ECO

AN NGO NEWSPAPER PUBLISHED for the
XI ANTARCTIC TREATY SPECIAL CONSULTATIVE MEETING

A-SOCK'S ANDERSEN

ASOC has produced two information papers for the Madrid SCM: the Revision of the Andersen Protocol and the Annex on Liability and Compensation for Antarctic Activities. We hope these will be useful tools for delegates.

Preparation of these documents does not mean that ASOC endorses the Andersen text or the form of a Protocol plus Annexes. The eventual form of the new instrument is less important than its content. These documents indicate the necessary improvements to the Andersen text and to the current state of Antarctic environmental protection.

The achievement of effective environmental protection requires the establishment of substantive norms for regulating the full range of activities in the region, institutions to monitor ongoing activities and evaluate the environmental effects of proposed activities, and effective enforcement mechanisms, including rigorous liability provisions and mandatory dispute settlement procedures.

ASOC REVISION OF ANDERSEN PROTOCOL

The key components of the ASOC Revision are:
- expansion of the Preamble;
- addition of a definitions article (Article 1);
- expansion of the Area of Application

THE WORLD'S PRESS

The SCM has been receiving widespread media coverage in many Antarctic Treaty countries. Japan's dramatic turnaround on the minerals issue galvanised the attention of the world's press, particularly in the UK and Australia, where it made headlines. ECO has been busy doing radio interviews and answering press inquiries ever since.

It is not surprising that the media is so interested: it is now clear that the US and UK have been hiding behind Japan - and not the other way around.

Antarctica has emerged as one of the world's major environmental stories. Millions of people worldwide now have a very clear perception of what is needed for Antarctica - a World Park - and they will not settle for less.
to include the full scope of the ecosystem for which protection is sought (Article 3);

- expansion of Cooperation, including an Antarctic Environmental Symposium jointly cosponsored by SCAR and the Committee for Environmental Protection (Article 7);

- maintenance of the Andersen minerals prohibition, full stop (Article 8);

- inclusion of core elements of Environmental Impact Assessment procedures as part of the instrument proper, to function in conjunction with more detailed provisions in an EIA annex (Article 9);

- provision for decision-making by 3/4 majority for adoption, approval, and entry into force of annexes and ATCM measures, circumscribed by certain conditions (Articles 10, 11 and 12);

- clarification of the roles of the institutions (Articles 11 and 12);

- strengthening of compliance provisions by the establishment of an Infractions Committee (Article 12 bis);

- further strengthening of compliance provisions by amendment of articles on Inspection, Response Action, Liability and Annual Reporting (Articles 14, 15, 16 and 17);

- application of mandatory dispute settlement procedures to the Protocol and its Annexes (Articles 19 and 20); and

- maintenance of the consensus requirement for modification and amendment, and extension of the review period to 200 years (Article 25).

ASOC LIABILITY ANNEX

Key points are:

- State Parties are strictly liable for environmental damage to the Antarctic ecosystem resulting from their activities or those of their nationals;

- State Parties are liable to compensate for injuries arising out of the above, except when caused by an unforeseeable natural disaster, or armed conflict or an unavoidable act of terrorism;

- State Parties have a duty to provide full compensation where liability attaches in accordance with the above;

- Where damage to the Antarctic ecosystem has occurred, and a duty to compensate arises, the Committee for Environmental Protection prepares a Damage Assessment for consideration by the ATCM, which decides and disburses the appropriate measure of compensation;

- An Antarctic Environmental Compensation Fund is established and dedicated solely to providing compensation in instances where no other source of compensation is available, or where all other sources have been exhausted; and

- The Annex is subject to the dispute settlement procedures, and to the modification and amendment provisions of the ASOC Revision of the Andersen Protocol.

CALLING ALL KIWIS

One of the disappointments of this meeting so far has been the near invisibility of New Zealand. For a country with such a strong declaratory position on the minerals issue and environmental protection, the actual projection of its position has been very weak.

New Zealand's Vina Protocol was strip-mined for the Andersen draft, but most of the best aspects of that protocol were ignored. The New Zealand Delegation here seems to be doing precious little to change this. The reinstatement of much of the substance of the New Zealand Protocol must be pursued, and, obviously, this falls to New Zealand to argue for.

