

## COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

### XIX Antarctic Treaty Consultative Meeting

10.1 The XIX Antarctic Treaty Consultative Meeting (ATCM) took place in Seoul, Republic of Korea, from 8 to 19 May 1995. CCAMLR had been invited to attend the meeting as an observer and was represented by its Executive Secretary, Mr E. de Salas, as was agreed in CCAMLR-XII, paragraph 10.24. The report of the Executive Secretary to the ATCM was tabled as CCAMLR-XIV/BG/11. In it the Executive Secretary pointed out some of the Commission's specific and innovative approaches to the management of resources, as was suggested in CCAMLR-XIII, paragraph 11.7. The Executive Secretary's report to the Commission can be found in CCAMLR-XIV/BG/3.

10.2 In presenting his report, the Executive Secretary summarised different aspects of the ATCM meeting which could be of interest to the Members of CCAMLR. He pointed out the new organisational aspects of the meeting were based on the Transitional Environmental Working Group (TEWG) meeting during the first week and Working Groups I and II during the second. A group of legal experts also met during the first week to discuss a Liability Annex to the Protocol on Environmental Protection.

10.3 The Executive Secretary explained that the nature and mandate of the TEWG were extensively discussed as were the support mechanisms that it would need to be effective. The operation of the Antarctic Treaty itself was also debated, in particular, the possible ways of strengthening its functions. There remains no consensus on the location of the Secretariat.

10.4 The Executive Secretary reported that tourism and the need to collect and standardise data on tourism were debated, as was the environmental impact of tourism. Environmental Impact Assessment Procedures were studied, the Antarctic Protected Area System was reviewed, and specific environmental protection measures were considered. When considering global change, the potential importance of changes detected in the polar regions for increasing world ocean levels and changing weather patterns was emphasised, and attention was drawn to the need for coherent and sustained research to improve the accuracy of future predictions.

10.5 The next Consultative Meeting will be held in the Netherlands during the last week of April and the first week of May 1996. The report of the Executive Secretary was endorsed by the Commission and it was agreed that he should represent the Commission at the XX Consultative Meeting (CCAMLR-XII, paragraph 10.24).

10.6 The Chairman of the Commission drew the attention of Members to a discussion which took place at the Consultative Meeting on Article 2 of a draft Annex on Liability to the Protocol on Environmental Protection to the Antarctic Treaty. A copy of the draft of this article and a possible alternative draft was distributed as CCAMLR-XIV/6.

10.7 On presenting the paper, the Chairman explained that he had been charged by the ATCM to request the opinion of the Commission on the two alternatives for Article 2. There were, he explained, at least three questions to be asked, namely: whether the liability annex should apply to a Member's vessel fishing in compliance with conservation measures in force; whether the liability annex should apply when a Member's vessel was not complying with one or more specific CCAMLR regulations in force; and whether the annex should apply to a related but non-fishing activity, such as an oil spill. The Chairman requested that the Members of the Commission consider these questions so that he could answer the ATCM.

10.8 It was pointed out that the questions raised were of a highly technical nature and that the group of legal experts at the ATCM meetings was faced essentially with a drafting problem. Some Members considered that it was possible that certain delegations to the Commission might lack, at this stage of the discussions, the necessary legal expertise to give a concrete answer. It was also pointed out that the negotiations would continue for some time on the annex on liability, with at least two more meetings of legal experts planned over the next 12 months.

10.9 There was an extensive debate on the substance of the two proposals and on the possibility of reaching an agreement at this stage. Finally, and considering that it was highly probable that at the next ATCM the question would still be open, it was agreed that the Chairman should send a letter to the ATCM in answer to its request, the text of which is in Annex 6.

