Friends of the Earth at the Special Antarctic Consultative Meeting  Canberra, Australia

February 29, 1978

Number One

IT IS EXPLOITATION

Leaked Document Proves F.O.E. Correct

An official government information paper, a copy of which we have in hand, and which is reproduced in full on pages 2 and 3 in summary states "There is a considerable danger that conservation ideals will be over-shadowed by political and economic issues and will be compromised in their interest."

We've said that all along.

Read this and more alarming facts inside.

CHÉ SPEAKS

MY DAY AT THE SPECIAL CONSULTATIVE MEETING

Gee, it's hot up here!

Still, I looked at the petitions under my wing and thought of my comrades penguins who had farewelled me frantically as I swam north to Australia.

"That's an impressive list," said one of the media people.

"Yes," I said, "I have travelled across many ice flows to distant parts of Antarctica and had special consultative meetings in the rookeries of Penguins Against Nuclear Energy (PANE), the Feminist Penguin Group and even the leader of the feared Penguin Liberation Army.

Then all the humans started arriving — a few of them seemed to be very impressed by my presence, they pointed me out to their friends — I stuck my beak up high.

Then more humans arrived. And more. And more.

Milling around like krill in the ocean.

I dashed up to them all.

"Listen to the penguins of Antarctica! Don't take the kill out of our beaks!"

"I'm pleased to meet you," said Senator Webster. "Antarctica is a lovely place, you should go there sometime." What an odd thing to say, I thought. I live there.

"Yes, we're hoping to solve the Antarctica problem," said another delegate.

Problem? I didn't know we had any. Still, if they find out what the problem is, the penguins would like to know.

by Che d'Squark

ICE NEEDS FRIENDS. ICE NEEDS MONEY. ICE NEEDS INFORMATION. (ESPECIALLY THE SORT WE'RE NOT SUPPOSED TO HAVE).

SEND YOUR MONEY OR YOUR INFORMATION TO BOX 1254 CANBERRA CITY A.C.T. BUT UNLESS THEY'RE VERY SMALL DON'T SEND YOUR FRIENDS THAT WAY.

WHY ICE?

In Canberra, between February 27 and March 16, 1978, the Antarctic Treaty Nations are holding a Special Antarctic Consultative Meeting to formulate an Antarctic Marine Living Resources Regime.

This newspaper is an attempt to put across the view of Friends of the Earth and other environmental groups regarding the 'Marine Resource Regime'. There is obviously a lack of knowledge on Antarctica within Australia. The public does not know and is not told, the press does not know or is not told and many members of parliament and government do not know or do not bother to find out.

This paper is directed to them as well as delegates and international observers at the meeting.

Friends of the Earth are opposed to any exploitation of Antarctic 'resources' at this stage and in the foreseeable future. Antarctica's position in the world's ecology is a fragile one and one which should not be interfered with.

Considering the Antarctic ecosystem we feel that the lack of knowledge regarding critical interference levels, rehabilitation potential, species inter-relationships, biomass data and sustainable exploitation quotas must preclude any commercial harvesting.

Furthermore, we doubt the need for Antarctic exploitation. We consider it at best a short term solution to the world food problem and conclude that most likely it is only part of an overall desire, on the part of the treaty states to maintain control of it. (From the F.O.E. Statement of Position No.1)

It has been claimed that Southern Ocean protein could be used to feed the hungry people of the developing countries. We, however, believe that nutrition gained from Antarctic exploitation would not be used for those who need it and that Southern Ocean 'resources' are seen as the exclusive preserve of those countries with the finance and technological skills to exploit them.

The problems in the world that could be alleviated to a degree by Antarctic exploitation would be better solved by spending far more money and expertise on remedies for present environmental and food production ills.

Deforestation, overgrazing, desertification, erosion and over fishing are situations for which solutions must be found.

We call on all delegates to think and act carefully regarding the proposal before them.

