

ANTARCTIC TREATY

Final Report of the Eleventh Antarctic Treaty Special Consultative Meeting

Madrid

22-30 April 1991; 17-22 June 1991; 3-4 October 1991

SPAIN

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Part I

MEETING ON THE 22ND-30TH APRIL 1991

OPENING ADDRESSES

MR. FRANCISCO FERNANDEZ ORDOÑEZ
Minister of Foreign Affairs of Spain

Mr. Chairman, Ladies and Gentlemen, Delegates,

On a day as significant as today - Earth Day - I should like to extend to you on behalf of the Government of Spain our most sincere and cordial welcome to the Second Session of the XIth Special Consultative Meeting of the Antarctic Treaty, which is starting today in Madrid.

At the first Session, which was held last year as you know, in Viña del Mar, it became apparent that the Treaty's System was sufficiently tried and solid in order to allow for in-depth discussion of the proposals relative to Global Protection of the Antarctic Environment and its dependent and associated ecosystems. This basic issue has now become the main focus of debate within the System because it is generally acknowledged that its environment is not sufficiently protected by the framework of Convention provisions now in force.

The preservation of the environment is today a universal concern which, in the case of the Antarctic, has become more sensitive. The medium- and long-term importance of the Antarctic for mankind goes beyond any material considerations.

During the Session at Viña del Mar it was decided to negotiate a compulsory new international instrument for the protection of its environment, and this instrument has now largely been drawn up. The principle of maintaining the current constraints on activities connected with the mineral resources has been accepted until a new system has been adopted and substantial progress made with regard to complementary aspects such as marine pollution, waste disposal, evaluation of the impact on the environment and conservation of the fauna and flora.

Therefore the Session which is starting today in Madrid has solid backing, which should encourage us to proceed along the path of consensus. Fortunately, some points of agreement seem possible and should be explored to the utmost, in search of results that will enable a legal instrument to be drawn up claiming a future for the White Continent.

Spain is especially attuned to a future for the Antarctic System based on consensus and co-operation among the countries comprising it. We consider that the very acceptable results achieved in the co-ordination and progress of scientific research justify the maintaining of the System in its present form. During the more than thirty years that it has been operating, the requirements for the progress of research, on the one hand, and a response to the growing threats to the delicate Antarctic ecological balance, on the other, have been combined or co-ordinated with great flexibility. In this sense, the System is an indisputable model of responsibility within the sphere of international agencies.

International co-operation through Antarctic Treaty Instruments is extremely valuable. It has the symbolic worth of what co-operation between countries is able to do to meet the growing environmental challenges.

The Spanish Government is aware that this is a collective task, shared by all the Antarctic System member states. It appreciates and attaches great value to the efforts which are being made in the form of high-level legal and scientific studies and proposals aimed at achieving a global instrument for the protection of the environment. Spain is in favour of the idea of submitting joint alternatives from a new perspective, as decided by the European Parliament at the two meetings of September 18th, 1987. At them, the member countries were invited to start formulating a

«Conservation Strategy for the Antarctic» with a view to preserving this medium for the benefit of mankind and the ecosystem as a whole, guaranteeing that all human activity will be compatible with the upholding of these principles.

My country, as you know, has only recently become a Consultative Party to the Antarctic Treaty, but we have been doing research on this Continent with great enthusiasm, and have committed major resources to scientific research in this area. As a fruit of this effort, I should like to remind you of the establishment of the «JUAN CARLOS I» Base and the building of an Antarctic vessel, the «Hespérides», which is equipped with the most advanced technology within the framework of a national Antarctic programme. Fortunately we already have an outstanding group of expert researchers who have been engaged in this important activity for many years. This will enable us to work in the wide-ranging field of Antarctic research in collaboration with scientists from other countries.

Finally, Ladies and Gentlemen, I believe I am reflecting the general feeling if I say that the work we have ahead of us can be of historic importance, and that public opinion expects results that are equal to the problem we are addressing.

I trust that these expectations will not be disappointed and that the System which has been built up over the course of many long years will be strengthened. My best wishes to you all, in the hope that your work will be crowned with great success.

Thank you very much.

MR. CARLOS BLASCO VILLA
Head of the Spanish Delegation and Chairman of the Meeting

Ladies and Gentlemen, Representatives of the Antarctic Treaty,

As we embark upon this, the Second Session of the Eleventh Antarctic Treaty Special Consultative Meeting, I would like to express my sincere gratitude, on behalf of Spain, for the confidence shown us by this Assembly in conferring us with the honour to chair this meeting.

We shall be continuing here in Madrid with the work already commenced in the First Session in Viña del Mar, where progress was made as regards the consensus to comply with the aim set forth in Recommendation XV-1, approved in Paris in October, 1989, to formulate «global measures for the protection of the Antarctic Environment, and its dependent and associated ecosystems». This was, to a large extent, the work of the chairmanship of Ambassador Oscar Pinochet de la Barra, to whom I would like to extend our heartfelt thanks.

Ahead of us lies the arduous task of streamlining the basic principles governing an international instrument, the groundwork for which was done during the course of the First Session.

