

ECO



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BIOPROSPECTING: LOSING THE PLOT?

ECO has been following bioprospecting developments since it was first considered by the ATS in 1999. The concerns that this Pandora's Box has set free include the effects it has on scientific freedom and Article III, the impacts it may have on the environment, how governments develop equitable benefit sharing arrangements, and keeping up with relevant policy developments in other fora.

Since the last ATCM an Intersessional Contact Group has worked diligently to provide some new tools to aid the discussions about this emerging industry. Bravo to Belgium, UNEP and the UN University in Japan for compiling a first database on bioprospecting activities. Though still young, it already contains more than 100 entries, with the US and Japan leading the list.

Given the large number of Antarctic organisms being patented around the world, the plethora of products being developed based on those organisms, and on-going negotiations under the Convention on Biological Diversity (CBD), ECO was waiting with excitement for a discussion that would shed new light on the key issues. However, although many Parties seem ready to make real progress, the debate is being stymied by a few.

Except for Argentina, no Party has complied with Resolution 7 (2005) to provide details of Antarctic bioprospecting by their companies and scientists. This surprises ECO.

The great majority of Parties want to expand and deepen the database on Antarctic bioprospecting, obtain SCAR's inputs on whether commercial bioprospecting and patents are causing difficulties with the open science regime that lies at the heart of the ATS, and analyse regulatory gaps in ATS

instruments regarding bioprospecting. But ECO is concerned that the terms of reference for intersessional work will be a pale shadow of what is needed and that little progress will be made.

Meanwhile, Parties to the CBD have completed a draft decision with important implications for the ATS. In a prescient move, a carve-out provision from the CBD for Antarctica was placed in square brackets. Also, the UN General Assembly has launched a negotiation process for managing bioprospecting in the high seas. Right now both processes seem willing to respect the authority of the ATS in Antarctica. But if the ATS maintains this snail's pace, what will be the consequences?

DOMA A: "NO MORE THAN MINOR OR TRANSITORY"

ECO is following with interest the proposed construction of a Chinese research station on Dome A, the highest point in Antarctica. This station will have unavoidable consequences for wilderness and other intrinsic values of Antarctica. The silver lining is that it may also open up exciting research possibilities.

ECO is perplexed, however, to learn that the proposed station, which includes a traverse of over a thousand kilometres and has a projected lifetime of at least 25 years, has been assessed in the draft CEE submitted by China as having "no more than a minor and transitory" environmental impact. Twenty-five years is a long time in Antarctica, with its history of occupation dating barely over one hundred years, a governance regime not yet fifty years old, and many permanent research stations that are less than 25 years old. Moreover, twenty-five years is the period after which the station's future will be *reviewed*. Thus, it is possible that the proposed station will remain for the foreseeable future.

It seemed rather obvious to ECO that the impact of this station and its thousand-kilometre traverse route is certainly “more than minor or transitory” in the terminology of the Protocol - which is also the opinion expressed by many Parties.

This is more than a debate about whether the word “no” should be deleted from the CEE’s final assessment. Rather, it is about a fundamental way of conceiving the impacts of research stations on the Antarctic environment.

This CEE also raises questions as to how the Antarctic EIA process works. Some Parties argue that the impact of a proposed activity has to be assessed first, and then an EIA produced at the appropriate level, an IEE or CEE. Other Parties contend that the level of assessment chosen before a certain activity does not predetermine the conclusion of an EIA.

From ECO’s perspective there is no conceptual problem with a party deciding to produce a CEE and concluding that the impact of the proposed activity is no more than minor or transitory – although in this particular case that is plainly the wrong assessment. However, it is a big problem if a Party decides to conduct an activity with major, long-term impacts but submit only an IEE – which is not subject to the same level of information requirements and international scrutiny as a CEE. There is at least one instance of a summer base established following only an IEE, and others may follow.

Fiddling with the EIA process undermines the objectives and environmental principles of the Protocol to which Parties so proudly committed themselves in 1991.

LIABILITY ANNEX

ECO was saddened to hear about the tepid debate on liability in the Legal and Institutional Working Group. In spite of the very slow pace of ratifying Annex 6 of the Protocol, no sense of urgency is evident. No country expressed interest in a new Resolution to set an indicative ratification target, and no one offered to host an intersessional meeting to help solve legal problems posed by implementing the annex. Even less enthusiasm was evident for revisiting the larger liability obligations of Article 16 of the Protocol. This is a sad commentary on leadership by the ATCPs to exercise responsibility for protecting the Antarctic

Treaty Area and meeting their legal responsibilities under the Protocol.

MICROBES AND ANTARCTIC GARBAGE

Ukraine presented an IEE on technology to recycle solid food wastes, using in part some Antarctic microorganisms taken from sea bottom fresh sludge combined with a “regulator of microbial metabolism” (RMM). Using “native” Antarctic bacteria as a base for fermentation and food waste volume reduction, the proposal is to mix in organic and inorganic compounds of RMM for fermentation, and then pour the mixture into coastal waters. For ECO, this raises substantial concerns. Bacteria used for the proposed fermentation could mutate and change some of their physiological characteristics during fermentation under the influence of RMM, and the possibility of contaminating the coastal area by alien bacteria would be serious.

ECO supports efforts to reduce waste disposal in Antarctica, but we have to use other safer technologies. Don’t free this genie from the bottle!

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