

TRATADO ANTARTICO
XII REUNION CONSULTIVA

TRAITE SUR L'ANTARCTIQUE
XII REUNION CONSULTATIVE



CANBERRA
13-27 SEPTEMBER
1983

ANTARCTIC TREATY
XII CONSULTATIVE MEETING

ДОГОВОР ОБ АНТАРКТИКЕ
XII КОНСУЛЬТАТИВНОЕ СОВЕЩАНИЕ

ANT/XII/10
15 September 1983
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ITEM 11: PUBLIC AVAILABILITY OF THE
DOCUMENTS OF THE CONSULTATIVE MEETINGS
(Explanatory Note and Draft Recommendation
submitted by the United Kingdom)

[Explanatory Note: This matter was discussed at length in the course of the XIth ATCM. No conclusion was reached. It was agreed that the matter should be the subject of further consultation at the XIIth ATCM. It may help colleagues in considering this matter if some of the main points made in the discussion at Buenos Aires are recalled:

- (a) a distinction could be drawn between those documents of Consultative Meetings that are publicly available and those that are not;
- (b) reports of Consultative Meetings are already publicly available;
- (c) the practice of Consultative Meetings hitherto has been that these Reports of Consultative Meetings contain:
 - (i) the Recommendations adopted at the Consultative Meeting;
 - (ii) a report of the outcome of the discussion of each agenda item setting the associated Recommendation in context, or briefly describing the scope of the discussion if no Recommendation had been made;
 - (iii) any papers of the Consultative Meeting which the Consultative parties had agreed should be annexed so as adequately to describe and report the results of the Meeting;
 - (iv) a statement by the Depositary Government relating to the approval of Recommendations; and
 - (v) statements delivered by Heads of Delegation at the public opening session of the Meeting;
- (d) these Reports should at least be no less informative than those reporting recent Consultative Meetings;
- (e) some Consultative Parties were required by their constitutional

procedures to publish the Recommendations of Consultative Meetings;

- (f) Recommendation VIII-8 requires that states likely to become Consultative Parties, be urged to approve Recommendations that had already become effective;
- (g) reports of Consultative Meetings should be sent by the host government of each Meeting to Contracting Parties that had not become Consultative Parties;
- (h) at the discretion of the Consultative Parties the attention of a specialized agency of the United Nations or an international organisation having a scientific or technical interest in Antarctica could be drawn to the Report of a Consultative Meeting, either in whole or in part, in fulfilment of Article III, paragraph 2, of the Treaty;
- (i) the "Handbook of Measures in furtherance of the Principles and objectives of the Antarctic Treaty" should be kept up to date and each language edition should contain the same material;
- (j) while it was felt that the working documents of Consultative Meetings should, as is the practice at present, not be publicly available at the close of Consultative Meetings; nevertheless,
- (k) some delegations believed that some papers submitted by them could be made publicly available if that was the understanding on which they had been submitted; while
- (l) other delegations believed that public access to any paper of a Consultative Meeting (other than those contained in the Report of the Consultative Meeting) depended on there being a consensus that it should be made accessible;

- (m) the status of papers to which the public already had access through other arrangements could not be altered by their submission to a Consultative Meeting;
- (n) some delegations favoured the introduction of two series of Consultative Meeting documents (other than the Reports of Consultative Meetings), one being open to the public and the other closed;
- (o) other delegations believed that such a distinction could inhibit the negotiating process;
- (p) there could be advantage in making arrangements by which the working documents of Consultative Meeting could be made available to interested members of the public after a period of, say, five years after the closing date of the Consultative Meeting for which they were prepared.

The United Kingdom delegation believes there is a pressing need to take action to increase the public availability of the working documents of the Consultative Meetings, to broaden the circulation of the Reports of Consultative Meetings and to maintain the Treaty Handbook. The following draft Recommendation reflects sub-paragraphs (g), (h), (i) and (p) above.]

DRAFT RECOMMENDATION

ADMINISTRATIVE ARRANGEMENTS FOR CONSULTATIVE MEETINGS

The Representatives recommend to their Governments that:

1. In addition to sending Consultative Parties certified copies of the Report of Consultative Meetings as called for in Recommendation I-XIV, paragraph 1, the Government of the host country of each Consultative Meeting shall also send copies of the Report of that meeting to all other Contracting Parties;

2. In furtherance of Article III, paragraph 2, of the Treaty, the Government of the host country, as and when the Representatives of Consultative Parties consider it appropriate, may be requested to draw the attention of any Specialized Agency of the United Nations or any other international organization to any part of the Report of the Consultative Meeting relevant to the scientific or technical interest which the agency or organization might have in Antarctica;

3. The "Handbook of Measures in Furtherance of the Principles and Objectives of the Antarctic Treaty" should be available in an up to date form and should contain the same material in each language edition;

4. The Working Documents of those Consultative Meetings that took place more than five years before the date on which this Recommendation becomes effective in accordance with Article IX, paragraph 4, of the Treaty may be made publicly available. Thereafter, the Working Documents of each Consultative Meeting may be made publicly available five years after the closing date of the Meeting for which they were prepared.