In effect, as set forth in the provisional report approved in Viña del Mar, there is unanimity as regards the necessity for adopting a new international instrument for the protection of the Antarctic environment. There was considerable agreement on the general structure of said legal instrument, and the text submitted by Rolf Trolle Andersen, from the Norwegian Delegation in a personal capacity, was considered as a valid framework for the additional work we are now undertaking. Furthermore, it was also clear that these documents would impair neither the position of any government with respect to the matters taken into consideration therein, nor any previously formulated proposal.

From this moment on, we have seen how the debate has made favourable progress, with new documents having been presented for consideration by various Consultative Parties, these constituting very useful working points of reference as regards the fundamental issues which we must address: from the basic structure of the Agreement, with specific references to proposals which deal with the obligations incumbent upon the Contracting Parties to said Agreement, to others with respect to different additional issues, the prevention of marine pollution, waste disposal, an environmental impact assessment, the conservation of Antarctic flora and fauna, protected areas and tourism and non-governmental activities, which will be studied in depth by the corresponding working group.

All these proposals bear witness to the effort to make progress, if there is still room to do so, in the issue of the global protection of the Antarctic environment; they should be the focus of the duly required attention to reach the desired break even point which will lead to solutions being defined, in the light of the responsibility we shoulder for the future of the Antarctic. Above all, however, a particularly eager and willing attitude is necessary in order to reach a consensus on the most critical issues, in the minds of all those present, and in such a way that the consensus, the essential basis of the Antarctic system, may prevail, ensuring that all our future relations therein will constitute no hazards.

A first and essential stage of the Washington Treaty is about to come to a close, during which stability and cooperation were guaranteed. Spain, although a recent Consultative Party, enthusiastically defends the system which we have established and which has been established in the Antarctic, and no efforts will be spared as we work together, united in our effort to make progress

in the issues being addressed and to reach positive agreements. As Chairman, this shall also be my main pledge, thus complying with the aims entrusted to me by the Representatives.

By way of conclusion, as Head of the Delegation of the host country, may I extend our hospitality to all those present, and wish you an enjoyable stay in our capital.

MR. OSCAR PINOCHET DE LA BARRA
Head of the Delegation of Chile

Members of the Antarctic Treaty, Ladies and Gentlemen,

I address you in my capacity both as Chairman of the Eleventh Antarctic Treaty Special Consultative Meeting and as Chairman of the First Session held in Viña del Mar.

It now falls to you to elect a chairman for the Madrid Session, but before you proceed with this, please allow me to mention a couple of matters which I consider to be of importance.

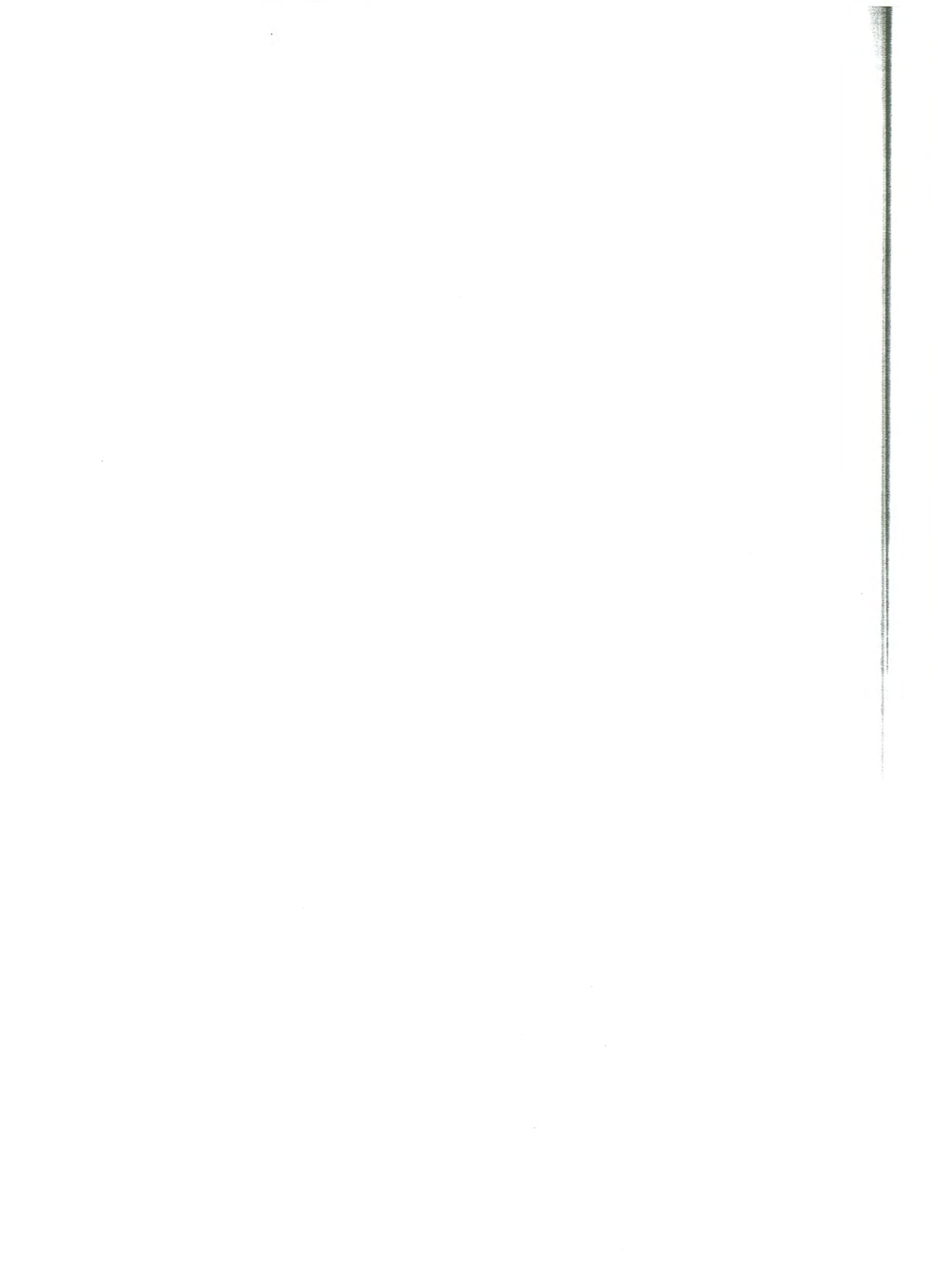
In Viña del Mar we were unanimous in our opinion that the Antarctic must remain free of the scourge of pollution. We are all in agreement on this.

