



Australian Antarctic Policy: Sovereignty and the Challenges of Middle Power Leadership

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Introduction

Not being a subject specialist in the South China Sea and the complexities of the disputes over sovereignty in this region, I have struggled to identify the mandate to link my three decades of work in polar regimes to the SCS.

I am mindful of China's growing interest in exploring a range of mechanisms for promoting a more congenial rules-based international order and have taken this as a clue.

In hopes this will be relevant to the organisers' wishes, my paper looks at how Australia has sought for nearly a century:

- to claim sovereignty in Antarctica and
- to defend this claim by build a supportive regional system.

While the study may not provide useful comparisons, the contrasts may be instructive.

Antarctica is Not Like the SCS

Antarctica is:

- the third smallest continent (about 50% larger than Europe and about twice the size of Australia)
- the coldest place on Earth (minus 100 degrees Celsius)
- holds nearly 70% of world's fresh water (as ice which, if melted, would raise sea levels globally some 60 meters);
- consequently, approximately only 2% of Antarctica is now ice-free;
- so Antarctica has virtually no land-based life; and
- is the only naturally uninhabited continent on the planet.

Of course, Antarctica was not always like this. It was once warm and forested and it has the coal deposits to prove it.

Australia's Current Antarctic Policy

Australia's current core national interests in Antarctica are:

- 1) maintaining Australia's sovereign claim to over 42 per cent of continent;
- 2) maintaining the strength of the Antarctic Treaty and
- 3) securing Australia's continuing leadership in the ATS.

The *Antarctic Strategy and 20 Year Action Plan* identifies five key :

- Launch a new world-class research and resupply Antarctic icebreaker.
- Providing new and stable funding support for a more active Australian Antarctic programme.
- Promoting Australia's scientific leadership through improved infrastructure support;
- Building and strengthening the Antarctic Treaty system with other Antarctic Treaty nations; and
- Securing Tasmania's status as the premier East Antarctic Gateway.

Australia's Claim for Sovereignty



The Australian claim to 42% of Antarctica originated in part from individuals contributing to British expeditions of discovery and exploration in the early 20th Century

In 1933, Britain transferred the present claim to Australian administration.

Around this time some authorities actually proposed that Antarctica might be so valuable that the British interest in the New Hebrides should be traded to acquire the tiny French claim in Antarctica.

Faced with growing international pressure, Australia opened Mawson station in 1955 to demonstrate “effective occupation” in support of sovereignty claim.





The Antarctic Treaty: Protecting Sovereignty by Freezing It?



In December 1959, 12 countries including 7 with territorial claims agreed to freeze the claims and promote non-military scientific research – the Antarctic Treaty by providing:

1. Only used for peaceful purposes with military use prohibited (but not military personnel and equipment if used for peaceful purposes).
2. Scientific research to allow freedom of access to entire continent.
3. Scientific exchanges (information and personnel) to be promoted and facilitated
4. Territorial claims not changed by signing treaty nor can anything done under the Treaty advance a claim or provide basis for new claim.
5. Applies to the area below the 60th parallel south (but does not alter high seas rights).
6. Transparency guaranteed by right of observers to go anywhere at any time.
7. Jurisdiction over personnel in Antarctica belongs to the sponsoring Contracting Party.

The Treaty has no terminal date.

Australian Antarctic Sovereignty Post-1959

There have been three key aspects in Australia's approach to preserving its sovereign interest in the AAT.

1. Broadening the spirit of the Treaty by creating a system of agreements for regulating areas where jurisdictional disputes might arise – hence the ATS and its clustered regimes all reinforcing Art IV of the Treaty.

[but note especially Australia leadership in banning mining – not quite cricket!]

1. Providing leadership in defending the Treaty against challengers - both national and multilateral. (e.g. the United Nations[1948], Malaysia [1982], Pakistan [1991]).
2. Exercising its claim against 3rd Parties (states not party to the Treaty and so not entitled to invoke its benefits and free to assert claims independently of the Treaty.).

