



# 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

ANTARCTIC TREATY

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**Part III**

**MEETING ON 3RD-4TH OCTOBER 1991**





## REPORT OF THE CHAIRMAN OF THE LINGUISTIC GROUP

The open-ended Linguistic Group chaired by F.H.J. von der Assen of the Netherlands, which initiated its work during the Second Session of the XIth Antarctic Treaty Special Consultative Meeting held at Madrid from 17 to 23 June 1991, continued its work from 30 September to 2 October 1991.

Delegates from the following Parties attended:

Argentina, Australia, Belgium, Brazil, Chile, France, Germany, Italy, Japan, the Netherlands, Norway, Spain, Sweden, Uruguay, Union of Soviet Socialist Republics and United States of America.

The Group had as its mandate to ensure the concordance of the text of the Protocol to the Antarctic Treaty on Environmental Protection, including its four Annexes, in the official languages of the Antarctic Treaty.

Proceeding from the English version of the Draft Protocol (XIth ATSCM/2/DLC, dated June 14 and XIth ATSCM/2 dated June 21) the Group successfully completed its work in ensuring concordance of the text in the other three official languages.

In carrying out its task the Group also identified a number of errors, omissions and drafting inconsistencies in the English version. The Group, therefore, thought it important to propose the incorporation of the appropriate modifications in the English version and, accordingly, in the other three linguistic versions.

A list of those proposed modifications is attached for the consideration of the Meeting.

## CHANGES IN THE ENGLISH TEXT PROPOSED BY THE LINGUISTIC GROUP

### PROTOCOL

art. 15. 1 (a): add «and»

art. 20.1: line 4: replace «this» by «these»

art. 21: «4th of October» replaces «23rd of June» and «3rd of October» replaces «22nd of June»

art. 22: «3rd of October» replaces «22nd of June»

art. 25. 3: «which are» replaces «that where»

art. 25. 4: «3 above» replaces «3 of this article»; line 3: add «Antarctic Treaty» to «Consultative Parties».

line 4: «ratification by» replaces «the ratification of»; line 4: «which are» replaces «that were»; line 4: add «Antarctic Treaty» to «Consultative Parties»

art. 25. 5: line 1: delete «the Parties agree that»

### SCHEDULE

art. 6. 2: «Article 10» replaces «Article 9» art. 6. 4: «19 and 20» replaces «18 and 19»

### ANNEX I

art. 5. 2 (a): «the» replaces «this»

art. 7. 2: line 4: replace «the» by «all»; delete «forwarded»

### ANNEX II

art. 1. h (v): add «and»

art. 1.h (vi): delete «and»

art. 2. 1: delete «The provisions of», replace «involving» by «relating to the»; replace «environmental protection» by «the protection of the environment»

art. 2. 2: replace «promptly» by «immediately»; add «and to the Committee»

art. 9.1: line 10: delete «of time»

### ANNEX III:

art. 10 (c): lines 4 and 5: replace «in the Antarctic Treaty Area in order that they» by «into that area in order that these products»

art. 12. 1: delete «other», add «, or the protection of the environment»

art. 12. 2: replace «promptly» by «immediately», add «and to the Committee.»

art. 13. 1: line 4: replace «such» by «the» line 10: delete «of time»

#### ANNEX IV

art. 2: delete «with respect»

art. 3. 1: line 4: replace «water» by «waters»

art. 3. 1: last line: add «73/78».

art. 5. 2: reverse order of «dunnage and incineration ash»

art. 5. 3: insert «been» between «have» and «passed»

art. 6. 1 (b): line 3: delete «shall be discharged» line 4: delete «of speed»

art. 7. 2: replace «promptly» by «immediately»

art. 9. 1: line 6: insert «and» between «water» and «other»; insert «on board» after «capacity»;  
line 7: insert «for the retention of» before «garbage»; replace last line by: «capacity on board for the retention of noxious liquid substances».



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



1. The Eleventh Antarctic Treaty Special Consultative Meeting was held in accordance with the provisions of Recommendation XV-1 adopted by all the Antarctic Treaty Consultative Parties in Paris in October 1989, in order to explore and discuss proposals relating to the comprehensive environmental protection of Antarctica and its dependent and associated ecosystems.
2. The Special Consultative Meeting opened at Viña del Mar from November 19 to December 6, 1990 and was attended by representatives of the Antarctic Treaty Consultative Parties namely, 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. Mr. Oscar Pinochet de la Barra, Head of the Delegation of Chile, acted as Chairman of this first session.
3. At Viña del Mar 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.
4. The second session took place in Madrid from April 22 to 30, from June 17 to 22 and from October 3 to 4, 1991. The Madrid Session was chaired by Mr. Carlos Blasco Villa, Head of the Delegation of Spain. The Closure of the Session was chaired by Mr. Francisco Fernández Ordóñez, the Minister of Foreign Affairs of Spain.
5. Representatives from all the Consultative Parties took part in the Madrid Session, namely, Argentina, Australia, Belgium, Brazil, Chile, China, Ecuador, Finland, France, Germany, India, Italy, Japan, the Republic of Korea, The Netherlands, New Zealand, Norway, Peru, Poland, South Africa, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Uruguay. At the invitation of the Consultative Parties to the Antarctic Treaty, representatives from all of the Contracting Parties which are not Consultative Parties also attended, namely, Austria, Bulgaria, Canada, Colombia, Czechoslovakia, Cuba, Denmark, Greece, Guatemala, Hungary, the Democratic People's Republic of Korea, Papua New Guinea, Romania and Switzerland. The Chairman welcomed Guatemala taking part for the first time in an Antarctic Treaty Meeting.
6. The following organisations and institutions were invited to take part in the sessions of the Special Consultative Meeting:
  - the Antarctic and Southern Ocean Coalition (ASOC),
  - the Commission of the European Communities (CEC),
  - the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR),
  - the International Union for the Conservation of Nature and Natural Resources (IUCN),
  - the Intergovernmental Oceanographic Commission (IOC),

- the Scientific Committee on Antarctic Research (SCAR)
  - the World Meteorological Organisation (WMO).
7. The work of the Madrid Session was greatly facilitated by a draft Protocol on Environmental Protection to the Antarctic Treaty, presented by Ambassador Rolf Trolle Andersen of Norway, the first draft of which was tabled during the Viña del Mar Session.
  8. A Legal Drafting Committee was constituted, chaired by Mr. Pieter Verbeek from The Netherlands and met from April 25 to 27 and from June 10 to 14, 1991, with the participation of 23 Consultative Parties to the Antarctic Treaty.
  9. A Linguistic Group was constituted, chaired by Ferdinand von der Assen, from the Netherlands, to establish the concordance of the text in the official languages of the Antarctic Treaty. The Group met from June 17 to 22 and from September 30 to October 3, 1991.
  10. At the conclusion of the Madrid Session, the Representatives of the Consultative Parties adopted by consensus, in the four official languages of the Antarctic Treaty, the Protocol on Environmental Protection to the Antarctic Treaty, of which four Annexes form an integral part, concerning environmental impact assessment, conservation of Antarctic fauna and flora, waste disposal and management and prevention of marine pollution. The Representatives of the Consultative Parties together with those of the non-Consultative Parties participating in the Madrid Session, signed the Final Act of the Eleventh Special Consultative Meeting on Antarctic Environmental Protection, to which the aforementioned Protocol is attached.
  11. In accordance with the provisions of the Final Report of the XV Antarctic Treaty Consultative Meeting, the Meeting proceeded to initiate a study on tourism, and the Representatives agreed that their study of this subject would be carried out in the XVI Consultative Meeting.
  12. Declarations and statements circulated by representatives upon the adoption of the Protocol are annexed to this Final Report.
  13. The Representatives expressed their thanks to the Governments of Chile and Spain, the hosts of the Special Consultative Meeting, as well as to their Chairmen, Ambassador Oscar Pinochet de la Barra and Mr. Carlos Blasco Villa, and to the Secretariat for its dedicated contribution to the work of the Sessions, which made the conclusion of the Protocol possible.



**CLOSING ADDRESS BY MR. FRANCISCO FERNANDEZ  
ORDOÑEZ, MINISTER OF FOREIGN AFFAIRS OF SPAIN**



**TEXT OF THE ADDRESS BY THE MINISTER OF FOREIGN AFFAIRS  
ON THE OCCASION OF THE SIGNATURE OF THE PROTOCOL  
ON ENVIRONMENTAL PROTECTION IN ANTARCTICA.  
PALACIO DE SANTA CRUZ, OCTOBER 4, 1991**

The work of the eleventh Antarctic Treaty Special Consultative Meeting has today been successfully concluded. We may thus witness the opening act of the signature of the Protocol to the Antarctic Treaty for environmental protection. We are celebrating the birth of a new legal instrument which is a clear example both of the vitality of the Antarctic system and of the spirit of cooperation which drives those states taking part in this system.

This Protocol is the result of arduous negotiations during which the various interests, all legitimate, of the participating states have had to be duly combined and taken into account. And this was made possible thanks to the spirit of commitment which was clearly shown during the course of the work carried out by the Antarctic Treaty Special Consultative Meeting, with which the government of Spain is particularly satisfied.

This spirit of commitment was and is based on the conviction of all those here present that it was necessary to establish a legal framework as soon as possible which would serve to guarantee the protection of the Antarctic environment.

The instrument which we are contemplating, together with its annexes, is without doubt the keystone of this legal framework, but there is more to it than this. We are dealing here with an unfinished piece of work, which will require renewed efforts when issues are broached which encompass the regulation of other activities in Antarctica and the configuration of an authentic system of protected areas in this continent, among other issues. The next meeting of the parties, which will maintain the already established driving force of the Treaty system, will be a good opportunity to get down to the work which we have here referred to.

This is a task demanded of us by worldwide public opinion, which is becoming ever more sensitive to environmental issues, and in the face of this our Governments cannot, and should not, remain impassive. And we must once again insist on the irrefutable reality of the vital repercussions of any alteration whatsoever to the Antarctic environment on the world ecosystem.

Having celebrated the thirtieth anniversary of the Antarctic Treaty this year, we can consider with legitimate satisfaction the work undertaken over the last three decades. Not only has the Antarctic become an international park for peace, but it has been considerably promoted for developing scientific research for the benefit of all humanity. Once again, the instrument being adopted today is a sign of commitment and hope directed to the international community, and it is a witness of our commitment to finding a solution to the main scientific and environmental questions which are at the forefront of world concern.

In short, being of service to humanity as a whole is the ultimate aim which justifies our efforts and our presence here today. I am sure that you will join with me in expressing your support of this excellent opportunity for reaffirming the commitment of those here present, and of our Governments, to continue with our work, driven by a spirit of initiative and consensus, to preserve an Antarctica at the service of mankind.

It is my great pleasure thus to call upon all parties present here today to proceed to sign with me the Final Act of the Eleventh Special Consultative Meeting, and I likewise call upon the

plenipotentiaries parties to the Antarctic Treaty who wish to do so, to proceed to sign the Protocol on environmental protection to the Antarctic Treaty.

Thank you very much.

**FINAL ACT OF THE ELEVENTH ANTARCTIC TREATY  
SPECIAL CONSULTATIVE MEETING**



The final session of the XIth Antarctic Treaty Special Consultative Meeting, convened in accordance with the Recommendation XV-I, was held at Madrid on the 3rd and 4th of October, 1991. The Meeting was attended by representatives of the Antarctic Treaty 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). The Meeting was also attended by delegations from Contracting Parties to the Antarctic Treaty which are not Consultative Parties (Austria, Bulgaria, Canada, Colombia, Cuba, Czechoslovakia, Denmark, Greece, Hungary, the Democratic People's Republic of Korea, Romania and Switzerland). Representatives of international governmental and non-governmental organisations attended the Meeting as observers (Antarctic and Southern Ocean Coalition, Scientific Committee on Antarctic Research, Commission for the Conservation of Antarctic Marine Living Resources, Commission of the European Communities, Intergovernmental Oceanographic Commission, World Meteorological Organisation, International Union for the Conservation of Nature and Natural Resources).

As a result of the deliberations, summarised in the Final Report of the XIth Antarctic Treaty Special Consultative Meeting, the Antarctic Treaty Consultative Parties adopted in the official languages of the Antarctic Treaty the «Protocol on Environmental Protection to the Antarctic Treaty» and four Annexes to the Protocol, which form an integral part thereof, namely: Annex I on Environmental Impact Assessment, Annex II on Conservation of Antarctic Fauna and Flora, Annex III on Waste Disposal and Waste Management, Annex IV on Prevention of Marine Pollution. The text of the Protocol and the four Annexes is attached to this Final Act. The Protocol provides for the possibility of adopting additional Annexes.

The Protocol provides that it will be opened for signature in Madrid on the 4th of October, 1991, and thereafter in Washington D.C. until the 3rd of October, 1992.

In the Protocol the Parties commit themselves to the comprehensive protection of the Antarctic environment and dependent and associated ecosystems, and designate Antarctica as a natural reserve devoted to peace and science.

In this context, the Meeting agreed that, pending entry into force of the Protocol, which would take place as soon as possible, current constraints on Antarctic mineral resource activity should continue.

The Meeting noted that the harvesting of ice was not considered to be an Antarctic mineral resource activity; it was therefore agreed that if the harvesting of ice were to become possible in the future, it was understood that the provisions of the Protocol, other than Article 7, would apply.

The Meeting noted that nothing in the Protocol shall derogate from the rights and obligations of Parties under the Convention on the Conservation of Antarctic Marine Living Resources, the Convention for the Conservation of Antarctic Seals and the International Convention for the Regulation of Whaling.

