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QUESTION OF ANTARCTICA

Report of the **Secretary-General**

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ABBREVIATIONS

ACMRR (FAO)	Advisory Committee on Marine Resources Research
ATCP	Antarctic Treaty Consultative Party
BIOMASS	Biological Investigations of Marine Antarctic Systems and Stocks
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
COSPAR (ICSU)	Committee on Space Research
EEC	European Economic Community
FAGS (ICSU)	Federation of Astronomical and Geophysical Services
FAO	Food and Agriculture Organization of the United Nations
IABO (IUBS)	International Association for Biological Oceanography
IAGA (ICSU)	International Association of Geomagnetism and Aeronomy
ICAR (IAGA)	Interdivisional Commission on Antarctic Research
ICSU	International Council of Scientific Unions
IGOSS	Integrated Global Ocean Station System
IGY	International Geophysical Year
IOCSOC	ICC Programme Group for the Southern Oceans
IOC (UNESCO)	Intergovernmental Oceanographic Commission
ITU	International Telecommunication Union
IUBS (ICSU)	International Union of Biological Sciences
IUCN	International Union for Conservation of Nature and Natural Resources
IUGG (ICSU)	International Union of Geodesy and Geophysics
IWC	International Whaling Commission
PSMSL (FAGS)	Permanent Service for Mean Sea Level
SCAR (ICSU)	scientific Committee on Antarctic Research

SCOR (ICSU) Scientific Committee on **Oceanic** Research
SCSTP (ICSU) Scientific **Committee** on Solar-Terrestrial **ial** Physics
UNEP United Nations Environment Programme
UNESCO United Nations Educational, Scientific and Cultural Organization
WCRP **World Climate Research Programme**
WMO world Meteorological **Organization**
WWF World Wildlife Fund

I. INTRODUCTION

1. In its resolution 40/156 A of 16 December 1985, the General Assembly requested the Secretary-General to update **and expand the** study on the question of Antarctica (A/39/583 (Part I) and Corr. 1-3 and A/39/583 (Part II) and Corr. 1, vols. I-III) by addressing questions concerning the availability to the United Nations of **information** from the Antarctic Treaty Consultative Parties on their respective **activities** in and their deliberations regarding Antarctica, the involvement of the relevant specialized agencies and intergovernmental organizations in the Antarctic Treaty system and the significance of the United Nations Convention on the Law Of **the** Sea in the southern ocean. The Assembly also **requested** the Secretary-General to **seek** the co-operation of all Member States and the relevant **specialized** agencies, **organs, organizations and bodies** of the United Nations system, as well as the relevant intergovernmental and non-governmental bodies, in the preparation of the **updated** study by inviting them to transmit, **as appropriate**, their views and any information they may **wish to provide**.

2. In accordance with resolution 40/156 A, the Secretary-General, on 10 February 1986, **addressed a note verbale to Member States and** requested them to **submit, not later than 1 May 1986**, their views and the information they were prepared to provide pursuant to **the** relevant provisions of the resolution.

3. **Letters were also sent** to the relevant specialized agencies, organs, organizations and bodies of the United Nations system and to relevant intergovernmental and non-governmental bodies inviting them to submit their views and information on the question of Antarctica.

4. **As at 30 June 1986**, replies from six Member States were received with reference to resolution 40/156 A and **communications** from three States were also **received with reference to** the question of Antarctica and the report of the Secretary-General (A/39/583). To the extent possible, those replies, as well as relevant information provided by the specialized agencies, organs, organizations and **bodies of the United Nations system** and by intergovernmental and **non-governmental bodies**, have been taken into account in **the** preparation of **the present report**. Relevant information **was also** drawn from communications received pursuant to General Assembly resolution 38/77 of 15 December 1983.

5. Because of the strict implementation of the provisions of **document ST/AI/189/Add. 20/Rev. 1 of 20 February 1982** on the **regulations for the control and limitation** of documentation, every effort was made to keep the length of the study **within the limits prescribed by that document**. Consequently, although there is a **vast amount of relevant** information relating to the questions addressed in the **study**, sacrifices in depth, detail and style were unavoidable. It should also be **noted that the present report is an expansion and an update of the previous study**. **Certain** aspects of the question addressed in the present text were dealt with at length in **the first study** and that document should be used **as a reference**.

II. **INVOLVEMENT** OF THE RELEVANT SPECIALIZED AGENCIES AND INTERGOVERNMENTAL ORGANIZATIONS IN THE ANTARCTIC TREATY SYSTEM

A. Relationship of the Antarctic Treaty system with the specialized agencies of the United Nations and other international organizations

1. The Antarctic Treaty and Antarctic Treaty Consultative Meetings

(a) General principles of the relationship of the Antarctic Treaty system with the specialized agencies of the United Nations and other international organizations as established by the Antarctic Treaty and Antarctic Treaty Consultative Meetings

1. The involvement of the United Nations specialized agencies and other international organizations in the Antarctic Treaty system was first foreseen by the Antarctic Treaty itself. Article III of the Antarctic Treaty, inter alia, encourages the establishment of co-operative working relations with those specialized agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica.

2. In 1961, the First Antarctic Treaty Consultative Meeting recommended to the Governments of the Antarctic Treaty Consultative Parties that they should individually encourage the work of international organizations having a scientific or technical interest in Antarctica, including the specialized agencies of the United Nations, and should promote on a bilateral basis, the establishment and development of co-operative working relations with these organizations (Recommendation I-V).

3. In recommendation XI-1 (1981), made with regard to the future régime on Antarctic mineral resources, the Consultative Meeting suggested that the régime should, inter alia, include provisions for co-operative arrangements between the régime and other relevant international organizations. It further suggested that responsibilities that may be exercised in the Antarctic Treaty area by other international organizations should be taken into account in the provisions to be included in the régime so as to ensure that the special responsibilities of the Consultative Parties in respect of the environment in the area are protected.

4. At the Twelfth Consultative Meeting in 1983, a specific responsibility concerning the interaction between the Antarctic Treaty system and the specialized agencies of the United Nations, or other international organizations having a scientific or technical interest in Antarctica, was suggested for the Government of the host country of each Consultative Meeting. According to recommendation XII-6, the Government of such country shall, as and when the representatives of the Consultative Parties consider it appropriate, draw the attention of any of the above-mentioned bodies to any part of the report of the Consultative Meeting, or any information document submitted to the Meeting and made available to the public, relevant to the scientific or technical interest which that agency or organization has in Antarctica.

5. The Twelfth Consultative Meeting also came to the conclusion that, as part of the preparation for each regular Consultative Meeting, the Consultative Parties should consider whether they would be assisted in their discussion of any item of the agenda of the regular Consultative Meeting if a specialized agency of the United Nations or other international organization having a scientific or technical interest in Antarctica were to attend the meeting as an observer when that item was being discussed; and if so, whether the relevant organization should, with the agreement of all Consultative Parties, be invited by the host Government to attend the meeting on that basis.

(b) The relationship of the Antarctic Treaty system with the specialized agencies of the United Nations and other international organizations as demonstrated by the Antarctic Treaty Consultative Meetings

6. The Antarctic Treaty Consultative Meetings provide the forum where, over the years, a number of legally binding recommendations were adopted by the Consultative Parties in connection with the increasing involvement of the specialized agencies and international organizations in the Antarctic Treaty system.

7. In this regard, the following measures were recommended to the Governments of the Consultative Parties for approval and subsequent implementation:

(a) Invitation to an international organization to undertake new Antarctic research, to add new aspects to ongoing research, or to offer advice in specific scientific, technical or environmental fields (recommendations VI-4, VI-5, VII-3, VIII-7, VIII-14, IX-3, X-1, X-3, X-4, XI-2, XI-3, XIII-4, XIII-S);

(b) Encouragement of, and invitation to, an international organization to continue its interest and work in specific fields of Antarctic scientific investigation (recommendations I-IV, III-X, IV-22, VI-4, VI-9, VII-1, VII-2, VIII-10, VIII-11, VIII-14, IX-4, X-7) ;

(c) Taking into consideration viewpoints, recommendations, proposals of and measures by the United Nations specialized agencies and international organizations having scientific, technical or environmental interest in Antarctica (recommendations I-XI, II-I, II-II, V-7, VII-1, VII-7, XI-1, XI-1);

(d) Encouragement of, and invitation to appropriate international organizations to co-operate and consult with each other in specific areas of Antarctic research (recommendations V-3, VIII-11, VIII-13, X-7) ;

(e) Invitation to a specialized agency to provide help and advice in the exchange of meteorological data, and to give consideration to and undertake actions in specific aspects of the problem (recommendations VI-3, X-3, XII-1);

(f) Issuance and adoption as voluntary guidelines of the general rules of conduct with regard to the conservation of Antarctic fauna and flora, as recommended by an international organization (recommendations I-VIII, VII-1) ;

(g) Invitation to **observers** from specialized agencies and appropriate international organizations to attend meetings on Antarctic telecommunications (recommendations I-XI, V-2) ;

(h) Providing an **international organization** with **specific** types of information on Antarctica (recommendations VIII-7, X-3) ;

(i) Facilitation of the exchange of information regarding **plans** for **scientific programmes** carried out through international organizations (recommendation I-I) ;

(j) Co-ordination of meetings and **symposiums organized** by the Governments of **Consultative Parties** on Antarctic logistic problems with similar action undertaken by an **international organization** (recommendation II-II) ;

(k) Adoption of **specific** measures for co-operation in transport in **Antarctica**, as recommended by an international organization (recommendation IX-4) ;

(l) Expression of gratitude to an international organization for the devoted service which it has given to the achievement of a better understanding of the Antarctic and to the development of the Antarctic Treaty system (recommendation X-9) ;

(m) Consideration of requests to meet costs incurred by an international organization when responding to requests for advice by the Antarctic Treaty Consultative Parties (recommendation XII-8) ;

(n) Invitation to an international organization to appoint its representative as an observer at the Consultative Meetings for the specific purpose of reporting on certain matters within its competence (recommendation X111-2).

