The Antarctic Treaty System: Introduction

The Antarctic Treaty System (ATS) is the whole complex of arrangements made for the purpose of coordinating relations among states with respect to Antarctica. Included are the Antarctic Treaty itself, Recommendations adopted at meetings of the Antarctic Treaty Parties, the Protocol on Environmental Protection to the Antarctic Treaty, and two separate conventions for the Conservation of Antarctic Seals (London 1972), and on the Conservation of Antarctic Marine Living Resources (Canberra 1980). The Convention for the Regulation of Antarctic Mineral Resource Activities (Wellington 1988) has not been ratified by any state, but is part of the body of documents produced by Parties to the Antarctic Treaty and is reproduced herein.

The ATS also includes the results of Meetings of Experts, the decisions of Special Consultative Meetings and, at a non-governmental level, reflects the work of the Scientific Committee on Antarctic Research (SCAR) on all aspects of the system. These various measures and actions were adopted or taken when a need for them was perceived. The practice has been essentially pragmatic, and it was not until the conclusion of the Protocol on Environmental Protection that there was a systematic attempt to provide a code for the regulation of all Antarctic activities other than those covered by the two separate conventions dealing with the conservation of seals and marine living resources.

The Signatories to the Treaty included the twelve countries that were active in Antarctica during the International Geophysical Year of 1957–58 and then accepted the invitation of the Government of the United States of America to participate in the diplomatic conference at which the Treaty was negotiated in Washington in 1959. These Parties have the right to participate in meetings provided for in Article IX of the Treaty ("Consultative Meetings") and are accordingly known as Consultative Parties. The Treaty provides for accession by any state which is a member of the United Nations, and for accession by any other state by invitation of all Consultative Parties. The Treaty provides for such states as have acceded to the Treaty and during such times as they have demonstrated their interest in Antarctica by carrying out substantial scientific activity there to become Consultative Parties. Fifteen states have become Consultative Parties by this means.

Every year (before 1991 it was every two years) the Consultative Parties meet "for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering and recommending to their Governments measures in furtherance of the principles and objectives of the Treaty". Since 1983 those countries party to the Treaty that are not Consultative Parties have been invited to take part in these meetings, though without the ability to block the adoption by consensus of any decisions taken. In addition, special Consultative Meetings are convened as deemed appropriate by the Consultative Parties. The non-Consultative Parties were invited to take part in the IVth and XIth Special Consultative Meetings, respectively on Antarctic minerals and on environmental protection, though without the ability to block consensus. The

Consultative Parties have invited observers and experts from intergovernmental and non-governmental organizations to advise on the work of Consultative Meetings relevant to their respective interests. Finally there have been three meetings of experts from governments to consider questions of Antarctic telecommunications, one to consider questions of air safety, one to consider issues relating to environmental monitoring and one to consider a code of shipping.

The primary purpose of the Antarctic Treaty is to ensure "in the interests of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord". To this end it prohibits "any measures of a military nature" but does "not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose". The Treaty provides for "freedom of scientific investigation in Antarctica, promote[s] international cooperation in scientific investigation in Antarctica", encourages "the establishment of cooperative working relations with those Specialized Agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica", prohibits "any nuclear explosions in Antarctica and the disposal there of radioactive waste material" and provides for detailed exchanges of information. "To promote the objectives and ensure the observance of the provisions of the ... Treaty", Consultative Parties "have the right to designate observers to carry out any inspection of ... all areas of Antarctica, including all stations, installations and equipment, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica..."

The Treaty applies to the area south of 60° South Latitude, including all ice shelves, but nothing in the Treaty "shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law ... with regard to the high seas within that area". The broad practical effect of Article VI has been that whereas the Consultative Parties have proceeded by means of Recommendations provided for under Article IX when dealing with matters pertaining to land and ice shelves in Antarctica, they have proceeded by means of separate Conventions, with independent ratification and accession procedures, when dealing with matters that affect their rights or the exercise of their rights with regard to the seas within the area of application of the Treaty.

At the root of the Antarctic Treaty lies Article IV dealing with territorial sovereignty. It safeguards the positions of three groups of states which are Parties to the Treaty: those that had "previously asserted rights of or claims to territorial sovereignty in Antarctica", those that consider themselves as having "a basis of claim to territorial sovereignty in Antarctica", and those that do not recognize "any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica". The same Article, however, goes on to provide that "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."

Recognition of the potential for dispute inherent in issues of economic exploitation, from which, once embarked upon, there might be no retreat by any side, gave birth, as an

exercise in preventative foresight, to the conventions on living resources and on minerals. In the negotiation of the conventions the different sides of the sovereignty argument fought vigorously for their respective positions. The resulting conventions are expressions, on the one hand, of the strength of national interest and, on the other hand, the accommodations that could be accepted by all sides within the safeguards provided for in Article IV. It is thus that qualities of foresight in dealing with issues before they become insoluble, restraint in the pursuit of national interest and recognition of the national interests of others, have come to mark the Treaty system.

The Convention on the Regulation of Antarctic Mineral Resource Activities, concluded in 1988 in Wellington, has not been ratified by any state. After it was negotiated, it was agreed at the XVth Consultative Meeting in Paris in 1989 to elaborate a comprehensive system for the protection of the Antarctic environment and its dependent and associated ecosystems and, in the process of that elaboration, to review existing measures (Recommendation XV-1).

The outcome of that review took the form of the Protocol on Environmental Protection to the Antarctic Treaty, together with five Annexes: on Environmental Impact Assessment (Annex I), Conservation of Antarctic Fauna and Flora (Annex II), Waste Disposal and Waste Management (Annex III), Prevention of Marine Pollution (Annex IV), and Area Protection and Management (Annex V). The Protocol together with the first four annexes was adopted on 4 October 1991 in Madrid. The fifth Annex was adopted under Recommendation XVI-10 at the XVIth Antarctic Treaty Consultative Meeting on 17 October 1991 in Bonn. Annex V entered into force on 24 May 2002. Provision is made for additional annexes to be incorporated following entry into force of the Protocol.

The Protocol builds upon the Antarctic Treaty and Recommendations adopted by Antarctic Treaty Consultative Meetings to extend and improve the Treaty's effectiveness as a mechanism for ensuring the protection of the Antarctic environment. It designates Antarctica as a natural reserve, devoted to peace and science, and sets forth basic principles and detailed, mandatory rules applicable to human activities in Antarctica, including obligations to accord priority to scientific research. The Protocol prohibits all activities relating to Antarctic mineral resources, except for scientific research, and provides that this prohibition cannot be amended by less than unanimous agreement for at least fifty years following entry into force of the Protocol.

The Protocol establishes a Committee for Environmental Protection as an expert advisory body to provide advice and formulate recommendations to the Consultative Meetings in connection with the implementation of the Protocol. Dispute settlement procedures are included in the Protocol. These include compulsory and binding procedures for disputes over the interpretation or application of, and compliance with, the provisions of the Protocol relating to mineral resource activities, environmental impact assessment and response action, as well as most provisions included in the Annexes.

As befits developments under a Treaty of which one of the main purposes is the maintenance of freedom of scientific research, there is a close relationship between science and the consultative machinery of the Treaty established under Article IX. Frequently a problem may be identified for which scientific advice is needed before deciding what, if any,

action is required. The channel for requesting such advice is through the respective governments of the Consultative Parties to their National Antarctic Committees, normally established under the auspices of their National Academies of Sciences or National Research Councils. These National Antarctic Committees will, in turn, through their delegates submit the request for advice to the Scientific Committee on Antarctic Research (SCAR) established under the International Council for Science (ICSU). The constitution of SCAR is reproduced in the section on Scientific Cooperation.

The primary purpose of SCAR is to formulate and coordinate Antarctic scientific research programs. When SCAR receives a request for scientific advice, it will formulate advice, frequently referring the matter to one of the SCAR Working Groups, and the advice will then be transmitted back through National Committees and Treaty governments to a Consultative Meeting for consideration. Although the Protocol provides for the President of SCAR to participate in the Committee for Environmental Protection, there is little else in the way of formal relationship between the Treaty governments on the one hand and SCAR on the other. The system allows for the Treaty governments to have informal access to a wide spectrum of independent scientific advice available through the Scientific Unions and Committees of ICSU. From time to time the scientists in SCAR may, on their own initiative, seek to advise Treaty governments of some concern which they feel should be taken up intergovernmentally within the consultative machinery of the Treaty. Again, the same channels are used.

In 1989 a Council of Managers of National Antarctic Programs (COMNAP) was established to review operational matters, exchange information, seek solutions to common operational problems, provide a forum for national responses to common issues directed to National Antarctic Operators, and consult with SCAR on questions involving science, operations and logistics. Under COMNAP there is a Standing Committee on Antarctic Logistics and Operations (SCALOP) to provide advice to SCAR on Antarctic operations and logistics, investigate and as necessary arrange for research on operational issues, establish ad hoc groups of experts to discuss and promote advances in technology, hold symposia and expositions on advances in technology and exchange information on Antarctic logistics and operations.

Text of the Antarctic Treaty

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Recognizing that it is in the interest of all mankind that Antarctica shall continue for ever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Acknowledging the substantial contributions to scientific knowledge resulting from international cooperation in scientific investigation in Antarctica;

Convinced that the establishment of a firm foundation for the continuation and development of such cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the Charter of the United Nations;

Have agreed as follows:

Article I

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, *inter alia*, any measure of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any type of weapon.

2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

Article II

Freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

Article III

1. In order to promote international cooperation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable:

a. information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy of and efficiency of operations;

b. scientific personnel shall be exchanged in Antarctica between expeditions and stations;

c. scientific observations and results from Antarctica shall be exchanged and made freely available.

2. In implementing this Article, every encouragement shall be given to the establishment of cooperative working relations with those specialised agencies of the United Nations and other international organisations having a scientific or technical interest in Antarctica.

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 right 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.

Article V

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.

2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

Article VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

Article VII

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.

3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

5. Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

a. all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory;

b. all stations in Antarctica occupied by its nationals; and

c. any military personnel or equipment intended to be introduced by it into Antarctica subject to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

Article VIII

1. In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel exchanged under sub-paragraph 1(b) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

2. Without prejudice to the provisions of paragraph 1 of this Article, and pending the adoption of measures in pursuance of subparagraph 1(e) of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antarctica shall immediately consult together with a view to reaching a mutually acceptable solution.

Article IX

1. Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:

a. use of Antarctica for peaceful purposes only;

b. facilitation of scientific research in Antarctica;

c. facilitation of international scientific cooperation in Antarctica;

d. facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;

e. questions relating to the exercise of jurisdiction in Antarctica;

f. preservation and conservation of living resources in Antarctica.

2. Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such times as that Contracting Party demonstrates its interest in Antarctica by conducting substantial research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition.

3. Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the Contracting Parties participating in the meetings referred to in paragraph 1 of the present Article.

4. The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

5. Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

Article X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

Article XI

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

Article XII

1.

a. The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

b. Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provision of subparagraph 1(a) of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2.

a. If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

b. Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary Government to all Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article

c. If any such modification or amendment has not entered into force in accordance with the provisions of subparagraph 1(a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

Article XIII

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instruments of accession.

6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

Article XIV

The present Treaty, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

Status of

ANTARCTIC TREATY

Signed at Washington December 1, 1959

by

Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway,

South Africa, the Union of Soviet Socialist Republics,

the United Kingdom of Great Britain and Northern Ireland,

and the United States of America

State	**Date of deposit of instrument of ratification**	**Date of deposit of instrument of accession**	**Date of entry into force**
Argentina	June 23, 1961		June 23, 1961
Australia	June 23, 1961		June 23, 1961
Austria		Aug. 25, 1987	Aug. 25, 1987
Belgium	July 26, 1960		June 23, 1961
Brazil		May 16, 1975	May 16, 1975
Bulgaria		Sept. 11, 1978	Sept. 11, 1978
Canada		May 4, 1988	May 4, 1988
Chile	June 23, 1961		June 23, 1961
China		June 8, 1983	June 8, 1983
Colombia		Jan. 31, 1989	Jan. 31, 1989
Cuba		Aug. 16, 1984	Aug. 16, 1984
Czech Republic[7]		Jan. 1, 1993	Jan. 1, 1993
Denmark		May 20, 1965	May 20, 1965
Ecuador		Sept. 15, 1987	Sept. 15, 1987
Estonia		May 17, 2001	May 17, 2001
Finland		May 15, 1984	May 15, 1984
France	Sept. 16, 1960		June 23, 1961
Germany[1]		Feb. 5, 1979	Feb. 5, 1979
Greece		Jan. 8, 1987	Jan. 8, 1987
Guatemala		July 31, 1991	July 31, 1991
Hungary		Jan. 27, 1984	Jan. 27, 1984

State	Date of deposit of instrument of ratification	Date of deposit of instrument of accession	Date of entry into force
India		Aug. 19, 1983	Aug. 19, 1983
Italy		Mar. 18, 1981	Mar. 18, 1981
Japan	Aug. 4, 1960		June 23, 1961
Korea, DPR of		Jan. 21, 1987	Jan. 21, 1987
Korea, Rep. of		Nov. 28, 1986	Nov. 28, 1986
Netherlands		Mar. 30, 1967[2]	Mar. 30, 1967
New Zealand	Nov. 1, 1960		June 23, 1961
Norway	Aug. 24, 1960		June 23, 1961
Papua New Guinea		Mar. 16, 1981[5]	Sept. 16, 1975[6]
Peru		Apr. 10, 1981	Apr. 10, 1981
Poland		June 8, 1961	June 23, 1961
Romania		Sept. 15, 1971[3]	Sept. 15, 1971
Russian Federation	Nov. 2, 1960		June 23, 1961
Slovak Republic[7]		Jan. 1, 1993	Jan. 1, 1993
South Africa	June 21, 1960		June 23, 1961
Spain		Mar. 31, 1982	Mar. 31, 1982
Sweden		Apr. 24, 1984	Apr. 24, 1984
Switzerland		Nov. 15, 1990	Nov. 15, 1990
Turkey		Jan. 24, 1996	Jan. 24, 1996
Ukraine		Oct. 28, 1992	Oct. 28, 1992
United Kingdom of Great Britain & Northern Ireland	May 31, 1960	June 23, 1961	
United States of America	Aug. 18, 1960	June 23, 1961	
Uruguay		Jan. 11, 1980[4]	Jan. 11, 1980
Venezuela		Mar. 24, 1999	March 24. 1999

Notes:

[1]October 2, 1990, the Embassy of the Federal Republic of Germany informed the Department of State "that, through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from October 3, 1990, the two German states will unite to form one sovereign state, which, as a contracting party to the Antarctic Treaty, will remain bound by the provisions of the Treaty and

subject to those recommendations adopted at the 15 consultative meetings which the Federal Republic of Germany has approved. From the date of German unity, the Federal Republic of Germany will act under the designation of 'Germany' within the framework of the Antarctic system....".

Prior to unification, the German Democratic Republic and the Federal Republic of Germany had acceded to the Treaty on November 19, 1974 and February 5, 1979, respectively.

[2]The Netherlands accession is for the Kingdom in Europe, Suriname and the Netherlands Antilles. Aruba as a separate entity as of January 1, 1986.

[3]The Romanian instrument of accession was accompanied by a note of the Ambassador of the Socialist Republic of Romania, dated September 15, 1971, containing the following statement of the Council of State of the Socialist Republic of Romania:

> "The Council of State of the Socialist Republic of Romania states that the provisions of the first paragraph of the article XIII of the Antarctic Treaty are not in accordance with the principle according to which the multilateral treaties whose object and purposes are concerning the international community, as a whole, should be opened for universal participation."

[4]The instrument of accession by Uruguay accompanied by a Declaration, a copy of which is attached, with translation.

[5]Date of deposit of notification of succession.

[6]Date of independence.

[7]Effective date of succession. Czechoslovakia deposited an instrument of accession to the Treaty on June 14, 1962. On December 31, 1992, at midnight, Czechoslovakia ceased to exist and was succeeded by two separate and independent states, the Czech Republic and the Slovak Republic.

DEPARTMENT OF STATE

DIVISION OF LANGUAGE SERVICES

(TRANSLATION)

DECLARATION BY THE ORIENTAL REPUBLIC OF URUGUAY

The Government of the Oriental Republic of Uruguay considers that, through its accession to the Antarctic Treaty signed at Washington (United States of America) on December 1, 1959, it helps to affirm the principles of using Antarctica exclusively for peaceful purposes, of prohibiting any nuclear explosion or radioactive waste disposal in this area, of freedom of scientific research in Antarctica in the service of mankind, and of international cooperation to achieve these objectives, which are established in said Treaty.

Within the context of these principles Uruguay proposes, through a procedure based an the principle of legal equality, the establishment of a general and definitive statute on Antarctica in which, respecting the rights of States as recognized in international law, the interests of all States involved and of the international community as a whole would be considered equitably.

The decision of the Uruguayan Government to accede to the Antarctic Treaty is based not only an the interest which, like all members of the international community, Uruguay has in Antarctica, but also on a special, direct, and substantial interest which arises from its geographic location, from the fact that its Atlantic coastline faces the continent of Antarctica, from the resultant influence upon its climate, ecology, and marine biology, from the historic bonds which date back to the first expeditions which ventured to explore that continent and its waters, and also from the obligations assumed in conformity with the Inter-American Treaty of Reciprocal Assistance which includes a portion of Antarctic territory in the zone described in Article 4, by virtue of which Uruguay shares the responsibility of defending the region.

In communicating its decision to accede to the Antarctic Treaty, the Government of the Oriental Republic of Uruguay declares that it reserves its rights in Antarctica in accordance with international law.

DECLARACION DE LA REPUBLICA ORIENTAL DEL URUGUAY

El Gobierno de la República Oriental del Uruguay considera que, con su adhesión al Tratado de la Antártida suscrito en Washington (Estados Unidos de América) el 1° de diciembre de 1959, contribuye a afirmar los principios del uso de la Antártida exclusivamente para fines pacíficos, de prohibición de toda explosión nuclear y de la eliminación de desecgis radioactivos de esa área, de la libertad de investigación científica en la Antártida puesta al servicio de la Humanidad y de la cooperación internacional para el logro de esos objectivos, que consagra el mencionado Tratado.

Dentro del marco de esos principios, el Uruguay propugnará mediante cualquier procedimeiento basado en el principio de igualidad jurídica, por el establecimiento de un estatuto general y definitivo para la Antártida, en el que, respetándose los derechos que reconozca a los Estados el Derecho Internacional, se contemplen equitativamente los intereses de todos los Estados involucrados y de la Comunidad interacional en su conjunto.

La decisión del Govierno uruguayo de adherir al Tratado de la Antártida se funda no solamente en el interés que, como todo miembro de la Comunidad Internacional, tiene el Uruguay en la Antártida sino, además, en un interés especial, directo y sustancial derivado de su situatión geográfica, del enfrentamiento de su costa atlántica al Continente antártico, de la influencia que éste ejerce en su clima, en su ecología y en su biología marine, de los vínculos históricos que lo ligan desde las primeras expediciones que se aventuraron a explorar dicho Continente y sus aguas, así como de las obligaciones asumidas conforme al Tratado Interamericano de Asistencia Recíproca que incluye una parte del territorio antártico en la zona descrita en el artículo 4°, por virtud de lo cual el Uruguay coparticipa en la responsabilidad de la defensa de la región.

En ocasión de comunica su decisión de adherir al Tratado de la Antártida, el Gobiereno de la República Oriental de Uruguay declara que deja reservados los derechos que le correspondan en la Antártida de acuerdo con el Derecho Internacional.

For reference, below is listed in chronological order the dates of ratification of the Treaty by the signatories, the dates of accession or succession by other states, and the dates upon which acceding states became Consultative Parties.

S = Signatory, AS = Acceding State, SS = Succeeding State, CP = Consultative Party

	State	Date	Status	Date on which Acceding State obtained Consultative Party status
1	United Kingdom	31 May 1960	S/CP	
2	South Africa	21 Jun 1960	S/CP	
3	Belgium	26 Jul 1960	S/CP	
4	Japan	4 Aug 1960	S/CP	
5	United States of America	18 Aug 1960	S/CP	
6	Norway	24 Aug 1960	S/CP	
7	France	16 Sep 1960	S/CP	
8	New Zealand	1 Nov 1960	S/CP	
9	Russian Federation	2 Nov 1960	S/CP	
10	Poland	8 Jun 1961	AS/CP	29 July 1977
11	Argentina	23 Jun 1961	S/CP	
12	Australia	23 Jun 1961	S/CP	
13	Chile	23 Jun 1961	S/CP	
14	Czech Republic	14 Jun 1962	SS	
15	Slovak Republic	14 Jun 1962	SS	
16	Denmark	20 May 1965	AS	
17	Netherlands	30 Mar 1967	AS/CP	19 November 1990
18	Romania	15 Sep 1971	AS	
	German Democratic Republic	19 Nov 1974	AS/CP	5 October 1987
19	Brazil	16 May 1975	AS/CP	12 September 1983
20	Bulgaria	11 Sep 1978	AS/CP	25 May 1998
21	Germany, Federal Republic of	5 Feb 1979	AS/CP	3 March 1981
22	Uruguay	11 Jan 1980	AS/CP	7 October 1985
23	Papua New Guinea	16 Mar 1981	SS	
24	Italy	18 Mar 1981	AS/CP	5 October 1987
25	Peru	10 Apr 1981	AS/CP	9 October 1989
26	Spain	31 Mar 1982	AS/CP	21 September 1988
27	China, People's Republic of	8 Jun 1983	AS/CP	7 October 1985
28	India	19 Aug 1983	AS/CP	12 September 1983
29	Hungary	27 Jan 1984	AS	
30	Sweden	24 Apr 1984	AS/CP	21 September 1988
31	Finland	15 May 1984	AS/CP	9 October 1989
32	Cuba	16 Aug 1984	AS	
33	Republic of Korea	28 Nov 1986	AS/CP	9 October 1989
34	Greece	8 Jan 1987	AS	
35	Democratic People's Republic of Korea	21 Jan 1987	AS	

	State	Date	Status	Date on which Acceding State obtained Consultative Party status
36	Austria	25 Aug 1987	AS	
37	Ecuador	15 Sep 1987	AS/CP	19 Nov 1990
38	Canada	4 May 1988	AS	
39	Colombia	31 Jan 1989	AS	
40	Switzerland	15 Nov 1990	AS	
41	Guatemala	31 July 1991	AS	
42	Ukraine	28 Oct 1992	AS	
43	Turkey	Jan. 24, 1996	AS	
44	Venezuela	Mar. 24, 1999	AS	
45	Estonia	May 17, 2001	AS	

Protocol On Environmental Protection To The Antarctic Treaty

PREAMBLE

The States Parties to this Protocol to the Antarctic Treaty, hereinafter referred to as the Parties,

Convinced of the need to enhance the protection of the Antarctic environment and dependent and associated ecosystems;

Convinced of the need to strengthen the Antarctic Treaty system so as to ensure that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Bearing in mind the special legal and political status of Antarctica and the special responsibility of the Antarctic Treaty Consultative Parties to ensure that all activities in Antarctica are consistent with the purposes and principles of the Antarctic Treaty;

Recalling the designation of Antarctica as a Special Conservation Area and other measures adopted under the Antarctic Treaty system to protect the Antarctic environment and dependent and associated ecosystems;

Acknowledging further the unique opportunities Antarctica offers for scientific monitoring of and research on processes of global as well as regional importance;

Reaffirming the conservation principles of the Convention on the Conservation of Antarctic Marine Living Resources;

Convinced that the development of a comprehensive regime for the protection of the Antarctic environment and dependent and associated ecosystems is in the interest of mankind as a whole;

Desiring to supplement the Antarctic Treaty to this end;

Have agreed as follows:

ARTICLE 1

DEFINITIONS

For the purposes of this Protocol:

(a) "The Antarctic Treaty" means the Antarctic Treaty done at Washington on 1 December 1959;

(b) "Antarctic Treaty area" means the area to which the provisions of the Antarctic Treaty apply in accordance with Article VI of that Treaty;

(c) "Antarctic Treaty Consultative Meetings" means the meetings referred to in Article IX of the Antarctic Treaty;

(d) "Antarctic Treaty Consultative Parties" means the Contracting Parties to the Antarctic Treaty entitled to appoint representatives to participate in the meetings referred to in Article IX of that Treaty;

(e) "Antarctic Treaty system" means the Antarctic Treaty, the measures in effect under that Treaty, its associated separate international instruments in force and the measures in effect under those instruments;

(f) "Arbitral Tribunal" means the Arbitral Tribunal established in accordance with the Schedule to this Protocol, which forms an integral part thereof;

(g) "Committee" means the Committee for Environmental Protection established in accordance with Article 11.