With respect to the activities referred to in Article 8, the Meeting noted that it was not intended that those activities should include activities undertaken in the Antarctic Treaty area pursuant to the Convention on the Conservation of Antarctic Marine Living Resources or the Convention for the Conservation of Antarctic Seals.

The Meeting underlined the commitment of the Parties to the Protocol in its Article 16 to elaborate rules and procedures relating to liability for damage arising from activities taking place in the Antarctic Treaty area and covered by the Protocol, with a view to their inclusion in one or

more Annexes and expressed the wish that work on their elaboration could begin at an early stage. In this context, it was understood that liability for damage to the Antarctic environment should be included in such an elaboration.

The Meeting noted that, with regard to the competence of the Arbitral Tribunal under Articles 19 and 20 of the Protocol to make an award upon any matter, it was understood that the Tribunal would not make determinations as to damages until a binding legal regime had entered into force through an Annex or Annexes pursuant to Article 16.

With reference to Article 18, the Meeting agreed that an inquiry procedure should be elaborated to facilitate resolution of disputes concerning the interpretation or application of Article 3 with respect to activities undertaken or proposed to be undertaken in the Antarctic Treaty area.

The Meeting acknowledged that, while reservations to the Protocol would not be permitted, this did not preclude a State, when signing, ratifying, accepting or approving the Protocol, or when acceding to it, from making declarations or statements, however phrased or named, with a view, inter alia, to the harmonisation of its laws and regulations with the Protocol, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the Protocol in its application to that State.

The Meeting agreed that the contents of this Final Act are without prejudice to the legal position of any Party under Article IV of the Antarctic Treaty .

The Meeting agreed that it was desirable to ensure the effective implementation at an early date of the provisions of the Protocol. Pending the entry into force of the Protocol it was agreed that it was desirable for all Contracting Parties to the Antarctic Treaty to apply Annexes I-IV, in accordance with their legal systems and to the extent practicable, and to take individually such steps to enable it to occur as soon as possible.

Done in Madrid, this fourth day of October, 1991, in a single original copy in the four languages of the Antarctic Treaty to be deposited in the Archives of the Government of the United States of America, which will transmit a certified copy thereof to all Contracting Parties to the Antarctic Treaty.



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



## PREAMBLE

The States Parties to this Protocol to the Antarctic Treaty, hereinafter referred to as the Parties.

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

Convinced of the need to strengthen the Antarctic Treaty system so as to ensure that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Bearing in mind the special legal and political status of Antarctica and the special responsibility of the Antarctic Treaty Consultative Parties to ensure that all activities in Antarctica are consistent with the purposes and principles of the Antarctic Treaty;

Recalling the designation of Antarctica as a Special Conservation Area and other measures adopted under the Antarctic Treaty system to protect the Antarctic environment and dependent and associated ecosystems;

Acknowledging further the unique opportunities Antarctica offers for scientific monitoring of and research on processes of global as well as regional importance;

Reaffirming the conservation principles of the Convention on the Conservation of Antarctic Marine Living Resources;

Convinced that the development of a comprehensive regime for the protection of the Antarctic environment and dependent and associated ecosystems is in the interest of mankind as a whole;

Desiring to supplement the Antarctic Treaty to this end;

Have agreed as follows:

## ARTICLE 1

### DEFINITIONS

For the purposes of this Protocol:

- a) «The Antarctic Treaty» means the Antarctic Treaty done at Washington on 1 December 1959;
- b) «Antarctic Treaty area» means the area to which the provisions of the Antarctic Treaty apply in accordance with Article VI of that Treaty;
- c) «Antarctic Treaty Consultative Meetings» means the meetings referred to in Article IX of the Antarctic Treaty;
- d) «Antarctic Treaty Consultative Parties» means the Contracting Parties to the Antarctic Treaty entitled to appoint representatives to participate in the meetings referred to in Article IX of that Treaty;
- e) «Antarctic Treaty system» means the Antarctic Treaty, the measures in effect under that Treaty, its associated separate international instruments in force and the measures in effect under those instruments;

- f) «Arbitral Tribunal» means the Arbitral Tribunal established in accordance with the Schedule to this Protocol, which forms an integral part thereof;
- g) «Committee» means the Committee for Environmental Protection established in accordance with Article 11.

## ARTICLE 2

### OBJECTIVE AND DESIGNATION

The Parties commit themselves to the comprehensive protection of the Antarctic environment and dependent and associated ecosystems and hereby designate Antarctica as a natural reserve, devoted to peace and science.

## ARTICLE 3

### ENVIRONMENTAL PRINCIPLES

1. 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, in particular research essential to understanding the global environment, shall be fundamental considerations in the planning and conduct of all activities in the Antarctic Treaty area.

2. To this end:

- a) activities in the Antarctic Treaty area shall be planned and conducted so as to limit adverse impacts on the Antarctic environment and dependent and associated ecosystems;
- b) activities in the Antarctic Treaty area shall be planned and conducted so as to avoid:
  - i) adverse effects on climate or weather patterns;
  - ii) significant adverse effects on air or water quality;
  - iii) significant changes in the atmospheric, terrestrial (including aquatic), glacial 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) activities in the Antarctic Treaty area shall be planned and conducted on the basis of information sufficient to allow prior assessments of, and informed judgments 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 judgments shall take full account of:

- i) the scope of the activity, including its area, duration and intensity;
  - ii) the cumulative impacts of the activity, both by itself and in combination with other activities in the Antarctic Treaty area;
  - iii) whether the activity will detrimentally affect any other activity in the Antarctic Treaty area;
  - 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 the activity and to provide for such modification of operating procedures as may be necessary in the light of the results of monitoring or increased knowledge of the Antarctic environment and dependent and associated ecosystems; and
  - vi) whether there exists the capacity to respond promptly and effectively to accidents, particularly those with potential environmental effects;
- (d) regular and effective monitoring shall take place to allow assessment of the impacts of ongoing activities, including the verification of predicted impacts;
- e) regular and effective monitoring shall take place to facilitate early detection of the possible unforeseen effects of activities carried on both within and outside the Antarctic Treaty area on the Antarctic environment and dependent and associated ecosystems.

3. Activities shall be planned and conducted in the Antarctic Treaty area 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.

4. Activities undertaken in the Antarctic Treaty area pursuant to scientific research programmes, tourism and all other governmental and non-governmental activities in the Antarctic Treaty area for which advance notice is required in accordance with Article VII (5) of the Antarctic Treaty, including associated logistic support activities, shall:

- a) take place in a manner consistent with the principles in this Article; and
- b) be modified, suspended or cancelled if they result in or threaten to result in impacts upon the Antarctic environment or dependent or associated ecosystems inconsistent with those principles.

#### **ARTICLE 4**

##### **RELATIONSHIP WITH THE 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 this Protocol under the other international instruments in force within the Antarctic Treaty system.

## ARTICLE 5

### CONSISTENCY WITH THE OTHER COMPONENTS OF THE ANTARCTIC TREATY SYSTEM

The Parties shall consult and co-operate 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 implementation of those instruments and of this Protocol.

## ARTICLE 6

### CO-OPERATION

1. The Parties shall co-operate in the planning and conduct of activities in the Antarctic Treaty area. To this end, each Party shall endeavour to:

- a) promote co-operative programmes of scientific, technical and educational value, concerning the protection of the Antarctic environment and dependent and associated ecosystems;
- b) provide appropriate assistance to other Parties in the preparation of environmental impact assessments;
- c) provide to other Parties upon request information relevant to any potential environmental risk and assistance to minimize the effects of accidents which may damage the Antarctic environment or dependent and associated ecosystems;
- d) consult with other Parties with regard to the choice of sites for prospective stations and other facilities so as to avoid the cumulative impacts caused by their excessive concentration in any location;
- e) where appropriate, undertake joint expeditions and share the use of stations and other facilities; and
- f) carry out such steps as may be agreed upon at Antarctic Treaty Consultative Meetings.

2. Each Party undertakes, to the extent possible, to share information that may be helpful to other Parties in planning and conducting their activities in the Antarctic Treaty area, with a view to the protection of the Antarctic environment and dependent and associated ecosystems.

3. The Parties shall co-operate with those Parties which may exercise jurisdiction in areas adjacent to the Antarctic Treaty area with a view to ensuring that activities in the Antarctic Treaty area do not have adverse environmental impacts on those areas.

## ARTICLE 7

### PROHIBITION OF MINERAL RESOURCE ACTIVITIES

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

## ARTICLE 8

### ENVIRONMENTAL IMPACT ASSESSMENT

1. Proposed activities referred to in paragraph 2 below shall be subject to the procedures set out in Annex I for prior assessment of the impacts of those activities on the Antarctic environment or on dependent or associated ecosystems according to whether those activities are identified as having:

- a) less than a minor or transitory impact;
- b) a minor or transitory impact; or
- c) more than a minor or transitory impact.

2. Each Party shall ensure that the assessment procedures set out in Annex I are applied in the planning processes leading to decisions about any activities undertaken in the Antarctic Treaty area pursuant to scientific research programmes, tourism and all other governmental and non-governmental activities in the Antarctic Treaty area for which advance notice is required under Article VII (5) of the Antarctic Treaty, including associated logistic support activities.

3. The assessment procedures set out in Annex I shall apply to any change in an activity whether the change arises from an increase or decrease in the intensity of an existing activity, from the addition of an activity, the decommissioning of a facility, or otherwise.

4. Where activities are planned jointly by more than one Party, the Parties involved shall nominate one of their number to coordinate the implementation of the environmental impact assessment procedures set out in Annex I.

## ARTICLE 9

### ANNEXES

1. The Annexes to this Protocol shall form an integral part thereof.

2. Annexes, additional to Annexes I-IV, may be adopted and become effective in accordance with Article IX of the Antarctic Treaty.

3. Amendments and modifications to Annexes may be adopted and become effective in accordance with Article IX of the Antarctic Treaty, provided that any Annex may itself make provision for amendments and modifications to become effective on an accelerated basis.

4. Annexes and any amendments and modifications thereto which have become effective in accordance with paragraphs 2 and 3 above shall, unless an Annex itself provides otherwise in respect of the entry into effect of any amendment or modification thereto, become effective for a Contracting Party to the Antarctic Treaty which is not an Antarctic Treaty Consultative Party, or which was not an Antarctic Treaty Consultative Party at the time of the adoption, when notice of approval of that Contracting Party has been received by the Depositary.

5. Annexes shall, except to the extent that an Annex provides otherwise, be subject to the procedures for dispute settlement set out in Articles 18 to 20.

## **ARTICLE 10**

### **ANTARCTIC TREATY CONSULTATIVE MEETINGS**

1. Antarctic Treaty Consultative Meetings shall, drawing upon the best scientific and technical advice available:
  - a) define, in accordance with the provisions of this Protocol, the general policy for the comprehensive protection of the Antarctic environment and dependent and associated ecosystems; and
  - b) adopt measures under Article IX of the Antarctic Treaty for the implementation of this Protocol.
2. Antarctic Treaty Consultative Meetings shall review the work of the Committee and shall draw fully upon its advice and recommendations in carrying out the tasks referred to in paragraph 1 above, as well as upon the advice of the Scientific Committee on Antarctic Research.

## **ARTICLE 11**

### **COMMITTEE FOR ENVIRONMENTAL PROTECTION**

1. There is hereby established the Committee for Environmental Protection.
2. Each Party shall be entitled to be a member of the Committee and to appoint a representative who may be accompanied by experts and advisers.
3. Observer status in the Committee shall be open to any Contracting Party to the Antarctic Treaty which is not a Party to this Protocol.
4. The Committee shall invite the President of the Scientific Committee on Antarctic Research and the Chairman of the Scientific Committee for the Conservation of Antarctic Marine Living Resources to participate as observers at its sessions. The Committee may also, with the approval of the Antarctic Treaty Consultative Meeting, invite such other relevant scientific, environmental and technical organisations which can contribute to its work to participate as observers at its sessions.
5. The Committee shall present a report on each of its sessions to the Antarctic Treaty Consultative Meeting. The report shall cover all matters considered at the session and shall reflect the views expressed. The report shall be circulated to the Parties and to observers attending the session, and shall thereupon be made publicly available.
6. The Committee shall adopt its rules of procedure which shall be subject to approval by the Antarctic Treaty Consultative Meeting.

## **ARTICLE 12**

### **FUNCTIONS OF THE COMMITTEE**

1. The functions of the Committee shall be to provide advice and formulate recommendations to the Parties in connection with the implementation of this Protocol, including the operation of



its Annexes, for consideration at Antarctic Treaty Consultative Meetings, and to perform such other functions as may be referred 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;
- 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 application and implementation of the environmental impact assessment procedures set out in Article 8 and Annex I;
- e) means of minimising or mitigating environmental impacts of activities in the Antarctic Treaty area;
- f) procedures for situations requiring urgent action, including response action in environmental emergencies;
- g) the operation and further elaboration of the Antarctic Protected Area system;
- h) inspection procedures, including formats for inspection reports and checklists for the conduct of inspections;
- i) The collection, archiving, exchange and evaluation of information related to environmental protection;
- j) the state of the Antarctic environment; and
- k) the need for scientific research, including environmental monitoring, related to the implementation of this Protocol.

2. In carrying out its functions, the Committee shall, as appropriate, consult with the Scientific Committee on Antarctic Research, the Scientific Committee for the Conservation of Antarctic Marine Living Resources and other relevant scientific, environmental and technical organizations.

