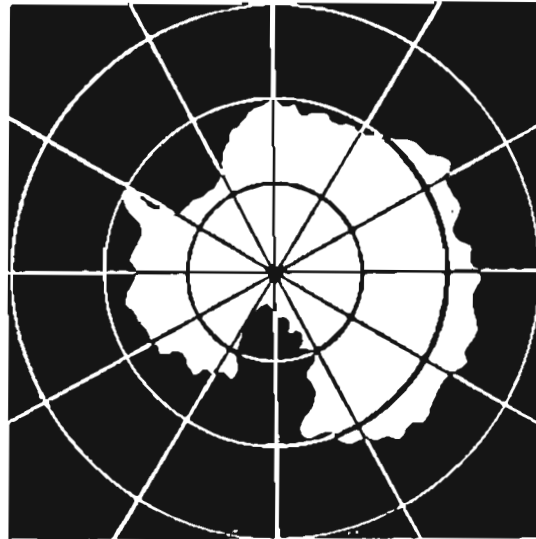


ANTARCTIC TREATY



INTERIM
REPORT
OF THE SECOND
SPECIAL CONSULTATIVE
MEETING

CANBERRA

27 FEBRUARY—16 MARCH

1978

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DEPARTMENT OF FOREIGN AFFAIRS
CANBERRA
1978

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INTERIM REPORT
OF THE SECOND
SPECIAL ANTARCTIC TREATY
CONSULTATIVE MEETING

1. In accordance with the provisions of Article IX of the Antarctic Treaty, representatives of the Consultative Parties (Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, Poland, the Republic of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America) met in Canberra from 27 February to 16 March 1978 to consult together and consider measures which might be taken to further the principles and purposes of the Treaty and, where appropriate, make recommendations to their Governments. Specifically pursuant to Recommendation IX(2) of the Ninth Consultative Meeting, they met to elaborate a draft definitive regime for the Conservation of Antarctic Marine Living Resources.

2. The Meeting was formally opened by the Honourable Andrew Peacock, M.P., Australian Minister for Foreign Affairs.

3. Mr J. R. Rowland, Representative of Australia, was elected Chairman of the Special Consultative Meeting. Mr R. H. Wyndham of the Australian Department of Foreign Affairs was appointed Secretary-General and Mr. R. L. Moncur of the Australian Department of Science was appointed Assistant Secretary-General.

4. The Opening Session was held in public. Opening statements were made by the Heads of Delegations (see Annex).

5. The Meeting adopted the following Agenda:
- (1) Opening of Meeting
 - (2) Election of Officers
 - (3) Opening Statements
 - (4) Adoption of Agenda
 - (5) Elaboration of a draft definitive regime for the conservation of Antarctic marine living resources taking into account all the points listed in Recommendation IX-2, Section III
 - (6) Consideration of steps in connection with the work of the decisive meeting for the establishment of the definitive regime in Recommendation IX-2, Section III
 - (7) Adoption of Final Report
 - (8) Closure of Meeting.
6. The Meeting considered in Plenary Session the first five items on the Agenda and appointed a Working Group, under the Chairmanship of the Representative of the United Kingdom, Sir Donald Logan, to consider the scope of the Convention to be elaborated, including the definition of the marine living resources of the area to which the Convention would apply.

Elaboration of a Draft Definitive Regime

7. The Consultative Meeting discussed this item on the basis of eight draft Conventions and a number of working papers submitted by delegations and of the report and Recommendation IX-2 of the Ninth Antarctic Treaty Consultative Meeting held in London in September/October 1977.
8. After a full discussion of all aspects of the subject, the Meeting decided to ask the Chairman to prepare an informal text as a basis for its further work.
9. As a result of detailed discussions of this text, the Representatives considered that it would provide a single text that would serve as a basis for further negotiation and decided to refer it to their Governments for study. They agreed that they would then continue their discussions and complete consideration of the Agenda at a resumed session of this Second Special Consultative Meeting. In this connection they welcomed the invitation of the Government of Argentina to meet for this purpose in Buenos Aires in July, 1978.
10. The Representatives recalled the recommendation of the Ninth Consultative Meeting that a definitive regime should be concluded before the end of 1978 and felt that they had made very real progress to that end.

SPEECHES AND STATEMENTS
AT THE OPENING SESSION

- Opening speech by the Honourable Andrew Peacock, M.P., Minister for Foreign Affairs, Australia
- Statement by the Leader of the Argentine Delegation, His Excellency, Sr. Raúl A. Medina Muñoz
- Statement by the Leader of the Australian Delegation, Mr. K. G. Brennan
- Statement by the Leader of the Chilean Delegation, His Excellency Sr. Fernando Zegers
- Statement by the Leader of the French Delegation, Mr. Patrick Henault
- Statement by the Leader of the Japanese Delegation, Mr. Y. Fujimoto
- Statement by the Leader of the New Zealand Delegation, Mr. G. C. Hensley
- Statement by the Leader of the Norwegian Delegation, Mr. E. Amlie
- Statement by the Leader of the Polish Delegation, Mr. Jan Witek
- Statement by the Leader of the South African Delegation, Mr. P. D. Oelofsen
- Statement by the Leader of the U.S.S.R. Delegation, His Excellency Professor O. N. Khlestov
- Statement by the Leader of the United Kingdom Delegation, Sir Donald Logan
- Statement by the Leader of the United States Delegation, Mr. Robert C. Brewster

SPEECH BY THE HONOURABLE ANDREW PEACOCK, M.P., MINISTER
FOR FOREIGN AFFAIRS, AUSTRALIA

Your Excellencies, Ladies and Gentlemen:

I am pleased to be here today to open your discussions on the drafting of a regime for the conservation of Antarctic marine living resources. On behalf of the Australian Government I warmly welcome you all to Canberra.

Australia has had a long association with Antarctica commencing with early expeditions and continuing with an active scientific program. We are proud of the achievements of our explorers and scientists and of their involvement in the unique form of international co-operation which has been achieved there. As a country of the Southern Hemisphere we have a particular interest and concern for developments in Antarctica. For that reason we think it is timely that the Antarctic Treaty Consultative Parties should once again be meeting in the capital of a nation of the Southern Hemisphere.

