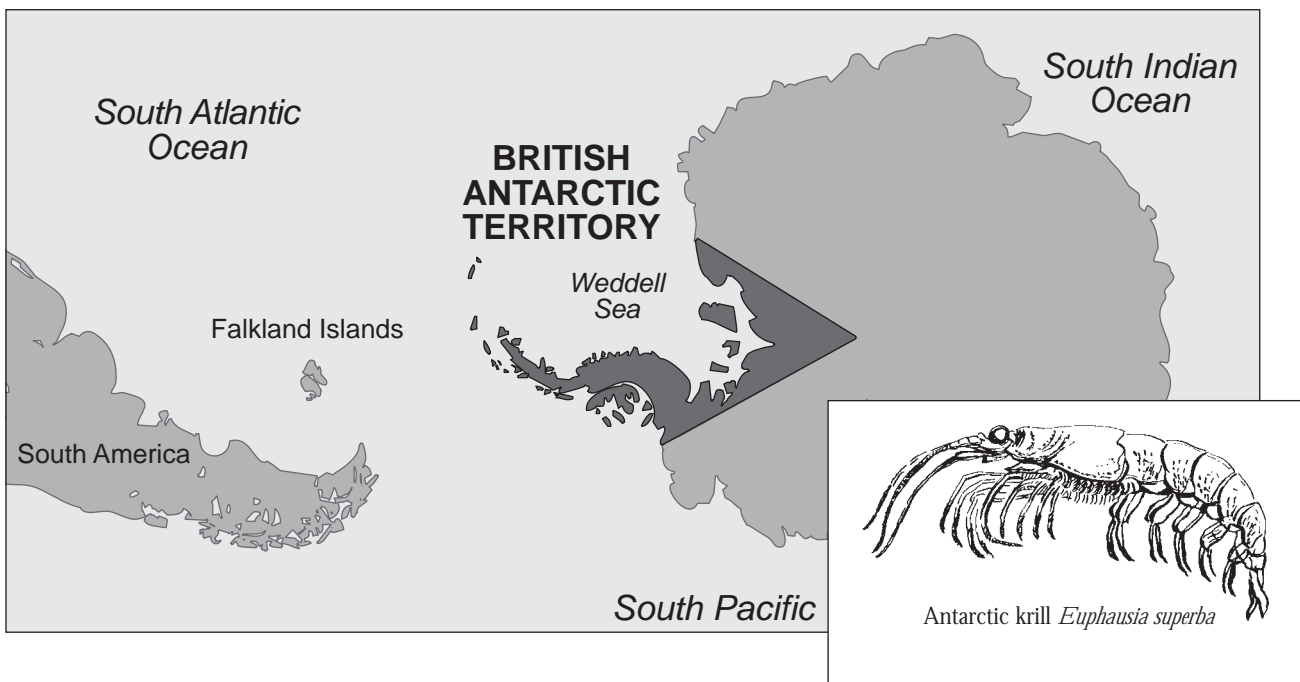


5: British Antarctic Territory



Introduction

The British Antarctic Territory (BAT) lies between longitudes 20° and 80° W, south of latitude 60° S. It includes the South Orkney Islands, the South Shetland Islands, the mountainous Antarctic Peninsula (highest point Mount Jackson, 4,151 m, in Palmer Land) and all adjacent islands, and the land mass extending to the South Pole. BAT has a three nautical mile territorial limit. The land mass is largely ice-covered; the sea areas adjacent to Antarctica are seasonally frozen. The Territory has no permanent inhabitants; the population consists largely of visiting research workers. BAT is administered from London by the Head of the FCO's Overseas Territories Department (OTD) who is appointed Commissioner of the Territory. The Head of the Polar Research Section (OTD) acts as Administrator.

Only a summary of international obligations, legislative provisions relating to nature conservation, and key contacts are provided here. Comprehensive information on the biodiversity of this territory is researched by, and is available through, the British Antarctic Survey.

International obligations relevant to nature conservation

- The Antarctic Treaty
- The Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA)—not ratified
- The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR)
- Convention for the Conservation of Antarctic Seals (CCAS)
- The Protocol on Environmental Protection to the Antarctic Treaty

Implementation

The Antarctic Treaty: Legislation on the conservation of the Antarctic has been built up through the Agreed Measures for the Conservation of Antarctic Fauna and Flora of the

Antarctic Treaty, and subsequent measures, decisions and resolutions from Antarctic Treaty Consultative Meetings. The objectives of the Antarctic Treaty are to “ensure that Antarctica is used for peaceful purposes, for international co-operation in scientific research, and does not become the scene or object of international discord.” An important element of the Antarctic Treaty is given in Article IV—the sovereignty umbrella—which holds in abeyance any territorial claims within the Treaty area.