## **ARTICLE 13**

### **COMPLIANCE WITH THIS PROTOCOL**

1. Each Party shall take appropriate measures within its competence, including the adoption of laws and regulations, administrative actions and enforcement measures, to ensure compliance with this Protocol.

2. Each 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.

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

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

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

## ARTICLE 14

### INSPECTION

1. In order to promote the protection of the Antarctic environment and dependent and associated ecosystems, and to ensure compliance with this Protocol, the Antarctic Treaty Consultative Parties shall arrange, individually or collectively, for inspections by observers to be made in accordance with Article VII of the Antarctic Treaty.

2. Observers are:

- a) observers designated by any Antarctic Treaty Consultative Party who shall be nationals of that Party; and
- b) any observers designated at Antarctic Treaty Consultative Meetings to carry out inspections under procedures to be established by an Antarctic Treaty Consultative Meeting.

3. Parties shall co-operate 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 (3) of the Antarctic Treaty, as well as to all records maintained thereon which are called for pursuant to this Protocol.

4. Reports of inspections shall be sent to the Parties whose stations, installations, equipment, ships or aircraft are covered by the reports. After those Parties have been given the opportunity to comment, the reports and any comments thereon shall be circulated to all the Parties and to the Committee, considered at the next Antarctic Treaty Consultative Meeting, and thereafter made publicly available.

## ARTICLE 15

### EMERGENCY RESPONSE ACTION

1. In order to respond to environmental emergencies in the Antarctic Treaty area, each Party agrees to:

- a) provide for prompt and effective response action to such emergencies which might arise in the performance of scientific research programmes, tourism and all other governmental and nongovernmental activities in the Antarctic Treaty area for which advance notice is required under Article VII (5) of the Antarctic Treaty, including associated logistic support activities; and
- b) establish contingency plans for response to incidents with potential adverse effects on the Antarctic environment or dependent and associated ecosystems.

2. To this end, the Parties shall:

- a) co-operate in the formulation and implementation of such contingency plans; and

b) establish procedures for immediate notification of, and co-operative response to, environmental emergencies.

3. In the implementation of this Article, the Parties shall draw upon the advice of the appropriate international organisations.

## **ARTICLE 16**

### **LIABILITY**

Consistent with the objectives of this Protocol for the comprehensive protection of the Antarctic environment and dependent and associated ecosystems, the Parties undertake to elaborate rules and procedures relating to liability for damage arising from activities taking place in the Antarctic Treaty area and covered by this Protocol. Those rules and procedures shall be included in one or more Annexes to be adopted in accordance with Article 9 (2).

## **ARTICLE 17**

### **ANNUAL REPORT BY PARTIES**

1. Each Party shall report annually on the steps taken to implement this Protocol. Such reports shall include notifications made in accordance with Article 13 (3), contingency plans established in accordance with Article 15 and any other notifications and information called for pursuant to this Protocol for which there is no other provision concerning the circulation and exchange of information.

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

## **ARTICLE 18**

### **DISPUTE SETTLEMENT**

If a dispute arises concerning the interpretation or application of this Protocol, 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 19**

### **CHOICE OF DISPUTE SETTLEMENT PROCEDURE**

1. Each 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 Articles 7, 8 and 15 and, except to the extent that an Annex provides otherwise, the provisions of any Annex and, insofar as it relates to these Articles and provisions, Article 13:

- a) the International Court of Justice;
- b) the Arbitral Tribunal.

2. A declaration made under paragraph 1 above shall not affect the operation of Article 18 and Article 20 (2).

3. A Party which 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 Parties.

## **ARTICLE 20**

### **DISPUTE SETTLEMENT PROCEDURE**

1. If the parties to a dispute concerning the interpretation or application of Articles 7, 8 or 15 or, except to the extent that an Annex provides otherwise, the provisions of any Annex or, insofar as it relates to these Articles and provisions, Article 13, have not agreed on a means for resolving it within 12 months of the request for consultation pursuant to Article 18, the dispute shall be referred, at the request of any party to the dispute, for settlement in accordance with the procedure determined by Article 19 (4) and (5).

2. 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 Parties to decide or otherwise rule upon any matter within the scope of Article IV of the Antarctic Treaty.

## **ARTICLE 21**

### **SIGNATURE**

This Protocol shall be open for signature at Madrid on the 4th of October 1991 and thereafter at Washington until the 3rd of October 1992 by any State which is a Contracting Party to the Antarctic Treaty.

## **ARTICLE 22**

### **RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION**

1. This Protocol is subject to ratification, acceptance or approval by signatory States.
2. After the 3rd of October 1992 this Protocol shall be 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, here by designated as the Depository.
4. After the date on which this Protocol has entered into force, the Antarctic Treaty Consultative Parties shall not act upon a notification regarding the entitlement of a Contracting Party to the Antarctic Treaty to appoint representatives to participate in Antarctic Treaty Consultative Meetings in accordance with Article LX (2) of the Antarctic Treaty unless that Contracting Party has first ratified, accepted, approved or acceded to this Protocol.

## **ARTICLE 23**

### **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 Antarctic Treaty 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 24**

### **RESERVATIONS**

Reservations to this Protocol shall not be permitted.

## **ARTICLE 25**

### **MODIFICATION OR AMENDMENT**

1. Without prejudice to the provisions of Article 9, this Protocol may be modified or amended at any time in accordance with the procedures set forth in Article XII (l) (a) and (b) of the Antarctic Treaty.
2. If, after the expiration of 50 years from the date of entry into force of this Protocol, any of the Antarctic Treaty Consultative Parties so requests by a communication addressed to the Depository, a conference shall be held as soon as practicable to review the operation of this Protocol.
3. A modification or amendment proposed at any Review Conference called pursuant to paragraph 2 above shall be adopted by a majority of the Parties, including 3/4 of the States which are Antarctic Treaty Consultative Parties at the time of adoption of this Protocol.

4. A modification or amendment adopted pursuant to paragraph 3 above shall enter into force upon ratification, acceptance, approval or accession by 3/4 of the Antarctic Treaty Consultative Parties, including ratification, acceptance, approval or accession by all States which are Antarctic Treaty Consultative Parties at the time of adoption of this Protocol.

5. a) With respect to Article 7, the prohibition on Antarctic mineral resource activities contained therein shall continue unless there is in force a binding legal regime on Antarctic mineral resource activities that includes an agreed means for determining whether, and, if so, under which conditions, any such activities would be acceptable. This regime shall fully safeguard the interests of all States referred to in Article IV of the Antarctic Treaty and apply the principles thereof. Therefore, if a modification or amendment to Article 7 is proposed at a Review Conference referred to in paragraph 2 above, it shall include such a binding legal regime.

b) If any such modification or amendment has not entered into force within 3 years of the date of its adoption, any Party may at any time thereafter notify to the Depositary of its withdrawal from this Protocol, and such withdrawal shall take effect 2 years after receipt of the notification by the Depositary.

## **ARTICLE 26**

### **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 any additional Annex thereto;
- c) the date of entry into force of any amendment or modification to this Protocol;
- d) the deposit of declarations and notices pursuant to Article 19; and
- e) any notification received pursuant to Article 25 (5) (b)

## **ARTICLE 27**

### **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 all Contracting Parties to the Antarctic Treaty.

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

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

2. The Secretary referred to in this Schedule is the Secretary General of the Permanent Court of Arbitration.

#### ARTICLE 2

1. Each 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 the Protocol for that Party. Each Arbitrator shall be experienced in Antarctic affairs, have thorough knowledge of international law and enjoy the highest reputation for fairness, competence and integrity. The names of the persons so designated shall constitute the list of Arbitrators. Each 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 Party shall remain on the list for a period of five years and shall be eligible for redesignation by that Party for additional five year periods.

3. A Party which designated an Arbitrator may withdraw the name of that Arbitrator from the list. If an Arbitrator dies or if a Party for any reason withdraws from the list the name of an Arbitrator designated by it, the 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. This appointment shall be included in the notification referred to in Article 4.
- 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.
- 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.

The third Arbitrator shall not be either a national of a party to the dispute, or a person designated for the list referred to in Article 2 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 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 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 notification 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 Parties.

#### ARTICLE 5

1. Unless the parties to the dispute agree otherwise, arbitration shall take place at The Hague, 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 the 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 10.

3. Notwithstanding the time period in Article 20 of the 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, 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, 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 18, 19 and 20 of the Protocol.

## ARTICLE 7

Any 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, on the basis of the provisions of the Protocol and other applicable rules and principles of international law that are not incompatible with such provisions, decide 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 Parties.
3. The award shall be final and binding on the parties to the dispute and on any 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 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 the 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 Articles 5, 6 and 11, shall be made by a majority of the Arbitrators who may not abstain from voting.

## ARTICLE 13

1. This Schedule may be amended or modified by a measure adopted in accordance with Article IX (1) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or that it is unable to approve the measure.
2. Any amendment or modification of this Schedule which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.

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

**ENVIRONMENTAL IMPACT ASSESSMENT**



**ARTICLE 1**  
**PRELIMINARY STAGE**

1. The environmental impacts of proposed activities referred to in Article 8 of the Protocol shall, before their commencement, be considered in accordance with appropriate national procedures.

2. If an activity is determined as having less than a minor or transitory impact, the activity may proceed forthwith.

**ARTICLE 2**  
**INITIAL ENVIRONMENTAL EVALUATION**

1. Unless it has been determined that an activity will have less than a minor or transitory impact, or unless a Comprehensive Environmental Evaluation is being prepared in accordance with Article 3, 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 and shall include:

- a) a description of the proposed activity, including its purpose, location, duration, and intensity; and
- b) consideration of alternatives to the proposed activity and any impacts that the activity may have, 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, 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.

**ARTICLE 3**  
**COMPREHENSIVE ENVIRONMENTAL EVALUATION**

1. If an Initial Environmental Evaluation indicates or if it is otherwise determined that a proposed activity is likely to have more than a minor or transitory impact, a Comprehensive Environmental Evaluation shall be prepared.

2. A Comprehensive Environmental Evaluation shall include:

- a) a description of the proposed activity including its purpose, location, duration and intensity, and possible alternatives to the activity, including the alternative of not proceeding, and the consequences of those alternatives;
- 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) a description of the methods and data used to forecast the impacts of the proposed activity;

- d) estimation of the nature, extent, duration, and intensity of the likely direct impacts of the proposed activity;
- e) consideration of possible indirect or second order impacts of the proposed activity;
- f) consideration of cumulative impacts of the proposed activity in the light of existing activities and other known planned activities;
- g) identification of measures, including monitoring programmes, that could be taken to minimise or mitigate impacts of the proposed activity and to detect unforeseen impacts and that could provide early warning of any adverse effects of the activity as well as to deal promptly and effectively with accidents;
- h) identification of unavoidable impacts of the proposed activity;
- i) consideration of the effects of the proposed activity on the conduct of scientific research and on other existing uses and values;
- j) an identification of gaps in knowledge and uncertainties encountered in compiling the information required under this paragraph;
- k) a non-technical summary of the information provided under this paragraph; and
- l) the name and address of the person or organization which prepared the Comprehensive Environmental Evaluation and the address to which comments thereon should be directed.

3. The draft Comprehensive Environmental Evaluation shall be made publicly available and shall be circulated to all Parties, which shall also make it publicly available, for comment. A period of 90 days shall be allowed for the receipt of comments.

4. The draft Comprehensive Environmental Evaluation shall be forwarded to the Committee at the same time as it is circulated to the Parties, and at least 120 days before the next Antarctic Treaty Consultative Meeting, for consideration as appropriate.

5. No final decision shall be taken to proceed with the proposed activity in the Antarctic Treaty area unless there has been an opportunity for consideration of the draft Comprehensive Environmental Evaluation by the Antarctic Treaty Consultative Meeting on the advice of the Committee, provided that no decision to proceed with a proposed activity shall be delayed through the operation of this paragraph for longer than 15 months from the date of circulation of the draft Comprehensive Environmental Evaluation.

6. A final Comprehensive Environmental Evaluation shall address and shall include or summarise comments received on the draft Comprehensive Environmental Evaluation. The final Comprehensive Environmental Evaluation, notice of any decisions relating thereto, and any evaluation of the significance of the predicted impacts in relation to the advantages of the proposed activity, shall be circulated to all Parties, which shall also make them publicly available, at least 60 days before the commencement of the proposed activity in the Antarctic Treaty area.

#### **ARTICLE 4**

#### **DECISIONS TO BE BASED ON COMPREHENSIVE ENVIRONMENTAL EVALUATIONS**

Any decision on whether a proposed activity, to which Article 3 applies, should proceed, and,

if so, whether in its original or in a modified form, shall be based on the Comprehensive Environmental Evaluation as well as other relevant considerations.

## 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 regular and verifiable record of the impacts of the activity in order, *inter alia*, to:

- a) enable assessments to be made of the extent to which such impacts are consistent with the Protocol; and
- b) provide information useful for minimising or mitigating impacts, and, where appropriate, information on the need for suspension, cancellation or modification of the activity.

## ARTICLE 6

### CIRCULATION OF INFORMATION

1. The following information shall be circulated to the Parties, forwarded to the Committee and made publicly available:

- a) a description of the procedures referred to in Article 1;
- b) an annual list of any Initial Environmental Evaluations prepared in accordance with Article 2 and any decisions taken in consequence thereof;
- c) significant information obtained, and any action taken in consequence thereof, from procedures put in place in accordance with Articles 2 (2) and 5; and
- d) information referred to in Article 3 (6).

