



INTERIM REPORT
OF THE ELEVENTH ANTARCTIC
TREATY SPECIAL CONSULTATIVE
MEETING

Viña del Mar

19 november – 6 december 1990

REPUBLIC OF CHILE

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ANTARCTIC TREATY SPECIAL CONSULTATIVE MEETING**

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REPUBLIC OF CHILE

**INTERIM REPORT OF THE ELEVENTH ANTARCTIC TREATY
SPECIAL CONSULTATIVE MEETING**

Viña del Mar, 19 November - 6 December 1990

PART I

**INTERIM REPORT OF THE ELEVENTH
ANTARCTIC TREATY SPECIAL CONSULTATIVE MEETING**

1. Pursuant to Recommendation XV-1 representatives of the Consultative Parties (Argentina, Australia, Belgium, Brazil, Chile, China, Ecuador, Finland, France, Germany, India, Italy, Japan, The Netherlands, New Zealand, Norway, Peru, Poland, the Republic of Korea, South Africa, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Uruguay) met in Viña del Mar, Chile, from November 19 to December 6, 1990 to explore and discuss all proposals relating to the comprehensive protection of the Antarctic environment and its dependent and associated ecosystems.

2. The Meeting was also attended by delegations from Contracting Parties to the Antarctic Treaty which are not Consultative Parties (Austria, Canada, Colombia, Czechoslovakia, Denmark, Greece, Hungary, the Democratic People's Republic of Korea, Romania and Switzerland).

3. The following organizations took part in the proceedings as Observers:

- the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR),
- the Scientific Committee on Antarctic Research (SCAR),
- the Commission of the European Communities (CEC)
- the Intergovernmental Oceanographic Commission (IOC)
- the International Union for the Conservation of Nature and Natural Resources (IUCN),
- the Antarctic and Southern Ocean Coalition (ASOC)

4. Mr. Edmundo Vargas, Acting Minister for Foreign Affairs of Chile, officially opened the Meeting and delivered the opening address which is reproduced in Annex A.

5. Ambassador Oscar Pinochet de la Barra, Head of the Chilean Delegation, was elected Chairman of the Meeting. After thanking the delegations for electing him Chairman, Ambassador Pinochet de la Barra welcomed the states acknowledged as Consultative Parties at the Tenth Antarctic Treaty Special Consultative Meeting (Ecuador and the Netherlands). He also welcomed Switzerland which had acceded to the Antarctic Treaty since the last Meeting. The statement of Ambassador Pinochet de la Barra is included in Annex B.

6. The Chairman proposed that Mr. Sigisfredo Monsalve, Minister Counsellor, and Mrs. Lucía Ramírez, both from the Ministry of Foreign Affairs of Chile, be appointed Secretary General and Assistant Secretary General of the Meeting, respectively. This proposal was adopted.

7. The texts of the opening statements delivered by participating delegations and observers are reproduced in Annex C.

8. The following agenda was adopted:

1. Adoption of the Agenda
2. Introduction of proposals on comprehensive environmental protection
3. Discussion of proposals
4. Establishment of Working Groups
5. Terms of reference for Working Group I
6. Terms of reference for Working Group II
7. Report to the Plenary by Working Group I

8. Report to the Plenary by Working Group II
 9. Program for further work
 10. Any other business
 11. Adoption of the Interim Report
9. The following documents containing proposals on comprehensive environmental protection were introduced in Plenary:

- Indicative Draft of a Convention for the Comprehensive Protection of the Antarctic Environment, submitted by Australia, Belgium, France and Italy (document XI ATSCM/1).
- Draft Protocol to the Antarctic Treaty on Environmental Protection, submitted by New Zealand (document XI ATSCM/2).
- Comprehensive Measures for the Protection of the Antarctic Environment and its Dependent and Associated Ecosystems. Outline of a Protocol Supplementing the Antarctic Treaty, submitted by Argentina, Norway, United Kingdom, United States of America and Uruguay (document XI ATSCM/5)
- Draft Provisions for a Protocol Supplementing the Antarctic Treaty, submitted by the United Kingdom (document XI ATSCM/3)
- Protocol Supplementing the Antarctic Treaty, submitted by the United States of America (document XI ATSCM/4, Corr.1, Add.1, Add.2 and Add.3)
- Comprehensive Measures for the Protection of the Antarctic Environment and Dependent and Associated Ecosystems, submitted by India (XI ATSCM/7).

10. Two working groups were established by the Plenary:

WORKING GROUP I under the Chairmanship of Mr. Dietrich Granow, Head of the Delegation of Germany, and

WORKING GROUP II under the Chairmanship of Mr. Roberto Puceiro Ripoll, from the Delegation of Uruguay.

11. The following terms of reference were adopted for Working Group I:

Working Group I should identify issues to be considered in elaborating a comprehensive system drawing on the proposals submitted by delegates (Recommendation XV-1 paragraph 1).

The issues include, e.g.

- Basic principles
- Obligation/compliance
- Institutions/infrastructure
- Decision making
- Amendment/modification
- Liability
- Monitoring/inspection

- Dispute settlement
- Relationship to other parts of the Antarctic Treaty System
- Other substantive provisions, including those issues referred to Working Group II.

12. The following terms of reference were adopted for Working Group II:

Working Group II should initiate the review called for in paragraph 3 (b) of Recommendation XV-1, and concentrate on:

- Marine pollution
- Waste disposal
- Environmental impact assessment
- The Agreed Measures for the Conservation of the Antarctic Fauna and Flora
- Protected area system
- Tourism and non-governmental activity
- Environmental monitoring

13. In adopting its agenda in accordance with paragraph 12 above, the Working Group II decided to add the following items:

- International scientific cooperation
- Alternative energy uses to reduce environmental impact.
- Fuel management

14. The Report of the Working Group I, presented by its Chairman, was received in Plenary on December 5. The text of the Report is reproduced in Annex D.

15. The Report of Working Group II, presented by its Chairman, was received in Plenary on December 5.

16. In receiving the Report of Working Group II, the Meeting took particular note of the four attached documents on Marine Pollution, Waste Disposal, Environmental Impact Assessment and Conservation of Fauna and Flora. It agreed that these should be attached to the informal draft Protocol (see paragraph 19) as valuable basis for further consideration at the next session of the XIth Antarctic Treaty Special Consultative Meeting. In doing so it was recognized that further work would be needed, primarily of a drafting nature, to avoid duplication and ensure consistency between the Protocol itself and the Annexes.

17. The text of the Report of Working Group II is reproduced in Annex E.

18. Detailed discussion of the various proposals led to the conclusion that there was unanimous support for the need to adopt a new legally binding international instrument for the protection of the Antarctic environment and its dependent and associated ecosystems. Although the proposed texts represented alternative options, there was a considerable measure of agreement as to the general structure of such a legal instrument. A member of one delegation, Mr. Rolf Trolle Andersen from Norway, presented, on a personal basis, a single text drawing upon the documents mentioned in paragraph 9 as well as on draft articles proposed in the Working Group I and sub-groups.

19. The Meeting agreed that this draft Protocol and Annexes should be attached to this Report as Annex F. Reflecting, as it does, the papers submitted and the discussions at the XIth Antarctic Treaty

Special Consultative Meeting, it would form a valuable basis for further work to be undertaken at a future session of XIth Antarctic Treaty Special Consultative Meeting in 1991. It was understood that these texts would not prejudice the position of any government with regard to the issues addressed therein nor any proposals already made.

20. The Meeting noted that the present restraint on Antarctic mineral resource activities continues. In the context of future work on the issue addressed in Article 6 of the attached Protocol, a number of delegations expressed their strong preference for a permanent ban, others continued to see merit in CRAMRA, but there was a widespread willingness to consider a lengthy prohibition or moratorium. Several aspects of this issue, in particular the circumstances and modalities under which a prohibition might be reviewed or terminated, needed further consideration. In regard to a moratorium, it was stressed that internationally agreed arrangements for taking decisions on mineral resource activities should be in place before the need for such decisions arises.

21. In the course of discussion in Working Group I it was proposed that in order to facilitate the operation of the Antarctic Treaty System as a whole, a small secretariat should be established. There was widespread support for this and it was agreed to recommend that a regular Consultative Meeting should give consideration to the possibility of establishing such a secretariat to perform such functions as the Consultative Meetings may entrust to it.

22. It was also proposed that the process of protecting the Antarctic environment would be assisted if regular Consultative Meeting were held annually, rather than biennially as has been the practice in the past. While this proposal received widespread support, it was felt that it would be proper for such a decision to be made by a regular Consultative Meeting.

23. The meeting noted that the Director General of United Nations Environment Program (UNEP) had addressed a letter to the Consultative Parties on the state of ratification of the 1989 Basel Convention on Control of Transboundary Movements of Hazardous Wastes and Their Disposal which bans the export of hazardous wastes or other waste for disposal within the Antarctic Treaty area.

24. The text of a letter of 12th October 1990 from Mr. Maurice Strong, Secretary General of the United Nations Conference on Environment and Development (UNCED) to the United States Ambassador in Geneva, as representative of the depositary Government for the Antarctic Treaty requesting the views of the Antarctic Treaty Parties «on pollution related problems and status of marine living resources in all marine areas, including specific seas and polar regions, as appropriate» was made available for informal comments. The United States representative informed the Meeting that his Government would reply to this letter and invited other Consultative Parties to contribute their views to that end.

25. The Representatives agreed that together with the participation of representatives of international organizations, these developments contributed to fruitful cooperative relations between the Antarctic Treaty System and Specialized Agencies of the United Nations and other international organizations having a scientific and technical interest in Antarctica, in accordance with Article 3 (2) of the Antarctic Treaty.

26. The Meeting urged any non-party to the Antarctic Treaty which was contemplated activity in Antarctica to accede to the Treaty. The Meeting agreed that comprehensive protection of the Antarctic environment required that all States active in the Antarctic accept and implement the obligations contained in the Antarctic Treaty and measures developed in furtherance of its purposes and principles.

27. The Meeting agreed, as is customary, to request the Chairman to release a press communiqué.

28. Representatives welcomed the invitation of the Government of Spain to host the resumed session of the XIth Antarctic Treaty Special Consultative Meeting at Madrid in 1991.
29. The Meeting expressed its warm thanks to the Government of Chile, the Chairman of the Meeting, the Secretary General and Assistant Secretary General and their staff.
30. The Interim Report of the XIth Antarctic Treaty Special Consultative Meeting was adopted by consensus. The Meeting was adjourned on 6 December 1990.

**PART II
ANNEXES**

ANNEX A

**OPENING ADDRESS BY MR. EDMUNDO VARGAS CARREÑO,
ACTING MINISTER OF FOREIGN AFFAIRS OF CHILE**

Mr. Chairman, distinguished Delegates, Authorities,

Almost thirty-one years ago, twelve governments meeting in Washington declared that «It is in the interest of all mankind for the Antarctic to continue to be always and exclusively used for peaceful purposes, and for it not become the scene or source of international discord».

It is likely that delegates of the Conference at which the Antarctic Treaty was signed could not foresee the full extent of the historic significance of that moment. Because, indeed, history was made. That Treaty was considered to be one of the most serious and imaginative efforts undertaken in a totally new field, i.e., to bring progress to a continent still untapped by man, in an associated and coordinated manner, peacefully, and for the benefit of all mankind.

There are no precedents of similar efforts in the international domain, only in the scientific field. We diplomats have learned that Antarctic peace is not utopian. Rather, it is the outcome of cooperation, the joining of wills, the age-old concept of brotherhood so often violated in the rest of the planet.

Mankind must be thankful for all it has learned from the Antarctic: a new figure in the international juridical field, i.e., the administration of an entire continent; a political agreement at the disposal of the rest of the planet, converting the area into a de-militarized and nuclear-free region of peace; lastly, the completely novel experiment of a new type of human community.

Antarctica is a continent of peace, and Chile will contribute all efforts necessary for it to continue to remain so.

In the increasingly interdependent world of today, the breach of Antarctic peace would not only affect the southern hemisphere, but the planet as a whole.

If man has behaved maturely in this southernmost region it is because the wise mechanism of consensus has functioned. Perhaps, we have not achieved all the things we would have liked to, but what we have done has been permanent.

Consensual progress is slow, and only solutions that are sufficiently mature for adoption have been accepted.

The Convention on the Regulation of Antarctic Mineral Resources Activities is a case in point. Concern was officially manifested at the Wellington Consultative Meeting in 1972, upon the possibility to authorize oil prospecting. The Chilean delegation was one of the two that opposed a hasty consideration of the matter. Sixteen years passed before a convention on that economic use could be drafted. However, world concern for maintaining the Antarctic pollution-free has now caused that agreement to be shelved. For how long though? This will be determined through consensus by the Antarctic countries.

Countries closer to the Antarctic continent, especially Chile, are particularly sensitive to the risks that a polluted Antarctic would entail. Therefore, we cannot forget the words of a holy man, clad in white, in the town of Punta Arenas in 1987. Pope John Paul II said: «From this southern region of the American continent, and faced with the vast expanse of Antarctica, I call upon all those responsible for our planet to protect and preserve nature created by God».

This responsibility has been broadly demonstrated for three decades within the Antarctic System.

We are lawyers and politicians, scientists and explorers, but, above all, we are men responsible for the birth of a new southern world, five centuries after Columbus.

On the eve of the third millennium, this is the last continent at man's disposal in an increasingly populated, eroded and polluted planet.

I repeat: we Chileans cannot remain indifferent to the importance of a clean Antarctic. Not only do we live in America, bordering on the Antarctic, but we also permanently inhabit the southern continent itself.

What is decided in each Consultative Meeting is practiced daily on King George Island, one of the South Shetland Islands. The Chilean village, Villa las Estrellas, and the scientific bases of the Soviet Union, the People's Republic of China, Uruguay, Peru, Poland, Korea and Argentina provide a clear example of a new fraternal spirit.

Are we, then, exposing the Antarctic to pollution?

I am emphatic on this point: We desire a clean Antarctica, but also an Antarctica that is useful to man. It does not seem fair to forbid his entry into the freest continent of the planet, nor to regulate it in such a way that movement through Antarctica would be greatly encumbered.

We are thus faced with the challenge of reconciling a pollution-free Antarctica with one that is also open to human activity.

What we must recognize is that we are dealing with a unique continent that needs suitable regulations in order to achieve progress. Already in 1964, it was unanimously declared a «special conservation area», and everything that is subsequently carried out there must not «jeopardize the interests of all mankind». For its part, Chile has repeatedly declared that it considers the Antarctic to be an «ecological reserve».

Antarctica is a symbol of freedom from pollution which man must be taught to respect, whether he is a tourist, scientist, sportsman, explorer, or simply an inhabitant of that enormous territory.

It also represents a hope for men of all nations, something invigorating that should induce us to unite.

These considerations are broadly echoed in Chile. It must be remembered that our concern for the Antarctic, to mention only the years of independence, goes back to the XIX century. It was precisely in Valparaíso where man first learned of the existence of the mysterious continent shrouded for years under the impressive name of the Terra Australis Incognita.

Indeed, 171 years ago, in 1819 an English seaman named William Smith, arrived here from Buenos Aires bringing word of certain islands lost in the southern mists. And it was from here that Lieutenant Bransfield departed in December, 1819 on a reconnoitering trip. The first map of the South Shetland Archipelago was sketched by John Mieses, close by in what is now the sea-side resort of Concón. From Valparaíso, the ship, Dragon, also set sail under Captain Mc Farlane, whom, today, we know was the first man to set foot on the Antarctic Continent.

Chile has always been linked to the Antarctic. Half a century has passed since the decree issued on November 6 by President Pedro Aguirre Cerda, mapping out our boundaries of sovereignty in the sixth continent.

Distinguished delegates, the democratic Government of Chile is pleased that our country is hosting this Consultative Meeting. I believe this to be an acknowledgement of our age-old and lasting concern for the Antarctic continent. I hope that the groundwork for an international instrument will

be set as a result of the frank discussions you will begin, and that it will effectively deal with the comprehensive protection of the Antarctic environment and its dependent and associated ecosystems.

The cumulative wisdom of these years will, I am sure, lead us to preserve a system that will prove useful for all mankind.

May the southern light, born from the greatness of a new world, shine on and inspire all delegates.

Thank you very much.

ANNEX B

**OPENING ADDRESS BY MR. OSCAR PINOCHET DE LA BARRA
CHAIRMAN OF THE XIth ANTARCTIC TREATY
SPECIAL CONSULTATIVE MEETING**

Distinguished Delegates,

Today we begin the XIth Special Consultative Meeting of the Antarctic Treaty, as provided for in Recommendation XV-1, approved in Paris, in October, 1989, where it was requested that «comprehensive measures for the protection of the Antarctic environment and its dependent and related ecosystems» be formulated.

This recommendation clearly defines the limits of our mandate; and it is worth summarizing them in order to facilitate the tasks of the delegates.

The preliminary clauses begin by reminding us of the need to preserve the Antarctic Treaty System, and to preserve peace in the special conservation area located south of 60° South latitude. Then, they go on to deal with an issue typical of our times, i.e., concern for the Antarctic environment, so vulnerable to human interference.

Reference is made to various concrete forms of environmental protection in existence since the Antarctic Treaty has been in force. Examples of these would be the Convention for the Conservation of Antarctic Seals, the Convention on the Conservation of Antarctic Marine Living Resources, and the Convention on the Regulation of Antarctic Mineral Resource Activities, not yet in force. In addition to the above, Recommendations have been adopted over the nearly thirty years that the Treaty has been in force.

In a special paragraph, mention is made of proposals formulated in the Paris Consultative Meeting, by France and Australia, the United States, Chile and New Zealand.

Ten other Recommendations of the same Consultative Meeting are also welcomed in Resolution XV-1. They are qualified as «constituting substantial further progress in Antarctic environment protection». In the final preliminary clause, it is recognized that the entire protective system should be coordinated and complemented, so as to ensure its effective implementation.

Then, paragraphs 1, 2 and 3 appear in Recommendation XV-1. I specifically draw the delegates' attention to them.

Paragraph 1, recommends that governments should give highest priority to completing the formulation, maintenance and effective implementation of a comprehensive system for protecting the Antarctic environment and its dependent and related ecosystems. The aim is to ensure that human activities do not have a negative impact on the Antarctic environment or on its dependent and related ecosystems; and also, that the aesthetic values or wilderness quality of the Antarctic are not affected.

In the year that has gone by since this Recommendation, governments have made headway in their attempts to complement the «formulation» of such a system. The Consultative Parties Meeting in Paris wishing to cooperate to this end, made provisions in Recommendation XV-1 for holding this Special Consultative Meeting. The specific objective was «to explore and examine all proposals on the comprehensive protection of the Antarctic environment and its dependent and related ecosystems».

We thus begin our exploration and examination of all proposals, bearing in mind paragraph 3. The latter calls for the consideration of principles already established in the Antarctic Treaty System, examining existing measures, and ultimately determining «if and to what extent institutional arrangements may be necessary». And on this important subject, it deals with «the form or forms of the legal or other measures needed to ensure the maintenance, integration, consistency and comprehensiveness of the system of protection of the Antarctic environment».

I have thought it useful to go over these points, despite the fact that you are all familiar with them. I believe that this will expedite our debates and enable us to achieve maximum progress in the tasks before us. I am certain that we shall be able to do so, since we all agree on the essential points, i.e. the urgent need for a binding and comprehensive protection of the Antarctic environment.

In closing, I would like to appeal to delegates, regarding the care and concern we must exercise in dealing with all matters related to the Antarctic Treaty.

If I have any right to make considerations such as these, it could only be due to the fact that I was present at the outset of the process in 1959, at the Washington Conference.

Treaties are not only violated by open and outright rejection. They can also be subject to the gradual abandoning of principles or to a lack of confidence in their real possibilities of action.

This respect for the cornerstone of the Antarctic Treaty System certainly does not oppose to its modernization by means of appropriate international instruments which the Consultative Parties may by consensus deem useful and timely.

We would all agree that it would not be very judicious to risk or weaken the foundation of the Antarctic System, which for three decades has been internationally recognized as exemplary and inspiring.

I believe that delegates from the Consultative Parties attending this meeting in Viena del Mar can leave, at the end of these sessions, satisfied with the work done in pursuit of an agreement that will adequately protect the Antarctic environment, without weakening the System.

Thank you very much.

ANNEX C
OPENING ADDRESSES

L- CONSULTATIVE PARTIES

- ARGENTINA
- AUSTRALIA
- BELGIUM
- BRAZIL
- CHILE
- CHINA
- ECUADOR
- FINLAND
- FRANCE
- GERMANY
- INDIA
- ITALY
- JAPAN
- KOREA, REPUBLIC OF
- NETHERLANDS
- NEW ZEALAND
- NORWAY
- PERU
- POLAND
- SOUTH AFRICA
- SPAIN
- SWEDEN
- UNION OF SOVIET SOCIALIST REPUBLICS
- UNITED KINGDOM
- UNITED STATES OF AMERICA
- URUGUAY

**OPENING STATEMENT BY MR. JOSE MARIA V. OTEGUI,
HEAD OF THE ARGENTINE DELEGATION**

Mr. Chairman,

On behalf of my Government and the Argentine delegation, I wish to thank the Government of Chile for its hospitality in generously providing us with material and human resources in hosting this event. We are particularly pleased by the fact that this meeting is being held in Chile, because of the close relationship between our two nations in the South American and Antarctic continents.

I also wish to welcome the Republic of Ecuador and the Netherlands to their first meeting as Consultative Parties. Likewise, we are pleased to see the Swiss delegation representing a new Contracting Party.

Mr. Chairman,

My country wishes to contribute to strengthening the Antarctic Treaty and to maintaining the political unity on which it rests.

The Antarctic Treaty and its System has operated well for three decades. Its existence has essentially been based on the united political will of the Consultative Parties.

Throughout these years, there has been growing interest by the international community on the Antarctic. This leads us to vigorously safeguard the objectives in force and the mission that the Antarctic Treaty demands of us. Its existence and successful operation have spared the Antarctic international conflicts, and have fostered scientific cooperation and resource conservation.

Argentina considers the common effort we are starting now to be vitally important. Environmental protection in general has been a priority concern for my Government. Therefore, we firmly support the protection of the unique and fragile Antarctic environment.

My country is co-sponsoring a working paper entitled: Outline of a Protocol Supplementing the Antarctic Treaty with Norway, the United Kingdom, the United States and Uruguay. It includes comprehensive measures for protecting the Antarctic environment and its dependent and associated ecosystems. We hope that it will contribute to successful negotiations and lead to the adoption of appropriate regulations on the matter.

We need a sufficiently flexible and temporally suitable framework, containing basic principles on environmental protection. The system must be clear, legally binding and operationally simple. It must maintain a close linkage with the consultative meetings.

Thus, a new legal instrument on environmental protection should not undermine nor bureaucratize the decision-making process of the Antarctic Treaty. This is what the document co-sponsored by Argentina aspires to.

Our delegation hopes that the Consultative Parties will reach a consensus, and that negotiations will lead to an agreement on a legal instrument that will provide better and thorough protection of the Antarctic environment in the shortest time possible, but also paying due attention to the careful consideration as its importance warrants.

Thank you, Mr. Chairman

OPENING STATEMENT BY MR. ALAN BROWN, HEAD OF THE AUSTRALIAN DELEGATION

Mr. Chairman,

The Australian delegation is pleased to participate in the Eleventh Special Consultative Meeting being held in Chile. Australia welcomed the adoption at the Paris ATCM of Recommendation XV-1 which established the terms of reference for this Special Consultative Meeting. Australia will work with vigour to seek the early establishment of comprehensive measures for the protection of the Antarctic environment. With this aim in mind, Australia has joined with France, Italy and Belgium in presenting an indicative draft convention to establish a comprehensive environment protection regime.

Australia hopes that the present Meeting will provide an opportunity for a frank and open discussion of the essential elements to include in such a regime. This Special Consultative Meeting is especially timely since it demonstrates to the world community that the Treaty Parties have the capacity and the intention to develop practical and effective measures for the protection of the Antarctic environment. Australia believes that it is essential that the development of such a regime should take place within the Antarctic Treaty System and that the eventual adoption of an effective regime will enhance the Treaty and its standing with the international community.

Australia proposes that Antarctica be designated as a «Nature Reserve-Land of Science» which will preserve the environmental qualities of the continent while continuing to encourage scientific research, which depends so much on these qualities. In Australia's view, the new regime should be closely linked to the Antarctic Treaty and preserve the essential decision making function of ATCMs. It should lay down standards for human activities in the region, establish a basis for the assessment of environmental impacts, provide for compliance procedures and make appropriate institutional arrangements. Australia believes that these objectives are achievable within a system which keeps implementation largely within the responsibility of national governments and operators.

Australia will also be presenting its views on other matters to be covered at this Special Consultative Meeting, including the review of existing environmental measures. The Antarctic Treaty Parties can point to many achievements made in the field of environment protection, but it is now necessary to consider the introduction of new arrangements to ensure that environmental protection is dealt with in a comprehensive way.

While this protection must be based on a co-ordinated and integrated approach by the Treaty Parties, national capacities should be used as much as possible, particularly where activities involving relatively low impact are concerned. National authorities will also have to take responsibility for activities likely to have a higher environmental impact, although in this case some mechanism may be established to review national assessments. It will also be necessary to prohibit some activities which can be seen as potentially having a seriously detrimental effect on the environment. These include those activities already prohibited by the Antarctic Treaty and, in Australia's view, minerals activities other than scientific research. Australia's view that such minerals activities should be banned is unambiguous and has been restated clearly and repeatedly by Australian leaders.

Australia is committed to ensuring that in developing an instrument for the comprehensive protection of the Antarctic environment science shall continue to be the most important use of the region. This is reflected in the proposal to designate the Antarctic as a «Land of Science». The indicative draft convention that we are promoting with France, Belgium and Italy gives priority to science and a specific role for SCAR. Australia and France are circulating an information paper which demonstrates that the proposals are consistent with Article II of the Treaty which guarantees freedom

of scientific research in Antarctica. The paper also demonstrates that the obligations on Parties for the assessment of the environmental impacts of their scientific activities do not go beyond those already agreed to by the Consultative Parties.

Australia wishes to work in a co-operative way with all the other participants in this Special Consultative Meeting. The subject to be dealt with is very wide but early action is required to ensure the protection of the Antarctic environment and to reassure the world community of the capacity of the Treaty System to deal effectively with this issue. It is Australia's view that this Meeting should establish the basis for the Treaty Parties to commence the negotiation of a new legally binding agreement, within the

Treaty System to establish a comprehensive regime for the protection of the Antarctic environment. We hope that common ground will emerge during the meeting which will make it possible for rapid progress to be made in negotiating such a new instrument.

Thank you Mr. Chairman.

**OPENING STATEMENT BY MR.GERARD SURQUIN,
HEAD OF THE BELGIAN DELEGATION**

Mr. Chairman,

Before expressing the opinion of my delegation on the issue of the environment in the Antarctic, allow me to mention several events that have produced us satisfaction.

The first has been Chile's invitation, coming at an important time in its political evolution which we wish to welcome.

The second is the Chairmanship of Ambassador Pinochet de la Barra and the distinguished role of the Chilean delegation.

Third, is the admission of Ecuador as a Consultative Party, thus rewarding its efforts.

Fourth, is the admission of the Netherlands. Few countries maintain such close ties with us and place as much importance on the environment as it does.

Fifth, is the entry of Switzerland into our club.

Sixth is the role played by non-governmental organizations.

Some might find them irksome. However, our Minister of Foreign Affairs recently commented on their positive and significant role. Overall, we consider their actions to be positive.

Seventh, is the presence of a new observer among us, i.e. a lady delegate of the Commission of the European Communities, who can attest to the interest which our discussions generate.

Mr. Chairman,

So many pertinent, useful and even fundamental things have been said regarding our agenda which mainly deals with environmental issues, that I consider it unnecessary to repeat them.

Before tackling the work before us, may I suggest that we pause for a moment to take a quick look at the evolution of our Antarctic System.

Back in 1959, the term «environment» did not appear in the Washington Treaty. Now in 1990, the same Treaty devotes a three-week special session to the issue of its protection, and this is merely the beginning.

Even more surprising is the fact that two years, five months and eighteen days ago, the Wellington Convention on the Exploitation of Mineral Resources was unanimously approved, whereas now the majority is expressing the wish to either renege it or shelve it.

A year ago, we adopted a major recommendation: Recommendation XV-I, not ratified yet by many governments, but which we did implement. So many events have taken place in just one year.

On the one hand, our country enacted a law to prohibit our nationals from exploiting mineral resources in the Antarctic. A bill was also passed by the President of the United States along these same lines. Similar legislation is being passed in several countries.

In our view, we are faced with a clear and unavoidable fact. The conviction has been gaining ground, with regard to the environment, that it is necessary to change course and quickly obtain results.

We were in the eye of a storm and unaware of the enormous wave of the environment ready to engulf us.

