

ANTARCTIC TREATY INTRODUCTORY BOOKLET

Delegations will recall that at XXI ATCM the Parties agreed that information on Antarctica should be more widely available to the public and to visitors to the region. The meeting agreed that there would be considerable value in developing a short document which would explain the nature, operation and achievements of the Antarctic Treaty System. Such a document could be included with the information provided by each Party to its nationals.

Australia offered to draft such a document during the intersessional period, in consultation with interested Parties, and to bring forward to XXII ATCM a draft for consideration. At XXII ATCM parties were encouraged to provide Australia with written comments. Australia is grateful for the comments subsequently received and has incorporated them in the revised document attached to this paper.

The attached draft document contains an appendix with information specific to Australia. It is suggested that each Party prepare a separate appendix covering similar information for their nationals for insertion in copies of the booklet that they distribute.

Parties may wish to use the attached draft document as a basis for further discussions on the proposed introductory booklet.

THE ANTARCTIC TREATY — AN OVERVIEW FOR VISITORS

Introduction

There are few places in the world where there has never been war, where the environment is fully protected, and where scientific research has priority. But there is a whole continent like this — it is the land the Antarctic Treaty parties call ‘... a natural reserve, devoted to peace and science’.

At the southern end of our world, those who share the challenges of distance and cold to visit the ice-bound continent have developed a tradition of warm cooperation. Such cooperation, unique on this scale, is cemented by the Antarctic Treaty.

As a visitor to Antarctica, you will be privileged to enter this world. This booklet will tell you a little about the Antarctic Treaty, and why it is a unique agreement — for a unique place.

Background

The Antarctic continent is vast. It embraces the South Pole with permanent ice and snow. It is encircled by floating barriers of ice, stormy seas and appalling weather. Its great altitude chills the air to extremes, and its descent to sea level across a moving ice sheet generates the world’s strongest winds. The cycling seasons reveal the spectacular natural forces of our planet. The surrounding seas teem with wildlife. And just 2% of this continent is free of ice, allowing a small toe-hold for hardy animals and plants.

The weather and isolation dominate all who visit. The discovery and exploration of Antarctica was shaped by the continent’s remoteness and its extraordinarily inhospitable environment. These factors combined for centuries to keep humans away from all but the subantarctic islands and parts of the Southern Ocean where whaling and sealing took place. In human historic terms, the land exploration of Antarctica is recent, most of it being accomplished during the twentieth century.

The improved technology and knowledge of the last 100 years allowed greater access to the continent, encouraging detailed surveying and research, and the gradual occupation of Antarctica by scientific stations. By mid-century, permanent stations were being established and planning was underway for the International Geophysical Year (IGY) in 1957–58, the first substantial multi-nation research program in Antarctica. By mid-century, territorial positions had also been asserted, but not agreed, creating a tension that threatened future scientific cooperation.

The IGY was recognised as pivotal to the scientific understanding of Antarctica. The twelve nations active in Antarctica, nine of which made territorial claims or reserved the right to do so, agreed that their political and legal differences should not interfere with the research program. The outstanding success of the IGY led these nations to agree that peaceful scientific cooperation in the Antarctic should continue indefinitely. Negotiation of such an agreement, the Antarctic Treaty, commenced immediately after the IGY.

The Antarctic Treaty

The Antarctic Treaty was signed in Washington on 1 December 1959 by the twelve nations that had been active during the IGY (Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, United Kingdom, United States and USSR). The Treaty, which applies to the area south of 60° South latitude, is surprisingly short — but remarkably effective. Through this agreement, the countries active in Antarctica consult on the uses of a whole continent, with a commitment that it should not become the scene or object of international discord. In its fourteen articles the Treaty:

- stipulates that Antarctica should be used exclusively for peaceful purposes — military activities, such as the establishment of military bases or weapons testing, are specifically prohibited
- guarantees continued freedom to conduct scientific research, as enjoyed during the IGY
- promotes international scientific cooperation including the exchange of research plans and personnel, and requires that results of research be made freely available
- sets aside the potential for sovereignty disputes between Treaty parties by providing that no activities will enhance or diminish previously asserted positions with respect to territorial claims, provides that no new or enlarged claims can be made, and makes rules relating to jurisdiction
- prohibits nuclear explosions and the disposal of radioactive waste
- provides for inspection by observers, designated by any party, of ships, stations and equipment in Antarctica to ensure the observance of, and compliance with, the Treaty
- requires parties to give advance notice of their expeditions
- provides for the parties to meet periodically to discuss measures to further the objectives of the Treaty
- puts in place a dispute settlement procedure and a mechanism by which the Treaty can be modified.

