

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1978 Nr. 141

A. TITEL

*Verdrag inzake Antarctica;
Washington, 1 december 1959*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1965, 148.

C. VERTALING

Zie *Trb.* 1965, 148.

D. PARLEMENT

Zie *Trb.* 1967, 63.

E. BEKRACHTIGING

Zie *Trb.* 1965, 148.

F. TOETREDING

Zie *Trb.* 1965, 148, *Trb.* 1967, 63, *Trb.* 1973, 140 en *Trb.* 1976, 34.

G. INWERKINGTREDING

Zie *Trb.* 1965, 148 en *Trb.* 1967, 63.

J. GEGEVENS

Zie *Trb.* 1965, 148, *Trb.* 1967, 63, *Trb.* 1968, 21, *Trb.* 1969, 83, *Trb.* 1971, 154, *Trb.* 1973, 140 en *Trb.* 1976, 34.

De Aanbevelingen welke tijdens de van 9 tot 20 juni 1975 te Oslo gehouden Achtste Consultatieve Conferentie werden aangenomen zijn door de volgende Staten goedgekeurd: Argentinië, Australië (behalve 1 t/m 5*), België, Chili, Nieuw-Zeeland, Noorwegen, Polen, de Sowjet-Unie, het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland, de Verenigde Staten van Amerika (behalve 1, 2 en 5*) en Zuid-Afrika.

Tijdens de van 19 september tot 7 oktober 1977 te Londen gehouden Negende Consultatieve Conferentie werd een aantal Aanbevelingen aangenomen waarvan de Engelse tekst als volgt luidt:

IX - 1

Antarctic mineral resources

The Representatives,

Recalling the provisions of the Antarctic Treaty, which establishes a regime for international cooperation in Antarctica, with the objective of ensuring that Antarctica should continue forever to be used exclusively for peaceful purposes and should not become the scene or object of international discord;

Bearing in mind the provisions of Article IV of the Treaty;

Convinced that the framework established by the Antarctic Treaty has proved effective in promoting international harmony in furtherance of the purposes and principles of the United Nations Charter, in ensuring the protection of the Antarctic environment, and on promoting freedom of scientific research in Antarctica;

Noting with thanks the Report of the Scientific Committee on Antarctic Research (SCAR) Group of Specialists entitled Preliminary Assessment of the Environmental Impact of Mineral Exploration/Exploitation in Antarctica (EAMREA);

Recognizing nevertheless that adequate scientific data concerning the harmful environmental effects of activities related to the exploration and exploitation of Antarctic mineral resources, should they occur, are not yet available;

Concerned that unregulated activities related to exploration and exploitation of mineral resources could adversely affect the unique

*) Deze Aanbevelingen werden aanvaard als interim-richtlijn.

environment of the Antarctic and other ecosystems dependent on the Antarctic environment;

Conscious that the Consultative Parties to the Antarctic Treaty in carrying out scientific research in the area have accumulated valuable experience and can substantially contribute to the protection of the environment and the rational use of Antarctic mineral resources, should exploration or exploitation thereof occur;

Aware of the special responsibilities of Consultative Parties to ensure that any activities in Antarctica, including commercial exploration and exploitation in the future, should they occur, should not become the cause of international discord, of danger to the unique Antarctic environment, of disruption to scientific investigation, or be otherwise contrary to the principles or purposes of the Antarctic Treaty;

Recommend to their Governments that:

1. They reaffirm the basic principles set forth in Recommendation VIII-14 of the Eighth Antarctic Treaty Consultative Meeting;

2. They take note with appreciation of the Report of the Group of Experts on Mineral Exploration and Exploitation annexed to the Report of the Ninth Consultative Meeting and make the best possible use of its conclusions and guidelines;

3. They continue to study the environmental implications of mineral resource activities in the Antarctic Treaty Area and hold at a time and place to be arranged through diplomatic channels a meeting of ecological, technological and other related experts, in accordance with Recommendation IV-24, with a view to developing scientific programmes aimed at:

