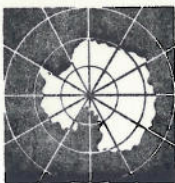


ANTARCTIC TREATY  
NINTH CONSULTATIVE MEETING

ДОГОВОР ОБ АНТАРКТИКЕ

ДЕВЯТОЕ КОНСУЛЬТАТИВНОЕ СОВЕЩАНИЕ



LONDON

TRAITÉ SUR L'ANTARCTIQUE  
NEUVIÈME RÉUNION CONSULTATIVE

TRATADO ANTARTICO

NOVENA REUNION CONSULTIVA

Provisional Agenda Item 6

ANT/IX/25

Date: 20 September 1977

Original: English

DRAFT

CONVENTION ON CONSERVATION OF THE  
LIVING RESOURCES OF THE SOUTHERN  
OCEAN

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(Paper submitted by South Africa)

DRAFT CONVENTION OF CONSERVATION  
OF THE LIVING RESOURCES OF THE  
SOUTHERN OCEAN

PREAMBLE

THE GOVERNMENTS OF ( Antarctic Treaty Consultative Parties)

COGNISANT of the vastness of the resources of the Southern Ocean and their potential as a source of food for human consumption,

COGNISANT of the sensitivity of these resources due to the existence of short food chains and the heavy dependence of many species on krill,

CONSIDERING that the development of advanced techniques for the exploitation of the living resources of the sea may expose some of the living resources of the Southern Ocean to the danger of being over-exploited,

CONSIDERING that it will serve the interests of mankind, as well as the interests of the Contracting Parties, to conserve and manage these living resources rationally and according to scientific principles and to conduct the

exploitation of these resources on a scientific and organised basis,

CONSIDERING that the nature of the problems involved in the conservation of the living resources of the Southern Ocean is such that it can only be solved on the basis of international co-operation, and

RECOGNIZING that in view of these considerations it is highly desirable to establish an International Commission to recommend, promote and co-ordinate the scientific measures and studies necessary to ensure adequate protection of the living resources of the Southern Ocean and to secure the maximum sustained productivity of the fishery resources as well as to provide for statistical information concerning fishing efforts and the resulting catches and the regulation of such efforts,

HAVE AGREED as follows:

#### ARTICLE I

1. The area to which this Convention applies, hereinafter referred to as the "Convention Area", shall be all waters south of 60° South Latitude.

Area to which  
the Convention  
applies.

2. Nothing in this Convention shall be considered as affecting the rights, claims or views of any Contracting Party

in regard to the limits of its territorial sea or to the extent of the jurisdiction of a coastal state over fisheries.

#### ARTICLE II

This Convention shall apply to all living resources in the Convention Area except for those species already subject to international regulation by way of specific conventions.

Resources covered.

#### ARTICLE III

1. The Contracting Parties hereby agree to establish and maintain the International Commission for the Southern Ocean (ICSO), hereinafter referred to as the "Commission", which shall carry out the functions entrusted to it in this Convention.

Establishment of Commission.

2. The Commission shall be composed of representatives of each of the Parties named in the Preamble to this Agreement. Other Contracting Parties shall be entitled to appoint representatives to participate in the meetings of the Commission during such time as that Contracting Party is conducting substantial scientific research concerning the living resources, or is engaged in the economic exploitation of any of the living resources covered by this Convention.

#### ARTICLE IV

1. Each Contracting Party represented on the Commission shall have one vote in the Commission. Voting  
Procedure.
2. Decisions of the Commission shall be taken by unanimous vote of the Contracting Parties present and voting.
3. Two thirds of the Contracting Parties represented on the Commission and participating in the meeting shall constitute a quorum.

#### ARTICLE V

The Commission shall have the capacity to enter into contracts, to acquire and dispose of movable or immovable property and to institute and defend legal actions. Legal  
Personality.

#### ARTICLE VI

1. The Commission shall meet at least every (one)(two) years and at such other times as may be requested by a majority of the Contracting Parties represented on the Commission. Meetings of the  
Commission.
2. The date and place of the first meeting shall be determined by agreement between the Contracting Parties named in the Preamble.
3. The Contracting Parties named in the Preamble shall decide on a place for the

establishment of the Commission's headquarters and unless otherwise decided by the Commission, all meetings of the Commission shall be held at the headquarters.

#### ARTICLE VII

1. At its first meeting the Commission shall elect a Chairman and a Vice-Chairman. If a member of a delegation has been elected Chairman he shall forthwith cease to act as a member of that delegation and the State concerned shall have the right to appoint another person to serve in his place.

2. These officers shall remain in office until the election of their successors at the next (annual)(biennial) regular meeting and shall be eligible for re-election.

Election of  
Officers.

#### ARTICLE VIII

1. The Commission shall appoint an Executive Secretary on such conditions as it may deem fit.

2. The staff of the Commission shall be appointed by the Executive Secretary in accordance with such rules and on such conditions as may be determined by the Commission.

