

JEAN MONNET MODULE EU-GLOBACT
2ND ED. RESEARCH EVENT



DSG



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ENVIRONMENT, ILLEGAL MINING
AND ASSOCIATED CRIMES
IN INTERNATIONAL AND
EUROPEAN LEGAL SYSTEMS

March 24, 2025 h 2.00 p.m.

"Catania" Hall
Department of Legal Sciences (School of Law)
UNIVERSITY OF SALERNO - ITALY



Online on MICROSOFT TEAMS

Participation is free! Sign in!
La partecipazione è gratuita, registrati!

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CURRENT AND FUTURE CHALLENGES TO THE CONSERVATION OF ANTARCTIC MINERAL RESOURCES

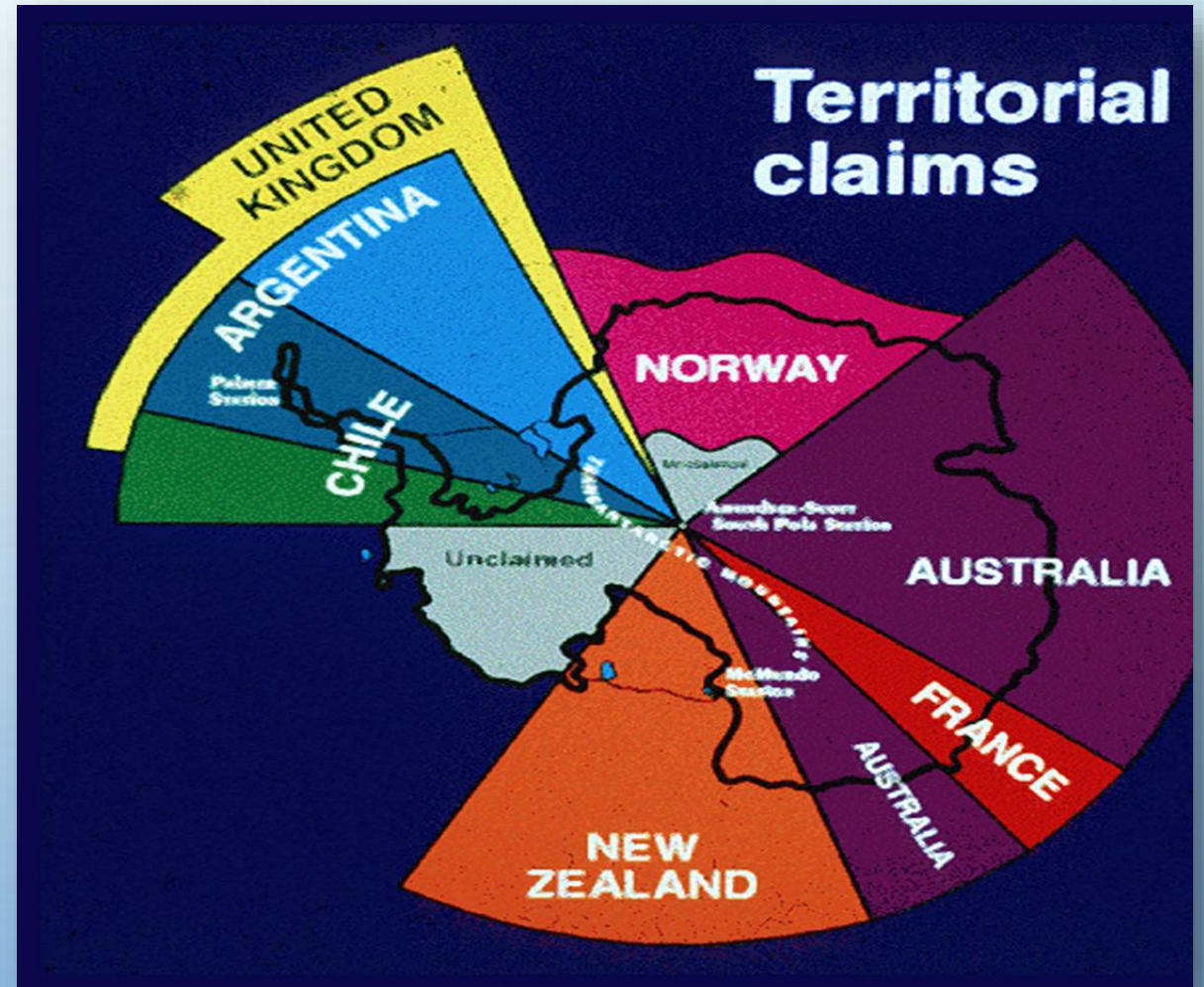
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SOVEREIGNTY CLAIMS IN ANTARCTICA

