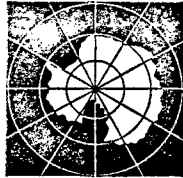


TRAITÉ SUR L'ANTARCTIQUE

XV<sup>e</sup> CONFÉRENCE CONSULTATIVE

ДОГОВОР ОБ АНТАРКТИКЕ

XV КОНСУЛЬТАТИВНОЕ СОВЕЩАНИЕ



ANTARCTIC TREATY

XV<sup>th</sup> CONSULTATIVE MEETING

TRATADO ANTARTICO

XV REUNION CONSULTIVA

PARIS

9-19 OCTOBRE 1989

XV ATCM/WP/3

Item 7, on the provisional  
agenda

Original : French/English

FRANCO-AUSTRALIA DRAFT WORKING PAPER ON POSSIBLE COMPONENTS FOR  
A COMPREHENSIVE CONVENTION FOR THE PRESERVATION AND PROTECTION  
OF ANTARCTICA

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FRANCO-AUSTRALIA DRAFT WORKING PAPER ON POSSIBLE COMPONENTS FOR  
A COMPREHENSIVE CONVENTION FOR THE PRESERVATION AND PROTECTION  
OF ANTARCTICA

I-PREAMBULE

1. As several recent international conferences have pointed out, it is now a matter of urgency to take all necessary steps to protect our imperilled environment.

2. Ever since the institution of the "Antarctic Treaty System", the Consultative Parties have displayed their concern to preserve the unique and fragile environment of this region, the last unsullied spot on earth. Very early on, these states decided :

- . a set of approved measures for the conservation of Antarctic fauna and flora;

- . a "code of conduct" for expeditions and scientific activities in the Antarctic;

- . in a wide variety of spheres, a great many measures relating to the preservation of the environment which account for the majority of the 164 recommendations adopted in the 30 years since the signature of the Washington Treaty.

Similarly, several conventions have been adopted by the members of the Antarctic Treaty System and are now in force, e.g.:

- . the Convention for the Protection of Seals in the Antarctic (1972);

- . and the Convention on the Preservation of Marine Fauna and Flora in the Antarctic (1980)

Lastly, the Convention on the Regulation of Antarctic Mineral Resource Activities, which contains restrictive rules and mechanisms for the protection of the environment, has recently been laid open for signature.

3. In view of the rise in local pollution due to the development of human activities in the Antarctic (e.g. the proliferation of scientific bases and their logistics, increasing tourism and the intensification of maritime and air traffic) and the concern to give priority to the protection of this territory given over to scientific research, it is important to create a cogent framework within which to amplify, systematize and co-ordinate these manifold sectoral measures. It is also important to go on developing the implementation of monitoring and inspection procedures, in which there appears to be room for improvement.

There is now therefore an urgent need for a comprehensive system of protection. The time has come to frame a comprehensive convention relating to the preservation of the Antarctic environment and dependent or connected ecosystems.

## II-PRINCIPLES

1. The comprehensive convention shall declare the Antarctic a "wilderness reserve".
2. Throughout the Antarctic, human activities having an impact on the environment shall be regulated or, where agreed as necessary, prohibited.
3. The convention shall take account of the requirements of scientific activity as determined by the Consultative Parties and the principles established in Article II of the Washington Treaty.

4. The convention shall lay down the bases of the strategy for the protection of the environment in the Antarctic. It shall seek :

. First, to spell out general principles regarding:

- comprehensive protection of the Antarctic environment;
- types of activities to be regulated;
- appropriate protective mechanisms;

. second, to set up institutions to implement these principles.

5. The Consultative Parties shall formulate and implement the convention.

6. This convention shall become an integral part of the Antarctic Treaty System. It shall provide the framework for all sectoral measures either taken or to be taken.

7. The environmental protection strategy shall be conducted in cooperation with world scientific programs. It will take their orientations into account.

### **III-PROTECTIVE MEASURES**

1. Protective measures shall take account of scientific studies.

2. Activities in certain zones requiring special protection should be restricted and, where necessary, prohibited.

3. Activities consistent with the principles of the Antarctic Treaty may be made subject to measures. These measures shall be framed having regard to the nature of the activity concerned

and appropriate institutional arrangements. The activities concerned shall include :

- . Shipping, fisheries and port installations in the Antarctic Ocean;
- . air transport, the installation and maintenance of airport infrastructures;
- . non-governmental expeditions and tourism;
- . the organisation, setting up and operation of scientific stations and bases;
- . discharges of waste resulting from various activities on the Antarctic continent.

