Strengthening Support for the Protocol on Environmental Protection to the Antarctic Treaty

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Information paper submitted by Australia, France, and Spain

Summary

This paper reports on representations conducted by Consultative Parties, in accordance with Resolution 1 (2012) and other recent ATCM Declarations,[[1]](#footnote-1) encouraging States that are Antarctic Treaty Parties but are not yet Party to the Protocol on Environmental Protection to the Antarctic Treaty (“the Madrid Protocol”) to accede to the Protocol. While 42 of the Contracting Parties to the Antarctic Treaty are party to the Madrid Protocol, including all 29 Consultative Parties, there are 14 Non-Consultative Parties that are not yet party to the Madrid Protocol.

As 2023 marks the 25th anniversary of the Madrid Protocol’s entry into force, Australia, France, and Spain, together with other Consultative Parties, made representations to 13 Non-Consultative Parties, not yet party to the Protocol. For three (3) of these 13 Non-Consultative Parties, it was the first outreach undertaken as part of this process. There was general support among the Parties for the objectives and principles of the Protocol. Several Parties indicated that they would further consider the steps required to accede, whereas others were not yet in a position to formally respond.

Background

In accordance with Resolution 1 (2011) and Resolution 1 (2012), in the period from 2012 to 2019, Australia, France and Spain coordinated four rounds of outreach by Consultative Parties to encourage States party to the Antarctic Treaty, but not yet Party to the Madrid Protocol, to accede to it.[[2]](#footnote-2) Since the commencement of these outreach efforts, there have been a further eight (8) new parties to the Madrid Protocol.

In the 2021 *Paris Declaration on the occasion of the Sixtieth anniversary of the entry into force of the Antarctic Treaty and on the Thirtieth anniversary of the signing of the 1991 Madrid Protocol on Environmental Protection to the Antarctic Treaty*,the Consultative Parties welcomed the increase in Parties to the Madrid Protocol and encouraged other States that are committed to the objectives and purposes of the Protocol to accede.

In light of the success of these previous efforts, and the declaration made by the Consultative Parties in 2021, Australia, France and Spain agreed to undertake a further round of outreach in 2023 to those non-Consultative Parties that have yet to accede to the Madrid Protocol.

Preparation and conduct of the representations in the intersessional period

Australia, France, and Spain coordinated a fifth round of representations in April 2023, which were undertaken with support and participation from fifteen (15) other Consultative Parties (see Annex 1).

Representations were made to 13 States that are a Party to the Antarctic Treaty but have not yet acceded to the Madrid Protocol: Costa Rica, Cuba, Denmark, Estonia, Guatemala, Hungary, Iceland, Kazakhstan, Mongolia, Papua New Guinea, San Marino, Slovakia, and Slovenia.

These renewed efforts to encourage accessions to the Protocol were considered to be particularly timely given that 2023 marks the 25th anniversary of the Madrid Protocol’s entry into force.

In conducting the representations, Australia, France, and Spain prepared a supporting aide-memoire. Supporting documentation and information on the Madrid Protocol and steps required for accession were also prepared and handed over, as appropriate.

***Outcomes of the representations***

1. Overall, the demarches indicated that there is support for the objectives and principles of the Madrid Protocol among those Non-Consultative Parties that have not yet acceded to it.
2. One party indicated that they had initiated discussions regarding the possibility of accession, although no formal decision has yet been taken.
3. Three of the parties expressed support for the Protocol, its objectives and principles of environmental protection, and undertook to consider the issue further and consult across Government, which is likely to take some time.
4. One party noted that they shared the goals of the Madrid Protocol and undertook to consider the issue further, following an administrative reorganisation.
5. One party expressed that acceding to the Madrid Protocol is not a possibility at present but undertook to continue discussion with the competent domestic institutions on a possible approach to accession.
6. One party was unable to express a clear commitment but requested more information about upcoming meetings where the Madrid Protocol would be discussed.
7. One party showed interest in the possibility of acceding to the Madrid Protocol but noted that there are some domestic difficulties, including an upcoming election, which make accession unlikely in the short term.
8. One party, while recalling the importance they attached to the protection of the environment, indicated that accession to the Protocol would require extensive consultation and interdepartmental review.
9. One party was not able to express a clear commitment, as it was not able to identify the appropriate domestic authorities.
10. Three other parties could not provide formal responses ahead of ATCM 45.

Australia, France, and Spain were encouraged by the support expressed by a number of the States for the objectives and principles of the Protocol and by the intention of some States to give further consideration to becoming Parties to the Madrid Protocol.

Given that not all States were able to commit to accession and/or ratification at this time, it remains important for the Consultative Parties to continue to appeal to States that are Antarctic Treaty Parties, but not yet Party to the Madrid Protocol, to become Party to the Protocol.

Australia, France and Spain consider that further intersessional work, in accordance with relevant ATCM decisions and declarations, would support:

* efforts to strengthen the Antarctic Treaty system;
* harmonisation of standards for the protection of the Antarctic environment for all Antarctic Treaty Parties and their nationals;
* continued growth in the community of States that have formally demonstrated their commitment to the objective of comprehensively protecting the Antarctic environment and dependent and associated ecosystems and that have designated Antarctica as a natural reserve, devoted to peace and science; and
* the work of the Committee for Environmental Protection to provide advice and formulate recommendations to the Parties in connection with the implementation of the Protocol and its Annexes.

Australia, France, and Spain will continue these efforts following ATCM 45 and encourage other Consultative Parties to do the same.

**Annex 1**

**Consultative Parties that participated in the fifth round of démarches (2023)**

|  |  |  |  |
| --- | --- | --- | --- |
| **Costa Rica** | **Cuba** | **Denmark** | **Estonia** |
| Spain  -----  \*Australia  \*France  *Others to be advised* | Spain  France  Belgium  Germany  -----  \*Australia  *Others to be advised* | Australia  France  Spain  -----  \*Argentina  \*Belgium  \*Brazil  \*Bulgaria  \*Chile  \*Czechia  \*Germany  \*Finland  \*Japan  \*The Netherlands  \*New Zealand  \*Poland  \*Sweden  \*United Kingdom  \*United States | France  Australia  Spain |
| **Guatemala** | **Hungary** | **Iceland** | **Kazakhstan** |
| Spain  France  -----  \*Australia | Spain  France  -----  \*Australia | France  Spain  -----  \*Australia | France  Spain  -----  \*Australia |
| **Mongolia** | **Papua New Guinea** | **San Marino** | **Slovakia** |
| Australia  France  Germany  United Kingdom  United States  -----  \*Spain | Australia  France  Japan  New Zealand  United Kingdom  United States  -----  \*Spain | Australia  -----  \*France  \*Spain | France  Spain  -----  \*Australia |
|  | **Slovenia** | |  |
|  | France  -----  \*Australia  \*Spain  *Others to be advised* | |  |

\*Countries who were not present at the demarche but officially associated with it.

1. 2016 *Santiago Declaration on the Twenty Fifth Anniversary of the signing of the Protocol on Environmental Protection to the Antarctic Treaty*, 2019 *Prague Declaration on the Occasion of the Sixtieth Anniversary of the Antarctic Treaty* and the 2021 *Paris Declaration on the occasion of the Sixtieth anniversary of the entry into force of the Antarctic Treaty and on the Thirtieth anniversary of the signing of the 1991 Madrid Protocol on Environmental Protection to the Antarctic Treaty*. [↑](#footnote-ref-1)
2. Reports on these outreach activities were presented in ATCM XXXV/WP31, ATCM XXXVI/IP79, ATCM XXXVI/IP62, ATCM XLII/IP153. [↑](#footnote-ref-2)