

United Nations  
**GENERAL  
ASSEMBLY**

THIRTY-NINTH SESSION

Official Records\*



FIRST COMMITTEE  
52nd meeting  
held on  
Thursday, 29 November 1984  
at 10 a.m.

VERBATIM RECORD OF THE FIFTY-SECOND MEETING

Chairman: Mr. SOUZA e SILVA (Brazil)

later: Mr. VEJVODA (Czechoslovakia) (Vice-Chairman)

CONTENTS

GENERAL DEBATE, CONSIDERATION OF AND ACTION UPON DRAFT RESOLUTIONS ON AGENDA  
ITEM 66 (QUESTION OF ANTARCTICA) (continued)

\*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned within one week of the date of publication to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL  
A/C.1/39/PV.52  
30 November 1984  
ENGLISH

The meeting was called to order at 10.15 a.m.

AGENDA ITEM 66 (continued)

QUESTION OF ANTARCTICA: GENERAL DEBATE, CONSIDERATION OF AND ACTION UPON DRAFT RESOLUTIONS (A/39/560, 583 (Part I and Corr.1, Part II, vols. I, II and III))

Mr. SUESS (German Democratic Republic): The delegation of the German Democratic Republic has studied with great interest the report of the United Nations Secretary-General presenting the study on the question of Antarctica. Please permit me to make some preliminary remarks about the study.

We believe that the study before us fulfils the task formulated by the United Nations General Assembly:

"to prepare a comprehensive, factual and objective study on all aspects of Antarctica, taking fully into account the Antarctic Treaty system".

(resolution 38/77)

We thank the Secretary-General and the staff members of the Secretariat for their excellent work and their endeavour to present a balanced outline of this subject matter, which is so important politically and in international law.

At the thirty-eighth session of the United Nations General Assembly the German Democratic Republic stated its position of principle on the question of Antarctica. Now, as before, our main aim is to maintain a demilitarized Antarctica as a zone of peace and all-round scientific co-operation among States with different social orders, in the interest and for the benefit of all mankind. Therefore the German Democratic Republic advocates the maintenance of the existing Treaty system, which is based on the Antarctic Treaty of 1959, the contents of which are further developed by additional agreements among all parties to the Treaty.

My Government considers it an urgent political necessity to keep the vast area south of the 60th parallel free from international tensions and conflicts. To that end the Antarctic Treaty, which freezes all territorial claims and stipulates the equality of all States in scientific research work within the scope of the Treaty, has established essential guarantees. Since 1959 my country has taken the opportunities offered by equal participation in the exploration of the sixth continent.

Since that time scientists of the German Democratic Republic participating in Soviet Union expeditions have made an acknowledged contribution to the basic research with regard to Antarctica. In this regard, my country has always met the

(Mr. Suess, German Democratic  
Republic)

obligation laid down in the Antarctic Treaty that the scientific observations and results of research in Antarctica should be made freely available. All interested States are offered the opportunity to obtain information about the activities of our scientists from the Academy of Sciences of the German Democratic Republic.

There are additional reasons why the German Democratic Republic advocates maintenance of the Antarctic Treaty. First, the Treaty has proved its worth as an effective means of international legal regulation of the demilitarization of certain regions of the world. Secondly, the Treaty takes into account the principle of universality by giving every State the right to accede to it, irrespective of its contribution to the exploration of Antarctica. Thirdly, the Treaty provides for an exchange of information for the benefit of all States.

(Mr. Suess, German Democratic Republic)

Fourthly, for the region south of the 60th parallel, the Treaty contains obligations for the co-operation of States of all existing socio-economic systems which, in accordance with article 55 of the United Nations Charter and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations of 1970, are conducive to solving existing problems in international relations and to international law as a whole. And fifthly, the co-operation of all parties to the Treaty focuses not only on the scientific exploration of Antarctica but also on effective measures to protect the natural environment of the continent. It is these aspects that are rightly underlined time and again by internationally acknowledged scientists. The specific obligations for co-operation which are stipulated in the Treaty constitute an appropriate framework for safeguarding the interests of the international community as a whole.

Last year's deliberations in this Committee showed the positive approach to the Antarctic Treaty by the majority of States of all social systems. Some States stated their clear interest in acceding to the Treaty. This can also be seen in the study on the question of Antarctica submitted by the United Nations Secretary-General. The German Democratic Republic would welcome accession to the Treaty by all States interested in the exploration and uses of Antarctica exclusively for peaceful purposes.

Notwithstanding the fact that the existing Antarctic Treaty system has met all requirements, we cannot fail to notice that some aspects of its implementation could be improved. In this connection, we attach great importance to the readiness of the Consultative Parties to intensify the existing information system with regard to non-Consultative Parties and States not parties to the Treaty, as well as to efforts to have all parties to the Treaty take a more active part in the measures for implementing the Treaty. Such steps are appropriate for promoting co-operation among all interested States and to contribute towards reducing existing reservations against the Treaty. All this does not alter our position that there is no need to question this time-tested Treaty or to call for its revision. Together with a great number of other States, the German Democratic Republic will not support demands to that effect. In the view of the German

(Mr. Suess, German Democratic Republic)

Democratic Republic, any revision of the Treaty of 1959 would entail serious risks. Instead of developing an improved legal framework regarding Antarctica, there would be a real danger that the territory of Antarctica would become involved in the arms race and that territorial claims would be revived and new claims arise. For all these reasons, the German Democratic Republic cannot support the proposal of Malaysia to establish a special body - for instance, a special committee or a working group - to examine the question of Antarctica.

Finally, the German Democratic Republic reaffirms its view that the Antarctic Treaty, adopted in 1959 for an unlimited period, has proven its worth. It is evident that the essential interests of all groups of States have been duly taken into account in that Treaty. In it we find all the necessary conditions for the peaceful development of Antarctica, now and in the future.

Mr. AUSTAD (Norway): My delegation would like to express its gratitude to the Secretary-General for the efforts made in preparing the report on the question of Antarctica. It has required considerable effort and a time-consuming processing of information. A large number of Member States have submitted their views. Those States that possess a special knowledge of Antarctica due, inter alia, to their scientific research there, have contributed especially extensive information and material. The Government of Norway, for one, included an encompassing bibliography of available literature on Norwegian Antarctic research with its contribution to the study. Information has also been provided by the relevant specialized agencies, organs, organizations and bodies of the United Nations system, as well as by the relevant international organizations having scientific or technical information on Antarctica.

My Government is currently studying with keen interest both the report of the Secretary-General and the various views of States. In the time available, it has, of course, not been possible to arrive at any conclusion concerning the report. At the present stage my delegation would, however, like to express certain general comments.

The Norwegian Government considers the Antarctic Treaty to be one of the major success stories of post-war international law and politics. For more than 20 years the Treaty, to which Norway was one of the 12 original parties, has constituted a

(Mr. Austad, Norway)

firm basis for constructive and harmonious international co-operation in Antarctica. Thus, the Treaty is a uniquely successful international legal instrument that has served the interests of all mankind.

One element of the Antarctic Treaty system stands out above all as singularly important. I am, of course, referring to the unique conflict-preventing significance of the Antarctic Treaty. In spite of differing views as to sovereignty issues, Antarctica has remained a zone of peaceful co-operation among nations of all parts of the world, among them the five permanent members of the United Nations Security Council. The Antarctic Treaty has effectively demilitarized and denuclearized the southern continent; it has provided a forum for political and scientific collaboration; it has set aside the potential for sovereignty disputes; and it has created an important instrument for the protection of the unique and fragile Antarctic environment, as well as for the conservation and management of its resources. In all this, the Treaty has fulfilled the aim set out in its preamble: that Antarctica shall continue forever to be used exclusively for peaceful purposes. In pursuing this aim, the Antarctic Treaty parties have succeeded in promoting the purposes and principles of the Charter of the United Nations.

