

CONVENTION FOR THE CONSERVATION OF ANTARCTIC SEALS

London, 1 June 1972
The Contracting Parties,

Recalling the Agreed Measures for the Conservation of Antarctic Fauna and Flora adopted under the Antarctic Treaty signed at Washington on 1 December 1959:

Recognizing the general concern about the vulnerability of Antarctic seals to commercial exploitation and the consequent need for effective conservation measures:

Recognizing that the stocks of Antarctic seals are an important living resource in the marine environment which requires an international agreement for its effective conservation;

Recognizing that this resource should not be depleted by over-exploitation, and hence that any harvesting should be regulated so as not to exceed the levels of the optimum sustainable yield;

Recognizing that in order to improve scientific knowledge and so place exploitation on a rational basis, every effort should be made both to encourage biological and other research on Antarctic seal populations and to gain information from such research and from the statistics of future sealing operations, so that further suitable regulations may be formulated;

Noting that the Scientific Committee on Antarctic Research of the International Council of Scientific

Unions (SCAR) is willing to carry out the tasks requested of it in this Convention.

Desiring to promote and achieve the objectives of protection, scientific study and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological system,

Have agreed as follows:

Article I

SCOPE

1 . This Convention applies to the sea south of 60 deg South Latitude, in respect of which the Contracting Parties affirm the provisions of Article IV of the Antarctic Treaty.

2. This Convention may be applicable to any or all of the following species:

Southern elephant seal *Mirounga leonina*,

Leopard seal *Hydrurga leptonyx*,

Weddell seal *Leptonychotes weddelli*,

Crabeater seal *Lobodon carcinophagus*,

Ross seal *Ommatophoca rossi*,

Southern fur seals *Arctocephalus* sp.

3. The Annex to this Convention forms an integral part thereof.

Article 2

IMPLEMENTATION

1. The Contracting Parties agree that the species of seals enumerated in Article I shall not be killed or captured within the Convention area by their nationals or vessels under their respective flags except in accordance with the provisions of this Convention .

2. Each Contracting Party shall adopt for its nationals and for vessels under its flag such laws, regulations and other measures, including a permit system as appropriate, as may be necessary to implement this Convention.

Article 3

ANNEXED MEASURES

1. This Convention includes an Annex specifying measures which the Contracting Parties hereby adopt. Contracting Parties may from time to time in the future adopt other measures with respect to the conservation, scientific study and rational and humane use of seal resources, prescribing inter alia:

- a) permissible catch;
- b) protected and unprotected species;

- c) open and closed seasons;
- d) open and closed areas, including the designation of reserves;
- e) the designation of special areas where there shall be no disturbance of seals;
- f) limits relating to sex, size, or age for each species;
- g) restrictions relating to time of day and duration, limitations of effort and methods of sealing;
- h) types and specifications of gear and apparatus and appliances which may be used;
- i) catch returns and other statistical and biological records;
- j) procedures for facilitating the review and assessment of scientific information;
- k) other regulatory measures including an effective system of inspection.

2. The measures adopted under paragraph (1) of this Article shall be based upon the best scientific and technical evidence available.

3. The Annex may from time to time be amended in accordance with the procedures provided for in Article 9.

Article 4

SPECIAL PERMITS

1. Notwithstanding the provisions of this Convention, any Contracting Party may issue permits to kill or capture seals in limited quantities and in conformity with the objectives and principles of this Convention for the following purposes:

- a) to provide indispensable food for men or dogs;
- b) to provide for scientific research; or
- c) to provide specimens for museums, educational or cultural institutions.

2. Each Contracting Party shall, as soon as possible, inform the other Contracting Parties and SCAR of the purpose and content of all permits issued under paragraph (1) of this Article and subsequently of the numbers of seals killed or captured under these permits.

Article 5

EXCHANGE OF INFORMATION AND SCIENTIFIC ADVICE

1. Each Contracting Party shall provide to the other Contracting Parties and to SCAR the information specified in the Annex within the period indicated therein.

2. Each Contracting Party shall also provide to the

other Contracting Parties and to SCAR before 31 October each year information on any steps it has taken in accordance with Article 2 of this Convention during the preceding period of 1 July to 30 June.