Antarctica is too precious to muck around with.
AUSTRALIAN GOVERNMENT

INFORMATION PAPER

History
The development by the Antarctic Treaty Parties of a conservation regime for Antarctic Living Marine Resources was originally suggested by Australia in the Antarctic Treaty forum. Australia was therefore asked by the other Parties to prepare a draft regime for presentation to the IXth Consultative Meeting of Antarctic Treaty Parties in London, Oct—Nov 1977.

A number of other countries indicated that they would also prepare drafts.

At the London meeting papers were presented by the following:

- Australia — a draft conservation convention;
- South Africa — a draft convention with weak conservation provisions modelled largely on standard international fisheries conventions;
- USSR — an information paper outlining criteria for the development of a conservation regime.

Note: The non-living resources question (mineral, oil exploration, etc.) was discussed separately.

The Australian draft was the best received, but insufficient time was available to discuss the matter fully. Instead, the meeting adopted a resolution which inter alia called for the Canberra meeting to be convened to prepare a draft definitive regime, and for a subsequent decisive meeting to be held in September 1978 (Canberra?) where the regime could be finalised and signed. Parties were asked to present drafts to the meeting.

The following drafts will be circulated:

- Australia — unchanged from London;
- South Africa — unchanged from London;
- USSR — an exploitation-oriented convention based on the outline circulated at London;
- Argentine — convention based largely on the Australian draft;
- US — a comprehensive convention, but a number of individual articles covering the issues of particular interest to the US.

With the exception of the sovereignty issues (the US does not recognise any of the sovereignty claims in Antarctica) the US generally supports the Australian draft.

France — similar stance to USSR. Others may become available as the meeting approaches.

Although the Australian draft enjoyed some prominence in the London, and despite Australian chairmanship in Canberra, all drafts will be considered simultaneously.

International Implications

- This initiative by the Treaty Parties is the first proposed comprehensive international agreement for the conservation of the marine organisms off Antarctica.
- It differs from the Agreed Measures for the Conservation of Antarctic (continent) Flora and Fauna, and is similar to the Convention on Antarctic Seals, in that it provides an opportunity for accession by States which are not party to the Antarctic Treaty.
- It imposes an obligation on countries which are active in Antarctic waters to co-operate internationally in the exchange and interpretation of scientific and harvesting data, and an obligation to adopt conservation measures for the control of their nationals and vessels.

Implications for Australia

- Australia is committed, by Declaration of Cabinet, to exploring with the other Antarctic Treaty Parties the question of setting up a conservation regime for Antarctic living marine resources which is based on an “ecosystem” approach.
- By virtue of a claim to sovereignty over a substantial portion of the Antarctic continent, Australia has the obligations of a “Coastal State” to protect the marine environment appertinent to that coastline. When Australia declares exclusive 200 mile Fisheries and Environment Protection zones around the Australian mainland and territories, its obligations in the waters off the Australian Antarctic Territory will increase greatly.
- Although Australia does not, nor has the capacity to, undertake fishing activities in the Antarctic seas it is scientifically active in the area. Thus in addition to participating in the formulation of conservation measures under the proposed regime, it will have input to make into the scientific information on which those measures will be partly based.
- Australia has a bad record as far as ratification of international Antarctic agreements are concerned (eg. the Sealing Convention and the Agreed Measures have not yet been ratified by Australia) and must continue to take a leading role in the development and early entry into force of this convention.

The Main Issues for the Canberra Meeting

Because several draft regimes will be circulated, it is expected that the final document will be developed by means of an article-by-article comparison of all drafts. The most significant issues will probably be:

(1) Form of Regime.

The development of a Convention seems to be almost unanimously supported. In the past Chile (as a Treaty Party) has argued strongly for an Agreed Measures approach similar to that applying to the Antarctic continent. If adopted this would effectively exclude all non-Treaty Parties from participating in the regime.

Recent lobbying by Australia has convinced Chile of the wisdom of pursuing a convention which would be open to all States which demonstrate an interest in Antarctica and its surrounding oceans.

(2) Area of Application.

