

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (80) 643 final

Brussels, 3rd November 1980

PROPOSAL FOR A COUNCIL DECISION CONCERNING THE CONCLUSION OF THE CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

(Submitted by the Commission to the Council)

COM (80) 643 final

EXPLANATORY MEMORANDUM

I. Background

On 12 March 1979, the Council adopted a decision authorizing the Commission to negotiate, on behalf of the Community, for the establishment of a Convention on the conservation of Antarctic Marine Living Resources.

A Community representative participated in informal consultations amongst the consultative Parties to the Antarctic Treaty of 1959 which took place in Berne in March 1979 and in Washington in June 1979. The purpose of these consultations was to prepare a new draft convention.

The influence of the Community representative during these consultations was limited inasmuch as certain delegations insisted on closely following a draft which had been drawn up at a previous meeting in Washington in June 1978, in which the Community had not participated. Nonetheless, the Community representative, supported by Member States which are Consultative Parties to the 1959 Antarctic Treaty (Belgium, France and the United Kingdom), was able to secure the inclusion of several draft articles providing for the participation of regional economic integration organizations in the new Convention. The draft Convention prepared in Washington in June 1979 became the basis for negotiations at the Diplomatic Conference on the Conservation of Antarctic Marine Living Resources which took place in Canberra from 7 to 20 May 1980. The Convention was opened for signature on 11th September, 1980.

II. The new Convention

A Community representative with observer status, together with representatives of the three Member States of the Community which are Consultative Parties to the 1959 Antarctic Treaty and the Federal Republic of Germany, participated in the Diplomatic Conference. The Conference concluded with the signature of a Final Act approving the text of a new Convention to which the Community has the right to accede upon its entry into force.

Despite the limitation of the role of the Community representative to that of an observer, and the fact that the conference worked on a text whose basic elements had been drawn up at meetings in which the Community had not participated, the Community representative secured amendments on several points which were of particular relevance to the status of the Community in the Conference, notably Articles X(2), XX, and XXIV(2)(c).

III. Community participation

The Community was not able to persuade certain Consultative Parties that it should have the right to participate in the new Convention as a signatory (Art. XXVI), but it did succeed in obtaining an understanding that, despite the terms of Article XXIX, the Community would accede to the Convention simply by depositing its Act of Accession with the Depository (the Government of Australia) and without its accession being subject to consultation among Members of the Commission. The Community was obliged to accept that this understanding should be recorded only in a declaration by the Depository.⁽¹⁾ No objection was raised when this declaration was made at the end of the Conference.

IV. The Commission established by the Convention

The Community representative was not able to secure the adoption of a text of Article VII which was designed to assure the right of the Community to become a member of the Commission under the same conditions as the parties referred to in paragraph 2(a) of this Article, i.e. without being submitted to the procedure for approval provided for in paragraph 2(d) of the same article.

The Consultative Parties which opposed the Community's proposal on this subject accepted, however, that it would participate in the Commission from the moment of its accession to the Convention. This understanding was also recorded in the form of a declaration made by the Depository during the Conference, a declaration against which no delegations raised objections. ⁽¹⁾

(1) See Annex to Explanatory Memorandum

V. Community participation in Commission decisions

The representatives of the Community and of the Member States concerned pointed out that the Commission might need to take decisions on matters for which both the Community and those of its Member States participating in the Convention are competent. The other Consultative Parties accepted that it would be possible for both the Community and its Member States to participate in the discussion of such questions provided that this would not lead to an increase in the weight of the Community and its Member States in the decision-making process. In practice this implies that one Member State or the Community would refrain from participating in the taking of the decision in such a case. The Community representative accepted this principle which is expressed in paragraph 3 of Article XII.

Given that decisions in the Commission will be taken by unanimity, the only case in which such a situation might arise is one in which the Community representative and the representatives of all the Member States who are members of the Commission, except one, are in favour of a particular decision. In this case it would need to be agreed in Community coordination that the Member State with an opposing position should not be the one to refrain from participating in the taking of the decision under the terms of Article XII (3).

The Community had proposed wording for Article XII(4) which would give the Community a weighted vote, equivalent to the number of Member States participating in the Convention. But this proposal received no support and the Community had to accept that it would dispose of no more than a single vote as in two other Conventions in the field of the conservation and management of marine living resources which provide for Community participation (NAFO, NEAFC).

The Community representative had sought to introduce a provision into Article XIX (budget) which would specify that, notwithstanding the general rule set out in Article XII(3), the Community and each of its Member States which are members of the Commission would be entitled to participate in decisions on budgetary and financial matters.

This proposal was not accepted by the Conference.

VI. Amendments

The original text included a provision which limited the right of proposing amendments to Contracting Parties which are also Consultative Parties to the Antarctic Treaty. The Community succeeded in eliminating this provision.

VII. Conclusion

The Commission considers that it is in the interest of the Community to participate actively in international cooperation to protect living resources when it is likely that Community vessels will fish in the waters concerned. This condition applies to the waters covered by the convention in question.

Furthermore the Commission considers that the Community should be a party to the Convention on the same day as those of its Member States which are signatories to the Convention and, if possible, from the day of its entry into force.

For these reasons the Commission invites the Council

- to adopt the attached decision concerning the Conclusion of the Convention on the Conservation of Antarctic Marine Living resources, and
- to record in its minutes the draft declaration annexed hereto

ANNEX TO EXPLANATORY MEMORANDUM

Extract from the closing speech by the leader of the Australian Delegation to the Conference on the Conservation of Antarctic Marine Living Resources.

There is one matter of business to which it might be appropriate for me to refer in conclusion. Since there were some discussions regarding the accession of the European Community to the Convention, and its membership of the Commission, I should perhaps record the understanding of the Australian Government as Depositary that, if the Community were to lodge an instrument of accession to the Convention, it would be eligible to become a Member of the Commission. The Australian Government would act in accordance with that understanding.

Council decision

concerning the conclusion of the Convention on the
Conservation of Antarctic Marine Living Resources

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas the fragile ecological balance of the Antarctic Ocean requires
international regulation of the management and conservation of the marine
living resources thereof;

Whereas, to this end, an international Convention on the Conservation of
Antarctic Marine Living Resources has been drawn up by a diplomatic conference
held in Canberra in May 1980 in which the Community participated;

Whereas this Convention will enter into force on the 30th day after the date
when the eighth instrument of ratification is deposited, and that after its
entry into force, the Community may accede to this Convention;

Whereas, in order to contribute to the conservation of the resources in the
area covered by this convention and in which Community Fishermen conduct
their activities, it is necessary for the Community to accede to the Convention;

HAS DECIDED AS FOLLOWS:

Article 1

The Convention on the Conservation of Antarctic Marine Living Resources is hereby
approved on behalf of the European Economic Community. The text of the agreement
is annexed to this Decision.

