

## TABLE OF CONTENTS

### *Foreword*

### *Introductions*

ARDUINO FORNARA, *Italy and the Antarctica*

ROBERTO AZZOLINI, *An Overview of Italian Polar Research*

SANDRO TORCINI, *Consortium and the Madrid Protocol*

LUANA TESTA, *The Evolution of the Antarctic Legal System and Environmental Issues*

### *Reports*

JOHANNES HUBER, *Notes on the ATCM Recommendations and Their Approval Process*

FRIDA ARMAS PFIRTER, LUIS BAQUERIZA, *The Balance between UNCLOS and the Antarctic Treaty with  
Regard to the Outer Limit of the Continental Shelf*

FABIO MARCELLI, *Scientific Research in the Antarctic: General Principles and Concrete Actions*

ERNESTO REY CARO, *The Protection and Conservation of the Antarctic Natural Resources*

LILIAN DEL CASTILLO LABORDE, *UNCLOS, Antarctica and the Environment*

GEMMA ANDREONE, *Illegal, Unreported, Unregulated Fishing*

ENRIQUE R. MARSHOFF, RODOLFO SANCHEZ, *The Harmonization of the Madrid Protocol and the  
CCRVMA Objectives and Provisions*

SERGIO MARCHISIO, *The Implementation of the Madrid Protocol in the Italian Legal System*

ZLATA DRNAS DE CLEMENT, *The Madrid Protocol: The Precautionary Principle and Its Implementation  
in Argentina*

GIANFRANCO TAMBURELLI, *The Environmental Impact Assessment Annex to the Madrid Protocol on  
Environmental Protection*

ROSA DINUZZI, *Regulating Tourism in Antarctica*

## FOREWORD

This volume contains the first results of the research project relating to “The Evolution of the Environmental Protection Legal Regime for Antarctica”, carried out within the Italian Antarctic Research Programme (PNRA) in the disciplinary sector “Geographical and Juridical Sciences”.

The legal system for Antarctic Environmental Protection is rather complex and is continually evolving. The adoption of the 1991 Madrid Protocol on Environmental Protection was of great importance in progressively introducing a comprehensive system of managing and protecting the Antarctic environment. Following its entry into force (14 January 1988), the Committee on Antarctic Environmental Protection (CEP) has held several sessions and a rich praxis relating to the application of the Protocol and its annexes has been developed both at international and national law levels.

It thus seems very interesting and appropriate to carry out research aimed at identifying the strengths and weaknesses of the current system, also with the aim of formulating proposals for potential, useful amendments to the international rules in force.

Therefore the main aims of this research are to contribute to a better understanding of the status, effectiveness, and perspectives of the Antarctic legal system, and to further the continuous, timely and full implementation of the international rules on Antarctic environmental protection in national legal systems.

With this aim, the Institute for International Legal Studies (ISGI) of the Italian National Research Council (CNR) took the initiative of organizing an international workshop entitled “The Evolution of the Antarctic Legal System and Environmental Issues”, in close collaboration with the Argentinian partners. The workshop was held in Rome on 10 November 2005. Participants included the Secretary of the Antarctic Treaty Consultative Meeting (ATCM), representatives from the Italian and Argentinian Ministries of Foreign Affairs, the PNRA Consortium, the National Scientific Commission on Antarctic (CSNA), the Argentinian Antarctic Institute, the Austral University, the University of Buenos Aires, the University of Cordoba, and CNR.

As well as the speakers, we would like to thank the following people for their participation: Victorio Taccetti (Ambassador) and Juben Jorec and Claudio Rozencwaig (Argentinian Embassy in Rome), Rieko Motouchi (Japanese Embassy in Rome), Thomas Pfanne (German Ministry of Foreign Affairs), Clemens Feinaeugle (Max Plance Institute), Francesco Capponi (Italian Ministry of Foreign Affairs), Roberto Cervellati (PNRA Consortium), Ariella D'Andrea, Blaise Kuemlangan and Maria Lalaguna Carin (FAO), Massimo De Meo (Iter Legis), Anton Giulio De Robertis (University of Bari), Daniela Talamo (Federparchi).