**Saving Antarctica! The UK, Polar Friendships, and the Protocol on Environmental Protection (1991)[[1]](#footnote-1)**

“Antarctica must become a World Park or Global Preserve – protected from mineral exploitation forever. You can help make the World Park a reality”.[[2]](#footnote-2)

“Since its signature, Antarctica has become more accessible. People had got interested in it. Pollution was starting to be a problem…the DTI [UK Department of Trade and Industry] were keen that we should insist that our right to carry out mining should be safeguarded!”[[3]](#footnote-3)

**Executive Summary**

This report provides an analysis and evaluation of the collapse of support for Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) and the subsequent adoption of the Protocol on Environment Protection in 1991. As we approach the 30th anniversary of that adoption, it is a timely opportunity to reflect on what triggered the breakdown in consensus in the Antarctic Treaty System and how the relevant parties compromised and recovered consensus. Methods of analysis include interviews with some of the British, Norwegian, and American diplomats and scientists involved in the negotiations at the time as well as primary source material from newspapers, magazines and recorded interviews and testimonies of those holding relevant posts. Some further material was obtained from secondary sources.
The report finds that there are lessons to be learnt about how polar diplomacy works, and how UK decision-makers had to respond to a changing media and political environment which meant that their decisions (and policy preferences) were under greater scrutiny than ever before. In the new era of ‘zoom diplomacy’, the report shows that the importance of face-to-face diplomacy has not diminished nor has the significance of long-standing and close bilateral relationships by the UK with allies such as Norway, United States and Australia.

**Introduction**

The Protocol on Environmental Protection (Protocol) was signed in Madrid in October 1991. The UK’s Environment Secretary Michael Heseltine represented the UK and noted that, “The protection of the world’s last great wilderness open space is a cause for celebration. I’m delighted to be here making history.”[[4]](#footnote-4) Minister Heseltine was the first to sign the Protocol, just as the UK had been the first to ratify the Antarctic Treaty (1959). British newspapers including the *Yorkshire Post* also ran with the proposition that the Protocol was transformational; “Heseltine signs to save Antarctica”.[[5]](#footnote-5) The reality of the situation was somewhat more complicated and contorted than the headline might indicate. The UK’s signature was as much to do with ensuring the restoration of consensus in the Antarctic Treaty System as it was ‘saving’ Antarctica.

Journalistic hyperbole notwithstanding, the Protocol achieved two fundamental things. First, it did appear to ‘save’ Antarctica from what had been described by environmental campaigners as a concerted attempt by a select group of countries to develop a framework that nowadays would be described as a model of anticipatory governance (but one that proved a great deal more controversial than its progenitors possibly imagined). The Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) was intended to put into practice a regulatory framework to manage mining activities in Antarctica before any such occurrence. Poorly named in retrospect, it was the product of lengthy and detailed negotiations (1982-1988) and some of its provisions that were later to be imported into the Protocol, including environmental impact assessment.[[6]](#footnote-6) But for those outside the negotiating teams, the mere words ‘mineral resource activities’ was sufficient to lobby for its dissolution. Second, the Protocol ‘saved’ the credibility and legitimacy of the Antarctic Treaty System. The 1980s were the decade when Antarctica became internationalised and scrutinised at the United Nations General Assembly and in the international court of public opinion, which included high effective and media savvy environmental organisations such as the Antarctic and Southern Ocean Coalition (ASOC), Greenpeace and the World Wildlife Fund (WWF).[[7]](#footnote-7) It is worth noting that there were aspects of Antarctic science activity such as waste management that were receiving ever more critical scrutiny and the UK found itself on the receiving end of criticism that it was ‘the Dirty Man of Europe’.[[8]](#footnote-8) Third, in a more abstract sense, it revealed the uneasy existence of multiple framings of the continent and surrounding ocean: a resource frontier, an imperilled wilderness, a natural laboratory for science and a global common. All of which carried with it different demands for action and intervention. When environmental organisations insisted that Antarctica needed ‘saving’, they were able to tap into a global public consciousness that would have been a great deal more pre-disposed to environmental protection than the spectre of mining. However, some scientists were concerned that any ‘World Park/wilderness’ proposal for Antarctica would jeopardise their ability to conduct science.[[9]](#footnote-9)

Finally, there is no doubt that the period between 1989-1991 was the most testing period for the UK in terms of its handling of Antarctic affairs. The UK’s relationship with close polar ally Australia was strained and there were moments when it found itself isolated and critiqued by other Antarctic Treaty Consultative Parties and wider publics including the environmental community. Within the UK, the transition from the Thatcher to the Major government was significant, and Prime Minister John Major proved to be less wedded to CRAMRA than his predecessor. NGOs such as WWF believed the departure of Margaret Thatcher in 1990 presented options for change. The UK’s Environment Minister Michael Heseltine, a staunch opponent of Thatcher, was eager to seize the opportunity for a ‘dramatic gesture’ as an eager signatory of the Protocol in Madrid.[[10]](#footnote-10) The UK’s Labour Party was a staunch opponent of CRAMRA and the Conservative government and civil servants responsible for Antarctic affairs found themselves on the receiving end of intense domestic and international lobbying. Labour’s Gerard Kaufman, the then shadow Foreign Secretary, became a vocal critic of CRAMRA. Australian officials and ministers proved to be effective in pressurising the UK government and British officials including John Heap, the leading authority figure in the Antarctic diplomacy, found themselves in an awkward position; worried about the state of consensual governance of the Antarctic Treaty System and disappointed that a long-standing ally Australia along with France had broken consensus over the development of CRAMRA.

The Anglo-Australian discord went to the highest political level as Prime Minister Margaret Thatcher refused to join the anti-CRAMRA campaign led by Prime Minister Bob Hawke. The two prime ministers had a ‘relationship that was noted at the time to be ‘challenging’ not least because both were understood to be forthright leaders. UK-Australian relations while generally positive were divergent over other areas such as nuclear-free zones and sanctions against apartheid South Africa (an original Antarctic Treaty signatory). The rejection of CRAMRA was not the only area of policy tension. Thirty years later, the UK and Australia agreed in May 2021 to an ‘annual Antarctic dialogue’, as part of the United Kingdom-Australia Antarctic co-operation priorities: 2021 to 2026 and this followed on from an earlier agreement in 2015.[[11]](#footnote-11)

**The Report’s Remit**

In this report, the immediate background to the Protocol is addressed, alongside the negotiations leading up to the Protocol’s signing in October 1991. With the benefit of series of interviews with UK, Norwegian and American diplomats and scientists who were actively involved in the CRAMRA-Protocol transitional period (1988-1991), we can begin to piece together and reflect on what made the Protocol possible. What is apparent is that the Protocol involved three types of diplomacy: Track 1 the formal work of special meetings and working groups, and Track 2 informal diplomacy involving states and non-state actors (for example environmental NGOs working with France and Australia and campaigning against the UK’s policy preference for CRAMRA). And track 3 involving officials acting in informal roles and ways (a workshop dinner in Oslo is a prime example here convened by John Heap with select parties)

The report offers a broad-brush summary of the above without deep diving into all the discussions, negotiations, and permutations complicit with the rejection of CRAMRA and the adoption of the Protocol. Some of which is detailed elsewhere in PhD theses, edited books, and accounts by those who had privileged access to governmental reports, cablegrams, and memoranda, especially pertinent in that regard is Australian scholarship on the matter.[[12]](#footnote-12) One of the most notable examples is Andrew Jackson’s PhD thesis from the University of Tasmania. Jackson was a long-term employee of the Australian Antarctic Division (AAD), and his work contains a great deal of Australian diplomatic material of the period in question. There has been a steady of flow of academic papers addressing the implementation and efficacy of the Protocol in the intervening period as well. In summary, much of the literature acknowledges the improvements in environmental management but is aware of ongoing challenges such as disparities in cultural values, operational practices, science-policy disconnects, and inconsistent environmental impact assessment standards amongst governments and National Antarctic Programs.[[13]](#footnote-13)



Figure 1: Dr John Heap (on the right) with Ambassador Rolf Trolle Andersen at the South Pole in January 1985. Reproduced with permission of Ambassador Andersen.