None of the present drafts adequately addresses this problem. For legal and administrative convenience many countries are pressing for either:
- latitude 60°S; or
- the Antarctic Convergence to be used as the northern geographical boundary. Both are unsuitable because:
  - marine organisms do not recognise geographic boundaries and many Antarctic species are regularly found north of 60°S;
  - the Convergence is dynamic and difficult to define precisely.

The Australian draft best recognises these problems and, employing an “ecosystem” app-
PAPER 'LEAKED' TO F.O.E.

roach, uses latitude 60's as a geographical reference but also applies to species north of that latitude which form part of the Antarctic marine ecosystem. However, the problem of defining "ecosystem" with legal precision may present some difficulties.

(3) Scope.
There may not be great difficulty in arriving at an agreement on scope. The Australian draft covers all organisms which form part of the marine ecosystem (implicitly including birds) but explicitly excluding those which are covered by other agreements (eg seals and whales). For public-relations reasons (at worst) most countries are expected to opt for a comprehensive definition, and the above should be adopted.

(4) Adoption of Conservation Measures
Most drafts envisage the setting up of a Commission, assisted by scientific and other standing or ad hoc advisory committees, and with special relationships with other international organisations (eg FAO, SCAR). All contracting parties will be eligible for representation on the Commission and its various committees, and conservation measures prescribed by the Commission will be based on scientific and harvesting data provided to it. Once adopted, measures will be binding on all parties.

There appears to be scope for the formulation of a mechanism which maximises international co-operation.

(5) Development of Conservation Measures
Almost all drafts contain specific terms of reference which the Commission will be required to follow in the development of conservation measures. None presents an exhaustive list, and all are deficient from an "ecosystem" viewpoint. Most employ provisions which have been transposed from fisheries conventions, and are exploitation - or "single-species" - oriented. They include:

- setting of maximum sustainable yields for exploitable species (eg Krill);
- restrictions on catch-effort employed;
- protected and unprotected species;
- open and closed seasons and areas;
- mandatory reporting of harvesting data;
- the encouragement of scientific research.

The question of preservation of the fragile Antarctic ecosystem has not been adequately addressed. The effects of man's activities on non-exploitable as well as exploitable organisms is central to a system approach to the problem. The Australian delegation has been briefed to propose an amendment, covering the last point above, to its own draft or any other which is adopted by the Meeting. However, if political or economic questions such as Sovereignty, Accession or Allocation gain prominence, this area is vulnerable to compromise.

(6) Allocation.
Australia deliberately avoided mentioning a system of allocation or apportionment of Antarctic marine resources in its draft. However, this issue is emerging as one of the major political issues to face the Meeting because some countries are already harvesting Antarctic krill and others have announced an interest in doing so (eg USSR, Japan, FRG). The US favours a moratorium on the harvesting, while other countries (including Australia) would prefer to leave the setting up of an allocation formula to the Commission when it is established.

The immediate danger is that this issue may divert the attention of the Meeting from the fundamental problem of conservation.

(7) Sovereignty.
The question of sovereignty over Antarctica continues to preoccupy the Antarctic Treaty Parties, and has also gained considerable attention in the law of the Sea negotiations.

A number of States (including Australia) claim sovereignty over portions of Antarctica and over parts of the oceans appertaining to its coastline. International recognition of these claims varies considerably. Some countries (eg the US) recognise none of the claim, and some developing countries in particular believe that Antarctica and its surrounding seas should be declared the heritage of all mankind. Meanwhile, some claimant States (eg New Zealand) are willing to give up their claim as part of a general renunciation of sovereignty over Antarctica.

Australia adheres rigidly to its own claim, but international legal opinion suggests that there is little chance of the claim surviving a challenge. If the question becomes one of major contention in Canberra, Australia is prepared to compromise very little.

(8) Accession.
The philosophy that the convention should be open to general participation is widely accepted. However, some Treaty Parties (notably Chile) feel that unless accession is restricted, the running of the regime will become dominated by so-called Third World fishing States (eg Taiwan), and it will lose much of its environmental-protection force and will become purely a fisheries-management regime.

