

## **Governance and Geopolitics on Ice: Insights From the Antarctic**

**Position paper for 6<sup>th</sup> Open Assembly of the Northern Research Forum,  
Hveragerdi, Iceland, September 4-6 2011.**

**Marcus Haward\***

**School of Government, University of Tasmania, Australia.**

Geopolitics and governance are two key drivers for polar regimes.<sup>1</sup> This paper explores the essential elements of the regime governing the Antarctic and Southern Ocean Treat for considering its relevance for other ice-covered regions (the cryosphere). The Antarctic Treaty, developed at a time of heightened superpower tensions in what was to be termed the ‘cold war’, incorporates a number of explicit statements emphasising its role as significant security instrument, yet it also provides, ‘the operationalization of a global, environmental security framework’.<sup>2</sup> This is a useful starting point for considering geopolitics and governance of the cryosphere – those parts of the world that are covered by ice and snow.

Threats to polar environments from human and environmental changes, such as those caused by climate change and technological developments are leading to increasing challenges to governance in polar areas. The need to assess, quantify, and understand these impacts, changes, challenges and threats, has been recognized by the announcement of the third International Polar Year (IPY), which took place between 1 March 2007 to 1 March 2009. The IPY was held in 50 years after the 1957-58 International Geophysical Year (IGY) that was particularly influential in shaping Antarctic science and facilitating collaborative approaches to this science, later embodied in the 1959 Antarctic Treaty. The Antarctic Treaty, while incorporating

---

\* Contact: M.G.Haward@utas.edu.au

<sup>1</sup> M. Haward, ‘Marine and Coastal Environmental Security in the Indian Ocean Context’ in T. Doyle and M. Risely (eds.), *Crucible for Survival: Environmental Security in the Indian Ocean Region*. New Brunswick: Rutgers University Press, 2008, pp. 61-72.

<sup>2</sup> G. Hoogensen, ‘Security at the Poles: The Arctic and Antarctic’ in *Facing Global Environmental Change, Hexagon Series on Human and Environmental Security and Peace* v4, VIII, 2009, p. 959. [doi10.1007/978-3-540-68488-6\_73].

commitments to scientific collaboration, is also a significant security instrument; demilitarising a continent, creating the first nuclear free zone, and establishing an inspection regime that has been utilised in later security instruments such as the chemical weapons regime. The third IPY is expected to again provide a significant impetus to Antarctic science.

The Antarctic Treaty was signed in 1959 by the 12 nations that had been active in Antarctica during the 1957/58 International Geophysical Year. The Treaty was negotiated to allow scientific cooperation enjoyed during IGY to continue indefinitely, without disruption from the territorial tensions that had been emerging at that time. The Treaty, which applies to the area south of 60° South latitude, makes a commitment that Antarctica should not become the scene or object of international discord. Since entering into force in 1961, the Treaty has been recognised as one of the most successful international agreements. Differences over territorial claims have been effectively set aside and as a disarmament regime it has been outstandingly successful. The Treaty parties remain firmly committed to a system that is still effective in protecting their essential Antarctic interests. Science proceeds unhindered. The Treaty now has 48 parties — 28 are Consultative Parties on the basis of being original signatories or by conducting substantial Antarctic research.

### **The Antarctic Treaty<sup>3</sup>**

- stipulates that Antarctica should be used exclusively for peaceful purposes — military activities, such as the establishment of military bases or weapons testing, are specifically prohibited
- guarantees freedom to conduct scientific research
- promotes international scientific cooperation and requires that results of research be made freely available
- sets aside the potential for sovereignty disputes between Treaty parties by providing that no activities will enhance or diminish previously asserted positions with respect to territorial claims, provides that no new or enlarged claims can be made, and makes rules relating to jurisdiction
- prohibits nuclear explosions and the disposal of radioactive waste
- provides for inspection to ensure compliance with the Treaty —this was a world-first weapons inspection system
- requires advance notice of expeditions
- provides for the parties to discuss measures to further the Treaty.

---

<sup>3</sup> From A. Bergin and M. Haward, *Frozen Assets: Securing Australia's Antarctic Future* Strategic Insight No 34, Australian Strategic Policy Institute Canberra, 2007.

The Antarctic Treaty contains an explicit commitment for Antarctica to ‘continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord’.<sup>4</sup> The emphasis on a consensus approach to decisions making and the management of sovereignty issues (see following) provide key tools for governance. Geopolitical concerns were also mangled through the establishment of an inspection regime enabling, *inter alia*, demilitarisation and the creation of the world’s first nuclear free zone.<sup>5</sup>

### **Background to the Antarctic Treaty System**

The Antarctic Treaty System (ATS)<sup>6</sup> comprises the treaty and key subordinate and complementary instruments: the Convention on the Conservation of Antarctic Seals (CCAS) 1972; the Convention on the Conservation of Antarctic Marine Living Resources (1980); the Protocol on Environmental Protection to the Antarctic Treaty (1991); as well as the Antarctic Treaty Consultative Meeting (ATCM), the Antarctic Treaty Secretariat and the CCAMLR Commission and Secretariat. The Antarctic Treaty Consultative Parties (ATCPs) are those parties who are either original signatories or who have acceded to the treaty and have fulfilled the provisions of article IX of the treaty of ‘conducting substantial scientific research activity’. The Acts are ‘entitled to appoint representatives to participate in ... meetings’ – the ATCM. Participation in the ATCM has broadened considerably over the past three decades. The ATCPs and non-consultative Treaty parties have been joined by invited observers from United Nations specialised agencies and non-governmental organisations. An invitation to observe the ATCM has been extended to Malaysia for a number of years and has served to build linkages with a former critic of the ATS. An important element of the ATCM is the use of consensus decision-making.

