France and the Antarctic Treaty System

by

Chavelli Sulikowski

School of Government/Institute of Marine and Antarctic Studies

Submitted in fulfilment of the requirements for the degree of Doctor of Philosophy

University of Tasmania

April 2013
Acknowledgements

There are a number of people I would like to thank for their assistance and support in the completion of this thesis.

My special thanks and gratitude go to Associate Professor Marcus Haward for his continuous guidance, support, and encouragement throughout the duration of this thesis. I am especially thankful to Marcus for sharing his wealth of knowledge on Antarctic affairs, and very much appreciate his unwavering enthusiasm for my research topic. I also wish to extend a special thank you to Dr Rob Hall, who, has always been there to discuss ideas, read drafts, offer insights, and provide invaluable expertise and guidance over many years – most famously stating, ‘you can split bananas but you can’t split infinitives!’ I am also deeply appreciative of the guidance, expertise, and support extended by Professor Kate Crowley, and my research advisors, Antoine Guichard and Andrew Jackson.

This thesis has been significantly enriched by the research I have undertaken at the Université de Bretagne Occidentale. I thank Madame Anne Choquet and Professor Armel Kerrest, for their their extensive legal expertise and valuable research suggestions. Merci also to my colleagues from Centre de Droit et Économie de la Mer for their friendship and support.

I am extremely appreciative for the assistance I received from various staff and officials from the IPEV, the Australian Antarctic Division, the Antarctic Treaty Secretariat, CCAMLR, and the TAAF. Special thanks to Dr Yves Frenot, and James Barnes for their precious time, extensive knowledge, and support of my project. Thank you also to Dr Keith Reid for his advice, encouragement, and incredible patience with my scientific questions during my time at CCAMLR!

A heartfelt thank you to my closest friends (regardless of where they are throughout the world!) for their support, pep talks, love and laughter…and for generally keeping me sane throughout the thesis rollercoaster/down the rabbit hole journey! Finally, this work would not have been possible without the love and support of my family – particularly my parents, Mai and Richard for their neverending encouragement, and belief in me and this thesis! I would also like to include my ‘pet’ family here – for their affection, and for providing constant inspiration and comic relief!
France and the Antarctic Treaty System

Chavelli Sulikowski

Abstract

Field of Research code: 160607 International Relations

France is a prominent player in international Antarctic affairs. As a claimant state, original signatory, and key player within all the Antarctic Treaty System (ATS) institutions, with an extensive environmental legacy, France has consistently occupied an influential role in the international Antarctica political arena.

This thesis examines key instances of French cooperation in the ATS, and in doing so, addresses questions relating to the nature of a single state’s cooperation within a multilateral treaty regime. It considers the factors that motivate French cooperation within the ATS, and the strategic focus setting for France’s Antarctic agenda through examining two key questions: what are the drivers that have led to France undertaking increasing cooperative engagement within the ATS over the last decade? And, through what principal means is France pursuing cooperation within the ATS?

International regime theory, and in particular, the insights from the concept of complex interdependence, provides the analytical framework, and more widely assists in our understanding of international cooperation. This thesis also considers relevant aspects of international environmental law relating to France’s engagement in the ATS. Three empirical case studies covering scientific and technical cooperation, marine living resource management, and environmental protection in the Antarctic and Southern Ocean region, provide evidence that assists in identifying the key characteristics, and patterns of interaction that encourage and facilitate France’s multi-level cooperation within the ATS, and that enhance our understanding of the contemporary cooperative trends of France as a key player within the ATS.

