Communicating the Antarctic Treaty System to the United Nations

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**Information Paper submitted by the United States, Argentina, Australia, Chile, France, New Zealand, Norway, and the United Kingdom**

The 2021 report of the United Nations Secretary General entitled “Our Common Agenda” (“the Report”) (<https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf>) is important and addresses some of the most urgent challenges facing the international community now and in the coming years. However, the section of the Report dealing with the “Global Commons” erroneously includes Antarctica and refers to Antarctica as “commons that are beyond national jurisdiction.” Eight Antarctic Treaty Consultative Parties informed the UN Under-Secretary General by letter that it is not accurate to include Antarctica in discussions of the “Global Commons” or “beyond national jurisdiction,” since the Antarctic Treaty system (ATS) provides the internationally legally binding framework governing the area.

The letter explained that the special legal status of Antarctica is set out in the Antarctic Treaty and other ATS instruments. The Antarctic Treaty establishes a regime of international cooperation through Consultative Meetings. Article IV of the Antarctic Treaty makes clear that nothing contained in the Treaty is “a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica” or “a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica,” and does not prejudice the position of any Contracting Party regarding its recognition or non-recognition of claims or basis of a claim to territorial sovereignty in Antarctica. The co-sponsors of this IP recall that all spatial management plans in the Antarctic Treaty area are subject to the terms of Article IV of the Antarctic Treaty.

The co-sponsors of this IP requested the United Nations give due consideration to the points raised in the letter and noted that any follow-up on the Secretary General’s Report regarding Antarctica should take place in the ATS and at the initiative of the Contracting Parties to the ATS agreements. The letter to the UN is attached.