

Government

Names:

conventional long form: none

conventional short form: Antarctica

Digraph: AY

Type:

Antarctic Treaty Summary: The Antarctic Treaty, signed on 1 December 1959 and entered into force on 23 June 1961, establishes the legal framework for the management of Antarctica. Administration is carried out through consultative member meetings - the 18th Antarctic Treaty Consultative Meeting was in Japan in April 1993. Currently, there are 42 treaty member nations: 26 consultative and 16 acceding. Consultative (voting) members include the seven nations that claim portions of Antarctica as national territory (some claims overlap) and 19 nonclaimant nations. The US and some other nations that have made no claims have reserved the right to do so. The US does not recognize the claims of others. The year in parentheses indicates when an acceding nation was voted to full consultative (voting) status, while no date indicates the country was an original 1959 treaty signatory. Claimant nations are - Argentina, Australia, Chile, France, New Zealand, Norway, and the UK. Nonclaimant consultative nations are - Belgium, Brazil (1983), China (1985), Ecuador (1990), Finland (1989), Germany (1981), India (1983), Italy (1987), Japan, South Korea (1989), Netherlands (1990), Peru (1989), Poland (1977), South Africa, Spain (1988), Sweden (1988), Uruguay (1985), the US, and Russia. Acceding (nonvoting) members, with year of accession in parentheses, are - Austria (1987), Bulgaria (1978), Canada (1988), Colombia (1988), Cuba (1984), Czech Republic (1993), Denmark (1965), Greece (1987), Guatemala (1991), Hungary (1984), North Korea (1987), Papua New Guinea (1981), Romania (1971), Slovakia (1993), Switzerland (1990), and Ukraine (1992).

Article 1: area to be used for peaceful purposes only; military activity, such as weapons testing, is prohibited, but military personnel and equipment may be used for scientific research or any other peaceful purpose

Article 2: freedom of scientific investigation and cooperation shall continue

Article 3: free exchange of information and personnel in cooperation with the UN and other international agencies

Article 4: does not recognize, dispute, or establish territorial claims and no new claims shall be asserted while the treaty is in force

Article 5: prohibits nuclear explosions or disposal of radioactive wastes

Article 6: includes under the treaty all land and ice shelves south of 60 degrees 00 minutes south

Article 7: treaty-state observers have free access, including aerial observation, to any area and may inspect all stations, installations, and equipment; advance notice of all activities and of the introduction of military personnel must be given

Article 8: allows for jurisdiction over observers and scientists by their own states

Article 9: frequent consultative meetings take place among member nations

Article 10: treaty states will discourage activities by any country in Antarctica that are contrary to the treaty

Article 11: disputes to be settled peacefully by the parties concerned or, ultimately, by the ICJ

Articles 12, 13, 14: deal with upholding, interpreting, and amending the treaty among involved nations

Other agreements: more than 170 recommendations adopted at treaty consultative meetings and ratified by governments include - Agreed Measures for the Conservation of Antarctic Fauna and Flora (1964); Convention for the Conservation of Antarctic Seals (1972); Convention on the Conservation of Antarctic Marine Living Resources (1980); a mineral resources agreement was signed in 1988 but was subsequently rejected; in 1991 the Protocol on Environmental Protection to the Antarctic Treaty was signed and awaits ratification; this agreement provides for the protection of the Antarctic environment through five specific annexes on marine pollution, fauna, and flora, environmental impact assessments, waste management, and protected areas; it also prohibits all activities relating to mineral resources except scientific research; 14 parties have ratified Protocol as of April 1995

Legal system: US law, including certain criminal offenses by or against US nationals, such as murder, may apply to areas not under jurisdiction of other countries. Some US laws directly apply to Antarctica. For example, the Antarctic Conservation Act, 16 U.S.C. section 2401 et seq., provides civil and criminal penalties for the following activities, unless

authorized by regulation of statute: The taking of native mammals or birds; the introduction of nonindigenous plants and animals; entry into specially protected or scientific areas; the discharge or disposal of pollutants; and the importation into the US of certain items from Antarctica. Violation of the Antarctic Conservation Act carries penalties of up to \$10,000 in fines and 1 year in prison. The Departments of Treasury, Commerce, Transportation, and Interior share enforcement responsibilities. Public Law 95-541, the US Antarctic Conservation Act of 1978, requires expeditions from the US to Antarctica to notify, in advance, the Office of Oceans and Polar Affairs, Room 5801, Department of State, Washington, DC 20520, which reports such plans to other nations as required by the Antarctic Treaty. For more information contact Permit Office, Office of Polar Programs, National Science Foundation, Arlington, Virginia 22230 (703-306-1031).

Defense Forces

Note: the Antarctic Treaty prohibits any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, or the testing of any type of weapon; it permits the use of military personnel or equipment for scientific research or for any other peaceful purposes