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Chairman: Mr. ALATAS (Indonesia)

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The meeting was called to order at 11.15 a.m.

AGENDA ITEM 70 (continued)

QUESTION OF ANTARCTICA: GENERAL DEBATE AND CONSIDERATION OF AND ACTION UPON DRAFT RESOLUTIONS (A/C.1/40/12; A/C.1/40/L.82, L. 83, L.84 and L.85)

Mr. HEAP (United Kingdom): This is the third statement on behalf of the United Kingdom it has been my privilege to make to this Committee on the question of Antarctica. In the first of those statements I recalled that the Permanent Representative of the United Kingdom, in speaking to the General Committee at the thirty-eighth session, had said:

"The United Kingdom has serious reservations as to whether a discussion of Antarctica at the General Assembly is either necessary or useful."

I wish to pursue that thought a little further today.

In the statement I made at the thirty-eighth session I went on to suggest that the British Government found it strange that, with all the urgent problems which the world now faces, the General Assembly should take time to address, as if it were a real problem, a matter which, if it is anything, is one of the world's best examples of international co-operation, peace and harmony which actually works. My Government finds it even stranger now, three years on, that this Committee should still be pursuing the matter and feels that there is now a need to take serious stock of the Committee's position on it.

In thus taking stock of its position, I believe it important that we should all be clear as to what is happening here in this Committee. In the view of my Government, it is that a Treaty which has been concluded by sovereign States outside the United Nations is under attack within this Committee of the United Nations.

The representative of New Zealand has already drawn our attention to that part of the United Nations Charter which such an attack calls into question. He quoted the third preambular paragraph, which if I may remind members, says:

(Mr. Heap, United Kingdom)

"We the peoples of the United Nations determined to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

Now, my Government sees here an issue of principle which is important to the United Nations as a whole, namely, the principle of pacta sunt servanda to which I referred in my statement to the Committee last year. It is a serious thing to my Government that as this debate unfolds it becomes progressively more difficult to see the purposes of the instigators as being conducive to the establishment of conditions for the maintenance of "respect for the obligations arising from treaties."

(Mr. Heap, United Kingdom)

That is the nature of the attack, and it is one which my Government sees as being important to oppose as a matter of principle. We will not be parties to a precedent which calls into question one of the basic tenets upon which international law and order are based. The obligations of States under a treaty concluded outside the United Nations are of exactly equal force to the obligations they undertook in becoming Members of this Organization. One set of obligations cannot be put above the other; both sets have to be observed.

Let us look a little further into the nature of this attack and consider the main grounds upon which it claims to be based. These are, as I see it, five in number. The first is that insufficient information is available about the Antarctic Treaty system. The second is that while some elements of the Treaty are good, others are repugnant and must be discarded and replaced by others under United Nations auspices. The third is that the Antarctic Treaty system denies access by non-Treaty States to the Antarctic. The fourth is that the two-tier arrangement for membership of the Treaty is unjust and that the decision-making role of the Consultative Parties is exclusive and therefore wrong. The fifth is that the assertion of territorial sovereignty by claimant States is in some way reprehensible. I should like, if I may, to look at these challenges in turn.

Let us start with the charge that insufficient information is available. As a result of the first debate at the thirty-eighth session of the General Assembly, a resolution was adopted by consensus that the Secretary-General should be requested to prepare a comprehensive, factual and objective study on all aspects of Antarctica, taking fully into account the Antarctic Treaty system and all other relevant factors. This the Secretary-General did. Fifty-four States made known their views on the matter before him. More than half of them supported the Antarctic Treaty system. Almost two-thirds of the Members of the United Nations did not contribute their views to the study.

