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# Opinion – The Politics of Antarctica

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ELÇIN DORUK AND SIRET HÜRSOY, NOV 23 2020

From the early 1900s to the 1950s, seven states claimed sovereignty over Antarctica: Argentina, Australia, Chile, France, New Zealand, Norway and the United Kingdom. While these claims remain in existence today, the claims of Argentina, Chile and the United Kingdom in the region known as the Antarctic Peninsula overlap. It is necessary to consider the legal validity of claims of sovereignty in general. Although there is no physical occupation on the continent, states who claim sovereignty try to legitimize their demands through administrative and legal activities. At this point, the Antarctic Treaty forms the basis of the Antarctic cooperation between states and the legal order built for the global management of the Antarctic continent.

It should be emphasized at this point that determining the subject area for any agreement is a political process. In other words, this process is shaped according to the perception of the relevant actors. In this context, the Treaty prepared under the conditions of the Cold War, in 1959 primarily aimed at the disputes regarding the sovereignty claims, disarmament of the continent, and the support and development of scientific research. It aimed keeping the continent away from the “power games” of superpowers representing the two poles of the period. Over the past sixty years, the Treaty evolved into a sophisticated legal system called the Antarctic Treaty System (ATS) to respond to the needs of the continent and to develop a more competent environmental protection mechanism. The most important feature of this legal system is that it was established and developed under the leadership of states, not under the umbrella of international organizations. Today, the number of states included in the ATS has reached fifty-four. In this context, another important feature of the system is that it progresses in a global direction by covering many countries.

Based on global concerns, the concept of “common heritage of humanity”, which has been built in international public law in the last six decades, applied in many different areas. The moon and celestial bodies, deep seabed resources, plant genetic resources, and finally the human genome have come together in this common category at the end of processes that are entirely independent of each other and have been included in the scope of a regime in which the common interests of humanity are embodied for better protection and sharing of earth resources. For cooperation towards common heritage resources, a state’s policy choice (goal) must be recognized by other states through the process of harmonization of policies. At the same time, national borders lose their importance in the “complex” structure of the international system, the interdependence between the actors’ increases. Developed and developing countries should ensure equal treatment in practice for common heritage sites. At this point, responsibility sharing, and obligations are essential. The involvement of transnational and supra-governmental actors in the process as well as states will be influential in the development of cooperation.

ATS, which was started to be built within the framework of cooperation under the leadership of the states, continues to change in order to prevent the current environmental dangers against Antarctica by taking the scientific research support of non-governmental organizations. In this context, it should not be forgotten that governments are still the most effective actors that shape the system and national interests are the factors that determine the course and will continue to determine it in the future. For this reason, while the continent is not accepted as the common heritage of humanity among the parties, it is an alternative for non-governmental organizations for the benefit of future generations. At this point, it should be remembered that it is not possible for non-governmental organizations to declare Antarctica as the common heritage of humanity in international law. Determining their organizational activities in favor of the common heritage, however, will also guide the states.

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The Antarctic Treaties System, which conceptualizes international law as a system, is a structure formed by norms that regulate the relations between the recognized parties in the international community. Antarctic politics, shaped by the actors in this structure, has taken the form of international cooperation that takes its source from national interests and operates through science. The current legal structure established for the scientific use, conservation and management of the Antarctic marine and mineral resources, *the continental regime* however, is insufficient to overcome the sovereignty claims of the states. In addition, emerging issues such as Antarctic tourism and biological prospecting require new and comprehensive regulations for a competent conservation of the fauna and flora. At this point, the critical factor, however, in promoting effective environmental protection in the Antarctic rests in the political will of those governments carrying out scientific activities in the region.

The existence of sovereignty claims over a continent, which belongs to all of humanity according to international law, is highly controversial. Nevertheless, the scholarly attention to the Antarctic continent in social sciences is relatively limited. The subject requires comprehensive examination especially within the interaction of politics and international law. In this context, this opinion piece aims to give a basic summary to further discuss the historical development of Antarctic politics with reference to the law of nations, based on international cooperation for the use of common resources.

In summary, the unspoken aim of AT is to keep “politics” (conflict over resources) away from the continental lands and to protect Antarctica by leaving it to scientists. On the other hand, politics has always been a part of human societies. Therefore, international political relations continue to shape Antarctic politics in many respects and affect the continent “physically”. The environmental protection of Antarctica and the sustainable future of Antarctic resources depend on the drawing of an egalitarian and comprehensive international regime framework, independent of national interests and based on common heritage values. With Antarctic politics, ATS must be transformed into a common heritage regime targeting the interests of all humanity in order to protect the continental resources managed by a particular group of leading states for the benefit of future generations. In order to ensure regime change, the priority is to determine the actor behaviors of common heritage values. In other words, the roles of the parties involved in Antarctic relations in Antarctic politics are shaped by global concerns rather than national interests.

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