Forum: General Assembly Fourth Committee

Issue: The question of Antarctic Territorial Claims

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Introduction

The Antarctic is not only unrivaled in terms of geographical extremity and climate conditions, it is the only inhabited place on earth - besides tourists and researchers - and is home to the largest unclaimed territory on the planet. While being a breeding ground for legal contentions that strain international relations any discussion of the arctic must include discussion of its greatest threat: climate change. The arctic is considered a “climate change parameter” as its temperatures and sea levels are rising more quickly than in any part of the world, giving a glimpse into what climate change may have in store for the rest of the world. The arctic is therefore not only relevant to the nations that hold claims there, its condition is and should be one of global concerns. The melting of Antarctic ice also exacerbates the tension between the nations who have claims. As the ice melts resource extraction, especially tapping into potential oil reserves will become easier and therefore cheaper. While Antarctic territorial claims are conflicting they have not been the cause of major conflict in the past, but could be should this potential gold mine of oil become accessible.

Definition of Key Terms

Territorial Claims

In a general sense territorial claims are simply territories that states claim to have jurisdiction
over. The Antarctic territorial claims are unlike any others as the claims are largely overlapping, none are internationally recognized, but none are severely contested either. This peculiarity stems directly from the wording of the Antarctic Treaty. 7 countries have laid claims to the Antarctic; Chile, Argentina, The United Kingdom, Norway, Australia, France, and New Zealand.

As the map shows Argentina’s claims lies entirely within The UK’s, which overlaps with both Chile’s and Norway’s. These are the only countries who have laid formal Claim but both Russia and the United States have reserved the right to make claims, although they have not done so. It is possible for the claims to coexist as they are mostly due to their being no people to administer over. The role of the nations in Antarctica is less government in the traditional sense but of strategic national interest.

**Abeyance**

Abeyance is defined as “a state of temporary disuse or suspension”. This is essentially what article 4 paragraph 2 of the Antarctic Treaty does. The treaty clause states “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 or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica
shall be asserted while the present Treaty is in force”.

This state of abeyance is unlike any solutions for territorial disputes across the world and is only possible through the absence of indigenous peoples and the unlivable nature of the region. This means none of the formal claims by countries are internationally recognized, however none of them have lead to severe diplomatic disputes.

Sustainable Resource Extraction

For a practice to be considered sustainable the future of the ecosystem must be ensured as well as the effects on the environment minimized. Sustainable Resource extraction could mean anything from prohibiting resource extraction to attempts to minimize oil spills and drill in locations least disruptive to Antarctic wildlife. As of now mining in Antarctica is banned, this ban is however subject to review in 2048.

The Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) set strict environmental guidelines in the 1980s, which never went into force but set the stage for the environmental protocol in 1989. The convention laid out that if there were no environmental impacts mining would be allowed, but France and Australia refused to sign saying that no mining should be allowed regardless of circumstance.

Scientific Committee on Antarctic Research (SCAR)

SCAR is an interdisciplinary committee of the International Science Council. It functions mainly as a consultative and coordinative body, providing scientific research to advise UN organs and coordinate international scientific research. The organ meets every two years to discuss legislation and planning for the next two years.

Research Station

There are 70 permanent research stations in the Antarctic from 29 different countries, all signatories to the Antarctic Treaty. The largest stations hold up to 1200 people during the summer. In 1943 Great Britain launched a military attempt to set up a permanent presence in the arctic, resulting in the establishment of 3 bases in the following 2 years. Although the Antarctic Treaty does state that there will be no military maneuvers or testing of weapons and antarctica shall be
used for peaceful purposes only, it “does not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.” It is important that the research stations are not abused and repurposed as military bases. Russia and China both have built research stations with the concern of being in breach of the Antarctic Treaty and the US has announced it will look into militarizing the Antarctic the same way it did the Arctic. These moves would pose major threats to the successful diplomacy in place currently.

Background Information

Antarctic Treaty

The antarctic treaty is a legally binding document, with 52 signatories, including all nations that have made claims. It was brokered in the 1950s and was a triumph of Cold War diplomacy. It was largely put in place to ensure that the Antarctic was kept separate from the global diplomatic crisis. The pillars of the treaty include freedom for scientific investigation, non-militarization and information on the Antarctic should be shared and made freely available to the public. It protects Antarctica as a natural reserve, bans mining and oil drilling indefinitely and meets annually with the Committee for Environmental Protection. The treaty placed all territorial claims into abeyance, a policy still criticized by some nations as giving superpowers such as Great Britain undue influence.

Although the document is legally binding it depends on self-regulation. This means there is no international oversight, instead committees depend on the reports of the participating countries to confirm present activities and relies and signatories to follow the rules laid out in the treaty of their own accord. The treaty does reserve the right for contracting parties to dispatch observers “to carry out any inspection provided for by the present Article” and for the observers to have “complete freedom of access at any time to any or all areas of Antarctica”. Article 9 paragraph 1 (d) also secures “facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty”.

