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China and the Madrid Protocol, Past, Present and Future

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ABSTRACT

China's increasing presence in Antarctica and its more assertive approach in Antarctic Treaty processes has caused suspicion on its intentions, including its objectives in engaging the Madrid Protocol. This paper reviewed China's engagement, discourse and interest in mineral resources to understand the basis of China's position and the rationale of its more assertive stance. After reviewing the record of China's participation in the ATCMs, this paper argues that China position in the ATCMs has been consistent and its practice does not contradict the fundamental values and rules of the Antarctic Treaty or the Protocol so far. Its domestic political discourses suggests that China's anthropocentric and technocratic view of the environment is the basis for its "balancing protection and use" narrative. However, such a narrative does not challenge the core values of the ATS either. It is more relevant to China's political ambition than to its demand for minerals in the future. This paper suggests that a strategy document with openly and clearly defined interests, principles, and approaches from China would be helpful in facilitating policy collaboration in the ATS.

Key words

China, Antarctic Treaty System, Madrid Protocol, Environmental protection

Introduction

China's fast-growing logistical and scientific capability in Antarctica and more active participation in Antarctic affairs continue to draw attention and scrutiny[1]. In the last decade, China has added one icebreaker (Xuelong, or "Snow Dragon"-2)[2], one fixed-wing plane (Xueying, or "Snow Eagle"-601)[3], and a summer camp (Taishan Station) into its national polar program. China is also building a research station in the Ross Sea Region[4] and a satellite network (Binglu, or "Ice Pathfinder") on the orbit[5]. Observers of the Antarctic Treaty System (ATS) have been questioning China's intention behind its expanding presence in the white continent since before the new developments mentioned above[6].

At the same time, China has enhanced its participation in the Antarctic governance with increased numbers of paper submissions and interventions (Chen, 2021). In those engagements, China has been notably asserting the importance of using Antarctica in various fora. In recent years, China has been pushing for striking a "balance between protection and use" during the meetings of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), especially in the negotiations on marine protected areas (MPAs). In the 40thAntarctic Treaty Consultative Meeting (ATCM) held in Beijing in 2017, China hosted a special meeting named "Our Antarctica: Protection and Utilization". China has published a white paper on its Antarctic activities at that ATCM. The whitepaper was specific about its activities but rhetorical about its objectives[7]. Vagaries in China's Antarctic policy have led to suspicions about the country's long-term ambition on the Antarctic Treaty Area, with some worried about the potential for destabilization of the Antarctic Treaty System regime caused by China's desire for mineral resources[8].

Much of this concern rests on the fate of the 1991 Madrid Protocol), which has just marked its 30th anniversary. Known formally as the Protocol on Environmental Protection to the Antarctic Treaty[9], one the great achievement of this agreement is protecting Antarctica's unique and vulnerable environment under a prohibition of mineral resource activities, widely known as a mining ban. However, Article 25 provides an opportunity to review the mining ban 50 years from the date of its entry into force of the Madrid Protocol, which is 2048. While that date might appear distant, there is persistent speculation about Beijing's intentions. Thus, at the 30th anniversary of the signing of the Madrid Protocol in 2021, it is worth discussing China's role in the negotiations for and under the Protocol and take stock for the future. This paper reviews China's participation in this regime, its political discourse, and its interest in mineral resources to understand the basis of China's position and the rationale of its more assertive stance.

China's Participation in the Negotiations

China became a Consultative Party to the Antarctic Treaty in 1985 when the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) was being negotiated. It did not play an instrumental role in the negotiation but still left some footprints. For example, together with other developing states which newly joined the Antarctic Treaty, China successfully highlighted the interests of developing countries by making the reference of "the interest of the international community as a whole" in the preamble. The weight of the developing states was encoded in various articles, such as Article 62.1 and Article 29.3 of the agreed text of the CRAMRA convention (Beck, 1989). China even made the

Chinese version of the CRAMRA text as "para-text"[10]. According to the few statements recorded in the meeting reports, China welcomed the agreement of CRAMRA[11] and the negotiation for an environmental treaty . However, in its statement at the special consultative meeting, which concluded in the Protocol on Environmental Protection, China claimed that "the balance" of "rational use and protection" has been "institutionalized by the way of the Environment Protocol"[12].

