

## Final project report

<i>Project ID</i>	2002/10.2
<i>Title</i>	<b>The Evolution of the Legal System for the Protection of the Antarctic Environment</b>
<i>Principal investigator</i>	Sergio Marchisio
<i>Institution</i>	CNR – Institute for International Legal Studies (ISGI)
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<i>Duration</i>	2 years
<i>Assigned funding</i>	36.000,00 Euro

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### Activities and results

#### Activities:

Annual meetings of the research group at the Institute for International Legal Studies (ISGI) of the Italian National Research Council (CNR). In particular, meetings aimed at coordinating research activities and at analysing and investigating the main legal issues concerning the protection of the Antarctic environment were held in September 2004, 2005, 2006, 2007 and 2008.

Restricted meetings with organizational objectives at the CNR Department on Land and Environment in September 2007 and May 2008.

International Seminar on: "The Evolution of the Antarctic Legal System and Environmental Issues". Participants included the Secretary of the Antarctic Treaty Consultative Meeting (ATCM), representatives from the Italian and Argentinean Ministries of Foreign Affairs, the PNRA, the CSNA, the Antarctic Institute of Argentina, the Austral University, the University of Buenos Aires, the University of Cordoba, and CNR (Roma, CNR, 10-11 November 2005).

Lecture of Mirta Bellotti, researcher at the University of Cordoba, on: "Le implicazioni del principio di precauzione in Antartide. L'attuazione in Argentina" (Roma, May 2006).

Lecture of Gianfranco Tamburelli on: "*Italian Activity in Antarctica: Research in the Field of Legal Sciences*" (University of Cordoba, October 2006).

Report by Tamburelli at the Seminar on: "Evoluzione del sistema antartico e prospettive ambientali" (Siena, March 2007).

International Seminar on: *International Cooperation on the Arctic and Antarctic Governance Issues*; report by Tamburelli on: "*The Evolution of the Legal Regimes for the Environmental Protection of the Polar Regions*" (Buenos Aires, October 2008).

Formulation of a proposal for an amendment of the Annex on EIA of Antarctic activities; critical evaluation of the Italian bill for the implementation of the Madrid Protocol and its Annexes on the protection of the Antarctic environment; proposals relating to organs and procedures for, in particular, the implementation of the EIA Annex; indication of the formal instruments for the execution in the domestic legal system of Annex V (Protected Areas).

Publication of a collective book on: "The Antarctic Legal System and Environmental Issues", containing research papers by the Italian team, the ATCM Secretary, and the Argentinean partners (Milano, Giuffrè, 2006).

Publication of a second collective book on: "The Antarctic Legal System. The Protection of the Environment of the Polar Regions", containing research papers by the Italian team, the ATCM Secretary, Argentinean partners and experts from various countries (France, Germany, India, Peru, Russia, Ukraine) (Milano, Giuffrè, 2008).

## Programma Nazionale di Ricerche in Antartide (PNRA)

Consulting activities to the Ministry of Environment since 2008 and participation of Tamburelli, with CNR funds, as an expert appointed by the Italian Ministry of Environment, in the work of the Italian delegation to ATCM XXXI (Kyiv, June 2008).

Promoting publication of articles in Italian and foreign law journals (in particular, in *Gazzetta Ambiente*).

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### Products

#### A – papers in scientific magazines

"La XXVIII Conferenza delle Parti Consultive al Trattato antartico", by V. Morese, in *Gazzetta Ambiente*, 6, 2005, pp. 179 - 183;

"La XXIX Riunione delle Parti Consultive del Trattato Antartico: verso l'Anno Polare Internazionale 2007-2008", by D. Comba, in *Gazzetta Ambiente*, 6, 2006, pp. 121-128.

#### B – book chapters

4 chapters in "The Antarctic Legal System and Environmental Issues", ed. by G. Tamburelli, Giuffrè, 2006:

- Marcelli, F., "Scientific Research in the Antarctic: General Principles and Concrete Actions", pp. 57-76;
- Marchisio, S., "The Implementation of the Madrid Protocol in the Italian Legal System", pp. 147-162;
- Tamburelli, G., "The Environmental Impact Assessment Annex to the Madrid Protocol on Environmental Protection", pp. 187-206;
- Dinuzzi, R., "Regulating Tourism in Antarctica", pp. 207-224.