In the view of my delegation, even a cursory reading of the report of the Secretary-General very convincingly shows the impressive record of the Antarctic Treaty in securing and promoting the peaceful uses of Antarctica. We find it satisfactory that the significance of the Antarctic Treaty system in maintaining Antarctica as a demilitarized zone, free from nuclear weapons and strategic competition, so clearly comes to light in the report.

(Mr. Austad, Norway)

However, the Antarctic Treaty is more than an efficient vehicle for securing Antarctica as a unique zone of peace in the world. The Treaty has established a singularly important mechanism for managing all aspects of human endeavour in the Antarctic. It has created a system that works. In a world where effective international co-operation is so hard to come by, the Antarctic Treaty stands out as an outstanding success. Let us not now in this forum undermine that extraordinary accomplishment.

Some delegations have argued that the Antarctic Treaty constitutes closed co-operation among a select few. But the opposite is true. The Treaty is open to all Members of the United Nations and, in fact, 32 States have already acceded to it. The membership is varied, with participating States from a wide range of economic, political and social systems. It is also a system under expansion, with an increasing number of States acceding to the Treaty, including, since the last session of the General Assembly, as has already been pointed out, Cuba, Finland, Hungary and Sweden.

I should like to stress that the Antarctic Treaty is an entity with a continuously proven capacity to grow and develop. It is a dynamic international instrument. Since last year's debate in the General Assembly it has developed further. At the last session of the minerals negotiations the Consultative Parties agreed to invite all contracting parties to attend future mineral meetings. The decision supplemented a previous agreement reached at the 12th Consultative Meeting in 1983 to invite all Treaty parties to the regular consultative meetings. Through their participation, all contracting parties will acquire further knowledge and information about Antarctica. At the same time, they add a new dimension to the important work at the meetings through their presentation of views on issues on the agenda. This represents an important opening up of the Treaty system.

At the same time the Consultative Parties are constantly seeking to improve the dissemination of information on Antarctica and activities conducted under the Treaty system. The last Consultative Meeting decided to send its report to the Secretary-General of the United Nations. The possibilities of further strengthening the existing co-operation between the Antarctic Treaty system and the relevant specialized agencies of the United Nations, as well as other relevant organizations having a scientific and technical interest in Antarctica, are being

(Mr. Austad, Norway)

considered. Other ways of improving and opening up the Antarctic Treaty system are regularly being sought.

Even an incomplete review of the considerable achievements that have been accomplished on the basis of the Antarctic Treaty leads to the inescapable conclusion that the Treaty has served the interest not only of those nations most directly concerned with Antarctica but of the entire international community as well. It is the sincere hope of my Government that the value and significance of the Treaty system will be recognized by all Members of the United Nations.

The Norwegian Government would welcome increased international participation in Antarctic matters. My Government therefore urges Member States with an interest in Antarctica to adhere to the Antarctic Treaty. Our common objective should be not to undermine or to seek to change the Treaty but to preserve, maintain and build upon it.

When my Government last year agreed to the consensus resolution calling for a comprehensive, factual and objective study on all aspects of Antarctica, it did so in the conviction that such a study would contribute to a better understanding of the singular achievements of the Antarctic Treaty system. My Government was of the opinion that increased information would be beneficial to all.

In the view of my Government the study submitted by the Secretary-General should now be studied by the Governments of Member States. We feel convinced that a closer scrutiny of the report will show to all Governments the very real merits of the Antarctic Treaty. It is through that Treaty that Antarctica can be safeguarded as an area of peaceful co-operation, for the benefit of all mankind.

Mr. LIANG Yufan (China) (interpretation from Chinese): The new agenda item on Antarctica was considered for the first time at the session of the United Nations General Assembly last year. Pursuant to General Assembly resolution 38/77 the Secretary-General has prepared a report on the requested study of Antarctica which contains a wealth of relevant information on the physical, legal, political, economic and scientific aspects of Antarctica. This piece of work is commendable; it is of considerable value to our further understanding of and research on Antarctica.

As is well known, mankind has done a tremendous amount of arduous exploration over long years in order to unveil the mystery of Antarctica. For this, scientists from quite a few countries have brought forth their valuable contributions. After



(Mr. Liang Yufan, China)

over a century of exploration and study, much has been achieved in such areas as meteorology, glaciology, geomagnetism, auroral physics, seismology, biology and oceanography. Preliminary results have been achieved in the discovery of rich mineral and living resources there. Though these resources could not be fully exploited and utilized today or in the near future to benefit humanity as a whole, it is becoming more and more apparent to all of us that Antarctica offers inestimable scientific and economic values and broad prospects for development.

In December 1959 Argentina, Australia and 10 other countries signed in Washington, DC, the Antarctic Treaty, which remains to date an important legal instrument regulating activities in Antarctica. It is clearly stipulated in the Treaty that Antarctica shall be used for peaceful purposes in the interests of all mankind, that any measures of a military nature shall be prohibited there, that no new claims to territorial sovereignty in Antarctica shall be asserted by States and that an appeal is to be made to prevent Antarctica from becoming the scene or object of international discord. It is further stipulated in the Treaty that international co-operation shall be encouraged among all States in their activities in Antarctica and that the Treaty shall be open to accession by all States. In our opinion those provisions of the Treaty are in conformity with the purposes and principles of the United Nations Charter and play an important and positive role. For this reason China formally acceded to the Antarctic Treaty last year.

True, as we once pointed out, the Treaty should not be described as perfect. For instance, some of its provisions regarding the rights of the contracting parties impose undue limitations upon certain countries, especially developing countries, which could or should accede to it or play a greater role in this regard. Further serious study and research are called for to straighten out such complex issues, which involve such various aspects as how to carry out and realize fully the purposes and principles of the Treaty, how to ensure that the Contracting Parties will play their part fully on the basis of genuine equality and how further to expand international co-operation, especially in the light of Antarctica's increasing importance to man's social, scientific and economic development, so as to make Antarctica serve peace and the common interests of mankind still better.

Some countries have already expressed their views on this question at the sessions of the General Assembly last year and this. The Chinese delegation

(Mr. Liang Yufan, China)

maintains that all States should, in accordance with the purposes and principles of the United Nations Charter, seek mutual understanding and engage in full consultations so as to arrive at a fair, reasonable and appropriate solution to the aforementioned questions.

(Mr. Liang Yufan, China)

China attaches great importance to the exploration and scientific investigation of Antarctica. In recent years Chinese scientists have played an active part in scientific research in Antarctica. China's first big Antarctic scientific expedition is now on its way to the continent of Antarctica to conduct comprehensive and systematic investigation and research, and it will establish a summer scientific research station there. Our objective is to have a better understanding and knowledge of Antarctica and to play our part in enabling Antarctica to serve world peace, scientific development and the common interests of mankind. In the activities in Antarctica we are willing to learn from the achievements and experience of scientists all over the world and to strengthen and expand our co-operation and exchanges with them.

Mr. TREVES (Italy): The Italian delegation would like at the outset to congratulate the Secretariat on having been able to complete the study requested in General Assembly resolution 38/77 in time for the present debate.

The study is very wide-ranging and complex. It has been at our disposal for less than a month; part two, containing the views of States, has been available for only a few days. For this reason my delegation is of the opinion that the study deserves deeper consideration by Governments than it has been possible for them to give to it in the short time since its publication.

While looking forward to having an opportunity in due course to express our opinion in a more considered way and at greater length, perhaps in the form of written comments to be submitted to the Secretariat before the next session of the General Assembly, we should none the less like to make some very preliminary observations.