8. A number of the above-mentioned measures were recommended by the Consultative Meetings with reference to activities, viewpoints, recommendations and decisions of specialized agencies and International organizations concerned with Antarctic research (recommendations III-III, V-2, V-3, VII-2, VII-7, VIII-2, VIII-4, VIII-7, VIII-11, VIII-13, IX-1, IX-3, IX-4, IX-5, X-3, X-6, X-9, XII-1, X11-2, X11-5, X11-8, XIII-4, XIII-S, X111-7, X111-8).

9. According to article IX, paragraph 4, of the Antarctic Treaty, recommended measures "shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures". Among the recommendations referred to in the above paragraphs, the following are not yet in effect:

(a) Recommendations of the thirteenth Consultative Meeting referred to in subparagraphs (a) and (n) of paragraph 7 and paragraph 8 above?

(b) Recommendations of the Twelfth Consultative Meeting referred to in paragraphs 4 and 8, and in subparagraphs (a), (c), (e), and (m) of paragraph 7 above;

(c) **Recommendation XI-1** referred to in paragraph 3 and subparagraph (c) Of paragraph 7 above;

(d) **Recommendations of the Tenth Consultative Meeting** referred to in subparagraphs (a) , (b), (d), (h) and (1) of paragraph 7 and in paragraph 8 above.

2. Convention for the Conservation of Antarctic Seals

10. The purpose of this Convention, which was adopted in 1972 and came into force in 1978, is to forestall any recurrence of destructive exploitation of Antarctic seals.

11. The Convention provides that special advisory and regulatory bodies will be established within its framework should commercial sealing resume in Antarctica. until that time, an international organization, the Scientific Committee for Antarctic Research (SCAR) of the International Council of Scientific Unions, Was invited to assess available information, recommend programmes for research and report on potentially harmful effects of the harvesting of any species of seals.

12. SCAR agreed to carry out the tasks requested of it in the Convention.

3. Convention on the Conservation of Antarctic Marine Living Resources

13. The Convention was adopted in 1980 at a diplomatic conference convened by the Antarctic Treaty Consultative Parties. Besides States, it was also attended by observers from an intergovernmental organization of regional economic integration (EEC) as well as from a specialized agency of the United Nations (FAO) and intergovernmental and non-governmental international organizations (ICC, IUCN, IWC, SCAH and SCOR). Fifteen States and EEC became parties to this Convention, which entered into force in 1992.

14. The Convention established its functional bodies, namely the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and its Scientific Committee. The general principles for the interaction between the Commission and the Scientific Committee on the one hand, and international bodies on the other, are formulated in article XXIII of the Convention. This article provides that the Commission and the Scientific Committee:

(a) Shall co-operate, as appropriate, with the Food and Agriculture Organization of the United Nations and with other specialized agencies

(b) Shall seek to develop co-operative working relationships, as appropriate, with intergovernmental and non-governmental organizations which could contribute to their work, including SCAR, SCOR, and IWC.

15. The Commission was given the right to enter into agreements with the organizations mentioned in article XXIII, as well as with other organizations. This article also provides for invitations to such organizations to send observers to meetings of the Commission and the Scientific Committee and their subsidiary organs.

16. At its third meeting in 1984, the Commission made a clarification regarding the general principles of its co-operation with other organizations. It was agreed that the Commission would not wish to conclude an agreement to accord observer status to an organization which was not willing to accord the same degree of support for the principles and objectives of the Convention as is inherent in membership of the Commission or accession to the Convention.

17. The first meetings of CCAMLR and its Scientific Committee in 1982 were attended by observers from FAO, IWC, ICC and IUCN. In addition to these organizations, SCAR and SCOR participated as observers in the second (1983) and subsequent meetings (1984 and 1985) of CCAMLR and its Committee.

18. At their second meetings and also at subsequent meetings, the Commission and the Scientific Committee discussed, among other things, their co-operation with other organizations in accordance with article XXIII of the Convention. At the meetings held in 1983, the Committee and the Commission confirmed their interest in further developing and maintaining non-formalized working, co-operative relations with FAO, SCAR, SCOR, IWC, IOC and the IUCN. It was noted at these sessions that the secretariat of the Commission had established direct links with the functional bodies of the above-mentioned organizations, including sending observers to their meetings.

19. At its second meeting in 1983, and also at subsequent meetings in 1984 and 1985, the Commission considered requests for observer status at the meetings of the Commission and the Scientific Committee by two non-governmental organizations, Greenpeace International and the Antarctic and Southern Ocean Coalition (ASOC). With regard to the ASOC, the question is still to be resolved by the Commission, pending further clarification from ASOC as to the adherence of the member organizations of ASOC to the principles and purposes of the Convention, in particular those contained in article II, and, in view of ASOC having no constitution, its durability as an organization, the relationship of its representatives with member organizations and, therefore, exactly how communication between the Commission and the member organizations of ASOC would work in practice. As to the request for observer status from Greenpeace International, the Commission noted in 1985 that Greenpeace International was a member organization of ASOC and was of the view that it was preferable for the time being to continue to investigate the possibility of establishing an appropriate channel for informal two-way communication between the Commission and interested non-governmental organizations through a representative umbrella organization.

B. Information provided by the relevant specialized agencies and bodies of the United Nations, as well as by the relevant intergovernmental and non-governmental bodies regarding their involvement in the Antarctic Treaty system

20. This part of the report is based on the responses received from organizations pursuant to General Assembly resolutions 38/77 and 40/156 A. It should be noted that some organizations did not respond to the Secretary-General's request for information while others sent insufficient material. Nevertheless, every effort was made to utilize all available sources of information on the question in the preparation of the present report.

1. World Meteorological Organization

21. International scientific co-operation in Antarctica during the International Geophysical Year (1957-1958) laid down the foundation for the involvement of the specialized agencies and other international organizations in the Antarctic Treaty system. Among the specialized agencies of the United Nations, WMO was the first to develop such co-operative relationships. Since the period of the International Geophysical Year, WMO has been closely involved in many ways in meteorological and related geophysical activities in the Antarctic, including research, as well as world-wide distribution of Antarctic meteorological data as they related to WMO programmes. In this connection, WMO was invited to participate in the meetings of the Antarctic Treaty Group of Experts on Telecommunications.

22. WMO has established close links with the Antarctic Treaty system through its Executive Council Working Group on Antarctic Meteorology. All recommendations of the Group are transmitted to all members who are parties to the Antarctic Treaty prior to their consideration by the Executive Council and prior to implementation by member s.

23. WMO recommendations or resolutions on Antarctic meteorology are brought to the attention of the Consultative Meetings of the Antarctic Treaty through the permanent representatives of the members to WMO. Similarly, requests and recommendations of the Consultative Meetings of the Antarctic Treaty are conveyed to WMO through the permanent representatives of the parties signatory to the Treaty. This mechanism ensures that Antarctic meteorology is a full part of WMO programmes and that the conditions of the Antarctic Treaty are fully respected.

24. At the programme levels the activities of WMO in the Antarctic are closely co-ordinated with SCAR of ICSU and with IOC/UNESCO. In particular, WMO co-operates with the SCAR working Group on Antarctic Meteorology in the planning of the SCAR Antarctic Climate Research Programme in support of the WMO/ICSU World Climate Research Programme; and it works with IOC on the Joint Inteyrated Global Ocean Station System Programme which is concerned with ocean data collection and ocean services in Antarctic waters. At the operational level, WMO co-operates also with ITU in carrying out its World Weather Watch (WW) programme, which is the main programme of the first WMO long-term plan (1984-1993) and which has a global telecommunications system as one of its components.

2s. At present, the extension of WMO activities into the Antarctic is regulated through a number of resolutions of the WMO Executive Council, which were endorsed by the Twelfth Consultative Meeting of the Antarctic Treaty (1983). These resolutions deal, specifically with a meteorological observation network in the Antarctic, the collection and transmission of meteorological data in the Antarctic and adjacent areas, and meteorological data processing activities at stations on the continent.

2. Food and Agriculture Organization of the United Nations

26. One of the objectives of the Food and Agriculture Organization of the United Nations is to promote national and international action for the rational management and development of world fisheries both in fresh waters and in the oceans, including the Antarctic. The problem of the exploitation of Antarctic marine living resources was discussed by the FAO Conference in 1975 and 1977 and by the Committee on Fisheries in 1969, 1975, 1977 and 1978.

27. In 1976-1977, FAO was the executing agency of the preparatory phase of the Southern Ocean Fisheries Survey Programme funded by UNDP. The preparatory phase was approved by the UNDP Governing Council at its twenty-first session in January 1976. In authorizing the Administrator to make the appropriate arrangements for the execution of this phase, the UNDP Governing Council instructed that such arrangements should be made in consultation with the signatories of the Antarctic Treaty. Subsequently, notes verbales were received from the Governments of Argentina and Chile, and correspondence exchanged with the Governments of the United Kingdom and Australia, all of which were concerned that the project's execution should be carried out with special regard to the rights and obligations of the Antarctic Treaty Consultative Parties and in full recognition of the need to work in close co-operation with those countries. A proposal for a main phase project was discussed in several forums, but the drafting of a project document and a work plan for the main phase project was never undertaken in view of the uncertainties which surrounded the future of the programme at that time.