Article 2

The President of the Council shall deposit the instrument of approval with the
Australian Government, in conformity with Article XXVII of the Convention⁽²⁾.

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(1) OJ No. C

(2) The date of entry into force of Community accession to the Convention will be
published in the Official Journal of the European Communities through the
General Secretariat of the Council.

Article 3

This Decision shall be published in the Official Journal of the European Communities.

Done at

For the Council
The President

Declaration to be recorded in the minutes of
the Council meeting on the Decision concerning
the conclusion of the Convention on the
Conservation of Antarctic Marine Living Resources
and the accession of the Community to the Convention

To ensure that the Community accedes to the International Convention on the Conservation of Antarctic Marine Living Resources on the same date as those of its Member States which are signatories to the Convention and, if possible, as soon as it enters into force, the Council agrees that the Member States which are signatories to the Convention will deposit their instruments of ratification simultaneously and not before at least 5 other signatory States have deposited their instruments of ratification and the Community is in a position to deposit its instrument of accession.

FINANCIAL STATEMENT

DATE : 8/10/1980

1. BUDGET LINE CONCERNED : 2987/2500

2. ACTION : Proposal for Council decision concerning the conclusion of the Convention on the Conservation of Antarctic Marine Living Resources

3. LEGAL BASIS : Article 43

4. OBJECTIVES : Accession by the Community to the above-mentioned Convention.

5. FINANCIAL CONSEQUENCE	FOR THE MARKETING YEAR	CURRENT FINANCIAL YEAR ()	FOLLOWING FINANCIAL YEAR (1981)
5.0 EXPENDITURE			
-CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS)	-	-	2987 42,000 EUA
-CHARGED TO NATIONAL ADMINISTR.			2500 40,000 EUA
-CHARGED TO OTHER NATIONAL GROUPS			
5.1 RECEIPTS			
-OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)			
-NATIONAL			

	YEAR1982.....	YEAR1983.....	YEAR1984.....
5.0.1 PLURIANNUAL PATTERN OF EXPENDITURE	2500 45,000	50,000	55,000
5.1.1 PLURIANNUAL PATTERN OF RECEIPTS	2987 46,000	52,000	58,000

5.2 METHOD OF CALCULATION

- Budget contribution determined annually by the Commission of the Convention on the Conservation of Antarctic Marine Living Resources, under Article XIX of the Convention.
- Expenses arising from participation in meetings of bodies established under the Convention, estimated on the basis of current air fares, daily allowances and hotel ceilings.

6.0 FINANCING POSSIBLE WITH CREDITS INSCRIBED IN RELEVANT CHAPTER OF CURRENT BUDGET ? YES/NO

6.1 FINANCING POSSIBLE BY TRANSFER BETWEEN CHAPTERS OF CURRENT BUDGET ? YES/NO

6.2 NECESSITY FOR A SUPPLEMENTARY BUDGET ? YES/NO

6.3 CREDITS TO BE WRITTEN INTO FUTURE BUDGETS ? YES/NO

COMMENTS :

CONFERENCE ON THE CONSERVATION OF

ANTARCTIC MARINE LIVING RESOURCES

CANBERRA, 7 - 20 MAY 1980

FINAL ACT

I

The Governments of Argentina, Australia, Belgium, Chile, The French Republic, German Democratic Republic, Germany, Federal Republic of, Japan, New Zealand, Norway, Poland, The Republic of South Africa, The Union of Soviet Socialist Republics, The United Kingdom of Great Britain and Northern Ireland, and The United States of America;

having accepted the invitation extended to them by the Government of Australia to participate in a Conference on the Conservation of Antarctic Marine Living Resources, appointed their representatives, advisers and observers who are listed below:

ARGENTINA

Representatives

His Excellency, Ambassador Angel Maria CLIVERI LOPEZ
Director-General of Antarctica and Malvinas,
Ministry of Foreign Affairs,
Buenos Aires

Alternate Representative

His Excellency, Minister Ricardo Pedro QUADRI
Ministry of Foreign Affairs,
Buenos Aires

Delegates

First Secretary, Joaquin Daniel OTERO
Ministry of Foreign Affairs,
Buenos Aires

Third Secretary, Bernardo FERNANDEZ DA SILVA
Ministry of Foreign Affairs,
Buenos Aires

Advisers

Air General (R) Cesar Miguel COMES
National Director of Antarctic,
Ministry of Defence,
Buenos Aires

Rear Admiral (R) Alberto Oscar CASELLAS
Secretary of Marine Affairs,
Buenos Aires

Rear Admiral (R) Cesar A. CASTAGNA
Navy General Headquarters,
Buenos Aires

Lieutenant Colonel Julio V. FUSCALDO
Antarctic Department,
Army General Headquarters,
Buenos Aires

Vice-Commodore (R) Oscar CAMPOS
National Directorate of Antarctic,
Ministry of Defence,
Buenos Aires

Dr Eduardo Robustiano MARENCO
Ministry of Defence,
Buenos Aires

Secretary

Miss Celia Margarita CHACON
Ministry of Foreign Affairs
Buenos Aires

AUSTRALIA

Representative

Mr J.E. RYAN, OBE
Deputy Secretary,
Department of Foreign Affairs

and subsequently

His Excellency Mr K.G. BRENNAN, AO
Australian Ambassador to Switzerland

Alternate Representatives

Mr G.A. BRENNAN
Assistant Legal Adviser,
Department of Foreign Affairs

Mr M.J. McKEOWN,
International Legal Branch,
Department of Foreign Affairs

Mr J. CARLSON
Oil and Gas Division,
Department of National Development and Energy

Mr C.G. McCUE
Acting Director,
Antarctic Division,
Department of Science and the Environment

Mr H. JITTS,
Marine Science Branch,
Department of Science and the Environment

Mr H. BURMESTER
Principal Legal Officer,
Attorney-General's Department

Dr K.R. KERRY
Antarctic Division,
Department of Science and the Environment

Mr B.J. WALKER
Policy Division
Department of Science and the Environment

Mr M. STURMAN
Policy Branch
Fisheries Division
Department of Primary Industry

Mr A. CATON
Acting Director
Resource Management Section
Department of Primary Industry

Mr J. BAILEY
Economic Division
Department of Foreign Affairs

Dr G. BAINES
Australian National Parks & Wildlife Service

Mr G. KAZS
Education and Science Branch
Department of Finance

Mr N. BRIDGER
Government and Legal Branch
Department of the Prime Minister and Cabinet

Mr D.C. McEWAN
Policy Division
Department of Science and the Environment

Mr D.J. MASON
Legal and Treaties Division
Department of Foreign Affairs

Parliamentary Advisers

Senator J. KNIGHT
Senator K.W. SIBRAA
Mr M. BAILLIEU, MP
Mr R. JACOBI, MP

Advisers

Mr A.J. HARRISON
Chairman of the Commonwealth/States Standing Committee on Fisheries