However, if accession is denied to some States there will be nothing to stop them exploiting parts of the Antarctic marine ecosystem without employing any conservation measures.

There is a small body of opinion (led once more by Chile) which would prefer to exclude "Third World" countries from the decision-making process. Therefore the participation and voting procedures which are adopted at the Canberra Meeting will determine the extent of Third World influence on the draft regime. Similarly, the Canberra Meeting is required to prepare rules of procedure for the decisive meeting, and this presents another opportunity to limit developing nations' participation.

Some States (particularly Latin American) would like the regime to be finalised as Canberra thereby almost totally excluding non-Treaty parties from the process. However, the London Meeting decided that two special consultative meetings should be held, and few delegations will have received prior government approval to sign a Convention in Canberra. Australia has not.

Summary

- The Canberra Meeting is very important internationally, and is being treated as such by most participating countries.
- Nearly all are fielding delegations at senior level. The Meeting has the potential to develop a more comprehensive conservation regime.
- Australia's approach is generally a responsible one, however, a special effort will have to be made to focus the attention of all delegations on the importance of conserving all components of the Antarctic marine ecosystem; not only those which are potentially exploitable. The relationship between the Antarctic ecosystem and other ecosystems of the world must also be observed.
- There is considerable danger that conservation ideals will be overshadowed by political and economic issues and will be compromised in their interest.

Canberra, 21 February 1978.

"The regime must not affect or alter the Antarctic ecosystem."

CHILE

"We don't want to see a repetition of the exploitation of whalers."

SOUTH AFRICA
PUBLIC—WHERE WERE YOU?

Monday morning’s session was “open to the public” yet where were they?

We feel the answer lies in the little publicity given to the conference. Clearly the future of Antarctica, recovery of the great whales, threat to the lives of penguins, seals, marine animals and birds, the fragile ecosystem and the exploiters parading as conservationists doesn’t sell newspapers.

The only people in the public gallery were ourselves, looking very conspicuous, security personnel, also looking very conspicuous, and the press. The meeting informed us that ‘regrettably’ further sessions would be closed to both public and press unless the meeting decides to the contrary. Why if this issue is of such international concern, as many of the delegates stressed in their opening speeches, are the public not allowed to observe proceedings? The delegates also repeatedly told us that the Treaty had been a remarkable example of international cooperation, pity none of us will be there to see it.

Kim O’Sullivan

WOMEN IGNORED

There were approximately seventy delegates at Monday morning’s opening session, of which six were women. Was it because of the absence of noticeable numbers of women on the delegations that the chairperson, Mr. Roland, chose to both ignore and insult the women that were present by opening his various addresses—“Gentlemen ...”

ANDY’S LOGIC

Peacock must have been embarrassed when the head of the United States delegation, in his opening speech on Monday, referred favourably to the presence of three representatives from public interest groups on the US delegation.

He said that in the United States the Congress, people and press had expressed interest in Antarctica and especially in the issue of marine living resources and this is evidenced by the presence of three representatives from public interest groups on the delegation.

Peacock refused Friends of the Earth a representative on the Australian delegation on the basis that this was a ‘Government-to-Government level’ meeting and that therefore FOE as a non-governmental organisation could not attend.

You’ve balliéd up your logic, Andy.

Linnell Secomb

SECURITY

DID EVERY MEMBER OF THE ‘PUBLIC’ HAVE A SECURITY PERSON SITTING BEHIND THEM DURING THE ‘PUBLIC’ OPENING SESSION OF THE SPECIAL CONSULTATIVE MEETING?

IT GAVE US A GREAT SENSE OF RELIEF TO KNOW WE WERE BEING PROTECTED?

ICE

Blame for this edition of ICE should be levelled at—

Paul Dickenson
Mark Carter
Linnell Secomb
Kim O’Sullivan
Brian Appleford
Jodi Greenpeace
Che d’ Squark

Special thanks to—

Pam
Jami
Alan
Frank
Isabella
ANU Students Association

Kim O’Sullivan