One glaring absence to all of this is the outstanding contribution made by the late Dr John Heap, the FCO’s most senior Antarctic diplomat who was acknowledged by all the interviewees to have been pivotal in one form or another (Figure 1).[[14]](#footnote-14) ‘Mr Antarctica’ to many and the editor of the influential *Handbook on the Antarctic Treaty System*. However, we do have a recorded interview with John conducted by the late David Walton (former British Antarctic Survey senior scientist) to draw upon as well as my interviews with John Heap in the 1990s, conducted in his garden in a village close to Cambridge.[[15]](#footnote-15) He penned numerous pieces as well over the years outlining his views about the Antarctic Treaty System and successive opening and closing statements at ATCMs provide some fascinating insights into UK diplomacy. And there are testimonies from those who worked closely with him including Merrick Baker-Bates, the Head of the South Atlantic and Antarctic Department of the FCO (1989-92). Baker-Bates described John Heap as “The Dr Heap was a tremendous expert on Antarctica…He spent most of his time, as far as I could see, travelling around international conferences discussing polar affairs”.[[16]](#footnote-16) Churchill College’s BDOHP oral testimonies with former FCO diplomats and relevant secondary and media-based sources from the late 1980s and early 1990s offers insights into both John Heap’s leadership, and the prevailing political situation. As does UK parliamentary statements and interventions by those who either served in the Thatcher and Major governments (1979-1990 and 1990-1997 respectively) or who took a keen interest in polar affairs.

Fundamentally, however, this report is indebted to a multinational group of interviewees who gave generously of their time, and all agreed to contribute without direct attribution. A list of the interviewees is to be found in the appendix.[[17]](#footnote-17)

Finally, it is worth stressing that what is very clear, from the events leading up to the rejection of CRAMRA and the signing of the Protocol, that personal as well as professional relationships mattered. This was very much the case for the three polar partners – the UK, Norway, and the United States.[[18]](#footnote-18) Unlike contemporary Antarctic diplomacy where there is evidence of more churn, the heads of delegations and delegation team members were established and consistent in the 1980s and early 1990s. John Heap’s close personal relationship with Tucker Scully, the senior US polar diplomat at the time was noted by many. As was his close relationship with senior Norwegian scientists and diplomats such as Olav Orheim and Rolf Trolle Andersen.[[19]](#footnote-19) Along with Heap’s seniority (he started his Antarctic diplomatic career in 1966), skilled speech-making, people-to-people diplomacy, and detailed knowledge of Antarctic Treaty procedure and precedent, these relationships helped to give the UK considerable leverage in Antarctic matters.[[20]](#footnote-20)

What Antarctic diplomacy continues to reveal is that personal relationships and alliance-building matters, and arguably more so, when difficult decisions over Marine Protection Areas (MPAs) and fisheries management have had to be conducted via zoom diplomacy in 2020-1.[[21]](#footnote-21) In contradistinction to contemporary diplomacy, the CRAMRA-Protocol years reveal only too well the importance of informal meetings, corridor conversations, impromptu fieldtrips, and private dinners.

**Collapse and Renewal**

One theme that all the interviewees agreed upon was the collapse of CRAMRA in 1988 was due to Australia and France refusing to sign it. It was a potential disaster for the ATS itself, whose system of governance is necessarily rooted in consensus. As the original signatories to the Antarctic Treaty recognised in 1959, consensual governance was designed to avoid Antarctica becoming overly polemical, politicised, and publicised. Prior to that point in time, the Antarctic Treaty System (ATS) was widely thought of as an exemplar of collaborative international governance. Its legitimacy being grounded and secured in and by science, peaceful co-existence, and an orderly and evolutionary approach to polar matters.[[22]](#footnote-22)

As the international lawyer Richard Bilder noted, the consultative parties had a “strong mutual interest in reaching an agreed and orderly solution to the issue of mineral resources”.[[23]](#footnote-23) After six years of patient negotiation, led by the New Zealand lawyer Chris Beeby, the Antarctic Treaty Consultative Parties thought they were closing in on a new convention that sought to put in place a regulatory framework in advance of any mining activity. There were good reasons for thinking that might be so; for example, the final report issued in 1988 makes no reference to any Australian or French objections.[[24]](#footnote-24) There were difficult issues to address such as royalty payments to claimant states and how stringent any environmental conditions should be with regards to mining activities. The Convention distinguished between prospecting, exploration and development and proposed a complex structure of regulation involving regulatory committees (composed of claimant and non-claimant states), scientific advisory committee, and Commission.[[25]](#footnote-25) John Heap and others were convinced that the environmental conditions attached to CRAMRA were stricter than those found in the Protocol.[[26]](#footnote-26)

CRAMRA was, in effect, designed by Heap (and others) and thought to be anticipatory. It did not form a judgement about whether mining in Antarctica should or should not occur. While some may have wished (indeed demanded) mining not to be tackled, given the obvious sensitivities that it raised regarding environmental damage, the UK and others were subject to pressures elsewhere. In his interview with David Walton, John Heap recalled that he started to get telephone calls from energy companies in the late 1970s about mineral exploitation and seismic drilling in Antarctica.[[27]](#footnote-27) He also recalled that Australia tried to raise the issue of minerals as early as the 1970 ATCM in Tokyo but without much success.[[28]](#footnote-28) What Heap and others were persuaded by was that the issue of mining and mineral resource exploitation was not going to go away. The Antarctic Treaty did not address minerals in 1959, even though it was well understood to be a pertinent if potentially divisive topic amongst interested parties.

The other resource issue that was gathering a head of steam in the 1970s was fisheries, and in particular Krill. The Convention for the Conservation of Antarctic Living Resources (CCAMLR) entered into force in April 1982. Two months later, the first discussions for CRAMRA were held in New Zealand.[[29]](#footnote-29) Notably the UK and Argentina, despite the immediate conflict over the Falklands/Malvinas, were still able to sit down and join the discussions. John Heap wanted the CRAMRA negotiations to be held in among parties only but eventually conceded that environmental organisations such as ASOC should be allowed to observe. The rationale for the reluctance was not hard to discern; mining and minerals were likely to be far more problematic than fish and krill. But the treaty parties understood that iconic species such as whales, and activities such as whaling, were already being scrutinised by anti-whaling campaigners and global publics. Individual countries, throughout the CRAMRA negotiations, were nonetheless having to manage their own domestic constituencies and pressures. Australia and France, the two countries that publicly walked away from CRAMRA were strong supporters of the convention with both countries eager to protect their interests, especially in parts of Antarctica that were subject to historic claims. In John Heap’s words they were the ‘unholy alliance’ and one that was puzzling in one sense given that the CRAMA framework gave claimant states scope to play an active role in shaping environmental protection and arguably could use their veto in the Regulatory Committee to prevent any mining activity they judged to be risky or undesirable.[[30]](#footnote-30)

The rejection of CRAMRA by Australia and France in 1988 revealed the importance of domestic national politics. The French government led by Prime Minister Michel Rocard was widely thought to be working closely with the anti-mining campaigning led by the celebrated oceanographer and explorer, Jacques Cousteau.[[31]](#footnote-31) Chris Beeby informed me over an interview conducted in Wellington in 1996, that he was angry with Cousteau because the latter admitted to Beeby that he had never read CRAMRA.[[32]](#footnote-32) He was simply opposed to it and his celebrity-like status meant that his anti-CRAMRA presence was felt.[[33]](#footnote-33) Other factors that have been noted as relevant for this shift towards rejection include France’s disastrous bombing and sinking of the Greenpeace vessel *Rainbow Warrior* in Auckland Harbour which left a photographer dead in July 1985. Prime Minister David Lange referred to the sinking as an act of state-sponsored terrorism.[[34]](#footnote-34) France’s rejection of CRAMRA could easily be interpreted as an ‘act of atonement’ (as one of the interviewees noted; but to be clear this was never something that ASOC or Greenpeace publicly referred to during their Antarctic campaigning) for past sins visited upon the environmental NGO community.[[35]](#footnote-35) Whether Cousteau was familiar with the written text of CRAMRA or not, there can be no doubt that there was a group of countries including Belgium, Italy, Australia, and France alongside the NGO community who were antithetical to CRAMRA’s adoption.