Let us not repeat past mistakes. When it comes to the environment, we are not talking about a fad that will last only a couple of months or a few years. On the contrary, the environment will become the obsession of tomorrow. It is urgent that we put into effect what our political leaders have been saying for years: we cannot mortgage our planet.

Environment involves society as a whole.

Environment involves dynamics.

The prime mover behind the environment in democratic countries is public opinion.

Let us heed this message.

Our perspective of the Wellington Convention must conform to this reality.

We commend the merits and good will of those who drafted it.

We state and remind all present that this Convention is not dead yet. Its proper place is not in the morgue but rather in a museum.

Mr. Chairman,

A meaningful word has dominated the statements of our colleagues: consensus.

Allow me to elaborate on this subject and to add a few comments in this regard:

First, temptation. It is a fact that what is best is not always good. Why then do we not gather around common concepts and discard all of those that divide us?

I would call this a «stock-taking» operation.

We bring together all the useful things we have done in the past. We add certain complementary recommendations. We affix the label «global and comprehensive system», and we declare the consensus operation successful by giving it the name Protocol.

I was forgetting something. This operation must be carried out swiftly, at the pace of recommendations adopted in Paris in October 1989.

Can we claim to be acting seriously, Mr. Chairman?

Are we on the right track?

A danger has always threatened our system from the outset: that of being open but only to our own points of view.

What about the international community?

What about the 1992 Conference on Environment and Development?

What about the other members of the United Nations?

Our consensus, a solid consensus, will be that which is able to entice and convince. It will be faultless not only in our eyes but also in those of the international community. Are we aware of this?

Not only do we require a legal regime under the name of Protocol or Convention. We also need a regime that carries it legitimacy within its own legal status.

Only the best comprehensive regime for protecting the environment will serve this purpose.

The final comment my delegation wishes to make is to express our optimism. Most of the delegations have demonstrated their adherence to the Antarctic system and to an effective regime to be negotiated with a sense of urgency.

Finally, Mr. Chairman, I am sure that many of those present, including my own delegation, identify with the declaration of the Swedish delegation, because of the masterful way in which it dealt with the formulation of a coherent regime. Mr. Chairman, no-one present should feel that their backs are against the wall.

There is room for everyone to advance together.

This is what I wish for all of us.

Thank you, Mr. Chairman.

**OPENING STATEMENT BY MR. HENRIQUE R. VALLE,
HEAD OF THE BRAZILIAN DELEGATION**

Distinguished Ambassador Brown,

It is a pleasure to see you this afternoon Chairing this meeting and my delegation congratulates you. At the same time we congratulate the distinguished Ambassador Oscar Pinochet de la Barra for the responsibility he has assumed to lead successfully our work.

Mr. Chairman,

My first words are to welcome Ecuador and the Netherlands as Consultative Parties, status that they deserve; I'm sure that they will much contribute to our Group. I also extend my congratulations to Switzerland for its accession to the Treaty.

Mr. Chairman,

In April, 1989 when Chile proposed that an item on comprehensive measures for the protection of the Antarctic environment be included in the agenda of the Paris Consultative Meeting, my delegation supported it immediately and formally; in this manner we clearly stated the priority that we assign to the question of the environmental protection as a whole, and in particular in the Antarctic Continent.

It is clear, therefore, that Brazil expects concrete results from this Viña del Mar meeting; results, Mr. Chairman, that must be necessarily compatible with the Treaty of Washington, must strengthen it and maintain the functions of the organs that already exist and contribute to the Antarctic System.

As it is well known, Brazil will host the United Nations Conference for Environment and Development in 1992; the protection of the Antarctic environment has to be necessarily a positive contribution to the agenda of the 1992 Conference.

We have in front of us various proposals which will be studied specifically during the next weeks. My delegation has its own preferences which we will indicate in due time; we also have the necessary flexibility to reach concrete results, within the compatibility with the Antarctic Treaty to which I already alluded.

I conclude, Mr. Chairman, with a sentence from the Ambassador of Norway: «How can we fail»? I agree with him: We cannot fail!

Thank you, Mr. Chairman.

**OPENING STATEMENT BY MR. JORGE BERGUÑO,
DEPUTY HEAD OF THE CHILEAN DELEGATION**

Mr. Chairman,

It is a pleasure for us to see you at this moment on the Chair of this Meeting, here in Chile, a country that you know so well; your diplomatic tour of service in Chile some years ago left us many pleasant souvenirs.

I would like to state, though in a rather schematic way, the vision that Chile has of the debate that has taken place so far and our vision of the different proposals than the Parties have formulated; these proposals are contained in documents which in due time we are going to examine, and also in these preliminary interventions. I believe that all of them underlie certain common assumptions which are also contained in Recommendation XV-1, and which led Chile to take the initiative of a comprehensive environmental regime.

The first one is that a regime for Antarctic environmental protection requires a global, integrated and systematic treatment.

In second place, such treatment is better reflected in a juridical instrument with binding capacity and normative hierarchy.

In third place, I also believe that all of us share the principle that a regime for environmental protection of Antarctica should constitute an integral part of the Antarctic Treaty System and duly take into account the special juridical-political status of that region. On this last point, I will make some further comments later in view of the declarations that some delegations have made.

Now, these consensual elements were already distinctly expressed in the proposal of your own country, Mr. Chairman, and in that of France; this proposal was presented as a document which also included then a proposed recommendation. I'm referring to the working document number 2 of the XV Consultative Meeting. In that document France and Australia stated:

- a) the regime shall recognize explicitly the fundamental responsibilities of the Contracting Parties;
- b) the Antarctic Treaty shall be maintained entirely;
- c) the regime shall not modify Article IV of the Antarctic Treaty;
- d) the regime shall contemplate the effective protection of the Antarctic environment and ecosystems;
- e) the regime shall also determine the territorial extent of such protection, taking into account the existing instruments of the Antarctic Treaty System. This is a specific point that I will address later, because I believe that it is more appropriate to discuss it when we examine the above mentioned documents.

On the other hand, Recommendation XV-1 also reiterates these same ideas and which are then made in three fundamental operations:

First, the consideration of principles already established under the present System and the analysis of its elaboration, expansion and subsequent complementary;

Second, the systematic reviewing of the existing body of environmental protection measures;

Third, the consideration of eventual institutional arrangements and of the form that standards on environmental protection should have to guarantee their stability, integration, consistency and comprehensiveness.

There is one element which constitutes an integral part of the Chilean position and this is that we must build starting from the body of doctrine that the Parties have already been elaborating ; this applies to the principles, to the measures but it also applies to the framework instrument itself. And, in this sense, I would like to anticipate the concern of my delegation because in some specific aspects the proposals, in our opinion, do separate themselves from some elements that constitute this inheritance and, specially, they deviate from the practice of the System, from the methods through which we have so far tackled our common issues.

The guidelines for the systematic review of the existing measures are clear in Recommendation XV-1 and, in addition to the analysis of their contents, some elements or procedures to increase their effectiveness are incorporated. This point is also reflected, of course, in the different proposals that we are going to examine.

The third operation consists in determining the institutional support that might be required and the appropriate juridical form of the Antarctic environmental protection regime. The French-Australian working paper already mentions this, and I am referring to the document from the Paris meeting, which states: «We need to know whether it is necessary to adopt an international instrument like a convention or a protocol under the aegis of the Antarctic Treaty». I believe that this question has been already answered. What is important to remember now is that these three operations have a logical sequence and that the last one constitutes a corollary to the previous ones.

For this reason, it seems to us that, even if I am getting a little ahead of the subsequent debate on the substance of the proposals, that we ought to follow that same order: first the analysis of the principles, then a thorough examination of the measures, and afterwards to decide on the form of the juridical instrument that will govern the environmental protection. In other words, first the substantive and then the adjective or procedural.

Nevertheless, Mr. Chairman, and with the only purpose of stating something on the general position of my delegation on the question of forms, the position of Chile is already known in the sense that we favor a protocol instead of a convention. Because of several important reasons: one of them is because a protocol incorporates decisively within the heart of the System the question of environmental protection; this protection becomes then an integral part of the Treaty. In second term, because a protocol contributes to the stability of the System, to its centrality and avoids the dispersion, thus contributing, in our opinion, to the process of adapting the Treaty, without entering into that problem via its reviewing. These are some elements that condition our perspective.

The last consideration that the Chilean delegation would like to make here is, may be, one rather specific but endowed with broad implications for the future development of our System: it concerns the function of scientific advice in the context of environmental protection. In our opinion we run a risk when we create organs, we introduce procedures and we draft legal bodies, of deviating from the procedures which have linked us so tightly and productively with SCAR. I believe that this linkage with the scientific community is very important, because it is like the sap than feeds the Antarctic System. Naturally, nobody wants to break this umbilical cord, but through the successive conventions that we have approved, for instance, the Convention on the Conservation of Antarctic Seals, the Convention on Marine Living Resources and, before that, the Convention on Mineral Resources this exclusion somehow has occurred. We do not contemplate it for the future, but rather a rapprochement, an intertwining of the different pieces of the System. We believe that in so doing, the environment will be better protected and the System will be strengthened because science will shine and cooperation will be enhanced.

To conclude, Mr. Chairman, some comments have been made here about unilateral measures or laws adopted by certain countries. The distinguished representative of Japan has invoked very knowledgeably Article IV of the Antarctic Treaty. We, as a claimant country, believe that it is not possible to invoke that article in this context because it is well known that no sovereignty derogation can be presumed. We understand, therefore, that when legislation is passed on mining in Antarctica, like in the case of Chile, for instance, where our national mining laws are completely applicable to the Chilean territory and, therefore, in the Chilean Antarctic Territory mining is permitted; or when laws are passed to prohibit or limit it or introduce moratoria, States exercise their sovereign rights which, under the strict terms of the Treaty are not forbidden, in our opinion. However, under the general principle that Antarctica shall not be allowed to become the scene or object of international discord, given the fact that we act under the rule of Article IX, as one delegation stated, in collective terms, and under the premise that what we really need is to guarantee the environmental protection and regulate by consensus any activity which may create dissension or alter peace, what we really need is a collective decision and not a series of unilateral actions.

The Chilean delegation hopes, Mr. Chairman, that we shall be able to reach an international binding agreement on those issues too; a mandatory agreement and one that in a first instance receives the consensus of the Parties but afterwards becomes legally binding to the Parties.

Thank you very much, Mr. Chairman.

OPENING STATEMENT BY MR.SUN LIN, HEAD OF THE CHINESE DELEGATION

Mr. Chairman,

Allow me, first of all, on behalf of the Chinese delegation to express once again our sincere thanks to our host Government for all these excellent arrangements and facilities provided for this meeting. I would like to join myself with the previous speakers in congratulating warmly Ecuador and the Netherlands as new members of the Consultative Parties to the Antarctic Treaty. My warmest congratulations and welcome also go to Switzerland.

Mr. Chairman,

Today, more and more concerns have been focused on the environmental issues, including the protection of the Antarctic environment. At the same time we are witnessing that more and more people of the world have recognized the importance of the Antarctic Treaty System, and this is not only because of its effective role in maintaining peace, in facilitating scientific activities and promoting international cooperation in Antarctica, but also of the major contribution it has made in protecting the Antarctic environment. We believe that the Antarctic Treaty System should continue to be the solid basis for the further enhancement of the environmental protection in Antarctica, and the enhancement of the environmental protection in Antarctica will in turn strengthen and develop the Treaty System. For this reason, I would like to convey my deep appreciation to those states which took initiatives in calling for elaborating further measures to protect the Antarctic environment, as well as to these countries as Argentina, Australia, Belgium, Chile, France, Italy, New Zealand, Norway the United Kingdom, the United States and Uruguay for their contributions in providing various working documents for our meeting.

Mr. Chairman,

We, the Treaty Parties, are now facing both challenges and opportunities, and this XIth Special Consultative Meeting will be an important meeting, a difficult meeting and perhaps also a meeting of major significance. This will be an important meeting, because we are going to discuss such important questions as to how the comprehensive measures for the protection of the Antarctic environment could be worked out, and how the Antarctic Treaty System could be further strengthened. This meeting will be a difficult meeting, because differences exist among the Treaty Parties and our uneasy task is how the various positions could be merged and those differences be settled. This meeting will be perhaps a meeting of major significance, because the Antarctic Treaty System could be enhanced by adding effective comprehensive measures for the protection of the Antarctic environment to the Treaty System.

Let us hope and join our efforts to facilitate the success of the meeting. We have every reason to expect for such an end. Because, we are of the opinion, despite the differences among the Parties, we still have very solid common grounds. We all agree to enhance the protection of the Antarctic environment. We all agree to strengthen the Antarctic Treaty and to maintain its leading role in the Antarctic environmental protection. We all agree to maintain the Antarctic Treaty Consultative Meeting as the decision making body and to establish under its control some mechanisms to implement the measures of environmental protection. We all agree that necessary measures must be taken to regulate human activities in Antarctica. And we also all agree that Antarctic scientific activities must be given the priority and necessary facilities.

By enumerating these common points, I am not intending to conceal our differences. In doing so, I just want to express the sincere wishes of my delegation that through our joint and concerted

efforts, we could gradually expand our common grounds, overcome, even remove, the difficulties and differences. Thus, the consensus tradition and cooperation among the Treaty Parties could be maintained and further developed.

I wish hereby to assure you, Mr. Chairman, and all of my distinguished colleagues, that the Chinese Delegation is willing to take an active and constructive part in the work of this very important meeting, to make every effort, as a Chinese saying, to seek common grounds while reserving differences and to spare no efforts to contribute to the success of the meeting.

Thank you, Mr. Chairman.

**OPENING STATEMENT BY MR. ALFREDO LUNA TOBAR,
HEAD OF THE DELEGATION OF ECUADOR**

Mr. Chairman,

I first wish to congratulate Don Oscar Pinochet de la Barra for his well deserved election as Chairman of the meeting and also thank the Government and people of Chile for their generous hospitality to all delegations. I also want to reiterate my gratitude for the cordial messages of congratulation and welcome that delegations have expressed on the occasion of the accession of Ecuador to the status of Consultative Party; these messages compromise even further our decision to collaborate on a permanent basis with the other Consultative Parties for the fulfillment of the objectives and basic principles of the Antarctic Treaty. In the same manner I wish to convey our sincere congratulation to the delegation of The Netherlands and our cordial welcome to Switzerland as an acceding country.

During the thirty years of operation of the Antarctic Treaty, the State Parties have carried on scientific investigations which allow us today to have a more complete vision of the importance that the Antarctic has for the global environment.

This reality allow us, member countries of the Treaty, to initiate our discussion in this meeting on the basis of a fundamental consensus: all of us are decided to protect the Antarctic environment in the best possible manner, with the purpose of providing future generations with the guarantee of an Antarctica kept in its pristine state.

The Antarctic Treaty System constitutes a juridical-political elaboration that is based on the best scientific evidence and on the consensus of the Parties. Ecuador considers that these two elements should contribute to obtain results during this meeting, for which we could feel proud in front of future generations because of the prudence, foresightedness and generosity with which we adopted measures for the comprehensive protection of the Antarctic environment.

State Parties have demonstrated their profound interest and preoccupation for this issue; they have made considerable efforts to present documents to this meeting which will help to achieve the purpose of its convening. My delegation considers that, beyond the differences that these documents have, we should rescue the spirit and intention that unify them, i.e., the wish to set the basis for our conversations to have the results that we all wish: the efficient protection of the Antarctic environment.

The experience obtained by my country in the protection of fragile systems, like the Galápagos Islands, has convinced us that the national effort should be accompanied by international solidarity and cooperation, and that it is indispensable to adopt precautionary measures before regrettable and occasionally irreversible damage occurs.

These were, among other considerations, the reasons that impelled Ecuador in 1987 to accede to the Antarctic Treaty, to carry on scientific expeditions aimed at contributing to the knowledge of the white continent and to establish a scientific station on Greenwich Island.

My delegation considers that the Antarctic System has successfully accomplished an orienting and regulatory function of which State Parties may be proud. Our present preoccupations are aimed to strengthen and complement what we have achieved so far, with the purpose of maintaining the system permanently adequate to the accelerated advances of scientific investigation and technical development.

In our opinion, the community of objectives, purposes and principles that the different positions reflect, will permit us to adopt a set of wide, clear and simple norms which reflect our consensus and bind us juridically.

We deem it important to maintain the freedom of initiative that the National Antarctic programs have had to develop its own projects of scientific investigation, but of course within the framework of a general coordination to avoid duplications and to allow the constant advance of the studies to be performed.

Ecuador takes part in this meeting with an open attitude towards any proposal which contribute to the structuring of an instrument that assures that the protection of the Antarctic environment be a reality now and has a guarantee of indefinite duration.

Thank you, Mr. Chairman.

**OPENING STATEMENT BY MR. TOM GRONBERG,
HEAD OF THE FINNISH DELEGATION**

Mr. Chairman, distinguished delegates,

May I start by congratulating you Mr. Chairman on your election as Chairman for this important meeting. Secondly I would like to join the previous speakers in thanking the Chilean Government for inviting us to hold this XIth Special Consultative Meeting here in Chile. Indeed, it has been a pleasure and privilege to come to Chile and Viña del Mar.

Mr. Chairman,

Allow me also to welcome the two new consultative members Ecuador and the Netherlands. We look forward to continued cooperation with them. Furthermore, we value Switzerland's decision to accede to the Antarctic Treaty. For the credibility of Antarctic Treaty System it is essential that all countries which sincerely wish to contribute to its development have the opportunity to do so.

When the decision to convene this special meeting was taken in Paris a year ago, it was a wiser move than was recognized at the time. The preparations for the United Nations Conference on the Environment and Development have brought the Antarctic and its environment once again into public attention.

This has also given new fuel to the recently reopened debate in the UN. But we should not forget the very fact that the discussions among the ATS countries to amend or negotiate a new convention or protocol has added to the esteem of those who question the whole system.

It is hardly surprising that outsiders find it difficult to grasp why the establishment of the Nature Reserve could not be negotiated within the UN since the issue is one of creating something of common good in which all states on the globe would participate.

We naturally agree with the statement in the UN, where our Australian colleague described the Antarctic Treaty as «a remarkable instrument of international cooperation continuing, in its thirtieth year, to make an important contribution to the maintenance of international peace and security, to the advancement of scientific knowledge, and to global regional awareness of the environment and its need for protection»

The credibility of this statement depends nevertheless essentially on how well these consultations succeed. I am not entirely convinced that we can afford as much time for the now commencing negotiations as for the Minerals Treaty. It seems rather evident that we must set ourselves a much tighter schedule if the system is to continue to persuade.

Mr. Chairman,

I would then like to give a brief description of our stance. Finland has in various national and international contexts been a staunch proponent of environmental protection.

As an example of our activities can be mentioned that together with the seven other Arctic countries, we are in the process of setting up a program and thereby hopefully establishing a system for protecting the Arctic environment.

In this context we have noted that we could learn from the Antarctic arrangements. Scientific cooperation similar to that within SCAR is finally underway in the north too.

- Finally, this regime must include the creation of permanent organs, subordinate to the Consultative Conference, that would assist in preparing the latter's decisions, as well as monitor their implementation. Reliable protection of the environment cannot be sporadic: it must be followed up and monitored on a continuous basis.

France, along with Australia, Belgium and Italy, proposes a comprehensive regime under the Antarctic Treaty, whose permanent organs should likewise come under the Consultative Conference. This regime should, in turn, constitute a coherent framework for specific measures as a whole. Therefore, what is involved is an integrated and truly comprehensive approach.

Mr. Chairman,

There is currently broad consensus on the fact that comprehensive environmental protection measures must form part of an international agreement that is legally binding on the Parties. Great progress has thus been made, and it would be advisable to further it by drafting up this agreement.

Mr. Chairman,

I wish to express reasonable optimism. In these last two years, our respective viewpoints have notably begun to converge. There is a clearer appreciation of challenges faced by the Antarctic System. There is greater sensitivity towards issues and, in my opinion, a greater understanding of the various viewpoints. It is true that some differences in approach still persist among some of us. I hope I am not wrong in thinking that they are not major, and that none of them are insurmountable. Therefore, I believe that under your distinguished chairmanship, this meeting should prove fruitful.

We do not think it possible to draw up a detailed international instrument for the comprehensive protection of the Antarctic environment in only three weeks. However, some decisive headway should be made: i.e., to confirm the urgent need for an international agreement, to begin negotiations by defining the basis and setting out the most important principles the agreement is to contain, and to ban mineral resource activities for an indefinite period of time. Were these the objectives to be achieved, the expectations of the international community would be met and it would provide unequivocal proof of the vitality of the Antarctic Treaty System.

Thank you Mr. Chairman.

**OPENING ADDRESS BY MR. DIETRICH GRANOW,
HEAD OF THE GERMAN DELEGATION**

Mr. Chairman,

As head of the German delegation I would like to congratulate you on your election. High expectations have been placed in our meeting here in Viña del Mar. We are confident that, under your direction, the work of this Special Consultative Meeting will be successful.

We are particularly grateful to the Chilean Government for hosting the Special Consultative Meeting in the attractive surroundings and pleasant climate of Viña del Mar.

Mr. Chairman,

We are delighted that the group of Consultative Parties is being joined by two further states. We extend a very warm welcome to the representatives from Ecuador and the Netherlands, with whom we are enjoying close and friendly relations.

And there is something else that gives us reason for special enjoyable remarks: for the first time in this distinguished forum, there is only one German delegation representing the whole German people. I am happy and proud to head this German delegation. As you know, the German Democratic Republic, a consultative member of the Antarctic Treaty, acceded to the Federal Republic of Germany on October 3rd., 1990 and has thus ceased to exist as an independent state.

Over the past weeks and months, Mr. Chairman, we have received letters from thousands of concerned citizens throughout our country asking us to seek a comprehensive system for the protection of the Antarctic environment. On November 16th, prominent representatives of internationally active environmental organizations handed over to our Minister for Foreign Affairs a petition containing more than three hundred thousands signatures of people who are keenly aware of the need to protect Antarctica's unique ecosystems. I am sure all my colleagues here have experienced something similar. People have become conscious of the value of a sound environment and unspoiled nature and want to ensure their conservation before it is too late. This imposes both a responsibility and an obligation on us, government representatives.

It was the head of the Chilean delegation who, at the preparatory meeting for the XVth Consultative Meeting in Paris last year, first introduced the concept of a «comprehensive approach» into the discussion about environmental protection of Antarctica. My predecessor as head of the German delegation at that time spontaneously welcomed this new approach as the appropriate answer to the challenges of our time. The reactions and contributions of other delegations showed that in their countries are existing similar feelings and ideas.

The need to protect the Antarctic by a comprehensive system and, as far as possible, to preserve its integrity is now generally accepted.

We incorporated this shared conviction in Recommendation XV-1. In the 13 months since the Consultative Meeting, the term «comprehensive system for the protection of the Antarctic environment» has been given substance and clearer contours. Quite a number of countries have drafted and circulated proposals outlining their concepts of such an environmental protection system. The recent public discussion and statements by committed NGOs have also demonstrated that the representatives of the Antarctic Treaty Parties are expected to point the best way how to proceed. We have studied all the proposals carefully and had talks with representatives of various Parties to the Antarctic Treaty. Although the proposals varied considerably, we ascertained the following common points :

- the desire to build up a comprehensive system for the protection of the Antarctic environment within the proven Antarctic System;
- the preparedness to incorporate other proposals in one's own concept in the interest of consensus; and
- the desire to give priority to the environment and to the dependent and associated ecosystems where negative effects of human activities cannot completely be ruled out.

These common points are supplying the basis for our work. My delegation has come here with the firm intentions to strive for a consensus in obtaining these goals. We are flexible and prepared to accept compromises. We are not committed on details though we do not lose out of sight our ideals and the clear concept of a comprehensive environment protection of Antarctica. We are willing to contribute constructively by bringing in our ideas and proposals during the forthcoming conference. Although we realize that existing decision-making mechanisms and regulations have enabled us to reach an impressive standard in environmental protection, we are seeking an innovative approach; this will include comprehensive and effective regulations applicable to all environmentally relevant activities, as well as contractual obligations committing the Antarctic Treaty Parties to ensure adherence to these regulations and to cooperate in monitoring their observance and elaborating precautionary measures for unforeseen situations. This will probably necessitate reform of the decision-making process and institutional structure. Under these new conditions, it will continue to be our concern to ensure that scientific research can be carried out freely in the future provided it does not harm the sensitive environment in Antarctica.

It is at this stage still open whether this Special Consultative Meeting will achieve a complete, fully agreed, legal instrument for a system of environmental protection of Antarctica. But what we can and should do is to identify and stipulate those elements which this system must necessarily comprise. We should approach this task in that spirit of cooperation which has so conspicuously characterized the work of the Antarctic System to date.

Mr. Chairman, I wish you and indeed all of us, every success for the coming weeks.

**OPENING STATEMENT OF MR. JAWAHAR LAL,
DELEGATE FROM INDIA**

Mr. Chairman,

The basic purpose of my brief intervention is to congratulate you on your unanimous and well-deserved election as the Chairman of the current Special Consultative Meeting. Your contribution to the Antarctic matters is very well known.

I also take this opportunity to thank the Government of Chile for the hospitality and the excellent arrangements which it has made. The selection of Viña del Mar as the site for this meeting is especially laudable as it provides excellent and peaceful surroundings.

I would also like to congratulate and welcome both Ecuador and the Netherlands on their accession to the consultative status. I have no doubt that their contributions will be of immense value to us. I also congratulate Switzerland for joining the Antarctic Treaty System as acceding state.

Mr. Chairman,

Like all other countries, India also attaches utmost importance to the environmental protection in the Antarctica and hopes that a negotiated settlement will be arranged on this issue. My country is also in favor of a fairly-long, legally-binding moratorium on mining. With these words and a lot of hope, I would like to end.

Thank you Mr. Chairman.

**OPENING STATEMENT BY MR. MICHELANGELO PISANI,
HEAD OF THE ITALIAN DELEGATION**

Mr. Chairman,

It gives me great pleasure to congratulate you, Mr. Ambassador, on your election as Chairman of this meeting and I wish to confirm to you the fullest appreciation of the Italian delegation for the perfect organization provided by your Government. I'm confident that under your expert guidance, the delegations will cooperate with one another in a friendly and constructive manner in order to reach positive results.

The Italian delegation is very pleased to attend the XIth Special Consultative Meeting here in Viña del Mar where, at the beginning of the XIX century, mankind learnt about the existence of a «mysterious continent» about whose future we are here convened. We are thankful to your Government for the warm welcome it has so kindly extended to us all.

I would like to welcome and congratulate the delegations of Ecuador and the Netherlands, new Consultative Parties and the delegation of Switzerland, just admitted to the Treaty. The great majority of delegates who are here today attended the Paris ATCM last year: they adopted Recommendation XV-1: it defined as a priority objective «the further elaboration, maintenance and effective implementation of a comprehensive system for the protection of the Antarctic environment and its dependent and associated ecosystem aimed at ensuring that human activity does not have adverse impacts on it or compromise the scientific, aesthetic or wilderness values of Antarctica.»

A lot of official and informal work has been carried on during this year: meetings, statements by Heads of State and by Governments, seminars, have been frequent occasions where the above mentioned target has been put forward as a priority, and it is indeed a priority, and as such deserves our concern.

In Italy there is an interest and an attention in Antarctica that extends far beyond the restricted and close group of «experts»: the Italian Parliament has adopted - twice from October last year - resolutions which bind the Government to a strict respect of environmental protection principles for the conduct of our field programs there and for our policy on the matter.

Concern for environment has been indeed high in the Italian Antarctic Programme right from the beginning: the Italian base has been given a clean bill of health by a Treaty Inspection Team and by an independent inspection team (Greenpeace).

Italy is convinced that environmental protection levels should be enhanced in Antarctica through:

- More emphasis on international cooperation in the direction of coordination of the research programmes.
- More stress on energy conservation measures and on reliance on alternative energies to reduce the amount of fuel transported and used in Antarctica.
- Development of a standard format for the Environmental Impact Assessment both for new and for ongoing activities (with respect to this last point, an environmental impact assessment workshop is going to be held in Bologna, Italy, next June).

As far as our policy is concerned, Italy has decided to join Australia, Belgium and France, presenting an indicative draft of a convention strictly linked to the Antarctic Treaty, for the

comprehensive protection of the Antarctic environment, which proposes that Antarctica be designated as a «nature reserve-land of science.»

«Nature» and «science»: two magic words strictly connected in that continent...

My distinguished colleagues have already presented the document and its rationale: it will be analyzed and scrutinized in due course further on by law-makers, scientists and politicians in order to define all essential elements which should be taken in consideration and included in such a regime: now I would like just to stress a crucial point underlined by His Excellency the Acting Minister of Foreign Affairs of Chile in his valuable speech: namely I refer to the wise mechanism of «consensus»: it represents a peculiarity within the Antarctic System, which should be defended and maintained; up to now it has shown great advantages for the smooth development of Antarctic activities.

