

Workshop on
Antarctic Treaty System Resilience: A Perspective from Asia
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On December 3, there was a special session conducted by Polar Cooperation Research Centre (PCRC), Kobe University, with the support of Kobe University Center for Asian Academic Collaboration and KAKENHI on “The resilience of the Antarctic Treaty System to the current and future challenges”. In this session, Patrizia Vigni from University of Siena, Italy, Jill Barrett from Queen Mary, University of London, United Kingdom, and Kees Bastmeijer from Tilburg University, the Netherlands, made presentations on some fundamental legal issues facing the Antarctic Treaty System, such as sovereignty, jurisdiction and tourism. One of the aims of my presentation in this panel is to inject an Asian and emerging Antarctic nation’s perspective in considering the future resilience of the legal system.



In this session, I had a presentation entitled “Third States’ Presence in the 7th Continent: Implications for International Law of the Antarctic” in which I investigated how, to what extent and in which forms the presence of the new States in the Antarctic could impact the existing legal regime there in both internally and externally, and that what legal implications could be derived from the aforesaid impacts. In so doing I categorised these implications into 6 categories including new concerns, new players, new practices, new interpretations, new expectations/interests, and new groupings, in each of which I looked into a number of relevant impacts and detailed how it can emerge and what implications it can entail for the existing legal system of the Antarctic. My conclusion in short was that it is high time to examine the resilience of the Antarctic Treaty System to current and future challenges, and subsequently if the existing arrangements found insufficient, further re-visiting the current legal system is to be considered.

Iran, the country where I come from and have served in as a faculty member, is a good example to be taken into account as a new State vis-à-vis the Antarctic legal regime. Iran is currently an Associate Member of the Scientific Committee on Antarctic Research (SCAR) since September 2014 and is currently undertaking preparatory work that will culminate in the drafting of an Antarctic strategic plan. Iran's National Centre for Antarctic Research (NCAR), established in 2014 within the Iranian Ministry of Science to expand scientific activities to Antarctica and the Southern Ocean, is involved in this preparatory work. NCAR's primary objective is to develop an Iranian Antarctic research programme, which includes the creation of a long-term Antarctic science strategy and programme supported by government funding. One of the steps Iran would arguably be taking in the future is accession to the Antarctic Treaty as well as the ATS in general.

On December 5, there was the "The Resilience of the Antarctic Treaty System: Future Challenges and Legal Adaptability" book meeting, held by the book general editors with the participation of the writing teams. The function of this meeting was to expose the draft structures of the entire chapters of the book for debate among the writing members of that chapter as well as other chapters' team members in order to eventually finalize the structure of each chapter. In so doing, each chapter respectively was introduced by the specified editor or one of the writing team members, after which the relevant view points and arguments of the participants would be heard and taken into consideration to consequently reach to an agreement on the structure and the formation of that particular chapter.



In this meeting, as a member of the writing team of Chapter 13 of the "*The Resilience of Antarctic Treaty System: Future Challenges and Legal Adaptability*" on Contemporary External Accommodation, along with the rest of the team members as

well as members of other writing teams and the book editors, we discussed to finalize the chapter structure as well as probable cross-cutting issues with other relevant chapters. The key points that I raised and discussed in the meeting were, inter alia, the ongoing debate on whether or not the Antarctic should be deemed as an Area Beyond National Jurisdiction (ABNJ), and therefore how we will be able to tackle BBNJ Convention cross-cutting issues with ATS, and also whether or not we need to consider ATS as a self-contained regime, etc.

In addition, one should bear in mind that Antarctica has long been an important key in the understanding of global and environmental concerns. The AT has currently 54 State Parties, many of which do not have geographical proximity to the continent. However, the importance of various disciplines of science and many other factors urge them to participate in the Antarctic activities. Therefore, it is not surprising that a number of new States, including but not limited to Iran, is considering participation in Antarctic activities, and Iran has now set processes in motion to join these states in their endeavor to undertake research in Antarctica and contribute to its governance. Therefore, such drivers and many others would call for an examination of the resilience of the ATS to current and future challenges in order to ensure that the system is able to proactively respond to those challenges.

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