"ONCE MORE INTO THE "GAP" DEAR FRIENDS"

ECO welcomes delegates to this minerals negotiating session. It is probably not necessary to remind delegates that we believe the region should be protected by all nations as an international science and wildlife sanctuary, and not "developed" for minerals—just as it has been for the past 25 years.

ECO opposes a minerals regime because it would allow and encourage exploration and exploitation of the region with likely disastrous impacts on the environment. In the absence of a legal regime, companies will be unwilling to invest in Antarctic minerals development. Delegates should ponder this as they once again struggle to overcome their internal differences over who should control licensing and revenues.

"Exploitation is inevitable. An uncontrolled scramble for resources would be disastrous for the Antarctic environment. Therefore we must have a Minerals Regime to regulate activity and protect the environment." This is the logic of the proponents of the minerals regime and, at first sight, it seems sound enough. ECO, however, has a different approach.

First, we do not accept that exploitation is inevitable. The ATCPs have invested an immense amount of intellectual effort into developing a minerals regime. If they had put equivalent effort into exploring alternatives to exploiting Antarctica (such as domestic conservation policies), then exploitation probably need never occur.

The so-called "gap" in the Antarctic Treaty System could be more easily and better filled with a protection regime, or a permanent moratorium on all minerals activities. Such a course would have the benefit of defusing international discord over the region's supposed wealth, strengthening the Antarctic Treaty and ensuring continued protection of its principles.

Second, there would be no "mad scramble" for minerals if a minerals regime could not be negotiated. In the absence of secure tenure and given the political ramifications of such actions, "pirate" exploitation is unlikely to occur. The strategic importance of Antarctica is such that no member of the Antarctic Treaty would be willing to allow its operators to risk breaking up the Treaty. There are few, if any, states outside the Treaty with the technology and capital to exploit Antarctica. Nor would any such state be likely to risk international opprobrium by undertaking "pirate" minerals activity.

It is true that the regime will put in a "turnstile" through which would-be exploiters must pass. But at the same time, serious obstacles to investment that currently exist will be removed. One is the risk faced by a successful operator of being "claim jumped" or pirated by another operator. Another risk at present is that a disgruntled claimant could evict them.

These risks exist in the absence of secure title and are a major barrier to minerals activity. While there is no regime, no operator or its bankers can put at risk the billions of dollars required for minerals development.
WHY GREENPEACE SAYS NO

From the beginning of the minerals negotiations, environmental groups, including Greenpeace, have participated in good faith to try to influence their course. Their aim - the best possible regime for the environment. This is in spite of most environmentalists being totally opposed to the negotiations.

Environmentalists have made a number of important contributions to the debate, analysing the draft regimes, pointing out the weaknesses and inadequacies of various sections. They have proposed new ideas for the consideration of delegates, such as the Antarctic Environmental Protection Agency (AEPAD), and have pressed for the negotiations to be made more open.

In spite of many delegates privately agreeing that our case has merit, there has been absolutely no sign of the over all course of the negotiations deviating. In this light, Greenpeace has asked itself: is it really worth continuing to make this kind of contribution to the meetings?

The answer is "No". Greenpeace will no longer be part of the formal NGO process of suggesting "improvements" to the regime. We will continue, however, to attend the minerals meetings to argue our case and to put our broader concerns about the future of the Antarctic before delegates.

Most delegates will be aware that Greenpeace seeks a "World Park" concept for the future of the Antarctic. This is not a legal institution, but a set of principles (outlined in the ECO No 1 from Paris, October 1985).

Greenpeace is convinced that a new regime which incorporates these principles is achievable. Indeed, it may be more easily achievable than a regime which has to deal with the complex and sensitive issues of resource royalties, privileges granted to claimant states and the legitimate interests of states outside the ATS.

Greenpeace predicts the frustrations of making little progress on intractable issues will soon begin to make delegates think seriously about whether they really are on the right course. When this happens, Greenpeace will be there to lend its full support to a regime to give real and permanent protection to the Antarctic.
The great "White Continent", the least known to the human race, belongs not to human beings but to their Creator - the Maker of the heavens and the earth. Yet, almost without exception, all discussion relating to Antarctica, its exploration and possible exploitation has failed to recognize that ultimate ownership of the continent and all that comprises that unique corner of the world belongs to God.

