Agreement to Exploit Near

A regime to allow mining in Antarctica could take as little as "a couple of years to conclude" according to Chris Beeby, head of the New Zealand delegation and chairman of the meeting. At the post-conference press conference, Beeby said that the mood of the conference meant that "more progress was made than I had expected."

By the end of the two-week conference, some 20 detailed discussion papers had been presented - some covering all the outstanding issues, others covering single points. An agreement reached for information, finally, in Wellington, has been agreed to and Beeby expects "several competing drafts" of possible minerals regimes to be presented. The next formal meeting will be held around the middle of 1983.

The secrecy surrounding the meeting remained so pervasive that ECO is unable to assess how realistic is Beeby's two-year schedule. In talking to various delegates, however, a consistent picture has emerged: a regime is regarded as so urgent that conclusion within five years is now likely rather than up to ten years.

Agreement seems to have been reached on the need for a detailed set of rules and standards to govern mining activities rather than a looser set of overall guidelines. There is no agreement on how precise these rules should be, or to what extent they should be drawn up before specific project proposals are made.

Beeby conceded that the Treaty nations must ensure that adequate base-line studies are carried out so that the effects of a mining proposal can be realistically evaluated. There was no indication however, that the Consultative Parties will make the necessary financial commitment to ensure that such information is available before the regime is concluded.

The case for urgency has always rested on the notion that if general agreement on the rules of the game are not reached soon, a mining company could preempt the issue by commencing commercial exploitation. This is a weak argument because the enormous risks associated with investment in areas of disputed sovereignty would be enough to discourage any company, even without the benefit of the Falklands/Malvinas dispute to emphasise the point.

In fact, many scientific research programmes have already shifted away from pure research to applied work -- especially geophysical surveys associated with possible oil-bearing structures. While the dividing line between scientific research and commercial exploration is obviously blurred, no steps are being taken to define what constitutes acceptable research within the Treaty terms.

Beeby rather lamely offered that as long as there was a provision providing for the free exchange of scientific information then such studies could not be regarded as commercial. In reality, the Antarctic Treaty provides for exploration which is commercial in all but name.

ECO concludes, therefore, that the Consultative Parties themselves wish to facilitate the mining of Antarctica as a matter of urgency. That they should even contemplate a settlement before the completion of base-line studies of delicate Antarctic ecosystems demonstrates their avarice.

Their avarice and secretiveness raise a major strategic problem for those wishing to protect Antarctica from exploitation. Although all the delegates ECO spoke with were pressed on how close to their hearts were environmental considerations, Beeby's final press conference confirmed that not a single

CONTINUED ON PAGE 3
I

For instance, will the body aim to maximise institutional and economic conditions favourable for Antarctic mineral exploration and exploitation?

Should it be designed to guarantee that the resources available are distributed equally among the Treaty nations? Or will its role be to ensure that the continent is not irreparably damaged, and that any resource exploitation must be confined to what the ecosystem can safely tolerate?

Once these basic objectives have been clarified, interest must then focus on their design. Thus if the first option is chosen, how fast will the regime go to create opportunity?

If a "fair and equal distribution" option is to be preferred, then a choice exists between leases equally among states (or according to their domestic needs) or distributing equally among the states the revenue from production through a system of royalty payments.

This assumes, of course, that claimant states will be willing to set-aside their territorial claims over areas where significant mineral and oil reserves are discovered. Although the claims are frozen by Treaty agreement, the promise of major resource potential is certain to rekindle interest in exercising those claims, which will become a major obstacle at the negotiating table.

If the third option -- environmental protection -- is selected, as intended (we are assured) by the Treaty nations, how will this be implemented?

For example, how will national representatives avoid conflicts of interest when they are set the task of assessing an EIS of a project proposed by their own country?

If consensus is to be the appropriate method for reaching decisions, the relevant country could veto a decision for "no development" because of severe environmental impact.

