



## Latin America and the Antarctic Treaty System as a legal regime

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ARTICLE



## Latin America and the Antarctic Treaty System as a legal regime

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### ABSTRACT

This paper analyses the involvement of Latin America in the legal aspects of the Antarctic Treaty System. Eleven of the twenty Latin American countries are part of at least one of the Antarctic Treaty System legal instruments. Using the information shared by them through the Electronic Information Exchange System run by the Antarctic Treaty Secretariat, this paper evaluates the incorporation of the Antarctic Treaty System instruments and agreements in domestic legislation in Latin American states. Additionally, the paper evaluates the domestic rules Latin American states have enacted on Antarctic matters by their own initiative. Some countries, like Chile in first position and Argentina in second position, have well developed legislation related to Antarctic issues, but in other countries it is less developed or less reported. This general assessment reveals the challenges for Latin America in growing its influence in Antarctic governance and in the Antarctic Treaty System as a political-legal regimen.

### KEYWORDS

Antarctic Treaty System;  
Latin American States;  
Relevant National  
Legislation; Information  
Exchange; Claimant States;  
Participation in International  
Regimes

### Introduction: Latin American participation in Antarctica

As it has been explained, Antarctic affairs should be a concern for Latin American countries.<sup>1</sup> The geographical proximity between Antarctica and South America renders it a critical topic in Latin American foreign and domestic policies. In fact, of the twenty Latin American countries, ten of them are parties in the Antarctic Treaty as shown in Table 1. Although Panama is not a party in the Antarctic Treaty, it is an acceding party of the Convention on the Conservation of Marine Living Resources.<sup>2</sup>

Additionally, Chile and Argentina are two of the seven claimant states, with strong diplomatic, historical and legal backgrounds in relation to Antarctica.<sup>3</sup> Article IV.1.a of the Antarctic Treaty currently supports their legal position. They are original Antarctic Treaty signatories and, they have been very active in the development of the Antarctic Treaty System (ATS). Indeed, although they have only medium geopolitical stature in global affairs, they are some of the top states in relation to scientific production in Antarctic, political participation in the Antarctic Treaty Consultative Meetings (ATCMs), and the percentage of their gross domestic product spent on Antarctic activities.<sup>4</sup>

**Table 1.** Latin American participation in the Antarctic Treaty System. Data Source: Depositaries States (the United States, the United Kingdom and Australia). Table made by the author (November 2019).

State	Antarctic Treaty (entry into force)	Consultative status	Convention for the Conservation of Antarctic Seals (entry into force)	Convention for the Conservation of Antarctic Marine Living Resources (entry into force)	Environmental Protocol and its Annexes (entry into force)
Argentina	23 June 1961	23 June 1961	7 April 1978	27 June 1982	14 January 1998
Brazil	16 May 1975	27 September 1983	13 March 1991	27 February 1986	14 January 1998
Chile	23 June 1961	23 June 1961	8 March 1980	7 April 1982	14 January 1998
Colombia	31 January 1989	—	—	—	In process
Cuba	16 August 1984	—	—	—	—
Ecuador	15 September 1987	19 November 1990	—	—	14 January 1998
Guatemala	31 July 1991	—	—	—	—
Panama	—	—	—	19 April 2013 <sup>a</sup>	—
Peru	10 April 1981	9 October 1989	—	23 July 1989 <sup>a</sup>	14 January 1998
Uruguay	11 January 1980	7 October 1985	—	21 April 1985	14 January 1998
Venezuela	24 March 1999	—	—	—	31 August 2014 <sup>b</sup>

<sup>a</sup>Panama and Peru are not members of the CAMLR Commission.

<sup>b</sup>The annexes I-IV to the Protocol are binding to Venezuela, but not the Annex V.

**Table 2.** Latin American States Antarctic Bases and Stations. Data Source: COMNAP. Table made by the author (November 2019).

Country	All year round stations (out of a total of 43)	Seasonal stations (out of a total of 66)
Argentina	6	7
Brazil	1	0
Chile	6	8
Ecuador	0	2
Peru	0	1
Uruguay	1	1

As Table 2 shows four Latin American countries have at least one permanent station operating all year round. Argentina and Chile each have six all year round stations.<sup>5</sup> They have also several seasonal stations. Chile runs the main airfield in the western area of the Antarctic Peninsula: the Lieutenant Rodolfo Marsh Martin Aerodrome. Argentina runs the main airfield in the eastern side of the Peninsula: the Marambio Base. Five Latin American countries own vessels that regularly operate in Antarctica: Argentina (six), Chile (six), Uruguay (three), Brazil (two), and Peru (one). Some of them also have airplanes and helicopters operating there.<sup>6</sup>