One particularly alarming claim ECO has heard, is that New Zealand is

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"The Scientists' Case for a World Park", published by Greenpeace, is a collection of essays from internationally recognised Antarctic scientists. Here is a selection of quotations.

"...depending on how it is created a World Park could help scientists have more input...Under the present system scientific advice is too often politely accepted, but then pushed gently aside when political reasons dominate." Dr William Sladen, the scientist who discovered the presence of DDT in penguins.

"Any Antarctic science that is environmentally acceptable and does not violate the goals of the World Park idea will be possible, even encouraged. Geological research that is not motivated by exploration for resources would also be unquestioned." Dr Gerhard Womer, Professor of Petrology.

"...an increase of human activities such as mining operations, tourism or other commercial enterprises would entirely destroy any possibility of ever studying the topics described above." Professor Peter Hirsch, Professor of Microbiology.

"The time is right. Even if the authorities don't realise it, public opinion is turning in favour of creating a huge protected area in the as yet, undamaged continent, the 'Last Great Wilderness.' The symbolic importance of success here is enormous and often underestimated by politicians and even scientists." Drs. Pierre Jouventin and Vincent Bretagnolle, Ornithologists.

At the Greenpeace press conference launching the publication, Joe Farman, the man who discovered the ozone hole, criticised the UK's position on mining "...once mining investment has started then the process is difficult to stop, we should not let it begin. The message from the world of science to Britain is quite clear. Keep mining out of Antarctica."

Copies of the "Scientists' Case for a World Park" are available from the information desk at the conference centre, or from Greenpeace offices. Order your copy today.

"A real page-turner ... if you read one book this year, make it this one." Tucker Scully

"The number one best-seller in Dargaville, New Zealand." Gerard Van Bohemen

"Spell-binding ... " Dr John Heap

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CALLING ALL KIWIS

considering moving from a permanent ban to a 60 year prohibition. ECO does not believe this is NZ Government policy, and urges the New Zealanders to make this very clear to their colleagues.

"I'll be brief, Mr Chairman" can be taken to excess. So, come on New Zealand, get serious!

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SPAIN'S DOUBLE TAKE

The Spanish delegation continues with its convenient ambiguity - NOT supporting yet NOT opposing any of the proposals on the table. Spain is still juggling two different policies on the future of Antarctica: while the Senate and the Education and Science Ministry support permanent protection for Antarctica, Foreign Affairs is playing a very different game in its lead role at this SCM.

Last September, with refreshing foresight, the ruling socialist party, PSOE, presented and successfully
defended a motion in the Senate calling on Spain to "support the declaration of Antarctica as a Natural Reserve, Land of Science." With support from every political party in the Senate the motion passed unanimously.

Greenpeace congratulated the members of the Senate for their decision. Finally, Spain had a position on the future of Antarctica! Yet despite wide media coverage, and a statement by the Education and Science minister that Spain was in favour of the protection of Antarctica and, therefore, against mineral exploitation, Foreign Affairs doesn’t appear to have heard the news!

How much longer will the Spanish delegation continue to sit on the fence? Surely the Spanish Government, through the Senate, has clearly stated its position on Antarctica! Does Foreign Affairs believe that Spain should have TWO policies - one for domestic consumption, and another for international relations?

This week, the game is at its most difficult point: can Spain continue to maintain two different policies on Antarctica now that Madrid is the focus of worldwide attention?

WE, THE UNDERSIGNED . . .

On Earth Day, April 22 - the opening day of the Madrid meeting - this year's winners of the prestigious Goldman Environmental Award, signed a Declaration on Antarctica.

DECLARATION ON ANTARCTICA

We, the undersigned winners of the 1991 Goldman Environmental Prize, each from one of six continental areas of the globe, urge that Antarctica be given permanent environmental protection including a permanent prohibition on mineral activities.

To this end we urge all Antarctic Treaty Parties to agree to a comprehensive environmental protection instrument incorporating as an integral part a permanent prohibition on minerals activities.

Catherine Wallace, New Zealand
Sam LaBudde, United States
Evaristo Nugkuag, Peru
Yoichi Kuroda, Japan
Wangari Muta Maathai, Kenya
Roland Tiensuu & Eha Kem, Sweden