Now, the best international instrument is not that which represents the ideal position of each delegation. A consensus cannot be reached in this way. We do not have much time ahead of us, and we must be successful. We shall be successful if we take inspiration from the Antarctic spirit of understanding and the sense of responsibility conferred on us by the knowledge that, together, we are administering an entire continent, of service to all humanity. We must use our imaginations as we seek to create a solution alternating consensus with majority, as regards which all members of the Antarctic Treaty may express their entire satisfaction.

On this occasion, let us not lose sight of the fact that they were Spaniards who set sail from Valparaiso, and were the first to navigate in the Antarctic seas: Gabriel de Castilla in 1604; later, once again it was Spaniards who, shipwrecked off the vessel San Telmo, were the first to set foot on an Antarctic island in 1819. The learned world has not forgotten this. And it is high time that Spain should be the seat of our proceedings.

And now, may I invite all the representatives to propose a candidate for the chairmanship of the Madrid Session.

REPORT OF THE WORKING GROUP I



1. Working Group I met under the Chairmanship of Mr. Dietrich Granow, Head of the German Delegation, on April 22, 23, 24, 25, 26, 27 and 29, 1991.

2. Working Group I was given the mandate to study and discuss the Draft Protocol to the Antarctic Treaty on Environmental Protection presented by Ambassador Rolf Trolle Andersen of Norway at the Viña del Mar meeting, which was then considered to be a valuable contribution to further negotiations, becoming thereafter a working document with the aim of reaching an agreement on an instrument of a legally binding nature.

3. Discussions took place in full sessions of the Working Group and in informal meetings of delegations.

4. With the aim of making progress which would lead to the making of a text taking account of the views and proposals of delegations, a Drafting Group chaired by Mr. P.J.M. Verbeek, Head of the Netherlands Delegation, was created.

5. The Drafting Group report was received at the full session of the Working Group on April 27. Texts prepared by the Drafting Group are attached to this report.

6. The Working Group I noted with satisfaction that the Drafting Group had made important progress.

7. The work done by Working Group I was considered to be fruitful by all Delegations and increased the possibility of achieving a text that would be accepted by consensus, thus contributing to a successful outcome of the Madrid meeting.

Report by the Chairman of the informal drafting commission concerning the text of the new international instrument on a comprehensive regime for the protection of the Antarctic environment.

An informal drafting commission was established by Working Group I under the chairmanship of the Head of the Netherlands Delegation. The meetings of this commission on 25, 26 and 27 April, 1991, were attended by representatives of 24 delegations, representing all shades of opinion concerning the desirable contents of the new legal instrument.

The discussions took place on the basis of the Andersen text co. XI.ATSCM/8, taking into account also other relevant working documents and opinions expressed during the meetings of Working Group I in particular.

So far all Articles of the Andersen text were discussed by the informal drafting commission, with the exception of Articles 6, 7, 8, 10, 11 and 23.

The drafting commission puts forward the wording of the attached texts to be considered by Working Group I.

REPORT OF THE WORKING GROUP II



Working Group II met, from April 22nd to April 29th, 1991, under the Chairmanship of Mr. Roberto Puceiro Ripoll (Uruguay).

Acting as Assistant General Secretary was Mrs. Mercedes Montesinos del Valle (Spain).

As requested in the Full Session, Working Group II centred its discussion on the analysis of the topics originally raised at that Session during the Viña del Mar meeting. Some of those topics culminated in a Project for an Annex and others were left unsettled and to be discussed at future meetings.

The said topics were as follows:

- Waste disposal and waste management.
- Conservation of Antarctic fauna and flora.
- Marine pollution.
- Environmental impact assesment.
- System of protected areas.
- Tourism and non-governmental activities.
- Use of alternative energies in order to reduce impact on the environment.