Mr. Chairman,

We, the members of a very special and selected club called mankind, a club which is daily endangered by conditions and factors which cannot, sometimes, be kept under control, have the duty to prevent further deterioration and to work for the welfare of the new generations. Here in Viña del Mar we have the opportunity of grasping a unique occasion to do something in the right direction: my hope and my wish is that all together we will be able to find a proper solution for the benefit of Antarctica and for the benefit of mankind.

Thank you Mr. Chairman.

OPENING STATEMENT BY MR. TAKAHASHI SHUHEL,
HEAD OF THE JAPANESE DELEGATION

Mr. Chairman,

On behalf of the Japanese delegation, I should like to offer you my warmest congratulations on your appointment as Chairman of this Special Antarctic Treaty Consultative Meeting. I am confident that under your able guidance this session will attain its intended goals.

I desire, also, to express our most sincere thanks to H.E. Ambassador Edmundo Vargas, Acting Foreign Minister of Chile, for his very warm words of welcome yesterday.

I should like to express my delegation's most profound gratitude to the Government of Chile for hosting this Special Consultative Meeting. I am confident that this Meeting here in this beautiful city of Viña del Mar will add new lustre to the history of the Antarctic Treaty Consultative Meeting and that it will long remain in the memories of all participants.

Yesterday, Ecuador and the Netherlands were approved and welcomed as new members of the Consultative Meeting.

It is in every way appropriate that these two countries, already actively engaged in research in Antarctica, should be members of this Meeting. I am convinced that the addition of those two countries to our number will contribute greatly not only to the deliberations in this Meeting, but also to the further strengthening and developing of the present Antarctic Treaty System.

My delegation is happy that Switzerland has acceded to the Antarctic Treaty, as the thirty-ninth Contracting Party. We would like to take this opportunity to call most earnestly on those countries which have not yet done so to accede to the Treaty, so that the Antarctic Treaty System shall be further strengthened.

Mr. Chairman,

There has been increasing concern regarding global environmental issues in recent years. Where the protection of the Antarctic environment is concerned, the operation of the Antarctic Treaty System has, for three decades now, demonstrated its effectiveness, with the adoption of three conventions, two of which are already in force, the Agreed Measures and numerous recommendations, all of them the fruit of most careful and thorough consideration.

At this Special Consultative Meeting, we have the important task of adding to and further strengthening the measures to effectively protect the Antarctic environment. To this end, we must also pool our efforts to ensure the early entry into force of the Convention on the Regulation of Antarctic Mineral Resource Activities, already signed by as many as seventeen signatory states, including my own. We must also explore effective and realistic ways to set up comprehensive measures to tackle the Antarctic environment issue. This subject is directly related to the Antarctic Treaty itself and the operation of the Antarctic Treaty System. It is essential that those comprehensive measures be elaborated in such a way that the Antarctic Treaty System shall be further strengthened. We also believe that this elaboration should be based on objective assessment of the environmental impact of human activities and the feasibility of measures to prevent any adverse environmental impact.

Mr. Chairman,

We have learned recently that certain countries have introduced, or intend to introduce, into their parliaments legislation which would make it an offence for any person to undertake any mineral activity in the part of Antarctica over which the respective state claims territorial sovereignty.

The Japanese delegation would like to take this opportunity to reiterate that Japan greatly desires the protection of the Antarctic environment, and to stress that it is from that standpoint that Japan has actively participated in the negotiation of the Convention on the Regulation of Antarctic Mineral Resource Activities and intends henceforth to participate most positively in consultations with regard to comprehensive measures to protect the Antarctic environment.

However, I have to express the concern felt by the Japanese Government regarding the fact that the fore-mentioned unilateral action on the part of those countries cannot fail to discourage international collaborative efforts being made at this moment by all of us to enhance the protection of the Antarctic environment.

The Government of Japan has stated on several occasions its view that Antarctica should not be the subject of territorial partition, that disputes over territorial partition are not in the interests of the international community as a whole, and, that, therefore, no claim to territorial sovereignty in Antarctica should be recognized.

The Japanese Government desires to be officially informed in due course of any explanation the governments concerned would make regarding their views on the relationship between their unilateral action and Article IV, paragraph 2 of the Antarctic Treaty, which states that: «No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.»

In closing, Mr. Chairman, I would like to assure you that my delegation is ready to make every possible effort to make this Meeting a successful one.

Thank you Mr. Chairman.

**OPENING STATEMENT BY MR. YONG HOON LEE,
HEAD OF THE DELEGATION OF THE REPUBLIC OF KOREA**

Mr. Chairman,

On behalf of the delegation of the Republic of Korea, I would like to extend my warmest congratulations to you on your election as Chairman of the XIth Special Antarctic Treaty Consultative Meeting. I am confident that, under your wise guidance, this meeting will bring our deliberations to a successful conclusion. I would like to also express our sincere appreciation to the Government of Chile for the excellent preparations which have been made for this meeting.

First of all, may I extend a heartfelt welcome to the governments of the Netherlands and Ecuador as new Antarctic Treaty Consultative Parties. We are looking forward to working closely together with them within the Antarctic Treaty System.

Ever since the Antarctic Treaty came into the world, the Antarctic community has endeavoured to demonstrate a strong concern for the protection of the Antarctic environment. Our environmental initiatives date back to the early 1960's. The Third Consultative Meeting in 1964 has already adopted «agreed measures for the conservation of Antarctic fauna and flora.» At subsequent biennial meetings, we have continued to develop environmental principles and measures to guide the planning and execution of our activities.

Additional measures have improved the scope and effectiveness of environmental preservation, and the record of compliance with these measures is widely acknowledged. It is our belief that preservation is better than cure and forethought preferable to after-thought.

As it was in the past, our commitment to the environmental protection should remain viable into the next century. It will need to continue to evolve and adapt itself to deal with new issues and new circumstances. With this in mind, we gathered here today; we are now to explore all possibilities and to examine all proposals, as a basis for discussion. Taking this opportunity, I would like to delineate the basic approach of the Republic of Korea with regard to the Antarctic environmental issues.

To begin with, the Republic of Korea is strongly committed to the principle of the Antarctic environmental protection. We are prepared to accept the fundamental premise underlying the various proposals for comprehensive measures for the protection of the Antarctic environment. The Republic of Korea believes that the protection of the environment should be a prime consideration in the performance of all human activities in Antarctica.

The Republic of Korea believes that the comprehensive measure should be a legally binding instrument under the Antarctic Treaty, which ensures substantial achievement.

New initiatives should not constrain scientific research in the Antarctic. The scientific value of the Antarctic cannot be overemphasized. Environmental protection and scientific research should be harmonized in a constructive manner.

Moreover, any new instrument should be consistent with other elements of the Antarctic Treaty System, so that it does not alter or compete with the existing system. It should form an integral part of the Antarctic Treaty System.

Finally, in view of the close relationship between environmental concern and other aspects of the Antarctic Treaty System, the traditional cooperative spirit of Antarctic Treaty negotiations

should not be dampened. It is neither necessary nor desirable that any new institutional body, to be established as part of it, would have unpredictable impact on the existing decision-making mechanism.

Mr. Chairman,

One of the major features of the Antarctic Treaty has been its ability to adjust and accommodate to emerging challenges. I believe that we have sound reasons to be proud of the achievements of the consultative process over the last three decades. We have created a system that works.

The Republic of Korea firmly believes that this meeting could offer an opportunity to reinforce our efforts toward the protection of the Antarctic environment.

Mr. Chairman,

We agree that the comprehensive protection of the Antarctic environment is imperative. My delegation will spare no effort in collaboration with other delegates present at this meeting to make a positive contribution and seek fruitful results on the critical issue of the Antarctic environment.

Thank you Mr. Chairman.

**OPENING STATEMENTS BY MR. PETER VERBEEK,
HEAD OF THE NETHERLANDS DELEGATION**

Señor Presidente,

My delegation wishes to congratulate you most cordially upon your election and expresses its conviction that under your chairmanship this meeting will prove to be very fruitful and produce the results which our governments are waiting for.

In this opening statement I will briefly outline the general position of the Netherlands with regard to the main topics on our agenda. We identify three basic objectives:

Firstly, the protection of the Antarctic environment and the conservation of a relatively undisturbed ecosystem in the Antarctic deserves the highest priority. This, both because of the intrinsic value of the Antarctic environment as such and because of the role of the Antarctic as an important element of the global environment as a whole.

Damaging influences to the Antarctic environment also arise from outside Antarctica. The impact of human activities in Antarctica itself so far, fortunately, has been limited. The most important contribution to the objective of protecting the Antarctic environment, also therefore, should come from other fora than this one. Our contribution here should be aimed as precisely and effectively as possible at minimizing adverse effects of the human presence in Antarctica itself. The interlinkage with global environment policies and measures is very relevant for our work here. In our final communiqué, which you yourself, Sir, have suggested, we may address the global dimension of protecting the Antarctic environment.

The second basic objective which my delegation would like to mention is that protecting the Antarctic environment can only be achieved, within the Antarctic Treaty System, as part of a common effort. The specific non legal instruments and measures which we would like to see in place, need to be agreed upon by consensus in this forum, but, in addition, what we will agree upon here needs to be respected also by the other members of the international community. Therefore, our approach necessarily needs to be broad minded, aware of and respecting each others interests and points of view and, if necessary, willing to compromise. The grandiose, indeed, may also in this case be the enemy of a more commonplace, but still effective regime.

Our third basic objective is to further develop a systematic and integrated approach of environmental implications of human activities in the Antarctic. There already seems to have developed a consensus that in order to achieve this objective we need a new legal instrument. Specific proposals in this connection will be tabled and my delegation will gladly contribute its specific observations on these proposals in the coming days. At this point we will simply say that such a new instrument should not undermine the existing and satisfactory systematics of the Treaty System. I should qualify this: the Treaty System indeed should be added to and also be strengthened, but need not to be basically changed.

Mr. Chairman,

In elaborating in a bit more detail my delegation's point of view, it seems useful to distinguish between the environmental impact of human activities in Antarctica which are taking place and those which might or might not take place in the future. Actual versus hypothetical activities, so to say. My delegation submits that agreeing upon further measures to avert negative impacts of actual activities seems more productive in terms of the protection of the environment than spending most of our time on averting hypothetical impacts of hypothetical activities. Accordingly, we consider it important to

address again such specific items like avoiding environmental damage from the two major categories of human activities in Antarctica, namely scientific activities and tourism. Like many other delegations we suggest that a much wider, much more regulated, and much more objective use should be made of environmental impact assessment procedures. Our delegation has produced a working document in which the use of these procedures are related to tourism. Later on we will come back on this issue.

Another important and practical aspect of these current activities relates to waste handling, removal of existing dumps and, indeed, the avoidance as much as possible of the production of waste products. Here a much more efficient, safer and joint use of infrastructure and transportation systems is recommendable. A further aspect which, undoubtedly, will receive our attention are new measures to reinforce compliance with environmental protection rules and to enhance more in general transparency of what goes on in the Antarctic.

Having mentioned these subjects and having studied the four specific proposals at least in a general sense, my delegation is encouraged by the great similarity of many of the ideas contained therein. On the basis of these proposals a good synthesis on many points seems within reach.

Mr. Chairman,

May I now come to the most uninteresting part of this intervention, namely the hypothetical activities. The Netherlands position concerning, for example, mineral resource activities in the Antarctic is that it does not seem possible to develop such activities in the foreseeable future without being inconsistent with the high priority which we assign to conserving the Antarctic environment. This, however, is an empirical assessment and not a categorical imperative. At this moment, we do not know and cannot conceive of ways and means to perform mineral resource activities in the Antarctic which at the same time would be in compliance with the very strict environmental protection measures which we consider absolutely necessary, and which would make sense from an economical point of view. As far as my delegation is aware, this assessment is shared by all delegations. Further, one of the good things of CRAMRA was that a consensus decision was required before any mining activities would be allowed. Assuming that a similar provision would still be acceptable, the Netherlands delegation submits that a moratorium on mineral resource activities in the Antarctic of an undetermined duration, agreed upon by the Consultative Parties would constitute a quite satisfactory solution.

Mr. Chairman,

These are some of our initial observations. We hope to comment later on in the week on the four specific proposals in order to contribute to find a good synthesis of the many valuable ideas therein.

Thank you Mr. Chairman.

**OPENING STATEMENT BY MR. FRANK WONG,
HEAD OF THE NEW ZEALAND DELEGATION**

Mr. Chairman,

We are pleased to be at this important international meeting in Chile and, in particular, in Viña del Mar, here on the eastern shores of the South Pacific. The South Pacific is the ocean that separates yet makes neighbors of New Zealand and Chile. Our two countries have shared interests and a long tradition of close cooperation in Antarctic matters, especially at Consultative Meetings such as this.

We extend a warm greeting to Ecuador and the Netherlands as the most recent Consultative Parties and welcome Switzerland, the latest adherent to the Antarctic Treaty.

The Antarctic Treaty countries owe a large debt of thanks to Chile. These magnificent facilities in which we are today are one reason. An even larger one is the initiative Chile took at the Preparatory Meeting to the Fifteenth Antarctic Treaty Consultative Meeting to promote the convening of this vital Special Consultative Meeting to consider the adoption of comprehensive measures of protection for the Antarctic environment.

Environmental issues have assumed a much greater importance in recent times. Peoples and Governments, not least in New Zealand, have come to realize that there are limits to the punishment that global, national and local environments can take. We must all act to protect and respect the planet if we are to fulfill our responsibilities to ourselves and to future generations.

We are coming to realize, however, that environmental protection is no easy task. It requires not only the application of human resources but also a dedication to changing our approach to how we think and act. These are the challenges that all of our countries are facing at home and at the various international conferences that are tackling a whole range of environmental issues.

Thankfully, when we come to Antarctica and the protection of the Antarctic environment we have some strong advantages.

It has long been recognized that Antarctica is a special place that warrants special attention. Protection for the unique Antarctic environment has been a central element of discussions at consultative meetings from the first Consultative Meeting held in Canberra almost 30 years ago.

Secondly, the level and scale of human activity in Antarctica so far have been limited. The impacts of that activity have been similarly limited. The occasional media images of a continent degraded by the scientific research and associated logistic support activities that have taken place until now are exaggerated.

Thirdly, we have in the Antarctic Treaty system a tradition of close cooperation that provides us with the means and the confidence to respond effectively to the new challenges that we face. That Antarctic spirit that you mentioned yesterday, Mr. Chairman, which is so palpable at Antarctic stations and also at consultative meetings, is a powerful support on which we can draw in our work in the next three weeks. It is as well that we have these advantages because the task ahead is not simple.

Although human activities in Antarctica to date have been limited, local effects have been serious in some instances. Those of us active in Antarctica must improve our performance. Standards and practices thought acceptable in the past can no longer be regarded as appropriate if they cause damage to the environment of a continent for which we have all assumed a special responsibility through our adherence to the Antarctic Treaty.

In addition, there has been a marked increase in recent years in the numbers of people - scientists and their support teams, tourists and nongovernmental expeditions - visiting the continent. That trend will continue and must bring with an increased possibility of damage to the fragile Antarctic environment. We must ensure that, that possibility does not become a reality.

Interest in Antarctica's resources continues, inevitably, in a resource hungry world. At the same time people are demanding that we change our behavior; that we become more conservation conscious; that we set aside areas from resource development; that we recognize that in some special places other values must be given primacy. The Antarctic continent is quintessentially one such place.

New Zealand is proud of its record in Antarctic Treaty discussions. We have traditionally been at the forefront of moves to protect the Antarctic environment. We have put forward bold - sometimes radical - proposals to ensure that environmental considerations are given their proper place at the top of the Antarctic agenda. At the same time we have sought to work constructively within the spirit of cooperation that is the hallmark of the Antarctic Treaty system.

In accordance with that tradition we have tabled a comprehensive proposal - in the form of a draft protocol to the Antarctic Treaty - for the protection of the Antarctic environment. I look forward to introducing that proposal and to hearing other countries' reactions to it in the discussions we are to have later this week.

Some features central to the New Zealand proposal are:

First, like the proposal put forward by Argentina, Norway, the United Kingdom, the United States and Uruguay, it is cast in the form of a protocol to the Antarctic Treaty.

Secondly, like the proposal put forward by Australia, France, Belgium and Italy, it contains a permanent ban on mining activities in Antarctica.

Thirdly, like the other proposals, it envisages the elaboration of environmental principles against which activities in Antarctica will be judged, and the establishment of institutions to assist Treaty Parties in the observance of those principles.

Fourthly, like other proposals we recognize the importance of preserving the freedom of scientific research enshrined in the Antarctic Treaty. We seek only to ensure that such research - like other activities in Antarctica - does not have an unacceptable impact on the Antarctic environment.

Fifthly, and unlike the other proposals, it seeks to establish now and in a single document a comprehensive, integrated and internally consistent regime for the protection of the Antarctic environment. We should try to avoid gaps in the environmental protection regime by leaving some elements to be elaborated at a later stage.

There are many common elements in the proposals that we will be considering at this meeting. That must auger well for the successful outcome to this meeting. It is essential for the Antarctic environment and the Antarctic Treaty system that such an outcome is achieved.

There is a great deal of interest and - regrettably - some misunderstandings about what we are doing in Antarctica. The best way of responding to that interest and of clearing up that misunderstanding will be by constructive and effective work at this meeting. Even if we are not able to adopt a final environmental protection regime here in Viena del Mar, we have set in train a process that will see the adoption of such a regime as soon as possible. For its part, the New Zealand delegation will be doing all it can to contribute to such an outcome.

Thank you Mr. Chairman.

**OPENING STATEMENT BY MR. ROLF TROLLE ANDERSEN,
HEAD OF THE NORWEGIAN DELEGATION**

Mr. Chairman,

Let me first of all, Mr. Chairman, add my voice to those of the previous speakers in congratulating you with your election as Chairman of this meeting. Your involvement in Antarctic matters goes back very many years indeed, and your profound knowledge of the intricacies of the Treaty System will serve us well at this important time in the history of the Treaty. My Delegation is looking forward to working under your leadership towards a successful conclusion of our important task.

Let me also express our sincere gratitude to the Chilean Government for hosting this meeting.

We are very pleased to be here in Viña del Mar, of which we have heard so much about. We are looking forward to a pleasant South-American spring, although if past experiences from Antarctic Treaty meetings are a guidance, I fear we will not have much spare time to enjoy it.

May I also take this opportunity to welcome Ecuador and the Netherlands as new Consultative Parties, and Switzerland as a new acceding Party.

Mr. Chairman,

On Monday, we listened with great interest to the deeply considered thoughts of the Acting Foreign Minister of Chile, His Excellency Edmundo Vargas. Mr. Vargas said: «If mankind has behaved with maturity in this southern corner (of the world) it is thanks to the operation of the wise mechanism of consensus. Perhaps we have not done all the things we would have liked (to do), but those we have carried out are characteristically permanent.» The Norwegian Delegation fully endorses this statement.

We believe that it is of the utmost importance that our deliberations here in Viña del Mar have as a fundamental objective that we should arrive at solutions that are acceptable to all. The future of the Treaty System depends on our finding a way back to consensus. The determination to arrive at consensus by delegations with differing views has in the past always included a willingness to show forbearance at the end of the day.

We hope that this spirit of searching for the achievable middle ground will again prevail at this special Consultative Meeting. The Norwegian Delegation will do all it can to promote such a spirit.

Our terms of reference here in Viña are to give effect to recommendation XV-1. This recommendation i.a. states that the governments should undertake, as a priority objective, the further elaboration, maintenance and effective implementation of a comprehensive system for the protection of the Antarctic environment and its dependent and associated ecosystems.

Our task, then, is to establish a comprehensive system for the protection of the Antarctic Environment. It is a main concern for the Norwegian delegation that such improved measures are established. Several proposals have been tabled on this subject. We are prepared to participate actively both in the discussion of fundamental principles, and in the promulgation of solutions to practical issues. The Norwegian Delegation is prepared to put forward working papers on some of these issues, notably on EIA procedures.

We have a solid foundation for this work. More than half of all ATCM recommendations deal with environmental matters. The Agreed Measures for the Conservation Of Antarctic Fauna and

Flora, the Conventions on Conservation of Antarctic Seals and Antarctic Marine Living Resources, and the Convention on Regulation of Antarctic Mineral Resource Activities are all results of a firm commitment to develop the most adequate protection of the Antarctic environment.

While striving for further improvements in the protection of the environment, we must take care not to undermine what we have already achieved. We must of course always seek the ideal. At the same time we must also realize the danger of making the best the enemy of the good.

Norway - together with Argentina, the UK, the United States and Uruguay - have presented an outline paper describing one way of assuring the establishment of comprehensive measures for the protection of the environment. We consider that the elaboration of a protocol to the Antarctic Treaty along the lines described in the outline paper would meet both the need for mandatory rules without delay and the desirability to be able to update important concrete provisions rapidly. In our view a protocol could include i.e. the following elements:

1. Basic principles for the protection of the Antarctic environment.
2. Provision for inclusion of detailed, mandatory rules for environmental protection in annexes to the protocol that could be updated rapidly when such need arises.
3. An infrastructure to support effective operation of the Antarctic Treaty Consultative mechanism, including a secretariat and an expert advisory body.
4. Compulsory dispute settlement procedures.

We support this concept because it would secure flexibility while building upon the Antarctic Treaty itself as well as the other important instruments which have been elaborated during the lifetime of the Antarctic Treaty.

Mr. Chairman,

The Acting Minister of Foreign Affairs Mr. Vargas also made another important statement. He said: «We want a clean Antarctica, but we also want an Antarctica which is useful to man». The Norwegian Delegation supports that view.

Even today most of the Antarctic continent has still not been visited by man. We have better maps of the back side of the moon than we have of central Antarctica. 2000 people live on the continent, on an area larger than Europe. The impact of human activity in the Antarctic is mainly concentrated to a few small areas along the coast, and most pollution on the continent is transported from sources outside the Antarctic.

At the same time, Antarctica offers key information to many questions of global significance. It is enough here to mention the reduction of the ozone layer over the Antarctic, paleoclimatic information in Antarctic, ice cores and the dominating significance of Antarctic ice masses to the future sea level.

We are now entering an era where mankind is for the first time affecting the global climate. We - and our children - will have to make some very difficult decisions, and such decisions must be based on knowledge and understanding.

The Norwegian Delegation believes that the contribution of Antarctic science is critical to achieve this knowledge. Freedom of Antarctic science should be preserved and supported. In this way, Antarctica will continue to be of maximum use to mankind.

Major scientific activity cannot avoid having some environmental impact. We must not put mankind in a situation where only those scientific activities which have no environmental impacts

are allowed in the Antarctic. This could lead to non execution of major programmes that will produce knowledge needed for global decisions. We must thus support the role of SCAR, and recognize the importance of Antarctic Science for global programmes like Global Change and the International Geosphere and Biosphere Programme.

These comments, Mr. President, do not in any way imply that science is outside environmental constraints. As for other activity in Antarctica, science must comply with the environmental protection measures that already exist, and that will be developed through the work that we are now taking on. Indeed several of the proposals for the annexes to the protocol outlined in the paper sponsored by Norway and four other parties would directly apply also to scientific activities.

In conclusion Mr. Chairman, let me express my conviction that we shall once again succeed in finding the necessary compromises for a consensus outcome of this meeting. The different proposals which have been tabled have very many common elements. With the traditional ingenuity and imagination of Antarctic Treaty, we should be able to merge these many good concepts and proposals into an agreed text. With all of us wishing to protect the environment, how can we fail?

Thank you, Mr. Chairman

OPENING STATEMENT BY MR.FORTUNATO ISASI CAYO, HEAD OF THE PERUVIAN DELEGATION

Mr. Chairman,

Allow me in the first place to congratulate you for your election to the Chairmanship of this XIth Antarctic Treaty Special Consultative Meeting. My delegation is confident that under your able leadership we will achieve tangible results.

On behalf of the delegation of Peru I would like to thank the Government of the sister Republic of Chile for its proverbial hospitality and for receiving us in this progressive and attractive city of Viña del Mar. I would also like to express my appreciation for the efficient organization of our meeting.

We also want to congratulate warmly our sister Republic of Ecuador and the Kingdom of the Netherlands for becoming Consultative Parties to the Treaty, and also to the Swiss Confederation for its accession to the Treaty. These events probe the unquestionable vitality of the Antarctic Treaty and its political, juridical and ethical force. The continuous strengthening and improvement of the Treaty is an imperative duty for the Parties.

Mr. Chairman,

This Meeting has before it a crucially important task, i.e., to take decisions that lead us through the process of adoption of a juridical instrument to establish a regime that protects, in a comprehensive manner, the Antarctic environment and its dependent and associated ecosystems, in accordance with Recommendation XV-1 approved last year in Paris.

Obviously, all of us agree on this general and essential objective; therefore the challenge we face, though difficult, is to agree on specific matters. As a basis to carry on our duty we have in front of us four proposals; all of them contain worthy contributions. My delegation would like to express its appreciation for the valuable effort made by their proponents. We are aware that they contain some controversial and even mutually exclusive issues; but they also contain evident elements of coincidence, and which we should tackle in the first place to avoid being tied up.

Mr. Chairman,

My delegation is not bound, a priori, with none of these proposals. We came with an open mind and with a flexible attitude which would contribute to reach a consensus. Nevertheless we think that:

1.- The Treaty should be strengthened and enriched in its environmental dimension, but avoiding the creation of parallel schemes which could weaken it or alter the equilibrium which has been the basis that has made possible three decades of peaceful cooperation.

2.- The protection of the Antarctic environment should have priority over the utilization of its natural resources, including mining.

3.- We support with enthusiasm the adoption of a Comprehensive Regime for the Protection of the Antarctic Environment but we should avoid an excessive amount of regulations which could be an exaggerated heavy burden for the freedom of scientific investigation, and costly abundance of bureaucracy.

4. We should avoid that the question of Antarctic mineral resource activities divide and tie us up. After all, this is not such an urgent question and not even viable for the time being. Therefore,

let us agree on neither allowing them nor putting them aside definitively. We have in front of us more present and urgent questions like the prevention of the marine environment pollution, the possible depredation of the marine living resources, waste disposal, and environmental impact assessment and monitoring, among others.

Mr. Chairman,

We are confident that with your wide experience and with the imaginative contribution of the distinguished delegates here present, we will find quickly the best way to tackle the study of the four proposals, and to obtain positive results.

Thank you Mr. Chairman.

**STATEMENT BY MR. JANUSZ MICHIEWICZ,
HEAD OF THE POLISH DELEGATION**

Mr. Chairman,

As many speakers before me, may I offer my delegation's sincere congratulation to you on your election to the Chairmanship of this Special Consultative Meeting in Viña del Mar.

I would be grateful, Mr. Chairman, if you convey our appreciation to His Excellency Ambassador Edmundo Vargas, Acting Minister of Foreign Affairs of the Republic of Chile, for his kind words addressed to us. The fact that we are meeting in Chile attests to the new role of this country in international relations.

My delegation wishes also to extend its warm welcome and sincere congratulations to the Netherlands and Ecuador which have now joined us as new Consultative Parties, and to Switzerland, which has become a new party to the Antarctic Treaty.

Mr. Chairman,

We have before us an item «Comprehensive measures for protection of the Antarctic environment and its dependent and associated ecosystems». As the Polish delegation already pointed out at the XVth Antarctic Treaty Consultative Meeting held in Paris, in October 1989, Poland is strongly in favour of the comprehensive environmental protection regime within the framework of the Antarctic Treaty System. In this connection I wish to inform you that my Government has already approved all recommendations adopted in Paris.

In a broad sense there seems to be agreement in this hall that, with the exception of some difficulties, we should focus on the elaboration of an effective, generally accepted international legal instrument built upon the Antarctic Treaty System. It is, I believe, our common view that the Antarctic Treaty has been and should be in the future the main legal and institutional foundation in preserving the Antarctic continent as the least polluted area of our planet.

Taking into account the legal aspects, protection of environment in the areas beyond the limits of national jurisdiction is not an easy task. Nevertheless, in a political climate which has considerably improved it does not seem unrealistic to attempt to ensure greater environmental protection for Antarctic.

Without going into details at this stage, I would like to say that in the opinion of my delegation we should create a regime of environmental protection only within the framework of the Antarctic Treaty System, with particular responsibility for the Consultative Parties. This conception was applied, with beneficial results, when other instruments of the Antarctic Treaty System were elaborated.

Mr. Chairman,

My country is open, like never before, to all ideas and proposals on this subject. The Polish delegation is most grateful to the delegation of Australia, Belgium, France and Italy as well as to delegations of New Zealand, Norway, United Kingdom, United States and Uruguay for their working papers dealing with protection of the Antarctic environment. These drafts undoubtedly will facilitate our task in discussing on a concrete basis, both conceptual issues and the contents of the specific articles. It is obvious that we should consider all submitted proposals.

Furthermore, we share the opinion presented here that the principle of consensus, as a cornerstone of the Antarctic Treaty System, should be observed during our work on this important and complex question.

