



Current Legal and Policy Issues In Antarctic Diplomacy

Evan T. Bloom

**Director, Office of Ocean and Polar Affairs
U.S. Department of State**

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Working Group on the Law of the Sea Convention
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Overview

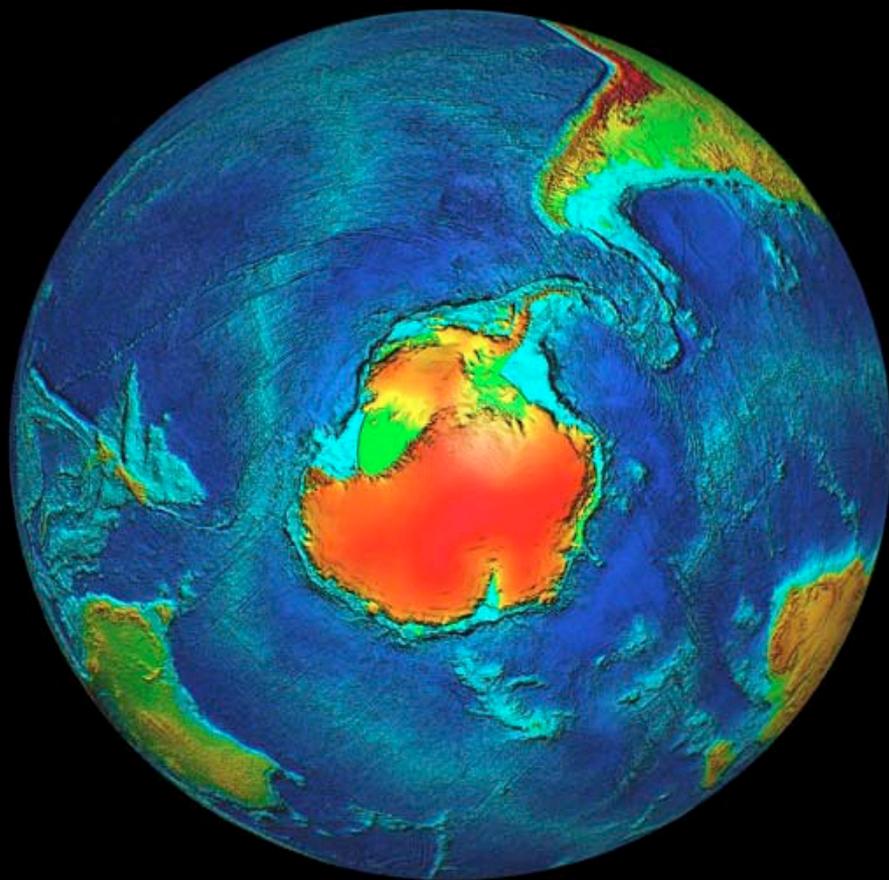
- What is Antarctica?
- Governance under the Antarctic Treaty and related instruments
- Current Issues: Inspections, Marine Protected Areas, Tourism, etc.



Antarctica

- South of 60° South Latitude
- Extreme conditions
- Wildlife
- Scientists
- Tourists