This would be a most unsatisfactory set-up, and conservationists will be critically assessing these institutional arrangements as they take shape at later meetings.

Finally, it should be noted that the experience of other countries indicates that even the best institutional efforts to safeguard the environment are invariably violated with terrible consequences.

Conservationists, therefore, would regard such measures being adopted for Antarctica with considerable cynicism and anxiety.

Economic pressures consistently force operators to lower their costs of production as far as possible, in order to maximise their returns on investment.

When the appropriate regulations diminish the opportunities for profit, guarantees given in better times for environmental safeguards, fail-safe technology and the strictest supervision, are quickly suspended.

Environmental protection and pollution control costs are normally the first to go. The economic pressures that are firing interest in Antarctica's resources will always be a prime motive for undermining effective protection of the environment.

A saner option is the Permanent Wilderness proposal.

For example, designated sites of special biological significance, of aesthetic value, of scientific interest, will have to be extended and protected from development impact.

Endangered species must be identified and their breeding and feeding grounds left undisturbed. The impact, both environmental and economic, of mineral activities (in both exploration and production stages) on krill and other fishing industries will need thorough assessment and evaluation.

The only acceptable institutional process for assessing and evaluating the impact of each development project must surely call for the preparation of an Environmental Impact Statement, which is then subject to public scrutiny, reviewed by an appropriate independent authority, and finally decided upon.

This procedure is now adopted in most western countries.

Although criticisms of EIS preparation and assessment are legion, these mainly concern form and method, and not the process per se. EIS procedures must be a fundamental feature of any development process in Antarctica, and failure to implement these will be interpreted as an abrogation of environmental responsibility.

Even with this undertaking, many more questions remain. What level of environmental impact will be determined tolerable or intolerable? On what evidence will this decision be made, by whom, and how? Will the onus be on environmentalists to prove that damage will be done, or on the developer to prove the opposite.

How will a management authority enforce strict adherence to environmental codes? How will it penalise developers who violate these codes?

Who will advise this body, independently, on environmental, technical, and economic matters associated with development projects? What say will the public and environmental groups have in the proceedings?

Will development applications be rejected on grounds of environmental impact alone, or will the power of such an authority be limited to amending proposals, and subordinate to the powers of other institutions of an operated site, specific factors be considered?

Much broader questions also exist; we can only pressume these points have been addressed at the meeting. For instance, given that an agreement is reached on the form of the institution(s), by what process will it make decisions? The consequences of these decisions are of vital concern to conservationists.
Third World Invited Into Antarctic Debate

While non-government organisations have endeavoured to press home their views to delegates both at the CCAMLR meeting in Hobart, and the Minerals Resources discussions in Wellington, they have not been invited into the forum where Antarc-tic issues might be aired.

Dr Keith Suter - an international legal adviser to major environmental groups in Australia, the author of "Antarctica, World Law and the Last Wilderness" (published by Friends of the Earth) and also President of the United Nations Association - recently left for New York and the UN, to take part in the disarmament conference, to discuss I. major environmental impacts of the Law of the Sea, and of relevance here, to talk to a number of Third World nations about their interest in Antarctica.

ECO no. 1, Vol XIX, published in Hobart, has already alluded to action by non-government organisations (NGOs) at the UNENF forum in Nairobi, and the momentum for international action will be continued in other important arenas later this year.

While in New York, and in other major North American and European cities, Dr Suter will canvass key nations outside the Treaty club about the Antarctic issue. Just what does India plan to do politically with the success of its Antarctic expedition? Will it attempt to join the club, or will it take its case to the UN?

If this lack of consultation is prevalent, then conservation organisations will be very busy over the next two years - which may be all the time we have - raising public awareness of what our governments are planning, and to translate that awareness into political pressure to protect Antarctica for all time.
**Research Needed First**

Deciding on the rules of a mineral regime is the dilemma facing Antarctic meeting delegates. Regardless of the number of times member nations agree to consider the fragile Antarctic environment, the words are hollow without a clear indication of how the rules would be administered, policed and paid for.