We live in a world increasingly hungry for resources. Nations are concerned about the sources of food they need to feed their populations and the materials to sustain their industries. It is a mark of the depth of this concern that international attention is now beginning to focus on the resource potential of the last of the undeveloped continents, Antarctica. Although comparatively little is known about the potential of this vast area, what is known is enough to excite the interest and imagination of nations. Australia has for some years now been convinced that the future of the marine living resources of the region was the most urgent of the issues requiring the attention of those countries who have traditionally been involved in Antarctica.

The fact that this *Special Consultative Meeting* is taking place, is evidence of the concern of all our Governments about this issue. The world-wide rush to proclaim 200 mile fishing zones over the past year has accelerated the drive to seek new sources of protein from ever more distant waters. The expansion of fishing capacity, especially among Northern Hemisphere nations, in recent years has added impetus to this trend. Even the most tentative estimates of the potential of the area make commercial harvesting an increasing probability in the very near future. In recognition of these factors, the Ninth Consultative Meeting was of the unanimous view that adequate provision for the conservation of Antarctic marine living resources was an objective of considerable urgency. This has since been reflected in the terms of a Recommendation adopted at that meeting which looks towards the conclusion of a definitive conservation regime before the end of 1978.

The Antarctic Treaty Consultative Parties have a considerable background and some record of achievement in relation to the conservation of the living resources of the Antarctic region. Many of you will have participated in discussions on the subject at earlier Antarctic Treaty Consultative Meetings. The Agreed Measures for the Protection of Antarctic Fauna and Flora represented the first major accomplishment of the Parties in this area. Some of you also were involved in the drafting of the Convention for the Conservation of Antarctic Seals which was successfully concluded in London in 1972 and which will enter into force next month. All of you will be familiar with the interim guidelines for the conservation of marine living resources which were agreed upon at the recent Ninth Consultative Meeting in London as a prelude to the development of a definitive regime for Antarctic marine living resources. But we all recognise that the task that now confronts us transcends anything that has been attempted since the Antarctic Treaty was signed in 1959.

I have no doubt that all of you present in this hall are aware of the urgency of the task on which you are embarking. We are all familiar with the devastating effects, flowing from early uncontrolled harvesting, which has in the past resulted in the serious depletion of the whale populations. This meeting provides us with an opportunity to prove that the lessons of history have been learnt and that the future exploitation of other species of Antarctic marine living resources will take place under conditions which will provide safeguards for the Antarctic environment and its dependent ecosystems. It is a relatively rare occurrence for a significant number of concerned countries to meet together to make provision for the conservation of a resource before the exploitation of that resource has begun on a commercial scale. Some countries represented here today have already undertaken exploratory fishing in Antarctic waters. More recently others, which are not

Treaty Parties, have also commenced or made plans for such activities. These facts serve as a reminder that we must seek the constructive involvement of the other countries. The results of our endeavours will be judged not only within the context of the Antarctic Treaty framework, but by a wider international audience which has an increasing awareness of the significance of Antarctica.

But the challenges confronting us relate not only to the need to exchange and pool our scientific knowledge and to devise mechanisms based on that knowledge to conserve these resources through future generations. We all recognise that underlying these issues there are basic questions which go to the core of the political compact contained in the Antarctic Treaty. It will be necessary for us to demonstrate that an instrument derived from the necessities of an era of expanding activities in scientific research can be adapted to the requirements of a later period of expanding economic exploitation. At issue is whether the remarkable spirit of international co-operation that has been such a feature of the scientific activities of States in Antarctica can be expanded into new areas of co-operation.

Some delegations represented in this hall start from the premise that the powers of their Governments to deal with these matters derive from national sovereignty. Other Governments take the position that national sovereignty does not apply in Antarctica. Such a problem is not unfamiliar to Antarctic Treaty Parties. It confronted our Governments in 1959 and a solution was found in what became Article IV of the Antarctic Treaty. It was recognised at the recent London Consultative Meeting that any solution to the even more difficult and complex problems posed by exploitation in the offshore areas of Antarctica must begin from the fact that the principles embodied in Article IV should be safeguarded in their application to those areas. Thus any viable solution to our problems cannot be destructive of the essential position of any Consultative Party. To devise such a solution is a challenge that will require creative responses, legal ingenuity and political skills of the highest order. I trust it is not beyond the capabilities of such a distinguished gathering as we have here to provide that solution. The international community will be looking to us to fulfil the responsibilities we have assumed. If we fail in our responses who can say that it will not feel impelled to seek the answers elsewhere. This is both the opportunity and the challenge.

As my government has the honour of providing the venue for this meeting in our National Capital, Canberra, I am reminded of the plans for the building of the large artificial lake in the heart of this city. All the necessary bridges, embankments, retaining walls and structures necessary for the life of Lake Burley Griffin were constructed before the dam was closed and the lake allowed to fill. What we are now engaged in is building a scientific, legal and political framework that will withstand the pressures that we must anticipate when the Southern Oceans are opened to fishing activity. I am hopeful that given determination and goodwill we can rise to these challenges and construct new models of agreements building on the basis of what has been achieved in nineteen years experience of co-operation under the Antarctic Treaty.

Your Excellencies, Ladies and Gentlemen, it gives me great pleasure to declare open this Special Consultative Meeting and to wish you every success in your endeavours.

OPENING STATEMENT BY THE LEADER OF THE ARGENTINE
DELEGATION, HIS EXCELLENCY Sr. RAÚL A. MEDINA MUÑOZ

Mr. Chairman:

The Argentine delegation has come to this Special Consultative Meeting in full awareness of the importance, for the future of Antarctica, of the subject we are going to discuss here; of its political, legal, scientific and economic implications; and of the need to preserve the Antarctic ecosystem with a view to safeguarding its ecological structure.

We have come in response to the provisions of Recommendation IX-2 of the Ninth Consultative Meeting held in London, with the firm resolve to elaborate a draft definitive regime for the conservation of the marine living resources of Antarctica, and with the intention of emphasizing that whatever the solution reached on this matter, it will not constitute any precedent for a future regime for the exploration and exploitation of mineral resources.

It was because of the importance which my Government attaches to the question we are to consider, that the Argentine Foreign Office put forward in December last, in the most constructive spirit possible, a few principles—some of them basic and indispensable—which it considers should be taken into account in our deliberations if we are to make positive progress.