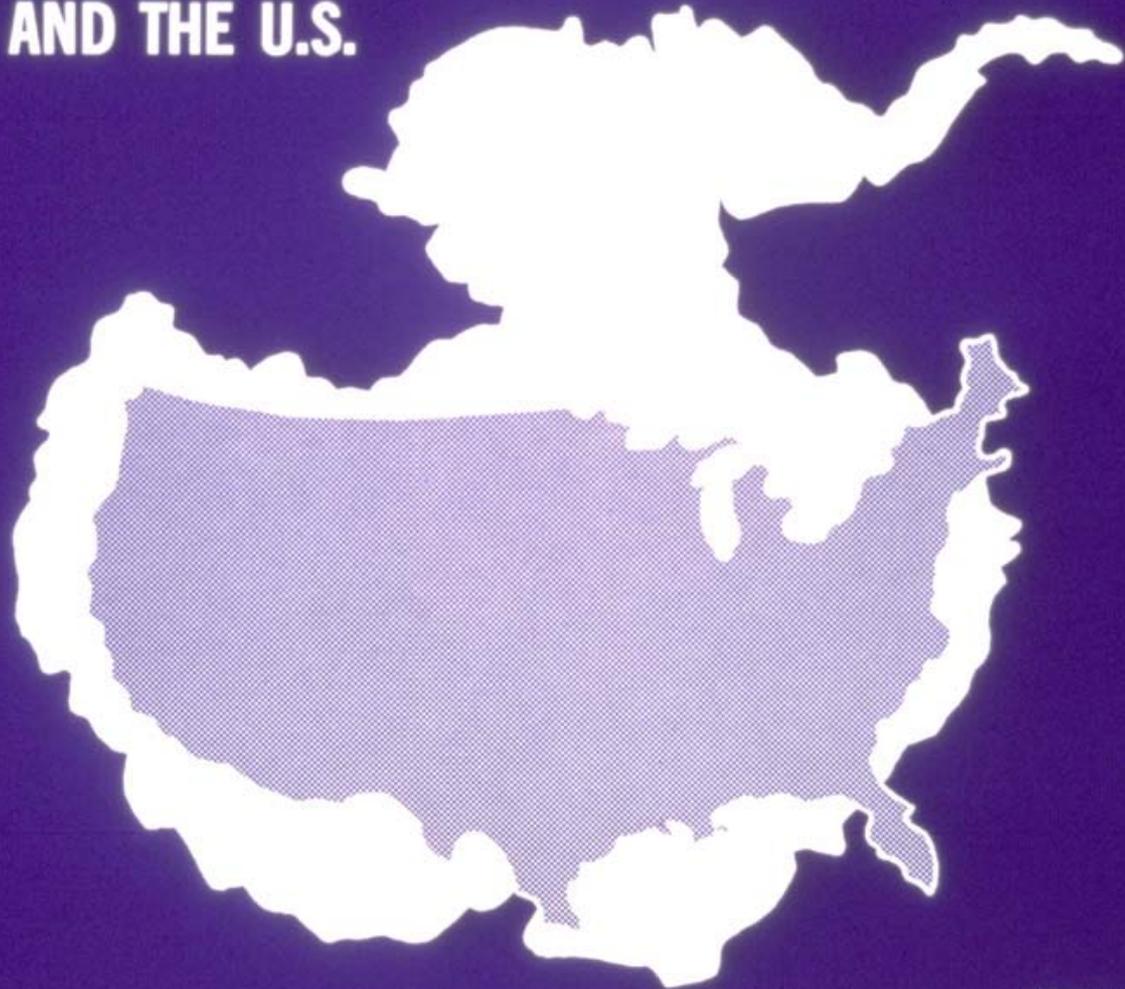




South Pole



COMPARATIVE SIZE ANTARCTICA AND THE U.S.



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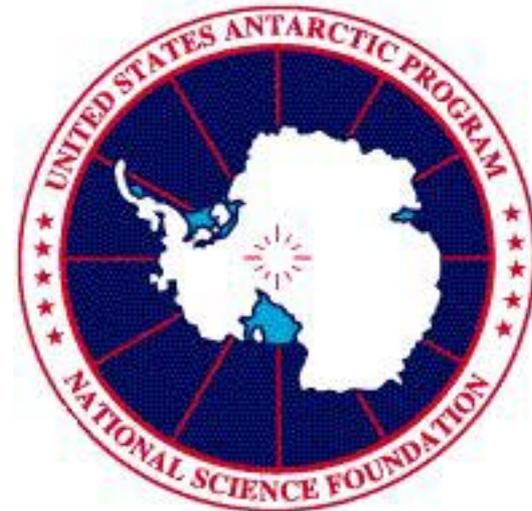








Antarctica New Zealand



**British
Antarctic Survey**

NATURAL ENVIRONMENT RESEARCH COUNCIL



Antarctic Treaty System Components

- Antarctic Treaty of 1959
- Protocol on Environmental Protection
- Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR)
- Convention for the Conservation of Antarctic Seals
- Measures



Antarctic Treaty - 1

- Cold War origins
- Key provisions: Article IV freezes claims

1. Nothing contained in the present Treaty shall be interpreted as:

(a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;

(b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;

(c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.

