An Unprecedented Achievement: 25 Years of the Environmental Protocol
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Submitted by ASOC

Introduction

On the 25th anniversary of the Madrid Protocol on Environmental Protection, ASOC encourages ATCPs to reflect on the value of the Protocol as a whole, and the enormous benefits, including the mining ban, that the Protocol has had for the continent and for peaceful Antarctic governance.

The decision of Antarctic Treaty Parties to reject the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) in favor of a comprehensive, precautionary regime of environmental protection represented a significant milestone. Antarctic Treaty Consultative Parties (ATCPs) demonstrated global leadership in prioritizing Antarctica’s continued protection over its possible exploitation. However, in recent years, the lure of a supposed El Dorado has sparked media speculation that it is only a matter of time before this tremendous achievement will fall victim to human greed. This perception is based on a misunderstanding of the Environmental Protocol, and fails to appreciate the strength of the shared commitment of ATCPs to the principles of the Treaty and the Protocol.

Protecting Antarctica’s Environment

Although CRAMRA would have contained some environmental regulations designed to protect the environment, it is not possible to conduct mining activities without having a significant lasting impact. The consequences of any accidents would also be high. Oil spills from tanker accidents or blowouts would probably produce the most significant short- and long-term environmental impacts. In addition, due to the extremely cold temperatures found around Antarctica, the total recovery of coastal areas impacted by oil spills would probably require several decades, or perhaps longer.

Mining operations and land-based activities required to support onshore and offshore development would permanently destroy or significantly impact local terrestrial flora and microfauna. Marine birds and mammals that breed or haul out on land or ice would likewise be disturbed or harmed. Ice-free coastal areas would probably be most prone to impacts, both because of their relatively easy accessibility and because they would be the only practical locations for most facilities. It would probably not be possible or practical to restore most areas impacted by minerals activities to their original condition, so many of Antarctica’s unique and breathtaking landscapes would forever be changed. Clearly, this type of extractive industry is not compatible with the protection of the Antarctic as we know it.

The mining ban is only one aspect of the Protocol, however, and the other provisions of the Protocol have also led to significant improvements in the protection of Antarctica. Over the past two and a half decades, the CEP has tackled issues ranging from the impact of climate change on the environment to the prevention of the introduction of non-native species. The environmental impact assessment (EIA) process has evolved and has helped reduce environmental impacts from scientific activities and associated infrastructure. An Antarctic Clean-Up Manual has been developed, and several Parties have remediated contaminated sites near their stations. Importantly, Parties have designated 70 ASPAs and 6 ASMAs with robust plans of management and site guidelines to ensure that activities and visitors have minimal impact on ecosystems.

1 Lead authors Claire Christian, Ricardo Roura and Bob Zuur with contributions from Robert Nicoll, Jessica O’Reilly, Barry Weeber, and Rodolfo Werner.

Scientific research on topics such as ecosystem function, the environmental impact of various human activities, and Antarctic biodiversity has also increased significantly. Much of this research has been implicitly or explicitly intended to contribute to the work of the Committee of Environmental Protection (CEP) and assist in effective implementation of the Protocol.

The Protocol, and the creation of the CEP, therefore made the Antarctic Treaty Consultative Meeting a proactive environmental protection body. It is unlikely that these accomplishments would have been achieved without the Protocol. Indeed, the Protocol has truly made it possible for Parties to uphold the values of the original Antarctic Treaty and preserve Antarctica as a site for peaceful scientific cooperation.

**The Future of the Protocol**

Although the Protocol has been successful as a guiding principle and many of its requirements have been successfully implemented, now is the time to increase efforts to ensure - "...the comprehensive protection of the Antarctic environment and dependent and associated ecosystems" - in order to maintain the validity of Antarctica's designation as "...a natural reserve, devoted to peace and science."

With a body of experience on implementing the various articles and Annexes of the Protocol, future tangible actions from Parties may include:

- Strengthen the environmental impact assessment process, particularly in sites or areas subject to multiple or repeated activities that may be subject to cumulative impacts; and conversely in sites or areas with limited prior activity where new primary and ancillary activities may encroach upon wilderness values.
- Expand the protection of Antarctic flora and fauna under actual or potential pressure from multiple activities.
- Expand in a systematic and proactive manner the network of protected areas (see ATCM XXXIX/IP 80) to achieve adequate coverage of the various area types identified in Annex V as they apply to the terrestrial or marine environment, including in as required through enhanced cooperation with CCAMLR;
- Anticipate developments in human activities, for instance on a regional basis, so as to apply in an integrated manner the various tools available under the Protocol and its Annexes; and develop new tools as required.
- Generally include the environmental principles of the Protocol as a fundamental consideration in the planning and conduct of all relevant activities - whether traditional or novel, or a combination.
- Integrate environmental protection with climate change research and communicate globally the importance of Antarctic climate change research, and convey the findings from that research to relevant policymakers.

The Environmental Protocol to the Antarctic Treaty has proved to be a crucial tool and an important example of international cooperation related to environmental protection. ASOC therefore believes that the Protocol can serve as an example to other fora and organizations in tackling challenging international environmental issues such as high seas protection, biodiversity conservation, and of course climate change. The occasion of the 25th Anniversary is an ideal time to reflect on what the Protocol has accomplished so far, and how we can ensure that the next 25 years (and beyond) expand upon these accomplishments, both in Antarctica and around the world.

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3 ATCM XXXIX, WP 38 (2016). Confirming Ongoing Commitment to the Prohibition of Mining Activity in Antarctica, other than for Scientific Research.