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Department of Foreign Affairs and Trade

# SENATE ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE - INQUIRY INTO AUSTRALIAN ANTARCTIC DIVISION FUNDING

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE SUBMISSION  
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The Department of Foreign Affairs and Trade (DFAT) welcomes the opportunity to provide this submission to the Senate Environment and Communications References Committee as part of the Committee's *Inquiry into Australian Antarctic Division (AAD) Funding*. This submission provides information on DFAT's work in support of the Antarctic Treaty system and Australia's geopolitical and strategic international interests in Antarctica as context relevant to the Committee's Senate Inquiry Terms of Reference questions C and F.

## Introduction

Australia has strong national interests in Antarctica, including: to preserve our sovereignty over the Australian Antarctic Territory (AAT) and our sovereign rights over adjacent offshore areas; to maintain Antarctica's freedom from strategic or political confrontation; and to protect and preserve the unique Antarctic environment. These interests are supported by the strong and effective operation of the Antarctic Treaty system (ATS), comprising the 1959 Antarctic Treaty, the 1991 Protocol on Environmental Protection, the 1980 Convention on the Conservation of Antarctic Marine Living Resources, and the 1972 Convention on the Conservation of Antarctic Seals.

Together, these agreements set out rules and norms which seek to preserve Antarctica as a place of peace and science, including the core principles of non-militarisation, environmental protection, freedom of scientific investigation and transparency as to States' activities in Antarctica. Importantly, the Antarctic Treaty also provides that States' actions in Antarctica cannot form a basis for asserting, supporting or denying a sovereignty claim.

The ATS is a strong and flexible framework for the peaceful governance of Antarctica, and it continues to serve our national interests at a time when international interest and activities in the Antarctic region are increasing. Working closely with the AAD of the Department of Climate Change, Energy, the Environment and Water (DCCEE) and other agencies, DFAT works actively across the diplomatic network, and in multilateral fora, to uphold the ATS, in support of Australia's geopolitical and strategic international interests in Antarctica.

## DFAT's International Antarctic Diplomacy

DFAT's Chief Legal Officer and First Assistant Secretary, Legal Division, is Australia's Senior Official on Antarctica and leads Australia's Delegation to the annual Antarctic Treaty Consultative Meeting (ATCM). Australia's Delegation also comprises representatives from AAD, and the Attorney-General's Department. We are widely acknowledged to be highly influential in the ATCM and boast a significant record of achievement.

At the 45<sup>th</sup> ATCM in Helsinki in May-June 2023, Australia worked with other parties to deliver the *Helsinki Declaration on Climate Change and Antarctica*, which reaffirms Parties' commitment to combat the adverse impacts of climate change in Antarctica and emphasises the central role of Antarctica in the global climate system and the consequences of climate change in Antarctica to the rest of the world. The *Helsinki Declaration* commits Parties to substantially increasing our efforts to explain the global implications of climate change in Antarctica, within our own countries and in international fora, and the need to prevent irreversible changes to Antarctica and consequential implications for the planet.

Australia has underscored in the ATCM that the best available science, summarised in recent International Panel on Climate Change (IPCC) reports and the Scientific Committee on Antarctic Research (SCAR) Antarctic Climate Change and the Environment Report, provides clear evidence of the impacts

climate change is having on Antarctica and the Southern Ocean. These impacts have significant implications for the rest of the world, such as through the contribution of melting ice to sea level rise, changes to global ocean currents, and effects on biodiversity. We have advocated in the ATCM for Antarctic Treaty Parties to seek to ensure international discussions about climate change mitigation and adaptation are informed by Antarctic climate change research. Australia is globally renowned for this research, including understanding the global implications of changes in the Antarctic region.

Australia also worked with partners (France and Spain) to encourage States to ratify the Antarctic Treaty's Environmental Protocol. Australia was a key driver in the establishment of the 1991 Environmental Protocol, which imposes an unambiguous and indefinite prohibition on mineral resource exploration, mining and oil drilling. The Antarctic Treaty Parties have regularly reaffirmed their strong and unequivocal commitment to the Environmental Protocol and the mining ban. This was demonstrated most recently at the 2023 ATCM through the *Helsinki Declaration* and a dedicated Resolution on 'Reaffirming ongoing commitment to the prohibition on Antarctic mineral resource activities, other than for scientific research', which Australia co-sponsored.

Australia has played a leading role on a number of priority issues considered by the ATCM including liability for environmental emergencies, management of bioprospecting, support for the Environmental Protocol, outreach on Antarctic climate change, and promoting diversity, equity and inclusion. Throughout the year DFAT leads and engages with other Parties in ATCM intersessional work and pursues active bilateral outreach and an international public diplomacy program.

DFAT also participates as a member of Australia's AAD-led delegation to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), providing foreign policy and legal advice. Australia is the depositary of the CAMLR Convention and hosts the CCAMLR Secretariat in Hobart, where the annual meetings are held each October. DFAT oversees the headquarters agreement for CCAMLR, which is the largest international organisation hosted in Australia, and ensures Australia meets its international commitments and obligations in this regard.

DFAT also works across our diplomatic network to engage partners bilaterally in support of our international Antarctic policy objectives. This includes working with countries outside the Antarctic Treaty system who have an interest in polar, geopolitical, climate and environmental issues.

Australia carries out inspections of other countries' Antarctic stations, led by DCCEEW with DFAT participation. Inspections are provided for by the Antarctic Treaty and its Environmental Protocol and are a key transparency mechanism to monitor observance of the provisions of these agreements. Our most recent inspections in 2020 included six stations, operated by Belarus, China (two stations), Germany, Republic of Korea and the Russian Federation. Australia has conducted previous inspection programs in 2016-17; 2010-11; 2009-10; 2004-05; 1990-91; 1986-87; 1985-86; and 1963-64. Australia is committed to continuing to conduct regular inspections. Our inspections have found a high level of compliance with Antarctic Treaty system obligations.

Australia has a positive story to tell about our role in Antarctica. DFAT advocates and promotes to an international audience a greater understanding of Australia's long, significant, and ongoing commitment to Antarctica and the ATS. In doing so, we draw upon Australia's rich Antarctic history, role in the ATS, in science, and our partnerships and collaboration with other Antarctic states.