(Mr. Heap, United Kingdom)

In the view of my Government, the Secretary-General admirably fulfilled the mandate for the study. It informed the Members of the United Nations comprehensively, factually and objectively about the geographical, historical, economic, scientific and political aspects of Antarctica. It took account of the Antarctic Treaty system and all other relevant factors. However, it might be observed that the Secretary-General's study is retrospective. It tells us what has happened in the past and what the situation is now. But what about information about the future? Let me make the position of my Government clear: first, information about planned British activities is freely available to anyone who wants it, and we would not have the slightest hesitation in sending a copy to the Secretary-General. So also are the results of British scientific work in the Antarctic, and we would similarly not have the slightest hesitation in sending the Secretary-General copies of the scientific papers. He already has some 20 shelf feet of these papers, dating back to 1925.

Secondly, the Secretary-General already receives copies of the reports of consultative meetings. He received earlier this week a copy of the report of the thirteen consultative meeting held at Brussels in October. The Secretary-General can similarly have copies of all the reports of the meetings of the Commission for the Conservation of Antarctic Marine Living Resources; they are available to anyone for the asking. I do not doubt that information about the proceedings of the Scientific Committee on Antarctic Research of the International Council of Scientific Unions could just as easily be made available to the Secretary-General through the United Nations Educational, Scientific and Cultural Organization (UNESCO) if he so wished.

There is only one area of the Antarctic Treaty system where the flow of information is restricted, and that relates to the ongoing minerals negotiations. In the view of my Government, there is no more involved here than the perfectly

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normal procedure of confidentiality necessary for the pursuit of delicate negotiations. It is tendentious to label it as "secretive". I submit that the charge of lack of available information is without substance. He who wants it has only to ask for it; it is up to the Consultative Parties to make it available, but it is not their task to find out who wants it.

The second of the grounds upon which the Antarctic Treaty system is attacked is that, while there are some good bits which should be retained, there are some bad bits which must go and be replaced. The most quoted good bit is that of demilitarization. Since that matter is particularly appropriate for this Committee, let us look at the matter from that perspective. A year ago, in a statement to the General Assembly on disarmament issues the Secretary-General made the profound remark that

"The threat of nuclear catastrophe is not one issue among many. Preventing such a horror is a precondition of all our endeavours." (A/39/PV.97, p. 118)

You, Sir, and your predecessors as Chairman of this Committee, have presided over lengthy discussions wrestling with such fundamental issues as disarmament, nuclear-weapon-free zones and avoidance of extensions of the arms race, in attempts to give real substance to what the Secretary-General described as a precondition for all our endeavours. You will, I hope, not take exception if I observe that my Government finds it virtually incomprehensible that the one area of the world where the Secretary-General's plea and the aims of your Committee have been met more fully than anywhere else should be under question here.

However, I am aware that my colleagues who, in this debate, do not see the situation as I do have said and will say that it is no part of their purpose to upset the demilitarization provisions of the Antarctic Treaty. Their hope is that certain elements of the Treaty can be replaced, under United Nations auspices, by some other arrangement to meet their concern without putting the demilitarization

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provisions at risk. In the view of my Government, their hope is illusory, and it is important that it should be understand what it is so.

The negotiation of the Antarctic Treaty in 1959 arose from a recognition that, among the 12 countries then active in the Antarctic, there was no agreement as to how affairs in Antarctica were to be regulated. Was it to be on the basis of territorial sovereignty or on the basis of nationality? The 12 recognized that this dispute was potentially explosive, that it could easily get out of hand and that, if it did so, there would be telling to what lengths countries might go in attempts to ensure that their view should prevail.

(Mr. Heap, United Kingdom)

It is commonly held that the original 12 Contracting Parties to the Treaty desired to demilitarize the Antarctic for its own sake. That was not so. It arose from fear of what would face them if they did not. The argument ran as follows: we, the 12, have found no means of resolving the fundamental disagreement between us about how Antarctic affairs are to be regulated. All we can do is set aside the disagreement under terms which preserve the balance between us. We nevertheless fear the potential of that disagreement to cause international discord between us. We shall therefore, by treaty, rule out the use of force as a means of influencing the disagreement between us one way or the other. In brief, demilitarization of the Antarctic was a means to an end, not an end in itself. It follows that a condition for the continuing effectiveness of the demilitarization provisions of the Antarctic treaty is that no one shall attempt to prejudice the delicate balance under which the disagreement was set aside.

