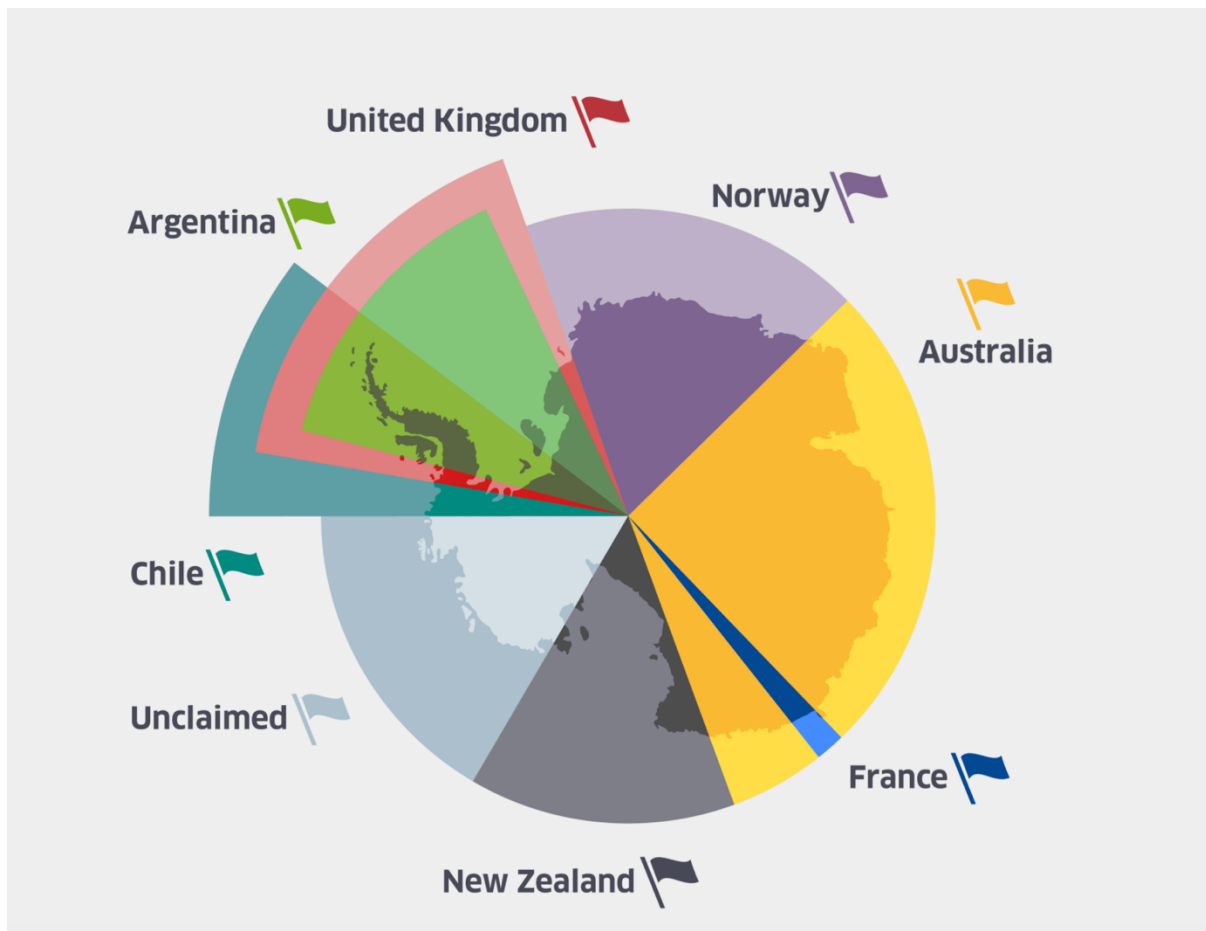


Written evidence submitted by Professor Klaus Dodds

The UK and the Antarctic Environment

Date prepared: 12th September 2023

Antarctic territorial claims prior to the signing of the 1959 Antarctic Treaty. Source: <https://discoveringantarctica.org.uk/how-is-antarctica-governed/the-antarctic-treaty/making-claims/>

1. This written evidence has been prepared by Klaus Dodds. I am currently Professor of Geopolitics and Executive Dean of the School of Life Sciences and Environment at Royal Holloway University of London. For the last 25 years, I have researched the geopolitics and governance of Antarctica. I am a Fellow of the Academy of Social Sciences and Hon Fellow of British Antarctic Survey.¹ I have written and edited numerous books and responded to previous calls to assist UK government departments, UK Parliament and polar agencies with advice and report-writing on Antarctic matters.² I serve on the advisory council of the APPG for the Polar Regions.

