Implementation of the National Antarctic Program of Ukraine in the Conditions of Hybrid Warfare and Open Military Aggression of the Russian Federation: Challenges and Lessons Learned

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**Information Paper submitted by Ukraine**

***Summary***

In this Information Paper, Ukraine outlines the main challenges faced by its National Antarctic Program in the context of a prolonged hybrid war and the current full-scale military intervention of the Russian Federation.

Ukraine believes that the lessons learned from this situation should be taken into account by other Antarctic Treaty Parties and serve as a basis for further consultations to strengthen the Antarctic Treaty System.

***Consequences of a hybrid war for the National Antarctic Programme of Ukraine***

The Russian Federation, in an attempt to renew its influence throughout the entire post-Soviet space, is systematically carrying out a hybrid war against Ukraine, as well as other neighbouring states. Such extremely unfriendly steps had a negative impact, among other, on the formation and development of the National Antarctic Programme of Ukraine.

After the collapse of the Soviet Union in 1991, the Russian Federation, which declared itself its legal successor, left all Soviet Antarctic stations under its jurisdiction, despite the fact that, according to Article 1 of the Agreement on the distribution of all property of the former USSR abroad of July 6, 1992, 16.37% of the assets of the USSR should have been moved to Ukraine. Article 2 of this Agreement states that the application of this fixed share applies, among other things, to space, air, sea, ground and other systems and their infrastructures, which certainly include scientific stations. However, this Agreement regarding the transfer of Antarctic stations by the Russian Federation was not fulfilled.

At the same time, in 1994 the United Kingdom decided to transfer one of its Antarctic stations to another state, subject to the continuation of long-term geophysical observations. In July 1995 after negotiations between the governments of the United Kingdom and Ukraine a Memorandum of Understanding was signed between the British Antarctic Survey and the Ukrainian Antarctic Centre. On February 6, 1996 the British Faraday station was transferred to Ukraine free of charge and renamed in honour of Volodymyr Vernadsky, the first president of the Academy of Sciences of Ukraine (1918), who made a significant contribution to the development of the doctrine of the Earth's biosphere and noosphere.

This was the first, and to date the only, case of the transfer of an Antarctic station by a Western state to a state of the former USSR, indicating a qualitative transition from Cold War rivalry to international cooperation in the post-Soviet space. For Ukraine, the acquisition of its own Antarctic station is another expression of its independence and desire for closer integration into the international scientific community.

At the XXVII Antarctic Treaty Consultative Meeting (ATCM) (Cape Town, 2004), when considering the application for achieve Ukraine the status of a Consultative Party to the Antarctic Treaty, the delegation of the Russian Federation expressed its disagreement, referring to the existence of unresolved claims of Ukraine to scientific stations from the Russian Antarctic Expedition. Only the renunciation of any claims by Ukrainian delegation to some of the stations built by the USSR opened the way to consensus, as a result of which Ukraine became the 28th Consultative Party to the Antarctic Treaty (Decision 2 (2005) XXVIII ATCM).

A decade later and following an attempted annexation by the Russian Federation of the Autonomous Republic of Crimea (fact was condemned by the UN General Assembly Resolution 68/262 on the territorial integrity of Ukraine in March 27, 2014) Ukraine lost a number of scientific infrastructure facilities and scientific personnel, including 4 scientific institutes in the field of marine research. This created significant difficulties in the implementation of oceanographic research by Ukraine including within the framework of the State Antarctic Research Programme for the period 2011-2023.

Moreover, Ukraine, having found itself in a difficult economic situation, as a result of the loss of control over part of the eastern regions of the country, caused by further military actions by the Russian Federation, was forced to speak at ATCM XXXVIII (Sofia, 2015) with Working Paper WP-045. In the paper Ukraine raised the issue of considering the possibility of amending the Financial Regulations of the Antarctic Treaty Secretariat (ATS) so that each Consultative Party that finds itself in a situation of *force majeure* (military aggression, natural disaster, etc.) has the opportunity to pay contributions to the ATS in instalments before the settlement of the situation. The Meeting noted that, under the Financial Regulations, Parties that are in arrears in payment of their contributions can still fully participate in the ATCM, and therefore did not see the need to amend the Financial Regulations (paragraph 104 of the Final Report of the XXXVIII ATCM).

