



LONDON

Provisional Agenda Item 6

ANT/IX/22

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Draft Convention for the Conservation of
Antarctic Marine Living Resources
(Submitted by the Delegation of Australia)

The Contracting Parties,

Recognising the importance of the ecosystem of
the seas surrounding Antarctica;

Conscious that it is essential to increase
knowledge of the living organisms which form
part of that ecosystem;

Aware that the populations of living organisms
include important living resources
vulnerable to over-exploitation;

Judging that effective conservation measures
are necessary and require a high degree of
international co-operation including continuous
scientific assessment of the levels of
populations and their inter-relationships;

Desiring in the interest of all mankind to
preserve the seas around Antarctica from
becoming the scene or object of international
discord;

Recalling the Agreed Measures for the
Conservation of Antarctic Fauna and Flora,
adopted under the Antarctic Treaty 1959;

Recalling also the Convention for the
Conservation of Antarctic Seals 1972;

Bearing in mind recent developments in the
law of the sea, particularly those relating
to the conservation and management of the
living resources of exclusive economic zones
and of the high seas.

Have agreed as follows

Article 1

This Convention applies to the conservation of the living organisms of the seas south of 60° south latitude and beyond that latitude to the living organisms which form part of the ecosystem of those seas.

Article 2

- (1) The Contracting Parties hereby establish the Antarctic Marine Conservation Commission (hereinafter referred to as "the Commission").
- (2) Each of the Contracting Parties shall be represented on the Commission by one representative (or his alternate) who may be accompanied by appropriate advisers.
- (3) Each representative shall have one vote. Resolutions, including conservation measures, shall be adopted by a two-thirds majority of the Commission.
- (4) The Commission shall meet annually or at such times as requested by no less than four members of the Commission.
- (5) The Commission shall elect from its members at its first meeting a Chairman and a Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but not to a succeeding term.
- (6) The Commission may decide upon and amend, as necessary, rules for the conduct of its meetings.
- (7) The Commission may appoint its own Secretary and Staff.
- (8) The Commission shall recommend to Contracting Parties *a suitable location for its Secretariat.*

(9) The Secretary shall prepare an annual budget for approval by the Commission. Each Contracting Party shall contribute to the budget in the form and proportion recommended by the Commission and approved by the Contracting Parties.

(10) The expenses of each representative and his advisers shall be paid by his own Government.

Article 3

(1) The Commission may establish such committees as it considers necessary to advise on matters requiring special examination.

(2) The Commission shall establish a Scientific Advisory Committee and determine its terms of reference.

(3) Each Contracting Party may nominate members of the Scientific Advisory Committee and the Commission may invite other experts to participate.

Article 4

(1) The Commission shall, in accordance with such priorities as it may determine:

(a) be responsible for the collection of information and the compilation of statistics on populations of such living organisms as fall within the scope of this Convention, as well as the publication and dissemination of such information and statistics;

(b) assess the status of such populations in accordance with the best scientific evidence available to it;

(c) adopt measures to ensure the conservation of such populations.

(2) The conservation measures referred to in paragraph (1)(c) may deal with:

(i) overall quantity of any species which may be caught;

(ii) protected and unprotected species;

(iii) open and closed seasons;

(iv) open and closed areas, including special areas for the protection and scientific study of particular species;

(v) restrictions on the effort employed for and methods of harvesting;

- (vi) the provision of catch returns and other statistical and biological records;
 - (vii) procedures for facilitating the review and assessment of scientific information;
 - (viii) an effective system of inspection;
 - (ix) such other aspects of conservation which the Commission considers necessary for the fulfilment of the objectives of this Convention;
- (3) Conservation measures shall be binding and shall enter into force ninety days after the Commission notifies them to the Contracting Parties.
- (4) In adopting measures, the Commission shall take into consideration any relevant regulations or measures established pursuant to the International Convention for Whaling 1946 or the Convention for the Conservation of Antarctic Seals 1972, and shall ensure that there is no inconsistency between the obligations of a Contracting Party under such regulations and measures and the measures which may be adopted by the Commission.
- (5) In adopting conservation measures which may apply within the areas of the territorial sea or exclusive economic zone of any State, the Commission shall bear in mind that such measures shall not prejudice the rights of coastal States in relation to the utilisation of the living resources of such areas.

Article 5

The Commission shall bear in mind the desirability of co-operating and developing, where possible, working arrangements with appropriate specialised agencies of the United Nations and other bodies, intergovernmental, governmental or non-governmental, having an interest in matters related to the conservation of living organisms of significance in the Antarctic marine ecosystem.

Article 6

- (1) Each Contracting Party shall take appropriate steps to ensure that its nationals and vessels under its jurisdiction comply with such measures as the Commission may adopt.
- (2) Each Contracting Party within whose territorial sea or exclusive economic zone conservation measures adopted pursuant to Article 4 (1) (c) are applicable shall incorporate such measures as part of the law in force in such waters.
- (3) In making any agreement relating to the utilization of the living organisms to which this Convention applies, the Contracting Parties shall ensure that the terms of any such agreements are consistent with the conservation measures adopted pursuant to this Convention.