¹ An example of my work published on the blog of BAS includes:

<https://www.bas.ac.uk/blogpost/30thanniversaryenvironmentalprotocol/>

² I was commissioned by the FCDO and Government of BAT to write a detailed report on Antarctic governance in the late 1980s and early 1990s to coincide with 30th anniversary of the entry into force of the Protocol on Environmental Protection in 1991. <https://www.britishantarcticterritory.org.uk/klaus-dodd-on-saving-antarctica-the-uk-polar-friendships-and-the-protocol-on-environmental-protection-1991/>

My most recent report was jointly authored and requested by the European Parliament's Committee on Foreign Affairs (AFET) and considered an enhanced role for the EU in Antarctica.³

2. My interest in the Antarctic has been primarily via a geopolitical perspective. The Antarctic is a contested territory. It has seven historic claimants (Argentina, Australia, Chile, France, New Zealand Norway, the UK). There is one so-called unclaimed sector around the Pacific Ocean. Two countries reserve the right to claim (the US and Russia). And the 1959 Antarctic Treaty when it was negotiated agreed under Article 4 that: "No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting, or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica". All signatories to the treaty must abide by Article 4 and depending on one's perspective this means that Antarctica is an enormous no man's land. For the UK, the situation is even more complicated because the British Antarctic Territory overlaps substantially with the Argentine and Chilean Antarctic polar territories. For many years, this was described as "The Antarctic Problem" and I have long thought that polar science was and is a proxy for geopolitical influence and power projection.
3. Opening statement. The Committee's inquiry is timely, and I will concentrate on my comments on "the Antarctic **policy/geopolitical** environment". Others more qualified than me will comment on the UK's scientific and environmental priorities but I note that I have worked with interdisciplinary groups of polar scholars who have considered this very question. A short summary was published in 2021 and led by Professor Mike Bentley.⁴ The paper made the important point that "In the twenty-first century, Antarctic research must not exist within its own bubble". This implies **two** things: first, the cost and scale of polar science inevitably involves collaboration in-field and beyond. There are good examples of UK co-operation with other partners including the US and Netherlands. And to remain an attractive partner the UK must maintain world class infrastructure and scientific capabilities, as was recognised in 2022 when it was confirmed that this needed fresh investment.⁵ Second, the "Antarctic bubble" a shorthand for the palliative presence of the Antarctic Treaty System could no longer be uncritically assumed.⁶ This is not to deny that Antarctic governance prima facie remains one of the most successful examples of a multilateral system of international governance involving 29 consultative parties (CPs are voting parties who were either original signatories and/or later

3

[https://www.europarl.europa.eu/thinktank/en/document/EXPO_IDA\(2023\)702589#:~:text=The%20EU%20continues%20to%20be,direction%20of%20EU%20Antarctic%20policy](https://www.europarl.europa.eu/thinktank/en/document/EXPO_IDA(2023)702589#:~:text=The%20EU%20continues%20to%20be,direction%20of%20EU%20Antarctic%20policy).

⁴ <https://www.imperial.ac.uk/grantham/publications/the-future-of-uk-antarctic-science-strategic-priorities-essential-needs-and-opportunities-for-international-leadership.php>

⁵ <https://www.ukri.org/news/uk-invests-to-modernise-polar-science/>

⁶ The term "Antarctic exceptionalism" is sometimes used to describe the political environment pertaining to Antarctic affairs. The underlying assumption that the 1959 Antarctic Treaty and associated legal instruments have in essence championed science and international collaboration to the extent that conflict and tension are largely constrained. Antarctic affairs was largely facilitated through consensus-seeking and scientific cooperation. This has been increasingly challenged in the aftermath of the full-scale invasion of Ukraine. See for an example: <https://www.lowyinstitute.org/the-interpretor/end-antarctic-exceptionalism> Historically, it was an exaggeration to claim that Antarctica was depoliticised by science.

demonstrated “substantial scientific interest”) and 56 signatories to the Antarctic Treaty. The latest signatory was San Marino in February 2023.