The study strikes us as a very clear, objective and informative document. It is likely that it will have to be further developed to take into account the views of the Governments that have not expressed their opinions, as well as those that have. However, we have no doubt that even in its present form it will serve as a term of reference for Governments in considering questions related to Antarctica.

In considering the material clearly assembled in the study, Italy finds confirmation of the correctness of the judgement it made when in 1981 it became a party to the Antarctic Treaty: namely, that the Treaty represents the best framework for States wishing to conduct scientific activities in Antarctica, as well as for preserving the interests of the whole of mankind in that continent.

(Mr. Treves, Italy)

We view the Antarctic Treaty as the solid legal foundation for a well-functioning, developing and open system. We are very favourably impressed by the extensive practice followed by the Consultative Parties - and in some measure by the non-Consultative Parties - after the Treaty's entry into force in various fields. We think in particular of the fields of scientific research, environmental protection and resources. We are especially impressed by our experience of the fact that the Antarctic Treaty club is an open one, in which any country interested in developing its knowledge on Antarctica is welcome.

Apart from these aspects, which make adherence to the Treaty particularly attractive to countries, such as Italy, that have a direct interest in taking part in scientific endeavours to widen man's knowledge of Antarctica, the following aspects of the Treaty seem to us of general and permanent importance for the international community as a whole. The first is the fact that under article IV of the Treaty claims to sovereignty over portions of the Antarctic continent have been effectively frozen, and the assertion of new claims has been prevented. This latter aspect seems particularly important in the light of recent developments in the law of the sea, which would otherwise encourage claims on the sea and sea-bed adjacent to Antarctica. The second is the prohibition of military activities in Antarctica under article I, which gives an exceptionally rigorous meaning to the principle that Antarctica shall be used "for peaceful purposes only". The third is the effective denuclearization of Antarctica deriving from the Treaty. All these aspects are expressed in the study in a way that, by and large, my delegation considers to be satisfactory.

The procedure for dealing with the Antarctic question set in motion by resolution 38/77 has proved, it seems to us, to be serious and productive. Well-considered opinions of Governments have been sought, and a well-reasoned study has been produced on the basis of those opinions. We see no reason to depart from this procedure.

If delegations consider that - and we think there may be some merit in this contention - the study should be completed or enlarged, that other Governments should have the opportunity to contribute their views, that Governments should have the possibility to comment on the study and on each other's views, we should decide accordingly at the end of this debate. But it seems to us that to do so by creating some particular organ, as some delegations have requested, would be a

(Mr. Treves, Italy)

mistake that could in the long run jeopardize the good functioning of a Treaty that has rendered considerable service to the international community and is so framed as to continue doing so for a long time.

Before concluding this brief statement, my delegation wishes to complete the information given in its views published in part two, volume II, of the study by announcing that a few days ago Italian governmental authorities approved the general outline of a project for ensuring an Italian scientific presence in Antarctica. They have authorized a scientific expedition to be made in the Antarctic summer 1985/86, one year from now. In the meanwhile, the Italian Government will take all the necessary measures, including legislative ones, for ensuring the continuity of this project in the future.

It seems clear that the decisions that I have had the honour and the pleasure to announce during this important debate are a clear indication of Italy's active interest in Antarctica, an interest that foreshadows the request that Italy will make in due course to become a Consultative Party to the Antarctic Treaty.

Mr. HEAP (United Kingdom): At the last session of the General Assembly it was agreed, by consensus, that the Secretary-General should be asked:

"to prepare a comprehensive, factual and objective study on all aspects of Antarctica, taking fully into account the Antarctic Treaty system and other relevant factors". (resolution 38/77, para. 1)

We now have the fruits of his labours. The preliminary view of the United Kingdom is that he has made a very reasonable shot at fulfilling the terms of his mandate. His task was, indeed, unenviable, calling as it did for him to assemble, and then assimilate, a vast quantity of factual information. In writing up this information he had to sail between the Scylla and Charybdis of differing political viewpoints. He has got through both jobs without being crushed, and we congratulate him on this achievement.

However, we wish to draw particular attention to paragraph 5 of the preface to the study. It notes that some Member States had provided preliminary replies and intended to provide more detailed information and views at a later date. In reply to the Secretary-General's original request, the United Kingdom provided copies of all the results of British governmentally funded scientific research in the Antarctic since 1925. This involved some 20 cratesful.

(Mr. Heap, United Kingdom)

We also, in addition to some preliminary views, provided him with an expanded framework of the detailed factual contribution we are in the process of preparing in response to paragraph 3 of last year's resolution. This activity, which focuses on specifically British involvement in Antarctica, is reflected in volume III of part two of the study.

The United Kingdom intends of course to complete that contribution during the coming year and to submit it to the Secretary-General for circulation to Member States. We regard this as an important part of the process of disseminating factual and unbiased information about what Antarctica is really like and what actually goes on there. It is a direct response to the requests made last year for more reliable information and this is what the present debate is, or should be, all about. When I spoke last year, I tried to set at rest some persistent misunderstandings about Antarctica by reference to the facts. I would like to take the process a stage further today.

In that connection, and before I leave the study, I should mention that its preface also recites that some important international bodies that conduct or co-ordinate scientific research relevant to the subject indicated that they needed more time to gather, prepare and transmit substantive information to the Secretary-General. More precisely, the International Council of Scientific Unions and its Scientific Committee on Antarctic Research are preparing a substantive submission to the Secretary-General. A key element of the Antarctic Treaty is about fostering and encouraging scientific research. To the United Kingdom it is self-evident that the contribution of the international scientific community, which the International Council of Scientific Unions is uniquely able to draw together, must be one of the most important factors in any broadening of international understanding about Antarctica.

Twenty-two years ago I was fortunate enough to be a member of a small party finding out how much snow falls each year on the Ross Ice Shelf in Antarctica and, as a partial consequence, how quickly that ice shelf moves towards the sea and produces icebergs. The notable feature about our party was, first, that it was funded by the United States Antarctic Research Programme and that it was composed of three scientists from the Federal Republic of Germany - not, incidentally, a party to the Antarctic Treaty at that time - two from the United Kingdom and one from the United States. It was a good example of international collaboration in practice. Had it not been for the Antarctic Treaty such a party would not have

(Mr. Heap, United Kingdom)

been gathered together. The earlier research work I did between 1955 and 1960, before the Antarctic Treaty was negotiated, was hindered by the inability to consult some people overseas because of political rivalries. By 1962 all that had changed. The Antarctic Treaty had entered into force one year before. For my part, I would hate to see a reversion to the status quo ante.

As an aside, I might also observe that at this particular time 22 years ago, our party was pinned down in three small tents by a blizzard for 10 days. In the course of those 10 days, during which all we could do was eat, sleep, read, think and, rather uncomfortably, answer calls of nature, my tent-mate, one Bill Campbell, mentioned in paragraphs 421 and 424 of the Secretary-General's study, did some thinking to good effect. From deep in his sleeping-bag I heard him mumble one day, after a rather inadequate dinner of porridge and pemmican, something about whether icebergs could be used to water deserts. Thus was born an idea that figures in the Secretary-General's study. Nothing has come of it yet, but it might.

It will come as no surprise to colleagues here that the United Kingdom strongly supports the Antarctic Treaty system. The British Secretary of State for Foreign and Commonwealth Affairs, Sir Geoffrey Howe, said so in his address in the general debate. So did Mr. Richard Luce, Minister of State at the Foreign and Commonwealth Office, in his address to this Committee in the disarmament debate. British Ministers have taken a considered position in support of the Antarctic Treaty system on the grounds that it provides a framework within which it is possible to manage that which would otherwise threaten to become unmanageable and, if it did indeed become unmanageable, would become a threat to the stability and peace of the area. The Governments of other Consultative Parties to the Antarctic Treaty have taken similar positions.

