No Disgrace in Failure
There’s Still Time to Consider Alternatives

This week is crucial for the Antarctic minerals negotiations. The real negotiation begins now, using the new draft negotiating text. The bogey of an unregulated scramble for minerals as a possible consequence of failure to agree to a Convention has been raised. However, ECO contends this is unlikely because without an agreement no investor will risk exploration funds. Calm reflection will reveal that failure to agree to a Convention would not be a disaster, far less a disgrace.

"FAILURE" OVERSTATED
The only real consequence of a failure to agree on 2 June would be that states would provide themselves with a "breathing space" in which to consider other options.

Major issues still divide the negotiating parties. Many of these are claimant/non-claimant issues. A critical one for the claimants is the membership formula for the Regulatory Committees, and how they will take decisions.

The Commission's lack of power to review decisions made by Regulatory Committees, and the questions of who is responsible for ensuring compliance are both contentious. The question of royalties is also at the crux of the claimant/non-claimant nexus. Resolution requires either the claimants or the non-claimants to back down. Who will break first?

SEVERE EFFECTS
If the negotiations are "successful", there will be inevitable, severe consequences for the environment, and danger of resource rivalry. Minerals activity will threaten the wilderness values of Antarctica. There will be direct competition between wildlife and exploiters for the very limited areas of ice-free coastline with easy access to the sea. For the exploiters, these areas will be essential for port and onshore logistics, concentration and processing facilities; but these places are wildlife habitat and breeding grounds.

The whole basis of the Antarctic Treaty system over the last thirty years has been international scientific cooperation. Once a minerals convention is signed, science will suffer, with some projects especially in geology, being redesignated "prospecting" to avoid sharing commercially valuable data with competitors. Worse, the worldwide trend toward science "paying its way" may lead to a redefinition of research priorities in favour of projects that produce results that are saleable in order to recoup costs.

Most dangerous is the possibility of military activity. Some states present at these negotiations have threatened to use military means to defend access to "vital" resources in other parts of the world. This could also occur in Antarctica if large scale extraction of strategic minerals took place.

NEW PROPOSALS
ECO acknowledges there is a "gap" in the Treaty system in that mineral resource extraction is not addressed.
Any of several regimes which prevented minerals activity could fill this gap. Chile’s concept of an Antarctic Treaty Park, or the "Antarctic Conservation Convention" promoted by Australia at recent Consultative Meetings, should be considered instead of mining rules.

These proposals might also meet the "World Park" criteria for which NGOs have long argued. ECO urges states to discuss these options seriously with Chile, Australia and other states before committing themselves irrevocably not only to the demise of the Antarctic environment, but also to a highly dangerous shift in Antarctica’s knife-edge political status.

NO ADVANTAGES
What is the advantage of the Convention for the claimants? They stand to gain very little financially from the regime in exchange for giving up a substantial portion of their sovereignty, including the exercise of law in their sectors. This could be very unpopular domestically. If mineral exploitation becomes the dominant activity, their claims will be almost meaningless.

What is the advantage for a developing non-claimant? All but Brazil lack either the technology or the financial power to undertake Antarctic mineral exploitation. Their chance of a revenue share is infinitesimal. Such Treaty states will face criticism from non-Treaty developing states when they fail to extract significant concessions for them.

Most western developed Treaty states also assert they have no intention of undertaking minerals activities. Is there, then, any valid reason for them to agree to the Convention?

The USSR, with vast untapped mineral resources of its own, has little to gain from the Convention. The USSR wants mineral extraction technology, but it is unlikely that nations with this technology will share it. Is it really in the Soviet Union’s best interests to facilitate access to strategic minerals by states which are members of opposing military alliances?

ECO concludes there are in practice only a handful of states which can possibly benefit from the Convention. How has this group hoodwinked the remainder of the Treaty states into undertaking these negotiations? Why is the entire Antarctic Treaty system being turned on its head in order to ensure access to expensive minerals for this group?

COMMON SENSE
The Convention is being negotiated by 38 states, but will benefit few at the expense of many. Times have changed since the no-mining alternatives were dismissed in 1975, in 1979 and in 1982. Now is the time to pause and reconsider.

There is no disgrace in admitting that the proposed solution is wrong. ECO urges all delegations to consider carefully: surely it is better to take courage, to say "no", and to opt for the alternative, than to proceed with a half-baked Convention that satisfies no one?