In May 1989, the government of Australia led by Prime Minister Bob Hawke declared that it would not sign CRAMRA and instead would push for a World Park or Wilderness Reserve.[[36]](#footnote-36) The reasons for rejecting CRAMRA were rooted in a tension that existed within the Australian government’s approach to Antarctica and mineral resources more generally. As the largest claimant state and a mining economy, there was concern amongst industrial bodies such as Australian Mining Industry Council that they were opposed to any convention that placed strict rules on future mineral resource development in any part of the world lest it act as a precedent for other regions including mainland Australia. Government ministers and departments in Australia were split on the matter. Ministers attached to the Departments of Environment and Foreign Affairs and Trade were supportive of CRAMRA. Paul Keating the then Treasury Minister was hostile to the Convention and advocated for a ‘World Park’ in part because the Treasury was alarmed about potential competition from Antarctic mineral resource activities and worries that unscrupulous countries might want to subsidize mining activities for political reasons (Russian and Norwegian coal mining in Svalbard might have been an example that sprung to mind). Another factor animating Keating’s approach was simply that Australia should not “concede our economic claims over Antarctica for virtually nothing, forfeiting our sovereignty over Antarctica and opening up the possibility of subsidized production competing with Australian mineral producers”.[[37]](#footnote-37) CRAMRA’s anticipatory impulse while lauded as far-sighted by John Heap and others also allowed sceptics to imagine future scenarios that were detrimental to the environment of Antarctica.[[38]](#footnote-38)

What was notable was the lobbying by the Australian Conservation Foundation and ASOC. They placed further demands on the Hawke government, which was already mindful of the success of Green Independents, who had won seats at the Tasmanian State Parliament in May 1989. The election was dominated by environmental issues and a few months earlier an accident involving the Argentine naval ship, *Bahia Paraiso*, dumped oil on Anvers Island. Newspaper and media reporting brought to the fore about environmental damage and legal liability.[[39]](#footnote-39) Worse still for those who supported CRAMRA, the *Exxon Valdez* disaster in Prince William Sound in Alaska provided further disturbing imagery of what a large oil spill could do to marine life and the associated ecosystems that enable it. All of which appeared to have persuaded the Hawke government that the regulatory framework of CRAMRA was no longer fit for purpose – but a variety of economic, environmental, and political factors all played their part in that rejection.

After the public rejection of CRAMRA, latter day political figures in Australia have championed Hawke’s visionary decision. As Peter Garrett Minister for the Environment, Heritage and the Arts noted on the 20th anniversary of the Hawke Government’s rejection of CRAMRA that:

“Bob Hawke led the international push in 1989 for the rejection of mining in Antarctica, instead promoting the frozen and fragile continent as a natural reserve devoted to peace and science”.[[40]](#footnote-40)

For those intimately involved with negotiation of CRAMRA, they would have taken a less generous view of the Australian decision.[[41]](#footnote-41) John Heap’s view at the time was that the Australian government has endangered the Antarctic Treaty System by stepping back from consensus and unleashing a process that might end up jeopardising the ability of scientists to conduct their work in Antarctica in the name of ‘environmental protection’.[[42]](#footnote-42)

**After CRAMRA: The Road to Vina del Mar, Madrid, and the Restoration of Consensus**

The public rejection of CRAMRA in 1988/89 created an obvious vacuum.[[43]](#footnote-43) If not CRAMRA then what? Antarctic Treaty Consultative Parties were alive to the fact that inaction was not an option. In 1989, it was not uncommon to read media accounts warning readers that the Antarctic Treaty was going to ‘expire’ in 1991. While this often revealed that the provisions of the Treaty had been poorly understood, it was acknowledged nonetheless to be part of the public landscape that ATCPs and their diplomats would have to negotiate. It is worth remembering that despite Australia’s public rejection of CRAMRA, the UK was still pushing ahead with the Antarctic Minerals Act 1989, and thus not assuming that CRAMRA was politically ‘dead’.[[44]](#footnote-44)

When PM Bob Hawke visited London in June 1989, the Australian leader again affirmed that the UK and Australia were not in accord over CRAMRA:

We obviously had a discussion about the decision of the Australian Government not sign the proposed Antarctic Minerals Convention. I explained to Mrs Thatcher the reasons for my government arriving at that decision. Again, this was an issue of course where Mrs Thatcher and her Government had pursued a different position. They are going through Parliamentary processes for ratification of that Convention. However, we explained why we took the position that we did, and I guess in that sense there was an agreement to disagree as to processes, but let me say there is a shared perception of importance of protecting that important, indeed unique, environment.[[45]](#footnote-45)

There might have been a shared perception about the Antarctic’s ‘unique environment’ but opinions differed about the wisdom of Australia’s approach.[[46]](#footnote-46) The UK’s opposition to the Australian proposition was in part rooted in a belief that a mining moratorium might be risked and sovereignty disputes re-animated in any post-CRAMRA era. Without naming Australia directly, Junior Foreign Office minister Tim Eggar speaking in the House of Commons in July 1989 was making public a view held in the government at the time:

First, they agreed [the ATCPs] that a total ban on mineral activity was simply not attainable and, secondly, because of disputes over sovereignty, a regime governing mineral activity had to be in place well before any mining activity or prospecting began….[[47]](#footnote-47)

Without the Bill and the convention, there is a real risk of a mining free-for-all, of heightened tension and possibly conflict, and of the collapse of the Antarctic treaty system which has served so well to keep Antarctica peaceful and stable for more than 30 years.[[48]](#footnote-48)

In the same debate, it was clear that the Labour Party supported the Australian position and used the environmental disasters involving the *Bahia Paraiso* and the *Exxon Valdez* to give greater emphasis to the dangers posed to the Antarctic marine environment. Andrew Jackson’s PhD gives further details as to the extent of the schism between the UK and Australia, with disagreements over alternative to CRAMRA, environmental criteria subordinating science, and a sense on both sides that the other party might shift on their preferred policy position. The points of divergence continued into the ATCMs themselves.[[49]](#footnote-49)

The October 1989 ATCM in Paris was acknowledged by attending diplomats to be extremely ‘difficult’. The consultative parties were split, and all parties were engaged in damage limitation. John Heap was forced to deny accusations in the British press that the UK and US were to blame for the diplomatic impasse. Follow up special meetings in the autumn were tasked with finding potential areas of agreement post-CRAMRA. As was clear to all attendees, the cherished principle of consensus had been fractured and any special meetings would have to occur without a sense of predetermined outcome. For those outside the ATS tent, such as Cassandra Philips of the World Wide Fund for Nature (WWF) were pressing for the ‘death’ of CRAMRA. As she wrote in the *New Scientist*:

The reality, however, is that there is no consensus now
on the mining question. Australia and France (both Antarctic claimants whose
agreement is essential for the Wellington convention to come into force)
have been joined by others such as Belgium and Italy in their opposition
to mining, and there is no prospect of them changing their mind. The Wellington
convention is therefore still born, and it is pointless to urge countries
to ratify it.[[50]](#footnote-50)

The task facing diplomats was two-fold from October 1989 onwards; restore consensus and the public credibility in the ATS, and second find a path forward after the ATCM in Paris noted in Recommendation XV that the parties would develop “comprehensive system for the protection of the Antarctic environment and its dependent and associated ecosystems”.

But how? In his statement to the House of Commons in February 1994 as part of the formal introduction of the Antarctic Bill (designed to ratify into force the Protocol), Michael Jopling MP offered the followed assessment of the period leading up to the negotiation of the Protocol and the UK’s role therein:

The United Kingdom and Chile took up the issue by proposing in late 1989 that a special consultative meeting be convened. Its theme was to be comprehensive measures for the protection of the Antarctic environment and its dependent and associated ecosystems. The first such meeting was held in Chile in late 1990.[[51]](#footnote-51)

Chile’s offer to offer a special meeting in Vina del Mar the following year (1990) provided the opportunity for ATCPs to start again and consider a new approach, which would likely advocate for a permanent ban on all form of mineral activities.[[52]](#footnote-52) A position that would have run counter to the UK’s position which was dogged in its defence of CRAMRA and sceptical about the possibility of enforcing a permanent ban on mining if even secured. CRAMRA remained, in the British judgement, the most appropriate mechanism to addresses the potentially explosive issue of minerals and mining by creating a framework in advance which carried with it environmental obligations. But things could and did change.