"The Antarctic Legal System. The Protection of the Environment of the Polar Regions", ed. by G. Tamburelli (Giuffrè, 2008)

4 chapters in "The Antarctic Legal System. The Protection of the Environment of the Polar Regions", ed. by G. Tamburelli:

- Tamburelli, G., "Notes on the Legal Regimes of the Polar Regions", pp. 1-26;
- Ferrajolo, O., "Protecting Polar Regions from Persistent Organic Pollutants: Some Remarks in the Light of the 2001 Stockholm Convention", pp. 55-70;
- Andreone, G., "Fisheries in the Antarctic and in the Arctic", pp. 71-94;
- Comba, D., "A Greater Knowledge of the Effect of Climate Change on the Oceans as an Essential Interpretational Basis for Future Polar Sea Navigation", pp. 95-116.

#### C - proceedings of international conferences

1. "The Antarctic Legal System and Environmental Issues", ed. by G. Tamburelli (Giuffrè, 2006), Proceedings of the International Seminar organized in Rome at CNR 10-11 November 2005
2. G. Tamburelli: *Observations on the Legal Protection of the Arctic and Antarctic Environment and the International Cooperation in the Polar Regions*, in *Las Regiones Polares: estrategias, oportunidades y desafíos*, Proceedings of the International Seminar organized in Buenos Aires in October 2008, ed. by Consiglieri José y Molinari Angel, CARI, Buenos Aires, 2010.

#### D – proceedings of national meetings and conferences

1. G. Tamburelli. 2007, "Tutela ambientale in Artide e Antartide: problemi e prospettive a confronto", Proceedings of the Siena Seminar on: "Evoluzione del sistema antartico e prospettive ambientali" (March 2007).

#### E – thematic maps

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#### F – patents, prototypes and data bases

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#### G – exhibits, organization of conferences, editing and similar

1. International Seminar on: "The Evolution of the Antarctic Legal System and Environmental Issues". Participants included, among others, J. Huber, Secretary of the ATCM, representatives from the Italian and Argentinean Ministries of Foreign Affairs (respectively, A. Fornara and L. Baqueriza), the PNRA Consortium (S. Torcini), the CSNA (R. Azzolini), the Antarctic Institute of Argentina (E.R. Marschoff), the Austral University (F.A. Pfirter), the University of Buenos Aires (L. Laborde), the University of Cordoba (E. Rey Caro) (Roma, CNR, 10-11 November 2005).

## Programma Nazionale di Ricerche in Antartide (PNRA)

2. Seminar in Rome with the participation of the Italian researchers and Mirta Bellotti, researcher at the University of Cordoba, who gave a talk on: "Le implicazioni del principio di precauzione in Antartide. L'attuazione in Argentina" (CNR, 22 May 2006).
3. Collaboration, with funding by the Italian Embassy in Argentina, in the organization of the International Seminar on: "Las Regiones Polares: Estrategias, Oportunidades y Desafios", held in Buenos Aires at CARI (Consejo Argentino para las Relaciones Internacionales) 15 October 2008.
4. Editing of the above-indicated books on: "The Antarctic Legal System and Environmental Issues" (Milano, Giuffrè, 2006), and "The Antarctic Legal System. The Protection of the Environment of the Polar Regions" (Milano Giuffrè, 2008).

### H - formation (PhD thesis, research fellowships, etc.)

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### Research units

1. Principal investigator: Sergio Marchisio  
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E-mail: sergio.marchisio@isgi.cnr.it

List of the investigators:

Gianfranco Tamburelli, Researcher and Team Leader

Gemma Andreone, Researcher

Valentina Della Fina, Researcher

Ornella Ferrajolo, Senior Researcher

Fabio Marcelli, Senior Researcher

and:

Rosa Dinuzzi, Researcher (Scholarship)

Danilo Comba, Researcher (Collaboration)

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### Date:

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### Notes

The Italian Team has created an International Network for the development of research on the legal protection of the Antarctic environment.

The cooperation with foreign partners was also conducted through a series of work meetings held in Argentina – at the ATCM Secretariat, the Universities of Cordoba and Buenos Aires, the Austral University, and the CARI in November 2004, October 2005 and 2006, December 2007 (in October 2008 with funds from the Italian Embassy) – and in Ukraine, at the Antarctic Treaty Centre (Kyiv) in May and October 2007 (with funds mainly from CNR).