

ELIZABETH II



1967 CHAPTER 65

An Act to enable effect to be given to measures for the conservation of Antarctic fauna and flora which, in pursuance of the Antarctic Treaty signed at Washington on 1st December 1959, have been or may hereafter be recommended for approval by contracting parties to that treaty; and for other purposes connected with the Antarctic Treaty. [27th July 1967]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) On and after the appointed day, no person to whom this section applies, while he is in any part of Antarctica, shall, except as permitted by or under this Act,—

Conservation
of Antarctic
fauna and
flora.

(a) wilfully kill, injure, molest or take any native mammal or native bird, or

(b) gather any native plant within a specially protected area, or drive any vehicle within such an area.

(2) On and after the appointed day, no person to whom this section applies shall, except as permitted by or under this Act, bring into any part of Antarctica any animal or plant of a species which is not indigenous to Antarctica.

(3) Subject to the next following subsection, this section applies to any person who is for the time being—

(a) a citizen of the United Kingdom and Colonies, or

(b) a British subject by virtue of section 2 of the British Nationality Act 1948 (continuance of certain citizens of Eire as British subjects), or

1948 c. 56.

- (c) a British subject without citizenship by virtue of section 13 or section 16 of that Act (which relate respectively to British subjects whose citizenship had not been ascertained at the commencement of that Act and to persons who had ceased to be British subjects on loss of British nationality by a parent), or
- 1965 c. 34. (d) a British subject by virtue of the British Nationality Act 1965, or
- 1948 c. 56. (e) a British protected person (within the meaning of the British Nationality Act 1948),

and to any person who (not being such a person as is mentioned in any of paragraphs (a) to (e) of this subsection) is for the time being the owner or master or a member of the crew of a British ship registered in the United Kingdom.

(4) Notwithstanding anything in the last preceding subsection, this section does not apply to a person who, being also a national of one of the other Contracting Parties, has been designated by or on behalf of that Contracting Party as an observer, or is an exchanged scientist made available by that Contracting Party, or is a member of the staff accompanying an observer so designated or such an exchanged scientist, while he is in any part of Antarctica for the purpose of exercising his functions as such an observer or exchanged scientist or as a member of such a staff.

(5) Any person who does, or attempts to do, anything in contravention of this section shall be guilty of an offence.

Exemptions
from s. 1.

2.—(1) Section 1 of this Act shall not be taken to be contravened by anything done, or attempted to be done, by any person in accordance with a permit issued in respect of him—

- (a) under this Act, or
- (b) by or on behalf of one of the other Contracting Parties, if it is done or attempted at a time when that permit is in force and in compliance with any conditions or limitations to which the permit is subject.

(2) Without prejudice to the preceding subsection, where a person is charged with an offence under section 1 of this Act, it shall be a defence to prove that the act in question was done or attempted in a case of extreme emergency involving possible loss of human life or the safety of a ship or aircraft.

Issue of
permits.

3.—(1) The Secretary of State may issue in respect of any person to whom section 1 of this Act applies a permit authorising him to do such of the things mentioned in subsection (1) and (2) of that section as are specified in the permit.

(2) The Secretary of State may delegate his powers under the preceding subsection to any person who for the time being—

- (a) holds office as Director of the British Antarctic Survey or holds an appointment (by whatever name called) having functions similar to those which at the passing of this Act are performed by that Director, or
- (b) is the officer in charge of a station maintained in Antarctica by or on behalf of Her Majesty's Government in the United Kingdom, or
- (c) is in charge of an expedition to Antarctica organised in or proceeding from the United Kingdom or any other territory to which this section extends.

(3) Any permit under this section may be issued subject to such conditions and limitations as (subject to subsection (5) of this section) the Secretary of State or other person issuing the permit considers appropriate.

(4) In connection with the matters authorised by any such permit, the permit may require the person in respect of whom it is issued to make to the Secretary of State or other person issuing the permit a report, at such times and in such manner as may be specified in the permit, as to the occurrence of such acts and events as may be so specified.

(5) In the exercise of any power conferred by or under this section, the Secretary of State or other person exercising the power shall have regard to the Agreed Measures.

(6) Any person to whom the power to issue permits is delegated under subsection (2) of this section shall, in respect of each year, send to the Secretary of State a report in accordance with the next following subsection; and every such report shall be sent to the Secretary of State as soon as practicable after the end of the year to which it relates.