3. Contracting Parties which have no information report under the two preceding paragraphs shall indicate this formally before 31 October each year.

4. SCAR is invited:

a) to assess information received pursuant to this Article; encourage exchange of scientific data and information among the Contracting Parties; recommend programmes for scientific research; recommend statistical and biological data to be collected by sealing expeditions within the Convention area; and suggest amendments to the Annex; and

b) to report on the basis of the statistical, biological and other evidence available when the harvest of any species of seal in the Convention area is having a significantly harmful effect on the total stocks of such species or on the ecological system in any particular locality.

5. SCAR is invited to notify the Depositary which shall report to the Contracting Parties when SCAR estimates in any sealing season that the permissible catch limits for any species are likely to be exceeded and, in that case, to provide an estimate of the date upon which the permissible catch limits will be reached. Each Contracting party shall then take appropriate measures to prevent its nationals and vessels under its flag from

killing or capturing seals of that species after the estimated date until the Contracting Parties decide otherwise.

6. SCAR may if necessary seek the technical assistance of the Food and Agriculture Organization of the United Nations in making its assessments.

7. Notwithstanding the provisions of paragraph (1) of Article 1 the Contracting Parties shall, in accordance with their internal law, report to each other and to SCAR, for consideration, statistics relating to the Antarctic seals listed in paragraph (2) of Article 1 which have been killed or captured by their nationals and vessels under their respective flags in the area of floating sea ice north of 60 deg South latitude.

Article 6

CONSULTATIONS BETWEEN CONTRACTING PARTIES

1. At any time after commercial sealing has begun a Contracting Party may propose through the Depositary that a meeting of Contracting Parties be convened with a view to:

a) establishing by a two-thirds majority of the Contracting Parties, including the concurring votes of all States signatory to this Convention present at the meeting, an effective system of control, including inspection, over the implementation of the provisions of this Convention;

b) establishing a commission to perform such functions under this Convention as the Contracting Parties may deem necessary; or

c) considering other proposals, including:

(i) the provision of independent scientific advice;

(ii) the establishment, by a two-thirds majority, of a scientific advisory committee which may be assigned some or all of the functions requested of SCAR under this Convention, if commercial sealing reaches significant proportions;

(iii) the carrying out of scientific programmes with the participation of the Contracting Parties; and

(iv) the provision of further regulatory measures, including moratoria.

2. if one-third of the Contracting Parties indicate agreement the Depositary shall convene such a meeting, as soon as possible.

3. A meeting shall be held at the request of any Contracting Party, if SCAR reports that the harvest of any species of Antarctic seal in the area to which this Convention applies is having a significantly harmful effect on the total stocks or the ecological system in any particular locality.

Article 7

REVIEW OF OPERATIONS

The Contracting Parties shall meet within five years after the entry into force of this Convention and at least every five years thereafter to review the operation of the Convention.

Article 8

AMENDMENTS TO THE CONVENTION

1. This Convention may be amended at any time. The text of any amendment proposed by a Contracting Party shall be submitted to the Depositary, which shall transmit it to all the Contracting Parties.
2. If one-third of the Contracting Parties request a meeting to discuss the proposed amendment the Depositary shall call such a meeting.
3. An amendment shall enter into force when the Depositary has received instruments of ratification or acceptance thereof from all the Contracting Parties.

Article 9

AMENDMENTS TO THE ANNEX

1. Any Contracting Party may propose amendments to the Annex to this Convention. The text of any such proposed amendment shall be submitted to the Depositary which shall transmit it to all Contracting Parties.

2. Each such proposed amendment shall become effective for all Contracting Parties six months after the date appearing on the notification from the Depositary to the Contracting Parties, if within 120 days of the notification date, no objection has been received and two-thirds of the Contracting Parties have notified the Depositary in writing of their approval.

3. If an objection is received from any Contracting Party within 120 days of the notification date, the matter shall be considered by the Contracting Parties at their next meeting. If unanimity on the matter is not reached at the meeting, the Contracting Parties shall notify the Depositary within 120 days from the date of the closure, of the meeting of their approval or rejection of the original amendment or of any new amendment proposed by the meeting. If, by the end of this period, two-thirds of the Contracting Parties have approved such amendment, it shall become effective six months from the date of the closure of the meeting for those Contracting Parties which have by then notified their approval.

