STATEMENT

by

H.E. Mr. Anders Lodén
Ambassador and Permanent Representative
of Sweden

On the

Question of Antarctica

First Committee of the
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- CHECK AGAINST DELIVERY -
Mr/Ms Chairperson,
I have the honour today of addressing the First Committee of the General Assembly on behalf of the State Parties to the Antarctic Treaty.

The Antarctic Treaty has now been in force for over 40 years. Of the 45 participating States, 28 have Consultative Party status, primarily by virtue of their qualified scientific research activity in Antarctica.

Since the entry into force of the Antarctic Treaty, the Consultative Parties have adopted a number of measures to provide for the effective management of Antarctica, and to guarantee that the continent remains dedicated to peace, science and international co-operation.

I am pleased to report to you about some of the significant developments which have occurred in this field over the last three years:

Since the General Assembly last addressed the "Question of Antarctica" in 2002, the intervening period has witnessed further strengthening of the Antarctic Treaty. Ukraine was accorded Consultative Party status in 2004. Collectively, the 45 State Parties represent more than 80% of the world's population. By invitation of the Antarctic Treaty Consultative Meeting, Malaysia has attended meetings during the intervening period to observe the proceedings.

The success and ongoing development of the Antarctic Treaty is largely attributable to the work performed by the annual Antarctic Treaty Consultative Meetings (ATCMs). Over the last three-year period, meetings have taken place in Madrid (9-20 June 2003), in Cape Town (24 May to 4 June 2004) and in Stockholm (6-17 June 2005). At each of these meetings important steps have been taken to strengthen the regulatory framework for Antarctica with a view to protecting the Antarctic environment and its dependent and associated ecosystem.

The Madrid ATCM agreed to the establishment of a Secretariat of the Antarctic Treaty in Buenos Aires, reaching consensus concerning the basis on which costs would be calculated and decided. The ATCM also adopted a Headquarters Agreement, as well as Staff and Financial regulations for the Secretariat.

At the meeting in Cape Town 2004, Mr Jan Huber of the Netherlands was appointed Executive Secretary, and the Secretariat became operational in Buenos Aires in September of that year. The first time that the Executive Secretary and his staff
participated in an ATCM was in Stockholm in 2005. The Secretariat has established a website where interested parties can access comprehensive information about Antarctica, including documents from recent ATCMs (see www.ats.aq).

Mr/Mrs Chairperson,

I am happy to announce that after 13 years of negotiations, a successful breakthrough was reached in the complex question of liability for environmental damage at the Antarctic Treaty Consultative Meeting in Stockholm in 2005. The Meeting adopted the important Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty - Liability Arising from Environmental Emergencies. This augments the previous five Annexes to the Protocol adopted in 1991. The aim of the new Stockholm Annex is to prevent environmental emergencies in Antarctica. Should an environmental emergency nevertheless take place, the operator that causes the damage must take measures to minimise and contain the impact. There will be financial obligations for failing to do so.

The negotiations were legally complicated since they involved rules of international law as well as national, such as tort law, procedural law and insurance law. The Stockholm Annex is based in part on each operator being held liable for any failure to take prompt and effective response action and on all States concerned cooperating after an environmental emergency.

In accordance with Article IX of the Antarctic Treaty, the new legally binding instrument will come into force when all States that were Consultative Parties when the Annex was adopted have approved the Annex. An annual evaluation will be made in order to encourage the Parties to approve the Annex.

The rapid increase and diversification of Antarctic tourism in recent years (in 2004 approx. 30 000 ship-borne tourists visited the continent) poses a challenge for the Antarctic Treaty Parties. It has given rise to a growing concern for the environment, as does the trend towards larger passenger vessels, many of which are not suitably constructed for the sea conditions of the Antarctic. From 2003 in Madrid the ATCM has placed tourism high on its agenda and emphasised the fact that tourism had the potential adversely to impact on the Antarctic environment.

Tourism and its consequences are being closely monitored by the Treaty Parties. An Antarctic Treaty Meeting of Experts on Tourism (ATME) was convened in Tromsø, Norway in 2004 to examine issues such as adventure tourism, environmental monitoring, safety and self-sufficiency (including search and rescue and insurance), jurisdiction, industry self-regulation, and an analysis of the existing legal framework and identification of gaps. A key outcome of the meeting was the Parties' agreement
that within the Antarctic Treaty System the question of the regulatory framework for tourism and non-governmental activities in Antarctica needed further consideration. While the Treaty Parties agreed there was merit in a strong industry association to ensure high standards amongst its members, it was stressed that establishing the regulatory framework for Antarctic tourism was the primary responsibility of the Treaty Parties.

In a significant development, the ATCM in Cape Town adopted Measure 4 (2004) requiring Insurance and Contingency Planning for Tourism and Other Non-Governmental Activities in the Antarctic Treaty Area. At the most recent ATCM the Parties also adopted Site Guidelines for a number of tourist-visited sites. These are intended to provide specific management prescriptions for such sites. A special Intersessional Contact Group on Site specific guidelines is further reviewing the issue and will present a report to CEP IX.