In conclusion, Mr. Chairman, I would like to express my delegation's desire that the work we have started to achieve on this noble goal should be completed in the interest of every human being, every nation and the entire mankind.

Thank you, Mr. Chairman.

**OPENING STATEMENT BY DR. J. SERFONTEIN,
HEAD OF THE SOUTH AFRICAN DELEGATION**

Mr. Chairman,

It is a pleasure and honour for the South African delegation to congratulate you on your election as Chairman of this meeting. The South African delegation is happy to be here in your country and we are indeed grateful to the Republic of Chile for acting as our host for this most important meeting.

Last year Chile made an important contribution towards solving a difficult situation in Paris, when your delegation proposed to hold this meeting here. For this gesture and for everything that went into organizing this important meeting, we would like to thank you wholeheartedly.

South Africa would also like to welcome the Netherlands and Ecuador as new consultative members and Switzerland who acceded to the Treaty. We value your contributions and look forward to your continued cooperation.

South Africa as one of the frontline states in the Antarctic Treaty family, is more than aware of the importance this southernmost continent has for the rest of the world. But even more important we are aware of the direct influence Antarctica has on our country and also on the rest of the African continent.

As the only Antarctic Treaty representative of this continent we feel ourselves responsible to ensure that we play our part in preserving the Antarctic environment to the best of our abilities.

The South African goal to promote the protection and judicious use of the natural assets of Antarctica fits the World Conservation Strategy to which we subscribe. The present Treaty System provided for this approach and apparently it also provided for the conservation needs of the rest of the Antarctic community because we all agreed to the parts of the System which functioned very efficiently for thirty years.

Just as there exists a very fine balance in the natural Antarctic ecosystem which can easily be disturbed by man, so the balance in the Treaty itself is a delicate one and we must, therefore, strive to maintain this equilibrium at all cost. I am of course referring specifically to the maintenance of consensus which is one of the cornerstones of our success and existence.

It is therefore very encouraging to note that the proposals we have seen are all aimed at the effective conservation of the Antarctic environment. It also seems that while we may agree on this most important matter our approaches and methods tend to differ. Should we then not concentrate and build on that which all agree upon?

We have said so in the past and we say it again today that the present system is working for us. If there are shortcomings, let us put it right: the South African delegation is ready to support and work towards any initiative which moves in this direction.

Thank you Mr. Chairman.

**OPENING STATEMENT BY MR. LORENZO GONZALEZ ALONSO,
HEAD OF THE SPANISH DELEGATION**

Mr. Chairman,

The Spanish delegation wishes, first of all, to express its pleasure in attending this Special Meeting of Consultative Parties to the Antarctic Treaty, being held in this beautiful sea-side resort of Viña del Mar. We believe it represents an acknowledgement of Chile's traditional sense of mission towards the Antarctic, one which is ingrained in the country's own history. Allow me also, to extend my thanks for the courtesies we are receiving - an indication of the proverbial Chilean hospitality - and to welcome Ecuador and the Netherlands as consultative members, and Switzerland, as a member of the Antarctic Treaty.

Although we are recent members of the Antarctic Treaty, we have a special interest in the future of the Antarctic. The more we are able to find sound mechanisms for governing the use of this «Terra Australis», the better able we will be to set standards for dealing with other issues currently faced by mankind. We are now fully aware of these issues which include problems such as induced atmospheric warming or ozone loss in the stratosphere.

We are therefore making a special effort, allocating resources to scientific research in the Antarctic, such as the establishment of the Juan Carlos I base and the drawing up of a National Plan for the Antarctic, with ambitious scientific objectives.

The most important objective of this Special Consultative Meeting for my country, is to make headway in the comprehensive protection of the Antarctic environment, maintaining consensus among member countries. We acknowledge merits in all proposals submitted at this Meeting. Each shows deep concern for improving the mechanisms to safeguard Antarctic ecosystems. We wish to subscribe to the one which will best address this concern. We understand that it would be most detrimental to leave the Viña del Mar Meeting without having reached a consensus on some principles, and on a channel complementing Antarctic Treaty provisions, tailoring them to the requirements of some protective measures, which, we realize, that this cannot be delayed.

Our greatest interest in the Antarctic is purely scientific, and it would be a shame if we were to be unable

to reach an agreement for improving the present situation. There is a Spanish proverb that says, that the optimal is often the enemy of what is good. In this case, perhaps we should not try to arrive at the best proposal, but rather, to pursue one that would allow us to make progress and to respond to existing international community expectations.

We believe that we have reached the point where it is necessary to forgo self-seeking and personalistic aims, and, with generous spirit, face the challenge we share as the 26 consultative member countries of the Antarctic Treaty, i.e., to provide the continent with the means for protecting its environment, in order to maintain an ecological balance, and to set the priorities for scientific activities. What is important is not how we do it but rather when we will be able to do it.

To achieve this, our delegation is willing to spare no efforts and to seek formula for entente with other member countries.

Thank you Mr. Chairman.

**OPENING STATEMENT BY MS. DESIREE EDMAR,
HEAD OF THE SWEDISH DELEGATION**

Mr. Chairman, distinguished delegates,

First of all, I would like to express my delegation's thanks to Chile who actually initiated the process that set comprehensive measures for the protection of the Antarctic environment and dependent and associated ecosystems on our agenda, and who is now hosting this very important meeting.

It is a tribute to the validity of the Antarctic Treaty System that we are gathered at Vifia del Mar to discuss ways and means to improve the protection of the pristine Antarctic environment. The Antarctic Treaty guarantees that the continent is open to peaceful international research. It is through the Treaty System that we can preserve, for the benefit of the world, the cultural, aesthetic, and scientific values of the Antarctic continent. It is the Treaty System that provides the solid basis for our efforts. But we also recognize that the system, to preserve its strength and vitality, must be continuously evaluated and improved.

The main purpose of our meeting here is thus to explore the establishment of a new comprehensive legal system to safeguard the Antarctic environment. It is of the utmost importance that we make rapid progress.

A successful outcome of our meeting is important for two reasons. First, some of the most serious global environmental issues affect, or are potentially affected by conditions in Antarctica. This is true for climate change, the depletion of the ozone layer, long-range transboundary air pollution. Second, we need the pristine Antarctic environment to understand and monitor global environmental changes. Effective environment protection is a prerequisite for adequate and solid scientific activities.

In different global and regional fora, cooperation to protect the environment is being intensified. In the context of the Antarctic Treaty System, we have already much to be proud of in this respect. A number of measures have been taken to prevent environmental degradation. Precautionary action has characterized our approach. A long list of Recommendations has been adopted.

We should be prepared to share the accomplishments and experiences of the Antarctic Treaty with other countries. An excellent opportunity to do so will be the forthcoming United Nations Conference on Environment and Development, UNCED, to be held in Rio in 1992. The Preparatory Committee for the 1992 U.N. Conference has requested the Secretary-General of that Conference to submit, at its second session, a report with recommendations for action covering, among other things, pollution-related problems and status of living marine resources in all marine regions, including specific seas and polar regions.

The Consultative Parties to the Antarctic Treaty System should draw upon their rich experience to provide the necessary information to the Secretary-General in preparing this report. Information should also be provided of measures implemented and measures under way, and the 1992 Preparatory Committee should be informed about the process we have now entered.

Furthermore, the 1992 Preparatory Committee, through the Chairman or the UNCED Secretariat, should be invited to report on the work of the committee. This would facilitate the exchange of information and the dialogue between the Antarctic Consultative Parties and the 1992 Committee.

The Antarctic Treaty System can only gain from more openness towards other interested parties. Openness will ensure the addition of new and broadened competence to the System. Its most important manifestation is, of course, the approval of new Consultative Parties. In this context, I have the true pleasure of welcoming Ecuador and the Netherlands as Consultative Parties of the Treaty. On behalf of my Government, my sincere congratulations on your new status. We are also very happy to see Switzerland among us as acceding Party.

The participation of experts from IMO and IUCN in Paris last year was another constructive manifestation of the openness and flexibility of the Antarctic Treaty. Sweden strongly favours the presence of experts from competent international organizations. Today, we are happy to welcome the participation of several new non-governmental organizations and international bodies.

Mr. Chairman, now a few introductory remarks about the specific tasks before us. The Swedish delegation would like to make three major points on what we see as our main tasks at this Special Consultative Meeting:

1. Our meeting should start the actual negotiations on an instrument for comprehensive environmental protection.
2. Our meeting should set a time table for the establishment of such a system. The process should be as speedy as possible.
3. The result of our meeting should be legally binding principles and standards for all human activities in the area.

The instrument should establish procedures for assessing the impact of various activities prior to their undertaking; it should specify mechanisms for monitoring and inspection, and other control mechanisms; it should set up an effective system for response action; it should ensure compliance with the established rules; it should deal with liability for damage to the environment; and it should contain procedures for the solution of conflicts.

As a basis for our deliberations, we have draft principles which were put forward by the Chairman of Working Group I at the Treaty meeting in Paris last year. We also have, as the Chairman has reminded us this morning, the relevant recommendation adopted in Paris (on «Comprehensive Measures for the Protection of the Antarctic Environment and Dependent and Associated Ecosystems») which specifies issues to be dealt with. And we have several important proposals from delegations, which we will discuss later in our meeting.

Mr. Chairman,

I would like to express my sincere gratitude to those delegations which have presented specific proposals. We are all indebted to Australia and France for their tireless efforts to get support for far reaching measures and a legally binding instrument. Their insistence has triggered off a world-wide process of action and reaction, which is proving to be most constructive.

Detailed and well considered proposals have been tabled by several delegations. I will not now go into detailed comments, but restrict myself to noting that in all of them we will find innovative solutions to different issues confronting us. In particular, the proposal by New Zealand seems to reflect a number of our demands regarding form as well as substance.

A common theme of all proposals is the wish to retain the pristine Antarctic environment for research. We need, and this is generally recognized, a clean Antarctica for research concerning global environmental processes. We also need to preserve an unpolluted Antarctica as a symbol for all our environmental efforts around the world.

In essence, this means that we have to preserve Antarctica as a nature reserve. All human activities have to be undertaken with the greatest care and precaution. Some activities which are obviously damaging to the fragile environment, must be banned. Sweden is ready to support a consensus for a ban on mineral activities in the Antarctic. Furthermore, rules must be established for restoration of damage incurred. A system of inspection and control should ensure compliance with the rules.

The precautionary principle should continue to guide all activities in Antarctica. Environmental measures must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of significant or irreversible damage, lack of full scientific certainty must not be used as a reason for postponing measures to prevent further degradation. A comprehensive system of environmental protection must also include the marine environment, which is, for all practical purposes, a dependent and associated ecosystem.

Finally, the need for a permanent infrastructure for the Antarctic Treaty becomes increasingly obvious. Sweden has always supported the establishment of a small secretariat. The IUCN, in their Strategy for the Conservation of the Antarctic Environment, proposes an advisory committee on environmental issues. It seems to us to be a very constructive idea. This idea is reflected also in proposals from Treaty members.

Mr. Chairman,

I would propose that we make an attempt to structure our work as far as possible by issues. This would enable us to take into account the best aspects of all proposals, thus benefitting to a maximum of the work already carried out by different delegations.

A constructive exchange of views, in the spirit and tradition of the Treaty System, will enable us to take great strides forward in our efforts to protect the Antarctic environment. We have a proud tradition to build on. The Antarctic Treaty System has proved its strength through close to 30 years. We are committed to strengthen and develop this system further in response to the challenges ahead. The world is following our progress.

Thank you Mr. Chairman.

**OPENING STATEMENT BY MR. A. CHILINGAROV,
HEAD OF THE USSR DELEGATION**

Mr. Chairman,

May I, first of all, congratulate you on your election to this post and express my hope that under your prudent guidance our work here, in the wonderful town of Viña del Mar will lead to practical results which will not only be of value for the Antarctic Treaty and conservation of the Antarctic environment but, hopefully, will also have significance for the world community in general.

I would like to express our appreciation to the Chilean Government for the great efforts made in preparing the meeting and for the conditions provided which will definitely make for the success of our joint work.

It is the eleventh time that we gather for Special Consultative Meetings and it has become an established tradition to take all issues on the complexity and significance to the Antarctic to the negotiating table.

We are now facing a formidable task of improving the existing system of measures to protect the unique Antarctic environment.

We have attached great importance to the issues of protecting the Antarctic environment throughout the time the Antarctic Treaty is in force. However, new times pose new tasks. Now when the world community gives priority to the ecological issues, we are to develop additional measures which would be more effective in preserving the Antarctic its harsh yet easily vulnerable nature for the generations to come.

The Soviet Union has always been aware of the unique value of the Antarctic nature. It has made all possible efforts to protect it and consistently supported the development of comprehensive measures under the Antarctic Treaty to enhance environmental protection in the area.

In addressing the participants of the Global Forum on Environmental Protection in January 1990 in Moscow, Mr. Gorbachev, President of the USSR, emphasized the global value of the Antarctica and shared the concern of many public figures about negative consequences of expanding human activities in the Antarctica. He called for saving the unique ecosystem of the Antarctica for future generations and expressed readiness of the USSR to take part in saving the Antarctica, this shared natural laboratory.

In our view, there are three ways to tackle the problem before us. First, is the adoption of more stringent protection measures which would be obligatory and aim at reducing adverse effects on the Antarctic ecosystem from increased human activities. Second, and this can be considered as a practical step toward solving the first task, is promotion of international cooperation and its integration. We should gradually move toward setting up joint research stations and logistic bases, try to eliminate duplicating research and seek better coordination. Third, the cooperation with other states and international organizations concerned should reach a qualitatively new level to reduce external adverse impact in the Antarctic ecosystems.

Such large scale and complex objectives, in our view, can be handled in the framework of the Antarctic Treaty only.

We believe that our joint efforts should specifically result in strengthening the Treaty and perfecting the Antarctic System. It is only within a strong Treaty that truly effective measures on environmental protection can be implemented.

In this respect, we are deeply concerned by the processes which have recently started developing within the Treaty. We are worried by the fact that certain parties of the Treaty question, by their actions, the fundamental principles of cooperation within the Treaty and its operation. Contrary to the agreements reached at the meetings earlier, they are unilaterally attempting to solve problems faced by all of us.

The USSR has been and is advocating the strengthening of the Treaty and its principles which were laid down as far back as 1959 vicissitudes of history. We sincerely hope that all parties to the Treaty will fully comply with these principles in the future too. It is only jointly, hand in hand, that we can succeed in solving such complex problems.

In conclusion, I would like to express my hope for the successful completion of our work. These three weeks will require the participants' good will and readiness for compromise, constructive and persistent spirit. It is our great hope that we will take home from Vifla del Mar concrete and practical results.

Than you Mr. Chairman.

**OPENING STATEMENT BY DR. JOHN HEAP,
HEAD OF THE DELEGATION OF THE UNITED KINGDOM**

Mr. Chairman,

May I, too, add my voice to those who have already congratulated you on your election to chair this meeting, a meeting which my Government sees as being crucially important to the future of the Antarctic Treaty System. Those of us who remember the wisdom you brought to our deliberation at the VIIth regular Consultative Meeting in 1972, and know of the interest you have maintained in the Antarctic Treaty System during the intervening years, know, too, that we are in safe and knowledgeable hands.

May I also take this opportunity, through you, Mr Chairman, to thank the Government of Chile most warmly for the excellent facilities that have been made available to us. For reasons of which we are all sadly aware, the Antarctic Treaty practice of highly migratory negotiation has not been able to find a resting place in Chile since 1966. My delegation is glad to be back.

Mr Chairman, I said that my Government sees this meeting as being crucially important to the future of the Antarctic Treaty System. The issue, as my Government sees it, is whether this system, over the development of which we have laboured for the last 30 years, is to continue to provide the forum for decisions about the governance of Antarctica by international agreement.

If it is so to continue, it can only do so on the basis of consensus.

Where there are differences between us, the need for consensus does not mean that Parties should not strongly argue their case. What it does mean is that no Party should put any other Party into an intolerable position. This requires of us all the spirit of mutual forbearance.

It also means, Mr Chairman, that once agreements are reached in this forum, they will be honoured by the Parties to them. Unless there is confidence on that point, the process of compromise leading to consensus will be at risk.

In approaching the negotiations before us, Mr Chairman, we need to bear that in mind and seek to restore that confidence and the accompanying spirit of forbearance upon which the future viability of the Antarctic Treaty System so crucially depends.

If we fail in that endeavour, the prospect before us will be of a return to the situation as it was 31 years ago, before the conclusion of the Antarctic Treaty. I am wholly confident, Mr Chairman, that none of us here wants that. But we need to recognize that avoidance of that prospect will demand of all of us, I repeat, all of us, a willingness to compromise - however strongly held our respective underlying positions may be - coupled with a recognition that our fundamental interest lies in the maintenance of the Antarctic Treaty System. Unless the system survives there can be no protection of the Antarctic environment.

I turn now, Mr Chairman, to the purpose of the meeting before us, which is to establish a comprehensive system for the protection of the Antarctic environment and its dependent and associated ecosystems.

The eyes of the world are upon us. We need to make progress; we need to make it with reasonable dispatch and we need to be thorough in our work. It is the strongly held hope of my Government that we should be able to reach agreement on such a comprehensive system by no later than the end of the XVIth Consultative Meeting in Bonn, about a year from now. We are firmly committed to that goal and will work with energy and goodwill towards it.

If we fail to achieve such an agreement on such a time scale, criticism of the Antarctic Treaty System will escalate. It is in the interests neither of us here gathered together, nor, more importantly, of Antarctica that should happen.

If we are to fulfil such a hope we need to come out of this meeting with a clear road map before us as to how we are to proceed, and to have made substantial progress along the road.

There are, as you know Mr Chairman, three basic approaches to a comprehensive system which have been tabled for consideration at this meeting. What first would strike any reader is the very considerable degree of common ground between them as to what needs to be achieved. All of them, fundamentally, are seeking to ensure that mandatory law should apply to Antarctic activity for the purpose of protecting the Antarctic environment.

We, for our part, agree that we need to make mandatory provision for the application of environmental impact assessment procedures to Antarctic activity. We agree that we need to make mandatory provision for the conservation of wildlife, for waste disposal, for marine pollution, for tourism and for any other activity which could substantially damage the Antarctic environment.

We agree, too, on the need for institutional development of an Advisory Committee and a small secretariat as well as on the need for measures to ensure compliance such as dispute settlement provisions and on-site inspection.

Where these approaches differ, however, is with respect to how best, procedurally, to achieve the fundamental objective. Now is not the time to give a detailed exegesis of my delegation's reactions to the draft convention tabled by France and Australia and others and the draft Protocol tabled by New Zealand. But I should say this: that both drafts attempt to provide not only for the system itself but also call for decisions to be taken, in the course of negotiation, about specific activities or detailed matters as part of the proposed instrument.

Thus the New Zealand approach requires us to reach agreements on how to regulate specific activities or detailed matters such as inspection, area protection, liability and tourism, and the Franco-Australian approach requires us to reach fundamental agreements on a list of activities to be banned and on lists a classification activities which carry lower or higher environmental risk.

In the view of my delegation, such agreements are not required at this stage. We need to maintain a clear distinction between the system itself, and the regulatory measures to be adopted under it. Otherwise we risk finding ourselves in a negotiation which is so complex that it will take years to complete. It is nevertheless the hope of my delegation that, within the time scale I have referred to, we shall be able to reach agreement on the system and on a number of regulatory measures in the form of Annexes. Particularly important will be measures on environmental impact assessment.

I have left until last, Mr Chairman, the vexed question of minerals. We all know that that question will be the toughest nut to crack. It will feature in our meeting because both the Franco-Australian and New Zealand drafts refer to it. One thing is certain: we have to deal with the question before we can say that we have comprehensively provided for the protection of the Antarctic environment. But what should be our priorities at this meeting?

We need the comprehensive system for the protection of the Antarctic environment now. We need it to regulate activities that are going on in Antarctica now. I believe we all agree on that. We differ, however, on how best to regulate an activity that is not going on now. My delegation is therefore strongly of the view that, for the sake of the Antarctic, if for no other reason, we should concentrate first on the issue that brings us together rather than on the issue that divides us.

That does not mean that my delegation will not be ready, indeed willing, here, to explore the differences between us on the minerals issue, perhaps, Mr Chairman, by some informal means under your guidance. Time is not on our side. If we have agreed on a system for the protection of the Antarctic environment within the time scale to which I have already referred, but have not reached a consensus on the minerals question, we could be seen as having failed in the task we have set ourselves.

We are therefore ready to explore, on an ad referendum basis, all routes back to consensus. We have only two requirements.

The first is that whatever consensus we eventually find has to be rational and be based, as has been our practice throughout the development of the Antarctic Treaty System, on data and information soberly and scientifically assessed.

The second is that there should be in existence an internationally agreed mechanism for making decisions about mineral activity in the Antarctic, before, and I repeat, before, the need for it arises.

My Government continues to believe that the Minerals Convention, which already exists, provides the only mechanism on offer which has the capacity both to defuse an otherwise explosive political issue, and to regulate mining activity in a manner which would meet all reasonable environmental concerns.

Unless we can achieve such a rational and prudent agreement, my Government fears that we could find ourselves once more in a situation in which support for an agreement reached in this forum is subsequently withdrawn. My Government fears that the Antarctic Treaty system might not be able to withstand such an eventuality.

Thank you, Mr. Chairman.

**OPENING STATEMENT BY MR.E.U.CURTIS BOHLEN,
HEAD OF THE U.S.A. DELEGATION**

Mr. Chairman,

The Consultative Parties assembled here, acting in their capacity as stewards of Antarctica, have an historic opportunity to provide - to the benefit of all nations - lasting protection for the vast Antarctica continent, the marine ecosystems around it and the unique wildlife that inhabit the fragile interface of land and sea. It is in this latter zone of critical concern that human activities must be tightly controlled, if nature is to survive in an untrammelled, pollution-free environment.

We are most grateful to the Government of Chile for affording us this unparalleled opportunity, not only by providing us such gracious hospitality, but also for having had the foresight in the spring of 1989 to suggest the convening of such a special meeting to consider more comprehensive protection for Antarctica. The United States thanks your Government and congratulates you, Mr. Chairman.

We would like to warmly welcome the newest Contracting Party, Switzerland, that acceded to the Antarctic Treaty on November 15 following an invitation from the Consultative Parties, and the newest Consultative Parties, Ecuador and the Netherlands. We also welcome the Antarctic and Southern Oceans Coalition, the latest international non-governmental organization to participate in consultative meetings.

I am very pleased to inform this meeting that last Friday, November 16, the Marine Environment Protection Committee of the International Maritime Organization (IMO), acting on a United States proposal pursuant to Recommendation XV-4, agreed to designate Antarctic waters as a Special Area under Annexes I and V of the MARPOL Convention. This is a splendid example of how an interlocking and mutually reinforcing network of agreements and institutions can strengthen global environmental protection.

The fact that so many Contracting Parties have come to Viña del Mar with explicit instructions to provide greater environmental protection for Antarctica reflects a worldwide phenomena, a rising public awareness of the great importance of Antarctica to the future welfare of the planet.

In the United States, as in other democracies, public concern about Antarctica is influencing public policy. Last week President Bush signed two pieces of legislation that had passed Congress unanimously. One expresses the sense of Congress that Antarctica is a global ecological commons that should be closed to commercial mineral activity for an indefinite period. The other calls on the Secretary of State to negotiate one or more international agreements to permanently protect the natural environment of Antarctica. It also prohibits any American from engaging in mineral activity in Antarctica until a new agreement comes into force among the Antarctic Treaty Consultative Parties which provides a long-term moratorium on all mineral activities, including prospecting, exploration and development. The Congress recognized that resolution of the Antarctic minerals issue requires consensus of the Consultative Parties, but it wanted the present voluntary ban on mineral activities to be legally binding on all Americans until that consensus is re-established.

When signing the Antarctic Protection Act of 1990, President Bush said «There is a recognized need within the international community to better protect Antarctica's fragile environment from unrestrained commercial activity. By placing a prohibition on United States mineral activities in Antarctica until a new international minerals agreement has been approved by Congress, the United States is sending a strong environmental message to the rest of the world. I am signing this legislation because it was amended by Congress in a manner that can be considered consistent with

my Administration's position of advocating a forceful environmental protection agreement to supplement the Antarctic Treaty.»

Mr. Chairman,

My delegation comes to Chile with a negotiating position that is flexible, but it has the strong backing of both the legislative and executive branches of my government. It reflects the will of the American people. Our objective is to provide the strongest possible environmental protection for Antarctica through a new agreement that is practical, enforceable, has the unanimous support of the Consultative Parties, and will not impose unnecessary burdens on the planning and conduct of scientific research projects.

Toward this end, we have co-sponsored with Argentina, Norway, the United Kingdom and Uruguay an outline of a Protocol to the Antarctic Treaty. On the basis of this outline, my delegation has proposed and is circulating today in Treaty language a draft Protocol with draft annexes on waste disposal, marine pollution, the Agreed Measures for Conservation of Antarctica Fauna and Flora, and environmental impact assessment. We are proposing a protocol with annexes because we believe it to be legally and practically preferable to other forms of agreements and, most importantly, it can be negotiated and brought into force faster. However, our minds are not closed to other forms of agreement. To us, form is secondary to substance.

In the same vein, we recognize that draft agreements submitted by other Parties contain many constructive ideas that deserve careful consideration. We are not wedded to our own words, but have submitted our draft to facilitate discussion. The United States hopes that delegates and observers will analyze all the proposals carefully and will form consensus around those elements that offer the most practical, most enforceable and strongest protection for Antarctica. Of course, we must build on past foundations. This meeting offers the Parties a special opportunity to re-examine past recommendations and measures, not only to update them, but to determine whether they are really adequate for the 1990's.

All of this represents a sizeable workload for the brief time we are here. We must work diligently and efficiently. I am hopeful and confident, Mr. Chairman, that under your able leadership the delegates and observers assembled here can reach agreement on the basic elements needed to supplement the Antarctic Treaty to provide lasting protection for Antarctica.

Thank you Mr. Chairman.

**STATEMENT BY MR.MARIO AGUERRONDO,
HEAD OF THE URUGUAYAN DELEGATION**

Mr. Chairman, distinguished delegates,

The delegation of Uruguay is pleased to be working amidst the Chilean people, and at the same time wishes to thank the Government of Chile for its continued hospitality.

Uruguay is a staunch defender of the Antarctic Treaty System, due to its relevance in the peaceful and efficient joint administration of the vast and important area it encompasses.

In this effort, man's most valuable assets are enhanced within a framework of genuine cooperation, in pursuit of a better quality of life for all mankind.

The 1959 Washington Treaty expressly designated the Antarctic as an area of peace and cooperation. This has been ratified and developed through scientific research and other activities protected by the system, which are the essence and key to that peace. The «Pax Antartica» has not been achieved merely through and under this instrument, but rather it has been diligently built around it, through joint efforts, where the importance of the state seems to fade against that of the human being, highlighted in himself as well as in his productive relationship with others.

Therefore, our delegation is of the opinion that any curtailment of the regulations that govern human activity in the Antarctic, would eventually lead to a limitation of said «Pax Antartica».

In this context, Uruguay understands that, on account of its realistic comprehensiveness, the system developed throughout the past 30 years has marked and continues to mark the new course of action adopted by the international community, which infuses us with renewed faith and hope.

While it is true that the adverseness of the Antarctic environment has contributed to the enhancement of human relationships, the Antarctic Treaty has reinforced it.

Ever since the dawn of humanity, man has been faced with challenges, such as isolation, discord, war and the destruction of the planet. The Antarctic system has led man to opposite challenges, i.e. cooperation, consensus, harmony and the protection of the planet. This constitutes the outstanding triumph of human intelligence, capable of turning adversity into great fruitfulness.

Consequently, the Antarctic has been and continues to be the laboratory for new international schemes, despite the fact that this has occurred in a sometimes imperceptible way, even for participants in the system. Therefore, we believe that the development and protection of the system must be accomplished within its own context, starting from the Treaty of 1959, which is noteworthy for its effective operation of consensus and the straightforwardness of its mechanisms.

Thus, it is our understanding that amendments which may be foreseen for the immediate future, are to be included in a Protocol to said Treaty, which must continue to be the pivotal element of the system.

The objective of this Special Consultative Meeting is to strengthen protection of the Antarctic environment, as a reflection of the world's new awareness of the ecological disasters that have occurred in other regions of the planet.

Let us recall and acknowledge, however, that this is not new to the Treaty system, which has been a pioneer in environmental protection. Already in 1959, this instrument was concerned with the subject.

Nevertheless, on this occasion, we believe that it is necessary to reinforce these protective mechanisms in a region where peace prevails and implies joint activity.

In pursuing efficient environmental protection, let us then advocate effective and consequently realistic solutions.

The progressive development of our system has also been successful, owing to its constant adjustment to the new demands of activities in the area.

Accordingly, we consider that the solutions we shall pursue in our work between now and the next Consultative Meeting to be held in Bonn, must be sufficiently flexible to enable the Antarctic system to continue to face the dynamics of events. It is to this end that our delegation has co-sponsored, along with the Republic of Argentina, Norway, the United Kingdom and the United States, a working paper that may serve as a guideline for possible solutions of the different options.