At the first session of Working Group II an order of the day was established, along with the method of work, and the progress plan for the sessions.

The topics studied in the various sessions led to a series of documents which appear as Annexes to the legal instrument framework instrument.

The list of the above mentioned documents is as follows:

- Marine Pollution (Annex...).
- Waste disposal and waste management (Annex...).
- Environmental impact assesment (Annex...).
- Conservation of Antarctic fauna and flora (Annex...).

MARINE POLLUTION

To approach this item the relevant project for an Annex agreed to in the First Session of the present Meeting was taken as a base, and the following documents were presented by: the United States (XI ATSCM/2/WP6); the Netherlands (XI ATSCM/2/WP.13) (XI ATSCM/2/Inf.2); the Union of Soviet Socialist Republics (XI ATSCM/2/WP.15); Chile (XI ATSCM/2/WP.18); Australia and Brazil (April 23rd 1991); United Kingdom (no number).

In order to start revising the document agreed to in Viña del Mar, an informal Revision Sub-Group was set up.

There a revised draft was prepared. There was widespread agreement on the draft text, but consensus could not be reached on some points without further consideration by delegates at a subsequent meeting. In this connection, one delegation suggested a text for Article 8.

Other delegations indicated they may, after further consideration, make additional proposals for Article 9. It was also agreed that some other points in the draft text should await consideration of related provisions in Working Group I.

It was noted that the Annex generally applied the standards established in the relevant provisions of certain enumerated conventions related to marine pollution, and in particular 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). Moreover, while recognizing the importance of the work of the International Maritime Organization, and in particular the designation of the Antarctic Sea south of 60 degrees south latitude as a special Area, it was however noted that the provisions stated in regulation 5 to Annex V, as they appear in Resolution MEPC 42(30), adopted on 16 November 1990, might not be in all cases appropriately suited to the specific purposes and practical uses of Antarctica. Other possible amendments to MARPOL to reflect the special situation of the Antarctic Sea area were also discussed.

In this connection, Working Group II adopted a draft Annex on this subject, with some items related to Working Group I between brackets. It was also suggested that the Antarctic Treaty Consultative Meeting consider recommending to the IMO the following modifications to the present MARPOL regime covering Antarctica:

- a) Limited exceptions, as reflected in revised draft article 4(3) and 4(5) of the Annex, to the prohibition on discharge of untreated sewage and food wastes within 12 nautical miles of land or ice shelves in MARPOL Annexes IV and V;
- b) Designation of the Antarctic Sea south of 60 degrees south latitude as a "Special Area" for purposes of MARPOL Annex II on Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk; and
- c) Investigation of the feasibility of developing common standards for record books for sewage and garbage.

The Working Group noted the concerns of a number of Delegations in relation to dumping at sea and reference was made to the recent work of the Conference of Parties to the London Dumping Convention in relation to dumping in the Antarctic Treaty Area. It was agreed that further consideration should be given by an Antarctic Treaty Consultative Meeting to the question of dumping in Antarctica with a view to adoption of additional provisions on this issue in the Annex on Marine Pollution.

Some Delegations expressed the view that standards mentioned in Article 7 of the Annex should include as well regulation of questions such as certification of ships and liability for damage to the Antarctic marine environment. In this connection, they drew attention inter alia to the International Convention on Civil Liability for Oil Pollution Damage, 1984.

WASTE DISPOSAL AND WASTE MANAGEMENT

Working Group II considered as the basis for its work the draft Annex on Waste Disposal and Waste Management produced at Viña del Mar. Suggested amendments to the Viña text were submitted in working papers from the United States (XI ATSCM/2/WP.8) and Chile (XI ATSCM/2/WP.19). Informal papers were also submitted by the United Kingdom and Australia, and a number of delegations made verbal comments during consideration of this item.

Members of a number of delegations met as an informal Revision Subgroup to consider the

papers submitted and other proposed changes to the draft Annex. A revised text was produced for consideration by Working Group II.

In the informal Subgroup, several delegations made observations about the revised draft of the instrument. Regarding Article 2 (wastes to be removed from the area), a question was raised as to whether substances which bioaccumulate were covered by the reference to harmful persistent compounds. The view of the Parties was that bioaccumulating substances were in fact covered.

Another delegation proposed a list of factors to be considered regarding the disposal of wastes at sea, and all waste disposal in general. The factors are:

- a) characteristics and composition of the wastes;
- b) toxicity, persistence and bioaccumulation in the marine environment;
- c) location of discharge site and receiving marine environment;
- d) potential impairment of marine ecosystems;
- e) possible damage on an established use; and
- f) availability of alternative land disposal, re-use treatment or elimination methods.

The delegation also suggested that discharges into the sea can occur provided that:

- a) the location and type of discharge does not have deleterious effects on marine ecosystems, in particular living resources, endangered species and crucial habitats; and
- b) the capacity exists for the marine environment to receive waste discharges without further undesirable effects.

