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DROMLAN and the Antarctic Treaty System

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Abstract

Air transportation is becoming increasingly important for efficient research and other activities in the Antarctic. The contracting parties to the Antarctic Treaty have developed several intercontinental air routes to and from Antarctica (e.g. between Christchurch, New Zealand and McMurdo Airfield; between Punta Arenas, Chile and West Antarctica; “Airlink” between Hobart, Australia and Wilkins Aerodrome etc). Among them, the air routes between Cape Town and Droning Mode Land (DML) are particularly noticeable in its systematic operations through the international collaboration among 11 national Antarctic programs. This collaboration is called Droning Mode Land Air Network (DROMLAN). The purpose of this presentation is to examine the legal complexities behind the operation of DROMLAN under the Antarctic Treaty System.

DROMLAN was established during the COMNAP meeting in 2002 by 11 national Antarctic programs that have conducted research activities in DML: Belgium, Finland, Germany, India, Japan, the Netherlands, Norway, Russia, South Africa, Sweden and the United Kingdom. DROMLAN provides intercontinental flight services between Cape Town and Russian Novolazarevskaya runway (Novo Runway) and Norwegian Troll runway using Ilyushin-76 DT (IL-76) and intra-Antarctica flight services between these two runways and research stations

located in DMN using Basler BT-67 and Twin Otter DHC-6. From season 2002-5 to season 2015-16, more than 150 round trip flights were made between Cape Town and Novo and Troll runway.

One of the features of DROMLAN is that different actors with different nationalities are involved in its operations. First, DROMLAN's air operations are arranged by Antarctic Logistics Centre International (ALCI), a South African private company based in Cape Town. Second, the aircraft used for intercontinental flights IL-76 is registered in Russia and is operated by Russian airline Volga-Dnepr and the aircrafts for intra-Antarctica flights Basler BT-67 and Twin Otter DHC-6 are registered in Canada and are operated by Canadian Airline Kenn Borek Air. Third, DROMLAN's air services and facilities are used not only by members of national Antarctic programs (priority user) but also by private expeditions, including tourists if vacant seats are available. Services for private expeditions are provided by The Antarctic Company (TAC), a sister company of ALCI and an IAATO member.

Based on the recent discussion within the ATCM, this presentation will examine the legal complexities behind the operations of DROMLAN particularly in relation to the obligation of advanced notification under Article VII (5) of the Antarctic Treaty. Although Article VII (5) itself is a procedural obligation, this article is also referred to in several substantive provisions under the Environmental Protocol and its Annexes, including obligation of environmental impact assessment (EIA). This presentation will show that the involvement of different actors in DROMLAN makes it a legal challenge for states parties to comply with the obligations of advanced notification and EIA regarding DROMLAN's operations.

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