Australian Sovereignty, the AAT and 3rd Parties

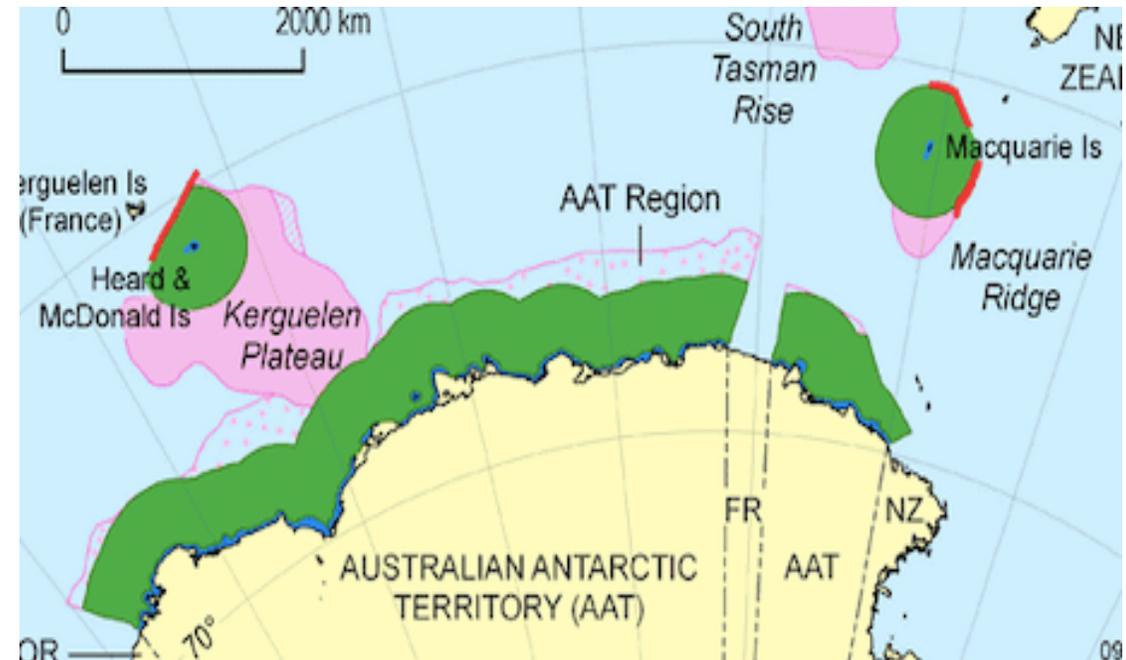
Currently there are 54 (29 consultative and 25 non-Consultative) parties to the Antarctic Treaty leaving nearly 140 countries not bound to observe the terms of the Treaty.

Given the preponderance (at least numerically) of non-contracting states Australia has struggled with what to do regarding jurisdiction and these 3rd Parties.

The *Australian Antarctic Territory Act 1954* regulates the AAT but provisions against the Treaty are not applied to Treaty parties.

In 2012, Canberra assert maritime zones under UNCLOS III as purely an implementation of existing claims (not “new”) but this has been disputed even though application to all other states is suspended.

Some see the failure to apply to non-contracting parties as against Art IV because it diminishes Australia’s claim if Treaty collapses.



Has the Australian regional tactic for the AAT worked?

The Pros:

1. Its claim is not in active dispute
2. The size of the claim seems to be a factor in giving a significant seat at the table of Antarctic affairs.
3. Its leadership in regional affairs as a middle power has helped to hold together the ATS which gives it an important role in shaping the Antarctic agenda – vide CRAMRA and Madrid Protocol.

The Cons:



1. Australia has preserved its claim by promising not to use it! [A dog-in-a-manger policy?]
2. Maintaining the AAT claim costs significant resources that it might not spend without a territorial claim.
3. It seems the advantages outweigh the costs of as Australia's role in Antarctica reinforces its middle power status in global affairs.

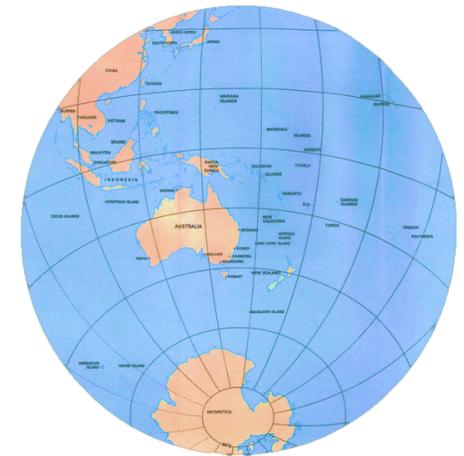
What of Any Broader Lessons for SCS?

The ATS represents essentially contrasts rather than a useful analogue for the SCS.

1. The key to the ATS is an identified and workable common interest – scientific cooperation permitted a basis for discussion outside sovereignty.
2. Dreams of Antarctic resources tend to be recognised as such – speculative since Antarctic riches are not currently essential – there are more practical alternatives for the foreseeable future.
3. Antarctica is Remote from transportation networks while the SCS is very central to a significant area of growth and geopolitical interest.



4. Cooperation is technically challenging even where there is good will and a commitment to work together



A Curious Lesson FROM the SCS?

There was one example I could find where the SCS was connected tangentially to Australia's pursuit of regionalism as a mechanism for middle power leadership.

The model of the Committee for Co-ordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (CCOP) was brought into the Pacific Islands in 1972 to promote the search for offshore minerals.

However, when it became clear that this ESCAP project was going to allow the USSR access to virtually all the regional ports, the ANZUS states under Australian leadership pursued a middle power tactic to create CCOP/SOPAC as a regional IGO that would restrict active participation to the Pacific Islands community.

And, yes, there is a Tasmanian Devil!