China ratified the Madrid Protocol in 1994, which means Beijing has committed and adhered to the mining ban in Antarctica as established by Article 7. In the years since, it has been rare to find any public debate or discussion in China about Antarctic mining. Until 2009, a diplomat who oversaw Antarctic affairs published a paper in the Journal of Ocean University of China stating that "the protection of Antarctica should not be simply interpreted as no use, rather environment protection should serve the purpose of reasonable and sustainable use … The mining ban has won preparation time for China's peaceful use of Antarctic resources" (Wu, 2009). This reference to "preparation time" catches the eye, particularly in light of the review provisions under Article 25. Assuming China has been consistent in its Antarctic policy, the term "preparation time" might explain China's understanding of the "balance between rational use and protection" when the Madrid Protocol was adopted.

What also augurs well for the viability of the Madrid Protocol is the investment China has made in its processes. Stemming from the Protocol is the Committee for Environment Protection (CEP), an advisory body to the ATCM which meets every year. To date, China has made 113 submissions to the CEP/ATCM annual meetings, including 43 submissions since 2012 when President Xi Jinping took office. China has made a series of discrete proposals beyond simply reporting its activities or delivering a statement. For example, in 2007, Australia and China jointly proposed an Antarctic Specially Protected Area (ASPA) for Amanda Bay in the east of the continent (ASPA169), while China alone also proposed an ASPA for the area of Mount Harding, Grove Mountains (ASPA168).

An interesting case-study was China's 2013 proposal for a new Antarctic Specially Managed Area at Kunlun Station, Dome A[14], which led to a series of discussions and iterations up to 2019. Given the limited activities being conducted by other Parties to the Madrid Protocol in that area, China could not convince them of the need for a framework for coordination[15]. Even so, the failed bid still demonstrated an effort by Beijing to work within the system.

To summarize, China's understanding of the possibility of mining in Antarctica is consistent with the Madrid Protocol. Such understanding did not prevent China from actively engaging in the environmental protection regime. The recent years' contestations involving China do not indicate intentions to fundamentally challenge the rules of the system.

China's Domestic Discourse on Antarctica

To understand China's position on "balancing protection and use" and its participation in the ATS, in the absence of a public strategy, its political discourse and related political narratives can provide useful references.

Since the first Chinese Antarctic expedition, the national leader Deng Xiaoping's inscription "Make

a Contribution to the Peaceful Use of Antarctica for Humanity" has been the guiding slogan of the national Antarctic activities. The slogan framed the national ambition in an internationalist narrative and engraved the value of "peaceful use" into China's mission in Antarctica. In 2014, a new slogan of "Understand, Protect and Use (or exploit) Antarctica" was introduced by President Xi Jinping when he visited the Chinese polar research vessel in Hobart, Australia[16]. This slogan presents a pragmatic approach to the Antarctic. In the published texts, it now co-exists with Deng's slogan rather than replaces it. The updated narrative needs to be put into a broader context with narratives of environmental policy and foreign policy, and the political discourse since Xi took office in 2012.

China's current discourse on environmental protection shares the core value of "balancing protection and use". The "ecological civilization" (EC) as the dominant environmental narrative has been highlighted in the various top-level political documents and adopted in China's Constitution[17]. It represents an anthropocentric view of the environment (Chen, 2021). In elaborating the narrative in the Communist Party of China (CPC)'s documents, the conflict between development and environmental protection can be reconciled by properly recognizing nature's economic value. The natural spaces need to be protected according to the services they provide to work properly for human society and economy[18]. The 'ecological red line' is a spatial protection policy tool based on this rationale[19]. This philosophy assumes that there is sufficient knowledge to make accurate decisions regarding nature. However, scientists may argue that the ecosystem's complexity is far beyond our understanding, and thus precaution needs to be taken (Wilson, 2017). Assessed against the value framework proposed by the Millennium Ecosystem Assessment[20], the narrative of the EC appears to lack the consideration of resilience, option values, and non-utilitarian values.

