

TRATADO ANTARTICO  
XII REUNION CONSULTIVA

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TRAITE SUR L'ANTARCTIQUE  
XII REUNION CONSULTATIVE



CANBERRA  
13-27 SEPTEMBER  
1983

ANTARCTIC TREATY  
XII CONSULTATIVE MEETING

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ДОГОВОР ОБ АНТАРКТИКЕ  
XII КОНСУЛЬТАТИВНОЕ СОВЕЩАНИЕ

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ITEM 10. OPERATION OF THE ANTARCTIC TREATY  
(Working Document presented by the Delegation of Chile)

The Delegation of Chile requested that the above item be discussed at the XII ordinary Antarctic Treaty Consultative Meeting, to be held in Canberra from 13 to 27 September, 1983.

At the XI Consultative Meeting held in Buenos Aires, the Delegation of Chile presented document ANT/XI/5/Rev.1, dated 6 July 1981, (attached to this document as Annexure 1) concerning this subject which was discussed at the said Meeting. On 13 December, 1982, the Government of Chile addressed a note to the Australian Government, officially requesting the inclusion of this item and enclosed the explanatory Memorandum, which is attached as Annexure 2.

During an informal meeting held in Wellington, New Zealand, in January this year, the inclusion of this item was also discussed in an introductory and informal manner.

In brief, its aim is to examine the operation of the System evolved under the present Antarctic Treaty, bearing in mind its evolution since its adoption, as well as global development during the same period, and the growing interest shown in all Antarctic issues. The intention is not to modify the fundamental mechanisms of the Antarctic Treaty or the Antarctic Treaty System in general but rather to consider the practical measures which could be implemented by the Consultative Parties to bring it into line with present-day developments.

The Antarctic Treaty has been one of the most efficient and far-sighted instruments conceived in this century within the sphere of international co-operation. The entry into force of this instrument resulted in the creation of an area which for the first time in contemporary history embodied the principles of peace, demilitarisation and denuclearisation; it created the first large scientific laboratory and ecological reserve within the different areas of the planet; it established, within the framework of the United Nations and with the full participation of its

members, international co-operation among states of all latitudes and continents, a measure of development and political systems; and, in general, it permitted the acquisition of knowledge, protection, connection and communication of the Antarctic continent with the rest of the world.

The adoption of a Group of Recommendations by the Consultative Parties of the Antarctic Treaty has adequately complemented the Treaty by covering the following: a fuller understanding of the continent, the protection of its ecosystem, development of land, sea air and telegraphic communications within the Antarctic area and with the rest of the world, meteorology, tourism and, in general, all those elements which constitute the administration of Antarctica in the name of and to the benefit of mankind. The legal acts elaborated by the same parties to the Treaty in the continent itself and which have promoted a fuller understanding, as well as greater protection and improved communications with the rest of the world, have enforced the said measures. In addition, the Consultative Parties have created Conventions for the Conservation of Antarctic Seals and of Marine Living Resources in general, and have agreed to abstain from mineral resource activities while they complete the preparation of a regime to cover the utilization of these resources, while fully respecting the Antarctic ecology. All that - the Antarctic Treaty, its Recommendations, legal acts in the Antarctic itself and the complementary instruments - , constitute what has been appropriately called the Antarctic System.

This System really is a sub-system integrated into the general international system. The Antarctic Treaty provides a framework for the principles and objectives of the United Nations charter; is open to accession by its members and establishes a basis for total co-operation between the bodies forming the Organization. During the twenty years it has been in force, it has been tacitly accepted by the rest of the International Community, which has sometimes also referred to it explicitly, as was the case at the 1975 FAO Meeting, where the competence of the Treaty with regard to the Antarctic ecosystem was recognised. In addition, explicit reference has been made to it in various international

statements, among which it is worth mentioning the statement made by the United Nations Secretary General himself. The authenticity of the Antarctic Treaty and of the System that it has created, as well as the service that it has rendered and must continue to render mankind as a whole, cannot, therefore, be questioned.

However, the evolution of the Antarctic Treaty and of its System, of the Antarctic situation itself and of world politics, together with the growing special interest shown with regard to Antarctic resources compel us to envisage steps to keep abreast of this evolution, without modifying the Treaty itself, which has shown its adequacy and sufficiency in complying with its objectives.

