

Treaty secretariat closer to reality

A priority issue for the 25th Antarctic Treaty Consultative Meeting was negotiation of the instruments and documents necessary for the Antarctic Treaty Secretariat to be established.

Australia has a long-standing position that the early establishment of the Secretariat is fundamental to efficient operation of the Treaty.



Members of the Australian delegation involved in negotiating the establishment of an Antarctic Treaty Secretariat. From left: Warren Papworth (AAD), Constance Johnson (DFAT), Richard Rowe (DFAT) and Andrew Jackson (AAD).

These discussions occupied five days and followed the welcome decision in 2001 to establish the Secretariat in Argentina. When operating it will lead to immediate efficiencies in the way the Treaty conducts its business. However, the Secretariat cannot start until a number of legal instruments enter into force.

The parties have agreed that a legally binding instrument will be necessary for the Secretariat to conduct its business and to secure funding by the Parties. However, it is also necessary to negotiate a means for the Secretariat to undertake its functions on an interim basis.

While progress was made on most of the issues, all the instruments must be adopted as a package. Accordingly, further negotiations are required.

As time for the negotiations in Warsaw was limited, it was not possible to examine a number of the technical issues such as the financial regulations, staff regulations, budget, and cost sharing mechanisms. These issues can be advanced in the lead up to and at the 2003 Treaty meeting.

Australia has a long-standing position that the early establishment of the Secretariat is fundamental to efficient operation of the Treaty. Since the adoption of the Madrid Protocol in 1991 the Treaty system has had an increasingly complex environmental agenda and a proliferation of working papers. The need for a mechanism to assist with organising the annual meetings and to properly manage the documents has become urgent.

The Antarctic Treaty is unique among international agreements of this stature in not having a permanent body to support it.

Australia hopes that the Secretariat can be established in 2003. ■

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Liability for environmental damage

The Warsaw meeting saw useful progress on the vexed question of developing rules for liability for environmental damage – an obligation arising from Article 16 of the Madrid Protocol.

The need is to have rules to decide responsibilities if an environmental disaster were to occur in Antarctica. Like elsewhere in the world, environmental liability rules are difficult to settle — a problem exacerbated by the unique operational and jurisdictional situation of Antarctica.

In the past, Parties have been split between a single annex (the so-called comprehensive approach) or a step-by-step approach starting with response action in environmental emergencies. Parties have now agreed to the latter approach on the expectation that broader concerns can be addressed at a later time. Accordingly, excellent progress was made on issues which in the past have highlighted the differences of approach.

COMNAP contributed practical advice on worst-case scenarios and the outcomes of a survey of recent Antarctic incidents.

The Warsaw meeting will lead to a further revision of a draft annex to form the basis of further negotiations in 2003. ■

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