At the same time, we transmitted in advance to all the Foreign Offices of the Consultative Parties a preliminary draft regime which was conscientiously thought out and which we consider will serve to clarify the ideas and positions of States Parties on the subject, while preserving the unity and integrity of the Antarctic Treaty.

Both documents have been submitted officially and circulated as working papers of this Consultative Meeting; and my delegation is confident that in conjunction with the documents circulated by other States Parties they will enable us to arrive at a conservation regime which will be satisfactory to all.

We are participating in this Meeting in the same spirit of co-operation which prevailed at the time when the Antarctic Treaty of 1959 was approved and has marked its implementation up to the present, and in the conviction that there is a need to strengthen that Treaty. We would like to express our deep gratitude to the Australian Government for its hospitality.

OPENING STATEMENT BY THE LEADER OF THE AUSTRALIAN
DELEGATION, Mr. K. G. BRENNAN

Thank you Mr. Chairman:

May I also join with my colleagues in offering you the congratulations of the Australian delegation on your election to the Chair of this historic meeting.

May I also express our pleasure at the presence here of two distinguished Ministers on the podium.

Mr. Peacock referred to the engineering work which preceded the construction of Lake Burley Griffin. It will not have escaped your notice that, in the construction of this building in which we are assembled, the architects have drawn heavily on the architectural traditions of the eskimos. We hope that our Northern Hemisphere colleagues, particularly those who come from States like Norway, USSR, and USA which stretch far into northern Arctic regions will feel at home in this Antarctic "igloo"; that they will be sheltered from the heat of the Australian sun; and that they will find themselves in an atmosphere which is congenial and conducive to rapid progress and achievement.

The Minister has traced the history of our mutual concern for the conservation of the living resources of the Antarctic area—the path which has brought us to this moment and this place—the path which has brought us back to Canberra after seventeen years to draft by far the most ambitious living resources regime on which we have yet embarked. At this meeting Mr Chairman, we are not dealing with life on the Continent as we were in the Agreed Measures; we are not confining ourselves to a single species, as we were with the Seals Convention. We are dealing with a multitude of marine organisms in the vast extent of seas around Antarctica. In order to be able to develop effective conservation measures, we cannot afford to look just at the limited geographical area or at selected species. The new regime will need to take into account the inter-dependence of many of the Antarctic marine organisms. It is not simply an individual species we conserve—we must safeguard the whole Antarctic ecosystem. This in itself will entail enormous problems. Our knowledge of the Antarctic ecosystem is still very limited. One of our primary tasks must be to build up a firm, scientific base on which to construct a meaningful conservation regime piece-by-piece. I suppose one could say, Mr. Chairman, that the scientific base is like the foundations of the bridges to which the Minister referred. We cannot expect to build lasting bridges, unless we have firm foundations.

Of course Mr Chairman, in seeking to give the new regime such ambitious objectives, its ambit will inevitably include areas of the sea north of 60° South Latitude. It will encompass areas both of the high seas and those which are of national jurisdiction. In some cases, this national jurisdiction will be disputed. In others it will not.

In drafting the regime we will need to make realistic provision for the interests which some countries outside the Antarctic Treaty have in the living marine resources around Antarctica.

Finally Mr Chairman, we should remember when we embark on this task before us, that as well as having a responsibility to the Antarctic Treaty partners, we also have a responsibility to mankind to ensure that this part of the world's resources is adequately protected for the future benefit of mankind.

OPENING STATEMENT BY THE LEADER OF THE CHILEAN DELEGATION, HIS EXCELLENCY Sr. FERNANDO ZEGERS

Mr. Chairman:

Once again we meet in Canberra, where the First Antarctic Treaty Consultative Meeting was held, in circumstances of similar historic importance.

On behalf of the Chilean delegation I wish to thank the Government of Australia, a country which has a distinguished Antarctic tradition and is linked to my own by ties of friendship and geography, for its generous hospitality.

The Ninth Consultative Meeting held last year in London requested us to elaborate a draft for the conservation of the living resources of Antarctica and adopted specific guidelines for that task.

The question of exploiting the resources of the Antarctic, the first phase of which faces us here, presents serious problems for the ecological reserve we call Antarctica and for the political and legal balance achieved in the Washington Treaty. Nevertheless, it must be approached by the Consultative Parties with all the urgency compatible with its importance and scope.

The regime we are called upon to elaborate for the conservation of Antarctic living organisms must not affect or radically change the Antarctic system worked out in almost two decades of patient work and expressed in the Recommendations adopted and in the action taken by the Consultative Parties. In particular, it must safeguard the norms agreed for the protection of the Antarctic flora and fauna and ensure effective conservation measures for the Treaty area. Nor must the delicate legal and political balance of the Antarctic Treaty be affected by the regime we elaborate.

Our first objective must be to preserve and protect the Antarctic ecosystem, with due regard to the ecosystems linked with it. To that end, it is essential to keep what has already been achieved in the Antarctic context for the protection and conservation of living resources. That work—highlighted in London in Recommendation IX-5—must be incorporated in the instrument we prepare.

The regime must likewise bring out the special responsibility of the Consultative Parties to the Treaty in respect of the preservation and protection of the environment and living resources, as laid down in the Treaty itself and in Recommendation IX-2 adopted in London; and it must recognize the authority of the Treaty in regard to the Antarctic ecosystem, as was done at the FAO Conference in 1975.

Besides ensuring an effective system for the conservation of living resources, the Convention—if that is the course adopted—must throw into relief, as its fundamental objective, the protection of the ecosystem, incorporate what the Treaty has achieved, and induce non-Party States to observe those norms.

The Chilean delegation considers it essential that the regime for the conservation of the resources of the Treaty area should emanate from the Antarctic Treaty and should be elaborated by the Consultative Parties.

The instrument to be prepared should be open for accession by interested third countries active in the area, always provided that they respect the Antarctic Treaty, its principles, and what has been accomplished in twenty years under the system to which it has given rise.

The international community has tacitly accepted the administration of Antarctica by the Consultative Parties over those two decades, and the work done by them in the interests of peace and disarmament, scientific research and conservation, has been universally recognized. The international community has accepted *de facto* the special responsibility of the Consultative Parties, and—explicitly—their competence in ecological matters.