Among the Latin American countries with interest in Antarctica, Brazil deserves special attention. It has been considered as one of the ‘new’ Antarctic states that have challenged the more ‘traditional’ ones.<sup>7</sup> Even in the 1950’s the Brazilian geopolitical theorist Therezinha de Castro developed the Confrontation Theory (*Teoria da Defrontação*) to support Brazilian territorial rights on Antarctica.<sup>8</sup> Although the official discourse has abandoned this position, and Brazil have played by the rules of the ATS, there are analyses than show that the dispute between territorial interests and scientific research is not over.<sup>9</sup> Despite its global importance as part of the BRICS countries [Brazil, Russia, India, China, and South Africa], some authors consider that ‘Brazil [only] maintains a modest presence in the continent’ through its National Antarctic Program (PROANTAR) which is run by the Brazilian Navy from 1982.<sup>10</sup> A fire destroyed the Comandante Ferraz Antarctic Station main building in 2012.

After significant reconstruction and modernisation work, the base is expected to reopen in January 2020.<sup>11</sup> It will surely reinforce the Brazilian Antarctic Program.

Although its origins were not without challenges, the fact that the Antarctic Treaty Secretariat operates in Buenos Aires, Argentina, is also important to mention. There were discussions from 1983 to 1992 about the necessity to have permanent institutions to support the ATCMs operation. But after the adoption of the Environmental Protocol, a consensus was reached on the establishment of a secretariat. Unfortunately, the consensus did not extend to its location. There were two proposals: Buenos Aires and Washington. The Argentinean candidacy was associated with 'the insertion of Latin America in the institutional framework of the Antarctic Treaty System'. On the other hand, the United States emphasised that the secretariat should be located in the Depositary Government capital. Although by 1993 almost all the consultative states supported the Buenos Aires option, a consensus could not be reached because of determined resistance by the United Kingdom. This was maintained until 2001, when after high-level bilateral contacts, Argentina announced that had started a 'comprehensive reorganization' of its national Antarctic Directorate, placing it under civilian leadership, and the United Kingdom announced its intention to intensify cooperation on Antarctic issues with Argentina and its 'readiness to join a consensus on the location of the proposed Secretariat to the Antarctic Treaty'<sup>12</sup>. This situation can be explained by the traditional differences between the two countries (the Falklands/Malvinas War of 1982 included) and the fact of the Antarctic territorial overlapping between Chilean, Argentinean and British claims. The consent among the Parties was reflected by Decision 1 (2001), and Measure 1 (2003) contains the Headquarters Agreement. On 1 September 2004, the Secretariat formally began its operations.

## The Latin American states and the Antarctic international law

According to article 1.e of the Environmental Protocol, the following treaties and agreements belong to the ATS: (1) the Antarctic Treaty (1959, in force 1961); (2) the regulations in effect adopted in the ATCMs; (3) the Convention for the Conservation of Antarctic Seals (CCAS) (1972, in force 1978); (4) the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) (1980, in force 1982); (5) the regulations in effect adopted in the meetings of the Commission for the Conservation of Antarctic Marine Living Resources (CAMLR Commission); (6) the Protocol on Environmental Protection to the Antarctic Treaty (the Protocol) (1991, in force 1998); and (7) its annexes.

Latin America plays a significant role in Antarctic International Law. Chile and Argentina were part of the twelve original signatories of the Antarctic Treaty. As of November 2019, ten of fifty four members of the Antarctic Treaty belong to Latin America, and six of them are also Consultative Parties. This means that they are part of twenty nine States directly involved in Antarctic governance and its decision-making process (articles IX.1 and IX.2 of the Antarctic Treaty).

The CCAS was signed by twelve countries including Argentina and Chile. Later, in 1991, Brazil acceded to the convention. Today it has seventeen parties.

The CCAMLR currently has thirty five parties plus the European Union. However not all of them play a role in decision-making. Only twenty-four states plus the European

Union are members of the CAMLR Commission which is the forum where the Conservation Measures and Resolutions are discussed and adopted.

Two of the fourteen CCAMLR signatories are Latin American (Chile and Argentina). Uruguay, Brazil, Peru, and Panama acceded to the convention in 1985, 1986, 1989 and 2013 respectively. Four Latin American states are members of the CAMLR Commission.

The Environmental Protocol has currently forty parties. All of them have the right to participate in the Committee for Environmental Protection, an expert advisory body to provide advice and formulate recommendations on environmental issues to the ATCM. The Protocol was originally signed by twenty six states, including seven from Latin America. Six of them later ratified the Protocol; Colombia is the exception that still has not.<sup>13</sup> Venezuela acceded to the Protocol in 2014.