If a dispute between contractors of the treaty should arise it shall be consolidating amongst themselves and if it is not resolved be referred to the international court of justice, should all parties involved in the dispute agree to it.
The only way in which the charter can be amended is if all parties unanimously agree to the changes. The charter will go under review in 2048, where there are concerned it will collapse under the growing threat of militarization and the extraction of oil and minerals becoming more economically viable as ice melts. The ice melting will also have far reaching global environmental impacts meaning reflection on the treaty in 2048 may be very different as the planet may already have reached crucial climate tipping points by then.

This is a timeline of parties to ratify the Antarctic Treaty.

**Environmental Protection**

The Antarctic has very tough environmental guidelines in compared to many countries and other international standards such as the climate accord. Mining and drilling is banned indefinitely (unless mineral extraction is relating to scientific research). The only way this can be amended if all consultative parties unanimously agree to do so. Article 25.5 prohibits the removal of the banning of mineral extraction unless another legally binding framework is in place concerning the issue.

The protocol was signed in 1991 and entered into force in 1998. The Committee for Environmental Protection (CEP) is concerned with enforcing the treaty and advising the Antarctic Treaty consultative Meeting on the Environmental Protocol. The Environmental Protocol states that all activities in the Antarctic shall not cause any significant effects on weather patterns, ecosystems, marine environments and species, especially endangered ones. The treaty does not reference activities outside of the Antarctic.

Beyond just the Environmental Protocol campaigns such as the Convention for the Conservation of Antarctic Seals (CCAS) have been hugely successful. The treaty came into effect
in 1978 in response to hunting, causing selas to be on the verge of extinction, throwing the entire ecosystem off balance. The population of Antarctic seals has been steadily rising since then and they are no longer endangered. Some penguin species have been declining in size while others remain unaffected by the shifting climate; it is unclear why this is the case.

The Antarctic peninsula and Southern Sea are the fastest warming places on earth, giving the Antarctic the name “climate change barometer” as scientists can observe the effects of this warming on ecosystems while the rest of the world is still cooler. The Antarctic offers a glimpse into the way global warming will affect the rest of the world. Melting ice has means that penguin colonies have had to relocate and scientists have observed the colonization of plants on land. The most drastic effect of the melting ice on the ecosystem is its effects on the krill population. Krill use the bottom of the ice as breeding grounds and as these are no longer available the krill population has dropped by 80% since the 1970s. This threatens the entire food web as seals, whales and penguins all rely on krill for food.

Since the 1950s the Antarctic has lost 25,000 square kilometers and satellites have measured a 3mm increase in sea levels since the 1990s. These rising sea levels were due to the loss of ice. Ice melts primarily not due to warming in air temperature, although that is a significant factor, it is the rise in sea temperature. The ice melts primarily due to the warm waters.

During the last interglacial period (a period where global temperatures are high that can last thousands of years) had sea levels higher than 10 meters of what they currently are. This period was brought in by natural causes and the man-made climate change right now is happening at a much faster rate than the last interglacial period.

Research

The Antarctic has been designated by all treaties on it to be haven for international, peaceful, scientific cooperation. The Antarctic is fantastic for deep space research as the area has almost no radiation to interfere with telescopes and is home to species found nowhere else. From mineral formations than how life can survive in one of the harshest places on earth, the Antarctic is unparalleled in an area for scientific potential. The protection of these rights has been made a high priority by the Antarctic Treaty Consultative Meetings (ATCM) and has been utilized by many teams.
Scientific research is conducted and subsidized by the national governments of the nations yet is shared and coordinated internationally because of the efforts of the Scientific Committee on Antarctic Research (SCAR). The body is a framework for scientists to share information amongst themselves and the public and a communications tool between research and the ATCM which is the governing body.

Economic Interests

Some predictions suggest that there are 200 billion barrels (from 1950 to 1969 the total global oil production was less than that) locked away under the rapidly melting ice. It is currently not economically viable to extract the oil as the costs of drilling through ice, a difficulty exacerbated by the cold and dry conditions, are so high companies would make no too very little profit. Once people begin to use up more accessible oil reserves and the ice continues to melt oil drilling may become for economically feasible, an eventuality that the Antarctic treaty is not prepared for despite the ban on drilling currently in place.

Economic interests that can currently be lived out are those of fishing and tourism. Although the Antarctic treaty does state that actions there should affect the environment, including animals, as little as possible fishing is not banned, a fact some nations take advantage of. While other oceans are being depleted of fish the Southern Ocean surrounding Antarctica has become an important fishing ground. Krill fishing in the Southern Ocean has already had impacts on this essential part of the Antarctic ecosystem.

