

Antarctic Governance and Turkey

CRITERIA FOR BECOMING AN ANTARCTIC
TREATY CONSULTATIVE PARTY (ATCP)

by

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The Objective of this presentation:

- is to raise certain questions concerning Antarctic governance and Turkey's road-map, and to ask our expert guests for help in finding appropriate answers.
- The transition from being an Antarctic Treaty Non-Consultative Party (ATNCP) to becoming an Antarctic Treaty Consultative Party (ATCP) forms the key governance reflection of Turkey's current science initiative in Antarctica.

ATCP criteria

- We hope that we can much benefit from the knowledge of our guests on how ATCP status is granted to new members.
- An early understanding of the critical processes and norms will help designing bases, research programs, and other related instruments enabling Turkey to become an ATCP in reasonable time.

Recent academic literature on Antarctic Governance

- Alongside proliferating journal articles, two edited volumes have brought together experts on contemporary issues:
- Anne-Marie Brady, (ed.), *The Emerging Politics of Antarctica*, Routledge, 2013.
- Alan D. Hemmings, Donald R. Rothwell, and Karen N. Scott, (eds.), *Antarctic Security in the Twenty-First Century: Legal and Policy Perspectives*, Routledge, 2012.

Problems identified:

- 1. The need to democratize decision-making (widening, decentralization)
- 2. The rise of Asia and norm internalization
- 3. Tourism, biological prospecting, illegal fishing, etc.

Observation

- The successful evolution of the ATS seems to call for a gradual widening of decision-making by new states that properly adopt and internalize its norms of peaceful international cooperation, sensitivity to the natural environment, keeping Antarctica demilitarized and nuclear-free, and being oriented to universal science and the well being of all humanity.

- This literature also suggests the lack of precise criteria defining what satisfies the “substantial scientific activity” condition for ATCP status.
- It also shows that principles and procedures for ATCP membership have not been implemented with consistency in the past and that global strategic and political calculations were determining at times.

The Evolution of Antarctic Affairs

- 1. Early period of exploration and land claims.
- 2. Antarctic Treaty System (ATS) takes shape in response to the geopolitical dynamics of the Cold War.
- 3. In the current phase of rapid global change, main challenges for Antarctic governance are: effective management of new issues and strengthening ATS norms while broadening participation.

CONSULTATIVE STATUS UNDER THE ANTARCTIC TREATY

- Pavel Sladky, CYIL 1, 2010.
- Czech jurist and diplomat evaluates the processes and norms for joining what he calls the Antarctic Gentlemen's Club.

Consultative Parties and non-Consultative Parties.

- *The first signatory states to the Antarctic Treaty secured their leading role for deciding the rules for Antarctica by setting up a sort of gentlemen's club.*
- According to Article VII of the Antarctic Treaty, the Consultative Parties may designate observers for any inspection.
- These observers then have complete freedom of access at any time to all places in Antarctica.

- Under Article IX, the representatives of the Consultative Parties shall meet regularly in order to exchange information, to mutually consult issues pertaining to Antarctica, and also in order to formulate, consider and recommend to their governments measures in furtherance of the principles and objectives of the Antarctic Treaty.
- Those regular meetings of the Consultative Parties became known as the Antarctic Treaty Consultative Meetings (ATCM). Over a period of 50 years, the consultative parties have made the ATCMs into the main deciding body of the Antarctic Treaty system.

widening of the Antarctic Gentlemen's Club

- The first 12 (original) signatory states of the Antarctic Treaty : Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, Soviet Union, United Kingdom, and USA (1959) .
- Over the last 30 years, consultative status has been granted to: Poland (1977), The Federal Republic of Germany (1981), Brasil and India (1983), the People's Republic of China and Uruguay (1985), the German Democratic Republic and Italy (1987), Spain and Sweden (1988), Finland, Peru and Republic of Korea (1989), Ecuador and the Netherlands (1990), Bulgaria (1998), Ukraine (2005), and the Czech Republic (2013).

Formal requirements for consultative status under the Antarctic Treaty

- The formal conditions are:
- the state has to be a Contracting Party of the Antarctic Treaty and has to demonstrate its interest in Antarctica by conducting substantive scientific research activities.
- The state needs to ratify, accept, approve or accede to the Madrid Protocol.

Informal requirements for consultative status under the Antarctic Treaty

- Participation in the activities of the Scientific Committee on Antarctic Research (SCAR),
- participation in the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), and
- the existence of a functioning mechanism for internal coordination of activities pertaining to the Antarctic.