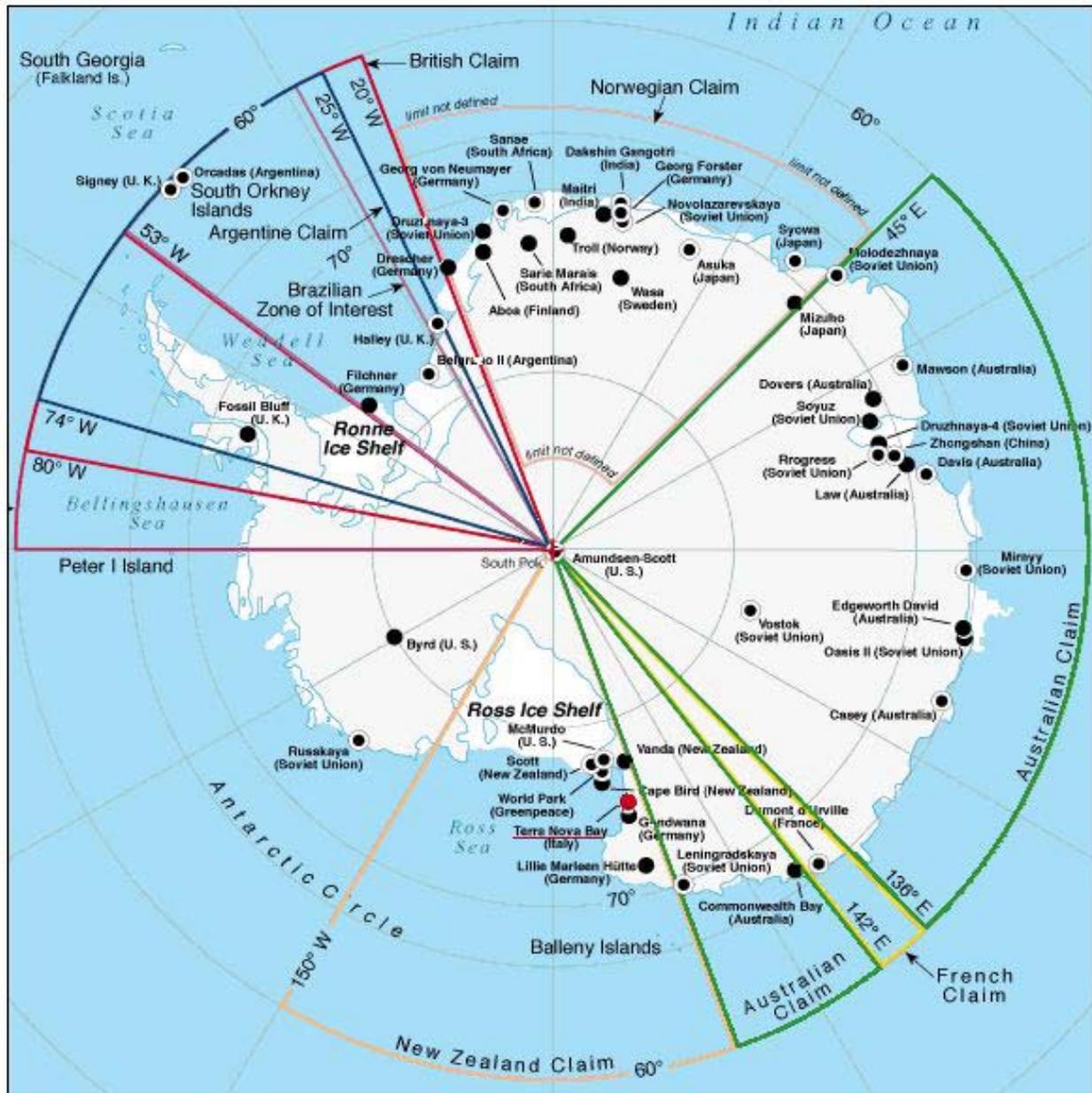
2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty shall be asserted while the present Treaty is in force.