In the spring of 1990, there was evidence that views were beginning to soften. The Australian records suggest that John Heap’s rhetoric softened, and the discussion shifted towards what was the best way forward if CRAMRA could not secure the necessary consensus.[[53]](#footnote-53) Heap’s preferred approach was the Protocol, which would be comprehensive and seek to remedy any perceived weaknesses in CRAMRA. Heap was not giving up on CRAMRA but seeking to generate a debate about the most appropriate policy instrument going forward. As Michael Jopling explained, some four years later, in his parliamentary statement:

The protocol is expressly stated to be supplementary to the treaty. It stems very much from a British initiative and from British drafting. We were not in favour of the free-standing conservation convention then being designed and promoted by a group of the treaty parties. Such a convention would have been overly complex and expensive to operate and would have presented the danger that money would be diverted from the Antarctic science programmes.[[54]](#footnote-54)

Before the parties gathered in Vina del Mar in November 1990, however, it is important to underscore how important informal diplomatic networking was in the complex genesis of the Protocol. During a Nansen Foundation workshop in Oslo, in May that year, John Heap organised a small discreet dinner between attendees from Australia, US, UK, Norway and New Zealand.[[55]](#footnote-55) Despite the CRAMRA fall-out, all shared a concern that something needed to be put in place quickly to prevent further damage being done to the credibility and effectiveness of the treaty system. Heap was aware that the US, Norway, and UK were more likely to forge a shared approach, while New Zealand was going with their own proposal for an environmental protocol, and Australia was developing a convention-like agreement with Belgium, France, and Italy. But the point of the private dinner was to prepare the ground for a possible protocol with a series of annexes. The Heap dinner had the effect, moreover, of separating Australia from France and seeking to rebuild the traditional allyship that existed with Australia on polar and other matters.

The special meeting at Vina del Mar, which was designed to advance further a possible post-CRAMRA era, occurred against a backdrop of ongoing diplomatic tension between those who were agitating for the Australia-French proposition and the UK-US-Norwegian position which was in danger as Heap acknowledged of being isolated. The UK was framed by external observers as the most wedded to CRAMRA. The reality was that Foreign Office minister Tristan Garel-Jones was signalling that the UK’s position might be more flexible provided it was likely to be generative of consensus amongst the parties. Within the Australian government, there was a degree of scepticism about quite how flexible the UK might be when the parties met at Vina del Mar. The Australian High Commission in London noted that “there was no change in the UK position, to an effort to improve presentational aspects”.[[56]](#footnote-56)

In his opening statement to fellow delegates at the special meeting in Vina del Mar, Heap sounded a cautious tone:

 If it [the ATS] is to continue, it can only do so on the basis of consensus.

Where there are differences between us, the need for consensus does not mean that Parties should not strongly argue their case. What it does mean is that no Party should put any Party into an intolerable position. This requires of us all the spirit of mutual forbearance.

It also means, Mr Chairman, that once agreements are reached in this forum, they will be honoured by the Parties to them [in other words, there can be no repetition of CRAMRA].[[57]](#footnote-57)

The British delegation led by Heap was essentially composed of two elements – the FCO team involving Heap, Mike Richardson and legal advisor Ian Hendry and a series of senior civil servants from the Departments of Trade and Industry, Energy and Environment which mirrors the interplay of diplomatic, environmental, and energy/resource-related interests of the UK. While Heap was concerned with restoring the credibility of the ATS, at that opening stage no one was quite sure how and when mining and mineral exploitation would be banned. Heap’s statement referred not only for the restoration of consensus but also for the need think critically and carefully about what data and mechanisms would be employed to tackle “the vexed question of minerals…the toughest nut to crack”.

In the interviewees’ recollections of the Vina meetings (19th November-6th December 1990), it was noted that the Vina meetings had two working groups – one of which addressed political/governance questions and the other was more technical in focus.[[58]](#footnote-58) Delegates were presented with three basic options: the Australia-French proposal for a convention, the New Zealand protocol, and the US-UK-Norway outline for an alternative protocol.[[59]](#footnote-59) Whatever the merits of each proposal, the consensus of the meetings moved towards the outline proposal led by the US, Norway, and the UK, with the French delegation later approaching the Norwegian diplomat Rolf Trolle Andersen to take the initiative, and work towards generating a consensus. What emerged after that is the so-called ‘Andersen text’ which build on the Norway-UK-US outline for an alternative proposal.

What followed was intense and rapid discussion (with plenty of informal conversation) with all parties designed to avoid the laborious negotiations of a convention (CRAMRA). This explains why there was declining support for the Australian-France convention proposal. The protocol model was favoured because it could be assembled quickly, and annexes were capable of being added and updated as necessary. Tricky issues such as liability, mining ban (permanent or subject to review?), and zone of application were recognised as crucial to any de novo protocol. For those present at Vina del Mar, it was judged to be crucial that delegates could continue their discussions in the corridor, over coffee breaks, and even field excursions beyond the formal meetings. There was as one interviewee remarked a sense a shared “urgency to recover consensus” and small group meetings helped as did the long-standing personal relationships that existed between John Heap and other heads of delegations.

What emerged by the end of the Vina del Mar meetings in December 1990 was the barebones of the eventual Protocol. Notwithstanding the conviviality of the meeting and the plaudits offered to Chile as host, there were inevitably ongoing differences in approaches and understandings to the ‘environmental’ and ‘wilderness’ as well variations in familiarity with techniques such as environmental impact assessment.[[60]](#footnote-60) It was agreed that mining should be banned but there was still debate aplenty about whether the Protocol should be reviewable, and if so for how long. But, again, there was still uncertainty about whether CRAMRA might complement an environmental protocol or whether the protocol would introduce a comprehensive ban. In a parliamentary answer given in January 1991, Foreign Office minister Tristan Garel-Jones was eager to ensure that colleagues understood that things were not cut and dried when asked about whether the Australian-New Zealand-French position was prevailing:

With respect to the hon. Gentleman, that is not an accurate reflection of the case. At the Vina del Mar meeting, only eight countries supported the Australian-New Zealand position in support of a total ban, whereas 18 did not. The British Government's policy is to deal first with the immediate threats to the environment and at the same time to seek a consensus among the treaty parties on a way to deal with the minerals issue.

My Hon. Friend is right to the extent that the convention on the regulation of Antarctic mineral resource activities, which was originally agreed by consensus by all the parties to the treaty, is unlikely to be ratified because two of the claimant countries—Australia and France—have declined to do so. We therefore consider it a priority to find a compromise that will allow the minerals issue, even though it does not pose a current threat, to be dealt with at the same time as the more immediate threat to Antarctica's environment.[[61]](#footnote-61)

The follow-up meetings in Madrid in April and June 1991 were designed to finalise negotiations over a possible Protocol and some sort of resolution to the mining moratorium. For the UK the restoration of consensus was the adopted public mantra. In between the Vina meeting and the first Madrid meeting in April, the UK had found itself scrutinised further. In March, for example, the journal *Nature* published a piece entitled ‘Not the dirty Man’ and interviewed David Walton about BAS’s plans for polar research and how they were going to move the UK away from accusations that there was no waste management system in place.[[62]](#footnote-62) Walton was at pains to showcase the UK’s decision to conduct a comprehensive environmental evaluation of their plan to construct an airstrip at Rothera research station. The UK including BAS was only too aware that organisations such as Greenpeace remained vocal critics of the construction project. The pressure on the FCO was notable. Merrick Baker-Bates, Head of the South Atlantic and Antarctic Department, recalled:

During the course of doing that [Vina del Mar and Madrid meetings], we had been subjected to an absolutely relentless campaign of lobbying by Friends of the Earth, Greenpeace, and even the Women’s Institute [WI, which at the time had over 300,000 members] who all got the idea that the Foreign Office’s policy was to mine in Antarctica…We got hundreds of letters, also, just from ordinary people.[[63]](#footnote-63)

In March 1991, it was widely reported that the UK has ‘changed its mind on mining’ and it was noted that the FCO had held meetings with NGOs, including Greenpeace.[[64]](#footnote-64) While the reality was a bit messier, there was no doubt that ASOC and Greenpeace and other NGOs worked effectively to highlight the apparent dangers facing Antarctica to the wider publics. Public support for CRAMRA was becoming harder to maintain. As Merrick Baker-Bates recalled, “…In the *Sunday Times*, was an advertisement for Friends of the Earth saying more or less ‘Don’t dig up Antarctica. The Foreign Office wants to dig up Antarctica. If you oppose ring this number.” And I looked – it was the phone number of my office”.”[[65]](#footnote-65) All of which added to a sense of urgency to secure agreement on the protocol and avoid any further public breaches of consensus amongst the Antarctic Treaty consultative parties.

