

Antarctica: What role for the European Union?



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In-Depth Analysis

Antarctica: What role for the European Union?

ABSTRACT

The European Union has yet to communicate its strategic ideas for Antarctica. Unlike the EU's engagement with the Arctic region, which is acknowledged to be both coherent and substantive, the southern polar region is best described as an emerging area of interest. However, this could all change as shifting geopolitical dynamics transform Antarctica's status as a reliable pole of peace. The EU needs to develop a robust understanding of the geopolitical situation in Antarctica. There is growing evidence that parties associated with the Antarctic Treaty System are struggling to secure consensus over a range of issues, including ocean conservation, environmental protection measures and the management of geostrategic rivalries. 20 EU Member States are involved in the formal governance of Antarctica, and France is one of the seven historic claimant states. The EU continues to be an active champion of Marine Protected Areas for the Southern Ocean, but there are opportunities to leverage the expertise of EU research institutions and infrastructure to inform and shape the future direction of EU Antarctic policy. It is now opportune for the EU to develop a more coherent and overarching approach to Antarctica, as there are core interests at stake. The study offers six recommendations.

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List of abbreviations

ASMA	Antarctic Specially Managed Area
ATCM	Antarctic Treaty Consultative Party Meeting
ATCP	Antarctic Treaty Consultative Party
ATS	Antarctic Treaty System
BBNJ	Biodiversity Beyond National Jurisdiction
CCAMLR	Convention on the Conservation of Antarctic Marine Living Resources
CFSP	Common Foreign and Security Policy
CLCS	United Nations Commission on the Limits of the Continental Shelf
CRAMRA	Convention on the Regulation of Antarctic Mineral Resource Activities
DG ENV	Directorate General for Environment
DG MARE	Directorate General for Maritime Affairs and Fisheries
DG RTD	Directorate-General for Research and Innovation
EEC	European Economic Community
EEAS	European External Action Service
EP	European Parliament
EPB	European Polar Board
IAATO	International Association of Antarctic Tour Operators Association
IGY	International Geophysical Year
IMO	International Maritime Organization
IPY	International Polar Year
IUU	Illegal, unregulated and unreported (fishing)
MEPs	Members of the European Parliament
MPA	Marine Protected Area
PEP	Protocol on Environmental Protection
RFMO	Regional Fisheries Management Organization
SDGs	Sustainable Development Goals

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Executive summary

The European Union (EU) has no formal policy for Antarctica. However, the moment is ripe for the EU to address this major regional gap. The EU's strategic interests for the region need to be more explicitly articulated. As such, the EU should consider whether an enhanced engagement in the circumpolar south would be necessitated (let alone desired) not only by Member States, but also by third parties including allies such as Norway and the United Kingdom (UK). While the development of the EU as a more effective south polar power is not a risk-free business, this study makes the case it is now both timely and necessary. The Antarctic faces unprecedented geopolitical headwinds and these are unlikely to recede. We identify seven challenges that are and will shape the governance of Antarctica – from increasing great power rivalry and strategic competition, to disputes over fisheries conservation and global climate change.

There are six recommendations for the EU. *First*, the EU needs to develop a purposeful European polar agenda that seeks to integrate its regional ambitions into its Common Foreign and Security Policy (CFSP). There is no reason why the CFSP could not embrace the Antarctic as an area of concern given that the policy addresses peace, respect for the rule of law and the strengthening of the EU's internal and external security. It is now widely recognised that Antarctica is no longer immune from a worsening geopolitical environment, especially in the aftermath of the Russian full-scale invasion of Ukraine in February 2022. The Antarctic's demilitarised status should not be taken for granted and the EU needs to be more fully sighted of current realities. *Second*, the EU should develop a standalone Antarctic policy framework which pulls together its considerable interests in science, ocean conservation, fisheries, regional peace and rules-based multilateralism. Such policy should be closely developed with Member States, enabling the EU to support its place as a polar superpower. *Third*, support for polar science needs to be uplifted and aligned possible with Member States and allies such as Norway, the UK and the United States to ensure that scientific understanding of Antarctica informs climate and ocean-related diplomacy. The best available evidence is crucial to shaping the best policy option and enhancing public understanding. *Fourth*, the EU should call for an enhanced EU-China-Antarctic dialogue because China's support for Marine Protected Areas (MPAs) in the region is crucial if ocean conservation is going to continue rather than stall. Moreover, working with Russia is likely to remain difficult but China might be more amenable to co-lead on ocean conservation if that is accompanied by greater recognition of their status as a polar power. *Fifth*, the EU nonetheless needs to cultivate a network of like-minded states and parties that share a vision of how Antarctica should be governed. This might mean tackling issues such as the regulation of tourism in close cooperation with Member States and other allies. *Finally*, the EU should appoint a Special Envoy for the Antarctic and promote the EU as a responsible and forward-looking actor in Antarctic governance. There are some parallels to be drawn between the EU's Indo-Pacific Strategy which encourages partners to work together on common challenges and seeks to reinforce rules-based multilateralism. As such, the European Parliament (EP) is well placed to co-ordinate and network with like-minded Antarctic parliamentarians and further push the Commission, the EEAS and Member States alike to develop a standalone EU policy for Antarctica.

Résumé

L'Union Européenne (UE) ne dispose pas d'une politique formelle envers l'Antarctique. Pourtant, le moment est venu pour l'UE de combler cette lacune régionale majeure. À ce titre, l'UE devrait se demander si un engagement renforcé dans le sud circumpolaire serait nécessaire (et a fortiori souhaité) non seulement par les États membres, mais aussi par des tiers, y compris des alliés tels que la Norvège et le Royaume-Uni. Si le développement de l'UE en tant que puissance polaire sud plus affirmée n'est pas sans risque, cette étude démontre que ce développement est à la fois opportun et nécessaire. L'Antarctique est confronté à des vents géopolitiques contraires sans précédent, qui ne sont pas près de s'atténuer. Nous identifions sept défis qui façonnent et façonneront la gouvernance de l'Antarctique - de la rivalité croissante entre grandes puissances à la concurrence stratégique, en passant par les différends autour de la préservation des pêcheries et du changement climatique.

Six recommandations sont formulées à l'intention de l'UE. *Premièrement*, l'UE doit développer un programme polaire européen ciblé qui cherche à intégrer ses ambitions régionales dans sa politique étrangère et de sécurité commune (PESC). Il n'y a aucune raison pour que la PESC n'englobe pas l'Antarctique en tant que domaine de préoccupation, étant donné que cette politique traite de la paix, du respect de l'État de droit et du renforcement de la sécurité intérieure et extérieure de l'UE. Il est désormais largement reconnu que l'Antarctique n'est plus à l'abri d'une détérioration de l'environnement géopolitique, en particulier à la suite de l'invasion russe à grande échelle de l'Ukraine en février 2022. Le statut démilitarisé de l'Antarctique ne devrait pas être considéré comme acquis et l'UE doit être plus consciente des réalités actuelles. *Deuxièmement*, l'UE devrait élaborer un cadre politique indépendant pour l'Antarctique qui réunisse ses intérêts considérables en matière de science, de conservation des océans, de pêche, de paix régionale et d'un multilatéralisme fondé sur des règles. Cette politique devrait être élaborée en étroite collaboration avec les États membres, afin de permettre à l'UE de consolider sa place en tant que superpuissance polaire. *Troisièmement*, le soutien à la science polaire doit être renforcé et aligné autant que possible avec les États membres et les alliés tels que la Norvège, le Royaume-Uni et les États-Unis, afin de garantir que la compréhension scientifique de l'Antarctique contribue à la diplomatie liée au climat et aux océans. Les meilleures données disponibles sont essentielles pour définir la meilleure option politique et renforcer la compréhension du public. *Quatrièmement*, l'UE devrait appeler à un renforcement du dialogue UE-Chine-Antarctique, sachant que le soutien de la Chine aux aires marines protégées dans la région est crucial si l'on veut que la conservation des océans se poursuive plutôt qu'elle ne s'enlise. En outre, il sera probablement difficile de travailler avec la Russie, mais la Chine pourrait être plus disposée à jouer un rôle de co-chef de file en matière de conservation des océans si cela s'accompagne d'une plus grande reconnaissance de son statut de puissance polaire. *Cinquièmement*, l'UE doit néanmoins cultiver et entretenir un réseau d'États et de parties partageant la même vision de la manière dont l'Antarctique devrait être gouverné. Cela pourrait signifier aborder des questions telles que la réglementation du tourisme en étroite coopération avec les États membres et d'autres alliés. *Enfin*, l'UE devrait nommer un envoyé spécial pour l'Antarctique et promouvoir l'UE en tant qu'acteur responsable et visionnaire en matière de gouvernance de l'Antarctique. Il existe certaines similitudes avec la stratégie Indo-Pacifique de l'UE, qui encourage les partenaires à travailler ensemble sur des défis communs et cherche à renforcer le multilatéralisme fondé sur des règles. Le Parlement européen est donc bien placé pour coordonner et travailler en étroite collaboration avec des parlementaires antarctiques partageant les mêmes idées afin de pousser la Commission, le Service européen pour l'action extérieure et les États membres à développer une politique européenne autonome pour l'Antarctique.

1 Introduction

Since the late 1970s, the European Economic Community (EEC) – later the European Union – has been formally involved in aspects of Antarctic governance. The EEC/EU's involvement in Antarctic affairs, formally speaking, predates a suite of individual states from Europe, Asia and Latin America. Alongside individual EU Member States, European states have been integral to the Antarctic's discovery, exploration, resource exploitation and scientific investigation. Belgium, France, Norway and the UK were instrumental in shaping the 1959 Antarctic Treaty and creating a system of governance, which has showcased further European contributions to polar diplomacy and science in the decades thereafter (*The Antarctic Treaty*, 1959). The Antarctic Treaty, hereinafter the 'Treaty', was a landmark treaty which cultivated international collaboration and goodwill through a series of confidence-building measures and clear commitments to ensure that the signatories could focus on areas of shared concern such as freedom of scientific investigation and later environmental protection. Notably, the Treaty **demilitarised the region**, sidestepped the disputed ownership question (by ensuring that the prevailing territorial status quo is in effect 'frozen', see Figure 1) looming over the region since its discovery, initiated an inspection system, and embedded a form of governance that was empowered by a commitment to science and peaceful activity (Davis, 2017). At present, there is no evidence that the Treaty's prohibition on '(...) the establishment of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any type of weapon' (Article 1) let alone any nuclear-related activity (Article 5) is being violated. There is also no evidence that freedom of navigation in and around the Southern Ocean is a cause of international concern. What is permissible under the terms of the Treaty, however, is the use of military personnel and equipment being used to support polar science, as for example in the case of the UK that uses its armed forces to supply a network of research stations and support in-field research activity (Royal Air Force, 2022).

1.1 Seven challenges ahead

For many years, Antarctic governance, which is informed and inspired by the Antarctic Treaty System (ATS), enjoyed a reputation as the most successful multilateral system of international governance, having attracted 55 signatories and 29 consultative parties.¹ However, the prevailing confidence in the ATS has been shaken over the last decade. Antarctic governance rests on consensus and trust – since its entry into force in 1961 the Antarctic Treaty membership has made decisions based on consensus – understood here as the apex of diplomatic achievement, not as a proxy for the lowest common denominator. This has proven harder to secure more recently because of **seven challenges**: the worsening relationship with Russia; the split between parties over the future implementation of MPAs in the Southern Ocean; a public distrust of China's motivations for being involved in Antarctica; the potential of mineral prospecting that poses a threat to the integrity of the ATS; the future of the region as a non-militarised one; and finally, the pressure of intensified climate change on the ATS parties to demonstrate their ability to mitigate the environmental impact on the polar continent and Southern Ocean.

¹ The list of signatories and consultative parties is available at the Secretariat for the Antarctic Treaty and can be found under 'Parties': <https://www.ats.aq/devAS/Parties>

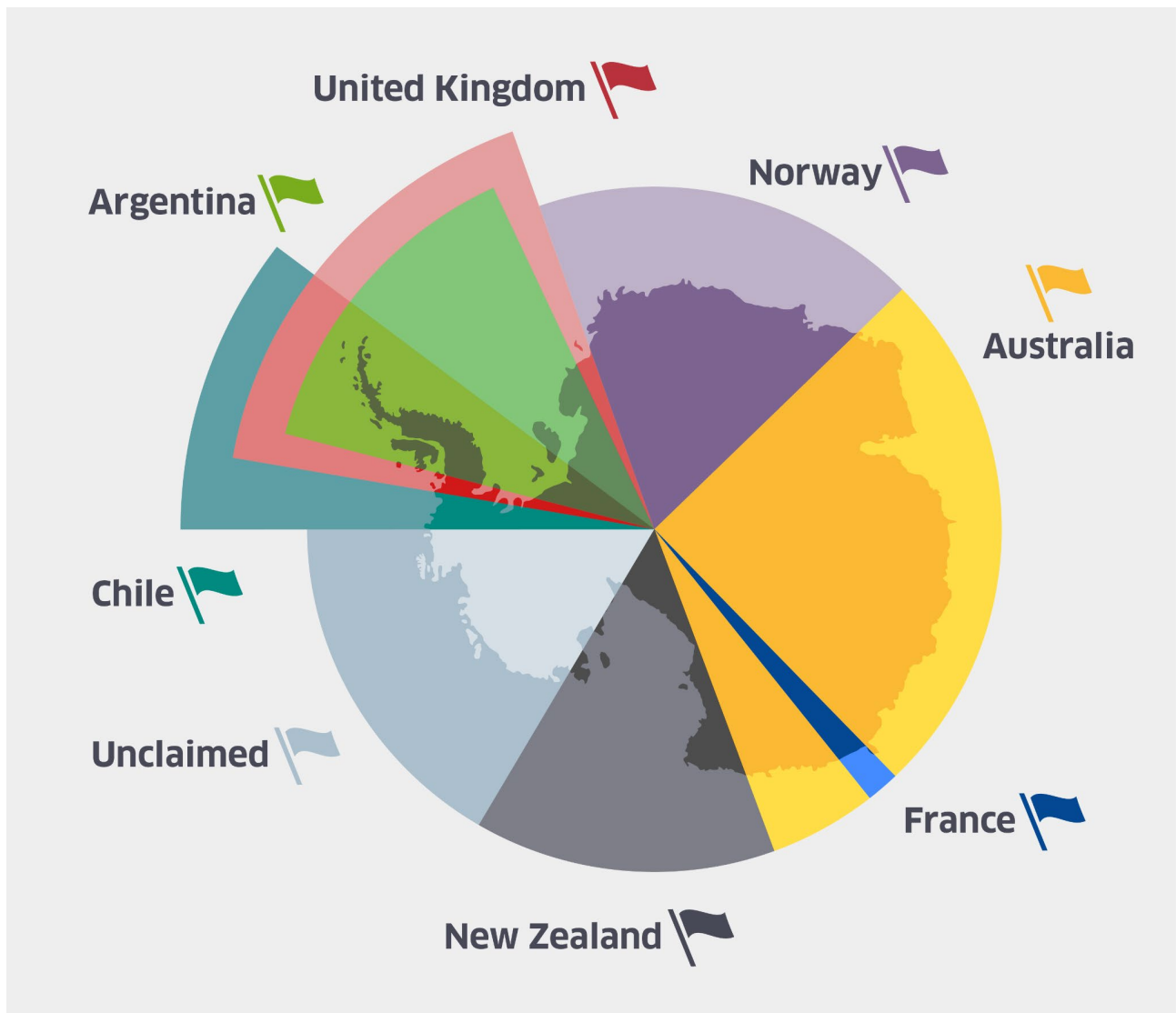


Figure 1. Territorial claims in Antarctica.