2. Any Initial Environmental Evaluation prepared in accordance with Article 2 shall be made available on request.

## ARTICLE 7

### CASES OF EMERGENCY

1. This Annex shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft or equipment and facilities of high value, or the protection of the environment, which require an activity to be undertaken without completion of the procedures set out in this Annex.

2. Notice of activities undertaken in cases of emergency, which would otherwise have required preparation of a Comprehensive Environmental Evaluation, shall be circulated immedi-

ately to all Parties and to the Committee and a full explanation of the activities carried out shall be provided within 90 days of those activities.

## **ARTICLE 8**

### **AMENDMENT OR MODIFICATION**

1. This Annex may be amended or modified by a measure adopted in accordance with Article IX (1) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that period, that it wishes an extension of that period or that it is unable to approve the measure.

2. Any amendment or modification of this Annex which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.



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

**CONSERVATION OF ANTARCTIC  
FAUNA AND FLORA**



## ARTICLE 1

### DEFINITIONS

For the purposes of this Annex:

- a) «native mammal» means any member of any species belonging to the Class Mammalia, indigenous to the Antarctic Treaty area 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 Treaty area or occurring there seasonally through natural migrations;
- c) «native plant» means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi and algae, at any stage of its life cycle (including seeds, and other propagules), indigenous to the Antarctic Treaty area;
- d) «native invertebrate» means any terrestrial or freshwater invertebrate, at any stage of its life cycle, indigenous to the Antarctic Treaty area;
- e) «appropriate authority» means any person or agency authorized by a Party to issue permits under this Annex;
- f) «permit» means a formal permission in writing issued by an appropriate authority;
- g) «take» or «taking» means to kill, injure, capture, handle or molest, a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected;
- h) «harmful interference» means:
  - i) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds and seals;
  - ii) using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds and seals;
  - iii) using explosives or firearms in a manner that disturbs concentrations of birds and seals;
  - iv) wilfully disturbing breeding or moulting birds or concentrations of birds and seals by persons on foot;
  - v) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and
  - vi) any activity that results in the significant adverse modification of habitats of any species or population of native mammal, bird, plant or invertebrate.
- i) «International Convention for the Regulation of Whaling» means the Convention done at Washington on 2 December 1946.

**ARTICLE 2**  
**CASES OF EMERGENCY**

1. This Annex shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft, or equipment and facilities of high value, or the protection of the environment.
2. Notice of activities undertaken in cases of emergency shall be circulated immediately to all Parties and to the Committee.

**ARTICLE 3**  
**PROTECTION OF NATIVE FAUNA AND FLORA**

1. Taking or harmful interference 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 in the following circumstances:
  - a) to provide specimens for scientific study or scientific information;
  - b) to provide specimens for museums, herbaria, zoological and botanical gardens, or other educational or cultural institutions or uses; and
  - c) to provide for unavoidable consequences of scientific activities not otherwise authorized under sub-paragraphs (a) or (b) 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) only small numbers of native mammals or birds are killed and in no case more native mammals or birds are killed from local populations than can, in combination with other permitted takings, normally be replaced by natural reproduction in the following season; and
  - c) the diversity of species, as well as the habitats essential to their existence, and the balance of the ecological systems existing within the Antarctic Treaty area are maintained.
4. Any species of native mammals, birds and plants listed in Appendix A to this Annex shall be designated «Specially Protected Species», and shall be accorded special protection by the Parties.
5. A permit shall not be issued to take a Specially Protected Species unless the taking:
  - a) is for a compelling scientific purpose;
  - b) will not jeopardize the survival or recovery of that species or local population; and
  - c) uses non-lethal techniques where appropriate.

6. All taking of native mammals and birds shall be done in the manner that involves the least degree of pain and suffering practicable.

#### **ARTICLE 4**

##### **INTRODUCTION OF NON-NATIVE SPECIES, PARASITES AND DISEASES**

1. No species of animal or plant not native to the Antarctic Treaty area shall be introduced onto land or ice shelves, or into water in the Antarctic Treaty area except in accordance with a permit.

2. Dogs shall not be introduced onto land or ice shelves and dogs currently in those areas shall be removed by April 1, 1994.

3. Permits under paragraph 1 above shall be issued to allow the importation only of the animals and plants listed in Appendix B to this Annex and shall specify the species, numbers and, if appropriate, age and sex and precautions to be taken to prevent escape or contact with native fauna and flora.

4. Any plant or animal for which a permit has been issued in accordance with paragraphs 1 and 3 above, shall, prior to expiration of the permit, be removed from the Antarctic Treaty area or be disposed of by incineration or equally effective means that eliminates risk to native fauna or flora. The permit shall specify this obligation. Any other plant or animal introduced into the Antarctic Treaty area not native to that area, including any progeny, shall be removed or disposed of, by incineration or by equally effective means, so as to be rendered sterile, unless it is determined that they pose no risk to native flora or fauna.

5. Nothing in this Article shall apply to the importation of food into the Antarctic Treaty area provided that no live animals are imported for this purpose and all plants and animal parts and products are kept under carefully controlled conditions and disposed of in accordance with Annex III to the Protocol and Appendix C to this Annex.

6. Each Party shall require that precautions, including those listed in Appendix C to this Annex, be taken to prevent the introduction of micro-organisms (e.g., viruses, bacteria, parasites, yeasts, fungi) not present in the native fauna and flora.

#### **ARTICLE 5**

##### **INFORMATION**

Each Party shall prepare and make available information setting forth, in particular, prohibited activities and providing lists of Specially Protected Species and relevant Protected Areas to all those persons 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 Annex.

#### **ARTICLE 6**

##### **EXCHANGE OF INFORMATION**

1. The 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 or plant taken annually in the Antarctic Treaty area;
- b) obtaining and exchanging information as to the status of native mammals, birds, plants, and invertebrates 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 Parties in accordance with paragraph 2 below.

2. Each Party shall inform the other Parties as well as the Committee before the end of November of each year of any step taken pursuant to paragraph 1 above and of the number and nature of permits issued under this Annex in the preceding period of 1st July to 30th June.

## **ARTICLE 7**

### **RELATIONSHIP WITH OTHER AGREEMENTS OUTSIDE THE ANTARCTIC TREATY SYSTEM**

Nothing in this Annex shall derogate from the rights and obligations of Parties under the International Convention for the Regulation of Whaling.

## **ARTICLE 8**

### **REVIEW**

The Parties shall keep under continuing review measures for the conservation of Antarctic fauna and flora, taking into account any recommendations from the Committee.

## **ARTICLE 9**

### **AMENDMENT OR MODIFICATION**

1. This Annex may be amended or modified by a measure adopted in accordance with Article IX (1) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or that it is unable to approve the measure.

2. Any amendment or modification of this Annex which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.

## APPENDICES TO THE ANNEX

### 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 Antarctic Treaty area in accordance with permits issued under Article 4 of this Annex:

- a) domestic plants; and
- b) laboratory animals and plants including viruses, bacteria, yeasts and fungi.

### APPENDIX C: PRECAUTIONS TO PREVENT INTRODUCTION OF MICRO-ORGANISMS

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 disposed of by incineration or equivalent means that eliminates risks to native flora and fauna.

2. The importation of non-sterile soil shall be avoided to the maximum extent practicable.





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

**WASTE DISPOSAL AND WASTE MANAGEMENT**



**ARTICLE 1**  
**GENERAL OBLIGATIONS**

1. This Annex shall apply to activities undertaken in the Antarctic Treaty area pursuant to scientific research programmes, tourism and all other governmental and nongovernmental activities in the Antarctic Treaty area for which advance notice is required under Article VII (5) of the Antarctic Treaty, including associated logistic support activities.

2. The amount of wastes produced or disposed of in the Antarctic Treaty area shall be reduced as far as practicable so as to minimise impact on the Antarctic environment and to minimise interference with the natural values of Antarctica, with scientific research and with other uses of Antarctica which are consistent with the Antarctic Treaty.

3. Waste storage, disposal and removal from the Antarctic Treaty area, as well as recycling and source reduction, shall be essential considerations in the planning and conduct of activities in the Antarctic Treaty area.

4. Wastes removed from the Antarctic Treaty area shall, to the maximum extent practicable, be returned to the country from which the activities generating the waste 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.

5. 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. This obligation shall not be interpreted as requiring:

- a) the removal of any structure designated as a historic site or monument; or
- b) the removal of any structure or waste material in circumstances where the removal by any practical option would result in greater adverse environmental impact than leaving the structure or waste material in its existing location.

**ARTICLE 2**  
**WASTE DISPOSAL BY REMOVAL FROM THE ANTARCTIC TREATY AREA**

1. The following wastes, if generated after entry into force of this Annex, shall be removed from the Antarctic Treaty area by the generator of such wastes:

- a) radio-active materials;
- b) electrical batteries;
- c) fuel, both liquid and solid;
- d) wastes containing harmful levels of heavy metals or acutely toxic or harmful persistent compounds;
- 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 if incinerated;
- f) all other plastic wastes, except low density polyethylene containers (such as bags for

storing wastes), provided that such containers shall be incinerated in accordance with Article 3 (1);

- g) fuel drums; and
- h) other solid, non-combustible wastes;

provided that the obligation to remove drums and solid non-combustible wastes contained in subparagraphs (g) and (h) above shall not apply in circumstances where the removal of such wastes by any practical option would result in greater adverse environmental impact than leaving them in their existing locations.

2. Liquid wastes which are not covered by paragraph 1 above and sewage and domestic liquid wastes, shall, to the maximum extent practicable, be removed from the Antarctic Treaty area by the generator of such wastes.

3. The following wastes shall be removed from the Antarctic Treaty area by the generator of such wastes, unless incinerated, autoclaved or otherwise treated to be made sterile:

- a) residues of carcasses of imported animals;
- 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, other than those referred to in Article 2 (1), which are not removed from the Antarctic Treaty area shall be burnt in incinerators which to the maximum extent practicable reduce harmful emissions. Any emission standards and equipment guidelines which may be recommended by, *inter alia*, the Committee and the Scientific Committee on Antarctic Research shall be taken into account. The solid residue of such incineration shall be removed from the Antarctic Treaty 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 phaseout, when it is necessary to dispose of wastes by open burning, allowance shall be made for the wind direction and speed and the 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 Antarctic Treaty 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 generator of such wastes to supporting stations or ships for disposal in accordance with this Annex.

## **ARTICLE 5**

### **DISPOSAL OF WASTE IN THE SEA**

1. Sewage and domestic liquid wastes may be discharged directly into the sea, taking into account the assimilative capacity of the receiving marine environment and provided that:

- a) such discharge is located, wherever practicable, where conditions exist for initial dilution and 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 Annex IV to the Protocol.

## **ARTICLE 6**

### **STORAGE OF WASTE**

All wastes to be removed from the Antarctic Treaty 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 polychlorinated biphenyls (PCBs), non-sterile soil, polystyrene beads, chips or similar forms of packaging, or pesticides (other than those required for scientific, medical or hygiene purposes) shall be introduced onto land or ice shelves or into water in the Antarctic Treaty area.

## **ARTICLE 8**

### **WASTE MANAGEMENT PLANNING**

1. Each Party which itself conducts activities in the Antarctic Treaty area shall, in respect of those activities, establish a waste disposal classification system as a basis for recording wastes and

to facilitate studies aimed at evaluating the environmental impacts of scientific activity and associated logistic support. To that end, wastes produced shall be classified as:

- a) sewage and domestic liquid wastes (Group 1);
- b) other liquid wastes and chemicals, including fuels and lubricants (Group 2);
- c) solids to be combusted (Group 3);
- d) other solid wastes (Group 4); and
- e) radioactive material (Group 5).

2. In order to reduce further the impact of waste on the Antarctic environment, each such Party shall prepare and annually review and update its waste management plans (including waste reduction, storage and disposal), specifying for each fixed site, for field camps generally, and for each ship (other than small boats that are part of the operations of fixed sites or of ships and taking into account existing management plans for ships):

- a) programmes for cleaning up existing waste disposal sites and abandoned work sites;
- b) current and planned waste management arrangements, including final disposal;
- c) current and planned arrangements for analysing the environmental effects of waste and waste management; and
- d) other efforts to minimise any environmental effects of wastes and waste management.

3. Each such Party shall, as far as is practicable, also prepare an inventory of locations of past activities (such as traverses, fuel depots, field bases, crashed aircraft) before the information is lost, so that such locations can be taken into account in planning future scientific programmes (such as snow chemistry, pollutants in lichens or ice core drilling).

## ARTICLE 9

### CIRCULATION AND REVIEW OF WASTE MANAGEMENT PLANS

1. The waste management plans prepared in accordance with Article 8, reports on their implementation, and the inventories referred to in Article 8 (3), shall be included in the annual exchanges of information in accordance with Articles III and VII of the Antarctic Treaty and related Recommendations under Article IX of the Antarctic Treaty.

2. Each Party shall send copies of its waste management plans, and reports on their implementation and review, to the Committee.

3. The Committee may review waste management plans and reports thereon and may offer comments, including suggestions for minimising impacts and modifications and improvement to the plans, for the consideration of the Parties.

4. The Parties may exchange information and provide advice on, *inter alia*, available low waste technologies, reconversion of existing installations, special requirements for effluents, and appropriate disposal and discharge methods.

**ARTICLE 10**  
**MANAGEMENT PRACTICES**

Each Party shall:

- a) 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;
- b) ensure that members of its expeditions receive training designed to limit the impact of its operations on the Antarctic environment and to inform them of requirements of this Annex; and
- c) discourage the use of poly-vinyl chloride (PVC) products and ensure that its expeditions to the Antarctic Treaty area are advised of any PVC products they may introduce into that area in order that these products may be removed subsequently in accordance with this Annex.