Delegations agreed that these factors were conceptually sound. It was noted that the suggested factors would be considered as part of the environmental impact assessment of any proposed activity, including the disposal of wastes, as well as the waste management planning conducted by a Party. Moreover, the factors and provisos suggested above are in many cases actual decisions which result from the environmental impact assessment and waste management planning processes required of Parties. Thus, these decisions would be reflected in the documents produced during the environmental evaluation and waste management planning stages.

With respect to the article on prohibited products, one delegation pointed out that the intent of this article must not be overshadowed by the general focus of the draft instrument on waste disposal. The intent of the article is the absolute prohibition of introduction into Antarctica of specified products. All Parties agreed with this point. Another delegation noted that the set of prohibited products would likely expand in the future and gave as an illustration the possibility that substitutes for PCBs may themselves be found to be hazardous.

Regarding the waste classification scheme discussed in the article on waste management planning, one delegation pointed out that the name for Group 3 materials (solids to be combusted) may ultimately require revision. The delegation understood the word «combusted» to cover both incineration and open burning. Given that Article 3(2) states that all open burning shall be phased out no later than the 1998/1999 operating season, the delegation pointed out that the term would eventually need to be changed to read «solids to be incinerated». Another delegation stressed the value of a waste tracking or manifesting system to monitor the movement and disposition of waste materials.

It was acknowledged by Parties that Article 12 (Emergency Circumstances) would provide for the small scale open burning of wastes which might constitute a significant health or safety hazard; for example, to destroy waste seismic charge wrappings at isolated field locations.

The considerations and observations raised by Working Group II concerning the revised text were fully reflected in a final draft of Annex with some items between brackets, related to Work Group I.

ENVIRONMENTAL IMPACT ASSESSMENT

The Working Group was asked to consider all aspects of environmental impact assessment, including the provisions of an article in the main treaty instrument and the Annex on procedures to be appended to the main treaty instrument.

The Working Group took as the basis of its work the draft contained in Annex F, Appendix III to the Interim Report of the Eleventh Antarctic Treaty Special Consultative Meeting adopted at Viña del Mar. It also considered proposals put forward by Australia, Belgium, France, and Italy (XI ATSCM/2/WP2 and XI ATSCM/2/WP17), the United States (XI ATSCM/2/WP5), the United Kingdom (XI ATSCM/2/WP22), and Sweden (XI ATSCM/2/WP27), as well as various suggestions made in the course of informal discussions on this item and in the work of an informal Revision Sub-Group.

The Working Subgroup reached consensus on the text of an article of the main treaty instrument concerning environmental impact assessment obligations and on the insertion of a new subparagraph for inclusion in the article of the main treaty instrument dealing with the functions of the Committee for Environmental Protection («the Committee»). It also reached consensus on the provisions of an Annex setting out the environmental impact assessment procedures, subject to some bracketed formulations which relate to discussions in Working Group I.

With respect to the text of Article 7 of the main treaty instrument, the Working Group agreed that the formulation in paragraph 2 of the Article was intended to ensure that environmental impact assessment procedures extended to all activities undertaken in Antarctica which are covered by the main treaty instrument.

The Working Group also agreed that the procedures set out in the Annex, and in particular Article 3(3) thereof, were drafted in the expectation that Consultative Meetings would be held annually and approximately at the same time each year. It was agreed that if this expectation proved incorrect, there would be a need to reexamine those provisions, particularly the time periods they contain. The point was also made that from an operational perspective it would be useful if the annual Consultative Meeting were held in the first half of the year. To avoid the situation where a Comprehensive Environmental Evaluation was not able to be considered by the Committee or the Consultive Meeting before activities commenced, Consultative Meetings should not to be held more than 15 months apart. Similarly, meetings of the Committee should not be held more than 15 months apart. From an operational viewpoint it was seen as important that there be some certainty as to the maximum delay that could arise from the consideration of a CEE.

An illustration of how the procedures contained in Article 3 of the Annex would operate follows:

- a) A Party or one of its nationals intending to undertake an activity in Antarctica which was likely to have more than a minor or transitory impact would prepare its draft CEE which it would circulate to other Contracting Parties and forward to the Committee at least 120

days prior to the next Consultative Meeting. The draft CEE would also be made publicly available.

- b) There would be a period of 90 days within which comments from other Contracting Parties and other interested organisations and individuals could be made.
- c) The draft CEE could be considered by the Committee, probably at a meeting to be held prior to the next Consultative Meeting. If the Committee considers the draft CEE, that meeting would provide an opportunity for a discussion between the Committee and the party submitting the draft CEE.
- d) If the Committee did not consider the draft CEE or, if as a result of its consideration and any discussion, it was satisfied that no further action was necessary, it would note those facts in its report to the Consultative Meeting. No action would be required by the Consultative Meeting beyond taking note of the Committee's report.
- e) In the event that the Committee had a concern about the draft CEE, which could not be resolved in discussion with the party concerned, the Committee would be able to report its concerns to the Consultative Meeting which would decide if further action were necessary.
- f) Following the conclusion of the Consultative Meeting, the party concerned would prepare a final CEE which would take account of any comments made and would be circulated to all Contracting Parties and made publicly available at least 60 days before the activity could commence.