(7) A report made by any person under the last preceding subsection in respect of any year shall contain such particulars of permits under this section issued by him in that year, and of information received by him in that year in pursuance of subsection (4) of this section, as the Secretary of State may require.

(8) In this section "year" means a period of twelve months ending with June.

4.—(1) Any person who, being the owner or master or a member of the crew of a British ship registered in the United Kingdom, wilfully kills or takes a seal in contravention of section 1 of this Act shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding three months, or to a fine not exceeding £100, or to both.

(2) Without prejudice to the preceding subsection, any person who, in contravention of section 1 of this Act, wilfully kills any mammal or bird of a specially protected species shall be liable on summary conviction to a fine not exceeding £100.

(3) Except as otherwise provided by the preceding provisions of this section, any person who commits an offence under section 1 of this Act shall be liable on summary conviction to a fine not exceeding £50.

(4) Any person who—

(a) fails to comply with a requirement imposed on him by a permit in accordance with section 3(4) of this Act, or

(b) in any report made by him in pursuance of such a requirement knowingly or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

5.—(1) Where on or after the appointed day anything is done, or omitted to be done, by a person to whom section 1 of this Act applies who has been designated by or on behalf of Her Majesty's Government in the United Kingdom as an observer or is an exchanged scientist made available by that Government, or is a member of the staff accompanying an observer so designated or such an exchanged scientist, while he is in any part of Antarctica for the purpose of exercising his functions as such an observer or exchanged scientist or as a member of such a staff, and the act or omission—

(a) would, if it occurred in any part of the United Kingdom, be an offence under the law of that part of the United Kingdom, or

(b) would, if it occurred in any other territory to which this section extends, be an offence under the law of that territory,

he shall by virtue of this section be guilty of the like offence as if the act or omission had occurred in that part of the United Kingdom or in that territory, as the case may be, and shall be liable to be proceeded against and punished accordingly.

(2) The preceding subsection shall have effect without prejudice to the operation of sections 1 and 4 of this Act.

Application
of criminal
law to
observers and
exchanged
scientists.

6.—(1) If it appears to Her Majesty that further provision, Power to make in addition to that made by sections 1 to 5 of this Act, is further necessary or expedient for giving effect to any of the Agreed Measures, Her Majesty may by Order in Council make such provision accordingly. provision for giving effect to Agreed Measures.

(2) An Order in Council under this section may prescribe penalties for contravention of prohibitions imposed by the Order; but the penalties so prescribed shall not exceed those specified respectively in paragraphs (a) and (b) of section 4(1) of this Act.

(3) No recommendation shall be made to Her Majesty to make an Order in Council under this section unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

7.—(1) Her Majesty may by Order in Council certify who are the Contracting Parties. Further powers exercisable by Order in Council.

(2) Her Majesty may by Order in Council—

(a) designate as a specially protected species any species of mammal or bird which is for the time being specified in Annex A to the Agreed Measures or which has been recommended for inclusion in that Annex in pursuance of Article IX(1) of the Treaty;

(b) designate (whether by reference to a map or otherwise) as a specially protected area any area which is for the time being specified in Annex B to the Agreed Measures or which has been recommended for inclusion in that Annex in pursuance of Article IX(1) of the Treaty.

(3) Her Majesty may by Order in Council direct that sections 1 to 4 of this Act, in so far as they relate to killing, injuring, molesting or taking native mammals or native birds, shall have effect as if Antarctica included the whole of the high seas south of the sixtieth parallel of south latitude.

(4) In so far as it appears to Her Majesty to be expedient to do so for giving effect to any recommendations made in accordance with Article IX(1) of the Treaty, or to any special arrangements made with any other Contracting Party, Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, such provisions of this Act as are so specified shall have effect in accordance with any one or more of paragraphs (a) to (c) of this subsection, that is to say—

(a) as if references to persons to whom section 1 of this Act applies included references to persons who (not

being persons to whom that section applies) fulfil such conditions as to nationality as are specified in the Order ;

- (b) as if, in any provision of this Act specified in the Order, references to persons of any description specified in that provision included references to persons (not falling within that description) who are for the time being members of any expedition organised in or proceeding from the United Kingdom or any other territory to which that provision extends ;
- (c) as if, in any provision of this Act specified in the Order, references to British ships registered in the United Kingdom included references to British ships registered in any other territory so specified which is a territory to which that provision extends,

or may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, section 5 of this Act shall have effect as if, for the words from "who has been designated" to "member of such a staff", there were substituted such other words as may be so specified.

