



Cumberland Lodge  
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A Cumberland Lodge residential conference

# The Antarctic Treaty: 50 More Years of Preserving Peace?

10<sup>th</sup>-12<sup>th</sup> June 2009

## Speakers

**James Barnes**, Executive Director, Antarctic and Southern Ocean Coalition

**Dian Belanger**, Independent Historian

**Professor Paul Berkman**, Head, Arctic Ocean Geopolitics Programme, Scott Polar Research Institute

**Professor James Crawford**, Whewell Professor of International Law, LCIL

**Robert Culshaw**, Deputy Director, British Antarctic Survey

**Professor Klaus Dodds**, Professor of Geopolitics, Royal Holloway, University of London

**Professor David Drewry**, Vice Chancellor, University of Hull

**Professor David Macdonald**, Professor of Petroleum Geology, School of Geosciences, University of Aberdeen

**Dr Olav Orheim**, Senior Adviser, Research Council of Norway

**Professor David Walton**, Emeritus Fellow, British Antarctic Survey

**Professor Oran Young**, Bren School of Environmental Science and Management, University of California

The conference organisers are extremely grateful to **Meredith Hooper**, author, who initially suggested the conference topic and with **David Drewry** and **Paul Berkman**, formed the advisory committee to the conference with members of the Cumberland Lodge staff.

Representatives from Australia, Canada, Chile, China, France, Italy, New Zealand, Norway, UK, and USA, gathered at Cumberland Lodge to discuss the state of the Antarctic Treaty in the year of its fiftieth anniversary. Of particular interest was the question whether lessons can be learned from the Treaty that can be applied to other geographical regions and other issues of geopolitical concern. The discussion ranged widely. There was a recognition of the fact that the creation of the Treaty in 1959 was historically contingent and that no such set of geopolitical circumstances may ever arise again. There was a particular pessimism expressed about the possibility of replicating

the Treaty *in toto* in the Arctic region. There was nonetheless a deep admiration for the Treaty, and for the visionary statesmen who – in Article IV – ensured the stability of the Treaty by basing it on an *agreement to disagree* about territorial claims on the continent.

This admiration of the Treaty led to a determination in the conference to think creatively about the successes of the Treaty and how they may be applied elsewhere. Delegates were reminded that:

1. It has preserved 10% of the Earth for peaceful purposes
2. It has created the world's first nuclear-free zone
3. It has instituted an unprecedented international scientific collaboration

It has done these things in the face of significant political and economic challenges over the decades. Not only must these achievements be recognised, celebrated and publicised, but they must also offer guidance to lawyers, diplomats, scientists and lobbyists in pursuing similar goals elsewhere in the world.

It was not naively assumed that Antarctica was safe from geopolitical intrigues in the future. Among possible challenges three were set out particularly clearly:

- Shifting balance of powers: Delegates considered how the Consultative Parties to the Treaty may not match the changing geopolitical landscape in the future. It was noted in particular that there are no states from the Middle East and Islamic World among the Consultative Members of the Antarctic Treaty System. (It was, of course, acknowledged that member states such as India, China, UK, France have substantial Muslim communities, and so at that level the Antarctic Treaty System is more representative than may otherwise have been thought.).
- Neo-territoriality: Despite the fact that Article IV of the Treaty makes it impossible to extend a territorial claim over the Antarctic, claimant countries are asserting rights over the seabed. The political rhetoric about this issue has become increasingly, dangerously inflammatory. The discovery of a major mineral field deposit might crucially affect territorial attitudes in the regions.
- Global financial turmoil means that scientific funding may be reduced between 5% and 20% in the very near future. It may therefore mean that Consultative

Parties are forced to reconsider their priorities in regard to the funding of Antarctic science and operations, thus reducing their role and effectiveness within the Treaty System.

Why has the Treaty worked? Can lessons be applied elsewhere? The meeting threw up the following suggestions:

- The Treaty was formed by only 12 parties. It is possible, as was said in the 1950s, that for diplomatic purposes this was an 'efficient' number that led to 'favourable decision-making'. It was noted, however, that such an arrangement was highly exclusive. Even now the Consultative Parties to the Treaty represent only 64.5% of the world's population. In the 1980s the exclusivity of the Treaty was challenged, and it is to its credit that it survived by extending its membership.
- 'High Ideals' overruled political divisiveness. The Treaty is elegantly formed with only 14 articles. At moments of tension during the negotiations in 1959, referring to 'peaceful purposes' or 'benefit of all mankind' overcame nationalistic disputes. Perhaps this idealism can be recaptured by other political processes.
- Science binds the Treaty together, and therefore political divides are overcome by common goals in the advancement of human knowledge
  1. It was created in the spirit of the International Geophysical Year of 1957/8 which itself embodied the idealistic notion that scientists from different countries could collaborate freely.
  2. Article II gives scientists the freedom to cross the continent without restriction.
  3. Article III promotes international scientific co-operation in 3 ways. it encourages the sharing of plans, personnel and information. 40% of all scientific articles produced on Antarctica are co-authored by scientists from different nationalities.
  4. Countries wishing to accede to the Treaty must demonstrate a commitment to scientific endeavour on the continent.
- The Treaty is organic. Article IX insists that Antarctic Treaty Consultative Committee meetings are held regularly in closed sessions. Meeting regularly

makes sense: international difficulties are defused and not allowed to ferment; new challenges can be met relatively quickly.