28. Through its Advisory Committee on Marine Resources Research (ACMRR), FAO is co-sponsoring, together with SCOR and the International Association for Biological Oceanography (IABO), the "Group of Specialists on Southern Ocean Ecosystems and their Living Resources", which has been established by SCAR to co-ordinate the BIOMASS programme.

29. Since 1980, when FAO was invited to attend, as an observer, the Diplomatic Conference which adopted the Convention on the Conservation of Antarctic Marine Living Resources, it has been co-operating with CCAMLR on scientific and technical matters. FAO has been invited to attend meetings of CCAMLR and its Scientific Committee as an observer.

30. FAO invited CCAMLR to appoint experts as members of the FAO Co-ordinating Working Party on Atlantic Fishery Statistics (CWP). This co-operation resulted, inter alia, in the adoption of a CCAMLR/CWP statistical form which is now used by both FAO and CCAMLR member countries.

31. Another field of co-operation between FAO and CCAMLR is the preparation, at the request of CCAMLR, of a set of FAO/CCAMLR identification sheets for southern ocean species that are considered to be of present or potential interest to fisheries or requiring special conservation measures. The project is implemented by the FRO regular programme in collaboration with experts on Antarctic resources and with financial support from CCAMLR.

3. International Civil Aviation Organization

32. As the air transport system in Antarctica developed over the years, ICAO became involved in Antarctica. Following the adoption by the Antarctic Treaty Consultative Parties of recommendation VII-7 (1975) on co-operation in transport, ICAO was approached by SCAR with a view to developing potential requirements for a co-operative air transport system in Antarctica.

33. In connection with the question of the application of ICAO standards to different aspects of Antarctic air traffic, in particular to the organization of search and rescue facilities, an expert from the Section on Rules of the Air, Air Traffic Services and Search and Rescue of ICAO participated at the meeting of the SCAR Working Group on Logistics during the last meeting of SCAR in June 1986, in San Diego, United States of America.

4. United Nations Environment Programme

34. UNEP collaborates with different international bodies with regard to Antarctica. The 1980 "World Conservation Strategy" which was prepared on behalf of UNEP and the WWF by IUCN in co-operation with FAO and UNESCO and endorsed by General Assembly resolution 35/74 of 5 December 1980, identifies Antarctica and the southern ocean among the priorities for international action to conserve living resources for sustainable development. The 1984 "Global Plan of Action for the Conservation, Management and Utilization of Marine Mammals" - which was prepared by UNEP and FAO in collaboration with IUCN, IWC and SCAR and endorsed by the UNEP Governing Council in its decision 12/12 (I) - has major implications for the conservation of living resources. It was reported in 1986 that UNEP was planning to issue a contract with SCAR Group of Specialists on Seals, on satellite-compatible telemetric data collection on Antarctic seals as a contribution to this programme.

35. Under the "System-Wide Medium-Term Environment Programme" of the United Nations system for 1984-1989, UNEP concentrates, among other things, on the promotion of the effective implementation of conservation conventions relevant to Antarctica, including the 1946 International Whaling Convention and the 1980 Convention on the Conservation of Antarctic Marine Living Resources.

5. Intergovernmental Oceanographic Commission of UNESCO

36. IOC has established links with the Antarctic Treaty system through its Programme Group for the Southern Ocean (IOCSOC). The Programme Group maintains a working relationship with CCAMLR. The two bodies exchange representatives at their meetings. At present, the Chairman of the Scientific Committee of CCAMLR is also the Chairman of IOCSOC. Working relationships are also established by IOCSOC with IWC, SCAR and SCOR.

37. At the last, fourth session of IOCSOC in 1983, IOC reiterated its interest in the southern ocean, first stated in 1967. At this session, the Programme Group addressed a number of issues concerning IOC involvement in international scientific programmes in the southern ocean such as WCRP, BIOMASS, IGOSS, PSMSL. The Group decided to form a task team on data management for the southern ocean to examine the data management requirements for the region. This study is to be carried out in close consultation with other international bodies, including SCOR and SCAR.

38. The Programme Group also stressed the necessity and vital importance of co-operation with all organizations concerned with research in the southern ocean. The Group felt that in particular, close co-operation and liaison was needed between IOCSOC and SCOR and ACMRR, as scientific advisory bodies of the Commission, and their relevant working groups, as well as with SCAR and its Group of Specialists on Southern Ocean Ecosystems and their Living Resources for the BIOMASS programme. The Programme Group further expressed its interest in the important work carried out by CCAMLR and IWC.

39. At present, IOC and CCAMLR are jointly organizing a scientific seminar on Antarctic Ocean variability and its influence on marine living resources, particularly krill, to be held in Paris, from 2 to 6 June 1987, immediately before the fifth session of the IOCSOC.

6. International Whaling Commission

40. The IWC attends CCAMLR meetings as observer since 1982. At the 35th annual meeting of the IWC held in Brighton, United Kingdom, in 1983, it was decided that it would be sufficient for IWC co-operation with CCAMLR if reciprocal representation at meetings could be by a delegate of a member country who would be attending anyway, together with an exchange of documents made available through the secretariat.

41. At its meetings, the IWC Scientific Committee accorded the CCAMLR observers the status of advisers to the Committee.

42. At present, the IWC is co-operating with CCAMLR by organizing a joint working group on the implications for whales of the management regimes for other marine resources, specifically to consider the role of whales in the Antarctic ecosystem. There are also plans for IWC and CCAMLR to consider jointly sponsoring a workshop on the feeding ecology and distribution of southern baleen whales.

7. Scientific Committee on Antarctic Research of the International Council of Scientific Unions

43. Since the inception of the **Antarctic Treaty**, **SCAR** has maintained its **links** with the Antarctic Treaty **system** by responding to specific requests addressed to it by the Antarctic Treaty Consultative **Parties**. Such requests have been **made** in the **form of** recommendations of the **Antarctic Treaty Consultative Meetings** (for example, see above **para.** 6, subpara. (a) and (b)). Another **type of** involvement by **SCAR** in the Antarctic Treaty system is through **its responsibilities** under the Convention for the Conservation of **Antarctic Seals** (see above **para.** 10-12). **SCAR** is represented as observer at meetings of **CCAMLR** and **its Scientific Committee**. By virtue of recommendation XIII-2 of the Thirteenth **Antarctic Treaty Consultative Meeting** (1985), **SCAR** will be invited, when this recommendation becomes effective, to the **Antarctic Treaty Consultative Meeting** as an observer for the specific purpose of reporting on **certain matters** within its competence,

44. According to the **SCAR Constitution**, each country actively engaged in Antarctic **research** can be represented in **SCAR** by a **scientific delegate**. These countries adhere to **SCAR** through a national **academy of science**, **national research council**, or a comparable body which sends delegates to **SCAR meetings** held every two **years**. The countries that **have** declared an intention to undertake **research** in the region, or who are already active **but** have not yet sought full membership, are **invited** to send their representatives as observers to **SCAR meetings** or become associate members.

45. **SCAR** maintains links with other **members** of **ICSU** that have delegate status in **SCAR**. In addition, observers are invited to **SCAR meetings** from a number of other **interested** international **organizations**, notably from **SCOR** and **COSPAR** of **ICSU**; from the specialized agencies of the united **Nations** and intergovernmental organizations, such as **WMO**, **FAO**, and **IOC**; and from **IUCN**.

46. Much of the **scientific** work conducted by **SCAR** is undertaken through nine permanent **discipline-oriented** groups. For more multi-discipline scientific issues, **SCAR** forms groups of specialists, some of which are co-sponsored by **SCOR**, **IABO** and **ACMRR**.

47. **SCAR**, in collaboration with **ACMRR**, **COSPAR**, **IABO**, **ICAR**, **SCOR**, **SCSTP** and **WMO**, is involved in a number of international research programmes conducted in the **Antarctic** by different nations.

48. **SCAR** is also concerned with the question of an appropriate minerals **regime** for the Antarctic and surrounding seas and it submitted its reports on the subject to the Antarctic Treaty Parties in 1977 and 1983. Since 1964, **SCAR** has been responsible for setting up scientific **guidelines** for the conservation of Antarctic flora and fauna, which were later adopted by the **Antarctic Treaty Parties** and for developing concepts and designating a number of specially protected **areas** and sites of special scientific interest in Antarctica.

8. Scientific Committee on Oceanic Research of the International Council of Scientific Unions

49. With regard to the Antarctic, SCOR, within ICSU, provides the scientific focus for physical and chemical oceanography in the southern ocean.

50. SCOR maintains its direct link with the Antarctic Treaty system through its participation at the meetings of CCAMLR and its Scientific Committee with which SCOR has observer status.

51. Over the years, SCOR has also developed a very close relationship with SCAR and they both co-ponsor a number of joint scientific activities related to the Antarctic such as BIOMASS, sea ice studies and physical oceanography. The mechanism for their interaction is provided through the SCOR working group "General Circulation of the Southern Ocean", and through their joint working groups "Southern Ocean Ecosystems and their Living Resources" and "Antarctic Sea Ice".

9. Committee on Space Research of the International Council of Scientific Unions

52. Working Contacts have been established recently between COSPAR and SCAR with a view to developing closer co-operation in COSPAR studies regarding weather, climate and earth sciences, etc., as they relate to Antarctica. For this purpose, a joint COSPAR/SCAR workshop on "Satellite Observations of the Antarctic: Past, Present and Future" was held during the 25th COSPAR plenary meeting in 1984 in Graz, Austria.