They have needed so to consider their positions, in the face of a challenge from some other Members of the United Nations. I should like to emphasize this point if I may. It is not the Antarctic Treaty Consultative Parties who have laid down the challenge but, rather, it is those who have wished to raise the matter here in terms indicating their belief that the Antarctic Treaty system needs to be replaced with another arrangement. There has been talk which indicates that some may be willing to take their view to the point of confrontation. I want to make it clear that in the view of the British Government there is no need for confrontation. If that, however, unfortunately turns out to be the case,

(Mr. Heap, United Kingdom)

responsibility for it will lie with those who choose to challenge or undermine a treaty system which is entirely consistent with the principles and purposes of the United Nations Charter and which in fact has notably advanced the objectives of the Charter.

But the United Kingdom delegation hopes very much that good sense will prevail and in that context we greatly welcome the words of the Permanent Representative of Malaysia about the need for consensus. As a contribution towards that end I wish to explore some of the questions which seem to the United Kingdom delegation to underlie the challenge being made and the response to it by the Consultative Parties.

There are four themes I wish to explore: the first theme is concerned with decision making in the Antarctic Treaty system and the charge that the Consultative Parties unjustly arrogate to themselves the right to take decisions and impose them on others; the second is to ask what truth there is, if any, in the challenge that the Consultative Parties are appropriating the resources of Antarctica to themselves; the third theme is to look at what the wider consequences of a challenge to the Antarctic Treaty system would be; the last theme I wish to explore is the challenge being posed to the maintenance of an adequate scientific research activity in Antarctica.

When I spoke to this Committee last year I emphasized:

"The Antarctic Treaty Consultative Parties, in managing Antarctica, are denying no one's freedoms in Antarctica other than their own."

(A/C.1/38/PV.44, p. 23)

I went on to say that "the Antarctic Treaty system overwhelmingly consists of obligations and not rights". (A/C.1/38/PV.44, p. 24)

I also reminded the Committee that in accordance with international law no State can be bound by an international agreement in the absence of its freely given consent to be so bound. Against that background let us look at the decision making in the Antarctic Treaty forums.



(Mr. Heap, United Kingdom)

The first point to make is that decisions, in the system as it exists at present, are made by consensus. Such decisions are virtually always concerned with the undertaking of some obligation - that is to say some curtailment, in the interests of all States active in the region, in the freedom of Consultative Parties to act as they choose. That, and only that, is what is meant by the Consultative Parties' claim to "manage" the Antarctic; management which operates as between themselves.

The ultimate power of an Antarctic Treaty State lies in refusing to take part in a consensus under which its freedom would be restricted. It cannot alter the status quo in its favour by refusing a consensus; the status quo can only be changed if all the parties agree that it should be changed. There are no voting "sides" or "blocs" in the Antarctic Treaty system. This leads to a slow progression of decisions; to, successively, a decision to look at a problem, a decision to adopt tentative interim guidelines for voluntary regulation, to a decision to draft something more binding and then, finally, to adopt a binding agreement. Such was the road to the conclusion of the Convention for the Conservation of Antarctic Seals. Consideration started in 1964 and finished four meetings later in London in 1972.

In that context let us now look at the position if an outsider were to be brought in to a decision-making process based on consensus, as I have described it. Virtually all decisions have as their ultimate objective to affect what is done in the Antarctic by those who are active there; they are concerned with the undertaking of obligations and the curtailment of freedom to act in Antarctica without paying due regard to the interests of others. As I suggested last year, such decisions are all, ultimately, aimed at ensuring that Antarctica does not become the scene or object of international discord. Against this background it would fly in the face of reason if someone who had no activity in the Antarctic and who could not, himself, effectively discharge the obligations consequent upon the decision under consideration, if he were, by virtue of the exercise of the ultimate decisive power available to him under a consensus system, to prevent the adoption of decisions whose object is to avoid international discord.

Many here will, I am sure, respond to that argument by saying that decision making by consensus is a special case and that the situation would be entirely different if decisions were made by majority vote. I agree. But I fear it would

(Mr. Heap, United Kingdom)

be a recipe for chaos. And it would have no relation either with the theory of State sovereignty or with the practical realities of Antarctica.

Summing up this argument I conclude that, in essence and whatever is the decision-making procedure, the existing Antarctic Treaty system whereby binding decisions are taken by those who are going to be affected by them is right. It accords with a sense of natural justice and with international law. No one outside the decision-making process is disadvantaged. I conclude, also, that a bid to take part in the making of binding decisions by those who would not be affected by the consequences of those decisions is a bid to exercise power without responsibility. My Government could not accept that.

I turn now to the question of resources and to the question of what truth there is, if any, in the challenge that the Antarctic Treaty Powers are arrogating to their use that which is not properly theirs. It is necessary to distinguish between, on the one hand, renewable living resources in the sea and, on the other hand, non-renewable mineral resources.

Turning first to renewable living resources, article VI of the Antarctic Treaty states that the area to which the Treaty applies is all land and ice shelves south of 60° south. It is an area which includes vast stretches of high seas. Because of this, the same article of the Treaty goes on to say that nothing in the Treaty shall affect the rights or the exercise of the rights by States under international law on the high seas. One of those rights is the right to fish. On its face, therefore, the Treaty itself disposes of any argument that the Treaty Powers have attempted or are attempting to arrogate to their exclusive use the living resources of the Southern Ocean. But that is not the end of the story, if only for one reason, and that is that there is no consensus among the Consultative Parties as to the extent of the high seas in the Treaty area.

In 1969 fishing activity began in the Southern Ocean targeted on species other than whales - mainly on fin fish and krill. The sudden appearance of distant-water trawler fleets in Antarctic waters was largely due to the establishment of 200-mile coastal State jurisdiction over the waters elsewhere in the world where these fleets used to fish. The appearance of these fleets posed two threats, one to the peace of the area and the other to the resources themselves. The threat to the peace arose from the possibility of a conflict between claimant and non-claimant States about the exercise of coastal State jurisdiction in Antarctica. If this

(Mr. Heap, United Kingdom)

could not be solved there would be no way of avoiding the threat that the sad story of overexploitation of fish stocks elsewhere in the world might be repeated in the Antarctic.

The Consultative Parties responded to that threat by negotiating and concluding the Convention for the Conservation of Antarctic Marine Living Resources. This Convention accords no rights to the parties to it - it only imposes obligations. Its main purpose is to ensure that the Antarctic marine ecosystem will in the future be as nearly as possible what it is today. No country in the world that wishes to fish those waters is prevented from doing so. There is therefore no substance in a challenge that living resources are being arrogated to the exclusive use of the Consultative Parties or the parties to the Convention.

Some might say at this point, "but what we object to is that the vast living resources of the Antarctic are not used for the benefit of all, particularly the benefit of the hungry". It is a call which should, in principle, command the sympathy of us all. But, alas, stubborn reality intervenes here just as much as it does in relation to so many other ideas as to how to solve that most pressing of problems. Let us suppose, for the sake of argument, that there is enough of that little shrimp called krill in the Antarctic to catch 50 million tons a year, enough virtually to double the world's catch of protein from the sea. A rough calculation suggests that the cost of building fleets to catch that amount would be between 10 and 20 billion dollars. Such fleets, if built, would only be able to fish in the Antarctic for half the year. For the rest of the year they would not be able to fish elsewhere - there is no fish for them to catch which is not already being exploited. The cost of the krill, arising from under-utilization of fishing capacity, would therefore be very much higher than the cost of fish from elsewhere. No one would buy it if other products were more cheaply available.

Thus it could turn out that investment on this scale would be a total waste of financial resources to the ultimate disadvantage of those already disadvantaged. If krill can do anything for the world's hungry it must not take funds which might be otherwise used to greater immediate benefit in other ways.