3. The Executive Secretary and his staff shall perform all functions entrusted to it by

Appointment of  
Executive  
Secretary.

the Commission, including inter alia:

- (a) preparing budget estimates for review by the Commission;
- (b) authorizing the disbursement of funds in accordance with the Commission's budget;
- (c) accounting for the funds of the Commission;
- (d) arranging for co-operation with the organizations referred to in Article XV of this Convention;
- (e) preparing the collection and analysis of data necessary to accomplish the purposes of the Convention;
- (f) preparing for approval by the Commission scientific, administrative and other reports of the Commission and its subsidiary bodies.

#### ARTICLE IX

The Commission may establish subsidiary bodies and entrust such bodies with the execution of the functions allocated to them by the Commission.

Subsidiary  
Bodies

#### ARTICLE X

The Commission shall adopt such rules of procedure and other internal administrative regulations as are necessary to carry out its functions.

Rules of  
Procedure.

## ARTICLE XI

The official languages of the Commission and of any subsidiary body shall be English, French, Russian and Spanish and proposals and data may be submitted to the Commission or any body thereof in any of these languages.

Official  
Languages.

## ARTICLE XII

1. An annual budget of the expenses of the Commission and its subsidiary bodies shall be recommended by the Commission and submitted to the Contracting Parties represented on the Commission for their approval.

Budget of the  
Commission.

2. Subject to the approval of all Contracting Parties represented on the Commission, the Commission may, at any meeting, including a meeting convened specifically for this purpose, adopt a supplementary budget.

3. One half of the total amount of the budget, including any supplementary budget, shall be contributed by the Contracting Parties represented on the Commission in equal parts.

4. The other half of the total amount of the budget, including any supplementary budget, shall be contributed by the Contracting Parties represented on the Commission in the proportion that its nominal catch in the Convention Area bears to the aggregate nominal catch of all Contracting Parties represented on the Commission in that area.

In computing this catch, the Commission shall take into account all living resources covered by this Convention. The catch shall be determined on the basis of the average for the last two calendar years for which statistics are available.

#### ARTICLE XIII

1. The Commission shall perform inter alia the following functions:

Functions  
of the  
Commission.

- (a) take steps to prevent the over-exploitation of any Antarctic marine living resources covered by this Convention. Such steps may include inter alia open and closed seasons for fishing, size of mesh of fishing nets, size limits of fish that may be retained on board vessels or landed, quotas, effort limitation, or any other measures deemed necessary.
- (b) Ensure that the harvesting of specific target species do not adversely affect the health of dependent or related species.
- (c) Ensure that harvesting of target species is conducted in accordance with maintenance of the integrity of the Antarctic marine ecosystem as a whole.
- (d) Acquire basic scientific data on the nature, interrelationships and dynamics of the Antarctic marine ecosystem.

- (e) Acquire quantitative data on the standing stocks of Antarctic marine living resources and detailed data on the levels of any harvesting of such stocks and assess the status of the stocks of Antarctic marine living resources.
- (f) Identify the stocks to which conservation methods should be applied.
- (g) Develop and implement specific conservation measures to achieve the purposes of this Agreement.
- (h) Study the environment of the Antarctic marine living resources.
- (i) Analyse, publish and disseminate all statistical, biological and other scientific information on the Antarctic marine living resources.
- (j) Furnish the Contracting Parties with yearly reports on the information obtained.
- (k) Utilize all available services and information to supplement the research being done by the Commission itself or by the Contracting Parties.

2. The Commission shall also perform all other functions necessary for the realisation of the objectives of this Convention.

#### ARTICLE XIV

The Contracting Parties shall furnish the Commission on its request with any available statistical, biological and other data and information which the Commission may require for the purposes of this Convention.

Commission may request information.

#### ARTICLE XV

1. The Contracting Parties agree that the Commission should endeavour to establish a working relationship between the Commission and the Food and Agriculture Organization of the United Nations. To this end the Commission shall enter into negotiations with the Food and Agriculture Organization of the United Nations with a view to concluding an agreement pursuant to Article XIII of the Organization's Constitution. Such agreement should provide, inter alia, for the Director-General of the Food and Agriculture Organization to appoint a Representative who would participate in all meetings of the Commission and its subsidiary bodies without the right to vote.

Agreements and Co-operation with other Organizations and Committees.

2. The Contracting Parties agree that there should be co-operation between the Commission and other fisheries commissions and scientific organizations which might contribute to the work of the Commission. The Commission may enter into agreements with such commissions and organizations.

3. The Commission may invite any appropriate international organization and any Government which is a member of the United Nations or of any Specialized Agency of the United Nations and which is not a member of the Commission, to send observers to meetings of the Commission and its subsidiary bodies.

