

13th Meeting of The Study Group on the Future of Antarctic Science and International Relations

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Brief Report

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Special Guest Speaker: Professor Kees Bastmeijer,

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JSPS Invited fellow at Kobe University PCRC (Sept.9-30, 2022)



1. Evaluation of the Berlin ATCM (2022)

Achievements:

- Having a full-fledged meeting since 2019, despite COVID-19/Russian aggression
- 18 Measures: ASPA/ASMA Management Plans updates (only, again)
- 4 Decisions (secretariat; liability; strategic work plan; letter to UNFCCC; EIES)
- 6 Resolutions (heritage value; site guidelines update; air safety; climate change; permanent tourism facilities; post visit report)

Intense ICG consultations on Resolution 5 on permanent tourism facilities; heightened interest with the Belgian proposal for “Antarctic University”; China also constructively engaging; original Measure proposal then downgraded to Resolution to accommodate some parties’ concerns (mostly domestic); continue informal intersessional consultation with Finland and India as next hosts of ATCM to have a concrete outcome at 2024 India ATCM.

- Final Report adopted but NOT BY CONSENSUS:
“The Meeting adopted the Final Report of the 44th Antarctic Treaty Consultative Meeting in accordance with Rule 25 of the ATCM Rules of Procedure. Consensus was not reached on paragraphs 10 and 11 and paragraphs 35-40.” (FR, para.353)

Majority adoption only on few paragraphs: efforts by ATCPs to reach consensus still prevalent.

1. Evaluation of the Berlin ATCM (2022)

Difficulties:

(1) Emperor Penguin SPS designation: FR. para.94-101; legal framework 132-137

“With one exception, Members voiced strong support for the recommendations that the emperor penguin should be designated a SPS under Annex II of the Protocol, and that the Action Plan should be implemented. The Committee did not, however, reach consensus on this matter despite receiving full support from all but one Member.”

“one CEP Member had submitted a parallel Working Paper with the goal of countering the ICG’s recommendations”: not to be precedent?

China:

“the real best available science on this matter”; “reiterated its position that the emperor penguin was not currently eligible for such a designation, and recommended the ATCM develop a targeted research and management plan for the emperor penguins as a Near -Threatened species to provide early-warning.”

SCAR:

“a powerful signal from Parties on their level of concern about the impacts of climate change and the need to reduce greenhouse gas emissions”

1. Evaluation of the Berlin ATCM (2022)

(2) Climate Change and its implications for AT area: FR, para.260-284

- **SCAR and the role of scientific advice to the Antarctic policies:** FR, para.266-269:
“SCAR emphasised that the report provided a global consensus, agreed by thousands of scientists, on the current physical and living environmental situation in the Antarctic, especially with respect to ice sheets, projections for the future, and implications, both globally, such as for sea level rise, and regionally, such as for Antarctic and Southern Ocean biodiversity.”
- **China:** “put forward in the papers, noted the scientific uncertainties in the rate of sea level rise trends, biodiversity and climate models SCAR had raised in its report, as well as the achievability of the proposed management goal to preserve the Southern Ocean environment in a state close to that known in the past 200 years. Recognising the crucial role of SCAR in providing independent and objective scientific advice to support and inform the work of the ATCM and CEP, as expressed in Resolution 7 (2019), China expressed concerns on whether SCAR was the appropriate body to provide policy recommendations.” (FR, para.270)

Both (1) and (2) involve the effective (or political use of) science-based decision making and the different understanding and application of precautionary approach; arguments on scientific gaps and demands for “complete science” are used not to take decisions.

The real political/strategic aim of using those (not-too-convincing) arguments by one Party is not evident. All marine resource related?

1. Evaluation of the Berlin ATCM (2022)

(3) Canada's application for CP status : FR. para.118-122.

“All but two Consultative Parties agreed that Canada's application met the requirements of the guidelines set out in Decision 2 (2017), including the requirement for substantial scientific research activity in accordance with paragraph 2 of Article IX to the Antarctic Treaty.”

“Two Consultative Parties raised concerns regarding Canada's request. Both China and the Russian Federation stated procedural as well as substantive grounds for not taking a decision at this ATCM”.

- **Background information: politicization (?) of CP status conferment:**

Art. IX: “shall be entitled to appoint” vs RoP requires unanimity of existing CPs

Venezuela in 2016, led to Decision 2 (2017) (this new criteria has its own controversies),

deferred again in 2018 (probably because of domestic politics), did not attend 2019 ATCM

Belarus in 2019 expressed its intention (IP 96); 2021 application deferred based on

in-person mtg required; no action in 2022; 2023 on the draft agenda

Waiting list: Turkey, Malaysia, etc

Important role of German host regarding Belarus (pre-consultation); “substantive grounds” on the Canada's case were raised at the late stage; 2023 ATCM draft agenda contains both Belarus and Canada as candidates; may pose difficulty for the next host in 2023 ATCM.