ARTICLE 2

OBJECTIVE AND DESIGNATION

The Parties commit themselves to the comprehensive protection of the Antarctic environment and dependent and associated ecosystems and hereby designate Antarctica as a natural reserve, devoted to peace and science.

ARTICLE 3

ENVIRONMENTAL PRINCIPLES

1. The protection of the Antarctic environment and dependent and associated ecosystems and the intrinsic value of Antarctica, including its wilderness and aesthetic values and its value as an area for the conduct of scientific research, in particular research essential to understanding the global environment, shall be fundamental considerations in the planning and conduct of all activities in the Antarctic Treaty area.

2. To this end:

(a) activities in the Antarctic Treaty area shall be planned and conducted so as to limit adverse impacts on the Antarctic environment and dependent and associated ecosystems;

(b) activities in the Antarctic Treaty area shall be planned and conducted so as to avoid:

(i) adverse effects on climate or weather patterns;

(ii) significant adverse effects on air or water quality;

(iii) significant changes in the atmospheric, terrestrial (including aquatic), glacial or marine environments;

(iv) detrimental changes in the distribution, abundance or productivity of species or populations of species of fauna and flora;

(v) further jeopardy to endangered or threatened species or populations of such species; or

(vi) degradation of, or substantial risk to, areas of biological, scientific, historic, aesthetic or wilderness significance;

(c) activities in the Antarctic Treaty area shall be planned and conducted on the basis of information sufficient to allow prior assessments of, and informed judgments about, their possible impacts on the Antarctic environment and dependent and associated ecosystems and on the value of Antarctica for the conduct of scientific research; such judgments shall take account of:

(i) the scope of the activity, including its area, duration and intensity;

(ii) the cumulative impacts of the activity, both by itself and in combination with other activities in the Antarctic Treaty area;

(iii) whether the activity will detrimentally affect any other activity in the Antarctic Treaty area;

(iv) whether technology and procedures are available to provide for environmentally safe operations;

(v) whether there exists the capacity to monitor key environmental parameters and ecosystem components so as to identify and provide early warning of any adverse effects of the activity and to provide for such modification of operating procedures as may be necessary in the light of the results of monitoring or increased knowledge of the Antarctic environment and dependent and associated ecosystems; and

(vi) whether there exists the capacity to respond promptly and effectively to accidents, particularly those with potential environmental effects;

(d) regular and effective monitoring shall take place to allow assessment of the impacts of ongoing activities, including the verification of predicted impacts;

(e) regular and effective monitoring shall take place to facilitate early detection of the possible unforeseen effects of activities carried on both within and outside the Antarctic Treaty area on the Antarctic environment and dependent and associated ecosystems.

3. Activities shall be planned and conducted in the Antarctic Treaty area so as to accord priority to scientific research and to preserve the value of Antarctica as an area for the conduct of such research, including research essential to understanding the global

environment.

4. Activities undertaken in the Antarctic Treaty area pursuant to scientific research programmes, tourism and all other governmental and non-governmental activities in the Antarctic Treaty area for which advance notice is required in accordance with Article VII (5) of the Antarctic Treaty, including associated logistic support activities, shall:

(a) take place in a manner consistent with the principles in this Article; and

(b) be modified, suspended or cancelled if they result in or threaten to result in impacts upon the Antarctic environment or dependent or associated ecosystems inconsistent with those principles.

ARTICLE 4

RELATIONSHIP WITH THE OTHER COMPONENTS OF THE ANTARCTIC TREATY SYSTEM

1. This Protocol shall supplement the Antarctic Treaty and shall neither modify nor amend that Treaty.

2. Nothing in this Protocol shall derogate from the rights and obligations of the Parties to this Protocol under the other international instruments in force within the Antarctic Treaty system.

ARTICLE 5

CONSISTENCY WITH THE OTHER COMPONENTS OF THE ANTARCTIC TREATY SYSTEM

The Parties shall consult and co-operate with the Contracting Parties to the other international instruments in force within the Antarctic Treaty system and their respective institutions with a view to ensuring the achievement of the objectives and principles of this Protocol and avoiding any interference with the achievement of the objectives and principles of those instruments or any inconsistency between the implementation of those instruments and of this Protocol.

ARTICLE 6

CO-OPERATION

1. The Parties shall co-operate in the planning and conduct of activities in the Antarctic Treaty area. To this end, each Party shall endeavour to:

(a) promote co-operative programmes of scientific, technical and educational value, concerning the protection of the Antarctic environment and dependent and associated ecosystems;

(b) provide appropriate assistance to other Parties in the preparation of environmental impact assessments;

(c) provide to other Parties upon request information relevant to any potential environmental risk and assistance to minimize the effects of accidents which may damage the Antarctic environment or dependent and associated ecosystems;

(d) consult with other Parties with regard to the choice of sites for prospective stations and other facilities so as to avoid the cumulative impacts caused by their excessive concentration in any location;

(e) where appropriate, undertake joint expeditions and share the use of stations and other facilities; and

(f) carry out such steps as may be agreed upon at Antarctic Treaty Consultative Meetings.

2. Each Party undertakes, to the extent possible, to share information that may be helpful to other Parties in planning and conducting their activities in the Antarctic Treaty area, with a view to the protection of the Antarctic environment and dependent and associated ecosystems.

3. The Parties shall co-operate with those Parties which may exercise jurisdiction in areas adjacent to the Antarctic Treaty area with a view to ensuring that activities in the Antarctic Treaty area do not have adverse environmental impacts on those areas.

ARTICLE 7

PROHIBITION OF MINERAL RESOURCE ACTIVITIES

Any activity relating to mineral resources, other than scientific research, shall be prohibited.

ARTICLE 8

ENVIRONMENTAL IMPACT ASSESSMENT

1. Proposed activities referred to in paragraph 2 below shall be subject to the procedures set out in Annex I for prior assessment of the impacts of those activities on the Antarctic environment or on dependent or associated ecosystems according to whether those activities are identified as having:

(a) less than a minor or transitory impact;

(b) a minor or transitory impact; or

(c) more than a minor or transitory impact.

2. Each Party shall ensure that the assessment procedures set out in Annex I are applied in the planning processes leading to decisions about any activities undertaken in the Antarctic Treaty area pursuant to scientific research programmes, tourism and all other governmental and non-governmental activities in the Antarctic Treaty area for which advance notice is required under Article VII (5) of the Antarctic Treaty, including associated logistic support activities.

3. The assessment procedures set out in Annex I shall apply to any change in an activity whether the change arises from an increase or decrease in the intensity of an existing activity, from the addition of an activity, the decommissioning of a facility, or otherwise.

4. Where activities are planned jointly by more than one Party, the Parties involved shall nominate one of their number to coordinate the implementation of the environmental impact assessment procedures set out in Annex I.

ARTICLE 9

ANNEXES

1. The Annexes to this Protocol shall form an integral part thereof.

2. Annexes, additional to Annexes I-IV, may be adopted and become effective in accordance with Article IX of the Antarctic Treaty.

3. Amendments and modifications to Annexes may be adopted and become effective in accordance with Article IX of the Antarctic Treaty, provided that any Annex may itself make provision for amendments and modifications to become effective on an accelerated basis.

4. Annexes and any amendments and modifications thereto which have become effective in accordance with paragraphs 2 and 3 above shall, unless an Annex itself provides otherwise in respect of the entry into effect of any amendment or modification thereto, become effective for a Contracting Party to the Antarctic Treaty which is not an Antarctic Treaty Consultative Party, or which was not an Antarctic Treaty Consultative Party at the time of the adoption, when notice of approval of that Contracting Party has been received by the Depository.

5. Annexes shall, except to the extent that an Annex provides otherwise, be subject to the procedures for dispute settlement set out in Articles 18 to 20.

ARTICLE 10

ANTARCTIC TREATY CONSULTATIVE MEETINGS

1. Antarctic Treaty Consultative Meetings shall, drawing upon the best scientific and technical advice available:

(a) define, in accordance with the provisions of this Protocol, the general policy for the comprehensive protection of the Antarctic environment and dependent and associated ecosystems; and

(b) adopt measures under Article IX of the Antarctic Treaty for the implementation of this Protocol.

2. Antarctic Treaty Consultative Meetings shall review the work of the Committee and shall draw fully upon its advice and recommendations in carrying out the tasks referred to in paragraph 1 above, as well as upon the advice of the Scientific Committee on Antarctic Research.

ARTICLE 11

COMMITTEE FOR ENVIRONMENTAL PROTECTION

1. There is hereby established the Committee for Environmental Protection.

2. Each Party shall be entitled to be a member of the Committee and to appoint a representative who may be accompanied by experts and advisers.

3. Observer status in the Committee shall be open to any Contracting Party to the Antarctic Treaty which is not a Party to this Protocol.

4. The Committee shall invite the President of the Scientific Committee on Antarctic Research and the Chairman of the Scientific Committee for the Conservation of Antarctic Marine Living Resources to participate as observers at its sessions. The Committee may also, with the approval of the Antarctic Treaty Consultative Meeting, invite such other relevant scientific, environmental and technical organisations which can contribute to its work to participate as observers at its sessions.

5. The Committee shall present a report on each of its sessions to the Antarctic Treaty Consultative Meeting. The report shall cover all matters considered at the session and shall reflect the views expressed. The report shall be circulated to the Parties and to observers attending the session, and shall thereupon be made publicly available.

6. The Committee shall adopt its rules of procedure which shall be subject to approval by the Antarctic Treaty Consultative Meeting.

ARTICLE 12

FUNCTIONS OF THE COMMITTEE

1. The functions of the Committee shall be to provide advice and formulate recommendations to the Parties in connection with the implementation of this Protocol, including the operation of its Annexes, for consideration at Antarctic Treaty Consultative Meetings, and to perform such other functions as may be referred to it by the Antarctic

Treaty Consultative Meetings. In particular, it shall provide advice on:

(a) the effectiveness of measures taken pursuant to this Protocol;

(b) the need to update, strengthen or otherwise improve such measures;

(c) the need for additional measures, including the need for additional Annexes, where appropriate;

(d) the application and implementation of the environmental impact assessment procedures set out in Article 8 and Annex I;

(e) means of minimising or mitigating environmental impacts of activities in the Antarctic Treaty area;

(f) procedures for situations requiring urgent action, including response action in environmental emergencies;

(g) the operation and further elaboration of the Antarctic Protected Area system;

(h) inspection procedures, including formats for inspection reports and checklists for the conduct of inspections;

(i) the collection, archiving, exchange and evaluation of information related to environmental protection;

(j) the state of the Antarctic environment; and

(k) the need for scientific research, including environmental monitoring, related to the implementation of this Protocol.

2. In carrying out its functions, the Committee shall, as appropriate, consult with the Scientific Committee on Antarctic Research, the Scientific Committee for the Conservation of Antarctic Marine Living Resources and other relevant scientific, environmental and technical organizations.

ARTICLE 13

COMPLIANCE WITH THIS PROTOCOL

1. Each Party shall take appropriate measures within its competence, including the adoption of laws and regulations, administrative actions and enforcement measures, to ensure compliance with this Protocol.

2. Each Party shall exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity contrary to this Protocol.

3. Each Party shall notify all other Parties of the measures it takes pursuant to paragraphs 1 and 2 above.

4. Each Party shall draw the attention of all other Parties to any activity which in its opinion affects the implementation of the objectives and principles of this Protocol.

5. The Antarctic Treaty Consultative Meetings shall draw the attention of any State which is not a Party to this Protocol to any activity undertaken by that State, its agencies, instrumentalities, natural or juridical persons, ships, aircraft or other means of transport which affects the implementation of the objectives and principles of this Protocol.

ARTICLE 14

INSPECTION

1. In order to promote the protection of the Antarctic environment and dependent and associated ecosystems, and to ensure compliance with this Protocol, the Antarctic Treaty Consultative Parties shall arrange, individually or collectively, for inspections by observers to be made in accordance with Article VII of the Antarctic Treaty.

2. Observers are:

(a) observers designated by any Antarctic Treaty Consultative Party who shall be nationals of that Party; and

(b) any observers designated at Antarctic Treaty Consultative Meetings to carry out inspections under procedures to be established by an Antarctic Treaty Consultative Meeting.

3. Parties shall co-operate fully with observers undertaking inspections, and shall ensure that during inspections, observers are given access to all parts of stations, installations, equipment, ships and aircraft open to inspection under Article VII (3) of the Antarctic Treaty, as well as to all records maintained thereon which are called for pursuant to this Protocol.

4. Reports of inspections shall be sent to the Parties whose stations, installations, equipment, ships or aircraft are covered by the reports. After those Parties have been given the opportunity to comment, the reports and any comments thereon shall be circulated to all the Parties and to the Committee, considered at the next Antarctic Treaty Consultative Meeting, and thereafter made publicly available.

ARTICLE 15

EMERGENCY RESPONSE ACTION

1. In order to respond to environmental emergencies in the Antarctic Treaty area, each Party agrees to:

(a) provide for prompt and effective response action to such emergencies which might arise in the performance of scientific research programmes, tourism and all

other governmental and non-governmental activities in the Antarctic Treaty area for which advance notice is required under Article VII (5) of the Antarctic Treaty, including associated logistic support activities; and

(b) establish contingency plans for response to incidents with potential adverse effects on the Antarctic environment or dependent and associated ecosystems.

2. To this end, the Parties shall:

(a) co-operate in the formulation and implementation of such contingency plans; and

(b) establish procedures for immediate notification of, and co-operative response to, environmental emergencies.

3. In the implementation of this Article, the Parties shall draw upon the advice of the appropriate international organisations.

ARTICLE 16

LIABILITY

Consistent with the objectives of this Protocol for the comprehensive protection of the Antarctic environment and dependent and associated ecosystems, the Parties undertake to elaborate rules and procedures relating to liability for damage arising from activities taking place in the Antarctic Treaty area and covered by this Protocol. Those rules and procedures shall be included in one or more Annexes to be adopted in accordance with Article 9 (2).

ARTICLE 17

ANNUAL REPORT BY PARTIES

1. Each Party shall report annually on the steps taken to implement this Protocol. Such reports shall include notifications made in accordance with Article 13 (3), contingency plans established in accordance with Article 15 and any other notifications and information called for pursuant to this Protocol for which there is no other provision concerning the circulation and exchange of information.

2. Reports made in accordance with paragraph 1 above shall be circulated to all Parties and to the Committee, considered at the next Antarctic Treaty Consultative Meeting, and made publicly available.

ARTICLE 18

DISPUTE SETTLEMENT

If a dispute arises concerning the interpretation or application of this Protocol, the parties to the dispute shall, at the request of any one of them, consult among themselves as soon as possible with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means to which the parties to the dispute agree.

ARTICLE 19

CHOICE OF DISPUTE SETTLEMENT PROCEDURE

1. Each Party, when signing, ratifying, accepting, approving or acceding to this Protocol, or at any time thereafter, may choose, by written declaration, one or both of the following means for the settlement of disputes concerning the interpretation or application of Articles 7, 8 and 15 and, except to the extent that an Annex provides otherwise, the provisions of any Annex and, insofar as it relates to these Articles and provisions, Article 13:

(a) the International Court of Justice;

(b) the Arbitral Tribunal.

2. A declaration made under paragraph 1 above shall not affect the operation of Article 18 and Article 20 (2).

3. A Party which has not made a declaration under paragraph 1 above or in respect of which a declaration is no longer in force shall be deemed to have accepted the competence of the Arbitral Tribunal.

4. If the parties to a dispute have accepted the same means for the settlement of a dispute, the dispute may be submitted only to that procedure, unless the parties otherwise agree.

5. If the parties to a dispute have not accepted the same means for the settlement of a dispute, or if they have both accepted both means, the dispute may be submitted only to the Arbitral Tribunal, unless the parties otherwise agree.

6. A declaration made under paragraph 1 above shall remain in force until it expires in accordance with its terms or until three months after written notice of revocation has been deposited with the Depositary.

7. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the Arbitral Tribunal, unless the parties to the dispute otherwise agree.

8. Declarations and notices referred to in this Article shall be deposited with the Depositary who shall transmit copies thereof to all Parties.

ARTICLE 20

DISPUTE SETTLEMENT PROCEDURE

1. If the parties to a dispute concerning the interpretation or application of Articles 7, 8 or 15 or, except to the extent that an Annex provides otherwise, the provisions of any Annex or, insofar as it relates to these Articles and provisions, Article 13, have not agreed on a means for resolving it within 12 months of the request for consultation pursuant to Article 18, the dispute shall be referred, at the request of any party to the dispute, for settlement in accordance with the procedure determined by Article 19 (4) and (5).

2. The Arbitral Tribunal shall not be competent to decide or rule upon any matter within the scope of Article IV of the Antarctic Treaty. In addition, nothing in this Protocol shall be interpreted as conferring competence or jurisdiction on the International Court of Justice or any other tribunal established for the purpose of settling disputes between Parties to decide or otherwise rule upon any matter within the scope of Article IV of the Antarctic Treaty.

ARTICLE 21

SIGNATURE

This Protocol shall be open for signature at Madrid on the 4th of October 1991 and thereafter at Washington until the 3rd of October 1992 by any State which is a Contracting Party to the Antarctic Treaty.

ARTICLE 22

RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. This Protocol is subject to ratification, acceptance or approval by signatory States.

2. After the 3rd of October 1992 this Protocol shall be open for accession by any State which is a Contracting Party to the Antarctic Treaty.

3. Instruments of ratification, acceptance, approval or accession shall be deposited with the Government of the United States of America, hereby designated as the Depositary.

4. After the date on which this Protocol has entered into force, the Antarctic Treaty Consultative Parties shall not act upon a notification regarding the entitlement of a Contracting Party to the Antarctic Treaty to appoint representatives to participate in Antarctic Treaty Consultative Meetings in accordance with Article IX (2) of the Antarctic

Treaty unless that Contracting Party has first ratified, accepted, approved or acceded to this Protocol.

ARTICLE 23

ENTRY INTO FORCE

1. This Protocol shall enter into force on the thirtieth day following the date of deposit of instruments of ratification, acceptance, approval or accession by all States which are Antarctic Treaty Consultative Parties at the date on which this Protocol is adopted.

2. For each Contracting Party to the Antarctic Treaty which, subsequent to the date of entry into force of this Protocol, deposits an instrument of ratification, acceptance, approval or accession, this Protocol shall enter into force on the thirtieth day following such deposit.

ARTICLE 24

RESERVATIONS

Reservations to this Protocol shall not be permitted.

ARTICLE 25

MODIFICATION OR AMENDMENT

1. Without prejudice to the provisions of Article 9, this Protocol may be modified or amended at any time in accordance with the procedures set forth in Article XII (1) (a) and (b) of the Antarctic Treaty.

2. If, after the expiration of 50 years from the date of entry into force of this Protocol, any of the Antarctic Treaty Consultative Parties so requests by a communication addressed to the Depositary, a conference shall be held as soon as practicable to review the operation of this Protocol.

3. A modification or amendment proposed at any Review Conference called pursuant to paragraph 2 above shall be adopted by a majority of the Parties, including 3/4 of the States which are Antarctic Treaty Consultative Parties at the time of adoption of this Protocol.

4. A modification or amendment adopted pursuant to paragraph 3 above shall enter into force upon ratification, acceptance, approval or accession by 3/4 of the Antarctic Treaty Consultative Parties, including ratification, acceptance, approval or accession by all States which are Antarctic Treaty Consultative Parties at the time of adoption of this Protocol.

5. (a) With respect to Article 7, the prohibition on Antarctic mineral resource activities contained therein shall continue unless there is in force a binding legal regime on Antarctic mineral resource activities that includes an agreed means for determining whether, and, if so, under which conditions, any such activities would be acceptable. This regime shall fully safeguard the interests of all States referred to in Article IV of the Antarctic Treaty and apply the principles thereof. Therefore, if a modification or amendment to Article 7 is proposed at a Review Conference referred to in paragraph 2 above, it shall include such a binding legal regime.

(b) If any such modification or amendment has not entered into force within 3 years of the date of its adoption, any Party may at any time thereafter notify to the Depositary of its withdrawal from this Protocol, and such withdrawal shall take effect 2 years after receipt of the notification by the Depositary.

ARTICLE 26

NOTIFICATIONS BY THE DEPOSITARY

The Depositary shall notify all Contracting Parties to the Antarctic Treaty of the following:

(a) signatures of this Protocol and the deposit of instruments of ratification, acceptance, approval or accession;

(b) the date of entry into force of this Protocol and any additional Annex thereto;

(c) the date of entry into force of any amendment or modification to this Protocol;

(d) the deposit of declarations and notices pursuant to Article 19; and

(e) any notification received pursuant to Article 25 (5) (b).

