

ECO



BIOPROSPECTING

In the past year, a new commercial interest has appeared in Antarctica. A number of Antarctic Treaty states have started to talk about how they can “bioprospect” in the region. Bioprospecting can mean any investigation of the resource-value of biodiversity, but ordinarily it focuses on genetically interesting capabilities in microbial organisms.

The interest in doing this comes from three sectors: (1) scientists who see their area of expertise suddenly becoming sexy and lucrative; (2) governments keen to realise national commercial benefits from their Antarctic presence, and (3) multinational corporations who see \$¥€ signs flash before their eyes.

Antarctic bioprospecting raises a number of questions:

↳ **What is** the likely scale of this activity and level of environmental impact?

↳ **How does** one ensure consistency across marine and terrestrial environments regulated by different Antarctic agreements, since presumably, bioprospecting interest extends across both?

↳ **In relation** to the Antarctic Treaty, is the granting of property rights for bioprospecting consistent with either the general thrust of the AT (which is not tailored to provide a basis for any resource exploitation, and substantially predates the development of any overt commercial activity in Antarctica), or specific obligations such as those under Article III 1 (c) where *scientific observations and results from Antarctica shall be exchanged and made freely available*?

↳ **In relation** to the Protocol, what would the consequences be of commercial activity on scientific cooperation, EIA, monitoring of effects, etc, etc? Given that the only commercial activity so far considered under the Protocol (minerals resource activity) is simply prohibited except for scientific

research (which bioprospecting certainly goes beyond).

↳ **In relation** to CCAMLR, does the present Convention cover the harvesting of microbial life? Some apparently believe it does, others that it doesn't. But, granting resolution of this point, even under the one Antarctic regime that is tailored to resource regulation, how long would it take CCAMLR to develop the sort of practical competence with bioprospecting that it claims for regulating conventional marine harvesting? Would bioprospecting present cross-convention problems? The murkiness of this issue is highlighted by experiences here in relation to marine protected areas, and is hardly encouraging.

↳ **There may** be serious impacts on operational cooperation in Antarctica if bioprospecting is allowed. Would country X continue to be prepared to transport country Y's scientists and support personnel on its aircraft if in fact they are not so much engaged in international collaborative scientific research (whose results will become publicly available) but in commercial (and hence at some point, commercially private) activities? Why would country X subsidise competitive industry in another state? The consequences for wider Antarctic scientific cooperation – one of the cornerstones of the ATS – are unclear.

↳ **What is** the legal basis upon which a state would grant bioprospecting rights (and any subsequent patents, intellectual property rights, etc), given the unresolved juridical situation?

Do we really want another industry developing in Antarctica when the ATS can't properly manage the existing fishing and tourism industries? Bioprospecting may substantially undermine key norms of the present Antarctic Treaty System. Nobody should even be thinking about bioprospecting until the many issues it raises have been comprehensively considered.

Pablo's Penguin Times

Pablo at the ATCM

Pablo Penguin is enjoying the warm hospitality of our Polish hosts at ATCM XXV – perhaps a little too warm, but that seems to be a global phenomenon. While Pablo unfortunately arrived several hours late because of a strike in France, he is reassured by the news from his African penguin cousin Pete

that getting home after this ATCM may be easier than in years gone by. It appears that he may soon be able to fly home from Cape Town - something that until now penguins have had some trouble with. Pablo is not originally from Dronning Maud Land, and a tour of the area sounds like a good idea. Pete mentioned that there is a tour company in Cape Town willing to arrange passage on board a plane shared with one of the national programmes, an Antarctic safari, and even a spot of ice golf. Then perhaps



Pablo will visit the Swedish base at Wasa. This base is supposed to be so energy efficient that you don't even need to turn on a heater while there – amazing what you can do in the Antarctic these days, could teach some of their bird relatives living on some of the other continents a thing or two!

Pablo is a bit concerned that there are so many people visiting Antarctica these days. Unconfirmed reports suggest that a major international accountancy company has relocated to a tent in the Pensacola Mountains in an attempt to evade investigators – hope they did an impact assessment (who knows what kinds of cumulative impacts they could leave behind). Also, hope they have adequate waste disposal systems for all that shredded paper!

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Commercialisation is turning Antarctica upside down!

Production Team: Margaret Adams, Neil James, Janet Dalziell, Stella Pollock, Cynthia Merluza, Hendrik Van Kooijmans & Sebastian Swift.

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The Editorial Office is at the Gromada Hotel, Room B-12
17 stycznia str. No. 32, Warsaw, Poland
Tel: 48 22 576 41 50
Fax: 48 22 846 15 80

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