Mr M. KENNEDY
Representative of the Australian Conservation
Foundation and Friends of the Earth

BELGIUM

Representative

Professor A. van der ESSEN
Minister,
Ministry of Foreign Affairs

Alternate Representative

12
Mr M.J. COUVREUR
First Secretary,
Belgian Embassy,
Canberra

CHILE

Representative

His Excellency Sr Nicolas NOVOA
Ambassador on Special Mission
Santiago

Alternate Representatives

His Excellency Sr Jorge VALDOVINOS
Ambassador,
Embassy of the Republic of Chile,
Canberra

Delegates

Sr Juan FONTECILLA
Head of the Antarctic Department,
Directorate of State Boundaries and Limits,
Ministry of Foreign Relations,
Santiago

Sr Carlos CROHARE
Head of Antarctic Division,
Directorate of Special Politics,
Ministry of Foreign Relations,
Santiago

Sr Celso MORENO
Counsellor,
Embassy of the Republic of Chile,
Canberra

Advisers

Sr Roberto CABEZAS
Director, Institute of Fisheries Development,
Economic Ministry,
Santiago

FRANCE

Representative

Mr Rémy TEISSIER du CROS
Minister Plenipotentiary

Delegation

Mr Daniel HERY
Deputy Director,
Maritime Fisheries,
Ministry of Transport

Miss Josiane COURATIER
Secretary of Foreign Affairs,
Legal Affairs Division,
Ministry of Foreign Affairs

Mr Gerard BOIVINEAU
Second Secretary,
Embassy of France,
Canberra

Adviser

Mr Jean Paul BLOCH
Director of Research,
Secretariat of State of Overseas
Departments and Territories

GERMAN DEMOCRATIC REPUBLIC

Representative

His Excellency Dr Gerhard LINDNER
Ambassador Extraordinary and Plenipotentiary of
German Democratic Republic to Australia

Alternate Representatives

Dr R. POSER
First Secretary,
Embassy of the German Democratic Republic
Canberra

Dr W. RANKE
Ministry of Regionally Administrated and Foodstuff Industries

GERMANY, FEDERAL REPUBLIC OF

Representative

Dr Heinz W. DITTMANN
Ambassador Extraordinary and Plenipotentiary of
the Federal Republic of Germany
to Chile

Alternate Representative

Mr Norbert KLEESCHULTE
Counsellor,
Federal Ministry of Agriculture and Forestry,
Bonn

Dr ARNOLD
Counsellor,
Federal Ministry for Research and Technology,
Bonn

Mr Ingo RADCKE
First Secretary,
Embassy of the Federal Republic of Germany,
Canberra

14
Mrs Hubertine STEINHAUSEN
Assistant Attache,
Embassy of the Federal Republic of Germany,
Canberra

JAPAN

Representative

His Excellency Mr Mizuo KURODA
Ambassador Extraordinary and Plenipotentiary
of Japan to Australia

Alternate Representatives

Mr Chusei YAMADA
Deputy Director-General,
Treaties Bureau,
Ministry of Foreign Affairs

Mr Takashi TAJIMA
Counsellor (Political)
Embassy of Japan

Mr Fiji KUSANO
Counsellor (Agriculture, Forestry and Fisheries)
Embassy of Japan

Advisers

Mr Tokuya KIKUCHI
Assistant Director,
International Affairs Division,
Oceanic Fishery Department,
Fishery Agency

Mr Keitaro SATO
First Secretary,
Embassy of Japan

Mr Jun YOKOTA
Deputy Director,
International Conventions Division,
Treaties Bureau,
Ministry of Foreign Affairs

Mr Kunio SHIMIZU
Deputy Director,
Fishery Division,
Economic Affairs Bureau,
Ministry of Foreign Affairs

Mr Seigi HINATA
First Secretary
Embassy of Japan

NEW ZEALAND

Representative

Mr W.R. MANSFIELD
Head, Legal Division,
Ministry of Foreign Affairs,
Wellington

Alternate Representatives

Mr A.E. MATHESON
First Secretary,
New Zealand High Commission

NORWAY

Representative

His Excellency Mr Torleiv ANDA
Ambassador

Alternate Representative

Mr H.O. OESTGAARD
Head of Division,
Department of Polar Affairs,
Ministry of Justice and Police

POLAND

Representative

His Excellency Mr Ryszard FRACKIEWICZ
Ambassador Extraordinary and Plenipotentiary of the
Polish People's Republic in Australia.

Alternate Representative

Mr Janusz MICKIEWICZ
Director of the Legal and Treaties Department,
Ministry for Foreign Affairs,
Warsaw

Delegates

Mr Jan PIECHURA Ph.D.
Deputy Director,
Sea Fisheries Institute,
Gdynia

Mr Marek ZELAZKO
Legal Adviser,
Ministry for Foreign Trade and Marine Economy,
Warsaw

SOUTH AFRICA

Representative

Mr P.F. THERON
Secretary for Industries,
Pretoria

Alternate Representatives

Mr P.D. OELOFSEN
Senior Law Adviser,
Department of Foreign Affairs and Information,
Pretoria

Mr T.F. WHEELER
Under-Secretary,
Department of Foreign Affairs and Information
Pretoria

Mr G.H. STANDER
Director of Seafisheries
Department of Agriculture and Fisheries
Cape Town

Mr H.F. VAN ZYL
Third Secretary,
South African Embassy,
Canberra

U S S R

Representative

Dr Y.M. RYBAKOV
Head of Treaties and Legal Department,
Ministry of Foreign Affairs

Alternate Representatives

Dr V.V. GOLITSIN
Head of Division of Public International Law,
Treaties and Legal Department,
Ministry of Foreign Affairs

Dr T.G. LUBIMOVA
All Union Scientific Institute on Fishery
and Oceanographic Research
Ministry of Fisheries

Dr V.K. ZILANOV
Deputy Head of Foreign Relations Department,
Ministry of Fisheries

Adviser

L.A. RAINA
Counsellor,
Embassy of the USSR
Canberra

Secretary

Miss Ludmila P. PICHUGINA
Legal and Treaty Department,
Ministry of Foreign Affairs

UNITED KINGDOM

Representative

Sir Donald LOGAN K.C.M.G.
Foreign and Commonwealth Office
London

Alternate Representatives

Dr John A. HEAP
Head,
Polar Regions Section,
Foreign and Commonwealth Office,
London

Mr David EDWARDS
Legal Adviser,
Foreign and Commonwealth Office
London

UNITED STATES

Representative

Morris D. BUSBY
Acting Deputy Assistant Secretary for
Oceans and Fisheries Affairs,
Department of State

Alternate Representatives

R. TUCKER SCULLY
Acting Director,
Office of Oceans and Polar Affairs,
Department of State

Carmen J. BLONDIN
Director,
Office of International Fisheries Affairs,
National Marine Fisheries Service,
National Oceanic and Atmospheric Administration,
Department of Commerce

David COLSON
Office of the Legal Adviser,
Department of State

Advisers

Joseph E. BENNETT
Division of Polar Programs,
National Science Foundation

Robert J. HOFMAN
Scientific Program Director,
Marine Mammal Commission

Alan F. RYAN
Foreign Affairs Officer,
Office of International Fisheries Affairs,
National Marine and Fisheries Service,
National Oceanic and Atmospheric Administration,
Department of Commerce

Private Sector Advisers

James N. BARNES
Center for Law and Social Policy,
Washington, D.C.

