WANTED FOR ANTARCTICA

ECO would like to extend a warm welcome to delegates attending the XVIII Antarctic Treaty Consultative Meeting. Eighteen months have passed since we were gathered together in Venice. During that time, much has happened in the Antarctic, for better or worse.

Two seasons of expeditions have been and gone, taking with them the last dogs on the continent. Antarctica has continued to be witness to the best and worst of weather, with storms lashing McMurdo and, most recently, Dumont d'Urville. And levels of Antarctic ozone dropped so low that the World Meteorological Organization said that it was effectively non-existent.

But if the passage of time in the Antarctic has been as dramatic as expected, events within the Treaty system, and in national legislatures, have, far from reflecting that drama, been positively pedestrian. Progress since Venice, not least in ratifying and implementing the Protocol, has been lamentably slow. As a consequence, Contracting Governments arrive here with a list of things to do that is almost identical to the one they faced two years ago.

Among the essential measures which must be addressed:

- **PROTOCOL RATIFICATION AND IMPLEMENTATION:** To date, only 8 nations have ratified. Firm commitment is urgently needed from the remaining 18. Only 2 nations have enacted implementing legislation. This is pathetic.

- **SECRETARIAT:** A functioning Treaty Secretariat is absolutely essential for the effective application of the Protocol. A decision on its permanent location is imperative at this meeting.

- **COMMITTEE ON ENVIRONMENTAL PROTECTION:** A transitional body to perform the functions of the CEP is vital, given delay in ratification.

- **LIABILITY ANNEX:** Until there is a system in place for determining who is legally and financially responsible for impacts to the Antarctic environment and for taking action to clean up an accident, the entire region remains in danger.

- **INDEPENDENT INSPECTORATE:** The only way to ensure compliance with the Protocol where it counts — on the ice — is to create an independent inspection system.

As is made clear in the article on the inside pages, progress on many of these issues has been lamentable. There really can be no legitimate excuse for the delay in enacting measures to protect the Antarctic — measures to which all Contracting Governments have already agreed.

Consultative Parties have a clear choice. They can continue to demonstrate inertia, losing sight of the big picture by focussing on the minutiae of legislative texts and finding all possible excuses not to meet their responsibilities.

Or they can rise to the occasion before them and take bold steps into a new era of Antarctic protection.

The world is watching. The choice is clear.
Two and a half years on, ratification limps

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t is two and a half years since the Protocol on Environmental Protection to the Antarctic Treaty was negotiated in a blaze of international glory. Along with the inspiring rhetoric that declares Antarctica “a natural reserve, devoted to peace and science,” the Protocol also contains in its annexes specific rules, applicable to all human activities in the Antarctic, to ensure protection of the Antarctic environment.

However, this agreement will not enter into force until all 26 Antarctic Treaty Consultative Parties have ratified it. And to date, progress towards comprehensive ratification has been extremely disappointing. As of the first day of the XVIII Antarctic Treaty Consultative Meeting in Kyoto, only eight countries had ratified: Argentina, Australia, Ecuador, France, Norway, Peru, Spain and Sweden. And of these, only Australia and Sweden had passed implementing legislation, specifically embodying the individual Protocol provisions in domestic legislation.

This glacial pace reflects neither controversy nor political opposition but lack of political will and simple administrative inertia amongst Consultative Party Governments.

By the end of last year, for example, the UK Government had failed to include Protocol ratification in its 1994 legislative timetable, without even firm assurance that it would guarantee to rectify the situation in its 1995 legislative programme. An intense campaign from both government officials and NGOs, working in cooperation, gained all-party support and eventually a sponsor for a Private Members Bill, which has been duly introduced during the current legislative session. But that legislation is possibly threatened as a result of British Government intransigence on the issue of permitting. Until very recently, the Departments involved were refusing to have the system of permitting open to public scrutiny, either in terms of the applications procedures, publication of Environmental Impact Assessments, or even the results of these processes. It now looks as though an agreement may be found. If not, the Bill may run out of Parliamentary time.

Russia is another country where ratification is seriously in doubt. Once the parliamentary situation stabilises and ratification is feasible, it is to be hoped that Russia will realise the importance and potential benefit to their status overseas of a high profile international environmental success.

We cite but two of many examples. Among all too many ATCPs, rationales for non-ratification abound, from technical translation delays to the intricacies of federal decision-making processes.
The result is that only two countries out of 26 have completed both ratification and implementation processes. A noticeable trend, particularly in Europe, has been to split the implementing legislation from the actual ratification process, so that it would not follow on until some time after ratification legislation has been passed. This means that even if 26 countries had ratified, there would still be a significant amount of work to do in order to ensure that the provisions of the Protocol were clear to, and obeyed by, the operators on the ground in Antarctica.

This has two implications. Firstly, Treaty Parties cannot rest on their laurels until all countries with significant Antarctic operations have passed the necessary implementing legislation. Secondly, it underscores the need for the sharing of expertise and ideas in the drafting of the legislation.