In this respect, it would be appropriate to consider three areas fundamental to the evolution of the System:

1. The internal efficiency and co-ordination of the Antarctic System;
2. A greater and better exposure of the System and its achievements; and
3. A better relationship with third party States, international bodies and organizations interested in the Antarctic in general.

With regard to the internal efficiency and co-ordination of the system, of prime consideration is the status of those parties of the Antarctic Treaty which are not Consultative Parties. A greater participation and closer co-ordination of their activities should be sought. Furthermore, it would be convenient to consider, within the context of internal organization, mechanisms for co-ordination between the Treaty itself and the instruments resulting from it.

With regard to universal exposure of the system, it is obvious that there is a need for a better circulation of its recommendations, proceedings and achievements, in response to the interest shown by States, international

bodies and academic institutions; an interest which has even come to light recently in the domain of international politics.

Finally, better ways of developing ties between the System itself and other States, with international organizations competent within the framework of its activity, and with general international opinion, should be considered.

The proposed adaptation would probably imply the need to establish a basic infrastructure of co-ordination. The necessity and form of this infrastructure should be the object of careful analysis.

In relation to all and each of these items, the Delegation of Chile considers it appropriate to propose various options or possibilities for the development and adaptation of the Antarctic System. They will be described below in a tentative and preliminary manner with the purpose of giving rise to an in-depth discussion among the Consultative Parties to bring about necessary consensus.

## MEASURES FOR THE IMPROVEMENT OF THE OPERATION OF THE ANTARCTIC SYSTEM

It is necessary to examine the co-ordination of the various elements of the System, the exposure of its activities, its representation before the international community, its practical relationship with other international systems, the participation of other entities, etc.

Without claiming to exhaust the subject, it is recommended that decisions to act in the following areas be taken:

### 1. Distribution and circulation of achievements obtained through the application of the Antarctic Treaty

The following measures could be considered:

- 1.a) Preparation of a report that includes all agreements and work carried out under the Antarctic Treaty during the 22 years since its entry into force, to be published wholly or partially according to consensus.
- 1.b) Regular preparation of a report which could be made public, based on the Final Report of the Consultative Meetings.
- 1.c) Publication of major projects and scientific studies, with which such countries and organizations that are interested in some Antarctic issues, are acquainted.
- 1.d) Publication of the Reports and Recommendations of the Consultative Meetings and other documentation that the Consultative Parties judge suitable for disclosure, based on the 'Handbook of Measures'.
- 1.e) Delivery of an annual information document to the U.N. Secretary General, duly authorized by the Consultative

Parties and distributed by them as a document of the Organization, about the activities of the Antarctic System.

- 1.f) Exposure of the Antarctic Treaty to the United Nations members and of the benefits that may be enjoyed by the countries that have joined it.

2. Participation of those Members of the Antarctic Treaty who are not Consultative Parties:

The following rights would be offered to non-consultative members of the Antarctic Treaty:

- 2.a) Reception of the Final Report and the Recommendations adopted in each Consultative Meeting.
- 2.b) Access to the scientific information which the Consultative Parties consider appropriate.
- 2.c) Participation, as observers, in ordinary Consultative Meetings.
- 2.d) The right to general information and consultation regarding the Special Consultative Meetings.
- 2.e) Reception of the information exchanged pursuant to Article III (1) of the Antarctic Treaty.
- 2.f) Facilities for the participation of national scientists of Treaty members in the regular Antarctic activities of the Consultative Parties.

3. Relationship with the Organizations of the United Nations and other International or Regional Organizations:

- 3.a) To continue rendering assistance to the Scientific Committee for Antarctic Research (SCAR) and to the co-operative process to which it belongs.
- 3.b) To invite observers from specific organizations to those Antarctic meetings in which the Consultative Parties consider their participation useful and appropriate.
- 3.c) To study joint progress with a view to carrying out investigations and studies on matters of common interest, within the objectives and principles of the Antarctic Treaty.
- 3.d) The consultative countries being responsible for the observance of the Antarctic Treaty provision in the area, should study the scientific research programmes which the afore-mentioned organizations wish to undertake in Antarctica.
- 3.e) Organisation of periodic meetings for exchanges of information, consultations and co-ordination at a technical level with the interested organizations, as determined by the Consultative Parties, within the general context of co-operation with each of them in their respective sphere of competence.

4. Contacts with other Entities related to Antarctica:

There are international, regional and national, non-governmental and private entities which, according to their objectives, carry out specific activities directly or indirectly related to the Antarctic Continent, in areas such as tourism, telecommunications, meteorology,



transportation, scientific research, education, ecological conservation, utilization of living resources, etc.

