Chapter XI

The Law of the Sea Convention and the Antarctic Treaty System: Constraints or Complementarity?

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I. Introduction

The 1982 Law of the Sea Convention\(^1\) is at the center of the regimes governing the management of world’s oceans, including those within the jurisdiction of the 1959 Antarctic Treaty.\(^2\) The Law of the Sea Convention provides the basis for a comprehensive “constitution for the oceans,” a framework convention in relation to, *inter alia*, exploitation of the marine living resources, marine environment, and the seabed. The Antarctic Treaty and its associated instruments and arrangements have been developed to provide a management regime south of latitude 60° South, based on consensus and collaboration. The Antarctic Treaty was developed to address the “Antarctic Problem,” which includes disputes emerging over the status of territorial claims and sovereignty in Antarctica.

Article IV of the Antarctic Treaty has effectively “frozen” existing and any further territorial claims, although allowing states to maintain and recognize claims at the same time. Although Antarctica was specifically excluded from discussion at the Third United Nations Conference on the Law of the Sea, the Law of the

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