

Antarctica Pact Could Open Way for Mining

Thirty-three nations sign a convention, overcoming differences on environmental protection, territorial sovereignty

BENEATH THE ICE AND OCEANS of Antarctica, there might be rich deposits of oil and other valuable minerals. So, Antarctica, the coldest place on earth, has for many years been a hot spot of disputes between mining concerns and environmental groups, and between nations which have asserted territorial sovereignty and those which contest the claims.

But on 2 June, culminating several years of negotiations, 33 nations agreed to a framework to regulate mining exploration and development in all Antarctica. The convention, adopted at a meeting in Wellington, New Zealand, is regarded by members of the American delegation as an unusual achievement because it goes far in balancing many competing interests.

The convention "is a web of principles that lays the foundation to do things sensibly" in Antarctica, says James N. Barnes, general counsel of the Antarctic and Southern Ocean Coalition, a group representing a consortium of 175 environmental groups internationally.

"The agreement is balanced," says Tucker Scully of the State Department and lead negotiator for the American delegation. "It's one of the best international agreements in terms of environmental principles."

The convention must now be ratified by 16 of the 20 nations which signed the Antarctica Treaty of 1959 that bans all military activity in Antarctica and permits scientific research. Ratification is expected next year.

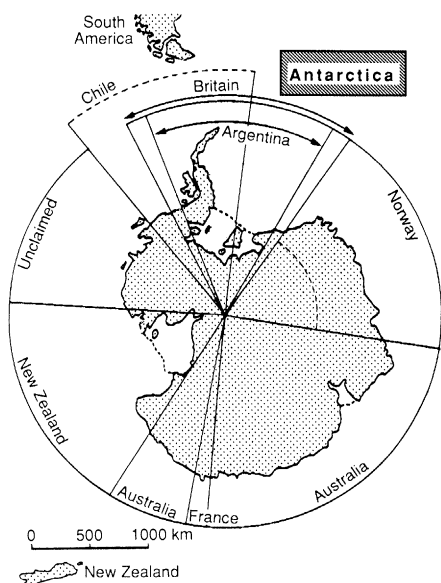
Antarctica is an ice-covered land mass almost one and a half times the size of the United States. In the coldest season, the average temperature hovers around -80°F . Nevertheless, this harsh landscape is home to a variety of animals, including emperor penguins and seals. Surrounding oceans are full of krill and other marine life.

Scientists have been studying Antarctica for many years, but no one really knows yet whether enough mineral resources exist to make it worthwhile to set up operations in such a hostile environment, says James Jackson of the American Petroleum Institute, a member of the United States delegation. Even so, nations, mining companies, and

environmental groups have been anxious to lay the ground rules for commercialization. Countries have observed an informal moratorium on exploration and development for the past 8 years while talks on the convention proceeded.

A key to the convention's approval is that it sidesteps the issue of whether the seven nations who assert sovereignty over different regions of Antarctica have a rightful claim. (The claimant nations are Australia, New Zealand, Chile, Argentina, the United Kingdom, Norway, and France.) The convention sets the stage for some interesting political dynamics with the voting powers it assigns claimant and non-claimant nations. "One of the philosophies that underlies the convention is that claimant and non-claimant nations couldn't outvote each other," Scully says.

Barnes and other environmental represen-



tatives say the agreement sets up strong environmental standards. The convention states, for example, that decisions about mining activities "shall be based on information adequate to enable informed judgments to be made and no such activities shall take place unless this information is available. . . ." Activities will not be permitted if they will cause "significant changes" in atmo-

spheric, terrestrial, or marine environments.

The convention for the first time formally allows prospecting, which could mean that less scientific information from mining-related activities will be available in the future. Barnes says that in the past, some prospecting has occurred under the rubric of scientific research, but the Antarctic Treaty requires the disclosure of data collected. Now prospecting parties can treat the data they collect as proprietary until the information is 10 years old. The only permission needed for prospecting—which involves activities that will cause little change in the environment, such as seismic testing—is from the government sponsor of the prospectors.

Approval for more intensive exploration activities involving major blasting, for example, and commercial mining will involve a commission and regulatory committees set up by the convention. The commission has the authority to decide whether a party can explore in a proposed area. Formal objection by a single country can bar any area from even being a candidate for exploration activities. This veto power is likely to be used very selectively because a nation refusing activities in one area might find itself in the future being blocked by another country to explore in another area of its own choice.

Once an area is approved, the chief oversight responsibility for protecting the environment rests with the regulatory committees, which will issue licenses. Each committee will have ten members, four of which are claimant nations and six non-claimant nations. The approval of seven nations is required for a license. The United States, the Soviet Union, and the claimant nation where exploration or mining is proposed have standing membership on each committee. The committees will rely on a scientific advisory body to provide information about the environmental impact of the proposed activities.

Barnes contends that a major weakness in the convention is that it does not give observers, such as environmental groups, the right to sit in on regulatory committee meetings even though the United States pressed for this requirement. Scully says, "I would have strongly preferred that it was explicitly contained [in the agreement], but it's not a fatal flaw." Lee Kimball, another U.S. delegate representing the International Institute for Environment and Development—North America, which is newly affiliated with the World Resources Institute, says, "The opportunities for public observers are pretty good. In practice, the pressure of the system is so great that the advice of the scientific advisory committee would have to be taken into consideration."

■ MARJORIE SUN