Katherine GREEN HAMMOND
Ecosystem Modeling and Simulation
El Paso, Texas

The following international organisations were invited by the Government of Australia to participate as observers in the Conference and appointed their delegations as follows:-

EUROPEAN COMMUNITIES

Representatives

Mr M. MARCUSSEN
Head of Division
Commission of the European Communities

Professor J.H.J. BOURGEOIS
Legal Adviser
Commission of the European Communities

Advisers

Representatives of the members of the Council of the European Communities

Mr T.M. KASTEEL
Acting representative of the Presidency of the
Council of the European Communities
Counsellor

Mr M. GORMSEN
First Secretary

General Secretariat of the Council of the European Communities

Professor Daniel VIGNES
Director, Legal Service

Mr Erik STEIN
Principal Administrator
Directorate General of External Relations

Mrs M. GILOT-KOEHLER
Secretary

FOOD AND AGRICULTURE ORGANISATION

Mr Michel SAVINI
Regional Fisheries Law Adviser
Fisheries Department

INTER-GOVERNMENTAL OCEANOGRAPHIC COMMISSION

Mr R.C. GRIFFITHS
Assistant Secretary

INTERNATIONAL UNION FOR THE CONSERVATION OF NATURE AND
NATURAL RESOURCES

Mr Robert BOOTE
Vice-President and Regional Councillor

Dr D.F. McMICHAEL
Treasurer and Regional Councillor

INTERNATIONAL WHALING COMMISSION

Professor J.D. OVINGTON
Australian Commissioner to the I.W.C.

SCIENTIFIC COMMITTEE ON ANTARCTIC RESEARCH

Dr David TRANTER
CSIRO
Division of Fisheries and Oceanography

SCIENTIFIC COMMITTEE ON OCEANIC RESEARCH

Dr G. HUMPRHEY
University of Sydney

The Conference met at Canberra on 7 May 1980 under the Chairmanship of Mr J.E. Ryan, Representative of the delegation of Australia. The Secretary-General was Mr R.H. Wyndham.

A Drafting Committee established under the Rules of Procedure of the Conference was constituted as follows :

Mr David EDWARDS, United Kingdom, (Chairman)
His Excellency, Minister Ricardo Pedro QUADRI, Argentina
Senor Joaquin Daniel OTERO, Argentina
Mr John BAILEY, Australia
Senor Juan FONTECILLA, Chile
Senor Celso MORENO, Chile
Miss Josiane COURATIER, France
Mr Gerard BOIVINEAU, France
Mr Jun YOKOTA, Japan
Mr P.D. OELOFSEN, South Africa
Dr V.V. GOLITSIN, U.S.S.R.
Mr David COLSON, U.S.A.

The Final Session was held on 20 May 1980. As a result of its deliberations the Conference has established and drawn up for signature a "Convention on the Conservation of Antarctic Marine Living Resources" the text of which is annexed hereto.

The Conference also decided to include in the Final Act the text of the following statement made by the Chairman on 19 May 1980 regarding the application of the Convention on the Conservation of Antarctic Marine Living Resources to the waters adjacent to Kerguelen and Crozet over which France has jurisdiction and to waters adjacent to other islands within the area to which this Convention applies over which the existence of State sovereignty is recognized by all Contracting Parties.

- "1. Measures for the conservation of Antarctic marine living resources of the waters adjacent to Kerguelen and Crozet, over which France has jurisdiction, adopted by France prior to the entry into force of the Convention, would remain in force after the entry into force of the Convention until modified by France acting within the framework of the Commission or otherwise.
2. After the Convention has come into force, each time the Commission should undertake examination of the conservation needs of the marine living resources of the general area in which the waters adjacent to Kerguelen and Crozet are to be found, it would be open to France either to agree that the waters in question should be included in the area of application of any specific conservation measure under consideration or to indicate that they should be excluded. In the latter event, the Commission would not proceed to the adoption of the specific conservation measure in a form applicable to the waters in question unless France removed its objection to it. France could also adopt such national measures as it might deem appropriate for the waters in question.
3. Accordingly, when specific conservation measures are considered within the framework of the Commission and with the participation of France, then:
 - (a) France would be bound by any conservation measures adopted by consensus with its participation for the duration of those measures. This would not prevent France from promulgating national measures that were more strict than the Commission's measures or which dealt with other matters;
 - (b) In the absence of consensus, France could promulgate any national measures which it might deem appropriate.
4. Conservation measures, whether national measures or measures adopted by the Commission, in respect of the waters adjacent to Kerguelen and Crozet, would be enforced by France. The system of observation and inspection foreseen by the Convention would not be implemented in the waters adjacent to Kerguelen and Crozet except as agreed by France and in the manner so agreed.
5. The understandings, set forth in paragraphs 1-4 above, regarding the application of the Convention to waters adjacent to the Islands of Kerguelen and Crozet, also apply to waters adjacent to the islands within the area to which this Convention applies over which the existence of State sovereignty is recognized by all Contracting Parties."

No objection to the statement was made.

II

The Conference on the Conservation of Antarctic Marine Living Resources,

Noting that a definitive regime for the conservation of Antarctic marine living resources has been elaborated, and desiring to have that regime enter into force as quickly as possible;

Recognizing that harvesting of Antarctic marine living resources is presently taking place and underlining the importance of the objectives of the Convention on the Conservation of Antarctic Marine Living Resources;

Recognizing the need to identify, emphasize and co-operate in carrying out research activities that will facilitate the effective operation of the Convention;

Desiring further to facilitate the implementation of the Convention by emphasizing and co-ordinating the collection of scientific and fisheries data needed for the Scientific Committee to be constituted under the terms of the Convention to begin effective work upon entry into force of the Convention;

Calls upon the Parties entitled to become Members of the Commission

1. To take all possible steps to bring the Convention on the Conservation of Antarctic Marine Living Resources into force as soon as possible;
 2. To show the greatest possible care and concern, bearing in mind the principles and objectives of Article II of the Convention, in any harvesting of Antarctic marine living resources in the period prior to entry into force of the Convention and examination of the status of stocks by the Scientific Committee to be established by the Convention on the Conservation of Antarctic Marine Living Resources;
 3. To the greatest extent practicable and feasible to co-operate broadly and comprehensively in the continued development of the scientific and fisheries data necessary for the effective operation of the Convention on the Conservation of Antarctic Marine Living Resources, and to this end:
 - (a) to intensify research related to Antarctic marine living resources;
 - (b) to identify the specific scientific and fisheries data needed and how those data should be collected and recorded to facilitate the work of the Scientific Committee to be established by the Convention; and
 - (c) to compile scientific and fisheries data identified pursuant to sub-paragraph (b) above in order to distribute those data to the Contracting Parties upon entry into force of the Convention on the Conservation of Antarctic Marine Living Resources.
- 22