France has maintained consistent engagement within the ATS following the entry into force of the Antarctic Treaty over fifty years ago, and has pursued a number of key policy objectives in order to achieve its Antarctic agenda. Several contributing factors are identified as influential in France’s increasing cooperative behaviour within the ATS. France places significant emphasis on pursuing multilevel cooperative agreements within the ATS, particularly at the bilateral level.
## Abbreviations and acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAD</td>
<td>Australian Antarctic Division</td>
</tr>
<tr>
<td>AAT</td>
<td>Australian Antarctic Territory</td>
</tr>
<tr>
<td>ACAP</td>
<td>Agreement on the Conservation of Albatross and Petrels</td>
</tr>
<tr>
<td>ADC</td>
<td>Astronomy at Dome C Committee</td>
</tr>
<tr>
<td>AFMA</td>
<td>Australian Fisheries Management Authority</td>
</tr>
<tr>
<td>ARENA</td>
<td>Antarctic Research, a European Network for Astrophysics</td>
</tr>
<tr>
<td>ANR</td>
<td>Agence Nationale de la Recherche</td>
</tr>
<tr>
<td>ASMA</td>
<td>Antarctic Specially Managed Area</td>
</tr>
<tr>
<td>ASOC</td>
<td>Antarctic and Southern Ocean Coalition</td>
</tr>
<tr>
<td>ASPA</td>
<td>Antarctic Specially Protected Area</td>
</tr>
<tr>
<td>ATCM</td>
<td>Antarctic Treaty Consultative Meeting</td>
</tr>
<tr>
<td>ATCP</td>
<td>Antarctic Treaty Consultative Party</td>
</tr>
<tr>
<td>ATME</td>
<td>Antarctic Treaty Meeting of Experts</td>
</tr>
<tr>
<td>ATS</td>
<td>Antarctic Treaty System</td>
</tr>
<tr>
<td>AWIPEV</td>
<td>Alfred Wegner-Institut Paul Emile Victor</td>
</tr>
<tr>
<td>BIOMASS</td>
<td>Biological Investigations on Marine Antarctic Systems and Stocks</td>
</tr>
<tr>
<td>BP</td>
<td>Background Paper</td>
</tr>
<tr>
<td>CAML</td>
<td>Census on Antarctic Marine Life</td>
</tr>
<tr>
<td>CASE-IPY</td>
<td>Concordia, Antarctica, Seismic Experiment for the International Polar Year</td>
</tr>
<tr>
<td>CBD</td>
<td>Convention on Biological Diversity</td>
</tr>
<tr>
<td>CCAMLR</td>
<td>Convention on the Conservation of Antarctic Marine Living Resources</td>
</tr>
<tr>
<td>CCAS</td>
<td>Convention on the Conservation of Antarctic Seals</td>
</tr>
<tr>
<td>CDS</td>
<td>Catch Document Scheme</td>
</tr>
<tr>
<td>CEA</td>
<td>Le Commissariat à l’énergie atomique</td>
</tr>
<tr>
<td>CEAMARC</td>
<td>Collaborative East Antarctic Marine Census</td>
</tr>
<tr>
<td>CEP</td>
<td>Committee on Environmental Protection</td>
</tr>
<tr>
<td>CFP</td>
<td>Common Fisheries Policy</td>
</tr>
<tr>
<td>CNES</td>
<td>Le Centre national d’études spaciales</td>
</tr>
<tr>
<td>CNR</td>
<td>Consiglio Nazionale delle Ricerche</td>
</tr>
<tr>
<td>CNRS</td>
<td>Le Centre National de la Recherche Scientifique</td>
</tr>
<tr>
<td>COLTO</td>
<td>Coalition of Legal Toothfish Operators</td>
</tr>
<tr>
<td>COML</td>
<td>Census on Marine Life</td>
</tr>
<tr>
<td>COMNAP</td>
<td>Council of Managers of National Antarctic Programs</td>
</tr>
<tr>
<td>CPE</td>
<td>Committee for the Polar Environment</td>
</tr>
<tr>
<td>CP</td>
<td>Contracting Party</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Form</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>CPST</td>
<td>Conseil des Programmes Scientifiques et Technologiques</td>
</tr>
<tr>
<td>CSAGI</td>
<td>Comité Spécial de l’Année Géophysique Internationale</td>
</tr>
<tr>
<td>CSIRO</td>
<td>Commonwealth Scientific and Industrial Research Organisation</td>
</tr>
<tr>
<td>CSNA</td>
<td>Italian National Scientific committee for Antarctica</td>
</tr>
<tr>
<td>CRAMRA</td>
<td>Convention on the Regulation of Antarctic Mineral Resource Activities</td>
</tr>
<tr>
<td>DOM-TOM</td>
<td>Départements/Régions d’outre mer, Territoires, et Collectivités Territoriales d’outre mer</td>