(Mr. Heap, United Kingdom)

But what about minerals? The story is essentially the same - but much more complicated. I would sorely try the Committee's patience if I were to embark on these detailed arguments at this stage. There are, however, three points I wish to make.

The Secretary-General's study itself makes very clear the extent of the environmental hazards that would have to be overcome if Antarctic minerals were to be found, explored and developed. Translated into terms of financial investment, this means that the risk capital required up front for exploration in Antarctica to prove - or disprove - the existence of exploitable mineral resources would be vastly greater than anywhere else in the world.

If anything, the study leans towards too rosy a picture of the prospects of mineral development in the Antarctic. Antarctic minerals are almost certain to be the most expensive in the world to develop - to be, indeed, the resource of last resort. None of us knows what the economics will be of developing such resources of last resort, but it has been much argued that product substitution must become economic at a price which is lower than that of developing the ultimate mineral resource of last resort. If that is not the case, the world will indeed be in a parlous shape when that time comes. This important idea is missing from the study.

The Consultative Parties are negotiating towards a minerals régime against a background of five uncertainties - that is to say, virtually complete ignorance as to what minerals there are, where they are, when they will be exploited, who will do it and whether, indeed, it will ever happen. The Permanent Representative of Malaysia made excellent debating use yesterday of an article recently published in Foreign Affairs. But I can assure the Committee that there is no real substance to his arguments. British oil companies do not view the prospects of Antarctic oil as anything more than speculative, as indeed are the prospects in all sorts of other areas on which they, nevertheless, keep a watching eye. The purpose of the Consultative Parties is to avoid mineral activities becoming a threat to the peace - or to the environment - of Antarctica. Their problem is to conclude, against a background of ignorance, a régime with sufficient strength to meet whatever challenges may lie in store in the future and sufficient flexibility to cope with changing circumstances, new perspectives and, indeed, the entirely unexpected. The bottom line is that no one will ever get any minerals out of the Antarctic unless the peace is maintained. The situation in Antarctica, leaving aside the important factor of the existing territorial claims, is very different from that on the deep sea-bed.

(Mr. Heap, United Kingdom)

I turn now to the third of my themes. It concerns the wider consequences of a challenge to an existing series of treaties. There are a large number of international agreements that have similarities with the constituent parts of the Antarctic Treaty system. There are regional arrangements such as the Organization of American States (OAS) and the Organization of African Unity (OAU), or those such as the Caribbean Community (CARICOM), the European Economic Community (EEC) or the Council for Mutual Economic Assistance (CMEA). There are many agreements which are about the utilization of resources in a given region to which States not necessarily contiguous to one another or to the resource in question, are parties. The multitude of fishery agreements are a good example; the Conventions for the Conservation of Antarctic Seals and Antarctic Marine Living Resources come into this category. There are also a large number of agreements which are concerned, in one way or another, with the maintenance of peace, with demilitarization and nuclear-free zones; the Antarctic Treaty comes into this category. Some of these agreements had their beginnings in the United Nations or in United Nations specialized agencies. Many of them were born outside the United Nations system altogether. The common feature is that they were negotiated between the States that had a direct interest in the subject matter of the agreement. Although of many such agreements it could be said that other States had an interest, such interest was indirect and was of a different order of magnitude to that of the original negotiating States. If any such States were sufficiently to develop its interest, there is normally a mechanism, as in many fishery agreements, for them to become full parties. The fundamental characteristics of all such agreements are common to the Antarctic Treaty system.

In the Antarctic Treaty system, may I remind the Committee, we have a situation which allows for all those active in the area - all those who have a direct interest in ensuring that all operate there in accordance with the same constraints - to undertake the same obligations.

Now let us look at the challenge being made, as shown by some of the views of some States which have been made available to the Secretary-General. We have difficulty in interpreting such views as other than an attempt to put the United Nations in the position of arbiter of the obligations undertaken by States in treaties initiated, concluded and operating outside the United Nations system. We have no objection to the discussion of Antarctica here within the General Assembly,

(Mr. Heap, United Kingdom)

but we cannot accept a situation which would call into question the fundamental premise upon which treaties are negotiated. I refer to the principle of pacta sunt servanda. This principle is a cornerstone of British foreign policy and it is not acceptable to my Government that Members of the United Nations should attempt to call it into question.

I wish to make clear the limits of my Government's objections. We have no objection to the present discussion of Antarctica in this forum. We have no objection in principle if Member States put forward here realistic suggestions about what should or should not happen in Antarctica and what the Antarctic Treaty Consultative Parties should or should not do. While we believe that such arguments would be better made inside the Treaty system rather than outside it, that is, for the present purpose, a different point. But States that are not parties to a binding treaty ought not to be able, through the United Nations, to call into question the obligations of States parties to the treaty. Such a situation, if it were to arise, would be obviously intolerable. No doubt the principle applies with special force to a treaty which, on its face, is intended to advance the principles and purposes of the United Nations. The British Government is convinced that the Antarctic Treaty does serve the principles and purposes of the United Nations and, therefore, it will maintain its opposition to attempts by States not members of that Treaty to put in question the obligations of parties under it.

I turn now to the last of my themes. There will, I am sure, be no disagreement among us in this Committee about the necessity for continuing scientific research in Antarctica. Whether future decisions about the uses of Antarctica are to be made wisely depends on whether we know enough about Antarctica to be reasonably sure that our predictions as to how the Antarctic environment will react to a given use are soundly based. What we know about Antarctica depends on scientific research.

(Mr. Heap, United Kingdom)

It must, therefore, be of great importance to all of us here that the research effort in Antarctica does not decrease. As I said in the United Kingdom statement to this Committee last year, Antarctic scientific research is now a very expensive game. Before the surge of activity brought about by the International Geophysical Year expenditure on scientific research in Antarctica was measured in a few hundreds of thousands of dollars annually; now it is measured in hundreds of millions. Then there was little research being done; it was unco-ordinated and in some instances secretive. Now there is a vast amount being done, and some of it is of a highly sophisticated nature; it is co-ordinated through the international, non-governmental Scientific Committee on Antarctic Research, and, in accordance with the provisions of the Antarctic Treaty, the results are made freely available. The results of British scientific research in Antarctica are to be found in more than 600 libraries throughout the world.

I believe it is now widely recognized in this Committee that the Antarctic Treaty was above all a reaction to the prospect of unbridled competition between States leading to the possibility of strife and violence. What the Antarctic Treaty did was that it took as a given that States would continue to compete in Antarctica in pursuit of what each viewed as being its national interest. The Treaty then went on to establish certain limits within which the pursuit of such national objectives must abide.

Those limits require that, in the pursuit of national interest, force cannot be used, nuclear explosions and the dumping of radioactive waste cannot take place, the results of scientific research cannot be kept secret, activities cannot advantage a State in pursuit of its view as to whether sovereignty can or cannot be exercised in Antarctica and, lastly, activities in Antarctica cannot be reserved from the scrutiny of on-site inspection. Within those constraints it has been possible for any State party to the Antarctic Treaty to pursue its national interest. All the spurs of national pride and prestige have operated to push States towards ever greater efforts.

Those constraints were well devised. For 25 years they have had the effect of channelling all such nationalistic aspirations into the pursuit of knowledge. The

(Mr. Heap, United Kingdom)

world has greatly benefited from a Treaty which in effect says, "We know you States are going to compete, but things have been so arranged that you can only compete towards constructive rather than destructive ends". Take away the possibility or the objectives of competition, however remote they may be, and the scientific effort will wither. No one, whether a scientist or a State, goes to the Antarctic without a dream.

Mr. Chairman, I am very conscious of the time and the depth to which these arguments have taken us and I am most grateful for the latitude you have given me. So let me, if I may, try to sum up.