53. The significant scientific potential of satellite observations in Antarctica was emphasized at the workshop, and a more active role for COSPAR was suggested in Antarctica in such global programmes as the WMO/ICSU World Climate Research Programme and the International Solar-Terrestrial Physics Programme proposed for the 1990s.

54. At present, COSPAR maintains relationships with SCAR at the working level through the activities of individual scientists involved in both COSPAR and SCAR.

10. International Union for Conservation of Nature and Natural Resources

55. Since the entry into force of the Convention on the Conservation of Antarctic Marine Living Resources, IUCN has participated as an observer in the meetings of CCAMLR and its Scientific Committee. IUCN is concerned with the conservation of Antarctic resources, which in the view of IUCN, involves ensuring that their exploration and exploitation have minimum environmentally adverse effects.

56. IUCN is currently working with SCAR to develop a programme for long-term conservation in Antarctica as a follow-up to the joint IUCN/SCAR symposium on scientific requirements for Antarctic conservation held in 1985. Thereafter, IUCN and SCAR have established a joint Working Group on Long-Term Conservation of

Antarctica. The Group has now met twice in 1986 and has produced a draft framework document setting out the requirements for Antarctic conservation. A draft IUCN Antarctic programme is now under preparation by the IUCN Director General's Advisory Committee on Antarctica. It is intended that all activities of the Programme will be undertaken in collaboration and consultation with the Antarctic Treaty Parties, SCAR, the members of CCAMLR, and the IUCN members.

III. AVAILABILITY TO THE UNITED NATIONS OF INFORMATION FROM THE ANTARCTIC TREATY CONSULTATIVE PARTIES ON THEIR RESPECTIVE ACTIVITIES IN AND THEIR DELIBERATIONS REGARDING ANTARCTICA

A. Sources and availability of information about activities in Antarctica

1. Provisions of the Antarctic Treaty and recommendations of Antarctic Treaty Consultative Meetings

(a) Article III (1) and relevant recommendations

57. Article III, subparagraph 1 (a) of the Antarctic Treaty provides that "information regarding plans for scientific programmes in Antarctica be exchanged to permit maximum economy and efficiency of operations". Subparagraph (c) of the same article provides that information regarding plans for scientific programmes, observations and results "be exchanged and made freely available".

58. Article III has been further developed by a number of recommendations which have been approved by the Antarctic Treaty Consultative Parties. Recommendation I-I states that "the Representatives recommend to their Governments that they should facilitate the continuation of the exchange of information regarding plans for scientific programmes as now carried out through the Special Committee on Antarctic Research".

59. By recommendation I-III, the Antarctic Treaty Consultative Parties recommend to their Governments that they should promote the exchange and making available of observations and results from Antarctica through the recognized international data-gathering centres and by such other means as may be appropriate to ensure the exchange and free availability of this information. It is also important to note that recommendation XIII-5 calls for improving the comparability and accessibility of scientific data on Antarctica.

60. One of the ways in which scientific information is exchanged and made available is through publication in the scientific literature. Some measure of the magnitude of Antarctic scientific publications may be obtained by consulting the comprehensive Antarctic bibliographies published by the Antarctic Treaty Consultative Parties.

(b) Article VII (5) and relevant recommendations

61. In accordance with article VII (5) on inspection and observation, Parties to the Antarctic Treaty are under the obligation to provide each other with extensive

information on expeditions, stations, military personnel and equipment. Information about inspections is available in national publications on the subject. In response to General Assembly resolution 38/77, requesting the Secretary-General to prepare a study on the question of Antarctica, one Consultative Party, the Government of the United States forwarded to the Secretary-General of the United Nations, as part of its submission on the question, inspection reports of its observer teams for the years 1964, 1971, 1975, 1977, 1980 and 1983.

62. The Eighth Consultative Meeting, held in 1975, consolidated various provisions into one recommendation elaborating the standard format for the annual exchanges of information (recommendation VIII-C) which brought uniformity to these exchanges. The standard format for the annual exchanges of information between parties indicates the range of matters now covered, including telecommunication facilities, tourism matters, and measures dealing with living resources and logistic problems (A/39/583 (Part I), annex to chap. XII).

63. Recommendation XIII-1 encourages Consultative Parties to make these exchanges of information available upon request. Australia, Japan and New Zealand submitted such information as part of their reply in response to General Assembly resolution 38/77. Some of the other Antarctic Treaty Consultative Parties also make a practice of making these exchanges available,

2. Agreed Measures for the Conservation of Antarctic Fauna and Flora

64. These measures, approved under recommendation III-VIII in 1964, aim at: protecting native mammals, birds and plants; providing special protection for rare or vulnerable species; preventing the introduction of non-indigenous species; alleviating water pollution adjacent to the coast and ice shelves and providing for specially protected areas.

65. Article XII of the Agreed Measures for the Conservation of Antarctic Fauna and Flora deals with the exchange of general information concerning such matters as: the collection and exchange of records (including records of permits) and statistics concerning the number of each species of native mammal and bird killed or captured annually in the Treaty area, exchanging information as to the status of native mammals and birds in the Treaty area, and the extent to which any species needs protection; the number of native mammals or birds which should be permitted to be harvested for food, scientific study or other uses in the various regions) and the establishment of a common form in which this information shall be submitted by participating governments in accordance with paragraph 2 of this article.

66. According to paragraph 2 of the same article, each participating government shall inform the other Governments about steps taken and information relating to the implementation of these Agreed Measures. Governments exchanging information through the Annual Exchange of Information under paragraph 5 of article VII of the Antarctic Treaty transmit, at the same time, information relating to the implementation of these Agreed Measures (see para. 63).

3. Convention for the Conservation of Antarctic Seals

67. Under article 5 of the Convention, a comprehensive system for exchanging information is established, whereby each Contracting Party has an obligation to provide each year to other Contracting Parties and to the SCAR a summary of statistical information on all seals killed or captured by their national⁵ and vessels. This information is publicly available and may be obtained from SCAR headquarters. It is also published in the SCAR Bulletin.

4. Convention on the Conservation of Antarctic Marine Living Resources

68. Under article XX of the Convention, the Commission members shall provide annually to the Commission and to the Scientific Committee such statistical, biological and other data and information as the Commission and Scientific Committee may require in the exercise of their functions. Commission members shall also provide, in the manner and at such intervals as may be prescribed, information about their harvesting activities so as to enable reliable catch and effort statistics to be compiled. All data and catch statistics are submitted to CCAMLR for publication and are publicly available. Commission members shall also provide information on steps taken to implement the conservation measures adopted by the Commission and these are maintained as part of the available public record.

5. Scientific Committee on Antarctic Research

69. Whenever the Treaty Parties are in need of scientific advice or information about Antarctica, they have, through formal recommendations, turned to SCAR. The Antarctic Treaty Consultative Parties have called upon SCAR to render advice and information on a variety of subjects such as logistics, conservation, living resources of the southern ocean, telecommunications and the exploration and exploitation of mineral resources in Antarctica.

70. These subjects are dealt with by various reports of a special nature published by SCAR. These reports such as the Report of Possible Environmental Effects of Mineral Exploration and Exploitation in Antarctica published by SCAR in 1979 are ad hoc in nature. In the view of SCAR, such special reports should be made widely available. Other occasional publications by SCAR are issued from time to time. For example, SCAR has published the four volumes produced to date in the BIOMASS Scientific Series.

71. SCAR requires each member nation, through its national committee, to submit an annual report on its ongoing programmes of research and other activities in Antarctica. The national report must contain a list of the occupied stations with their latitudes and longitudes, plans for the following year for both summer and winter, and a bibliography on publications related to Antarctic research that have been published since the Previous report. These reports become available to the United Nations system because the Secretary-General of WMO automatically receives a copy from the national committees=

72. Reports of the biennial meetings of SCAR as well as meetings of its Executive Committee, groups of specialists, working groups and sub-committees are included in the SCAR Bulletin, published in January, May and September of each year, and is publicly available. The Bulletin is published by the Scott Polar Research Institute of Cambridge, United Kingdom. Reports of the biennial meeting are also published in Spanish by the Instituto Antarctica Argentina in Buenos Aires.

B. Sources and availability of information about the Antarctic Treaty system

1. Regular consultative meetings

73. Recommendations and reports of the Antarctic Treaty Consultative Meetings have been publicly available in the national publications of each Consultative Party and in the national publications of the nation which serves as a host of a Consultative Meeting. In accordance with recommendation XII-6 (1983), the government of the host country shall, on behalf of the consultative parties, automatically send a certified copy of the final report and recommendations of regular Consultative Meetings to the Secretary-General of the United Nations. The Secretary-General has received both the reports of the Twelfth and Thirteenth Consultative Meetings and a letter transmitting these documents to the Secretary-General is published as an official document of the United Nations. Conference and information documents of these meetings are not yet available. However, recommendations adopted at the Twelfth and Thirteenth Consultative Meetings have dealt with the need to increase the public availability of these documents (see paras. 85 to 89).

2. Special consultative meetings

74. Six special Consultative Meetings have been convened so far. At the First (1977), Third (1981), Fifth (1983), and Sixth Special Consultative Meetings (1985), it was decided that certain countries were entitled to consultative status. In its recommendation 1X-2, the Second Special Meeting held in 1977-1980, convened a series of meetings to conclude a régime for the conservation of marine living species and resulted in the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) in 1980. Under Recommendation XI-1, the Fourth Special Meeting, which is ongoing, convened a series of meetings to conclude a régime to govern the possibility of Antarctic mineral resources development.