It is precisely on the point of that disagreement that those on the other side of this debate are pressing. They are attempting to threaten prejudice to the balance, and by doing so they are raising the spectre that military force might once again become a factor in Antarctic affairs. My Government does not wish that spectre to arise. It therefore supports the Antarctic Treaty system and finds itself in opposition to those who, in the views they expressed to the Secretary-General, wish to change the Antarctic Treaty from the outside. We find ourselves, in common with all our partners to the Antarctic Treaty, in the position of sitting on the lid of a Pandora's box.

Allow me to digress for a moment to describe what is inside this Pandora's box. It is a witch's brew - so much so that I might with good reason liken it to the stew pot over which the witches in Shakespeare's tragedy, Macbeth, crowed and prophesied death, doom and destruction, and I am confident that my Antarctic cricketer friend, the Permanent Representative of Malaysia, will understand the

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illusion. Inside the box are three countries which dispute which has sovereignty over much of the territory which each claims, two countries which, if they were to assert the territorial claims they believe are justified by the activities of their nationals, would find themselves in dispute between themselves and with most, if not all, the present claimants, and nine countries which say that sovereignty has nothing to do with the issue and that they have the right to go wherever they want and do whatever they want in Antarctica. I repeat: a witch's brew pregnant with future discord if the lid cannot be kept closed.

Who here would dispute that the primary intent of their Governments is to look after their national interest first and the good of the international community second? This a fact of life. I hope, therefore, that my colleagues will understand me when I say that the pressures seeking release from Pandora's box and upon which we, the Consultative Parties, are each somewhat precariously and uncomfortably sitting are very real and that, moreover, once they are released there will be no getting them back inside the box again. Nationalism is a very strong force, much stronger now than it was 26 years ago and 14 years after the world upheaval which brought the United Nations into existence. Nationalism had then shown its destructive powers, and it was under the shadow of that upheaval that the Antarctic Treaty was negotiated. The lid of Pandora's box consists of article 4 of the Antarctic Treaty, and it is upon that delicate structure that some colleagues here are exerting their pressure. The concern of my Government is that it should not give way.

In short, I believe it is a delusion, and a potentially dangerous one at that, to demand that the demilitarization provisions of the Antarctic Treaty should be maintained while the rest of the Treaty is dismantled. The world can have peace in Antarctica under the Antarctic Treaty; it can have no assurance that it can secure the same ends if a group of States attempts to undermine that Treaty.

(Mr. Heap, United Kingdom)

Let us now turn to the third of the grounds upon which the Antarctic Treaty system is attacked, namely, that it denies access to the Antarctic to non-parties. This is simply not so. As I said in the first of my statements to this Committee and repeated in my second, the obligations assumed by Consultative Parties are denying no one's freedom in the Antarctic other than their own. If a country which had not acceded to the Antarctic Treaty were to send an expedition to the Antarctic, the Consultative Parties would be bound by the Treaty to take steps in accordance with the Charter of the United Nations to ensure that the country in question did nothing contrary to the principles and purposes of the Treaty - that is to say, in effect, that they would take steps to ensure continued non-militarization of the Antarctic, the protection of the Antarctic environment, the conservation of wildlife and avoidance of disturbance to scientific investigations. Action towards such ends by the Consultative Parties acting as a group is the limit of their capability. It does not include denial of access. This ground for attack has no basis in fact.

The fourth ground for the attack on the Treaty is that it gives a superior authority to the Consultative Parties. The charge is endlessly repeated, but its repetition does not give it any more validity. It is based on a wrong and tendentious reading of the Treaty and the practice developed under it. I explained why this was so in some detail in my last statement to this Committee. Putting the nub of the issue very briefly, it is this: the Treaty does not prevent anything happening in the Antarctic other than the use of force, nuclear explosions and the dumping of radioactive waste. The only substantive right it accords to Consultative Parties is to ensure that none of these things happen by means of the exercise of the mutual right of on-site inspection. Beyond that, the dominant purpose of the Treaty is that international discord should not develop out of activities in the Antarctic, however peaceful those purposes may be. Such discord

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develops from someone doing something which someone else does not like. I can think of no agreement reached within the Antarctic Treaty system which has not had as its sole purpose the avoidance of possible disagreement. All those agreements have achieved their objective by curtailing the freedom of Consultative Parties to act without consideration for the interests of others, whether it be such things as damaging historic monuments, disturbing scientific research, killing penguins or anything else.