There has been an evident rise in nationalism in China's political discourse since the introduction of the narrative "great rejuvenation of the Chinese nation" (Carrai, 2020; Stevens, 2020). Such a rise is shaping the meaning of China's narrative in its foreign policy (Passeri,2020). For example, the narrative of "being a responsible great power" has been used to demonstrate China's commitment of becoming a responsible member of the international community since its introduction in the late 1990s[21]. However, the latest CPC national congress report used this narrative to encourage China's active participation in the reform of the global governance system[22]. Another example is the narrative of "Community with Shared Future for Humanity" (CSFH) and its variants[23] introduced by the Xi leadership. Those are the dominant narratives for China's foreign policy since the late 2010s. While admitting that CSFH is based on the principles and ideologies of current international law, a senior diplomat[24] claimed that the CSFH is an ideology that aims to adjust the current western-centric global governance system (Xu, 2018).

In short, "balancing protection and use" has been the key narrative for China in its domestic policy and international negotiations. The political discourse in China is compelling the Chinese delegations to be more assertive in the negotiations and even reform international regimes using the Chinese narratives in all international fora.

For China, it would be risky to pursue such influence when its interests in Antarctica are not defined. Without clearly defined interests, it would be challenging to calculate the benefit. It would also be challenging for China to reconcile its anthropocentric environment narrative with the Antarctic

Treaty System's core values in defining its interests in the Antarctic. The white paper of China's Arctic Policy presents a case of such an effort. The narrative of Community of Shared Future for Humanity was well embodied in the rationale that the Arctic is of the concern of the international community as a whole. However, the white paper's tone was not assertive as China is not an Arctic state but only an observer to the Arctic Council.

With a firm belief in the anthropocentric and technocratic view of the environment and an ambition of being more influential member in the international community, It is anticipated that China would be sticking to the position of "balancing protection and use" and playing a more assertive role in the Antarctic fora. However, the narratives discussed above do not contradict the values of "peace", "science", and "cooperation" highlighted by the Antarctic Treaty. The newer but more pragmatic narrative of "understand, protect and use Antarctica" leaves room for interpretation in practice but also demonstrates China's interest in the stability of the ATS.

How real is China's mining interest in Antarctica?

Before assuming that the future date of 2048 looms with the potential of Beijing seeking to overturn the mining ban, it is important to assess China's interest in Antarctic minerals and consider how China's mineral demand is changing at present.

The statistics of academic papers published in the Chinese academic database (CNKI) can provide an

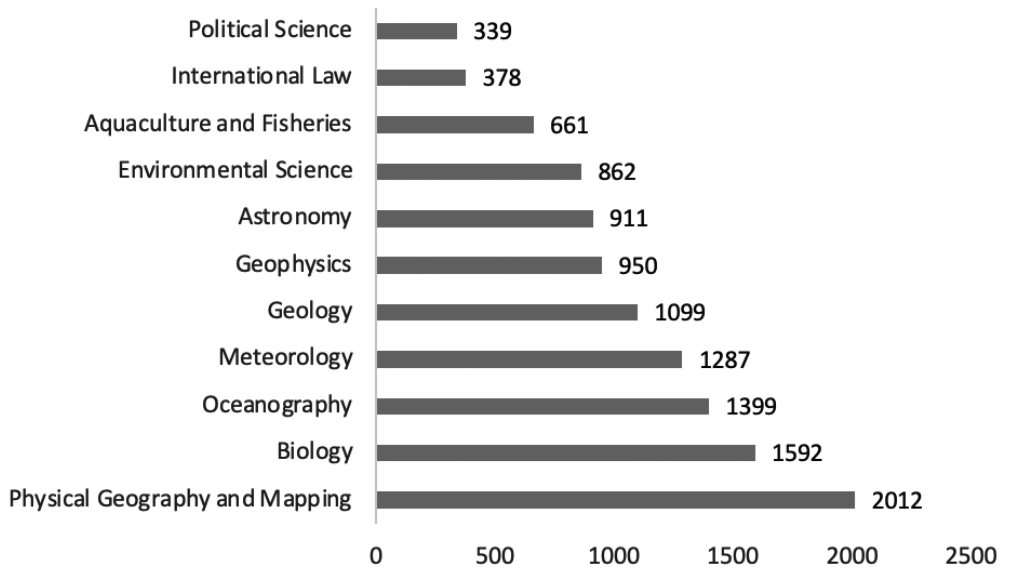

Figure 1. *Numbers of Antarctic research papers published on the Chinese Academic Database CNKI according by Subject (as for November 21, 2021)*

overview of the Chinese Antarctic Research. As shown in Figure 1, though physical geography and mapping has demonstrated the highest productivity in paper publishing, China's Antarctic research portfolio is highly diversified. It is hard to argue that exploiting the mineral resource is the main interest driving China's participation in the ATCM and CEP processes.