ARTICLE 27

AUTHENTIC TEXTS AND REGISTRATION WITH THE UNITED NATIONS

1. This Protocol, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to all Contracting Parties to the Antarctic Treaty.

2. This Protocol shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

SCHEDULE TO THE PROTOCOL

ARBITRATION

Article 1

1. The Arbitral Tribunal shall be constituted and shall function in accordance with the Protocol, including this Schedule.

2. The Secretary referred to in this Schedule is the Secretary General of the Permanent Court of Arbitration.

Article 2

1. Each Party shall be entitled to designate up to three Arbitrators, at least one of whom shall be designated within three months of the entry into force of the Protocol for that Party. Each Arbitrator shall be experienced in Antarctic affairs, have thorough knowledge of international law and enjoy the highest reputation for fairness, competence and integrity. The names of the persons so designated shall constitute the list of Arbitrators. Each Party shall at all times maintain the name of at least one Arbitrator on the list.

2. Subject to paragraph 3 below, an Arbitrator designated by a Party shall remain on the list for a period of five years and shall be eligible for redesignation by that Party for additional five year periods.

3. A Party which designated an Arbitrator may withdraw the name of that Arbitrator from the list. If an Arbitrator dies or if a Party for any reason withdraws from the list the name of an Arbitrator designated by it, the Party which designated the Arbitrator in question shall notify the Secretary promptly. An Arbitrator whose name is withdrawn from the list shall continue to serve on any Arbitral Tribunal to which that Arbitrator has been appointed until the completion of proceedings before the Arbitral Tribunal.

4. The Secretary shall ensure that an up-to-date list is maintained of the Arbitrators designated pursuant to this Article.

Article 3

1. The Arbitral Tribunal shall be composed of three Arbitrators who shall be appointed as follows:

(a) The party to the dispute commencing the proceedings shall appoint one Arbitrator, who may be its national, from the list referred to in Article 2. This appointment shall be included in the notification referred to in Article 4.

(b) Within 40 days of the receipt of that notification, the other party to the dispute shall appoint the second Arbitrator, who may be its national, from the list referred to in Article 2.

(c) Within 60 days of the appointment of the second Arbitrator, the parties to the dispute shall appoint by agreement the third Arbitrator from the list referred to in Article 2. The third Arbitrator shall not be either a national of a party to the dispute, or a person designated for the list referred to in Article 2 by a party to the dispute, or of the same nationality as either of the first two Arbitrators. The third Arbitrator shall be the Chairperson of the Arbitral Tribunal.

(d) If the second Arbitrator has not been appointed within the prescribed period, or if the parties to the dispute have not reached agreement within the prescribed period on the appointment of the third Arbitrator, the Arbitrator or Arbitrators shall be appointed, at the request of any party to the dispute and within 30 days of the receipt of such request, by the President of the International Court of Justice from the list referred to in Article 2 and subject to the conditions prescribed in subparagraphs (b) and (c) above. In performing the functions accorded him or her in this subparagraph, the President of the Court shall consult the parties to the dispute.

(e) If the President of the International Court of Justice is unable to perform the functions accorded him or her in subparagraph (d) above or is a national of a party to the dispute, the functions shall be performed by the Vice-President of the Court, except that if the Vice-President is unable to perform the functions or is a national of a party to the dispute the functions shall be performed by the next most senior member of the Court who is available and is not a national of a party to the dispute.

2. Any vacancy shall be filled in the manner prescribed for the initial appointment.

3. In any dispute involving more than two Parties, those Parties having the same interest shall appoint one Arbitrator by agreement within the period specified in paragraph 1 (b) above.

Article 4

The party to the dispute commencing proceedings shall so notify the other party or parties to the dispute and the Secretary in writing. Such notification shall include a statement of the claim and the grounds on which it is based. The notification shall be transmitted by the Secretary to all Parties.

Article 5

1. Unless the parties to the dispute agree otherwise, arbitration shall take place at The Hague, where the records of the Arbitral Tribunal shall be kept. The Arbitral Tribunal shall adopt its own rules of procedure. Such rules shall ensure that each party to the dispute has a full opportunity to be heard and to present its case and shall also ensure that the proceedings are conducted expeditiously.

2. The Arbitral Tribunal may hear and decide counterclaims arising out of the dispute.

Article 6

1. The Arbitral Tribunal, where it considers that *prima facie* it has jurisdiction under the Protocol, may:

(a) at the request of any party to a dispute, indicate such provisional measures as it considers necessary to preserve the respective rights of the parties to the dispute;

(b) prescribe any provisional measures which it considers appropriate under the circumstances to prevent serious harm to the Antarctic environment or dependent or associated ecosystems.

2. The parties to the dispute shall comply promptly with any provisional measures prescribed under paragraph 1 (b) above pending an award under Article 10.

3. Notwithstanding the time period in Article 20 of the Protocol, a party to a dispute may at any time, by notification to the other party or parties to the dispute and to the Secretary in accordance with Article 4, request that the Arbitral Tribunal be constituted as a matter of exceptional urgency to indicate or prescribe emergency provisional measures in accordance with this Article. In such case, the Arbitral Tribunal shall be constituted as soon as possible in accordance with Article 3, except that the time periods in Article 3 (1) (b), (c) and (d) shall be reduced to 14 days in each case. The Arbitral Tribunal shall decide upon the request for emergency provisional measures within two months of the appointment of its Chairperson.

4. Following a decision by the Arbitral Tribunal upon a request for emergency provisional measures in accordance with paragraph 3 above, settlement of the dispute shall proceed in accordance with Articles 18, 19 and 20 of the Protocol.

Article 7

Any Party which believes it has a legal interest, whether general or individual, which may be substantially affected by the award of an Arbitral Tribunal, may, unless the Arbitral Tribunal decides otherwise, intervene in the proceedings.

Article 8

The parties to the dispute shall facilitate the work of the Arbitral Tribunal and, in particular, in accordance with their law and using all means at their disposal, shall provide it with all relevant documents and information, and enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 9

If one of the parties to the dispute does not appear before the Arbitral Tribunal or fails to defend its case, any other party to the dispute may request the Arbitral Tribunal to continue the proceedings and make its award.

Article 10

1. The Arbitral Tribunal shall, on the basis of the provisions of the Protocol and other applicable rules and principles of international law that are not incompatible with such provisions, decide such disputes as are submitted to it.

2. The Arbitral Tribunal may decide, *ex aequo et bono*, a dispute submitted to it, if the parties to the dispute so agree.

Article 11

1. Before making its award, the Arbitral Tribunal shall satisfy itself that it has competence in respect of the dispute and that the claim or counterclaim is well founded in fact and law.

2. The award shall be accompanied by a statement of reasons for the decision and shall be communicated to the Secretary who shall transmit it to all Parties.

3. The award shall be final and binding on the parties to the dispute and on any Party which intervened in the proceedings and shall be complied with without delay. The Arbitral Tribunal shall interpret the award at the request of a party to the dispute or of any intervening Party.

4. The award shall have no binding force except in respect of that particular case.

5. Unless the Arbitral Tribunal decides otherwise, the expenses of the Arbitral Tribunal, including the remuneration of the Arbitrators, shall be borne by the parties to the dispute in equal shares.

Article 12

All decisions of the Arbitral Tribunal, including those referred to in Articles 5, 6 and 11, shall be made by a majority of the Arbitrators who may not abstain from voting.

Article 13

1. This Schedule may be amended or modified by a measure adopted in accordance with Article IX (1) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or that it is unable to approve the measure.

2. Any amendment or modification of this Schedule which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.

ANNEX I

TO THE PROTOCOL ON ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY

ENVIRONMENTAL IMPACT ASSESSMENT

ARTICLE 1

PRELIMINARY STAGE

1. The environmental impacts of proposed activities referred to in Article 8 of the Protocol shall, before their commencement, be considered in accordance with appropriate national procedures.

2. If an activity is determined as having less than a minor or transitory impact, the activity may proceed forthwith.

ARTICLE 2

INITIAL ENVIRONMENTAL EVALUATION

1. Unless it has been determined that an activity will have less than a minor or transitory impact, or unless a Comprehensive Environmental Evaluation is being prepared in accordance with Article 3, an Initial Environmental Evaluation shall be prepared. It shall contain sufficient detail to assess whether a proposed activity may have more than a minor or transitory impact and shall include:

(a) a description of the proposed activity, including its purpose, location, duration and intensity; and

(b) consideration of alternatives to the proposed activity and any impacts that the activity may have, including consideration of cumulative impacts in the light of existing and known planned activities.

2. If an Initial Environmental Evaluation indicates that a proposed activity is likely to have no more than a minor or transitory impact, the activity may proceed, provided that appropriate procedures, which may include monitoring, are put in place to assess and verify the impact of the activity.

ARTICLE 3

COMPREHENSIVE ENVIRONMENTAL EVALUATION

1. If an Initial Environmental Evaluation indicates or if it is otherwise determined that a proposed activity is likely to have more than a minor or transitory impact, a Comprehensive Environmental Evaluation shall be prepared.

2. A Comprehensive Environmental Evaluation shall include:

(a) a description of the proposed activity including its purpose, location, duration and intensity, and possible alternatives to the activity, including the alternative of not proceeding, and the consequences of those alternatives;

(b) a description of the initial environmental reference state with which predicted changes are to be compared and a prediction of the future environmental reference state in the absence of the proposed activity;

(c) a description of the methods and data used to forecast the impacts of the proposed activity;

(d) estimation of the nature, extent, duration, and intensity of the likely direct impacts of the proposed activity;

(e) consideration of possible indirect or second order impacts of the proposed activity;

(f) consideration of cumulative impacts of the proposed activity in the light of existing activities and other known planned activities;

(g) identification of measures, including monitoring programmes, that could be taken to minimise or mitigate impacts of the proposed activity and to detect unforeseen impacts and that could provide early warning of any adverse effects of the activity as well as to deal promptly and effectively with accidents;

(h) identification of unavoidable impacts of the proposed activity;

(i) consideration of the effects of the proposed activity on the conduct of scientific research and on other existing uses and values;

(j) an identification of gaps in knowledge and uncertainties encountered in compiling the information required under this paragraph;

(k) a non-technical summary of the information provided under this paragraph; and

(l) the name and address of the person or organization which prepared the Comprehensive Environmental Evaluation and the address to which comments thereon should be directed.

3. The draft Comprehensive Environmental Evaluation shall be made publicly available and shall be circulated to all Parties, which shall also make it publicly available, for comment. A period of 90 days shall be allowed for the receipt of comments.

4. The draft Comprehensive Environmental Evaluation shall be forwarded to the Committee at the same time as it is circulated to the Parties, and at least 120 days before the next Antarctic Treaty Consultative Meeting, for consideration as appropriate.

5. No final decision shall be taken to proceed with the proposed activity in the Antarctic Treaty area unless there has been an opportunity for consideration of the draft Comprehensive Environmental Evaluation by the Antarctic Treaty Consultative Meeting on the advice of the Committee, provided that no decision to proceed with a proposed activity shall be delayed through the operation of this paragraph for longer than 15 months from the date of circulation of the draft Comprehensive Environmental Evaluation.

6. A final Comprehensive Environmental Evaluation shall address and shall include or summarise comments received on the draft Comprehensive Environmental Evaluation. The final Comprehensive Environmental Evaluation, notice of any decisions relating thereto, and any evaluation of the significance of the predicted impacts in relation to the advantages of the proposed activity, shall be circulated to all Parties, which shall also make them publicly available, at least 60 days before the commencement of the proposed activity in the Antarctic Treaty area.

ARTICLE 4

DECISIONS TO BE BASED ON COMPREHENSIVE ENVIRONMENTAL EVALUATIONS

Any decision on whether a proposed activity, to which Article 3 applies, should proceed, and, if so, whether in its original or in a modified form, shall be based on the Comprehensive Environmental Evaluation as well as other relevant considerations.

ARTICLE 5

MONITORING

1. Procedures shall be put in place, including appropriate monitoring of key environmental indicators, to assess and verify the impact of any activity that proceeds following the completion of a Comprehensive Environmental Evaluation.

2. The procedures referred to in paragraph 1 above and in Article 2 (2) shall be designed to provide a regular and verifiable record of the impacts of the activity in order, inter alia, to:

(a) enable assessments to be made of the extent to which such impacts are consistent with the Protocol; and

(b) provide information useful for minimising or mitigating impacts, and, where appropriate, information on the need for suspension, cancellation or modification of the activity.

ARTICLE 6

CIRCULATION OF INFORMATION

1. The following information shall be circulated to the Parties, forwarded to the Committee and made publicly available:

(a) a description of the procedures referred to in Article 1;

(b) an annual list of any Initial Environmental Evaluations prepared in accordance with Article 2 and any decisions taken in consequence thereof;

(c) significant information obtained, and any action taken in consequence thereof, from procedures put in place in accordance with Articles 2 (2) and 5; and

(d) information referred to in Article 3 (6).

2. Any Initial Environmental Evaluation prepared in accordance with Article 2 shall be made available on request.

ARTICLE 7

CASES OF EMERGENCY

1. This Annex shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft or equipment and facilities of high value, or the protection of the environment, which require an activity to be undertaken without completion of the procedures set out in this Annex.

2. Notice of activities undertaken in cases of emergency, which would otherwise have required preparation of a Comprehensive Environmental Evaluation, shall be circulated immediately to all Parties and to the Committee and a full explanation of the activities carried out shall be provided within 90 days of those activities.

ARTICLE 8

AMENDMENT OR MODIFICATION

1. This Annex may be amended or modified by a measure adopted in accordance with Article IX (1) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that period, that it wishes an extension of that period or that it is unable to approve the measure.

2. Any amendment or modification of this Annex which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.

ANNEX II

TO THE PROTOCOL ON ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY

CONSERVATION OF ANTARCTIC FAUNA AND FLORA

ARTICLE 1

DEFINITIONS

For the purposes of this Annex:

(a) "native mammal" means any member of any species belonging to the Class Mammalia, indigenous to the Antarctic Treaty area or occurring there seasonally

through natural migrations;

(b) "native bird" means any member, at any stage of its life cycle (including eggs), of any species of the Class Aves indigenous to the Antarctic Treaty area or occurring there seasonally through natural migrations;

(c) "native plant" means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi and algae, at any stage of its life cycle (including seeds, and other propagules), indigenous to the Antarctic Treaty area;

(d) "native invertebrate" means any terrestrial or freshwater invertebrate, at any stage of its life cycle, indigenous to the Antarctic Treaty area;

(e) "appropriate authority" means any person or agency authorized by a Party to issue permits under this Annex;

(f) "permit" means a formal permission in writing issued by an appropriate authority;

(g) "take" or "taking" means to kill, injure, capture, handle or molest, a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected;

(h) "harmful interference" means:

(i) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds and seals;

(ii) using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds and seals;

(iii) using explosives or firearms in a manner that disturbs concentrations of birds and seals;

(iv) wilfully disturbing breeding or moulting birds or concentrations of birds and seals by persons on foot;

(v) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and

(vi) any activity that results in the significant adverse modification of habitats of any species or population of native mammal, bird, plant or invertebrate.

(i) "International Convention for the Regulation of Whaling" means the Convention done at Washington on 2 December 1946.

ARTICLE 2

CASES OF EMERGENCY

1. This Annex shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft, or equipment and facilities of high value, or the protection of the environment.

2. Notice of activities undertaken in cases of emergency shall be circulated immediately to all Parties and to the Committee.

ARTICLE 3

PROTECTION OF NATIVE FAUNA AND FLORA

1. Taking or harmful interference shall be prohibited, except in accordance with a permit.

2. Such permits shall specify the authorized activity, including when, where and by whom it is to be conducted and shall be issued only in the following circumstances:

(a) to provide specimens for scientific study or scientific information;

(b) to provide specimens for museums, herbaria, zoological and botanical gardens, or other educational or cultural institutions or uses; and

(c) to provide for unavoidable consequences of scientific activities not otherwise authorized under sub-paragraphs (a) or (b) above, or of the construction and operation of scientific support facilities.

3. The issue of such permits shall be limited so as to ensure that:

(a) no more native mammals, birds, or plants are taken than are strictly necessary to meet the purposes set forth in paragraph 2 above;

(b) only small numbers of native mammals or birds are killed and in no case more native mammals or birds are killed from local populations than can, in combination with other permitted takings, normally be replaced by natural reproduction in the following season; and

(c) the diversity of species, as well as the habitats essential to their existence, and the balance of the ecological systems existing within the Antarctic Treaty are maintained.

4. Any species of native mammals, birds and plants listed in Appendix A to this Annex shall be designated "Specially Protected Species", and shall be accorded special protection by the Parties.

5. A permit shall not be issued to take a Specially Protected Species unless the taking:

(a) is for a compelling scientific purpose;

(b) will not jeopardize the survival or recovery of that species or local population; and

(c) uses non-lethal techniques where appropriate.

6. All taking of native mammals and birds shall be done in the manner that involves the least degree of pain and suffering practicable.

ARTICLE 4

INTRODUCTION OF NON-NATIVE SPECIES, PARASITES AND DISEASES

1. No species of animal or plant not native to the Antarctic Treaty area shall be introduced onto land or ice shelves, or into water in the Antarctic Treaty area except in accordance with a permit.

2. Dogs shall not be introduced onto land or ice shelves and dogs currently in those areas shall be removed by April 1, 1994.

3. Permits under paragraph 1 above shall be issued to allow the importation only of the animals and plants listed in Appendix B to this Annex and shall specify the species, numbers and, if appropriate, age and sex and precautions to be taken to prevent escape or contact with native fauna and flora.

4. Any plant or animal for which a permit has been issued in accordance with paragraphs 1 and 3 above, shall, prior to expiration of the permit, be removed from the Antarctic Treaty area or be disposed of by incineration or equally effective means that eliminates risk to native fauna or flora. The permit shall specify this obligation. Any other plant or animal introduced into the Antarctic Treaty area not native to that area, including any progeny, shall be removed or disposed of, by incineration or by equally effective means, so as to be rendered sterile, unless it is determined that they pose no risk to native flora or fauna.

5. Nothing in this Article shall apply to the importation of food into the Antarctic Treaty area provided that no live animals are imported for this purpose and all plants and animal parts and products are kept under carefully controlled conditions and disposed of in accordance with Annex III to the Protocol and Appendix C to this Annex.

6. Each Party shall require that precautions, including those listed in Appendix C to this Annex, be taken to prevent the introduction of micro-organisms (e.g., viruses, bacteria, parasites, yeasts, fungi) not present in the native fauna and flora.

ARTICLE 5

INFORMATION

Each Party shall prepare and make available information setting forth, in particular, prohibited activities and providing lists of Specially Protected Species and relevant Protected Areas to all those persons present in or intending to enter the Antarctic Treaty area with a view to ensuring that such persons understand and observe the provisions of this Annex.

ARTICLE 6

EXCHANGE OF INFORMATION

1. The Parties shall make arrangements for:

   (a) collecting and exchanging records (including records of permits) and statistics concerning the numbers or quantities of each species of native mammal, bird or plant taken annually in the Antarctic Treaty area;

   (b) obtaining and exchanging information as to the status of native mammals, birds, plants, and invertebrates in the Antarctic Treaty area, and the extent to which any species or population needs protection;

   (c) establishing a common form in which this information shall be submitted by Parties in accordance with paragraph 2 below.

2. Each Party shall inform the other Parties as well as the Committee before the end of November of each year of any step taken pursuant to paragraph 1 above and of the number and nature of permits issued under this Annex in the preceding period of 1st July to 30th June.

ARTICLE 7

RELATIONSHIP WITH OTHER AGREEMENTS OUTSIDE THE ANTARCTIC TREATY SYSTEM

Nothing in this Annex shall derogate from the rights and obligations of Parties under the International Convention for the Regulation of Whaling.

ARTICLE 8

REVIEW

The Parties shall keep under continuing review measures for the conservation of

Antarctic fauna and flora, taking into account any recommendations from the Committee.

ARTICLE 9

AMENDMENT OR MODIFICATION

1. This Annex may be amended or modified by a measure adopted in accordance with Article IX (1) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or that it is unable to approve the measure.

2. Any amendment or modification of this Annex which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.

APPENDICES TO THE ANNEX

APPENDIX A:

SPECIALLY PROTECTED SPECIES

All species of the genus *Arctocephalus*, Fur Seals. *Ommatophoca rossii*, Ross Seal.

APPENDIX B:

IMPORTATION OF ANIMALS AND PLANTS

The following animals and plants may be imported into the Antarctic Treaty area in accordance with permits issued under Article 4 of this Annex:

(a) domestic plants; and

(b) laboratory animals and plants including viruses, bacteria, yeasts and fungi.

APPENDIX C:

PRECAUTIONS TO PREVENT INTRODUCTIONS OF MICRO-ORGANISMS

1. Poultry. No live poultry or other living birds shall be brought into the Antarctic

Treaty area. Before dressed poultry is packaged for shipment to the Antarctic Treaty area, it shall be inspected for evidence of disease, such as Newcastle's Disease, tuberculosis, and yeast infection. Any poultry or parts not consumed shall be removed from the Antarctic Treaty area or disposed of by incineration or equivalent means that eliminates risks to native flora and fauna.

2. The importation of non-sterile soil shall be avoided to the maximum extent practicable.

ANNEX III

TO THE PROTOCOL ON ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY

WASTE DISPOSAL AND WASTE MANAGEMENT

ARTICLE 1

GENERAL OBLIGATIONS

1. This Annex shall apply to activities undertaken in the Antarctic Treaty area pursuant to scientific research programmes, tourism and all other governmental and non-governmental activities in the Antarctic Treaty area for which advance notice is required under Article VII (5) of the Antarctic Treaty, including associated logistic support activities.

2. The amount of wastes produced or disposed of in the Antarctic Treaty area shall be reduced as far as practicable so as to minimise impact on the Antarctic environment and to minimise interference with the natural values of Antarctica, with scientific research and with other uses of Antarctica which are consistent with the Antarctic Treaty.

3. Waste storage, disposal and removal from the Antarctic Treaty area, as well as recycling and source reduction, shall be essential considerations in the planning and conduct of activities in the Antarctic Treaty area.

4. Wastes removed from the Antarctic Treaty area shall, to the maximum extent practicable, be returned to the country from which the activities generating the waste were organized or to any other country in which arrangements have been made for the disposal of such wastes in accordance with relevant international agreements.

5. Past and present waste disposal sites on land and abandoned work sites of Antarctic activities shall be cleaned up by the generator of such wastes and the user of such sites. This obligation shall not be interpreted as requiring:

(a) the removal of any structure designated as a historic site or monument; or

(b) the removal of any structure or waste material in circumstances where the removal by any practical option would result in greater adverse environmental impact than leaving the structure or waste material in its existing location.