There are seven historic claimant states including three European states, France, Norway and the UK. Three claims overlap substantially in the Antarctic Peninsula region, while one sector has never been claimed. Russia and the United States reserve their right to claim at some point in the future. Other signatories do not have to address the validity of such claims, as Article 4 of the Antarctic Treaty protects all positions (Discovering Antarctica, n.d.).

First, the full-scale invasion of Ukraine by the Russian Federation in February 2022 has had ramifications for Antarctic governance, as the Antarctic region is also intimately connected to wider geopolitical dynamics. **The return of ‘great power’ rivalries more widely has raised fears of strategic competition becoming more explicit in Antarctica**, with expressions of suspicion that infrastructural investment in runways, bases and ships is part of a wider pattern of parties seeking to protect their resource, territorial and access interests. While some commentators have adopted the language of great power rivalries to frame China and Russia as strategic challengers to European, Australasian and US polar interests (Runde & Ziemer, 2023), this study will add a note of caution. China and Russia’s interests in the Antarctic (including marine protection of the Southern Ocean) are not identical, and definitely not unprecedented as the greatest challenge to the ATS actually came in the late 1980s when Australia and France diverged from close allies, such as the UK and the United States, on the future of a minerals convention.

Second, MPAs and fisheries conservation continue to be divisive. Among some parties, **China and Russia have been widely viewed as obstructive to the further development of MPAs and catch limits**. But other parties, such as Norway and the UK, have well-developed fishing interests too. Recently, China was

accused of objecting to protection measures for emperor penguins (Kubny, 2022) and appeared to block them, arguing that it needed further time to consider the proposals that were made at the 44th Antarctic Treaty Consultative Meeting (ATCM) in Berlin. The delay was interpreted by environmental groups and critics of China's role in Antarctica as cynical and unhelpful. There is a danger that such interpretation becomes a self-fulfilling prophecy for those who express worry about the future intentions of China, rather than an opportunity to engage in further dialogue over how and at what pace environmental protection measures should be adopted. It is important to remember, that China is not against the idea of MPAs per se, and did agree to the establishment of the Ross Sea MPA in October 2016.

Third, China's decision to establish a ground station in Antarctica to support the National Satellite Ocean Application Service has also invited repeated concerns that the affected Zhongshan research base might be part of a more ambitious programme of command, control, surveillance and reconnaissance (Jones, 2023). In short, **China's polar ambition is being scrutinised ever more closely and linked to its well-publicised strategy to become an outer space superpower** (State Council Information Office of the People's Republic of China, 2022). There is a danger, however, that this focus on the strategic interests of China not only alienates an important polar actor, but also fails to acknowledge that China was not the first to establish satellite control facilities in Antarctica (Hong, 2021). Today, China *is* a mature polar actor with over 40 years of in-field experience and is thus eager to ensure that its interests are not marginalised by any other Antarctic parties. As one analyst concluded, '(i)n recent years, China has made significant investments in Antarctica and has become an active participant in Antarctic governance. Chinese activities in Antarctica appear to be designed to make sure China will not be left out should there be any possible opportunity in Antarctica in the future' (Hong, 2021).

Fourth, there is a growing concern that prospecting for mineral resources will occur in Antarctica. Russia is widely regarded to be engaged in the collection of seismic data that is construed by others as prospecting (Afanaslev & Esau, 2023), and some worry that the permanent ban on mining (under Article 7 of the Protocol on Environmental Protection, PEP) might be challenged in the coming years, with knock-on implications for the integrity of the protocol in its entirety. The history of the PEP is profoundly shaped by a split within the consultative parties and a rapid search for the resurrection of consensus within the ATS. Article 7 allowed for the spectre of mining to be defused because it was considered a permanent ban, and attention was then focused on environmental protection. However, the ship responsible for the aforementioned activities, the *Akademik Karpinsky*, is reportedly financed by a state programme organised by the Russian state-owned corporation Rosgeologia (Walters, 2023). Mineral prospecting is arguably more disruptive than any lack of action taken recently by China either over expanding the network of marine protection areas or failing to endorse environmental protection for Emperor penguins (Dodds & Boulegue, 2022).

Fifth, at present the Antarctic continent and Southern Ocean is free from militarisation. Article 1 of the Treaty is clear that all parties must not encourage their respective militaries to engage in any kind of fortification and/or 'military manoeuvres, as well as the testing of any type of weapon' (*The Antarctic Treaty*, 1959). Many parties, however, use their militaries to support polar science and logistics, which is permitted under the terms of the Treaty. In the last 3-5 years, a suite of countries including Australia and France have concluded that their polar infrastructure and logistics either needs upgrading or simply replacing with new polar vessels including ships and port infrastructure (Australian Government, 2019; Gouvernement de la République française, 2022). There is evidence that **polar infrastructure is becoming a subject of strategic competition**. The Treaty's language and context is rooted in the late 1950s when there was less explicit consideration given to **how strategic competition might be expressed through dual-use technologies, today termed as 'grey zone' challenges**. Understandably, there was no mention in the 1959 Treaty of satellites, drones and Global Positioning System technologies. Some analysts have raised concerns about whether plans by countries such as China to construct satellite ground stations are actual

more worrisome because of their potential to be transformed into a military asset such as a missile guidance system (Runde & Ziemer, 2023). This raises the question, if the inspection regime in Antarctica (Article 7 of the Treaty) is still sufficiently robust for ensuring that parties do not transgress the prohibitions on military activity.

Sixth, after a lull entirely due to the restrictions imposed in the midst of the COVID-19 pandemic, **Antarctic tourism is recovering**. The industry is largely managed by the International Association of Antarctic Tour Operators (IAATO) and the Antarctic Treaty Consultative Parties (ATCPs) have not shown a collective will to regulate tourism. The ATCPs adopted *General Guidelines for Visitors to the Antarctic* in 2011,² which were updated in 2021. However, these remain guidelines rather than regulations per se.³ In 2022-23 onwards it is expected that 100 000 visitors will travel to the Antarctic region, **raising once again concerns about their cumulative environmental impact**. While some of that impact is simply accidental transportation of invasive species, the concentration of visitors in the popular Peninsula region carries with it concern that landing sites could disturb local ecologies and accompanying wildlife colonies. Thus far the region has been spared a large-scale loss of life due to a sinking ship, although sinkings did already occur in the past, e.g. the *MS Explorer* in 2007 (The Guardian, 2007).

Finally, intensifying climate change and concerns over environmental impact on the southern polar region is raising questions about the ATS's competencies. **The region's consultative parties are likely to witness growing pressures from other bodies, including the United Nations, to insist upon further interventions designed to protect the Antarctic's seabed, polar ocean, and glacial bodies**. Most notably, this includes the entry into force of the International Maritime Organization's (IMO) Polar Code in 2017 (IMO, n.d.), which addresses safe and sustainable shipping in polar waters, and negotiations around the Biodiversity Beyond National Jurisdiction (BBNJ) Treaty, which focuses on marine biodiversity in the high seas and deep seabed (Havaladar & Verdon, 2023). Similarly, the 2023 Our Ocean Conference⁴ in Panama returned high-level political focus to ocean leadership and the need to accelerate marine protection in all oceans, including the Southern Ocean. Eventually, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is likely to find its work ever more closely scrutinised by global ocean conferences and related developments, as for example further incentive for all the relevant Antarctic parties to redouble their efforts to expand the network of MPAs.

Against this background, this study provides an overview and context for Antarctic governance – its history, status quo, and the challenges ahead. In generating this overview, we have consulted with an array of Australasian, European, and North American diplomats, officials and regional experts, many of whom attend the formal meetings associated with the ATS. Additionally, it was also possible to speak with experts who specialise in other countries such as China and Russia. In total, 20 – some anonymous – semi-structured interviews, see Chapter 0, were carried out alongside consulting relevant academic and policy-orientated literatures.

1.2 Challenges for the European Union

In contradiction to its engagement with the Arctic region (European Commission & High Representative, 2021a; Raspotnik, 2018; Raspotnik & Stępień, 2020), the EU has no formal Antarctic policy or regional strategy at this point in time. However, with Antarctica being under pressure from various sides, it is ripe for the EU to address this major regional gap and start to more explicitly articulate its strategic interests for

² General Guidelines for Visitors to the Antarctic: Resolution 3 (2011) - ATCM XXXIV - CEP XIV, Buenos Aires. Adopted 01/07/2011. <https://www.ats.aq/devAS/Meetings/Measure/496>

³ General Guidelines and Site Guidelines Checklist for Visitors to the Antarctic: Resolution 4 (2021) - ATCM XLIII - CEP XXIII, Paris. <https://www.ats.aq/devAS/Meetings/Measure/743>

⁴ Our Ocean Conference, Panama 2023: <https://ouroceanpanama2023.gob.pa/>

the region. Following on from this, the study shifts to consider **two thematic objectives related to the EU's future role in Antarctica**, an internal and an external one.

The **first thematic objective** considers whether the EU should follow a similar path to its engagement with the Arctic region, which has witnessed a concerted effort over the last 15 years to articulate a policy that dovetails with other priorities such as the European Green Deal, a sustainable blue economy, or most recently, geopolitical tensions arising on the Arctic horizon. **If the EU is already in Antarctica**, as briefly outlined below, **what would be the added value of a distinct Antarctic policy**, internally and externally? If the EU is developing a policy towards the Antarctic, what would it contain, and how would it be received by others within and beyond the EU? Would such a policy for the Antarctic automatically lead to more internal awareness – among the institutions, among the Member States, among the Union's citizens? How would the EU best balance and manage diverging internal differences? Would such a policy only reveal potential weaknesses rather than added value? This study will consider whether it is necessary for the EU to develop a standalone Antarctic policy, leaving open the possibility that the circumpolar south and all related challenges should be considered more strategically as part of the Union's global strategic approach to inter-related regions such as the Indo-Pacific (European Commission & High Representative, 2021c), and not singularly in a regional policy.

Concerning the **second thematic objective**, what would be the added value of enhanced EU engagement for the region and its governance mechanism, the ATS? **Would such a policy do more harm than good for the Union's relation with Antarctic powers, including potential allies?** As with its first Arctic steps, enhanced EU engagement might not be perceived favourably by the claimant states initially, including the Union's Member State France. While the recent French Polar Strategy (2022) speaks positively of enhancing the EU's role in Antarctica, its focus is on logistical partnership and scientific coalition building only. The ideas, initiatives, and policy recommendations that the EU could bring to the Antarctic governance table will need to recognise that regional actors, including its own Member States, have long-established policy priorities and strategic interests. The EU's pan-regional interests and objectives, be it on environmental management, the protection of Antarctica's biodiversity, ensuring Antarctica's demilitarised status, and/or the future exploitation of its resources, will thus be perfectly capable of aligning or conflicting with even EU Member States.

In this study, we strongly recommend that the EU focuses its resources and leadership energies on developing a **standalone policy framework for the Antarctic** which builds on its existing strengths and identifies points of contact with ATCPs, including EU Member States, that will offer long-term added value to conservation, science and consensus-based decision-making. In doing so, we recognise that the EU is already involved in the Antarctic as a consequence of its broad legal competencies (e.g. with regard to fisheries or (marine) environmental protection, or due to the separate activities of EU Member States). The EU has also earmarked a substantial funding for European polar and ocean science and advocate for public campaigns, such as those addressing ocean health and marine conservation.⁵ In today's globalised world, linkages between the EU and Antarctica are hardly surprising, even if many might first think of the region mostly in terms of charismatic species such as penguins and whales. Beyond that, Europeans were at the heart of commercial whaling (which stopped in the 1960s) and dominated accounts of exploration including the 'race to the pole' between the two explorers Roald Amundsen (Norway) and Robert F. Scott

⁵ In 2022, the Commission launched a Digital Twin of the Ocean. A digital twin is a digital representation of real-world entities or processes such as ocean circulation and dynamics, using historical and real-time data to represent the past and present, and work to produce future scenarios. The EU has committed funding under Horizon 2020 and extra support under the 'Mission Restore Our Oceans and Waters by 2030' to develop core infrastructure. The investment is already approaching €40million (United Nations, 2022a).

(UK) in the early 20th century. More recently, the EU and its Member States/citizens have been involved in several key activities in and for the region – not least, scientific research, fisheries and tourism (Raspotnik & Østhagen, 2020; Vanstappen & Wouters, 2017). In recent decades, and under the EU’s multiannual Framework Programmes for Research and Technological Development (from FP5 up to the current Horizon2020), the EU and its Member States have been major financial contributors⁶ to international research activities and the development of polar research infrastructure, some with a distinct Antarctic dimension. Since 2015, an EU-funded consortium – EU-PolarNet – has worked to improve the coordination between 22 European polar research institutions from 17 countries (including Norway and the UK), as well as the European Polar Board (EPB).⁷ In 2019, the EPB listed 32 European facilities in the Antarctic: 11 year-round and eleven seasonal stations, 5 seasonal camps, 2 seasonal laboratories and 3 seasonal shelters (European Polar Board, 2019). Today, 23 are operated by EU Member States and 7 of these facilities are operated by 3 other European countries, Norway, Ukraine and the UK (see Figure 2).⁸ Out of the 16 European research vessels that operate regularly in the polar regions, 10 are EU and 6 are non-EU. In addition, the German Alfred Wegener Institute deploys a polar aircraft fleet. Alongside China, Russia and the United States, the EU is a **polar science superpower**.