Antarctic Treaty - 2

- Other key provisions
 - No military activities
 - Key role of science
 - Consultative Parties
 - Inspections





Environmental Protocol - 1

- Instead of minerals convention
- Mining ban
- Environmental impact assessments
- Committee for Environmental Protection
- Emergency response action



Environmental Protocol - 2

- Annex I - Environmental impact assessment
- Annex II - Flora and fauna conservation
- Annex III - Waste disposal and management
- Annex IV - Prevention of marine pollution
- Annex V - Area protection and management
- Annex VI - Liability (not yet in force)



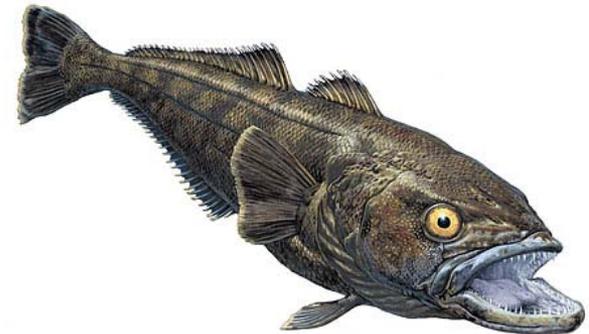
Treaty Operations

- Antarctic Treaty Consultative Meetings and CEP Meetings
- Measures, resolutions, decisions
- Consensus decision-making
- Secretariat
- Observers: SCAR, COMNAP, ASOC, IAATO



CCAMLR

- Formed by Antarctic Treaty Parties, and came into force in 1982
- Ecosystem approach
- Not just a fish management organization
- Conservation Measures
- Toothfish