For an acceding State to become a Consultative Party is not to participate in rights that others do not enjoy. It is to undertake obligations with which others have not burdened themselves, including the spending of money to increase the sum of human knowledge.

(Mr. Heap, United Kingdom)

I therefore conclude that the charge that the Consultative Parties possess rights that other parties to the Treaty do not have, other than the right of mutual inspection, is without any real foundation.

I come now to the last of the grounds upon which the Antarctic Treaty is attacked - that is, that assertions of territorial sovereignty in Antarctica are somehow reprehensible.

Much has been made in this debate of the notion of the common heritage of mankind. We have heard how it came about that the notion came to be enshrined in the United Nations Convention on the Law of the Sea. I must admit to savouring a certain irony involved in such a one-sided reading of that Convention. Much the more notable aspect or result of that Convention was the greatest single extension of State rights that mankind has ever seen. I submit that history will judge that the real import of the Convention was that, while the notion of the common heritage of mankind may have been good, advancing the exercise of coastal State rights was better.

Let me be clear. I am not for a moment suggesting that the extension of coastal State rights under the Convention was in any sense wrong, indeed quite the reverse. What I am suggesting is that it ill becomes members of this Committee to seek to apply one aspect of the Convention on the Law of the Sea in a manner which suggests that the assertion of State rights in the Antarctic is somehow reprehensible, while failing to balance it with the extension of State rights for which many struggled so hard.

The question of whether assertions of sovereignty are valid or not is a different matter, and one that was set aside by article IV of the Antarctic Treaty. It nevertheless remains the case that the effect of the existence of these assertions in the Antarctic is to provide an alternative way of regulating Antarctic activity. The existence of these assertions of territorial sovereignty

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by some States and their non-recognition by others results in attention which has been highly productive of prudent political forethought and scientific knowledge.

For two years we have proceeded on the basis of consensus resolutions. The first, as I have said, called for a study; the second in effect said, "Let us have time to look carefully at that study". We now have before us - and they have only just appeared - a number of draft resolutions, and first of all one proposed by Australia and numbered A/C.1/40/L.84 as a further bid to proceed by consensus. This is a draft resolution which has in it a number of elements we do not like but will be prepared to accept in the search for consensus.

But we are now also faced with three draft resolutions - L.82, L.83 and L.85 - none of which command consensus. They are partisan texts to none of which can the British Government give its consent. I shall explain why.

From an early stage in this debate it was clear to my Government that the other side had two purposes. The first was to ask for more information, as if nothing could be more reasonable, and indeed nothing could have been more reasonable if the information copiously made available had made any difference to the views of those who were claiming ignorance. But, as this debate has clearly shown, it did not. The other side have not shown themselves prepared to consider the facts and allow them in any material sense to modify their second purpose, which is, as I have said, to undermine the Antarctic Treaty system.

I must make it perfectly clear that my Government is not prepared in any way to countenance the dismantling of the Antarctic Treaty system which - as it has now become clear - is the intent of some here. We are therefore opposed to these three draft resolutions.

The other side will, I am sure, not accept that the label of intransigence should be pinned on them. They will claim that it is the Antarctic Treaty Consultative Parties who are the intransigent ones; it is the Consultative Parties,

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they will say, who are saying no, not us. I owe them an explanation as to why we would accept such a charge that we are the ones who are saying no. We would not accept the implication that we are the ones who are being intransigent.