Likewise, the original Treaty is noteworthy for its perviousness to the incorporation of new members in their various statuses.

In this sense, the recent incorporation of Switzerland as a new member, and Ecuador and the Netherlands as consultative members, is proof of the system's constant capacity for renewal. We are very satisfied with the system's endeavour and the invaluable contribution which these countries will offer us.

We are also pleased to see that the German people present at this forum are united under one flag, thus giving new hopes that other differences and conflicts may be successfully overcome.

The world has its eyes set on our work. May this cultured land prove to be auspicious for fully meeting our task.

Thank you Mr. Chairman.

II.- NON CONSULTATIVE PARTIES

- **AUSTRIA**
- **DENMARK**
- **GREECE**
- **KOREA, DEMOCRATIC PEOPLE'S REPUBLIC**
- **ROMANIA**

**OPENING STATEMENT BY MR. CHRISTIAN ZEILEISSEN,
HEAD OF THE AUSTRIAN DELEGATION**

Mr. Chairman,

Austria joins all those who have already congratulated you for your election. We are convinced that your Chairmanship will greatly contribute to the success of this meeting. Also we would like to thank the Government of Chile for providing us with this splendid venue. Our best wishes go to Ecuador and to the Netherlands, which have now taken up the responsibility of Consultative States within the Antarctic Treaty System, and to Switzerland, which has joined us and among away the ranks of those which adhere to the Treaty and support it without having consultive status.

Mr. Chairman,

The task before this Special Consultative Meeting is a crucial one, in the present time of global environmental crisis, and also very much in the limelight of public opinion. In many countries- including Austria- all those which are environmentally concerned follow with interest and even with apprehension the discussion on comprehensive measures of protection for the Antarctic environment which dominated the Paris Meeting and is now the central issue of our agenda, hopefully with timely and satisfactory results.

My delegation will address the proposals which have been tabled in the second round of this general debate. I will myself at this stage of expressing our admiration at the intellectual input which was into these proposals of which certainly the one tabled by Australia, Belgium, France and Italy also appears as an accomplished legal text, which we consider with great sympathy.

As we know the Antarctic Treaty as such contains only a limited commitment to the environment, namely in article IX paragraph 1, where the preservation and conservation of living resources in Antarctica is stated as one of the objectives of the Treaty. This is now to be supplemental by way of an additional, legally binding commitment, on the scope of which there seems to be a large amount of consensus, as can be seen from the proposals which have been tabled.

With regard to method, it seems obvious that guidelines or codes of conduct will have to be established on the various environmentally relevant fields of human activity in Antarctica, and some of these exist already. But to achieve an effective system - under the special conditions of Antarctica such as its geographical remoteness - these codes of conduct need to be supplemented by international means of compliance control. This world demand a strengthening of the Antarctic Treaty institutional framework, as has indeed been proposed in the papers which have been presented. If such a strengthened institution framework is set up it would have to cover the Antarctic area as a whole and every human activity in Antarctica regardless of the author and of his or her nationality.

In attempting to achieve this, however, consideration must be given to the fact that the Antarctic System is not, and does not intend to be, a global system. Even if does invite, or at least does not preclude global adherence, it does not provide for a representative system for participation in decision making. This should be kept in mind when we devise a system of institutionalized compliance control as a central part of a comprehensive system of protection of the Antarctic environment, which Austria certainly would support. I may at this instance recall what was said by the Head of the Netherlands delegation this morning: What we will agree upon will also have to be accepted by the other members of the international community. This is indeed the case and should be kept in mind in the further course of our proceedings.

Thank you Mr. Chairman.

OPENING STATEMENT BY MR. JOERGEN R. LILJE-JENSEN,
HEAD OF THE DANISH DELEGATION

Mr. Chairman,

Denmark welcomes this Special Consultative Meeting, which is going to provide the opportunity for presentation and discussion of ideas that will hopefully lead to a consensus following up on the XVth Conference in Paris in October 1989.

A most important matter has gradually become the focal point of the ATCM, and is in fact the main theme of this special meeting: the protection and preservation of the Antarctic environment.

The objective of the Danish Government remains to be the achievement of the most efficient protection of the environment through international agreements reached by consensus.

With respect to Antarctica, the Antarctic Treaty and the additional instruments constituting the Antarctic System, already provide for environmental protection in certain specific fields. By today's standards, however, this protection can hardly be considered adequate, and consequently, additional measures have to be taken.

Like many other countries, Denmark welcomed - and signed - the Convention on the Regulation of Antarctic Mineral Resource Activities of 2 June 1988. We did so, being convinced that the text resulting from seven years of negotiations represented the ultimate that could possibly be agreed upon at that stage.

The Danish signature of the Minerals Convention was thus a logical consequence of the above-mentioned, consistent Danish policy supporting the best available result based on a consensus, which remains the prerequisite for any realistic approach.

During the past year, after different ideas and proposals have emerged and developed, it has become evident that the consensus with respect to the Minerals Convention does no longer exist, and it is now very unlikely that it will ever enter into force.

It is therefore not contradictory to, but well in accordance with the consistent Danish policy, that we see no future in further debating the Minerals Convention.

It is, however, imperative that a new consensus be reached on a comprehensive regime on the protection and preservation of the Antarctic environment. This should be negotiated at the earliest possible date, as it represents the greatest risk and threat to the environment and to the Antarctic Treaty System as well.

This special meeting is the forum for such negotiations.

We have before us several proposals presented to us this year, some of them very recently, and we have been studying them carefully, as they will probably be the key to the future consensus on a new regime.

It is obvious that some ideas at a first glance may seem rather incompatible. The urgent need for regulation of activities in Antarctica should, however, enable Parties at this conference to agree on a common formula, out of which hopefully during the XVI regular meeting in 1991 an instrument would emerge to safeguard the protection and preservation of the Antarctic environment.

The ideas and suggestions put forward in the documents, outlines, statements, draft instruments, all have their own merits and certainly should be included in this debate. The Danish

delegation does, however, not want to conceal its opinion that the Australian-French proposal better than others expresses the views of Denmark, and generally seems to be far the most elaborate proposal presented to us.

The proposal contained in the draft convention, now also sponsored by Belgium and Italy and supported by other delegations, including my own, should in our opinion be the point of departure for the negotiations. We think the proposal as amended during the past year, taking into account many views presented by other delegations, has improved remarkably. We consider it very important that it is really comprehensive, i.e. provides for rules governing all activities and in particular provides for a complete ban on mining.

We do realize that a consensus cannot be based on one paper, and that other opinions have to be taken into account. The Danish delegation welcomes all contributions that would turn the Australian-French proposal, to which we might now rather refer as the proposal of «the Four» into the common formula without sacrificing the most essential elements of the draft convention.

The New Zealand draft protocol, the text of which we received earlier this month, is also a very interesting contribution. The approach may be different from that of the Four in some respects, but the New Zealand proposal addresses the same basic principles of a future system. It is comprehensive and provides for a complete ban on mining activities. We therefore suppose that it should not be too difficult to merge such common thinking into a common formula. The framework of this formula, i.e. convention or protocol, may still remain subject to debate, but this question should not be allowed to form an obstacle to progress in matters of substance.

The formula must be a legally binding comprehensive instrument, i.e. it should include provisions on all human activities in Antarctica, inter alia a complete ban on mining activities. The formula must be guided by the precautionary principle. Furthermore, it should not weaken, but contribute to the strengthening of the Antarctic Treaty System. Institutionally, any unnecessary bureaucracy should be avoided.

It goes without saying that the present moratorium should be allowed to remain in force until a new comprehensive system has been established, in order to prevent a gap that might jeopardize the future of the environment in Antarctica and the Antarctic Treaty System as well.

The Danish delegation expresses its hope that this special meeting will be successful in making further progress towards our common objective -the protection and preservation of the Antarctic environment.

Thank you, Mr. Chairman.

**OPENING STATEMENT BY DR. EMMANUEL GOUNARIS,
HEAD OF THE GREEK DELEGATION**

Mr. President,

In connection with the existing proposals related to the protection of the environment of the Antarctic, my delegation is obviously in favor of the common proposal of France, Australia, Belgium and Italy, as well as the proposal that was made by New Zealand.

At the same time, I would like to point out that we also support many of the elements of the common proposal of the United States, Argentina, Norway, U.K. and Uruguay, but I should emphasize, Mr. President, that what is very crucial is not what we do with the Wellington Convention of 1988 but what we do with the establishment of a convention regarding the protection of the Antarctic environment.

As you can see, I am using the term convention and not protocol for the reasons that were given by the excellent presentation of the distinguished delegate of France.

In the history of international diplomacy, we have many international conventions that have been created after long periods of consultations, that have been signed but they have never entered into force. On the other hand, we have many Conventions, Treaties or parts of them that have not come into force because of the clause «*rebus sic stantibus*». It seems that we shall have now one more Treaty which will have the same fate, the Wellington Convention of 1988.

Some delegations have argued that already many experts, lawyers, and diplomats have spent more than ten years for the creation of the Wellington Convention and therefore they want this convention to come into force. My delegation feels that this is an unrealistic position. How long, Mr. President, thousands of experts, lawyers and diplomats have worked for the creation of the United Nations Convention of the Law of the Sea of 1982, which still has not come into force?

Why the delegations that have expressed strong support for the implementation of the Wellington Convention do not also, show the same sensitivity for the U.N. Convention of the Law of the Sea?

Moreover, we should suggest to those countries that have expressed a direct or indirect interest for the immediate exploitation of the mineral resources of the Antarctica, without, at the same time, submitting to us their own proposals for the protection of the Antarctic environment, that they should consider first the exploration and exploitation of their own territories, their own continental shells before deciding to exploit the minerals at the Antarctica.

Antarctica should be recognized as an International Park to be used for peaceful purposes, and where any kind of commercial exploitation is prohibited.

Mr. President,

My delegation is very pleased with the adoption, by the United States Congress, of legislation that prohibits the exploitation of any mineral resources of the Antarctica, until an agreement has been reached on this matter.

We hope this development will help us in reaching an agreement by consensus for the protection of the Antarctic environment, which is going to benefit not only Antarctica but all mankind.

Mr. President,

We feel that the protection of the Antarctica environment could become one of the main issues of the next environmental conference in Brazil in 1993. It is up to us to minimize this possibility. The position of the delegation of Greece is that all efforts for the protection of the Antarctic environment should be handled exclusively in this forum and not in any other fora. We strongly believe that the Antarctic area should be preserved for its aesthetic and wilderness value, and enable it to retain its relatively pristine environment.

The time is very limited Mr. President, and we should not leave Viena del Mar without having created an acceptable draft convention for the protection of the Antarctica and its environment.

Therefore, we should concentrate our efforts for the creation at two basic principles. Firstly, the prohibition of all mineral related activities in the Antarctica and secondly, the declaration of Antarctica as an International Park for Peace.

Thank you Mr. Chairman.

**OPENING STATEMENT BY MR. KIM GYONG JO,
HEAD OF THE DELEGATION OF THE DEMOCRATIC PEOPLE'S
REPUBLIC OF KOREA**

Mr. President,

The delegation of the Democratic People's Republic of Korea supports regulations planned for the protection of the Antarctic environment and ecology, because their intentions and objectives are to convert the Antarctic into a natural and scientific reserve.

We are certain that this Special Consultative Meeting will be a major event to speed the birth of new international juridical regulations to ensure environmental and ecological protection of the Antarctic through adequate consultation.

The strengthening of regulations on the environmental protection of the Antarctic fully coincides with Antarctic Treaty objectives and United Nations resolutions regarding environmental protection, as well as with mankind's wish to live peacefully and in an unpolluted world.

Today, the world environment is deteriorating as a result of physical, chemical and military impacts, and the last pollution-free area i.e., the Antarctic environment, is faced with a dangerous situation of destruction as a result of human activities and various ever-increasing specific reasons.

As an expression of our deep concern for degradation of the Antarctic environment we fervently hope that new international regulations will be established with the purpose of preventing the destruction of the Antarctic environment.

Therefore, the delegation of the Democratic People's Republic of Korea presents the following opinions on regulations for protecting the Antarctic environment to be established at some future date.

The Democratic People's Republic of Korea for whom environmental protection is an important policy, considers:

First, the new regulations for protection of the Antarctic environment should include a major control function and the power of legal restriction aimed at protecting the Antarctic environment which should reflect the intentions and objectives of the Antarctic Treaty.

Second, the regulations mentioned should include an article banning all types of nuclear explosions, even if they are intended for peaceful purposes, as well as dumping radioactive ashes in the Antarctic continent.

The Democratic People's Republic of Korea, who struggles to make the Korean Peninsula a nuclear-free and peaceful area, will actively strive to ensure that the Antarctic will remain forever a nuclear-free and unpolluted area.

Thank you Mr. Chairman.

**OPENING STATEMENT BY MR.SERBAN DRAGOMIRESCU,
HEAD OF THE ROMANIAN DELEGATION**

Mr. Chairman,

On behalf of the delegation of Romania, and first of all as a fellow Latin, may I express our deepest appreciation to our charming Chilean hosts, whom we are sure will maintain their efficient performance to the end of this meeting. Also I wish to express our appreciation to the Government of Chile, a country located diametrically opposite to us in Europe. Mr. Chairman, it is also a pleasure to offer you our compliments upon your election to chair this meeting on account of your outstanding qualifications.

The delegation of Romania joins the rest of the countries in extending their congratulations to Ecuador and the Netherlands for their admission as Consultative Parties, as well as to Switzerland for having joined as a non-Consultative Member. As more countries embrace the spirit of the Antarctic Treaty, there will be much greater possibilities of finding a truly global solution.

As a non-Consultative Member since 1971, and considering the atmosphere of détente and mutual understanding that now prevails, it is indeed a pleasure for Romania to be able to reestablish close ties of cooperation with international organizations, whose aim it is to preserve nature within a more transparent world. My country is fully willing to participate in all rational initiatives that comprise clear objectives and principles for ensuring a more precise delimitation of human activities in the Antarctic.

The working papers already presented by several countries -in particular those submitted by France, Australia, Belgium and Italy - and statements made by the delegations so far, contain proposals which allow us to suppose, with optimism, that a flexible attitude will lead to consensus. The latter is urgently called for not only by the international community, but also by public opinion in our countries, which has become very sensitive to these issues. We thank all those who, in advance, submitted written drafts for reflection.

We sincerely hope that the consensus recently arrived at in Europe will inspire our discussions. Also we hope that, by the end of this meeting, we may succeed in our resolve to offer the international community a draft document that could constitute a code of conduct for countries in the Antarctic, as well as preserve this Continent within the framework of man's peaceful activities and wholly safeguard its ecology.

Romania has unfortunately suffered a negative experience during the past decades, in its management of the Danube delta. This very fragile and delicate region was recently declared a biospheric natural reserve. In light of this experience, we would like to express some thoughts which, it would seem, Mr. Chairman, are also shared by other countries:

1. The need to include a formal provision within the document to be negotiated (be it a convention or a protocol), banning any human activity that could jeopardize the fragile Antarctic ecosystem;
2. The priority that must be given to those activities aimed at counteracting the degradation that has already occurred;
3. The very special attention that must be afforded the regime of liabilities, conceived as a powerful preventive measure. Very precise procedures should be added thereto, in order to monitor and control human and scientific activities in the Antarctic. In this way, not only would we be able

to study the nature of responsible parties (i.e. individuals, juridical persons, or even nations), but also the nature of the liability itself (under private law or international public law);

4. The regime of observers, i.e., monitoring, must correspond to the current need for international cooperation and transparency.

Mr. Chairman,

In summary, these then are the considerations put forth by Romania, a country which has expressed its interest in the White Continent for over 90 years. At that time, it participated in the international expedition of the vessel «Belgica», led by Adrien de Gerlache. Based on documents approved during this meeting, Romania shall decide on the best national institutional framework to promote ongoing scientific and jurisdictional interest in polar regions and, particularly, in the Antarctic.

Thank you, Mr. Chairman.

III. OBSERVERS

- SCAR
- CEC
- IUCN
- ASOC

**STATEMENT BY MR. RICHARD. LAWS,
PRESIDENT OF SCAR**

Mr. Chairman, delegates and observers,

I would like to join the other delegates in congratulating you on your election as Chairman of this meeting. I speak as President of SCAR and SCAR greatly appreciates the invitation extended to us to participate in this special Consultative Meeting as an observer and particularly thanks the Government of Chile. I also appreciate the remarks of IUCN and reciprocates them.

SCAR appreciates that several delegates have referred to the need to give priority to science and a specific role for SCAR. Unfortunately some delegates will not know what SCAR is.

SCAR, the Scientific Committee for Antarctic Research is a component of ICSU - the International Council of Scientific Unions- which promotes international scientific activity in all branches of science, world-wide, and their applications for the benefit of humanity. ICSU is a non-governmental organization representing scientific academies and research councils, which are multi-disciplinary, and scientific unions which are international disciplinary organizations. Currently there are thirty one members and four associated members.

The scientific work of SCAR is conducted by eight permanent working groups with national members and five groups of specialists (whose members are appointed by the SCAR for their experience and expertise). These groups report to SCAR.

SCAR is charged with the initiation, promotion and co-ordination of scientific research in Antarctica. It is the single international, interdisciplinary non-governmental organization which can draw on the experience and expertise of an international mix of scientists across the complete scientific spectrum. It is therefore, the obvious source of advice on a wide range of scientific questions and is ideally placed to provide answers.

For over thirty years, in fact, SCAR has provided such advice to the Antarctic Treaty System and made numerous recommendations on a variety of matters, most of which have been incorporated into Antarctic Treaty instruments. Foremost among these must advice on the ecology and environment of the Antarctic and measures for their protection.

But, Mr. Chairman, Antarctic science also has a critical role extending far beyond the Antarctic. It has been long known that the Antarctic offers unique opportunities for research in a variety of disciplines which contribute to understanding problems outside the Antarctic. In recent years it has also become to be accepted that research in the Antarctic, including the Southern Ocean and the Sub-Antarctic islands, is crucial in his contributions to understanding global change, development which affect all human beings. For example, the core programmes have been identified for the Antarctic component of the International Geosphere-Biosphere Programme (IGBP) and include:

- detection and prediction of global change;
- study of critical processes linking Antarctic to the global system;
- provision of information on the history of environmental change;
- assessment of ecological processes and effects.

The objectives of these investigations are to describe and understand the interactive physical, chemical and biological processes that regulate the total Earth system, the unique environment that

it provide for all life on Earth, the changes that are occurring and the moment in which they are influenced by human actions. The subject has a relevance far beyond the confines of the Antarctic. It includes global warming and the thinning of the ozone layer.

Mr. Chairman,

SCAR's record speaks for itself. Antarctica has long been described as a continent for science and more recently as a land of science. If this is a serious concept weight should surely be given to independent scientific views, and as I have tried in this brief intervention to show. SCAR is the single organization which represents all shades of Antarctic science. SCAR is committed to environmental conservation, but Antarctic scientists are very concerned that steps may be taken, unwittingly, which seriously limit their ability to conduct basic research, actions which could have serious consequences, not just for Antarctica but, as I have indicated, for the world. They are also concerned that SCAR may be replaced as the main body advising the Antarctic Treaty System on the scientific aspects of environmental matters.

Mr. Chairman,

Successful environmental protection measures depend on a good appreciation of the underlying science and Antarctic scientists are needed to evaluate proposals for protected areas. The SCAR group of specialists on Environmental Affairs and Conservation was formed to provide scientific advice and its chairman, Nigel Bonner, is present as a SCAR observer at this meeting.

In conclusion, Mr. Chairman, SCAR urges the ATS meetings to continue to draw upon SCAR to provide such advice and asks that a way be found to ensure that the minimal constraints -consistent with realistic environmental protection- be imposed upon scientists, bearing in mind their essential contribution to solving not only Antarctic but global problems.

Thank you Mr. Chairman.

**OPENING STATEMENT BY MS. LISBETH DISSING,
OBSERVER FOR THE COMMISSION OF THE EUROPEAN COMMUNITIES**

Mr. Chairman,

Since it is the first time that the Commission of the European Communities takes the floor in a meeting of the Contracting Parties to the Antarctic Treaty I would like to express my pleasure at attending this meeting and to ensure you that the Commission will do its utmost to contribute to the discussions in a positive and constructive manner. May I take this opportunity to thank the Government of Chile for having made our participation possible and for hosting this meeting in the beautiful city of Viña del Mar.

Within the last few years global environment problems have begun to play an increasingly important role.

This has been clear when the Ministers of the European Communities have met.

When the Heads of State and Government met in Rhodes in December 1988 they said that the Community and the Member States are determined to play a leading role in the action needed to protect the world's environment and will continue to strive for an effective international response particularly to the ever growing threats to the natural environment, thus contributing to a better quality of life for all the peoples of the world.

In this context we have taken a great interest in the development of a Convention on Global Climate Change and the first negotiations on this convention will begin in February.

The environmental problems which are beginning to show themselves in Antarctica are of great concern to the European Communities.

As you are aware the European Community is already a contracting party of the Convention of Antarctic Marine Living Resources.

Furthermore when the Heads of State and Governments met in Dublin this year they said that the Community must advance international efforts to solve global problems and to promote sustainable development and respect for the global commons. They specifically drew the attention to the Antarctica and states that the Antarctica deserves special protection as the last great unspoiled wilderness.

The concern for the Antarctic region is also expressed in the declaration of the seven most industrialized countries of the world and the President of the European Communities when they met in Houston in July this year.

When Mr. Carlo Ripa di Meana who is Commissioner for the Environment heard about the French Australian initiative to begin the negotiations of a Convention for the comprehensive protection of the Antarctic environment, he supported the idea.

Since then this proposal has been joined by Italy and Belgium and it has been supplemented by other initiatives concerning the Antarctica proposed by other countries.

Mr. Chairman,

The Commission of the European Communities is looking forward to the discussion of all these proposals within the next few days and as I said I hope that we can be of help in finding environmental sound solutions.

Than you, Mr. Chairman.

**OPENING STATEMENT BY MR. PAUL DINGWALL,
OBSERVER FOR IUCN**

Mr. Chairman, distinguished delegates and observers,

I bring greetings to you from the International Union for the Conservation of Nature and Natural Resources, now commonly known as the World Conservation Union and, in particular, I bring greetings from the Director General of IUCN, Dr. Martin Holgate, himself a distinguished former Antarctic scientist who has asked that his personal good wishes for success be extended to this important and landmark meeting on Antarctic conservation and environmental protection. Dr. Holgate regrets that he is unable to attend this meeting himself because he is required to convene at this time a General Assembly of IUCN in the city of Perth, Australia.

IUCN greatly respects the honor and courtesy extended to it by the Treaty Parties and in particular by our gracious host, the Government of Chile who has invited IUCN to participate in this meeting in the capacity of an Observer; and it is a real pleasure for me to visit the beautiful city of Viña del Mar.

IUCN, as the world largest and leading international agency for nature conservation, congratulates the Treaty nations on their unanimous decision to convene a meeting to develop comprehensive environmental protection measures for Antarctica and IUCN welcomes the opportunity to contribute constructively to your deliberations; in particular, I want to acknowledge the kind words of welcome and support extended this morning by the distinguished delegate from Sweden.

Like the Antarctic Treaty System itself, IUCN is also a unique organization in that it is a combination of many individual components; currently the World Conservation Union is composed of 64 state members, 108 governmental agencies and more than 500 non-governmental organizations with special interest in conservation. Of the Antarctic Treaty nations all but a few are voting members of the Union. In addition IUCN has within its membership network, world experts on such matters as the protection of wildlife species and ecosystems, the management of protected areas, education and training in conservation and environmental law.

I also want to acknowledge with real pleasure the close working links that have been established over the recent years between SCAR and IUCN. The combination of scientific expertise in SCAR and conservation management expertise within IUCN is a very special one, which has already been productive in the development of a conservation policy for Antarctica and it promises to be even more constructive in the future. IUCN believes that the combined expertise of SCAR and IUCN can be a powerful force for progress on the substantial problems in Antarctic conservation, which require urgent attention and solutions.

Mr. Chairman,

IUCN has worked long and hard over recent years in developing conservation policy for Antarctica and has documented the results of this work in an Antarctic Conservation Strategy. An extended summary of this document along with other supporting documents will be made available to all delegations at this meeting. The Antarctic Conservation Strategy has its origins in the World Conservation Strategy prepared ten years ago by IUCN, UNEP and the Worldwide Fund for Nature. Since that time IUCN has worked with many world governments in developing national conservation strategies and regional plans including that for the Antarctic region. Preparation of the Antarctic Conservation Strategy has involved very wide consultation and discussion among expert Antarctic scientists, technical bodies, private citizens, advocacy groups and official national and international agencies to encompass the widest possible extent of opinion and to promote the means for the wisest

possible use of Antarctic resources. This conservation strategy now in draft form will be debated and finalized at the current General Assembly of IUCN in Australia.

In a very comprehensive coverage and review of Antarctic conservation issues the Strategy includes a carefully constructed series of conservation principles, policy and objectives and includes suggested action to minimize environmental impacts by strengthening legal instruments, institutions, enforcement measures, management of scientific activities including the construction of stations, protection of areas of high ecological and wilderness value, tourist activities, the taking of marine resources and the exploitation of mineral resources.

The proposals before this meeting already make substantial progress towards meeting the needs of effective conservation but more is required. IUCN's primary focus is on achieving effective conservation in the Antarctic region. In stressing this, IUCN does not seek to dictate to the Treaty Parties but rather to suggest, to provide guidelines and to promote ways in which the Treaty Parties themselves can strengthen the Treaty and secure the required measures for environmental protection. To this end, IUCN offers its considerable capacity to identify those specific scientific and conservation management needs for achieving effective environmental protection.

IUCN in producing the Conservation Strategy for Antarctica has not completed its involvement or interest in Antarctic affairs; it has already established Antarctic conservation firmly within its own going program over the next three years and has made provisions for funding for this work. I therefore commend to all Treaty Parties the contents of IUCN's Antarctic Conservation Strategy and I urge a careful study is made of it in the work that lies ahead. I also add an assurance that IUCN remains ready to assist the Treaty Parties and we look to this meeting to determine in more detail the ways in which IUCN can help the Parties in this important work to achieve comprehensive environmental protection for the Antarctic region.

Thank you Mr. Chairman.

OPENING STATEMENT BY MR. JIM BARNES,
COUNSEL TO ASOC.

Mr. Chairman,

ASOC is very pleased to participate formally in this Special Consultative Meeting. We appreciate the unanimity of the Consultative Parties in accepting our application for Observer status, and also thank Sweden and Belgium for their warm words of welcome.

Since 1978, when ASOC was founded, its members have monitored every Antarctic Treaty meeting, making our views known through informal mechanisms. We welcome this opportunity to provide information on a more straightforward basis.

ASOC, as a coalition, consists of more than 200 non-governmental organizations in over 40 countries, which have tens of millions of members. Here in *Viña del Mar* the NGO delegation consists of scientists, international legal experts, economists, policy analysts, and people who have worked in the Antarctic.

Following Recommendation XV-1, ASOC members drafted an indicative convention on antarctic conservation. This document, our first information paper formally introduced at a meeting of the Contracting Parties to the Antarctic Treaty, is being made available to all delegations today. At the heart of the ASOC convention is the precautionary principle. ECO number 2, which I believe has now been distributed to all delegations, contains a summary of the convention, which I will not go into detail about at this time. As the discussion during the remainder of this meeting progresses, we would like the opportunity to discuss particular provisions of the draft convention, as appropriate. The convention provides for a permanent ban on all minerals activities. In this context, ASOC finds it highly disturbing that some delegations continue to assert that their goal is comprehensive protection while at the same time maintaining a minerals option. In our view, those two positions are completely inconsistent.

The Mineral Convention, CRAMRA, is not a viable option. A permanent ban would be the strongest signal to the international community that the Antarctic Treaty Parties are taking seriously their long-term stewardship for the region. This is a form of forbearance which future generations would praise.

We note that the concept of prohibiting minerals activity in the Antarctic is now seen as a legitimate option by many nations in the world, including a number which have spoken so far in this opening session.

I would like also to address briefly the question of what «comprehensive» means, in terms of devising a comprehensive system of protection for the Antarctic. ASOC does not believe that the word means taking little steps «bit by bit» or adding a few little items to the status quo. In our view, it requires a legally binding system of protection, which consists of several integrated components, some of which include:

- clear and unambiguous principles and rules, including a permanent ban on all minerals activities
- transparent procedures which allow the full participation of Non-Governmental Organizations as well as access to documentation
- effective monitoring and inspection procedures
- full reporting on compliance

- incentives to avoid environmental harm
- mandatory dispute resolution.