(5) Her Majesty may by Order in Council make provision for any of the following matters, that is to say—

- (a) the arrest in any part of Antarctica of any person suspected of committing an offence under any provision of this Act which is punishable by imprisonment ;
- (b) the conveyance in custody of any person so arrested to any place where, by virtue of this Act, he can be tried for that offence ;
- (c) the seizure and detention of any article which may be evidence of an offence under any provision of this Act and the conveyance of any such article to any place where, by virtue of this Act, a person charged with that offence can be tried ;
- (d) securing the attendance, before any court by which a person can be tried for an offence under any provision of this Act, of any person required to give evidence or produce documents in proceedings relating to that offence.

(6) In the last preceding subsection any reference to this Act includes a reference to any Order in Council made under section 6 of this Act.

(7) Any Order in Council made under any of subsections (2) to (5) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

8.—(1) Without prejudice to any jurisdiction exercisable apart from this section, proceedings for an offence under any provision of this Act may be taken against any person at any place at which he is for the time being and which is in the United Kingdom or in any other territory to which that provision extends. Proceedings
and evidence.

(2) For the purposes of any such proceedings—

- (a) any Order in Council under section 7(1) of this Act shall be conclusive evidence of the matters certified by the Order ;
- (b) any document purporting to be a permit issued under this Act, or to be a permit issued by or on behalf of one of the other Contracting Parties, and to be issued in respect of a person bearing the name by which a person is referred to in the proceedings, shall, unless the contrary is proved, be deemed to be a permit issued under this Act, or issued by or on behalf of that Contracting Party, as the case may be, and to relate to the person so referred to ;
- (c) any document purporting to be a certificate issued by or on behalf of Her Majesty's Government in the United Kingdom, or by or on behalf of one of the other Contracting Parties, certifying that a person bearing the name by which a person is referred to in the proceedings was designated or made available by or on behalf of that Government or Contracting Party as an observer or exchanged scientist, or is or at a time specified in the document was a member of the staff accompanying an observer or exchanged scientist so designated or made available, shall, unless the contrary is proved, be deemed to be a certificate issued by or on behalf of that Government or Contracting Party, and shall, unless the contrary is proved, be sufficient evidence of the fact stated in the document.

9. Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, subject to such exceptions and modifications (if any) as may be specified in the Order, to—

- (a) the Isle of Man ;
- (b) any of the Channel Islands ;
- (c) any colony.

Interpretation
and
supplementary
provisions.

10.—(1) In this Act “the Treaty” means the Treaty set out in Schedule 1 to this Act, and “the Agreed Measures” means the measures set out in Schedule 2 to this Act, being measures recommended for approval by the Contracting Parties:

Provided that, if Schedule 2 to this Act is amended in the exercise of any power conferred by the following provisions of this section, “the Agreed Measures” shall mean the measures set out in that Schedule as so amended.

(2) If the measures set out in Schedule 2 to this Act are modified before they become effective in pursuance of Article IX(4) of the Treaty, and become effective as so modified, Her Majesty may by Order in Council amend Schedule 2 to this Act in such manner as She may consider requisite for giving effect to those modifications.

(3) If the measures set out in that Schedule, having become effective (with or without modifications) in pursuance of Article IX(4) of the Treaty, are subsequently amended, either in pursuance of the said Article IX(4) or in pursuance of Article XIV set out in that Schedule, Her Majesty may by Order in Council amend, or (if it has previously been amended, either under the last preceding subsection or under this subsection) may by Order in Council further amend, Schedule 2 to this Act in such manner as She may consider requisite for giving effect to that subsequent amendment of those measures.

(4) Any Order in Council made under subsection (2) or subsection (3) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“Antarctica” means the area south of the sixtieth parallel of south latitude, excluding any part of the high seas but including all ice shelves south of that parallel;

“the appointed day” means such day as Her Majesty may by Order in Council appoint;

“the Contracting Parties” means the Contracting Parties to the Treaty and “the other Contracting Parties” means the Contracting Parties other than Her Majesty’s Government in the United Kingdom;

“exchanged scientist” means a person exchanged in pursuance of Article III(1)(b) of the Treaty, and any reference to an exchanged scientist made available by a Contracting Party is a reference to an exchanged

scientist who, in pursuance of arrangements made by that Contracting Party, is employed by or serves under another Contracting Party ;

“ native bird ”, “ native mammal ” and “ native plant ” have the meanings assigned to them respectively by Article II of the Agreed Measures ;

“ observer ” means a person designated in pursuance of Article VII(1) of the Treaty ;

“ specially protected area ” and “ specially protected species ” mean respectively an area or species designated under section 7(2) of this Act ;

“ territory ” includes any country ;

“ vehicle ” includes an aircraft while it is on the ground and any reference to driving a vehicle shall be construed as a reference to being in charge of it while it is in motion, whether it is mechanically propelled or not.