</tr>
<tr>
<td>EC</td>
<td>European Commission</td>
</tr>
<tr>
<td>EEC Treaty</td>
<td>The Treaty establishing the European Community</td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td>EIES</td>
<td>Electronic Information Exchange System</td>
</tr>
<tr>
<td>EEZ</td>
<td>Exclusive Economic Zone</td>
</tr>
<tr>
<td>ENEA</td>
<td>Italian National Agency for New Technologies, Energy and Sustainable Economic Development</td>
</tr>
<tr>
<td>ENGO</td>
<td>Environmental Non-governmental Organisation</td>
</tr>
<tr>
<td>EPB</td>
<td>European Polar Board</td>
</tr>
<tr>
<td>EPC</td>
<td>European Polar Consortium</td>
</tr>
<tr>
<td>EPF</td>
<td>Expéditions Polaires Françaises</td>
</tr>
<tr>
<td>EPICA</td>
<td>European Project for Ice Coring in Antarctica</td>
</tr>
<tr>
<td>ERA</td>
<td>European Research Area</td>
</tr>
<tr>
<td>ERIC</td>
<td>European Research Infrastructure Consortium</td>
</tr>
<tr>
<td>ESF</td>
<td>European Science Foundation</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FAO</td>
<td>Food and Agricultural Organization (United Nations)</td>
</tr>
<tr>
<td>GRIP</td>
<td>Greenland Ice Core Project</td>
</tr>
<tr>
<td>HIMI</td>
<td>Heard and McDonald Islands</td>
</tr>
<tr>
<td>HSM</td>
<td>Historic Sites and Monuments</td>
</tr>
<tr>
<td>IAATO</td>
<td>International Association for Antarctic Tour Operators</td>
</tr>
<tr>
<td>IAU</td>
<td>International Astronomy Union</td>
</tr>
<tr>
<td>ICG</td>
<td>Intersessional Contact Group</td>
</tr>
<tr>
<td>ICSU</td>
<td>International Council of Scientific Unions</td>
</tr>
<tr>
<td>IFREMER</td>
<td>Institut français de recherche pour l’exploitation de la mer</td>
</tr>
<tr>
<td>IFRTP</td>
<td>Institut Français pour la recherche et la technologie polaires</td>
</tr>
<tr>
<td>IGY</td>
<td>International Geophysical Year</td>
</tr>
<tr>
<td>IHO</td>
<td>International Hydrographic Organization</td>
</tr>
<tr>
<td>IMO</td>
<td>International Maritime Organization</td>
</tr>
<tr>
<td>INAF</td>
<td>Italian Institute of Astrophysics</td>
</tr>
<tr>
<td>INSU</td>
<td>Institut National des Sciences de l’Univers</td>
</tr>
<tr>
<td>IP</td>
<td>Information Paper</td>
</tr>
<tr>
<td>IPCC</td>
<td>International Panel on Climate Change</td>
</tr>
<tr>
<td>IPEV</td>
<td>Institut Paul Emile Victor</td>
</tr>
</tbody>
</table>
IPY  International Polar Year
IUCN  International Union for the Conservation of Nature
IUU  Illegal, Unreported, Unregulated
JORF  *Journal Officiel de la République Française*
MNHN  *Musée National d’Histoire Naturelle*
MPA  Marine Protected Area
MRCC  Maritime Rescue Coordination Centers
NET  National Environmental Trust
NGO  Non-Governmental Organisation
NIA  National Interest Analysis
NNS  Non-Native Species
NRSMPA  National Representative System of Marine Protected Areas
OCT  Overseas Countries and Territories (EU)
OPESCT  Parliamentary Office for the Evaluation of Scientific and Technologic Choices
OR  Outermost Regions (EU)
PLT  Polar Large Telescope
POLENET  Polar earth Observing Network
PNRA  *Programma Nazionale di Ricerche in Antartide*
RiSCC  Regional Sensitivity to Climate Change
RSMPA  Representative System of Marine Protected Areas
SAR  Search and Rescue
SC-CCAMLR  Scientific Committee of Convention on the Conservation of Antarctic Marine Living Resources
SCAR  Scientific Committee on Antarctic Research
SCAR-Marbin  The Marine Biodiversity Information Network of SCAR
SCIC  Standing Committee on Implementation and Compliance
SPA  Specially Protected Area
TAAF  *Terres Australes et Antarctiques Françaises*
VME  vulnerable marine ecosystem
VMS  Vessel Monitoring System
WP  Working Paper
WSSD  World Summit on Sustainable Development
ZEE  *Zone Économique Exclusive* (EEZ)
Contents