- CLAIMANT STATES

- ARGENTINA
- AUSTRALIA
- CHILE
- FRANCE
- NEW ZEALAND
- NORWAY
- UNITED KINGDOM





THE ANTARCTIC TREATY SYSTEM (ATS)

1959 ANTARCTIC TREATY (AT)

1991 PROTOCOL ON ENVIRONMENTAL PROTECTION (PEPAT)





THE LEGAL STATUS OF ANTARCTIC TERRITORIES AND WATERS

**THE GEOGRAPHIC SCOPE OF THE AT
ART. VI OF THE AT - 60° SOUTH LATITUDE**

**"FROZEN" SOVEREIGNTY AND BIFOCAL APPROACH
ART. IV OF THE AT**



THE ATS BIFOCAL APPROACH

ART. IV AT

- 1. No renunciation of previously asserted rights of or claims to territorial sovereignty;
- 2. No renunciation or diminution of any basis of claim to territorial sovereignty (whether as a result of its activities or those of its nationals in Antarctica);
- 3. No prejudice to the position of any contracting party as regards its recognition or non-recognition of any other states right of or claim or basis of claim.
- 4. No acts or activities taking place while the Treaty is in force shall constitute a basis for asserting, supporting or denying a claim or create any rights of sovereignty.
- 5. No new claim, or enlargement of an existing claim while the Treaty is in force.

THE ENFORCEMENT OF THE ATS BIFOCAL APPROACH

- **CLAIMS WITHOUT EXERCISE WITH RESPECT TO THIRD COUNTRY NATIONALS**
- **PROCLAMATIONS OF MARITIME AREAS
(TERRITORIAL SEA, CONTINENTAL SHELF, EEZ)**



MINERAL RESOURCE EXPLOITATION

- **CONTINENT**
 - **SEABED**
- 

STATUS OF ANTARCTICA

ARTICLE 2 PEPAT

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.

