



COMPENDIUM OF CANADA'S ENGAGEMENT IN INTERNATIONAL ENVIRONMENTAL AGREEMENTS AND INSTRUMENTS

Protocol on Environmental Protection to the Antarctic Treaty (Environmental Protocol)

SUBJECT CATEGORY:

Marine/ Oceans

TYPE OF AGREEMENT / INSTRUMENT:

Multilateral

FORM:

Legally-binding treaty

STATUS:

- Concluded in Madrid and opened for signature on October 4, 1991, as of May 2013 the [Environmental Protocol](#) has been ratified by 38 parties.
- Canada became a Non-Consultative Party to the Antarctic Treaty in 1988 (no financial obligations under the Treaty, and therefore no voting rights during yearly Antarctic Treaty Consultative Meetings).
- Canada ratified the Environmental Protocol in June 2003 with the passage of Bill C-42, An Act respecting the protection of the Antarctic Environment (Antarctic Environmental Protection Act). Under the Protocol Canada is a Party with full voting rights.
- The Protocol entered into force on January 14, 1998.

LEAD & PARTNER DEPARTMENTS:

Lead: Environment and Climate Change Canada

Partners: Transport Canada, Polar Knowledge Canada, Fisheries and Oceans Canada

FOR FURTHER INFORMATION:

Web Links: [Antarctic Treaty Secretariat](#)

Contacts: [EC Inquiry Centre](#)

COMPENDIUM EDITION:

October 2018

PLAIN LANGUAGE SUMMARY

The Protocol on Environmental Protection ensures protection of the Antarctic environment from the effects of human activities. The Protocol requires that all activities undertaken in Antarctica be assessed for their potential environmental impacts and that authorizations are issued prior to activities taking place. Unlike many members of the Antarctic Treaty, Canada does not have a research base in Antarctica. Canadian researchers are, however, very active in Antarctica and work closely with other Antarctic Treaty members for access to research facilities. As well, Canadian companies are also very active in Antarctica in the tourism and transportation sectors. Canada issues permits each year for tourist operations, flight operations, and research projects.

OBJECTIVE, KEY ELEMENTS & EXPECTED RESULTS

Article 3 states that protection of the Antarctic environment as a wilderness with aesthetic and scientific value shall be a "fundamental consideration" of activities in the area.

Article 7 states that "Any activity relating to mineral resources, other than scientific research, shall be prohibited." This provision contrasts with the rejected Convention on the Regulation of Antarctic Mineral Resource Activities, which would have allowed mining under the control and taxation of an international managing body similar to the International Seabed Authority.

Article 8 requires environmental assessment for all activities, including tourism.

Article 11 creates a Committee for Environmental Protection for the continent.

Article 15 calls for member states to be prepared for emergency response actions in the area.

Articles 18-20 arrange for arbitration of international disputes regarding Antarctica.

Article 25(5) states that the Article 7 ban on mining may not be repealed unless a future treaty

establishes a binding regulatory framework for such activity.

CANADA'S INVOLVEMENT

The *Antarctic Environmental Protection Act* is summarized as follows:

- To protect the Antarctic environment, particularly by implementing the Protocol on Environmental Protection to the Antarctic Treaty.
- Provides a permitting regime that gives the Minister the necessary powers to ensure that the activities undertaken by Canadian expeditions, Canadian vessels, and Canadian aircraft in the Antarctic are subject to an environmental impact assessment prior to their occurrence.
- Creates prohibitions to protect the Antarctic marine environment, specially protected areas and historic sites and monuments in the Antarctic, and species that are native to the Antarctic.
- The provisions of the legislation, including regulations adopted pursuant to the bill, apply to all, regardless of nationality, on Canadian expeditions (that is, expeditions organized in or proceeding from Canada) to the Antarctic. They apply to all Canadians, Canadian vessels, and aircraft in the Antarctic and to anyone at a Canadian station there. There is a permit system for people and activities covered by the legislation. This will encompass such things as environmental impact assessment, specially protected areas, waste management, and emergency plans.

- There are monitoring, reporting, and inspection provisions to allow enforcement. In Canada, the enforcement provisions are in line with the Fisheries Act, the Canadian Environmental Protection Act (CEPA), and the Species at Risk Act (SARA).
- Formal ratification of the Environmental Protocol shows our willingness as a nation to enforce these standards and participate in the global cooperative governance of Antarctica.

RESULTS / PROGRESS

Activities

A Permit system is administered by ECCC to control Canadian activities in the Antarctic Treaty area. As of 2018, approximately 13% of the tourists entering the Antarctic are under the control of a Canadian permit.

Reports

As prescribed by the Environmental Protocol, Canada provides an [annual report](#) of our activities to the Antarctic Treaty Secretariat.

Since 2004, Canada has issued 33 permits for travel to the Antarctic, mainly for tourism purposes.