⁶ The EU invested around €200 million on polar research projects via Horizon 2020 (2014-2020), and will continue to provide funding under Horizon Europe. For an overview of some projects related to Antarctica, see the Commission’s 2022 ‘Ocean-Climate Nexus’ report (European Commission, 2022a).

⁷ EU-PolarNet: <https://eu-polarnet.eu/>

⁸ Belarus does operate one research station but is not a member of the EPB.

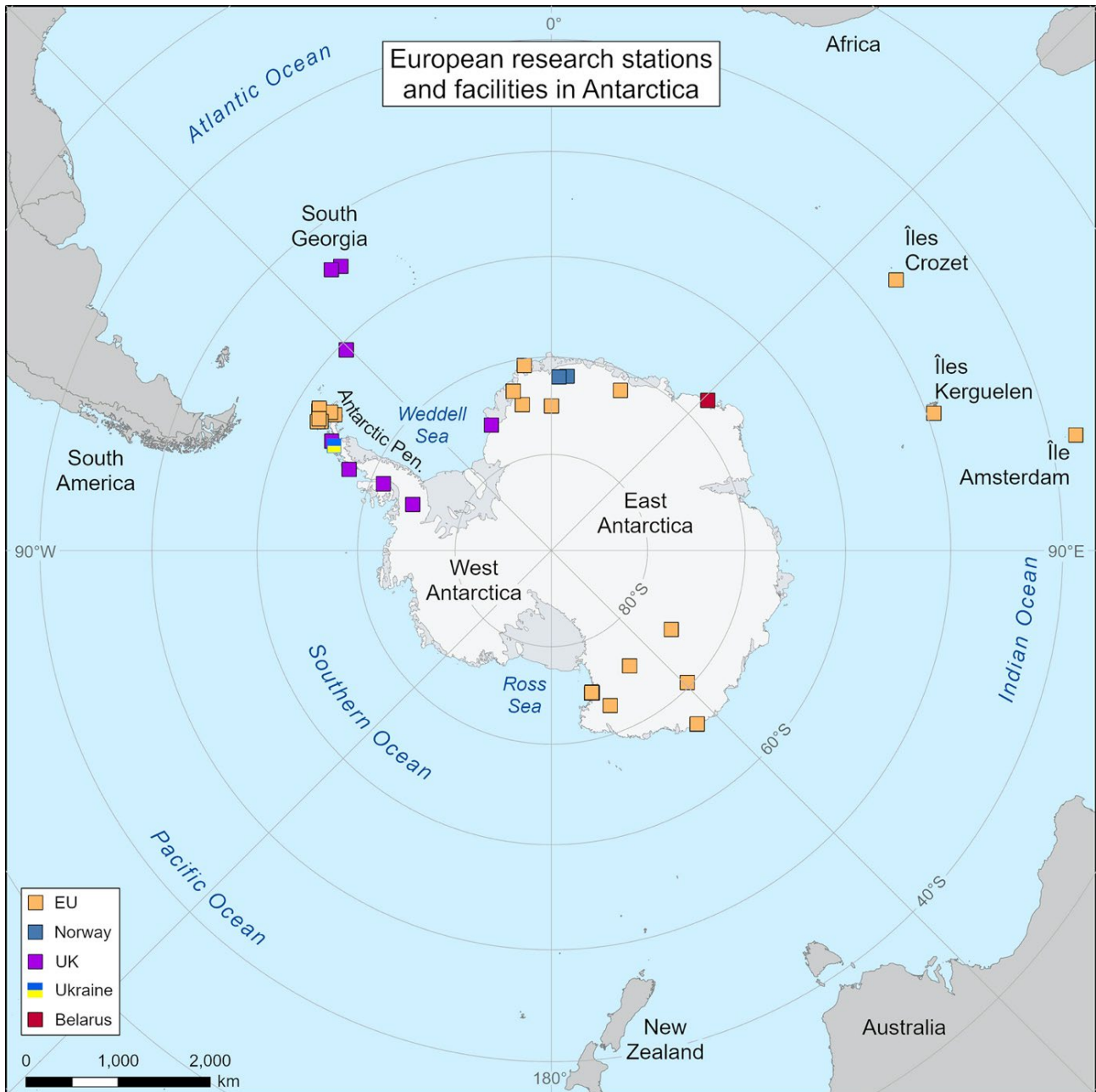


Figure 2. Location of European research stations in Antarctica.

This map does not include the Russian stations located in the Antarctic Peninsula and East Antarctica because the focus of this study is on EU Member States and other smaller European states including Belarus only. Courtesy of Laura Gerrish, British Antarctic Survey.

In addition, and through its Member States, the EU is intimately linked to the polar continent and surrounding ocean. European citizens have been well-represented in the number of tourists visiting Antarctica. In 2021–2022, there were 23 000 visitors (a figure which is far lower because of the COVID-19 pandemic), and EU Member States accounted for around 25 % of that total. It is expected that there will be over 100 000 visitors during the 2022–2023 summer season (Leane et al., 2023). In terms of economic activity, marine resource extraction, particularly from the two main targeted species – the Patagonian and Antarctic toothfish, and krill – dominates (Raspotnik & Østhagen, 2020). In 2020, Patagonian toothfish fishing amounted to 12 200 tonnes and those of Antarctic krill reaching 455 000 tonnes (FAO, 2022), with France and Spain being the Union’s (main) fishing countries in Antarctica. Norway is a major investor in,

and harvester of, krill fisheries in the Southern Ocean, alongside China. Other countries including Russia and South Korea are also committed to investing in krill fisheries fleets.

Finally, the EU is a participant in Antarctic governance. It has a long-standing commitment to multilateral governance and the pursuit of rules-based order, and the ATS in principle is emblematic of that normative commitment. In the face of evidence that the ATS is being undermined by what has been identified by some observers as exhibiting 'disruptive' behaviour (Buchanan, 2022; Chown, 2021), it should be inconceivable that the EU would not wish to ensure that the norms, rules and values of Antarctic governance are not supported. Even before the maelstrom generated by the full-scale invasion of Ukraine by Russia, Antarctica's status as a place of consensus and accord was being stretched. The most obvious area of contention has been the balance between fishing and ocean conservation. Biodiversity, climate change and healthy oceans are all important elements in EU policies and plans, with ambitious targets approaching in 2030. This will require leadership, alongside long-term science investment and environmental monitoring. In light of the establishment of a 'geopolitical Commission', we might ask whether a more explicitly 'geopolitical Union' would seek either to act as a mediator between global and Antarctic powers, or would it find itself operating in a more complex world of 'swing states' (such as India, South Africa or Turkey) and opportunistic alliances where old patterns of influence and power in Antarctica are less obvious.

For the last 60 years, the Treaty claimants, as well as the Soviet Union/Russia and the United States have dominated the working business of the Treaty, which in return shaped what we might think of as the 'know-where' of Antarctic governance (Agnew, 2022). Traditionally, 'speaking the language of power' in the Antarctic has been predominantly rooted in scientific power and, as such, seems to offer an opportunity for the EU to be more engaged in regional affairs. The EU's powers – from regulatory and financial, to diplomatic and scientific – could enable more resilient forms of collaboration in a complex regional setting, most distant from Europe. There is scope for the EU to capitalise on its reputation as a funder and enabler of polar science and logistics. At the 2022 ATCM in Berlin, the EU and its Member States collaborated closely with one another to ensure rapid and consistent responses to acknowledging the invasion of Ukraine and the ramifications for Antarctic governance when one party was under attack by another. The growing absence of consensus in Antarctic affairs does not mean that purposeful action is not possible; and the EU can be an active proponent of future – multilateral – Antarctic action.

2 Antarctic governance and the state of consensual decision-making

2.1 The working of the Antarctic Treaty

The Antarctic is the world's largest 'no-man's land'. To put the region in a polar context, while the Arctic is an ocean surrounded by sovereign countries, Antarctica is a landmass not officially belonging to any country, surrounded by oceans (see Figure 3). The Antarctic continent is 13.8 square million kilometres in size and contains 90 % of the ice on Earth. Antarctica is about 40 % larger than the European continent and the ice cap is up to 4km thick. Historically, there are seven claimant states: Argentina, Australia, Chile, France, New Zealand, Norway and the UK. Two other countries have been described as semi-claimants – Russia, and the United States – as they have reserved the right to make a territorial claim in the future. All other members of the international community do not have to offer any official comment on the validity of those existing claims on Antarctica, because the interests of all parties to the Treaty are protected.



Figure 3. Map of Antarctica's landforms and ocean, including ice shelves.
(Wikimedia, n.d.)

The governance of the Antarctic is largely shaped by the workings of the 1959 Antarctic Treaty and associated legal instruments, such as the Convention for the Conservation of Antarctic Seals (1972), the Convention for the CCAMLR (entry into force 1982) and PEP (entry into force 1998). These instruments are the most important in shaping the regulatory framework for Antarctic governance – known as the ATS. Although the ATS is an open regime, allowing any state to join at any given time, it is essentially restricted to United Nations member states only (as noted in Article 13 of the Treaty).⁹ This means that the EU cannot become a contracting party to the Treaty, and is only ‘represented’ via its Member States. From today’s point of view, it is extremely unlikely that the Treaty’s consultative parties, even EU Member States, would wish to revisit the contents of Article 13. One reason is simply that when the Treaty was negotiated in the 1950s there was already concern that other states might take an unwelcome interest in what was then termed ‘the Question of Antarctica’ in international bodies such as the United Nations (Chaturvedi, 1990). The EU, however, is a contracting party to CCAMLR, together with ten Member States: Bulgaria, Finland, France, Germany, Greece, Italy, the Netherlands, Poland, Spain and Sweden. Over time, the area of application for the Treaty and associated legal instruments has expanded from a circumpolar limit of 60 degrees south latitude to ‘associated ecosystems’ and larger areas of the Southern Ocean. Beyond the ATS, there are other relevant global regimes and agreements, from the United Law of the Sea Convention (UNCLOS, entry into force 1994) to the 1946 Convention for the Regulation of Whaling, applicable to Antarctica; a region that is now strongly represented in a suite of governance mechanisms and sectoral frameworks, including also the aforementioned Polar Code.

Since the Treaty’s entry into force in 1961, the 12 original signatories – the 7 territorial claimants, as well as Belgium, Japan, South Africa, the Soviet Union/Russia and the United States – and the wider community have established a series of mechanisms and procedures to ensure that the provisions of the Treaty are upheld and further developed in a consensual manner. The most important mechanism is the annual meeting of the consultative parties (formally the ATCM), which is hosted by a consultative party on an alphabetical basis. In 2023, Finland will host the 45th ATCM. At every meeting, parties exchange information, consult on matters of common interest, and propose measures to their governments which support the work of the Treaty. The annual ATCM is thus the forum by which consultative parties, non-consultative parties, observers, and experts gather. The ATS is supported by a secretariat based in Buenos Aires and works with both the ATCM host and the Committee on Environmental Protection.¹⁰ It is worth noting that both Argentina and Chile are two Antarctic ‘gateway states’¹¹ and play an important role in enabling the polar operations of other parties including European – the southern towns of Ushuaia (Argentina) and Punta Arenas (Chile) are the most significant ports of departure for the Antarctic Peninsula.

Procedurally, the Treaty operates on the basis of consensus. Any measures, resolutions and/or decisions have to enjoy the support of the ATCP. There are currently 29 ATCPs (including 11 EU Member States)¹² and 27 non-consultative parties (who are signatories to the Treaty, but not yet elevated to consultative status – these include 9 EU Member States).¹³ Continentally speaking, European states, including EU Member States, as well as others such as Monaco, Norway, Switzerland, Ukraine, and the UK, represent the largest bloc. Non-consultative parties can attend ATCMs as observers, along with others, such as non-governmental groups and the media. For a party to be elevated to consultative status, it must have

⁹ Article 13 of the Treaty notes ‘It shall be open for accession by **any State which is a Member of the United Nations**, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty’. *Emphasis added*

¹⁰ Secretariat of the Antarctic Treaty: <https://www.ats.aq/e/secretariat.html>

¹¹ The term ‘gateway state’ is commonly used to describe the relative geographical proximity of Argentina, Australia, Chile, New Zealand and South Africa to Antarctica. The vast majority of ship-based travel to Antarctica depart from the ports found in those five countries.

¹² Belgium, Bulgaria, the Czech Republic, Finland, France, Germany, Italy, Netherlands, Poland, Spain, and Sweden.

¹³ Austria, Denmark, Estonia, Greece, Hungary, Portugal, Romania, Slovakia and Slovenia. Another acceding party within Europe, but not an EU Member State, is San Marino.

demonstrated to the satisfaction of ATCPs that it has, under Article 9 of the Treaty, 'demonstrate[d] its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the dispatch of a scientific expedition'. In 2017, at the 42nd ATCM in Beijing, the ATS adopted the updated guidelines under Decision 2 on consultative party status, which articulates a clearer process for prospective candidates (Secretariat of the Antarctic Treaty, 2017). The last member to secure consultative party status was the Czech Republic in 2014.

2.2 The origins, content and significance of the Treaty

As Antarctica's importance to global debates over environmental protection and climate change has been acknowledged and publicised, there has been a great deal more scrutiny over how Antarctic governance works, and whether the ATS is fit for purpose in the 21st century. In order to understand the current, let alone future, dynamics of Antarctic governance, it is important to appreciate how the Antarctic Treaty came to be negotiated and agreed upon in December 1959 (*The Antarctic Treaty*, 1959). The Cold War era mattered. Cooperation between superpowers mattered. Antarctica, despite its remoteness and extreme climate, proved quite capable of accommodating superpower rivalries and territorial and resource-related struggles between rival parties. There were well-grounded fears that Antarctica might become a site of discord in the late 1940s and early 1950s. By that stage, moreover, it was clear that both the Soviet Union and the United States were adamant that they had strategic, scientific and resource-based interests in the region. Mining for minerals such as uranium was considered, as was the possible use of Antarctica for nuclear testing. Neither occurred at the time, but in the 1950s Antarctica was very much part of a wider global Cold War matrix.

