

INTERNATIONAL LAW FOR ANTARCTICA

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INTERNATIONAL LAW FOR ANTARCTICA

SECOND EDITION

edited by

Francesco Francioni
Tullio Scovazzi



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FOREWORD

This volume is the result of an on-going research project on the Antarctic regime being carried out in various Italian universities. Two concomitant factors led to the undertaking of the project: the increasing interest aroused by Antarctica in the Italian scientific community, and the dynamic evolution of the Antarctic question in international law and politics.

The project led to a first conference in 1986 and to the publication of a volume of collected papers (F. Francioni and T. Scovazzi eds. *International Law for Antarctica – Droit international de l'Antarctique*, Giuffr  Publishing, Milano, 1987) which has been out of print for quite some time. Since then, the Antarctic Treaty System has undergone considerable change and expansion. This explains the purpose of the editors in holding a second conference in Siena in July 1995 to review, update and expand the 1987 volume.

The result is something different from simply a second edition of a previous book. While all the contributors were asked whether they wished to update their 1987 contributions, it was clear that certain topics required entirely new treatment, especially environmental protection, liability, and institutional development. In some cases the contributors and the editors felt that the 1987 papers kept their relevance also within the new normative framework of the Antarctic Treaty System and no substantive revision was needed or

possible. With two exceptions,¹ these papers have not been reproduced in this book.²

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It is not necessary to mention that a project of this kind entails certain risks and difficulties. In our case the main risk was, perhaps, either of ending up with a fragmentary set of individual studies or, conversely, of imposing a general philosophy of Antarctic law and policy. The editors tried to avoid this risk by carefully co-ordinating the individual contributions so as to properly cover the whole range of topics while at the same time preserving the pluralistic character of the book.

As to the difficulties, it is not hard to imagine that communicating among colleagues located in different countries and continents, arranging for travel and meetings and working in English, not a native language for most of us, did not always prove to be easy, and certainly did not contribute to the speedy realization of the project. These difficulties, however, ultimately appeared to be worth facing, in view of the unique experience of true international co-operation that this endeavour offered to scholars and experts from different parts of the world.

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- 1 The paper by A. van der Essen was translated from French into English and reproduced without change due to its interest as a unique testimony of the “legislative history” of the 1959 Treaty by one of the influential participants in the Washington Conference. The paper by S. Brunner was also reproduced without changes, due to its current interest and as a tribute to the memory of a young scholar who has untimely passed away.
 - 2 They are: *Antarctica and the Common Heritage of Mankind*, by F. Francioni; *Le Traité antarctique: crée-t-il un régime objectif ou non?*, by B. Simma; *L'utilisation de l'Antarctique à des fins pacifiques*, by G. Moncayo; *The Antarctic Treaty System and General Rules of International Environmental Law*, by L. Pineschi; *The United Nations General Assembly, Antarctica and the Law of the Sea Convention*, by T. Treves; *Les zones côtières dans l'Antarctique*, by T. Scovazzi; *The Un Convention on the Law of the Sea and Antarctica*, by J.N. Barnes and P.J. Lipperman; *The Physical Configuration of Antarctica – A Summary*, by G. Francalanci and M. Pieri; *Italian Activities in Antarctica*, by M. Manzoni; *The Italian Law of 10 June 1985 on the Antarctic National Program and Antarctic Resources in International Law*, by R. Martini.

Several institutions and persons have helped to bring this project to its conclusion. Special mention is due to the Italian Ministry for University, Scientific Research and Technology, which has financed the project through the funds of the PNRA (National Program of Antarctic Research), administered by ENEA (National Agency for Alternative Energy) and CNR (National Research Council), and to the University of Siena, which hosted the 1995 Conference in the Certosa di Pontignano. The editors wish also to thank Giuffrè Publishing of Milan, which allowed the reproduction of some papers printed in the first edition; Dr. Laura Pineschi, Dr. Maurizio Arcari and Dr. Mariarosa Cutillo, who helped revise and edit the papers; Ms. Susan Fisher, Ms. Susan Phillips Clavarino and Mr. Carrie Calabrese for the necessary linguistic revision.

Special thanks go to the group of colleagues who generously contributed their intellectual resources and valuable time to make possible the completion of this collective effort.

Francesco Francioni – Tullio Scovazzi

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