As a part of God's creation, Antarctica and the Southern Ocean are of immense value for the well-being of the planet. A biblical perspective on ecology reveals that God is ultimately concerned with the whole of creation. Humanity is responsible for the maintenance of the natural order in which it has been lovingly placed. The Bible confronts the human race by challenging it as to whether it is being responsible to God by caring for creation, or whether its unchecked desires, its notion of "progress" and its utilization of technology conflicts with the will of God.

While recognizing that technology may well assist in our exploration of the natural world, the Bible calls into question whether or not technology is being used to maintain the real needs of humanity or whether it is being used to establish a world which is clearly out of balance. Having lost a sense of dependence upon God and by distancing and divorcing itself from creation through rational, scientific thought, and industrialisation, humanity has become gross in spirit, thus dulling its capacity for sensitive and wise use of the earth.

Interest in the mining and extraction of Antarctic minerals has been accentuated in the last couple of years largely due to the insecurity of the supply of strategic minerals. Recent economic and political instability is contributing to an increase in geological surveys in Antarctica. Yet, to view the possible extraction of oil in Antarctic waters would, at this juncture, be costly and dangerous to the well-being of the Antarctic environment.

There is good reason for concern, reflection, and action over the environmental impact that humanity is having, and is likely to have, upon the Antarctic. Decisions which impinge upon its fate are often being made with inadequate scientific knowledge. The policy decisions made over the next few years will determine whether the continent will be wisely managed with the goal of protecting the environment, or whether the "Last of Lands" will become another victim to the human race's seemingly unsatiable appetite for non-renewable resources. Ultimately, the motivation behind the current movement towards the exploitation of living and mineral resources in the Antarctic region must be ascribed to unbridled greed. The world does not require Antarctica's resources, we merely desire them to prolong a lifestyle which must come to terms with its bankruptcy.

Such an avaricious appetite for mineral resources, should not go unchallenged. For justice to be done, the integrity of the Antarctic environment must be respected, the developmental and legitimate energy needs of the Third World must be recognised and the overconsumption of the world's natural and non-renewable resources must be reduced. Only through such an approach will Antarctica retain its unique character while creating positive opportunities for global understanding, cooperation and reconciliation.

The increasing interest of the world's nations in possible Antarctic resources raises the likelihood of military involvement in the region, especially if the Antarctic Treaty collapses. While disputes had occurred previously over the question of Antarctic sovereignty claims they have been limited to diplomatic protest and the display of military force through naval units. The Treaty countries recognize, and have so far observed, the neutrality of the Antarctic region. But while the Antarctic Treaty has been successful in maintaining a peaceful and cooperative atmosphere in the region to this time, the possibility of economic benefit through exploitation of its mineral resources may well undermine that international triumph. Declaration of Antarctica as a World Preserve might serve not only the ecologically sensitive ecosystems but also the peaceful interests of the world as well.
Implementation of a minerals regime will encourage Antarctic exploitation. It will establish exclusive property rights to minerals claims and provide security of tenure, removing these two sources of investment risk and clearing the way for development."

If governments have the wisdom to admit that fossil fuels offer no long term solution to a world beset by such phenomena as acid rain and the "greenhouse effect," and if they have the willpower to place Antarctica off limits to exploitation, the "gap" in the Antarctic Treaty System disappears.

Turning to the substance of the present negotiation, ECO submits that the draft minerals regime, which many governments now feel is approaching acceptability, is fundamentally incapable of achieving the goal of protecting the environment. Since the Paris session, negotiators have met in small groups to reach agreement on a package of key articles. Have those individuals discussed environmental protection measures, institutions and principles? No. The focus has been on how to allocate power in a minerals regime among claimants, non-claimants and exploiters and that remains the focus of most negotiators in Hobart.

During the remainder of this session, NGOs will be providing delegates with papers outlining other possibilities for filling the "gap" in the ATS. These include such concepts as an Antarctic Environmental Protection Agency (AEPA) for the region, an Infractions Committee, a Secretariat and a "protection regime" for the region. The AEPA is particularly critical to a sound future for Antarctica. It would have an independent staff, and would carry out environmental impact assessments of all proposed activities, enact regulations, and conduct inspections to assure compliance and a proper basis for enforcement.