Arguably, a game-changing intervention was the decision to hold the 1957–1958 International Geophysical Year (IGY), some of which involved a substantial Antarctic dimension (Collis & Dodds, 2008). During the IGY, 12 countries (later the original signatories of the Treaty) agreed a set of 'ground rules' for ensuring that it was possible to organise and implement an ambitious programme of scientific research in Antarctica. All parties agreed that science had to operate freely, and that meant that claimant states could not place any obstacles in the way of third parties. The IGY stimulated a construction of research stations and ushered into existence a new era of state-funded scientific programmes, led by the Soviet Union and the United States in terms of intent. Both superpowers used the IGY to establish highly symbolic bases (a Soviet/Russian station at the Pole of Relative Inaccessibility and the South Pole station for the United States), which demonstrated their extraordinary abilities to operate in the remotest part of the continental interior.

The scientific leadership of the United States eventually translated into political leadership when they invited the Antarctic IGY parties to Washington to discuss a treaty for Antarctica (*The Antarctic Treaty*, 1959). In terms of content, it asked of parties the following: Antarctica should be a place of cooperation and goodwill; science and scientific activity should be the dominant activity in the region; territorial claims must be considered to be suspended for the duration of the treaty in order to foster cooperation; and all forms of militarisation and nuclearisation are prohibited. The Treaty established mechanisms for inspection of base facilities in order to generate confidence-building and reassurance that parties were committed to the rules, norms and values of the Treaty. All signatories recognised that national laws could apply to their national citizens, but they could not be applied to geographical areas of Antarctica.¹⁴ Finally, the Treaty has a review mechanism, stating that parties could choose to call a special conference to reconsider the Treaty after a minimum of 30 years of entry into force (i.e. 1991 onwards). However, no party has thus far requested

¹⁴ This raises an interesting issue as to how the EU might work with Member States to establish a common approach to evacuation planning in the event of a large-scale emergency involving a tourist vessel containing multiple EU citizens.

a Treaty review conference, and there does not appear to be any appetite to do so by EU and non-EU states alike.

The significance of the Treaty was considerable. Its area of application – everything 60 degrees south latitude – established a region of and for international governance. The Treaty was a region-building project and one that used a geographical line of latitude to help generate an Antarctica that could then be a crucible for scientific and political engagement (Dodds et al., 2017). The original signatories established Antarctica as the world's first nuclear-free zone, where military activities were prohibited. By agreeing to a sovereignty freeze, the parties agreed to maintain Antarctica as a qualified no man's land, where claimant and non-claimant alike recognised that they would not seek to enhance their sovereign rights. Antarctic governance embraced consensus, and consensual decision-making was recognised as being integral to the long-term resilience of the Treaty. The emphasis on consensus meant that the ATS could evolve with a degree of confidence, as parties could and did address 'emerging' issues such as fisheries management, protection for flora and fauna, and environmental protection over the coming decades.

2.3 Evolution of the Antarctic Treaty System

After the Treaty entered into force in June 1961, the parties then set about establishing what might be termed regionalisation – a process whereby procedures, rules and events, such as the ATCMs, help to establish a certain group dynamic. For much of the 1960s/1970s, the twelve parties were largely left to their own devices. There was little scrutiny of Antarctic governance and earlier attempts to get the United Nations General Assembly involved in the 'Question of Antarctica' fizzled out rather quickly. Antarctica was, politically speaking, a 'pole apart'. Yet this changed in the late 1970s and early 1980s, and markedly so. Four factors help to explain the shift.

First, the membership of the Treaty altered decisively in the early 1980s with the signature of the Treaty by the two most populous states in the world, China and India. Both countries established nascent scientific programmes and were accepted as consultative parties with a rapidity that others have not enjoyed. **Second**, other countries (such as Malaysia which led a coalition of countries from the Global South) used the United Nation to resurrect the 'Question of Antarctica' and probed the ATCPs about how the Antarctic was governed; also, the continued membership of *apartheid* South Africa proved to be doubly contentious. **Third**, the importance of fishing was recognised in the Southern Ocean, and Antarctic parties responded by introducing a new convention (CCAMLR) which applied a novel ecosystem-based approach. It recognised that fishing needed to be judged alongside conservation primarily, and adopted a wider area of application (which extended beyond 60 degrees south). The EEC was an original party to the CCAMLR. Belgium, France and the UK made the observation to other members that they had delegated competency over fisheries management to the EEC. This recognition of the EEC as a competent actor in 1978 was notable because until this point, the Treaty system had only involved independent states. **Finally**, civil society and non-governmental organisations were taking a great interest in Antarctica and challenging the Treaty parties to prove that they were being both responsible and accountable for their activities. Growing tourism numbers contributed further to the popularisation of Antarctica.

The 1980s was a decade of further transformation, as ATS membership expanded noticeably. Newer consultative parties, such as Brazil, China, India and South Korea, alongside further European states such as Finland and Italy, helped to diversify the membership. At the same time that the membership dynamics were altering, the Treaty parties abandoned an attempt to develop a mineral resources convention (Convention on the Regulation of Antarctic Mineral Resource Activities, CRAMRA) after Australia and France decided not to ratify (Dodds, 2021). In 1991 the PEP was negotiated and, as with CCAMLR, it was recognised that Antarctica could not be neatly defined by 60 degrees south. Antarctica was increasingly recognised as both environmentally vulnerable to pollution, but also integral to planetary dynamics, performing

ecological services such as storing vast amounts of freshwater, sequestering carbon, and helping to regulate the Earth's oceans and atmosphere. Antarctica was both a risk and an asset.

Today, the current state of the ATS is best described as functional, without a great deal of evidence to indicate shared desire to advance further (hence the earlier observation about there being no interest in any Treaty review conference). Since the negotiation and entry into force of the PEP, no new protocol or convention has been developed. Despite the growth in tourism, there has been no appetite to develop a stand-alone convention. Instead, parties have been content to leave it to industry self-regulation via IAATO. Likewise, the area of bioprospecting – the search for useful products from plants and animals for commercial benefit – attracted interest from consultative parties, but has not yet resulted in a shared appetite to regulate further. At the 2022 ATCM in Berlin, the fallout from the Russian full-scale invasion of Ukraine was obvious, as the Russian delegation later issued a statement that clearly registered their displeasure at being singled out by other delegations (German Federal Foreign Office, 2022). As reported at the time, ATCM reports can be adopted by a majority in the event of a lack of consensus, and the Final Report for the 44th ATCM reveals that the matter of responding to the Russian invasion of Ukraine in the context of the ATS was not straightforward. As paragraph 37 notes, parties condemned the invasion and offered to support Ukraine's Antarctic programme: 'These parties stressed that the Antarctic Treaty had overcome difficult political challenges throughout its 60-year history resorting to its basic principles, like peace and international cooperation, and that the meeting should strive to advance pressing issues that fall within the mandate of the ATS'. (ATCM, 2022)

From the point of view of the functionality of the ATS, the deterioration of relations with Russia carries with it substantial risks, which will be confronted again at the 2023 ATCM in Helsinki and the annual meeting of CCAMLR in Hobart (Australia). Arguably, CCAMLR is the place where relevant parties are actively taking decisions, as they are made on an annual basis and shape the overall balance between exploitation and marine conservation. While scientific collaboration remains evident in fisheries management, for those who attend and engage with the workings of CCAMLR, there is a recognition that there are differences in terms of how to balance ocean conservation, stock assessment and fisheries catch limits. Claimant states, such as Argentina and the UK, have long-standing differences to manage over disputed islands such as South Georgia (MercoPress, 2022b). The distinction between those who support marine conservation and those who wish to exploit further the Southern Ocean is not straightforward. The UK, for example, supports MPAs, but also wishes to actively manage commercial fisheries around South Georgia.

Over the last decade, there has been growing evidence that China and Russia are pushing back against attempts to extend a network of MPAs across the Southern Ocean. First introduced in 2009, the South Orkney MPA was later followed by the Ross Sea MPA in 2016. However, other proposals for the East Antarctic and Antarctic Peninsula MPAs have proven far harder to secure political consensus for. There are a number of reasons why both China and Russia have proven unwilling to support an expansion of MPAs.

First, there is a long-standing suspicion that MPAs are used by claimant states to bolster their sovereign resource and territorial interests. MPAs are thus thought to be a proxy device for other objectives. **Second**, as a large-scale fishing nation, China is worried about global precedent-setting and how protecting 30 % of the world's oceans by 2030 could compromise its food security ambitions in the future. China joined CCAMLR in 2007, and has worked within the Commission of CCAMLR in the intervening period. This was in a fairly low-level manner in the initial years, according to our interviewees who regularly attend CCAMLR meetings – China, for example, did not comment publicly about the South Orkney MPA in 2009. Notably, however, China did support the establishment of the Ross Sea MPA, but has arguably expressed more explicit concern over future MPAs in the last five years. One argument is that under President Xi, Chinese diplomacy in general has simply become more assertive, and, as noted in the 13th Five Year Plan (2016–2020), China's approach to fisheries and food security is fundamentally based on ensuring their interests

and wishes are to be respected (Liu, 2016). While Russia does not have much capacity to engage in Southern Ocean fishing at present (but noting its proposed investment in the development of a krill fisheries fleet), it is concerned that this network of MPAs is getting larger and more ambitious at a time when it does not possess a distant water fishing fleet capability comparable to others, like China and Norway. **Third**, many of our interviewees believed that China and Russia resent the way in which the ATS appears to be hardwiring the interests of those pushing ocean conservation and delegitimising fishing. One argument is that if parties block proposals for further ocean conservation, it is rooted in a determination to avoid being politically marginalised, rather than in being anti-conservation, per se. A warning, perhaps, to those who wish to present some of these issues as a straightforward schism between fishing nations and conservationist-minded nations. Fundamentally, CCAMLR is considered to be a Regional Fisheries Management Organisation (RFMO) by some parties, and not an ecosystem-based approach to the Southern Ocean which is dedicated to conservation first and foremost. One element in this dispute is who gets to judge how many Southern Ocean MPAs there should be, and what types of activities that include research and monitoring would be considered permissible. **Finally**, global geopolitical dynamics matter. Relations between European and North American states and China and Russia are frayed, and the latter appreciate only too well that they can frustrate decision-making by simply refusing to accept binding resolutions, deflecting calls to improve compliance rules with fishing limits, and/or approving fishing catch limits. According to our interviewees, China has shown no appetite in CCAMLR to improve measures to guard against illegal, unregulated and unreported (IUU) fishing. In 2022, CCAMLR faced a split when Russia blocked a catch limit for toothfish around the waters of the UK overseas territory of South Georgia. It deliberately called into question scientific assessments for the sole purpose, as the UK believed, of seeking to frustrate UK/South Georgia fishing interests. The UK nonetheless set catch limits and, in doing so, provoked the United States to ban the importation of any fish caught in those waters (MercoPress, 2022a).

What most seasoned observers, including our interviewees, conclude is that the ATS faces profound challenges. The fundamental norms and values that inform its work are being questioned – fisheries science is being politicised, and there is evidence that parties are not aligned with one another over the balance between conservation and exploitation. And yet, despite the obvious tensions over Ukraine, Treaty business has prevailed. Unlike in the Arctic (and the work of the Arctic Council), there has been no suspension of activity by the ATS.

3 Antarctic governance in 10–20 years

3.1 The future of the Antarctic Treaty System

The next two decades will be crucial for the ATS, and will set the context for determining whether a cooperative form of Antarctic governance prevails. The ATS has endured for several fundamental reasons; as far as possible, it treats Antarctica as an object of regional governance, and consultative parties jealously guard any enhanced role for global bodies such as the United Nations, or even the EU. Fundamentally, the Treaty has managed to side-step truly contentious issues, such as sovereignty claims and mineral exploitation. **Antarctica for now remains demilitarised.**

For many observers, it remains a beacon of and for international collaboration, where science still enjoys considerable cultural and political impact and significance. But all of this looks increasingly fragile in a world where it is now commonplace to speak of global power rivalries, resource competition, intensifying climate change and a loss of faith in processes based on consensual decision-making and even scientific facts. **ATCPs need to be ready to reconsider how Antarctica's demilitarised and denuclearised status will continue to be secured** in a world where the UN Secretary-General warned about Russian nuclear sabre-rattling in 2022 (United Nations, 2022b). Russia's behaviour is widely regarded as destabilising of nuclear non-proliferation norms and practices. While Antarctica is the oldest nuclear-free zone (as addressed by Article 5 of the Treaty), those provisions could be vulnerable to the global collapse of the nuclear control and non-proliferation system.

The challenges, therefore, facing contemporary Antarctic governance are both internal and external to the ATS. Internally, as we have outlined above, there is growing evidence that parties are simply not agreeing with one another about the rules, norms and values that underpin the ATS. There is evidence of a loss of trust and mounting suspicion that the Treaty's provisions are being ignored, twisted and/or even violated – and this was evident before the Russian full-scale invasion of Ukraine in 2022. A notable example was the *Palmer* case in 2020 which represented a particular diplomatic low-point, when CCAMLR members (particularly New Zealand and Russia) in effect accused one another of falsifying location and activity data of the Russian-registered vessel *Palmer* (Allen, 2020). The end-result being that there was no consensus on the matter and as a consequence there was no action taken against the *Palmer* despite strong evidence that it was actually engaged in IUU fishing.

It is highly likely the ATS will endure over the next decade. All parties will be reluctant to abandon a system of governance that protects their individual and collective interests. While it is quite likely that parties will accuse others of making the Antarctic a space of contention, the Treaty does not seek to arbitrate on fundamental questions such as ownership of territory and mineral resource exploitation. What is more likely is that certain things become harder to enforce and regularise. A good example would be the right to inspect, which is enshrined in the Treaty. In 2018, Norway conducted an official inspection of the Russian Novo and Perseus runways at the *Novolazarevskaya* air base (*Report of the Norwegian Antarctic Inspection under Article VII of the Antarctic Treaty and Article 14 of the Environmental Protocol*, 2018). During the inspection, Russia blocked access to the Perseus runway by simply parking an aircraft in the middle of the runway. The Norwegian report concluded that 'the inspection team's impression is that the Perseus runway is being established on the basis of a long-term strategy for developing and providing logistic services in the eastern region of *Dronning Maud Land*.' While the report does not claim that Russia was making plans to appropriate territory or exploit natural resources, it notes that there was a deliberate strategy to frustrate the Norwegian inspection team from conducting their legitimate business. Operating and maintaining meaningful consensus in the ATS will prove harder throughout this decade and beyond.

