

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1983 Nr. 57

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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, *Trb.* 1976, 34 en *Trb.* 1980, 180.

Behalve de aldaar genoemde Staten heeft nog de volgende Staat in overeenstemming met artikel XIII, derde lid, een akte van toetreding bij de Regering van de Verenigde Staten van Amerika nedergelegd:

Italië . . . . . 18 maart 1981

*Verklaring van voortgezette gebondenheid.*

De Regering van de volgende Staat heeft de Regering van de Verenigde Staten van Amerika medegedeeld zich gebonden te achten aan het Verdrag, dat op haar grondgebied toepasselijk was verklaard vóór zij de onafhankelijkheid verwierf:

Papoea Nieuw-Guinea . . . . . 16 maart 1981

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, *Trb.* 1976, 34, *Trb.* 1978, 141 en *Trb.* 1980, 180.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Handvest der Verenigde Naties zie ook *Trb.* 1981, 174.

De tijdens de van 19 september tot 7 oktober 1977 te Londen gehouden Negende Consultatieve Conferentie aangenomen Aanbevelingen (tekst in rubriek J van *Trb.* 1978, 141) zijn voorts nog aangenomen door Frankrijk, Japan, Noorwegen en Polen.

De Aanbevelingen welke tijdens de van 17 september tot 5 oktober 1979 te Washington, D.C., gehouden Tiende Consultatieve Conferentie werden aangenomen, zijn door de volgende Staten goedgekeurd: Australië, België, Chili, Japan, Nieuw-Zeeland, Polen, de Verenigde Staten van Amerika en Zuid-Afrika.

Tijdens de van 23 juni tot 7 juli 1981 te Buenos Aires gehouden Elfde Consultatieve Conferentie werd een aantal Aanbevelingen aangenomen waarvan de Engelse tekst als volgt luidt:

XI-1

**Antarctic mineral resources**

The Representatives,

Recalling the provisions of the Antarctic Treaty, which established 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;

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 prohibiting inter alia any measures of a military nature, in ensuring the protection of the Antarctic environment, in preventing any nuclear explosions and the disposal of any radioactive waste material in Antarctica, and in promoting freedom of scientific research in Antarctica, to the benefit of all mankind;

Convinced, further, of the necessity of maintaining the Antarctic Treaty in its entirety and believing that the early conclusion of a regime for Antarctic mineral resources would further strengthen the Antarctic Treaty framework;

Desiring, without prejudice to Article IV of the Antarctic Treaty, to negotiate with the full participation of all the Consultative Parties to the Antarctic Treaty an appropriate set of rules for the exploration and exploitation of Antarctic mineral resources;

Noting the unity between the continent of Antarctica and its adjacent offshore areas;

Mindful of the negotiations that are taking place in the Third United Nations Conference on the Law of the Sea;

Reaffirming their commitment to the early conclusion of a regime for Antarctic mineral resources which would take due account of the respective interests of the Consultative Parties as regards the form and content of the regime, including decision-making procedures, as well as the special characteristics of the Antarctic area;

Recalling Recommendations VII-6, VIII-14, IX-1 and X-1;

Recalling, further, Recommendations VI-4, VII-1, VIII-11, VIII-13, IX-5, IX-6 and X-7,

Recommend to their Governments that:

1. They take note of the progress made toward the timely adoption of a regime for Antarctic mineral resources at the Eleventh Consultative Meeting and related meetings and the importance of this progress.

2. A regime on Antarctic mineral resources should be concluded as a matter of urgency.

3. A Special Consultative Meeting should be convened in order:

- a) to elaborate a regime;
- b) to determine the form of the regime including the question as to whether an international instrument such as a convention is necessary;
- c) to establish a schedule for negotiations, using informal meetings and sessions of the Special Consultative Meeting as appropriate; and

d) to take any other steps that may be necessary to facilitate the conclusion of the regime, including a decision as to the procedure for its adoption.

4. The Special Consultative Meeting should base its work on this Recommendation and the relevant Recommendations and Reports of the Eighth, Ninth and Tenth Antarctic Treaty Consultative Meetings.

5. The regime should be based on the following principles:

a) the Consultative Parties should continue to play an active and responsible role in dealing with the question of Antarctic mineral resources;

b) the Antarctic Treaty must be maintained in its entirety;

c) protection of the unique Antarctic environment and of its dependent ecosystems should be a basic consideration;

d) the Consultative Parties, in dealing with the question of mineral resources in Antarctica, should not prejudice the interests of all mankind in Antarctica;

e) the provisions of Article IV of the Antarctic Treaty should not be affected by the regime. It should ensure that the principles embodied in Article IV are safeguarded in application to the area covered by the Antarctic Treaty.

