



WELLINGTON

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ANT/17
18 October 1972
Original: English

ANTARCTIC RESOURCES - EFFECTS OF MINERAL
EXPLORATION

(Draft Recommendation submitted by the United Kingdom)

Explanatory Memorandum

- 1 In the course of discussion of this Agenda Item at the Third Preparatory Meeting, the United Kingdom undertook to prepare a Draft Recommendation for consideration. In preparing the attached draft we have been guided by various premises made either in papers circulated at the Third Preparatory Meeting by France (PP 3/6), South Africa (PP 3/4), the United States (PP 3/21) and the British paper (PP 3/2) or in discussion. These premises are summarised below:
 - (a) This subject raises problems which are certain to multiply and which cannot be evaded indefinitely without becoming increasingly difficult to solve.
 - (b) Unilateral action by any country, whether a Consultative Party to the Antarctic Treaty or not, aimed at promoting commercial prospecting for minerals in the Antarctic Treaty Area could damage the working of the Treaty.
 - (c) The question of mineral prospecting in the Antarctic Treaty Area can be approached initially without going into questions of jurisdiction (as in the case of the Agreed Measures for the Conservation of Antarctic Fauna and Flora).
 - (d) There is need to ensure that all those who visit the Antarctic Treaty Area should comply with the provisions of the Antarctic Treaty and with the relevant approved Recommendations made under it. In particular there are the provisions of Article III(1) of the Treaty, about free exchange of information on scientific plans and results. Similarly, any prospecting company should know clearly that its activities would be subject to inspection under Article VII. It seems an essential minimum requirement that Antarctic geologists should not become divided into two

groups; one group subject to free exchange of information and the other subject to commercial secrecy.

- (e) The steady progress of geological surveys of the Antarctic Treaty Area will indicate, probably within this decade, any areas which might justify the application of intensive commercial mineral prospecting techniques.
- (f) Recent applications for prospecting licences, or enquiries about their availability, have been of an intrinsically speculative nature, reflecting the need of prospecting companies to keep themselves occupied rather than a world need for the minerals which might be found.
- (g) There is only a remote prospect of finding commercially exploitable minerals in the Antarctic.
 - (i) If Antarctic minerals are discovered in the near future in quantities which, if found elsewhere in the world would attract commercial exploitation, present technological problems would make economic exploitation unlikely for some time.
 - (ii) No harm would be done to world interests in minerals if there were to be an internationally agreed moratorium on the exploitation of minerals in the Antarctic Treaty Area for ten to fifteen years.
- (h) The Antarctic appears attractive as a potential source of minerals to those who are unaware of the practical difficulties.
- (i) Any exploitation of minerals in the Antarctic Treaty Area will require stringent regulation, on an internationally agreed basis, if irreparable damage to the Antarctic environment is to be avoided.

2 From these premises the United Kingdom has drawn four broad conclusions:

- (a) that a start should be made towards drafting what we have provisionally called "agreed measures concerning commercial exploration for mineral resources in the Antarctic Treaty Area";
- (b) that these agreed measures should be capable of extension, in case of need, to cover the regulation of the effects of commercial exploitation of Antarctic mineral resources;
- (c) that, at least initially, and unless their effectiveness is likely to be compromised by so doing, negotiation of these agreed measures should be kept within the Antarctic Treaty forum between

those countries who are aware of the possibilities, opportunities, dangers and practical difficulties;

- (d) that it would be consistent with the position they have adopted of responsibility for the maintenance of the Antarctic environment and in the interests of all the Consultative Parties to avoid permitting commercial exploration for Antarctic mineral resources until the agreed measures referred to above have become effective.

3 With these conclusions in mind the United Kingdom has drafted the attached Recommendation using only principles embodied in the Antarctic Treaty itself or principles that have already been agreed between the Consultative Parties in the context of wild-life conservation or conservation of the Antarctic environment.