3.2 China and Russia as ‘challenging’ powers

Compounding that loss of trust and capacity for further division, Russia is more often than not recognised as the most challenging member of the ATS, with a long-term project to consolidate its interests and wishes against a backdrop of concern that it is suspicious of the pro-MPA agenda of others. Russia views the Antarctic region in an explicitly geopolitical and geo-economic manner, and at the same time values its status as an original signatory, historic semi-claimant and country with a substantial scientific presence that cannot be ignored. Russia maintains five permanent research stations scattered around the continent, and a number of seasonal bases as well. As with the United States, it has a truly pan-continental scientific presence. What has arguably intensified in the Putin era is a determination to ensure that the ‘rules of the game’ do not disadvantage Russia. The Russian Federation is not necessarily opposed to MPAs in the abstract – they did, after all, consent to two earlier MPAs for the Southern Ocean. What is, however, a concern is that MPAs are closely monitored and do not transform into ‘sovereignty exercises’ for claimant states, such as Australia in the case of the East Antarctic MPA.¹⁵ In addition, Russia will also use any attempts to restrict fishing as an opportunity to denounce those who would wish to restrain their capacity to act in the future. Blocking MPA proposals becomes a mechanism to exercise power and serves as a reminder that it is a polar power, albeit with a substantially reduced capacity in distant-water fishing when compared to the Soviet era. Before the full-scale invasion of Ukraine, Russia was considering investing in a new distant water krill fishing fleet – in response to concerns that others such as China and Norway were exploiting this resource with increasing effectiveness and profitability.¹⁶

Aside from fishing, another area of contention is mineral prospecting. While Article 7 of the PEP is unequivocal about a permanent mining ban, there is some scope for scientific research. Russia has been accused of using geological and seismological surveying to make executive assessments of areas in the Weddell Sea and Queen Maud Land. It has strengthened its relationship with South Africa in recent years through arms sales and joint military exercises, alongside Cape Town continuing to be a useful polar gateway for Moscow (Smith, 2023). This is notable because it highlights a point made earlier about geopolitical ‘swing states’. When the Treaty was negotiated in 1959, *apartheid* South Africa was anti-communist and considered a strategic ally of the United States. In recent years, however, South Africa has engaged with Russia in a way that reminds us that Russia’s full-scale invasion of Ukraine did not invite universal condemnation and associated calls for diplomatic isolation. One clear inference to be drawn from this activity is that Russia is working to cultivate a global network of allies in the face of EU and US disengagement and sanctions. South Africa, unlike other southern hemispheric countries, is not a claimant state. What is less discussed beyond alliance-building, however, is that Russian actions might also have been influenced by the actions of some claimant states, such as Argentina and Australia, which collected geological and oceanographic data in order to generate outer continental shelf submissions to the UN Commission on the Limits of the Continental Shelf (CLCS) (in reference to the provisions of Article 76 of UNCLOS).¹⁷ A neutral observer might conclude that claimants and non-claimants in the Antarctic are engaging in actions that fundamentally seek to consolidate their national interests.

¹⁵ While MPAs are widely acknowledged to be long-established marine conservation measures, they can take on a geopolitical salience when applied to marine environments which are contested. The claimant states in Antarctica make sectoral claims to both polar territory and surrounding ocean. While the Treaty effectively suspends the question of ownership under Article 4, there remains a lingering concern that MPAs *could* be used by claimant states to bolster their claims. Some of this suspicion, however, has been used by Russia to simply resist MPAs in general.

¹⁶ Krill is used as commercial fish food and also to develop pharmaceutical products.

¹⁷ The Commission on the Limits of the Continental Shelf (CLCS) is a UN expert body charged with issuing what are termed ‘recommendations’ – not legally binding – about outer continental shelf limits of coastal states. This is of some significance because it helped to establish the extent of the sovereign rights of a coastal state to exploit the resources of the seabed. While Australia collected relevant data off the Australian Antarctic Territory it was careful to ask the CLCS *not* to formally consider it. By

China frames the poles and oceans as strategic frontiers and is keenly interested in the governance of the global commons, including the oceans. Beyond fishing and mineral prospecting, there has been further tension over how environmental measures are identified. Again, there is evidence of the consultative parties failing to develop consensus on the matter. In 2013, China launched a proposal for an Antarctic Specially Managed Area (ASMA) around Dome A in the interior of Antarctica. On the face of it an ASMA should not be controversial – it is supposed to identify protected areas of Antarctica that deserve measures to minimise cumulative environmental impact. However, there was little support for the Chinese proposal. In 2019, Australian media commentary interpreted China’s interest in the ASMA proposal as an attempt to consolidate their presence in a strategically significant part of the continent (Gothe-Snape, 2019). Dome A is considered to be the best place for space observation and for satellite-based communication systems, and China’s ASMA proposal was considered to have been made in bad faith. The Dome A saga continues to rumble on, with some fears expressed that it is becoming a barrier to enhanced engagement between consultative parties, with knock-on consequences for collaboration over MPAs (Liu, 2019).

3.3 Grey zone activities of China and Russia

Today, China and Russia’s activities in Antarctica attract ever more attention, with some observers expressing concerns that the fundamental qualities of the Treaty are being jeopardised by possible ‘grey zone’ behaviour (Buchanan, 2022). At present, a particular concern has been expressed that China and Russia will use dual-use technologies, such as satellite communication systems and drone technology, to improve their domain awareness of Antarctica and potentially monitor the activities of other parties for nefarious purposes. Russia has deployed its ground-based Global Navigation Satellite System (GLONASS) installations at its Antarctic stations and this is believed to be linked to potential anti-satellite operations and missile tracking capabilities. In the next decade, some commentators worry that China and Russia might yet use such technologies to tighten their grip on areas of the continent and ocean judged to be significant in resource, strategic, and territorial terms (Buckley, 2022). It will not be possible to ban such dual-use technologies in the Antarctic but what will be essential for others including the EU and its Member States is to consider how the rules-based ATS with accompanying confidence building mechanisms such as right to inspect prevails in a geopolitically competitive world. It is also worth remembering that a disruptive Russia might focus on anti-European disinformation campaigns in a concerted effort to discredit initiatives designed to expand MPAs. The 2020 *Palmer* case should stand as a warning to those who believe that Antarctica is immune from norm-bending behaviour.

Overall, it can be concluded that the disruptiveness is twofold. It is disruptive in one sense that rules, norms and values associated with the ATS are being stress-tested by consultative parties. But there is also another element to this disruptiveness – that is, a broader challenge to the prevailing geopolitical order. The Treaty’s genesis lies with the United States assuming a global leadership role and designing a system that protects the interests of its allies. The freeze on sovereignty under Article 4 was a huge relief to claimants such as the UK, which was in danger of being overwhelmed by others, including South American states. The focus on science rewarded those Antarctic parties who had long associations and experience of Antarctica. When China and Russia now challenge the role and status of scientific advice, they not only disrupt the ethos of the ATS, but also contest the assumption that western states are the ultimate arbiters of such matters.

Geopolitical strife is not inevitable in the Antarctic, but China and Russia are frequently identified as determined to assert their interests, and consolidate and exploit what they believe are their resource,

way of contrast, the Argentine submission did not exclude data for the Argentine Antarctic Territory. What makes all of this sensitive is the contested status of Antarctica itself as Article 4 of the Treaty suspends the question of sovereignty for the duration of the Treaty. For further details on the work of the CLCS: https://www.un.org/depts/los/clcs_new/clcs_home.htm

strategic and territorial interests. What is important to recognise is that they are not necessarily alone in this desire. Claimant states such as Norway and the UK have invested in infrastructure, upgraded facilities and invested time and effort in ensuring that their resource-based interests are protected. **What all of this means for the EU**, as a non-party to the Treaty, is that there is an added imperative to improving regional engagement of and with EU Member States and others, including Norway and the UK, to counter adverse effects on the status quo of Antarctic governance.

4 The European Union and Antarctic governance

Generally speaking, the EU has only engaged in Antarctic governance ‘to a very limited extent’ over the past decades (Vanstappen & Wouters, 2017), despite its exclusive competence – internally and externally – with regard to the conservation of marine biological resources under the Common Fisheries Policy. While the region was of some interest for the EEC during the 1980s and early 1990s, when the ‘Question of Antarctica’ was put on the UN General Assembly agenda and mainly concerned Antarctic environmental protection issues (e.g. within the context of developing CRAMRA), **the Union’s approach to the region today is not very well developed**, and certainly does not consistently stretch across the EU’s relevant institutions (Raspotnik & Østhagen, 2020; Vanstappen & Wouters, 2017).

As such, there is no EU policy for Antarctica, with neither an accompanying (Joint) Communication and envisaged action plan from the Commission (and the High Representative) nor any Resolution on the same subject matter from the EP. What is, however, possible to identify are three elements that provide some evidence of current and future capabilities and intent. This involves the Union’s competencies in Antarctica, the EU’s leadership and engagement over particular issues such as biodiversity and MPAs and lastly its connections to EU Member States’ policies and strategies, including the funding of polar science and infrastructure. Summarised, the Union’s capabilities and action taken evolve around **managing fisheries, saving the ocean and enabling the scientific impact of EU Member States**.

Going forward, the EU could further loop Antarctica into its broader foreign policy ambitions. The CFSP is not limited geographically in its objectives and the governance of Antarctica touches directly upon the EU’s global priorities which, among others, include multilateralism and rules-based governance. What is required is a commitment to greater harmonisation and joint actions between the various (institutional) elements of the EU which ensure that the EU presents a set of unified positions around areas such as fisheries, ocean protection, biodiversity protection, peaceful usage of Antarctica, science and the use of evidence in decision-making, and support for rules-based co-operation.

4.1 Mapping priority areas of the Union’s institutions

Internally, within the EU and the **European Commission**, it is essentially only the Directorate-General for Maritime Affairs and Fisheries (DG MARE) that is concerned with Antarctic issues, and this in relation to its participation in CCAMLR, where the EU has been a recognised party for over 40 years already.¹⁸ In addition to the Commission, which represents the EU, 8 Member States – Belgium, France, Germany, Italy, the Netherlands, Poland, Spain and Sweden – are also currently members of CCAMLR. In recent years, the Commission has led championing of the establishment of MPAs for the Southern Ocean, and for example, convened an MPA-related meeting on the margins of the 2019 ATCM in Prague. Further, it uses its funding for European science to help establish European states as major polar science providers, often working collaboratively in terms of shared bases, science consortia and logistical co-operation. According to those who have observed the role of the Commission in CCAMLR for many years, EU delegations are judged to be well-prepared and effective negotiators in matters regarding both fisheries and ocean conservation.

Within the **European External Action Service (EEAS)**, no ‘Antarctic desk’ exists, although the EU’s first Ambassador-at-Large for the Arctic, Marie-Anne Coninx, also – to a certain extent – dealt with Antarctic dimensions (Raspotnik & Østhagen, 2020). Yet, neither of her two successors (now called the Special Envoy for Arctic Matters) have been dealing with the southern continent. Overall, there has been no public expression, formal mandate or decision by and for the EEAS to further deal with the geopolitics of Antarctica and the future of its rules-based governance. The reasons might include either a lack of a foreign

¹⁸ As the EU is not a party to the Treaty, it does not send observers to the annual ATCMs. Commission representatives, however, were granted observer status to four special ATCMs during the negotiations of the PEP in the early 1990s.

policy mandate for Antarctica and/or limited formal concern (and associated lack of funding) for the region. The EEAS could, however, become more involved in climate-related diplomacy and ocean governance beyond the ATS. While not mentioning the region per se, both the *Global Strategy for the European Union's Foreign and Security Policy* (High Representative, 2016) and the recently published update of the *Union's Maritime Security Strategy* (European Commission & High Representative, 2023) do provide related guidance. One obvious area of potential engagement could be via the recently negotiated High Seas Treaty (2023), better known by its acronym BBNJ. Here, the EEAS – together with the Commission – could work with EU Member States to ensure that the treaty is adopted as swiftly as possible. If it enters into force (60 states need to ratify), the preamble of the High Seas Treaty co-joins climate change, plastics pollution and the protection of biodiversity in the areas of the ocean beyond national jurisdiction. The EU was actively engaged with the negotiation of the High Seas Treaty via the so-called High Ambition Coalition, and has pledged to spend €40 million as part of a Global Ocean Programme (European Commission, 2023a). The EEAS could therefore spearhead the EU's global ocean diplomacy, which would include advocacy for MPAs around the world.

The EU position on matters dealt by CCAMLR is set out in multiannual positions adopted by the **Council of the European Union** for five-year periods, as highlighted in the three most recent documents adopted in 2009, 2014 and 2019 (Council of the European Union, 2009, 2014, 2019). The 2019 Decision reiterates its support for CCAMLR and support for a network of MPAs including those proposed by the EU and its Member States (Council of the European Union, 2019). The EU also recognises CCAMLR as an RFMO in effect, which thus far has not led to any obvious divergence with EU Member States – in part because most Member States are not heavily involved in Southern Ocean fisheries.¹⁹

Within the **European Parliament**, Antarctica – as an explicitly 'strategic region' – has recently had the attention of the Committee on Foreign Affairs (AFET). An AFET hearing on 'The EU and Antarctica: A Foreign Policy Perspective' in June 2022 discussed the EU's approach to Antarctica and the potential role for the Parliament to play. Notably, Antarctica was being discussed in an explicitly geopolitical manner with due attention given to the disruptive behaviour of Russia. This was quite different to earlier EP engagement, also dating back to the 1980s when the EP interestingly called for Member States to ensure that the EU (European Community back then) has the possibility to accede the Treaty (Raspotnik & Østhagen, 2020) – a demand highly unlikely to be addressed then and today. In June 2021, Members of the European Parliament (MEPs) hosted a seminar entitled 'EU Global Ocean Leadership: Winning protection of Antarctica & the Southern Ocean' with the support of the Antarctic and Southern Ocean Coalition. MEPs were clear that the EU needs to demonstrate leadership, and a following *Resolution on the establishment of Antarctic Marine Protected Areas (MPAs) and the conservation of Southern Ocean biodiversity* noted the EP's full support to establish two new MPAs in the eastern Antarctic and the Weddell Sea (European Parliament, 2021).