ARTICLE 2

WASTE DISPOSAL BY REMOVAL FROM THE ANTARCTIC TREATY AREA

1. The following wastes, if generated after entry into force of this Annex, shall be removed from the Antarctic Treaty area by the generator of such wastes:

(a) radio-active materials;

(b) electrical batteries;

(c) fuel, both liquid and solid;

(d) wastes containing harmful levels of heavy metals or acutely toxic or harmful persistent compounds;

(e) poly-vinyl chloride (PVC), polyurethane foam, polystyrene foam, rubber and lubricating oils, treated timbers and other products which contain additives that could produce harmful emissions if incinerated;

(f) all other plastic wastes, except low density polyethylene containers (such as bags for storing wastes), provided that such containers shall be incinerated in accordance with Article 3 (1);

(g) fuel drums; and

(h) other solid, non-combustible wastes;

provided that the obligation to remove drums and solid non-combustible wastes contained in subparagraphs (g) and (h) above shall not apply in circumstances where the removal of such wastes by any practical option would result in greater adverse environmental impact than leaving them in their existing locations.

2. Liquid wastes which are not covered by paragraph 1 above and sewage and domestic liquid wastes, shall, to the maximum extent practicable, be removed from the Antarctic Treaty area by the generator of such wastes.

3. The following wastes shall be removed from the Antarctic Treaty area by the generator of such wastes, unless incinerated, autoclaved or otherwise treated to be made sterile:

(a) residues of carcasses of imported animals;

(b) laboratory culture of micro-organisms and plant pathogens; and

(c) introduced avian products.

ARTICLE 3

WASTE DISPOSAL BY INCINERATION

1. Subject to paragraph 2 below, combustible wastes, other than those referred to in Article 2 (1), which are not removed from the Antarctic Treaty area shall be burnt in incinerators which to the maximum extent practicable reduce harmful emissions. Any emission standards and equipment guidelines which may be recommended by, inter alia, the Committee and the Scientific Committee on Antarctic Research shall be taken into account. The solid residue of such incineration shall be removed from the Antarctic Treaty area.

2. All open burning of wastes shall be phased out as soon as practicable, but no later than the end of the 1998/1999 season. Pending the completion of such phase-out, when it is necessary to dispose of wastes by open burning, allowance shall be made for the wind direction and speed and the type of wastes to be burnt to limit particulate deposition and to avoid such deposition over areas of special biological, scientific, historic, aesthetic or wilderness significance including, in particular, areas accorded protection under the Antarctic Treaty.

ARTICLE 4

OTHER WASTE DISPOSAL ON LAND

1. Wastes not removed or disposed of in accordance with Articles 2 and 3 shall not be disposed of onto ice-free areas or into fresh water systems.

2. Sewage, domestic liquid wastes and other liquid wastes not removed from the Antarctic Treaty area in accordance with Article 2, shall, to the maximum extent practicable, not be disposed of onto sea ice, ice shelves or the grounded ice-sheet, provided that such wastes which are generated by stations located inland on ice shelves or on the grounded ice-sheet may be disposed of in deep ice pits where such disposal is the only practicable option. Such pits shall not be located on known ice-flow lines which terminate at ice-free areas or in areas of high ablation.

3. Wastes generated at field camps shall, to the maximum extent practicable, be removed by the generator of such wastes to supporting stations or ships for disposal in accordance with this Annex.

ARTICLE 5

DISPOSAL OF WASTE IN THE SEA

1. Sewage and domestic liquid wastes may be discharged directly into the sea, taking into account the assimilative capacity of the receiving marine environment and provided

that:

(a) such discharge is located, wherever practicable, where conditions exist for initial dilution and rapid dispersal; and

(b) large quantities of such wastes (generated in a station where the average weekly occupancy over the austral summer is approximately 30 individuals or more) shall be treated at least by maceration.

2. The by-product of sewage treatment by the Rotary Biological Contacter process or similar processes may be disposed of into the sea provided that such disposal does not adversely affect the local environment, and provided also that any such disposal at sea shall be in accordance with Annex IV to the Protocol.

ARTICLE 6

STORAGE OF WASTE

All wastes to be removed from the Antarctic Treaty area, or otherwise disposed of, shall be stored in such a way as to prevent their dispersal into the environment.

ARTICLE 7

PROHIBITED PRODUCTS

No polychlorinated biphenyls (PCBs), non-sterile soil, polystyrene beads, chips or similar forms of packaging, or pesticides (other than those required for scientific, medical or hygiene purposes) shall be introduced onto land or ice shelves or into water in the Antarctic Treaty area.

ARTICLE 8

WASTE MANAGEMENT PLANNING

1. Each Party which itself conducts activities in the Antarctic Treaty area shall, in respect of those activities, establish a waste disposal classification system as a basis for recording wastes and to facilitate studies aimed at evaluating the environmental impacts of scientific activity and associated logistic support. To that end, wastes produced shall be classified as:

(a) sewage and domestic liquid wastes (Group 1);

(b) other liquid wastes and chemicals, including fuels and lubricants (Group 2);

(c) solids to be combusted (Group 3);

(d) other solid wastes (Group 4); and

(e) radioactive material (Group 5).

2. In order to reduce further the impact of waste on the Antarctic environment, each such Party shall prepare and annually review and update its waste management plans (including waste reduction, storage and disposal), specifying for each fixed site, for field camps generally, and for each ship (other than small boats that are part of the operations of fixed sites or of ships and taking into account existing management plans for ships):

(a) programmes for cleaning up existing waste disposal sites and abandoned work sites;

(b) current and planned waste management arrangements, including final disposal;

(c) current and planned arrangements for analysing the environmental effects of waste and waste management; and

(d) other efforts to minimise any environmental effects of wastes and waste management.

3. Each such Party shall, as far as is practicable, also prepare an inventory of locations of past activities (such as traverses, field depots, field bases, crashed aircraft) before the information is lost, so that such locations can be taken into account in planning future scientific programmes (such as snow chemistry, pollutants in lichens or ice core drilling).

ARTICLE 9

CIRCULATION AND REVIEW OF WASTE MANAGEMENT PLANS

1. The waste management plans prepared in accordance with Article 8, reports on their implementation, and the inventories referred to in Article 8 (3), shall be included in the annual exchanges of information in accordance with Articles III and VII of the Antarctic Treaty and related Recommendations under Article IX of the Antarctic Treaty.

2. Each Party shall send copies of its waste management plans, and reports on their implementation and review, to the Committee.

3. The Committee may review waste management plans and reports thereon and may offer comments, including suggestions for minimising impacts and modifications and improvement to the plans, for the consideration of the Parties.

4. The Parties may exchange information and provide advice on, inter alia, available low waste technologies, reconversion of existing installations, special requirements for effluents, and appropriate disposal and discharge methods.

ARTICLE 10

MANAGEMENT PLANS

Each Party shall:

(a) designate a waste management official to develop and monitor waste management plans; in the field, this responsibility shall be delegated to an appropriate person at each site;

(b) ensure that members of its expeditions receive training designed to limit the impact of its operations on the Antarctic environment and to inform them of requirements of this Annex; and

(c) discourage the use of poly-vinyl chloride (PVC) products and ensure that its expeditions to the Antarctic Treaty are advised of any PVC products they may introduce into that area in order that these products may be removed subsequently in accordance with this Annex.

ARTICLE 11

REVIEW

This Annex shall be subject to regular review in order to ensure that it is updated to reflect improvement in waste disposal technology and procedures and to ensure thereby maximum protection of the Antarctic environment.

ARTICLE 12

CASES OF EMERGENCY

1. This Annex shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft or equipment and facilities of high value or the protection of the environment.

2. Notice of activities undertaken in cases of emergency shall be circulated immediately to all Parties and to the Committee.

ARTICLE 13

AMENDMENT OR MODIFICATION

1. This Annex may be amended or modified by a measure adopted in accordance with Article IX (1) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it

was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or that it is unable to approve the amendment.

2. Any amendment or modification of this Annex which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.

ANNEX IV

TO THE PROTOCOL ON ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY

PREVENTION OF MARINE POLLUTION

ARTICLE 1

DEFINITIONS

For the purposes of this Annex:

(a) "discharge" means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;

(b) "garbage" means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship, except those substances which are covered by Articles 3 and 4;

(c) "MARPOL 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto and by any other amendment in force thereafter;

(d) "noxious liquid substance" means any noxious liquid substance as defined in Annex II of MARPOL 73/78;

(e) "oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined oil products (other than petrochemicals which are subject to the provisions of Article 4);

(f) "oily mixture" means a mixture with any oil content; and

(g) "ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

ARTICLE 2

APPLICATION

This Annex applies, with respect to each Party, to ships entitled to fly its flag and to any other ship engaged in or supporting its Antarctic operations, while operating in the Antarctic Treaty area.

ARTICLE 3

DISCHARGE OF OIL

1. Any discharge into the sea of oil or oily mixture shall be prohibited, except in cases permitted under Annex I of MARPOL 73/78. While operating in the Antarctic Treaty area, ships shall retain on board all sludge, dirty ballast, tank washing waters and other oily residues and mixtures which may not be discharged into the sea. Ships shall discharge these residues only outside the Antarctic Treaty area, at reception facilities or as otherwise permitted under Annex I of MARPOL 73/78.

2. This Article shall not apply to:

   (a) the discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment:

      (i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimising the discharge; and

      (ii) except if the owner or the Master acted either with intent to cause damage, or recklessly and with the knowledge that damage would probably result; or

   (b) the discharge into the sea of substances containing oil which are being used for the purpose of combating specific pollution incidents in order to minimise the damage from pollution.

ARTICLE 4

DISCHARGE OF NOXIOUS LIQUID SUBSTANCES

The discharge into the sea of any noxious liquid substance, and any other chemical or other substances, in quantities or concentrations that are harmful to the marine environment, shall be prohibited.

ARTICLE 5

DISPOSAL OF GARBAGE

1. The disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, and plastic garbage bags, shall be prohibited.

2. The disposal into the sea of all other garbage, including paper products, rags, glass, metal, bottles, crockery, incineration ash, dunnage, lining and packing materials, shall be prohibited.

3. The disposal into the sea of food wastes may be permitted when they have been passed through a comminuter or grinder, provided that such disposal shall, except in cases permitted under Annex V of MARPOL 73/78, be made as far as practicable from land and ice shelves but in any case not less than 12 nautical miles from the nearest land or ice shelf. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimeters.

4. When a substance or material covered by this article is mixed with other such substance or material for discharge or disposal, having different disposal or discharge requirements, the most stringent disposal or discharge requirements shall apply.

5. The provisions of paragraphs 1 and 2 above shall not apply to:

   (a) the escape of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken, before and after the occurrence of the damage, for the purpose of preventing or minimising the escape; or

   (b) the accidental loss of synthetic fishing nets, provided all reasonable precautions have been taken to prevent such loss.

6. The Parties shall, where appropriate, require the use of garbage record books.

ARTICLE 6

DISCHARGE OF SEWAGE

1. Except where it would unduly impair Antarctic operations:

   (a) each Party shall eliminate all discharge into the sea of untreated sewage ("sewage" being defined in Annex IV of MARPOL 73/78) within 12 nautical miles of land or ice shelves;

   (b) beyond such distance, sewage stored in a holding tank shall not be discharged instantaneously but at a moderate rate and, where practicable, while the ship is *en route* at a speed of no less than 4 knots.

   This paragraph does not apply to ships certified to carry not more than 10 persons.

2. The Parties shall, where appropriate, require the use of sewage record books.

ARTICLE 7

CASES OF EMERGENCY

1. Articles 3, 4, 5 and 6 of this Annex shall not apply in cases of emergency relating to the safety of a ship and those on board or saving life at sea.

2. Notice of activities undertaken in cases of emergency shall be circulated immediately to all Parties and to the Committee.

ARTICLE 8

EFFECT ON DEPENDENT AND ASSOCIATED ECOSYSTEMS

In implementing the provisions of this Annex, due consideration shall be given to the need to avoid detrimental effects on dependent and associated ecosystems, outside the Antarctic Treaty area.

ARTICLE 9

SHIP RETENTION CAPACITY AND RECEPTION FACILITIES

1. Each Party shall undertake to ensure that all ships entitled to fly its flag and any other ship engaged in or supporting its Antarctic operations, before entering the Antarctic Treaty area, are fitted with a tank or tanks of sufficient capacity on board for the retention of all sludge, dirty ballast, tank washing water and other oil residues and mixtures, and have sufficient capacity on board for the retention of garbage, while operating in the Antarctic Treaty area and have concluded arrangements to discharge such oily residues and garbage at a reception facility after leaving that area. Ships shall also have sufficient capacity on board for the retention of noxious liquid substances.

2. Each Party at whose ports ships depart en route to or arrive from the Antarctic Treaty area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all sludge, dirty ballast, tank washing water, other oily residues and mixtures, and garbage from ships, without causing undue delay, and according to the needs of the ships using them.

3. Parties operating ships which depart to or arrive from the Antarctic Treaty area at ports of other Parties shall consult with those Parties with a view to ensuring that the establishment of port reception facilities does not place an inequitable burden on Parties adjacent to the Antarctic Treaty area.

ARTICLE 10

DESIGN, CONSTRUCTION, MANNING AND EQUIPMENT OF SHIPS

In the design, construction, manning and equipment of ships engaged in or supporting Antarctic operations, each Party shall take into account the objectives of this Annex.

ARTICLE 11

SOVEREIGN IMMUNITY

1. This Annex shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Annex.

2. In applying paragraph 1 above, each Party shall take into account the importance of protecting the Antarctic environment.

3. Each Party shall inform the other Parties of how it implements this provision.

4. The dispute settlement procedure set out in Articles 18 to 20 of the Protocol shall not apply to this Article.

ARTICLE 12

PREVENTIVE MEASURES AND EMERGENCY PREPAREDNESS AND RESPONSE

1. In order to respond more effectively to marine pollution emergencies or the threat thereof in the Antarctic Treaty area, the Parties, in accordance with Article 15 of the Protocol, shall develop contingency plans for marine pollution response in the Antarctic Treaty area, including contingency plans for ships (other than small boats that are part of the operations of fixed sites or of ships) operating in the Antarctic Treaty area, particularly ships carrying oil as cargo, and for oil spills, originating from coastal installations, which enter into the marine environment. To this end they shall:

(a) co-operate in the formulation and implementation of such plans; and

(b) draw on the advice of the Committee, the International Maritime Organization and other international organizations.

2. The Parties shall also establish procedures for cooperative response to pollution emergencies and shall take appropriate response actions in accordance with such procedures.

ARTICLE 13

REVIEW

The Parties shall keep under continuous review the provisions of this Annex and other measures to prevent, reduce and respond to pollution of the Antarctic marine environment, including any amendments and new regulations adopted under MARPOL 73/78, with a view to achieving the objectives of this Annex.

ARTICLE 14

RELATIONSHIP WITH MARPOL 73/78

With respect to those Parties which are also Parties to MARPOL 73/78, nothing in this Annex shall derogate from the specific rights and obligations thereunder.

ARTICLE 15

AMENDMENT OR MODIFICATION

1. This Annex may be amended or modified by a measure adopted in accordance with Article IX (1) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or that it is unable to approve the measure.

2. Any amendment or modification of this Annex which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.

ANNEX V

TO THE PROTOCOL ON ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY

AREA PROTECTION AND MANAGEMENT

ARTICLE 1

DEFINITIONS

For the purposes of this Annex:

(a) "appropriate authority" means any person or agency authorized by a Party to issue permits under this Annex;

(b) "permit" means a formal permission in writing issued by an appropriate authority;

(c) "Management Plan" means a plan to manage the activities and protect the special value or values in an Antarctic Specially Protected Area or an Antarctic Specially Managed Area.

ARTICLE 2

OBJECTIVES

For the purposes set out in this Annex, any area, including any marine area, may be designated as an Antarctic Specially Protected Area or an Antarctic Specially Managed Area. Activities in those Areas shall be prohibited, restricted or managed in accordance with Management Plans adopted under the provisions of this Annex.

ARTICLE 3

ANTARCTIC SPECIALLY PROTECTED AREAS

1. Any area, including any marine area, may be designated as an Antarctic Specially Protected Area to protect outstanding environmental, scientific, historic, aesthetic or wilderness values, any combination of those values, or ongoing or planned scientific research.

2. Parties shall seek to identify, within a systematic environmental-geographical framework, and to include in the series of Antarctic Specially Protected Areas:

(a) areas kept inviolate from human interference so that future comparisons may be possible with localities that have been affected by human activities;

(b) representative examples of major terrestrial, including glacial and aquatic, ecosystems and marine ecosystems;

(c) areas with important or unusual assemblages of species, including major colonies of breeding native birds or mammals;

(d) the type locality or only known habitat of any species;

(e) areas of particular interest to on-going or planned scientific research;

(f) examples of outstanding geological, glaciological or geomorphological features;

(g) areas of outstanding aesthetic and wilderness value;

(h) sites or monuments of recognized historic value; and

(i) such other areas as may be appropriate to protect the values set out in paragraph 1 above.

3. Specially Protected Areas and Sites of Special Scientific Interest designated as such by past Antarctic Treaty Consultative Meetings are hereby designated as Antarctic Specially Protected Areas and shall be renamed and renumbered accordingly.

4. Entry into an Antarctic Specially Protected Area shall be prohibited except in accordance with a permit issued under Article 7.

ARTICLE 4

ANTARCTIC SPECIALLY MANAGED AREAS

1. Any area, including any marine area, where activities are being conducted or may in the future be conducted, may be designated as an Antarctic Specially Managed Area to assist in the planning and co-ordination of activities, avoid possible conflicts, improve co-operation between Parties or minimize environmental impacts.

2. Antarctic Specially Managed Areas may include:

(a) areas where activities pose risks of mutual interference or cumulative environmental impacts; and

(b) sites or monuments of recognized historic value.

3. Entry into an Antarctic Specially Managed Area shall not require a permit.

4. Notwithstanding paragraph 3 above, an Antarctic Specially Managed Area may contain one or more Antarctic Specially Protected Areas, entry into which shall be prohibited except in accordance with a permit issued under Article 7.

ARTICLE 5

MANAGEMENT PLANS

1. Any Party, the Committee, the Scientific Committee for Antarctic Research or the Commission for the Conservation of Antarctic Marine Living Resources may propose an area for designation as an Antarctic Specially Protected Area or an Antarctic Specially Managed Area by submitting a proposed Management Plan to the Antarctic Treaty Consultative Meeting.

2. The area proposed for designation shall be of sufficient size to protect the values for which the special protection or management is required.

3. Proposed Management Plans shall include, as appropriate:

(a) a description of the value or values for which special protection or management is required;

(b) a statement of the aims and objectives of the Management Plan for the protection or management of those values;

(c) management activities which are to be undertaken to protect the values for which special protection or management is required;

(d) a period of designation, if any;

(e) a description of the area, including:

(i) the geographical co-ordinates, boundary markers and natural features that delineate the area;

(ii) access to the area by land, sea or air including marine approaches and anchorages, pedestrian and vehicular routes within the area, and aircraft routes and landing areas;

(iii) the location of structures, including scientific stations, research or refuge facilities, both within the area and near to it; and

(iv) the location in or near the area of other Antarctic Specially Protected Areas or Antarctic Specially Managed Areas designated under this Annex, or other protected areas designated in accordance with measures adopted under other components of the Antarctic Treaty system;

(f) the identification of zones within the area, in which activities are to be prohibited, restricted or managed for the purpose of achieving the aims and objectives referred to in subparagraph (b) above;

(g) maps and photographs that show clearly the boundary of the area in relation to surrounding features and key features within the area;

(h) supporting documentation;

(i) in respect of an area proposed for designation as an Antarctic Specially Protected Area, a clear description of the conditions under which permits may be granted by the appropriate authority regarding:

  (i) access to and movement within or over the area;

  (ii) activities which are or may be conducted within the area, including restrictions on time and place;

  (iii) the installation, modification, or removal of structures;

  (iv) the location of field camps;

  (v) restrictions on materials and organisms which may be brought into the area;

  (vi) the taking of or harmful interference with native flora and fauna;

  (vii) the collection or removal of anything not brought into the area by the permit holder;

  (viii) the disposal of waste;

  (ix) measures that may be necessary to ensure that the aims and objectives of the Management Plan can continue to be met; and

  (x) requirements for reports to be made to the appropriate authority regarding visits to the area;

(j) in respect of an area proposed for designation as an Antarctic Specially Managed Area, a code of conduct regarding:

  (i) access to and movement within or over the area;

  (ii) activities which are or may be conducted within the area, including restrictions on time and place;

  (iii) the installation, modification, or removal of structures;

  (iv) the location of field camps;

  (v) the taking of or harmful interference with native flora and fauna;

  (vi) the collection or removal of anything not brought into the area by the visitor;

  (vii) the disposal of waste; and

  (viii) any requirements for reports to be made to the appropriate authority regarding visits to the area; and

(k) provisions relating to the circumstances in which Parties should seek to exchange information in advance of activities which they propose to conduct.

ARTICLE 6

DESIGNATION PROCEDURES

1. Proposed Management Plans shall be forwarded to the Committee, the Scientific Committee on Antarctic Research and, as appropriate, to the Commission for the Conservation of Antarctic Marine Living Resources. In formulating its advice to the Antarctic Treaty Consultative Meeting, the Committee shall take into account any comments provided by the Scientific Committee on Antarctic Research and, as appropriate, by the Commission for the Conservation of Antarctic Marine Living Resources. Thereafter, Management Plans may be approved by the Antarctic Treaty Consultative Parties by a measure adopted at an Antarctic Treaty Consultative Meeting in accordance with Article IX(1) of the Antarctic Treaty. Unless the measure specifies otherwise, the Plan shall be deemed to have been approved 90 days after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or is unable to approve the measure.

2. Having regard to the provisions of Articles 4 and 5 of the Protocol, no marine area shall be designated as an Antarctic Specially Protected Area or an Antarctic Specially Managed Area without the prior approval of the Commission for the Conservation of Antarctic Marine Living Resources.

3. Designation of an Antarctic Specially Protected Area or an Antarctic Specially Managed Area shall be for an indefinite period unless the Management Plan provides otherwise. A review of a Management Plan shall be initiated at least every five years. The Plan shall be updated as necessary.

4. Management Plans may be amended or revoked in accordance with paragraph 1 above.

5. Upon approval Management Plans shall be circulated promptly by the Depositary to all Parties. The Depositary shall maintain a record of all currently approved Management Plans.