Accordingly, we must not operate outside the Treaty, separate from its regime fundamental aspects of Antarctica, and internationalize the Antarctic problem piecemeal. On the contrary, our task must be to adapt the Antarctic Treaty system to a changing reality, to make it operational, and to open a constructive dialogue with States or international organizations having a legitimate interest in Antarctic problems.

States interested in carrying out activities in the Treaty area should be invited and encouraged to accede to the Treaty, instead of the alternative solution whereby we ourselves would move outside the framework of the Treaty.

The Antarctic Treaty achieved a balance between claimants and non-claimants, and protected the rights of the former, including my own country, through its Article IV, which safeguards the rights and claims of some, without prejudice to the position of others.

We agreed in London that the regime must ensure that the application of the principles embodied in the said Article IV is applied to the marine areas south of 60° South Latitude, and this must carry with it legal guarantees duly expressed by claimant States, together with powers and functions within the system agreed.

This chapter is a fundamental part of the instrument we are called upon to elaborate.

Finally, it must be made clear that the regime with which we are concerned must not constitute a precedent for the question of mineral resources.

Chile, as an original signatory of the Washington Treaty, and a country whose continental territory is situated in the immediate vicinity of the Antarctica and which is permanently active and present in the area and possesses unquestionable rights of sovereignty in part of that continent, has a vital interest in the negotiations on which we are embarking today.

On this solemn occasion we would like, while reiterating our rights, to affirm our unwavering adhesion to the Antarctic Treaty and our certainty that within it we shall be able to find just and satisfactory solutions to the problem facing us today. Thank you.

OPENING STATEMENT BY Mr. PATRICK HENAULT, LEADER OF THE FRENCH DELEGATION

It was with great interest that my Government welcomed the Australian proposal to hold a Special Consultative Meeting to try to make progress towards the establishment of a regime for the conservation of the fauna and flora of the Antarctic (marine resources). My delegation would therefore like, first of all, to thank the Australian authorities for their generous hospitality and for the warmth of their welcome at Canberra.

I, for my part, see this Special Consultative Meeting as a sign of the vitality of the Treaty signed at Washington in 1959. In the eyes of my Government, this text remains an original and precious instrument of international cooperation. My country considers that the Consultative Parties, faithful to the spirit as well as to the text of that Treaty, must clearly and openly exercise the responsibilities they assume in Antarctica.

In regard to the specific object of our Meeting, my delegation, which has submitted a draft Convention for the conservation of the marine fauna and flora of the Antarctic, will have ample opportunity to set forth in the course of the debates the positions of the French Government.

My Government feels, however, that it would be useful for the conduct of the debates if the Chairman could plan our discussions round the few basic themes which appear in varying degree in the different texts before us and which my delegation has noted with interest. The French delegation is tempted to propose that we should deal, in particular, with the following points:

- Form of the regime,
- Area of application of the regime,
- Problems relating to sovereignty,
- Organs to be set up within the framework of regime: organization, operation, functions
- Links between the regime and the Antarctic Treaty,
- Role of the Consultative Parties in the implementation of the regime,
- Entry into force of the regime, accession, settlement of disputes.

My delegation feels that it can confidently leave it to our distinguished Chairman to suggest the practical ways and means of ensuring a positive outcome of our Meeting. In that respect, the French delegation assures him of its steady support in working out just and balanced solutions.

In conclusion, it only remains for me to express the hope that our debates will be conducted in the spirit of co-operation and frankness characteristic of the Antarctic Treaty Consultative Meetings. I feel quite sure that they will.

OPENING STATEMENT BY Mr. Y. FUJIMOTO, REPRESENTATIVE OF JAPAN

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen:

On behalf of the Japanese delegation, I should like to congratulate you, Mr. Chairman, on your election to the high office. My delegation looks forward to most constructive and fruitful deliberations under your able guidance.

I would also like to express my delegation's deep appreciation to the Government and people of Australia for their great hospitality and excellent arrangements that have been made for this meeting.

Nearly seventeen years have passed since the Antarctic Treaty came into force, in that period the Consultative Parties to the Antarctic Treaty have solved many difficult problems in a spirit of co-operation and mutual trust.

We are now assembled here to tackle yet another difficult task before us—the consideration of the proposed international regime for the conservation of Antarctic marine living resources.

As a long standing Consultative Party of the Antarctic Treaty, we are well aware of the need for the preservation of the environment of Antarctica. At the same time, as the nation which is engaged in research and harvesting of the marine living resources in this area, we are anxious to see that the new regime will be established as soon as possible in a manner in which the need for rational utilization can be effectively harmonized with the requirement of environmental preservation.

My Government regards this meeting as a most timely opportunity for the Consultative Parties to join forces in efforts to find a proper solution to this important issue.

I wish to make a few general remarks on the fundamental principles which we consider are of basic importance in drafting the Convention.

Firstly, my Government considers that a draft Convention should be intended for adoption by those states which have an active interest in the conservation of resources and have actually engaged in research and harvesting.

Secondly, we therefore believe that after this Special Consultative Meeting, it is necessary to convene a diplomatic conference to adopt the Convention at time and place to be mutually agreed upon and that this Conference should bring together not only all the Consultative Parties but also those States which are actually engaged in research and harvesting activities so that we could secure the co-operation of those states.

Thirdly, as is well known, my Government adheres to the position that in the area south of 60° South Latitude any right or claim to territorial sovereignty of any state cannot be recognized and therefore economic zones or fishery zones cannot be established in that area on the basis of such territorial claims.

The Government of Japan believes that in elaborating a regime for the conservation of Antarctic marine living resources, those principles that I have just mentioned should not be prejudiced by any means.

Mr. Chairman:

We are well aware that there are as yet different views among the Consultative Parties as to how best an international regime can be established, but I am confident that, thanks to the traditional spirit of co-operation, we shall be able to reach agreement through frank exchange of views in the next three weeks.

Thank you.

OPENING STATEMENT BY LEADER OF THE NEW ZEALAND DELEGATION, Mr. G. C. HENSLEY

Mr. Chairman:

We from New Zealand are very pleased indeed to be meeting here in Canberra for this Special Consultative Meeting. I would like to congratulate you, Mr. Chairman, on your election and to thank the Australian Government most warmly for the excellent facilities which they have made available to us.