The Protocol contains five annexes plus another one that was adopted in 2005 but still has not reached the necessary number of approvals to be binding. Annexes I (environmental impact assessment), II (fauna and flora), III (waste disposal) and IV (marine pollution) were adopted in 1991 together with the Protocol and entered into force in 1998. All the parties of the Protocol are constrained by these annexes. Annex V (protected areas) was adopted separately in 1991 and entered in force in 2002. It is binding to thirty-one states, including six Latin American ones, with the exception of Venezuela. Annex VI (liability arising from environmental emergencies) has not come into force. It was adopted through Measure 1 (2005) and requires twenty-eight approvals to enter into force. Up to now (November 2019), it has been approved by sixteen states, among them, Ecuador, Peru and Uruguay.

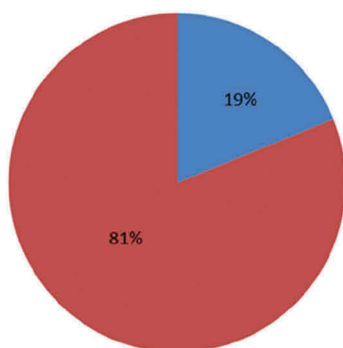
As shown in [Figure 1](#), Latin American States represent a significant percentage of the parties of each of the international instruments of the ATS. The percentage fluctuates between 19 and 14 percent. Compared to some other groups, such as European countries, this might be considered relatively minor. However, if they were able to coordinate their positions within the different forums, Latin American states could be capable of effectively promoting initiatives that are in their interests, or to reacting against those that are disadvantageous.

Besides international treaties, it is necessary to consider the 'Recommendations' adopted at the ATCMs by Antarctic Treaty Consultative Parties from 1961 to 1994. Later, they started adopting 'Measures', 'Decisions' and 'Resolutions'. Recommendations and Measures are internationally binding for consultative parties after certain requirements have been fulfilled. In most cases, states need to incorporate these international rules into their national legal system in order to make them legally binding for their citizens. This is not the case for Decisions, which are binding, but only refer to the operation of the ATCMs. Resolutions are exhortatory (no-binding) texts.<sup>14</sup>

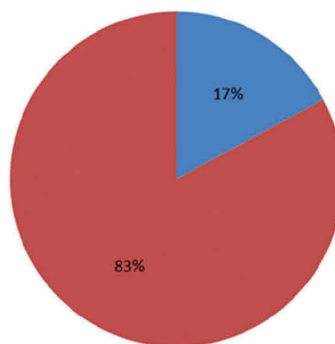
On the other hand, 'Conservation Measures' adopted at CAMLR Commission meetings, are internationally binding for the member of the commission after certain requirements have been fulfilled. Again, depending on their national legislative procedures, states need to incorporate these measures into their domestic legal systems to make them effectively compulsory to people and vessels under their jurisdiction. Additionally, Members adopt 'Resolutions' which are soft law rules. Eventually, Members could voluntarily incorporate these Resolutions into their domestic legal orders.<sup>15</sup>

From 1961 to 2018 at the ATCMs and from 1982 to 2018 at the CAMLR Commission meetings, the parties have adopted approximately six hundred agreements in each forum. Not all of them are binding nor all of them are currently in force, but knowing their

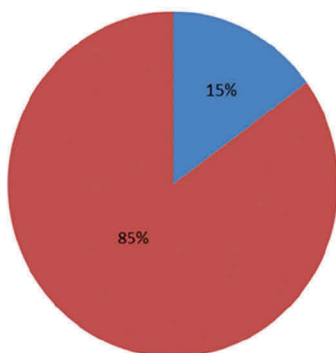
Latin American Antarctic Treaty Parties



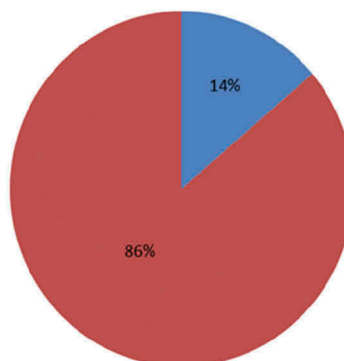
Latin American Antarctic Treaty Consultative Parties



