Reaffirmation of Commitment to Environmental Protocol Article 7

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Environmental Protocol Article 7

Summary

In [WP 38 (2016)](https://documents.ats.aq/ATCM39/wp/ATCM39_wp038_e.doc), Consultative Parties used the occasion of the 25th anniversary of the signing of the Environmental Protocol to the Antarctic Treaty to acknowledge the benefit of Protocol Article 7, reaffirm their commitment to Article 7, and declare their firm commitment to retain and continue to implement Article 7. This resulted in [Resolution 6 (2016)](https://www.ats.aq/devAS/Meetings/Measure/642). As WP 38 (2016) noted, the mining prohibition under Article 7 remains in force “unless there is in force a binding legal regime on Antarctic mineral resource activities that includes an agreed means for determining whether, and, if so, under which conditions, any such activities would be acceptable.”

While WP 38 (2016) demonstrated the strong support for retaining the mining prohibition, it was unable to dispel the erroneous belief that the Protocol will expire in 2048 or that action is necessary to maintain Article 7. Since the introduction of WP38 (2016), the ATCM has gone on record multiple times reaffirming their commitment to Article 7, notably the [Santiago Declaration (2016)](https://documents.ats.aq/ATCM39/ad/ATCM39_ad003_e.pdf), [Prague Declaration (2019)](https://documents.ats.aq/ATCM42/ad/ATCM42_ad006_e.doc), and [Paris Declaration (2021)](https://documents.ats.aq/ATCM43/ad/ATCM43_ad004_e.docx). Additionally, numerous Antarctic Treaty Consultative Parties joined the [Madrid Declaration (2021)](https://www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/transicion-ecologica/Documents/2021/041021-DeclarationofMadridAntarctica.pdf).

In recognition of the 25th anniversary of the entry into force of the Environmental Protocol, the United States and cosponsors propose that a resolution be adopted similar to the draft provided in the attachment to this paper to combat misinformation and reaffirm our unchanging dedication to preserving Antarctica for peace and science and to protecting the Antarctic environment and dependent and associated ecosystems by reaffirming our collective commitment to Article 7.

Draft Resolution X (2023)

Reaffirming ongoing commitment to the prohibition on Antarctic mineral resource activities, other than for scientific research

**The Representatives,**

*Recognizing* that the Protocol on Environmental Protection to the Antarctic Treaty (“the Protocol”), which has been in force for more than two decades, is an essential element of current efforts to protect the Antarctic environment;

*Noting* that Article 7 of the Protocol prohibits any activity relating to mineral resources, other than scientific research, in the Antarctic Treaty area;

*Taking* into account that, outside the Antarctic Treaty system, many hold the mistaken belief that the Protocol expires in 2048;

*Recalling* that the Protocol contains no expiration date and that Article 25 relates solely to the possibility of a review conference at the request of any Antarctic Treaty Consultative Party after the Protocol has been in force for 50 years;

**Recommend** that their Governments publicly:

1. acknowledge the benefits to the Antarctic environment and dependent and associated ecosystems that have resulted from the prohibition on activities relating to mineral resources, other than scientific research, under Article 7 of the Protocol;

2. reaffirm their commitment to Article 7 of the Protocol; and

3. declare their firm commitment to continue to implement this prohibition as a matter of highest priority to achieve the comprehensive protection of the Antarctic environment and dependent and associated ecosystems.