For our part, we feel very much at home here in Canberra. New Zealand and Australia are neighbours and we share a common perspective on a wide range of international issues. This is particularly true in respect of Antarctica, for we are both intimate neighbours of Antarctic continent. Both countries are closely connected with Antarctica; first, through history and the valiant endeavours of the early explorers; secondly, through shared geology with the Antarctic continent; thirdly, through environment because the climate and environment of this part of the world is directly affected by events in Antarctica; and fourthly, by the sea itself.

The sea between New Zealand and Antarctica has, since the heroic age of Antarctic explorers, been a principal route to the continent. Now, with the establishment of the New Zealand 200 mile exclusive economic zone, New Zealand jurisdiction extends almost to the 60th parallel itself. On the biological level, there is a definite interaction between the living resources in the New Zealand zone and the Antarctic waters immediately adjacent to it. Species resident in the Ross Sea migrate northwards into the New Zealand zone and vice versa.

This degree of close proximity and interlocking ecosystem has underlined for New Zealand the urgent need for an effective conservation regime in respect of the marine living resources of Antarctica, and for co-operation with coastal States in the region.

New Zealanders feel a special concern for the unique Antarctic environment. We have taken a strong stand in the International Whaling Commission in support of scientifically-based measures for the conservation of whale stocks. And it was for similar reasons, Mr. Chairman, that my delegation urged at the Ninth Consultative Meeting in London that appropriate conservation measures be established as a matter of urgency for the protection of the entire Antarctic ecosystem.

As a coastal State in the region and a country with special interests in the Antarctic, we in New Zealand are also conscious of the economic aspects of this question. We believe that in the short term it is essential that the machinery for an effective conservation regime be established, and that fishing should be permitted to continue. On the other hand, it is possible, even now, to look forward to a time at which particular resources will be fully utilized. It seems clear to us that at such a time there is a real potential for disagreement between those countries which perceive themselves as coastal States and those engaged in distant water fishing. While it should be possible at this time to put aside the resolution of this question, we don't believe that the question itself can be ignored.

There is another issue which my delegation believes should not be ignored. The Antarctic Treaty places special responsibilities upon its parties in respect of preservation and conservation of living resources in Antarctica. It is a fact, however, that other countries are actively engaged in the utilization of these resources. It is also a fact that the international community at large has an increasing interest in the resources of the region. We believe that our discussions of the issues now before us should be based not on narrow considerations of what is best for the Treaty countries, or for any group of them, but rather what is in the best interest of all.

OPENING STATEMENT BY THE LEADER OF THE NORWEGIAN
DELEGATION, Mr. E. AMLIE

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen:

The problems connected with exploitation of the living resources in Antarctica face the Consultative Powers with a greater challenge than ever before in Treaty history. At the Ninth Consultative Meeting in London last fall, we accepted that challenge. In recommendation IX-2 we stated our collective will to work together to ensure that the marine living resources in Antarctica are protected and to safeguard the fragile Antarctic ecosystem.

At this meeting we are faced with the important and complex task of laying the groundwork for the establishment of a definitive conservation regime, to be agreed upon preferably before the end of this year.

The Antarctic krill, as we all know, is one of the few major sources of protein that still remains untapped. As such the Norwegian Government feels that it could become an important factor in the world-wide battle against hunger and malnutrition. Even so, we feel there is a need to proceed with extreme caution as regards exploitation of the resource. Before large-scale catch efforts are initiated, comprehensive scientific investigations of the stocks of krill and other species which are part of the Antarctic ecosystem should be carried out in order to provide us with a sound factual basis for estimates of the size of these resources and of the size of the yield they can sustain without harmful effects.

These scientific investigations should be carried out without delay. Because of recent developments in the law of the sea combined with rapid advances in fishing technology, there is every reason to expect that unconventional resources like the krill will attract increasing interest. Thus, the possibility cannot be ruled out that substantial exploitation will be initiated without full knowledge of its effects on the krill stocks and the ecosystem in general. In this sense, we are working under the pressure of time.

The Norwegian Government thus attaches considerable importance to a speedy conclusion of the conservation regime. Norway, like other Consultative Powers, feels a special responsibility for the protection of the vulnerable Antarctic ecosystem. We also feel that the Consultative Powers as a group should demonstrate to the outside world their willingness to take upon them the special responsibility towards the Antarctic ecosystem that is laid down in the Treaty and their ability to discharge that responsibility. We should also be careful not to lose sight of the fact that unless we take constructive action to arrive at an effective conservation regime, other countries may seek to take over this responsibility.

Thus, the Norwegian Government feels that it is in the enlightened self-interest of the Consultative Powers to do their utmost to work out as soon as possible a regime that is generally acceptable among ourselves, as well as to the world community.

We come to this meeting with an open mind, and we are prepared to discuss all proposals put before us. Nevertheless we feel that there are certain key elements that should be included in the regime. We would like to take this opportunity to identify some of these key elements.

We are of the opinion that the aim of our deliberations should be to reach agreement on a regime that will afford protection to all fishable stocks within the Southern Ocean ecosystem, with the exception of those that are covered by other international conventions, like whales and seals.

To facilitate this, we favour the establishment of a separate convention open for accession by all States which are actively engaged in research or exploitation of Antarctic marine living resources. The convention should also provide for the participation, on an observer basis, of appropriate international organizations.

We feel very strongly that in order that the protection regime fulfill its purpose, it is vital to secure the participation in it of all States with an interest in the marine living resources of the convention area. For the same reason we feel that it might be appropriate to invite States which are not Consultative Parties and which are actively engaged in research or exploitation activities to participate in the decisive meeting referred to in recommendation IX-2.

If these third countries are not invited to participate in the establishment of the regime, there is a risk that they will refrain from acceding to it and that they will ignore its provisions. Such a development would not be in the interest of the Consultative Parties.

With regard to the contents of the convention itself, it should allow for a wide variety of catch regulations and protective measures. The convention should also provide for efficient, international inspections. Furthermore it should contain provisions for the co-ordination of all research efforts with regard to the marine living resources of the Southern Ocean, as well as the recording and analysis of scientific data and catch statistics. This, incidentally, should be a high-priority task of the regime in the initial phase. Today, as we are all aware, the incompleteness of our knowledge about the Antarctic marine ecosystem is one of the major obstacles confronting us in our common efforts to establish a functional protection regime.