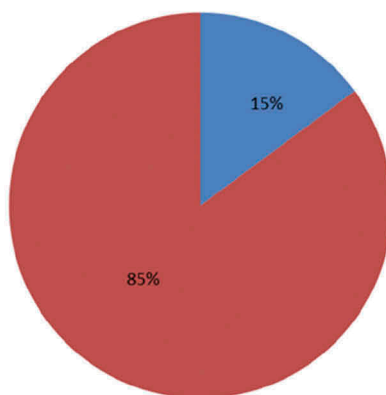
Latin American CCAS Parties



Latin American CAMLR Commission Members



Latin American Environmental Protocol Parties



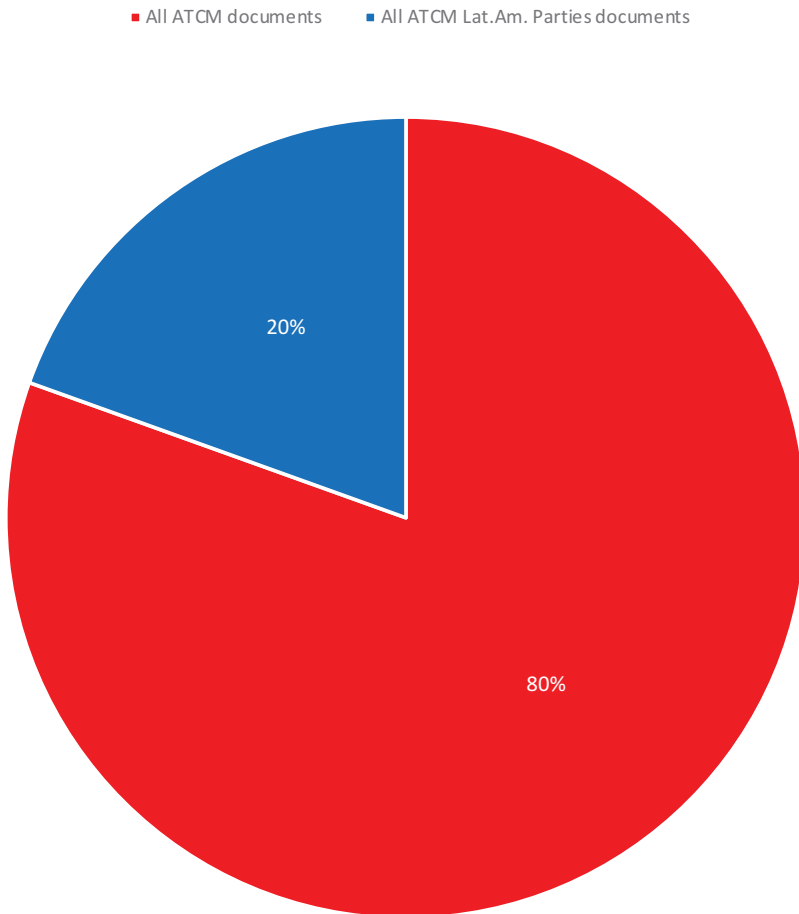
■ Latin-American States ■ Rest of the World

**Figure 1.** Latin American participation in the Antarctic Treaty System.

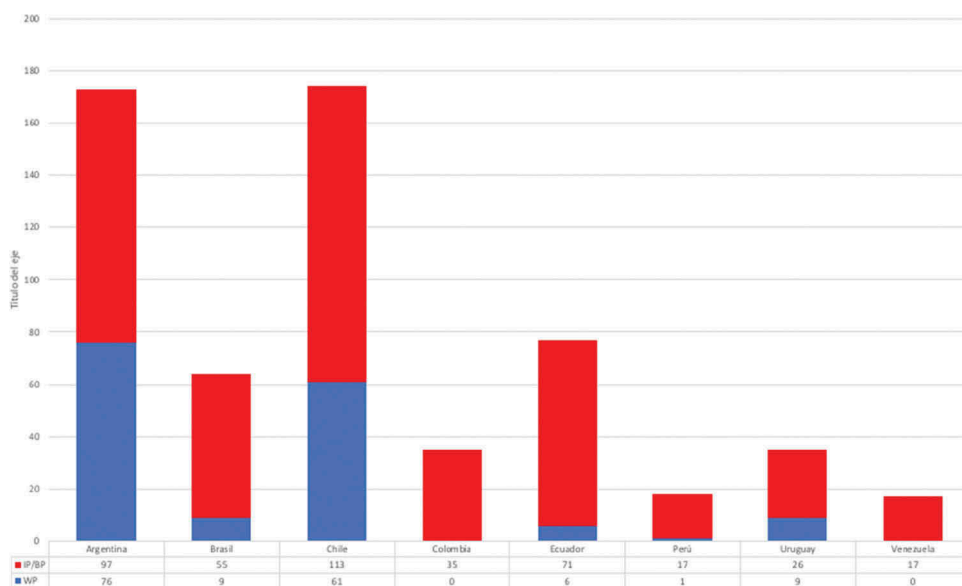
content is important for understanding Antarctic International Law and the operation of ATCMs and CAMLR Commission meetings.

It is possible to evaluate the involvement of Latin American countries in Antarctic issues by looking at their participation in the ATCMs and in particular by taking into account the number of documents they have presented to be discussed in those meetings in the last decade (2010–2019). There are eight Latin American countries with some participation in the ATCMs in this period, as [Figures 2–4](#) show.