ARTICLE 7

PERMITS

1. Each Party shall appoint an appropriate authority to issue permits to enter and engage in activities within an Antarctic Specially Protected Area in accordance with the requirements of the Management Plan relating to that Area. The permit shall be accompanied by the relevant sections of the Management Plan and shall specify the extent and location of the Area, the authorized activities and when, where and by whom the activities are authorized and any other conditions imposed by the Management Plan.

2. In the case of a Specially Protected Area designated as such by past Antarctic Treaty Consultative Meetings which does not have a Management Plan, the appropriate authority may issue a permit for a compelling scientific purpose which cannot be served elsewhere and which will not jeopardize the natural ecological system in that Area.

3. Each Party shall require a permit-holder to carry a copy of the permit while in the Antarctic Specially Protected Area concerned.

ARTICLE 8

HISTORIC SITES AND MONUMENTS

1. Sites or monuments of recognized historic value which have been designated as Antarctic Specially Protected Areas or Antarctic Specially Managed Areas, or which are located within such Areas, shall be listed as Historic Sites and Monuments.

2. Any Party may propose a site or monument of recognized historic value which has not been designated as an Antarctic Specially Protected Area or an Antarctic Specially Managed Area, or which is not located within such an Area, for listing as a Historic Site or Monument. The proposal for listing may be approved by the Antarctic Treaty Consultative Parties by a measure adopted at an Antarctic Treaty Consultative Meeting in accordance with Article IX(1) of the Antarctic Treaty. Unless the measure specifies otherwise, the proposal shall be deemed to have been approved 90 days after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or is unable to approve the measure.

3. Existing Historic Sites and Monuments which have been listed as such by previous Antarctic Treaty Consultative Meetings shall be included in the list of Historic Sites and Monuments under this Article.

4. Listed Historic Sites and Monuments shall not be damaged, removed or destroyed.

5. The list of Historic Sites and Monuments may be amended in accordance with paragraph 2 above. The Depositary shall maintain a list of current Historic Sites and Monuments.

ARTICLE 9

INFORMATION AND PUBLICITY

1. With a view to ensuring that all persons visiting or proposing to visit Antarctica understand and observe the provisions of this Annex, each Party shall make available information setting forth, in particular:

(a) the location of Antarctic Specially Protected Areas and Antarctic Specially Managed Areas;

(b) listing and maps of those Areas;

(c) the Management Plans, including listings of prohibitions relevant to each Area;

(d) the location of Historic Sites and Monuments and any relevant prohibition or restriction.

2. Each Party shall ensure that the location and, if possible, the limits of Antarctic Specially Protected Areas, Antarctic Specially Managed Areas and Historic Sites and Monuments are shown on its topographic maps, hydrographic charts and in other relevant publications.

3. Parties shall co-operate to ensure that, where appropriate, the boundaries of Antarctic Specially Protected Areas, Antarctic Specially Managed Areas and Historic Sites and Monuments are suitably marked on the site.

ARTICLE 10

EXCHANGE OF INFORMATION

1. The Parties shall make arrangements for:

(a) collecting and exchanging records, including records of permits and reports of visits, including inspection visits, to Antarctic Specially Protected Areas and reports of inspection visits to Antarctic Specially Managed Areas;

(b) obtaining and exchanging information on any significant change or damage to any Antarctic Specially Managed Area, Antarctic Specially Protected Area or Historic Site or Monument; and

(c) establishing common forms in which records and information shall be submitted by Parties in accordance with paragraph 2 below.

2. Each Party shall inform the other Parties and the Committee before the end of November of each year of the number and nature of permits issued under this Annex in the preceding period of 1st July to 30th June.

3. Each Party conducting, funding or authorizing research or other activities in Antarctic Specially Protected Areas or Antarctic Specially Managed Areas shall maintain a record of such activities and in the annual exchange of information in accordance with the Antarctic Treaty shall provide summary descriptions of the activities conducted by persons subject to its jurisdiction in such areas in the preceding year.

4. Each Party shall inform the other Parties and the Committee before the end of November each year of measures it has taken to implement this Annex, including any site inspections and any steps it has taken to address instances of activities in contravention of the provisions of the approved Management Plan for an Antarctic Specially Protected Area or Antarctic Specially Managed Area.

ARTICLE 11

CASES OF EMERGENCY

1. The restrictions laid down and authorized by this Annex shall not apply in cases of emergency involving safety of human life or of ships, aircraft, or equipment and facilities of high value or the protection of the environment.

2. Notice of activities undertaken in cases of emergency shall be circulated immediately to all Parties and to the Committee.

ARTICLE 12

AMENDMENT OR MODIFICATION

1. This Annex may be amended or modified by a measure adopted in accordance with Article IX(1) of the Antarctic Treaty. Unless the measure specifies otherwise, the amendment or modification shall be deemed to have been approved, and shall become effective, one year after the close of the Antarctic Treaty Consultative Meeting at which it was adopted, unless one or more of the Antarctic Treaty Consultative Parties notifies the Depositary, within that time period, that it wishes an extension of that period or that it is unable to approve the measure.

2. Any amendment or modification of this Annex which becomes effective in accordance with paragraph 1 above shall thereafter become effective as to any other Party when notice of approval by it has been received by the Depositary.

Signature, ratification, acceptance, approval or accession, and entry into force of the Protocol

PROTOCOL ON ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY

Signed at Madrid on October 4, 1991*

State	Date of Signature	Date deposit of Ratification Acceptance or Approval	Date of entry into force	Date Acceptance Annex V**
Consultative Parties				
Argentina	Oct. 4, 1991	Oct. 28, 1993	Jan. 14, 1998	Sept. 8, 2000 (A)
				Aug. 4, 1995 (B)
Australia	Oct. 4, 1991	Apr. 6, 1994	Jan. 14, 1998	Apr. 6, 1994 (A)
				June 7, 1995 (B)
Belgium	Oct. 4, 1991	Apr. 26, 1996	Jan. 14, 1998	Apr. 26, 1996 (A)
				Oct. 23, 2000 (B)
Brazil	Oct. 4, 1991	Aug. 15, 1995	Jan. 14, 1998	May 20, 1998 (B)
Bulgaria		April 21, 1998	May 21, 1998	May 5, 1999 (AB)
Chile	Oct. 4, 1991	Jan. 11, 1995	Jan. 14, 1998	Mar. 25, 1998 (B)
China	Oct. 4, 1991	Aug. 2, 1994	Jan. 14, 1998	Jan. 26, 1995 (AB)
Ecuador	Oct. 4, 1991	Jan. 4, 1993	Jan. 14, 1998	May 11, 2001 (A)
				Nov 15, 2001 (B)
Finland	Oct. 4, 1991	Nov. 1, 1996	Jan. 14, 1998	Nov. 1, 1996 (AB)
France	Oct. 4, 1991	Feb. 5, 1993	Jan. 14, 1998	Apr. 26, 1995 (B)
				Nov. 18, 1998 (A)
Germany	Oct. 4, 1991	Nov. 25, 1994	Jan. 14, 1998	Nov. 25, 1994 (A)
				Sept. 1, 1998 (B)
India	July 2, 1992	Apr. 26, 1996	Jan. 14, 1998	May 24, 2002 (B)
Italy	Oct. 4, 1991	Mar. 31, 1995	Jan. 14, 1998	May 31, 1995 (A)
				Feb. 11, 1998 (B)
Japan	Sept. 29, 1992	Dec. 15, 1997	Jan. 14, 1998	Dec. 15, 1997 (AB)
Korea, Rep. of	July 2, 1992	Jan. 2, 1996	Jan. 14, 1998	June 5, 1996 (B)
Netherlands	Oct. 4, 1991	Apr. 14, 1994	Jan. 14, 1998	Mar. 18, 1998 (B)
New Zealand	Oct. 4, 1991	Dec. 22, 1994	Jan. 14, 1998	Oct. 21, 1992 (B)
Norway	Oct. 4, 1991	June 16, 1993	Jan. 14, 1998	Oct. 13, 1993 (B)
Peru	Oct. 4, 1991	Mar. 8, 1993	Jan. 14, 1998	Mar. 8, 1993 (A)
				Mar. 17, 1999 (B)
Poland	Oct. 4, 1991	Nov. 1, 1995	Jan. 14, 1998	Sept. 20, 1995 (B)

State	Date of Signature	Date deposit of Ratification Acceptance or Approval	Date of entry into force	Date Acceptance Annex V**
Russian Federation	Oct. 4, 1991	Aug. 6, 1997	Jan. 14, 1998	June 19, 2001 (B)
South Africa	Oct. 4, 1991	Aug. 3, 1995	Jan. 14, 1998	June 14, 1995 (B)
Spain	Oct. 4, 1991	July 1, 1992	Jan. 14, 1998	Dec. 8, 1993 (A) Feb. 18, 2000 (B)
Sweden	Oct. 4, 1991	Mar. 30, 1994	Jan. 14, 1998	Mar. 30, 1994 (A) Apr. 7, 1994 (B)
United Kingdom	Oct. 4, 1991	Apr. 25, 1995	Jan. 14, 1998	May 21, 1996 (B)
United States	Oct. 4, 1991	Apr. 17, 1997	Jan. 14, 1998	Apr. 17, 1997 (A) May 6, 1998 (B)
Uruguay	Oct. 4, 1991	Jan. 11, 1995	Jan. 14, 1998	May 15, 1995 (B)

The following denotes date relating either to Annex V or Rec.XVI-10 **

A=Acceptance Annex V; B=Approval of XVI-10

State	Date of Signature	Date of Ratification Acceptance or Approval	Date of entry into force	Date of Acceptance, Annex V**
Non-Consultative Parties				
Austria	Oct. 4, 1991			
Canada	Oct. 4, 1991			
Colombia	Oct. 4, 1991			
Cuba				
Czech Rep.[1,2]	Jan. 1, 1993			
Denmark	July 2, 1992			
Estonia				
Greece	Oct. 4, 1991	May 23, 1995	Jan. 14, 1998	
Guatemala				
Hungary	Oct. 4, 1991			
Korea, DPR of	Oct. 4, 1991			
Papua New Guinea				
Romania	Oct. 4, 1991			
Slovak Rep.[1,2]	Jan. 1, 1993			
Switzerland	Oct. 4, 1991			
Turkey				
Ukraine			May 25, 2001	June 24, 2001
Venezuela				

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*Signed at Madrid on October 4, 1991; thereafter at Washington until October 3, 1992.

The Protocol entered into force on the thirtieth day following the date of deposit of instruments of ratification, acceptance, approval or accession by all States which were Antarctic Treaty Consultative Parties at the date on which this Protocol was adopted. (Article 23)

**Adopted at Bonn on October 17, 1991 at XVIth Antarctic Consultative Meeting.

1. Signed for Czech & Slovak Federal Republic on Oct. 2, 1992 - Czechoslovakia accepts the jurisdiction of the International Court of Justice and Arbitral Tribunal for the settlement of disputes according to Article 19, paragraph 1. On December 31, 1992, at midnight, Czechoslovakia ceased to exist and was succeeded by two separate and independent states, the Czech Republic and the Slovak Republic.

2. Effective date of succession in respect of signature by Czechoslovakia which is subject to ratification by the Czech Republic and the Slovak Republic.

3. Accompanied by declaration with informal translation, copy of which is attached.

Embassy

Of the

Argentine Republic

UNOFFICIAL TRANSLATION

D.E. (718)

The Embassy of the Argentine Republic presents its compliments to the Department of State and has the honor to enclose, in compliance with specific instructions from its Government, the following Declaration to be registered together with the Instrument of Ratification of the Protocol of the Antarctic Treaty on the Protection of the Environment, adopted in Madrid on October 3rd, 1991.

"The Argentine Republic declares that in as much as the Protocol to the Antarctic Treaty on the Protection of the Environment is a Complementary Agreement of the Antarctic Treaty and that its Article 4 fully respects what has been stated in Article IV, Subsection 1, Paragraph A) of said Treaty, none of its stipulations should be interpreted or be applied as affecting its rights, based on legal titles, acts of possession, contiguity and geological continuity in the region South of parallel 60, in which it has proclaimed and maintained its sovereignty."

The Embassy of the Argentine Republic avails itself of this opportunity to reiterate to the Department of State the assurances of its highest consideration.

Washington, D. C., October 28, 1993

TO THE DEPARTMENT OF STATE

WASHINGTON, D.C.

TAB A

Embassy

Of the

Argentine Republic

DE 718

La Embajada de la República Argentina presenta sus atentos saludos al Departamento de Estado y tiene el honor de acompañar, en cumplimiento de expresas instrucciones de su Gobierno, la siguiente Declaración que deberá ser registrada conjuntamente con el Instrumento de Ratificación del Protocolo al Tratado Antártico sobre Protección del Medio Ambiente, adoptado en Madrid el 3 de Octubre de 1991.

"La República Argentina declara que dado que el Protocolo al Tratado Antártico sobre Protección del Medio Ambiente es un Acuerdo Complementario del Tratado Antártico, y que su Artículo 4 respeta totalmente lo dispuesto por el Artículo IV inciso 1, párrafo A) de dicho Tratado, ninguna de sus estipulaciones deberá interpretarse o aplicarse como afectando sus derechos, fundados en titulos jurídicos, actos de posesión, contiguidad y cont.i.nuidad geológica en la región comprendida al sur del paralelo 60, en la que ha proclamado y mantiene su soberanía".

La Embajada de la República Argentina tiene el honor de reiterar al Departamento de Estade las seguridades de su más alta y distinguida consideración.

Washington, D.C. Octubre 28 de 1993.

TO THE DEPARTMENT OF STATE

Washington, D.C.

Rules of Procedure

Introductory note

The Rules of Procedure for Antarctic Treaty Consultative Meetings (ATCMs) are found below. The most recent version appears first. The Rules of Procedure for the Committee for Environmental Protection established under the Protocol for Environmental Protection to the Antarctic Treaty appear next, followed by Guidelines on the Circulation and Handling of CEP Documents. Earlier versions of the Rules of Procedure for ATCMs appear after that.

Rules of Procedure of Antarctic Treaty Consultative Meetings

XXI: DECISION 1 (1997)

Revised Rules of Procedure (1997)

The Representatives,

Desiring to amend the Rules of Procedure for Antarctic Treaty Consultative Meetings;

Decide:

That the "Revised Rules of Procedure (1997)" attached to this decision shall replace the existing Rules of Procedure for Antarctic Treaty Consultative Meetings with immediate effect.

REVISED RULES OF PROCEDURE (1997)

1. Meetings held pursuant to Article IX of the Antarctic Treaty shall be known as Antarctic Treaty Consultative Meetings. Contracting Parties entitled to participate in those Meetings shall be referred to as "Consultative Parties"; other Contracting Parties which may have been invited to attend those Meetings shall be referred to as "non-Consultative Parties."

2. The Representatives of the Commission for the Conservation of Antarctic Marine Living Resources, the Scientific Committee on Antarctic Research and the Council of Managers of National Antarctic Programs, invited to attend those Meetings in accordance with Rule 30, shall be referred to as "observers".

Representation

3. Each Consultative Party shall be represented by a delegation composed of a Representative and such Alternate Representatives, Advisers and other persons as each State may deem necessary. Each non-Consultative Party which has been invited to attend a Consultative Meeting shall be represented by a delegation composed of a Representative

and such other persons as it may deem necessary within such numerical limit as may from time to time be determined by the Host Government in consultation with the Consultative Parties. The Commission for the Conservation of Antarctic Marine Living Resources, the Scientific Committee on Antarctic Research and the Council of Managers of National Antarctic Programs shall be represented by their respective Chairman or President, or other persons appointed to this end. The names of members of delegations and of the observers shall be communicated to the Host Government prior to the opening of the Meeting.

4. The order of precedence of the delegations shall be in accordance with the alphabet in the language of the Host Government, all delegations of non-Consultative Parties following after those of Consultative Parties, and all delegations of observers following after non-Consultative Parties.

Officers

5. A Representative of the Host Government shall be the Temporary Chairman of the Meeting and shall preside until the Meeting elects a Chairman.

6. At its inaugural session, a Chairman from one of the Consultative Parties shall be elected. The other Representatives of Consultative Parties shall serve as Vice-Chairmen of the Meeting in order of precedence. The Chairman normally shall preside at all plenary sessions. If he is absent from any session or part thereof, the Vice-Chairmen, rotating on the basis of the order of precedence as established by Rule 4, shall preside during each such session.

Secretariat

7. The Secretary shall be appointed by the Meeting on the proposal of the Chairman. The Secretary shall be responsible for providing secretarial services, and shall carry out such other tasks as the Meeting may require or direct.

Sessions

8. The opening plenary session shall be held in public, other sessions shall be held in private, unless the Meeting shall determine otherwise.

Committees and Working Groups

9. The Meeting, to facilitate its work, may establish such committees as it may deem necessary for the performance of its functions, defining their terms of reference.

10. The committees shall operate under the Rules of Procedure of the Meeting, except where they are inapplicable.

11. Working groups may be established by the Meeting or its committees.

Conduct of Business

12. A quorum shall be constituted by two-thirds of the Representatives of Consultative Parties participating in the Meeting.

13. The Chairman shall exercise the powers of his office in accordance with customary practice. He shall see to the observance of the Rules of Procedure and the maintenance of proper order. The Chairman, in the exercise of his functions, remains under the authority of the Meeting.

14. Subject to Rule 27, no Representative may address the Meeting without having previously obtained the permission of the Chairman and the Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

15. During the discussion of any matter, a Representative of a Consultative Party may rise to a point of order and the point of order shall be decided immediately by the Chairman in accordance with the Rules of Procedure. A Representative of a Consultative Party may appeal against the ruling of the Chairman. The appeal shall be put to a vote immediately, and the Chairman's ruling shall stand unless over-ruled by a majority of the Representatives of Consultative Parties present and voting. A Representative of a Consultative Party rising to a point of order shall not speak on the substance of the matter under discussion.

16. The Meeting may limit the time to be allotted to each speaker, and the number of times he may speak on any subject. When the debate is thus limited and a Representative has spoken his allotted time, the Chairman shall call him to order without delay.

17. During the discussion of any matter, a Representative of a Consultative Party may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, Representatives of two Consultative Parties may speak in favour of, and two against, the motion, after which the motion shall be put to the vote immediately. The Chairman may limit the time to be allowed to speakers under this Rule.

18. A Representative of a Consultative Party may at any time move the closure of the debate in the item under discussion, whether or not any other Representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to Representatives of two Consultative Parties opposing the closure, after which the motion shall be put to the vote immediately. If the Meeting is in favour of the closure, the Chairman shall declare the closure of the debate. The Chairman may limit the time to be allowed to speakers under this Rule. (This Rule shall not apply to debate in committees.)

19. During the discussion of any matter, a Representative of a Consultative Party may move the suspension or adjournment of the Meeting. Such motions shall not be debated, but shall be put to the vote immediately. The Chairman may limit the time to be allowed to the speaker moving the suspension or adjournment of the Meeting.

20. Subject to Rule 15, the following motions shall have precedence in the following order over all other proposals or motions before the Meeting:

a) to suspend the Meeting;
b) to adjourn the Meeting;
c) to adjourn the debate on the item under discussion;
d) for the closure of the debate on the item under discussion.

21. Decisions of the Meeting on all matters of procedure shall be taken by a majority of the Representatives of Consultative Parties participating in the Meeting, each of whom shall have one vote.

Languages

22. English, French, Russian and Spanish shall be the official languages of the Meeting.

23. Any Representative may speak in a language other than the official languages. However, in such cases he shall provide for interpretation into one of the official languages.

Measures, Decisions, and Resolutions and Final Report

24. Without prejudice to Rule 21, Measures, Decisions and Resolutions, as referred to in Decision 1 (1995), shall be adopted by the Representatives of all Consultative Parties present and will thereafter be subject to the provisions of Decision 1 (1995).

25. The final report shall also contain a brief account of the proceedings of the Meeting. It will be approved by a majority of the Representatives of Consultative Parties present and shall be transmitted by the Secretary of the Meeting to Governments of all Consultative and non-Consultative Parties which have been invited to take part in the Meeting, for their consideration.

Non-Consultative Parties

26. Representatives of non-Consultative Parties, if invited to attend a Consultative Meeting, may be present at:

a) all plenary sessions of the Meeting; and
b) all formal Committees or Working Groups, comprising all Consultative Parties, unless a Representative of a Consultative Party requests otherwise in any particular case.

27. The relevant Chairman may invite a Representative of a non-Consultative Party to address the Meeting, Committee or Working group which he is attending, unless a Representative of a Consultative Party requests otherwise. The Chairman shall at any time give priority to Representatives of Consultative Parties who signify their desire to speak and may, in inviting Representatives of non-Consultative Parties to address the Meeting, limit the time to be allotted to each speaker and the number of times he may speak on any subject.

28. Non-Consultative Parties are not entitled to participate in the taking of decisions.

29. a) Non-Consultative Parties may submit documents to the Secretariat for distribution to the Meeting as information documents. Such documents shall be relevant to matters under consideration at the Meeting.

b) Unless a Representative of a Consultative Party requests otherwise such documents shall be available only in the language or languages in which they were submitted.

Antarctic Treaty System Observers

30. The observers referred to in Rule 2 shall attend the Meetings for the specific purpose of reporting on:

a) in the case of the Commission for the Conservation of Antarctic Marine Living Resources, developments in its area of competence.
b) in the case of the Scientific Committee on Antarctic Research.
   i) the general proceedings of SCAR;
   ii) matters within the competence of SCAR under the Convention for the Conservation of Antarctic Seals;
   iii) such publications and reports as may have been published or prepared in accordance with Recommendations IX-19 and VI-9 respectively.
c) in the case of the Council of Managers of National Antarctic Programs, the activities within its area of competence.

31. Observers may be present at:

a) the plenary sessions of the Meeting at which the respective Report is considered;
b) formal committees or working groups, comprising all Contracting Parties at which he respective Report is considered, unless a Representative of a Consultative Party requests otherwise in any particular case.

32. Following the presentation of the pertinent Report, the relevant Chairman may invite the observer to address the Meeting at which it is being considered once again, unless a Representative of a Consultative Party requests otherwise. The Chairman may allot a time limit for such interventions.

33. Observers are not entitled to participate in the taking of decisions.

34. Observers may submit their Report and/or documents relevant to matters contained therein to the Secretariat, for distribution to the Meeting as working papers.

Agenda for Consultative Meetings

35. At the end of each Consultative Meeting, the Host Government of that Meeting shall prepare a preliminary agenda for the next Consultative Meeting. If approved by the Meeting, the preliminary agenda for the next Meeting shall be annexed to the Final Report of the Meeting.

36. Any Contracting Party may propose supplementary items for the preliminary agenda by informing the Host Government for the forthcoming Consultative Meeting no later than 180 days before the beginning of the Meeting; each proposal shall be accompanied by an explanatory memorandum. The Host Government shall draw the attention of all Contracting Parties to this Rule no later than 210 days before the Meeting.

