

Haileybury MUN

Research report



Security Council

The question of claims to Antarctica

By: Emilie Mathieu

Definitions

Antarctica

A continent round the South Pole (being the southernmost continent), situated mainly within the Antarctic Circle and almost entirely covered by an ice sheet. Its exploitation is governed by an international treaty of 1959, which was renewed in 1991.

Land claim

A land claim is a legal declaration of desired control over areas of property, including bodies of water.

Sector principle

The use of meridians to demarcate boundaries or claims on land and in the oceans.

The Antarctic Treaty

An International Treaty entered into force in 1961 which is designed to set aside Antarctica as a scientific preserve, establish freedom of scientific investigation and ban military activity on the continent.

The Antarctic Treaty Consultative Meeting (ATCM)

Annual meeting between countries active in Antarctica (and other parties such as the Scientific Committee on Antarctic Research) in which diverse issues such as scientific cooperation, measures to protect the environment and operational issues are discussed. Decisions are taken by consensus, avoiding problematic ongoing disagreements or conflicts.

Common Heritage of Mankind

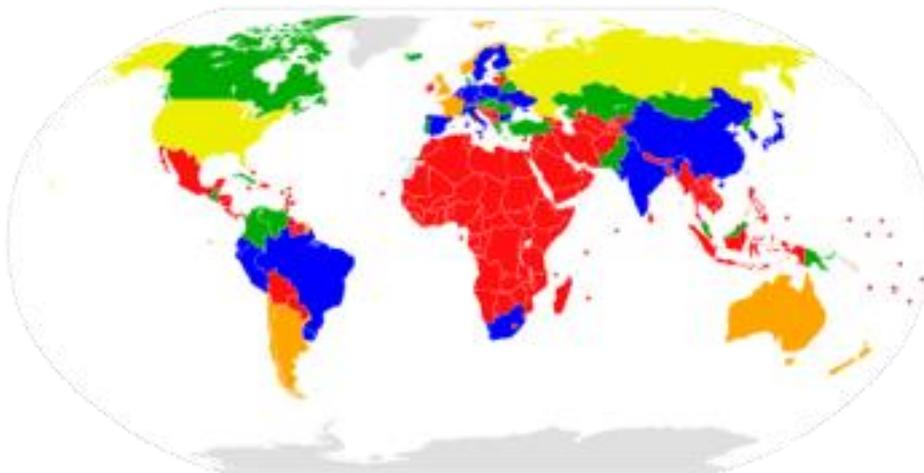
The notion that that global heritages regarded as beneficial to humanity as a whole should not be exploited for certain parties' individual interests, but rather under an international agreement or regime for the benefit of mankind as a whole.

Introduction

The absence of any government or native population in Antarctica has left any claims as to its ownership to invoke discovery, geographical proximity (and sector principle), occupation and the exercise of administrative power as bases, as Argentina, Norway, France, Chile, Australia, New Zealand, and the United Kingdom have done. Such land claims cover approximately eighty-five percent of available territory. Moreover, other nations such as Russia or the USA maintain that they have the basis to make such territorial claims while having refrained from doing so to this date.

However, as of 1961, the Antarctic Treaty has been in place to ensure that Antarctica is exclusively used for peaceful purposes, and eliminate its potential as an object of international discord after being signed in Washington in 1959 by the twelve countries whose scientists had been active in and around Antarctica during the International Geophysical Year of 1957-58 (Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, United Kingdom, United States and USSR). The Treaty now comprises 52 signatories, of which 28 Consultative Parties (have the ability to vote on decisions in the ATCM, whereas Non-Consultative Parties can only oversee meetings), on the basis that they have demonstrated that they are conducting substantive scientific research in Antarctica (Non-Consultative Parties can conduct important scientific research in Antarctica but not at the same level as Consultative Parties) or are part of the original signatories.

The Treaty successfully sets aside problematic differences over territorial claims, while explicitly protecting all positions by stating that “No new claim, or enlargement of an existing claim to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force”. The current regime supports the idea that the “common heritage of mankind” principle should be applied to the continent.