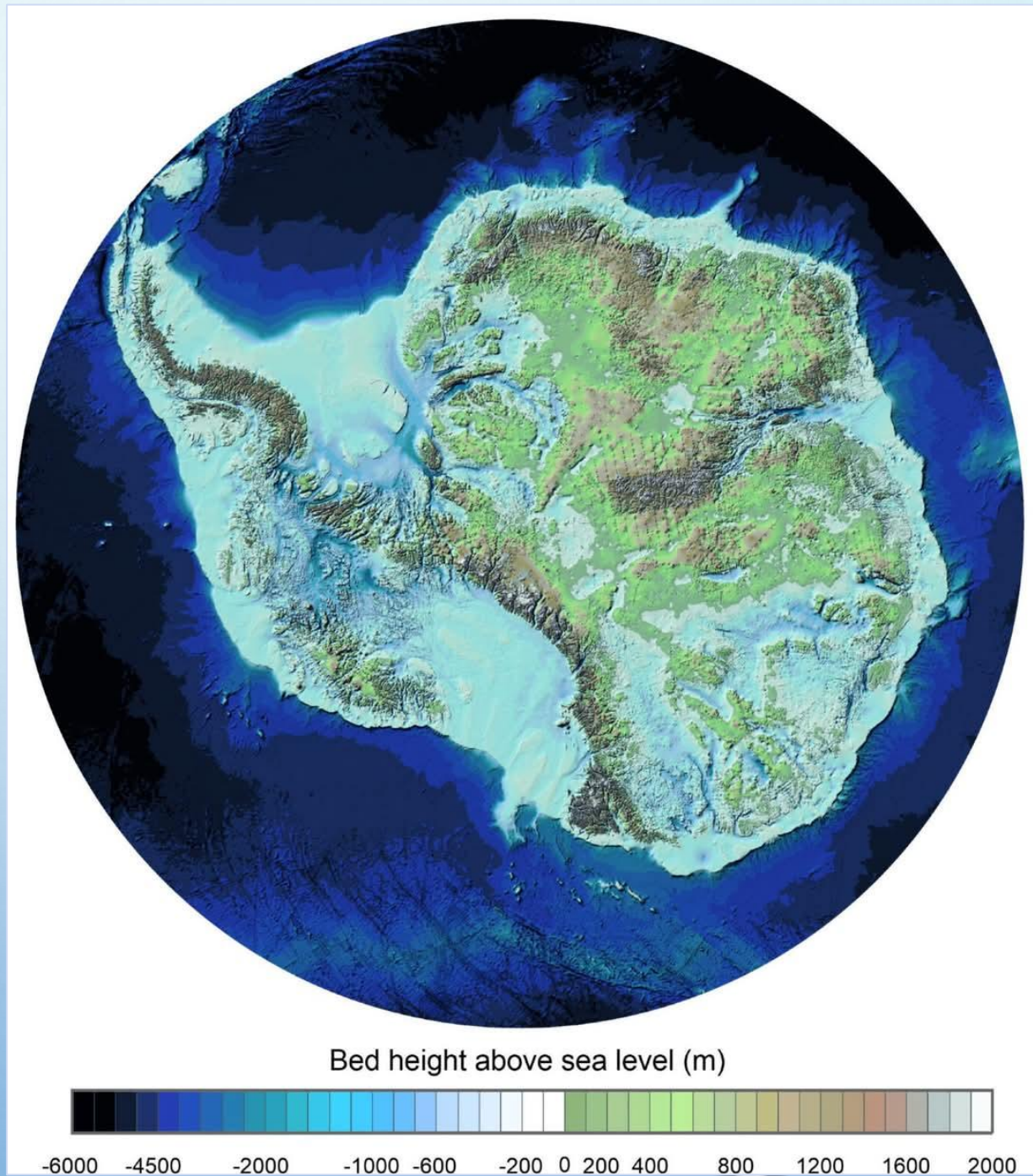
CURRENT REGULATION

ART. 7 PEPAT

Any activity relating to mineral resources, other than scientific research, shall be prohibited

BEDMAP3

Landscape Beneath The Ice



ALARMING CURRENT SITUATION

- **SHORTAGE OF MINERAL RESOURCES**
- **ICE-MELTING may facilitate mineral activities**
- **ENTRY OF NEW AT PARTIES (Saudi Arabia, UAE)**
- **ATS concern for the global perception of the ATS revision (2016 Resolution, 2023 Final Report)**



FUTURE CHALLENGES

STATES PARTIES – BOUND BY THE ATS

THIRD STATES – NOT BOUND BY THE ATS



STATES PARTIES

ART. 25 (2) AND (3) PEPAT

2. If, after the expiration of 50 years from the date of entry into force of this protocol, any of the Antarctic Treaty Consultative Parties so requests by a communication addressed to the depositary, a conference shall be held as soon as practicable to review the operation of this protocol.

3. A modification or amendment proposed at any review conference called pursuant to paragraph 2 above shall be adopted by a majority of the parties, including 3/4 of the states which are Antarctic Treaty Consultative Parties at the time of adoption of this protocol

PREVIOUS ATTEMPTS TO REGULATE ANTARCTIC MINERAL EXPLOITATION

1988 CRAMRA

Institutional Organization

Commission – AT Parties + Sponsoring States

Regulatory Committees

Special Meeting of the Parties - States Parties

Activities

Prospecting - identifying areas including geophysical investigations

Exploration - identifying mineral resources including drilling

Development - exploitation and associated activities

Geographic Scope – AT Area including continental shelf

Entry into force

Article 62 _ 5 Developing Countries + 10 Industrialized Countries

THIRD COUNTRIES

NOT BOUND BY THE ATS

NO RECOGNITION OF THE STATUS OF ANTARCTICA

- **ANTARCTIC CONTINENT**
 - **NO RECOGNIZED STATE JURISDICTION** - possible appropriation or freedom of exploitation
 - **COMMON HERITAGE OF HUMANKIND – Benefit Sharing**
- **ANTARCTIC SEAS**
 - **Law of the Sea**

OTHER INTERNATIONAL OBLIGATIONS

- **PROTECTION OF THE ENVIRONMENT**
- **CLIMATE CHANGE**
- **LAW OF THE SEA**
- **BIODIVERSITY**
- **2023 UN AGREEMENT MARINE BIODIVERSITY BEYOND NATIONAL JURISDICTION (BBNJ AGREEMENT)**



ARCTIC AND ANTARCTIC GEO-PHYSICAL CHARACTERISTICS