6. Any agreement that may be reached on a regime for mineral exploration and exploitation in Antarctica elaborated by the Consultative Parties should be acceptable and be without prejudice to those States which have previously asserted rights of or claims to territorial sovereignty in Antarctica as well as to those States which neither recognize such rights of or claims to territorial sovereignty in Antarctica nor, under the provisions of the Antarctic Treaty, assert such rights or claims.

7. The regime should inter alia;

I. Include means for:

a. assessing the possible impact of mineral resource activities on the Antarctic environment in order to provide for informed decision-making;

b. determining whether mineral resource activities will be acceptable;

c. governing the ecological, technological, political, legal and economic aspects of those activities in cases where they would be determined acceptable, including:

– the establishment, as an important part of the regime, of rules relating to the protection of the Antarctic environment; and

- the requirement that mineral resource activities undertaken pursuant to the regime be undertaken in compliance with such rules.

II. Include procedures for adherence by States other than the Consultative Parties, either through the Antarctic Treaty or otherwise, which would:

a. ensure that the adhering State is bound by the basic provisions of the Antarctic Treaty, in particular Articles I, IV, V and VI, and by the relevant Recommendations adopted by the Consultative Parties; and

b. make entities of that State eligible to participate in mineral resource activities under the regime.

III. Include provisions for cooperative arrangements between the regime and other relevant international organizations.

IV. Apply to all mineral resource activities taking place on the Antarctic Continent and its adjacent offshore areas but without encroachment on the deep seabed. The precise limits of the area of application would be determined in the elaboration of the regime.

V. Include provisions to ensure that the special responsibilities of the Consultative Parties in respect of the environment in the Antarctic Treaty, area are protected, taking into account responsibilities which may be exercised in the area by other international organizations.

VI. Cover commercial exploration (activities related to minerals involving, in general, retention of proprietary data and/or non-scientific exploratory drilling) and exploitation (commercial development and production).

VII. Promote the conduct of research necessary to make environmental and resource management decisions which would be required.

8. They promote and cooperate in scientific investigations which would facilitate the effective operation of the regime taking into account, inter alia, the relevant parts of the Report of Ecological, Technological and other Related Experts on Mineral Exploration and Exploitation in Antarctica (Washington, June 1979), attached as an annex to the Report of the Tenth Consultative Meeting.

9. With a view to improving predictions of the environmental impacts of activities, events and technologies associated with mineral resource exploration and exploitation should such occur, they continue with the assistance of the Scientific Committee on Antarctic Research, to define programs with the objectives of:

a. Retrieving and analyzing relevant information from past observations and research programs;

b. Ensuring in relation to the needs for information identified by the Experts Report, that effective use is made of existing programs;

c. Identifying and developing new programs that should have priority, taking account of the length of time required for results to become available.

10. In elaborating the regime, they take account of the provisions of Recommendation IX-1, paragraph 8.

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## XI-2

### **Antarctic marine living resources**

The Representatives,

Recalling the responsibilities of the Consultative Parties regarding the conservation of Antarctic marine living resources;

Recalling, further, the history of actions taken by Consultative Parties concerning protection of the Antarctic ecosystem, including in particular, Recommendations III-VIII, VIII-10, VIII-13, IX-2, IX-5 and X-2;

Welcoming the conclusion of the Convention on the Conservation of Antarctic Marine Living Resources at a diplomatic conference held in Canberra, Australia in May 1980 and the signature of that Convention, also in Canberra, Australia in September, 1980;

Noting that a meeting is to be held later this year in Hobart, Tasmania to consider steps to facilitate the early operation of the Commission, the Scientific Committee and the Executive Secretariat to be established under the Convention on the Conservation of Antarctic Marine Living Resources.

Recommend to their Governments that:

1. They seek the earliest possible entry into force of the Convention on the Conservation of Antarctic Marine Living Resources; and

2. They take all possible steps to facilitate the early operation of the bodies to be established by the Convention on the Conservation of Antarctic Marine Living Resources upon entry into force.

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## XI-3

**Air disaster on Mount Erebus**

The Representatives,

Recalling with respect that in the years of exploration and research many have travelled to and worked in Antarctica and not returned,

Noting that on November 28, 1979 two hundred and fifty seven people of several nationalities lost their lives when the aircraft in which they were travelling crashed into the slopes of Mount Erebus, Ross Island, Antarctica;

Aware that in spite of the determined and courageous action of members of the New Zealand and United States Antarctic expeditions the bodies of some of those who died could not be recovered;

Aware, too, that no permanent memorial may be placed on the ice slopes at the site of the tragedy;

Express their deep sympathy with the relatives of those who died and with the Government and people of New Zealand, and

Recommend to their governments that the site on the northern slopes of Mount Erebus where the accident took place be declared a tomb and that they ensure that the area is left in peace.

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Uitgegeven de *dertigste* maart 1983.

*De Minister van Buitenlandse Zaken,*  
H. VAN DEN BROEK