4. The Committee should recognise that the Antarctic policy environment is arguably at its most challenging since the late 1980s and early 1990s – when Antarctic Treaty consensus broke down over a disagreement regarding the future regulation of Antarctic minerals activities. It was a crisis moment for the UK and eventually led to the restoration of consensus with the signing of the Protocol on Environmental Protection – which banned mining. Consensus remains integral to the ATS – without polar governance simply does not work in the way intended by the Antarctic Treaty. There are **seven challenges** I would draw attention to, and this directly relates to the second part of my evidence regarding the role and reach of UK science in Antarctica. Let me take each of the seven challenges in turn.
5. **Challenge 1.** The full-scale invasion of Ukraine by the Russian Federation in February 2022 has had ramifications for Antarctic governance and will continue to do so. For one thing Ukraine and Russia are both signatories to the Antarctic Treaty.⁷ **There is widespread concern that a worsening relationship with Russia will spark strategic competition and make it ever more explicit in Antarctica.** With expressions of suspicion that infrastructural investment in runways, bases and ships is part of a wider pattern of all parties seeking to protect their resource, territorial and access interests. Importantly, the fallout from the invasion of Ukraine has not been uniform diplomatically speaking. Russia’s relationship with the West has worsened but Russia continues to work with other polar parties such as South Africa. China and India have not condemned Russia and where there have been diplomatic protests about the invasion this has largely involved European parties.⁸
6. **Challenge 2.** Fisheries conservation and the quest for Marine Protected Areas (MPAs) continue to be geopolitically divisive. **China and Russia have been widely viewed as obstructive to the further development of MPAs and robust catch limits.** China was accused of objecting to protection measures for emperor penguins in 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. This is important to bear in mind because however world-class polar science is and will be, it does not operate in a geopolitical vacuum. And there is a danger that by continuously highlighting Russian and Chinese obstructionism we underestimate the commercial importance of fisheries to the UK and other countries such as Norway – which in turn generates resentment on the part of Chinese and Russian negotiators.
7. **Challenge 3.** China and India amongst others are **mature polar actors.** Specifically, it needs to be recognised that the Antarctic Treaty System is not “owned” by the

⁷ It should be noted that Ukraine’s polar programme was affected by the full-scale invasion by Russia. A recent example was news that Russia questioned Ukraine’s ability to take over the chairing of Commission for the Conservation of Antarctic Marine Living Resources (CCCAMLR). While did not prevent Ukraine from occupying the rotational chair it serves as a reminder of how rules, procedures and norms can become threatened when tensions are higher than normal. <https://www.researchprofessionalnews.com/rr-news-europe-politics-2022-11-russia-questioned-ukraine-s-suitability-for-key-antarctic-role/>

⁸ During the ATCM in Berlin, Russia was isolated by many delegates, and some left the meeting room in protest in what was described as a coordinated demarché when a Russian delegate tried to justify the Russian full-scale invasion of Ukraine. The meeting did continue, however. China did not support the walk-out.

original 12 signatories such as the US, UK, and Norway. China has ambitions to be a world-class polar operator and will expect going forward to become a norm-shaper and rule-maker. China has over 40 years of in-field experience and is thus eager to ensure that its interests are not marginalised by any other Antarctic parties. China's decision to establish a ground station in Antarctica to support the National Satellite Ocean Application Service, while it has invited repeated concerns that the affected Zhongshan research base might be part of a more ambitious programme of command, control, surveillance, and reconnaissance, is emblematic of this ambition. Others may not care for it.

8. **Challenge 4.** There is a worry that Russia is collecting seismic data that could be construed to be prospecting rather than scientific research. And if such does this signal a potential threat to the permanent ban on mining (under Article 7 of the Protocol on Environmental Protection, PEP), with knock-on implications for the integrity of the protocol in its entirety. The Russian ship responsible for the activities, the *Akademik Karpinsky*, is reportedly financed by a state programme organised by the Russian state-owned corporation Rosgeologia. For the record, Article 7 states that "Any activity relating to mineral resources, other than scientific research, shall be prohibited". There is no ban of 50 years which is commonly reported in media stories about this issue. In 2048, there is scope for a potential change to the Protocol but there are strict rules and pre-conditions that shape that scope including the necessary approval of majority of all consultative parties. But this current Russian activity is troubling.
9. **Challenge 5.** 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. But we have seen something of an "infrastructural race" in Antarctica as many countries including claimant states such as Australia, France and the UK worry about their ability to maintain domain awareness on the one hand and on the other monitor the investment programmes of others. 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.
10. **Challenge 6.** After the travel restrictions associated with the COVID-19 pandemic, **Antarctic tourism is recovering quickly**. 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, which were updated in 2021. However, these remain *guidelines* rather than regulations per se. 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**. The concentration of visitors in the popular Peninsula region (within British Antarctic Territory) carries with it concern that landing sites could disturb local ecologies and accompanying wildlife colonies.
11. **Challenge 7.** Intensifying climate change and concerns over environmental impact on the southern polar region is raising questions about the ATS's unique 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, 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 (Havalдар & Verdon, 2023). Similarly, the 2023 Our Ocean Conference in Panama returned high-level political focus to ocean leadership and the need to accelerate marine protection in all oceans, including the Southern Ocean. 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.