Such a comprehensive regime is imperative in order to protect the fundamental values of the Antarctic: wilderness, wildlife and science. ASOC sees science as the number one priority activity in the Antarctic. We see our proposals as helping to preserve Antarctica as a place for science, in perpetuity. We recognize the special role of SCAR in the ATS. We believe SCAR could be asked to play a much bigger role, for example, in advising governments on where to locate new bases that might be needed, and in devising more truly cooperative research programs that would better utilize the bases and logistic facilities in the region. The Antarctic Treaty System would benefit from SCAR being adequately funded to carry out its important tasks. As one key example, the International Geosphere-Biosphere Programme (IGBP) should be made a priority.

ASOC looks forward to working with the Antarctic Treaty Parties in the effort to devise the best long-term solutions. We do not view the «best» as the «enemy of the good.» The best ideas provide the vision; this is what guided the Consultative Parties when they decided to give effect to their view that the Antarctic Treaty Area is to be treated as a Special Conservation Area. We must build on this foundation, and ensure the preservation of the Antarctic environment and the Treaty System in perpetuity.

Thank you Mr. Chairman.

ANNEX D

**REPORT OF WORKING GROUP I
TO THE XIth ANTARCTIC TREATY SPECIAL
CONSULTATIVE MEETING.**

1. Working Group I met under the Chairmanship of Mr. Dietrich Granow (Germany) on 23, 26, 27, 28, 29 and 30 November and on 3 and 4 December 1990.

2. The terms of reference of Working Group I were to «Identify issues to be considered in elaborating a comprehensive system drawing on the proposals submitted by delegations (Recommendation XV-1, paragraph 1).» An indicative list of issues was referred to the Working Group as follows:

- basic principles
- obligations/compliance
- institutions/infrastructure
- decision making
- amendment/modification
- liability
- monitoring/inspection
- dispute settlement
- relationship to other parts of the Antarctic Treaty System
- other substantive provisions, including those issues referred to Working Group II.

3. The Working Group held wide-ranging discussions on these issues and on a number of other matters including the following:

- environmental impact assessment
- environmental monitoring
- objectives
- designation
- place of scientific activities
- cooperation in Antarctica
- prohibition of activities, with particular reference to mineral resource activities
- reporting mechanisms/transparency
- response action

4. The issues listed in paragraphs 2 and 3 were discussed in plenary sessions of the Working Group and in smaller informal groups.

5. The Working Group noted that the earlier debate in plenary sessions of the Special Consultative Meeting had revealed that there was broad consensus in favor of negotiating a new international legal instrument for the comprehensive protection of the Antarctic environment and dependent and associated ecosystems. An indicative outline structure of the new international legal instrument emerged from the discussions in Working Group I.

6. Although there was a preponderant view in favor of a protocol, it was not possible to reach agreement on whether the new instrument should take the form of a protocol to the Antarctic Treaty or a convention closely related to that Treaty. The Working Group noted that the decision on this issue would have an important bearing on the work of drafting various sections of the new instrument.

7. The Working Group noted that early resolution of the question of institutions/infrastructure was also required to facilitate drafting work.
8. Discussion in the Working Group revealed that there was support for the establishment of a secretariat. It was agreed to recommend that a Consultative Meeting further considers the possibility of establishing a secretariat to perform such functions as the Consultative Meetings may entrust to it.
9. There was also broad support in the Working Group for other institutional arrangements centered around the concept of a standing-advisory-environmental committee to support the operation of the new instrument.
10. Although the work of the Working Group did not result in any agreed text the discussions nevertheless were fruitful and showed ways towards solutions that might command consensus.

ANNEX E

**REPORT OF WORKING GROUP II
TO THE XIth ANTARCTIC TREATY SPECIAL
CONSULTATIVE MEETING.**

Working Group II met under the Chairmanship of Mr. Roberto Puceiro (Uruguay) from 23 November to 5 December 1990.

Working Group II specifically analyzed and discussed the Agenda entrusted to it by the Plenary Session, to which three new items were added, as agreed by the Group.

This Agenda was consequently set and ordered as follows:

- marine pollution
- waste disposal
- environmental impact assessment
- agreed measures for the conservation of Antarctic fauna and flora
- system of Protected Areas
- tourism and non-governmental activities
- environmental monitoring
- international scientific cooperation
- alternative energy uses to reduce environmental impact
- fuel management

The above items were analyzed during various sessions in agreed sequence and documents were produced on Marine Pollution, Waste Management and Disposal, Environmental Impact Assessment, and Agreed Measures for the Conservation of Antarctic Fauna and Flora. These documents are appended to this Report. (Note: these documents are appended to Annex F of the Interim Report of the XIth Antarctic Treaty Special Consultative Meeting, as annex F appendix I, appendix II, appendix III and appendix IV).

MARINE POLLUTION

The United States submitted a paper on the subject (XI ATSCM/4- Annex «Prevention, control and response to marine pollution») as did New Zealand (Doc. XI ATSCM/2- Part VIII- Articles 46 through 49).

After many exchanges and conferring by the various delegations studying these papers and Recommendation XV-4, the Group agreed upon a document on Marine Pollution.

The document includes items, shown in brackets, that are related to topics being analyzed by Group I. These must be resolved according to its results. (Articles 1; 2; 3.9; 5.10; 6; 7, paragraph, 7.1; 7.2; 7.2.a); 7.2.c); 8; 9; 10; 11; 12 and 13).

In relation to the provision in Article 7.2.c) one delegation expressed its strong reservation as to the possibility of having such provision in a future agreed text of the instrument.

WASTE DISPOSAL

On this item, comments were made on proposals submitted by the delegations of the United States (XI ATSCM/4- Annex «Waste disposal») and New Zealand (XI ATSCM/2- Part VI - Monitoring, Articles 34 to 45).

Based on these as well as on Recommendation XV-3 and detailed observations by many delegations, the text of a document on Waste Management and Disposal was agreed upon.

Some sentences appear in brackets and are to be resolved in light of results agreed upon by Working Group I. (Articles 3.1; 4.3; 8; introduction; 8.5; 8.6; 9.2; 9.3; 10; 11; 12 and 13).

ENVIRONMENTAL IMPACT ASSESSMENT

Working papers were submitted by New Zealand (XI ATSCM/2 - Part V «Environmental Impact Assessment Procedures»; Articles 28 to 33), United States (XI ATSCM/4 Add.1 - Annex «Environment Impact Assessment») and jointly by Australia, Belgium, France and Italy (XI ATSCM/1). Norway tabled an information paper on a framework for environmental impact assessment procedures (XI ATSCM/ INFO.41) and the Netherlands tabled an information paper on the application of such procedures to tourist and non-governmental activities in Antarctica (XI ATSCM/WG.II/INFO.1).

As a result of consultations in small informal working groups, a composite text was prepared for consideration by the Working Group. A large measure of agreement was reached on this text, contained in the Document on Environmental Impact Assessment Procedures, but differences remained on some important aspects.

It was agreed that the procedures in the text should apply to all activities in Antarctica. In general, the responsibility for completing the procedures would lie with the organizer of an activity and would not separately apply to individuals subject to the control of the organizer. The bracketed formulations in Article 1 reflect differing suggestions on how this coverage might be achieved.

There was no agreement on the role, if any, that an Advisory Committee or Standing Committee might play in the application of the procedures. The bracketed formulations in Articles 3 (2) and (3) and 4 (2) represent the differing positions expressed on this issue. This issue will need to be considered further if it is decided to establish an Advisory Committee or Standing Committee.

It was agreed that another matter for further consideration would be the scope of the emergency provisions in Article 7.

In response to a concern raised by one delegation, it was also agreed that it would be appropriate to consider further the placement of Article 3 (1) (h) as it could be argued that the matters covered by that subparagraph did not fall within the strict purview of environmental impact assessment procedures.

AGREED MEASURES FOR THE PROTECTION OF ANTARCTIC FAUNA AND FLORA

The United States delegation submitted a paper (XI ATSCM/4.Add.2), as well as the New Zealand delegation (XI ATSCM/2, Part IV).

After general discussion on the subject, and in particular on the above-mentioned papers and Recommendation III-8, the Group proceeded to draft a document on the Conservation of Antarctic Fauna and Flora.

The text in brackets refers to issues to be agreed by Group I (Articles 1; 2 Introduction; 2 (e); 3; 4; 5.4; 7.1; 8.2; 10 and 11).

Several observations were made on the current draft of this document.

In connection with dogs, several delegations expressed the view that the risk to native fauna and flora outweighed the advantages of having dogs in Antarctica and that the practice of killing seals

for dog food should cease. The view was not shared by all delegations. It was agreed that this matter merited further consideration. They expressed the opinion that dogs should remain in Antarctica with the understanding that they would only be fed seals in emergency situations.

One delegation questioned the need for allowing the collection of Antarctic fauna and flora specimens for other than scientific purposes. Other delegations were of the opinion that it would be appropriate to continue to allow the collection of fauna and flora samples from the Antarctic, for educational as well as scientific uses.

It was also acknowledged that certain types of research and related support activities could have more than a minor or transitory impact on native fauna and flora. In these cases, it was assumed that the final document would contain provisions requiring environmental impact assessment before issuing permits for such activities. It was also assumed that such impact assessments would consider all possible alternatives.

Finally, it was stated that this and other components of comprehensive measures for protection of the Antarctic environment should be subject to periodic review, being corrected and revised based on the practical experience of their implementation. This could be one of the functions of the Environmental Protection Committee or other similar groups that could be established in accordance with discussions carried out by Group I. The committee could also benefit from work by SCAR and other organizations.

It was also stated that SCAR should be requested to examine and advice on ways to exchange information on native fauna and flora, and on additional standards and regulations that could be useful to avoid risks involved by introduction of potentially damaging species of fauna and flora, alien to the Antarctic area.

Consideration was also given to the eventual need to place Articles 1, 3, 8 and 9 in other parts of the final instrument.

SYSTEM OF PROTECTED AREAS

The New Zealand delegation submitted a working paper (XI ATSCM-2 Part IV, point B - Articles 18 through 24), and the United States delegation did likewise (XI ATSCM-4- Add.3). Both delegations indicated that their proposals were essentially based on existing Recommendations on the subject.

The United Kingdom mentioned the possibility of dropping the current system of multiple area categorization, without detriment to the designation of Antarctica as a Special Conservation Area and of the various categorizations already effected. Instead of the former, the Consultative Parties could propose additional protection for any Antarctic area, for any purpose, according to a given management plan. These areas could be designated Protected Antarctic Areas.

Various delegations supported the concept of this proposal, with the understanding that, given the proliferation of categories and regimes of Antarctic protected areas, the new proposed system would lead to standardization and streamlining of the subject.

In this respect, the United Kingdom delegation submitted a working paper expounding its proposal, entitled «System of Protected Antarctic Areas».

Discussions were aimed at studying this paper, the concept of which found significant support among delegations.

Some delegations, while expressing interest in the concept questioned whether it could usefully be applied to all of the present categories of protected areas. They noticed in particular that different arrangement might be required for historical sites and monuments and multiple-use planning areas.

The need to retain permanent areas of protection and to consider the inclusion of representative areas of terrestrial, marine and fresh water ecosystems was also discussed.

It was agreed that discussions on the subject should continue in future.

TOURISM AND NON-GOVERNMENTAL ACTIVITIES

The Chilean delegation submitted a working paper (XI ATSCM/WGII/Info.2) proposing that an Annex to the instrument be drawn up for its eventual adoption, which would contain a code of conduct for tourist and non-governmental activities. This would be applicable to all persons travelling to the Antarctic, regardless of whether these activities are organized within the territory of contracting or non-contracting parties.

Some delegations expressed their concern about the potential impact of these activities on the environment and scientific activities, and agreed on the need for a Code of Conduct such as that mentioned above. To this end a series of additional elements were proposed for evaluation and formulation.

Discussions demonstrated that, from the outset, tourist and non-governmental activities are recognized as showing sustained interest. This interest may be appropriately oriented, in order to permit development of these activities in accordance with the spirit of comprehensive protection of the Antarctic environment, and without interfering with scientific activities.

The Netherlands' delegation commented on the background paper it submitted and on the area wide environmental impact assessment system it proposed (XI ATSCM/WG II/Info.1). New Zealand submitted Part IX (Articles 50 through 52) of its paper, already described, and exchanges occurred in this respect.

One delegation reported on a series of measures implemented by its Antarctic program and its Antarctica tourist operators.

Consideration was also given to the convenience of carrying out tourist activities by maritime means. This would avoid the proliferation of terrestrial support infrastructure in Antarctica. It also considered the possibility of establishing duly monitored special tourist interest areas, in order to determine the impact of human presence on the environment and its feasibility as a management scheme.

The delegations agreed that, given the complexity of the subject, it should continue to be analyzed, and existing data should be assessed. In addition, more background and other information should be incorporated into studies, for this purpose. In this respect, it was deemed convenient to continue to develop a working program for the following meetings to develop the proposed instrument scheme.

ENVIRONMENTAL MONITORING

Following concerns raised by some delegations, regarding conceptualization of this topic and of its delimitation vis-à-vis subjects dealt with by Group I, an exchange began on the matter.

One delegation stated that the subject of monitoring dealt with in Group I relates to compliance itself, while in this Group it was linked to environmental impact. It referred to Recommendations XV-5 and the paper submitted by New Zealand (Part VI, Articles 34 and 35), as being a case in point. Moreover, it stated that for a thorough study of the subject, results should be awaited from the meeting of experts called for by the Recommendation mentioned above.

Another delegation expressed its doubts on whether monitoring as such should be conceptualized by means of paragraph 2, Recommendation XV-5, and that monitoring of environmental impact should also be discussed here for a concrete analysis of the subject.

Numerous comments were made on both standpoints. The New Zealand delegation also commented on its paper in this regard.

General discussion then began on the subject, which demonstrated a majority position for the importance of regulation on the matter. However, doubts were expressed on whether it required a specific working instrument or that it simply be developed jointly and in relation to that of Environmental Impact Assessment.

There was agreement on the need to await results from the eventual instrument to be drafted on Environmental Impact Assessment, and then to return to analyze this point in order to ascertain whether further development is required, and how it should be carried out, in the event that it is agreed to.

INTERNATIONAL SCIENTIFIC COOPERATION

The Swedish delegation submitted a working paper (XI ATSCM/WG II/6) on international scientific cooperation. The New Zealand delegation also commented on its paper, where pertinent (Article 10).

Some delegations expressed their support for the Swedish proposal. Others stated that, without detriment to the regulation on international cooperation within the general framework of the Antarctic Treaty System, in particular through ordinary Consultative Meetings, the framework of reference for this Working Group, should remain to be international scientific cooperation as it specifically relates to environmental impact.

The importance of SCAR's potential role in subject was also pointed out.

There was a general agreement to continue dealing with the subject at the next session of this Meeting.

ALTERNATIVE ENERGY USES TO REDUCE ENVIRONMENTAL IMPACT

The Italian delegation submitted a paper on this topic (XI ATSCM/WG II/5). Some delegations commented on the concrete utilization of these energy sources and their role in reducing environmental impact.

Other delegations stated that Parties should be encouraged to explore the possibility of using alternative energy sources in Antarctic stations. They called for the exchange of information on the subject, and for these technologies to become accessible.

Other delegations stressed the role to be played by SCAR and COMNAPs in this regard.

It was also suggested that this subject continue to be studied in upcoming sessions.

FUEL MANAGEMENT

The Australian delegation submitted a paper on Fuel Management (XI/ATSCM/WG II/4) expressing the need to bring this particular subject to the attention of future meetings of COMNAP.

Some delegations stressed the importance of the subject and gave examples about procedures they are currently using to that effect.

A list of the Working Papers mentioned in this Report is appended to this Report.

LIST OF DOCUMENTS OF WORKING GROUP II

XI ATSCM/WGII/1	Agenda
XI ATSCM/1	Indicative Draft of a Convention for the Comprehensive Protection of the Antarctic Environment. (Australia, Belgium, France and Italy)
XI ATSCM/2	Draft Protocol to the Antarctic Treaty on Environmental Protection (New Zealand)
XI ATSCM/4	Protocol Supplementing the Antarctic Treaty.(United States America)
XI ATSCM/4 Add.1	Annex: Environmental Impact Assessment. (United States of America)
XI ATSCM/4 Add.2	Annex: Agreed Measures for the Conservation of Antarctic Fauna and Flora.(United States of America)
XI ATSCM/4 Add.3	Annex: Specially Protected Areas (United States of America)
XI ATSCM/7	Comprehensive Measures for the Protection of the Antarctic Environment and Dependent and Associated Ecosystems. (India)
XI ATSCM/Info.40	Protection of Antarctic Environment and its Dependent and Associated Ecosystems and Review of Existing Measures. (Australia)
XI ATSCM/Info.41	Environmental Impact Assessment (Norway)
XI ATSCM/W.P.4	Proposal on Geoscience Data Availability.(United States of America Protected Antarctic Areas Systems (United Kingdom)
XI ATSCM/W.G.II/4	Fuel Management (Australia)
XI ATSCM/W.G.II/5	Use of Alternative Energies to Reduce the Environmental Impact in Antarctica. (Italy)
XI ATSCM/W.G.II/6	Cooperation in Antarctica (Sweden)
XI ATSCM/W.G.II/Info.1	Preparation of an Area-Wide Environmental Impact Assessment on Tourism in Antarctic (The Netherlands)
XI ATSCM/W.G.II/Info.2	Code of Conduct for Tourist and Non Governmental Activities in the Antarctic
XI ATSCM/W.G.II/Info.3	List of documents of Group II

ANNEX F

**PROTOCOL TO THE ANTARCTIC TREATY
ON ENVIRONMENTAL PROTECTION**

PROTOCOL TO THE ANTARCTIC TREATY ON ENVIRONMENTAL PROTECTION

PREAMBLE

The Contracting Parties to the Antarctic Treaty;

Convinced of the need to enhance the protection of the Antarctic environment and dependent and associated ecosystems;

Desiring to supplement the Antarctic Treaty to this end;

Have agreed as follows:

ARTICLE 1.

OBJECTIVE/DESIGNATION

The Parties agree to consider Antarctica as a natural reserve, devoted to science, and, therefore, commit themselves to the comprehensive protection of its environment and dependent and associated ecosystems.

ARTICLE 2.

ENVIRONMENTAL PRINCIPLES

The protection of the Antarctic environment and dependent and associated ecosystems and the intrinsic value of Antarctica, including its wilderness and aesthetic values and its value as an area for the conduct of scientific research, including research essential to understanding the global environment, shall be fundamental considerations in the planning and conduct of all activities in the Antarctic Treaty area.

To this end:

- a) human activities in Antarctica shall be planned and conducted so as to limit insofar as is practicable adverse impacts on the Antarctic environment and dependent and associated ecosystems;
- b) human activities in Antarctica shall be planned and conducted so as to avoid:
 - i) effects on climate or weather patterns;
 - ii) significant adverse effects on air or water quality;
 - iii) significant changes in the atmospheric, terrestrial (including aquatic) or marine environments;
 - iv) detrimental changes in the distribution, abundance or productivity of species or populations of species of fauna and flora;
 - v) further jeopardy to endangered or threatened species or populations of such species; or
 - vi) degradation of, or substantial risk to, areas of biological, scientific, historic, aesthetic or wilderness significance;
- c) human activities shall be planned and conducted in Antarctica so as to accord priority to scientific research and to preserve the value of Antarctica as an area for the conduct

- of such research, including research essential to understanding the global environment;
- d) human activities in Antarctica shall be planned and conducted on the basis of information sufficient to enable prior assessments of, and informed judgements about, their possible impacts on the Antarctic environment and dependent and associated ecosystems and on the value of Antarctica for the conduct of scientific research;

Such assessments and judgements shall take full account:

- i) the scope of the activity, taking into account, inter alia, its area, duration and intensity;
- ii) the cumulative impacts of activities, both by themselves and in combination with other such activities in Antarctica;
- iii) whether any activity in Antarctica will detrimentally affect any other activity;
- iv) whether technology and procedures are available to provide for environmentally safe operations;
- v) whether there exists the capacity to monitor key environmental parameters and ecosystem components so as to identify and provide early warning of any adverse effects of such activity and to provide for the modification of operating procedures as may be necessary in the light of the results of monitoring or increased knowledge of the Antarctic environment or dependent or associated ecosystems; and
- vi) whether there exist the capacity to respond promptly and effectively to accidents, particularly those with potential environmental effects;
- e) Regular and effective monitoring shall take place to enable assessment of the impacts of ongoing activities;
- f) Regular and effective monitoring shall take place to verify the predicted effects and to facilitate early detection of the possible unforeseen effects of human activities carried on both within and outside the Antarctic Treaty area on the Antarctic environment and its dependent and associated ecosystems.

ARTICLE 3.

RELATIONSHIP WITH OTHER COMPONENTS OF THE ANTARCTIC TREATY SYSTEM

1. This Protocol shall supplement the Antarctic Treaty and shall neither modify nor amend that Treaty.
2. Nothing in this Protocol shall derogate from the rights and obligations of the Parties to other international instruments in force within the Antarctic Treaty System.

ARTICLE 4.

CONSISTENCY WITH THE OTHER COMPONENTS OF THE ANTARCTIC TREATY SYSTEM

The Contracting Parties shall consult and cooperate with the Contracting Parties to the other international instruments in force within the Antarctic Treaty System and their respective institutions with a view to ensuring the achievement of the objectives and principles of this Protocol and avoiding

any interference with the achievement of the objectives and principles of those instruments or any inconsistency between the measures in effect pursuant to those instruments and this Protocol.

ARTICLE 5.

COOPERATION

1. The Contracting Parties shall cooperate in the planning and conduct of activities in Antarctica. To this end, they shall:

- a) endeavour, where appropriate, to undertake joint expeditions and to share stations and facilities in Antarctica;
- b) where practicable, assist other Contracting Parties in the establishment of scientific research programs in Antarctica;
- c) consult with regard to the choice of the sites of prospective stations and facilities;
- d) avoid an undue concentration of stations and facilities in any one locality in the Antarctic Treaty Area; and
- e) carry out such other steps as may be agreed upon at Antarctic Treaty Consultative Meetings.

2. The Contracting Parties shall seek to cooperate with those Contracting Parties which may exercise jurisdiction in areas adjacent to the area of application of the Antarctic Treaty with a view to ensuring that human activities in Antarctica do not have adverse impacts on such areas.

ARTICLE 6.

PROHIBITION OF MINERAL RESOURCE ACTIVITIES

Any activities relating to mineral resources, other than scientific research, shall be prohibited...

ARTICLE 7.

ENVIRONMENTAL IMPACT ASSESSMENT

In accordance with Article 2(d), human activities in Antarctica shall be subject to the procedures for the prior assessment of their environmental impacts set forth in [Annex...] [Articles ...to ... below].

Note: This Article will need to be expanded in light of the work of Working Group 2.

ARTICLE 8.

ANNEXES

1. Annexes I - () to this Protocol, and any additional Annex which may be added thereto, shall form an integral part of this Protocol.

2. Annexes to this Protocol, additional to Annexes I - (), may be adopted and approved in accordance with Article IX of the Antarctic Treaty, provided that any such additional Annex may itself make provision regarding procedures for the accelerated entry into force of amendments or modifications thereto.

3. Annexes I - () to this Protocol, and any additional Annex adopted pursuant to paragraph (2) above shall, insofar as each such Annex specifies, be subject to the procedure for dispute settlement set forth in Articles 16 to 18 of this Protocol.

4. This Article is without prejudice to the legal status of measures which may be approved under Article IX, paragraph 4 of the Treaty but which do not amend or supplement the Annexes to this Protocol.

ARTICLE 9.

ANTARCTIC TREATY CONSULTATIVE MEETINGS

The Antarctic Treaty Consultative Meeting referred to in Article IX of the Antarctic Treaty shall, drawing upon the best scientific and technical advice available, in particular that provided by the Scientific Committee on Antarctic Research, and on the advice of the Committee for Environmental Protection:

- a) define the general policy for the protection of the Antarctic Environment and its dependent and associated ecosystems; and
- b) adopt such measures as are necessary for the implementation of this Protocol and additional Annexes.

ARTICLE 10.

COMMITTEE FOR ENVIRONMENTAL PROTECTION

1. The Antarctic Treaty Consultative Meeting shall establish a Committee for Environmental Protection (hereinafter referred to as the «Committee»).

2. The functions of the Committee shall be to provide advice and formulate recommendations to the Contracting Parties in connection with the implementation of this Protocol and the operation of its Annexes for consideration at Antarctic Treaty Consultative Meetings, and to perform such other functions as may be delegated to it by the Antarctic Treaty Consultative Meetings. In particular, it shall provide advice on:

- a) the effectiveness of measures taken pursuant to this Protocol and its Annexes;
- b) the need to update, strengthen or otherwise improve such measures;
- c) the need for additional measures, including the need for additional Annexes, where appropriate;
- d) the need for scientific research, including environmental monitoring, related to the implementation of this Protocol and its Annexes; and
- e) the establishment and maintenance of an information and data base for the effective implementation, revision and extension of the provisions of this Protocol and its Annexes.

3. Each Contracting Party shall be entitled to be a member of the Committee and to appoint a representative with suitable qualifications who may be accompanied by other experts and advisers.

4. Observer Status in the Committee shall be open to any Contracting Party to the Antarctic Treaty which is not a Party to this Protocol.

5. The Committee shall invite the Scientific Committee on Antarctic Research and the Scientific Committee for the Conservation of Antarctic Marine Living Resources to participate as observers at its meetings. The Committee may also, with the approval of the Antarctic Treaty Consultative Meeting, invite such other relevant technical and scientific organization which could contribute to its work, to participate as observers.

6. In carrying out its functions, the Committee shall have regard to the work of the Scientific Committee on Antarctic Research, the Scientific Committee for the Conservation of Antarctic Marine Living Resources and other relevant technical and scientific organizations and to scientific activities, including environmental monitoring, bearing upon the Antarctic environment and dependent and associated ecosystems. To that end, the Scientific Committee on Antarctic Research, the Scientific Committee for the Conservation of Antarctic Marine Living Resources and other relevant technical and scientific organizations shall be invited to present their views and to comment upon proposals within their competence put forward by the Committee. Such comments shall be presented together with the report from the Committee.

7. The Committee shall present a report on each of its meetings to the Antarctic Treaty Consultative Meeting. The report shall cover all matters considered at the meeting and shall reflect all the views expressed by members of the Committee. The report shall be circulated to all Contracting Parties and to observers attending the meeting, and shall thereupon be made publicly available.

8. The Committee shall adopt its rules of procedure which shall be subject to approval by the Consultative Meeting.

ARTICLE 11. COMPLIANCE

1. Each Contracting Party shall take appropriate measures within its competence to ensure compliance with this Protocol and its Annexes.

2. To this end, each Contracting Party shall adopt laws and regulations or take administrative actions and take enforcement measures which are, within the framework of its legal system, appropriate:

- a) for ensuring compliance with this Protocol and its Annexes; and
- b) in respect of the principles in Article 2, for ensuring that activities for which it is obliged to provide advance notice in accordance with Article VII, paragraph 5 of the Antarctic Treaty take place in a manner consistent with those principles.

3. Each Contracting Party shall exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity contrary to this Protocol and its Annexes.

4. Each Contracting Party shall notify all other Contracting Parties of the measures it takes pursuant to paragraphs 1, 2 and 3 above.

5. Each Contracting Party shall draw the attention of all other Contracting Parties to any activity which in its opinion affects the implementation of the objectives and principles of this Protocol.

6. The Antarctic Treaty Consultative Parties at Consultative Meetings shall draw the attention of any State which is not a Contracting Party to this Protocol to any activity undertaken by that State, its agencies, instrumentalities, natural or juridical persons, ships, aircraft or other means of transportation which, in the opinion of the Antarctic Treaty Consultative Parties, affects the implementation of the objectives and principles of this Protocol.

ARTICLE 12. INSPECTION

1. In order to promote the protection of the Antarctic environment and dependent and associated ecosystems, and to ensure compliance with this Protocol and its Annexes, the Antarctic Treaty Consultative Parties shall arrange, individually or collectively, for inspections to be made in accordance with Article VII of the Antarctic Treaty.
2. Contracting Parties shall cooperate fully with observers undertaking inspections, and shall ensure that during inspections, observers are given access to all parts of stations, installations, equipment, ships and aircraft open to inspection under Article VII, paragraph 3 of the Antarctic Treaty, as well as to all records maintained thereon which are called for pursuant to this Protocol and its Annexes.
3. Reports of inspections shall be sent to the Contracting Parties whose stations, installations, equipment, ships or aircraft are covered by the reports. After those Contracting Parties have been given the opportunity to comment, the reports shall be circulated to all the Contracting Parties, be considered at the next Antarctic Treaty Consultative Meeting, and thereafter be made publicly available.
4. The Antarctic Treaty Consultative Parties shall take measures to ensure the effective implementation of this Article.