Research into the environmental effects of oil pollution should have started before the Treaty nations decided that urgent action was to be taken on the minerals regime, because this research will cost a lot of money and needs direction.

Canadian Arctic research took ten years and many millions of dollars; at the same time those concerned with the impact of oil exploitation feel the real questions have been glossed over. Little attention has been paid to the fears expressed by the Prime Minister about oil pollution affecting global weather patterns.

Every nation is prepared to accept the benefits of new oil reserves, but withholds on the responsibility of paying for the research considered necessary even before exploitation is talked about.

When oil companies decided that the Arctic's Beaufort Sea area was of major oil potential, the Canadian government initiated a two year environmental study, costing $12 million. Called the Beaufort Sea Project, it involved two hundred scientists, engineers and specialists, and was supported by oil companies to the tune of $4 million.

The forty-six detailed reports presented by the research teams painted a devastating picture of environmental damage in the event of an oil blow-out.

Pollution, the specialists said, would not persist for just a few months as in the lower latitudes, but for decades. Micro-organisms are active for only a few months of the year in the Arctic, they said, and to date none of the organisms that consume crude oil have been found in Antarctic waters.

Other factors compound the rate at which oil is dispersed. Evaporation of crude is slight due to the extreme cold. Ice floes tend to act as breakwaters, so there is little wave action to assist dispersal.

Oil spill recovery has reached new technological heights in Arctic drilling programmes, and acronyms like 'ABSORB' and 'AMOP' are common use with oil industry people.

One major oil company with a large capital investment in Arctic oil, Dome, spent $10 million on oil spill research and development. The same company also claims to hold the largest inventory of boom dispersants, skimmers, and spill barges of any offshore drilling operation in the world.

Most of the hardware held by oil companies can only be used in summer conditions when fairly conventional lines of defence could be used. The favoured option is to collect oil with mechanical skimmers, then burn it on site. A large body of opinion claims that dispersants will not work properly in the cold polar regions and may cause more damage than crude oil.

But the scenario no-one is prepared for is a seabed blow-out at the end of summer. A relief well could not be started for at least six months.

Dr Peter Wadhams, of Scott Polar Research Institute, discussed this type of problem at a recent Petroleum and Marine Environment Conference. Dr Wadhams said one million tonnes of oil could escape before any remedial action could be taken. It is clear that after ten years of expensive, multi-discipline research, one of the fundamental problems of polar oil exploitation is no closer to being solved.

Stipulations which should be in any 'umbrella agreement' regime considered by Antarctic Treaty nations are: to insist that the drilling season is limited to a clearly defined summer season and to require an oil spill contingency plan for each drill site. The plan should include the location of oil spill recovery hardware and the location of rigs that could be used for drilling relief wells. All drill rigs must have icebreaker support nearby. No agreement can contain anything less.

Taking a leaf from the Canadian Arctic experience would seem at the very least, a most prudent move. If there is a grain of sincerity amongst the yards of rhetoric ECO has heard from delegates at Wellington about their prime concern for the Antarctic environment, then we would undoubtedly expect to see the evidence crystallised in the final communiqué in firm commitments to relevant research.

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**Our frustration counts...**

The almost universal reaction of all of us who have observed this latest meeting of Antarctic Treaty nations is one of mounting frustration. Their meetings are so secret that we know little of where they have come from, or where they are going to, in their negotiations. And certainly, these most arrogant of diplomats came and went without asking the opinions of those most affected.

The course for the international campaign to protect Antarctica, however, is quite clear.

On the one hand, the case for the setting aside of Antarctica as a permanent wilderness has never been more compelling. The industrialisation nations' voracious appetite for minerals and energy is devastating more and more of the globe, heightening the uniqueness of Antarctica's pristine values.

These same nations' continued emphasis on exploitative growth, through consuming and wasting rather than recycling and conserving, ensures that energy prices will rise in real terms—making Antarc-