On the **higher political level**, the endorsement of Southern Ocean conservation has not always been consistent over the past few years. One of the earliest relevant citations of recent years was by then-**High Representative** Federica Mogherini in 2017. Speaking at the Our Ocean Conference, Mogherini highlighted the EU's approach to ocean health by stating that 'the European Union and Australia have proposed to set up the biggest marine reserves in the world in Antarctica' (European External Action Service, 2017). This speech not only outlined particular policy options and 'concrete actions', such as ocean conservation, but also a vision which recognised that ocean health was an opportunity for EU leadership to create a global alliance designed to respond to pollution, climate change and rising sea levels. The

¹⁹ It is worth noting that the relationship between the EU and its Member States with regard to CCAMLR has been subject to legal review (Court of Justice of the European Union, 2018). The judgement from the Court of Justice in 2018 noted that there was **shared** competency between EU and Member States (*Joined Cases C-626/15 and C-659/16 Commission v Council (AMP Antarctique) Judgment of 20 November 2018, EU:C:2018:925*, 2018).

speech was framed as part of the EU's International ocean governance initiative, which – in 2022 – was set in a new Joint Communication on the same matter (European Commission & High Representative, 2022). This commitment to pursue particular policies such as ocean conservation was picked by the **President of the European Council** Donald Tusk in a speech delivered to the United Nations General Assembly in September 2018. As Tusk noted, 'when we talk about the environment, let me use this occasion to appeal to all the leaders to undertake action to protect the waters around the Antarctic. There is still time to save the natural habitat of many endangered species by establishing maritime sanctuaries in the Southern Ocean. Let me say it loud and clear: those who can imagine our planet without whales, penguins and other species will also have to imagine our planet without humans' (European Council, 2018). Also, today's **President of the European Commission**, Ursula von der Leyen, did refer to such matters when addressing the Ocean Race Summit Europe in June 2021. As she told her audience, 'the US and others stepped in to join our proposal. Together we will fight for the protection of the Southern Ocean. Of course, this mission is also part of a bigger picture. We are working towards global commitments to protect 30 % of our land and sea' (European Commission, 2021b). Similarly, the current **Commissioner for the Environment, Oceans and Fisheries**, Virginijus Sinkevičius, has repeatedly spoken on the need to achieve greater progress on MPAs and linked Antarctica to wider climate goals (European Commission, 2021a). However, while some high-level politicians have indeed raised their voice on Antarctic matters, it is also striking that others never spoke of the Antarctic and Southern Ocean in office – notably Commission President Jean-Claude Juncker (2014–2019), but also current High Representative Josep Borrell.

Thus far, the EU's approach to Antarctica has largely been framed around issues such as pursuing ocean conservation and funding polar science, but there is some evidence that it is increasingly being framed – also in policy terms – around broader EU priorities such as the 2030 Biodiversity Strategy and the European Green Deal. But all of this begs the question whether the geopolitical Commission initiated in 2019, or any future Commission, will do more in the case of Antarctica. While the 'geopolitical' qualities of the Commission are not well defined, von der Leyen has spoken of the need for the EU to use its diplomatic and economic resources to ensure that its ocean biodiversity and climate change targets for 2030 are met. One lesson learnt from the 2016 Ross Sea MPA adoption process was that there must be high-profile diplomatic engagement with countries that have shown a reluctance to embrace further ocean conservation measures. Commissioner Sinkevičius has noted the importance of such engagement and the opportunities that exist for the EU to work more closely with allies including the United States.²⁰ Overall, there is growing evidence of thought leadership and promotion of Antarctic affairs by the Commission and the EP. It is increasingly recognised that protection of the Southern Ocean is not only potentially beneficial to the long-term sustainability of fishing stocks and overall well-being, but connects to broader ambitions to ensure that the EU is leading on global conservation targets (e.g. 30 % ocean protection by 2030). What is less clear, however, is why the Council of the European Union, and the Member States, respectively, are not more engaged and focused on how the Union's interests are managed within its key institutions. One possible explanation of the Council's inactivity and inability to formulate a foreign policy for (more) Antarctic engagement (and hence providing the High Representative and the EEAS with a related mandate) might simply be found in the re-occurring, decade-long discussions over supranational competencies and national sovereignty.

4.2 Engaging with Member States and cooperating with 'gateway states'

As highlighted above, the EU is constrained in terms of how far it can get involved in ATS governance as the Treaty is only open to accession for United Nations member states. The EU has never publicly

²⁰ As also noted in his tweet from 28 April 2021, including a reference to the United States 'becoming our co-sponsor, joining our efforts to establish 2 new large-scale marine protected areas in Antarctica!': <https://twitter.com/VSinkevicius/status/1387389704119717894?s=20>

commented on the ownership of Antarctica – which includes a series of claimant states, semi-claimants and other interested parties. Given the prevailing presence of the Treaty, no signatory to the Treaty needs to either acknowledge or reject any such claim. However, this should not prevent it from using its assets and expertise to act as a force for potential good. The EU already has a good working relationship with CCAMLR members, such as Norway and the UK. Given its expressed desire to advance the number of MPAs in the Southern Ocean, there is little to no incentive to do anything but work as positively as possible with all CCAMLR parties, also including China and Russia. Given the EU's funding for polar science via the EU Polar Cluster²¹ and high-level support for ocean conservation, the Commission could actively frame the EU as a 'protector of the poles'. While climate change has been addressed and cited by the ATS in multiple resolutions and decisions, the greatest concrete action all consultative parties could make on Antarctica would be to honour their 2015 Paris Agreement commitments. **The EU possesses considerable diplomatic, funding, and ocean and climate-based leadership to comprehensively start acting in Antarctica.**

Enhancing further EU engagement with its Member States is one area for future development but so should be developing bilateral cooperation with non-EU states such as the 'gateway states' of Argentina, Australia, Chile, New Zealand and South Africa – these are countries that are important departure points for Antarctic ship-based and air-based operations.

In terms of Member States' engagement, the French Polar Strategy provides a useful example of how EU Member States could work proactively with the Commission. France is not only an Antarctic claimant state, but also possesses Southern Ocean overseas territories (Terres australes et antarctiques françaises/French Southern and Antarctic Lands) and, like the UK, is keenly interested in preserving those interests. There is a fundamental recognition that both poles are imperilled by climate change and great power rivalries. The French Polar Strategy makes reference to the need to 'defend' the ATS from challenging behaviour, especially around ocean conservation (Gouvernement de la République française, 2022). The Strategy further recognises that France needs to invest more resources and political capital into Antarctica, and calls for the establishment of an Inter-Ministerial Committee for the Seas and Poles. It states repeatedly that France should work actively with EU partners, and calls for greater European scientific collaboration and logistical and infrastructural sharing. These are opportunities for EU institutions to work jointly with France and other Member States such as Italy to discuss a common programme of investment in polar infrastructure. The shared French-Italian Concordia station²² needs new investment in the next decade and polar oceanographic vessels will also need replacing. France has also called for 2025–2035 to be the decade for the polar regions. If plans to establish an International Polar Year (IPY) were to materialise in 2032–33, the EU could choose to work with Member States (Belgium, France, Germany or Italy) to invest in high-value infrastructure and scientific projects. Belgium might enhance its own role further due to its Council Presidency in the first half of 2024. With its long-standing Antarctic history – from the first international polar research vessel, the *Belgica*, to the only zero-emission research station in Antarctica, the Princess Elisabeth Station – Belgium could make the region a topic of EU discussion in 2024, and build on a strategic decision to further showcase its scientific and diplomatic credentials through the Brussels-based International Polar Foundation and active engagement within CCAMLR.

What might be possible in the next decade, therefore, is for the EU to become a major enabler of a European-wide presence in the Antarctic, with a close working relationship with other European states, such as Norway and the UK. The EU Polar Cluster, hosted by the EPB and co-ordinated through EU-PolarNet 2, is one example of European coordination of Horizon Europe funded projects on the poles and oceans. The UK is working closely with EU Member States in an ice core drilling project (EPICA) based at Dome C,

²¹ EU Polar Cluster: <https://www.polarcluster.eu/>

²² The European Space Agency uses Concordia to investigate the consequences for humans involved in outer space operations via an earth-based equivalent.

where also the Franco-Italian Concordia station is located. This could be extended further with a long-term commitment to enhance the presence of other EU consultative parties, with the potential for other Member States such as Austria and Estonia to secure consultative party status.

It is also worth noting that Member States do work closely with other European states, including Norway and the UK. Both Norway and the UK are beneficiaries of EU polar science funding and participate in pan-European initiatives such as the EPB and EU PolarNet 1 and 2, and – to some extent – are able to access EU funding for polar science and collaborate with European universities and institutes.²³ Both countries might also be concerned going forward as to how the EU functions in CCAMLR, noting that a third of the Commission of CCAMLR is already composed of EU Member States. Whether an enhanced EU role would bring discernible benefits can be questioned, with non-EU polar stakeholders noting, using the 2018 Court of Justice example, that the EU struggles with internal coordination and possible tension between Member States who jealously guard national competencies and do not necessarily always appreciate engagement by the Commission or the EEAS. However, ‘internal’ disputes over competencies, and broad matters of (national/supranational) sovereignty do not necessarily mean that joint action is impossible as there is no legal impediment to develop a standalone Antarctic policy under the CFSP umbrella (and its legal basis).

Working with the ‘gateway states’ offers another potential avenue for the EU. All five of the gateway states have trade and/or political agreements with the EU. Australia, for example, is an important partner in the EU’s Indo-Pacific Strategy and its relationship with the EU is currently based on the 2017 EU Australia Framework Agreement (European Commission & High Representative, 2021c). Thus far, ocean conservation has been the main touchpoint for EU-gateway state relationships.²⁴ In June 2022, Commission President von der Leyen and Prime Minister of New Zealand Ardern met one another in Brussels to among others discuss ocean conservation (European Commission, 2022b). As New Zealand is an association member of Horizon Europe, it is quite possible that there is scope for European researchers to work more closely with New Zealand’s Antarctic programme in the Ross Sea sector of Antarctica. Generally, European-wide models of funding and science collaboration might also entail support for potential ‘southern’ allies such as Argentina and Chile, which both share the same objectives on creating global ocean governance as the EU in general and developing MPAs in particular (Hernández, 2022; Ministry of Foreign Affairs Argentina, 2021). Both countries might be attracted by the idea of an EU-Argentina/Chile hub for polar science. The above-mentioned, and recently updated *Maritime Security Strategy* makes clear that the oceans are increasingly becoming an area of geopolitical competition, particularly also in the Indo-Pacific region. As such, the Strategy calls for more EU patrols, port calls and engagement with Indo-Pacific countries. It further notes that the EU should seek dialogue partner status in the Indian Ocean Rim Association so that it would be possible to enhance maritime security engagement (European Commission & High Representative, 2023). One area of priority might be, therefore, South Africa because it has noticeably strengthened its relationship with Russia, including military co-operation. In January 2023, the EU and South Africa agreed to further develop their strategic relationship in areas such as climate change and energy, which might provide additional impetus to include ocean and polar matters in the future (Agence Europe, 2023). The EU might also build on the recent financial assistance and humanitarian aid to the ‘Southern Africa and Indian Ocean region’ to include scope for collaboration with South Africa and other regional neighbours including Mozambique and Namibia over ocean conservation

²³ There are uncertainties, however, about whether the UK will remain associated with the EU’s Horizon funding programme.

²⁴ In 2022, the EU signed an All-Atlantic Ocean Research and Innovation Declaration with seven partner countries including Argentina and South Africa. The Declaration reaffirmed a shared commitment to advance ocean research cooperation for the next decade, including both the most northern and southern reaches of the Atlantic Ocean. The Declaration established an All-Atlantic Ocean Research and Innovation Alliance which could provide a model for a more focussed All-Southern Ocean Research and Innovation Alliance as well (European Commission, 2022c).

and fishing (European Commission, 2023b). All three southern African countries are also members of CCAMLR.

In sum, it can be concluded that increased engagement and co-operation with Member States and so-called 'gateway states' could provide an area for the future development of enhanced regional engagement for the EU.²⁵ However, if enhanced EU engagement is indeed envisaged, Member States would also need to be more active and inclusive. Eventually, **one needs to ask the pending question of whether Member States are actually interested in an enhanced role for the EU**, let alone a standalone policy framework. While the views of Member States are important to recognise, the CFSP provides a mechanism for the High Representative to potentially draw upon. Given the suite of shared competencies and joint actions between the EU and its Member States in areas such as global development, fisheries and trade, it is not inconceivable that Antarctic projects in science, infrastructure and public education could be developed and funded from the development and international cooperation budgets (NDICI-Global Europe) and framed around the implementation of the Sustainable Development Goals (SDGs) including ocean preservation and climate action.

²⁵ A related notable development was the decision by Germany to appoint a Special Representative for the Oceans (Sebastian Unger) to coordinate its inter-ministerial interests (Research Institute for Sustainability, 2022).

5 The future of EU–Antarctic engagement

The next seven years will be crucial for the EU and the world.²⁶ But what does this all mean for the future role of the EU in Antarctica? Whatever the EU does or does not, the geopolitical environment shaping Antarctica is likely to be more competitive and congested as consultative parties seek to consolidate their own national priorities. Working with like-minded parties is going to be crucial in order to preserve rules-based governance and consensual multilateralism. Antarctica is not immune from broader global geopolitical dynamics; there will be more pressure placed on fisheries and food security considerations, Antarctica's demilitarised status must not be taken for granted, and Russia in particular is chipping away at important norms and rules regarding scientific evidence, mineral prospecting and confidence building measures such as the freedom to inspect. There is further evidence of an 'infrastructure race' as parties seek to consolidate their presence in Antarctica through new investment in ships, bases and runways and port facilities. The EU needs to improve its domain awareness of this part of the world, which echoes a recent call made for the 'Five Eyes' intelligence community to do likewise (Boulègue, 2022).²⁷ This means enhancing data sharing and cultivating further opportunities for the exchange of information about IUU fishing, improper use of science and logistics and covert resource exploitation. China and Russia have also used regional relationships with Argentina and South Africa, respectively, to strengthen relations with two 'gateway states', which in time might be used to cause further divisions within the ATS community.