At the heart of my Government's position is that old adage that you can take a horse to the water but you cannot make him drink. Those challenging the Antarctic Treaty system require that the Antarctic Treaty Consultative Parties should agree to dismantle the system and participate in the building of another system. My Government sees no objectively sound reason, arising from the Antarctic Treaty system itself, to do this. We hear the universalist cry from the challengers. We are among the first to support the application of the principle of universality in cases where it applies. In this case we see only an abstract philosophical basis for the cry. This philosophical point can be met, as can other points made in this debate, by the development of the Antarctic Treaty system from within.

When one member of the British Antarctic Survey, who was down in the Antarctic for the third of his two-year tours, was asked why he so obviously liked it in Antarctica, he replied, "It's peaceful down here; I can't be doing with all those wars and things up there!". He may have had a point.

Mr. SMYK (Poland): The item "Question of Antarctica" has been on the agenda of the General Assembly since the last session. Many countries, including Poland did not support the inclusion of this item. Nevertheless, resolution 38/77, adopted without a vote, requested the Secretary-General to prepare a comprehensive, factual and objective study on all aspects of Antarctica, taking fully into account the Antarctic Treaty system and other relevant factors. This report is now under consideration.

Poland still attaches great importance to a substantial peaceful scientific research programme in Antarctica, especially concerning the management and careful



(Mr. Smyk, Poland)

monitoring of Antarctic living resources, as well as preparation of a legal instrument governing the exploration and exploitation of Antarctic mineral resources.

At the request of the Secretary-General, Poland has conveyed to the United Nations Secretariat its opinion concerning numerous aspects of Antarctica.

The most important fact is that Antarctica remains the last continent free of military activities. On that continent co-operation among all States parties to the Antarctic Treaty continues uninterrupted. For that reason, we shall support the present status of Antarctica as a whole, bearing in mind the interests of all mankind.

We are of the view that the Antarctic Treaty, signed in Washington on 1 December 1959, is at the present time a unique legal instrument governing the activities of States on that continent. It is doubtful that any similar treaty system could be negotiated in the present-day climate of international relations.

Poland acceded to the Treaty on 8 June 1962. Since 1977 my country has become a Consultative Party, owing to the accomplishments of its scientific research conducted at its polar stations, namely, "Arctowski" and "Dobrowolski". Polish Antarctic studies are well known internationally. Detailed reports have been prepared and distributed each year, in accordance with the Treaty's provisions.

Within the framework of the Treaty, the Commission for the Conservation of Antarctic Marine Living Resources, established pursuant to the Convention on the Conservation of Antarctic Marine Living Resources of 1980, is in operation. Poland ratified the Convention in 1983. At present work is under way on the elaboration of legal principles governing the activities of States in the future exploitation of the mineral resources of the Antarctic.

We are taking an active part in an informal working group, composed of 16 States Consultative Parties, established to draft an appropriate legal instrument. So far the group has held four meetings, in Wellington, Bonn, Washington and Tokyo. At every meeting we have taken the position that there is a need to guarantee equitable access on the part of all States to future exploitation of the Antarctic mineral resources. We oppose the participation of monopolies bent

(Mr. Smyk, Poland)

on deriving maximum income from future exploitation. Furthermore, Poland favours the adoption of the principle of full responsibility of States for the exploitation of mineral resources, with regard to both physical and legal persons.

Certain States have undertaken initiatives designed to revise the existing Antarctic Treaty. Recently we have obtained from the Malaysian Government, as from other interested Governments, an aide-mémoire concerning a proposal for the setting up of a special committee on Antarctica at this session.

(Mr. Smyk, Poland)

Unfortunately, in this document we find several statements which do not accord with the existing situation in the Antarctica. We strongly oppose some of the statements included in the document as, for example:

"We see the negotiations on Antarctica mineral resources by the Antarctica Treaty Consultative Parties as another example of their attempt to arrogate unto themselves the right to decide on behalf of the international community issues affecting the interest and welfare of that community."

The aide-memoire presents a position which is difficult for all parties to the Antarctic Treaty to accept. The Treaty is an international instrument open to all countries interested in participating in the peaceful exploration of the Antarctic continent. The recent examples of Sweden and Finland, which have acceded to the Treaty, are the best evidence that the Treaty is open to countries willing to accede to it. The present, ongoing negotiations to work out a legal régime for exploration and exploitation of Antarctic mineral resources, have only one aim: to prevent the wilful, uncontrolled exploitation of Antarctic resources and to preserve a natural environment for this continent. The Commission for the Conservation of Antarctic Marine Living Resources has the same responsibility.

Poland has consistently declared itself in favour of not changing the Treaty. The following statements are in support of our position. In concluding the Treaty on the Antarctic in 1959, the international community managed to freeze territorial claims advanced by certain States concerning some 90 per cent of the continent's area. The Treaty is open to all members of the United Nations without exception. The number of its States parties is increasing steadily. This fact alone refutes the assertions on alleged possession of the Antarctic by a few States.

In addition, meetings of Consultative Parties are designed to intensify international co-operation and its co-ordination, the exchange of experience and the preparation of agreements having as their sole objective the protection of the flora and fauna and the preservation of the natural Antarctic environment in an unchanged form. This question is of major importance for all mankind.

Moreover, the raw-material resources of the Antarctic, although not yet fully explored, may constitute a valuable mineral reserve in the future. This is why the question of the further exploration of mineral resources has become very important today. As already mentioned, legislative efforts are also being made. All rights to present and future exploitation of Antarctic resources are guaranteed by the Participation of States in the Treaty.

(Mr. Smyk, Poland)

Although all nuclear Powers are parties to the Treaty, because of the provisions of the Treaty, the Antarctic is the only part of the world free from the military and nuclear presence of States. The current international situation scarcely affords the opportunity to create a better international agreement.

Poland, Brazil, India and the Federal Republic of Germany which obtained consultative status between 1977 and 1983, are the best evidence that the Treaty's provisions making it an open treaty do find their practical manifestation in the reality of international relations.

These brief observations show that, in a spirit of co-operation and mutual understanding, there can be significant scientific achievement in the interest of particular States as well as all States.

Our primary goal remains the same: the protection of the ecosystem in Antarctica in the interest of all mankind. Antarctica must continue to be used exclusively for peaceful purposes and not be the scene or object of international discord. Therefore, we invite all States not yet parties to the Antarctic Treaty to join us in the benefits to be derived from mutual co-operation in the future.

Mr. DENCKER (Federal Republic of Germany): The representative of Australia, in his capacity as Chairman of the Group of Antarctic Treaty Consultative Parties in New York, yesterday presented a position with which we fully associate ourselves. Furthermore, my Government outlined, in its reply to the circular note of the Secretary-General of 2 February 1984, its views on the question of Antarctica in a very detailed manner.

I can therefore be brief in giving a summary of our position on the subject before us. First of all, I would like to extend my Government's gratitude and appreciation to the Secretary-General for carrying out the study contained in document A/39/583. Although we still have to give it careful consideration before we can assess it finally, our impression so far is that it is an excellent piece of work which gives a comprehensive and well-balanced picture of the subject.

Next month marks the twenty-fifth anniversary of the Antarctic Treaty. This date records a quarter century of successful international co-operation in Antarctica, co-operation which comprises East and West, North and South, and which has brought about such remarkable achievements as the following: the preservation of Antarctica as a zone of peace through effective measures against militarization and nuclearization; the neutralization of territorial claims and thereby a reduction of the danger of conflicts; a guarantee of free scientific research for

(Mr. Dencker, Federal  
Republic of Germany)

the benefit of all; and effective protection of the vulnerable Antarctic ecosystem.