(6) For the purpose of construing any reference in this Act to an offence under any provision of this Act, an act or omission in respect of which a person is guilty of an offence by virtue of section 5 of this Act shall be taken to be an offence under that section.

(7) Any power conferred by any provision of this Act to make an Order in Council shall include power to vary or revoke the Order by a subsequent Order in Council.

(8) Section 3(1) of the British Nationality Act 1948 (which 1948 c. 56. limits the criminal liability of certain persons who are not citizens of the United Kingdom and Colonies) shall not have effect in relation to any offence under any provision of this Act.

11. This Act may be cited as the Antarctic Treaty Act 1967. **Short title.**

SCHEDULES

Section 10.

SCHEDULE 1

THE ANTARCTIC TREATY

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

Recognising that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord ;

Acknowledging the substantial contributions to scientific knowledge resulting from international co-operation in scientific investigation in Antarctica ;

Convinced that the establishment of a firm foundation for the continuation and development of such co-operation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind ;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the Charter of the United Nations ;

Have agreed as follows:

ARTICLE I

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, *inter alia*, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any type of weapons.

2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

ARTICLE II

Freedom of scientific investigation in Antarctica and co-operation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

ARTICLE III

1. In order to promote international co-operation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable :

- (a) information regarding plans for scientific programmes in Antarctica shall be exchanged to permit maximum economy and efficiency of operations ;

- (b) scientific personnel shall be exchanged in Antarctica between expeditions and stations ;
- (c) scientific observations and results from Antarctica shall be exchanged and made freely available.

SCH. 1

2. In implementing this Article, every encouragement shall be given to the establishment of co-operative working relations with those Specialized Agencies of the United Nations and other international organisations having a scientific or technical interest in Antarctica.

ARTICLE IV

1. Nothing contained in the present Treaty shall be interpreted as :
- (a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica ;
- (b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise ;
- (c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.
2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

ARTICLE V

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.
2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

ARTICLE VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

SCH. 1

ARTICLE VII

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.

3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

5. Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

- (a) all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory ;
- (b) all stations in Antarctica occupied by its nationals ; and
- (c) any military personnel or equipment intended to be introduced by it into Antarctica subject to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

ARTICLE VIII

1. In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel exchanged under sub-paragraph 1 (b) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

2. Without prejudice to the provisions of paragraph 1 of this Article and pending the adoption of measures in pursuance of sub-paragraph 1 (e) of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antarctica shall immediately consult together with a view to reaching a mutually acceptable solution.

ARTICLE IX

SCH. 1

1. Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:

- (a) use of Antarctica for peaceful purposes only;
- (b) facilitation of scientific research in Antarctica;
- (c) facilitation of international scientific co-operation in Antarctica;
- (d) facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;
- (e) questions relating to the exercise of jurisdiction in Antarctica;
- (f) preservation and conservation of living resources in Antarctica.

2. Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition.

3. Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the Contracting Parties participating in the meetings referred to in paragraph 1 of the present Article.

4. The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

5. Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

ARTICLE X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

ARTICLE XI

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves

SCH. 1

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 to the International Court of Justice for settlement; but failure to reach agreement on reference to the International Court 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 of this Article.

ARTICLE XII

1.—(a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

(b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provisions of sub-paragraph 1 (a) of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2.—(a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

(b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary Government to all the Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

(c) If any such modification or amendment has not entered into force in accordance with the provisions of sub-paragraph 1 (a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

ARTICLE XIII

SCH. 1

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instrument of accession.

6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XIV

The present Treaty, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

SCHEDULE 2

Section 10.