It is not because we object to discussing Antarctica with anyone at any time or in any place. It is not because we are not prepared to consider changes in the Antarctic Treaty system. It is simply this. First, there is a way for any State sufficiently interested in the Antarctic - I repeat that: sufficiently interested in the Antarctic - to seek the evolution and development of the Antarctic Treaty system from the inside. Secondly, we cannot accept that the United Nations can properly set about undermining - and I quote from the Charter again - "respect for the obligations arising from Treaties". To accept such a precedent would not only be damaging to the Antarctic Treaty; it would be damaging to the United Nations itself.

If the situation was that the Antarctic Treaty was a closed system and there was no way to change it, then that would present a real difficulty for outsiders. But that is not the case, as 22 accessions to the Treaty since it entered into force have amply shown.

If those criticizing the system will not pay the price to go through the open door, whether it be political or economic or both, my Government can only draw one conclusion: they are not sufficiently interested in the Antarctic, which is, after all, what the Antarctic Treaty system is about, and account of their views should be taken accordingly.

Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) (interpretation from Russian): This discussion makes it possible once again to evaluate the international significance of the Antarctic Treaty, which is one of the most important international instruments in the field of curbing the arms race.

(Mr. Ordzhonikidze, USSR)

I should like in particular to stress that the Antarctic Treaty is consistently and effectively helping to strengthen international peace and security and to develop just and mutually advantageous co-operation between States with different social systems in the peaceful investigation of the sixth continent.

I should like to stress that, for the first time in the history of international relations and international law, the declaration of a whole continent as a zone of peace and co-operation among States has been embodied in a Treaty. The conclusion, more than a quarter of a century ago, of the Antarctic Treaty proved to be a very significant international event, and every passing year gives us new evidence of its profound and positive effect on international relations. The basis for this is a balanced, sensible compromise worked out by the States that produced the Antarctic Treaty and the just, democratic character of this instrument.

The Antarctic Treaty is indeed open to accession by any interested State. Thirty States are already parties to it, and the number is steadily increasing.

This shows that a growing number of States are interested in adhering to the Treaty. The total consistency of the provisions of the Treaty with universally acknowledged norms and principles of international law, particularly the United Nations Charter, lends particular significance to its articles, which are designed to maintain international peace and security and to develop equal co-operation among States. The Treaty is a unique example of effective co-operation among different groups of States in resolving difficult international problems. It strikingly shows the way to resolving global problems, taking into account the interests of all countries parties to treaties.

It is also important that the Treaty provides that the Antarctic should be used exclusively for peaceful purposes, and that that part of the world cannot be used for military measures of any kind. These provisions have turned the Antarctic into a demilitarized zone of our planet. Furthermore the Treaty prohibits the use of the Antarctic for any nuclear explosions or the dumping of any radioactive waste either for military or for peaceful purposes. So, for the first time in the history of mankind, a zone has been created that is free from nuclear weapons - that is, it is a nuclear-free zone.

The attractiveness of the idea of creating nuclear-free zones is becoming more apparent with every year. Proof of this was the signing on 6 August of this year in Rarotonga of a Treaty declaring the southern part of the Pacific Ocean, an area adjacent to that covered by the Antarctic Treaty, a nuclear-free zone.

Thus the Antarctic Treaty is playing an extremely important part in the general efforts to eliminate the threat of nuclear catastrophe. As has been repeatedly pointed out, the Treaty entrenches the extremely important principle of freedom of scientific research in the Antarctic. This principle has laid a very good foundation for the fruitful scientific co-operation among States that has been going on for some decades now and which is quite rightly being acknowledged as a unique example of international co-operation. The provisions of the Treaty to

(Mr. Ordzhonikidze, USSR)

the effect that scientific data and information obtained as a result of the work of Antarctic expeditions and existing stations there are accessible to any State Party - I would stress that they are accessible to any State Party - are even more relevant and topical today than they were two and a half decades ago, when they were signed.

The data obtained have great practical importance for the development of various fields of knowledge and a deeper understanding of the phenomena and processes occurring at the South Pole, which have an effect on the whole planet. That is something in which the whole of mankind has an interest.