#### Cooperation with SCAR

10.10 Dr D. Miller (South Africa), the SCAR Observer to CCAMLR, introduced his report by pointing out the special relationship that SCAR shares with the Commission under Article XXIII of the Convention and the high level of cooperation between the two organisations. He drew the Commission's attention to forthcoming meetings of the SCAR Groups of Specialists on Seals and on Southern Ocean Ecology (including CS-EASIZ) and of the Subcommittee on Bird Biology associated with the XXIV SCAR Meeting in Cambridge in July/August 1996. All these meetings had items on their agendas of direct relevance to the work of CCAMLR or included in response to requests from CCAMLR. He noted that the Scientific Committee had already

nominated observers to report to CCAMLR from these meetings. He also noted that Dr E. Fanta (Brazil) had been nominated as the liaison officer between the SCAR Group of Specialists on Environmental Affairs and Conservation (GOSEAC) and CCAMLR. These nominations were endorsed by the Commission.

10.11 Dr Fanta announced that the terms of reference for the SCAR Subgroup on 'Evolutionary Biology of Antarctic Organisms' were established during a meeting held in Curitiba, Brazil, from 26 to 30 June 1995. This subgroup will promote collaboration among scientists, discuss methodology and exchange information on topics such as adaptation, gene flow, biodiversity and life cycles. It will also promote the integration with existing groups in SCAR and CCAMLR. Topics of particular interest to CCAMLR will be in the fields of krill and fish stock separation, straddling stocks and the identification of the origin of birds accidentally captured during fishing activities.

10.12 Dr M. Richardson (UK) drew attention to the two linked workshops on environmental monitoring being convened by SCAR and COMNAP. The terms of reference for these workshops stemmed from XVII and XVIII ATCM at which the importance of monitoring seabirds and seals had been recognised by the Antarctic Treaty Consultative Parties (ATCPs). In this respect, it is important that the details of, and background to, the CEMP monitoring procedures be made available to the workshops.

#### Proposal by Brazil and Poland for the Establishment of an Antarctic Specially Managed Area (ASMA)

10.13 On behalf of Brazil and Poland, Dr Fanta introduced the proposal that Admiralty Bay at King George Island (South Shetland Islands) be designated as an Antarctic Specially Managed Area (ASMA), in accordance with the requirements of Annex V to the Protocol on Environmental Protection to the Antarctic Treaty (CCAMLR-XIV/BG/27 Rev. 1). She drew attention to points of special interest to CCAMLR: (i) that the information required by the Commission (CCAMLR-XIII, paragraph 11.20) is provided in the text; (ii) that Parties are asked to refrain from commercial fishing within the ASMA, to avoid interference with scientific activities in the area; and (iii) that there are longterm studies in progress on species that are of special interest to the CCAMLR Ecosystem Monitoring Program (CEMP), and which have their feeding grounds in the Admiralty Bay.

10.14 Delegations welcomed the proposal by Brazil and Poland (CCAMLR-XIV/BG/27 Rev. 1) that Admiralty Bay, King George Island, be designated as an ASMA. The Commission concluded that those provisions of the proposed ASMA relating to the marine environment were

consistent with and would further the objectives of CCAMLR. The Commission noted that the procedures established for reviewing such proposals would facilitate consideration of other proposals that might be referred to CCAMLR for consideration in the future.

10.15 Brazil was prepared to give assurances to the Delegations of the USA, Australia and the UK that the Brazilian Ministry of External Relations would maintain contact with the Department of State, the Department of Foreign Affairs and Trade and the Foreign Office respectively with regard to whatever questions related to the management plan in terms of the Antarctic Treaty Protocol Annex V.

10.16 Some delegations expressed the desire that the Brazil/Poland ASMA plan being considered by CCAMLR at this meeting should reflect their comments when it is finally presented to the 1996 ATCM meeting. The Delegation of Brazil also indicated that it would welcome, before ATCM meetings, views of other interested parties.

10.17 The Delegation of Brazil referred to a certain feeling of pride, certainly shared by the Delegation of Poland, with reference to an approval of the Admiralty Bay plan and to the fact that as one of the consequences of the bilateral initiative in presenting a pioneer plan, CCAMLR now had general guidelines for the assessment of future ASMA and Antarctic Specially Protected Area (ASPA) management plans.