China's demand for minerals is being shaped by global changes such as the global response to climate change. The Paris Climate Agreement is aiming to limit global warming to well below 2, preferably to 1.5 degrees Celsius, compared to pre-industrial levels[25]. Assessments have shown that in order to achieve the 1.5-degree target, very high shares of reserves considered economical in 2018 would not be extracted (Welsby, et al., 2021). Such a scenario will leave the reserves in Antarctica out of consideration for exploitation. China's progress in achieving its pledge of achieving carbon-neutrality by 2060[26] will also reduce China's demand for hydrocarbons.

2030 is the deadline for China plans to peak its greenhouse gas emission. It is also the year China expects its population to peak[27] and finish its urbanization (Chen, et al., 2015). This turning point also has implications for China's demand for non-fuel minerals. An assessment in 2019 concluded that "Most major minerals will reach peak demand before 2025" but "In 2035, most of the strategic emerging minerals (such as lithium, cobalt, nickel, graphite, rare earth, and platinum) will still maintain demand growth." (Wen, et al., 2019). According to a World Bank report, due to the energy transition needed for combating climate change, "metals which could see a growing market include aluminum (including its key constituent, bauxite), cobalt, copper, iron ore, lead, lithium, nickel, manganese, the platinum group of metals, rare earth metals including cadmium, molybdenum, neodymium, and indium—silver, steel, titanium and zinc" (World Bank, 2017). If the energy transition ends between 2050 and 2060 as currently planned, the related demand for minerals would drop accordingly.

Besides, China's readiness suggests a more real prospect of mining in the deep seabed. With the establishment of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982 and the entry into force of the International Seabed Authority (ISA) in 1994, exploration activities for mineral resources in the deep seabed, or the Area, began to be regulated under exploration contracts. ISA has entered into 15-year contracts for exploration for polymetallic nodules, polymetallic sulfides and cobalt-rich ferromanganese crusts in the deep seabed with 22 contractors[28]. Chinese contractors have already acquired 5 contracts and conducted extensive research, surveys, and technical trails for mining in the Area. In terms of regulation, China actively participates in the ISA negotiations. It is supporting the work towards a regional environmental management plan (REMP) in cooperation with contractors from India, Germany, and Korea[29]. China's readiness for deep seabed mining is also demonstrated by the domestic legislation of the Law on Exploration for and Exploitation of Resources in the Deep Seabed Area in 2016.

In summary, there are many uncertainties associated with China's future demand for minerals. It is hard for any country to have a specific plan for open mining in Antarctica to meet the demand in the 2050s. China's persistence on the "balance of protection and use" can be understood as merely an effort to keep the window of opportunity open.

Closing Remarks

Though China's participation in the ATS in recent years has raised notable concerns, this paper argues that its position is consistent and its practice does not contradict the fundamental values and rules of the Antarctic Treaty or the Protocol so far.

China's practice in the ATS and its domestic political discourse demonstrates its aim to become a more influential player and its growing confidence in its approach to environmental issues. However, for the ATS, China's practice and narrative do not present a risk of discourse shifting yet.

China has a very diversified Antarctic research portfolio, and mineral resources are not necessarily the dominant interest. China's assertion on "balancing protection and use" is more relevant to its political ambition than to its demand for minerals in the future. The future of Antarctic mineral resources lies in the global transition to green economy which is far beyond the mandate of the ATS. An open Antarctic strategy similar to the White Paper of China's Arctic Policy would be helpful in facilitating policy collaboration with China in the ATS. Openly and clearly defined interests, principles, and approaches could inform and guide the discussions with China by all relevant delegations in the negotiations. However, it would be challenging for China to define "the interest of the international community as a whole" and reconcile this with China's national interest.

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