It is vital, going forward, that the EU is fully sighted of the Antarctic and deeply invested in ensuring that its rules-based governance system continues to be fit for purpose. In the immediate future, the EU should support the chairmanship of Ukraine, which has taken over CCAMLR from Sweden. This might involve a greater degree of coordination with the country as it prepares to chair the 2023 CCAMLR meeting. Fishing and ocean conservation are on the frontline of the struggles to ensure that consensus and rules-based governance are respected and followed, respectively.

5.1 An EU policy framework for Antarctica

The EU should develop a **policy framework for the Antarctic** as a matter of regional and global priority. The framework should establish the EU priorities and values with regard to the polar continent and Southern Ocean. The AFET hearing held in June 2022 offers some important values that can help to inform what the policy framework should contain. Here, we suggest six priority areas that are likely to be predominant:

1. **Partnering and collaborating within the EU (and beyond EU membership).** The EU is a member of CCAMLR, a major funder of polar science, and participates in intergovernmental forums and workshops where Antarctica is discussed. There are further opportunities to deepen engagement with Member States such as France, and pursue high-level diplomacy with other key non-EU players, such as China and its Ministry of Natural Resources and State Oceanic Administration. This is important because even if individually EU Member States might regard China as a challenging actor in Antarctica, securing the necessary consensus over MPAs will demand that China's views are understood and engaged with. The EU might be better placed to conduct that high-level diplomacy. While Russia is a harder actor to engage, it was striking that Russia supported the Ross Sea MPA once it became clear that China was content to offer its assent. The EU should also ensure

²⁶ There are a series of targets that have been established for 2030 relating to biodiversity, climate change and societal transformation. The European Green Deal commits the EU to reduce greenhouse gas emissions by 55 % compared to 1990 ('Fit for 55' Package). The EU *Mission to Restore our Ocean and Waters* aims to protect and restore the health of oceans and waters to ensure that the blue economy is carbon neutral by 2030. Other 2030 targets are to bring 30 % of the world's oceans under some form of MPA and SDGs, or to commit the EU to protect nature and reverse ecosystem degradation under its Biodiversity Strategy.

²⁷ The Five Eyes Intelligence Community is a network of states that share intelligence around the world, its membership is Australia, Canada, New Zealand, the UK and the United States.

that co-operation continues to address shared Member States concerns such as the dangers posed by the fragmentation of consensus over fisheries/MPAs and the protection of the ATS as consensus-based. As the French Polar Strategy recognised, the region is now intersected by great power rivalries. Thus, there is real incentive for the EU and Member States alike to work collaboratively with one another. Again, there are like-minded states such as Norway and the UK which possess considerable experience of working within the ATS including CCAMLR. This needs to be enhanced further by shared activities including a willingness to conduct inspections of Antarctic bases and facilities. Additionally, both Argentina and Chile – as the two crucial ‘gateway states’ for tourism – should be considered more comprehensively as important Antarctic points of contact for the EU. The EU might wish to think about how it responds to countries such as South Africa that arguably help to enable Russia’s disruptive behaviour, and already acknowledged the impact of Russia’s disinformation campaigns about food insecurity in Africa (Brzozowski, 2022).

2. **Regulating sustainable development.** Fishing is a legitimate activity in the Southern Ocean, but the EU can play its part to ensure that the pursuit of SDGs such as Life Under Water inform future management of the polar region. Likewise, the EU could play a more proactive role in Antarctic tourism as the industry approaches 100 000 visitors a year. It could push for tighter regulations on EU tourists and companies registered in the EU, and play an important role in promoting a transition towards further sustainable and responsible development, with Antarctic activity included as part of wider Net Zero commitments.
3. **Promoting shared values and norms.** The ATS relies on rules, norms and values being respected. Consensus works on the basis of trust between parties. The EU, as an advocate for multilateral cooperation, could and should use its diplomatic heft alongside the ATS to build coalitions of parties within and beyond Europe. The EP could host a high-level conference of Antarctic (and European) Parliamentarians and actively address this issue – the future of consensus and trust within Antarctic governance. Non-parties such as the EU could raise their concerns about the effectiveness and legitimacy of the ATS in other international forums. In 2021, the Commission and the High Representative issued a Joint Communication regarding the EU’s commitment to rules-based multilateralism, and could as such question the current efficacy of the ATS (European Commission & High Representative, 2021b). While there is no evidence that this would be welcomed by EU Member States who are parties to the Treaty, the consultative parties have avoided developing any further legal instruments since the signing of the PEP in 1991. The EU could, reasonably, call on the consultative parties to commit to never undertake any mineral extraction in Antarctica as part of their commitment to responding to the global climate emergency. Such a commitment would reinforce once again the importance of the PEP and the permanent ban on mining (as part of the transition towards a low carbon future). The EU could further ask why the consultative parties have never developed a convention to address tourism, given that the numbers of visitors are steadily increasing.
4. **Preserving peace and security.** The EU has a vested interest in the Antarctic remaining conflict-free, demilitarised and denuclearised (as should all parties to the Treaty). In the future, EU Member States will need to decide when and where that international regulatory framework needs defending against those who would seek to imperil it. In part, this does require the underpinning values of the ATS to be reinforced and it depends on the EU, including the EP, being fully sighted of the on the ground realities of Antarctica. Thus, the EU could actively seek reassurance from the parties to the Treaty that the provisions contained with Article 1 will continue to be respected and protected. As such, it could convene a special conference of the Treaty parties (adjacent to a future ATCM) to focus on how the changing nature of dual-use technologies should be addressed. This study does not recommend that any future EU Antarctic policy should develop a security dimension per se, but it should remain attentive to how Antarctica continues to remain demilitarised and open to access by air and sea. This would align with the stated global ambitions

of the updated *Maritime Security Strategy*, which does not mention the Southern Ocean but makes clear that global maritime matters are integral to the EU's sense of economic security and commitment to international peace.

5. **Protecting the environment.** The Antarctic is a fragile environment which is undergoing rapid and intensifying environmental change, much of which is affecting the ocean, as well as ice sheet stability. The PEP remains an important legal instrument, and the EU could and should work with Member States and allies to ensure that environmental protection remains an object of priority for all signatories. The liability annex (Annex 6 Liabilities Arising from Environmental Emergencies) needs ratification, and a number of EU Member States (Bulgaria, Germany, Italy, Poland, Spain and Sweden) have not yet implemented pertinent measures. The Annex addresses the important issue of who is responsible for environmental damage in Antarctica and how that should be addressed. As the EU is a major market for Antarctic fish and source of tourists, it has a real opportunity to ensure that its citizens and business interests are operating to the highest standards by pursuing regulatory gaps. The EP could instigate further investigations into why some Member States have not sought to implement the Liability Annex while other Member States such as the Netherlands have. To further strengthen the 'environmental pillar' of the EU's Antarctic engagement, the Union's CCAMLR delegation – currently led by DG MARE – could be complemented by the Directorate-General for Environment (DG ENV) and the Directorate-General for Research and Innovation (DG RTD).
6. **Protecting/influencing from abroad.** Similar to the Arctic, the broad climate and environmental changes in Antarctica stem from developments outside the region, such as environmental pollution and CO₂ emissions in Europe (Chuffart et al., 2021). As such, a policy framework for Antarctica could and should emphasise that the Union's very Antarctic journey of protecting the regional environment needs to start at home. In short, there is also an urgent need for policy-makers and publics in Europe to understand that the Antarctic matters to Europe and Europe matters to the Antarctic. To paraphrase an expression well-known to Arctic observers, what happens in Antarctica does not stay in Antarctica.

While there might be room for Antarctica to be involved in an extended EU Strategy for Cooperation in the Indo-Pacific (European Commission and High Representative, 2021b) – where the region has already been mentioned under 'Ocean Governance' with the intent of the EU to broker agreement at CCAMLR on the designation of three MPAs in the Southern Ocean – a standalone EU policy framework could better mobilise a vision for the EU to also speak the 'language of power' in Antarctica. That language would have to focus on the strategic importance of science, infrastructure and 'soft power' alongside oversight of activities, such as fishing and tourism. But such a standalone policy framework does not come without risks, as it could also over-promise regional engagement efforts by the EU and eventually undermine the Union's credibility as a regional actor. This would particularly be the case if the Commission and EEAS were not equipped with the necessary (financial) resources and capabilities to act upon the actions promised in such a policy framework.

5.2 Added value of enhanced engagement for Antarctica

Concerning its future engagement in and commitment to Antarctica, the EU should position itself as a regional actor committed to linking specific Antarctic objectives (such as championing MPAs) to wider global ambitions around biodiversity and climate change. The next seven years could be framed as an opportunity for the EU to adjust the scale of its ambition.

First, with the ATCM in Helsinki, supplemented by a special meeting of the CCAMLR Commission (to make further progress on additional MPAs) in Chile (Commission for the Conservation of Antarctic Marine Living Resources, 2022). Coming up later this year (2023), there is also an opportunity for the EU to shape its

marine conservation agenda. Future ATCMs will be held by EU Member States – Italy in 2025, and the Netherlands in 2028.²⁸ These three Member States (Finland, Italy and the Netherlands) could help to set an agenda which then could be strengthened and supplemented in follow-up meetings of the contracting parties. While the focus so far has been on MPA adoption in the case of the East Antarctica and Weddell Sea proposals, the EU could be more ambitious and push for a wider vision of Southern Ocean conservation and sustainability, as well as (more generally) for reinforcement of the importance of multinational collaboration and evidence-based policy-making. China and Russia may not change their positions on expansion of MPAs, but the EU might seize this narrow window to work with China to see whether their position over the East Antarctic MPA might be shiftable. Allowing China to claim some environmental leadership in large-scale ocean conservation might be one pathway to influence. Both the Commission and the EEAS have a role to play in cultivating high-level talks with China in particular, recognising that the relationship with Russia will remain fraught. If the MPAs remain deadlocked between opposing views over their value and content, the EU could reframe the debate as one addressing the intersections between the ATS/CCAMLR, the Convention on Biological Diversity, and other UN instruments (such as the High Seas Treaty). The boldest approach yet might be to push for a Southern Ocean fishing sanctuary, no fishing in other words, which would complement the Southern Ocean whaling sanctuary introduced by the International Whaling Commission in 1994.

Second, the EU could champion the call for a new IPY in 2032-33, with a particular focus on ensuring that the latest science not only informs policy, but is also linked to a programme of public engagement – building on the work, for example, of the European Ocean Coalition (EU4Ocean), which is intended to promote ocean literacy across the EU and wider world. As a coordinator and funder of polar science, as well as champion of ocean health, the EU could launch a Polar Ocean 2030 competition and invite innovative proposals for further ocean science alongside public outreach projects in Europe. Winners could be invited to a ‘scientific ministerial on ice’, which would be hosted at a European polar research station or on a polar vessel, with senior EU leader engagement. The EU should never tire of reminding audiences – domestic and international – that it is funding transformative polar science, including the EPICA project, which is investigating ice cores extracted from the depths of the field site Little Dome C, and the EU Sentinel-2 satellite, which is generating satellite imagery that, in turn, helps to better map the ice sheet dynamics. Moreover, Galileo, the EU’s global navigation system, has also been used in Antarctic-based science operations and has capacity to exist further with search and rescue and emergency planning operations. In 2024-5, the EU expects to roll out IRIS² (Infrastructure for Resilience, Interconnectivity and Security by Satellite), which promises to further enhance digital connectivity and communication resilience in remote places such as the Antarctic. In short, the EU is a polar science superpower, potentially bringing a trans-continental and oceanic network of satellite monitoring to the Antarctica’s regional table. This might also offer opportunities to be more engaged in questions about crisis management and evacuation, noting the 2022 Strategic Compass that emphasises the need to establish a rapid-response capacity to ensure that EU citizens in third party locations can be evacuated promptly (Council of the European Union, 2022).

Third, the EU needs to work more closely with China in particular, and reinforce the point that the EU is a polar scientific superpower with negligible fishing interests. With the exception of France, the other 19 EU Member States involved in the Antarctic are not claimants. An EU-China shared agenda around ocean health and long-term sustainability of fisheries could, in principle, generate some common ground, as China is not disinterested in ocean conservation, but is concerned about how MPAs are managed, advanced and maintained. While working with China is not without its considerable challenges (there are points of contention, such as disagreements about what constitutes the ‘best available evidence’ and the scale and pace of ocean conservation), the reward if a polar dialogue is able to be generated might be that

²⁸ Additionally, and following Panama, Greece will host the 2024 Our Ocean Conference. This offers an additional opportunity for the EU to push further on one of the six action areas for the conference – increasing the number of MPAs.

Russia is somewhat isolated in the ATS itself. This would potentially make it harder for both China and Russia to continue to be seen to block, delay and defer the advancement of further MPAs. It might, in part, be as simple as giving China greater status and recognition within the ATS itself, including CCAMLR.

Finally, the EU could support and learn from the activities of its Member States (such as Finland, France, Germany and the Netherlands) and other parties, like India and the UK, that have pursued an agenda around polar tourism which seeks to update tourism-related measures adopted by the ATS in 2009 (Secretariat of the Antarctic Treaty, 2009). The 2009 measure proposed some restrictions on tourist vessels carrying more than 500 passengers and landing site restrictions to ensure that the cumulative environmental impact was minimised. In short, there has been an appetite to act even in the absence of a consensus within the ATS and leverage the organisational heft of a 'group of friends'. As we should expect more ATS-stress-testing by China and Russia,²⁹ the EU and its Member States should stand ready to build strategic alliances with a wide-range of consultative parties, including Brazil, Chile, Japan, South Africa and South Korea.

At present, 90 % of tourism is concentrated in the Antarctic Peninsula region, and it is largely ship-based. There is growing evidence of more private tourism that does not fall under the auspices of the membership of IAATO. The Netherlands, in particular, recognises that polar tourism needs better regulation, and wants to develop an action plan that involves longer-term monitoring of its cumulative impact. By working with such a 'coalition of the willing', the EU could help to build the case for more institutional vitality within the ATS itself, and instil a sharper focus on things that have simply been allowed to drag on, such as failure to secure ratification of the liability annex of the PEP. This would supplement and support those who are committed to environmental protection of the region. While this would not necessarily imply a Treaty-review conference, it would seek to scrutinise more publicly what the consultative parties are doing and not doing in terms of implementing annexes and measures. Not all related inactivity can be attributed to the worsening geopolitical environment of the last few years. There has been a wider lack of ambition to act in some cases.