The point was made that the requirement in Article 6 of the Annex to circulate all the material referred to in that Article to all Contracting Parties could impose a heavy practical burden on sending and receiving Parties. It was noted, however, that if new organisational procedures were to be established, this could facilitate the circulation of such material. It was also noted that new information technology could reduce the burden of transmitting and storing such material.

CONSERVATION OF ANTARCTIC FAUNA AND FLORA

As with the previous topics, the project for an Annex approved at Viña del Mar was used as a starting point, and the United States Delegation presented a working document (XI/ATSCM/2/WP.7).

After general discussion of the Annex, and in particular the U.S. paper noted above, the Working Group II Chairman suggested the formation of an informal Subgroup to discuss and amend the Viña del Mar text as necessary, taking into account the comments made during the general debate.

The following observations were made on the final text of this document.

With regard to sledge dogs, the Parties noted recent scientific evidence that canine distemper-like antibodies had been identified in some species of Antarctic seals and that there was the possibility that the diseases had originated from sledge dogs. All Parties were particularly concerned about new introductions of sledge dogs by tourists and other non-governmental groups. The Parties which currently use sledge dogs in Antarctica agreed that their scientific programs could be maintained by other means.

In light of the discussion, Working Group II agreed that dogs shall not be introduced into Antarctica in the future and any dogs currently in Antarctica shall be removed.

There was general understanding that this Annex extended conservation to elements of the marine environment. The Parties present agreed that the provisions of the Annex should not encroach on the Convention for the Conservation of Antarctic Marine Living Resources. Most Parties were of the view that this Annex, in combination with the Convention for the Conservation of Antarctic Marine Living Resources and other relevant instruments, provides a mechanism for protecting the Antarctic marine environment.

Some delegations expressed their concern that the measures established in the Annex may not entirely satisfy the principle of comprehensive protection of the environment which one might expect in a natural reserve.

In their opinion, rather than addressing specific components of the Antarctic biota, that need currently to be protected, conservation measures should encompass all Antarctic fauna and flora systematically and should be based on a preventive and comprehensive approach.

In this understanding, they expressed the hope that conservation measures will be extended, in the future, to all those components of the Antarctic ecosystems that were not explicitly considered in the Annex.

One Party sought clarification as to whether cases of emergency for environmental protection (under Article 3) included the taking of mammals or birds for humane purposes. The Parties considered that the taking of native mammals or birds for humane or humanitarian reason was an accepted practice that did not require specific reference. They agreed also that the emergency nature of such cases could not be catered for by the permit system outlined in Article 4 of the Annex.

Working Group II noted that the modifications to the document significantly improved the Viña del Mar text.

In that sense Working Group II accepted the Annex which includes measures for the protection of Antarctic fauna and flora, with some matters related to Group I between brackets.

SYSTEM OF PROTECTED AREAS

The Parties discussed two papers tabled by the U.K. and U.S.A. on the Protected Area System (XI ATSCM/2/WP.4 and XI ATSCM/2/WP.1, respectively).

All Parties and SCAR agreed that the existing confusing system of multiple-site designation needed to be simplified and that both papers, which had much in common, were useful contributions to the debate.

The U.K. paper proposed reducing the system to a single designation, the «Antarctic Protected Area» while the paper from the USA proposed a twin system with both APAs and the retention of Multiple-use Planning Areas (MUPAs).

In view of the similarity of approach by the UK and USA, the Chairman recommended that an attempt be made by those two countries to weld together their proposals. This issue will be further addressed at the XVI ATCM in Bonn.

TOURISM AND NON-GOVERNMENTAL ACTIVITIES

For analysis of this point the Delegations of France and Chile presented documents (XI ATSCM/2/WP.3 and XI ATSCM/2/WP.20, respectively).

After the discussion of this subject by many delegations, the meeting agreed to convene a small informal Group to bring together points of concern.

The informal Group used as a basis for its work the papers tabled by France and Chile. These papers raised issues which, *inter alia* addressed: requirements for regulation, safety and self-sufficiency of operations, information collation and exchange, monitoring needs, and the concept of tourist areas. In addition, the need to ensure comparability of standards between Governmental and non Governmental activities was discussed.

Without arriving at any definite conclusions on the above components, the informal Group agreed that the issue of tourism and other non-Governmental activities was now a high priority in terms of Antarctic environmental protection.

Working Group II agreed that the provisions of the Environmental Protocol and its Annexes would apply equally to Governmental and non-Governmental activities. The Group endorsed the view that additional attention now needed to focus on the subject of tourism and non-Governmental activities and recommended that Contracting Parties address the issue at the XVI ATCM, Bonn.

THE USE OF ALTERNATIVE ENERGIES AND ENERGY SAVING METHODS IN ORDER TO REDUCE ENVIRONMENTAL POLLUTION IN ANTARCTICA

The Italian Delegation presented working document (XI ATSCM/2/WP.11), in which, in essence, the use of alternative energies, such as solar and wind power in the Antarctic Treaty Area, and the study of a systematic way of implementing energy saving methods with the aim of reducing the use of fuels to the maximum extent possible, are suggested.