With regard to the administrative machinery of the convention, the Norwegian Government is in favour of a system based on the following main elements: A commission with equal representation and equal say for all parties to the convention; a permanent scientific advisory committee composed of representatives of all parties to the convention and of competent international organizations for example FAO and SCAR and, finally, a permanent secretariat to handle day-to-day matters.

Mr. Chairman, at the outset of my intervention I stated that the Norwegian Government feels that there is a strong need for the speedy agreement on a functional protective regime. I therefore express the hope that this meeting will succeed in preparing the text of a draft convention for the protection of the marine living resources of Antarctica. The decisive meeting referred to in recommendation IX-2 in our opinion should be held before the end of the year.

In conclusion, Mr. Chairman, let me assure you that the Norwegian delegation looks forward to working with you and other delegations to find constructive solutions to the very complex problems confronting us.

Thank you, Mr. Chairman.

OPENING STATEMENT BY THE LEADER OF THE POLISH
DELEGATION, Mr. JAN WITEK

Mr. Chairman:

First of all, on behalf of the Delegation of Poland I would like to congratulate you, Mr. Chairman, on your unanimous election for this important post of Chairman of the Special Consultative Meeting.

I would like also to express the appreciation of my delegation to the Government of Australia for its invitation to participate in this Meeting and for its excellent preparation in the beautiful capital of Australia—Canberra.

I think, Mr. Chairman, that all of us share the opinion that the Antarctic system, based on our co-operation, works fruitfully. It ensures the implementation of the aims and principles of the Antarctic Treaty of 1959.

Only a close co-operation among all interested States can give solutions to complex international problems. The best proof of that truism is the functioning of our Antarctic system.

The wide-spread exchange of scientific research, close contacts between scientific expeditions in Antarctica, help and mutual assistance in all, even difficult situations, all these create a special warm atmosphere and spirit of co-operation.

The aim of our meeting here is to establish guidelines for the Conservation of Antarctic marine living resources.

We all gathered here, Consultative Parties to the Antarctic Treaty, have a special responsibility for the 6th Continent, including its environment. One cannot protect duly the Antarctic environment without introducing a definitive conservation regime of marine living resources.

Our delegation is of the opinion that establishment of that regime can be obtained only by drafting a convention.

This opinion, as we see, is shared by many of us.

It is, in fact, the most proper way to introduce rules aimed to protect and conserve living resources in the area which is under our special responsibility.

As we see, Mr Chairman, many delegations present here have already prepared their drafts of a Convention. It is also the case of my delegation. Some of those drafts differ among them, some are very similar to others.

What is necessary for all of us is to find common answers to some principal questions.

These questions are:

- what should be the geographical scope of the Convention?
- how to ensure the conservation of marine living resources around Antarctica and their rational utilization;

- what functions should the Commission have, what should be its composition, what should be the system of that body taking decisions and recommendation; and last but not least
- who will be party to such a convention?

If we find common answers to these questions we will perform our duty.

We are all convinced that in the whole world there is no other region more sensitive than Antarctica in its natural conditions and ecological balance. It is therefore our great responsibility towards all world's nations to ensure the conservation of this natural, ecological balance.

To find proper measures for conservation of living marine resources including their rational utilization is the purpose of our Meeting.

The Delegation of Poland hopes that our Meeting will be fully successful.

I can assure you, Mr Chairman, that you can count on the co-operation of my delegation in this scope. We want to wish you sincerely that the Conference you are presiding over will meet with success beneficial to all concerned.

OPENING STATEMENT BY THE LEADER OF THE SOUTH AFRICAN DELEGATION, Mr. P. D. OELOFSEN

Allow me, Mr. Chairman, to begin by offering you the warm congratulations of the South African delegation on your election as Chairman. This meeting can indeed regard itself fortunate to have a person with your experience, energy and wisdom in the chair. May I, at the same time through you, convey to the Government of Australia the appreciation of my delegation for the generous invitation extended to the Antarctic Treaty parties to meet in Canberra. May I also express our appreciation for the excellent facilities put at our disposal, the excellent preparations made for the meeting and last, but not least, for the warm welcome extended to us.

Mr. Chairman, Recommendation IX-2, adopted at the conclusion of the recent meeting in London called on the consultative parties to convene a Special Consultative Meeting to make the necessary preparation and to pave the way for the adoption, before the end of 1978, of a definitive regime for the conservation of the Antarctic marine living resources. By adopting Recommendation IX-2 the consultative parties have once again demonstrated to the world their concern over and their responsibility towards Antarctic and the seas surrounding it. Should the Consultative Parties, however, wish to retain the initiative they have taken in the establishment of a conservation regime it is imperative that they meet the self-imposed deadline for the adoption of the conservation regime. By doing so they will at the same time ensure that the opportunity does not slip through their fingers to establish effective measures for the protection and preservation of the living resources of the southern ocean well ahead of the time when actual exploitation does in fact start. By acting effectively now the Consultative Parties can ensure that once again, like with the Convention for the Conservation of Antarctic Seals, a repetition of the sad experience relating to Antarctic Whales will be prevented.

Mr. Chairman, this meeting in Canberra is therefore committed to progress. Although it will be naive to think that our task will be an easy one, this task has been made easier by the consensus reached during the Ninth Consultative Meeting regarding some of the basic and most important principles underlying the definitive regime. We are furthermore fortunate in that the relations between the nations in the Antarctic have a history of successful co-operation based on the Antarctic Treaty.

Mr. Chairman, because of South Africa's geographic proximity to the southern oceans and her resultant interest in that part of the globe, South Africa warmly welcomes the positive steps now being taken to adopt a conservation regime for the living resources of those oceans. We furthermore believe that these efforts and a successful conclusion of such a regime will strengthen the Antarctic Treaty regime while it will at the same time bear witness to the peaceful international co-operation in that part of our globe.

Thank you, Mr. Chairman.