The Madrid meetings of 1991, therefore, had to contend with a backdrop of environmental campaigning and political lobbying in the UK and elsewhere. Led by John Heap again, the FCO representation was larger this time with three civil servants from the Departments of Environment, Trade and Industry and Energy and also a BAS representative who specialised in environmental impact assessment (EIAs), Dr John Shears. Noticeably the inclusion of an expert BAS scientist was in response to Heap’s earlier observation that EIAs as a concept and process were not well understood by some parties (who simply had less experience of them) or just thought rather differently about their importance in informing decision-making (China and India were identified as Heap as new ATCPs that had very different understandings and experiences of EIAs compared to the US and UK). As the negotiations demonstrated, making sense of even terms such as ‘minor and transitory impact’ was not straight forward given that they were subject to contention.

What the Madrid meetings revealed was that there were fundamental disagreements about how to return to consensus despite the ‘Andersen text’ (the text developed under the leadership of Rolf Trolle Anderson which built on the Norwegian-US-UK proposal for a protocol) providing the framework for discussions and negotiations. Parties were still divided over a moratorium on mining, an outright ban and/or the prospect of review. Australian sources reported that in April 1991 they were convinced that the UK was finally moving away from CRAMRA and moving towards a prohibition and thus the dispensing with the need for any sort of minerals regime.[[66]](#footnote-66) Norway was helping to bridge the gap between US/UK and mainly European and Australasian states with Andersen and his ‘dinner diplomacy’ credited with bringing a wider group of parties together – Argentina, Australia, Brazil, Chile, France, New Zealand, UK, US, and Soviet Union. Norway, Chile, Netherlands, and Germany were also acknowledged for their supportive work throughout the meetings of the working groups. Thereafter, in late April onwards, the final task was to agree a final text which could then be presented to ministers for signature.

On 21st May 1991, in a parliamentary answer, Prime Minister John Major informed the House of Commons that:

The Government have welcomed the draft text from the Madrid meeting. Article I of the draft protocol would designate Antarctica as a natural reserve, devoted to peace and science. We support that designation.[[67]](#footnote-67)

There has been some speculation that Major’s adoption of the draft text took some by surprise. The PM had already expressed support for the outcome of the Madrid meeting in April about 10 days earlier in a written statement. What was noticed by the Australian High Commission in London was that there was now a concerted effort to repair any damage to the UK-Australian relationship, with a shift to reinforcing the public restoration of consensus. Privately, Australian sources were reporting that John Heap was reassuring Australian, New Zealand and US colleagues that the UK was not going to make difficulties over area of application and whether it should be either a protocol or convention at the 11th hour. Heap reportedly told his counterparts that it was not in the UK’s interests to be isolated.[[68]](#footnote-68) In the end, it was not possible to agree the final text for signature in and around the anniversary of the Antarctic Treaty’s entry into force 23 June.[[69]](#footnote-69) Consensus had not been secure on whether the provisions of the Protocol in effect meant a permanent prohibition of mineral activities in Antarctica.

The Protocol was eventually adopted on 4 October 1991, and all 23 consultative parties duly signed it. The speeches attached to the SATCM in Madrid reveal well the various acknowledgements that individual parties felt needed stating. Argentina noted the constructive role played by Norway, US, and UK as well as Uruguay.[[70]](#footnote-70) Australia noted the diplomatic role by Chile and the Netherlands. France recorded that the Protocol was a triumph for all parties concerned. Italy was eager to remind audiences that they, Australia, Belgium, and France were the harbingers of the Protocol. John Heap’s speech for the UK was notable for the vote of thanks. He identified the role of Chile for hosting the Vina del Mar meeting; Rolf Trolle Andersen for his diplomatic skills and endurance; the Government of Spain for hosting the follow-up meetings and finally, the Chair of the meeting for guiding the parties “so ably through storm and fire”.[[71]](#footnote-71)

After the signing ceremony, the parties went straight to the Bonn ATCM and work started on the implementation of the Protocol and the annexes on Environmental Impact Assessment, Conservation of Antarctic Fauna and Flora, Waste Disposal and Waste Management, and Prevention of Marine Pollution. Parties noted the need to develop an annex on liability for the Protocol. At the 2005 Antarctic Treaty Consultative Meeting, Annex VI to the Protocol, *Liability Arising from Environmental Emergencies*, was adopted as legally binding Measure 1(2005). It has not yet entered into force and 11 relevant parties have yet to ratify including Argentina, Brazil, China, India, Japan, Republic of Korea and the US.

**Final Reflections on Protocol plus 30**

The Parties commit themselves to the comprehensive protection of the Antarctic

environment and dependent and associated ecosystems and hereby designate Antarctica as a natural reserve, devoted to peace and science.[[72]](#footnote-72)

The Protocol was, according to former British FCO civil servant Merrick Baker-Bates, “a triumph for everybody concerned, to be quite honest”.[[73]](#footnote-73) It avoided a fundamental and permanent split amongst the Antarctic Treaty Consultative Parties.[[74]](#footnote-74) The institutional credibility of the ATS was, as all the interviewees noted, at risk. The rejection of CRAMRA, in combination with disagreement over whether there should be a permanent ban on mining or not, highlighted quite how challenging consensual agreement could be. The Protocol’s insistence on strict regulation of activity in Antarctica including mining was infused with what might be described as ‘green values’.[[75]](#footnote-75) The Protocol required parties to think harder about what whether their activity was necessary, and to plan accordingly when it came to the generation of environmental impact. At the time of the signing, it was clear that some questions and issues such as liability was deferred and in the case of tourism the parties encouraged the International Association of Antarctic Tour Operators (IAATO) to demonstrate it could self-regulate the industry.

Fundamentally, the Protocol marked a framing shift – moving away from the Antarctic as a ‘continent for science’ to that of a ‘continent for environment protection’. But the shift itself was a great deal more complicated than that. For one thing, the entry into force of the Protocol took seven years with Japan being the last of the then 26 ATCPs to ratify.[[76]](#footnote-76) Environmental groups noted that they felt that the political pressure needed to be kept on the parties to ensure that the Protocol did enter into force (and was not dropped because of domestic energy/resource lobbying). Antarctic science faced more public scrutiny in the 1980s and 1990s with questions being asked about waste management, infrastructural projects, and the cumulative environmental impact of research stations past and present. In addition, the Protocol’s entry into force required some national science programmes including the UK to remove their remaining sledge dogs due to fears that they might be responsible for disease transmission to other native wildlife.[[77]](#footnote-77) All dogs were removed from Antarctica in April 1994. As John Heap noted wistfully, the ban on huskies was a great deal more emotive for many British polar veterans than any introduction of a permanent ban on mining.

It is worth noting that while delegates were debating the Protocol, revolutionary change was in the air in the wake of the demolition of the Berlin Wall, and all those who attended the Vina meetings recalled that the Soviet delegation was not very active. And countries like China and India had only been consultative parties for less than a decade. The original signatories with other European countries such as Germany, Italy and Sweden were driving events. The Soviets who were initially in favour of a convention were understood to be ultimately concerned that their semi-claimant interests were not compromised in any post-CRAMRA settlement. Ultimately, the Protocol was designed to restore credibility to the ATS, which in turn protects both the interests of claimants and semi-claimants, including the Soviet Union. Some things like liability were in the end not going to be resolved quite so quicky, but as noted repeatedly by many interviewees the annexe model meant that things could be added in due course.

