



SCAR Sub-Group

HASSEG

Person Responsible:

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SCAR Delegates Meeting 2018

Davos, Switzerland, June 2018

Potential Proposal for a new SCAR Action Group

Name of the Proposed Group:

Action Group on Resilience and the Future of Science-based Decision-making for Antarctica (Action Group on PoLSciNex)

Lead proponents

- Luis Valentín Ferrada, Universidad de Chile (Chile), lvferrada@derecho.uchile.cl
- Akiho Shibata, Kobe University (Japan), akihos@kobe-u.ac.jp

Sponsoring group

SCAR Humanities and Social Sciences Group

Summary of Group:

The purpose of the group is to analyze the policy-law-science nexus within the current Antarctic governance framework and to articulate the practical significance of understanding such a nexus, so as to inform stakeholders how science-based decision-making relevant to Antarctica is actually operationalized.

The Proposal

Introduction and Background

In Antarctica, the study of resilience is not only about its natural systems but also relates to social systems (societal institutions and human practices), including the Antarctic Treaty System, by which the freedom of scientific investigation is guaranteed, operationalized and conditioned. Antarctic science is deeply embedded within an intricate nexus of international and domestic legal regulations and policy preferences. This nexus is apparent if one reviews the complex negotiation and now the implementation of the Ross Sea Region marine protected area (MPA) established under the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), and the discussion relating to biological prospecting at the Antarctic Treaty Consultative Meetings (ATCM) and in the United Nations (biodiversity beyond areas of national jurisdiction or BBNJ). Apparent as this Antarctic policy-law-science nexus might be, neither its operational articulation nor the theoretical underpinning of such a nexus has been critically examined. Doing so requires multidisciplinary analysis among lawyers, international relations scholars, political scientists, and more broadly, Antarctic scientists in general. Many of the questions in *SCAR's Horizon Scan* require examination within such a policy-law-science nexus, e.g. Question #66: "How successful will Southern Ocean Marine Protected Areas be in meeting their protection objective, and how will they affect ecosystem processes and resource extraction?"

The proposed Action Group on Resilience and the Future of Science-based Decision-making for Antarctica, a policy-law-science nexus AG (PoLSaNex AG), will coordinate the academic research and experts from the fields of international law, international relations, environmental management, and political science, who are interested in developing studies about this Antarctic policy-law-science nexus. Once the specific topics/areas of study have been identified, members from pertinent fields of study, such as biology, fisheries, environmental science, marine science, tourism, and Antarctic logistics will also be invited to join the Group.

The difficulties in reaching international agreements on topics like new MPAs or an environmental liability regime, despite the scientific support for these kind of measures, show the importance of analysing more deeply the relationship between policy, law, and science in Antarctic decision-making process. The study into this nexus is called for as the Antarctic Treaty System is facing several challenges that require appropriate decisions in order to strengthen Antarctic governance. If we can understand how the policy-law-science interaction operates, we will be able to take better science-based decisions.

The PoLSaNex AG has identified some specific topics or areas of interests where examination of the policy-law-science nexus would be fruitful for both social sciences and natural sciences scholarship. Some obvious examples are (numbers in parenthesis correspond to *SCAR Horizon Scan* questions): **(a)** marine protected areas (MPAs) in the Southern Ocean (61, 66); **(b)** Antarctic Specially Protected Areas (ASPA) and Specially Managed Areas (ASMAs) (68, 74); **(c)** invasive species in the Antarctic (55); **(d)** biological prospecting in the Antarctic (43, 44); **(e)** environmental liability in the Antarctic (74); **(f)** environmental impact assessment in the Antarctic (53, 74); **(g)** large-scale scientific establishments and logistical facilities in the Antarctic (75); **(h)** marine scientific research in the Southern Ocean (12-23); **(i)** "commercial" activities in the Antarctic, including Antarctic tourism (78); etc.

These interdisciplinary topics are clearly of interest to SCAR researchers and to members of the SCAR Standing Committee on the Antarctic Treaty System (SC-ATS) and reflect concerns expressed during ATCMs. In this sense, the PoLSaNex AG will contribute to SCAR's mission of promoting scientific knowledge, understanding and education on Antarctic decision-making process. In addition, the AG will contribute to SCAR's task of providing independent and objective

scientific advice and information to the ATCMs, CCAMLR and other bodies about how to develop a better science-based decision-making process.

Aims, Goals and Objectives

This Action Group seeks to:

- (1) Analyse the policy-law-science nexus within the current Antarctic governance framework, which will include both international and domestic contexts and their interactions;
- (2) Articulate the practical significance of understanding such a nexus, so as to inform stakeholders how science-based decision-making relevant to Antarctica is actually operationalized; and
- (3) Examine the role of legal principles (use for peaceful purposes only, freedom of scientific investigation, environmental protection, etc.) and normative values (interest of all mankind, wilderness, aesthetic, etc.) that underpin such decision-making, enhancing the resilience of the Antarctic governance systems.