Article 7.

Each of the Contracting Parties shall provide to the Commission, in such form and at such intervals as the Commission may prescribe, details of:

- (1) operations by its nationals and vessels under its jurisdiction concerning the living organisms covered by Article 1 of this Convention and such other related information as may be required by the Commission; and
- (2) steps it has taken to implement the conservation measures adopted by the Commission.

Article 8

- (1) Nothing contained in the present Convention shall be interpreted as:
 - (a) A renunciation by any Contracting Party of sovereignty, sovereign rights or other rights in any part of the seas to which this Convention applies;
 - (b) a renunciation or diminution by any Contracting Party of any claim or basis of claim to sovereignty, sovereign rights or other rights in any part of the seas to which this Convention applies, which it may have^{whether} as a result of its activities or those of its nationals in the area south of 60° South latitude, or otherwise;

- (c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's sovereignty, sovereign rights or other rights, or basis of claim thereto, in the seas to which this Convention applies.
- (2) No acts or activities taking place while this Convention is in force and in the seas to which it applies shall be invoked or treated by any Contracting Party as a factor relevant to the determination by any other Contracting Party of the terms and conditions upon which access may be given to the former by the latter to the resources of any part of its territorial sea or exclusive economic zone.

Article 9

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in the seas to which the present Convention applies contrary to the principles and purposes of the present Convention.

Article 10

(1) Any dispute arising out of or in connection with this Convention, which is not otherwise settled, may be referred for settlement to the International Court of Justice or to arbitration.

(2) If the party against whom one of such procedures is commenced prefers that the alternative procedure should be followed, it shall within four weeks of receipt of the notice of institution of proceedings so inform the party commencing the proceedings. The latter shall thereupon withdraw the document instituting the proceedings and commence proceedings under the alternative procedure.

(3) Subject to paragraph (5) below, where the Commission is a party to a dispute the dispute may be referred only to arbitration.

(4) In cases where the dispute is referred to arbitration:

- (i) the arbitral tribunal shall be constituted as provided in Article 3 of Annex VI of the Informal Composite Negotiating Text of 15 July except that any appointment referred to in paragraph 5 of Article 3 shall be made by the Secretary-General of the United Nations and without regard to the list of arbitrators there mentioned;

(ii) The provisions of Articles 4 to 11 inclusive and paragraph 1 of Article 12 of Annex VI of the Informal Composite Negotiating Text shall apply.

(5) If a Law of the Sea Convention containing provisions similar to those in Part XV and associated Annexes of the Informal Composite Negotiating Text of 15 July 1977 enters into force:

(i) any dispute thereafter arising out of or in connection with this Convention may, as a further alternative, be referred for settlement to the Law of the Sea Tribunal in the manner provided for in paragraphs (1) and (2) of this Article; and

(ii) the references to the Informal Composite Negotiating Text in paragraph (4) above shall be replaced by references to the comparable provisions of the Convention, which shall apply without qualification.

Article 11

- (1) This Convention may be amended at any time. The text of any amendment proposed by a Contracting Party shall be submitted to the Depositary, which shall transmit it to all the Contracting Parties.
- (2) If one-third of the Contracting Parties request a meeting to discuss the proposed amendment the Depositary shall call such a meeting.
- (3) An amendment shall enter into force when the Depositary has received instruments of ratification or acceptances thereof from all the Contracting Parties.

Article 12

This Convention shall be open for signature
at _____ from _____ to _____
1978 by States participating in the Conference on the
Conservation of Antarctic Marine Living Resources held
at _____ from _____ to _____ 1978.

Article 13

This Convention is subject to ratification
or acceptance. Instruments of ratification or acceptance
shall be deposited with the Government of _____
hereby designated as the Depositary.

Article 14

This Convention shall be open for accession
by any other State which is engaged in research or
harvesting activities in relation to the living marine
organisms to which this Convention applies.

Article 15

- (1) This Convention shall enter into force on the thirtieth day following the date of deposit of the instrument of ratification or acceptance.
- (2) Thereafter this Convention shall enter into force for each ratifying, accepting or acceding State on the thirtieth day after deposit by such State of its instrument of ratification, acceptance or accession.

Article 16

Any Contracting Party may withdraw from this Convention on 30 June of any year by giving notice on or before 1 January of the same year to the Depositary, which upon receipt of such a notice shall at once communicate it to the other Contracting Parties. Any other Contracting Party may, in like manner, within one month of the receipt of a copy of such a notice from the Depositary, give notice of withdrawal, so that the Convention shall cease to be in force on 30 June of the same year with respect to the Contracting Party giving such notice.

Article 17

The Depositary shall notify all signatory and acceding States of the following:

- (a) signatures of this Convention, the deposit of instruments of ratification, acceptance or accession and notices of withdrawal;
- (b) the date of entry into force of this Convention and of any amendments to it.

Article 18

(1) This Convention, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the — Government which shall transmit duly certified copies thereof to all signatory and acceding States.

(2) This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, duly authorised, have signed this Convention.

Done at