4. Any Contracting Party which has objected to a proposed amendment may at any time withdraw that objection, and the proposed amendment shall become effective with respect to such Party immediately if the amendment is already in effect, or at such time as it becomes effective under the terms of this Article.

5. The Depositary shall notify each Contracting Party immediately upon receipt of each approval or objection, of each withdrawal of objection, and of the entry into force of any amendment.

6. Any State which becomes a party to this Convention after an amendment to the Annex has entered into force shall be bound by the Annex as so amended. Any State which becomes a Party to this Convention during the period when a proposed amendment is pending may approve or object to such an amendment within the time limits applicable to other Contracting Parties.

Article 10

SIGNATURE

This Convention shall be open for signature at London from 1 June to 31 December 1972 by States participating in the Conference on the Conservation of Antarctic Seals held at London from 3 to 11 February 1972.

Article 11

RATIFICATION

This Convention is subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, hereby designated as the Depositary.

Article 12

ACCESSION

This Convention shall be open for accession by any State which may be invited to accede to this Convention with the consent of all the Contracting Parties.

Article 13

ENTRY INTO FORCE

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the seventh instrument of ratification or acceptance.
2. Thereafter this Convention shall enter into force for each ratifying, accepting or acceding State on the thirtieth day after deposit by such State of its instrument of ratification, acceptance or accession.

Article 14

WITHDRAWAL

Any Contracting Party may withdraw from this Convention on 30 June of any year by giving notice on or before 1 January of the same year to the Depositary, which upon receipt of such a notice shall at once communicate it to the other Contracting Parties. Any other Contracting Party may, in like manner, within one month of the receipt of a copy of such a notice from the Depositary, give notice of withdrawal, so that the Convention shall cease to be in force on 30 June of the same year with respect to the Contracting Party giving such notice.

Article 15

NOTIFICATION BY THE DEPOSITARY

The Depositary shall notify all signatory and acceding States of the following:

- a) signatures of this Convention, the deposit of instruments of ratification, acceptance or accession and notices of withdrawal;
- b) the date of entry into force of this Convention and of any amendments to it or its Annex.

Article 16

CERTIFIED COPIES AND REGISTRATION

1 . This Convention, 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 Kingdom of Great Britain and Northern Ireland, which shall transmit duly certified copies thereof to all signatory and acceding States.

2. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Done at London, this 1st day of June 1972.

Annex

1. Permissible Catch

The Contracting Parties in any one year, which shall run from 1 July to 30 June inclusive, restrict the total number of seals of each species killed or captured to the numbers specified below. These numbers are subject to review in the light of scientific assessments:

- a) in the case of Crabeater seals *Lobodon carcinophagus*, 175,000;
- b) in the case of Leopard seals *Hydrurga leptonyx*., 12,000;
- c) in the case of Weddell seals *Leptonychotes weddelli*, 5,000.

2. Protected Species

- a) It is forbidden to kill or capture Ross seals *Ommatophoca rossi*, Southern elephant seals *Mirounga leonina*, or fur seals of the genus *Arctocephalus*.
- b) In order to protect the adult breeding stock when it is most concentrated and vulnerable, it is forbidden to kill or capture any Weddell seal *Leptonychotes weddelli* one year old or older between 1 September and 31 January inclusive.

3. Closed Season and Sealing Season

The period between 1 March and 31 August inclusive is a Closed Season, during which the killing or capturing of seals is forbidden. The period 1 September to the last day in February constitutes a Sealing Season.

4. Sealing Zones

Each of the sealing zones listed in this paragraph shall be closed in numerical sequence to all sealing operations for the seal species listed in paragraph 1 of this Annex for the period 1 September to the last day of February inclusive. Such closures shall begin with the same zone as is closed under paragraph 2 of Annex B to Annex 1 of the Report of the Fifth Antarctic Treaty Consultative Meeting at the moment the Convention enters into force. Upon the expiration of each closed period, the affected zone shall reopen:

Zone 1 ?between 60 deg and 120 deg West Longitude

Zone 2 ?between 0 deg and 60 deg West Longitude,
together with that part of
the Weddell Sea lying westward of 60 deg West
Longitude

Zone 3 ?between 0 deg and 70 deg East Longitude Zone 4?
between 70 deg and
130 deg East Longitude

Zone 5 ?between 130 deg East Longitude and 170 deg
West Longitude

Zone 6?between 120 deg and 170 deg West Longitude.