- Parties with consulting status making a claim to Antarctic territory
- Parties with consulting status reserving the right to make a territorial claim
- Other parties with consulting status
- Parties without consulting status
- Non-party UN member states and observers

Key issues

Expiration of the Antarctic Treaty

Having served as the cornerstone of governance of Antarctica for six decades, the Antarctic Treaty is at risk of expiration in 2048. The Treaty explicitly states that “If, after the expiration of 50 years, any of the Antarctic Treaty Consultative Parties so requests, a conference shall be held as soon as practicable to review the operation of this Protocol”, threatening Antarctica’s role as a “common heritage of mankind”. Growing dissatisfaction with the “undemocratic” and “unjust” nature of requirements which need to be met

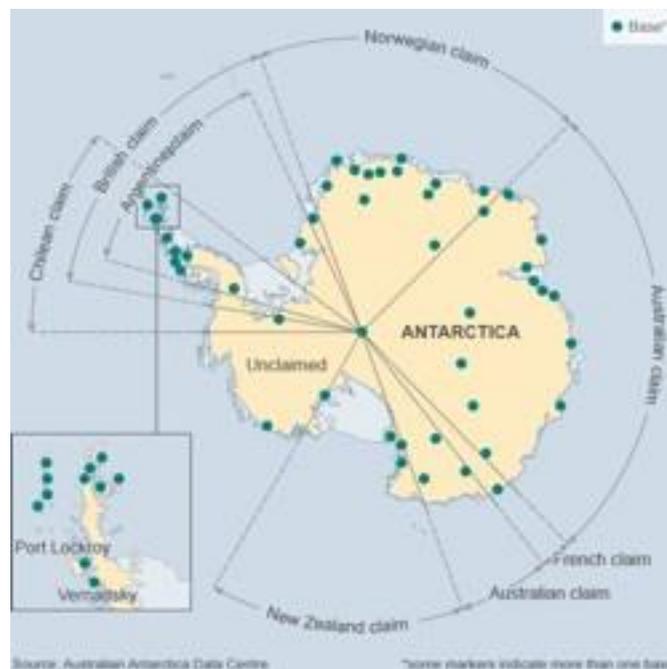
to become a Consultative Party from developing countries, and the accumulating evidence to demonstrate that Antarctic bases dedicated to scientific research are increasingly useful for military purposes (for example, the Australian government recently identified China's newest base as a threat specifically due to its surveillance potential) are both examples which serve to show changing attitudes to the treaty which could lead to inclination towards its expiration.

Resources in Antarctica

In its aim to present Antarctica as a continent whose exploitation respects the "common heritage of mankind" principle, the Antarctic Treaty states that "any activity relating to mineral resources, other than scientific research, shall be prohibited", as well as the use of other resources it may have. However, Antarctica is understood to have significant reserves of oil and gas (predictions from the US Geological Survey indicating that at least 36 billion barrels should be contained there), as well as an abundance of resources such as coal, chromium and iron ore. These have become increasingly enticing to different nations as improving technology allows these to be reached more and more easily (previously having been almost impossible to access). The issue of the repartition of these resources is already underway as the UK, Japan and USA are currently arguing against a permanent ban on mining. With mineral and fuel resources depleting in other parts of the world, other countries are expected to express their interest in exploring the region for minerals and fuel, as China and Russia have already done.

Territorial claims

The issue of territorial claims, having been simply postponed, still hold potential for international conflict as a range of questions (including uncertainty of whether claimant states could legally establish exclusive economic zones (EEZs) in the areas they claimed were the treaty to expire) remain unresolved. Overlaps between claimed territory (e.g. areas claimed by Argentina, Chile, and the United Kingdom) and the growing interest of other countries such as the USA maintaining the basis to make claims which could disturb those already made only serve to enhance the severity of this approaching complication. Moreover, many countries simply refuse to recognise any claims made.



Territorial claims towards Antarctica