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Under the common theme: Antarctic Logistic and International Law (co-organised with SCAR-SCHASS Action Group on PoLSciNex)

Legal implications of Chinese Kunlun Station at Dome A and its ASMA/code of conduct proposals

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Abstract

Built in 2009, Chinese Kunlun Station is China's third research station. It is located in the Dome A region about 4,000 meters above the sea level at the hinterland of the East Antarctica plateau and situating at the middle section of the ice divide of the East Antarctic Ice Sheet, near the center of East Antarctica. The station is used only during the summer and comprises some 250 square meter of living and working space. In addition, Kunlun station can accommodate up to 25 research and logistics personnel. It is assumed that projects such as astronomical research, meteorological observation, radar sounding, and ice coring are done at this station. With particular reference to astronomical research, with its extremely thin and stable atmosphere, very dry air, absence of pollution, and low background radiation is one of the best locations on Earth for astronomical observation, and in January 2012, the first of three remotely steerable 50 cm Antarctic Survey Telescopes was installed.

In terms of location and scientific activities, Japanese Dome Fuji Station shares similarities with Kunlun Station. In 1995, the Station was established for a deep ice drilling program and atmospheric observations. It is located at 1,000 km inland on the Antarctic Continent at 3,810 m above sea level. It is also one of the major domes of the Antarctic ice sheet. Like Kunlun station, the climate conditions around Dome Fuji are harsh with extreme low temperature, so it is difficult to access the area. The Japanese astronomy community identified the station as a potential candidate for the future astronomical observatory because of the suitable conditions and environment, and now Japan plans to construct an astronomical observatory, including infrared telescopes, in the New Dome Fuji Station near the Dome Fuji Station. With those similarities, Dome Fuji Station can provide a comparative model to examine some of the legal issues involved in establishing and maintaining such stations, as well as setting up potential area protection and/or environmental code of conduct surrounding such dome stations.

In 2013 at the 36th Antarctic Treaty Consultative Meeting (ATCM), China proposed the establishment of a new Antarctic Specially Managed Area (ASMA) in Dome A area, and prepared a draft management plan that aimed to enhance a better protection of its scientific, environmental and logistical values, in order to make Kunlun Station play a key role in supporting scientific activities as an important international cooperation platform. Also, in 2017, China submitted a “Code of Conduct” as the first possible management option for Dome A as the scientific and environmental values of the Dome A area and its potential for more scientific research. However, several Members of ATCM questioned the justification of designating a new ASMA at Dome A, and some Members inquired whether the proposal made by China was aligned with the purposes of ASMAs as defined by the Protocol on Environmental Protection to the Antarctic Treaty (Madrid Protocol).

This presentation will examine the international legal implications of establishing an ASMA and/or a code of conduct around a scientific base such as Kunlun Station by examining the ATCM debates in light of the purpose, objective and utilities of area protection systems/environmental protection schemes under the Madrid Protocol.

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