OPENING STATEMENT BY THE LEADER OF THE USSR DELEGATION, HIS EXCELLENCY PROFESSOR O. N. KHLESTOV

Mr. Chairman, Ladies and Gentlemen:

Allow me on behalf of the Soviet delegation to express our deep appreciation to Mr Peacock for his presence here, and through him to thank the Australian Government for its invitation to hold this Meeting in Canberra. From the very first days of our stay here on Australian territory, we have met with hospitality and good will on the part of the Australian authorities, and for this we would like to thank them warmly. Nor can we omit to mention the excellent work done by the Australian Department of Foreign Affairs on the preparation of the Meeting and the organization of its work, which will undoubtedly help to promote the successful solution of the problems facing us.

We who are taking part in the Special Consultative Meeting which opens today have been given the important and complex task of working out an international regime for the conservation of the marine living resources of Antarctica based on scientific data and aimed at the effective conservation and management of the Antarctic marine living resources.

The Soviet delegation starts out from the premise that the Antarctic Treaty, which established the regime under international law regulating the activity of States in the area, converting it in the interests of all countries into a zone of peace and peaceful co-operation, has created favourable conditions for broad co-operation among States in that part of the world.

In the years that have elapsed since the Antarctic Treaty was concluded, the Consultative Parties have done substantial and important work. Among the decisions taken by the Consultative Parties, mention must be made first and foremost of the Agreed Measures for the Conservation of Antarctic Fauna and Flora, approved by the Third Consultative Meeting. Another important step was

the conclusion of the Convention for the Conservation of Antarctic Seals, which will come into force in the very near future. The Soviet Union ratified that Convention on 12 January 1978.

Thus the decisions of the Consultative Meetings are evidence of the fact that in the framework of the Antarctic Treaty it is possible to find sound, mutually acceptable solutions to complex problems—solutions that meet the interests of all the Parties to the Treaty and benefit all peoples and all States.

Last year, valuable work was done in London on the preparations for the present Meeting. The foundation was laid for the future Convention, and our task is to convert those beginnings into a definitive text of a Convention. This will be feasible only if each and every one of us approaches the solution of the problems facing us in a reasonable, flexible and business-like manner.

The scientific data on Antarctic living resources assembled by participants in the Meeting, the wealth of experience of the operation of conventions on fishing in other ocean areas throughout the world, the spirit of the Antarctic Treaty, which creates favourable prospects, and the general desire of participants in our Meeting to solve the problems facing us, inspire confidence in the success of the Canberra Meeting. The Soviet delegation, for its part, will do its utmost to help bring about a successful solution of the tasks before us.

Thank you for your attention.

OPENING STATEMENT BY THE LEADER OF THE UNITED KINGDOM DELEGATION, SIR DONALD LOGAN

Mr. Chairman:

We are all very happy to be in Australia and here in Canberra and we appreciate the warm welcome of the Australian Government and the excellence of the arrangements they have made. We appreciate also the singular mark of attention paid to our proceedings this morning by the presence of the two distinguished Ministers of the Australian Government. I think it is a hopeful sign for the work we are now embarking upon that the very highly successful consultative procedures of the Antarctic Treaty stemmed from the First Consultative Meeting held here in Canberra. This should prove a good augury.

My Government also regards it as a very good augury that, as the distinguished Foreign Minister, Mr. Peacock, and others, have mentioned, the Convention for the Conservation of Antarctic Seals will enter into force—after the seventh ratification—while we are here in Canberra. Its entry into force, on 11 March, will be in the middle of our work here. That Convention was really the first step in achieving the purpose that we are now setting about; the Convention will serve as a useful precedent to us in another way, too. In drafting that Convention, it was decided at the time, after much discussion, that the provisions contained in it should best be incorporated in a separate instrument in order to permit States to join it without necessarily acceding to the Antarctic Treaty. So, we think, should be the instrument we are about to work upon. In one way however, I hope experience at the Seals Convention will not be repeated.

That Convention was regarded by the public as an agreement for the harvesting and exploitation of seals, whereas all in this room know that it is a conservation agreement. I hope that the work that we are going to embark upon here will not be similarly misunderstood outside.

Our task, however, is a good deal more difficult than that faced by representatives in 1972 when they drew up the Seals Convention, because we are not concerned here with one species, but with the totality of the Antarctic marine ecosystem. We must ensure that that system is not prejudiced by the over-exploitation of any species found there. We should be concerned with the interplay between one species and another, and with the relationship between species and the environment they inhabit. It is, I think, a new departure to attempt something of this kind and the success that will be achieved is bound to depend on knowledge of the dynamics of the ecosystem as a whole and on knowledge of all species, both as predators and prey, whether or not they are exploited. It seems to us that we shall have to recognize from the start that knowledge of all these matters is limited at the present time and for that reason a conservation regime will have to set initial limits of exploitation at a low level and adjust them as knowledge increases. For scientific reasons this will be necessary. I suggest also that it is necessary in the general interest, for if the world is to come to benefit from a protein producing industry in the Antarctic, or from any other industry that may be developed there, surely the world would require that it shall be a reliable source in the long term and hence that exploitation should not be taken beyond sustainable levels. It will be appropriate to recognise the general interest in what we are doing and we shall need to consider how other interested nations, not represented here, can be associated in later stages of our deliberations.

In short, the aim of my Government in this work will be first to set up an effective regime for the conservation of the Antarctic marine ecosystem as a whole over the long term; second, to create this regime by a separate Convention; third, to ensure that both the regime and the Convention shall be acceptable to the international community.

Some suggestions have been made about the procedure for our work and we shall no doubt be discussing this further quite soon. The United Kingdom has not put forward a draft for consideration. We have felt that a proliferation of drafts will probably complicate our work and that the closer we can get to discussing a single approach the easier will be our discussion. We do, however, have a number of ideas on drafting and I am sure there will be an appropriate way of feeding them in as necessary.

Thank you, Mr. Chairman.

OPENING STATEMENT BY THE LEADERS OF THE UNITED STATES OF AMERICA REPRESENTATIVE, Mr. ROBERT C. BREWSTER

Mr. Chairman, Minister Peacock, Minister Webster:

Permit the United States delegation to add its voice to those of other delegations in extending congratulations to you, Mr. Chairman, on your selection to guide our deliberations here. We look forward to working closely with you and all those here represented.

My delegation is delighted to be here in Canberra. We are indebted to your Government, Mr. Chairman, for its hospitality in having offered this magnificent capital city and this handsome hall the site and location for this Conference. The site, the location, and Australia's distinguished Antarctic history will provide inspiration for us all.