What did the negotiations about the Protocol reveal about polar diplomacy? For the UK it reinforced the importance of its close relationships with ‘like-minded’ states such as Norway and the US. It revealed that a critical moment in the ATS’s history, personal relationships and established networks of formal and informal diplomacy were integral to what might be thought of as damage control. One of the interviewees spoke about an ‘inner circle’, which was able to work together on agreed positions. John Heap publicly acknowledged the role of “Rolf Trolle Andersen of Norway, without whose inspiration we would not be here today”.[[78]](#footnote-78) Second, the operating environment was more exposed to scrutiny than ever before. ASOC and other environmental groups proved adept at both direct pressure as well as galvanizing of wider public opinion. We might, at this point, wonder whether the negotiation of the Protocol was in part helped not only by a sense of political urgency but also because it proceeded 24/7 CNN-style rolling news and constant social media commentary. And yet newspaper and media coverage in general was still sufficiently probing that it was acknowledged to be a very real concern. Third, countries such as China and other Asian countries were not the political and economic forces they are now. In the post-Protocol era, the operating diplomatic environment has become more congested and even competitive.[[79]](#footnote-79) When John Heap spoke at the Vina del Mar and Madrid meetings, he was the most experienced polar diplomat, and used his institutional memory to articulate and propagate the rules, values, and norms of the ATS itself.[[80]](#footnote-80)

**Connecting to the 2021 Integrated Review: Dialogue, Infrastructure, and Leadership**

The UK was the first to ratify the Protocol as it was the first to do so with the Antarctic Treaty. The Protocol protects the Treaty, and the latter protects UK scientific, resource and geopolitical interests in the Antarctic and wider South Atlantic. Thirty years later, the 2021 Integrated Review (*Global Britain in a Competitive Age*) underscores this fundamental tenet:

By 2021, the Antarctic Treaty will have been in force for 60 years. The UK was the first signatory of the treaty, which protects Antarctica as a continent for peaceful scientific cooperation. Using our new state-of-the-art Polar Research vessel RRS *Sir David Attenborough*, and through further investment in our Antarctic scientific stations and capabilities, the UK will continue to uphold and strengthen the Antarctic Treaty System [ATS] and maintain our leadership in the study of the global implications of climate change in Antarctica.[[81]](#footnote-81)

Writing this report about the negotiations that led to the Protocol is a story in large part about face-to-face diplomacy. Since March 2020, the ATS has moved to ‘Zoom diplomacy’. All of which will pose challenges to those who are responsible for the ATS’ governance. Recent examples involving Australian plans for runway infrastructure, marine protection areas proposals, and even seismic surveying by a Russian state-run geological agency provide examples of where Antarctic governance and environmental impact management is likely to be challenging in the coming decade.

But there is another element to all of this and that is leadership in the Antarctic Treaty System. It is not uncommon to distinguish between different leaderships – intellectual, entrepreneurial, and structural. Oran Young’s makes such a distinction as part of his investigation of institutional bargaining.[[82]](#footnote-82) John Heap’s leadership was, on reflection, structural.[[83]](#footnote-83) He used his institutional experience, procedural memory, great knowledge of Antarctica, and personal charm mobilised to considerable effect through his ‘Correspondents Group’ of like-minded states and delegations. His personal relationship with Tucker Scully was noted by others as a formidable pairing in Antarctic Treaty meetings. Heap, however, was also deeply aware that much of Antarctic diplomacy was also political theatre – corridor diplomacy needed to be backed-up by public displays of intellectual leadership in the form of opening statements, closing remarks and votes of thanks. Working with close allies, especially Norway and the United States, the three countries were often aligned. Norway’s diplomats were adept at ‘bridging’ the European and Anglophone worlds. Australian diplomats and wider environmental group lobbying led by notable and media-savvy figures such as Jim Barnes, however, recognised that this structural power could be contested by entrepreneurial leadership, using public media to challenge hegemonic powers in the ATS.[[84]](#footnote-84)