- (i) improving predictions of the impact of possible technologies for mineral exploration and exploitation in the Antarctic, as outlined in Section IIB of the Report of the Group of Experts, and in Section 5 of the SCAR EAMREA Group Report;
- (ii) developing measures for the prevention of damage to the environment or for its rehabilitation, in accordance with Section IIC of the Report of the Group of Experts;

4. They endorse the following principles elaborated at the Special Preparatory Meeting held in Paris from 28 June to 10 July 1976: -

- (i) The Consultative Parties will continue to play an active and responsible role in dealing with the question of the mineral resources of Antarctica;
- (ii) the Antarctic Treaty must be maintained in its entirety;
- (iii) protection of the unique Antarctic environment and of its dependent ecosystems should be a basic consideration;

- (iv) the Consultative Parties, in dealing with the question of mineral resources in Antarctica, should not prejudice the interests of all mankind in Antarctica;
5. They note that the provisions of Article IV of the Antarctic Treaty shall not be affected by the regime. It should ensure that the principles embodied in Article IV of the Antarctic Treaty are safeguarded in application to the area covered by the Antarctic Treaty;
6. They study the content of a future regime based on the principles contained in paragraphs 4 and 5 and on such further principles, rules and arrangements as may be agreed, taking full account of all proposals submitted to the IXth Consultative Meeting;
7. The subject "Antarctic Resources – the Question of Mineral Exploration and Exploitation" be the subject of intensified consultation among them and they urge the host Government of the Tenth Consultative Meeting to convene a meeting to consider legal and political aspects of mineral resource issues; this meeting to report to the Tenth Consultative Meeting on the results of its work;
8. They urge their nationals and other states to refrain from all exploration and exploitation of Antarctic mineral resources while making progress towards the timely adoption of an agreed regime concerning Antarctic mineral resource activities. They will thus endeavour to ensure that, pending the timely adoption of agreed solutions pertaining to exploration and exploitation of mineral resources, no activity shall be conducted to explore or exploit such resources. They will keep these matters under continuing examination;
9. The subject "Antarctic Resources – The Question of Mineral Exploration and Exploitation" be placed on the Agenda of the Tenth Antarctic Treaty Consultative Meeting.

IX – 2

Antarctic marine living resources

The Representatives,

Recalling the special responsibilities conferred upon the Consultative Parties in respect of the preservation and conservation of living resources in the Antarctic by virtue of Article IX paragraph 1 (f) of the Antarctic Treaty;

Recalling further the history of action taken by Consultative Parties concerning conservation and protection of the Antarctic ecosystem

including, in particular, Recommendations III-VIII, VIII-10, VIII-13 and IX-5;

Noting that concentrations of marine living resources are found in the Antarctic Treaty area and adjacent waters;

Aware of the need to compile more information with a view to developing a good scientific foundation for appropriate conservation measures and rational management policies for all Antarctic marine living resources;

Recognising the urgency of ensuring that these resources are protected by the establishment of sound conservation measures which will prevent overfishing and protect the integrity of the Antarctic ecosystem;

Concerned that interim guidelines for the protection and conservation of Antarctic marine living resources are desirable until such time as a definitive regime enters into force;

Convinced that provision for effective measures to conserve Antarctic marine living resources as well as for collection and analysis of the data necessary to develop such measures will require the early conclusion of a definitive conservation regime;

Recommend to their Governments that:

I

SCIENTIFIC RESEARCH

1. To the greatest extent feasible, they cooperate broadly and comprehensively in scientific investigations, and in the exchange of information thereon, relating to the Antarctic marine environment and that they intensify as far as possible scientific research related to Antarctic marine living resources;

2. In planning their marine activities in the Antarctic, they have regard to the advantages that will accrue from coordination by them of their scientific investigations contributing to the BIOMASS programme;

3. They give sympathetic consideration to the provision of practical measures (such as ships, ship time, personnel and finance) in support of the implementation of the BIOMASS programme or other similar programmes;

4. They examine the possibility of integrating, in so far as is practicable, research vessel programmes with the activities of other vessels, and make available on vessels operating in the Antarctic, other than research vessels contributing directly to the BIOMASS

programme, time and facilities for routine observations aimed at extending the data base for the programme.

