

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 OLIVERI 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

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  
Ministry Plenipotentiary

Delegation

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

Miss Josianne 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 Representatives

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

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 Representative

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 U.S.S.R.  
Canberra

Secretary

Miss Luđmila 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. HUMPHREY  
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 of 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.

### 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.