In order to acquire a greater control over and a wider knowledge of these activities and in order to guarantee that the principles, objectives and provisions of the Antarctic Treaty System are respected, it is recommended that a working relationship with the headquarters of such entities be established where circumstances make it advisable.

This would, at the same time, facilitate the implementation of the important task of exposing the Antarctic Treaty System.

5. Representation of the Antarctic Treaty System:

Within the context of Article III (2) of the Antarctic Treaty, and in order to produce a wider international acceptance of the Antarctic Treaty System, the following actions are recommended:

- 5.a) Participation of a representative of this System at meetings of the United Nations Organizations and other international or regional organizations, as an observer, where circumstances make it advisable.
- 5.b) Organisation of periodic contracts for the exchange of information, co-ordination and consultation between the representative of this System and the Secretary General of the United Nations and other appropriate organizations as determined by the Consultative Parties.
- 5.c) Description of the Antarctic Treaty System to interested States.

6. Exchange of Information between the Contracting Parties:

The exchange of information carried out pursuant to Article III (1) of the Antarctic Treaty is representative of the principle of international co-operation which is the basis of the System created by this instrument. International co-operation is, in itself, a fundamental element of the external image projected by the System. Consequently, it is recommended that certain specific aspects of the afore-mentioned exchange of information be improved in order to stress its importance as a means of international co-operation.

To this effect the following measures are proposed:

- 6.a) To bring forward the dates on which reports are to be circulated;
- 6.b) To give the contents of such reports in greater detail;
- 6.c) To extend their circulation as determined by the Consultative Parties;
- 6.d) To organize their distribution in the most efficient and appropriate manner.

7. Administrative Aspects

The improvement of the operative mechanisms of the Antarctic Treaty System requires several measures of an administrative nature.

The following are recommended:

- 7.a) To add to the 'Handbook in Furtherance of the Principles and Objectives of the Antarctic Treaty', starting from its last edition, United States 1979, after each Consultative Meeting.

- 7.b) The maintenance of a data bank containing all the information produced by the Antarctic Treaty System.
- 7.c) To store and classify the documents from the Consultative Meetings.
- 7.d) Co-ordination, exchange of information and consultation with those bodies established within the context of the Antarctic Treaty System.
- 7.e) Maintaining liaison between consecutive Consultative Meetings.
- 7.f) Co-ordination of the Consultative Parties between Consultative Meetings.
- 7.g) Carrying out work before Consultative Meetings.

8. Infrastructure required for the Implementation of the Proposed Actions

The activities derived from the Antarctic Treaty System and the actions recommended to bring its mechanisms into line with its present state of internal development and with the international situation in which it is evolving, makes it necessary to equip this System with a certain infrastructure to undertake the tasks of expansion, liaison, representation, co-ordination, organisation and documentation mentioned above.

To this effect, three options are submitted:

- 8.a) The creation of a Centre to assume all the recommended responsibilities. This would imply a considerable infrastructure, probably one of a high cost; or
- 8.b) The creation of a Secretariat 'pro tempore', located successively in the host countries where the previous Consultative

Meetings were held, and directed by its respective Chairman, also under the status of 'pro-tempore', to undertake all the tasks mentioned above. This would probably not compensate satisfactorily the existing anomalies; or

8.c) The adoption of a mixed System on the basis of the following guidelines:

(i) The creation of a small permanent office, subordinated to the Consultative Parties, which would undertake those tasks requiring greater continuity, in particular those related to circulation (1-a; 1-c; 1-d; 1-f; 1-g; 1-h; 1-i; 1-j); tasks relating to the participation of other entities in the Treaty and the representation of the Treaty in other forums (2-b; 2-d; 3-b; 3-d; 4); tasks relating to the exchange of information between the Consultative Parties (6-c; 6-d); and several tasks of an administrative nature (7-a; 7-b; 7-c; 7-d; 7-f):

(ii) The adoption of a system of a 'pro-tempore' secretariat, according to the mechanism described under (8-b) above. This organization would assume those activities not requiring such continuity and would also be subordinated to the Consultative Parties, in particular those activities related to the circulation (1-b; 1-e); to liaison and representation work closely connected to the Consultative Meetings (2-a; 2-c; 3-a; 3-c; 5-a; 5-b; 5-c); and to certain administrative aspects (7-e; 7-g).