75. The reports of the First, Second (all formal sessions), Third, Fifth, and Sixth Special Consultative Meetings are publicly available. With respect to the Fourth Special Consultative Meeting on the question of Antarctic mineral resources, there have been eight meetings. The reports of the two formal sessions, which summarize the sessions, are publicly available. Reports were not prepared on the six informal sessions and the documentation from these meetings is not available. Press statements were prepared by the Chairman at the conclusion of each session (formal or informal) and these statements are publicly available.

3. Convention for the Conservation of Seals

6. Although the Convention, which entered into force in 1978, provides for the setting UP of special advisory and regulatory bodies, there are no regular meetings under this Treaty due to the absence of commercial sealing activity in the southern ocean. For this reason, the parties to the Treaty agreed that there was no need to meet in 1983 to review the operation of the Treaty every five years as called for in article 7. SCAR has been invited to perform special functions for the purposes of the Convention in the absence of commercial sealing.

77. Under article 5 of the Convention, the contracting parties have been providing information called for by the Convention to SCAR and this information is made publicly available by SCAR (see para. 67 above).

4. Convention on the Conservation of Antarctic Marine Living Resources

78. The Convention establishes a Commission (CCAMLR) and a Scientific Committee which convene annually in August and September at the Commission's headquarters. These bodies produce information about the operation of the Convention (para. 68). Informal working groups may be convened during interessional periods.

79. The Convention is the only Antarctic Treaty system forum which has invited United Nations specialized agencies to participate as observers. Under the rules of procedure of the Commission, observers receive reports of those meetings they have attended. Observers may attend public and private meetings although Commission members may request that meetings be restricted to Commission members and original signatories on any particular agenda item. FAO and the ICC/UNESCO attend meetings of the Commission and its Scientific Committee.

80. Five meetings of the Commission and the Scientific Committee have been held to date. All the reports of those meetings are publicly available from the Executive Secretary, CCAMLR, Hobart, Australia.

5. Information submitted in response to requests by the United Nations Secretariat in accordance with General Assembly resolutions

81. In response to General Assembly resolution A/38/77, a total of 16 ATCPs submitted information to the Secretary-General for his report on the question of Antarctica (A/39/583, part I and Corr.1 and 2, and part II, vols. I-III and III/Corr.1).

82. Included in these submissions are inter alia, general information about Antarctica, research activity reports, annual reports to SCAR, exchanges of information under article VII (5) of the Treaty and bibliographies on Antarctica.

83. This information is kept in the United Nations Secretariat and is available to all delegations.

C. Measure 8 taken by the Antarctic Treaty Consultative Parties at the XII and XIII Consultative Meetings to increase the public availability of information about the Antarctic Treaty system

1. Consultative meeting reports

84. As noted earlier, in accordance with recommendation XII-6, the Antarctic Consultative Parties agreed to send a copy of the final report of Consultative Meetings to the Secretary-General of the United Nations and, as appropriate, to draw the attention of other specialized agencies having a technical or scientific interest in Antarctica to portions of these reports or other information documents relevant to their interests.

2. Documentation of consultative meetings

85. Another matter of concern to the Consultative Parties has been the question of whether the working documents of Consultative Meetings should be made available to the public. There are reportedly differing views among the Antarctic Consultative Parties on the sensitivity of negotiating documents as well as different national practices regarding them.

86. By recommendation XII-C, it was decided that starting with the Thirteenth regular Consultative Meeting, delegations should indicate, when submitting an information document, if they wish that document to be publicly available after closure of the meeting and provided no Consultative Party has objected, if any Consultative Party or non-Consultative Party which has been invited to that **meeting** may make such document publicly available on such terms as it may prescribe. No delegation at the Thirteenth Meeting designated documents they submitted as publicly available.

87. Recommendation XII-6 also stated that the Consultative Parties **will** consider in what circumstances conference and information documents, which have not been identified in accordance with the preceding paragraph as intended to be publicly available, may be made available. Because of the large number of documents submitted to the 12 preceding Consultative Meetings, the Thirteenth Meeting limited its consideration to the conference and information documents **of** the first three Consultative Meetings (1961, 1962, and 1964). The Meeting also decided that there was **in** principle no need for them to continue to be treated as confidential. The Meeting agreed that any Consultative Party that wished a conference and information document submitted to the First, Second or Third Consultative Meetings to remain confidential, should so notify Belgium, the host Government for the Meeting, by 31 December 1985. The Belgian Government would inform all other Parties of any such notification received by **it; subject** to such notification, the Conference and information documents of these three Consultative Meetings need no longer **be** treated as confidential after 31 December 1985. No **Consultative** Party chose to so inform the Government of Belgium of any objection on this matter.

88. The Meeting **also** agreed that it would be appropriate to carry forward the consideration of this matter at the Fourteenth Consultative Meeting, with particular reference to the conference and information documents of the Fourth to Seventh Consultative Meetings,

3. Handbook of the Antarctic Treaty

89. Recommendation XII-6 also deals with the Handbook **of** the Antarctic Treaty. The Handbook **sets** out the text of the Antarctic Treaty, the measures in furtherance of the principles and objectives of the Treaty recommended at Consultative Meetings held from 1961 to date and the relevant portions of the reports of the Antarctic meetings.

90. Interest was expressed by some delegations at the Thirteenth Meeting in preparing versions of the Handbook in other Treaty languages beside English, which would greatly assist in disseminating information about the Antarctic Treaty more widely.

4. The White Book

91. Also discussed at the Twelfth Consultative Meeting was the **possibility** of disseminating general knowledge of the Antarctic Treaty system through the future elaboration of an extensive report - a White **Book** - on the history and achievements of the Antarctic Treaty.

92. At the Thirteenth Meeting, the possibility of proceeding further with the elaboration of a White **Book** was further discussed. While delegations were **favourably** disposed to pursue the idea further, not all were yet prepared to commit themselves to it. Delegations agreed to consider the matter further at the Fourteenth Meeting.

5. Recommendation XIII-1: Ensuring and facilitating the availability of information

93. Recommendation XII-6 also invited the depositary government to examine the **question** of information about the Antarctic Treaty system, including publicly available documents arising from **Consultative** Meetings, with a view to identifying the **sources** from which such information can be obtained.

94. The **United States**, as depositary government, reported to the Thirteenth Meeting and suggested steps to ensure and facilitate the availability of **adequate** and **accurate** information about the Antarctic **Treaty** system. This paper formed the basis for **recommendation XIII-1**.

95. Recommendation XXII-1 decided **that**:

(a) Efforts be continued to ensure that final reports of Consultative Meetings provide full and accurate records of these meetings, including:

/...

(i) The general trends of **discussion** of the specific agenda items considered **as well** as steps or actions taken as a result of decisions or recommendations adopted at **previous** consultative meetings, and

(ii) Appropriate additional documentation of the **meeting;**

(b) The Antarctic Treaty Handbook he regularly maintained **as** a **current**, compilation **of recommendations** and **other** actions **agreed** by Consultative Meetings)

(c) To the greatest **extent** practicable and feasible and in accordance with national laws and regulations, the following **be** made available on request:

(i) Final reports of Consultative **Meetings;**

(ii) The Antarctic Treaty Handbook;

(iii) Annual exchanges of information they provide under the Antarctic **Treaty;**

(d) Their national **committees** he encouraged to make available, on **request** and in accordance with national laws and regulations, annual activities reports that **these committees** submit to **SCAR;** 1/

(e) On **request** and in accordance with national laws and **regulations**, up-to-date information he **made** available to the greatest extent practicable and feasible, on:

(i) The location of depositories of data, examples and **collect ions** resulting from scientific research in Antarctica, and

(ii) The nature and Location of **bibliographies** or **other** information sources concerning reports and published **worke** related to Antarctic matters, **including** those related to scientific research activities in Antarctica

(f) A national contact **point**, or contact points, he designated and charged with the functions referred to in subparagraph (c) above and maintaining **the** information referred to in subparagraph (e) **above;**

(g) The **names** and addresses of the institutions or entities designated as national contact points, pursuant to subparagraph (f) above, he **published** as an annex to the final report of each Consultative Meeting and the Antarctic Treaty Handbook and be otherwise **publicly** disseminated.

96. The **Meeting** agreed to keep **this matter** under continual review.

97. As noted earlier, recommended **measures** shall **become effective** when approved by all the **Contracting Parties** whose representatives were entitled to participate in

the meetings held to consider those measures. Recommendations decided upon at the Twelfth Meeting have been approved by Argentina, Australia, the Federal Republic of Germany, Japan, New Zealand, Norway, South Africa, the Union of Soviet Socialist Republic and the United States. At present, none of the recommendations decided upon at the Thirteenth Meeting have been approved.

D. Information resulting from the interaction of the Antarctic Treaty system with United Nations specialized agencies and programmes and the Scientific Committee on Antarctic Research

1. United Nations agencies

98. The interaction between the Antarctic Treaty system and the United Nations, as described in the previous chapter, has resulted in the information becoming available to certain United Nations agencies and programmes such as, inter alia, the World Meteorological Organization, the Food and Agriculture Organization of the United Nations and the Intergovernmental Oceanographic Commission of IJNESCO.