AGREED MEASURES FOR THE CONSERVATION OF
ANTARCTIC FAUNA AND FLORA

PREAMBLE

The Governments participating in the Third Consultative Meeting under Article IX of the Antarctic Treaty,

Desiring to implement the principles and purposes of the Antarctic Treaty ;

Recognising the scientific importance of the study of Antarctic fauna and flora, their adaptation to their rigorous environment, and their inter-relationship with that environment ;

Considering the unique nature of these fauna and flora, their circum-polar range, and particularly their defencelessness and susceptibility to extermination ;

SCH. 2

Desiring by further international collaboration within the framework of the Antarctic Treaty to promote and achieve the objectives of protection, scientific study, and rational use of these fauna and flora ; and

Having particular regard to the conservation principles developed by the Scientific Committee on Antarctic Research (SCAR) of the International Council of Scientific Unions ;

Hereby consider the Treaty Area as a Special Conservation Area and have agreed on the following measures :

ARTICLE I

1. These Agreed Measures shall apply to the same area to which the Antarctic Treaty is applicable (hereinafter referred to as the Treaty Area) namely the area south of 60° South Latitude, including all ice shelves.

2. However, nothing in these Agreed Measures shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within the Treaty Area, or restrict the implementation of the provisions of the Antarctic Treaty with respect to inspection.

3. The Annexes to these Agreed Measures shall form an integral part thereof, and all references to the Agreed Measures shall be considered to include the Annexes.

ARTICLE II

For the purposes of these Agreed Measures :

- (a) "Native mammal" means any member, at any stage of its life cycle, of any species belonging to the Class Mammalia indigenous to the Antarctic or occurring there through natural agencies of dispersal, excepting whales.
- (b) "Native bird" means any member, at any stage of its life cycle (including eggs), of any species of the Class Aves indigenous to the Antarctic or occurring there through natural agencies of dispersal.
- (c) "Native plant" means any kind of vegetation at any stage of its life cycle (including seeds), indigenous to the Antarctic or occurring there through natural agencies of dispersal.
- (d) "Appropriate authority" means any person authorised by a Participating Government to issue permits under these Agreed Measures.
- (e) "Permit" means a formal permission in writing issued by an appropriate authority.
- (f) "Participating Government" means any Government for which these Agreed Measures have become effective in accordance with Article XIII of these Agreed Measures.

ARTICLE III

Each participating Government shall take appropriate action to carry out these Agreed Measures.

ARTICLE IV

SCH. 2

The Participating Governments shall prepare and circulate to members of expeditions and stations information to ensure understanding and observance of the provisions of these Agreed Measures, setting forth in particular prohibited activities, and providing lists of specially protected species and specially protected areas.

ARTICLE V

The provisions of these Agreed Measures shall not apply in cases of extreme emergency involving possible loss of human life or involving the safety of ships or aircraft.

ARTICLE VI

1. Each Participating Government shall prohibit within the Treaty Area the killing, wounding, capturing or molesting of any native mammal or native bird, or any attempt at any such act, except in accordance with a permit.

2. Such permits shall be drawn in terms as specific as possible and issued only for the following purposes:

- (a) to provide indispensable food for men or dogs in the Treaty Area in limited quantities, and in conformity with the purposes and principles of these Agreed Measures;
- (b) to provide specimens for scientific study or scientific information;
- (c) to provide specimens for museums, zoological gardens, or other educational or cultural institutions or uses.

3. Permits for Specially Protected Areas shall be issued only in accordance with the provisions of Article VIII.

4. Participating Governments shall limit the issue of such permits so as to ensure as far as possible that:

- (a) no more native mammals or birds are killed or taken in any year than can normally be replaced by natural reproduction in the following breeding season;
- (b) the variety of species and the balance of the natural ecological systems existing within the Treaty Area are maintained.

5. The species of native mammals and birds listed in Annex A of these Measures shall be designated "Specially Protected Species", and shall be accorded special protection by Participating Governments.

6. A Participating Government shall not authorize an appropriate authority to issue a permit with respect to a Specially Protected Species except in accordance with paragraph 7 of this Article.

7. A permit may be issued under this Article with respect to a Specially Protected Species, provided that:

- (a) it is issued for a compelling scientific purpose, and
- (b) the actions permitted thereunder will not jeopardise the existing natural ecological system or the survival of that species.

SCH. 2

ARTICLE VII

1. Each Participating Government shall take appropriate measures to minimize harmful interference within the Treaty Area with the normal living conditions of any native mammal or bird, or any attempt at such harmful interference, except as permitted under Article VI.