III

The Conference on the Convention for the Conservation of Antarctic Marine Living Resources,

Having agreed on a text of a Convention which would establish a Commission and Scientific Committee for the Conservation of Antarctic Marine Living Resources and an Executive Secretariat;

Recognising the need to examine working methods for the Executive Secretary and Secretariat so that they may begin their work as soon as possible after entry into force of the Convention;

Takes note of the intention of the Depositary to convene a meeting of representatives of Parties entitled to become Members of the Commission within one year after expiration of the period during which the Convention is open for signature for the purpose of considering steps which might be taken to facilitate the early operation of the Commission, Scientific Committee and Executive Secretariat when these bodies are established.

IV

The Conference on the Conservation of Antarctic Marine Living Resources resolves:

1. to express its gratitude to the Australian Government for its initiative in convening the present Conference and for its preparation;
2. to express to its Chairman, Mr J.E. Ryan, its deep appreciation for the admirable manner in which he has guided the Conference;
3. to express to the officers and staff of the Secretariat its appreciation for their untiring efforts in contributing to the attainment of the objectives of the Conference.

V

The Conference on the Conservation of Antarctic Marine Living Resources resolves:

That the Government of Australia be authorised to publish the Final Act of this Conference and the text of the Convention annexed hereto.

VI

The Conference on the Conservation of Antarctic Marine Living Resources resolves:

To express its deep appreciation to the Australian Government for its offer to provide a site for the Headquarters of the Commission to be established under the Convention.

Done at Canberra, this Twentieth Day of May 1980, in a single original copy to be deposited in the archives of the Government of Australia which will transmit a certified copy thereof to all the other Participants in the Conference.

In witness whereof, the following representatives have signed this Final Act.

24

CONVENTION ON THE CONSERVATION OF
ANTARCTIC MARINE LIVING RESOURCES

The Contracting Parties,

RECOGNISING the importance of safeguarding the environment and protecting the integrity of the ecosystem of the seas surrounding Antarctica;

NOTING the concentration of marine living resources found in Antarctic waters and the increased interest in the possibilities offered by the utilization of these resources as a source of protein;

CONSCIOUS of the urgency of ensuring the conservation of Antarctic marine living resources;

CONSIDERING that it is essential to increase knowledge of the Antarctic marine ecosystem and its components so as to be able to base decisions on harvesting on sound scientific information;

BELIEVING that the conservation of Antarctic marine living resources calls for international co-operation with due regard for the provisions of the Antarctic Treaty and with the active involvement of all States engaged in research or harvesting activities in Antarctic waters;

RECOGNISING the prime responsibilities of the Antarctic Treaty Consultative Parties for the protection and preservation of the Antarctic environment and, in particular, their responsibilities under Article IX, paragraph 1(f) of the Antarctic Treaty in respect of the preservation and conservation of living resources in Antarctica;

RECALLING the action already taken by the Antarctic Treaty Consultative Parties including in particular the Agreed Measures for the Conservation of Antarctic Fauna and Flora, as well as the provisions of the Convention for the Conservation of Antarctic Seals;

BEARING in mind the concern regarding the conservation of Antarctic marine living resources expressed by the Consultative Parties at the Ninth Consultative Meeting of the Antarctic Treaty and the importance of the provisions of Recommendation IX-2 which led to the establishment of the present Convention;

BELIEVING that it is in the interest of all mankind to preserve the waters surrounding the Antarctic continent for peaceful purposes only and to prevent their becoming the scene or object of international discord;

RECOGNISING, in the light of the foregoing, that it is desirable to establish suitable machinery for recommending, promoting, deciding upon and co-ordinating the measures and scientific studies needed to ensure the conservation of Antarctic marine living organisms;

HAVE AGREED as follows:

ARTICLE 1

1. This Convention applies to the Antarctic marine living resources of the area south of 60° South latitude and to the Antarctic marine living resources of the area between that latitude and the Antarctic Convergence which form part of the Antarctic marine ecosystem.
2. Antarctic marine living resources means the populations of fin fish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic

3. The Antarctic marine ecosystem means the complex of relationships of Antarctic marine living resources with each other and with their physical environment.
4. The Antarctic Convergence shall be deemed to be a line joining the following points along parallels of latitude and meridians of longitude:

50°S, 0°; 50°S, 30°E; 45°S, 30°E; 45°S, 80°E; 55°S, 80°E;
55°S, 150°E; 60°S, 150°E; 60°S, 50°W; 50°S, 50°W; 50°S, 0°.

ARTICLE II

1. The objective of this Convention is the conservation of Antarctic marine living resources.
2. For the purposes of this Convention, the term "conservation" includes rational use.
3. Any harvesting and associated activities in the area to which this Convention applies shall be conducted in accordance with the provisions of this Convention and with the following principles of conservation:
 - (a) prevention of decrease in the size of any harvested population to levels below those which ensure its stable recruitment. For this purpose its size should not be allowed to fall below a level close to that which ensures the greatest net annual increment;
 - (b) maintenance of the ecological relationships between harvested, dependent and related populations of Antarctic marine living resources and the restoration of depleted populations to the levels defined in sub-paragraph (a) above;

and
 - (c) prevention of changes or minimization of the risk of changes in the marine ecosystem which are not potentially reversible over two or three decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting, the effect of the introduction of alien species, the effects of associated activities on the marine ecosystem and of the effects of environmental changes, with the aim of making possible the sustained conservation of Antarctic marine living resources.

ARTICLE III

26
The Contracting Parties, whether or not they are Parties to the Antarctic Treaty, agree that they will not engage in any activities in the Antarctic Treaty area contrary to the principles and purposes of that Treaty and that, in their relations with each other, they are bound by the obligations contained in Articles I and V of the Antarctic Treaty.

ARTICLE IV

1. With respect to the Antarctic Treaty area, all Contracting Parties, whether or not they are Parties to the Antarctic Treaty, are bound by Articles IV and VI of the Antarctic Treaty in their relations with each other.
2. Nothing in this Convention and no acts or activities taking place while the present Convention is in force shall:
 - (a) constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in the Antarctic Treaty area or create any rights of sovereignty in the Antarctic Treaty area;
 - (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;
 - (c) be interpreted as prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any such right, claim or basis of claim;
 - (d) affect the provision of Article IV, paragraph 2, of the Antarctic Treaty that no new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the Antarctic Treaty is in force.