**ARTICLE 11**  
**REVIEW**

This Annex shall be subject to regular review in order to ensure that it is updated to reflect improvement in waste disposal technology and procedures and to ensure thereby maximum protection of the Antarctic environment.

**ARTICLE 12**  
**CASES OF EMERGENCY**

1. This Annex shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft or equipment and facilities of high value or the protection of the environment.
2. Notice of activities undertaken in cases of emergency shall be circulated immediately to all Parties and to the Committee.

**ARTICLE 13**  
**AMENDMENT OR MODIFICATION**

1. This Annex may be amended or modified by a measure adopted in accordance with Article IX (l) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or that it is unable to approve the amendment.
2. Any amendment or modification of this Annex which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.





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

**PREVENTION OF MARINE POLLUTION**



## ARTICLE 1

### DEFINITIONS

For the purposes of this Annex:

- a) «discharge» means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;
- b) «garbage» means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship, except those substances which are covered by Articles 3 and 4;
- c) «MARPOL 73/78» means the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto and by any other amendment in force thereafter;
- d) «noxious liquid substance» means any noxious liquid substance as defined in Annex II of MARPOL 73/78;
- e) «oil» means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined oil products (other than petrochemicals which are subject to the provisions of Article 4);
- f) «oily mixture» means a mixture with any oil content; and
- g) «ship» means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

## ARTICLE 2

### APPLICATION

This Annex applies, with respect to each Party, to ships entitled to fly its flag and to any other ship engaged in or supporting its Antarctic operations, while operating in the Antarctic Treaty area.

## ARTICLE 3

### DISCHARGE OF OIL

1. Any discharge into the sea of oil or oily mixture shall be prohibited, except in cases permitted under Annex I of MARPOL 73/78. While operating in the Antarctic Treaty area, ships shall retain on board all sludge, dirty ballast, tank washing waters and other oily residues and mixtures which may not be discharged into the sea. Ships shall discharge these residues only outside the Antarctic Treaty area, at reception facilities or as otherwise permitted under Annex I of MARPOL 73/78.

2. This Article shall not apply to:

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

#### ARTICLE 4

#### DISCHARGE OF NOXIOUS LIQUID SUBSTANCES

The discharge into the sea of any noxious liquid substance, and any other chemical or other substances, in quantities or concentrations that are harmful to the marine environment, shall be prohibited.

#### ARTICLE 5

#### DISPOSAL OF GARBAGE

1. The disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, and plastic garbage bags, shall be prohibited.
2. The disposal into the sea of all other garbage, including paper products, rags, glass, metal, bottles, crockery, incineration ash, dunnage, lining and packing materials, shall be prohibited.
3. The disposal into the sea of food wastes may be permitted when they have been passed through a comminuter or grinder, provided that such disposal shall, except in cases permitted under Annex V of MARPOL 73/78, be made as far as practicable from land and ice shelves but in any case not less than 12 nautical miles from the nearest land or ice shelf. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimeters.
4. When a substance or material covered by this article is mixed with other such substance or material for discharge or disposal, having different disposal or discharge requirements, the most stringent disposal or discharge requirements shall apply.
5. The provisions of paragraphs 1 and 2 above shall not apply to:
  - a) the escape of garbage 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 minimising the escape; or
  - b) the accidental loss of synthetic fishing nets, provided all reasonable precautions have been taken to prevent such loss.
6. The Parties shall, where appropriate, require the use of garbage record books.

## ARTICLE 6

### DISCHARGE OF SEWAGE

1. Except where it would unduly impair Antarctic operations:
  - a) each Party shall eliminate all discharge into the sea of untreated sewage («sewage» being defined in Annex IV of MARPOL 73/78) within 12 nautical miles of land or ice shelves;
  - b) beyond such distance, sewage stored in a holding tank shall not be discharged instantaneously but at a moderate rate and, where practicable, while the ship is en route at a speed of no less than 4 knots.

This paragraph does not apply to ships certified to carry not more than 10 persons.

2. The Parties shall, where appropriate, require the use of sewage record books.

## ARTICLE 7

### CASES OF EMERGENCY

1. Articles 3, 4, 5 and 6 of this Annex shall not apply in cases of emergency relating to the safety of a ship and those on board or saving life at sea.
2. Notice of activities undertaken in cases of emergency shall be circulated immediately to all Parties and to the Committee.

## ARTICLE 8

### EFFECT ON DEPENDENT AND ASSOCIATED ECOSYSTEMS

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

## ARTICLE 9

### SHIP RETENTION CAPACITY AND RECEPTION FACILITIES

1. Each Party shall undertake to ensure that all ships entitled to fly its flag and any other ship engaged in or supporting its Antarctic operations, before entering the Antarctic Treaty 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, and have sufficient capacity on board for the retention of garbage, while operating in the Antarctic Treaty area and have concluded arrangements to discharge such oily residues and garbage at a reception facility after leaving that area. Ships shall also have sufficient capacity on board for the retention of noxious liquid substances.

2. Each Party at whose ports ships depart en route to or arrive from the Antarctic Treaty area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception

of all sludge, dirty ballast, tank washing water, other oily residues and mixtures, and garbage from ships, without causing undue delay, and according to the needs of the ships using them.

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

## **ARTICLE 10**

### **DESIGN, CONSTRUCTION, MANNING AND EQUIPMENT OF SHIPS**

In the design, construction, manning and equipment of ships engaged in or supporting Antarctic operations, each Party shall take into account the objectives of this Annex.

## **ARTICLE 11**

### **SOVEREIGN IMMUNITY**

1. This Annex shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government noncommercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Annex.

2. In applying paragraph 1 above, each Party shall take into account the importance of protecting the Antarctic environment.

3. Each Party shall inform the other Parties of how it implements this provision.

4. The dispute settlement procedure set out in Articles 18 to 20 of the Protocol shall not apply to this Article.

## **ARTICLE 12**

### **PREVENTIVE MEASURES AND EMERGENCY PREPAREDNESS AND RESPONSE**

1. In order to respond more effectively to marine pollution emergencies or the threat thereof in the Antarctic Treaty area, the Parties, in accordance with Article 15 of the Protocol, shall develop contingency plans for marine pollution response in the Antarctic Treaty area, including contingency plans for ships (other than small boats that are part of the operations of fixed sites or of 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) co-operate in the formulation and implementation of such plans; and
- b) draw on the advice of the Committee, the International Maritime Organization and other international organizations.

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

## **ARTICLE 13**

### **REVIEW**

The Parties shall keep under continuous review the provisions of this Annex and other measures to prevent, reduce and respond to pollution of the Antarctic marine environment, including any amendments and new regulations adopted under MARPOL 73/78, with a view to achieving the objectives of this Annex.

## **ARTICLE 14**

### **RELATIONSHIP WITH MARPOL 73/78**

With respect to those Parties which are also Parties to MARPOL 73/78, nothing in this Annex shall derogate from the specific rights and obligations thereunder.

## **ARTICLE 15**

### **AMENDMENT OR MODIFICATION**

1. This Annex may be amended or modified by a measure adopted in accordance with Article IX (1) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or that it is unable to approve the measure.

2. Any amendment or modification of this Annex which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.





**STATEMENTS MADE ON THE OCASSION  
OF THE CONCLUSION OF THE XIth SPECIAL CONSULTA-  
TIVE MEETING OF THE ANTARCTIC TREATY**



Statements made by the Contracting Parties to the Antarctic Treaty on the occasion of the conclusion of the XIth Special Consultative Meeting.

## **I. CONSULTATIVE PARTIES**

- Argentina
- Australia
- Belgium
- Chili
- China (People's Republic of)
- France
- Germany
- Italy
- New Zealand
- Norway
- Poland
- Sweden
- Union of Soviet Socialist Republics (USSR)
- United Kingdom
- United States of America
- Uruguay

## **II. NON CONSULTATIVE PARTIES**

- Cuba
- Denmark
- Greece
- Switzerland

## **III. OBSERVERS**

- Antarctic and Southern Ocean Coalition (ASOC)



## **SPEECH BY MINISTER JOSE MARIA V.OTEGUI, HEAD OF THE ARGENTINIAN DELEGATION TO THE ANTARCTIC TREATY XIth SPECIAL CONSULTATIVE MEETING**

First of all I should like to express the gratitude of my Government and my Delegation for the generous hospitality that Spain has offered us ever since April and throughout this prolonged second session, as well as for its magnificent organisation.

Mr. Chairman,

Your conduct of the negotiations has enabled us to reach a successful conclusion, thanks to your patience, wisdom and impartiality. These qualities rendered pleasant a task that at times was difficult, and for all this we are very grateful to you.

I also wish to mention the outstanding performance of your collaborators. Our thanks go to all those working in the secretariat and to the translators and interpreters.

Mr. Chairman,

Today we have completed an arduous undertaking that posed a great challenge for our countries. We are convinced that the system embodied in the «Protocol to the Antarctic Treaty on Protection of the Environment», or the «Madrid Protocol», as it has come to be known, will constitute the cornerstone for the proper conservation of the Antarctic.

Let us remember that there were initially divergent positions and that the probabilities of success seemed far removed. Nevertheless, we have reached a balanced compromise by taking all the relevant national interests into account.

Together with the United States, Norway, the United Kingdom and Uruguay, Argentina tabled a proposal at Viña del Mar in 1990 entitled «Lineaments of an Additional Protocol to the Antarctic Treaty on Comprehensive Measures for the Protection of the Antarctic Environment and its Dependent and Associated Ecosystems» —in the hope that it would contribute to fruitful negotiations aimed at the adoption of adequate regulations on the matter. We now note with satisfaction that the ideas set out in that document continued to mature throughout the negotiations and that they served the purpose for which we submitted them.

We have achieved a clear and operative document. Its basic principles have a framework (the protocol itself) and sufficient flexibility thanks to its open system of annexes devoted to specific environmental protection measures, which moreover allows for the incorporation of those new measures which the consultative parties may consider necessary as time goes by.

The prohibition against mining activities which, with the explicit exception of scientific research, is contained in article 7 of the Protocol, is of special note. This provision has been a central element in the agreement reached and a perfect illustration of our will to protect the Antarctic environment.

We are sure, Mr. Chairman, that the provisions of the Madrid Protocol will furnish us with the ideal means to avoid the adverse impacts provoked by human activities. For this reason, my country is already leading the way in applying these provisions to Argentinian Antarctic activities.

Moreover, on August 2nd last, Argentina and Chile signed a Protocol on the Protection of the Antarctic Environment. The provisions of the Madrid Protocol, which we consider fundamental

for the conservation of this environment, were taken into account when drawing up this important agreement. We are sure that the implementation of the Argentinian-Chilean agreement will prove to be a constructive example of joint co-operation and action in the Antarctic.

Mr. Chairman,

It is with great satisfaction that Argentina will sign the Madrid Protocol tomorrow, October 4th. We have no doubt that the Argentinian Congress will then devote the utmost zeal to consideration of this Protocol, which ranks at the same level of importance that my country attaches to all environmental issues.

In conclusion, Mr. Chairman, I wish to convey the thanks of my Government to the governments represented here for the contribution made by all of them towards achieving the success of these negotiations.

Thank you very much.

## **STATEMENT BY JOHN MCCARTHY, HEAD OF THE AUSTRALIAN DELEGATION - FOR ATTACHMENT TO FINAL REPORT OF SCM XI**

Mr Chairman and Colleagues, we have come a long way since the Fifteenth ATCM in Paris in October 1989, when the Antarctic Treaty Parties took their first step towards negotiating a new instrument of the Antarctic Treaty system to provide comprehensive protection of the Antarctic environment and its dependent and associated ecosystems. We have also completed our work in a short time. Less than 12 months has elapsed since the negotiations began in earnest at the first session of Special Consultative Meeting XI in Viña del Mar, Chile, in late 1990.

We can be proud of what has been achieved. The designation of the Antarctic Treaty area as a natural reserve devoted to peace and science, where mining is prohibited and the environment is subject to a comprehensive binding regime of protection, will further strengthen the Treaty system.

This year, thirty years after the entry into force of the Antarctic Treaty, there can be no more fitting proof of the Treaty system's ongoing and effective management of activity in Antarctica in the interests of humankind, than the adoption of this Protocol.

We must not rest on our laurels. The objective of comprehensive protection of the Antarctic environment will only be achieved by actual application of the Protocol. It is incumbent upon all of us to take rapid action in accordance with our Constitutional processes to ensure the early entry into force of the Protocol. However, it is equally important that we reach an understanding to apply provisionally the Protocol from now on and that we maintain momentum by the development of additional annexes, especially on liability as required by Article 16 of the Protocol and on other matters. Decisions of the Sixteenth ATCM, which begins in Bonn next week, will be important in this regard. We need to look at provisional mechanisms to handle the work envisaged by the Protocol for the Committee for Environmental Protection. We need also to ensure greater frequency of Consultative meetings, important as they will be to the EIA processes. The sooner we can build the new EIA processes into our systems of individual and collective management of Antarctic activity, the better.

Mr. Chairman, there are some remarks which I should make for the record and I ask that this statement be included as part of the Final Report of SCM XI.

Australia wishes to note that it, along with a number of other Treaty Parties, has legislated to prohibit mineral resource activity in the Antarctic. We would urge all Treaty Parties that have not done so to enforce the prohibition contained in Article 7 of the Protocol, pending its entry into force.