My Government, which acceded to the Antarctic Treaty at a comparatively late date after a long period of careful observation and consideration, is of the opinion that in the existing international situation it is more than improbable that a different system could emerge affording mankind equivalent safeguards. We, therefore, wish to underline strongly the necessity of preserving the integrity of the existing system. We firmly oppose any measure or mechanism which could undermine this integrity and we do not think there is any need for such a mechanism. The Antarctic Treaty system is an open system in the sense that it is open to both evolutionary development and accession by all Member States of the United Nations. We welcome and advocate the co-operation between the Antarctic Treaty system and the United Nations through its specialized agencies and we wish to encourage all interested Governments which are not yet members of the Antarctic Treaty to accede to it and to participate in the peaceful exploration and use of Antarctica for the benefit of all mankind.

Mr. DJOKIC (Yugoslavia): Last year in the debate in the First Committee, my delegation presented the basic views of Yugoslavia regarding the question of Antarctica. Since then, in its reply to the Secretary-General, the Government of Yugoslavia has elaborated in greater detail its position on this important issue.

The recently published United Nations study on Antarctica, made at the unanimous request of the General Assembly, invites further discussion and more comprehensive consideration of all aspects of the question of Antarctica. The study is an example of a substantive and objective analysis, and it will serve as an excellent basis for further action by the international community on this issue. Of particular importance is the fact that the study does not prescribe one-sided conclusions, but offers a factual presentation of numerous significant elements related to Antarctica.

(Mr. Djokic, Yugoslavia)

The study also reconfirms the unanimous assessment that the question of Antarctica is an exceptionally complex issue of general importance which demands careful examination. It is precisely because of these features that the issue should be studied further by the United Nations. The world Organization offers the best framework for the promotion of international co-operation in connection with Antarctica. The Ministers of the Non-Aligned Countries pronounced themselves in favour of this at their latest meeting in New York.

My delegation believes that the study has basically confirmed two fundamental elements upon which my country bases its approach to the question of Antarctica. The first is that the Antarctic Treaty, which came into force in 1961, must not be questioned. Even the briefest survey of the numerous positive aspects of the Treaty testifies to the need to maintain, strengthen and continue their unlimited implementation. The present régime has enabled Antarctica to be not only a nuclear-weapon-free zone but also a continent where any measures of militarization are prohibited. The Treaty strictly prohibits the deployment of nuclear weapons, nuclear explosions and the dumping of nuclear wastes in Antarctica, and, of course, such provisions are questioned by no one. On the contrary, we would welcome their implementation on other continents as well. Furthermore, all efforts aimed at the preservation of the exceptionally delicate ecological system in Antarctica are welcome, as are numerous other provisions that ensure that the system can be used only for peaceful purposes.

The other element is that the Treaty did not regulate all aspects of co-operation in Antarctica. In that connection the use of natural resources should be given particular emphasis. Antarctica covers one tenth of the globe; it has a strong impact on the world climate, has rich flora and fauna and, most probably, mineral resources. In other words, that remote continent has an immeasurable significance for the world at large with regard to international peace and security, the economy, the environment, meteorology, telecommunications and so on. Those issues are of global interest, and the international community should therefore, through the United Nations, participate in the regulation of some aspects of future co-operation in Antarctica.

There are wrong and arbitrary interpretations that the mere consideration of the issue of Antarctica within the United Nations tends to dismantle the régime

(Mr. Djokic, Yugoslavia)

established in 1959. It should be repeated again that any issue of general interest - and Antarctica is certainly such an issue - has to be considered by the United Nations and not by a narrow and limited circle of countries.

The fact is that the system by which the international community regulates the use and protection of the parts of our planet and outer space over which no country has exclusive jurisdiction is far more developed than the system used so far in the case of Antarctica. It is a matter of general knowledge that the Consultative Parties to the Treaty are conducting active and speedy negotiations aimed at concluding an agreement on the exploration and exploitation of mineral resources in Antarctica. Yugoslavia considers that an agreement on this issue should be elaborated within the United Nations, whether the exploitation of mineral resources in Antarctica is pursued or not. Here, we have in mind very convincing warnings issued by the proponents of protection of the natural environment in Antarctica and their determination to see that environment kept as it is.

Based upon the practice followed by the United Nations in the past two decades, a practice reflected in such important and generally accepted international instruments as the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, the United Nations Convention on the Law of the Sea and so on, we consider that the exploitation of the natural resources of Antarctica should benefit the entire international community. In the view of the Yugoslav Government, the future system of exploration and exploitation of Antarctica should be established under the auspices of the United Nations, taking into consideration the contribution of the Antarctic Treaty, for only such a system would be generally accepted and would ensure the fruitful co-operation of a large number of countries and the successful implementation of the Treaty.

As we have already emphasized, the United Nations study represents a comprehensive and very useful document on the issues pertaining to Antarctica. The study should be the basis for determining other United Nations actions in connection with this issue. We consider that at this session of the General Assembly we should think seriously about the modalities of our activity aimed at promoting co-operation in Antarctica and enhancing all positive aspects of the

(Mr. Djokic, Yugoslavia)

present régime. No one should feel threatened by this, least of all States parties to the Antarctic Treaty, since our intentions are guided by the long-term interests of the entire international community, to which they themselves belong.

Mr. SCHRICKE (France) (interpretation from French): The Washington Treaty, whose twenty-fifth anniversary we will be celebrating on 1 December, is open for signature to all countries of the world for an unlimited period of time. It is a document which, by playing an unprecedented historical role for the maintenance of peace in the world and harmonious international co-operation, has benefited mankind as a whole.

Based on the principles of the United Nations Charter, the Treaty gives effect to the purposes and principles of our Organization and thus establishes Antarctica as a zone of peace. It excludes Antarctica from the arms race and from the rivalries that have traditionally divided the world by prohibiting any measures of a military nature, such as the construction of fortifications, military manoeuvres and the testing of all types of weapons, including nuclear weapons. In addition, by freezing all territorial claims on the sixth continent the Treaty has averted the assertion of conflicting claims.

The Treaty promotes scientific co-operation, in particular by encouraging the exchange of information regarding scientific programmes carried out in Antarctica, the exchange of scientific personnel between expeditions and stations and the exchange of scientific observations and results from Antarctica.

Furthermore, the Treaty ensures the protection of the natural environment. In this connection, it should be recalled that at the third Consultative Meeting held at Brussels in 1964 the participants adopted agreed measures for the protection of the flora and fauna of Antarctica.



(Mr. Schricke, France)

In response to the same concern, two Conventions were concluded later: the Convention for the Conservation of Antarctic Seals, signed on 1 June 1972, and the Convention on the Conservation of Antarctic Marine Living Resources, signed on 20 May 1980.

One of the other major qualities of the system established by the Treaty is its openness. The Antarctic Treaty is open to accession by all Member States of the United Nations interested in the sixth continent, and the status of Consultative Party is available to any country that has carried out scientific research there.

Contrary to certain allegations, the Antarctic system in no way resembles an exclusive club reserved for a fortunate few. With 32 members at present - 16 Consultative Treaty Parties and 16 non-Consultative Treaty Parties - our system ensures the representation of States of all political and economic categories from all regions of the world.

A new stage was reached in the openness of the Antarctic system last year when the Twelfth Consultative Meeting, held in Canberra, decided to invite the non-Consultative Parties to participate in its work as observers and to do the same at the next meeting, to be held next year.

That concern for openness led the Consultative Parties to decide at that same meeting in Canberra to take a series of measures aimed at giving the international community even more information about the Antarctic system. A manual on the Antarctic Treaty, which will in particular include all the resolutions adopted at the consultative meetings, will be regularly updated. In addition, the final reports of the regular consultative meetings will be sent to the Secretary-General of the United Nations. Furthermore, beginning with the next consultative meeting, all information documents will be made available to the public, if the parties submitting them so agree.