12. **The net result of the seven challenges will be to further challenge the exceptional qualities of the Antarctic Treaty System and enhance international scrutiny of its workings.** For the UK, however, the more immediate issue to grasp is the one that follows from events post-February 2022. As a very public defender of the territorial integrity and sovereign independence of Ukraine, it was and is inevitable that the relationship with one of the largest polar operators and interested parties (Russia) was never going to be untouched. Russia is a major fishing party and has a scientific presence in the British Antarctic Territory. The UK and Russia have clashed recently on fishing conservation/exploitation measures recently in and around the UK overseas territory of South Georgia – which created unwelcome tension for the UK-US relationship.⁹ The US publicly distanced itself from the UK's decision to unilaterally award fishing licences at the same time Russia sought to frustrate attempt to set catch limits around the island's waters. The primary worry for the US was precedent-setting – if a close ally such as the UK acts in this way then what happens next time another country unilaterally decides to fish without regard for catch limits.
13. **Future possibilities.** There are a growing number of observers that conclude that the rules, norms, and procedures associated with the Antarctic Treaty System are being stress-tested in unprecedented ways. While science has long been the dominant currency of influence, there is suspicion that the cumulative effect of those seven challenges is to further weaponize science. In other words, strategic competition replaces more benevolent forms of polar nationalism and scientific boosterism. Logistics and infrastructure look and feel more competitive and congested as parties worry about who can do what and where. The other challenge that the Russia-Ukraine conflict is exposing, even in Antarctica, is a narrative that presents Antarctic governance as one being split between liberal democracies on the one hand and authoritarian governments on the other hand. The reality is messier, and it is not the case that commercial-competitive agendas are the sole preserve of one type of state. The UK as a claimant state with overseas territories in South Georgia and beyond such as the Falkland Islands pursues an intersectional commercial,

⁹ <https://apnews.com/article/russia-ukraine-politics-georgia-fish-chile-423f61c61cdcd46f524a7262a7e10366>

geopolitical, and scientific agenda in Antarctica. There are no innocent parties in Antarctica.

14. **What does the UK need to do?** First, don't assume that everyone agrees on the value and importance of the Antarctic Treaty System – it was designed to protect the varied interests of the original signatories (and that group did not include China, India, and others). The UK should look to build diplomatic and scientific bridges with India and China.¹⁰ Russia is a difficult party and will continue to be so.¹¹ There may be a case for the UK to adopt as an approach the neologism *co-opetition* – one that mixes openly competition and collaboration in polar affairs. And while it could be argued the UK does that with allies such as the US (which does not formally recognise the UK's territorial claim and reserves the right to make its own claim in the future), the more challenging position would be to think about how polar diplomacy, infrastructure, logistics, and science could be put to work in different ways. Maintaining China as an active member of the ATS is integral to UK interests – and if Russia believes that China is in its proverbial political corner it becomes easier to block and frustrate things that the UK supports such as further MPAs. What might well help matters is for the UK to develop an Antarctic policy framework – which pulls together why the UK does what it does in Antarctica and beyond.¹² There is a BAT strategy document that runs to 2029 which arguably needs updating – especially in the light of tension with Russia.¹³
15. **Beyond Antarctica.** Antarctica does not exist in environmental, diplomatic, geopolitical isolation, however. The UK's approach needs to be aligned to its wider global ambitions to be a purposeful actor in environment and science. It should seek to work closely with the EU – which is itself yet to articulate a clear Antarctic strategy. Polar science contributes to the wider scientific presence and credibility of the UK as the Integrated Review noted, an ambition to be recognised as a “science superpower”. So much of polar science contributes the scientific understanding of planet Earth. And polar science is a textbook example of national and international collaboration alongside projection of influence and understanding. Working with allies and more challenging parties is integral to all of that. The UK should really look to enhance its polar relationship with China in particular. Ocean conservation needs China's positive support and China needs to be recognised as a senior polar player.
16. **Finally,** I hope the UK Parliament continues to scrutinise the work of the UK government and polar operators and reach out where possible to other invested parliamentary representatives around the world. The UK does possess considerable diplomatic and scientific expertise and it helps unquestionably that our most senior FCDO diplomat/representative (Jane Rumble OBE) is a highly regarded figure in this field of operation.

¹⁰ Would the UK consider for Chinese to be recognised as the fifth official treaty language (the original are English, French, Russian and Spanish)?

¹¹ I have reflected on this here: <https://www.geostrategy.org.uk/britains-world/ukraine-the-impact-on-russias-posture-and-international-collaboration-in-the-antarctic/>. This was co-written with the Russian polar specialist, Mathieu Boulegue.

¹² What would be the Antarctic equivalent of this? <https://www.gov.uk/government/publications/looking-north-the-uk-and-the-arctic/looking-north-the-uk-and-the-arctic-the-united-kingdoms-arctic-policy-framework>

¹³ <https://britishantarcticterritory.org.uk/wp-content/uploads/2019/07/British-Antarctic-Territory-Strategy-2019-2029-Accessible.pdf>

Klaus Dodds
September 2023