The Treaty also provides that any member of the United Nations can accede to it. The Treaty now has 43 signatories — 27 are Consultative Parties on the basis of being original signatories or by conducting substantial research there. Membership continues to grow. A full list of the current parties to the Treaty appears at the end of this booklet.

Since entering into force on 23 June 1961, the Treaty has been recognised as one of the most successful international agreements. Problematic differences over territorial claims have been effectively set aside and as a disarmament regime it has been outstandingly successful. The Treaty parties remain firmly committed to a system that is still effective in protecting their essential Antarctic interests. Science is proceeding unhindered.

Since the first Antarctic Treaty Consultative Meeting (ATCM) in 1961, the parties have met frequently, now annually, to discuss issues as diverse as scientific cooperation, measures to

protect the environment, and operational issues — and they are committed to taking decisions by consensus. This process has allowed the Antarctic Treaty to evolve into a system with a number of components that meet the special needs of managing activities in the Antarctic, while protecting national interests. This regime is now known by the broader title of the Antarctic Treaty System, which operates under the umbrella of the annual ATCM.

The Antarctic Treaty System

The Antarctic Treaty System comprises the Treaty itself and a number of related agreements. It also includes a range of organisations that contribute to the work of the decision-making forums.

In addition to the related agreements (described below), the Treaty System includes the recommendations, measures, decisions and resolutions of the Consultative Meetings relating to matters such as:

- scientific cooperation
- protection of the Antarctic environment
- conservation of plants and animals
- preservation of historic sites
- designation and management of protected areas
- management of tourism
- information exchange
- collection of meteorological data
- hydrographic charting
- logistic cooperation
- communications and safety.

The Treaty Parties have put in place rules relating to specific issues. The development of these agreements has allowed the implementation, with greater precision, of legally binding provisions for the regulation of activities in Antarctica.

Agreed Measures for the Conservation of Antarctic Fauna and Flora 1964

The Agreed Measures were adopted in 1964 to protect endemic and native wildlife and plants. The provisions include a requirement for permits to take or harm birds and seals, and rules to prevent the uncontrolled introduction of non-indigenous organisms. In addition, the measures provide for areas of outstanding ecological interest to be set aside as a Specially Protected Area. Sites of Special Scientific Interest were later added to protect significant scientific values.

Convention for the Conservation of Antarctic Seals

The Seals Convention was developed to provide a means to regulate commercial sealing, should such an industry ever be resumed. Southern elephant seals and Antarctic fur seals had been reduced to near extinction in the 19th Century. Although there is no indication of any interest in sealing, the Convention provides for such activities to be undertaken sustainably. Some species of seals are totally protected, and catch limits are set for others.

Convention on the Conservation of Antarctic Marine Living Resources

CCAMLR was adopted in 1980 in response to fears that unregulated fishing for krill, one of the key species in the Antarctic marine food web, might adversely affect whales, seals, penguins and other species that directly or indirectly depend on krill for food. The Convention adopts an 'ecosystem approach' — it provides that krill and all the other living resources of the Southern Ocean are treated as an integrated system where effects on predator, prey and related species are considered and decisions on sustainable harvesting levels are made on the basis of sound scientific advice. Conservation Measures under CCAMLR establish protected species, set catch limits, identify fishing regions, regulate when fishing may occur and what fishing methods can be used, and establish fisheries inspection procedures.

Protocol on Environmental Protection to the Antarctic Treaty

The Protocol was adopted in 1991 in response to proposals that the wide range of provisions relating to protection of the Antarctic environment should be harmonised in a comprehensive and legally binding form. It draws on and updates the Agreed Measures as well as subsequent Treaty meeting recommendations relating to protection of the environment.