ARTICLES 13. RESPONSE ACTION

1. Each Contracting Party shall ensure, in accordance with Article 2, paragraph d) vi), prompt and effective response to accidents, particularly those with potential environmental effects, including prevention, containment, clean-up, removal and, if necessary, restoration measures.
2. Each Contracting Party shall develop contingency plans for such response in emergency situations. To this end, they shall:
 - a) where appropriate, cooperate in the formulation and implementation of such plans; and
 - b) draw on the advice of the appropriate international organizations.

ARTICLE 14. LIABILITY

In accordance with the principles of international law regarding State responsibility for damage to the environment the Contracting Parties undertake to develop procedures for the assessment of liability for damages resulting from human activities in Antarctica.

ARTICLE 15. ANNUAL REPORT BY CONTRACTING PARTIES.

1. Each Contracting Party shall each year make a report on the manner in which it has given effect to this Protocol. Such reports shall include notifications made in accordance with Article 11 (4) of this Protocol, as well as any other notifications and information called for pursuant to this Protocol and its Annexes.

2. Reports made in accordance with paragraph 1 above shall be circulated to all Contracting Parties, be considered at the next Antarctic Treaty Consultative Meeting, and be made publicly available.

ARTICLE 16.

PROCEDURE FOR DISPUTE SETTLEMENT

If a dispute arises concerning the interpretation or application of the provisions of this Protocol or of any Annex thereto, the parties to the dispute shall, at the request of any one of them, consult among themselves as soon as possible with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means to which the parties to the dispute agree.

ARTICLE 17.

CHOICE OF DISPUTE SETTLEMENT PROCEDURE CONCERNING ANNEXES TO THIS PROTOCOL

1. Each Contracting Party, when signing, ratifying, accepting, approving or acceding to this Protocol, or at any time thereafter, may choose, by written declaration, one or both of the following means for the settlement of disputes concerning the interpretation or application of those provisions of Annexes I -(), or any additional Annex to this Protocol, specified in accordance with Article 8 (3) above:

- a) the International Court of Justice;
- b) the Arbitral Tribunal established in accordance with the Schedule to this Protocol (hereinafter referred to as «the Arbitral Tribunal»).

2. A declaration made under paragraph 1 above shall not affect the operation of Article 16 and Article 18 (3) of this Protocol.

3. A Contracting Party that has not made a declaration under paragraph 1 above or in respect of which a declaration is no longer in force shall be deemed to have accepted the competence of the Arbitral Tribunal.

4. If the parties to a dispute have accepted the same means for the settlement of a dispute, the dispute may be submitted only to that procedure, unless the parties otherwise agree.

5. If the parties to a dispute have not accepted the same means for the settlement of a dispute, or if they have both accepted both means, the dispute may be submitted only to the Arbitral Tribunal, unless the parties otherwise agree.

6. A declaration made under paragraph 1 above shall remain in force until it expires in accordance with its terms or until three months after written notice of revocation has been deposited with the Depositary.

7. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the Arbitral Tribunal, unless the parties to the dispute otherwise agree.

8. Declarations and notices referred to in this Article shall be deposited with the Depositary who shall transmit copies thereof to all Contracting Parties.

ARTICLE 18.
DISPUTE SETTLEMENT PROCEDURE CONCERNING
ANNEXES TO THIS PROTOCOL

1. If the parties to a dispute concerning the interpretation or application of those provisions of Annexes I - () or any additional Annex to this Protocol, specified in accordance with Article 8 (3) above, have not agreed on a means for resolving it within 12 months of the request for consultation pursuant to Article 16 above, the dispute shall be referred, at the request of any party to the dispute, for settlement in accordance with the procedure determined by the operation of Article 17 (4) and (5) of this Protocol.
2. The competence of the International Court of Justice or the Arbitral Tribunal in respect of a dispute referred to in paragraph 1 above shall extend to:
 - a) the interpretation of the provision or provisions of the Annex concerned; and
 - b) the existence of any fact which, if established, would constitute a breach of a Contracting Party's obligations under the provision or provisions of the Annex concerned.
3. The Arbitral Tribunal shall not be competent to decide or rule upon any matter within the scope of Article IV of the Antarctic Treaty. In addition, nothing in this Protocol shall be interpreted as conferring competence or jurisdiction on the International Court of Justice or any other tribunal established for the purpose of settling disputes between Contracting Parties to decide or otherwise rule upon any matter within the scope of the said Article IV.

ARTICLE 19.
SIGNATURE

This Protocol shall be open for signature at...until... by any State which is a Contracting Party to the Antarctic Treaty

ARTICLE 20.
RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. This Protocol is subject to ratification, acceptance or approval by Signatory States.
2. After... this Protocol shall open for accession by any State which is a Contracting Party to the Antarctic Treaty.
3. Instruments of ratification, acceptance, approval or accession shall be deposited with the Government of the United States of America, hereby designated as the Depository.
4. After the date on which this Protocol is adopted, the Consultative Parties shall not act upon a notification regarding consultative status from a Contracting Party to the Antarctic Treaty unless it has first become a Contracting Party to this Protocol.

ARTICLE 21.
ENTRY INTO FORCE

1. This Protocol shall enter into force on the thirtieth day following the date of deposit of instruments of ratification, acceptance, approval or accession by all States which are Consultative Parties at the date on which this Protocol is adopted.

2. For each Contracting Party to the Antarctic Treaty which, subsequent to the date of entry into force of this Protocol, deposits an instrument of ratification, acceptance, approval or accession, this Protocol shall enter into force on the thirtieth day following such deposit.

**ARTICLE 22.
RESERVATIONS**

Reservations to this Protocol shall not be permitted.

**ARTICLE 23.
MODIFICATION OR AMENDMENT**

Except for the adoption and modification of Annexes in accordance with Article 8 of this Protocol, Article XII of the Antarctic Treaty shall apply to this Protocol as it applies to the Antarctic Treaty.

Note: This Article might need to be reviewed in light of the outcome of the discussion on Article 6.

**ARTICLE 24.
NOTIFICATIONS BY THE DEPOSITARY**

The Depositary shall notify all Contracting Parties to the Antarctic Treaty of the following:

- a) signatures of this Protocol and the deposit of instruments of ratification, acceptance, approval or accession;
- b) the date of entry into force of this Protocol and of any modification or amendment thereto;
- c) the deposit of declarations and notices pursuant to Article 17 of this Protocol.

**ARTICLE 25.
AUTHENTIC TEXTS AND REGISTRATION WITH
THE UNITED NATIONS**

1. This Protocol, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Government of all Signatory States.

2. This Protocol shall be registered by the Depositary pursuant to Article 102 of the Charter of The United Nations.

SCHEDULE TO THE PROTOCOL

ARBITRATION

Article 1

The Arbitral Tribunal shall be constituted and shall function in accordance with this Protocol, including this Schedule.

Article 2

1. Each Contracting Party shall be entitled to designate up to three Arbitrators, at least one of whom shall be designated within three months of the entry into force of this Protocol for that Contracting Party. Each Arbitrator shall be experienced in Antarctic affairs, with knowledge of international law and enjoying the highest reputation for fairness, competence and integrity. The names of the persons so designated shall constitute the list of Arbitrators. Each Contracting Party shall at all times maintain the name of at least one Arbitrator on the list.

2. Subject to paragraph (3) below, an Arbitrator designated by a Contracting Party shall remain on the list for a period of five years and shall be eligible for redesignation by that Contracting Party for additional five year periods.

3. A Contracting Party which designated an Arbitrator may withdraw the name of that Arbitrator from the list. If an Arbitrator dies or if a Contracting Party for any reason withdraws from the list the name of an Arbitrator designated by it, the Contracting Party which designated the Arbitrator in question shall notify the Secretary promptly. An Arbitrator whose name is withdrawn from the list shall continue to serve on any Arbitral Tribunal to which that Arbitrator has been appointed until the completion of proceedings before the Arbitral Tribunal.

4. The Secretary shall ensure that an up-to-date list is maintained of the Arbitrators designated pursuant to this Article.

Article 3

1. The Arbitral Tribunal shall be composed of three Arbitrators who shall be appointed as follows:

- a) The party to the dispute commencing the proceedings shall appoint one Arbitrator, who may be its national, from the list referred to in Article 2 of this Schedule. This appointment shall be included in the notification referred to in Article 4 of this Schedule.
- b) Within 40 days of the receipt of that notification, the other party to the dispute shall appoint the second Arbitrator, who may be its national, from the list referred to in Article 2 of this Schedule.
- c) Within 60 days of the appointment of the second Arbitrator, the parties to the dispute shall appoint by agreement the third Arbitrator from the list referred to in Article 2 of this Schedule. The third Arbitrator shall not be either a national of, or a person designated by, a party to the dispute, or of the same nationality as either of the first two Arbitrators. The third Arbitrator shall be the Chairperson of the Arbitral Tribunal.
- d) If the second Arbitrator has not been appointed within the prescribed period, or if the parties to the dispute have not reached agreement within the prescribed period on the appointment of the third Arbitrator, the Arbitrator or Arbitrators shall be appointed, at

the request of any party to the dispute and within 30 days of the receipt of such request, by the President of the International Court of Justice from the list referred to in Article 2 of this Schedule and subject to the conditions prescribed in subparagraphs (b) and (c) above. In performing the functions accorded him or her in this subparagraph, the President of the court shall consult the parties to the dispute.

- e) If the President of the International Court of Justice is unable to perform the functions accorded him or her in subparagraph (d) above or is a national of a party to the dispute, the functions shall be performed by the Vice-President of the Court, except that if the Vice-President is unable to perform the functions or is a national of a party to the dispute the functions shall be performed by the next most senior member of the Court who is available and is not a national of a party to the dispute.

2. Any vacancy shall be filled in the manner prescribed for the initial appointment.
3. In any dispute involving more than two Contracting Parties, those Parties having the same interest shall appoint one Arbitrator by agreement within the period specified in paragraph (1) (b) above.

Article 4

The party to the dispute commencing proceedings shall so notify the other party or parties to the dispute and the Secretary in writing. Such notifications shall include a statement of the claim and the grounds on which it is based. The notification shall be transmitted by the Secretary to all Contracting Parties.

Article 5

1. Unless the parties to the dispute agree otherwise, arbitration shall take place at , where the records of the Arbitral Tribunal shall be kept. The Arbitral Tribunal shall adopt its own rules of procedure. Such rules shall ensure that each party to the dispute has a full opportunity to be heard and to present its case and shall also ensure that the proceedings are conducted expeditiously.

2. The Arbitral Tribunal may hear and decide counterclaims arising out of the dispute.

Article 6

1. The Arbitral Tribunal, where it considers that prima facie it has jurisdiction under this Protocol, may:

- a) at the request of any party to a dispute, indicate such provisional measures as it considers necessary to preserve the respective rights of the parties to the dispute;
- b) prescribe any provisional measures which it considers appropriate under the circumstances to prevent serious harm to the Antarctic environment or dependent or associated ecosystems.

2. The parties to the dispute shall comply promptly with any provisional measures prescribed under paragraph (1) (b) above pending an award under Article 9 of this Schedule.

3. Notwithstanding Article 18 (1) and (2) of this Protocol, a party to a dispute may at any time, by notification to the other party or parties to the dispute and to the Secretary in accordance with Article 4 of this Schedule, request that the Arbitral Tribunal be constituted as a matter of exceptional urgency to indicate or prescribe emergency provisional measures in accordance with this Article. In such case, the Arbitral Tribunal shall be constituted as soon as possible in accordance with Article 3 of this Schedule, except that the time periods in Article 3 (1) (b), (c) and (d) shall be reduced to 14

days in each case. The Arbitral Tribunal shall decide upon the request for emergency provisional measures within two months of the appointment of its Chairperson.

4. Following a decision by the Arbitral Tribunal upon a request for emergency provisional measures in accordance with paragraph (3) above, settlement of the dispute shall proceed in accordance with Articles 16 and 17 of this Protocol.

Article 7

Any Contracting Party which believes it has a legal interest, whether general or individual, which may be substantially affected by the award of an Arbitral Tribunal, may unless the Arbitral Tribunal decides otherwise, intervene in the proceedings.

Article 8

The parties to the dispute shall facilitate the work of the Arbitral Tribunal and, in particular, in accordance with their law and using all means at their disposal, shall provide it with all relevant documents and information, and enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 9

If one of the parties to the dispute does not appear before the Arbitral Tribunal or fails to defend its case, any other party to the dispute may request the Arbitral Tribunal to continue the proceedings and make its award.

Article 10

1. The Arbitral Tribunal shall decide, on the basis of this Protocol, and other rules of law not incompatible with it, such disputes as are submitted to it.
2. The Arbitral Tribunal may decide, ex aequo et bono, a dispute submitted to it, if the parties to the dispute so agree.

Article 11

1. Before making its award, the Arbitral Tribunal shall satisfy itself that it has competence in respect of the dispute and that the claim or counterclaim is well founded in fact and law.
2. The award shall be accompanied by a statement of reasons for the decision and shall be communicated to the Secretary who shall transmit it to all Contracting Parties.
3. The award shall be final and binding on the parties to the dispute and on any Contracting Party which intervened in the proceedings and shall be complied with without delay. The Arbitral Tribunal shall interpret the award at the request of a party to the dispute or of any intervening Contracting Party.
4. The award shall have no binding force except in respect of that particular case.
5. Unless the Arbitral Tribunal decides otherwise, the expenses of the Arbitral Tribunal, including the remuneration of this Arbitrators, shall be borne by the parties to the dispute in equal shares.

Article 12

All decisions of the Arbitral Tribunal, including those referred to in Article 5, 6 and 11 of this Schedule, shall be made by a majority of the Arbitrators who may not abstain from voting.

ANNEX F

APPENDIX I
[INSTRUMENT]
ON MARINE POLLUTION

ARTICLE 1
AREA OF APPLICATION

This [instrument] shall apply to the sea area south of 60 degrees south latitude [and to the area between that latitude and the Antarctic Convergence as defined in Article 1 of the Convention on the Conservation of Marine Living Resources].

ARTICLE 2
DEFINITION OF SHIPS

This [instrument] applies to ships, meaning a vessel of any type whatsoever operating in the marine environment, including hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

ARTICLE 3
DISCHARGES OF OIL

1. For purposes of this article:

- a) «Oil» means petroleum in any form, including but not limited to crude oil, fuel oil, sludge, oil refuse, and refined oil products except petrochemicals the discharge of which is addressed in Article 4.
- b) «Oily mixture» means a mixture with any oil content.

2. Any discharge into the sea of oil or oily mixture from any oil tanker or any ship of 400 tons gross tonnage and above other than an oil tanker shall be prohibited. Such ships shall retain on board all oil drainage and sludge, dirty ballast, and tank washing waters and discharge them only at reception facilities outside of the Antarctic Treaty.

3. Any discharge into the sea of oil or oily mixture from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited, except when the oil content of the effluent without dilution does not exceed 15 parts per million.

4. No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Article.

5. The oil residues which cannot be discharged into the sea in compliance with paragraph (3) above shall be retained on board and discharged at reception facilities outside the Antarctic Treaty area.

6. The provisions of this article shall not apply to the discharge of clean or segregated ballast.

7. This article shall not apply to:

- a) the discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea;
- b) the discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment:
 - i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge; and

- ii) except if the owner or master acted either with intent to cause damage or recklessly and with the knowledge that damage would probably result; or
- c) the discharge into the sea of substances containing oil which are being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.

8. Each Contracting Party shall take appropriate measures with respect to ships entitled to fly its flag, and any other ship engaged in or supporting that Contracting Party's Antarctic operations, to implement the requirements of this article, including requirement of the use of oil discharge control systems, oily water separating equipment, oil record books, and other monitoring methods.

9. Each Contracting Party to this [instrument]:

- a) at whose ports ships depart en route to or arrive from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all sludge, dirty ballast, tank washing water, and other oily residues and mixtures from all ships, without causing undue delay, and according to the needs of the ships using them; and
- b) shall undertake to ensure that all ships entitled to fly its flag, before entering Antarctic area, are fitted with a tank or tanks of sufficient capacity on board for the retention of all sludge, dirty ballast, tank washing water and other oily residues and mixtures while operating in the area and have concluded arrangements to discharge such oily residues at a reception facility after leaving the area.

10. Contracting Parties operating ships which depart to or arrive from the Antarctic Treaty area at ports of other Contracting Parties shall consult with such Contracting Parties with a view to ensuring that the establishment of port reception facilities does not place an inequitable burden on Contracting Parties adjacent to the Antarctic Treaty area.

ARTICLE 4

NOXIOUS LIQUID SUBSTANCES

Noxious liquid substances, including petrochemicals, which are regulated by Annex II of the International Convention for the Prevention of Pollution of Ships, 1973, as amended by the Protocol of 1978, (MARPOL 73/78) shall only be discharged in accordance with the standards of that Annex, or in accordance with national standards that are no less stringent.

ARTICLE 5

DISPOSAL OF GARBAGE AND SEWAGE

1. The provisions of this Article apply to all ships.
2. The disposal into the sea of all plastics including but not limited to synthetic ropes, synthetic fishing nets, and plastic garbage bags, is prohibited.
3. The disposal into the sea of all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, incineration ash, lining and packing materials, is prohibited.
4. The discharge into the sea of untreated sewage within 12 nautical miles of land or ice shelves is prohibited. The discharge of treated sewage within 12 nautical miles of land or ice shelves

shall be prohibited, except for ships engaged in or supporting the Antarctic operations of Contracting Parties, though such ships should in all cases comply with this restriction where practicable. Beyond such distance, sewage stored in a holding tank shall not be discharged instantaneously, but shall be discharged at a moderate rate of speed and, where practicable, while the ship is en route at a speed of no less than four knots.

5. The disposal into the sea of food wastes may be permitted when they have passed through a comminuter or grinder, provided that such disposal shall be made as far as practicable from land or ice shelves but in any case not less than 12 nautical miles from the nearest land or ice shelf.

6. Notwithstanding paragraphs (4) and (5), above, the restrictions on sewage and food wastes shall not apply to vessels certified to carry fewer than 11 persons, though such vessels should in all cases comply with those restrictions where practicable.

7. When a substance or material covered by this article is mixed with other substance or material for this discharge or disposal, having different disposal or discharge requirements; the most stringent disposal or discharge requirements shall apply.

8. The provisions of paragraphs 2), 3), 4), and 5) above shall not apply to:

- a) the disposal of garbage or sewage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or
- b) the escape of garbage or sewage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken, before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or
- c) the accidental loss of synthetic fishing nets, provided all reasonable precautions have been taken to prevent such loss.

9. Each Contracting Party shall take appropriate measures with respect to ships entitled to fly its flag and any other ship engaged in or supporting that Contracting Party's Antarctic operations, to implement the requirements of this article, including requirements of the use of garbage or sewage record books, and other monitoring methods.

10. The Government of each Party to this [legal instrument]:

- a) at whose ports ships depart en route to or arrive from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all garbage from all ships, without causing undue delay, and according to the needs of the ships using them; and
- b) shall undertake to ensure that all ships entitled to fly its flag, before entering the Antarctic area, have sufficient capacity on board for the retention of all garbage while operating in the area and have concluded arrangements to discharge such garbage at a reception facility after leaving the area.

2. Contracting Parties operating ships which depart to or arrive from the Antarctic Treaty area at ports of other Contracting Parties shall consult with such Contracting Parties with a view to ensuring that the establishment of port reception facilities does not place an inequitable burden on Contracting Parties adjacent to the Antarctic Treaty area.

ARTICLE 6

EFFECT ON DEPENDENT AND ASSOCIATED ECOSYSTEMS

In implementing the provisions of this [instrument], due consideration shall be given to the need to avoid detrimental effects on dependent and associated ecosystems outside of the area of the Antarctic Treaty.

ARTICLE 7

COMPLIANCE WITH STANDARDS ESTABLISHED IN THIS [INSTRUMENT] AND IN OTHER RELEVANT CONVENTIONS

1. Each Contracting Party agrees to take appropriate measures necessary to ensure compliance, within the area to which this [instrument] applies, with the standards established in the relevant provisions of the following conventions:

- a) the Convention on the Prevention of Marine Pollution by Dumping of Waster and Other Matter, 1972 (the London Dumping Convention);
- b) the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto, with Annexes, I, II, III, IV and V (MARPOL 73/78);
- c) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers with Annex, 1978 (the STCW Convention);
- d) the International Convention for the Safety of Life at Sea, 1974, the Protocol of 1978 relating thereto (SOLAS);
- e) the International Convention on Load Lines, 1966 (the Load Lines Convention); and
- f) the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS).

2. With respect to this [instrument]

- a) Without prejudice to sovereign immunity of warships, naval auxiliaries and other state-owned or state-operated vessels used, for the time being, only on government non-commercial service, each Contracting Party shall adopt and enforce measures consistent with this [instrument] and with the conventions listed in paragraph (1) above, so far as they are practicable, in that they do not impair operations and operation capabilities, for vessels enjoying sovereign immunity engaged in or supporting Antarctic operations.
- b) In applying sub-paragraph (a), each Contracting Party should take account of the importance of protecting the Antarctic environment.
- c) [Each Contracting Party shall inform the other Contracting Parties on how it implements this provision.]

ARTICLE 8

DESIGN, CONSTRUCTION, MANNING AND EQUIPMENT OF SHIPS

In the design, construction, manning and equipment of ships engaged in or supporting Antarctic operations, each Contracting Party shall take into account the obligations contained in this [instrument].

ARTICLE 9

[MARINE POLLUTION PREPAREDNESS AND RESPONSE]

1. In order to respond more effectively to marine pollution emergencies in the Antarctic Area the Contracting Parties agree to establish contingency plans for marine pollution response in Antarctica, including contingency plans for ships operating in the Antarctic Treaty area, particularly ships carrying oil as cargo and for oil spills originating from coastal installations which enter into the marine environment. To this end they shall:

- a) cooperate in the formulation and implementation of such plans; and
- b) draw on the advice of IMO and other international organizations.

2. The Contracting Parties shall also establish procedures for cooperative response to pollution emergencies and shall take appropriate response actions in accordance with such procedures.

[ARTICLE 10]

[LIABILITY, INSURANCE AND PENALTIES]

[ARTICLE 11]

[REVIEW]

1. The Contracting Parties shall keep under continuing review measures to reduce, prevent, and respond to pollution of the Antarctic marine environment.

2. As part of such review, they shall expeditiously examine amendments and new regulations adopted under the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 (MARPOL 73/78), with a view towards ensuring compatibility, where appropriate.

[ARTICLE 12]

[SETTLEMENT OF DISPUTES]

1. The provisions of this [instrument], except for Article 7 (1), shall be subject to the dispute settlement procedures of Articles [] of this [instrument].

2. A dispute between Contracting Parties concerning compliance with the standards established in those other conventions listed in Article 7 (1) shall be governed by the provisions of such convention applicable among the parties to the dispute. Such disputes shall not be subject to the dispute settlement provisions of Article [] of this [instrument].

[ARTICLE 13]

[AMENDMENT OR MODIFICATION]

1. In accordance with Article [] of this [instrument], this Article provides the procedure for amendment or modification of this [instrument].

2. This [instrument] may be amended or modified by a measure adopted in accordance with Article 9 (1) of the Antarctic Treaty. Unless the measure specifies otherwise, such amendment or modification shall be deemed to have been approved, and shall enter into force, one year after the

close of the meeting at which it was adopted, unless one or more of the Contracting Parties entitled to participate in the meeting held to consider such measure notifies the Depositary Government, within that time period, that it is unable to approve the measure.

3. Any amendment or modification of this [instrument] which enters into force in accordance with paragraph (2), above, shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the Depositary Government.

ANNEX F
APPENDIX II
WASTE DISPOSAL AND WASTE MANAGEMENT

ARTICLE 1.

GENERAL OBLIGATIONS

1. The amount of wastes produced or disposed of in the Antarctic Treaty Area (the «Area») shall be reduced as far as practicable so as to minimize impact on the Antarctic environment and to minimize interference with the natural values of Antarctica, with scientific research and with other uses of Antarctica which are consistent with the Antarctic Treaty.
2. Waste storage, disposal and removal from the Area shall be essential considerations in the planning and conduct of activities in the Area.
3. Wastes removed from the Area shall, to the maximum extent practicable, be returned to the country from which the activities were organized or to any other country in which arrangements have been made for the disposal of such wastes in accordance with relevant international agreements.
4. Past and present waste disposal sites on land and abandoned work sites of Antarctic activities shall be cleaned up by the generator of such wastes and the user of such sites respectively, provided that the obligation to clean up abandoned work sites shall not be interpreted as requiring the removal of any structure designated as a historic site or monument.

ARTICLE 2.

WASTE DISPOSAL BY REMOVAL FROM ANTARCTICA

1. The following wastes shall be removed by the generators of such wastes from the Area:
 - a) radio-active materials;
 - b) electrical batteries (including lead/acid, dry cell and other types);
 - c) fuel, both liquid and solid;
 - d) wastes containing harmful persistent compounds or harmful levels of heavy metals;
 - e) poly-vinyl chloride (PVC), polyurethane foam, polystyrene foam, rubber and lubricating oils, treated timbers and other products which contain additives that could produce harmful emissions;
 - f) all other plastic wastes, except low density polyethylene containers (such as bags for storing wastes to be incinerated), provided that such containers shall, subject to Article 3 (2), be incinerated in equipment which neutralizes the harmful emissions that would otherwise be produced;
 - g) solid, non-combustible wastes; and
 - h) fuel drums, provided that the obligation to remove solid non-combustible wastes and drums contained in subparagraphs g) and h) above shall not apply in circumstances where the removal of such wastes would cause greater environmental disturbance than would result from leaving them in their existing locations.
2. Liquid wastes, other than wastes described in paragraph 1 above and sewage and domestic liquid wastes, shall, to the maximum extent practicable, be removed by the generators of such wastes from the Area.
3. The following wastes shall be removed by the generators of such wastes from the Area, unless incinerated, autoclaved or otherwise treated to be made sterile:

- a) residues of introduced animal carcasses;
- b) laboratory culture of micro-organisms and plant pathogens; and
- c) introduced avian products.

ARTICLE 3.

WASTE DISPOSAL BY INCINERATION

1. Subject to paragraph 2 below, combustible wastes not removed from the Area shall be burnt in incinerators which reduce harmful emissions to the maximum extent practicable, taking into account any emission standards and equipment guidelines prepared by the Scientific Committee on Antarctic Research [and/or the [Advisory Committee/Standing Committee]]. The solid residue of such incineration shall be removed from the Area.
2. All open burning of wastes shall be phased out as soon as practicable but no later than the end of the 1998/1999 season. Pending the completion of such phase-out, when it is necessary to dispose of wastes by open burning, allowance shall be made for the wind and type of wastes to be burnt to limit particulate deposition and to avoid such deposition over areas of special biological, scientific, historic, aesthetic or wilderness significance including, in particular, areas accorded protection under the Antarctic Treaty.

ARTICLE 4.

OTHER WASTE DISPOSAL ON LAND

1. Wastes not removed or disposed of in accordance with Articles 2 and 3 shall not be disposed of onto ice-free areas or into fresh water systems.
2. Sewage, domestic liquid wastes and other liquid wastes not removed from the Area in accordance with Article 2, shall, to the maximum extent practicable, not be disposed of onto sea ice, ice shelves or the grounded ice-sheet; provided that such wastes which are generated by stations located inland on ice shelves or on the grounded ice-sheet may be disposed of in deep ice pits where such disposal is the only practicable option. Such pits shall not be located on known ice-flow lines which terminate at ice-free areas or in areas of high ablation.
3. Wastes generated at field camps shall, to the maximum extent practicable, be removed by the generators of such wastes to supporting stations, bases or vessels for disposal in accordance with this [instrument].

ARTICLE 5.

WASTE DISPOSAL FROM LAND INTO THE SEA.

1. Sewage and domestic liquid wastes may be discharged directly into the sea, provided that:
 - a) such discharge is located, wherever practicable, where conditions exist for rapid dispersal; and
 - b) large quantities of such wastes (generated in a station where the average weekly occupancy over the austral summer is approximately 30 individuals or more) shall be treated at least by maceration.
2. The by-product of sewage treatment by the Rotary Biological Contacter process or similar processes may be disposed of into the sea provided that such disposal does not adversely affect the local environment, and provided also that any such disposal at sea shall be in accordance with the

Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972 (the London Dumping Convention).

ARTICLE 6.

STORAGE OF WASTE

All wastes to be removed from the Area, or otherwise disposed of, shall be stored in such a way as to prevent their dispersal into the environment.

ARTICLE 7.

PROHIBITED PRODUCTS

No pesticides (other than those required for medical purposes in Antarctica or for maintaining hygiene on board vessels and aircrafts), polychlorinated biphenyls (PCBs), non-sterile soil, or polystyrene beads, chips or similar forms of packaging shall be introduced onto land or ice shelves or into water in the Area.

ARTICLE 8.