Table of conventions and relevant international instruments vi
List of abbreviations and acronyms ix
Maps

Part I Introduction to France and the Antarctic Treaty System

Introduction 1

1 Towards a Framework of Analysis 23
   Introduction to key theories on international cooperation
   Casting the net – developing a framework of analysis
   International regimes
   Actors and interests
   International cooperation
   The role of regime theory in understanding international cooperation
   From theory to analysis: identifying and defining analytical criteria

2 France and the Antarctic Treaty System 83
   France and Antarctica - a historical perspective
   The development of the Antarctic Treaty
   The Antarctic Treaty System
   France and the ATS – a contemporary perspective

3 France and International Cooperation in Antarctica 133
   Contextualising contemporary Antarctic politics
   France and Antarctica: interests and objectives
   France’s Antarctic organisation
   France and the European dimension in Antarctica
   France and international scientific cooperation in Antarctica
   Towards enhanced international cooperation
Part II  Case Studies

4 France, Italy and Scientific Cooperation in Antarctica  159
   Towards a French-Italian partnership
   The French-Italian Agreement on Scientific Cooperation in the Antarctic
   France’s objectives at Concordia
   France, Concordia and the future

5 France, Australia and Cooperation in the Southern Ocean  203
   A foundation of common interests
   Protecting the French and Australian sub-Antarctic territories
   UNCLOS and the development of the exclusive economic zone
   France, Australia and a commitment to achieving the objectives of CCAMLR
   The Kerguelen Plateau
   IUU fishing in the Southern Ocean
   The Maritime Cooperation Agreement
   The Cooperative Enforcement Agreement
   Outcomes of bilateral cooperation in relation to IUU fishing

6 France and Environmental Protection in the Antarctic Treaty Area  257
   The Antarctic Treaty Consultative Meetings
   The Committee on Environmental Protection
   Tourism and non-governmental activities under the Antarctic Treaty
   and the Madrid Protocol
   France and environmental protection in Antarctica
   The development of Antarctic tourism
   France and the issue of tourism in the Antarctic Treaty Area
   French Cooperation on Antarctic tourism
   Adventure tourism in the Antarctic Treaty Area
   France, tourism and the management of human and environmental risks in
   Antarctica
      - environmental impacts and damage
      - the impacts of tourism activities on science
      - introduction of non-native species
      - cumulative environmental impacts
      - safety, search and rescue, and associated legal implications
Part III  Analysis and Conclusion

7  Case Study Analysis  329

Discussion

Conclusion  385

Bibliography  395