37. The Host Government shall prepare a provisional agenda for the Consultative Meeting. The provisional agenda shall contain:

a) all items on the preliminary agenda decided in accordance with Rule 35; and
b) all items the inclusion of which has been requested by a Contracting Party

pursuant to Rule 36.

Not later than 120 days before the Meeting, the Host Government shall transmit to all the Contracting Parties the provisional agenda, together with explanatory memoranda and any other papers related thereto.

Experts from International Organisations

38. At the end of each Consultative Meeting, the Meeting shall decide which international organizations having a scientific or technical interest in Antarctica shall be invited to designate an expert to attend the forthcoming Meeting in order to assist it in its substantive work.

39. Any Contracting Party may thereafter propose that an invitation be extended to other international organizations having a scientific or technical interest in Antarctica to assist the Meeting in its substantive work; each such proposal shall be submitted to the Host Government for that Meeting not later than 180 days before the beginning of the Meeting and shall be accompanied by a memorandum setting out the basis for the proposal.

40. The Host Government shall transmit these proposals to all Contracting Parties in accordance with the procedure in Rule 37. Any Consultative Party which wishes to object to a proposal shall do so not less than 90 days before the Meeting.

41. Unless such an objection has been received, the Host Government shall extend invitations to international organizations identified in accordance with Rules 38 and 39 and shall request each international organization to communicate the name of the designated expert to the Host Government prior to the opening of the Meeting. All such experts may attend the Meeting during consideration of all items, except for those items relating to the operation of the Antarctic Treaty System which are identified by the previous Meeting or upon adoption of the agenda.

42. The relevant Chairman, with the agreement of all the Consultative Parties, may invite an expert to address the meeting he is attending. The Chairman shall at any time give priority to Representatives of Consultative Parties or non-Consultative Parties or observers referred to in Rule 30 who signify their desire to speak, and may in inviting an expert to address the Meeting limit the time to be allotted to him and the number of times he may speak on any subject.

43. Experts are not entitled to participate in the taking of decisions.

44. a) Experts may, in respect of the relevant agenda item, submit documents to the Secretariat for distribution to the Meeting as information documents.

b) Unless a Representative of a Consultative Party requests otherwise, such documents shall be available only in the language or languages in which they were submitted.

Amendments

45. These Rules of Procedure may be amended by a two-thirds majority of the

Representatives of Consultative Parties participating in the Meeting. This Rule shall not apply to Rules 24, 26, 28, 33, 38-41, and 43, amendments of which shall require the approval of the Representatives of all Consultative Parties present at the Meeting.

DECISION 2 (1998)

Rules of Procedure for the Committee for Environmental Protection

The Representatives

Decide:

To approve the following Rules of Procedure for the Committee for Environmental Protection[2]:

Rule 1

Where not otherwise specified the Rules of Procedure for the Antarctic Treaty Consultative Meeting shall be applicable.

Rule 2

For the purposes of these Rules of Procedure:

a) the expression "Protocol" means the Protocol on Environmental Protection to the Antarctic Treaty, signed in Madrid on 4 October, 1991;
b) the expression "the Parties" means the Parties to the Protocol;
c) the expression "Committee" means the Committee for Environmental Protection as defined in Article 11 of the Protocol.

Part I Representatives and Experts

Rule 3

Each Party to the Protocol is entitled to be a member of the Committee and to appoint a representative who may be accompanied by experts and advisers with suitable scientific, environmental or technical competence.

Before each meeting of the Committee each member of the Committee shall, as early as possible, notify the Host Government of that meeting of the name and designation of each representative, and before or at the beginning of the meeting, the name and designation of each expert and adviser.

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[2] These Rules of Procedure are also Annex I to the Report to ATCM XXII of the Committee for Environmental Protection.

Part II Observers and Consultation

Rule 4

Observer status in the Committee shall be open to:

d) any Contracting Party to the Antarctic Treaty which is not a Party to the Protocol,
e) the President of the Scientific Committee on Antarctic Research, the Chairman of the Scientific Committee for the Conservation of Antarctic Marine Living Resources and the Chairman of the Council of Managers of National Antarctic Programmes, or their nominated Representatives;
f) subject to the specific approval of the Antarctic Treaty Consultative Meeting, other relevant scientific, environmental and technical organisations which can contribute to the work of the Committee.

Rule 5

Before each meeting of the Committee each observer shall, as early as possible, notify the Host Government of that meeting of the name and designation of its representative attending the meeting.

Rule 6

Observers may submit documents to the Host Government of the meeting for distribution to members of the Committee.

Observers may participate in the discussions, but shall not participate in the taking of decisions.

Rule 7

In carrying out its functions the Committee shall, as appropriate, consult with the Scientific Committee on Antarctic Research, the Scientific Committee for the Conservation of Antarctic Marine Living Resources, the Council of Managers of National Antarctic Programmes and other relevant scientific, environmental and technical organisations.

Rule 8

The Committee may seek the advice of experts as required on an ad hoc basis.

Part III Meetings

Rule 9

The Committee shall meet once a year, in conjunction with the Antarctic Treaty Consultative Meeting, and at the same location. With the agreement of the ATCM, and in order to fulfill its functions, the Committee may also meet between annual meetings.

The Committee may establish informal open-ended contact groups to examine specific issues and report back to the Committee.

Rule 10

The Committee may establish, with the approval of the Antarctic Treaty Consultative Meeting, subsidiary bodies, as appropriate.

Such subsidiary bodies shall operate on the basis of the Rules of Procedure of the Committee as applicable.

Rule 11

When the Committee meets in conjunction with the Antarctic Treaty Consultative Meeting, the Rules of Procedure for the preparation of the Agenda of the Antarctic Treaty Consultative Meeting shall apply.

In other cases the Chairperson shall prepare a preliminary annotated Agenda for each such meeting of the Committee. The Host Government of the meeting shall distribute the preliminary annotated Agenda to all Members of the Committee no later than 100 days prior to the beginning of the meeting. In the event of emergencies or unforeseen developments it shall be distributed as early as possible.

The Host Government of a meeting of any subsidiary body, in consultation with the Chairperson of both the Committee and of the subsidiary body, shall prepare and distribute a preliminary annotated Agenda before each meeting of the subsidiary body.

Rule 12

Members of the Committee proposing supplementary items for the Agenda shall inform the Host Government of the meeting thereof no later that 30 days before the beginning of the meeting and accompany their proposal with an explanatory memorandum.

Part IV Submission of Documents

Rule 13

Members of the Committee should follow the Guidelines on Circulation and Handling of CEP Documents, as set out in Annex to the Report of the Committee on Environment Protection to ATCM XXII[3].

Part V Advice and Recommendations

Rule 14

The Committee shall try to reach consensus on the recommendations and advice to be provided by it pursuant to the Protocol.

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[3] For convenience, the Guidelines are also attached as an appendix to the present Decision.

Where consensus cannot be achieved the Committee shall set out in its report all views advanced on the matter in question.

Part VI Decisions

Rule 15

Where decisions are necessary, decisions on matters of substance shall be taken by a consensus of the members of the Committee participating in the meeting. Decisions on matters of procedure shall be taken by a simple majority of the members of the Committee present and voting. Each member of the Committee shall have one vote. Any question as to whether an issue is a procedural one shall be decided by consensus.

Part VII Chairperson and Vice-chairs

Rule 16

The Committee shall elect a Chairperson and first and second Vice-chairs from among the Consultative Parties. The Chairperson and the Vice-chairs shall be elected for a period of two years.

The Chairperson and the Vice-chairs shall not be re-elected to their post for more than one additional two-year term. The Chairperson and Vice-chairs shall not be representatives from the same Party.

The Vice-chairs to be elected at the first meeting of the Committee shall be elected for a one-year term to ensure that the terms of office of the Chairperson and Vice-chairs shall be staggered.

Rule 17

Amongst other duties the Chairperson shall have the following powers and responsibilities:

a) convene, open, preside at and close each meeting of the Committee;
b) make rulings on points of order raised at each meeting of the Committee provided that each representative retains the right to request that any such decision be submitted to the Committee for approval;
c) approve a provisional agenda for the meeting after consultation with Representatives an the Host Government;
d) sign, on behalf of the Committee, the report of each meeting, and
e) present the report on each meeting of the Committee to the Antarctic Treaty Consultative Meeting.

Rule 18

Whenever the Chairperson is unable to act, the first Vice-chair shall assume the powers and responsibilities of the Chairperson.

Rule 19

In the event of the office of the Chairperson failing vacant between meetings, the first Vice-chair shall exercise the powers and responsibilities of the Chairperson until a new Chairperson is elected.

Rule 20

The Chairperson and Vice-chairs shall begin to carry out their functions on the conclusion of the meeting of the Committee at which they have been elected, with the exception of the Chairperson and the Vice-chairs of the first meeting of the Committee who shall take office immediately upon their election.

Part VIII Administrative Facilities

Rule 21

As a general rule the Committee, and any subsidiary bodies, shall make use of the administrative facilities of the Government which agrees to host its meetings.

Part IX Languages

Rule 22

English, French, Russian and Spanish shall be the official languages of the Committee, and the subsidiary bodies referred to in Rule 10.

Part X Records and Reports

Rule 23

The Committee shall present a report on each of its meetings to the Antarctic Treaty Consultative Meeting. The report shall cover all matters considered at the meeting of the Committee, including at its intersessional meetings and by its subsidiary bodies as appropriate, and shall reflect the views expressed. The report shall be circulated to the Parties, and to observers attending the meeting, and shall thereupon be made publicly available.

Part XI Amendments

Rule 24

The Committee may adopt amendments to these rules of procedure, which shall be subject to approval by the Antarctic Treaty Consultative Meeting.

Guidelines of Circulation and Handling of CEP Documents, as Amended in 2001

ATCM XXIV: Decision 2(2001): Guidelines on Circulation and Handling of CEP Documents

The Representatives,

Recalling Decision 2(1998) setting out the Rules of Procedure for the Committee for Environmental Protection to which Guidelines for the Circulation and Handling of CEP Documents were appended;

Decide:

To amend the Guidelines on Circulation and Handling of CEP Documents as set out in the Appendix to this Decision.

Appendix to Decision 2 (2001)

GUIDELINES

Circulation and Handling of CEP Documents

1. All Working Papers prepared by Parties and Observers referred to in Rule 4-a and 4-b of the CEP Rules of Procedure and Information Papers which a Representative of a Party requests be translated, should be received by the Host Government no later than 45 days before the meeting. The Host Government should circulate these papers in translation no later than 30 days before the meeting. It is suggested that Information Papers for which translation has been requested by a Party be limited to 30 pages. Those Information Papers for which translation has not been requested should be submitted to the Host Government no later than 30 days before the meeting for pre-sessional circulation by the Host Government. Observers referred to in Rule 4-c may submit documents for distribution to the meeting as Information Papers.

2. Working Papers received before the Meeting but after the 45 day deadline will, where practicable, be circulated pre-sessionally in the language in which they are submitted and, if possible, in translation by the Host Government. If pre-sessional circulation and translation have not been possible, such Papers will be available in translation during the Meeting.

3. When a revised version of a Paper made after its initial submission is resubmitted to the Host Government for translation, the revised text should indicate clearly the amendments that have been incorporated.

4. When Working Papers and Information Papers are generated during the course of the CEP meeting, Working Papers will be translated and circulated and Information Papers will be circulated at that meeting.

5. Parties may request translation of any Information Paper either pre-sessionally or during the CEP-meeting.

6. The Report referred to in Rule 23 should be presented to the ATCM in the official languages with a comprehensive list of that CEP meeting's officially circulated Working and Information Papers.

7. The submission and circulation of all documents should be done by electronic means whenever feasible.

Earlier version of Guidelines on the Circulation and Handling of CEP Documents

Appendix to Decision 2 (1998)

GUIDELINES

Circulation and Handling of CEP Documents

1. All Working Papers prepared by Parties and Observers referred to in Rule 4-a and -b of the CEP Rules of Procedure and Information Papers which a Representative of a Party requests be translated, should be received by the Host Government no later than 75 days before the meeting. The Host Government should circulate these papers in translation no later than 60 days before the meeting. It is suggested that Information Papers for which translation has been requested by a Party be limited to 30 pages. Those Information Papers for which translation has not been requested should also be submitted to the Host Government no later than 45 days before the meeting for pre-sessional circulation by the Host Government. Observers referred to in Rule 4-c may submit documents for distribution to the meeting as Information Papers.

2. Working Papers received before the Meeting but after the 75 days deadline will, where practicable, be circulated pre-sessionally in the language in which they are submitted and, if possible, in translation by the Host Government. If pre-sessional circulation and translation have not been possible, such Papers will be available in translation during the Meeting.

3. When a revised version of a Paper made after its initial submission is resubmitted to the Host Government for translation, the revised text should indicate clearly the amendments that have been incorporated.

4. When Working Papers and Information Papers are generated during the course of the CEP meeting, Working Papers will be translated and circulated and Information Papers will be circulated at that meeting.

5. Parties may request translation of any Information Paper either pre-sessionally or during the CEP meeting.

6. The Report referred to in Rule 23 should be presented to the ATCM in the official languages with a comprehensive list of that CEP Meeting's officially circulated Working and Information Papers.

7. The submission and circulation of all documents should be done by electronic means whenever feasible.

Earlier versions of Rules of Procedure for Antarctic Treaty Consultative Meetings

Revised rules of procedure (1992)

1. Meetings held pursuant to Article IX of the Antarctic Treaty shall be known as Antarctic Treaty Consultative Meetings. Contracting Parties entitled to participate in those Meetings shall be referred to as 'Consultative Parties'; other Contracting Parties which may have been invited to attend those Meetings shall be referred to as 'non-Consultative Parties'.

2. The Representatives of the Commission for the Conservation of Antarctic Marine Living Resources and the Scientific Committee on Antarctic Research, invited to attend those Meetings in accordance with Rule 30, shall be referred to as 'observers'.

Representation

3. Each Consultative Party shall be represented by a delegation composed of a Representative and such Alternate Representatives, Advisers and other persons as each State may deem necessary. Each non-Consultative Party which has been invited to attend a Consultative Meeting shall be represented by a Delegation composed of a Representative and such other persons as it may deem necessary, within such numerical limit as may from time to time be determined by the host Government in consultation with the Consultative Parties. The Commission for the Conservation of Antarctic Marine Living Resources and the Scientific Committee on Antarctic Research shall be represented by the Chairman and President respectively or other persons appointed to this end. The names of members of Delegations shall be communicated to the host Government prior to the opening of the Meeting.

4. The order of precedence of the Delegations shall be in accordance with the alphabet in the language of the host Government, all delegations of non-Consultative Parties following after those of Consultative Parties, and all delegations of observers following after non-Consultative Parties.

Officers

5. A Representative of the host Government shall be the Temporary Chairman of the Meeting and shall preside until the Meeting elects a Chairman.

6. At its inaugural session, a Chairman from one of the Consultative Parties shall be elected. The other Representatives of Consultative Parties shall serve as Vice-Chairman of the Meeting in order of precedence. The Chairman normally shall preside at all plenary sessions. If he is absent from any session or part thereof, the Vice-Chairman, rotating on the basis of the order of precedence as established by Rule 4, shall preside during each such session.

Secretariat

7. The Secretary shall be appointed by the Meeting on the proposal of the Chairman. The Secretary shall be responsible for providing secretarial services, and shall carry out such other tasks as the Meeting may require or direct.

Sessions

8. The opening plenary session shall be held in public, other sessions shall be held in private, unless the Meeting shall determine otherwise.

Committees and Working Groups

9. The Meeting, to facilitate its work, may establish such committees as it may deem necessary for the performance of its functions, defining their terms of reference.

10. The committees shall operate under the Rules of Procedure of the Meeting, except where they are inapplicable.

11. Working groups may be established by the Meeting or its committees.

Conduct of business

12. A quorum shall be constituted by two-thirds of the Representatives of Consultative Parties participating in the Meetings.

13. The Chairman shall exercise the powers of this office in accordance with customary practice. He shall see to the observance of the Rules of Procedure and the maintenance of proper order. The Chairman, in exercise of his functions, remains under the authority of the Meeting.

14. Subject to Rule 27, no Representative may address the Meeting without having previously obtained the permission of the Chairman and the Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

15. During the discussion of any matter, a Representative of a Consultative Party may rise to a point of order and the point of order shall be decided immediately by the Chairman in accordance with the Rules of Procedure. A Representative of a Consultative Party may appeal against the ruling of the Chairman. The appeal shall be put to a vote immediately, and the Chairman's ruling shall stand unless over-ruled by a majority of the Representatives of Consultative Parties present and voting. A Representative of a Consultative Party rising to a point of order shall not speak on the substance of the matter under discussion.

16. The Meeting may limit the time to be allotted to each speaker, and the number of times he may speak on any subject. When debate is thus limited and a Representative has spoken his allotted time, the Chairman shall call him to order without delay.

17. During the discussion of any matter, a Representative of a Consultative Party may move the adjournment of the debate on the item under discussion. In addition to the proposer of

the motion, Representatives of two Consultative Parties may speak in favour of, and two against, the motion, after which the motion shall be put into the vote immediately. The Chairman may limit the time to be allowed to speakers under this Rule.

18. A Representative of a Consultative Party may at any time move the closure of the debate on the item under discussion, whether or not any other Representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to Representatives of two Consultative Parties opposing the closure, after which the motion shall be put to the vote immediately. If the Meeting is in favour of the closure, the Chairman shall declare the closure of the debate. The Chairman may limit the time to be allowed to speakers under this Rule. (This Rule shall not apply to debate in committees.)

19. During the discussion of any matter, a Representative of a Consultative Party may move the suspension of the adjournment of the Meeting. Such motions shall not be debated, but shall be put to the vote immediately. The Chairman may limit the time to be allowed to the speaker moving the suspension of adjournment of the Meeting.

20. Subject to Rule 15, the following motions shall have precedence in the following order over all other proposals or motions before the Meeting:

a) to suspend the Meeting;
b) to adjourn the Meeting;
c) to adjourn the debate on the item under discussion;
d) for the closure of the debate on the item under discussion.

21. Decisions of the Meeting on all matters of procedure shall be taken by a majority of the Representatives of Consultative Parties participating in the Meeting, each of whom shall have one vote.

Languages

22. English, French, Russian and Spanish shall be the official languages of the Meeting.

23. Any other Representative may speak in a language other than the official languages. However, in such cases he shall provide for interpretation into one of the official languages.

Recommendations and final report

24. The Recommendations formulated by the Meeting shall be approved by the Representatives of all Consultative Parties present and shall be set forth in the Final Report.

25. The Final Report shall also contain a brief account of the proceedings of the Meeting. It will be approved by a majority of the Representatives of Consultative Parties present and shall be transmitted by the Secretary of the Meeting to all Governments of all Consultative Parties which have been invited to take part in the Meeting, for their consideration.

Non-Consultative Parties

26. Representative of non-Consultative Parties, if invited to attend a Consultative Meeting, may be present at:

a) all plenary sessions of the Meeting and
b) all formal Committees or Working Groups, comprising all Consultative Parties, unless a Representative of a Consultative Party requests otherwise in any particular case.

27. The relevant Chairman may invite a Representative of a non-Consultative Party to address the Meeting, Committee or Working Group which he is attending, unless a Representative of a Consultative Party requests otherwise. The Chairman shall at any time give priority to Representatives of Consultative Parties who signify their desire to speak, and may, in inviting Representatives of non-Consultative Parties to address the Meeting, limit the time to be allotted to each speaker and the number of times he may speak on any subject.

28. Non-Consultative Parties are not entitled to participate in the taking of decisions.

29. a) Non-Consultative Parties may submit documents to the Secretariat for distribution to the Meeting as information documents. Such documents shall be relevant to matters under consideration at the Meeting.
b) Unless a Representative of a Consultative Party requests otherwise such documents shall be available only in the language or languages in which they were submitted.

Antarctic Treaty System Observers

30. The observers referred to in rule 2 shall attend the Meetings for the specific purpose of reporting on:
a) in the case of the Commission for the Conservation of Antarctic Marine Living Resources, developments in its area of competence.
b) in the case of the Scientific Committee on Antarctic Research:
   i) the general proceedings of SCAR;
   ii) matters within the competence of SCAR under the Convention for the Conservation of Antarctic Seals;
   iii) such publications and reports as may have been published or prepared in accordance with Recommendations IX-19 and VI-9 respectively.

[31. This was omitted from the Final Report, and, thus, from the Rule.]

32. Following the presentations of the pertinent Report, the relevant Chairman may invite the observer to address the Meeting at which it is being considered once again, unless a Representative of a Consultative Party requests otherwise. The Chairman may allot a time limit for such intervention.

33. Observers are not entitled to participate in the taking of decisions.

34. Observers may submit their Report and/or documents relevant to matters contained therein to the Secretariat, for distribution to the Meeting as working papers.

Agenda for Consultative Meetings

35. At the end of each Consultative Meeting, the host Government of that Meeting shall prepare a preliminary agenda for the next Consultative Meeting. If approved by the Meeting, the preliminary agenda for the next Meeting shall be annexed to the Final Report of the Meeting.

36. Any Contracting Party may propose supplementary items for the preliminary agenda by informing the host Government for the forthcoming Consultative Meeting no later than 180 days before the beginning of the Meeting; each proposal shall be accompanied by an explanatory memorandum. The host Government shall draw the attention of all Contracting Parties to this Rule not later than 210 days before the Meeting.

37. The host Government shall prepare a provisional agenda for the Consultative Meeting. The provisional agenda shall contain:

c) all items on the preliminary agenda decided in accordance with Rule 35 and
d) all items the inclusion of which has been requested by a Contracting Party pursuant to Rule 36.

No later than 120 days before the Meeting, the host Government shall transmit to all the Contracting Parties the provisional agenda, together with explanatory memoranda and any other papers related thereto.

Experts from international organisations

38. At the end of each Consultative Meeting, the Meeting shall decide which international organisations having a scientific or technical interest shall be invited to designate an expert to attend the forthcoming Meeting in order to assist it in its substantive work.

39. Any Contracting Party may thereafter propose that an invitation be extended to other international organisations having a scientific or technical interest in Antarctica to assist the Meeting in its substantive work; each such proposal shall be submitted to the host Government for that Meeting not later than 180 days before the beginning of the Meeting and shall be accompanied by a memorandum setting out the basis for the proposal.

40. The host Government shall transmit these proposals to all Contracting Parties in accordance with the procedure in Rule 37. Any Consultative Party which wishes to object to a proposal shall do so not less than 90 days before the Meeting.