The Australian delegation wishes to place on the record its position that the interpretation of particular provisions of the Protocol and its Annexes, including in a dispute settlement context, must have regard to the provisions of the Protocol as a whole.

In this connection, Australia refers particularly to the central importance of the environmental principles contained in Article 3 in relation to the conduct of all activities covered by the Protocol. It therefore considers this provision to be relevant and important in the interpretation of all other provisions of this Protocol.

The Australian Delegation wishes also to record its understanding that after completion of the environmental assessment procedures set out in Annex 1, it is still necessary to make a judgement that a proposed activity is consistent with the provisions of Article 3 before the activity may proceed.

In respect of the provision of reception facilities referred to in Article 9 of Annex IV for the discharge of ship-generated oily residues and garbage, Australia expects that such discharges at reception facilities in ports adjacent to the Treaty area will be in accordance with arrangements concluded in advance and will not place an inequitable burden on such adjacent ports.

Finally, Mr Chairman, I would like to record my thanks to colleagues who have worked to achieve this outcome. Particular thanks must go to yourself, Mr. Chairman, and your Secretariat; to Ambassador Andersen of Norway; to the Chairmen of Working Groups I and II, Dietrich Granow and Roberto Puceiro respectively; to Pieter Verbeek and Ferdinand van der Assen for chairing the drafting and linguistic committees; and to other delegations who sought successfully to bridge the gaps between some of us-the Netherlands and Chile, to name but two.

Our special thanks go to the Governments of Chile and Spain for the Secretariat facilities provided as well as the magnificent hospitality shown to us all throughout the negotiations.

Thank you Mr Chairman.



## DECLARATION BY M. PH. GAUTIER, HEAD OF THE BELGIAN DELEGATION AT THE CLOSING SESSION OF THE 11TH ANTARTIC TREATY SPECIAL CONSULTATIVE MEETING

Mr. President

I wish first to express the satisfaction felt by my authorities on this important occasion of the adoption of the Protocol to the Antarctic Treaty on Environment Protection.

The prohibition of activities relating to mineral resources and the pursuit of environmental protection in the Antarctic which this new Treaty enshrines is a fit response to the expectations of the international community and the clear stance adopted on the question by the Belgian Parliament and Government. This stance has inspired the Belgian Delegation throughout the sessions of the 11th special meeting to strive for these objectives and to take part in the joint exercise mounted by four countries (Australia, France, Italy and Belgium).

Mr. President: the value of the «Madrid Protocol», if I may so describe it, does not lie solely in the provision forbidding all prospecting and exploitation of mineral resources in Antarctica. The Protocol also enshrines an undertaking by the Signatories to protect the ecosystem in the zone defined by the Antarctic Treaty of 1959.

Undoubtedly, the current structure needs to be completed by the introduction of a system of control, and if such a system is to function effectively, the efforts already begun must be continued.

Mr. President: the consensus finally reached among us must be a source of satisfaction, but it is equally important to underline the real enhancement that this result entails for the legitimacy and credibility of the Antarctic Treaty system in the eyes of the international community. The Protocol adopted here today is proof of the will of the Signatories to reach agreement on the need to protect the Antarctic ecosystem and demonstrates that these Signatories share the growing concern for the environment that presides over international relations today.

The image of the Antarctic Treaty is enhanced hereby, and it is my hope that this will equip us to respond to the criticisms of recent years and to make the Treaty more effective on the international scene.

Mr. President:

It is stated in the various instruments comprising the Antarctic Treaty system that it serves the interests of all humanity. In my opinion, these interests are truly served by the Madrid Protocol.

Mr. President:

While recalling the efforts made by Chile in our first meeting at Viña del Mar, I wish to state here that a large part of the credit for the final outcome is due to your action and to the efficient working of the Secretariat which you direct.

I express our gratitude.



## DECLARATION OF THE DELEGATION OF CHILE

«Exercising the authority bestowed by the law of treaties and mentioned in the Final Act of our Meeting, my Delegation wishes to express its interpretation of certain fundamental elements of this Protocol, which affirms the dedication of the Antarctic to peace and science, as well as the protection of the Antarctic Environment and of its associated and dependant ecosystems.

Together with the precisions included in the Final Act, the Protocol shall be applied to all human activities in the Antarctic Treaty area, since these may have a significant impact on the Antarctic Environment and on its associated and dependant ecosystems. All those aspects not expressly taken into account by this Protocol, by the Antarctic Treaty, by the measures in force under the said Treaty and the associated instruments to which my country is a party, come under the jurisdiction of the Chilean State, within the limits of its sector.

In Article 7, the Protocol forbids mineral activities in all their phases. We understand that the prohibition of Antarctic mineral activities shall apply to the whole territory to which we claim sovereign rights in the Antarctic, and to the respective continental platform, even in the event that it stretches north of the 60 degrees southern latitude.

In the remaining area situated to the south of the 60 degrees southern latitude, Chile reaffirms the collective commitment ratified in the Final Act, with regard to carrying out appropriate efforts which are compatible with the United Nations Charter, so that nobody carries out activities in the Antarctic Treaty area which are contrary to the Treaty and its Protocol.

In view of this understanding, the Delegation of Chile understands that any activity which may be carried out by a State which exercises the option to withdraw from the Protocol, in accordance with paragraph 5b of Article 25, shall continue to be governed by the applicable norms of the Antarctic System and by the Recommendations pertinent to the Consultative Meetings.

The Delegation of Chile also understands that the compulsory legal regime concerning the Antarctic mineral activities referred to in paragraph 5 of the same Article 25 which should safeguard interests and apply the principles of Article IV of the Antarctic Treaty -may only be adopted and be brought into force by all the Consultative members of the Antarctic Treaty, in keeping with the invariable measures undertaken to conclude agreements within the Antarctic Treaty System.

The Delegation of Chile noted with satisfaction that in the Final Act, the desire to negotiate one or more annexes as soon as possible, which will implement the commitment to make amends for damage to the Antarctic Environment and to its associated and dependant ecosystems, was reaffirmed.

The Government of Chile will take the necessary steps to reconcile the dispositions of this Protocol and its internal constitutional and legal ordering, and it will adopt measures to facilitate the application of the Protocol —once this comes into force— and its voluntary application during the provisional period.



## SPEECH BY SUN LIN HEAD OF THE CHINESE DELEGATION

*Mr. Chairman,*

We have adopted the Protocol to the Antarctic Treaty on Environmental Protection and we are going to sign it very soon. This is a very important legal document, it will strengthen the environment protection of Antarctica and it will also strengthen the Antarctic Treaty System. At the moment of finalising the elaboration of this instrument, a brief review of our work may give us some useful enlightenment and benefit our future activities in Antarctica.

1. Antarctica has been given increasing attention by the international community and its value has come to be increasingly understood. As scientific expedition and other human activities in Antarctica increase rapidly the question of protecting Antarctic environment has become ever more urgent, for the utmost value of the continent lies in its cleanness. Antarctica should be used only for the well-being of mankind and a proper protection of Antarctic environment is a necessity if mankind wishes to make a better and sustainable use of it. We now understand the need to balance the rational use and the environmental protection of Antarctica and have had such balance institutionalized by way of the Environment Protocol. It is of major importance for the future activities in Antarctica to maintain this balance.

2. Over the past 30 years, the Antarctic Treaty System has grown stronger as the Antarctic Treaty consultative parties adopted more than 170 recommendations and finalized several legal documents. To maintain and strengthen the Antarctic Treaty is an essential condition for a successful management of Antarctic affairs and consolidation of the Antarctic Treaty System. As a supplementary instrument to the Antarctic Treaty, the Environment Protocol on the one hand represents an immediate supplement, extension and reinforcement to the Treaty, and on the other hand, its implementation will be ensured and enhanced under the Treaty. The signing of the Protocol demonstrates once again that the Antarctic Treaty System with the Antarctic Treaty as a core is full of vitality.

3. The tradition of seeking common ground while reserving differences and of striving for consensus guarantees successes for the Treaty System. We share the same objective of using and protecting Antarctica for the benefit of mankind and we all wish to see a strengthened Antarctic Treaty System. Therefore, I believe, and have said many times during the negotiations for the formulation of the Protocol, that though sometimes there are differences and contradictions among the Antarctic Treaty Consultative Parties, the factors joining us together far outweigh those pulling us apart, and we will always be able to find converging points. If we carry forward this tradition of ours we will see even more and greater successes for the Treaty System.

Mr. Chairman, this year marks the 30th anniversary of the Antarctic Treaty. The Protocol we are going to sign will be the best tribute to the commemoration of the event.

Mr. Chairman, finally, I would like to thank you and the Spanish Government for the major contributions to the success of elaborating the environmental Protocol. I would also like to express my deep appreciation to every one who has contributed to the successful completion of this difficult task and who has worked to make the 11th Antarctic Treaty Special Consultative Meeting a success. The fact that we have will finalized and sign this significant protocol here will constantly remind us of the excellent services that you, Mr. Chairman, Madrid and Spain have done for Antarctica.

Thank you, Mr. Chairman.



## DECLARATION BY FRANCE UPON THE ADOPTION OF THE PROTOCOL TO THE ANTARCTIC TREATY ON ENVIRONMENTAL PROTECTION

Mr. President:

The adoption of the Protocol to the Antarctic Treaty on Environment Protection is an event of signal importance.

France hails this event. It is my country's wish first to thank Spain for having hosted the last three meetings of the 11th Antarctic Treaty Special Consultative Meeting, and for her efforts therein, without which the Protocol could not have been adopted, at least in terms as excellent as those achieved. France likewise wishes to recognise Chile's share in this success; we all preserve grateful memories of the Viña del Mar meeting and of how decisive it was. And finally, we wish to express our gratitude to Ambassador Rolf Trolle Andersen for his vital personal contribution to the drafting of the Protocol.

Mr. President:

The Madrid Protocol fully addresses the concerns of France. France sees it as exemplary for two reasons:

- It renders the Antarctic a natural preserve for the furtherance of peace and science. By providing the continent with a regime of global environmental protection, the Protocol represents a major step forward in current efforts to safeguard our planet for coming generations. It will undoubtedly serve as a model for the future.
- The adoption of the Protocol is decisive for the consolidation of the Antarctic Treaty system. By restoring consensus and meeting the expectations of world opinion and the international community, it has disarmed its criticisms and annulled the threats overhanging it hitherto.

These two considerations —environmental protection and consolidation of the Antarctic Treaty system— are inseparable. They have constantly guided France's actions ever since 1989 when the initiative was adopted jointly with Australia, and later with Belgium and Italy. Indeed, protection of nature and the environment throughout the world is one of the cornerstone of her policy, and reinforcement of the Antarctic Treaty system one of her primary concerns.

France is fully aware that the Madrid protocol has been the work of everyone. It is not a matter of triumph for one Party or group of Parties; rather it is the triumph of each and every Party to the Washington Treaty. France wishes to express her sincerest gratitude to all those Parties present at Madrid: by working all together, we have succeeded in overcoming our difficulties and disagreements in an exceptionally short time. It is a source of pride to France to have joined the other Parties in the successful completion of an exemplary task, to the satisfaction of one and all.

Mr. President:

The task now completed is no more than a beginning. It is up to all of us to ensure that the terms of the Protocol come into effects as swiftly as possible. France therefore undertakes to initiate the process of ratification of this instrument without delay.

At the same time, it would be advisable to begin working on other fronts in order to define or secure the means by which the Protocol is to be applied.

Mr. President, I hereby offer the guarantee that France will spare no effort to ensure that the Protocol is endowed with all the instruments necessary to its full effectiveness.





**SPEECH BY AMBASSADOR DIETRICH GRANOW,  
HEAD OF THE GERMAN DELEGATION, ON THE OCCASION  
OF THE SIGNING OF THE FINAL ACT OF THE XIITH SPECIAL  
CONSULTATIVE MEETING AND OF THE PROTOCOL ON  
ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY**

*Mr. Chairman,*

*Ladies and Gentlemen,*

I am pleased and gratified to sign the Final Act of the XIth Special Consultative Meeting and the Protocol to the Antarctic Treaty on behalf of the Government of the Federal Republic of Germany. As we see it, the successful conclusion of this difficult conference represents an important step in the right direction. The result is a comprehensive protocol on environmental protection to the Antarctic Treaty supplemented by four annexes.

We have worked long and hard. A vital factor in our success is the efforts of the hosts of the four rounds of meetings, Chile and Spain. The German delegation would like to thank both partner states for their warm hospitality and excellent organization of our meetings.

But ultimately we have been able to achieve so much together mainly thanks to the readiness, demonstrated time and again, of all delegations to modify their position in order to render consensus possible. Furthermore, the German delegation is aware that many matters could not have been decided, or at least not in this form, if we had not enjoyed the attention of a committed and often critical international public ever since the beginning of this process in Paris in 1989.

What have we achieved?

Together we have taken up and developed the fruitful concept of a comprehensive environmental protection system for the Antarctic because it was time to counter the manifold dangers facing the sixth continent with global regulations. In conjunction with a great number of environmental protection regulations which have already been devised in the last thirty years, our efforts ultimately contribute to mankind's objective of preserving this last continent to remain largely untouched as an intact ecosystem. Despite our various interests, we are agreed that the harmful influence of man in the Antarctic must not only be limited but also reversed. We believe we have laid good foundations for this in the basic provisions in the Protocol on Environmental Protection and in its annexes.

By reaching agreement so swiftly, the Antarctic States have demonstrated that their exemplary cooperation until now within the network of the Antarctic system also extends to the «life and death question of environmental protection».

What remains to be done?