**Appendix 1 List of interviewees**

1. Ambassador Rolf Trolle Andersen, Norwegian Diplomat and Special Advisor for Polar Affairs, 16th April 2021.
2. James Barnes, Environmental Lawyer ASOC, 1st April 2021.
3. Dr Robert Hofman, Special Advisor to the U.S. Department of State on Antarctic matters, 22th April 2021.
4. Dr Olav Orheim, Former Chair of the Committee on Environmental Protection and Head of Antarctic Programme, Norwegian Polar Institute, 1st April 2021.
5. Dr Mike Richardson, UK diplomat and former Head of UK delegation to ATCMs, 8th April 2021.
6. Dr John Shears, former BAS scientist and member of the UK delegation to the ATCMs, 6th April 2021.
7. Ambassador Tucker Scully, American diplomat, and Head of the US Delegation to ATCMs, 6th April 2021.
1. Report prepared by Klaus Dodds (Royal Holloway University of London). [↑](#footnote-ref-1)
2. James Barnes *Let’s Save Antarctica!* Richmond (Australia): Greenhouse Publications. [↑](#footnote-ref-2)
3. Sir Adrian Beamish, Assistant Under-Secretary of State (Americas) FCO 1989-94 in Churchill College Cambridge British Diplomatic Oral History Programme Interview transcript <https://www.chu.cam.ac.uk/media/uploads/files/Beamish.pdf> page 84. [↑](#footnote-ref-3)
4. *Los Angeles Times* ‘31 Nations Sign Pact to Protect Antarctica’ 5th October 1991. [↑](#footnote-ref-4)
5. *Yorkshire Post* “Heseltine signs to save Antarctica’ 5th October 1991. [↑](#footnote-ref-5)
6. *New Scientist* ‘Should Antarctica be left on ice?’ 14th October 1989. This article makes the point about CRAMRA being ‘awkwardly titled’. [↑](#footnote-ref-6)
7. The Women’s Institute in the UK was credited as having significant lobbying clout during this period as well. [↑](#footnote-ref-7)
8. Until the late 1980s, the waste at most Antarctic stations was simply dumped in landfill sites close to the station, or alternatively, disposed onto sea ice or burnt. Waste disposal sites were largely undocumented, and contamination reported around current and former stations. Jonathan Porritt “The Dirty Man of the Antarctic” *The Daily Telegraph* 3rd November 1990. Greenpeace’s World Park Base (1987-1992) which was established in close to McMurdo and Scott bases also revealed first-hand those contemporaneous waste disposal practices. [↑](#footnote-ref-8)
9. Richard Laws “Talking point: Unacceptable threats to Antarctic science’ *New Scientist* 30th March 1991. [↑](#footnote-ref-9)
10. The suggestion being that the Major government had decided by April 1991 that they would commit to supporting the development of the Protocol. Until that point, the NGO community and Labour Party were not convinced that the UK would abandon CRAMRA and endorse the Protocol. [↑](#footnote-ref-10)
11. <https://www.gov.uk/government/publications/united-kingdom-australia-antarctic-co-operation-priorities-2021-to-2026/united-kingdom-australia-antarctic-co-operation-priorities-2021-to-2026> and the first one was entitled *United Kingdom - Australia Antarctic co-operation priorities: 2015 to 2020* https://www.gov.uk/government/publications/united-kingdom-australia-antarctic-co-operation-priorities-2015-to-2020 [↑](#footnote-ref-11)
12. Andrew Darby ‘Non-state actors in the Antarctic Treaty System’ unpublished MA thesis University of Tasmania 1994 and Andrew Jackson’s *Who Saved Antarctica? The Heroic Era of Antarctic Diplomacy* (Berlin: Springer 2021), which is the published version of a PhD thesis completed in 2019. Davor Vidas’ edited book *Implementing the Environmental Protection Regime for the Antarctic* (Berlin: Springer 2000) addresses the entry into force of the Protocol and how it varied for consultative parties. [↑](#footnote-ref-12)
13. Kevin Hughes et al ‘Antarctic environmental protection: Strengthening the links between science and governance’ *Environment Science and Policy* 83 (2018): 86-95. [↑](#footnote-ref-13)
14. John Heap died in 2006 and David Walton wrote this obituary in the *Guardian* newspaper: <https://www.theguardian.com/news/2006/apr/04/guardianobituaries.antarctica> [↑](#footnote-ref-14)
15. Scott Polar Research Institute Archives, AV17 John Heap oral testimony, interviewed by David Walton 20th October 2000. [↑](#footnote-ref-15)
16. Merrick Baker-Bates Head of the South Atlantic and Antarctic Department of the FCO (1989-92) Churchill College Cambridge British Diplomatic Oral History Programme Interview transcript <https://www.chu.cam.ac.uk/media/uploads/files/Baker-Bates.pdf> page 105. [↑](#footnote-ref-16)
17. I would also like to thank Dr Nick Robinson who assisted me in reading and analysing ATCM-related materials and Dr John Shears who also shared some of his primary research materials. [↑](#footnote-ref-17)
18. These relationships continue to matter. In 2021, for example, Norway and the UK High Level Arrangement on cooperation on Polar Affairs which notes in the UK’s case the “valuing our shared commitment to all elements of the Antarctic Treaty System, including the Convention for the Conservation of Antarctic Marine Living Resources and the Protocol on Environmental Protection to the Antarctic Treaty” URL: <https://www.gov.uk/government/publications/uk-norway-high-level-arrangement-on-cooperation-on-polar-affairs/uk-norway-high-level-arrangement-on-cooperation-on-polar-affairs> and in the US case one could point to the examples such as US National Science Foundation (NSF) and UK’s Natural Environment Research Council (NERC) $25-million multi-disciplinary effort to investigate ice loss on the Thwaites Glacier in Antarctica. [↑](#footnote-ref-18)
19. In the John Heap era, the UK worked closely with allies in the so-called Correspondents Group. [↑](#footnote-ref-19)
20. A point made in David Walton’s obituary of Dr John Heap CMG: <https://www.theguardian.com/news/2006/apr/04/guardianobituaries.antarctica> [↑](#footnote-ref-20)
21. Digital polar diplomacy is a topic that will merit further consideration as it highly likely that we will have a hybrid form of traditional in-person meetings and digital polar diplomacy whatever happens after this pandemic. And this will demand new thinking about trust-building, transparency, information and data sharing, assessments of shared risks, inclusion, and ultimately decision-making. We might begin to think of this as Track 2.5. or 3.0 diplomacy where formal and informal encounters take place either exclusively online or hybridized. [↑](#footnote-ref-21)
22. It was widely recognised however that the 1980s was a decade of change for Antarctica as external bodies and communities began to scrutinise the workings of the ATS far more closely. [↑](#footnote-ref-22)
23. Quote from Richard Bilder ‘The present legal and political situation in Antarctica’ in Jonathan Cha editor *The New Nationalism and the Use of Common Spaces* (Totowa, N.J.: Allanheld, Osmun 1982) page 199. [↑](#footnote-ref-23)
24. New Zealand Ministry of Foreign Affairs. 1988a. Final report of the Fourth Special Antarctic Treaty Consultative Meeting on Antarctic Mineral Resources. AMR/ SCM/88/79 (2June1988). Wellington, New Zealand Ministry of Foreign Affairs. [↑](#footnote-ref-24)
25. Full text of CRAMRA: <https://sedac.ciesin.columbia.edu/entri/texts/acrc/cramra.txt.html> [↑](#footnote-ref-25)
26. John Heap interview with David Walton op cit. I recall John Heap telling me in one interview ‘no on read CRAMRA, especially Article 4’. [↑](#footnote-ref-26)
27. John Heap interview with David Walton op cit. The Antarctic Treaty of 1959 makes no reference to mineral resources. [↑](#footnote-ref-27)
28. The first formal discussion was via a Special Meeting in December 1980 and in March 1981 a second meeting was convened in Buenos Aires and the ATCM in 1981 had as an agenda item a Minerals Regime. It was described as a ‘matter of some urgency’. Thereafter A special meeting was convened in Wellington New Zealand in June 1982 and thus the CRAMRA process started. [↑](#footnote-ref-28)
29. The CRAMRA negotiation process involved ten formal meetings and six years of negotiation. [↑](#footnote-ref-29)
30. John Heap interview with David Walton op cit. [↑](#footnote-ref-30)
31. Cousteau later wrote an open letter to Bob Hawke in April 1989 asking Australia not to adopt CRAMRA. It was published in the *Sydney Morning Herald* on 18th April 1989. It should be noted that Cousteau remained actively involved in the efforts to raise awareness of Antarctica and worked later to support ratification of the Protocol around the world. ASOC also worked post-Protocol signing to help support ratification efforts in Japan, Russia and Ukraine. [↑](#footnote-ref-31)
32. A point reiterated by John Heap in his interview with David Walton op cit. [↑](#footnote-ref-32)
33. *Los Angeles Times* “Cousteau Wants Antarctic Mine Ban: To save the “last unspoiled continent of the planet” 9th October 1990. [↑](#footnote-ref-33)
34. Janet Wilson “The sinking of the rainbow warrior: Responses to an international act of terrorism” *Journal of Postcolonial Cultures and Societies* 1 (2010) URL: <https://core.ac.uk/download/pdf/322487666.pdf> [↑](#footnote-ref-34)
35. Greenpeace’s campaign in the South Pacific was directed towards the continuance of French nuclear testing. [↑](#footnote-ref-35)
36. At the time Prime Minister Hawke also noted that he might change Australia’s position if he failed to find any support for his alternative proposal and even reconsider CRAMRA. The UK, New Zealand and United States expressed disagreement with Australia’s decision to walk over and noted the role and scope of domestic political considerations. Apart from France, Belgium and Italy were the swiftest to express support for the Australian decision. [↑](#footnote-ref-36)
37. Keating’s response to Foreign Minister and Senator Gareth Evans Published in Commonwealth of Australia Parliamentary Debates, Senate. Canberra, Government of Australia (1989) page 1647. [↑](#footnote-ref-37)
38. American and other diplomats were aware that the Australian mining lobby had made it unhappiness known in 1987. [↑](#footnote-ref-38)
39. For example, *New York Times* “Wreck of Argentine Vessel Poses Threat of Oil Spill Off Antarctica” 1st February 1989. In 1992, a joint Argentine/Netherland project recovered most of the remaining fuel from the sunken vessel. The affected areas around Arthur Harbour and adjacent islands were shown, however, to be exposed to low‐level contamination leaking from the ship. [↑](#footnote-ref-39)
40. “20th anniversary of the Hawke Government’s action to protect Antarctica” 14th December 1989 URL:

 <https://www.antarctica.gov.au/news/2009/20th-anniversary-of-the-hawke-governments-action-to-protect-antarctica/> and Tim Stephens “Australia proved it was an environmental world leader with the Antarctica agreement. We need to do it again” *Sydney Morning Herald* 26th October 2016 for a sympathetic reading of Hawke’s motivations and long-term impact. URL: <https://www.smh.com.au/opinion/australia-proved-it-was-an-environmental-world-leader-with-the-antarctica-agreement-we-need-to-do-it-again-20161003-grtm6i.html> [↑](#footnote-ref-40)
41. A point made by virtually all the interviewees for this report. [↑](#footnote-ref-41)
42. John Heap was worried, as he noted in an interview with me in 1995, that that the collapse of CRAMRA might embolden third parties possibly Argentina to take advantage of the interregnum in British Antarctic Territory. He did not specify what he had in mind but noted that memories of the 1982 South Atlantic conflict were still very fresh in his mind and that of others. [↑](#footnote-ref-42)
43. Although CRAMRA had been rejected it was arguably available to be resuscitated if necessary. [↑](#footnote-ref-43)
44. I Hendry “The Antarctic Minerals Act 1989” *The International and Comparative Law Quarterly* 39: 183-190. [↑](#footnote-ref-44)
45. Australian Government Transcript of a press conference London 21 June 1989:

 <https://pmtranscripts.pmc.gov.au/release/transcript-7653> [↑](#footnote-ref-45)
46. PM Hawke met with the Labour Party leader Neil Kinnock during his London visit and Labour later spoke in favour of the Australian decision to walk away from CRAMRA and John Heap noted the erosion of bipartisanship in Antarctic affairs as a consequence. Heap blamed Australia for that. [↑](#footnote-ref-46)
47. Antarctic Minerals Bill Hansard HC Deb 04 July 1989 vol 156 cc210-49. [↑](#footnote-ref-47)
48. House of Commons HC Deb 17 July 1989 vol 157 cc136-52 <https://api.parliament.uk/historic-hansard/commons/1989/jul/17/appointment-of-inspectors> [↑](#footnote-ref-48)
49. A. Jackson (2019) Who saved Antarctica? Australia and heroic Antarctic diplomacy PhD thesis University of Tasmania <https://eprints.utas.edu.au/31861/1/Jackson_whole_thesis.pdf> [↑](#footnote-ref-49)
50. *New Scientist* Letter Antarctic Treaty 11th November 1989. It is worth remembering that HRH Prince Philip was President of the WWF (1981-1996) and was supportive of the idea of Antarctica as a World Park according to Cassandra Philips (as noted in Darby 1994). [↑](#footnote-ref-50)
51. Antarctic Bill Volume 238: Debated on Friday 25 February 1994 statement by Michael Jopling MP: [https://hansard.parliament.uk/Commons/1994-02-25/debates/0281a7e8-64d4-4dd3-909d-62517992e0bd/AntarcticBill?highlight=antarctic%20environmental%20protocol#contribution-3af758bf-02e8-4817-bc70-5622d00e0aa1](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fhansard.parliament.uk%2FCommons%2F1994-02-25%2Fdebates%2F0281a7e8-64d4-4dd3-909d-62517992e0bd%2FAntarcticBill%3Fhighlight%3Dantarctic%2520environmental%2520protocol%23contribution-3af758bf-02e8-4817-bc70-5622d00e0aa1&data=04%7C01%7CK.Dodds%40rhul.ac.uk%7C87597f5d0d10430e89db08d92774304d%7C2efd699a19224e69b601108008d28a2e%7C0%7C0%7C637584202247240763%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=%2B7%2FGazunEqRv6Rs8OjNyHwP8HaHG5aCYocL%2F0zHgpE4%3D&reserved=0) [↑](#footnote-ref-51)
52. Throughout 1989 it became clear that a growing number of countries were not only moving away from CRAMRA but also publicly announcing their support for a permanent ban on mining in Antarctica. [↑](#footnote-ref-52)
53. A Jackson *op cit.* page 145. [↑](#footnote-ref-53)
54. Michael Jopling statement February 1994 *op cit*. [↑](#footnote-ref-54)
55. The workshop later produced the edited volume Arnfinn Jørgensen-Dahl and Willy Østreng editors *The Antarctic Treaty System in World Politics* (Berlin: Springer 1991). [↑](#footnote-ref-55)
56. Andrew Jackson *op cit*. page 173. [↑](#footnote-ref-56)
57. Opening Statement by Dr John Heap Head of Delegation of the United Kingdom contained within the Interim Report on the 11th Antarctic Treaty Special Consultative Meeting. [↑](#footnote-ref-57)
58. The UK delegation to Vina del Mar had a mixture of diplomats, scientists and civil servants from the Departments of Energy and Trade and Industry as well as the FCO. [↑](#footnote-ref-58)
59. ECO “What’s on the table” 19th November 1990. ECO, a newspaper published by NGOs in their review of the three proposals identified common deficiencies some of which was technical and some of which was critical of the failure of engage with observer organisations. One substantial change in the culture of the ATS in the late 1980s and 1990s was the shift away from what had been described as a private club to a more accessible and open forum of consideration and discussion. NGO representatives were increasingly being included in national delegations. The UN General Assembly annual debates on the ‘Question on Antarctica’ provided another avenue for global scrutiny. [↑](#footnote-ref-59)
60. Rosamunde Codling, a British PhD Student at Open University in the 1990s, was one of the first to interrogate the value-like meanings of the Protocol. Article 3.1. of the eventual Protocol spoke of ‘wilderness and aesthetic values’ but did not define the terms anywhere. What that means, in part, is that ATCPs and other parties don’t have any agreed or common standards to benchmark environmental protection and management regimes based on the assessment of these values. Others have argued that wilderness and aesthetic values are subservient to the foundational values of peace, science and environment. [↑](#footnote-ref-60)
61. HOC Oral Answers To Questions Volume 183: debated on Wednesday 16 January 1991 <https://hansard.parliament.uk/Commons/1991-01-16/debates/b31e1e9b-1116-4661-ab01-6e712002cd23/OralAnswersToQuestions> [↑](#footnote-ref-61)
62. *Nature* “Not the dirty man” Volume 350 28 March 1991 page 298. [↑](#footnote-ref-62)
63. Merrick Baker-Bates Head of the South Atlantic and Antarctic Department of the FCO (1989-92) Churchill College Cambridge British Diplomatic Oral History Programme Interview transcript <https://www.chu.cam.ac.uk/media/uploads/files/Baker-Bates.pdf> page 106. Cassandra Philips of WWF, who was interviewed by Andrew Darby for his thesis, was convinced that this lobbying was instrumental in forcing the UK to reconsider its support for CRAMRA (Darby 1994 page 135). [↑](#footnote-ref-63)
64. *Sydney Morning Herald* “Britain changes its mind on mining” 27th March 1991. [↑](#footnote-ref-64)
65. Merrick Baker-Bates Head of the South Atlantic and Antarctic Department of the FCO (1989-92) Churchill College Cambridge British Diplomatic Oral History Programme Interview transcript <https://www.chu.cam.ac.uk/media/uploads/files/Baker-Bates.pdf> page 106. [↑](#footnote-ref-65)
66. A Jackson *op cit*. page 211-212. [↑](#footnote-ref-66)
67. HOC PMQT Written Answers – 21 May 1991 <https://johnmajorarchive.org.uk/1991/05/21/pmqt-written-answers-21-may-1991/> [↑](#footnote-ref-67)
68. A Jackson *op cit*. page 217. [↑](#footnote-ref-68)
69. The Madrid meetings did generate important interventions such as Draft Annexes on Environment Impact Assessment procedures and major elements of the final Protocol text. [↑](#footnote-ref-69)
70. Michael Jopling’s statement to the House of Commons in February 1994 also noted the support of South American states including counter-claimant Argentina: “The British concept for a protocol was supported by Argentina, Uruguay, Norway and the United States. It was launched at the meeting in Chile and rapidly gained acceptance. Subsequent input—I must single out that from the Norwegian delegation—added considerably to the text”. [↑](#footnote-ref-70)
71. Final Report of Eleventh Special Antarctic Treaty Consultative Meeting (SATCM-XI-4) October 1991: <https://documents.ats.aq/SATCM11_4/fr/SATCM11_4_fr001_e.pdf> [↑](#footnote-ref-71)
72. Article 2 of the Protocol. [↑](#footnote-ref-72)
73. Merrick Baker-Bates Head of the South Atlantic and Antarctic Department of the FCO (1989-92) Churchill College Cambridge British Diplomatic Oral History Programme Interview transcript <https://www.chu.cam.ac.uk/media/uploads/files/Baker-Bates.pdf> page 107. [↑](#footnote-ref-73)
74. It is worth remembering that the UK Labour Party was opposed to CRAMRA and committed to rejecting the 1989 Antarctic Minerals Act if it was returned to power. Former Labour leader Jeremy Corbyn spoke forthrightly on the issue. However, the quality of the debate itself is uneven with basic facts being confused. Mr Corbyn thought erroneously at one point that the US was a claimant. The signing of the Protocol by Michael Heseltine in October 1991 restored domestic party consensus. [↑](#footnote-ref-74)
75. <https://www.bas.ac.uk/about/antarctica/environmental-protection/mining/> [↑](#footnote-ref-75)
76. Japan’s tardiness was attributed in part to unhappiness about public criticism of their continuation of ‘scientific whaling’ in the Southern Ocean. It is worth recalling that UNCLOS was also in the process of being ratified during this period. [↑](#footnote-ref-76)
77. <https://www.bas.ac.uk/about/antarctica/environmental-protection/wildlife-and-plants-2/removal-of-the-sledge-dogs/> [↑](#footnote-ref-77)
78. Statement by Dr John Heap, Head of the Delegation to the UK 3rd October 1991. Final Report of the 11th Antarctic Treaty Special Consultative Meeting. [↑](#footnote-ref-78)
79. For example, China’s ambition to articulate a code of conduct in and around Dome A proved to be fractious. Australia’s plan to construct a new airstrip at Davis has been the subject of considerable discussion within and beyond the country itself. [↑](#footnote-ref-79)
80. Statement by Dr John Heap, Head of the Delegation to the UK 3rd October 1991. Final Report of the 11th Antarctic Treaty Special Consultative Meeting. [↑](#footnote-ref-80)
81. <https://www.geostrategy.org.uk/britains-world/the-polar-regions-in-the-integrated-review/> [↑](#footnote-ref-81)
82. Oran Young “Political Leadership and Regime Formation: On the Development of Institutions in International Society” *International Organization* 45: 281-308. [↑](#footnote-ref-82)
83. John Heap’s replacement Dr Mike Richardson continued this UK tradition of senior polar scientist-diplomats in the early 1990s. [↑](#footnote-ref-83)
84. <https://www.asoc.org/home/1118/1118> In their tributes to Jim Barnes on his formal retirement from ASOC it is striking how warm many of the interviewees for this report are in their respect for Jim’s campaigning efficacy and advocacy of Antarctica in general. [↑](#footnote-ref-84)