ARTICLE V

1. The Contracting Parties which are 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 environment of the Antarctic Treaty area.
2. The Contracting Parties which are not Parties to the Antarctic Treaty agree that, in their activities in the Antarctic Treaty area, they will observe as and when appropriate the Agreed Measures for the Conservation of Antarctic Fauna and Flora and such other measures as have been recommended by the Antarctic Treaty Consultative Parties in fulfilment of their responsibility for the protection of the Antarctic environment from all forms of harmful human interference.
3. For the purposes of this Convention, "Antarctic Treaty Consultative Parties" means the Contracting Parties to the Antarctic Treaty whose Representatives participate in meetings under Article IX of the Antarctic Treaty.

ARTICLE VI

Nothing in this Convention shall derogate from the rights and obligations of Contracting Parties under the International Convention for the Regulation of Whaling and the Convention for the Conservation of Antarctic Seals.

ARTICLE VII

1. The Contracting Parties hereby establish and agree to maintain the Commission for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as "the Commission").
2. Membership in the Commission shall be as follows:
 - (a) each Contracting Party which participated in the meeting at which this Convention was adopted shall be a Member of the Commission;
 - (b) each State Party which has acceded to this Convention pursuant to Article XXIX shall be entitled to be a Member of the Commission during such time as that acceding party is engaged in research or harvesting activities in relation to the marine living resources to which this Convention applies;
 - (c) each regional economic integration organization which has acceded to this Convention pursuant to Article XXIX shall be entitled to be a Member of the Commission during such time as its States members are so entitled;
 - (d) a Contracting Party seeking to participate in the work of the Commission pursuant to sub-paragraphs (b) and (c) above shall notify the Depositary of the basis upon which it seeks to become a Member of the Commission and of its willingness to accept conservation measures in force. The Depositary shall communicate to each Member of the Commission such notification and accompanying information. Within two months of receipt of such communication from the Depositary, any Member of the Commission may request that a special meeting of the Commission be held to consider the matter. Upon receipt of such request, the Depositary shall call such a meeting. If there is no request for a meeting, the Contracting Party submitting the notification shall be deemed to have satisfied the requirements for Commission Membership.
3. Each Member of the Commission shall be represented by one representative who may be accompanied by alternate representatives and advisers.

ARTICLE VIII

The Commission shall have legal personality and shall enjoy in the territory of each of the States Parties such legal capacity as may be necessary to perform its function and achieve the purposes of this Convention. The privileges and immunities to be enjoyed by the Commission and its staff in the territory of a State Party shall be determined by agreement between the Commission and the State Party concerned.

ARTICLE IX

1. The function of the Commission shall be to give effect to the objective and principles set out in Article II of this Convention. To this end, it shall:
 - (a) facilitate research into and comprehensive studies of Antarctic marine living resources and of the Antarctic marine ecosystem;

- (b) compile data on the status of and changes in population of Antarctic marine living resources and on factors affecting the distribution, abundance and productivity of harvested species and dependent or related species or populations;
 - (c) ensure the acquisition of catch and effort statistics on harvested populations;
 - (d) analyse, disseminate and publish the information referred to in sub-paragraphs (b) and (c) above and the reports of the Scientific Committee;
 - (e) identify conservation needs and analyse the effectiveness of conservation measures;
 - (f) formulate, adopt and revise conservation measures on the basis of the best scientific evidence available, subject to the provisions of paragraph 5 of this Article;
 - (g) implement the system of observation and inspection established under Article XXIV of this Convention;
 - (h) carry out such other activities as are necessary to fulfil the objective of this Convention.
2. The conservation measures referred to in paragraph 1 (f) above include the following:
- (a) the designation of the quantity of any species which may be harvested in the area to which this Convention applies;
 - (b) the designation of regions and sub-regions based on the distribution of populations of Antarctic marine living resources;
 - (c) the designation of the quantity which may be harvested from the populations of regions and sub-regions;
 - (d) the designation of protected species;
 - (e) the designation of the size, age and, as appropriate, sex of species which may be harvested;
 - (f) the designation of open and closed seasons for harvesting;
 - (g) the designation of the opening and closing of areas, regions or sub-regions for purposes of scientific study or conservation, including special areas for protection and scientific study;
 - (h) regulation of the effort employed and methods of harvesting, including fishing gear, with a view, inter alia, to avoiding undue concentration of harvesting in any region or sub-region;
 - (i) the taking of such other conservation measures as the Commission considers necessary for the fulfilment of the objective of this Convention, including measures concerning the effects of harvesting and associated activities on components of the marine ecosystem other than the harvested populations.
3. The Commission shall publish and maintain a record of all conservation measures in force.
4. In exercising its functions under paragraph 1 above, the Commission shall take full account of the recommendations and advice of the Scientific Committee.

5. The Commission shall take full account of any relevant measures or regulations established or recommended by the Consultative Meetings pursuant to Article IX of the Antarctic Treaty or by existing fisheries commissions responsible for species which may enter the area to which this Convention applies, in order that there shall be no inconsistency between the rights and obligations of a Contracting Party under such regulations or measures and conservation measures which may be adopted by the Commission.
6. Conservation measures adopted by the Commission in accordance with this Convention shall be implemented by Members of the Commission in the following manner:
 - (a) the Commission shall notify conservation measures to all Members of the Commission;
 - (b) conservation measures shall become binding upon all Members of the Commission 180 days after such notification, except as provided in sub-paragraphs (c) and (d) below;
 - (c) if a Member of the Commission, within ninety days following the notification specified in sub-paragraph (a), notifies the Commission that it is unable to accept the conservation measure, in whole or in part, the measure shall not, to the extent stated, be binding upon that Member of the Commission;
 - (d) in the event that any Member of the Commission invokes the procedure set forth in sub-paragraph (c) above, the Commission shall meet at the request of any Member of the Commission to review the conservation measure. At the time of such meeting and within thirty days following the meeting, any Member of the Commission shall have the right to declare that it is no longer able to accept the conservation measure, in which case the Member shall no longer be bound by such measure.

ARTICLE X

1. The Commission shall draw the attention of any State which is not a Party to this Convention to any activity undertaken by its nationals or vessels which, in the opinion of the Commission, affects the implementation of the objective of this Convention.
2. The Commission shall draw the attention of all Contracting Parties to any activity which, in the opinion of the Commission, affects the implementation by a Contracting Party of the objective of this Convention or the compliance by that Contracting Party with its obligations under this Convention.

ARTICLE XI

The Commission shall seek to cooperate with Contracting Parties which may exercise jurisdiction in marine areas adjacent to the area to which this Convention applies in respect of the conservation of any stock or stocks of associated species which occur both within those areas and the area to which this Convention applies, with a view to harmonizing the conservation measures adopted in respect of such stocks.