II

INTERIM GUIDELINES FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

1. They observe the following interim guidelines pending entry into force of the definitive regime for Antarctic Marine Living Resources:

(a) they cooperate as broadly and comprehensively as possible in the mutual exchange of statistics relating to catch of Antarctic Marine Living Resources;

(b) they should show the greatest possible concern and care in the harvesting of Antarctic Marine Living Resources so that it does not result in the depletion of stocks of Antarctic marine species or jeopardizing the Antarctic marine ecosystem as a whole;

(c) they urge those Governments which are not parties to the Antarctic Treaty and which engage in activities involving the use of the marine living resources of Antarctica to take account of these guidelines;

2. They review these interim guidelines as and when necessary and in any event following the conclusion of the definitive regime with a view to their future elaboration in the light of the provisions of the definitive regime.

III

ESTABLISHMENT OF A DEFINITIVE CONSERVATION REGIME

1. A definitive regime for the Conservation of Antarctic Marine Living Resources should be concluded before the end of 1978.

2. A Special Consultative Meeting be convened in order to elaborate a draft definitive regime, and in particular:

(a) to determine the form of the definitive regime, including the question as to whether an international instrument such as a convention is necessary;

(b) to prepare, if necessary, draft rules of procedure for a subsequent decisive meeting for the establishment of the definitive regime;

(c) to decide on participation in such a meeting by States other than Consultative Parties which are actively engaged in research and

exploitation of Antarctic Marine Living Resources and the participation, on an observer basis, of appropriate international organisations;

(d) to finalise the date and place of the decisive meeting;

(e) to take any other steps in order to facilitate the work of the decisive meeting referred to above.

3. The Special Consultative Meeting shall base its work on this recommendation and take account of the discussions at the Ninth Consultative Meeting, its report and the documents presented to it, and, in the elaboration of a draft definitive regime, shall take into account *inter alia* the following elements:

(a) the regime should explicitly recognise the prime responsibilities of the Consultative Parties in relation to the protection and conservation of the environment in the Antarctic Treaty area and the importance of the measures recommended by the Consultative Parties to this end;

(b) the provisions of Article 4 of the Antarctic Treaty shall not be affected by the regime. It should ensure that the principles embodied in Article 4 are safeguarded in application to the marine areas south of 60° South latitude;

(c) the regime should provide for the effective conservation of the marine living resources of the Antarctic ecosystem as a whole;

(d) the regime should cover the area of specific competence of the Antarctic Treaty;

(e) the regime should, however, extend north of 60° South latitude where that is necessary for the effective conservation of species of the Antarctic ecosystem, without prejudice to coastal state jurisdiction in that area;

(f) the regime should not apply to species already regulated pursuant to existing international agreements but should take into account the relationship of such species to those species covered by the regime.

IX - 3

Improvement of telecommunications in the Antarctic

The Representatives,

Considering that requirements in the field of telecommunications as regards collection and dissemination of meteorological data and

the need for, scientific, administrative and operational traffic, have developed substantially since the second telecommunications meeting of experts of the Consultative Parties held in Buenos Aires in 1969;

Considering that the implementation of Recommendation VI.1 and VII.7, and participation in the programmes of the World Meteorological Organisation, particularly the World Weather Watch, require a thorough review and improvement of the network operating in the Antarctic;

Recommend to their Governments that they:

1. Compile comprehensive data, each for its own part, on the types of traffic, modes of transmission, timing, frequencies of their telecommunications schedules and current equipment of their telecommunications programmes in the Antarctic, as well as on projects in the process of implementation and proposed improvements, in particular by designating, where appropriate, stations capable of replacing others in the event of breakdown.

