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Sigmar Gabriel, MdB
z.H. Sören Heinze
Platz der Republik 1
11011 Berlin

Dear Minister Sigmar Gabriel,

I am writing to you with some urgency in your capacity both as Environment Minister of the Federal Republic of Germany and also as current President of the Bureau of the UN Convention on Biological Diversity. It has come to our attention that German researchers on board a German vessel operated by a German research agency are intending to breach the terms of the international moratorium on ocean fertilization activities that was agreed under your leadership at COP9 of the CBD in Bonn in May 2008.

You may not be aware that on the 7th January 2009, the RV Polarstern, a research vessel which customarily flies the German flag and is operated by the Alfred Wegener institute in Bremerhaven, was to have set sail from the port of Cape Town, South Africa carrying 20 tonnes of iron sulphate. This material is intended to be dumped in the Scotia Sea close to Antarctica as part of a 300 square km ocean fertilization experiment. This experiment, codenamed 'Lohafex' is being led by the Alfred Wegener Institute in collaboration with the National Institute of Oceanography from India. You can read more about the proposed fertilization experiment on these web pages:

http://www.nio.org/projects/narvekar/narvekar_NWAP2.jsp

<http://www.dailymail.co.uk/sciencetech/article-1104772/Amazing-discovery-green-algae-save-world-global-warming.html>

We were extremely delighted last year when you so successfully led the negotiations to establish a 'de facto moratorium' on ocean fertilization at the Ninth Conference of the Parties to the Convention on Biological Diversity. You may be aware that this decision was further bolstered in November last year by a further agreement concluded at The International Maritime Organisation's London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.

We are highly alarmed that the Lohafex experiment, which we had assumed would have been prevented by the terms of that moratorium, is now moving ahead. The legal advice we have received is that if the Lohafex researchers release iron into the ocean later this month as planned, Germany will be regarded as breaching the terms of the moratorium you worked so hard to achieve.

To be clear, the wording of the de facto moratorium as you negotiated at COP9 states:

“Bearing in mind the ongoing scientific and legal analysis occurring under the auspices of the London Convention (1972) and the 1996 London Protocol, requests Parties and urges other Governments, in accordance with the precautionary approach, to ensure that ocean fertilization activities do not take place until there is an adequate scientific basis on which to justify such activities, including assessing associated risks, and a global, transparent and effective control and regulatory mechanism is in place for these activities; with the exception of small scale scientific research studies within coastal waters. Such studies should only be authorized if justified by the need to gather specific scientific data, and should also be subject to a thorough prior assessment of the potential impacts of the research studies on the marine environment, and be strictly controlled, and not be used for generating and selling carbon offsets or any other commercial purposes...” (Para 4. of COP 9 DECISION IX/16 (Bonn, 19 - 30 May 2008) on Biodiversity and climate change.)

The Lohafex expedition violates this moratorium in three ways:

- 1) There is not currently any “global, transparent and effective control and regulatory mechanism” in place for ocean fertilization activities;
- 2) The Lohafex expedition is targeting an area of the high seas (The Scotia Sea) and thus is not taking place “within coastal waters,” and;
- 3) It has not yet been established in any fora whether 300 square kilometers constitutes “small scale” in the case of these experiments.

Furthermore the Thirtieth Meeting of Contracting Parties to the London Convention and the Third Meeting of Contracting Parties to the London Protocol (November 2008) agreed that as regards ocean fertilization, “scientific research proposals should be assessed on a case by case basis using an assessment framework to be developed under the London Protocol and Convention by the Scientific Groups.” The process to develop that assessment framework has not yet begun. The first meeting to consider this will be held at the IMO in London on 11th-13th February. No mention or exception was made as regard to scale.

According to the agreements under both conventions this project should also be subject to a thorough prior assessment of the potential impacts of the research studies on the marine environment. We are not sure if this has happened or which body has reviewed such an impact assessment.

We hope that you would be as dismayed as we are at this imminent breach of the moratorium and would urge the German government to recall the RV Polarstern from its expedition before any iron is released. Not only does such a violation potentially threaten marine ecosystems it would also undermine the credibility of decisions made by the international community at the

Convention on Biological Diversity. The researchers on board the RV Polarstern are claiming they have a permit issued by your ministry. We find that surprising.

According to news reports the Lohafex experiment is expected to begin at the start of February 2009. We are distressed that this has been scheduled in advance of the upcoming meetings of the London Convention scientific groups and of the next meeting of the CBD Bureau.

As well as soliciting your support, we will also be working with other civil society groups to raise this matter directly with the Indian and South African Governments, the European Union and the secretariats of the Convention on Biological Diversity and of the London Convention.

Since you personally took the lead role in negotiating for the moratorium on ocean fertilization at the CBD we have every confidence that you will act to protect the integrity of the convention and of this important landmark agreement made under your chairmanship.

We look forward to hearing from you as regards which steps will be taken both by Federal Republic of Germany and the Bureau of the CBD to uphold the COP9 decision.

Yours Sincerely,



Pat Mooney
Executive Director
ETC Group

cc:

Dr. Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity
Mr Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism for South Africa.

Jochen Flasbarth, Director General - Nature Conservation and Sustainable Use of Natural Resources Federal Ministry for the Environment, Nature Conservation and Nuclear Safety.

Ms. Nicola Breier - Head of Unit, International Nature Conservation, Federal Ministry for the Environment, Germany

Mr. Jan Plesnik - Director Adviser Agency for Nature Conservation and Landscape Protection, Czech Republic (EU Presidency)

Mr Friedrich Wulf - German Forum on Environment and Development

Jessica Dempsey – Co-ordinator, CBD Alliance