The Protocol:

- designates Antarctica as a 'natural reserve, devoted to peace and science'
- establishes environmental principles to govern the conduct of all activities
- prohibits mining
- subjects all activities to prior assessment of their environmental impacts
- provides for the Committee for Environmental Protection, established in 1998, to advise the ATCM
- requires the development of contingency plans to respond to environmental emergencies
- provides for the elaboration of rules relating to liability for environmental damage.

The Protocol includes Annexes that detail obligations relating to:

- I Environmental impact assessment — activities are assessed in the planning to stage to identify their possible impact on the environment. If the impacts are likely to be more than minor or transitory a Comprehensive Environment Evaluation must be prepared and opportunity provided for the Committee for Environmental Protection and other Consultative Parties to comment on it.
- II Conservation of Antarctic fauna and flora — Annex II updates the existing rules relating to protection of animals and plants (requiring a permit for taking or interfering with them) and relating to the introduction of non-indigenous organisms.
- III Waste disposal and waste management — this Annex specifies wastes that may be disposed of within the Antarctic Treaty area and wastes that must be removed. It also provides rules relating to the disposal of human waste and the use of incinerators. The Annex requires the development of waste management plans. Particularly harmful products such as PCBs, polystyrene packaging beads and pesticides are prohibited in the Antarctic.
- IV Prevention of marine pollution — the discharge of potentially harmful substances from ships (including oily mixtures and garbage) is regulated, as is the disposal of ship-generated sewage. The Annex adopts practices broadly consistent with those applying in the relevant annexes of MARPOL. Disposal at sea of any plastics is prohibited.
- V Management of protected areas — Annex V establishes an improved protected area system that integrates the previous categories of protected areas into Antarctic Specially Protected Areas (entry to which requires a permit) and Antarctic Specially Managed Areas. Management plans are required for both categories. The protected area system also provides for the designation of historic sites and monuments, which must not be damaged or removed.

Related organisations

Apart from the legal instruments and measures outlined above, a number of specialised bodies assist the Treaty parties in the conduct of their work. Specific tasks may be directed to these bodies, or they may be invited to provide observers or experts to participate in Treaty forums.

The Scientific Committee on Antarctic Research coordinates Antarctic research programs and encourages scientific cooperation. Through its various subordinate groups it is able to provide expert information on a range of disciplines and on the scientific implications of operational proposals of the Treaty meetings.

The Council of Managers of National Antarctic Programs comprises the heads of each of the national Antarctic operating agencies. COMNAP meets annually to exchange logistic information, encourage cooperation and develop advice to the Treaty parties on a range of practical matters.

The Antarctic Treaty parties have also developed a close relationship with environmental inter-governmental and non-government organisations that represent the broader community interests in conservation. Organisations such as the International Union for the Conservation of Nature, the United Nations Environment Program and the Antarctic and Southern Ocean Coalition are also invited to the Treaty meetings as experts.

Bodies with technical expertise relevant to the Treaty discussions also participate. They include the International Hydrographic Organisation, the World Meteorological Organisation and the Intergovernmental Oceanographic Commission.

The International Association of Antarctic Tour Operators is an industry body representing the interests of the growing tourist trade in Antarctica. Many tour operators are affiliated with IAATO, which also provides experts to the annual Treaty meetings.

Conclusion

The Treaty provided that any party could call for a review conference after the expiration of 30 years. No party has done so. In 1991, on the thirtieth anniversary of the Treaty, the parties recognised the continuing strength and relevance of the Treaty by adopting a declaration recording their determination to maintain and strengthen the Treaty and to protect Antarctica's environmental and scientific values.

Under the Treaty, each party has enjoyed peaceful cooperation and freedom of scientific research. That research has contributed significantly to knowledge of the Earth and is contributing to the protection of the global environment. Environmental monitoring in Antarctica has, for example, led to the discovery of the seasonal depletion of atmospheric ozone over the Antarctic.

As the Antarctic Treaty System matures it has become recognised as one of the most successful sets of international agreements, setting an example of peaceful cooperation for the rest of the world.

As an environmental regime it is unique — an entire continent, which is essentially undisturbed, will remain protected because of the commitment and cooperation of the Treaty parties.

