

Question 4 - Form of a régime.

5. There was general support for a step by step approach. Most delegations expressed the view that while statistical monitoring should be the first step other necessary measures would follow from this. Conservation provisions were also needed. One delegation, however, felt that it was too early to think about conservation measures. An appeal was made for the provision of information by the parties actually exploiting marine living resources as a basis for decisions on the form of a régime.

Other questions

6. Not all delegations gave their views on the other questions in the US paper. Some delegations expressed support for the formation of an institutional body to formulate conservation measures, possibly modelled on existing fisheries commissions, but improving upon them where necessary.

7. Those delegations which had wished to see non-Treaty nations excluded from the creation of a régime suggested the concept of later accession of interested states to the arrangements already devised.

8. On the question of enforcement one delegation believed that only those nations with the capacity to enforce measures could do so in practice. This meant in effect the southern hemisphere countries. Some delegations believed that enforcement should be on a nationality basis as in the Convention for the Conservation of Antarctic Seals, but one delegation dissented from this suggestion. A distinction was drawn between control which could be international and jurisdiction which would be national and decided by flag.