#### ARTICLE XVI

1. The Commission may make recommendations to the Contracting Parties concerning any matter which falls within the scope of this Agreement. Recommendations  
by the Com=  
mission,
2. Any recommendations which the Commission may make with the aim to further the protection and regulate the exploitation of the Antarctic marine living resources shall have equal application to all Contracting Parties.
3. Each recommendation made under paragraph 1 of this Article shall become effective for all Contracting Parties six months after the date of the notification from the Commission transmitting the recommendation to the Contracting Parties, except as provided in paragraph 4 of this Article.
4. The Contracting Parties undertake to give effect to any recommendation that has been adopted by the Commission provided that:
  - (a) Any Contracting Party may, within 60 days of notification of a recommendation,

present an objection to it to the Commission and in that event the objecting Contracting Party shall not be under an obligation to give effect to the recommendation and all other Contracting Parties must be informed of the objection without delay.

(b) If an objection is presented within the prescribed period referred to in sub-paragraph (a) above, any other Contracting Party may present an objection to the recommendation within 60 days after notification of such objection.

(c) If an objection against a recommendation is lodged by more than one third of the Contracting States, all other Contracting States shall be relieved of any obligation to give effect to that recommendation but may nevertheless do so.

#### ARTICLE XVII

1. Each Contracting Party undertakes to take appropriate measures in the Convention Area with respect to its nationals and vessels to ensure the implementation of the provisions of this Convention and the recommendations of the Commission which have been accepted by that Contracting Party, and to apply sanctions for the violation of such recommendations.

Measures for  
Protection of  
Marine Living  
Resources.

2. The Contracting Parties undertake to collaborate with each other with a view to the adoption of effective measures to ensure the implementation of this Convention and the achievement of its objectives.

3. The Contracting Parties undertake to collaborate with one another with a view to establishing, upon a recommendation by the Commission, a system of international enforcement of such recommendations as the Commission may select for inclusion under the said system. The adoption and implementation of such a recommendation shall be governed by Article XVI of this Convention and shall be subject to the provisions of Article I(2).

4. The Contracting Parties shall transmit to the Commission, at such times as may be required by the Commission, a statement of the action that they have taken pursuant to this Article.

#### ARTICLE XVIII

The provisions of this Convention shall not apply to fishing operations conducted solely for the purpose of scientific investigations, by vessels authorized by a Contracting Party for that purpose, or to fish taken in the course of such operations. However, fish so taken shall not be sold or exposed or offered for sale in violation of a recommendation of the Commission, and statistics of fish taken in the course of operations shall be included, under a separate heading, in the aggregate catch statistics.

Scientific  
Investigations.

ARTICLE XIX

1. This Agreement may be modified or amended Amendments.  
at any time by unanimous agreement of the Contracting Parties represented on the Commission.  
Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

2. Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provisions of paragraph 1 of this Article shall be deemed to have withdrawn from this Agreement on the date of expiration of such period.

ARTICLE XX

At any time after ..... from the date of entry Withdrawal  
into force of this Convention, any Contracting from  
Party may withdraw from the Convention by giving Convention.  
written notification to the Depositary. With-  
drawal shall take effect six months after notifica-  
tion of withdrawal was received by the Depositary.  
The Depositary shall inform all the Contracting  
Parties of notification of withdrawal.

ARTICLE XXI

1. If any dispute arises between two or more      Dispute  
of the Contracting Parties concerning the inter=      Settlement.  
pretation or application of the present Agreement,  
those Contracting Parties shall consult among themselves  
with a view to having the dispute resolved by negotia=  
tion, inquiry, mediation, conciliation, arbitration,  
judicial settlement or other peaceful means of their  
own choice.

2. Any dispute of this character not so resolved  
shall, with the consent, in each case, of all parties  
to the dispute, be referred to the International  
Court of Justice for settlement; but failure to reach  
agreement on reference to the International Court shall  
not absolve any parties to the dispute from the responsi=  
bility of continuing to seek to resolve it by any of  
the various peaceful means referred to in paragraph 1  
of this Article.

ARTICLE XXII

1. This Agreement shall be open for signature      Entry into  
and ratification by all the Contracting Parties      Force  
named in the Preamble.

2. The Agreement shall enter into force on the  
date on which the Depositary has received the  
instruments of ratification of all the Contracting  
Parties named in the Preamble.

3. The Depositary shall notify the Contracting  
Parties of the date of receipt of each instrument

of ratification and the date on which the Agreement shall enter into force.

4. After this Agreement has entered into force it shall be open for accession to any State which is a Member of the United Nations or of any specialized agency of the United Nations.

5. After the entry into force of this Convention, the Convention shall enter into force for each State acceding to the Convention on the date on which the Depositary receives the instrument of accession of that State.

6. The Depositary shall inform all the Contracting Parties of each accession to the Agreement.

#### ARTICLE XXIII

1. The State in which the Commission shall have its headquarters shall be the Depositary.

Functions  
of the  
Depositary.

2. The original of this Convention shall be deposited with the Depositary who shall furnish the Governments of the States eligible to become parties to the Convention with certified copies thereof.

3. This Agreement shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

DONE in triplicate, in the English, French, Russian and Spanish languages, all equally authentic, at .....

this ..... day of .....