The Protocol on Environmental Protection, together with its annexes, must be signed by all Antarctic States as soon as possible and then implemented without delay. The German delegation would like the regulations to take effect soon so that our actions match our words. We will continue to develop the regulations in the future. The XVIth Consultative Meeting, which will be convened in Bonn during the next two weeks, will once more provide us with an opportunity to address outstanding issues.

Priority must now be given to implementing the agreement being concluded and signed here in these days. We have a lot of work and a great responsibility in front of us. We want to preserve the «Spirit of Madrid». With it we have pointed the way for the rest of the world. Hopefully, we have set a precedent.

## STATEMENT MADE BY THE DELEGATION OF ITALY

*Mr. Chairman,*

When Australia, Belgium, Italy and France proposed their draft convention on the Protection of the Antarctic Environment to the attention of the XI ATSCM in Viña del Mar last November, they aimed at three main objectives:

- to set a Comprehensive Environmental Protection Regime
- to consolidate and defend the Antarctic Treaty System
- to establish a sufficiently flexible regimen

It is with great satisfaction that the Italian Delegation can now sign this Protocol that, after seven weeks of meetings in the beautiful environments of Viña del Mar and Madrid and after countless hours of discussions, has reached the objectives that we had set for ourselves.

In my own country the awareness of the environmental issues in Antarctica is becoming high. There will be great satisfaction about the conclusion of this meeting.

We consider very important that the principle of consensus has been kept.

This principle has been the cornerstone of the Antarctic Treaty Systems. As his Excellency Edmundo Vargas, the then acting Foreign Minister of Chile, said in his address in Viña:

«If mankind has behaved with maturity in this southern corner of the world it is thanks to this wise mechanism of consensus. Perhaps we have not done all the things we would have liked, but those that we have carried out are characteristically permanent.»

We fully agree with that wise statement.

One further basic feature of this Protocol is that it does guarantee full freedom of scientific research.

This is fundamentally important, given the increasingly important role of Antarctic science in the full understanding of questions of planetary significance. We are thus confident that science will continue to play its basic role there.

In concluding I am very glad to announce on this respect that Italian Government has already given instructions to its appropriate Agency to continue activities in Antarctica following the rules and procedures included in environmental protocol.

I would like to express the heartfelt thanks of the Italian Government to the Spanish Government for their splendid hospitality and support during these long, but extremely fruitful weeks of work.

Thank you, Mr. Chairman.



**STATEMENT BY FRANK WONG,  
REPRESENTATIVE OF THE NEW ZEALAND DELEGATION**

*Mr. Chairman.*

A year ago, it was not possible to be very confident that we would achieve consensus on a Protocol on Environmental Protection to the Antarctic Treaty. That we are adopting one today is a tribute to the tradition of co-operation and forbearance that is the hallmark and strength of the Antarctic Treaty System. It is a fitting way to mark the Antarctic Treaty's thirtieth anniversary.

For much of those thirty years, protection of the Antarctic environment has been at the top of the Antarctic agenda. The comprehensive protection the Protocol now provides is both a culmination of concern for the environment, and the establishment of a process by which future concerns can be addressed. The capacity of the system to meet new demands is one of its strengths.

In the nature of consensus, the Protocol does not represent the optimum each Party sought to achieve. Yet we can be well satisfied with the significant advances made in environmental impact assessment, collective inspection, and, of course, the prohibition on mineral resource activities. We hope it proves to be permanent.

We are satisfied that Articles 19 and 20 dealing with dispute settlement encompass Article 13 on compliance. On that, we record our position that the nature of the reference to Article 13 cannot be interpreted as frustrating a Tribunal from referring to the Protocol as a whole, including Article 3 when determining a dispute referred to in Articles 19 and 20.

The New Zealand delegation hopes the Protocol will now be brought quickly into force. For their part, the New Zealand authorities will be seeking to implement the provisions of the Protocol as quickly as possible and to apply it provisionally even before it enters into force. We hope others will do the same. Our meeting in Bonn next week will provide an opportunity to explore this and other questions, particularly institutional ones, raised in the context of but not dealt with in the Protocol.

Finally, Mr. Chairman, my delegation wishes to record its thanks to those who have contributed to making this Special Consultative Meeting a success. We thank the Chilean authorities for initiating the negotiations so successfully, and Rolf Andersen for his special contribution. We congratulate you, the Secretary General and all members of the Secretariat for the magnificent and efficient service in Madrid.

Please convey our thanks to the Spanish Government for the considerable hospitality we have enjoyed in Madrid.



**STATEMENT BY THE HEAD OF THE NORWEGIAN DELEGATION  
AMBASSADOR JAN ARVESEN AT THE ADOPTION OF THE PROTECTION  
ON ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY**

The adoption of the Protocol on Environmental Protection to the Antarctic Treaty represents an important and very significant milestone in the history of the Antarctic Treaty System cooperation.

By the elaboration, adoption and the signing of the Madrid Protocol to-day, the Treaty Parties are demonstrating that the cooperation among the Consultative Parties and the Contracting Parties is working and functioning well.

The Norwegian Delegation is particularly pleased to note that we have managed to preserve and strengthen the Antarctic cooperation, based on the principle of consensus.

For thirty years the cooperation within the Antarctic Treaty System has been founded on two main pillars; peace and scientific research. The Madrid Protocol takes mankind a major step forward. In the future the Antarctic Treaty System cooperation will be based on yet another important main pillar of increasing global significance- environmental protection in and around the Antarctic Continent south of the 60th parallel.





## FINAL STATEMENT BY MR. JANUSZ MICKIEWICZ HEAD OF THE DELEGATION OF POLAND

*Mr. Chairman,*

It is with a great honour and pleasure that I participate in this historical meeting of the Antarctic Treaty Parties devoted to the final adoption and opening for signature of the Protocol to that Treaty on Environmental Protection.

First and foremost I would like to convey, on behalf of my Government, sincere congratulations to the Government of Spain for this great success.

I wish also to add my voice to the expressions of gratitude for the generous hospitality which Host Government and the authorities of Madrid have offered to our meetings.

The fact that we were able to meet in Spain three times in one year, that we received so cordial welcome and were provided with such perfect facilities, attests to the role of this country in promotion of the international cooperation in Antarctica. Therefore, it is fully justified that the Protocol to the Antarctic Treaty will be signed in Madrid.

The kind presence of Mr. Francisco Fernández Ordóñez, Minister of Foreign Affairs, during the signing ceremony testifies to special significance and weightiness of this act.

Mr. Chairman, the Polish delegation joins others in voicing its satisfaction with the positive outcome of the relentless efforts of a number of persons to achieve concrete results. The last differences over the text of the Protocol have been resolved. The Protocol and its four annexes will establish a comprehensive environmental protection regime for Antarctica. Environmental protection measures existing up to now within the Antarctic Treaty system in the form of recommendations will be linked, harmonized and strengthened by a new legal instrument.

As the Polish delegation pointed out at the previous consultative meetings held in Paris, Viña del Mar and Madrid my country is strongly in favour of such comprehensive regime. I am authorised by my Government to sign both documents: the Final Act of the XI Special Consultative Meeting, as well as the Protocol to the Antarctic Treaty on the Protection of the Environment.

It is not, of course, my intention to repeat now all the reasons raised on this issue. Nevertheless, I wish to stress that the Madrid Protocol will be the first legally binding international instrument to safeguard the environment in so vast region of the world. As it is said in the article 2 of the Protocol, Antarctica will become a real «National Reserve devoted to Peace and Science».

One of the most distinguished and experienced member of this gathering, Mr. John Heap, said in Viña del Mar:

«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 through in our work. It is the strongly held hope 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».

I think, Mr. Chairman, that we all are very happy that his hopes had been so quickly implemented.

The fulfilment of our task was possible because of the excellent atmosphere created here by

our Hosts. A vital contribution to this cause has also been made by the Executive Secretary and his able staff, including the interpreters and translators. I take this opportunity to express to all of them the gratitude of the Polish delegation.

I am sure that Antarctic Treaty Meetings in Madrid will forever remain in our good memory.

Thank you, Mr. Chairman.

## STATEMENT BY THE HEAD OF THE SWEDISH DELEGATION

During the last ten months, the Antarctic Treaty, contrary to what was first apprehended, has proved to the world more clearly than ever before both its validity and its vitality.

It is, indeed, a proof of courage and strength for an international treaty to put aside a proposal that had been negotiated at the cost of great efforts from all sides for six years-and, in so doing, develop a new agreement which, with even greater thrust than the earlier one, now carries the management of Antarctica forward to meet the requirements of the 21st century.

No other continent of the world is protected by such a far-reaching international understanding on the common goals and common needs of its environmental heritage.

Man's increasing knowledge of ecology is leading to a greater awareness of the damage done to many of our planet's support systems and of the risks for adverse climate changes. Antarctic scientific work is basic to our understanding of the processes that govern climate and environmental developments not only in the southernmost continent but, indeed, globally.

Antarctica will remain a laboratory of the first rank in the climatological and environmental fields. But it also represents, as we all know, the aesthetic and almost spiritual values of man's dream of un-spoilt nature.

It is the common perception of the Treaty Parties of Antarctica as a unique continent and a unique part of the heritage of humankind that has been the driving force behind the political consensus manifested through the Protocol that we are now adopting. We have taken upon us to ensure that the objectives of the Protocol are met and its provisions implemented as rapidly as possible through our legal systems. We must also take upon us to make these provisions widely known and understood.

The Antarctic Treaty Parties have succeeded in achieving the protection and prohibiting the exploitation of an entire continent. We must now be as efficient in achieving broad support of our efforts. Our meeting here in Madrid is of course a splendid opportunity, as will be our forth-coming meeting in Bonn. Next year, the eyes of the world will be directed towards the UN Conference in Rio on Environment and Development. To UNCED, the protection achieved for the ice-covered tenth of the globe should be a model and a source of inspiration - not only in environmental protection in a technical sense, but also, more importantly, in international understanding and co-operation.

We are now shouldering the responsibility to carry on the work implied in the articles of the Protocol and its Annexes. The Protocol is not an end in itself and must not become an end to our efforts. Rather, it should be the initiation of a process, where the Antarctic Treaty Parties would continue their lead in managing the world's most spectacular natural reserve, devoted to peace and science.

This is the challenge we will meet already next week in Bonn.

I have taken this opportunity to express the great satisfaction of the Swedish delegation of the work carried out by the Eleventh Special Consultative Meeting.

We would not have been able of reaching these results without those untiring and devoted people who have been leading us on in our work during this last year: the Chairmen of the Working

Groups and the Legal Drafting Committee, as well as of the Linguistic Group, which had a particularly delicate task in concluding our work.

We owe thanks to our hosts in Chile, where the basis of our work was so successfully laid.

And we owe thanks to our hosts here in Madrid.

Three times have we come to Madrid. Three times have we enjoyed the hospitality of our Spanish hosts—each time more overwhelming. Madrid will not only mean to us the Protocol to the Antarctic Treaty, it will stand for good friends, generosity and warmth.

It also stands for professionalism from the Chair in conducting our work and supporting it, day and night, with all the technical services needed.

The Swedish Delegation is impressed, and grateful.

## STATEMENT OF THE USSR DELEGATION

The USSR Delegation welcomes the conclusion of preparation of Protocol on environmental protection to the Antarctic Treaty. The obligation assumed by the parties to the Protocol concerning the comprehensive protection of unique nature of that area will be of vital importance for conservation of Antarctica for future generations.

The Soviet Union has always been making a considerable contribution to human knowledge of the sixth continent. A special role in relevant scientific activities belongs to representatives of Russia, which plans to accede to the Antarctic Treaty.

We believe that the speediest entry into force of this Protocol will strengthen considerably the standing of the Antarctic Treaty and urge all the parties to that Treaty to take appropriate steps towards this goal.

We express our sincere gratitude to the Government of Spain and people of this country for their hospitality and excellent organization of the Madrid stage of our Meeting.



## STATEMENT BY DR JOHN HEAP, HEAD OF THE DELEGATION OF UNITED KINGDOM

*Mr Chairman*

You have brought us successfully to the end of one road and to the beginning of another. There have been times when you must have wondered whether the road you were on was not going to terminate in a precipice over which all the work we had done was destined for oblivion. My delegation is grateful to you and all our colleagues that that is not the case.

It has been my good fortune to be present at Antarctic Treaty meetings since the Fourth Consultative Meeting in 1966. I believe that the step we have taken today in agreeing a Final Report and a Final Act adopting the Protocol on Environmental Protection to the Antarctic Treaty is the most far reaching that has ever been taken in the development of the Antarctic Treaty system.

Many outside this meeting could be excused for believing that all that has been achieved in the course of this XIth Special Antarctic Treaty Consultative Meeting is to ban mining in Antarctica. That, as all of us in this room know, is very far from the case. What we have done over the last year is to develop a mandatory system for dealing with the environmental implications of all Antarctic activities, other than those covered by other components of the Antarctic Treaty system, and a series of mandatory rules which will apply to all those who go to Antarctica. I trust that no one will underestimate the far reaching effect of these developments. Our aim is that all expeditions to Antarctica, whatever their activities there, must first consider what could be the environmental effects of what is to be done. My Government warmly welcomes this crucial development in the Antarctic Treaty system.

As I have said earlier, we have come to the end of one road and to the beginning of another. The end is to have adopted the Protocol; the beginning, which now faces us, is to make it work. Mr Michael Heseltine, Secretary of State for the Environment, will tomorrow sign the Protocol on behalf of the United Kingdom, thus marking the importance which the British Government attaches to this Protocol which provides a degree of protection for the Antarctic environment far greater than that which can be found elsewhere in the world. It is the hope of my Government that we can all go home from here and give urgent consideration to ratifying the Protocol so that it will enter into force as soon as possible.