The following conventions, protocols and agreed measures have resulted from annual meetings of the Treaty Parties.

The Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA):

establishes objectives and institutions for the regulation of possible mineral resource activities. The Convention has not been ratified by the requisite number of Parties and is therefore not in force. CRAMRA has largely been superseded by the Protocol on Environmental Protection to the Antarctic Treaty of 1991 which provides for an indefinite prohibition on mineral activities.

The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR):

provides a legal framework for the management of fisheries south of the Antarctic Convergence. The ecosystem approach taken by CCAMLR means that commercial fishing must take into account not only the impact on the target species, but also the impact on those species which are its predators and prey. This approach ensures that the implications of fisheries on the whole food chain are considered. Any harvesting and associated activities in the area south of 60°S are governed by the conservation principles laid down in Article II of the Convention.

The Convention for the Conservation of Antarctic Seals (CCAS):

the objective is to “promote and achieve the protection, scientific study and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological

system of the Antarctic.”

The Protocol on Environmental Protection to the Antarctic Treaty: Parties to the Protocol are committed to the comprehensive protection of the Antarctic environment and dependent and associated ecosystems. The Protocol also designates Antarctica as a natural reserve, devoted to peace and science. The Protocol has five annexes:

- Annex I Environmental Impact Assessment
- Annex II Conservation of Antarctic Fauna and Flora
- Annex III Waste Disposal and Waste Management
- Annex IV Prevention of Marine Pollution
- Annex V Area Protection and Management.

Annex V has yet to be approved by all Parties, and is therefore not in force, although its provisions are in de facto operation. The UK enacted domestic legislation to enforce the provisions of the Protocol through the Antarctic Act 1994 and Antarctic Regulations 1995.

In addition to the legal instruments and measures of the Antarctic Treaty System, activities in Antarctica are also subject to a variety of legal obligations that stem from treaties that are more broadly applicable, such as the International Convention for the Regulation of Whaling.

Protected areas

Specially Protected Areas (SPAs) have been designated under Article VIII of the Agreed Measures; special protection is given to preserve unique natural ecological systems or those of outstanding scientific interest.

Sites of Special Scientific Interest (SSSIs) provide protection for sites which are important for scientific research. Access and types of activity permitted are regulated according to management plans.

Further categories agreed, but not in force, include

Specially Reserved Areas (SRAs) and Multiple Use Planning Areas (MPAs). SRAs are designated for the protection of representative examples of areas of outstanding aesthetic, scenic and wilderness value. MPAs cover high-use areas where co-operative planning of human activities is necessary to minimise harmful environmental impacts.

When ratified, Annex V to the Protocol on Environmental Protection to the Antarctic Treaty, Area Protection and Management, will rationalise the protected area system by allowing for the designation of two categories of protected areas: Antarctic Specially Protected Areas and Antarctic Specially Managed Areas.

Six Sealing Zones and three Seal Reserves have been established under the Convention for the Conservation of Antarctic Seals. Two sites, Seal Islands and Cape Shirreff, have been designated as CCAMLR Eco-system Monitoring Programme (CEMP) sites under the CCAMLR Conservation Measure.

Species protection

- **The 1964 Agreed Measures for the Conservation of Antarctic Flora and Fauna** include prohibitions on the killing, wounding, capturing or molesting of any native mammal or native bird except in accordance with a permit; and regulations on the importation of non-indigenous species, parasites, and diseases. Permits may be issued only by persons authorised by a participating Government. Certain species can be designated 'Specially Protected Species'. The 1964 Agreed Measures though legally still in force, have been superseded by Annex II to the Environmental Protocol. (Further details are given in the section on international obligations.)
- **The 1972 Convention for the Conservation of Antarctic Seals:** this entered into force in 1978. The Convention contains comprehensive measures to regulate any taking of seals, including specifying permissible catch levels, protected species, and the opening and closure of sealing

seasons and zones, and it establishes three Seal Reserves. The Convention is subject to regular review and has been used as a conservation, rather than resource utilisation, instrument.

- **The 1980 Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR):** provides a legal framework for the management of fisheries south of the Antarctic Convergence. It established an Executive Commission and an Advisory Scientific Committee which meet annually at their headquarters in Hobart, Tasmania, Australia.

BAT also possesses a suite of its own up to date legislation, this includes Ordinances dealing with flora and fauna. Section 7 of the Antarctic Act prohibits entry into certain protected areas without a permit. Strict permitting provisions also relate to taking or harmful interference of wildlife.

Key names and addresses

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A vast literature exists for the Antarctic as a whole and more specifically for the BAT. The British Antarctic Survey has a comprehensive reference facility to which access can be gained through their web site.