Mr./Ms Chairperson,

Environmental protection has always been a central theme of the co-operation among the Antarctic Treaty Parties. The Antarctic continent is our largest nature reserve, devoted to peace and science. Antarctica can give us a unique perspective and knowledge regarding today's global environmental trends and hazards.

The Protocol on Environmental Protection to the Antarctic Treaty entered into force on 14 January 1998. As of June 2005 there were 32 members of the Committee for Environmental Protection (CEP), and during the period under review Romania, Canada and the Czech Republic have ratified the Protocol.

After eight years of work, the CEP has consolidated itself into the primary advisory body on environmental matters within the Antarctic Treaty System.

The Committee has worked with a combination of strategies and activities, such as producing practical tools for environmental management and protection and endorsing guidelines for Environmental Monitoring Programmes in Antarctica. The CEP has also discussed quarantine and the introduction of non-native species as well as ongoing climate change and how this will impact on Antarctic ecosystems. It has also developed procedures and guidelines for Antarctic Specially Protected Species. The ATCM has also responded to the advice of the CEP and in consequence has asked the International Maritime Organisation (IMO) to examine ways in which the use of heavy fuel oil by vessels in Antarctic waters can be restricted.
The recent establishment of the Secretariat of the Antarctic Treaty has created a new situation for future CEP work. The Committee has therefore initiated work on a new and comprehensive strategic discussion of future environmental challenges in Antarctica. As a result of previous discussions it was agreed at ATCM XXVII to establish a steering committee to prepare for a substantive discussion of the strategic issues facing the CEP at CEP IX.

As officially designated observers to the ATCM, the Scientific Committee on Antarctic Research (SCAR) and the Council of Managers of the National Antarctic Programs (COMNAP) are important players within the Antarctic Treaty System. SCAR coordinates scientific research carried out by national Antarctic programs, identifies priorities for international co-operation and advises the Treaty System on environmental protection issues. COMNAP advises the Treaty System on scientific research and environmental protection and encourages the adoption of best practices by national programs. SCAR and COMNAP often work collaboratively on these subjects.

The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) is a key element of the Antarctic Treaty System. CCAMLR covers a wide range of issues in terms of fisheries and ocean management. Among the most significant have been attempts to curb illegal, unregulated and unreported (IUU) fishing, particularly of the highly lucrative Toothfish, through a range of measures including enhanced port inspections and "blacklisting" of IUU vessels. Of particular note, CCAMLR has established and further developed a satellite-based centralized Vessel Monitoring System (VMS) and a Catch Documentation Scheme to track the international trade in Toothfish. Despite this, IUU fishing in Antarctic and sub-Antarctic waters continues. The Antarctic Treaty Parties have joined with CCAMLR in condemning such illegal practices, most of which are being undertaken by vessels of "flags of non-compliance".

Mr/Ms Chairperson,

The Antarctic Treaty Parties in support of CCAMLR would, in this forum, call on such States to ensure that their vessels act responsibly within CCAMLR waters in accordance with the regulatory measures established for the area.

Biological prospecting, that is the search for biological assets in Antarctica and extraction of their genetic properties, has been discussed at the ATCMs during the intervening period. In Resolution 7 (2006), Biological Prospecting in Antarctica, approved at ATCM XXVIII, Parties are recommended to encourage their governments to continue to keep under review the question of biological prospecting.
in the Antarctic Treaty Area, and exchange, on an annual basis, information and views relating to that question as appropriate.

Mr/Ms Chairperson,
One of the most important elements that initiated the negotiations on what was to become the Antarctic Treaty in 1959, was the success of the International Geophysical Year (IGY) of 1957/58. Then, a range of States achieved considerable co-operation in scientific endeavour in Antarctica.

We are now on the eve of a commemorative initiative that will both acknowledge the 50 years since the IGY and also see further huge investments made in scientific co-operation in the Polar regions. 2007 will mark the International Polar Year. The IPY was initiated by the World Meteorological Organization (WMO) and has been supported from all sides — by the International Council of Scientific Unions and its subsidiary body the Scientific Committee on Antarctic Research, by the Antarctic Treaty Consultative Parties and by the States and Members which constitute the Arctic Council. The IPY will be bipolar in nature, examining the contrasting features of the Arctic and Antarctic and their important interrelationships with the global environment.

Mr/Ms Chairperson,
We consider the IPY both timely and relevant and believe that its findings should be reported back, at the appropriate time, to this organisation.

Mr/Ms Chairperson,
The Antarctic Treaty System is a constantly evolving process. The Treaty and its Environmental Protocol are open to accession by all members of the United Nations. The commitment among the Parties is dedicated and strong, to ensure that the sensitive Antarctic environment remains protected and that the use of Antarctica is limited to peaceful purposes, with particular focus on scientific co-operation. The Stockholm Annex on Liability is a step forward in achieving these objectives.

Thank you, Mr/Ms Chairperson