***The impact of Russia’ military aggression on the work of the National Antarctic Programme of Ukraine***

For almost two decades Ukraine used a charter of foreign tourist and supply vessels for rotation of Antarctic expeditions and Vernadsky station supplies, which was extremely complicated due to the dense schedules of the vessels and the impossibility of their prompt correction. Therefore, Ukrainian government decided to purchase its own strengthened ice class vessel in 2019, when the state's economy has gained positive trends.

In August 2021, the government of Ukraine acquired the British research vessel *James Clark Ross* (renamed *Noosfera*, *ukr. Ноосфера*) for the needs of Ukrainian Antarctic expeditions and the restoration of integrated marine research not only in the Southern Ocean, but also in other parts of the World Ocean.

Vessel *Noosfera* set out on its first Antarctic voyage under the flag of Ukraine from the seaport of Odesa on January 28, 2022. Less than a month later, Odesa was shelled from the sea by warships of the Russian Federation and remained under the risk of assault on the adjacent territory. The marine area of ​​the Black Sea adjacent to the port of Odesa was mined by Russian naval mines, which made any navigation in these waters extremely dangerous and led to the cessation of civilian navigation in the north-western part of the Black Sea.

The *Noosfera* has made its transatlantic passage with the crew on board, while the main staff (winterers) of the 27th Ukrainian Antarctic Expedition, as well as scientists and technicians involved in the summer expedition were supposed to get to Chile by air and to board the *Noosfera* there.

The flight scheduled for February 28, 2022, which actually became the fourth day of a full-scale military invasion of the Russian Federation, was suspended because of the closed sky to civilian air traffic.

Some of the participants of the Ukrainian Antarctic Expedition were under conscription to the Armed Forces of Ukraine, while others as reservists were not able to leave Ukraine during the martial law. In agreement with the government of Ukraine, the main staff of the 27th Ukrainian Antarctic Expedition (14 people) travelled to the Warsaw Airport and flew to Chile.

At the same time, the personnel of the 26th Ukrainian Antarctic Expedition and the seasonal group of specialists who remained at the Vernadsky station and were waiting for their rotation found out about the outbreak of war far from home. Native cities of many of them, living in the eastern regions of Ukraine, were destroyed as a result of massive missile and bomb attacks. Their family members were in mortal danger and were forced to seek asylum in western regions of Ukraine or abroad. In an interview with foreign media, Ukrainian scientists stated that they had nowhere to return to (The Guardian, see the link <https://www.theguardian.com/world/2022/mar/16/nowhere-to-return-ukrainian-scientist-in-antarctica-watches-war-unfold-from-afar>).

In the current situation, it seems appropriate to provide additional personal research grants to support Ukrainian scientists whose homes or research infrastructure have been significantly damaged.

On March 30, 2022, despite these tragic circumstances, the vessel *Noosfera* safely arrived at Vernadsky station, and the process of personnel rotation, unloading of materials, fuel supplies and station preparation for the next season was completed in the normal mode.

It should be noted that at the time of the vessel Noosfera's departure from the port of Odesa, Ukraine was planning large-scale research work in the Atlantic sector of Antarctica and in the Western Antarctic Peninsula region (CCAMLR Statistical Subareas 48.1 and 48.2). In particular, in March-April 2022, it was planned to continue the oceanographic research begun by Ukraine almost two decades ago on the research vessel *Ernst Krenkel* in March-April 1997 and 1998. It was expected that new data would be obtained on changing ecological characteristics of the marine environment in the Western Antarctic Peninsula region, which should provide additional scientific justification for further marine protection in Domaine 1.

However, due to the military aggression of the Russian Federation against Ukraine, the reorientation of the country's economy under martial law and the sequestration of Ukraine's budget allocations for education, science, culture and other socially important areas, the budget of the National Antarctic Program of Ukraine was also cut.