1. Evaluation of the Berlin ATCM (2022)

(4) CEP's role in the ATS:

“uphold the spirit of consensus and to move forward together, working constructively to maintain a regular flow of high-quality advice to the ATCM, prevent any departure from science and technical discussion”. FR. para.44

China:

“supported the decision-making system already established under the Antarctic Treaty System. In response to comments made by most Parties, China reiterated its willingness to work towards consensus in accordance with the Antarctic Treaty and Environmental Protocol on the basis of sound science, and emphasised that Parties needed to abide by those rules that had been agreed to, including those contained in the CEP and ATCM Rules and Procedures.” FR, para.45

ASPA 145 revised management plan:

No agreement on MP: Port Foster, Deception Islands, South Shetland (proponent, Chile) FR. para. 80.

The advisory role of CEP to the ATCPs and the need (or not) for “consensus” adoption of its report; may reflect the both majority views as well as minority views

2. Russian invasion implications to ATS: Real or political performance?

- German host opening statement in FR, para.10
- Walk-outs: “substantial number,” FR, para.39
- Ukraine’s demands:
 - “It also urged the Meeting to deprive the Russian Federation of its right to vote in future ATCMs, to reject any initiatives made by the Russian Federation, to terminate ongoing joint projects with the Russian Federation, and to refuse to purchase services from, or supply services to, the Russian Federation or other actors directly or indirectly affiliated with the Russian Federation.” (FR, para.35)
- Russia’s view: FR para. 38: “remain within the bounds of ATCM mandate”
- China’s view: FR para.39: ATCM not discuss geopolitical issues and not go beyond its mandate; ATCM not to be politicised. FR. para.40
- Informal ICG led by Russia on ATS’s challenges, including climate change discontinued. FR. para. 126. [Based on overlaps with other fora \(diplomatic way to “reject initiatives made by Russia”?\)](#)

[Antarctic treaty as a part of global system; “Antarctic exceptionalism” still relevant? fundamental challenge to the Rule of Law \(German State Secretary’s statement\); different treatment from apartheid regime in 1970-80’s? Russian actions did have impact on Ukraine Antarctic program \(IP 85 rev\); change in Russian delegation and the level of engagement \(online participation\); the explicit wording in the Final Report; etc.](#)

3. (Near) Future topics requiring strategic attention: ATCM Finland (2023), India (24), Italy (25), Japan (26)

(1) **Antarctic Tourism:** FR, para.285-340

- **Lessons learned from the process leading up to Resolution 5 (2022):** *Permanent facilities for tourism and other non-governmental activities in Antarctica.*
- The importance of information exchange: utilization of EIES
- The strengthened role of National Competent Authorities (NCA)

See above. Towards “strategic vision on tourism”: intersessional consultation led by France, India, Finland, UK, and Netherlands; open to other delegations; WP at 2023 ATCM, continue ICG and outcome at 2024 ATCM in India; delegations’ continuous efforts to promote consensus with medium-term planning, involving future host governments.

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(2) Liability Annex and Next Step: FR, para.21, 151-158

“The Meeting agreed to continue to evaluate the progress made by Consultative Parties to ratify and adopt Annex VI on Liability Arising from Environmental Emergencies and bring the Annex into effect in accordance with Article IX of the Antarctic Treaty. Parties that had not yet approved Annex VI were encouraged to do so as a matter of priority.”

19 Approved (Australia, Chile, Ecuador, Finland, France, Germany, Italy, Netherlands, New Zealand, Norway, Peru, Poland, the Russian Federation, South Africa, Spain, Sweden, Ukraine, the United Kingdom and Uruguay).

5 domestic legislation implemented (Belgium, Finland, Norway, South Africa and Sweden)

8 remaining: Argentina, Brazil, Bulgaria, China, India, Japan, RoK, USA

30 years of negotiation and approval process; no serious impediments indicated for its approval; raising “effectiveness” concern of ATCM hard-law-making in academia; four Asian CPs not approving; possible role of academia to promote its approval.

Next Step:

Decision 2 (2022): Decision in 2025 on “resumption” of liability negotiations

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(3) Future (post-COVID) ATCM Style: FR, 341-344.

Importance of face-to-face dialogue in Antarctic governance; only once in a year (less carbon footprints); easier to say “no” through online; Paris online meeting was also a success.

(Others)

Bioprospecting: FR, para.159-161

“The Meeting reaffirmed that the Antarctic Treaty System was the appropriate framework for managing the collection of biological material in the Antarctic Treaty area and for considering its use. The Meeting agreed to retain the item on the agenda, but did not reach consensus on continuing the ATCM forum on biological prospecting or retaining this item on the Multi-year Strategic Work Plan.”

Transparency of the ATS: Information Exchange System: FR, para.162-171.

Scientific information: EIES and other databases, ICG (FR, para.168)

Non-compliance : “recorded and presented to their competent authorities” (FR, para.165)

Non-governmental (tourism) activities: EIES

Role of Science and SCAR in the ATS: Climate Change: FR, para.260-284: [See above](#)

Integral Policy Responses to AT and CCAMLR: CCAMLR report: 3 additional MPA proposals/resolution on climate change did not gather consensus (FR, para.25); UK, Argentina territorial dispute (FR, para.350-351): [CCAMLR marine resource disputes creeping into ATCM?](#)

Role of NGOs and Industry in ATCM: [merits and demerits of becoming a “part of the system”](#); [mobilization of public.](#)