



The Liability Working Group, under the Chairmanship of Ambassador Don Mackay (New Zealand), nearing the end of negotiations on the liability annex in Stockholm, June 2005.

ANDREW JACKSON

Liability for environmental emergencies in Antarctica

Rules governing who is liable for preventing and dealing with oil spills, disease introductions and other ‘environmental emergencies’ in Antarctica were set at this year’s 28th Antarctic Treaty Consultative Meeting in Stockholm, concluding 12 years of complex negotiations.

The adoption of a new Annex (Annex VI) to the Protocol on Environmental Protection to the Antarctic Treaty on ‘liability arising from environmental emergencies’ is the most significant addition to the Antarctic Treaty regime since the Protocol was adopted in 1991.

The Annex applies to environmental emergencies arising from scientific research, tourism and other activities in the Antarctic Treaty area, such as logistic (shipping and aircraft) support. The aim of the Annex is to stipulate – before anything goes wrong – who could be held responsible for cleaning up after an environmental emergency, and the legal avenues to respond to disaster. It also allows compensation to be claimed from the polluter if someone else has to clean up.

The Annex is the first step in establishing a comprehensive regime of liability for environmental damage in Antarctica; a requirement of Treaty Parties under Article 16 of the Madrid Protocol. Within the next five years Parties will have a time-frame for resuming negotiations to elaborate further rules and procedures.

Meanwhile, Treaty Parties will make the new rules effective within their own domestic laws. Australia, for instance, will require Australian operators to establish preventative measures and contingency plans and respond to any environmental emergencies arising from their activities.

The next Treaty meeting will be hosted by the United Kingdom in Edinburgh in June 2006.

For more information visit the Antarctic Treaty Secretariat’s website <<http://www.ats.org.ar>>.

—STEPHEN POWELL

Antarctic and International Policy, AAD

Acting on illegal fishing

The marine living resources of the Southern Ocean are conserved and managed under an international agreement – the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR).

At CCAMLR’s recent annual meeting in Hobart, members agreed on new actions to protect the Southern Ocean environment and help combat illegal, unregulated and unreported (IUU) fishing.

IUU fishing threatens fish stocks by overfishing, and damages the Southern Ocean ecosystem. One of the biggest impacts is on seabirds, as IUU vessels do not use the mitigation methods developed by CCAMLR that prevent the catching and killing of endangered albatrosses and petrels.

IUU fishing, previously a problem in Australia’s waters around Heard and McDonald islands, has been largely been driven out of these waters by Australia’s armed patrols. The patrols have, however, detected many IUU vessels in nearby parts of the CCAMLR area. Most of these vessels are flagged to countries that have not signed the Convention.

Actions agreed to by CCAMLR members to combat IUU fishing include:

- Developing a capacity-building program to help key countries strengthen their fisheries management and enforcement systems;
- Taking strong diplomatic action against countries engaging in IUU fishing or flagging IUU vessels;
- Working together to establish the rules for taking trade-related action against countries that are uncooperative or repeat offenders; and
- Stronger procedures for black-listing vessels engaged in IUU fishing. CCAMLR’s IUU lists publicly expose offenders and help countries involved in Patagonian toothfish harvesting or trade to avoid dealing with IUU catches and operators.

CCAMLR members also embraced fresh ideas raised at a CCAMLR Symposium hosted by Australia and Chile in Valdivia, Chile, in April, which will help direct the organisation’s work into and beyond 2006.

—PHILLIP TRACEY

Antarctic and International Policy, AAD