The Minerals Convention was opened for signature on 25 November 1988 for one year by those consultative parties which had participated in the final negotiating session, plus any other state which had achieved consultative party status by that date. After that period any other signatory state to the Antarctic Treaty could accede to the Convention. The Final Act of the SCM provided that the voluntary moratorium on minerals activities, including prospecting, would continue pending the Convention’s entry into force. The Convention would come into force when sixteen of the negotiating consultative parties had ratified it. That sixteen had to include all seven claimant states, the United States and the Soviet Union, and represent five developing and eleven developed countries. Ratification and entry into force seemed assured. The possibility that domestic support for the Convention might not be forthcoming – an involuntary defection in Putnam’s term (1988, p. 438) – seemed unlikely. The Antarctic was not high on the agendas of parliamentarians or politicians. Nor had it been an issue of high public salience in spite of the activities of NGOs. Further, given the strong normative commitment to consensus within the Treaty system, the diplomats who negotiated the Minerals Convention had no reason to fear that any consultative government would voluntarily and unilaterally abandon the outcome of their deliberations. Thus the continued stability of the regime seemed assured.

They were mistaken. This agreement began to unravel quickly. The internal accommodation did not hold. By May 1989 two key consultative parties, Australia and France, had
withdrawn their support for the Convention. They sought to replace CRAMRA with a comprehensive environmental protection convention (which would include a ban on mining) and to have the Antarctic declared a wilderness reserve. The issue of environmental protection in the Antarctic took on a new importance as the consultative parties took sides on whether or not to ban minerals activity (an option they had rejected in the 1970s and the 1980s) and argued over how best to improve the complex and fragmented environmental sub-regime within the Treaty system. By October 1991 the consultative parties had negotiated a new, legally-binding agreement on environmental protection – the Madrid Protocol – which prohibited minerals activity and established comprehensive environmental principles and standards against which human activity in the Antarctic would be judged.

This change in the Antarctic regime was the proximate outcome of defection by key states and the construction by them of a coalition of support for new instruments. Continuing NGO activity and increased community interest were also key features of this process. When the legislation foreshadowing British ratification of the Convention was introduced into the House of Lords, Lord Alsa predicted that ‘the conservationists would have the support of the vast majority of the public if the issue was put to them’ (Parliament of the UK, 1989a, p. 934). In Britain, and in most other consultative states, the issue had not been put to public debate by Antarctic decision-makers. That task was taken up by non-governmental organisations and Lord Alsa’s prediction was to prove correct, not just in Britain but elsewhere. Traditional Antarctic decision-makers – diplomats, lawyers and scientists – were marginalised by these events and their attempts to reclaim the issue were only partly successful. The debates and negotiations which followed the decisions by Australia and France to reject CRAMRA were characterised by a further and probably irreversible widening of participation in the regime.

Non-Governmental Organisations

After June 1988 and the adoption of CRAMRA, NGOs reassessed their strategy ‘to try to prevent some of [the ATCPs] from signing and ratifying the Convention, or at least to