

VERÖFFENTLICHUNGEN  
DES INSTITUTS FÜR INTERNATIONALES RECHT  
AN DER UNIVERSITÄT KIEL

88

# Antarctic Challenge

Conflicting Interests, Cooperation  
Environmental Protection, Economic Development

Proceedings of an Interdisciplinary Symposium  
June 22nd - 24th, 1983

Edited by

Rüdiger Wolfrum

Assistant Editor: Klaus Bockslaff



DUNCKER & HUMBLOT / BERLIN

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**VERÖFFENTLICHUNGEN  
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Herausgegeben von

Jost Delbrück · Wilfried Fiedler  
Wilhelm A. Kewenig · Rüdiger Wolfrum

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Conflicting Interests, Cooperation  
Environmental Protection, Economic Development

Proceedings of an Interdisciplinary Symposium  
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Organized under the Auspices of the Christian-Albrechts-Universität, Kiel,  
by the Institut für Internationales Recht an der Universität Kiel

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## Preface

This volume being part of the publication series of the Institute of International Law at the University of Kiel contains the presentations given and the contributions made to the discussions at an interdisciplinary symposium on "The Antarctic Challenge — Conflicting Interests, Cooperation, Environmental Protection, Economic Development" held June 22 - 24, 1983 in Kiel. The symposium had been organized on behalf of the Christian-Albrechts-Universität, Kiel, by the Institut für Internationales Recht. It was part of the wider programme of the Kieler Woche.

The interest of the international community has in recent times more and more focused upon the administration and use of common spaces. The new UN-Convention on the Law of the Sea as well as the Treaty Governing the Use of the Moon and other Celestial Bodies are the best evidence that the existing law on common spaces is in the process of being revised substantially. This revision resulted — as far as the Law of the Sea and of Outer Space is concerned — in a substantial change of its underlying philosophy. Under traditional international law the common spaces were open to all States which, as far as the interests of competing users were not concerned, regulated their activities nationally. As to the distribution of benefits to be drawn this only depended upon the national capabilities to take part in the utilization of the said spaces. The new conventions mentioned instead provide for an internationally regulated and coordinated use of the common spaces and for distributive justice as far as the resources are concerned. After a new regime for the utilization of the sea has been established *Antarctica* remains the last region not assigned to national jurisdiction lacking a complete international regime for the utilization of its resources. This explains why the Antarctic Treaty Consultative States started to negotiate a supplementation of the Antarctic Treaty and why the General Assembly of the United Nations took up this issue in its 38th session.

Antarctica is at the present moment of great interest for a wide variety of different groups, including the natural scientists of various disciplines, industry being interested in possibilities of exploitation of the alleged riches of the Continent, lawyers asking for the proper legal framework of such exploitation, environmentalists, frightened by the idea that this



last unspoiled natural resort might be destroyed, and last but not least, the developing countries, asking for their share in the expected profits of exploitation.

It was the purpose of the symposium to further the dialogue between these groups by providing a forum for the exchange of views and results of scientific research, thus enabling all interested parties to gain for their own work by putting it into a wider frame of understanding.

The symposium assembled 60 participants from 14 countries which represented various backgrounds — diplomats (most of whom participated at the Special Consultative Meeting on Antarctic Mineral Resources in Bonn, 11 - 22 July 1983), lawyers, scientists, environmentalists and representatives of the industry.

The Institute expresses its deep gratitude to the Stiftung Volkswagenwerk, the Bundesministerium für Forschung und Technologie and the Landeshauptstadt Kiel for funding this symposium and the publication of these proceedings. Further, the warmest thanks go to the staff members of the Institute of International Law who have devotedly contributed to the symposium in all its stages. Thanks go especially to Mr. *Bockslaff*, the research assistant responsible for the organization of the symposium as well as for the publication of its proceedings.

Rüdiger Wolfrum

## Opening Address

*Jost Delbrück \**

Herr Minister, Herr Abgeordneter, Herr Universitätspräsident,  
Ladies and Gentlemen.

On behalf of the Institute of International Law at Kiel University, and the working group of Polar Sciences of Kiel University, we warmly welcome you at Kiel to our symposium "The Antarctic Challenge". We gratefully recognize that you have followed our invitation so numerously, and we are especially happy to have such a highly qualified expert group attending this important conference.

Our sincere thanks go to those, who by their financial contributions, have made this meeting possible, namely the Stiftung Volkswagenwerk, the City of Kiel, and last but not least, the Bundesministerium für Forschung und Technologie.

As time is a scarce resource, at this symposium, and the programme is very dense, let me restrict myself to very few remarks concerning the aims and functions of our meeting. "*Pax optima rerum*" is the motto engraved in the seal of Christian Albrecht University. Antarctica is the last territory on earth not subject to the exercise of sovereign rights, and at the moment it serves as a model system of peaceful cooperation of States, in its exploration and as a truly demilitarized zone. As we strongly believe in this model role of Antarctica and motivated by a long tradition of Kiel University in Polar sciences, including international law, we thought it adequate to convene this symposium, in order to offer a neutral scientific forum for the thorough discussion of the problems involved in securing and enduring the regime of peaceful cooperation also in the uses of Antarctica's resources and the protection of its precious environment.

We are here as experts from various backgrounds, all bound together in one common interest, that is, to promote present efforts for preserving and developing a suitable peaceful regime for Antarctica. It is in this spirit, that I again welcome the participants and guests to our symposium: "The Antarctic Challenge — Conflicting Interests, Cooperation, Environmental Protection, Economic Development".

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\* Prof. Dr. *Jost Delbrück*, Direktor des Instituts für Internationales Recht an der Christian-Albrechts-Universität, Kiel.