2. Forward all such data to each of the other Consultative Parties via diplomatic channels on the one hand and on the other by direct despatch to the departments concerned.

3. Arrange for a meeting of telecommunications experts to be held, on the initiative of the Government of the host country, before the Tenth Consultative Meeting, to analyse the data thus compiled, suggest desirable measures of harmonisation and put forward recommendations on improvements to be made in the operation of the telecommunications network in the Antarctic.

4. Request SCAR through their National Antarctic Committees to undertake, at the earliest opportunity, a study of the most recent applications of science and technology to the specific problems of the Antarctic in the field of propagation of radio waves, and to pass on its conclusions to the Consultative Parties prior to their Tenth Meeting or if necessary to the next Consultative Meetings.

IX - 4

Co-operation in transport

The Representatives,

Recalling the appropriate provisions of the Treaty as well as Recommendation VIII-7;

Acknowledging the comprehensive report on transport resources and potential requirements delivered to the Fourteenth Meeting of the Scientific Committee on Antarctic Research (SCAR);

Concurring that the most effective use of aviation assets will be in coordinated air support projects (as circumstances permit) without major additional construction or investment;

Noting that new types of aircraft, equipment, and facilities are either being developed or likely to be introduced, and the continuing need for standardization of facilities and procedures to ensure effective coordination;

Recommend to their Governments that:

1. They request SCAR, through their National Antarctic Committees, to continue the work of the Sub-committee on Cooperative Air Transport System for Antarctica (CATSA) of the Working Group on Logistics.

2. They request their offices responsible for the administration of Antarctic expeditions to adopt, to the extent practicable, such measures for improved compatibility of facilities and procedures as SCAR might be able to suggest.

IX - 5

Man's impact on the Antarctic environment

The Representatives,

Recommend to their Governments that they approve the following declaration on the Protection of the Antarctic Environment,

The Governments participating in the Ninth Antarctic Treaty Consultative Meeting,

Deeply aware that the Antarctic environment is unique and vulnerable to contamination and disturbance,

Determined to protect the Antarctic environment from harmful interference,

Having particular regard to the conservation principles developed by the Scientific Committee on Antarctic Research (SCAR) of the International Council of Scientific Unions,

Recalling their obligation to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the Antarctic Treaty,

Declare as follows:

1. The Consultative Parties recognise their prime responsibility for the protection of the Antarctic environment from all forms of harmful human interference.

2. They will ensure in planning future activities that the question of environmental effects and of the possible impact of such activities on the relevant ecosystems are duly considered.

3. They will refrain from activities having an inherent tendency to modify the Antarctic environment unless appropriate steps have been taken to foresee the probable modifications and to exercise appropriate controls with respect to harmful environment effects.

4. They will continue to monitor the Antarctic environment and to exercise their responsibility for informing the world community of any significant changes in the Antarctic Treaty Area caused by man's activities.

IX - 6

Oil contamination of the Antarctic marine environment

The Representatives,

Recommend to their Governments that:

1. They consider the possibility of preparing reports concerning the pathways by which oil may reach the Antarctic marine environment as a result of man's maritime activities in the Antarctic;

2. They include in these reports proposals relating to practicable means, if any, by which such oil contamination might be reduced;

3. They consider the possibility of instituting, in association with appropriate organisations, a programme for the determination of base-line levels of contamination of the Antarctic marine environment by oil;

4. They provide such reports as they may have prepared to, and further consider this matter at, the Meeting of Experts recommended

in paragraph 3 of Recommendation X-1, with a view to making proposals concerning these matters for consideration at the next Consultative Meeting.

Op 18 juli 1978 heeft België de bovenstaande Aanbevelingen aanvaard.

Uitgegeven de *zesde* november 1978.

De Minister van Buitenlandse Zaken,
C. A. VAN DER KLAUW