**But why is ratification so important?**

Some say that the gentlemen’s agreement to abide by the provisions of the Protocol, made at the XVII ATCM in Bonn, is sufficient. And indeed, credit must be given for major efforts towards Protocol compliance taken by some countries, such as the removal of dogs from Antarctica by Argentina, Australia and the UK. However, as reported by Greenpeace following its 1992/93 Expedition, many other countries have done little or nothing to comply with the Protocol.

Further, and perhaps more importantly, it is widely recognised that activities in the Antarctic are now of such complexity that they require increased cooperation and coordination among all those that operate in the region — whether governmental or non-governmental.

This is perceived to be particularly acute in the case of the recent increases in commercial tourism. To cope with this new era, implementation of the clear and comprehensive provisions of the Protocol is required, and it is necessary that they are unquestionably in force. Also necessary are the institutions provided for under the Protocol - in particular the Committee for Environmental Protection. The Committee is charged with a wide range of functions aimed at coordinating and improving the environmental protection provided by the Protocol. However, until the Protocol enters into force, this Committee will exist in a twilight zone and its functions, which are desperately needed, will remain undone or at best half-done.

**Progress on ratification of the Madrid Protocol makes dismal comparison with that of the Framework Convention on Climate Change. This particular Convention, which requires a much more significant change in behaviour on the part of Governments, has been ratified by fifty countries in eighteen months following its signature at the Rio UN Conference on Environment and Development in June 1992, thereby enabling its entry into force.**

ECO notes with admiration the flurry of activity in many countries over the past few months as Member Governments have worked to ensure a more favourable progress report for this meeting than might otherwise have been the case. This level of activity proves that many countries are capable of putting in far more work — and consequently of achieving greater success — than has been the norm during the past two and a half years.

ECO hopes that the marked increase in both activity and enthusiasm amongst Consultative Parties within recent months will be sustained after the boost of the ATCM, in order to enable the ratification process, system-wide, to be successfully completed without further delay.
DuDu: The end of the road?

Twenty-five years ago, the government of France first considered plans to level five small islands and link them together to form a hard-rock airstrip at Dumont d'Urville. For the past ten years, since construction began, the airstrip has been one of the highest profile examples of environmental insensitivity in Antarctica. During that time, the project has been the centre of international debate and the focus of direct action campaigns by environmentalists. Now, just as it seemed that the first flights were poised to take place, the airstrip’s future is in doubt.

In January this year, the Astrolabe glacier alongside the airstrip fissured. A large chunk broke away and collapsed, causing a tidal wave which destroyed some twenty per cent of the airstrip. In so doing, it created an opportunity to bring this long-running dispute to a timely end.

A team of inspectors has since visited the site, and are still preparing their report. It is believed that this will be finished in about two months, although it is uncertain if it will then be made public. Sources close to ECO have heard rumours that, although some within the Balladur government are determined to persevere with the project, others are weary of the problems it has caused, regard the whole project as a big mistake and are anxious to take this opportunity to discard it once and for all.

That makes a lot of sense for all concerned. For one thing, the political situation, in France and concerning Antarctica, is much different now than when the runway’s construction began eleven years ago. After all, the airstrip was built under previous administrations with which the Balladur government has no connection, and was initiated at a time when ATCP nations were racing towards CRAMRA.

In addition, persevering with the airstrip now would run counter to France’s other positions on Antarctic issues. It was France which, together with Australia, pulled the plug on CRAMRA and which was one of the first to ratify the Environmental Protocol. More recently, France was the nation which first proposed that the waters around Antarctica be declared a Whale Sanctuary, where the majority of the world’s remaining whales could be free from further commercial hunting.

Many experts within the French government are openly critical of the airstrip. ECO has heard that some regard the project as a waste of time and money, and that others feel that, if the project were to be proposed to the government again today, it would be firmly rejected. If the scientific advantages of rebuilding the airstrip could be shown to be overwhelming, then the attitude within the government might be more positive. But even then, there is no guarantee that repairing the runway is even possible without demolishing more nearby islands. Not only would this be a serious violation of the Protocol, it would destroy one of the most important concentrations of fauna in the region. And, of course, the event which caused the damage in the first place is a natural event which may be repeated. Plainly, the airstrip cannot offer the secure logistic route France wanted.

Taken altogether, it’s clear that pressing ahead with the airstrip and repairing the runway would be costly — environmentally, financially and politically. Instead, the Balladur government could view the airstrip’s collapse as an opportunity to extricate itself from an unseemly and unnecessary diplomatic wrangle and demonstrate its environmental understanding.

France should take the opportunity to announce an end to the airstrip project and the start of a search for an alternative means of supplying Dumont d’Urville. By so doing, France would not only healing an old and unpleasant wound, it would be underlining its commitment to the protection of Antarctica.