

## Committee for Environmental Protection (CEP):

“A Discussion Paper“

### I. Introduction

After the Protocol on Environmental Protection to the Antarctic Treaty had entered into force on 14 January 1998, the Committee on Environmental Protection (CEP) was established in accordance with Art. 11 of the Protocol.

The CEP had its inaugural meeting on the 25 to the 29 May 1998 in conjunction with the XXII ATCM in Tromsø. The CEP, after adopting its rules of procedure, became operational and began discussing issues assigned to it and reported back to the ATCM.

It soon became clear, that the inception of the CEP would have an impact on the organisational structure of the ATCM in particular with respect to WG II of the ATCM. This aspect was highlighted in paragraphs 10, 11 and 12 of the report of the CEP to the XXII ATCM and in paragraph 39 of the Final Report of the XXII ATCM.

Issues regarding the establishment of the CEP were also addressed in XXI/ATCM WP 2/Rev. 1(submitted by Netherlands/New Zealand/South Africa), XXII/ATCM WP 20, WP 23 and WP 24 (submitted by Norway, New Zealand/ the Netherlands and United Kingdom respectively).

This paper is intended to raise some further points of discussion regarding the interrelationship between the CEP and the organisational structure of the ATCM with particular reference to WG II.

### II. Principal deliberations

With the entry into force of the Protocol on Environmental Protection, environmental issues form the second important pillar of our work in the ATCM. The first pillar and core of the Antarctic Treaty, however, remains science and research in the Antarctica, which are the actual reason for our consultative status. In addition, environmental protection also benefits from research, because it addresses to a large extent global climate issues. This equilibrium of science and research on one side and environmental protection on the other side also has to be reflected in the institutions of the ATCM. This means that WG II has to be retained. At the same time, an adaptation and new orientation of the work of WG II are necessary in the long term.

### III. Role and function of the CEP and WG II of the ATCM

1) The role, competence and functions of the CEP which are described in numerous articles of the Protocol and its annexes (e.g. Art. 10,11 or 12 of the protocol) can be summarised as providing environmental, technical and scientific advice to the ATCM on the implementation and effectiveness of the Protocol. From this description follows that the CEP is an advisory, non-political organ.

2) The competence and functions of the WG II of the ATCM are not clearly described but were developed by working practice. Technical, scientific and environmental issues such as tourism, inspections or science in general were addressed by WG II, whereas WG I discussed issues of a more political nature.

In this context, one should also recall the important impetus and contributions that WG II has given to the work of the ATCM's in the field of scientific research and logistic activities in the past.

The description of the competencies of the two aforementioned bodies within the ATCM implies that there could be a duplication of work and therefore a clarification on the division of labour is warranted.

### IV. Premises of the future relationship between the CEP and WG II

- the CEP is an advisory, non-political body
- the CEP is still at a formative stage. More experience has to be gained as to the interactive relationship of the CEP and WG II
- duplication of work has to be avoided in order to ensure an effective functioning of the ATCM
- the principle of cost-effectiveness in relation to the operation of the Antarctic Treaty System has to be observed
- the financial aspect has to be taken into account. This means that the costs of a CEP meeting have to be borne by the host country.

## V. Conclusions

In the light of the above some preliminary conclusions can be drawn:

It is premature to make a definite assessment of the impact of the establishment of the CEP on the organisational structure of the Antarctic Treaty System. After a good start of the CEP some time is needed for the CEP to fulfill its tasks in practice and to find its role within the institutional framework of the ATCM. The CEP also has to gain some practical experience in implementing its rules of procedure. Since all this needs time, the real consequences of the establishment of the CEP for the ATCM can only realistically be assessed in the future. We should therefore draw more comprehensive conclusions after the working experience of a few more ATCM's. This should not prevent us in the meantime from pondering some aspects of the CEP and WG II and to make first steps to adjust the work of the CEP and WG II.

Thought should also be given in relation to a more focused operation of the CEP and WG II in order to avoid duplication of work. Bearing this principle in mind the CEP already agreed on a priority agenda hereby concentrating its work programme on some essential issues such as the Environmental Impact Assessment or the Protected Areas.

The principle of concentration and efficiency has also to be applied to WG II. This could mean that WG II should reduce the exchange of information and focus more on coordinating and planning logistic and research activities orienting its deliberations towards a more decision-based work.