The contribution of the Soviet Union to Antarctic research has received universal recognition, as have the discoveries and work of Soviet scientists, which have helped us to understand many hitherto unstudied problems. The conclusion of the Antarctic Treaty was an important and effective means for preventing disputes, friction and conflict between States. Thanks to the Antarctic Treaty, all territorial claims have been frozen and are not being allowed to complicate international relations. Those and other provisions of the Treaty are helping to create a situation in which the Antarctic will not be drawn into any crisis situation, particularly situations arising in the vicinity of the sixth continent.

The experience of the application of the Treaty provisions has vindicated the machinery it has set up, the Consultative Meetings of States Parties to the Treaty. At the present time, half of the States Parties to the Treaty - that is those States which carry out substantial scientific research, set up scientific stations and send out expeditions - enjoy the status of Consultative Parties. It is quite obvious that the existing procedures provide real possibilities for any State acceding to the Treaty to obtain consultative status - that is, any State showing genuine interest in Antarctic research.

(Mr. Ordzhonikidze, USSR)

The Antarctic Treaty and the system built upon it represents a successfully operating international legal machinery for regulating various forms of activity on the part of States in that part of the world, and furthermore it is all done for the benefit of and in the interests of the whole of mankind.

An increasing number of States that have shown an interest in the Antarctic have become Parties to the Treaty. Therefore the Soviet Union believes that the Treaty should become even more universal in character through the accession to it of more States. Certain countries that had formally taken a stand of outright rejection of the Treaty now recognize its individual positive aspects and even support the idea of entrenching them in some kind of new document. However, we should reckon with the fact that the Treaty represents a very complicated package of compromise decisions which exclude the possibility of replacing any of them without undermining and disrupting the whole machinery. The rule of procedure that provides for the taking of decisions by Consultative Meetings on the basis of unanimity among all Consultative Parties is of absolutely fundamental importance and ensures a procedure whereby no decision can be taken to the detriment of the interests of any of the Parties and thus ensures the adoption of balanced, sensible recommendations and decisions that reflect the views and take into account the interests of all States participating in those Meetings.

The practice of participation by observers in the work of the Meetings testifies to the democratic, open nature of these meetings and the positive role of its recommendations, which take into account the views of different States and are designed to promote the welfare of the whole of mankind. A solid international legal basis has been built upon the Antarctic Treaty for concrete areas of co-operation and interaction among States. First and foremost are the Convention on the Conservation of the Antarctic Seal and the Convention on the Conservation of the Live Marine Resources of the Antarctic.

(Mr. Ordzhonikidze, USSR)

Only on the basis of the Antarctic Treaty is it possible successfully to conclude work on a legal régime governing appropriation of the mineral resources of the Antarctic. And, thanks to the participants in the Special Consultative Meeting working on the régime to govern mineral resources of the Antarctic and their unswerving observance of the principles of the Treaty, in recent months it has been possible to make perceptible progress in this area.

At the same time we should like to point out that doing everything possible to strengthen the Antarctic Treaty is unfortunately every bit as relevant and important as it was a year ago.

The Soviet Union is opposed to any moves to undermine the Antarctic Treaty on any pretext whatsoever. The weakening of the Treaty can lead only to the breaking up of the whole system of international co-operation in the Antarctic, and in the present international circumstances it would be impossible to find any better alternative. This could lead to turning the Antarctic, which is at present a zone of peace and mutually advantageous international co-operation, into a zone of friction, conflict and confrontation, which would be fraught with unforeseeable consequences. Guaranteed use of the Antarctic in the interests of the whole of mankind will not be promoted by weakening the Treaty or creating parallel structures but rather by doing everything possible to strengthen it and associate with it more and more interested States.

In conclusion the Soviet delegation would like to stress that, on the basis of what I have said, we believe that the question of the Antarctic should be removed from the agenda of the General Assembly.

Mr. JOSSE (Nepal): As other speakers have recalled, this is the third time in three consecutive years that the First Committee has considered the question of Antarctica. It is, however, the first time that my delegation has spoken on this item. We believe it is high time for us to express our views on a matter of such significance.