5. Seal Reserves

It is forbidden to kill or capture seals in the following reserves, which are seal breeding areas or the site of long-term scientific research:

- a) The area around the South Orkney Islands between 60 deg 20 min and 60 deg 56 min South Latitude and 44 deg 05 min and 46 deg 25 min West Longitude.
- b) The area of the southwestern Ross Sea south of 76 deg South Latitude and west of 170 deg East Longitude.
- c) The area of Edisto Inlet south and west of a line drawn between Cape Hallett at 72 deg 19 min South Latitude, 170 deg 18 min East Longitude, and Helm Point, at 72 deg 11 min South Latitude, 170 deg 00 min East Longitude.

6. Exchange of Information

- a) Contracting Parties shall provide before 31 October each year to other Contracting Parties and to SCAR a summary of statistical information on all seals killed or captured by their nationals and vessels under their respective flags in the Convention area, in respect of the preceding period 1 July to 30 June. This information shall include by zones and months:
 - (i) The gross and nett tonnage, brake horsepower, number of crew, and number of days' operation of vessels under the flag of the Contracting Party;

(ii) The number of adult individuals and pups of each species taken.

When specially requested, this information shall be provided in respect of each ship, together with its daily position at noon each operating day and the catch on that day.

b) When an industry has started, reports of the number of seals of each species killed or captured in each zone shall be made to SCAR in the form and at the intervals (not shorter than one week) requested by that body.

c) Contracting Parties shall provide to SCAR biological information, in particular:

(i) Sex

(ii) Reproductive condition

(iii) Age

SCAR may request additional information or material with the approval of the Contracting Parties.

d) Contracting Parties shall provide to other Contracting Parties and to SCAR at least 30 days in advance of departure from their home ports information on proposed sealing expeditions.

7. Sealing Methods

a) SCAR is invited to report on methods of sealing and to make recommendations with a view to ensuring that the

killing or capturing of seals is quick, painless and efficient. Contracting Parties, as appropriate, shall adopt rules for their nationals and vessels under their respective flags engaged in the killing and capturing of seals, giving due consideration to the views of SCAR.

b) In the light of the available scientific and technical data, Contracting Parties agree to take appropriate steps to ensure that their nationals and vessels under their respective flags refrain from killing or capturing seals in the water, except in limited quantities to provide for scientific research in conformity with the objectives and principles of this Convention. Such research shall include studies as to the effectiveness of methods of sealing from the viewpoint of the management and humane and rational utilization of the Antarctic seal resources for conservation purposes. The undertaking and the results of any such scientific research programme shall be communicated to SCAR and the Depositary which shall transmit them to the Contracting Parties.

Addendum

At the signature, the following statement was made by the Representative of Chile:

"The Delegation of Chile states that the reference to Article IV of the Antarctic Treaty contained in Article 1 of the present Convention signifies that nothing specified therein shall confirm, deny or impair the rights of the Contracting Parties as regards their

maritime jurisdictions and their declared juridical position on this matter."

The following statement was made by the Representative of the United States of America:

"The Delegation of the United States of America believes that the Convention should contain stronger provisions for the observation of operations and enforcement of regulations, especially with regard to the use of observers of the Contracting Parties with each others' sealing expeditions. Opposition to stronger provisions has chiefly arisen not from commercial but from juridical interests.

"Nevertheless, the Convention is a new and valuable International Agreement, achieved in advance of the development of commercial sealing in the Antarctic. that contains many provisions important to the conservation of seals and their protection against over-exploitation. We understand exploratory commercial sealing ventures may be imminent.

"In order not to diminish the progress achieved by this Conference in international co-operation effective conservation in the Antarctic, the delegation of the United States of America has decided to sign the Final Act and will submit the Convention for its Government's consideration."