Urgent Challenges for the Antarctic Treaty System

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**Working paper submitted by the Russian Federation**

Summary

Russia is an initiator of systematic discussion of topical issues, challenges and trends for the Antarctic Treaty System (ATS). The emergence of new factors may give rise to potential threats to the ATS, requiring the Meeting to assess and develop response measures. This paper is intended to highlight the dangers of the politicization of the ATCM, its negative consequences in terms of the purposes and principles of the 1959 Antarctic Treaty (the Treaty), other ATS norms, and the traditions of the Antarctic community. The Consultative Parties are invited to review the recent challenges of the ATCM. It is important to exchange views as to whether politicization is an indication of systemic changes or whether the Consultative Parties intend to make efforts to prevent its influence from affecting to the future of the ATS.

***Historical Context of the ATS***

Russia is one of the founding states of the Treaty, which reserved the southern polar region for peace and scientific research, as well as international cooperation  
for these purposes.

The Treaty established the Antarctic Treaty Consultative Meeting (ATCM, the Meeting) as a depoliticized forum for the development of measures to promote the implementation of its principles and objectives and for exchanging information on Antarctic matters.

The period of formation and development of the ATS included examples of political confrontation and military conflicts between individual Consultative Parties and with third countries. At the same time, neither political positions t not directly related to activities within the southern polar region, nor any confrontational attitude, entered into the discussions of the Meetings.

Adherence to the principles of the Treaty and the constructive interaction of the States parties based on this, confirmed the significance and uniqueness of the international legal regime of Antarctica. This factor probably played a role in the accession of a large number of states to the ATS mechanisms.

***Russia's Approach to Joint Efforts to Strengthen the ATS***

As one of the founders of the ATS, Russia traditionally contributes to its development and reinforcement.

The mandate of the Meeting covers all institutional and legal issues relating to activity in Antarctica and provides opportunities to identify relevant solutions to new trends and challenges faced by the ATS. From 2019 to 2022, the ATCM's Multi-Year Strategic Work Plan contained an item devoted to cooperation between the Parties to identify and take into account current and future trends relating to the ATS in a timely manner. Discussions within the sessions and during the intersessional period as a whole indicated broad support for this initiative.

The involvement of the Consultative Parties in such discussions is intended to ensure the development of a unique international legal regime for Antarctica in the spirit of the Treaty and is in line with the goal of maintaining peace and stability in the region. In this regard, the Russian Federation is carefully studying present trends and considers it necessary to bring the current challenges and problems facing the ATS to the Meeting for consideration.

***Politicization as a Challenge for the ATS: Facts and Legal Aspects***

A serious threat to the ATS today is the politicization brought to the ATCM forum during the German presidency in 2022 by using the Meeting as a vehicle for anti-Russian propaganda and departing from the positive traditions of the Antarctic community.

Thus, the opening of the 44th ATCM by high-level representatives of the host country was marked by a departure from Antarctic issues and unfounded accusations against one of the Consultative Parties.

For the sake of promoting anti-Russian rhetoric, a discussion was related to *Information Paper 85 (2022)*, submitted by Ukraine on 22 April, 2022.

This document included false statements, but did not contain any information on the scale of the National Antarctic Program of Ukraine in previous years and did not allow any conclusion to be drawn regarding the extent of the potential reduction in the programme of work and the reasons for it.

It should be noted that this document was prepared and submitted in violation of the rules and practices of the ATCM.

In particular, the final section contains recommendations, including proposals for the adoption of specific decisions, which is possible only within the framework of a working paper. Moreover, calls to condemn one of the Consultative Parties for activities outside the borders of Antarctica and to exclude it from the Consultative Parties is clearly contrary to the spirit and letter of the Treaty, in particular the principle of international cooperation.

According to *paragraph 5 of the Annex to the Revised 2016 ATCM Rules of Procedure* (Rules of Procedure) translation of a document into all official languages of the Meeting is permitted only if submitted no later than 45 days before the upcoming meeting (in the context of the 44th ATCM no later than 8 April, 2022). In accordance with the above paragraph *“If any such paper is submitted later than 45 days before the Consultative Meeting, it may only be considered if no Consultative Party objects”*.

Contrary to *Rules 17-20 of the Rules of Procedure*, the floor was not given to the Russian Federation on a point of order as a matter of priority, although the “hybrid” format of the event made it possible to indicate the nature of the request in a clear manner. Moreover, the decision to continue discussion of the issue was not put to a vote.

Attention was also drawn to the Chair's attempt to limit the number of contributions and the time allowed for speeches by individual delegations, given that, in accordance with Rule 16 of the Rules of Procedure, such decisions can only be taken by the Meeting.

Given the significant violations committed during the submission and discussion of the document, the course of discussions was not duly reflected in the final report.

In a politicized environment, one of the pillars of the ATS, the principle of international cooperation, can become vulnerable.

It is important to take into account that appeals directed against one of the Consultative Parties were presented not only at the ATCM venue, but were also addressed by the head of the Ukrainian Antarctic station in the presence of a large group of employees of the Antarctic stations of other states, including Russian states.

In view of the role of the ATCM as the main Antarctic forum, it is advisable that it oversees the activities of all subsidiary bodies, including the Scientific Committee on Antarctic Research (SCAR) and the Council of Managers of National Antarctic Programmes (COMNAP), and ensures that the bodies comply with its mandate.

***Recommendations***

1. The Russian Federation invites the ATCM to record the understanding that politicization presents a challenge that threatens the integrity of the ATS.

2. The Russian Federation invites the ATCM to record the fact that politicization negatively affects the norms of the ATS, in particular, the principle of international cooperation established by the Treaty.

3. The Russian Federation proposes to initiate an exchange of views on the following issues:

- How can the Consultative Parties enforce the existing rules regarding the established procedure of giving the floor to requests from delegations in accordance with Rules 17-20 of the Rules of Procedure? Which mechanisms are needed to prevent violation of these rules?

- How do the Consultative Parties assess the risks of considering documents for translation into all official languages, submitted beyond the deadline allowed, and discussing these in the absence of any joint agreement? How can the Consultative Parties enforce the existing rules regarding the submission and consideration of documents in the future?

- Do the current Rules of Procedure require amendments or additions of a recommendatory nature in order to implement them more effectively?