Antarctica is also open for tourism and is often visited on cruises which have the potential for huge oil spills or gas leaks that would pose a major threat, in part due to the difficulty of cleaning up such a catastrophe in Antarctic conditions. Tourism is also largely unregulated, private planes and yachts are allowed to fly across or land on the Antarctic.

Water shortages all across the world are also increasing and could be combated by using an Antarctic iceberg as drinking water. In discussion surrounding the water shortage in cape town towing an Antarctic iceberg to Africa was mentioned.
Despite the Antarctic Treaty System’s success thus far it may be tested by the economic interests of national parties.

**Military**

The use of military in the Antarctic is allowed as long as they are only used for peaceful, scientific purposes. The military of a country is often the only branch funded enough and already producing the necessary machinery such as ships that is able to provide the equipment necessary for scientific expeditions. There is however little oversight on countries' military presence there and many do not report the use of military envoys or use civilian security contractors.

Countries including the US, China, and Russia have strategically placed bases around the Antarctic and a newly erected Chinese research station was identified as a threat by Australia because of the surveillance potential. The skies in the Antarctic are largely free from radiation making it ideal for scientific research but also covert surveillance networks and control of weapons systems.

The US has announced plans to militarize the Antarctic the same way it did the Arctic. This move was justified in part by pointing out moves by Russia in China to increase their influence Antarctica.

The use of Antarctica as an economic, political and military national strategy fundamentally threatens the current goals of all treaties in place to use it for peaceful, scientific development.

**Tourism**

Tourists in Antarctica generally outnumber researchers. The popular season is summer which is during winter in the northern hemisphere. The summer of 2007/2008 there were nearly 50,000 tourists compared to 4000 researchers. Since then tourists in the high 30,000 have been there every year. This high number lead to the number of tourists permitted per year to be limited. Ships with over 50 passengers can no longer travel to Antarctica and ship regulation there is one of the best and strictest, although there have still been spills and stranded ships.
The more trips travel to the Antarctic, the more likely it is there will be an accident which is why the amount of tourists there must be limited in combination with regulation on where they are allowed to visit. Tourists usually only go to a few scenic outlooks for few hours, if the ship makes landing at all. Nonetheless, tourists and breeding season often coincides and there is concern of tourists disrupting the wildlife there during this critical period.

The regulation of tourism is conducted by the International Association of Antarctic Tour Operators.

This is the number of tourists visiting in the past years. The blue is the landings and the orange includes cruises that never make landfall.

Major Countries Involved

The United Kingdom

Britain was one of the original signatories of the Antarctic Treaty and has put in place two pieces of legislation to ensure the enforcement of the Antarctic Treaty System. The British were also the first to laz formal claims on the continent. The territory is administered within a specific legal framework put in place by the Polar Regions staff in the foreign and commonwealth office. The goal of the UK in the territory is to “ensure the long-term survival of the territory”. Specific projects include environmental protection and public outreach.

United States of America
Although the United States has only reserved the right to make claims it has not up to this point. It was one of the original consultative parties and has had a historic presence in the Antarctic. The US holds both political and economic and political interest in the Antarctic. The economic currently are mainly in the form of tourism and fishing. Americans account for the most amount tourists travelling to the Antarctic. The main economic interest lies in the future however. New sea routes may open up as well as access to the trapped oil reserves.

From a political perspective, the US is interested in maintaining influence in issues of global importance. The US has 3 research stations there is in engaged in several scientific projects. The supplies provided to the station is transported by and often provided by the military. The US’s plan to militarize the Antarctic in a similar way to the Arctic has not yet seen facilitation and details have not been disclosed.

**Australia**

Australia currently has 4 research stations in Antarctica and claims that its territory is a part of the Australian commonwealth. The Australian Antarctic Division is responsible for administering the territory. Australia was also am original consultative party to the treaty and has been active there since then conducting scientific research. The Australian goals for the Antarctic include “fostering economic opportunities arising from Antarctica and the Southern Ocean, consistent with our Antarctic Treaty System obligations, including the ban on mining and oil drilling”. Furthermore, conducting research, maintaining Australian sovereignty in the region and environmental protection are goals included in Australia’s plan for Antarctica.

**China**

China currently has 4 bases in Antarctica, the most recent of which has been identified as a threat by the Australian government due to surveillance risks. A fifth station is scheduled to be completed in 2022. China only became a party to the Antarctic Treaty system in 1983. The chinese government has stated that they are “in persistent support of the purposes and gist of the Antarctic Treaty”.
They have been profiting off of krill fishing, which is harming the environment. The Chinese interest in Krill fishing has lead them to block efforts of the ATCM to implement marine protected areas.

China, like the USA, also profits off tourism to the Antarctic. After the United States it is the country with the most tourists every year. The plan China has for Antarctica is unclear, however it is obvious that they have greatly increased their influence in the last decades.