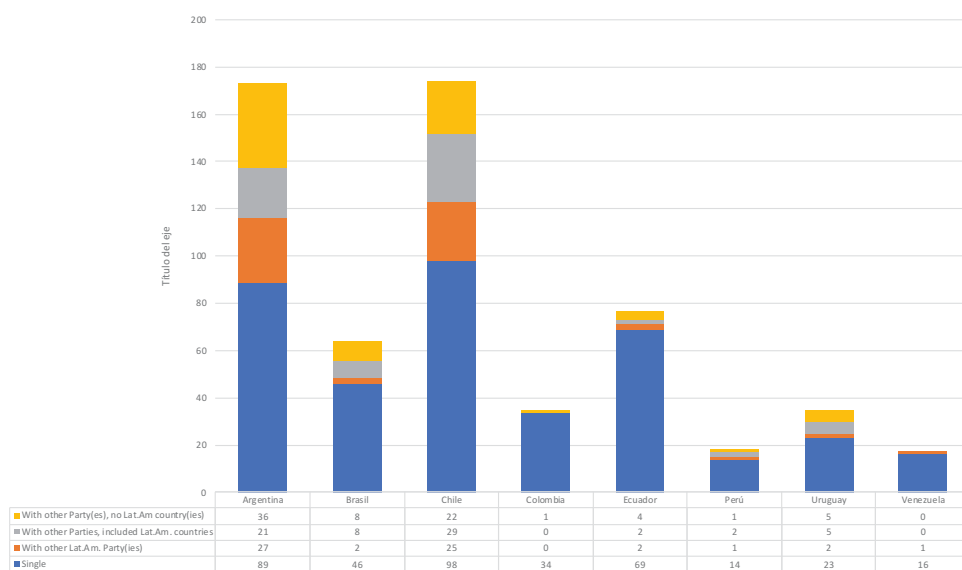
The first figure shows that the Latin American countries have presented 20% of the all documents submitted in that period, a bit more than the percentage they represent among the Parties participating in these meetings. The second figure shows the number of papers presented by each Latin American country, making a distinction between working papers (WP), on one hand, and information papers (IP) and background papers (BP) on the other. This distinction is crucial because only the WP requires discussion and action at the ATCMs. The IP and BP are informative, although some IP are very closely related with some WP.<sup>16</sup> The third figure again shows the number of papers presented by each Latin American country, but this time makes a distinction depending on how they



**Figure 2.** Documents presented at Antarctic Treaty Consultative Meetings, 2010–2019.



**Figure 3.** Documents presented by Latin American Parties at Antarctic Treaty Consultative Meetings, 2010–2019 (categories).



**Figure 4.** Documents presented by Latin American Parties at Antarctic Treaty Consultative Meetings, 2010–2019 (single or with other Parties).

were presented, either individually by a single country or together with other parties. In this second case, a distinction is made depending on whether they were presented jointly with another Latin American country or countries, together with other Parties including another Latin American country or countries, or together with other Parties that not include any Latin American countries. Only Chile and Argentina have a significant



number of documents presented with other Latin American countries (including several joint Chilean-Argentinean papers), and these only constitute a small number of the presented documents as a whole. In fact, the papers presented jointly by exclusively Latin American countries are an only 10% of the total documents submitted by the Latin American Parties and the papers presented together with other Parties including some Latin American country are only other 11% of this total. This means that there is a vast space to improve the joint work between Latin American states and also with other extra-continental partners.

It is also important to consider that six Latin American countries are full members of the Scientific Committee on Antarctic Research (SCAR) and two are associated members.<sup>17</sup> Likewise, six Latin American National Antarctic Programs are members of the Council of Managers of National Antarctic Program (COMNAP) and another one is an observer on this organisation.<sup>18</sup> In parallel, from the late 1980s Argentina, Chile and Uruguay organised the Managers of Latin American Antarctic Programs Meeting (RAPAL by its Spanish acronyms), which incorporated Brazil, Peru and Ecuador.

As shown in previous paragraphs, the governance of Antarctica has made an important contribution to the development in International Law. The ATCM annually adopts legally binding and non-binding international regulations. The meetings of the CAMLR Commission do the same in relation to fishing and maritime conservation. Moreover, the Environmental Protocol sets basic principles applicable to human activities, its annexes set detailed regulations and the Committee for Environmental Protection provides advice and formulates recommendations to the ATCM.

However, a study of the adoption of those regulations is insufficient in considering the efficacy of the ATS and the contribution of Latin American states. It is also necessary to consider the enforcement of these norms, and one must consider the complexity of the territory and the context where they are applied. This means, in practical terms, that in order to make these norms effective, states must implement them as domestic compulsory laws and regulations. Additionally, it is necessary to appoint a national authority with legal competence to control the fulfilment of these laws and eventually to sanction if someone does not reach the standard required. In fact, the main duty that a state assumes when it makes an international commitment is to enact domestic rules strong enough to ensure that this obligation will be effectively fulfilled by those who are under their jurisdiction.