ARTICLE XII

1. Decisions of the Commission on matters of substance shall be taken by consensus. The question of whether a matter is one of substance shall be treated as a matter of substance.
2. Decisions on matters other than those referred to in paragraph 1 above shall be taken by a simple majority of the Members of the Commission present and voting.
3. In Commission consideration of any item requiring a decision, it shall be made clear whether a regional economic integration organization will participate in the taking of the decision and, if so, whether any of its member States will also participate. The number of Contracting Parties so participating shall not exceed the number of member States of the regional economic integration organization which are Members of the Commission.
4. In the taking of decisions pursuant to this Article, a regional economic integration organization shall have only one vote.

ARTICLE XIII

1. The headquarters of the Commission shall be established at Hobart, Tasmania, Australia.
2. The Commission shall hold a regular annual meeting. Other meetings shall also be held at the request of one-third of its members and as otherwise provided in this Convention. The first meeting of the Commission shall be held within three months of the entry into force of this Convention, provided that among the Contracting Parties there are at least two States conducting harvesting activities within the area to which this Convention applies. The first meeting shall, in any event, be held within one year of the entry into force of this Convention. The Depositary shall consult with the signatory States regarding the first Commission meeting, taking into account that a broad representation of such States is necessary for the effective operation of the Commission.
3. The Depositary shall convene the first meeting of the Commission at the headquarters of the Commission. Thereafter, meetings of the Commission shall be held at its headquarters, unless it decides otherwise.
4. The Commission shall elect from among its members a Chairman and Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election for one additional term. The first Chairman shall, however, be elected for an initial term of three years. The Chairman and Vice-Chairman shall not be representatives of the same Contracting Party.
5. The Commission shall adopt and amend as necessary the rules of procedure for the conduct of its meetings, except with respect to the matters dealt with in Article XII of this Convention.
6. The Commission may establish such subsidiary bodies as are necessary for the performance of its functions.

ARTICLE XIV

1. The Contracting Parties hereby establish the Scientific Committee for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as "the Scientific Committee") which shall be a consultative body to the Commission. The Scientific Committee shall normally meet at the headquarters of the Commission unless the Scientific Committee decides otherwise.
2. Each Member of the Commission shall be a member of the Scientific Committee and shall appoint a representative with suitable scientific qualifications who may be accompanied by other experts and advisers.
3. The Scientific Committee may seek the advice of other scientists and experts as may be required on an ad hoc basis.

ARTICLE XV

1. The Scientific Committee shall provide a forum for consultation and cooperation concerning the collection, study and exchange of information with respect to the marine living resources to which this Convention applies. It shall encourage and promote cooperation in the field of scientific research in order to extend knowledge of the marine living resources of the Antarctic marine ecosystem.
 2. The Scientific Committee shall conduct such activities as the Commission may direct in pursuance of the objective of this Convention and shall:
 - (a) establish criteria and methods to be used for determinations concerning the conservation measures referred to in Article IX of this Convention;
 - (b) regularly assess the status and trends of the populations of Antarctic marine living resources;
 - (c) analyse data concerning the direct and indirect effects of harvesting on the populations of Antarctic marine living resources;
 - (d) assess the effects of proposed changes in the methods or levels of harvesting and proposed conservation measures;
 - (e) transmit assessments, analyses, reports and recommendations to the Commission as requested or on its own initiative regarding measures and research to implement the objective of this Convention;
 - (f) formulate proposals for the conduct of international and national programs of research into Antarctic marine living resources.
 3. In carrying out its functions, the Scientific Committee shall have regard to the work of other relevant technical and scientific organizations and to the scientific activities conducted within the framework of the Antarctic Treaty.
- 32

ARTICLE XVI

1. The first meeting of the Scientific Committee shall be held within three months of the first meeting of the Commission. The Scientific Committee shall meet thereafter as often as may be necessary to fulfil its functions.
2. The Scientific Committee shall adopt and amend as necessary its rules of procedure. The rules and any amendments thereto shall be approved by the Commission. The rules shall include procedures for the presentation of minority reports.
3. The Scientific Committee may establish, with the approval of the Commission, such subsidiary bodies as are necessary for the performance of its functions.

ARTICLE XVII

1. The Commission shall appoint an Executive Secretary to serve the Commission and Scientific Committee according to such procedures and on such terms and conditions as the Commission may determine. His term of office shall be for four years and he shall be eligible for re-appointment.
2. The Commission shall authorize such staff establishment for the Secretariat as may be necessary and the Executive Secretary shall appoint, direct and supervise such staff according to such rules and procedures and on such terms and conditions as the Commission may determine.
3. The Executive Secretary and Secretariat shall perform the functions entrusted to them by the Commission.

ARTICLE XVIII

The official languages of the Commission and of the Scientific Committee shall be English, French, Russian and Spanish.

ARTICLE XIX

1. At each annual meeting, the Commission shall adopt by consensus its budget and the budget of the Scientific Committee.
2. A draft budget for the Commission and the Scientific Committee and any subsidiary bodies shall be prepared by the Executive Secretary and submitted to the Members of the Commission at least sixty days before the annual meeting of the Commission.

3. Each Member of the Commission shall contribute to the budget. Until the expiration of five years after the entry into force of this Convention, the contribution of each Member of the Commission shall be equal. Thereafter the contribution shall be determined in accordance with two criteria: the amount harvested and an equal sharing among all Members of the Commission. The Commission shall determine by consensus the proportion in which these two criteria shall apply.
4. The financial activities of the Commission and Scientific Committee shall be conducted in accordance with financial regulations adopted by the Commission and shall be subject to an annual audit by external auditors selected by the Commission.
5. Each Member of the Commission shall meet its own expenses arising from attendance at meetings of the Commission and of the Scientific Committee.
6. A Member of the Commission that fails to pay its contributions for two consecutive years shall not, during the period of its default, have the right to participate in the taking of decisions in the Commission.

ARTICLE XX

1. The Members of the Commission shall, to the greatest extent possible, 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.
2. The Members of the Commission shall provide, in the manner and at such intervals as may be prescribed, information about their harvesting activities, including fishing areas and vessels, so as to enable reliable catch and effort statistics to be compiled.
3. The Members of the Commission shall provide to the Commission at such intervals as may be prescribed information on steps taken to implement the conservation measures adopted by the Commission.
4. The Members of the Commission agree that in any of their harvesting activities, advantage shall be taken of opportunities to collect data needed to assess the impact of harvesting.

ARTICLE XXI

1. Each Contracting Party shall take appropriate measures within its competence to ensure compliance with the provisions of this Convention and with conservation measures adopted by the Commission to which the Party is bound in accordance with Article IX of this Convention.
2. Each Contracting Party shall transmit to the Commission information on measures taken pursuant to paragraph 1 above, including the imposition of sanctions for any violation.

ARTICLE XXII

1. Each Contracting Party undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity contrary to the objective of this Convention.
2. Each Contracting Party shall notify the Commission of any such activity which comes to its attention.