2. The following acts and activities shall be considered as harmful interference:

- (a) allowing dogs to run free,
- (b) flying helicopters or other aircraft in a manner which would unnecessarily disturb bird and seal concentrations, or landing close to such concentrations (e.g. within 200 m.),
- (c) driving vehicles unnecessarily close to concentrations of birds and seals (e.g. within 200 m.),
- (d) use of explosives close to concentrations of birds and seals,
- (e) discharge of firearms close to bird and seal concentrations (e.g. within 300 m.),
- (f) any disturbance of bird and seal colonies during the breeding period by persistent attention from persons on foot.

However, the above activities, with the exception of those mentioned in (a) and (e) may be permitted to the minimum extent necessary for the establishment, supply and operation of stations.

3. Each Participating Government shall take all reasonable steps towards the alleviation of pollution of the waters adjacent to the coast and ice shelves.

ARTICLE VIII

1. The areas of outstanding scientific interest listed in Annex B shall be designated "Specially Protected Areas" and shall be accorded special protection by the Participating Governments in order to preserve their unique natural ecological system.

2. In addition to the prohibitions and measures of protection dealt with in other Articles of these Agreed Measures, the Participating Governments shall in Specially Protected Areas further prohibit:

- (a) the collection of any native plant, except in accordance with a permit;
- (b) the driving of any vehicle.

3. A permit issued under Article VI shall not have effect within a Specially Protected Area except in accordance with paragraph 4 of the present Article.

4. A permit shall have effect within a Specially Protected Area provided that:

- (a) it was issued for a compelling scientific purpose which cannot be served elsewhere; and
- (b) the actions permitted thereunder will not jeopardise the natural ecological system existing in that Area.

ARTICLE IX

SCH. 2

1. Each Participating Government shall prohibit the bringing into the Treaty Area of any species of animal or plant not indigenous to that Area, except in accordance with a permit.

2. Permits under paragraph 1 of this Article shall be drawn in terms as specific as possible and shall be issued to allow the importation only of the animals and plants listed in Annex C. When any such animal or plant might cause harmful interference with the natural system if left unsupervised within the Treaty Area, such permits shall require that it be kept under controlled conditions and, after it has served its purpose, it shall be removed from the Treaty Area or destroyed.

3. Nothing in paragraphs 1 and 2 of this Article shall apply to the importation of food into the Treaty Area so long as animals and plants used for this purpose are kept under controlled conditions.

4. Each Participating Government undertakes to ensure that all reasonable precautions shall be taken to prevent the accidental introduction of parasites and diseases into the Treaty Area. In particular, the precautions listed in Annex D shall be taken.

ARTICLE X

Each Participating Government undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in the Treaty Area contrary to the principles or purposes of these Agreed Measures.

ARTICLE XI

Each Participating Government whose expeditions use ships sailing under flags of nationalities other than its own shall, as far as feasible, arrange with the owners of such ships that the crews of these ships observe these Agreed Measures.

ARTICLE XII

1. The Participating Government may make such arrangements as may be necessary for the discussion of such matters as:

- (a) the collection and exchange of records (including records of permits) and statistics concerning the numbers of each species of native mammal and bird killed or captured annually in the Treaty Area ;
- (b) the obtaining and exchange of information as to the status of native mammals and birds in the Treaty Area, and the extent to which any species needs protection ;
- (c) the number of native mammals or birds which should be permitted to be harvested for food, scientific study, or other uses in the various regions ;
- (d) the establishment of a common form in which this information shall be submitted by Participating Governments in accordance with paragraph 2 of this Article.

SCH. 2

2. Each Participating Government shall inform the other Governments in writing before the end of November of each year of the steps taken and information collected in the preceding period of 1st July to 30th June relating to the implementation of these Agreed Measures. Governments exchanging information under paragraph 5 of Article VII of the Antarctic Treaty may at the same time transmit the information relating to the implementation of these Agreed Measures.

ARTICLE XIII

1. After the receipt by the Government designated in Recommendation I–XIV (5) of notification of approval by all Governments whose representatives are entitled to participate in meetings provided for under Article IX of the Antarctic Treaty, these Agreed Measures shall become effective for those Governments.

2. Thereafter any other Contracting Party to the Antarctic Treaty may, in consonance with the purposes of Recommendation III–VII, accept these agreed Measures by notifying the designated Government of its intention to apply the Agreed Measures and to be bound by them. The Agreed Measures shall become effective with regard to such Governments on the date of receipt of such notification.