41. Unless such an objection has been received, the host Government shall extend invitations to international organisations identified in accordance with Rules 38 and 39 and shall request each international organisation to communicate the name of the designated expert to the host Government prior to the opening of the Meeting. All such experts may attend the Meeting during consideration of all items, except for those items relating to the operation of the Antarctic Treaty System which are identified by the previous Meeting or upon adoption of the Agenda.

42. The relevant Chairman, with the agreement of all the Consultative Parties, may invite an expert to address the Meeting he is attending. The Chairman shall at any time give priority to Representatives of Consultative Parties or non-Consultative Parties or observers referred

to in Rule 30 who signify their desire to speak, and may in inviting an expert to address the meeting limit the time to be allocated to him and the number of times he may speak on any subject.

43. Experts are not entitled to participate in the taking of decisions.

44. a) Experts may, in respect of the relevant agenda item, submit documents to the Secretariat for distribution to the Meeting as information documents.

b) Unless a Representative of a Consultative Party requests otherwise, such documents shall be available only in the language or languages in which they were submitted.

Amendments

45. These Rules of Procedure may be amended by a two-thirds majority of the Representatives of Consultative Parties participating in the Meeting. This Rule shall not apply to Rules 24, 26, 28, 33, 38, 39, 40, 41 and 43, amendment of which shall require the approval of the Representatives of all Consultative Parties present at the Meeting.

Revised Rules of Procedure [1987]

1. Meetings held pursuant to Article IX of the Antarctic Treaty shall be known as Antarctic Treaty Consultative Meetings. Contracting Parties entitled to participate in those Meetings shall be referred to as 'Consultative Parties'; other Contracting Parties which may have been invited to attend those Meetings shall be referred to as 'non-Consultative Parties'.

2. The representatives of the Commission for the Conservation of Antarctic Marine Living Resources and the Scientific Committee on Antarctic Research, invited to attend those Meetings in accordance with Rule 30, shall be referred to as 'observers'.

Representation

3. Each Consultative Party shall be represented by a delegation composed of a Representative and such Alternate Representatives, Advisers and other persons as each state may deem necessary. Each non-Consultative Party which has been invited to attend a Consultative Meeting shall be represented by a delegation composed of a Representative and such other persons as it may deem necessary, within such numerical limit as may from time to time be determined by the host government in consultation with the Consultative Parties. The Commission for the Conservation of Marine Living Resources and the Scientific Committee on Antarctic Research shall be represented by their Chairman and President respectively or other persons appointed to this end. The names of members of delegations shall be communicated to the host government prior to the opening of the Meeting.

4. The order of precedence of the delegations shall be in accordance with the alphabet in the language of the host government, all delegations of non- Consultative Parties following after those of Consultative Parties, and all delegations of observers following after non-Consultative Parties.

Officers

5. A representative of the host government shall be the Temporary Chairman of the Meeting and shall preside until the Meeting elects a Chairman.

6. At its inaugural session, a Chairman from one of the Consultative Parties shall be elected. The other representatives of Consultative Parties shall serve as Vice-Chairmen of the Meeting in order of precedence. The Chairman normally shall preside at all plenary sessions. If he is absent from any session or part thereof, the Vice-Chairmen, rotating on the basis of the order of precedence as established by Rule 3, shall preside during each such session.

Secretariat

7. The Secretary shall be appointed by the Meeting on the proposal of the Chairman. The Secretary shall be responsible for providing secretarial services, and shall carry out such other tasks as the Meeting may require or direct.

Sessions

8. The opening plenary session shall be held in public, other sessions shall be held in private, unless the Meeting shall determine otherwise.

Committees and Working Groups

9. The Meeting, to facilitate its work, may establish such committees as it may deem necessary for the performance of its functions, defining their terms of reference.

10. The committees shall operate under the Rules of Procedure of the Meeting, except where they are inapplicable.

11. Working groups may be established by the Meeting or its committees.

Conduct of business

12. A quorum shall be constituted by two-thirds of the representatives of Consultative Parties participating in the Meeting.

13. The Chairman shall exercise the powers of his office in accordance with customary practice. He shall see to the observance of the rules of procedure and the maintenance of proper order. The Chairman, in the exercise of his functions, remains under the authority of the Meeting.

14. Subject to Rule 26, no representative may address the Meeting without having previously obtained the permission of the Chairman and the Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

15. During the discussion of any matter, a representative of a Consultative Party may rise to

a point of order and the point of order shall be decided immediately by the Chairman in accordance with the rules of procedure. A representative of a Consultative Party may appeal against the ruling of the Chairman. The appeal shall be put to a vote immediately, and the Chairman's ruling shall stand unless over-ruled by a majority of the representatives of Consultative Parties present and voting. A representative of a Consultative Party rising to a point of order shall not speak on the substance of the matter under discussion.

16. The Meeting may limit the time to be allotted to each speaker, and the number of times he may speak on any subject. When debate is thus limited and a representative has spoken his allotted time, the Chairman shall call him to order without delay.

17. During the discussion of any matter, a representative of a Consultative Party may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, representatives of two Consultative Parties may speak in favour of, and two against, the motion, after which the motion shall be put to the vote immediately. The Chairman may limit the time to be allowed to speakers under this rule.

18. A representative of a Consultative Party may at any time move the closure of the debate on the item under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to representatives of two Consultative Parties opposing the closure, after which the motion shall be put to the vote immediately. If the Meeting is in favour of the closure, the Chairman shall declare the closure of the debate. The Chairman may limit the time to be allowed to speakers under this rule. (This rule shall not apply to debate in committees).

19. During the discussion of any matter, a representative of a Consultative Party may move the suspension or the adjournment of the Meeting. Such motions shall not be debated, but shall be put to the vote immediately. The Chairman may limit the time to be allowed to the speaker moving the suspension of adjournment of the Meeting.

20. Subject to rule 15, the following motions shall have precedence in the following order over all other proposals or motions before the Meeting:

a) to suspend the Meeting;
b) to adjourn the Meeting;
c) to adjourn the debate on the item under discussion;
d) for the closure of the debate on the item under discussion.

21. Decisions of the Meeting on all matters of procedure shall be taken by a majority of the representatives of Consultative Parties participating in the Meeting, each of whom shall have one vote.

Languages

22. English, French, Russian and Spanish shall be the official languages of the Meeting.

23. Any representatives may speak in a language other than the official languages. However, in such cases he shall provide for interpretation into one of the official languages.

Recommendations and final report

24. The recommendations formulated by the Meeting shall be approved by the representatives of all Consultative Parties present and shall be set forth in the final report.

25. The final report shall also contain a brief account of the proceedings of the Meeting. It will be approved by a majority of the representatives of Consultative Parties present and shall be transmitted by the Secretary of the Meeting to all governments of all Consultative Parties which have been invited to take part in the Meeting, for their consideration.

Non-Consultative Parties

26. Representatives of non-Consultative Parties, if invited to attend a Consultative Meeting, may be present at:

a) all plenary sessions of the Meeting, and;
b) all formal Committees or Working Groups, comprising all Consultative Parties, unless a representative of a Consultative Party requests otherwise in any particular case.

27. The relevant Chairman may invite a representative of a non-Consultative Party to address the Meeting, Committee or Working Group which he is attending, unless a representative of a Consultative Party requests otherwise. The Chairman shall at any time give priority to representatives of Consultative Parties who signify their desire to speak, and may in inviting representatives of non-Consultative Parties to address the Meeting limit the time to be allotted to each speaker and the number of times he may speak on any subject.

28. Non-consultative Parties are not entitled to participate in the taking of decisions.

29. a) Non-Consultative Parties may submit documents to the Secretariat for distribution to the Meeting as information documents. Such documents shall be relevant to matters under consideration at the Meeting.

b) Unless a representative of a Consultative Party requests otherwise such documents shall be available only in the language or languages in which they were submitted.

Antarctic Treaty System Observers

30. The observers referred to in Rule 2 shall attend the Meetings for the specific purpose of reporting on:

a) in the case of the Commission for the Conservation of Antarctic Marine Living Resources, developments in its area of competence.
b) in the case of the Scientific Committee on Antarctic Research:
   i) the general proceedings of SCAR;
   ii) matters within the competence of SCAR under the Convention for the Conservation of Antarctic Seals;
   iii) such publications and reports as may have been published or prepared in accordance with Recommendation IV-19 and VI-9 respectively.

[31. This was omitted from the Final Report, and, thus, from the Rule.]

32. Following the presentation of the pertinent Report, the relevant Chairman may invite the observer to address the Meeting at which it is being considered once again, unless a representative of a Consultative Party requests otherwise. The Chairman may allot a time limit for such intervention.

33. Observers are not entitled to participate in the taking of decisions.

34. Observers may submit their Report and/or documents relevant to matters contained therein to the Secretariat, for distribution to the Meeting as working papers.

Experts from international organizations

35. If all the Consultative Parties so agree, the host government of a Consultative Meeting shall extend an invitation to an international organization having a scientific and technical interest in Antarctica to designate an expert to attend that Meeting in order to assist it in the consideration of a particular item, in accordance with the organizational arrangements established for the consideration of that item. The name of such an expert shall be communicated to the host government prior to the opening of the Meeting.

36. The relevant chairman, with the agreement of all the Consultative parties, may invite an expert to address the meeting he is attending. The Chairman shall at any time give priority to representatives of Consultative Parties or non-Consultative Parties or observers referred to in rule 30 who signify their desire to speak, and may in inviting an expert to address the meeting limit the time to be allocated to him and the number of times he may speak on any subject.

37. Experts are not entitled to participate in the taking of decisions.

38. a. Experts may, in respect of the relevant agenda item, submit documents to the Secretariat for distribution to the Meeting as information documents.

b) Unless a representative of a Consultative Party requests otherwise, such documents shall be available only in the language or languages in which they were submitted.

Amendments

39. These Rules of Procedure may be amended by a two-thirds majority of the representatives of Consultative Parties participating in the Meeting. This rule shall not apply to rules 24, 26, 28, 33, 35 and 37, amendment of which shall require the approval of the representatives of all Consultative Parties present at the Meeting.

Revised Rules of Procedure [September 1983]

1. Meetings held pursuant to Article IX of the Antarctic Treaty shall be known as Antarctic Treaty Consultative Meetings. Contracting Parties entitled to participate in those Meetings shall be referred to as 'Consultative Parties'; other Contracting Parties which may have been invited to attend those Meetings shall be referred to as 'non-Consultative Parties'.

Representation

2. Each Consultative Party shall be represented by a delegation composed of a Representative and such Alternate Representatives, Advisers and other per sons as each state may deem necessary. Each non-Consultative Party which has been invited to attend a Consultative Meeting shall be represented by a delegation composed of a Representative and such other persons as it may deem necessary, within such numerical limit as may from time to time be determined by the host government in consultation with the Consultative Parties. The names of members of delegations shall be communicated to the host government prior to the opening of the Meeting.

3. The order of precedence of the delegations shall be in accordance with the alphabet in the language of the host government, all delegations of non- Consultative Parties following after those of Consultative Parties.

Officers

4. A representative of the host government shall be the Temporary Chairman of the Meeting and shall preside until the Meeting elects a Chairman.

5. At its inaugural session, a Chairman from one of the Consultative Parties shall be elected. The other representatives of Consultative Parties shall serve as Vice-Chairmen of the Meeting in order of precedence. The Chairman normally shall preside at all plenary sessions. If he is absent from any session or part thereof, the Vice-Chairmen, rotating on the basis of the order of precedence as established by Rule 3, shall preside during each such session.

Secretariat

6. The Secretary shall be appointed by the Meeting on the proposal of the Chairman. The Secretary shall be responsible for providing secretarial services, and shall carry out such other tasks as the Meeting may require or direct.

Sessions

7. The opening plenary session shall be held in public, other sessions shall be held in private, unless the Meeting shall determine otherwise.

Committees and Working Groups

8. The Meeting, to facilitate its work, may establish such committees as it may deem necessary for the performance of its functions, defining their terms of reference.

9. The committees shall operate under the Rules of Procedure of the Meeting, except where they are inapplicable.

10. Working groups may be established by the Meeting or its committees.

Conduct of business

11. A quorum shall be constituted by two-thirds of the representatives of Consultative Parties participating in the Meeting.

12. The Chairman shall exercise the powers of his office in accordance with customary practice. He shall see to the observance of the rules of procedure and the maintenance of proper order. The Chairman, in the exercise of his functions, remains under the authority of the Meeting.

13. Subject to Rule 26, no representative may address the Meeting without having previously obtained the permission of the Chairman and the Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

14. During the discussion of any matter, a representative of a Consultative Party may rise to a point of order and the point of order shall be decided immediately by the Chairman in accordance with the rules of procedure. A representative of a Consultative Party may appeal against the ruling of the Chairman. The appeal shall be put to a vote immediately, and the Chairman's ruling shall stand unless over-ruled by a majority of the representatives of Consultative Parties present and voting. A representative of a Consultative Party rising to a point of order shall not speak on the substance of the matter under discussion.

15. The Meeting may limit the time to be allotted to each speaker, and the number of times he may speak on any subject. When debate is thus limited and a representative has spoken his allotted time, the Chairman shall call him to order without delay.

16. During the discussion of any matter, a representative of a Consultative Party may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, representatives of two Consultative Parties may speak in favour of, and two against, the motion, after which the motion shall be put to the vote immediately. The Chairman may limit the time to be allowed to speakers under this rule.

17. A representative of a Consultative Party may at any time move the closure of the debate on the item under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to representatives of two Consultative Parties opposing the closure, after which the motion shall be put to the vote immediately. If the Meeting is in favour of the closure, the Chairman shall declare the closure of the debate. The Chairman may limit the time to be allowed to speakers under this rule. (This rule shall not apply to debate in committees.)

18. During the discussion of any matter, a representative of a Consultative Party may move the suspension or the adjournment of the Meeting. Such motions shall not be debated, but shall be put to the vote immediately. The Chairman may limit the time to be allowed to the speaker moving the suspension or adjournment of the Meeting.

19. Subject to rule 14, the following motions shall have precedence in the following order over all other proposals or motions before the Meeting:

a) to suspend the Meeting;

b) to adjourn the Meeting;
c) to adjourn the debate on the item under discussion;
d) for the closure of the debate on the item under discussion.

20. Decisions of the Meeting on all matters of procedure shall be taken by a majority of the representatives of Consultative Parties participating in the Meeting, each of whom shall have one vote.

Languages

21. English, French, Russian and Spanish shall be the official languages of the Meeting.

22. Any representative may speak in a language other than the official languages. However, in such cases he shall provide for interpretation into one of the official languages.

Recommendations and final report

23. The recommendations formulated by the Meeting shall be approved by the representatives of all Consultative Parties present and shall be set forth in the final report.

24. The final report shall also contain a brief account of the proceedings of the Meeting. It will be approved by a majority of the representatives of Consultative Parties present and shall be transmitted by the Secretary of the Meeting to governments of all Consultative and non-Consultative parties which have been invited to take part in the Meeting, for their consideration.

Non-Consultative Parties

25. Representatives of non-Consultative Parties, if invited to attend a Consultative Meeting, may be present at:

a) all plenary sessions of the Meeting, and
b) all formal committees or Working Groups, comprising all Consultative Parties, unless a representative of a Consultative Party requests other wise in any particular case.

26. The relevant Chairman may invite a representative of a non-Consultative party to address the Meeting, Committee or Working Group which he is attending, unless a representative of a Consultative Party request otherwise. The Chairman shall at any time give priority to representatives of Consultative Parties who signify their desire to speak, and may in inviting representatives of non-Consultative Parties to address the Meeting limit the time to be allot ted to each speaker and the number of times he may speak on any subject.

27. Non-Consultative Parties are not entitled to participate in the taking of decisions.

28.

a) Non-Consultative Parties may submit documents to the Secretariat for distribution to the Meeting as information documents. Such documents shall be relevant to matters under consideration at the Meeting.
b) Unless a representative of a Consultative Party requests otherwise such documents

shall be available only in the language or languages in which they were submitted.

Amendments

29. These Rules of Procedure may be amended by a two-thirds majority of the representatives of Consultative Parties participating at the Meeting. This rule shall not apply to Rules 23, 25 and 27, amendment of which shall require the approval of the representatives of all Consultative Parties present at the Meeting.

The following Rules of Procedure were adopted on 10 July 1961:

1. The meetings held pursuant to Article IX of the Antarctic Treaty shall be known as Antarctic Treaty Consultative Meetings.

Representation

2. Each participating government shall be represented by a delegation composed of a Representative and such Alternate Representatives, Advisers and other persons as each state may deem necessary. Their names shall be communicated to the host government prior to the opening of the Meeting.

3. The order of precedence of the delegations shall be in accordance with the alphabet in the language of the host government.

Officers

4. A representative of the host government shall be the Temporary Chairman of the Meeting and shall preside until the Meeting elects a Chairman.

5. At its inaugural session, a Chairman shall be elected. The other representatives shall serve as Vice-Chairmen of the Meeting in order of precedence. The Chairman normally shall preside at all plenary sessions. If he is absent from any session or part thereof, the Vice-Chairmen, rotating on the basis of the order of precedence as established by Rule 3, shall preside during each such session.

Secretariat

6. The Secretary shall be appointed by the Meeting on the proposal of the Chairman. The Secretary shall be responsible for providing secretarial services, and shall carry out such other tasks as the Meeting may require or direct.

Sessions

7. The opening plenary session shall be held in public, other sessions shall be held in private, unless the Meeting shall determine otherwise.

Committees and Working Groups

8. The Meeting to facilitate its work, may establish such committees as it may deem necessary for the performance of its functions, defining their terms of reference.

9. The committees shall operate under the Rules of Procedure of the Meeting, except where they are inapplicable.

10. Working groups may be established by the Meeting or its committees.

Conduct of business

11. A quorum shall be constituted by two-thirds of the representatives participating in the Meeting.

12. The Chairman shall exercise the powers of his office in accordance with customary practice. He shall see to the observance of the rules of procedure and the maintenance of proper order. The Chairman, in the exercise of his functions, remains under the authority of the Meeting.

13. No representative may address the Meeting without having previously obtained the permission of the Chairman. The Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

14. During the discussion of any matter, a representative may rise to a point of order and the point of order shall be decided immediately by the Chairman in accordance with the rules of procedure. A representative may appeal against the ruling of the Chairman. The appeal shall be put to the vote immediately, and the Chairman's ruling shall stand unless over-ruled by a majority of the representatives present and voting. A representative rising to a point of order shall not speak on the substance of the matter under discussion.

15. The Meeting may limit the time to be allotted to each speaker, and the number of times he may speak on any subject. When debate is thus limited and a representative has spoken his allotted time, the Chairman shall call him to order without delay.

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17. A representative may at any time move the closure of the debate on the item under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be put to the vote immediately. If the Meeting is in favour of the closure, the Chairman shall declare the closure of the debate. The Chairman may limit the time to be allowed to speakers under this rule. (This rule shall not apply to debate in committees).

18. During the discussion of any matter, a representative may move the suspension or the adjournment of the Meeting. Such motions shall not be debated, but shall be put to the vote immediately. The Chairman may limit the time to be allowed to the speaker moving the

suspension of adjournment of the Meeting.

19. Subject to rule 14, the following motions shall have precedence in the following order over all other proposals or motions before the Meeting:

a) to suspend the Meeting;
b) to adjourn the Meeting;
c) to adjourn the debate on the item under discussion;
d) for the closure of the debate on the item under discussion.

20. Decisions of the Meeting on all matters of procedure shall be taken by a majority of the representatives participating in the Meeting, each of whom shall have one vote.

Languages

21. English, French, Russian and Spanish shall be the official languages of the Meeting.

22. Any representatives may speak in a language other than the official languages. However, in such cases he shall provide for interpretation into one of the official languages.

Recommendations and final report

23. The recommendations formulated by the Meeting shall be approved by all the representatives present and shall be set forth in the final report.

24. The final report shall also contain a brief account of the proceedings of the Meeting. It will be approved by a majority of the representatives present and shall be transmitted by the Secretary of the Meeting to all governments entitled to participate in the Meeting, for their consideration.

Amendments

25. These Rules of Procedure may be amended by a two-thirds majority of the representatives participating at the Meeting. This rule shall not apply to Rule 23, amendment of which shall require the approval of all the representatives present at the Meeting.

Extract from Report of XIVth ATCM: Amendments to the Rules of Procedure as provisionally accepted in the XIVth ATCM

8. This Agenda item was discussed in Plenary. The Meeting adopted amendments to the Rules of Procedure as provisionally accepted in the Preparatory Meeting.

9. According to these Rules and to a decision taken at the Preparatory Meeting to the XIVth ATCM, the Brazilian Government, acting in its capacity as the host Government of the XIVth ATCM, extended an invitation to the following organizations to appoints experts to assist the Meeting in the consideration of some items of the Provisional Agenda:

- WMO, in connection with item 12, 'Antarctic meteorology and telecommunications' and item 15, 'International system of marine

hydrometeorological services to navigation in the Southern Ocean';

- SCAR, in connection with item 14, 'Air safety in Antarctica'; and
- IUCN, in connection with item 9,'Human impact on the Antarctic environment'.

10. In response to the invitations extended by the Host Government, WMO designated Dr Neil Streten to assist the Meeting in consideration of items 12 and 15, SCAR designated Mr J. Bleasel to assist the Meeting in consideration of item 14, and IUCN designated Dr Wolfgang Burhenne to assist the Meeting in consideration of item 9.

11. The attendance of the above-mentioned experts was regulated by paragraphs 35, 36, 37 and 38 of the Rules of Procedure. It was the understanding of the Meeting that these Rules applied to the Plenary and to the working groups in which the consideration of the items for which the experts had been invited took place.

Extract from Report of XVIIth ATCM

e) Amendment to ATCM Rules of Procedure

(61) The Meeting received a Working Paper from the Delegation of the United Kingdom (XVII ATCM/WP 24), in which a number of amendments to the ATCM's Rules of Procedure were proposed, reflecting arrangements arising from the decision agreed to at the XVIth ATCM to move to a cycle of annual Consultative Meetings without preceding Preparatory Meetings.

(62) In addition, a further amendment was proposed to facilitate the participation in the substantive work of Consultative Meetings by experts representing International Organisations which had been invited to designate an expert to attend the Consultative Meeting.

(63) The Meeting decided to adopt these proposed amendments to its Rules of Procedures as they are reflected in the Working Paper XVII ATCM/WP 24/rev.2.

(64) The revised Rules of Procedure are attached to this Final Report at Annex F.

