

**REMARKS ON THE HISTORY, VISION BEHIND AND IMPACT OF THE
PROTOCOL ON ENVIRONMENTAL PROTECTION**

25TH Anniversary Symposium

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I am honored to have been invited to kick-off today's Symposium celebrating the 25th Anniversary of the Protocol on Environmental Protection, otherwise known as the Madrid Protocol. We come together today to take stock of what the Protocol has accomplished and to consider its future as part of the larger issue of how to advance environmental protection in Antarctica, which is one of the most important current priorities of all the Treaty Parties.

Today, I would like to address the history of the development of the Madrid Protocol, discuss its overwhelming positive impact, and review the role the Protocol and its Annexes play in preserving the Antarctic environment.

Those here know rather well that Antarctica's environment is unique and extraordinary. It is a wilderness of vast proportions that is home to a wealth of flora and fauna. Of particular importance is that Antarctica's ice sheet stores an estimated 90 percent of our world's surface fresh water. The United States and other countries have long recognized Antarctica as a world premier scientific laboratory that has yielded, and continues, to yield, insights into some of the more fundamental questions facing mankind today. To give just one example, the world understands climate change better than any time in our history, thanks in large part to the record of changing climate conditions observed in the Antarctic and preserved in Antarctica's ice and

sediment layers. There is little question that the scientific value of Antarctica is tied directly to the pristine nature of its environment. It is that environment that the Madrid Protocol has served to protect and preserve for the benefit of all.

My sense is that all of us would agree that the Antarctic Treaty Parties made a wise decision when they decided to negotiate and ultimately adopt the Environmental Protocol. This took an act of political courage, requiring the abandonment of an approach that had been under negotiation for years, namely the establishment of a regulatory regime related to mining, in favor of taking a quite different direction. My government had initially supported the prior approach under the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA). But the daring – perhaps heroic – decision by leaders of countries like Australia and France, we must admit, led to something better. With the benefit of hindsight, the wisdom of that change of course is now quite evident.

It was clear at that point in time that there was a need for the Antarctic legal regime to focus more on environmental concerns. The Antarctic Treaty, as important a milestone as it was, was never intended as an environmental protection instrument. It was the world's first modern arms control treaty, and it did address a series of important geopolitical and science policy issues. But it wasn't about environmental protection. The Antarctic Treaty established a process for meetings of Consultative parties, the very same process that brings us here today. Those meetings, in turn, produced a number of important steps related to environmental regulations, such as the Agreed Measures for the Conservation of Antarctic Fauna and Flora. But more was clearly needed.

In a sense, the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR) was (and is) an environmental instrument. It was one of the first treaties touching on fisheries to enshrine the ecosystem-based approach to fisheries management, and today we see that CCAMLR is the basis for establishing marine protected areas, which of course have an important relationship to environmental protection. But if we wanted to protect the Antarctic and its dependent and associated ecosystems, more was going to be needed beyond CCAMLR as well, and the Treaty Parties had to act.

In 1991, a mere two years after setting-aside CRAMRA, this body agreed to the Protocol on Environmental Protection, an achievement that we celebrate today. The cornerstone of the Madrid Protocol is of course Article 7, which banned all mineral resource activities in Antarctica, other than scientific research. This was a decisive step for the protection of the Antarctic environment. Given its importance, my delegation proposed at this meeting, together with many co-sponsors, a resolution whereby the Consultative Parties would re-commit themselves to this essential element of the Protocol. The resolution received strong support, it has been agreed by the ATCM's Working Group 1, and will be brought forward for adoption at Wednesday's plenary.

Of course, Article 7 is just one part, albeit a very important and well-known part, of the Madrid Protocol. The Protocol itself provides a framework for the comprehensive protection of the Antarctic environment and dependent and associated ecosystems, while designating Antarctica as a natural reserve, devoted to peace and science. Through 27 separate Articles and

six different Annexes, the Protocol addresses marine pollution, protection of fauna and flora, the requirements for environmental impact assessments, waste management, and establishment of protected areas.