Potential liability applies to environmental emergencies (with possibilities for both the EU and Member States to pursue joint action in crisis management), and the annex covers all governmental, as well as non-governmental, activities (including scientific research, tourism and logistical support activities). The annex has limitations and shortcomings, such as its focus on 'accidental' rather than 'deliberate' emergencies that, in themselves, cause 'significant and harmful impact' to the polar environment. There is also a lack of acknowledgement of Antarctica's 'dependent and associated ecosystems', which means that environmental emergencies can and do have trans-boundary ramifications for Antarctica. Fishing is excluded from the annex because it was argued that it is addressed by CCAMLR. However, there is no liability regime attached to CCAMLR, which seems a considerable omission given the polluting consequences of commercial fishing. However, the annex does represent a useful starting point. As a matter of priority, the EU could work with others, including Argentina, Japan, South Korea and the United States, to persuade the remaining parties to ratify the annex. If there is added value in enhanced engagement with the region by the EU, then it comes through a series of mechanisms, all of which involve a combination of leadership, diplomacy, science funding and leveraging of regional and global initiatives around areas such as biodiversity and climate change. Within the ATS architecture, the EU is limited formally to its role in the CCAMLR, but this would not prevent it from using the time between ATCMs and CCAMLR meetings to host inter-sessional conferences and workshops with like-minded parties to consider areas that might sit beyond the immediate area of fisheries.

²⁹ A point to note is that in 2019 Russia did convene a meeting of the 12 original signatories (without others such as China), as part of the recognition of 60th anniversary of the signing of the Treaty. It is important to recognise that Russia is an original party and has arguably more political and diplomatic investment in the ATS as it currently stands.

5.3 The role of the European Parliament

The EP has already demonstrated an appetite to host discussions on the EU's relationship with Antarctica, and this could continue with a focus on hot-button topics such as ocean conservation, tourism and the cumulative impact of environmental change in the region. Other areas could also be tackled explicitly, especially as they speak to confidence-building and the restoration of trust. For example, the EP could use the full range of parliamentary resolutions, reports, and even a campaigning-style approach to conservation, management and science. It might purposefully focus on finding areas of shared concerns, such as a shared road map for Antarctica. As such, the EP could also call for the establishment of a Jean Monnet European Centre of Excellence which might act as a focal point of expertise and knowledge on the EU and its expanding relationship with Antarctica.

However, and in analogy to its early Arctic experience from 2008, where the EP's 2008 Arctic Resolution (European Parliament, 2008) was not per se positively perceived by some Arctic stakeholders, the EP needs to carefully consider the sensitivities of Antarctic governance. The EP might wish to examine how it could support the establishment of a **Special Envoy for Antarctica** sitting within the EEAS, and how that decision might then be used to ensure that the Council thinks about matters beyond merely MPAs and ocean conservation. A Special Envoy would not only provide for distinct external visibility of the EU on all Antarctic matters, but could – internally – also be appointed to ensure that the Union's overall Antarctic interests are mainstreamed in other policies, programmes and initiatives, from the European Green Deal to matters of biodiversity, or even the broad aspects of security. In order to be effective, the Special Envoy's office would need funding from Member States and/or within the Union's budget, as well as clear guidance as to their operational domain. As such, the EP could make sure that the current lack of (financial) resources within the institution (e.g. within DG MARE and the EEAS) is brought to the attention of relevant policymakers in the Member States. Furthermore, the EP could also push for an inter-service group which brings together the different stakeholders within the Commission, such as DG MARE and DG ENV, but also DG RTD alongside the EEAS. Finally, the **EP could call for the drafting of an EU Antarctic policy.**

From a multilateral point of view, the abovementioned 2021 Resolution *on the establishment of Antarctic Marine Protected Areas (MPAs) and the conservation of Southern Ocean biodiversity* offers an important reminder that there is scope for parliamentary delegations, whether AFET or other inter-parliamentary delegations, to build stronger connections with other parliaments. One possibility might be for the EP to propose the establishment of a biennial *Parliamentarian Conference for those concerned for the Antarctic Region*. Such a conference would actively seek to build coalitions of support for areas of common purpose such as MPAs, pollution control, and biodiversity protection of the Southern Ocean. It could build on a UK-based initiative involving 'Antarctic Parliamentarians' in 2019 and 2021.³⁰ However, an EP-led parliamentary conference could be more ambitious and draw on the Parliament's experience of being involved in the longer-standing Conference of Parliamentarians of the Arctic Region.³¹

There are no 'Antarctic states' in the sense that there are recognised EU 'Arctic states', namely Denmark (in relation to Greenland), Finland and Sweden. But EU Member States such as Belgium, France and Germany are long-standing members of the Antarctic community with their own polar policies and strategies, and the EP might have the persuasive power to get more Member States on 'Antarctic-board'. Important as those Member States are, the EP must recognise that the region is facing a raft of challenges, including the prospect of greater strategic competition, 'grey zone' activity, and worsening relationships within ATS membership. While the Arctic is very different to the Antarctic, there are some shared concerns. One is how the Chinese-Russian partnership might place further stresses on regional governance architectures. The EP, however, should avoid any resolutions that appear to conflate the two polar regions. Generally, the EU

³⁰ Antarctic Parliamentarians Assembly: <https://www.antarcticparliamentarians.com/>

³¹ Conference of Parliamentarians of the Arctic Region: <https://arcticparl.org/>

should be careful to ensure that the Arctic and Antarctica are recognised as distinct geographical, legal and socio-cultural regions.

The EU has a role in the Antarctic via its Member States, and each party jealously guards their competencies and sovereign rights. A Special Envoy would provide a focal point for that effort without seeking to override specific interests of regionally-involved Member States, one of whom is a historic claimant. Externally, there are relationships with close allies, such as Norway and the UK, to be mindful of – both are historic claimants, but both also work closely with the EU and its Member States and benefit from European-wide models of funding and science collaboration. This might extend beyond Europe, and entail support for potential ‘southern’ allies among the ‘gateway states’. Beyond that, there are opportunities for the EU to frame itself as a coalition magnet. It should be noted that the EU (with EP ratification) concluded an association agreement with Chile in 2022 (and a trade deal with Mercosur) to work with state and civil society actors in areas of common concern, such as ocean conservation. Again, mechanisms such as inter-sessional meetings and inter-parliamentary groups should be leveraged to build a network of allies and influencers, while high-level diplomatic engagement work should take place with both Latin American states and China.

All of this will need to be carried out with diplomatic sensitivity. The EP must tread lightly – other parties, even close allies, will be suspicious of a bloc-like approach. The dangers are evident to those who observe Antarctic governance closely: increasing heterogeneity amongst the parties responsible for the maintenance and resilience of the ATS; worsening politicisation of scientific and technical subject matters; ‘conflict’ between conservation and exploitation-centred agendas; and finally, the subject matter of sovereignty, which is not settled but instead managed by the norms, rules and values that underpin the ATS.

6 Conclusion

There is, in short, a unique window of opportunity for the EU in the coming decade. As a polar science superpower and through its infrastructure and science funding (e.g. the Commission's funded EU Polar Cluster), the EU has proven itself to be capable of generating and sustaining a suite of global partnerships. The EU, through its science and public engagement (Bulgaria and Portugal lead the intersessional discussions on education and outreach in the ATS), has a real opportunity to emerge as a constructive thought leader in areas such as marine protection and environmental impact on land and sea.

As with the United States, the EU does possess one considerable advantage in the sense that it is a non-claimant body, and that Member States in general have limited fisheries interests in the Southern Ocean. Championing ocean conservation is vital given the difficult geopolitical dynamics at present. However, there will be little to no appetite among the consultative parties to consider the EU as an unofficial observer to the ATCMs. Indeed, some CCAMLR parties could complain privately that one of the challenges of working with the EU is that it is a complex supra-national organisation, which is frequently having to consult and juggle the different constituent parts.

While the EU is a large market for Southern Ocean fish, one strength of EU engagement is the scientific weight it brings, alongside the so-called 'Brussels effect' – the EU's economic size and regulatory competencies matter. DG MARE is experienced in fisheries negotiations and, in effect, mirrors the approach of China, which thinks of CCAMLR as a RFMO. There could be scope to more formally involve DG ENV in order to further reinforce the EU's commitment to an ocean conservation agenda. Beyond fisheries negotiations, the EU could also use its position as a major funder of polar science and climate change research to encourage further integration of ocean management with other forms of marine spatial management, including tourism and science. Both activities, as with fishing, involve transit on the Southern Ocean and contribute to the human footprint of Antarctica onshore and offshore.

However, as noted before, the challenge for the EU continues to be reconciling the various interests at play. There is no EU treaty specifying competence regarding Antarctica, and there is no document that outlines an Antarctic policy with related objectives (from a focus on fisheries management to a possible role for a Special Envoy similar to that of the EU's Arctic equivalent). One learning outcome from the EU's Arctic policy is that the polar regions should not be conflated with one another. The Antarctic is quite distinct from the Arctic, and the relationship between the Arctic states and their northern communities is radically different to a region that does not possess an indigenous human population.

Developing a policy framework for Antarctica would be an important first step, and using the next seven years to develop a distinctly EU-led agenda would be welcome, especially if it embraced the interests and wishes of Member States and allies alike.

Appendix 1: Summary table of recommendations

Recommendation	Action
<p>Articulate a European Polar Agenda via the ATCMs hosted in EU Member States and use the EP to further promote shared understandings of Antarctic governance</p>	<p>Coordinate Finland, Italy and Netherlands ATCMs between 2023–2028, and use inter-sessional meetings and workshops to build a new vision for Antarctic governance and environmental protection.</p> <p>Establish a biennial <i>Parliamentarian Conference for those concerned for the Antarctic Region</i> starting in 2024 to work alongside those inter-sessional meetings and workshops.</p> <p>Convene a special conference of the Treaty parties (adjacent to a future European-based ATCM) to focus on the peaceful usage of Antarctica and address the challenges posed by dual-use technologies in the future.</p>
<p>Publish an EU Antarctic policy framework</p>	<p>Identify five priority areas: partnering and collaborating; regulating sustainable development; promoting shared values and norms; preserving peace and security; and protecting the environment.</p> <p>Belgium could use its Presidency in 2024 to accelerate the development of this policy framework, and use the IPF in Brussels to host high-level engagement.</p>
<p>Uplift investment in large-scale polar science and continue to support other initiatives such as Digital Twin of the Ocean</p>	<p>Sponsor and support the 5th IPY for 2032-33 and enhance support for ambitious projects, such as the EU Digital Twin of the Ocean which will heighten understanding of land-ice-ocean-air dynamics and enable further research on the Southern Ocean.</p> <p>Sponsor the establishment of an EU polar science station and invest in an EU oceanographic vessel as part of the IPY 2032-33 planning.</p>
<p>Launch a new EU-China polar dialogue</p>	<p>Push for high-level engagement with China and seek to address concerns over MPAs. Develop a common agenda for ocean conservation and co-sponsor not only any future MPA adoption with China, but work to develop a road map for Southern Ocean spatial marine planning.</p>
<p>Work with a ‘group of friends’ and strategic polar allies such as Chile, Norway, South Korea, and the UK</p>	<p>Network with EU Member States, such as the Netherlands, on areas of mutual concern, such as polar tourism and the liability annex. Engage with other EU Member States, such as Bulgaria, Germany, Italy, Poland, Spain and Sweden, who have not implemented measures on tourism and the liability annex. Again, Belgium could use their EU Presidency to prioritise this as part of a shared agenda.</p> <p>Other strategic allies and southern ‘gateway’ countries such as Argentina, Chile, South Korea, Norway and the</p>

	<p>UK are experienced polar operators and should be engaged with on matters pertaining to polar infrastructure and science. They also share a commitment to ensuring that the fundamental norms and rules of the ATS are respected.</p>
<p>Develop a stronger EU polar voice with appropriate institutional resources and capabilities</p>	<p>Appoint a Special Envoy for Antarctica, with appropriate funding and competency to coordinate with EU Member States and the EP, and build public trust in the EU.</p> <p>Ensure necessary and sufficient funding for the Commission and EEAS for the EU to be able to act as a coherent actor.</p>
<p>EU as polar campaigner</p>	<p>Call on consultative parties and signatories to the Treaty to reaffirm their commitment to never undertake mining in Antarctica as part of their ongoing determination to ensure the environmental protection of Antarctica.</p> <p>Call upon consultative parties and tourist industry to work together to develop a convention on the regulation of tourism and dispense with industry self-regulation as part of a commitment to managing the industry sustainably.</p>

Appendix 2: List of interviewees

We acknowledge with gratitude the following (as well as some who would like to stay anonymous) for giving their insights into the EU's current and future relationship with Antarctica. For the record, we note the date of each online conversation. None of the below are responsible for the analysis presented in this study.

- Kees Bastmeijer, Polar Academic University of Groningen, 1 February 2023
- Evan T. Bloom, Lawyer and diplomat, Wilson Center Washington DC, 12 January 2023
- Marie-Anne Coninx, former EU-Ambassador at Large for the Arctic, 1 February 2023
- Emil Dediu, Polar expert Pew Charitable Trust, 19 January 2023
- Jakob Granit, Director-General at Swedish Agency for Marine and Water Management, 27 January 2023
- Stefan Hain, Head of Environmental Policy Unit, Alfred Wegener Institute, 13 January 2023
- Jenny Haukka, Counsellor for Antarctic Affairs, Ministry for Foreign Affairs of Finland, 19 January 2023
- Alan D. Hemmings, Polar academic, University of Canterbury, 16 January 2023
- Stephanie Langerock, CCAMLR Commissioner for Belgium, 21 January 2023
- Jane Rumble, Head of Polar Regions Department, FCDO (UK), 26 January 2023
- Mette Strengehagen, Section for the High North, Polar Affairs and Marine Resources, Norwegian Ministry of Foreign Affairs, 18 January 2023
- Dorothea Wehrmann, Senior Researcher, German Institute of Development and Sustainability, 17 January 2023
- Mike Walker, Europe and Strategy Coordinator Antarctic and Southern Ocean Coalition, 20 January 2023
- Jeremy Wikinson, Polar scientist British Antarctic Survey, 26 January 2023
- Jan-Gunnar Winther, Director, Center for the Ocean and the Arctic, 18 January 2023

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