

MAY 17, 2024

National Security Memorandum on United States Policy on the Antarctic Region

NATIONAL SECURITY MEMORANDUM/nSM-23

MEMORANDUM FOR THE VICE PRESIDENT

THE SECRETARY OF STATE

THE SECRETARY OF DEFENSE

THE ATTORNEY GENERAL

THE SECRETARY OF THE INTERIOR

THE SECRETARY OF COMMERCE

THE SECRETARY OF TRANSPORTATION

THE SECRETARY OF ENERGY

THE SECRETARY OF HOMELAND SECURITY

THE ADMINISTRATOR OF THE ENVIRONMENTAL

PROTECTION AGENCY

THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND

BUDGET

THE UNITED STATES TRADE REPRESENTATIVE

THE DIRECTOR OF NATIONAL INTELLIGENCE

THE DIRECTOR OF THE CENTRAL INTELLIGENCE

AGENCY

THE ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS

THE DIRECTOR OF THE OFFICE OF SCIENCE
AND TECHNOLOGY POLICY

THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

THE DIRECTOR OF THE NATIONAL SCIENCE
FOUNDATION

THE ADMINISTRATOR OF THE NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION

THE CHAIR OF THE MARINE MAMMAL COMMISSION

SUBJECT: United States Policy on the Antarctic Region

This memorandum establishes the policy of the United States with respect to the Antarctic Region. It rescinds and replaces Presidential Decision Directive/NSC-26 of June 9, 1994 (United States Policy on the Arctic and Antarctic Regions). It identifies the key objectives and mechanisms by which the United States will lead and participate in activities within or pertaining to the Antarctic Region.

Section 1. Policy. (a) Due to its significant national interests in and historic ties to the Antarctic Region, and as 1 of 12 original signatories of the Antarctic Treaty of 1959 (Antarctic Treaty), the United States reaffirms the importance of protecting the unique and fragile Antarctic Region and its resources and ecosystems in the face of direct and indirect pressures from human activities. The Antarctic Region plays a vital role in the global climate system, supports unique organisms and ecosystems, and provides an unparalleled platform for multi-scale environmental and cosmological research. The United States will continue to lead cooperative international efforts through the Antarctic Treaty System (ATS) to maintain the Antarctic

Region for peaceful purposes, protect its relatively pristine environment and ecosystems, and conduct scientific research.

(b) United States policy toward the Antarctic Region has four fundamental objectives: (1) to protect the relatively unspoiled environment of the Antarctic Region and its associated ecosystems; (2) to preserve and pursue unique opportunities for scientific research and understand the Antarctic Region's relationship to global environmental changes; (3) to maintain the Antarctic Region as an area of international cooperation reserved exclusively for peaceful purposes; and (4) to assure the protection and conservation of the living resources in and ecosystems of the Antarctic Region.

Sec. 2. United States Engagement with the Antarctic Treaty System. (a) The United States continues to strongly support the ATS as the legal framework that establishes the Antarctic Region as a zone for peace, international cooperation, the pursuit of science, and environmental protection. The United States has held and will continue to take a leadership role in negotiating and implementing related agreements concerning the Antarctic Region.

(b) The United States reiterates its steadfast position of not recognizing sovereignty claims and of reserving all its rights throughout the whole of the Antarctic Region, consistent with the Antarctic Treaty.

(c) The United States will continue to maintain an active and influential presence in the ATS — led by the Department of State with participation by other executive departments and agencies (agencies) — and in Antarctica through the active engagement of the National Science Foundation (NSF). The NSF budgets for and manages the United States Antarctic Program on behalf of the Federal Government pursuant to Presidential Memorandum 6646 of February 5, 1982 (United States Antarctic Policy and Programs). Through the United States Antarctic Program, the United States maintains three year-round scientific research stations in Antarctica and, together with other agencies, undertakes and supports scientific research in the Antarctic Region. The United States will work collaboratively to conduct world-class research that also assists policymakers to advance the goals of the policy outlined in this memorandum in a manner consistent with the ATS.

