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## ANTARCTIC TREATY

**Opened for Signature:** 1 December 1959.

**Entered into Force:** 23 June 1961.

**Number of Parties:** 48 states, of which 12 are original members and Consultative Parties, 28 Consultative Parties with voting status at Antarctic Treaty Consultative Meetings, and 20 Non-Consultative Parties with observer status.

**Depositary:** United States.

### Treaty Text

**Background:** The Antarctic Treaty originated in an extraordinary moment of Cold War-era cooperation. In the mid-1950s, a group of scientists convinced the [United Nations](#) to institute an event to promote cooperation in the sciences. To this end, the UN designated 1 July 1957 to 31 December 1958 the “International Geophysical Year (IGY).” During the 18 month IGY, scientists from 12 nations worked together in Antarctica. At the conclusion of the project, all agreed that the IGY had been successful. The momentum of this symbolic event was followed by the drafting of the Antarctic Treaty in Washington in 1959.

The Treaty’s framers intended to guarantee that “... Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord.” The Treaty covers everything south of 60° South latitude, now known as the Antarctic Treaty Area (ATA). Among other things, the Treaty prohibits nuclear explosions, radioactive waste disposal, and military deployments in the ATA. (However, using military personnel to support scientists is specifically allowed, as well as “for any other peaceful purpose.”) The Treaty’s next most significant goal is the encouragement of continued international cooperation in scientific research.

By the time of the IGY, seven of the 12 original signatory countries (Australia, New Zealand, United Kingdom, France, Norway, Chile, and Argentina) had already laid territorial claims in Antarctica; several of these claims overlapped. These overlapping claims were a potential cause of the very “international discord” the Treaty sought to avoid. For this

reason, the framers devised a plan to “freeze” these claims for the duration of the Treaty. Article IV clarifies that the Treaty does not repudiate any existing claim, but it prohibits their assertion as well as the establishment of new claims. To date, none of these seven states has renounced its claim, and the United States and Russia maintain the “right” to lay claims. Still, none has directly challenged Antarctica’s international status.

**Decision-making:** Currently, 48 nations have agreed to the Antarctic Treaty, but only 28 control the decision making process. These 28 are the “Consultative Parties” mentioned above, and they include the original 12 signatories. Only the Consultative Parties have votes at the Antarctic Treaty Consultative Meetings (ATCM), and every decision requires a consensus. However, nations who conduct scientific research on the continent can apply to become Consultative Parties.

In 2011, the 28 Consultative Parties were Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, China, Ecuador, Finland, France, Germany, India, Italy, Japan, the Republic of Korea, Netherlands, New Zealand, Norway, Peru, Poland, Russia, South Africa, Spain, Sweden, Ukraine, United Kingdom, Uruguay, and United States.

The 20 Non-Consultative Parties were Austria, Belarus, Canada, Colombia, Cuba, the Czech Republic, Denmark, Estonia, Greece, Guatemala, Hungary, the Democratic Republic of Korea, Monaco, Papua New Guinea, Portugal, Romania, the Slovak Republic, Switzerland, Turkey, and Venezuela.

**Treaty Obligations:** The Treaty obligates Parties to use Antarctica for peaceful purposes only. Any measures of a military nature, including testing of any type of weapons, are prohibited; any nuclear explosions in Antarctica and the disposal there of radioactive waste material are prohibited.

The 14 Articles of the Treaty may be summarized as follows:

1. Antarctica shall be used for peaceful purposes only; any military measures, with the exception of use of military assets for scientific research or any other peaceful purpose, are prohibited.

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2. Freedom of scientific investigation in Antarctica and cooperation as applied during IGY shall continue.
3. Plans for scientific programs and the observations and results thereof shall be freely exchanged; scientists may be exchanged between expeditions.
4. All national claims are held static from the date of signature. No future activity of any country during the life of the Treaty can affect the status quo on any rights or claims to territorial sovereignty.
5. Nuclear explosions and disposal of radioactive waste are prohibited in Antarctica.
6. The provision of the Treaty applies to the area south of 60° South latitude.
- 7/8. Any Contracting Party may appoint observers. They shall have complete freedom of access at any time to any area of Antarctica, with the right to inspect any other nation's buildings, installations, equipment, ships, or aircraft or to carry out aerial observations.
9. Regular consultative meetings of the active signatory nations shall be held.
10. Contracting Parties shall ensure that no activity contrary to the Treaty is carried out.
11. Any disputes between Contracting Parties shall be resolved by peaceful negotiation, in the last resort by the International Court of Justice.
12. The Treaty shall remain in force for a minimum of 30 years.
- 13/14. These Articles provide the legal details of ratification and deposit.

