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QUESTION OF ANTARCTICA

Letter dated 30 June 1988 from the Chargé d'affaires a.i. of the
Permanent Mission of Australia to the United Nations addressed
to the Secretary-General

On behalf of the Antarctic Treaty Consultative Parties Members of the United Nations I have the honour to convey to you the attached statement (see annex) by Mr. C. D. Beeby, Chairman of the Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, which met at Wellington from 2 May to 2 June 1988, regarding the adoption of a Convention to regulate mineral resources activities in Antarctica.

I have the honour to request you to arrange to have this letter and its annex distributed as an official document of the General Assembly under item 70 of the preliminary list.

(Signed) K. J. BOREHAM
Acting Permanent Representative

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ANNEX

Press statement issued on 2 June 1988 at Wellington on the
adoption of the Antarctic Minerals Convention

Mr. C. D. Beeby, the Chairman of the Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, which has been meeting in Wellington from 2 May to 2 June 1988, announced this evening that the 33 Antarctic Treaty Parties present had adopted a Convention to regulate mineral resource activities in Antarctica.

"This is an historic occasion", said Mr. Beeby, "which I believe will go down in Antarctic history as the most important political development regarding the regulation of Antarctica since the Antarctic Treaty itself was adopted in 1959."

Mr. Beeby said that the Convention was not - as it was sometimes portrayed - an invitation to start mining in Antarctica. "In fact, it is quite the reverse", he commented.

He explained that the aim of the Convention was to fill a significant gap in the Antarctic Treaty system. "Previously there was no prohibition on mining activity. Anyone could go to Antarctica and explore for minerals and exploit them with all the consequential risks for the environment and the political stability of the region. If mineral deposits were ever discovered in commercially extractable quantities, an unregulated scramble for resources would have ensued. In such a situation, with no binding rules in place to protect the Antarctic environment, even prospecting could have led to serious pollution problems and the resurrection of disputes about sovereignty which had been put on one side by the Antarctic Treaty."

"In environmental terms the really significant achievement of the agreement which we have adopted today", said Mr. Beeby, "is that it completely reverses the previous state of affairs. This Convention prohibits exploration for and extraction of mineral resources in Antarctica. That prohibition stands unless the institutions established in the Convention give specific approval. The approval process is a rigorous one. It requires, first of all, a consensus decision even before applications are lodged. Secondly, there is a further stage of approval required in the context of any particular application. And at both stages the Convention sets out rigorous environmental protection criteria and safeguards - the most stringent safeguards ever negotiated in an international treaty."

Mr. Beeby explained that the Convention provides for an Advisory Committee of scientific and technical experts to undertake detailed and comprehensive environmental evaluations at all stages of the decision-making process. For each major step of an application a comprehensive environmental evaluation would be required. The Advisory Committee's mandate requires public input and other international organizations with environmental expertise were also to be involved. "The Convention also foresees a role for non-governmental organizations and it is absolutely clear that the reports of the Advisory Committee must be publicly available before any major decisions are taken."

"Once mineral activities commenced, they would be subject to strict monitoring by a Regulatory Committee" said Mr. Beeby. "There are also stringent inspection provisions. Operations can be inspected at any time by any of the States involved or by observers appointed by the Commission. The Convention provides for the suspension or cancellation of a Management Scheme if this monitoring and inspection reveals any failure to comply with the Convention's criteria. Indeed the institutions are specifically required to suspend operations if a major problem arises."

Mr. Beeby explained that if, despite all these measures, an accident occurred and there was damage to the environment, the Convention provided that the Operator was under an unqualified obligation - backed up, if necessary, by responsibility on the State sponsoring the application - to clean up any damage to the environment. "If for any reason the damage was not completely cleaned up and the environment restored to the status quo ante, the Operator would be strictly liable to pay compensation not only for the environmental damage caused, but also to any other Parties who had assisted in cleaning up the damage or whose interests were affected. This is a really powerful incentive on Operators to maintain the highest standards", said Mr. Beeby.

Mr. Beeby also noted that the Convention provided for a system of protected areas so that parts of Antarctica of special sensitivity could be placed off limits for minerals activity.

"These provisions will ensure that if any minerals activity ever takes place in Antarctica, it will proceed in a regulated and environmentally safe manner that will ensure the continued peace and stability of the Antarctic continent" Mr. Beeby said.

He added that the meeting had decided that the headquarters for the Commission would be set up in New Zealand when that became necessary. "It will probably be some years before the Convention is ratified by the necessary number of 16 States for it to enter into force" said Mr. Beeby. "Most, if not all, will need to pass legislation to ensure the requirements of the Convention are complied with. And after that the need for a permanent secretariat will depend on future developments."

"This agreement is very special" said Mr. Beeby. "All too often the international community is simply reactive. It responds only after catastrophes have occurred or lives have been lost. For once, we have had the foresight to think ahead, to make rules before activity reaches a dangerous level. That is a remarkable tribute to the Antarctic Treaty system which is itself a very special and very effective form of international co-operation that sets an example to the rest of the world."

Mr. Beeby warmly thanked delegations for their hard work over six years of negotiation and for their co-operation and commitment which had enabled the negotiations to be brought to a successful conclusion.