- The Madrid Protocol, as well as the articles of the Treaty themselves, are clearly expressed. It is easier to defend an outright ban on mineral exploitation than it is to negotiate percentage agreements.
- The right of inspection of bases belonging to other countries is enshrined in Article VII. The results of these visits must be shared with all members. This right has defused not only the threat of nuclear development on the continent, but has also monitored the environmental impact of scientific work.

It was understood that many factors pertaining to the successful formation of the Antarctic Treaty may be unique to it. The following points were particularly emphasised: the continent is uninhabited; mineral resources on the continent are either non-existent or impossible to exploit; there was effective political leadership in the 1950s and perhaps less so now; scientists were perhaps held in greater esteem then than now.

The shortcomings of the Treaty were also considered. Because jurisdictions are left without agreement, responsibility is difficult to ascertain and multi-lateral enforcement is hard to achieve. Illegal fishing, in particular, is a perennially increasing problem.

In short, the conference was a high-level examination of the Antarctic Treaty, its geopolitical, scientific and environmental significance. The lasting importance of the Treaty was emphasised throughout, and inspired the delegates to agree to the attached "Cumberland Lodge Statement".

Dr Owen Gower  
Senior Fellow, Cumberland Lodge  
12 June 2009



Cumberland Lodge is very grateful for the support of The Royal Society and the Antarctic Treaty Summit

## Participants: The Antarctic Treaty: 50 More Years of Preserving Peace? June 2009

Mr	Ian	<b>Anderson</b>	Postgraduate Student of Law	Birkbeck College
Miss	Narelle	<b>Baker</b>	PhD Student, Polar Research	Scot Polar Research Institute
Mr	James	<b>Barnes</b>	Executive <b>Director</b>	Antarctic and Southern Ocean Coalition
Ms	Dian	<b>Belanger</b>	Independent Historian	
Prof	Paul	<b>Berkman</b>	Head, Arctic Ocean Geopolitics Programme	Scott Polar Research Institute
Miss	Helen	<b>Campbell</b>	Data Manger	British Antarctic Survey
Dr	Elizabeth	<b>Chadwick</b>	Reader in Law	Nottingham Trent University
Prof	James	<b>Crawford</b>	Whewell Professor of International Law	LCIL
Mr	Robert	<b>Culshaw</b>	Deputy Director	British Antarctic Survey
Prof	Klaus	<b>Dodds</b>	Professor of Geopolitics	Royal Holloway, University of London
Prof	David	<b>Drewry</b>	Vice Chancellor	University of Hull
Prof	Malcolm	<b>Evans</b>	Dean Social Sciences and Law	University of Bristol
Ms	Sherrie-Lee	<b>Evans</b>	Volunteer Museum Intern/Student	Scott Polar Research Institute/ Sidney University
Mr	Euan	<b>Felton</b>	Director	Euan Felton Associates
Dr	Dougal	<b>Goodman</b>	Chief Executive	The Foundation for Science and Technology
Mr	Jorge	<b>Guzman-Gutierrez</b>	PhD Researcher, Former Diplomat	SPRI
Ms	Meredith	<b>Hooper</b>	Trustee	UK Antarctic Heritage Trust
Dr	Adrian	<b>Hawkins</b>	Assistant Professor	Colorado State University
Mr	Benjamin	<b>Koppelman</b>	Policy Adviser	The Royal Society
Mr	Bryan	<b>Lintott</b>	PhD Student, Polar Research	Gateway Antarctica, University of Canterbury, New Zealand
Mrs	Indrani	<b>Lutchman</b>	Senior Fellow, Head of Fisheries Programme	The Institute for European Environmental Policy
Prof	David	<b>Macdonald</b>	Professor of Petroleum Geology	School of Geosciences
Mr	Jeffrey	<b>Marlow</b>	Student	Imperial College London
Dr	Olav	<b>Orheim</b>	Senior adviser	Research Council of Norway
Mr	Derek	<b>Pieper</b>	MSc Student	Environmental Change Institute, University of Oxford
Mr	Will	<b>Rayward-Smith</b>	Student	Cambridge University
Ms	Victoria	<b>Salem</b>	Antarctic Cruise History Lecturer	
Mr	Andrew	<b>Serdy</b>	Lecturer, School of Law	University of Southampton
Mr	Mike	<b>Town</b>	Vice Senior Master	Eton College
Dr	Simone	<b>Turchetti</b>	Lecturer	History and Philosophy of Science Division
Prof	David	<b>Walton</b>	Emeritus Fellow	British Antarctic Survey
Ms	Runyu	<b>Wang</b>	Scholar	International Max Planck Research School for Maritime Affairs
Mr	David	<b>Whittleston</b>	Undergraduate	Imperial College London
Prof	Oran	<b>Young</b>		Bren School of Environmental Science and Management University of California





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## **CUMBERLAND LODGE STATEMENT**

**WE**, the participants\* at the Cumberland Lodge conference on *The Antarctic Treaty: 50 More Years of Preserving Peace?* from 10-12 June 2009, look to the future by calling for a global commitment to the following principles:

***SUSTAINING*** the integrity of the value and vision of the Antarctic Treaty for the benefit of all now and always.

***PRESERVING*** the pre-eminence of its scientific endeavor for international discovery and cooperation "for ever," as envisioned in the Preamble of the Antarctic Treaty.

***CARRYING FORWARD*** the purpose, process and benefits of the Antarctic Treaty and its ongoing innovation;

***LEARNING LESSONS FROM*** the Antarctic Treaty experience to connect science, international spaces and their peaceful uses.

Agreed this 12<sup>th</sup> Day of June 2009  
Cumberland Lodge, Windsor Great Park  
United Kingdom

\*Considered by the conference participants in their personal capacities.