**The Antarctic Treaty System:** The Antarctic Treaty is the core of a number of related agreements forming the Antarctic Treaty System. The other agreements are the Protocol on Environmental Protection to the Antarctic Treaty (Madrid, 1991), the Convention for the Conservation of Antarctic Seals (CCAS, London, 1972), and the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR, Canberra, 1980). The CCAS and CCAMLR are independent agreements, but they commit their members to essential provisions of the Antarctic Treaty such as Article IV, dealing with the legal status of territorial claims.

**The Protocol on Environmental Protection:** The Protocol on Environmental Protection to the Antarctic Treaty, signed on 4 October 1991 in Madrid and entered into force in 1998, designates Antarctica as a "natural reserve, devoted to peace and science," sets forth basic principles for human activities, and prohibits all activities related to mineral resources. The

Environment Protocol established the Committee for Environmental Protection (CEP) as an expert advisory body to provide advice and formulate recommendations to the Antarctic Treaty Consultative Meeting (ATCM) in connection with the implementation of the Environment Protocol. The CEP meets every year in conjunction with the ATCM.

**Secretariat:** The Antarctic Treaty Secretariat was established in 2004 and located in Buenos Aires, Argentina. Under the direction of the ATCM, the Secretariat supports the annual ATCM and CEP meetings, facilitates the exchange of information between state parties, and disseminates related information.

### **Verification and Compliance:**

**Verification:** All areas of Antarctica, including all stations, installations, and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargos or personnel in Antarctica are open at all times to inspection by observers designated by the Contracting Parties. Over 40 inspections have taken place between 1961 and 2009, the majority since 1980. Argentina, Australia, Chile, Finland, France, Germany, Norway, New Zealand, Peru, Russia, the United Kingdom, and the United States have conducted these inspections.

**Compliance:** The Treaty has a technical secretariat in Buenos Aires, but there is no administrative body to oversee its implementation. The methods of dispute resolution provided by the Antarctic Treaty are negotiation, arbitration, or, if all the parties to the dispute agree, adjudication by the International Court of Justice.

### **Developments:**

**2011:** On 20 June-1 July, the XXXIV Antarctic Treaty Consultative Meeting (ATCM) and CEP XIV took place in Buenos Aires, Argentina. The meetings [focused](#) on climate change, developing early warning systems for Antarctica for natural disasters, as well as enhancing tourism guidelines.

**2010:** On 29 January, Portugal became a Non-Consultative member of the treaty.

On 7-9 April, the Antarctic Treaty Meeting of Experts (ATME) was held in Norway to discuss issues of climate change in relation to Antarctica, research on the continent, and the need to establish monitoring, scenario planning and risk assessments.

On 3-14 May, the [XXXIII Antarctic Treaty Consultative Meeting \(ATCM\)](#) and CEP XIII took place in

Punta del Este, Uruguay. The core issues [discussed](#) included:

- Climate change and Antarctic-based research on the topic;
- The establishment of marine protected areas in the Southern Ocean (including the Ross Sea by 2012);
- The lack of adherence by some governments to reporting on instances of biological prospecting;
- Antarctic tourism.

**2009:** On 6-17 April, the [XXXII Antarctic Treaty Consultative Meeting \(ATCM\)](#) took place in Baltimore, USA, marking the 50<sup>th</sup> anniversary of the signing of the treaty. Among the issues discussed, the accomplishments of the [International Polar Year](#) (March 2007-March 2009) and the future of polar science priorities featured more prominently.

**2008:** On 2-13 June, the [XXXI Antarctic Treaty Consultative Meeting \(ATCM\)](#) took place in Kyiv, Ukraine. The Committee for Environmental Protection (CEP) discussed climate change, non-native and specially protected species, marine acoustics, inspections reports, waste management and prevention of marine pollution, and cooperation between organizations. There were also working groups on tourism and non-governmental organization activities, legal and institutional issues, and operational matters.

**2007:** On 30 April-11 May, the [XXX Antarctic Treaty Consultative Meeting](#) (ATCM) was held in New Delhi, India. Issues discussed at the meeting included environmental protection, tourism and non-governmental activities, scientific cooperation and facilitation, educational issues, and the [International Polar Year 2007-2008](#). The [final report](#) of the 30<sup>th</sup> ATCM discussed issues on the agenda, measures, decisions and resolutions, as well as opening and closing remarks, reports and additional documents.

On 9 November, the United Nations Secretary-General Ban Ki-moon visited Antarctica in order to highlight the effects of global climate change. Ban Ki-moon was the first United Nations Secretary-General to visit Antarctica.

