



## **Antarctic Governance and US Interests**

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### **Executive Summary**

The Antarctic Treaty System (ATS) is a group of international treaties governing the Antarctic region. The original treaty, signed at the height of the Cold War, had its origins in scientific exploration and cooperation. Thus, the ATS prioritizes peace, cooperation, scientific investigation, and the protection of unique landscapes and biodiversity in Antarctica. This paper will describe, 1) several developing trends challenge the success of the current regime including technological advances and the intrusion of geopolitics, among others, and 2) how the ATS actively advances US geopolitical, economic, security, and scientific interests. Given the role of the ATS in supporting its national interests, it is vital that the US remains dedicated to supporting and upholding the ATS. We identify several tools to accomplish this.

### **History of Antarctic Treaty System (ATS)**

On December 1, 1959, twelve nations convened to draft and sign the Antarctic Treaty (AT). Seven states proclaimed sovereignty over portions of the continent, with the United States and USSR, both declaring their right to future claims. The AT essentially froze Cold War tensions prioritizing scientific cooperation over territorial claims. The AT has since been expanded to include a Convention for the Conservation of Antarctic Seals (CCAS), a Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), and a Protocol on Environmental Protection, together comprising the regime known as the Antarctic Treaty System (ATS). The AT has also expanded to include some 58 countries under its stipulation that any member of the United Nations may become a signatory. Of those signatories, 29 enjoy “consultative status,” having the sole privilege of participating in decision-making on the basis of conducting significant scientific research or being an original party to the treaty.

### **The ATS Today**

Consultative parties to the AT convene annually at the Antarctic Treaty Consultative Meeting (ATCM) where they make proposals for consideration, participate in decision-making, and chair meetings. Non-consultative parties are not entitled to such privileges, but are invited to ATCMs in practice. A number of external bodies assist the consultative parties in treaty forums, including scientific committees, environmental and conservation organizations, and trade associations.

Since the last addition to the ATS—the 1991 Protocol on Environmental Protection—there have been no other expansions of the regime. Consensus is seldom reached in the modern era beyond that regarding routine ATCM business. However, the AT also provides that any party may call for a review of the regime starting in 1991, which has never been done. Thus, despite recent stagnation, decades of peaceful cooperation and freedom of scientific research under the ATS have resulted in its recognition as one of the most successful international agreements.

### **Current Challenges to ATS and Collective Governance**

New technology has resulted in rising issues related to both increased access to the continent and multi-use installations. Implementation of new satellite technology has generated concern surrounding its dual-use defense applications. Improved transportation infrastructure, increasing commercialism, and increased consciousness of Antarctic travel have resulted in high levels of tourism to Antarctica. These trends pose a growing threat to sovereignty and unique ecosystems.

Operating under a consensus-based decision-making structure is becoming increasingly challenging, with signatories less willing to collaborate fully to advance collective interests in Antarctica. There have been no meaningful additions to the ATS since the 1991 Environmental Protocol. A small number of Marine Protected Areas have been established, yet few other proposals have even been considered, indicating that consultative parties are now finding it futile to pass meaningful regulations.

An increasingly incendiary issue is how ATS governance overlaps with other international regulations. Resource access and the recognition of sovereignty have been among the most contentious areas of overlap with competing frameworks like the UN Convention on the Law of the Seas, which provides potential legal justification for exploitative activity such as mineral prospecting in the continental shelves of exclusive economic zones.

In recent years, there has been an increasing intrusion of geopolitics into this collective governance system. Voting alignment and coalitions have been forming based on factors outside of the ATS. This is best exemplified by China and Russia's close collaboration, mirroring their economic and diplomatic ties outside of the ATS, with both countries tending to veto items such as contemporary competitive bids for consultative party status and the establishment of further Marine Protected Areas in the region on the basis of shared interests, including fishing and natural resource utilization. Dynamics and striations stemming from the Ukraine War have also contributed to the solidification of coalitions with nations on both sides of the conflict. These developments undermine decades of exceptionalism for Antarctica, resulting in a diminishing prioritization of scientific endeavors over external conflicts.

### **How does the ATS Support US National Interests?**

The ATS plays a crucial role in advancing US national interests. The consensus-based decision-making framework has ensured that the US approves every statute and protocol enacted. Inherently, this structure equalizes the potential opportunities on the continent, preventing unilateral advancements by other nations in the region. The ATS provides a framework for conflict resolution in the area. This includes providing authorization to conduct surprise inspections of other nations' research stations and imposing sanctions on those who violate the ATS. Additionally, it entails the ability to prevent other specific actors from joining the treaty who may work against national interests. These powers ensure compliance with the treaty regime and protect against the potential multi-use of technologies for security purposes. Additionally, the ATS serves as a useful international forum in which the US can collaborate with allies and promote American interests abroad, having consultative party status.

The ATS has produced longstanding peace in the Antarctic region, which benefits the US tremendously. The remoteness and unique climate of Antarctica make the transportation of people and resources expensive. The ATS has promoted cooperation over competition, preventing military escalation and eliminating the need for military installations in Antarctica. Despite rivalrous land claims, the ATS preserves US interests such as its status as a potential claimant state, scientific research, and continued exploration of the Antarctic continent. Those American companies and supporting actors involved in the tourism, research, and fishery industries also greatly benefit from a peaceful and stable governance system in Antarctica.

By facilitating the advancement of science, technology, and research, the ATS contributes significantly to innovation, a hallmark of the American economy. The treaty ensures the free exchange of scientific knowledge, allowing American scientists to access vital data about new discoveries, marine ecosystems, and life in extreme climates. This network and the free exchange of knowledge not only advance scientific discoveries but also prevent unilateral resource exploitation and prospecting. With increased tourism, research, and accessibility of Antarctica, environmental degradation is a highly prevalent issue. Preserving the unique natural environment of Antarctica is vital for the potential for this research and discovery to continue.

Thus, it is vital that the US continues to support the ATS through the use of several tools. The first is to support the ATS through continued funding to the National Science Foundation and the US Antarctic Program, promoting the scientific activity core to national interests. The US should also devote the necessary resources to continue rigorous inspections and facilitate the functioning of Antarctic research, ensuring the integrity of the treaty. To promote widespread participation in the ATS, the US should undertake activities such as diplomatic participation in ATCMs, meaningful negotiation, and consistently producing the documentation necessary for ATS procedure and operations. Given the intrusion of geopolitics into the functioning of the ATS, the US may consider using its consultative party vote as a bargaining chip. Yet, this action undermines the stated interests of the United States, as it reduces collaboration and sparks further clashes. Finally, given recent uncertainty in national and global politics, we recommend a formal statement of renewed commitment from the United States to the ATS and the values and ideals which undergird it.

For more information, please see the full paper: “No Time for the Cold Shoulder: How Supporting the Antarctic Treaty System Promotes US National Interests,” on [www.uscga.edu/casp](http://www.uscga.edu/casp)

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