Some Delegations emphasized the importance of the topic and the need to exchange information and experience in this field, as well as recommending eventually a study by SCAR and COMNAPs.



**INTERIM REPORT OF THE XIth ANTARCTIC TREATY
SPECIAL CONSULTATIVE MEETING,
SECOND SESSION,
(MADRID 22-30, APRIL 1991)**

1. Pursuant to recommendation XV-1 and in conformity with the Interim Report of the XIth ATSCM, First Session, held at Viña del Mar (Chile), 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 Madrid, Spain, from April 22 to 30, 1991 to continue the discussion of the 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, Columbia, Czechoslovakia, Denmark, Greece, Hungary, the Democratic People's Republic of Korea, Romania and Switzerland).
3. The following organizations attended the Meeting as Observers:
 - the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR),
 - the Scientific Committee on Antarctic Research (SCAR),
 - the Commission of 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. Francisco Fernández Ordoñez, Minister for Foreign Affairs of Spain, officially opened the Meeting and delivered the opening address which is reproduced in Annex A.
5. Mr. Carlos Blasco Villa, Head of the Spanish Delegation, was elected Chairman of the Meeting. After thanking the delegations for electing him Chairman, Mr. Carlos Blasco proposed Ambassador Oscar Pinochet de la Barra as Coordinator of the different Working Groups at the Second Session of the XIth ATSCM. The statement of the Chairman is included in Annex B.
6. The Chairman proposed that Mr. Lorenzo Gonzalez, and Mr. Camilo Villarino, both from the Spanish Delegation, be appointed Secretary General and Assistant Secretary General of the Meeting, respectively. This proposal was adopted.
7. The following agenda was adopted:
 1. The Chairman's introduction of the First Session of the Eleventh Antarctic Treaty Special Consultative Meeting.
 2. Adoption of the Agenda.
 3. Appointment of posts.
 4. Establishment of Working Groups I and II.

5. Official inauguration of the Second Session of the Eleventh Special Consultative Meeting and Opening speech by the Ministry of Foreign Affairs, Mr. Francisco Fernández Ordóñez.
 6. Plenary Report of Working Group I and II.
 7. Programme for subsequent work.
 8. Other business.
 9. Approval of the Provisional Report.
8. The following documents containing proposals on comprehensive environmental protection were introduced in Plenary:
1. Proposed Protocol to the Antarctic Treaty on Environmental Protection (document XI ATSCM/8).
 - Appendix I: (Instrument) on Marine Pollution (document XI ATSCM/8/ADD.1).
 - Appendix II: Waste Disposal and Waste Management (document XI ATSCM/8/ADD.2).
 - Appendix III: Environmental Impact Assessment Procedures (document XI ATSCM/8/ADD.3).
 - Appendix IV: Conservation of Antarctic Fauna and Flora (document XI ATSCM/8/ADD.4).
 2. Proposed United Kingdom Text for Article 6 of Environmental Protocol and Accompanying Annex (document XI ATSCM/2/WP.1).
 3. International Instrument Supplementing the Antarctic Treaty and Establishing a Comprehensive Regime for the Protection of the Environment (document XI ATSCM/2/WP.2).
 4. Tourist Activities in Antarctica and the Protection of the Environment (document XI ATSCM/2/WP.3).
 5. The Antarctic Protected Area System. United Kingdom proposal for a Draft Annex 5 to the Draft Environmental Protocol (XI ATSCM/2/WP.4).
 6. Annex on Environmental Impact Assessment Procedures Proposed by the United States (document XI ATSCM/2/WP.5).
 7. Annex on Marine Pollution proposed by the United States (document XI ATSCM/2/WP.6)
 8. Annex on Conservation of Antarctic Fauna and Flora Proposed by the United States (document XI ATSCM/2/WP.7).
 9. Annex on Waste Disposal and Waste Management Proposed by the United States (document XI ATSCM/2/WP.8).
9. 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 Chairmanship of Mr. Roberto Puceiro Ripoll, from the Delegation of Uruguay.

10. The terms of reference for this Session were adopted at the Meeting of Viña del Mar.

For Working Group I, a Draft Protocol (doc. XI ATSCM/8) submitted at Viña del Mar by Ambassador Rolf Trolle Andersen from Norway on a personal basis, and considered as a valuable document for further work, was adopted as working paper for the Madrid Session.

For Working Group II, four documents on Marine Pollution, Waste Disposal, Environmental Impact Assessment and Conservation of Fauna and Flora were adopted as working papers. At the same time Working Group II should review other items called for in paragraph 3 (b) of Recommendation XV-1:

- Protected areas system.
- Tourism and non-governmental activity.
- Environmental monitoring.
- International scientific cooperation.
- Alternative energy uses to reduce environmental impact.
- Fuel management.