**2006:** On 12-23 June, the United Kingdom hosted the XXIX [Antarctic Treaty Consultative Meetings](#) (ATCM) in [Edinburgh](#). The [final report](#) focused on raising public awareness of environmental issues specific to Antarctica. In addition, several [resolutions](#) were adopted that created management plans for specially protected areas of Antarctica.

**2005:** On 6-17 June, the XXVIII Antarctic Treaty Consultative Meeting (ATCM) took place in Stock-

holm, Sweden. After almost 13 years of negotiations, parties agreed on [liability rules](#) in the event of an environmental emergency in Antarctica. The agreement requires states that operate in the Antarctica to take measures to avoid, minimize, or contain the impact of an environmental emergency. The meeting also adopted [guidelines](#) for developing and implementing environmental monitoring programs. The guidelines present practical advice for states but are not binding on member states and [guidelines](#) for environmental impact assessments in Antarctica to achieve transparency and effectiveness in assessing environmental impacts during the planning stages of possible activities in Antarctica.

**2004:** On 23 May to 4 June, the XXVII Antarctic Treaty Consultative Meeting (ATCM) took place in Cape Town, South Africa. The meeting adopted several resolutions related to environmental protection measures in Antarctica. The meeting also adopted a resolution on the establishment of an intersessional contact group to improve information exchange among states. On 1 September, the Antarctic Treaty Secretariat was established and based in Buenos Aires, Argentina.

**2003:** On 9-20 June, the XXVI Antarctic Treaty Consultative Meeting was held in Madrid, Spain. The meeting adopted [resolutions](#) on the Antarctic protected area system and management plans for Antarctic specially protected areas.

**2002:** On 10-20 September, the XXV Antarctic Treaty Consultative Meeting was held in Warsaw, Poland. Outcomes achieved include progress on the establishment of the Antarctic Treaty Secretariat and improvements to the operation and structure of treaty meetings.

**2001:** On 9-20 July, the XXIV Antarctic Treaty Consultative Meeting (ATCM) took place in St. Petersburg, Russia. The Parties achieved a long-awaited breakthrough with a decision to establish the first Secretariat of the Antarctic Treaty System in Argentina, 40 years after the Treaty entered into force. The breakthrough came when Britain announced to the meeting that it would join the consensus.

**2000:** On 11-15 September, the XII Special Antarctic Treaty Consultative Meeting (SATCM) took place in The Hague, Netherlands. The main purpose of the meeting was to receive the report of the Third Meeting of the Committee for Environmental Protection (CEP III). The informal meeting of legal experts continued its discussions on an annex or annexes to environmental liability in the Protocol. Legal experts also discussed aspects of the Antarctic Treaty Secretariat.

**1999:** In January, the States Parties held a so-called “Ministerial on Ice” in Antarctica. The “Ministerial-on-Ice” at Scott Base (New Zealand) and McMurdo Station (US) involved representatives from the 27 Consultative Parties. The purpose of the program on the ice intended to give participants an understanding of the global importance of Antarctica and of the significance of the achievements of the Antarctic Treaty System on the eve of the new millennium. Site visits and specialist briefings and presentations achieved this goal. One particular area of focus during the visit included: “Peace and security — the success of the Antarctic Treaty over the past forty years.”

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On 24 May-4 June, the XXIII Antarctic Treaty Consultative Meeting (ATCM) took place in Lima, Peru. Poland, expected to host ATCM XXIV in 2000., announced that budgetary reasons would prevent it from doing so. Poland instead offered to host an ATCM in 2001. With no alternative resolved at the conclusion of the meeting., the United States, as Depository Government for the 1959 Antarctic Treaty, undertook an investigation of alternatives through diplomatic channels. Apparently, Australia, Chile, and the Netherlands each indicated that they could host a simplified ATCM in 2000. A representative of the US Department of State verified in April that an official diplomatic invitation issued by the Netherlands stated plans to hold the annual Antarctic Treaty meeting during the week of 11 September 2000.

**1998:** On 25 May-7 June, the XXII annual Antarctic Treaty Consultative Meeting (ATCM) took place in Tromsø, Norway. Delegates of the 27 Antarctic Treaty Consultative Parties, 17 Antarctic Treaty Non-Consultative Parties, and non-governmental organizations attended. This meeting provided the forum for formal discussions and negotiations in relation to the Antarctic Treaty.

**1997:** In May, New Zealand’s Prime Minister, Rt. Hon Jim Bolger, announced at the XX Antarctic Treaty Consultative Meeting (ATCM) in Christchurch that New Zealand would offer Ministers from Antarctic Treaty countries an opportunity to visit Antarctica. The visit aimed to demonstrate the extraordinary importance of the continent and the success of the Antarctic Treaty System.

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