ARTICLE XXIII

1. The Commission and the Scientific Committee shall co-operate with the Antarctic Treaty Consultative Parties on matters falling within the competence of the latter.
2. The Commission and the Scientific Committee shall co-operate, as appropriate, with the Food and Agriculture Organisation of the United Nations and with other Specialised Agencies.
3. The Commission and the Scientific Committee shall seek to develop co-operative working relationships, as appropriate, with inter-governmental and non-governmental organizations which could contribute to their work, including the Scientific Committee on Antarctic Research, the Scientific Committee on Oceanic Research and the International Whaling Commission.
4. The Commission may enter into agreements with the organizations referred to in this Article and with other organizations as may be appropriate. The Commission and the Scientific Committee may invite such organizations to send observers to their meetings and to meetings of their subsidiary bodies.

ARTICLE XXIV

1. In order to promote the objective and ensure observance of the provisions of this Convention, the Contracting Parties agree that a system of observation and inspection shall be established.
2. The system of observation and inspection shall be elaborated by the Commission on the basis of the following principles:
 - (a) Contracting Parties shall cooperate with each other to ensure the effective implementation of the system of observation and inspection, taking account of the existing international practice. This system shall include, inter alia, procedures for boarding and inspection by observers and inspectors designated by the Members of the Commission and procedures for flag state prosecution and sanctions on the basis of evidence resulting from such boarding and inspections. A report of such prosecutions and sanctions imposed shall be included in the information referred to in Article XXI of this Convention;

- (b) in order to verify compliance with measures adopted under this Convention, observation and inspection shall be carried out on board vessels engaged in scientific research or harvesting of marine living resources in the area to which this Convention applies, through observers and inspectors designated by the Members of the Commission and operating under terms and conditions to be established by the Commission;
 - (c) designated observers and inspectors shall remain subject to the jurisdiction of the Contracting Party of which they are nationals. They shall report to the Member of the Commission by which they have been designated which in turn shall report to the Commission.
3. Pending the establishment of the system of observation and inspection, the Members of the Commission shall seek to establish interim arrangements to designate observers and inspectors and such designated observers and inspectors shall be entitled to carry out inspections in accordance with the principles set out in paragraph 2 above.

ARTICLE XXV

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of this Convention, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.
2. Any dispute of this character not so resolved shall, with the consent in each case of all Parties to the dispute, be referred for settlement to the International Court of Justice or to arbitration; but failure to reach agreement on reference to the International Court or to arbitration shall not absolve Parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 above.
3. In cases where the dispute is referred to arbitration, the arbitral tribunal shall be constituted as provided in the Annex to this Convention.

ARTICLE XXVI

1. This Convention shall be open for signature at Canberra from 1 August to 31 December 1980 by the States participating in the Conference on the Conservation of Antarctic Marine Living Resources held at Canberra from 7 to 20 May 1980.
2. The States which so sign will be the original signatory States of the Convention.

ARTICLE XXVII

1. This Convention is subject to ratification, acceptance or approval by signatory States.
2. Instruments of ratification, acceptance or approval shall be deposited with the Government of Australia, hereby designated as the Depositary.

ARTICLE XXVIII

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the eighth instrument of ratification, acceptance or approval by States referred to in paragraph 1 of Article XXVI of this Convention.
2. With respect to each State or regional economic integration organization which subsequent to the date of entry into force of this Convention deposits an instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day following such deposit.

ARTICLE XXIX

1. This Convention shall be open for accession by any State interested in research or harvesting activities in relation to the marine living resources to which this Convention applies.
2. This Convention shall be open for accession by regional economic integration organizations constituted by sovereign States which include among their members one or more States Members of the Commission and to which the States members of the organization have transferred, in whole or in part, competences with regard to the matters covered by this Convention. The accession of such regional economic integration organizations shall be the subject of consultations among Members of the Commission.

ARTICLE XXX

1. This Convention may be amended at any time.
2. If one-third of the Members of the Commission request a meeting to discuss a proposed amendment the Depositary shall call such a meeting.
3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all the Members of the Commission.
4. Such amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification, acceptance or approval by it has been received by the Depositary. Any such Contracting Party from which no such notice has been received within a period of one year from the date of entry into force of the amendment in accordance with paragraph 3 above shall be deemed to have withdrawn from this Convention.

ARTICLE XXXI

1. Any Contracting Party may withdraw from this Convention on 30 June of any year, by giving written notice not later than 1 January of the same year to the Depository, which, upon receipt of such a notice, shall communicate it forthwith to the other Contracting Parties.
2. Any other Contracting Party may, within sixty days of the receipt of a copy of such a notice from the Depository, give written notice of withdrawal to the Depository in which case the Convention shall cease to be in force on 30 June of the same year with respect to the Contracting Party giving such notice.
3. Withdrawal from this Convention by any Member of the Commission shall not affect its financial obligations under this Convention.

ARTICLE XXXII

The Depository shall notify all Contracting Parties of the following:

- (a) signatures of this Convention and the deposit of instruments of ratification, acceptance, approval or accession;
- (b) the date of entry into force of this Convention and of any amendment thereto.

ARTICLE XXXIII

1. This Convention, of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Government of Australia which shall transmit duly certified copies thereof to all signatory and acceding Parties.
2. This Convention shall be registered by the Depository pursuant to Article 102 of the Charter of the United Nations.

Drawn up at Canberra this twentieth day of May 1980.

78
IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention.

ANNEX FOR AN ARBITRAL TRIBUNAL

The arbitral tribunal referred to in paragraph 3 of Article XXV shall be composed of three arbitrators who shall be appointed as follows:

The Party commencing proceedings shall communicate the name of an arbitrator to the other Party which, in turn, within a period of forty days following such notification, shall communicate the name of the second arbitrator. The Parties shall, within a period of sixty days following the appointment of the second arbitrator, appoint the third arbitrator, who shall not be a national of either Party and shall not be of the same nationality as either of the first two arbitrators. The third arbitrator shall preside over the tribunal.

If the second arbitrator has not been appointed within the prescribed period, or if the Parties have not reached agreement within the prescribed period on the appointment of the third arbitrator, that arbitrator shall be appointed, at the request of either Party, by the Secretary-General of the Permanent Court of Arbitration, from among persons of international standing not having the nationality of a State which is a Party to this Convention.

The arbitral tribunal shall decide where its headquarters will be located and shall adopt its own rules of procedure.

The award of the arbitral tribunal shall be made by a majority of its members, who may not abstain from voting.

Any Contracting Party which is not a Party to the dispute may intervene in the proceedings with the consent of the arbitral tribunal.

The award of the arbitral tribunal shall be final and binding on all Parties to the dispute and on any Party which intervenes in the proceedings and shall be complied with without delay. The arbitral tribunal shall interpret the award at the request of one of the Parties to the dispute or of any intervening Party.

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the Parties to the dispute in equal shares.