(a) World Meteorological Organization

99. The Antarctic Treaty Consultative Parties contribute information to the World Climate Research Programme (WCRP), which is co-ordinated jointly by WMO and ICSU. The co-operation of the ATCPs with WMO in the field of telecommunications results in the exchange of relevant information for both. Recommendation X-3 of the Tenth Antarctic Consultative Meeting described the telecommunications network for the exchange of meteorological data both within the Antarctic and between the Antarctic and the Global Telecommunications System (GTS) of the World Weather Watch (WWW).

(b) Intergovernmental Oceanographic Commission of UNESCO

100. Co-operation with the IOC has included contributions by the ATCPs to the IOC Programme Group for the Southern Oceans (IOCSOC). 2/ For example, in 1983, the Programme Group noted the importance of co-ordinated activities in the southern ocean, and the need for sharing logistics, especially on research vessels, and that information transfer is essential to such sharing although it is often either incomplete or not disseminated sufficiently in advance of planned activities to ensure effective logistical co-ordination. The Programme Group recommended that the IOC secretariat and the relevant national offices make every attempt to improve the description of national oceanographic programmes and declared national oceanographic programmes. It also requested its Chairman to circulate information about national oceanographic programmes as it becomes available. The Programme Group also recommended that the IOC invite member States to identify national correspondents for such information so that it is properly distributed, and that the UNESCO IMS Newsletter include information on southern ocean programmes as it becomes available.

101. In a submission to the fourth session of the IOCSOC, 3/ one ATCP suggested that IOCSOC should enhance its co-ordinating role in the execution of the IOC/WMO Programme on Climate Research and ensure the rapid exchange of information on national programmes in the southern ocean.

(c) Food and Agriculture Organization of the United Nations

102. FAO, as a result of its observer status at CCAMLR meetings, can gain information aimed at gaining a deeper understanding of the structure and functioning of the Antarctic marine ecosystem as a basis for the future management of Antarctic living resources.

103. Since the inception of CCAMLR, FAO has co-operated with that body on science and technical matters and this has resulted in an exchange of information on matters of mutual interest.

104. Co-operation between the Co-ordinating Working Party of FAO with CCAMLR on Atlantic Fishery Statistics (CWP) resulted, inter alia, in the adoption of a CCAMLR/CWP statistical form. The form is designed, reproduced, and distributed by FAO. Once completed by the statistical offices of CCAMLR member countries, the forms are returned both to FAO and CCAMLR, thus ensuring consistency in the data published by both organizations.

105. In another field of co-operation, FAO prepares, at the request of CCAMLR, a list of FAO/CCAMLR identification sheets for southern ocean species that are considered to be of present or potential interest to fisheries or requiring special conservation measures.

106. On the basis of data received from different States, including the ATCPs, FAO produces a yearly publication entitled Yearbook of Fishery Statistics which includes the waters included in the Antarctic region.

2. The special role of the Scientific Committee on Antarctic Research

107. In discussing the availability of information from the Treaty system to the United Nations system of organizations, reference should be made to the special role of SCAR. Although indirect, relations between bodies such as SCAR and United Nations agencies and programmes are worth noting in that they often lead to a further source of information for the United Nations system.

108. The constitution of SCAR provides that it "may establish liaison and co-operate with any international organization concerned with research activities in the Antarctic. At the request of international organizations, SCAR may provide scientific and technological advice". It is through this type of co-operation that a source of information becomes available to United Nations agencies and programmes with a scientific or technical interest in Antarctica.

109. The following are examples of co-operation between SCAR and specialized agencies of the United Nations: a representative of the SCAR Working Group on Biology is serving as liaison with a UNEP/FAO effort to implement a draft Global Plan of Action for Conservation Management and Utilization of Marine Mammals; WMO is represented on SCAR Working Group on Meteorology and as such its representative receives all the working group correspondence; the SCAR Group of Specialists on Antarctic Climate Research established in 1981 co-operates, inter alia, with WMO

and IOC/UNESCO, the Group of **Specialists** on Antarctic Sea Ice established in 1983 co-operates with the IOC and other **bodies**; the **SCAR** Working Group on **Logistics** discusses with the international **Civil Aviation** Organization (ICAO) the application of ICAO standards for different aspects of Antarctic **air traffic**. In addition, **SCAR is one** of the co-sponsors of the 1976-1986 **BIOMASS Programme** along with the **ACMRR** of FAO and other bodies.

110. A **BIOMASS Newsletter** is published periodically by SCAB to facilitate communication **among** the BIOMASS community and those **interested** in Antarctic research. A BIOMASS data base **is** lodged with the British **Antarctic Survey** in Cambridge, United Kingdom. The **IOC/UNESCO is** on the distribution lists for information **about** the BIOMASS **programme**, in addition to which there is **both** formal and informal communication.

111. The **SCAR Group** of Specialists on Seals is in working contact with UWEP in connection with the FAO/UNEP Global Plan of Action for the Conservation, Management and Utilization of **Marine** Mammals, and with the **ACMRR** of FAO in connection **with** the BIOMASS **programme**.

112. According to **SCAR**, all the aforementioned agencies receive copies of the **SCAR Bulletin** and are welcome to ask for any further information they may require **on any** specific topic.

IV. SIGNIFICANCE OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA IN THE SOUTHERN OCEAN

113. The General Assembly requested an additional study on, inter alia, the "significance" of the United **Nations Convention on the Law of the Sea** (referred to hereinafter in this section as the Convention) in the Southern Ocean. For the purposes of this study, the **Southern Ocean** is viewed as **being** the southern continuation of the Atlantic, Indian and Pacific Oceans. Its northern boundary is considered to be the Antarctic Convergence which generally lies between 45' and 60' **south latitude**. 4/

114. The Convention which was opened for signature on 10 **December 1982**, received a total of 159 signatures by 9 **December 1984**, the closing date for signature. As at **30 September 1986**, **32** instruments of ratification had been deposited with the Secretary-General. The Convention will **enter** into force 12 months after the date of deposit of the sixtieth instrument of ratification or accession. It is already having a **stabilizing** effect on the law of the sea at **both** national and international levels and the recent judgments of the International Court of Justice and arbitral awards have **taken** into consideration **developments** in the law of the sea **as** reflected in the Convention (see A/38/570, A/39/647 and A/40/923).

115. One of the **main objectives** of the Convention is to establish a new legal order for the seas and **oceans**, taking into account recent developments and the **needs** of the international community. It **is** a **global convention** applicable to all ocean space. No area of ocean space is excluded. It follows that the Convention **must** be of significance to the **Southern Ocean** in the sense that its provisions also apply to that ocean.

116. Examination of the significance of the Convention in the Southern Ocean involves the issue of the relationship of the Convention to the other conventions and international agreements applicable to the area. On the general issue of the relationship of the Convention with other conventions and international agreements the Convention states, inter alia, that it "shall not alter the rights and obligations of States Parties which arise from other agreements compatible with this Convention and which do not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Convention". 5/

117. Of particular importance in this respect is the Antarctic Treaty in force between 32 States (a majority of which have signed the Convention) 6/ which sets forth principles and rules to be applied not only to the Antarctic continent, but also to the maritime space of the Antarctic. The Treaty is aimed at furthering the purposes and principles embodied in the Charter of the United Nations by ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica. It is open for accession by any Member of the United Nations or by any other State that may be invited to accede to it. A network of substantive agreements, including the Antarctic Treaty itself and a body of agreed recommendations, agreed measures and additional instruments have been adopted pursuant to the Antarctic Treaty - all of which constitute the Antarctic Treaty system. 7/ For the purposes of the Antarctic Treaty, Antarctica is defined as an area south of 60° south latitude, which embraces a considerable extent of maritime space. Certain conventions of a global character dealing with aspects of the law of the sea also apply to the Southern Ocean.

A. Peaceful uses of the seas

118. One of the objectives laid down in the preamble of the 1982 Convention is the establishment of a legal order for the seas and oceans which will promote their peaceful uses. This theme is taken up in various parts of the Convention. 8/ For instance the Convention states that "the high seas shall be reserved for peaceful purposes" and that the sea-bed and ocean floor and subsoil thereof beyond the limits of national jurisdiction (the Area) "shall be open to use exclusively for peaceful purposes". Installations constructed for carrying out activities in the International Sea-Bed Area (referred to hereafter as the Area) are to be used exclusively for peaceful purposes. The conference, which will be convened to review the operation of the system of exploration and exploitation of the Area, shall ensure, inter alia, that the Principle of using the Area exclusively for peaceful purposes is maintained. In addition, marine scientific research is to be conducted exclusively for peaceful purposes.

119. The leitmotiv of the Antarctic Treaty is to ensure that Antarctica shall be used exclusively for peaceful purposes and shall not become the scene or object of international discord. 9/ Any measures of a military nature, such as "the establishment of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any type of weapons" are prohibited. Thus the Treaty bars all military activities in Antarctica. Furthermore it prohibits any nuclear explosions and the disposal of radioactive waste in Antarctica. To secure these ends the Treaty also provides for a system of observation and inspection. 10/ However, the Treaty states that nothing in it shall prejudice or

in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area. 11/

B. Marine scientific research

120. Under the Convention all States have the right to conduct marine scientific research, subject to the rights and duties of other States as provided for in the Convention 12/ and States and competent international organizations are enjoined to promote and facilitate the development and conduct of marine scientific research.

121. The Convention expressly makes freedom of scientific research a freedom of the high seas. States Parties to the Convention have the right to carry out marine scientific research in the Area, exclusively for peaceful purposes and for the benefit of mankind as a whole. The rules of the Convention governing marine scientific research including the powers granted the International Sea-Bed Authority in article 143, apply to the high seas and the international sea-bed area extending south of 60° south latitude.

