

No. 31871

**NEW ZEALAND
and
FRANCE**

**Agreement on Antarctic cooperation. Signed at Wellington on
16 September 1994**

Authentic texts: English and French.

Registered by New Zealand on 1 June 1995.

**NOUVELLE-ZÉLANDE
et
FRANCE**

**Accord de coopération relatif à l'Antarctique. Signé à Wel-
lington le 16 septembre 1994**

Textes authentiques : anglais et français.

Enregistré par la Nouvelle-Zélande le 1^{er} juin 1995.

AGREEMENT¹ ON ANTARCTIC COOPERATION BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE FRENCH REPUBLIC

The Government of New Zealand and the Government of the French Republic,
Recalling the Joint Statement on Antarctic Cooperation issued in Christchurch on 23 December 1992, and their desire to conclude a bilateral Agreement;

Noting that New Zealand and France have a commitment to the comprehensive protection of the Antarctic environment;

Recognising that the signature of the Protocol on Environmental Protection to the Antarctic Treaty² (“the Protocol”) by all Consultative Parties represent an historic step;

Recalling the environmental principles of the Protocol which require, *inter alia*, that activities in the Antarctic Treaty Area be planned and conducted so as to limit adverse impacts on the Antarctic environment and dependent and associated ecosystems;

Recalling that New Zealand is one of the most important gateways to Antarctica and that New Zealand, by virtue of its geographical proximity to Antarctica, and its territorial sovereignty over the Ross Dependency, is well placed to provide assistance to Antarctic scientific research programmes;

Recognising France’s wish to develop an air support capability for its Antarctic Research Programme and that transiting New Zealand territory (including the Ross Dependency) will facilitate the operation of an air support link;

Noting that in view of the extensive facilities which the City of Christchurch offers to Antarctic operations, in particular the International Antarctic Centre at Christchurch International Airport, and those available at the International Centre for Antarctic Information and Research (ICAIR), the Government of New Zealand welcomes the use of facilities by the French Antarctic Research Programme;

Further noting that France shall be circulating a final Comprehensive Environmental Evaluation in respect of the establishment of the “Concordia” scientific station at Dome C taking full account of the observations and recommendations of the Antarctic Treaty Parties and Non-Governmental Organisations made in accordance with the Protocol;

Recalling the Agreement between New Zealand and Italy on Cooperation in Antarctic Research done at Wellington on 8 March 1987.³

Have agreed as follows:

1. (a) The two Governments shall develop further their bilateral Antarctic cooperation. In particular, they will consult and cooperate about issues relating to the protection of the Antarctic environment arising from:

— Their national Antarctic Research Programmes, or

¹ Came into force on 16 September 1994 by signature, in accordance with paragraph 11.

² For the Antarctic Treaty, see United Nations, *Treaty Series*, vol. 402, p. 71.

³ Should read 8 April 1987. See United Nations, *Treaty Series*, vol. 1675, No. I-28952.

- From the consideration at an Antarctic Treaty Consultative Meeting, or by certain Consultative Parties of issues or measures relating to the protection of the Antarctic environment.

They will also consult and cooperate on any issues concerning the implementation of the Antarctic Treaty, the Protocol or other elements of the Antarctic Treaty System.

(b) The two Governments shall cooperate in Antarctic scientific research for peaceful purposes and their mutual benefit and shall develop this cooperation, particularly in light of the establishment of the “Concordia” scientific station at Dome C by France and Italy.

(c) Each Government shall designate an agent or agency to be responsible for the coordination and facilitation of cooperative activities under this Agreement. These agents or agencies shall consult with a view to developing such cooperative activities.

(d) Cooperative activities shall be the subject of such specific arrangements as may be deemed appropriate.

(e) The two Governments shall take early and frequent opportunities to consult together, and at any time at the request of either, regarding the implementation of this Agreement.

2. Subject to prior agreement between the agents or agencies referred to in Article 1 *c* on the level of such operations in any year, the Government of New Zealand undertakes to permit the transit through and temporary accommodation in New Zealand of French personnel engaged in the French Antarctic Research Programme, en route to and from Antarctica. The Government of New Zealand shall, consistent with its laws and regulations, facilitate as far as possible the transit through and temporary accommodation in New Zealand of other personnel who may be subject to separate arrangements, either already existing or to be concluded, between the Government of New Zealand and the State of nationality of the other personnel.

3. The Government of New Zealand shall, consistent with its laws and regulations, facilitate as far as possible the entry into, exit from and stay in New Zealand of French personnel engaged in the French Antarctic Research Programme, and of other personnel who may be subject to separate arrangements, either already existing, or to be concluded, between the Government of New Zealand and the State of nationality of the other personnel. Provided such personnel meet normal temporary entry requirements the Government of New Zealand agrees to issue to them an entry permit allowing employment, valid for the period of their assignment up to a maximum of twelve months, or in respect of the period the personnel are present on New Zealand territory, including the Ross Dependency.

4. The Government of New Zealand shall facilitate, consistent with its laws and regulations including those relating to agricultural health inspection, the entry into and exit from New Zealand of ships, aircraft, equipment and materials to be used in the French Antarctic Research Programme as well as the personal effects of personnel engaged in the programme. The Government of New Zealand shall exempt equipment and materials imported or exported for such purpose from payment of taxes and customs duties.

5. The Government of New Zealand shall, consistent with its laws and regulations, and with reciprocal measures taken by the Government of the French Republic vis-à-vis New Zealand in situations of a similar nature, facilitate the protection and security of personnel engaged in, and aircraft, equipment and materials to be used in, the French Antarctic Research Programme.

6. The Government of the French Republic shall inform the Government of New Zealand on a timely basis each year through the diplomatic channel of:

(a) The expected size of the French Antarctic Research Programme for the forthcoming Antarctic season in so far as the use of facilities in New Zealand may be involved;

(b) The ports, airports and other services requested for use by the personnel, ships and aircraft of the French Antarctic Research Programme during the forthcoming Antarctic season;

(c) The expected impact, if any, on the Antarctic environment arising directly, or indirectly, from logistic or other activities involving the proposed use of New Zealand ports, airports and other services requested for use by the French Antarctic Research Programme during the forthcoming season.

7. Any requests by the Government of the French Republic for the use of ports, airports and other services for use by the French Antarctic Research Programme shall relate to activities in respect of which appropriate measures have beforehand been taken, consistent with the Protocol, satisfactorily to limit adverse impacts on the Antarctic environment and dependent and associated ecosystems.

8. The Government of the French Republic shall provide, as far as possible, under modalities to be agreed upon in each case, appropriate logistic support for the implementation of the New Zealand Antarctic Programme. It shall give consideration, as appropriate, to the joint benefits which may result from France, in consultation and cooperation with other countries, basing a Twin Otter or other aircraft at McMurdo for Dome C and Dumont d'Urville support and for its use, as appropriate, by the New Zealand Antarctic Programme.

9. This Agreement shall not apply to the Cook Islands, Niue or Tokelau.

10. Either Government may, at any time, give to the other Government notice in writing of intention to terminate this Agreement. Such notice shall take effect one year after its receipt.

11. This Agreement shall enter into force on signature.

DONE in duplicate at Wellington, on 16th September 1994, in the English and French languages, each version being equally authentic.

For the Government
of New Zealand:
[DON MCKINNON]

For the Government
of the French Republic:
[DOMINIQUE PERBEN]