### **The states party duty to enact domestic rules on antarctic matters by their own initiative**

The ATS Parties not only have the specific duty to incorporate the rules of Antarctic International Law into their national legal systems, but they must also enact appropriate domestic legislation to guarantee the fulfilment of the objectives of those international instruments. In this way, 'each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations [in what should be considered enacting appropriate domestic rules about it], to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty', as stated by article X of the Antarctic Treaty.

Article 2.2 of the CCAS statutes the compromise adopted by the parties in an even clearer way. It says that ‘each Contracting Party shall adopt for its nationals and for vessels under its flag such laws, regulations and other measures, including a permit system as appropriate, as may be necessary to implement this Convention’.

Later, in the same sense, article XXI.1 of the CCAMLR states that ‘each Contracting Party shall take appropriate measures within its competence to ensure compliance with the provisions of this Convention and with conservation measures adopted by the Commission’. On the other hand, the Parties are bound by article XXII.1 of the CCAMLR ‘to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity contrary to the objective of this Convention’.

Finally, article 13.1 of the Environmental Protocol provides that ‘each Party shall take appropriate measures within its competence, including the adoption of laws and regulations, administrative actions and enforcement measures, to ensure compliance with this Protocol’.

If any party of these international instruments would like to bring about an increased or broader fulfilment of the ATS objectives – peace and international security in Antarctica, rational use of Antarctic resources, comprehensive protection of the Antarctic environment and dependent and associated ecosystems – it has in the transcribed rules sufficient legal bases to develop its own domestic legislation and regulation. Furthermore, it has an international legal duty to do so.

In Latin American states, there is also the special legal and political situation of the two claimants: Chile and Argentina. Both countries consider that some areas of the Antarctic Continent and surrounding seas are parts of their national territory. For this reason, they enacted several laws and administrative regulations related to Antarctica long before the Antarctic Treaty. The legal foundation of this law-making process is not a compromise with the ATS, but their sovereign powers and faculties.

Ecuador is also a special case. Even though it is not a claimant states, and Article IV.2 of Antarctic Treaty forbids new claims (different than the seven recognised in 1959), it considers itself as a claimant in the Article 4 of the Ecuadorian Constitution.

## The Antarctic Latin American states law

To determine which laws and regulations about Antarctic matters are effectively enacted by the Latin American States that are parties to the ATS, it is possible to review what these states themselves provide information about through the Electronic Information Exchange System (EIES). It is possible that these states have enacted laws about Antarctica that have not been reported. In the Chilean case, for example, there are many more laws and administrative regulations than are reported in the EIES.<sup>19</sup> However, it is possible to assume that if the national authorities inform about some national legislation (and not about other) it is because they consider that the legislation they provide information about constitutes the norms in force and applicable. Also, by using the same source for all the states analysed, it is possible to take a more objective approach.

The ATCMs have been continually concerned about information exchange (indeed, there are forty five Recommendations, Decision or Resolutions about it adopted from 1961 onward). These agreements are particularly concerned with national legislation exchange.

The latest agreement adopted in this respect, Decision 5 (2016), states that Antarctic Treaty Parties must share information about their ‘Relevant National Legislation’ among themselves. This must include a ‘description of the law, regulation, administrative action or other measures, date of effect/enacted, giving a copy (PDF) or contact point for printed version’. Recommendation 1 (1991), titled ‘Antarctic legislation and information exchange’ established that ‘the Representatives [...], Recommend to their Governments that they include in their exchange of information under Article VII (5) of the Antarctic Treaty, information on any domestic legislation enacted to give effect to the Antarctic Treaty and to obligations arising from Recommendations adopted at Antarctic Treaty Consultative Meetings’. It has come into force only in September 2019. In this sense, it is necessary to consider that the Latin American states involved in the ATS only provide information about some of the relevant national legislation, as it is shown in [Table 3](#).

A general analysis of these one hundred and forty one norms shows two aspects to be highlighted. Firstly, in this set of legal rules, there are norms of different level and hierarchy, from laws to supreme decrees to even lower category of administrative regulations. That happens because each country has its own legal system and its own way to regulate what is done in Antarctica or in relation to it. Additionally, each state has its own national procedures for incorporating international treaties and other international agreements into its domestic legal system.