Finally, the openness of our system is much more concretely expressed in the organization of on-site inspections by observers who can thus ensure that all activities carried out on the Antarctic continent comply with the provisions of the Treaty.

We have noted the argument in this debate that the Consultative Parties seek to monopolize, to their benefit, the considerable concealed resources of the Antarctic continent. In this connection, I would point out that, apart from krill,

(Mr. Schricke, France)

exploitation of the natural resources of Antarctica continues to be very hypothetical, both because of the climatic conditions and because of our ignorance of the extent of those resources, as is clearly shown in the Secretary-General's study.

In reality, far from bringing the Consultative Parties the wealth that some have referred to, their activities in Antarctica have so far involved them in considerable expense. The only concrete result that they have derived is scientific information of fundamental importance which has been widely distributed and is easily obtainable.

I should like to draw attention to the very serious consequences of calling the Antarctic system into question. In particular, it runs the risk of introducing into Antarctica for the first time international political tensions prevailing in the rest of the world, which the system has so far kept from the continent. Calling this almost miraculous harmony into question would benefit no State, whether a signatory of the Treaty or not. Moreover, it could unfortunately compromise the freedom of scientific research guaranteed by the Treaty, thus seriously jeopardizing the interests of the international community as a whole.

In addition, another balance might be irrevocably upset by calling our system into question. I refer to the consensus to which France, like all the other Consultative Parties, is deeply committed.

I believe that the Consultative Parties gave proof of their spirit of openness and compromise when resolution 38/77 was adopted without a vote at the last session of the General Assembly. That resolution requested the Secretary-General to prepare a factual and objective study on the question of the Antarctic. That study, which has just been issued, is comprehensive in every respect and constitutes a basic document. In this connection, on behalf of my Government, I warmly congratulate and sincerely thank the Secretary-General for this remarkable contribution. Reading the study has shown us once again, if that was still necessary, that the Antarctic Treaty is the most appropriate instrument to guarantee and promote on the sixth continent respect for the principles that form the very basis of our Organization.

We note that some delegations speaking in this debate seemed to see a certain analogy between the sea-bed and Antarctica, drawing the conclusion that we should apply to Antarctica a régime comparable to that provided for the sea-bed by the United Nations Convention on the Law of the Sea.

(Mr. Schricke, France)

That analogy is misleading, and the difference is not simply physical. First, it had been universally accepted for a long time that the sea-bed was res nullius - in other words, that it belonged to no one - whereas over a large part of the Antarctic continent there are sovereignty or territorial claims made by several States that are parties to the Antarctic Treaty. Even if those claims are not universally recognized, they are an essential element in the continent's legal situation. The Washington Treaty has made a lasting solution to the problem by "freezing" the situation. An attempt to compare the legal régime of Antarctica to that provided for the sea-bed by the Convention on the Law of the Sea would necessarily call into question the compromise achieved in 1959 and thus run the risk of reopening contentious issues of sovereignty, which by their very nature are likely to increase tensions in international relations, as recent history has shown. The other essential reason why we should avoid any analogy with the sea-bed is that before the signing of the Convention on the Law of the Sea there was no international instrument relating to it, whereas for almost 25 years Antarctica has been the subject of an international régime that has worked satisfactorily for the good of mankind as a whole. As France indicated in its observations to the Secretary-General, we believe:

"In view of the current state of international relations ... it is unrealistic to think that it would be possible to reach agreement on a new legal régime that would represent an improvement over the one currently in force." (A/39/583 (Part II, Vol. II), page 66, para. 108)

Therefore, France could not associate itself with any initiative that might jeopardize the international régime established by the Washington Treaty, a régime that for a quarter of a century has shown its effectiveness in preserving peace and encouraging international scientific co-operation on the continent. That is why we could in no way accept the creation - within this Organization or elsewhere - of any structure aimed at replacing the Antarctic system and thus threatening the edifice patiently and meticulously built up over the past 25 years.

(Mr. Schricke, France)

The commemoration, in a few days' time, of the twenty-fifth anniversary of the signing of the Washington Treaty should provide an occasion to pursue the task undertaken and to make our system as open as possible to international co-operation by welcoming all States that express a specific interest in the sixth continent and wish to preserve it from traditional rivalries and tensions by pursuing a type of international co-operation that is as peaceful as it is fruitful.

This is my wish and I trust it will be broadly echoed in this Hall.

Mr. BLANCO (Uruguay) (interpretation from Spanish): My country follows the activities carried out in Antarctica with particular interest. This is due to a number of reasons: the tangible influence of the characteristics of that area on the climate of Uruguay, the natural resources of its seas and the overall conditions of its territorial waters and airspace; the desire to take part in the scientific and technological activity connected with that area and its economic prospects; the strategic and communications importance of Antarctica, particularly in the geographical area of the South Atlantic, to which my country belongs; and the duly formulated reservation concerning our rights to the territory, for geographical and historical reasons.

Various studies have been carried out on the subject from different perspectives. In 1968 the Antarctic Institute was established and in 1980 my country acceded to the Antarctic Treaty. Several Uruguayan nationals have taken part in scientific expeditions and activities carried out by some of the Consultative Parties. It is now my pleasure to announce that Uruguay will shortly undertake its first Antarctic expedition. We likewise take pleasure in offering to co-operate fully with the scientific activities of other parties to the Treaty, as we recently did with the expedition from the People's Republic of China.

In the light of this well-founded and continued interest, my Government has carefully studied the provisions of the Antarctic Treaty and their application. Without abandoning our reservation with regard to the rights of Uruguay, we believe that the instrument fulfils a very positive function. It enables interested countries to undertake scientific and research activities in complete harmony; it does not prejudge any rights with regard to Antarctica; it has ensured co-operation and coexistence in the area among interested countries, despite the various differences that exist among them; and it has protected Antarctica from nuclear weapons and the arms race under an operational inspection system. The norms of the Treaty have been shown to form a well-balanced set of standards that have been

(Mr. Blanco, Uruguay)

applied in practice and have given rise to supplementary instruments dealing with other aspects related to Antarctica, thus constituting a true system. At present, within its scope, provisions are being studied for improved environmental protection as are the basic principles for the exploitation of mineral resources.

It should also be noted that the Treaty is open to accession by any State, without restrictions. At the same time, becoming a Consultative Party has in practice proved to be a fluid process, reaching countries of different degrees of development and different economic and political systems. In the view of my delegation, the Antarctic Treaty system and its achievements should be preserved. It is one of the few areas, if not the only one, outside the scope of the confrontation and conflict which beset us on all sides. However, this does not imply that supplementary activities cannot be carried out within the United Nations.

The physical characteristics of Antarctica, its role in the global ecological balance, the wealth it encompasses, its undefined legal character in substantive international law and the various claims on its territory are all factors which of course elicit interest on the part of the States Members of the international community. These approaches are not in themselves contradictory and should not give rise to confrontation. My delegation therefore advocates a reasonable harmonization of the various points of view, taking them all into account, in order to make progress towards an integration of solutions following the model adopted at the thirty-eighth session. In fact, the study decided upon at that time by the General Assembly, as stated in the preambular part of the resolution, presupposes bearing the Antarctic Treaty in mind. It makes it possible to carry out a valuable task for the benefit of the international community. Here I should like to highlight the effort made by the Secretariat that enables us to think of similar activities in the future.

The increase in the number of States acceding to the Treaty, the development of the possibilities for extending the full scope of its activities to all Parties, with particular consideration being given to the developing countries, and the supplementary work undertaken within the framework of the United Nations could satisfy in a practical form many of the questions now arising with regard to Antarctica in a manner beneficial to the international community and preserve the undoubted benefits of a positive legal instrument like the Antarctic Treaty.

The meeting rose at 12.15 p.m.