122. The Convention has established special régimes for marine scientific research for areas falling under the sovereignty and jurisdiction of coastal States. Coastal States have the exclusive right to regulate, authorize and conduct marine scientific research in their territorial sea. Marine scientific research in the exclusive economic zone and on the continental shelf is subject to the consent régime embodied in the Convention. These special régimes are applicable to the Southern Ocean in so far as such areas exist (see below, para. 139 and ff).

123. The Antarctic Treaty, embracing a significant part of the Southern Ocean, provides for the freedom of scientific investigation and co-operation towards that end as basic principles, particularly geared to the conditions of Antarctica. It establishes a mechanism for promoting international co-operation in scientific investigation in Antarctica and encourages the establishment of co-operative relations with those specialized agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica. 13/ To this end, the Consultative Meetings of the Antarctic Treaty have approved a number of recommendations which are binding upon the Treaty Parties if approved by them.

124. The provisions of the Convention relating to marine scientific research in the high seas apply to those parts of the Southern Ocean which constitute the high seas. However, the position with regard to States not parties to the Antarctic Treaty conducting marine scientific investigation in maritime areas adjacent to claimed territories is not clear.

C. protection and preservation of the marine environment

125. The Convention imposes a general obligation on States to protect and preserve the marine environment, 14/ with respect to: (a) pollution from land-based sources; (b) pollution from sea-bed activities subject to national jurisdiction; (c) pollution from sea-bed activities beyond national jurisdiction; (d) pollution

from activities in the Area; (e) pollution from dumping; (f) pollution from vessels; and (g) pollution from or through the atmosphere. 15/

126. The measures that States shall take to combat pollution of the marine environment significantly include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life. States are also obliged to take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction and control and to avoid introducing alien or new species to a particular part of the marine environment which may cause significant and harmful changes to that environment.

127. With respect to activities in the Area, appropriate rules, regulations and procedures are required to be adopted, inter alia, to prevent, reduce and control pollution, paying particular attention to the need for protection from the harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices related to such activities. Measures should also be adopted to protect and conserve the natural resources of this area and to prevent damage to the flora and fauna of the marine environment.

128. The Convention deals expressly with the relationship between its part XII (Protection and Preservation of the Marine Environment) and other conventions and agreements relating to the protection and preservation of the marine environment. Specific obligations assumed by States under these conventions and agreements are not prejudiced by the provisions of part XII. However, these obligations should be carried out in a manner consistent with the general principles and objectives of the Convention. 16/

129. There are measures and regulations concerning protection and preservation of the marine environment applicable to the Southern Ocean that have been approved on the global level under the auspices of the International Maritime Organization, the United Nations Environment Programme etc. On the regional level such measures have been elaborated within the framework of the Antarctic Treaty (see A/39/583 (Part I), para. 3, sect. III). These rules and regulations are generally compatible with the Convention.

D. Conservation and management of marine living resources

130. The Convention provides that coastal States have sovereign rights, over all the natural resources to be found in their exclusive economic zones, as well as specific rights and obligations with respect to the conservation and management of living resources. 17/ All States have the right to fish on the high seas - a right which flows from the freedom of the high seas. This right, however, is subject, among other things, to any treaty obligations and to the rights and duties as well as the interests of coastal States provided for, inter alia, in article 63, paragraph 2, and articles 64 to 67. These provisions relate to straddling stocks, highly migratory species, marine mammals, anadromous stocks and catadromous

species; they all have effect to a greater or lesser extent on the legal régime Of the high seas.

131. All States have the general duty to co-operate in the conservation and management of the living resources of the high seas. 18/ In particular they have a duty, where their "nationals exploit identical living resources or different living resources in the same area", to enter into negotiations with a view to taking the necessary conservation measures and as appropriate establish subregional or regional organizations. In establishing conservation measures it is the duty Of States under the Convention to take measures which are designed, on the best scientific evidence available to the States concerned, to maintain or restore populations Of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global. The Convention further provides that States shall take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened. With respect to fishing on the high seas the Convention expressly declares that States must ensure that the conservation measures and their implementation do not discriminate in form or in fact against the fishermen of any State.

132. On the initiative of the Antarctic Treaty Consultative Parties two instruments have been adopted for the conservation of Antarctic marine living resources, the Convention for the Conservation of Antarctic Seals (1972) and the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR, 1980). 19/ Neither of these two treaties makes any distinction within the waters of the Antarctic area, but both are specific with regard to the outer limits of the area of application: the Convention for the Conservation of Antarctic Seals applies to areas situated south of 60° south latitude; the area of application of the CCAMLR is the Antarctic Convergence. The application area of the two instruments respectively include all ocean space comprised between each of those limits and the Antarctic coastline.

133. The CCAMLR states that the term "conservation" includes rational use and it adopts the ecosystem-oriented approach with respect to the conservation of marine living resources. This approach is somewhat different from the notion of "maximum sustainable yield* adopted in the Convention.

134. The CCAMLR has established a Commission for the Conservation of the Antarctic Marine Living Resources to give effect to its objectives and principles. The Commission shall take into account regulations or measures adopted by existing fisheries commissions responsible for species which may enter the area to which the CCAMLR applies. 20/ The Commission must also seek to co-operate with contracting parties exercising jurisdiction in marine areas adjacent to the area of application of the CCAMLR in respect of the conservation of any stock or stocks of associated species which occur both within those areas and the area of application of the CCAMLR. 21/

135. Any State interested in research or harvesting activities in relation to Antarctic marine living resources can accede to the **CCAMLR**. Contracting Parties to **CCAMLR** not parties to the Antarctic Treaty acknowledge "the special obligations and responsibilities of the Antarctic Treaty Consultative Parties for the **protection** and preservation of the marine environment of the Antarctic Treaty area". 22/ Such States are bound by articles I to VI of this **instrument** which concerns, inter alia, the issues of peaceful purposes and **sovereignty**. 23/ Any acceding State is entitled to membership in the **Commission** for the Conservation of Antarctic Marine Living Resources as long as it is engaged in research or harvesting activities in relation to the **Antarctic marine living resources**. 24/

136. The Convention on the Conservation of Antarctic Seals is designed to promote and achieve the objectives of protection, scientific study and **rational use** of Antarctic seals, and to maintain a satisfactory balance within the ecological system. It establishes measures which are subject to review in the light of scientific assessment and envisages the establishment of a system of inspection. Since there is no commercial sealing in the **area**, the Convention plays **mostly** a preventive role.

137. The above-mentioned Conventions as well as the International Convention for the Regulation of Whaling (1946), which **also** applies to the waters of the Southern Ocean, are in accord with the **requirements** of the Convention.

V. ISSUES OF **SOVEREIGNTY** AND JURISDICTION

138. The Convention can be viewed as dividing ocean space into two categories of **areas**: areas falling under the sovereignty and jurisdiction of coastal States and areas beyond the limits of national jurisdiction. The former includes the internal waters, the territorial **sea**, the contiguous zone, the exclusive economic zone and the continental shelf. To these may be added the special **régimes** for islands. 25/ The high seas and the international **sea-bed area** are maritime areas beyond the limits of national jurisdiction.

A. Areas falling within the sovereignty and jurisdiction of States

139. The question whether the **régime** embodied in the Convention relating to maritime **areas falling** under national sovereignty or jurisdiction applies to Antarctica is linked to the legal status of the land **masses** in Antarctica. Within the Southern Ocean there are islands that are subject to the undisputed sovereignty of various States. The **régime** of the Convention applies to such islands. Legislative acts concerning the **territorial seas and the continental shelves** around these islands have to a large extent been enacted by coastal States, and in certain instances declarations on **200** miles exclusive economic or fishery zones have **been** made.

140. With respect to **Antarctica**, seven State^s parties to the Antarctic Treaty have claimed sovereignty over territories and some of these **claims overlap**. Two States, while not **recognizing any territorial claims** in Antarctica, **maintain** a basis of **claims** in respect of Antarctic **territories**. Other States within the system have

not made any claims nor do they recognize claims to sovereignty. A part of the Antarctic continent remains free from claims of national sovereignty.

141. The Antarctic Treaty has devised a mechanism for dealing with these conflicting positions. This is embodied in article IV which states:

"1. Nothing contained in the present Treaty shall be interpreted as:

"(a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;

"(b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;

"(c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of Or claim or basis of claim to territorial sovereignty in Antarctica.

"2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force. "

142. From the perspective of the Parties to the Antarctic Treaty, the extent to which the various type% of maritime jurisdiction can be exercised by claimant States in the Antarctica depends on how article IV of the Antarctic Treaty is interpreted. The Antarctic Treaty Consultative Parties themselves are not in agreement on this question (see also A/39/583 (Part I), sect. II.B, III.F). States which have claimed territorial sovereignty in Antarctica have not renounced their rights. They assert claims to maritime jurisdiction over adjacent waters on the basis that title to territory automatically involves jurisdiction over appurtenant waters and continental shelves. Such rights, in their view, are merely an attribute of their sovereignty. On the other hand non-claimant States do not recognize any claims to territorial sovereignty in the Antarctic area. A number of these States also argue that certain assertions of sovereign rights over resources constitute a new claim or the extension of an existing claim to territorial sovereignty and therefore prohibited by article IV (2) of the Antarctic Treaty. 26/ The validity of maritime claims is a broader question than that addressed in the present paragraph. It is not merely dependent on an interpretation of article IV, which is only binding upon the Parties.