Before the future overtakes us, however, I wish very much to thank all those, both here in Madrid and in Viña del Mar, who have worked so hard to make our work a success - the translators, the interpreters and the Secretariat. Without them we would not be where we are today.

In closing these remarks, I wish on behalf of my Government and my delegation to record four particular debts of gratitude. Firstly, to the Government of Chile for all they did for us in Viña del Mar and to Oscar Pinochet de la Barra, the doyen of the Antarctic Treaty, for getting this XIth Special Meeting off to a flying start. Secondly, to Rolf Trolle Andersen of Norway, without whose inspiration we would not be here today. Thirdly, to the Government of Spain for all they have done in picking up the baton from Viña del Mar and carrying it through to a successful conclusion. And lastly, Mr Chairman to yourself, who have guided us so ably through storm and fire. Your sterling efforts and the contribution of your Government makes it proper that the outcome of our work here should be known as the Madrid Protocol to the Washington Treaty.

Thank you.





## DECLARATION OF THE UNITED STATES OF AMERICA

The United States draws attention to the fact that U.S. acceptance of the Final Report and signature of the Final Act and Protocol should in no way supply that the United States endorses or agrees with any declaration, statement or interpretation circulated and attached to the Final Report. Such declarations, statements and interpretations can in no way affect the provisions of the Protocol or its interpretation, or the legal obligations of the United States.



## DELEGATION OF THE EASTERN REPUBLIC OF URUGUAY

*Mr. Chairman,*

When we came to the opening of this Antarctic Treaty Eleventh Special Consultative Session in Viña del Mar in November of last year, many were the questions and uncertainties that awaited us, and many the vicissitudes that were to beset our work.

We gathered at this meeting called upon to explore and examine all the proposals relative to global protection of the Antarctic environment and its dependent and associated ecosystems. The subject was not new to our System, but it involved elaborating and restructuring assorted and complex points and at the same time appraising the different approaches of the parties concerned.

The sessions at Viña del Mar and Madrid highlighted the difficulties of the tasks and the risks involved. The failure to produce the text of an agreement would have constituted not only a breach in the protection of the Antarctic environment, but also a fissure in the Antarctic Treaty System as a whole, which would have cast doubt upon it both from within and without.

However, notwithstanding all the complexities, a consensus gradually emerged, put together in the traditional Antarctic climate of understanding. This has been the hallmark of the whole System - a kind of refuge isolated from the storms that perturb other international fora.

When thirty years after the signing of the Antarctic Treaty its validity and destiny were called in question, the Protocol on the Protection of the Environment came into being as a symbol of its reinforcement and development and an example of harmonious and advanced regulation. It also constituted a mechanism of adaptation in response to the current concern that this world, which no longer is vast and unknown, be preserved.

Anyone, who wishing to evaluate the situation at this time asks himself if the Treaty System has proved successful, should seek a reply in its achievements, in its efficient mechanisms, and in its effective application in the Antarctic, making it an example and a guide for the rest of the international community.

On signing the Protocol, the Parties commit themselves to global protection of the Antarctic environment and its dependent and associated ecosystems, and designate the Antarctic as a natural reserve dedicated to peace and science.

In this simple concept is contained the essence of our System and the mirror to its past, its present and its future. As Don Quijote said to Sancho, «if you follow these precepts and these rules, your days shall be long, your fame shall be eternal, your rewards shall be abundant and your happiness beyond description».

Thus the responsibility lies with us to continue to show the rest of the world that there are no unattainable goals, as long as the objectives are clearly defined and there is a resolute determination to achieve them in the common interest.

Our goals have been achieved, and will constitute the basis for future successes. This has been due to the determination of the Parties and especially to the efforts and support of the countries which hosted the respective sessions.

Therefore our Delegation wishes to especially thank Chile and Spain for having made this Special Consultative Meeting possible.

We also wish to thank and congratulate the Chairman and other officers of this Madrid session, for their brilliant collaboration, thereby ensuring that our efforts would be crowned with the ultimate success - that of having fully and properly completed the task assigned.

## **STATEMENT BY THE DELEGATION OF THE REPUBLIC OF CUBA TO BE ATTACHED TO THE FINAL ACT**

The Cuban Delegation expresses its satisfaction regarding its participation in the working sessions held in Madrid from April 22nd to 30th; from June 17th to 22nd; and at the Final Session of the Antarctic Treaty Eleventh Special Consultative Meeting which took place in Madrid on October 3rd and 4th, 1991.

It wishes to place on record the importance it attaches to ensuring that the scientific research activity which is being conducted in the Antarctic protect the Antarctic zone, its environment and the natural ecosystems; and also that this scientific research not contradict the principles emanating from the resolutions adopted by the United Nations to the effect that all mankind must receive the benefits thereof.



**STATEMENT BY MR. J.R. LILJE-JENSEN, HEAD OF THE DANISH  
DELEGATION**

**(To be attached to the final report of ATSCM XI).**

*Mr. Chairman,*

Two years after ATCM XV in Paris took place and only one year after the opening of ATCM XI at Viña del Mar we are now signing the Final Act and many of us also the Protocol on Environmental Protection to the Antarctic Treaty.

I recall that my delegation —actually it is less than one year ago— in its opening statement at Viña del Mar expressed the opinion that it was imperative to reach a new consensus on a comprehensive regime on the protection and preservation of the Antarctic environment.

The purpose was to protect the environment and the Antarctic Treaty System as well.

Today we happily find that we were not disappointed in hoping for the success of this ATSCM XI.

The comprehensive regime has come to stay, and we hope that the ban on commercial mining activities will also remain unchallenged in the future.

The comprehensive regime, however, has not yet been quite completed. My delegation has at several occasions emphasized the importance of a liability regime, which unfortunately could not be included in the Protocol. These rules and procedures should be elaborated at the earliest possible date.

With respect to the prohibition on mineral resource activity we would be very interested in studying the implementation by domestic law enforcement undertaken or to be undertaken by several Treaty Parties. This legislation should preferably be in force as soon as possible and before the entry into force of the Protocol.

A consensus needs the support of all Parties —and I wish to express my appreciation of the important work of all delegations in order to achieve the result we had been hoping for, within a relatively short time. Some of you have been more active than others, but the completed task before us today took the cooperation of everybody. We are looking forward to further cooperation between all Parties to the Antarctic Treaty —consultative and non-consultative alike— to further improve the operation of the Antarctic Treaty System and signal to the world community that the system is alive and well.

Finally, we want to thank the Governments of Chile and Spain for hosting the Meeting in such a magnificent way that did without any doubt contribute to the excellent outcome of the Eleventh ATSCM.

Thank you, Mr. Chairman.





## **STATEMENT MADE BY THE DELEGATION OF GREECE**

The Hellenic Delegation declares that exploration activities relating to mineral resources in the Antarctic Treaty area are also covered by the prohibition of Article 7 of the Protocol on Environmental Protection to the Antarctic Treaty.



## DECLARATION BY THE SWISS DELEGATION UPON ADOPTION OF THE PROTOCOL

It is with feelings of relief, satisfaction and hope that my delegation greets the adoption of the text of the Protocol to the Antarctic Treaty on Environment Protection.

We feel relief because we have finally emerged from a tunnel whose long, hard and uncertain traversal has called for considerable sacrifices on either side.

We feel satisfaction because the Protocol emerging today is a reasonable, balanced solution. Again, we believe that this text will allow efficacious, and hence effective, preservation of the natural medium on the white continent. And finally, because this new instrument will strengthen the bonds linking the member states of the Antarctic system and will lend this system an enhanced legitimacy not to be ignored by the international community.

Lastly, my delegation believes that the Protocol now adopted is a herald of hope. Its importance will lie not only within the strict context of the Antarctic, but more importantly still in the extent to which it provides a model and an inspiring example whenever action needs to be taken in other fields concerning global protection of the environment.

The success which today crowns this sustained effort is the success of all those seated around this table, but it is also the particular success of our Chilean and Spain hosts, and of our presidents. The Swiss delegation therefore wishes to close by expressing its deep respect and appreciation to the Governments of Chile and Spain, and likewise to our Secretaries and our Presidents.



## ANTARCTIC AND SOUTHERN OCEAN COALITION STATEMENT ON THE ENVIRONMENTAL PROTOCOL

ASOC welcomes the new Protocol on Environmental Protection. Our more than 200 member organizations in 45 countries believe that this commitment to «the comprehensive protection of the Antarctic environment and its dependent and associated ecosystems» is the beginning of a new period in the evolution of the Antarctic Treaty. ASOC endorses the designation of Antarctica as a «natural reserve, devoted to peace and science» and looks forward to working closely with the Treaty governments and other Observers to implement it.

ASOC hopes that the mining ban contained in the Protocol will prove to be permanent. It is extremely significant that the 39 Treaty Parties were all able to agree on this voluntary restriction on possible minerals activities. We salute those politicians who have endorsed the opinion of the public and made this possible.

Among the primary reasons why the environmental community has worked so hard to refocus governments on protection as opposed to exploitation of the region is that it is imperative to preserve the qualities that make Antarctica a global laboratory of great importance. The Antarctic is the world's only truly demilitarized zone. With the threat of mineral resource exploitation removed, this status will be preserved. It is the best place on earth to monitor and learn about global weather systems, global warming and ozone depletion. We have just begun to appreciate Antarctica's complex environment, and its major contributions to the Earth's life support systems. The Protocol has provided us with a large window of opportunity to pursue this multi-faceted investigation.

ASOC envisions that the conclusion of the Environmental Protection Protocol to the Antarctic Treaty will protect the region for its wilderness and wildlife values, as well as for science. The practical process of implementing the Protocol will help governments and scientific organizations focus more clearly on priorities for their scientific programs. The results will be (1) more efficient science, (2) more effective science, (3) more money for globally significant science, (4) more long-term monitoring programs, and (5) more directed research, for example, of the sort needed to effectively implement the «ecosystem as a whole» principle that lies at the heart of CCAMLR.

In order to effectively implement the Protocol, the Treaty nations must devise practical means of cooperation. This should result in greater sharing of bases, facilities and logistics, and a consequent decrease in environmental impacts caused by a redundancy of these support facilities.

ASOC believes that the signing of the Protocol is just the first step, and we will be watching to ensure that it is rapidly ratified by all twenty-six Consultative Parties. Equally important, the Protocol has to be translated into legally enforceable regulations in each country and implemented in good faith.

In the interim, ASOC urges all countries to apply the Protocol's provisions as from October 4, 1991, while moving toward ratification. For example, the Environmental Committee can be brought into operation this year. The EIA process can be used by all Parties, and the Annexes on waste disposal, prevention of marine pollution, and conservation of fauna and flora put into practice as though they were legally binding.

ASOC also notes that the new Protocol does not fully achieve the objective of «comprehensive» protection for the Antarctic. It must be buttressed with additional annexes on such important subjects as Liability, Protected Areas, and Tourism. ASOC has circulated at earlier SCMs a model proposal on Liability. We will once again be introducing this as an Information Paper at the regular Antarctic Treaty Consultative Meeting in Bonn.

There also are other gaps in the Antarctic Treaty System that ASOC hopes the member governments will take urgent steps to fill. First, a Secretariat should be set up. Second, the regular Consultative Meetings should be held annually.

The Protocol has moved the world several steps closer to realizing the values of the Antarctic. It is a zone of peace, providing experience in international cooperation. There is now added impetus for all the nations of the world to work together, with NGOs in the scientific and environmental communities.

**PRESS RELEASE**





The Eleventh Antarctic Treaty Special Consultative Meeting convened in accordance with Recommendation XV-1 approved in the Ordinary Meeting held in Paris in 1989.

The Sessions of the Meeting took place in Viña del Mar in November and December 1990 and in Madrid, in April, June and October 1991.

The Final Session of the Meeting was held on the 3rd and 4th October 1991 in Madrid and its works were satisfactorily completed with the approval of the Final Act and the adoption of a Protocol on Environmental Protection to the Antarctic Treaty, including four Annexes, which form an integral part thereof. The Annexes relate to the Environmental Impact Assessment, the Conservation of the Antarctic Flora and Fauna, Waste Management and Waste Disposal and the Prevention of Marine Pollution.

The Protocol designates Antarctica as a natural reserve especially devoted to peace and science and sets forth the general principles which will apply to any human activity in Antarctica, so as to ensure that its environmental conditions are preserved, as well as those of its dependent and associated ecosystems.

The Protocol provides also for the prohibition of all Antarctic mineral resource activities, with the exception of scientific activities. Provision is also made for the possibility of adopting additional Annexes to the Protocol, to regulate other human activities and other matters, in order to ensure the best possible protection for specific Antarctic Areas.

The Parties to the Antarctic Treaty signed the Final Act of the Eleventh Special Consultative Meeting at Madrid, on the 4th of October 1991 during the closing ceremony presided over by the Minister for Foreign Affairs of Spain. The Protocol on Environmental Protection to the Antarctic Treaty, including its four Annexes, was also signed by twenty four Consultative Parties to the Antarctic Treaty and by seven Contracting Parties to the Antarctic Treaty which are non-consultative. The Protocol shall thereafter be open for signature by the other Consultative and non-Consultative Parties, at Washington, until the 3rd of October 1992 and shall enter into force after the ratification, acceptance, approval or accession by the twenty six Parties to the Antarctic Treaty which are now Consultative Parties.

Madrid, 4th of October 1991