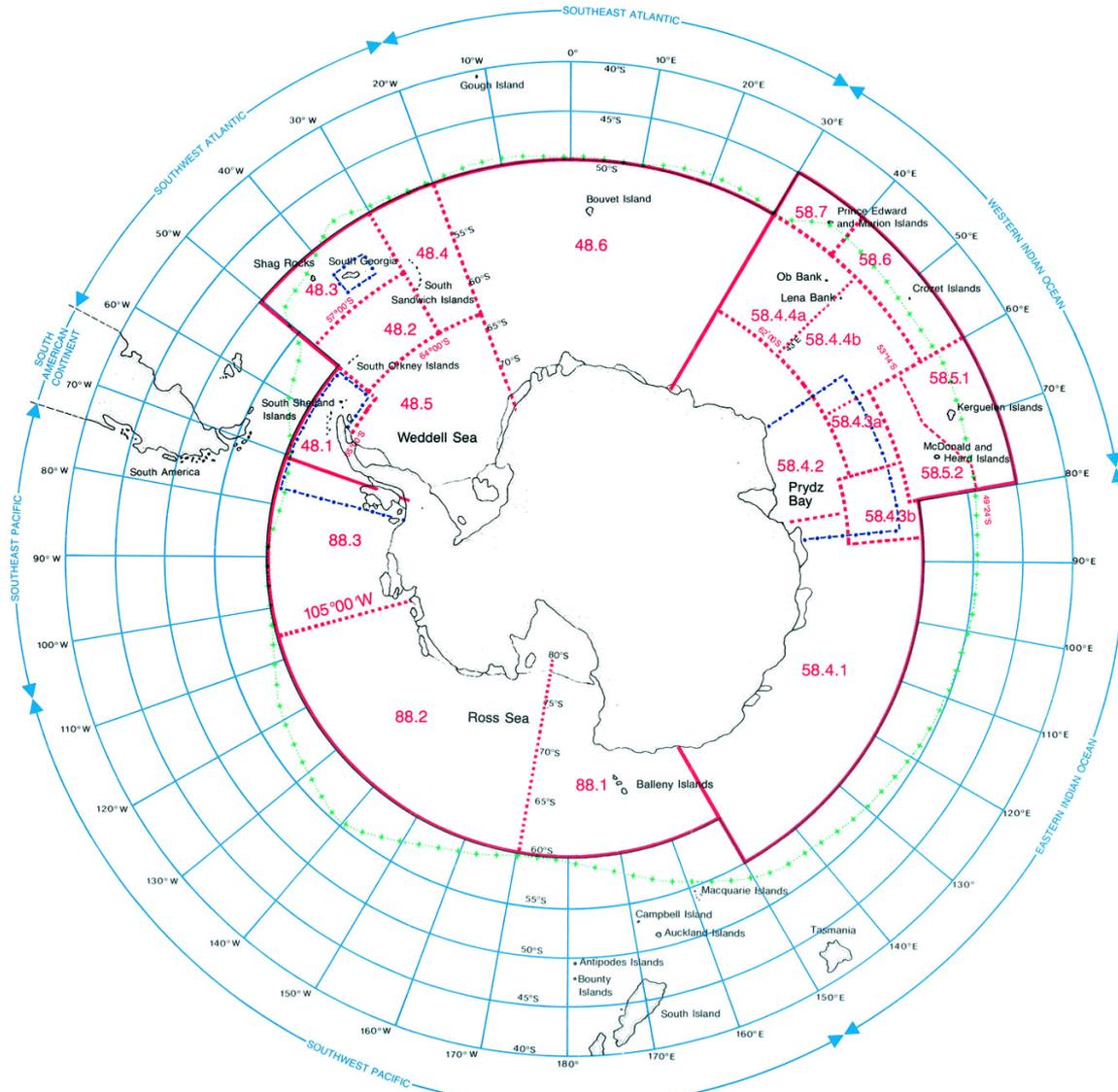




CCAMLR

Boundaries of the
Statistical Reporting
Areas in the
Southern Ocean

- LEGEND**
- STATISTICAL AREA
ZONE STATISTIQUE
СТАТИСТИЧЕСКИЙ РАЙОН
AREA ESTADISTICA
 - STATISTICAL SUBAREA
SOUS-ZONE STATISTIQUE
СТАТИСТИЧЕСКИЙ ПОДРАЙОН
SUBAREA ESTADISTICA
 - ANTARCTIC CONVERGENCE
CONVERGENCE ANTAQTICQUE
АНТАРКТИЧЕСКАЯ КОНВЕРГЕНЦИЯ
CONVERGENCIA ANTARTICA
 - CONTINENT, ISLAND
CONTINENT, ILE
МАТЕРИК, ОСТРОВ
CONTINENTE, ISLA
 - INTEGRATED STUDY REGION
ZONE D'ETUDE INTEGREE
РАЙОН КОМПЛЕКСНЫХ ИССЛЕДОВАНИЙ
REGION DE ESTUDIO INTEGRADO



Other Governance Structures

- Law of the Sea Convention
- International Maritime Organization, MARPOL
- International Whaling Commission
- Albatrosses and Petrels Convention
- UN Framework Convention on Climate Change