143. The non-recognition of territorial sovereignty in Antarctica by some of the States parties to the Treaty is shared by a number of States not parties to the Antarctic Treaty. Some of these latter States contend that Antarctica should be the common heritage of mankind. 27/

144. This issue was also dealt with in the CCAMLR. The area of application of this

instrument, extended north of 60' south latitude up to a point where the Antarctic **Convergence** begins covering certain islands over which there was generally undisputed sovereignty. In **order** to deal with certain problems arising from this extension the mechanism utilized in the Antarctic Treaty was somewhat modified. Article IV of the **CCAMLR** includes an analogous provision to that of article IV of the Antarctic Treaty with the exception of paragraph 2 (b) which states:

"**Nothing** in this Convention and no acts or activities taking place while the Convention is in force shallt

"..."

"(b) be interpreted as a renunciation or diminution by any Contracting Party of, or as prejudicing, any right or claim or basis of claim to exercise coastal State jurisdiction under international law within the area to which this Convention **applies;**".

This provision enabled both claimant and non-claimant States to maintain their respective positions with respect to the question of whether attempts to establish fishing or exclusive economic zones were permissible under article IV of the Antarctic Treaty or constituted an enlargement of existing claim. With respect to the right of States to coastal jurisdiction in areas north of 60' south latitude a compromise solution was found through a statement by the Chairman of the Conference regarding the application of the **CCAMLR régime** to waters adjacent to the islands over which the existence of State sovereignty was recognized by all parties to the **Treaty**,

145. In the light of the differences referred to above, the extent to which the provisions of the Convention relating to national sovereignty and jurisdiction apply to the area of application of the Antarctic Treaty, and hence their significance thereto, remains unclear. The application area of the Treaty (the waters south of the 60' south latitude) indicates the limits of the areas within which the parties undertake to regulate their conduct and is not based on any claim of sovereignty or jurisdiction. The manner in which the instruments of the Antarctic Treaty system are applied by the Antarctic Treaty Parties supports this.

146. With respect to the delineation of baselines. it should be noted that there are unique geophysical conditions prevailing in the Antarctic region which neither the Convention nor any other rule of international law has dealt with. In the case of the **Antarctic** continent, the low waterline along the coast varies considerably because the ice layer permanently covering the land mass flows outwards **and its** extension changes depending upon the season.

0. Areas beyond the national jurisdiction of States

1. High seas

147. The provisions of the Convention relating to the high seas apply to **all parts** of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State or in the archipelagic waters of an

/...

archipelagic State. In the high seas all States enjoy, inter alia, the freedom of navigation) of overflight) freedom to lay submarine cables and pipelines; to construct artificial Islands and other installations; and the freedom of fishing and of scientific research. 28/ The general rules relating to the high seas apply to the Southern Ocean.

2. The International Sea-Bed Area

148. The international régime under the Convention includes principles and rules governing the exploration and exploitation of the resources of the Area. It establishes an International Sea-Bed Authority - an organization designed to give effect to the principle that "The Area and its resource@ are the common heritage of mankind". 29/ No State may claim or exercise sovereign rights over any part of the Area or its resources or appropriate any part thereof. 30/ Activities in the Area shall be organized, carried out and controlled by the Authority acting on behalf of mankind as a whole and for its benefit. 31/

149. The area over which the international régime established in part XI of the Convention will apply is defined as the "sea-bed and ocean floor and subsoil thereof beyond the limits of national jurisdiction". 32/

150. Since neither the parallel 60° south nor the Antarctic Convergence are limits of national jurisdiction, the Area would extend beyond those lines into the Southern Ocean. This is acknowledged by the Antarctic Treaty parties. At the eleventh Consultative Meeting, the Antarctic Treaty Consultative Parties, a majority of whom are signatories to the Convention, adopted a decision with respect to the régime of Antarctic Mineral Resources which stated that the régime should apply to all mineral resource activities taking place on the Antarctic continent and its adjacent off-shore areas "but without encroachment on the deep sea-bed". They further decided that the precise limits of the area of application would be determined by the Antarctic Treaty Consultative Parties in the elaboration of the régime. 33/ As the Antarctic mineral resources régime is still under negotiation among the Antarctic Treaty Consultative Parties, it is not possible to analyse at this stage its scope and content nor to consider its relationship with the principles on which the international régime for the Area is based.

151. On the basis of the definition of the Area the sea-bed and ocean floor and subsoil thereof which lie beyond national jurisdiction are regulated by the international sea-bed régime embodied in the Convention. The precise determination of the limits of the Area in the Southern Ocean presents complex problems. First, there are claimed areas and unclaimed areas in Antarctica. Second, there is the position of claimant and non-claimant States within the Antarctic Treaty system. Third, there is the position of the Antarctic Treaty Consultative Parties referred to in paragraph 150. Fourth, there is the position of a number of States not parties to the Antarctic Treaty which do not recognize claims in Antarctica. And fifth, there is the position of those among the latter which contend that Antarctica should be proclaimed as the common heritage of mankind. As in the case referred to in paragraph 145, therefore, the question of the applicability of the international régime for the sea-bed and ocean floor beyond national jurisdiction to the sea-bed in the Antarctica region, and hence the significance thereto, remains unclear.

Notes

1/ In response to **General Assembly resolution 38/77**, Australia, the German Democratic Republic, Japan, **New Zealand and the United States** submitted **these reports** to the United Nations Secretary-General for the preparation of his report on the question of Antarctica (**A/39/583, Part I and Part I/Corr.1, Part II, vols. I-III and III/Corr.1**).

2/ **IOC/SOC-IV/3-P; 9-10. Antarctic Treaty Consultative Parties** participating in the work of this Group **include:** Argentina, Australia, Brazil, Chile, China, France, Germany, Federal Republic of, India, **New Zealand, Norway, Poland,** the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Uruguay.

3/ Appendices to document **IOC/PG/IV/6 (1982)** entitled **"Scientific Investigations at the Southern Oceans: a Possible Role for the IOC"**.

4/ See report of the Secretary-General (A/39/58: (Part I)). The term **Southern Ocean** as used in resolution **40/156** is explained by **Malaysia (see A/C.1/40/PV.55)**.

5/ United Nations Convention on the Law of the Sea, art. 311, **para. 2.**

6/ The following parties to the Antarctic **Treaty** (Consultative and Non-Consultative) **have** signed the Convention: Argentina, **Australia, Belgium, Brazil, Bulgaria, Cuba, Czechoslovakia, Chile, Denmark, Finland, France, German Democratic Republic, Hungary, India, Italy, Japan, Nether lands, New Zealand, Norway, Papua New Guinea, People's Republic of China, Poland, Romania, South Africa, Spain, Sweden, Uruguay and Union of Soviet Socialist Republica.** Cuba ratified it. Germany, Federal Republic of, Peru, United Kingdom and the United States of America did **not sign** it.

7/ See **A/C.1/40/PV.48 (Australia)**.

8/ United Nations Convention on the Law of the Sea, arts. **88, 141, 147, para. 2 (d), 155, para. 2, 143, para. 1, 240 (a), 242, para. 1 and 246, para. 3.**

9/ **Antarctic Treaty, Preamble and art. I. See A/39/583 (Part I), paras. 66 to 70 and 161 to 170.**

10/ **Antarctic Treaty, art. VII.**

11/ Ibid., art. VI.

12/ United Nations Convention on the Law of the Sea, attn. **238, 239, 87, 143, 245 and 246.**

13/ **Antarctic Treaty, art. III, para. 2.**

Notes continued

- 14/ United Nations Convention on the Law of the Sea, art. 192.
- 15/ Ibid., part XIII.
- 16/ Ibid., art. 237.
- to 73. 17/ United Nations Convention on the Law of the Sea, arts. 55 to 57 and 61
- 18/ Ibid., arts. 87 and 116 to 119.
- 19/ See also Agreed Measures for the Conservation of Antarctic Fauna and Flora adopted at the 3rd consultative meeting (1964). Further see Report of the Secretary-General A/39/503 (Part 1), sects. II.B, III.F.
- 20/ Ibid., art. IX, para. 5.
- 21/ Ibid., art. XI.
- 22/ Ibid., art. V.
- 23/ Ibid., articles III and IV.
- 24/ Ibid., art. VII, pars. 2 (b) .
- 25/ United Nations Convention on the Law of the Sea, arts. 8, 2, 3, 33, 55 to 58, 76 and 121.
- 26/ See Buah, Antarctica and International Law, A Collection of Inter-State and National Documents, vol. I, p. 62.
- 27/ See A/C.1/40/PV.48 (Malaysia) A/C.1/40/PV.50 (Bangladesh), Ibid. (Sudan) ; Ibid. (Libya) ; Ibid. (Pakistan) Ibid. (Thailand) ; A/C.1/40/PV.53 (Nepal) ; Ibid. (Cape Verde) ; Ibid. (Algeria) ; Ibid. (Kenya) . See the Declaration of the Organization of African Unity (OAU), at its forty-second ordinary session, held in Addis Ababa from 10 to 17 July 1985.
- 28/ United Nations Convention on the Law of the Sea, arts. 86 and 87.
- 29/ United Nations Convention on the Law of the Sea, art. 136. See also the Declaration of principle governing the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction General Assembly resolution 2749 (XXV) adopted by 108 votes to none, with 14 abstentions.
- 30/ Ibid., art. 137.
- 31/ Ibid., art. 140.

Notes (continued)

32/ Ibid., art. 1, para. 1 (i).

33/ Eleventh Meeting of the Antarctic Treaty Consultative Parties,
Recommendation XI-1, para. 7, IV.