4 If the Norwegian Delegation confirms the proposal by the Nansen Foundation to hold an informal conference on Antarctic resources in Oslo during 1973, it is suggested that between operative paragraphs 4 and 5 of the draft Recommendation the following might be inserted:-

"5 Advantage should be taken of the Conference proposed by the Nansen Foundation of Norway to exchange views informally prior to subsequent consideration of this matter at the Eighth Antarctic Treaty Consultative Meeting;"

DRAFT RECOMMENDATION SUBMITTED BY UNITED KINGDOM

(Item 8 of the Provisional Agenda)

Antarctic Resources - Effects of Mineral Exploration

The Representatives,

Recalling

- (1) the provision for freedom of scientific investigation in the Antarctic Treaty Area contained in Article II of the Antarctic Treaty;
- (2) the provision for the exchange and free availability of scientific observations and results from the Antarctic Treaty Area contained in Article III of the Treaty;
- (3) the provision contained in Article IV of the Treaty that no acts or activities taking place while the Treaty is in force shall constitute a basis for asserting, supporting or denying a claim for territorial sovereignty in the Antarctic Treaty Area or create any rights of sovereignty;
- (4) the provisions for inspection within the Antarctic Treaty Area contained in Article VIII of the Treaty;
- (5) the obligation on Contracting Parties contained in Article X of the Treaty to exert appropriate efforts consistent with the Charter of the United Nations, to the end that no one engages in any activity in the Antarctic Treaty Area contrary to the principles and purposes of the Antarctic Treaty;

Recommend to their Governments that:

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| (Based on 1
Rec. I-VIII,
para.(i)) | They recognise the urgent need for measures concerning commercial exploration for minerals in the Antarctic Treaty Area; |
| (Based on 2
Rec. I-VIII,
para.(iv)) | They encourage the publication and interchange of information and international co-operation with a view to promoting scientific studies of Antarctic geology as the essential basis for rational utilisation of mineral resources in the Antarctic Treaty Area in the future; |
| (Based on 3
Rec. I-VIII,
para.(iv)) | They consult on the form in which it would be most suitable to establish in due course internationally agreed measures concerning commercial exploration for mineral resources in the Antarctic Treaty Area, taking into account, <u>inter alia</u> , the relevant principles already established between the Contracting Parties set out in the Annex to this Recommendation; |

(Based on 4
Rec. I-VIII,
para.(v))

As an interim measure, commercial exploration for minerals should not take place in the Antarctic Treaty Area until such time as the internationally agreed measures referred to in paragraph 3 above have become effective;

(Based on 5
Rec. I-VIII,
para.(vi))

They exchange information on any important steps taken in accordance with this Recommendation.

ANNEX

Principles to be taken into account in establishing agreed measures concerning commercial exploration for mineral resources in the Antarctic Treaty Area

- (Treaty, Preamble) (1) It is in the interest of all mankind that the Antarctic Treaty Area shall continue for ever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord.
- (Article II) (2) Freedom of scientific investigation in the Antarctic Treaty Area and co-operation towards that end shall continue subject to the provisions of the Antarctic Treaty.
- (Article III) (3) In order to promote international co-operation in scientific investigation in the Antarctic Treaty Area the following should be exchanged between Contracting Parties to the greatest extent feasible and practicable:
- (a) information regarding plans for scientific programmes in the Antarctic Treaty Area;
 - (b) scientific observations and results from the Antarctic Treaty Area shall be exchanged and made freely available.
- (Article IV) (4) No acts or activities taking place while the Antarctic Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in the Treaty Area or create any rights of sovereignty in the Treaty Area.
- (Article VII) (5) All parts of the Antarctic Treaty Area, including all stations, installations and equipment within that area, and all ships, aircraft at points of discharging or embarking cargoes or personnel in the Antarctic Treaty Area shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of Article VII of the Antarctic Treaty.
- (Article VII) (6) Each Contracting Party shall give notice in advance of all expeditions to and within the Antarctic Treaty Area on the part of its ships or nationals and all expeditions to the Antarctic Treaty Area organised in or proceeding from its territory.
- (Agreed Measures on Fauna and Flora, Preamble) (7) In accordance with the Agreed Measures for the Conservation of Antarctic Fauna and Flora the Antarctic Treaty Area is considered as a Special Conservation Area.

- (Rec. VI-4, para.(2)) (8) The Antarctic derives much of its scientific importance from its uncontaminated and undisturbed condition.
- (Rec. VI-4, para.(1)) (9) The Antarctic ecosystem is particularly vulnerable to human interference.
- (Rec. VI-4, para.(4)) (10) The Contracting Parties should assume responsibility for the protection of the environment and the wise use of the resources of the Antarctic Treaty Area.
- (Article X) (11) Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the Antarctic Treaty.