We are all very familiar with the Protocol's existing annexes. Annex I requires an environmental impact assessment before activities are undertaken. Annex II provides for the protection of Antarctic animals and plants as well as restrictions on non-native species. Annex III encourages parties to reduce the amount of wastes and imposes requirements for waste clean-up, wastes management plans and strategies. And Annex IV prohibits the discharge of oil and any substances including plastics and sewage into the sea by Treaty Party ships operating in Antarctica. These all have contributed significantly to the preservation of Antarctica's environment.

Annex V provides for the protection and management of the Antarctic Specially Protected Areas or ASPAs, Antarctic Specially Managed Areas or ASMAs, and Historic Sites and Monuments. The existing system of ASPAs and ASMAs has been one of the most important elements of the Protocol. The United States has been proud to promote and support these tools through its Antarctic Program and its contributions to the development of a checklist for inspections of ASPAs and ASMAs. These Annex V mechanisms have proved to be some of our most effective environmental preservation tools and the United States sees them as critical to the future protection of Antarctica.

I turn now to Annex VI, commonly referred to as the Liability Annex. Although it has not yet entered into force, it is a key element of the Protocol and a major undertaking by the Treaty Parties in their efforts to protect the environment. Annex VI has its origin in Articles 15 and 16 of the Protocol, and was designed to establish liability by both governmental and nongovernmental operators that have failed to respond to an environmental emergency. It represents a unique approach to liability, different from other liability treaties, and reflects a practical means to protecting the Antarctic environment where there is little or no baseline data that would permit evaluation of the degree of environmental harm at sea or on land. It serves as an important development in international law, and particularly international environmental law. Ratification by the Consultative Parties remains an important priority for the Antarctic Treaty system.

I also wish to take note of the significant role that the Committee for Environmental Protection (CEP) plays in the Treaty system. The creation of the CEP by the Protocol signaled the importance all of us place on the management of the environment under the Madrid Protocol. The CEP provides advice and formulates recommendations to the Parties in connection with the implementation of this Protocol, and it has done an outstanding job. It has produced key processes and guidelines that form a central part of the Treaty Parties' environmental efforts. This includes groundbreaking work on assessing environmental impacts, on the protection of flora and fauna, on establishing procedures for area protection and management, and much more.

Lastly, we must all take this opportunity to look to the future and think of innovative ways to maintain the highest standards of environmental protection and stewardship. The pressures on

the Antarctic environment will only increase in the future. The challenges are many - climate change, non-native species, impacts of both governmental and non-governmental activities. Threats to the marine environment are also growing and need attention; whether via the Protocol or through CCAMLR. (Indeed, we are greatly encouraged by the cooperation that exists between the CEP and CCAMLR's Scientific Committee.)

The United States remains committed to continue to work collaboratively with all State Parties to respond to emerging and priority issues such as cumulative impacts, the appropriate regulation of tourism, the implementation of the Polar Code, the establishment of Marine Protected Areas, and climate change. In this regard, the work of the CEP remains critical to the success of the goals of the Protocol, and the need for CEP advice will continue to grow as impacts on Antarctica and its dependent and associated ecosystems increase. We need to explore better ways of working together to allow for more time focused, topical discussions on priority topics during the CEP meetings so the advice provided to the ATCM is the best it can be.

The Madrid Protocol is an extraordinary achievement in international diplomacy. It is a regime that has delivered on its promises, despite the challenges that still remain. We can all take great pride in the anniversary of this unique agreement that has and will continue to serve the high ideals, which it ushered it into existence in 1991.

We, the United States, offer our congratulations and appreciation to all of those who have worked so hard to attain this significant achievement and we look forward to promoting the

continued protection of Antarctica for peaceful and scientific purposes into the foreseeable future.

Thank you.