The three weeks which lie ahead will be demanding. We approach them with a sense of excitement and responsibility. This Special Consultative Meeting, as provided in Recommendation IX-2 of the Ninth Consultative Meeting, has as its purpose the elaboration of a definitive regime for the conservation of Antarctic marine living resources. Recommendation IX-2 is an important step in the evolution of the Antarctic Treaty system. It represents a commitment by the Consultative Parties to address directly the major issue on which the Antarctic Treaty is silent: the issue of resources, specifically marine living resources.

The opportunity which the Consultative Parties now have parallels that which existed in 1959. We have the chance to resolve a problem while it is still manageable. If we do so, we will both provide a welcome example of international co-operation and strengthen the Antarctic Treaty. Today marks the opening of a negotiation which may have the most significance for Antarctica since the conclusion of the Treaty itself.

It is a negotiation on a topic on which there is widespread interest in many parts of the world. In my own country, for example, the Congress, public interest groups, and the Press have shown a quickening and informed interest in Antarctica and the living resource issue. The presence on the United States delegation of representatives of three public groups and Congressional staff is a clear reflection of that interest.

We have strong foundations upon which to build:

- our experience in international co-operation under the Treaty, co-operation which is not only reflected in the Consultative Meetings themselves but in the continent of Antarctica as well, co-operation which I recently had the privilege of witnessing for myself.
- our co-operative commitment to the principles and purposes expressed in the Antarctic Treaty.
- our shared scientific accomplishments in Antarctica.
- our mutual goal of protecting the Antarctic environment, we can and must preserve this heritage of co-operation. To do so, we must approach the living resource issue with a spirit of innovation and imagination.

The United States believes that we should here begin the negotiations leading to an international convention to provide for effective conservation of Antarctic marine living resources. Such a Convention would not only strengthen the Antarctic Treaty system but proclaim anew its vigor.

Permit me, Mr. Chairman, to sketch out the main features such a Convention should contain.

The United States seeks to build a Treaty regime that will assure the protection of the Antarctic ecosystem and the conservation of all its component parts. To this end a conservation standard based on an ecosystem approach is essential.

This should establish an obligation to prevent the depletion of populations of Antarctic marine living resources below the levels which produce the greatest net annual increment in those populations and which would ensure that no irreversible or long term changes occur in the structure and species composition of the Antarctic marine ecosystem. Such an approach will allow this and future generations to reap the maximum benefits from these resources.

The regime should establish an organizational structure to oversee and to take action to protect the Antarctic marine ecosystem. That organization should include a Commission composed of representatives of the Contracting Parties, an independent scientific body, and an Executive Secretariat. The organization should have the authority to adopt measures to achieve the conservation standard. To that end, the organization should provide for the acquisition and assessment of data and co-ordinate its activities with other appropriate bodies, both to ensure consistency between the obligations assumed by Contracting Parties and to utilize the best scientific evidence.

The regime should require that the activities of the Contracting Parties and their nationals and vessels in the Antarctic marine ecosystem meet the conservation standard and measures adopted through the organization. Further, the regime should provide the data needed to make conservation decisions. The regime should establish an international observer system to help ensure compliance with conservation measures as well as to assist in gathering information on Antarctic marine living resources.

It is important that the Contracting Parties have available to them independent scientific advice. To this end an independent scientific council should be established to advise the Commission. That council would regularly assess the status and trends of the populations of the Antarctic marine living resources, the effects of harvesting, and the possible effects of proposed measures. It would be the duty of this council to provide objective and thorough analyses and make recommendations solely upon biological and ecological considerations.

Finally, the United States believes that those engaged in harvesting or scientific research within the Antarctic marine ecosystem should fully participate in the regime. Anything less can not guarantee the conservation of the Antarctic marine ecosystem.

Thank you, Mr. Chairman.

II

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III

PRESS STATEMENT

The first session of the Second Special Antarctic Treaty Consultative Meeting, which concluded in Canberra on 16 March, made very useful progress towards the elaboration of a draft definitive regime for Antarctic marine living resources. The main accomplishment of the Meeting was the production of an informal text which will be used as a basis for further negotiations at a resumed session of the meeting later this year.

Drawing attention to the increasing interest being shown in the living resources found in Antarctic waters, the Meeting stressed the importance of such an agreement. The thirteen Consultative Parties—being those countries primarily interested in the Antarctic—had the main responsibility for the protection and preservation of the Antarctic and its living resources. In the nineteen years since the Antarctic Treaty was signed, they had already taken a number of measures within the Treaty framework for the conservation and protection of Antarctic flora and fauna. They renewed their commitment to establish a definitive international regime for the conservation of Antarctic marine living resources before the end of 1978.

A considerable number of proposals were examined at the Meeting, including the texts of a number of draft Conventions. These formed the basis of its work. The Chairman of the Meeting (Mr. J. R. Rowland, Deputy Secretary of the Department of Foreign Affairs) tabled a single informal text reflecting the Chairman's assessment of the main elements in the various approaches suggested. This document was revised in the course of the Meeting to reflect trends which emerged as the discussions proceeded.

The discussions revealed much common ground in the positions of the Consultative Parties and a common agreement that a Commission on the Conservation of Antarctic Marine Living Resources should be established. There was a wide measure of agreement on the functions of such a body.

A common element in the positions of delegations was the need for the Convention to contain a number of agreed principles of conservation which should be applied by the Commission. It was also recognized that in carrying out its function the Commission would require the support of a Scientific Committee which would be a source of informed and objective advice to the Commission.

There was also agreement that the Convention should reflect close links with the Antarctic Treaty. There would be a need to harmonize the activities of the Commission in the field of conservation of marine living resources with the responsibilities of the Antarctic Treaty Consultative Parties for the protection and preservation of the Antarctic environment. It would also be necessary to take account of other relevant international agreements and of international organizations such as FAO, whose co-operation would be important.

Work still remains to be done on important aspects of the regime and in preparation for a decisive meeting to adopt a Convention. The meeting welcomed the invitation of the Government of Argentina for the session to continue its work at a resumed session in Buenos Aires in July. The Australian Representative extended an invitation on behalf of the Australian Government to host at an appropriate stage a definitive meeting to adopt the Convention.