A key to understanding both geopolitics and governance in the Antarctic centers on the management of interests through Article IV of the Antarctic Treaty (replicated in

---

<sup>4</sup> *Antarctic Treaty*, 1 December 1959, 402 UNTS 71. Preamble.

<sup>5</sup> Bergin and Haward, 2007.

<sup>6</sup> The ATS also has a close link to the Agreement for the Conservation of Albatrosses and Petrels – ACAP (2001) which is an instrument of the Convention on Migratory Species of Wild Animals (CMS or the Bonn Convention). ACAP originated from discussion within CCAMLR. While not directly linked to the Antarctic Treaty ACAP has an observer at and does provide a report to the ATCM.

Article IV of the Convention on the Conservation of Antarctic Marine Living Resources). Article IV, in a clichéd formulation, ‘freezes’ but does, despite some commentary, derogate sovereignty of claimant states but provides a workable solutions to what was a major geopolitical ‘problem’ of the 1950s. Equally important has been the role of consensus decision-making within the Antarctic Treaty System.

#### **Antarctic Treaty – Article IV**

1. Nothing contained in the present Treaty shall be interpreted as:
  - a. a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;
  - b. a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;
  - c. prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's rights of or claim or basis of claim to territorial sovereignty in Antarctica.
2. 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.

#### **Challenges**

Climate change is likely to pose challenges for management of the Antarctic and Southern Ocean. The season pattern of sea ice formation and loss, more than doubling the ice-covered area of Antarctica is a major driver of the climate system with important links to the region’s ecosystem and thus key sources of food for marine species and those species dependent on them.<sup>7</sup> The Southern Ocean is also a major store or sink of the world’s carbon, and an integral part of the carbon cycle,<sup>8</sup> where atmospheric carbon dioxide (CO<sub>2</sub>) is absorbed by chemical and/or biological processes (a process now commonly called ‘blue carbon’). Climate impacts leading to ecosystem change will have a range of impacts.<sup>9</sup>

---

<sup>7</sup> Antarctic Climate and Ecosystems Cooperative Research Centre, *Position Analysis CO<sub>2</sub> Emissions and Climate Change: Ocean Impacts and Adaptation Issues*, Hobart: Antarctic Climate and Ecosystems CRC, 2008.

<sup>8</sup> M. Haward, ‘Climate Change: Antarctica and the Southern Ocean, Science, Law and Policy’ in R. Warner and M. Tsamenyi (eds) *Climate Change and the Oceans: Gauging the Legal and Policy Tides* Cheltenham: Edward Elgar, 2011. (in press).

<sup>9</sup> It may mean that resources of the Southern Ocean and Antarctica may become more attractive due to scarcity or competition in other areas of the world.

Warming is likely to have major impacts on the broader cryosphere. Research in the Southern Ocean has indicated changes in temperature (cooler waters) and salinity (reduced salinity of deep water compared with results from ten years earlier).<sup>10</sup> Changes in the sea ice extent and thickness have a number of potential impacts on ecosystems, and warming of oceans will increase subsurface melt of ice shelves. Ice shelves buttress glaciers and glacier discharge will accelerate when ice shelves are removed.<sup>11</sup> These processes and the changes likely to arise from them are identified in the scientific literature, but have considerable uncertainties (given the lack of data) associated with the rate and extent of warming induced change on the cryosphere.

### **Insights from the Antarctic Treaty System**

Does the ATS form a prototypical cooperative model of global security or ‘a global, environmental security framework’ that can be applied more broadly, say in the Arctic?<sup>12</sup> The ATS is, however, shaped by commitments to collective security that has provided such an interesting and unique framework. These commitments are more broadly translatable, recognising the specific geopolitical and governance issues in the Arctic. Notwithstanding the challenges from climate change, resource exploitation and entrance of new parties and the role of non state actors in the regime, the principles embedded in the Antarctic Treaty and operationalized in the broader system or regime provide a means to addressing geopolitics and governance.

---

<sup>10</sup> S. Aoki, S. R. Rintoul, S. Ushio, S. Watanabe and N. L. Bindoff, ‘Freshening of the Adélie Land Bottom Water Near 140°E’, *Geophysical Research Letters*, 32, 2005, pp. L23601.

<sup>11</sup> Antarctic Climate and Ecosystems Cooperative Research Centre, *Position Analysis: Polar Ice Sheet and Climate Change: Global Impacts*, Hobart: ACE CRC, 2009.

<sup>12</sup> Hoogensen, 2009.