**Timeline of Events**

1821 - first continental landing by American John Davis
1909 - Ernest Shakleton raised British flag close to the south pole and claimed it as Britain’s, first published claim to other countries, it was claimed before that in a less formal or official way by for example Russia
1911 - Roald Amundsen stood at south pole and claimed it as Norway’s
1924 - France claimed Terre adélie (upper left) (did not define borders until 1938), it still lays claim to this territory
1923 - New Zealand formalized its claims (ross dependency)
1936 - Australian territory formalized, biggest and 2 pieces (around the french claim and they settled those borders without much difficulty)
1939 - Norway claims Dronning Maud Land, southern border unclear
1940 - Chile laid claim but created a huge overlap with British claims
1947 - had already been occupying that territory but their claims were not fully defined until this time
1959 - The Antarctic Treaty is signed
1978 - CCAS comes into effect
1998 - Madrid Protocol enters into force, establishing Antarctica as a place for scientific cooperation and environmental protective measures

**Relevant Documents**
Antarctic Treaty (1959)

The Antarctic Treaty has been ratified by over 50 nations and sets up environmental protections, prohibits militarization and encourages scientific cooperation. Most importantly it places all territorial claims in abeyance.

https://documents.ats.aq/keydocs/vol_1/vol1_2_AT_Antarctic_Treaty_e.pdf

Convention for the Conservation of Antarctic Seals (1972)

This convention was wildly successful in creating a huge rise in seal population and is an important piece of environmental legislation.


This legislation was more general than the one on seals. It is important for protecting the species living in the ocean. Currently some nations are attempting to set up marine protected areas.

https://ir.canterbury.ac.nz/bitstream/handle/10092/13950/GCAS%20Review_Gareth.pdf?sequence=1

Protocol on Environmental Protection (1991)

Passed in Madrid, the protocol sets up stringent environmental standards although it has no methods of accountability.

https://www.ats.aq/e/protocol.html (scroll to the bottom of the page and click under documents on environmental protocol to view the entire thing)

Attempts to solve the Issue
The only attempt at solving the problem of Antarctic Territorial Claims has been the Antarctic Treaty and other treaties that have sprung up in its wake. Before the Treaty was made the issue of territorial disputes was present but not pressing. The treaty was therefore successful in preventing the outbreak of serious conflict concerning the Antarctic and maintaining peace since then. It takes into consideration military, economic and scientific interest that nations may have there and has formed a cohesive plan, considering all of them.

The most pressing issue currently is one of creating Marine protected areas. China, backed by Russia has been stemming these efforts. Furthermore, the treaty has not addressed the radical environmental changes facing the Antarctic.

Nonetheless, the treaty has been a great success and most of its members continue to reaffirm their commitment to it and its precedent. By putting all claims into abeyance the Antarctic Treaty has effectively ended territorial disputes while not placing its allegiance with any of the claimant.

Questions to Consider

- Is your country a consultative party to the Antarctic Treaty? If no why not?
- Does your country have territorial claims or support/reject any current claims?
- What does your country stand to gain from ice sheets melting making oil more accessible?
- What kind of environmental policies has your country backed in the past?
- How will the threat of militarization of the Antarctic affect your country?
- Has your country conducted scientific expeditions to the Antarctic or worked in conjunction with another nation to conduct one?
- How susceptible is your country to rising sea levels should Antarctic melt?
- What are the relations to stake-holders in the Antarctic?
Possible Solutions

To forever lay to rest territorial disputes the Antarctic Treaty could be encouraged to be amended to allow this or dictate certain territories designated to states. The entire Antarctic could also pass into UN jurisdiction which would require the implementation of an administrative body. This body could be newly created or take over the member states and functions of the current ATCM.

A resolution could also simply reaffirm the current Antarctic Treaty and attempt to put in place more sustainable practices and higher accountability for nations that have a presence in the Antarctic. Furthermore, surveillance concerns such as the ones about the most recent Chinese research station could be addressed as technologies such as these did not exist at the drafting of the treaty and are therefore not included.

The most important change that has occurred since the drafting of the treaty is the deterioration of the climate. As fossil fuel consumptions accelerate the international community must brace for the melting of the polar ice caps and its consequences while increasing their efforts to prevent such a crisis manyfold. The global importance of the ice in Antarctica cannot and should not be underestimated.

Conclusion

The harshest, driest, coldest place on earth is also one of the most vulnerable. Global heating and the risk of the ban on drilling and mineral extraction being lifted, as well as increased fishing or seal hunting all have the potential to destabilize Antarctica beyond repair.

Antarctica is not only under threat by nature however. Plans for militarization could severely strain international relations and could lead to a situation similar to, or worse than, the current territorial disputes in the Arctic. Nations continue to be held unaccountable despite the undeniable success of the Antarctic Treaty System currently in place.
Bibliography