11. The report of the Working Group I, presented by its Chairman, was received in Plenary on April 30. The text of the Report is reproduced in Annex C.
12. The Report of Working Group II, presented by its Chairman, was received in Plenary on April 30. The text of the Report is reproduced in Annex D.
13. Upon receiving the Report of Working Group II, the Plenary took particular note of the [] attached documents on Marine Pollution, Waste Disposal, Environmental Impact Assessment and Conservation on Fauna and Flora. These documents should be attached to the new instrument on comprehensive protection of the Antarctic Environment.
14. Working Group I initiated its work with a detailed examination of the Draft Protocol referred to in paragraph 10. During the discussions it was decided to establish an informal Drafting Committee under the chairmanship of the Head of the Netherlands Delegation. This Drafting Committee was to submit a single text to Working Group I, incorporating the suggestions of the different Delegations.
15. As a result of the work of this Drafting Committee an amended text of some of the articles was put forward to Working Group I. On the basis of this proposal, a number of Delegations proposed informal meetings of Heads of Delegations to try to adopt a final text.
16. As a result of these consultations, the Presidency submitted a revised version of the Draft Protocol to Working Group I. This was accepted by the Delegations as a document that,

once approved by the Governments, will be a sufficient basis for a final meeting to adopt the Protocol to the Antarctic Treaty on Environmental Protection.

17. The Plenary decided to establish a final wording through a Drafting Committee which should meet just before a new Session of the XI ATSCM to be held, next June.
18. The Meeting agreed, as is customary, to request the Chairman to release a press communiqué.
19. Representatives welcomed the invitation of the Government of Spain to host a new Session of the XIth Antarctic Treaty special Consultation Meeting at Madrid in June 1991.
20. The Meeting expressed its warm thanks to the Government of Spain, the Chairman of the Meeting, the Secretary General and Assistant Secretary General and their staff.
21. The Interim Report of the XIth Antarctic Treaty Consultative Meeting was adopted by consensus. The Meeting was adjourned on April 30, 1991.

PRESS RELEASE

Between April 22 and April 30, the Contracting Parties and representatives of Non Governmental Organisations as Observers met in Madrid. This Meeting constituted the Second Session of the Eleventh Antarctic Treaty Special Consultative Meeting, of which the first session took place in Viña del Mar, between November 19 and December 6, 1990.

Under Spanish Chairmanship, work was initiated on the basis of a Draft Protocol and four Annexes, which were the result of the work carried out in Viña del Mar.

After many working Meetings which gave rise to a serious debate, the delegations of the Contracting Parties were able to adopt, on the basis of the consensus ruling, a Draft Instrument on the comprehensive protection of the Antarctic Environment, which once approved by the respective Governments, was considered to be a sufficient basis for calling a final meeting in Madrid to officially adopt and sign this Instrument.

Thus, as approved in the Paris Meeting in October 1989, during which the development of comprehensive measures for the protection of the Antarctic Environment was called for, Recommendation XV-I has been put into operation.

The Instrument for which a consensus has been reached offers a balance aiming to incorporate the concerns of all the Parties, in a spirit of compromise, so that priority be given to the fundamental principles of the Antarctic System.

This document takes up the prohibition of any mineral related activity in the Antarctic, with the exception of scientific activities. Once a period of 50 years has expired, any Consulting Party may request a revision of this prohibition, which would only be approved when accepted by a majority of Contracting Parties, including the Consultative Parties, and which would only come into force when ratified by 3/4 of the Contracting Parties, including all the Parties which were Consultative at the time of the signing of the document which regulates the protection of the Antarctic Environment.

A Committee for the protection of the Antarctic Environment has also been established.

In spite of the difficulties imposed by the consensus system, the Contracting Parties to the Antarctic Treaty have, once again, been able to overcome differences of interest in the name of the principles of the conservation of Antarctica and the protection of its environment as a privileged natural area for scientific development and other peaceful ends.

**LIST OF DELEGATIONS ATTENDING
THE SECOND SESSION (MADRID, 22ND-30TH APRIL 1991)
OF THE ELEVENTH ANTARCTIC TREATY SPECIAL
CONSULTATIVE MEETING**

I. CONSULTATIVE PARTIES

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Director of the Argentine Antarctic Institute

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Doctor
National Directorate for the Antarctica

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Ministry of Culture, Sports, the Environment, Tourism and Territories

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Antonio Carlos DA ROCHA CAMPOS
Coordinator for Proantar

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Senate Ecological Commission

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Captain Carlos de TORO ALVAREZ
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Captain Adolfo PAUL LATORRE
Chilean Navy

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BULGARIA

Representative

Mr. TCHOUROV

CANADA

Representative

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COLOMBIA

Representative

Manuel SANZ DE SANTAMARIA
Advisory Minister
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CUBA

Representative

Raúl TORRES PEREZ
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GREECE

Representative

Emmanuel GOUNARIS
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National Committee for the Polar Regions
Ministry of Foreign Affairs

HUNGARY

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Delegate

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Li DOK SAM
International Law Specialist

Li JONG GUN
Adviser
Permanent Representative in the World Tourism Organization

O SONG HUN
International Law Specialist

Chang CHUN SIK
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Permanent Representative in the World Tourism Organization

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Executive Secretary
CCAMLR

COMMISSION OF THE EUROPEAN COMMUNITIES (C.E.C.)

Philippe BOURDEAU
Director D.G. XII
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D.G. XI
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