Secondly, different countries deliver different information, as it is shown in [Table 4](#). Argentina and Chile, as claimant states, inform about the norms that delimitate their Antarctic territories and about the norms that statute the way to exert their national sovereign authority there. These norms were enacted, or at least have their backgrounds, several years before the Antarctic Treaty and they are still in force. In the same way as the other claimant states, both Chile and Argentina have a dual approach to the political-legal aspects of Antarctic governance: on one side they keep their claims, on the other side they are very active in the ATS. In fact, both Latin American countries are parties of all ATS instruments. Consequently, among other things they provide information on, they inform about the norms that formally incorporate these international treaties into their national legislations. However, they do not inform about Annex VI of the Environmental Protocol, because neither of them has approved it. Chile also provides information about the formal incorporation of some of the Recommendations, Measures,

**Table 3.** Number of norms about Antarctic issues informed by the Latin American states. Data Source: EIES. Table made by the author (November 2019).

Antarctic Treaty Party	Number of norms informed
Argentina	20
Brazil	0
Chile	110
Colombia <sup>a</sup>	1
Ecuador	0
Peru	1
Uruguay	7
Venezuela <sup>a</sup>	2

<sup>a</sup>Colombia and Venezuela are No-Consultative Antarctic Treaty Parties

**Table 4.** Main norms about Antarctic matters informed by the Latin American states. Data Source: EIES. Table made by the author (November 2019).

Antarctic Party	Treaty	Norms informed
Argentina		Legislative Decree (Executive Order) N° 2.191 (1957), delimits the Argentinian Antarctic sector Law N° 15.802 (1961), approves the Antarctic Treaty Law N° 18.513 (1970), regulates the Argentinian Antarctic activities Law N° 21.767 (1977), approves the CCAS Law N° 22.584 (1982), approves the CCAMLR Law N° 24.216 (1993), approves the Environmental Protocol Law N° 25.260 (2000), approves the Annex V to the Protocol
Chile		Supreme Decree N° 1.747 (1940/1955) of the Ministry of Foreign Affairs, delimits the Chilean Antarctic Territory Law N° 11.846 (1955), gives to the Magellan Province authorities the administration of the Chilean Antarctic Territory and orders to enact a Chilean Antarctic Statute Supreme Decree N° 298 (1956) of the Ministry of Foreign Affairs, enacts the Chilean Antarctic Statute Supreme Decree N° 361 (1961) of the Ministry of Foreign Affairs, enacts the Antarctic Treaty Supreme Decree N° 191 (1980) of the Ministry of Foreign Affairs, enacts the CCAS Supreme Decree N° 662 (1981) of the Ministry of Foreign Affairs, enacts the CCAMLR Supreme Decree N° 396 (1998) of the Ministry of Foreign Affairs, enacts the Environmental Protocol Supreme Decree N° 583 (1997) of the Ministry of Foreign Affairs, enacts the agreements adopted at the XVI ATCM (Bonn, 1991), including Measure 10 (1991), which contains the Annex V to the Protocol
Uruguay		Law N° 14.971 (1979), approves the Antarctic Treaty Law N° 15.693 (1984), approves the CCAMLR Law N° 16.518 (1994), approves the Environmental Protocol Law N° 19.491 (2017), approves the Measure 1 (2005), which contains the Annex VI to the Protocol
Colombia		Law N° 1.880 (2018), approves the Environmental Protocol
Venezuela		Law which approves the Environmental Protocol (without identification number, published in the <i>Gaceta Oficial de la República Bolivariana de Venezuela</i> N° 40.405 of May 6 <sup>th</sup> , 2014)

Decision and Resolutions adopted at the ATCMs, and some of the Conservation Measures adopted at the CAMLR Commission meetings.

Uruguay also informs about the ATS instruments of which it is party (all of them except CCAS) but omits information about Annex V of the Protocol.<sup>20</sup> It also informs about its approval of Annex VI of the Protocol. Colombia and Venezuela only provide information about the respective domestic laws authorising them to ratify the Environmental Protocol, but they do not mention the Antarctic Treaty despite the fact that they must become Antarctic Treaty parties before becoming Environmental Protocol parties (Article 21 of the Protocol). Regarding Colombia, it informs about the domestic law which authorised in 2018 the ratification of the Protocol and the approbation of Annexes I to VI, but thus far (November 2019), the Depositary informs that it has not ratified or approved them. Peru only informs about the norm that enacts its National Antarctic Policy, and Brazil and Ecuador do not inform anything. Cuba and Guatemala do not give any information either.

## Conclusions

When the law-making process of Latin American States regarding Antarctica is analysed, it is clear that perhaps with the exception of Argentina and Chile, and partially Uruguay, there is plenty of work to be done for achieving an appropriated level of regulation of the Antarctic activities in which these countries and their national or vessels or aircraft are participating. There are different levels of involvement in Antarctic issues among the

Latin American countries and it could be expected that the number and quality of their Antarctic legislation were coherent with them. A historical study of their relationship with Antarctica would be necessary to have a full understanding of their processes of Antarctic law-making.<sup>21</sup>

Of course, enacting more laws and administrative regulations does not necessarily produce better activities in Antarctica nor it is a proof of a better fulfilment of the international law about Antarctica. However, states mainly assume the commitment to take appropriate measures within its competence to ensure national compliance of their international obligations. As a consequence, it is essential that they incorporate the international rules into their domestic legal systems as compulsory norms. They must also enact national legislation to guarantee the fulfilment of the ATS objectives.