(d) To maintain the effectiveness and durability of the ATS, the United States will continuously strengthen its promotion of transparency, compliance, cooperation, the exchange of best practices, and adherence to relevant norms by all ATS participants. Consistent with the ATS, the United States will continue to use all tools available – including expanding the Nation’s polar icebreaker fleet – to support the goals of the policy outlined in this memorandum, particularly to achieve United States Antarctic Program science and operations goals and Department of State-led inspections. Furthermore, the United States will advance management of human activities in the Antarctic Region proactively and consistently with its objectives of protection and conservation. This management approach reflects the United States’ steadfast commitment to all aspects of the ATS, to include but not limited to arms control, the protection of vulnerable flora and fauna, and the general prohibition of activity relating to mineral resources.

(e) Considering ongoing climate change and other global changes and their associated impacts – to include ocean warming, sea level rise, ocean acidification, stratospheric ozone depletion, pollution, threats to biodiversity, and the risk of reaching tipping points such as the collapse of the West Antarctic ice sheet – the United States recognizes the benefits of research opportunities and scientific pursuits in the Antarctic Region to benefit all ATS participants. The United States collaboratively leverages Federal, international, academic, and public-private partnerships to advance and share data, information, and knowledge about the Antarctic Region and its role in Earth systems. For example, the United States Global Change Research Program – which facilitates collaboration and cooperation across its Federal Government member agencies – aims to advance global change science; engage the Nation; collaborate internationally; and inform decisions about risks, mitigation, and adaptation to global changes.

(f) As a party to the Convention on the Conservation of Antarctic Marine Living Resources (CAMLRL Convention), the United States will continue to promote conservation and utilization of the best scientific information available for decision-making about Antarctic marine living resources and ecosystems. The National Oceanic and Atmospheric Administration, the NSF, and other relevant research-oriented agencies will maintain strong scientific programs that advance knowledge and inform decision-making under the CAMLRL Convention, and that enable the United States to

persuasively advocate for effective protection and conservation of Antarctic ecosystems and marine living resources. For any such ecosystems and resources subject to exploitation, the United States will promote the application of a precautionary, ecosystem-based approach rooted in the best available science to sustainably manage target, associated, and dependent species. Furthermore, the United States recognizes the value and importance of establishing, enforcing, monitoring, and adaptively managing fully and highly protected large-scale marine protected areas as tools to conserve Antarctic marine living resources, their ecosystems, and the benefits they provide.

Sec. 3. Definitions and Area of Application. For purposes of this memorandum:

(a) The ATS includes four international agreements: the Antarctic Treaty; the Convention for the Conservation of Antarctic Seals; the CAMLR Convention; and the Protocol on Environmental Protection to the Antarctic Treaty, along with Measures, Decisions, and Resolutions in furtherance of the principles and objectives of the Antarctic Treaty and CAMLR Convention.

(b) The term “Antarctic Region” applies to the fullest, cumulative extent of the ATS. The area of application of the Antarctic Treaty is the area south of 60 degrees South Latitude, including all ice shelves. The CAMLR Convention applies to the Antarctic Treaty area and to the area between 60 degrees South Latitude and the Antarctic Convergence (as defined in Article I of the CAMLR Convention) in the Southern Ocean.

(c) The term “ATS participants” comprises states, multinational organizations, and non-state actors involved in ATS affairs and Antarctic activities, to include the Antarctic Treaty Contracting Parties, Observers, and Invited Experts participating in Antarctic Treaty Consultative Meetings. The term also applies to the CAMLR Convention Contracting Parties, Acceding States, and Cooperating Non-Contracting Parties.

Sec. 4. General Provisions. (a) This memorandum rescinds and replaces Presidential Decision Directive/NSC-26.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum shall be implemented consistent with the Constitution and the laws of the United States; the obligations of the United States under the treaties and other international agreements to which the United States is a party; and customary international law as recognized by the United States, including with respect to the law of the sea, and shall be subject to the availability of appropriations.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.