INTRODUCTION

On the occasion of the 30th anniversary of the entry into force of the Antarctic Treaty, the Contracting Parties declared: “The Antarctic Treaty provides an example to the world of how nations can successfully work together to preserve a major part of this planet, for the benefit of all mankind, as a zone of peace, where the environment is protected and science is pre-eminent.”

This statement can be based on several factors. Indeed, the Antarctic Treaty Consultative Parties cooperate closely. Through this they mean to live up to Article 6 of the Protocol on the Environmental Protection to the Antarctic Treaty. This provision includes the obligation for the Consultative Parties to “cooperate in the planning and conduct of activities in the Antarctic Treaty Area”. The provision identifies several issues that require cooperation, including scientific research, environmental impact assessment, information sharing and minimizing effects of accidents. There are many concrete examples of international cooperation initiatives concerning Antarctica, including the joint use of research stations, the joint use of ships and air transport facilities, joint Antarctic training programs, cooperation with the Antarctic Environmental Officers Network and the establishment of
intersessional contact groups under the Committee on Environmental Protection. This contribution to the Festschrift in honour of Lucius Caflisch will discuss whether such cooperation effectively governs the sharing of information concerning environmental impacts of human activities in Antarctica, in particular, of research activities.

All Antarctic Treaty Consultative Parties have implemented the Protocol on Environmental Protection to the Antarctic Treaty (Protocol) and have reported thereon in accordance with Article 17 of that Protocol. However, they have chosen different mechanisms to ensure compliance with the obligation under Article 8 of the Protocol that human activities in Antarctica shall be undertaken only after a prior assessment of the impacts of those activities on the Antarctic environment or on dependent or associated ecosystems. The obligation is meant to ensure that the overarching principles of the Antarctic Treaty regime, namely to preserve Antarctica for scientific and peaceful purposes while protecting its environment, including the one of the dependent and associated ecosystems, are fully respected.

The following presentation deals with the implementation of the obligation to provide for an environmental impact assessment concerning activities in Antarctica.

2 THE DEVELOPMENT OF THE ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM IN THE ANTARCTIC TREATY REGIME

The environmental impact assessment system constitutes a mechanism developed in national environmental law. From there it was introduced into international environmental law. Environmental impact assessments were first established in the domestic law of the United States under the 1972 U.S. Environmental Protection Act. The procedure has been progressively adopted in a large number of national legal systems. In reflection of these developments in national law, the environmental impact assessment procedure as an element for the planning of human activities has found its way into international law as well. Environmental impact assessments are

4 See Arts. 2 and 3 (1) of the Protocol.
6 For further details see P. Sands, Principles of International Environmental Law, 2nd ed. (Cambridge, Cambridge University Press, 2003), pp. 799 et seq.