Finally, Latin American countries involved with the ATS have a pending international obligation in the sense of enacting more comprehensive legislation about Antarctic issues and providing appropriate information about it to the other Consultative Parties. Not only it is important to provide information about the relevant national legislation, but also about its adequacy, its application, and its fulfilment. This is very important if this group of countries wants to have a more influential role and a better performance in their political-legal Antarctic activities.

## Notes

1. Ferrada, "Participación e incidencia de los Estados Latinoamericanos."
2. There are some discussions about the inclusion or not of other countries, but there is a consensus in relation to the followings: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.
3. Chile claims between 53° and 90° West longitude, without North limit because it is the continuation of its American territory and until the South Pole. On the other hand, Argentina claims between 74° and 25° West longitude, south of 60° South latitude and until the South Pole. There are several works about it, among them, about Chile see Pinochet, *La Antártica Chilena*; about Argentina see Del Castillo, *El derecho internacional en la práctica argentina*, 143–145.
4. Dudeney and Walton, "Leadership in Politics and Science"; and Dastidar, "National and institutional productivity."
5. Chile: Arturo Prat Antarctic Naval Base (1947); Bahía Fildes Maritime Station (it is been rebuilding) (1987); Lieutenant Rodolfo Marsh Martin Aerodrome (1980); O'Higgins Base (1948); President Eduardo Frei Antarctic Base (1969); and, Professor Julio Escudero Base (1995). Argentina: Belgrano II Base (1979); Carlini Base (1953); Esperanza Base (1952); Marambio Base (1969); Orcadas Base (1904); and, San Martín Base (1951).
6. COMNAP Antarctic Facilities (v3.2.0).
7. Hemmings, "Antarctic Politics," 510–513.
8. Castro, "A questão da Antártica."
9. Cardone, "O Brasil e a Antártida"; and Vieira, "O Tratado da Antártica."
10. Cardoso, "A cooperação regional," 30.
11. XLII ATCM (Prague, 2019), Information Paper 103 (Brazil).
12. Huber, "Notes on the past, present and future of the Antarctic Treaty Secretariat."
13. Colombia approved on January 8th, 2018, the domestic law which gives the authorisation to ratify the Environmental Protocol (Law N° 1.880–2018). There is not information about the diplomatic procedures required to ratify it, but up to now (November 2019), the Depositary informs that Colombia signed the Protocol in 1991 but still have not ratified it.

14. ATCM, Decition 1 (2005).
15. CCAMLR, "Conservation measures."
16. Rules of Procedure of the Antarctic Treaty Consultative Meeting and the Committee for Environmental Protection (September 2018), numbers 48–51.
17. The Latin American countries full members of SCAR are in two categories depending on their resources employed in Antarctic scientific research. Argentina and Brazil are classified as well-developed programmes, and Chile, Ecuador, Peru and Uruguay are considered initial-stage programmes. Colombia and Venezuela are associate members.
18. Argentina, Brazil, Chile, Ecuador, Peru and Uruguay are members of COMNAP and Venezuela is an observer.
19. I am now editing a book to be published during 2020 about the Chilean Antarctic Law. In my research, I have found about three hundred laws and administrative regulation enacted from the XIX Century up to now related to the Chilean Antarctic activities.
20. The Depositary informs that Uruguay approved it on May 15th, 1995.
21. There is an interesting historical work began by Óscar Pinochet and Jorge Berguño from Chile, Ricardo Capdevila and Eugenio Genest from Argentina, and others, to advance in the research of the history of Latin American Antarctic activities and development. The Latin American Antarctic Historians Meetings (*Encuentros de Historiadores Antárticos Latinoamericanos*) which this year 2019 will have their nineteenth annual meeting are a product of this initiative. The job of different Latin American specialists involved in the SCAR History Group and now on the SCAR Standing Committee on the Humanities and Social Science are also a result of that. My special recognition for Dra Consuelo León-Wöppke and all the people that are working in connection with the *Centro de Estudios Hemisféricos y Polares* (Chile), especially Dr Mauricio Jara, Nelson Llanos, Pablo Mancilla, Eduardo Villalón and Sergio Lausic (University of Magellan, Punta Arenas). In other Latin American countries, there are also several historians doing fascinating works. Unfortunately, I do not know them so well to give their names.

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