4. The convention shall lay down the rules for the protection of the Antarctic continent including animal and plant species.

5. The convention shall lay down standards for surveys of the environmental impact on all activities carried on in the Antarctic. It shall seek to institute appropriate means of prevention and dealing with the consequences of environmental damage.

6. The convention shall frame the general principles for a monitoring system.

#### **IV-INSTITUTIONS**

1. For the purpose of implementing these general standards, the convention shall set up a system of institutions responsible for devising practical measures and monitoring their application.

2. There shall be three such institutions:

- . an environmental commission;
- . a scientific and technical committee;
- . an arbitration body.

These institutions shall be assisted by a secretariat and an inspection and monitoring corps.

3. The environmental commission, consisting of representatives of the Consultative Parties, shall meet once a year. This commission could be invested with the following powers:

- . to decide on all measures required to implement the principles laid down in the convention or in recommendations adopted by consultative conferences;
- . to define the zone or zones in which the different types of activity may be carried on (e.g. siting of research stations, delineation of zones reserved for tourism);
- . to ensure coordination of the environmental protection policy pursued by the other institutions derived from the conventions forming the Antarctic Treaty System;
- . to prepare an annual report on the state of the environment in the Antarctic; these reports shall be communicated to all interested governmental and non-governmental bodies.

4. The scientific and technical committee, consisting of scientists of internationally recognised standing, shall deliver an opinion on the measures envisaged by the commission and on scientific programmes.

5. The secretariat shall assist the commission in monitoring application of measures adopted within the framework of the wilderness reserve.

6. The inspection and monitoring corps shall enjoy complete freedom of investigation. Monitoring shall be performed by full-time inspectors operating throughout the land and maritime zone covered by the convention.

7. The arbitration body shall hear such disputes as may arise concerning interpretation and application of the convention.

ANNEX TO COMPONENTS PAPER

COMMENTS ON THE FRENCH-AUSTRALIAN PROPOSALS FOR COMPONENTS OF A  
COMPREHENSIVE CONVENTION ON THE PROTECTION OF THE ENVIRONMENT  
IN ANCTICTICA

1. France and Australia propose to the Parties that ATCM XV decide upon a Special Consultative Meeting to define a comprehensive regime for the protection of the environment and of the dependent and associated ecosystem in Antarctica which should take place in 1990. Without prejudicing the proposals that have or will be made by the other Consultative Parties, France and Australia consider that this regime should take the form of a comprehensive convention.

2. The aim of France and Australia is to reinforce the Antarctic Treaty System in two principal ways :

2.1. to indicate to the international community the determination of the Antarctic Treaty to protect Antarctica. For this reason it is essential to define clearly what environmental protection the Treaty System affords.

2.2. to ensure the completeness of the system and to provide a framework for measures applicable to specific activities.

3. The proposal is aimed at providing the Consultative Parties with the necessary means to protect the environment in Antarctica.

3.1. The comprehensive convention would establish a general framework for the protection of the environment having regard to the diversity of human activities involved:

. through the general principles set out in the convention;



- . through establishment of measures in the appropriate legal form consistent with the activity concerned and the general principles set out in the convention;

- . through the coordination of environmental protection within the Antarctic Treaty System;

- . through the appropriate means for prevention, intervention and monitoring;

- . through the creation of institution to deal with environmental matters.

3.2. The institutions thus created would have the following three principles :

- . they should respect the special responsibility of the Consultative Parties for the Antarctic environment by for example, giving the Consultative Parties the function of the environmental commission under the convention;

- . they should be effective to protect the Antarctic environment by, for example, permitting constant monitoring;

- . the decision making process should be timely and effective.

#### 4. Conclusion

The proposal by France and Australia would :

4.1. not result in the creation of a "parallel" system since:

- . the comprehensive convention would be an integral part of the Antarctic Treaty System making it complementary and not competitive;

4.2. simply reinforce the system of the Antarctic Treaty:

. by confirming the special responsibilities of the of the Consultative Parties and the Consultative meetings;

. by ensuring the consistent and comprehensive handling of environmental matters within the system;

. by maintaining the Antarctic Treaty in its entirety.

4.3. be a constructive contribution to the consideration of the Consultative Parties in order to provide the most effective response to the expectations of the international community.

5. France and Australia have expressed the wish that the parties take their proposal into serious consideration. They will be attentive to all comments and thank the Parties in advance for all contributions that will go towards making the XVth Consultative Meeting a success, further adding to the remarkable achievements already made under the Antarctic Treaty.