Last, a word on secrecy. ECO asks all delegates: why should all intergovernmental and non-governmental organizations be excluded from deliberations that will affect 20% of the earth's surface? Why should all the documents be confidential? ECO urges the Antarctic Treaty Consultative Parties to open their system to the legitimate participation of observers, with the opportunity to comment on all government proposals and to suggest alternatives. The credibility of the Antarctic Treaty System is at stake. We ask: Why are you hiding behind closed doors, while you claim to be working in the interests of all humankind?

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ANNOUNCING

THE SEVENTH CONTINENT:

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by Deborah Shapley

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There are inherent contradictions between minerals activities in Antarctica and the protection of other established uses, including important intangible uses and values.

The desire of the companies to retain an exclusive benefit from information gleaned from prospecting, exploration, and development is totally inconsistent with the requirement in the Antarctic Treaty that information derived from scientific activity should be freely available to all. The "freedom of information" principles on which the Antarctic Treaty is based are of fundamental importance to sound management of the region.

No country participating in the negotiation would allow companies operating in its territory to withhold any data from the regulatory process. Most countries have provisions for placing all such information in the public domain within a reasonable period of time. But in the Antarctic "commons," these sensible practices are being ignored.

The best solution would be for the governments to establish an institution such as an Antarctic Environmental Protection Agency, staffed by professionals, to regulate all activities. Then, companies would have to make all their information and data available, on the assurance that the AEPA would protect the legitimate competitive confidentiality of data.

Another problem is liability for accidents, however caused. In general, mining countries are not keen on strict and unlimited liability. They say this would make it difficult or impossible to obtain insurance. But failure to make operators fully liable for accidents conflicts with the object of ensuring no damage to the environment. Especially given the inhospitable Antarctic climate, miners must not be allowed to shift their responsibilities to the world at large. As one delegate commented earlier in the negotiation, "With respect to acts of God, God is rather active in the Antarctic." There must be no exemption for what can only be termed the predictable results of working in the iceberg infested waters of the Antarctic.

The same point can be made about sabotage. Operators will not want to have responsibility for acts of sabotage against their oil rigs or other installations, yet the existence of strategic resource development will open the door to such infringements of the region's demilitarization. This will be especially true if a minerals regime is not widely acceptable to non-members of the Antarctic Treaty.

Development of super-giant oil fields or mines -- the only scale at which operations in the Antarctic could be economic -- automatically makes them the potential scene or object of international discord. Developments of such magnitude are of strategic importance to the countries involved, and thus will warrant defence in the national interest, undercutting the Treaty's demilitarization provisions.

Finally, the mere raising of the possibility of minerals exploitation threatens to undercut the fundamental compromise about sovereignty contained in Article IV of the AT. It is readily apparent that claimants want something concrete from a minerals regime, simply because of their claims. They would prefer to have these economic benefits and special privileges "up front," but if that is impossible to "sell" to the non-claimants, then they will wait to continue the debate in the Regulatory Committees.

If nations are allowed to exploit these strategic resources, there could be direct conflict over access. In the worst case, this could lead to destruction of the Antarctic Treaty.
Professor Francis Auburn has written a paper on environmental assessment in the minerals regime, which will be circulated to delegates by ASOC later this week. He notes that the ATCPs have cited their custodianship of the environment as a principal basis for their continuing monopoly of decision making, yet the record of actual enforcement of environmental rules is not that great. For example, the A$58 million station rebuilding program begun in 1981 by Australia was carried out without an impact assessment, and the Polish Arctowski station was constructed in an ecologically sensitive area in 1977 without any environmental analysis.

These and other incidents relate to basically non-controversial scientific programs, where the political and economic stakes are not very important. He notes that the ATCPs have been unable even to agree to SCAR's modest proposals that assessments be mandatory.

Auburn's analysis of the Beeby II draft text is that serious questions must be raised about the effectiveness of environmental impact assessment under the proposed regime. His primary points are that interested sponsoring states would conduct the assessments, specific rules for environmental protection would be drawn up by claimants and sponsoring states, there is no provision for public participation in the process, and all monitoring would be left to a powerless Advisory Committee and the Regulatory Committees, from which all observers would be excluded. He concludes that an Antarctic Environmental Protection Agency would be a useful addition to the Antarctic Treaty System. ECO hopes the delegates will consider Professor Auburn's points.