3. The designated Government shall inform the Governments referred to in paragraph 1 of this Article of each notification of approval, the effective date of these Agreed Measures and of each notification of acceptance. The designated Government shall also inform any Government which has accepted these Agreed Measures of each subsequent notification of acceptance.

ARTICLE XIV

1. These Agreed Measures may be amended at any time by unanimous agreement of the Governments whose Representatives are entitled to participate in meetings under Article IX of the Antarctic Treaty.

2. The Annexes, in particular, may be amended as necessary through diplomatic channels.

3. An amendment proposed through diplomatic channels shall be submitted in writing to the designated Government which shall communicate it to the Governments referred to in paragraph 1 of the present Article for approval ; at the same time, it shall be communicated to the other Participating Governments.

4. Any amendment shall become effective on the date on which notifications of approval have been received by the designated Government and from all of the Governments referred to in paragraph 1 of this Article.

5. The designated Government shall notify those same Governments of the date of receipt of each approval communicated to it and the date on which the amendment will become effective for them.

6. Such amendment shall become effective on that same date for all other Participating Governments, except those which before the expiry of two months after that date notify the designated Government that they do not accept it.

SCH. 2

ANNEXES TO THESE AGREED MEASURES

ANNEX A.

Specially protected species

[Species recommended for inclusion in this Annex in pursuance of Article IX(1) of the Antarctic Treaty

1. All species of the genus *Arctocephalus*, Fur Seals.
2. *Ommatophoca rossi*, Ross Seal.]

ANNEX B

Specially protected areas

[Areas recommended for inclusion in this Annex in pursuance of Article IX(1) of the Antarctic Treaty

1. Taylor Rookery, Mac. Robertson Land.
Lat. 67° 26' S., Long. 60° 50' E.
2. Rookery Islands, Holme Bay.
Lat. 67° 37' S., Long. 62° 33' E.
3. Ardery Island and Odbert Island, Budd Coast.
Lat. 66° 22' S., Long. 110° 28' E. and Lat. 66° 22' S.,
Long 110° 33' E.
4. Sabrina Island, Balleny Islands.
Lat. 66° 54' S., Long. 163° 20' E.
5. Beaufort Island, Ross Sea.
Lat. 76° 58' S., Long. 167° 03' E.
6. Cape Crozier, Ross Island.
Lat. 77° 32' S., Long. 169° 19' E.
7. Cape Hallett, Victoria Land.
Lat. 72° 18' S., Long. 170° 19' E.
8. Dion Islands, Marguerite Bay, Antarctic Peninsula.
Lat. 67° 52' S., Long. 68° 43' W.
9. Green Island, Berthelot Islands, Antarctic Peninsula.
Lat. 65° 19' S., Long. 64° 10' W.
10. Byers Peninsula, Livingston Island, South Shetland Islands.
Lat. 62° 38' S., Long. 61° 05' W.
11. Cape Shirreff, Livingston Island, South Shetland Islands.
Lat. 62° 28' S., Long. 60° 48' W.
12. Fildes Peninsula, King George Island, South Shetland Islands.
Lat. 62° 12' S., Long. 58° 58' W.
13. Moe Island, South Orkney Islands.
Lat. 60° 45' S., Long. 45° 41' W.
14. Lynch Island, South Orkney Islands.
Lat. 60° 40' S., Long. 45° 38' W.
15. Southern Powell Island and adjacent islands, South Orkney Islands.
Lat. 60° 45' S., Long. 45° 02' W.]

SCH. 2

ANNEX C

Importation of animals and plants

The following animals and plants may be imported into the Treaty Area in accordance with permits issued under Article IX (2) of these Agreed Measures:

- (a) sledge dogs,
- (b) domestic animals and plants,
- (c) laboratory animals and plants.

ANNEX D

Precautions to prevent accidental introduction of parasites and diseases into the Treaty Area

The following precautions shall be taken:

1. *Dogs*: All dogs imported into the Treaty Area shall be inoculated against the following diseases:
 - (a) distemper;
 - (b) contagious canine hepatitis;
 - (c) rabies;
 - (d) leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*).

Each dog shall be inoculated at least two months before the time of its arrival in the Treaty Area.

2. *Poultry*: Notwithstanding the provisions of Article IX (3) of these Agreed Measures, no living poultry shall be brought into the Treaty Area after 1st July, 1966.

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