Proposed Milestone Activities with Timeline

The PoLSaNex AG is proposed for a three-year timeframe, renewable. The first phase of research (covering the first six months from its establishment) involves brainstorming meetings and e-mail discussions to establish the parameters of our analytical framework on the policy-law-science nexus relevant to Antarctica, so as to have a clearer goal for our collective endeavour. The second phase (covering the next one and a half years) will be research into existing academic literature and practice, both international and domestic, relating to the specific policy-law-science nexus relevant to Antarctica. The group members will liaise with each other by e-mails in order for our work to develop coherently. It is expected that the summary of this initial analysis and provisional findings will be shared and discussed among the Group members in a meeting coinciding either with a SCAR Open Science Conference or the biennial meetings held by SCAR's humanities and social science scholars. The third and final phase (the remaining year) involves writing a comprehensive report and producing easy-to-understand infographics relating to specific policy-law-science nexus relevant to Antarctica. The group will also strive to see that the academic papers produced from the group's collective work will be published together in a special issue of a journal or as a part of a coherent book project.

Figure 1 presents a schematic outline of the main phases of the PoLSaNex AG's work.

Month Year	1	2	3	4	5	6	7	8	9	10	11	12	
1	Establishing of analytical framework												Group Meeting (SCAR Open Science Conferences / HASSEG biennial meetings)
2	Researching on relevante policy-law-science nexus												Group Meeting (SCAR Open Science Conferences / HASSEG biennial meetings)
3	Writing a report								Publishing the outcome				Group Meeting (SCAR Open Science Conferences / HASSEG biennial meetings)

Figure 1: The main phases of the PoLSaNex AG's lifetime

Capacity Building, Education and Outreach Plans

The PoLSaNex AG will maintain a webpage and other social media channels, including an email list. Individual members of the group are involved in education and outreach through public talks and media appearances, and they will communicate the work that the group will be done and the conclusions reached. The group will present advances of its research and it will promote discussion on the topics related in the different SCAR Humanities and Social Sciences Group meetings. The group will also stimulate legal research relevant to Antarctica, particularly in those SCAR member states that have recently acceded or will be acceding in the near future to the Madrid Protocol. The group will promote the participation of early-career researchers and scholars from countries newly engaging with the Antarctic both in the group researching and in the group events.

Data Management Plans

At the end of a three-year period, a meta-database containing relevant publications, media reports, and key research results will be created and shared via the SCAR webpage.

Terms of Reference

The purpose of the PoLSaNex AG is to undertake a critical review about the policy-law-science nexus in Antarctic governance determining the possibilities to maintaining effective science-based decision-making in the future. Its aim is to analyse and understand this nexus and its practical operation.

Goals:

- Analyse the policy-law-science nexus within the current Antarctic governance framework;
- Articulate the practical significance of understanding such a nexus and how science-based decision-making relevant to Antarctica is actually operationalized; and
- Examine the role of legal principles and normative values that underpin such decision-making, enhancing the resilience of the Antarctic governance systems.

The group is open to interested scholars, with prior acceptance based on consultation among the members. The size of the group will be around ten to fifteen.

The group is proposed for a renewable three-year lifetime. During this time it will have the same co-chairs. Should a need arise to replace one or both co-chairs, the group will decide on someone to fill the post. Group activities will be steered by the co-chairs, with the assistance of early-career researchers.

Budget and Justification

To be confirmed when a formal proposal can be submitted.

Potential Members

Initial members of the group:

Co-Chairs:

- Luis Valentín FERRADA, international law, Chile, Universidad de Chile, lvferrada@derecho.uchile.cl
- Akiho SHIBATA, international law, Japan, Kobe University, akihos@kobe-u.ac.jp

Potential Additional Members:

- Sanjay CHATURVEDI, international relations, India, Panjab University, csgiorg@gmail.com
- Julia JABOUR, international law, Australia, University of Tasmania, Julia.Jabour@utas.edu.au
- Alan D. HEMMINGS, international relations, New Zealand/Australia/UK, University of Canterbury, ahe30184@bigpond.net.au
- Daniela LIGGETT, environmental management, New Zealand/Germany, University of Canterbury, Daniela.liggett@canterbury.ac.nz
- Nengye LIU, international law, Australia/China, University of Adelaide, nengye.liu@adelaide.edu.au
- Cristian LORENZO, international relations, Argentina, Centro Austral de Investigaciones Científicas (CADIC) – Consejo Nacional de Investigaciones Científicas y Técnicas (CONICET). Instituto de Ciencias Polares, Ambiente y Recursos Naturales (ICPA) - Universidad Nacional de Tierra del Fuego, clorenzo@conicet.gov.ar
- Others to be confirmed

Webpages and Communication Plans

The group requests SCAR to provide it with a webpage upon approval. We would also like to have a mailing list set up and would like advice on communicating our activities via social media and other channels.