The marine research programme of the vessel *Noosfera* was reduced, and the return of the vessel to Ukraine is now temporarily not possible. This raises the question of finding a temporary home port for the vessel *Noosfera* during the off-season, preferably in the ports of the Southern Hemisphere.

The reduction in marine research and the possible long demurrage of the vessel will undoubtedly hinder the development of Ukraine's scientific capacity ahead of its CCAMLR Chairmanship in 2022-2024.

Since the beginning of Russia’ military aggression, many representatives of the National Antarctic Programmes have expressed their support to Ukraine and their readiness to help Ukrainians both in Antarctica and beyond. We especially want to note the efficient support of the Polish Antarctic Program, which has assumed the role of a transit point to arrange the travel of participants of the Ukrainian Antarctic Expeditions from Ukraine and back to Ukraine.

In this regard, the Ukrainian side expresses its deep gratitude for the support and is ready to consider such proposals to preserve and expand the scientific potential of the international community to continue further research of Antarctica and protect its natural resources.

***Next steps for Parties to respond***

Every day, since February 24, 2022, brings new facts of targeted killing of civilians, looting, destruction of civilian and critical infrastructure, education institutions, historical and cultural heritage monuments of national and global significance. The unprovoked and unmotivated military aggression of the Russian Federation against Ukraine caused irreparable damage to objects of the natural reserve fund, as well as objects, whose destruction threatens an ecological catastrophe on a regional and continental scale, in particular, nuclear power plants.

Such actions are to a certain extent the result of the unwillingness at the highest political level to respect norms and principals of the international law and fulfil obligations assumed under the international treaties, if at some point this becomes an obstacle to the implementation of the Russian Federation's plans.

It is significant that political leaders, regional players and the wider international community oppose the aggression of the Russian Federation in Ukraine (for example, the European Commission has stopped research cooperation programmes with the Russian Federation). It can also be confidently expected that within the framework of the ATCM, the Russian Federation, in the eyes of the Antarctic Treaty Parties, will lose trust and the status of a partner that respects international law, human rights and human life as the highest value.

In this regard, Ukraine calls to the Parties of the Treaty to initiate discussions of the Antarctic community’ response to unfriendly actions (including military actions), taken by one Consultative Party towards another Party, as well as develop preventive measures in case of unilateral violation of the basic principles laid down in the Antarctic Treaty against one of the Consultative Parties.

In this case, both joint and bilateral measures that do not require a mandatory consensus to amend the Rules of Procedure (for example, depriving a Party of the right to vote at the next two ATCMs) may turn out to be effective.

Such measures can be:

- political demarches;

- boycott of initiatives of the aggressor Party, its chairmanships during intersessional contact groups, nomination of its representatives to the governing bodies of working groups;

- termination or suspension of the implementation of joint scientific and logistics projects;

- refusal to purchase goods and services from suppliers from the aggressor Party, as well as from suppliers whose owners are affiliated with the aggressor Party;

- refusal to supply goods and services to buyers from the aggressor Party, as well as to buyers whose owners are affiliated with the aggressor Party.

Ultimately, it could be, as the Russian Federation itself noted, a more pragmatic use of the full potential of the ATS and its flexibility provided, inter alia, by Article IX of the Antarctic Treaty (ATCM XLIII WP055).

***Conclusions***

Both hybrid warfare and open military aggression by one Consultative Party against another undoubtedly have a destructive effect on the implementation of the National Antarctic Program of the Party under attack.

At the same time, the unconditional loss of confidence in the aggressor Party in terms of its compliance with international obligations in other areas, including obligations under the Antarctic Treaty, is an equally significant negative consequence of this.

This jeopardizes the atmosphere of mutual trust and support that has been built up by the Antarctic community over the years and requires a consolidated response from the Antarctic community and a joint response.

Ukraine believes that lessons learned from current situation should be duly taken into account by other Antarctic Treaty’ Parties and become a platform for further consultations to strengthen the Antarctic Treaty System to adjust it to emerging challenges.