(136) With reference to Rule 41 of the revised Rules of Procedure as amended by the XVIIth ATCM, it was agreed that these experts could attend the Meeting during the discussion of all items on the provisional Agenda of the XVIIIth Consultative Meeting except for the following:

4. Provisional Agenda

7. Operation of the Antarctic Treaty System

8. Inspections under the Antarctic Treaty

16. Questions Related to the Exercise of Jurisdiction in Antarctica

17. Preparation of the XIXth Consultative Meeting.

(137) It was, however, recognised that issues to be discussed under item 18 of the

Preliminary Agenda 'Any Other Business' might be related to the Operation of the Antarctic Treaty System. The presence of these experts during the discussion of item 18 would therefore have to be decided on an individual basis when the issues to be discussed under this Agenda item were identified.

XXI: DECISION 1 (1997)

Revised Rules of Procedure (1997)

The Representatives,

Desiring to amend the Rules of Procedure for Antarctic Treaty Consultative Meetings;

Decide:

That the "Revised Rules of Procedure (1997)" attached to this decision shall replace the existing Rules of Procedure for Antarctic Treaty Consultative Meetings with immediate effect.

See above for REVISED RULES OF PROCEDURE (1997)

XIX: DECISION 2 (1995)

Rules of Procedure Amendment

Rule 24 of the Rules of Procedure, as amended at the XVIIth Antarctic Treaty Consultative Meeting, shall be replaced by the following:

"Measures, Decisions, and Resolutions and Final Reports

24. Without prejudice to Rule 21, Measures, Decisions and Resolutions referred to in Decision1 (1995), shall be adopted by the Representatives of all Consultative Parties present and will thereafter be subject to the provisions of Decision 1 (1995)."

National Contact Points

(for purposes described in Recommendation XIII-1)

Consultative Parties

1. For purposes of Paragraph 3 of Recommendation XIII-1:

2. For purposes of Paragraph 5: Recommendation XIII-1:

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Consecutive list of Recommendations, Measures, Decisions and Resolutions

*By Decision 1(1995) Parties agreed at the Consultative Meeting to a new nomenclature and numbering system for Recommendations. See the text of Decision 1(1995) for details.

Recommendation	Subject	Page
First Antarctic Treaty Consultative Meeting, Canberra, 10–24 July 1961		
I – I	Exchange of information on scientific programmes	
II	Exchange of scientific personnel	
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IV	SCAR	
V	International organizations	
VI	Exchange of information	
VII	Exchange of information on logistic problems	
VIII	Conservation of fauna and flora	
IX	Historic sites	
X	Assistance in emergency	
XI	Telecommunications	
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XIII	Exchange of information on nuclear equipment and techniques	
XIV	Administrative arrangements for Consultative Meetings	
XV	Second Consultative Meeting	
XVI	Preparations for Consultative Meetings	
Second Antarctic Treaty Consultative Meeting, Buenos Aires, 18–28 July 1962		
II – I	Exchange of scientific data	
II	Conservations of Antarctic fauna and flora	
III	Telecommunications	
IV	Exchange of information on operations	
V	Symposium/logistic problems	
VI	Exchange of information	
VII	Shipment of scientific materials	
VIII	International Year of the Quiet Sun (1964-65)	
IX	Consultative meeting recommendation	
X	Third Consultative Meeting	
Third Antarctic Treaty Consultative Meeting, Brussels, 2–13 June 1964		
III – I	Information on facilities for the landing of aircraft	

II	Notification of unoccupied refuges
III	Logistics
IV	Next meeting
V	Telecommunications
VI	Questions concerning meeting of specialists
VII	Acceptance of approved recommendations
VIII	Agreed Measures for the Conservation of Antarctic fauna and flora
IX	Interim guidelines for the Conservation of Antarctic fauna and flora
X	SCAR interest in the Conservation of Antarctic fauna and flora
XI	Pelagic sealing and the taking of fauna on pack ice

Fourth Antarctic Treaty Consultative Meeting, Santiago, 3–18 November 1966

IV –	1	Specially Protected Areas: Taylor Rookery
	2	Specially Protected Areas: Rookery Islands
	3	Specially Protected Areas: Ardery Island and Odbert Island
	4	Specially Protected Areas: Sabrina Island, Balleny Islands
	5	Specially Protected Areas: Beaufort Island, Ross Sea
	6	Specially Protected Areas: Cape Crozier, Ross Island
	7	Specially Protected Areas: Cape Hallett, Victoria Land
	8	Specially Protected Areas: Dion Islands
	9	Specially Protected Areas: Green Island
	10	Specially Protected Areas: Byers Peninsula
	11	Specially Protected Areas: Cape Shirreff
	12	Specially Protected Areas: Fildes Peninsula
	13	Specially Protected Areas: Moe Island
	14	Specially Protected Areas: Lynch Island
	15	Specially Protected Areas: Southern Powell Island and adjacent islands
	16	Specially Protected Species: Fur Seals
	17	Specially Protected Species: Ross Seals
	18	Cooperation in implementing Article VI of Agreed Measures for the Conservation of Fauna and Flora
	19	Implementation of Article XII(1)(d) of Agreed Measures
	20	Interim guidelines for the Conservation of fauna and flora
	21	Interim guidelines for the voluntary regulation of Antarctic pelagic sealing
	22	SCAR interest in Antarctic pelagic sealing
	23	Date of exchanges of information
	24	Meetings of experts
	25	Meeting on logistics
	26	Telecommunications
	27	Effects of Antarctic tourism
	28	Next meeting

Fifth Antarctic Treaty Consultative Meeting, Paris, 18–29 November 1968

V –	1	Commemorative stamp issue
	2	Measures for improving Antarctic telecommunications
	3	Southern ocean
	4	Historic monuments
	5	Specially Protected Areas: Fildes Peninsula
	6	Modification of Agreed Measures (incorporated in consolidated text of Agreed Measures)
	7	SCAR proposals for revision of Guidelines on Pelagic Sealing
	8	Examination of Draft Convention for Regulation of Antarctic Pelagic Sealing
	9	Sixth Consultative Meeting

Sixth Antarctic Treaty Consultative Meeting, Tokyo, 19–31 October 1970

VI–	1	Antarctic telecommunications
	2	Exchange of information on telecommunications facilities
	3	Antarctic meteorology
	4	Man's impact on Antarctic environment
	5	Use of radio-isotopes in the Antarctic
	6	Coordination of Antarctic scientific investigations involving the use of radio-isotopes
	7	Effects of tourists and non-government expeditions to the Antarctic Treaty area
	8	Permits for entry to Specially Protected Areas
	9	Data on the conservation of fauna and flora
	10	Specially Protected Areas: Coppermine Peninsula, Robert Island
	11	New islands
	12	Scientific research rockets
	13	Exchange of information on oceanographic research
	14	Historic monuments
	15	Seventh Consultative Meeting

Seventh Antarctic Treaty Consultative Meeting, Wellington, 30 October–10 November 1972

VII–	1	Man's impact on the environment
	2	Review of Specially Protected Areas
	3	Sites of Special Scientific Interest
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	5	Import of laboratory plants/animals
	6	Antarctic resources: Effects of mineral exploration
	7	Antarctic telecommunications
	8	Cooperation in transport
	9	Historic monuments

Eighth Antarctic Treaty Consultative Meeting, Oslo, 9–20 June 1975

VIII–	1	Specially Protected Areas: Litchfield Island
	2	Review of Specially Protected Areas
	3	Sites of Special Scientific Interest
	4	Sites of Special Scientific Interest: interim guidelines
	5	Permits for entry into Specially Protected Areas
	6	Annual exchanges of information
	7	Cooperation in transport
	8	Activities of states that are not consultative parties
	9	Effects of tourists and non-governmental expeditions in the Treaty Area
	10	Antarctic marine living resources
	11	Man's impact on the environment
	12	Disposal of nuclear wastes
	13	The Antarctic environment
	14	Antarctic resources: effects of mineral exploitation

Ninth Antarctic Treaty Consultative Meeting, London, 19 September–7 October 1977

IX–	1	Antarctic mineral resources
	2	Antarctic marine living resources
	3	Improvement of telecommunications in the Antarctic
	4	Cooperation in transport
	5	Man's impact on the Antarctic environment
	6	Oil contamination of the Antarctic marine environment

Tenth Antarctic Treaty Consultative Meeting, Washington, 17 September–5 October 1979

X –	1	Antarctic mineral resources
	2	Antarctic marine living resources
	3	Improvement of telecommunications in Antarctica and the collection and distribution of Antarctic meteorological data
	4	Man's impact on the Antarctic environment: collection of geological specimens
	5	Man's impact on the Antarctic environment: Sites of Special Scientific Interest: interim guidelines
	6	Man's impact on the Antarctic environment: Sites of Special Scientific Interest
	7	Oil contamination of the Antarctic marine environment
	8	Effects of tourists and non-government expeditions in the Antarctic Treaty Area
	9	Twentieth anniversary of the Antarctic Treaty

Eleventh Antarctic Treaty Consultative Meeting, Buenos Aires, 23 June–7 July 1981

XI –	1	Antarctic mineral resources
	2	Antarctic marine living resources
	3	Air disaster on Mount Erebus

Twelfth Antarctic Treaty Consultative Meeting, Canberra, 13–27 September 1983

XII –	1	Collection and distribution of Antarctic meteorological data
	2	Antarctic telecommunications
	3	Man's impact on the Antarctic environment
	4	Man's impact on the Antarctic environment: Code of conduct on waste disposal for Antarctic expeditions and station activities
	5	Sites of Special Scientific Interest: Extension of the expiry date of the designation of Sites 1–8
	6	Operation of the Antarctic Treaty System
	7	Historic sites and monuments
	8	SCAR assistance to consultative parties

Thirteenth Antarctic Treaty Consultative Meeting, Brussels, 8–18 October 1985

XIII–	1	Operation of the Antarctic Treaty System: information
	2	Operation of the Antarctic Treaty System: overview
	3	Exchange of information in accordance with the Antarctic Treaty: annual exchanges
	4	Man's impact on the Antarctic environment: code of conduct for Antarctic expeditions and station activities: waste disposal
	5	Man's impact on the Antarctic environment: additional protective arrangements
	6	Facilitation of scientific research: siting of stations
	7	Facilitation of scientific research: Sites of Special Scientific Interest: Interim guidelines: extension of designation
	8	Facilitation of scientific research: Sites of Special Scientific Interest: Interim guidelines: additional Sites
	9	Facilitation of scientific research: Sites of Special Scientific Interest: Interim guidelines: SSSI No 1: Cape Royds, Ross Island: amendment to management plan
	10	Specially Protected Areas: North Coronation Island, South Orkney Islands
	11	Specially Protected Areas: Lagotellerie Island, Marguerite Bay
	12	Specially Protected Areas: 'New College Valley', Caughley Beach, Cape Bird, Ross Island
	13	Specially Protected Area No 7: Cape Hallett, Victoria Land: extension of boundaries
	14	Specially Protected Areas: interim guidelines
	15	Matters relating to the appointment of observers at consultative meetings
	16	Historic sites and monuments

Fourteenth Antarctic Treaty Consultative Meeting, Rio de Janeiro, 5–16 October 1987

XIV–	1	Operation of Antarctic Treaty System; public availability of the documents of Consultative Meetings
	2	Man's impact on the Antarctic environment: environmental impact assessment
	3	Man's impact on the Antarctic environment: safeguards for scientific drilling
	4	Facilitation of scientific research: Sites of Special Scientific Interest: Interim Guidelines: extension of designation
	5	Facilitation of scientific research: Sites of Special ScientificInterest: Interim Guidelines: additional sites
	6	Marine Sites of Special Scientific Interest
	7	Antarctic meteorology and telecommunications
	8	Historic sites and monuments
	9	Air safety in Antarctica
	10	Marine meteorological and sea ice information services for navigation in the Treaty Area of the Southern Ocean

Fifteenth Antarctic Treaty Consultative Meeting, Paris 9–20 October 1989

XV –	1	Comprehensive Measures for the protection of the Antarctic environment and dependent and associated ecosystems
	2	Comprehensive Measures for the protection of the Antarctic environment and dependent and associated ecosystems
	3	Human impact on the Antarctic environment: waste disposal
	4	Human impact on the Antarctic environment: prevention, control and response to marine pollution
	5	Human impact on the Antarctic environment: environmental monitoring in Antarctica
	6	Antarctic Protected Area System: new Sites of Special Scientific Interest No. 29, 30, 31
	7	Antarctic Protected Area System: redesignation of Specially Protected Area No. 11, Cape Shirreff as Site of Special Scientific Interest No. 32
	8	Antarctic Protected Area System: Agreed Measures for the Conservation of Antarctic Fauna and Flora: amendment toArticle VIII (Management Plans for Specially Protected Areas)
	9	Antarctic Protected Area System: Development of improved descriptions and management plans for Specially Protected Areas
	10	Antarctic Protected Area System: Establishment of Specially Reserved Areas (SRAs)
	11	Antarctic Protected Area System: Establishment of Multiple-use Planning Areas (MPAs)
	12	Antarctic Protected Area System: new Historic Sites and Monuments
	13	Antarctic Protected Area System: Historic Sites and Monuments (Amendment to description of HM 53)
	14	Promotion of international scientific cooperation: a declaration
	15	Promotion of international scientific cooperation

	16	Facilitation of scientific research: comparability and accessibility of Antarctic scientific data
	17	Facilitation of scientific research: siting of scientific stations
	18	Cooperation in meteorological and sea ice information services for maritime and air navigation in Antarctica
	19	Cooperation in hydrographic charting of Antarctic waters
	20	Air safety in Antarctica
	21	Uses of Antarctic ice
	22	Antarctic Treaty thirtieth anniversary commemorative stamp

Sixteenth Antarctic Treaty Consultative Meeting, Bonn 7–18 October 1991

XVI–	1	Exchange of information
	2	Antarctic Protected Area System, New Sites of Special Scientific Interest
	3	Antarctic Protected Area System, New Marine Sites of Special Scientific Interest
	4	Antarctic Protected Area System, Specially Protected Areas No. 21
	5	Antarctic Protected Area System, Site of Special Scientific Interest No. 6: revised management plan
	6	Antarctic Protected Area System, Specially Protected Areas: revised descriptions and management plans for Nos. 8, 9, 13, 14, 15, 16, 18, 19
	7	Antarctic Protected Area System, Sites of Special Scientific Interest: Extension of Designation
	8	Antarctic Protected Area System, Specially Protected Area No. 22
	9	Antarctic Protected Area System, Specially Protected Area No. 23
	10	Antarctic Protected Area System, Review of the System: Annex V to the Protocol on Environmental Protection to the Antarctic Treaty: Area Protection and Management
	11	Antarctic Protected Area System, New Historic Sites and Monuments
	12	Accessibility of Antarctic Geophysical data
	13	Tourism and non-governmental activities in the Antarctic Treaty Area

Seventeenth Antarctic Treaty Consultative Meeting, Venice 11–20 November 1992

XVII–	1	Environmental monitoring and data management
	2	Revised descriptions and proposed management plans for Specially Protected Areas
	3	Antarctic Protected Areas: New Historic Sites and Monuments
	4	Global change research and international cooperation in Antarctica

Eighteenth Antarctic Treaty Consultative Meeting, Kyoto, 11 – 22 April 1994

XVIII –	1	Tourism and non-Governmental Activities

Nineteenth Antarctic Treaty Consultative Meeting, Seoul, 8 – 19 May 1995*

Measure 1(1995)	Revised Descriptions and Management Plans for Specially Protected Areas
Measure 2(1995)	Revised Description and Management Plan for Sites of Special Scientific Interest
Measure 3(1995)	Antarctic Protected Area System: Specially Protected Areas
Measure 4(1995)	Antarctic Protected Area System: New Historic Sites and Monuments
Measure 5(1995)	Historic Sites and Monuments: Amendment

Decision 1(1995)	Measures, Decisions and Resolutions
Decision 2(1995)	Rules of Procedure: Amendment
Resolution 1(1995)	Strengthening Cooperation in Hydrographic Surveying and Charting of Antarctic Waters
Resolution 2(1995)	Nuclear Waste Disposal
Resolution 3(1995)	Reporting of Tourism and non-Governmental Activities
Resolution 4(1995)	Fuel Storage and Handling
Resolution 5(1995)	Antarctic Inspection Checklists
Resolution 6(1995)	Environmental Impact Assessment: Circulation of Information
Resolution 7(1995)	Extension of the Expiry Dates for Sites of Special Scientific Interest
Resolution 8(1995)	New Historic Sites and Monuments: Suggested Guidelines for the Designation of Historic Sites
Resolution 9(1995)	Uniform Model for Management Plans

*By Decision 1(1995) Parties agreed at the Consultative Meeting to a new nomenclature and numbering system for Recommendations. See the text of Decision 1(1995) for details.

Twentieth Antarctic Treaty Consultative Meeting, Utrecht, 29 April – 10 May 1996

Measure 1(1996)	Revised Description and Management Plan for Sites of Scientific Interest
Measure 2(1996)	Antarctic Protected Area System: New Historic Sites and Monuments
Resolution 1(1996)	Addition to Checklist A "Permanent Antarctic Stations and Associated Installations" attached to Resolution 5(1995)
Resolution 2(1996)	Aesthetic Values of Antarctica
Resolution 3(1996)	Extension of the Expiry Dates for Sites of Special Scientific Interest
Resolution 4(1996)	Effective Management and Conservation of Historic Sites and Monuments
Resolution 5(1996)	Revised Renumbering of Antarctic Protected Areas

Twenty-first Antarctic Treaty Consultative Meeting, Christchurch, 19 – 30 May 1997

Measure 1(1997)	Antarctic Protected Areas System: Revised Description and Management Plan for Specially Protected Area, SPA 5 Beaufort Island
Measure 2(1997)	Antarctic Protected Areas System: Management Plans for Specially Protected Areas, Number 25 Cape Evans Historic Site and its environs, Number 26 Lewis Bay Tomb
Measure 3(1997)	Antarctic Protected Areas System: Revised Descriptions and Management Plans for Sites of Special Scientific Interest (SSSI)
Measure 4(1997)	Antarctic Protected Areas System: Historic Sites and Monuments: Memorial Cross, Lewis Bay, Ross Island
Measure 5(1997)	Antarctic Protected Areas System: Historic Sites and Monuments: Amendment Number 41: Stone Hut on Paulet Island
Decision 1(1997)	Revised Rules of Procedure (1997)
Decision 2(1997)	Consultative Status
Resolution 1(1997)	Emergency Response Action and Contingency Planning
Resolution 2(1997)	Comprehensive Environmental Evaluation (CEE): Methodology for Reviewing Activities for which a CEE has been Prepared
Resolution 3(1997)	Standard Form for Advance Notification and Post-Visit Reporting on Tourism and Non-Governmental Activities in Antarctica

Twenty-second Antarctic Treaty Consultative Meeting, Tromsø, 25 May – 5 June 1998

Measure 1(1998)	Antarctic Protected Areas System: Management Plan for Specially Protected Areas, Number 27: Cape Royds Historic Site and its environs Number 28: Hut Point Historic Site Number 29: Cape Adare Historic Site and its environs
Measure 2(1998)	Antarctic Protected Areas System: Historic Sites and Monument, South-West Coast of Elephant Island, South Shetland Islands
Decision 1(1998)	Recognition that the Republic of Bulgaria has fulfilled the requirements established in Article IX, paragraph 2
Decision 2(1998)	Rules of Procedure for the Committee for Environmental Protection
Decision 3(1998)	Liability
Decision 4(1998)	Marine Protected Areas
Resolution 1(1998)	Annex V: Protected Areas
Resolution 2(1998)	Guide to the Preparation of Management Plans for Antarctic Specially Protected Areas
Resolution 3(1998)	International Code of Safety for Ships in Polar Waters
Resolution 4(1998)	Antarctic Data Management
Resolution 5(1998)	ATCM Home Page
Resolution 6(1998)	Emergency Response Action and Contingency Planning

Twenty-third Antarctic Treaty Consultative Meeting, Lima, 24 May – 4 June 1999

Measure 1(1999)	Antarctic Protected Areas System: Revised Management Plan for Site of Special Scientific Interest No. 23: Svarthamaren
Decision 1(1999)	CEP Web Site
Decision 2(1999)	Guidelines for Antarctic Shipping and Related Activities
Resolution 1(1999)	Guidelines for EIA in Antarctica
Resolution 2(1999)	List of Specially Protected Species: Annex II to the Environmental Protocol
Resolution 3(1999)	Support for CCAMLR
Resolution 4(1999)	Cooperation among Parties in Accordance with Article 6 of the Protocol on Environmental Protection to the Antarctic Treaty
Resolution 5(1999)	Advice from COMNAP and SCAR
Resolution 6(1999)	Adherence to the Environmental Protocol by Non-Consultative Parties

Twelfth Antarctic Treaty Special Consultative Meeting, The Hague, 14 – 18 September 2000

Measure 1(2000)	Antarctic Protected Areas System: Revised Management Plans for Specially Protected Areas and Sites of Special Scientific Interest
Measure 2(2000)	Antarctic Protected Areas System: Extension of Expiry Dates for Certain Sites of Special Scientific Interest
Decision 1(2000)	Observers to the Committee for Environmental Protection
Resolution 1(2000)	Guidelines for Implementation of the Framework for Protected Areas Set Forth in Article 3, Annex V of the Environmental Protocol
Resolution 2(2000)	Support for CCAMLR and its Measures to Combat Illegal, Unregulated and Unrestricted Fishing, Including a Catch Documentation Scheme for *Dissostichus* spp. (Toothfish)

Twenty-fourth Antarctic Treaty Consultative Meeting, St. Petersburg, 9 - 20 July 2001

Measure 1(2001)	Antarctic Protected Areas System: Historic Sites And Monuments: "A Hut", Scott Base, Ross Sea Region
Measure 2(2001)	Antarctic Protected Areas System: Historic Sites And Monuments: Ruins of the Base Pedro Aguirre Cerda, Pendulum Cove, Deception Island
Measure 3(2001)	Antarctic Protected Areas System: Extension of Expiry Dates for Certain Sites of Special Scientific Interest
Decision 1(2001)	[Site of Permanent Secretariat]
Decision 2(2001)	Guidelines on Circulation and Handling of CEP Documents
Decision 3(2001)	[Liability]
Resolution 1(2001)	[Table of Recommendations, Measures, Decisions and Resolutions]
Resolution 2(2001)	Support for CCAMLR and its Measures to Combat Illegal, Unregulated and Unrestricted Fishing, Including a Catch Documentation Scheme for *Dissostichus* spp. (Toothfish)
Resolution 3(2001)	Collection of meteorites in Antarctica
Resolution 4(2001)	Historic Sites and Monuments
Resolution 5(2001)	Guidelines for Handling of Pre-1958 Historic Remains whose Existence or Present Location is Not Known
Resolution 6(2001)	[Exchange of Information]