Inspections

- Treaty Right
- US Objectives
- Joint Inspection with Russia

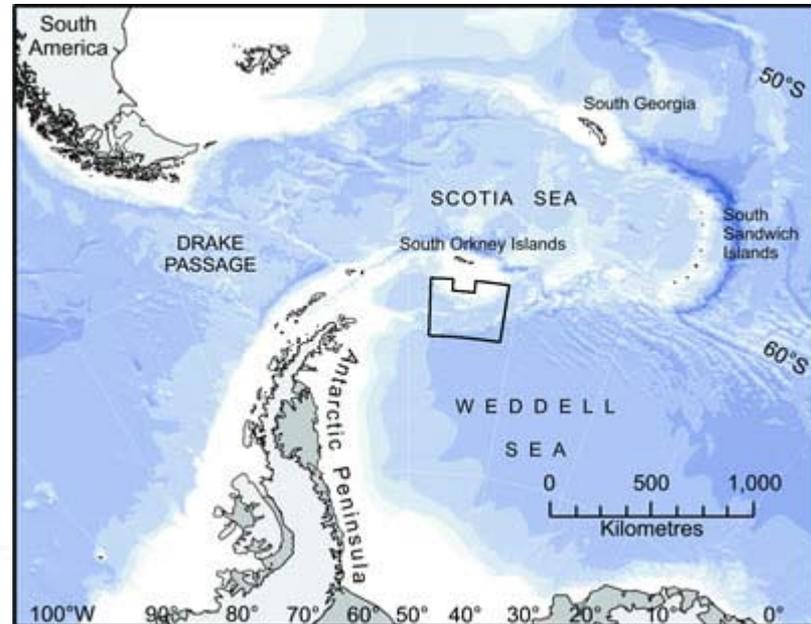


U.S.-Russia Joint Antarctic Inspection
January 23-28, 2012



Marine Protected Areas

- CCAMLR Jurisdiction
- South Orkney Islands
- Ross Sea



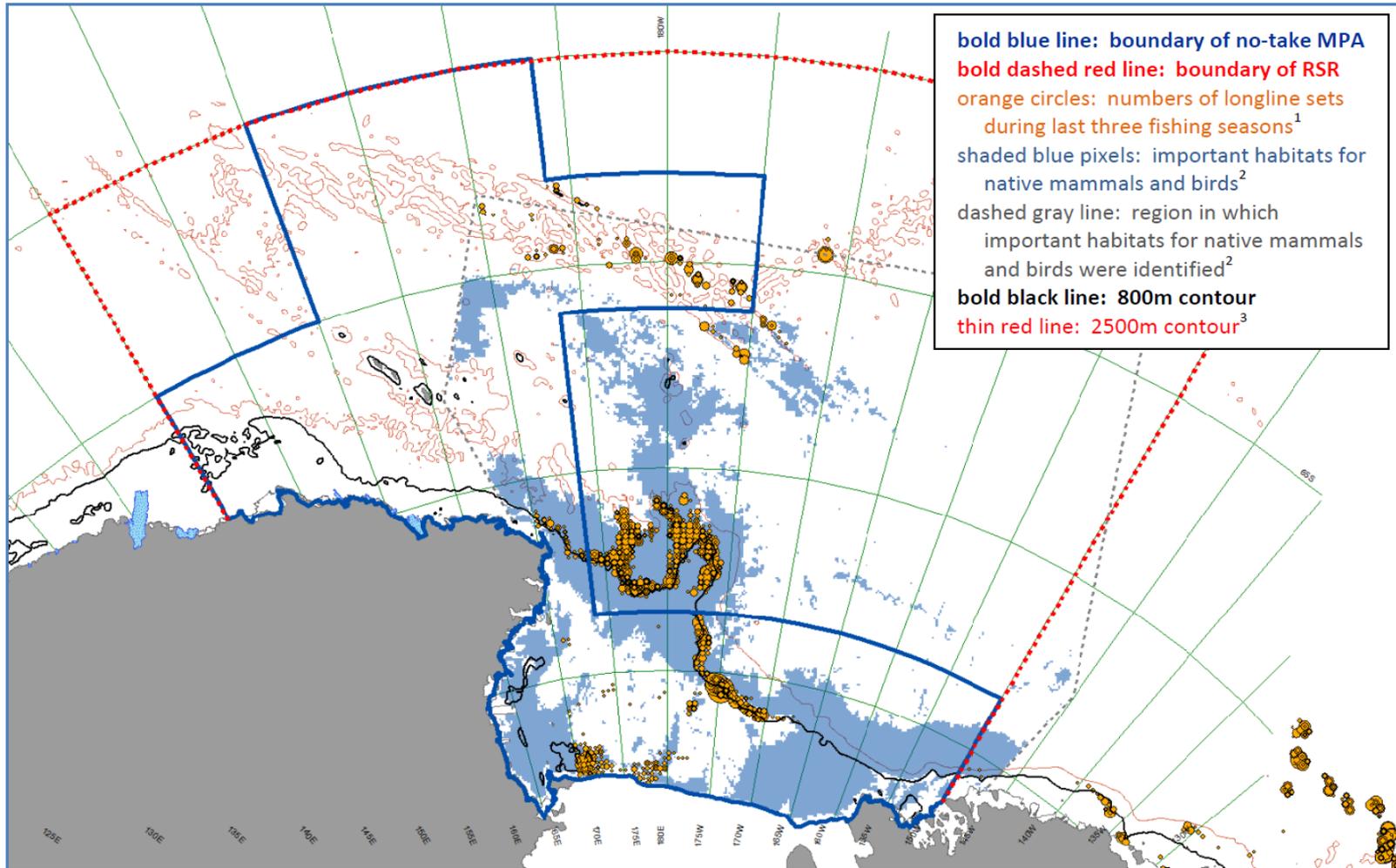


Figure 1. The U.S. scenario for an MPA in the RSR; commercial fishing would be prohibited inside the polygon defined by the bold blue line. ¹Data for the 2010/11 season are preliminary. ²See Ballard et al. (2010) and Sharp and Watters (2011). ³Approximate limit of depths that are fishable by the longline fishery (see Hanchet et al. 2010).



Tourism Issues

- Environmental Impacts
- Enforcement of existing rules
- Permanent infrastructure
- Safety



Other Issues

- Climate change – impact on operations
- Energy efficiency
- Marine safety
- IUU fishing
- Science-based decision-making
- Long-term viability of the Treaty