WASTE MANAGEMENT PLANNING

In order to facilitate sound management practices, including the implementation of this [instrument], each Contracting Party conducting activities in Antarctica shall:

1. Establish a waste disposal classification as a basis for recording wastes and to facilitate studies aimed at evaluating the environmental impacts of operational and scientific activity. Wastes produced shall be classified as sewage and domestic liquid wastes (Group 1); other liquid wastes and chemicals, including fuels and lubricants (Group 2); solids to be combusted (Group 3); other solid wastes (Group 4); and radioactive materials (Group 5). Source classification codes, which represent individual processes or functions logically associated with points of waste creation, may be used in auditing studies;
2. Prepare and annually update:
 - a) plans for waste management (including waste reduction, storage and disposal), specifying for each fixed site, for field camps generally, and for each vessel (other small boats that are part of the operations of fixed sites or of vessels);
 - i. Programmes for cleaning up existing waste disposal sites and abandoned work sites;
 - ii. current and planned waste management arrangements;
 - iii. current and planned arrangements for analyzing the environmental effects of Antarctic waste and waste management systems; and
 - iv. other efforts to minimize any environmental effects of wastes and waste management;
 - b) an inventory of locations of past activities (such as traverses, fuel depots, field bases, crashed aircraft) as far as is practicable, before the information is lost, so that such locations can be taken into account in planning future scientific programmes (e.g. snow chemistry, pollutants in lichens, ice core drilling, etc);
3. Include the waste management plans prepared in accordance with this Article, and reports on their implementation, in the annual exchanges of information in accordance with Articles III and VII

of the Antarctic Treaty. The formats of such exchanges shall be determined by each Contracting Party pending development of standardized formats. They shall also exchange the inventories referred to in paragraph 2.b) above;

4. Designate a waste management official to develop and monitor waste management plans. In the field, this responsibility shall be delegated to an appropriate person at each site;

5. Ensure that members of their expeditions receive training designed to limit the impact of their operations on the Antarctic environment and to inform them of the requirements of this [instrument].

6. Discourage the use of poly-vinyl chloride (PVC) products and ensure that their expeditions to Antarctica are advised of any PVC products being provided in order that they may be removed subsequently from Antarctica in accordance with this [instrument]

ARTICLE 9:

CIRCULATION AND REVIEW OF WASTE MANAGEMENT PLANS

1. Each Contracting Party shall regularly review waste management plans in order to reduce further the impact of waste and waste disposal procedures on the Antarctic environment.

[2. Each Contracting Party shall send copies of waste management plans and reports on their implementation and review to the [Advisory Committee/Standing Committee.]]

[3. The [Advisory Committee/Standing Committee] may review waste management plans and reports thereon and may offer comments, including suggestions for minimizing impacts and modifications and improvements to the plans, for the consideration of the relevant Contracting Parties.]

ARTICLE 10.

REVIEW

This [instrument] shall be subject to regular review in order to ensure that it is updated to reflect improvements in waste disposal technology and procedures and to ensure thereby maximum protection for the Antarctic environment.

ARTICLE 11.

SAVINGS PROVISION

Each Contracting Party shall take immediate steps towards ensuring that the waste disposal measures that it applies in Antarctica are no less effective in affording protection to the environment than those it applies outside Antarctica. In addition, nothing in this [instrument] shall be interpreted as replacing national environmental standards or regulations applicable to Antarctic activities where such standards or regulations are stricter than those contained in this [instrument]; nor shall any provision in this [instrument] be interpreted as limiting any Contracting Party from adopting stricter standards or regulations within its competence.

[ARTICLE 12.

SETTLEMENT OF DISPUTES]

[Except as otherwise provided, the provisions of this [instrument] shall be subject to the dispute settlement procedures set out in Article [] of this [Protocol/Convention.]]

[ARTICLE 13.

AMENDMENT OR MODIFICATION]

[1. In accordance with Article [] of this [Protocol/Convention], this Article provides the procedure for amendment or modification of this [instrument].

2. This [instrument] may be amended or modified by a measure adopted in accordance with Article IX (1) of the Antarctic Treaty. Unless the measure specifies otherwise, such amendment or modification shall be deemed to have been approved, and shall enter into force, one year after the close of the meeting at which it was adopted, unless one or more of the Contracting Parties entitled to participate in the meeting held to consider such measure notifies the Depositary Government, within that time period, that it is unable to approve the amendment.

3. Any amendment or modification of this [instrument] which enters into force in accordance with paragraph 2 shall thereafter enter into force as to any Contracting Party when notice of ratification by it has been received by the Depositary Government.

ANNEX F

APPENDIX III

ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURES

ARTICLE 1
GENERAL OBLIGATIONS

1. Proposed activities shall be assessed prior to being undertaken to determine whether they will have an impact on the environment.
2. Each Contracting Party shall ensure that the assessment procedures set out in this [instrument] are applied in the planning processes leading to decisions about any activities undertaken in Antarctica pursuant to scientific research programs and other governmental operations in Antarctica, including associated logistic support activities, and all other activities in Antarctica [for which advance notice is required under Article VII(5) of the Antarctic Treaty] [undertaken by persons or organizations subject to their jurisdiction].
3. For the purposes of this [instrument], «activity» includes any significant change in an activity.

ARTICLE 2
INITIAL ENVIRONMENTAL EVALUATION

1. Unless an activity will have little or no impact on the environment, an Initial Environmental Evaluation shall be prepared. It shall contain sufficient detail to assess whether a proposed activity may have more than a minor or transitory impact on the environment [and whether the benefits of the activity are justifiable in terms of the impacts], and shall include a description of the proposed activity, its location and duration, the purposes to be served, consideration of any alternatives to the activity and any impacts that the activity may have on the environment, including consideration of cumulative impacts in the light of existing and known planned activities.
2. If an Initial Environmental Evaluation indicates that a proposed activity is likely to have no more than a minor or transitory impact on the environment, the activity may proceed, provided that appropriate procedures, which may include monitoring, are put in place to assess and verify the impact of the activity.
3. If an Initial Environmental Evaluation indicates that a proposed activity is likely to have more than a minor or transitory impact, a Comprehensive Environmental Evaluation shall be prepared in accordance with Article 3.
4. Each Contracting Party shall include in the annual exchange of information provided in accordance with Articles III and VII of the Antarctic Treaty and shall make publicly available, a list of any Initial Environmental Evaluations undertaken and any decisions relating thereto.

ARTICLE 3
COMPREHENSIVE ENVIRONMENTAL EVALUATION

1. A Comprehensive Environmental Evaluation shall include:
 - (a) a description of the proposed activity including its location, and possible alternatives to the activity, including the alternative of not proceeding, and the consequences thereof;
 - (b) a description of the initial environmental reference state with which predicted changes are to be compared and a prediction of the future environmental reference state in the absence of the proposed activity;

- (c) estimation of the nature, extent, duration, and intensity of the likely direct environmental impacts that could result from the proposed activity;
 - (d) consideration of possible indirect or second order impacts;
 - (e) consideration of cumulative impacts of the proposed activity in the light of existing activities and other known planned activities;
 - (f) identification of measures, including monitoring programs, that could be taken to minimize or mitigate impacts and to detect unforeseen impacts;
 - (g) identification of unavoidable impacts;
 - (h) evaluation of the significance of the predicted environmental impacts in relation to the advantages of the proposed activity;
 - (i) consideration of the effects on Antarctic research and on existing uses and values.
2. Before a decision is taken to proceed with the proposed activity [and at least 12 months before the proposed activity is planned to commence], the draft Comprehensive Environmental Evaluation shall be made publicly available and shall be circulated to all Contracting Parties for an opportunity to comment. [The draft Comprehensive Environmental Evaluation shall also be sent to the Secretariat for forwarding to the [Advisory Committee / Standing Committee.]] [[the draft Comprehensive Environmental Evaluation shall be included in the Annual Report called for in Article of this [Protocol / Convention.] A period of three months shall be allowed for the receipt of comments.
3. A final Comprehensive Environmental Evaluation shall address comments received on the draft Comprehensive Environmental Evaluation. The final Comprehensive Environmental Evaluation, and notice of any decision taken relating thereto, shall be circulated to all Contracting Parties and made publicly available upon completion [at least 60 days before commencement of the proposed activity].

ARTICLE 4

DECISIONS TO BE BASED ON COMPREHENSIVE ENVIRONMENTAL EVALUATIONS

1. Any decision on whether a proposed activity should proceed and, if so, in its original or in a modified form shall be based on the Comprehensive Environmental Evaluation as well as other relevant considerations.
- [2. Notwithstanding paragraph (1) above, if the preponderant view of the [Advisory Committee/ Standing Committee] is that the proposed activity is inconsistent with this [Protocol/Convention], including its principles, and is not susceptible to modification that would eliminate that inconsistency, no decision shall be taken to proceed with the activity until such time as the matter has been considered, on the advice of the [Advisory Committee/Standing Committee] at the next Consultative Meeting.]

ARTICLE 5

MONITORING

1. Procedures shall be put in place, including appropriate monitoring of key environmental indicators, to assess and verify the impact of any activity that proceeds following the completion of a Comprehensive Environmental Evaluation.
2. The procedures referred to in paragraph (1) above and in Article 2 (2) shall be designed to provide:

- (a) a regular and verifiable record of the environmental impacts of the activity and the extent to which such impacts are consistent with this [Protocol/Convention]; and
- (b) results for guidance as to the appropriate response for minimizing or mitigating impacts on the Antarctic environment or dependent or associated ecosystems, including, where appropriate, the suspension, modification or cancellation of the activity.

ARTICLE 6

CIRCULATION OF INFORMATION

[Contracting Parties shall send to the Secretariat for forwarding to the [Advisory Committee/ Standing Committee] the information referred to in Articles 2 (4) and 3 (3), together with significant information obtained - and any action taken as a consequence thereof - from procedures put in place in accordance with Articles 2 (2) and 5 (1).]

ARTICLE 7

EXCEPTIONS IN CASES OF EMERGENCY

1. This [instrument] shall not apply in emergency circumstances [relating to the safety of life or property,] which require an activity to be undertaken without completion of the procedures set out in this [instrument].
2. Activities undertaken in emergency circumstances shall, to the maximum extent practicable, be limited to actions necessary to control the immediate impacts of the emergency.
3. Advice of activities undertaken in emergency circumstances shall be circulated promptly to all Contracting Parties [and also to the Secretariat for forwarding to the [Advisory Committee/ Standing Committee]].

[ARTICLE 8]

[SETTLEMENT OF DISPUTES]

[Except as otherwise provided, the provisions of this Annex shall be subject to the dispute settlement procedures of Articles [] of this [Protocol/Convention].]

[ARTICLE 9]

[AMENDMENT OR MODIFICATION]

[1. In accordance with Article [] of this [Protocol/Convention] this Article provides the procedure for amendment or modification of this [instrument].

2. This [instrument] may be amended or modified by a measure adopted in accordance with Article IX (1) of the Antarctic Treaty. Unless the measure specifies otherwise, such amendment or modification shall be deemed to have been approved, and shall enter into force, one year after the close of the meeting at which it was adopted, unless one or more of the Contracting Parties entitled to participate in the meeting held to consider such measure notifies the Depositary Government, within that time period, that it is unable to approve the measure.

3. Any amendment or modification of this [instrument] which enter into force in accordance with paragraph (2) shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the Depositary Government.]

NOTES

1. References to the establishment and functions of an **Advisory Committee/Standing Committee** have been placed in brackets pending any decisions taken on these matters.
2. Subject to Note 1, if an **Advisory Committee/Standing Committee** is established, it might be desirable to set out in the instrument/decision establishing the **Committee** the functions the **Committee** might have in advising Contracting Parties on:
 - (a) the degree of change to an activity likely to trigger the application of the evaluation procedures as referred to in the definition of «activities».
 - (b) advice and procedures to assist in establishing whether an activity has more than little or no impact;
 - (c) the possible elaboration of indicative lists of activities likely to require:
 - an initial environmental evaluation under Article 2;
 - a comprehensive environmental evaluation under Article 3;
 - (d) suggestions and proposed modifications as a result of information provided in accordance with Articles 3 (2), 6 and 7; and
 - (e) the assessment and evaluation procedures set out in Articles 2, and 3.

ANNEX F
APPENDIX IV
CONSERVATION OF ANTARCTIC FAUNA AND FLORA

ARTICLE 1
(RELATIONSHIP TO OTHER AGREEMENTS)

Nothing in this [instrument] shall derogate from the rights and obligations of Contracting Parties under the International Convention for the Regulation of Whaling, the Convention for the Conservation of Antarctic Seals, and the Convention on the Conservation of Antarctic Marine Living Resources.

ARTICLE 2
(DEFINITIONS)

For the purpose of this [instrument]:

- a) «Native mammal» means any member of any species belonging to the Class Mammalia indigenous to Antarctica or occurring there seasonally through natural migrations.
- (b) «Native bird» means any member, at any stage of its life cycle (including eggs), of any species of the Class Aves indigenous to the Antarctic or occurring there seasonally through natural migrations.
- (c) «Native plant» means any kind of vegetation, including lichens, fungi and algae, at any stage of its life cycle (including seeds, and other propagules), indigenous to the Antarctic or occurring there through natural agencies of dispersal.
- (d) «Native invertebrate» means any terrestrial, freshwater, or marine invertebrate, at any stage of its life cycle, indigenous to the Antarctic.
- (e) «Appropriate authority» means any person or agency authorized by a Contracting Party to issue permits under this [instrument].
- (f) «Permit» means a formal permission in writing issued by an appropriate authority as defined in paragraph (e) above.
- (g) «Take» or «taking» means to kill, injure, capture, handle or molest, or attempt to kill, injure, capture, handle or molest, a native mammal or bird, or to remove or damage or attempt to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected.

ARTICLE 3
(PUBLICITY)

Each Contracting Party shall prepare and make information available, setting forth in particular prohibited activities and providing lists of specially protected species and protected areas, to all those present in or intending to enter the Antarctic Treaty Area with a view to ensuring that such persons understand and observe the provisions of this [instrument].

ARTICLE 4
(CASES OF EXTREME EMERGENCY)

The provisions of this [instrument] shall not apply in cases of extreme emergency involving possible loss of human life or involving the safety of ships or aircraft.

ARTICLE 5
(PROTECTION OF NATIVE FAUNA AND FLORA)

1. The taking of any native mammal, bird, or plant shall be prohibited, except in accordance with a permit.
2. Such permits shall specify the authorized activity, including when, where and by whom it is to be conducted and shall be issued only for the following purposes:
 - (a) to provide indispensable food for dogs;
 - (b) to provide specimens for scientific study or scientific information;
 - (c) to provide specimens for museums, herbaria, zoological and botanical gardens, or other educational or cultural institutions or uses;
 - (d) to take small numbers or quantities of native mammals, birds, or plants, as an unavoidable consequence of scientific activities not otherwise authorized under subparagraphs (b) or (c) above, or of the construction and operation of scientific support facilities.
3. The issue of such permits shall be limited so as to ensure that:
 - (a) no more native mammals, birds or plants are taken than are strictly necessary to meet the purposes set forth in paragraph 2 above;
 - (b) no more native mammals or birds are taken from local populations than can, in combination with other permitted take, normally be replaced by natural reproduction in the following breeding season;
 - (c) the diversity of species and the balance of the ecological systems existing within the Antarctic Treaty Area are maintained.
4. Species of native mammals, birds, plants and invertebrates listed in Appendix A of this [instrument] shall be designated «Specially Protected Species», and shall be accorded special protection by Parties.
5. A permit shall not be issued to take a Specially Protected Species unless the authorized taking
 - (a) is for a compelling scientific purpose, and
 - (b) will not jeopardize the survival or recovery of that species or local population.

ARTICLE 6
(HARMFUL INTERFERENCE)

1. Each Contracting Party shall take appropriate measures to minimize harmful interference within the Antarctic Treaty Area with the normal living conditions of any native mammal, bird, or plant any attempt at such harmful interference, except as permitted under Article 5.
2. The following acts and activities shall be considered as harmful interference and shall be prohibited except when authorized by a permit issued in accordance with Article 5, paragraphs 2 and 3:
 - (a) flying or landing helicopters or other aircraft in a manner that disturbs bird and seal concentrations;

- (b) driving vehicles, including small boats, in a manner that disturbs concentrations of birds and seals;
 - (c) using explosives or firearms in a manner that disturbs concentrations of birds and seals;
 - (d) willfully disturbing breeding birds or seals or concentrations of birds or seals by persons on foot;
 - (e) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and
 - (f) any activity that results in the destruction or adverse modification of habitat essential to any species or population of native mammal, bird, plant or invertebrate.
3. Allowing dogs to run free shall be prohibited.

ARTICLE 7

(INTRODUCTION OF NON-INDIGENOUS SPECIES, PARASITES AND DISEASES)

1. No species of animal or plant not indigenous to the Area to which this [instrument] applies shall be introduced onto land or ice shelves, or into water in the Area except in accordance with a permit.

2. Permits under paragraph 1 of this Article shall be issued to allow the importation only of the animals and plants listed in

Appendix B and shall specify the species, numbers and, if appropriate, age and sex of the species authorized to be imported and precautions to be taken to prevent escape or contact with native fauna and flora.

3. Any plant or animal for which a permit has been issued in accordance with paragraphs 1 and 2 above, shall prior to the expiration of the permit be removed from the Antarctic Treaty Area or be destroyed by incineration or equivalent means that eliminates risk to native fauna or flora. The permit shall specify this obligation. Any other plant or animal introduced south of 60 degrees not indigenous to that area shall be removed or destroyed, by incineration or equally effective means, unless they pose no risk to native flora or fauna.

4. Nothing in this Article shall apply to the importation of food into the Antarctic Treaty Area so long as no live animals are imported for this purpose and all plants and animal parts and products are kept under carefully controlled conditions.

5. Each Contracting Party shall require that precautions, including those listed in Appendix C, be taken to prevent the introduction of microorganisms (e.g., viruses, bacteria, parasites, yeast, fungi) not present in the native fauna and flora.

ARTICLE 8

(EXCHANGE OF INFORMATION)

1. The Contracting Parties shall make arrangements for:
- a) collecting and exchanging records (including records of permits) and statistics concerning the numbers or quantities of each species of native mammal, bird and plant taken annually in the Antarctic Treaty Area;

- b) obtaining and exchanging information as to the status of native mammals, birds and plants in the Antarctic Treaty Area, and the extent to which any species or population needs protection;
- c) establishing a common form in which this information shall be submitted by Contracting Parties in accordance with paragraph 2 of this Article.

2. Each Contracting Party shall inform the other Contracting Parties in writing before the end of November of each year of the steps taken pursuant to paragraph 1 above and of the number and nature of permits issued under this [instrument] in the preceding period of 1st July to 30th June.

ARTICLE 9

(REVIEW)

The Contracting Parties shall keep under continuing review measures for the conservation of Antarctic fauna and flora.

[ARTICLE 10]

(SETTLEMENT OF DISPUTE)

Except as otherwise noted, the provisions of this Annex shall be subject to the dispute settlement procedures of Articles 7 and 8 of this Protocol.

[ARTICLE 11]

(AMENDMENT OR MODIFICATION)

1. This Annex may be amended or modified by a measure adopted in accordance with Article 9 (1) of the Antarctic Treaty. Unless the measure specifies otherwise, such amendment or modification shall be deemed to have been approved, and shall enter into force, one year after the close of the meeting at which it was adopted, unless one or more of the Contracting Parties entitled to participate in the meeting held to consider such measure notifies the Depositary Government, within that time period, that it is unable to approve the measure.

2. Any amendment or modification of this Annex which enters into force in accordance with paragraph (2) shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the Depositary Government.]

APPENDICES TO THESE MEASURES

APPENDIX A SPECIALLY PROTECTED SPECIES

All species of the genus Arctocephalus, Fur Seals. Ommatophoca rossii, Ross Seal.

APPENDIX B IMPORTATION OF ANIMALS AND PLANTS

The following animals and plants may be imported into the [Treaty Area] in accordance with permits issued under Article 7 of these measures:

- a) domestic plants;
- b) sledge dogs. Sledge dogs may be imported into the Antarctic Treaty Area for breeding purposes from time to time to maintain the genetic viability of self sustaining sledge dog population currently being maintained in the Area.]
- c) laboratory animals and plants including viruses, bacteria, yeasts and fungi.

APPENDIX C PRECAUTIONS TO PREVENT INTRODUCTION OF MICROORGANISMS

1. Poultry: No live poultry or other living birds shall be brought into the Antarctic Treaty Area. Before dressed poultry is packaged for shipment to the Antarctic Treaty Area, it shall be inspected for evidence of disease, such as Newcastle's disease, tuberculosis, and yeast infection. Any poultry or parts not consumed shall be removed from the Antarctic Treaty Area or destroyed by incineration or equivalent means that eliminates risks to native flora and fauna.

[2. Sledge dogs. All sledge dogs imported into the Antarctic Treaty Area shall be inoculated against:

- a) distemper
 - b) contagious canine hepatitis
 - c) rabies
 - d) leptospirosis (L. canicola and L. icterohaemorrhagicae)]
3. The importation of non-sterile soil shall be avoided to the maximum extent practicable.

ANNEX G

**CLOSING SPEECH BY THE CHAIRMAN OF
THE XIth ANTARCTIC TREATY
SPECIAL CONSULTATIVE MEETING**

Dear friends:

A few words before we bid each other farewell.

If Valparaíso was the first city in which the discovery of Antarctica was recognized in 1819, Viña del Mar will, in 1990, become the first to initiate an agreement for maintaining that continent free from the scourge of environmental pollution.

Working for the Antarctic is very stimulating.

We know that it is a worthy cause to preserve the great continent we co-administer for the benefit of all, clean and useful.

For nearly thirty years, this assembly has exercised executive and legislative powers with prudence and moderation. It has also done so with great imagination and adventurous spirit. It is indeed a great adventure to be innovative in the demanding fields of international law and politics and in vast territories that show greater similarity to other planets than to Earth.

For nearly thirty years we have all worked for this cause under the inspiring light of the Antarctic Treaty, the heart that moves the System.

This heart is responsive and adaptable to our vital needs. Let us not tamper with it.

This heart beats at the moderate pace of consensus. Let us resist the temptation to speed up the pace.

Antarctica is the last continent that remains at man's disposal. Will we be wise enough to continue administrating it as we have done to the present?

In doing so we have permanently placed our cooperation and friendship to the test.

This is the Antarctic spirit that men of other continents so direly need: to serve mankind through science and peace.

ANNEX H
PRESS RELEASE

The first session of the XIth Antarctic Treaty Special Consultative Meeting, was held in Viña del Mar to explore and examine all proposals related to the comprehensive protection of the Antarctic environment and its dependent and related ecosystems, has ended.

Discussions took place in two Working Groups and in Plenary Sessions, between November 19 and December 6; they were wide ranging and constructive. Of the various proposals presented to formulate a comprehensive system of protective measures the following subjects were considered: basic principles, institutions, decision-making, monitoring, dispute settlement, marine pollution, waste disposal, protected areas, tourism and environmental impact assessments, among others.

The Meeting took the decision to prepare as quickly as possible a new international instrument for the comprehensive protection of the Antarctic environment, and started the negotiation of this agreement.

Antarctica, as an ecological reserve devoted to peace and science, deserves a commitment by all States concerned to establish a legally binding regime to protect it. The principle of a prior environmental impact assessment before any human activity could take place was adopted. The Meeting considered favorably the creation of institutions for environmental protection.

The Meeting addressed the question of mineral activities. Many countries expressed their preference for the prohibition of such activities in Antarctica; some were of a different opinion. But it was generally accepted that there was a need for prohibiting these activities for a lengthy period.

This was a very constructive meeting which indicated that a consensus had emerged around the need to protect the Antarctic environment. It was decided that the next session of the XIth Antarctic Treaty Special Consultative Meeting be held in Spain in April 1991.

ANNEX I

**LIST AND COMPOSITION OF DELEGATIONS TO THE XIth
ANTARCTIC TREATY SPECIAL CONSULTATIVE MEETING**

I. CONSULTATIVE PARTIES

ARGENTINA

Representative

Mr. José María V. OTEGUI
Minister Plenipotentiary
Director-General for Malvinas, South Atlantic
and the Antarctic

Deputy Representative

Mr. Carlos E. HOUSSAY
Counsellor
Deputy Director for the Antarctic

Delegates

Mr. Jorge MASTROPIERO
Secretary of Embassy
Division for Malvinas, South Atlantic
and the Antarctic
Ministry of Foreign Affairs

Mr. Pablo Anibal CHELIA
Secretary of Embassy
Embassy of Argentina, Santiago

Ms. Marcia LEVAGGI
Secretary of Embassy
Division for Malvinas, South Atlantic
and the Antarctic
Ministry of Foreign Affairs

Advisers

General (RE) Jorge E. LEAL
National Director of the Antarctic

Dr. Carlos A. RINALDI
Director of the Argentine Antarctic Institute

Dr. Angel E. MOLINARI
National Directorate for the Antarctic

Mr. Commodore Rubén O. PALAZZI
Air Attaché
Embassy of Argentina, Santiago

AUSTRALIA

Representative

Mr. Alan BROWN
High Commissioner of Australia to Singapore

Delegates

Mr. John BURGESS
Ministry of Foreign Affairs and Trade

Mr. Rex MONCUR
Ministry of Arts, Sports, the Environment
Tourism and Territories

Mr. Andrew JACKSON
Ministry of Arts, Sports, the Environment,
Tourism and Territories

Ms. Lyn GOLDSWORTHY
Australian NGOs Representative

Mr. Brendan DORAN
Antarctic Adviser
Embassy of Australia, Santiago

Mr. Malcolm DAN
Ambassador to Chile

BELGIUM

Representative

Mr. Gerard SURQUIN
Director of Administration
Ministry of Foreign Affairs

Delegate

Philippe GAUTIER
Ministry of Foreign Affairs

BRAZIL

Representative

Mr. Henrique R. VALLE
Ambassador
Head of the Department for Environment
Ministry of External Relations

Delegates

Mr. Renato XAVIER
Counsellor
Head of the Ocean, Antarctic and Space Division
Ministry of External Relations

Captain Antonio José TEIXERA
Under-secretary for the Brazilian
Antarctic Program

Mr. Luiz Alberto FIGUEIREDO MACHADO
First Secretary
Professor Antonio C. ROCHA-CAMPOS
Coordinator for PROANTAR.

CHILE

Representative

Mr. Oscar PINOCHET DE LA BARRA
Ambassador
Deputy

Representatives

Mr. Jorge BERGUÑO
Ambassador

Delegates

Mr. Francisco ORREGO
Professor

Mr. Luis GOYCOOLEA
Minister Counsellor
Ministry of Foreign Affairs

Ms. Ana ZAZOPULOS
Legal Division
Ministry of Foreign Affairs

Ms. María Teresa INFANTE
Director
Institute for International Studies
University of Chile

Mr. Ricardo HERRERA
First Secretary
Ministry of Foreign Affairs

Mr. Guillermo ANGUITA
Second Secretary
Ministry of Foreign Affairs

Mr. Enrique SUBERCASEAUX
Second Secretary
Ministry of Foreign Affairs

Mr. Fidel COLOMA
Third Secretary
Ministry of Foreign Affairs

Ms. Paulina JULIO
Ministry of Foreign Affairs

Advisers

Mr. Eugenio GONZALEZ
Ministry of Foreign Affairs

Mr. Antonio MAZZEI
Acting Director
Chilean Antarctic Institute

Ms. Maria Luisa CARVALLO
Legal Adviser
Chilean Antarctic Institute

Lieutenant Colonel Marco Antonio SAEZ
Operations Division
Chilean Army General Staff

Captain Adolfo PAUL LATORRE
Head of Special Policies Department
Chilean Navy General Staff

Colonel Juan BASTIAS
Antarctic Division
Chilean Air Force General Staff

Captain Carlos DE TORO
Head of the Antarctic Department
Ministry of Defense

Mr. Enrique D'ETIGNY
President of CONICYT
Permanent Representative to SCAR

Mr. Rafael ASENJO
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National Commission for the Environment

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Mr. Gao FENG
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Mr. Song LI
First Secretary
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Mr. Li ZHANSHENG
Chief Engineer
National Committee for Antarctic Research

ECUADOR

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Commander Mario PINTO
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Mr. Bertrand CHARRIER
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GERMANY

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First Secretary
Federal Ministry of Foreign Affairs

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Mr. Victor VLASSENKO
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Mr. Serguei KOUZNETSOV
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Mr.Derek BOUCH
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Mr.Robert SWAN
UN Ambassador for Environment

Mr.Christopher MATTHEWS
Department of Energy

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Mr.Richard LAWS
President of SCAR.

Mr.Nigel BONNER
Convener of the Group of Specialists on Environment Affairs and
Conservation (SCAR)

UNITED STATES OF AMERICA

Representative

Mr. E.U. CURTIS BOHLEN
Assistant Secretary for Oceans and International Environmental and
Scientific Affairs
Bureau of Oceans and International Environmental
and Scientific Affairs
Department of State

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Ms.Joan DONOGHUE
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Mr.Dan FINN
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II. NON-CONSULTATIVE PARTIES

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COLOMBIA

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CZECHOSLOVAKIA

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INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN)

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