The existence of a functioning mechanism for the internal

coordination of Antarctic activities

- The Consultative Parties to the Antarctic Treaty usually have in place a very detailed system for the internal coordination of their activities in Antarctica.
- The polar region is an area where the interests and competences of ministries of foreign affairs, environment, education and research do meet.
- States generally establish a nationwide body that manages the scientific activity of the said state and its citizens in Antarctica.

examples

- For over 60 years, the British Antarctic Survey (BAS) has undertaken the majority of Britain's scientific research on and around the Antarctic continent.
- BAS employs over 400 staff and supports three stations in the Antarctica and two stations on South Georgia.
- The Antarctic operations and science programmes are executed and managed from BAS, based in Cambridge.

- In Brasil, the National Commission for Antarctic Affairs (Comissao Nacional para Assuntos Antárctico – CONANTAR) was established by Presidential Decree No. 1791 on 15 January 1996.
- CONANTAR associates representatives from various ministries and defines national policy on Antarctica.
- Logistical support is provided by the naval ministry.

- The Chilean government established the Chilean Antarctic Institute (Instituto Antártico Chileno – INACH) in 1963, a body that is a part of the organisational structure of the Ministry of Foreign Affairs.
- Its mission is to plan and coordinate the scientific and technological activities of Chilean state bodies and private organizations, undertaken after a prior authorization from the Ministry of Foreign Affairs.
- Since 2003 the seat of INACH has been a port in Southern Chile, Puntas Arenas.

- More than 25 years ago, the Alfred Wegener Institute for Polar and Oceanic Research (Alfred-Wegener-Institut für Polar- und Meeresforschung – AWI) was established in Germany to deal with research in the Antarctic, Arctic and sea areas.
- This comprehensive approach is justified by scientific and economic reasons.
- From a scientific point of view it is possible to compare research from both poles, on land and sea.
- This economical approach results in lower costs due to the sharing of logistical support in remote areas.

- Establishing such a national body is not a condition for obtaining consultative status with regard to the Antarctic Treaty.
- However, the necessary quality of research in Antarctica may only be achieved by the appropriate personnel having the necessary technical background.
- It is a necessity for a state wishing to be a member of the above-mentioned exclusive gentlemen's club to have a functioning mechanism for the coordination of research activities in the Antarctic.

Process of obtaining consultative status under the Antarctic Treaty

- An acceding state wishing to appoint Representatives to the ATCM as a consultative party shall notify the Depositary Government of the Antarctic Treaty of such intent and shall provide information concerning its activities in Antarctica, in particular of the content and objectives of its scientific programme.

- The Depositary Government should forthwith communicate the foregoing notification and information for evaluation to all other Consultative Parties, which shall examine the information about such activities supplied by such acceding state.
- The Consultative Parties may conduct any appropriate enquiries and may, through the Depositary Government, urge such a state to make a declaration of intent to approve the Recommendation and Measures adopted at ATCM in pursuance of the Antarctic Treaty and subsequently approved by all the Contracting Parties whose Representatives were entitled to participate in those meetings.
- The Consultative Parties may, through the Depositary Government, invite the acceding state to consider the approval of the other Recommendations and Measures.

- The Government which is to host the next ATCM shall, in the context of its preparation of the Provisional Agenda for the ATCM, include an appropriate item in the Provisional Agenda for consideration of the notification of an acceding state.
- The ATCM shall determine, on the basis of all information available to it, whether to acknowledge that the acceding state in question has met the requirements of Art. IX, paragraph 2, of the Antarctic Treaty and of Art. 22, paragraph 4, of the Madrid Protocol, including whether the acceding state has approved all Annexes to the Madrid Protocol that have become effective.
- If agreed by the Representatives of all (!) the Consultative Parties, such acknowledgement shall be recorded in a Decision of the ATCM and shall be notified by the host Government to the acceding state.
- The abovementioned procedure may be modified only by a unanimous decision of Consultative Parties.

conclusion

- Fulfilling the formal and informal criteria for ATCP status requires a well-coordinated public policy effort.
- So far, explorers, scientists, civil society, and the media have stimulated a public demand for Antarctic science in Turkey and are currently developing a roadmap.
- Yet, the future success of Turkey's Antarctic initiative will largely depend on the political and administrative leaders' ability to forge an effective legal, institutional, and financial infrastructure for the Turkish Antarctic Program.
- Experiences of recent ATCPs and advice from SCAR are critical guides in the process.