ANTARCTIC TREATY CONSULTATIVE PARTIES (27)

Argentina
Australia
Belgium
Brazil
Bulgaria
Chile
China
Ecuador
Finland
France
Germany
India
Italy
Japan
Korea, Republic of
Netherlands
New Zealand
Norway
Peru
Poland
Russian Federation
South Africa
Spain
Sweden
United Kingdom
United States
Uruguay

ACCEDING STATES (16)

Austria
Canada
Colombia
Cuba
Czech Republic
Democratic Peoples Republic of Korea
Denmark
Greece
Guatemala
Hungary
Papua New Guinea
Romania
Slovak Republic
Switzerland
Turkey
Ukraine

INFORMATION FOR VISITORS TO ANTARCTICA

Many visitors to Antarctica go there under the auspices of national scientific programs. The national programs are conducted in accordance with the requirements of the Antarctic Treaty, and the environment protection Protocol in particular — your national program operator will advise you of your obligations.

Other visitors to Antarctica will be under the auspices of commercial tour operators or may make their own arrangements. Most tour operators are members of IAATO and accordingly tourist activities are usually planned to meet the requirements of the Antarctic Treaty, the Protocol and national implementing legislation. Most Treaty parties accept visitors to their stations in Antarctica if they comply with the relevant environmental and other obligations — such as thorough planning of the expeditions (including prior environmental assessment) and complete self-sufficiency.

The Antarctic Treaty parties have adopted guidelines for visitors to the Antarctic. These guidelines are intended to ensure that wildlife and vegetation are not disturbed, protected areas and research programs are respected, and activities are conducted with a high regard for safety. Guidelines for operators request that they provide advance notification of their activities, confirm visits to scientific stations, ensure that their passengers are properly supervised and report on their expeditions.

A small number of people make their own arrangements to visit the Antarctic. The guidelines also apply to such activities. The Treaty parties consult with each other to ensure that private activities are appropriately managed within the requirements of the Protocol.

The requirements of the Madrid Protocol and other components of the Antarctic Treaty System are implemented by each Treaty party in its own laws, according to its legal system. Visitors to the Antarctic should ensure that they are familiar with the legal requirements that apply to them — for example, the applicable laws may be those of the country where the expedition is being planned, or the country from which the expedition departs. The most important legal requirements relate to prior environmental assessment of the proposed activities, prohibition on taking or harming flora and fauna, waste disposal, contingency planning and the need for permits if visits to protected areas are contemplated. Completion of special forms may be required.

If intending a visit to Antarctica, early contact should be made with the relevant national operating agency for advice on the legal requirements. National operating agencies will also be able to provide further information on the environment protection Protocol and other Treaty requirements, copies of the guidelines for visitors to the Antarctic, and information on the national Antarctic programs and the availability of maps.

Further information

For visitors to the Antarctic this booklet should be read in conjunction with:

- *Protocol on Environmental Protection to the Antarctic Treaty*
- Recommendation XVIII-1 — Tourism and non-Governmental activities

Information for Australian visitors to Antarctica

In Australia, intending visitors should contact:

Australian Antarctic Division
Channel Highway
Kingston
Tasmania 7050
Australia

tel: 03 6232 3209 (International +61 3 6232 3209)
fax: 03 6232 3288 (International +61 3 6232 3288)
e-mail: info@antdiv.gov.au
<http://www.antdiv.gov.au>

The Australian Antarctic Division can assist with advice on Australia's legal requirements, including documentation required relating to environmental impact assessment and applications for permits.

Legislation applying to Australians anywhere in Antarctica, and expeditions organised in Australia includes:

- *Antarctic Treaty (Environment Protection) Act 1980* and subordinate regulations relating to environmental impact assessment, waste disposal, and seals conservation
- *Antarctic Marine Living Resources Conservation Act 1981*
- *Protection of the Sea (Prevention of Pollution from Ships) Act 1984*

Subantarctic islands

Separate requirements apply to persons intending to visit the Territory of Heard Island and McDonald Islands — contact the Australian Antarctic Division.

For visits to Macquarie Island, contact:

Tasmanian Parks and Wildlife Service
134 Macquarie Street
Hobart
Tasmania 7000
Australia

tel: 03 6233 8011 (International +61 3 6233 8011)