As the Secretary-General's weighty report on the subject last year amply testifies, the Antarctic is simply too important to be consigned to the fringes of our concern. In fact, as other speakers have rightly underlined, Antarctica, which encompasses nearly one-tenth of the world's surface, is not only strategically situated, but possesses an extremely fragile ecosystem. In addition to being the world's only permanently uninhabited continent, the Antarctic is considered to be the world's largest fresh-water reservoir. The surrounding southern ocean is believed to possess immense marine and mineral resources. Therefore, as the Malaysian delegation made plain recently in the Committee, there can be no doubt about its global significance in terms of international peace and security, the environment, scientific research, nutrition, the economy, telecommunications and so forth.

Against that background, my delegation lends its full support to the recent Organization of African Unity Summit Meeting declaration of the continent as the common heritage of mankind. Similarly, my delegation believes that the question of the Antarctic should be under the purview of the United Nations, as recommended by the New Delhi Non-Aligned Movement Summit Meeting of 1983 and the Luanda meeting of Foreign Ministers of the non-aligned countries last September. It is also the considered opinion of my delegation that the adoption of a consensus resolution on the subject by the General Assembly in 1983 and 1984 has clearly affirmed not only Antarctica's common interest to all mankind but also the legitimacy of United Nations involvement.

(Mr. Josse, Nepal)

This brings us, inevitably, to the question of the Antarctic Treaty system, which was launched nearly three decades ago with 12 founding members. Apart from the fact that there has been a sea change since then in the international situation - including its decolonization, technological and environmental aspects - the Treaty's built-in restrictive character is clearly an obstacle to the realization of the concept of Antarctica as the common heritage of mankind.

At this juncture, we feel it necessary to point out that, although it is true that since 1959 membership has expanded to include 18 Consultative Parties and 14 non-consultative parties, decision-making is still limited to members of the Consultative Council. Furthermore, under existing criteria, determined by the original 12 founding members, it would be well-nigh impossible for the majority of United Nations Member States, including my own country, ever to acquire the mantle of a Consultative Party - a status that continues to be bestowed, inappropriately, upon the outlawed racist régime of South Africa.

We do, however, recognize that the Treaty system is not without redeeming features. For instance, it has achieved the demilitarization and denuclearization of the continent. It has also held in abeyance the territorial claims of a number of States over parts of the continent. Those are no mean achievements, since - as the Secretary-General's report points out - there is no agreement on the fundamental issue of sovereignty. My delegation also notes on the positive side that the system has been successful in marshalling scientific co-operation in useful research activity, while a number of important steps designed for the protection of Antarctica's flora and fauna have also been taken.

(Mr. Josse, Nepal)

To come back, however, to the basic issue of concern - that the Antarctic be treated as the common heritage of mankind - we believe its urgency has been greatly enhanced by the ongoing negotiations for a minerals régime among the Consultative Parties. While it is certainly regrettable that non-members of the Treaty system have been excluded from such negotiations, we hope that in future this flaw will be corrected. In this context, we recall the fruitful outcome of the United Nations Convention on the Law of the Sea and the outer space Treaty. Both are significant achievements of the United Nations system - in large measure due to acceptance of the concept that the high seas and outer space are the common heritage of mankind, as must also be recognized with regard to Antarctica.

Finally, my delegation wishes to record its support for the proposal to set up an ad hoc committee to study and make recommendations on the relationship between the United Nations system and the Antarctic Treaty system and for the enhancement of such a relationship. However, in doing so, we wish to underline that, in deference to the wishes of a number of delegations, we should attempt to maintain the admirable tradition of consensus on important items such as this.

Mr. KIRSCH (Canada): My delegation has listened attentively to the debate on the question of Antarctica and wishes to make some brief observations in the light of it. I wish to make it clear at the outset that, although Canadians have been active in the Antarctic for many years in the scientific area, Canada has not been involved in Antarctica at the official level. Canada is not a party to the Antarctic Treaty, and it is from that perspective that we approach the various issues being discussed.

(Mr. Kirsch, Canada)

From the debate so far it seems to my delegation that widely shared perceptions exist on a number of important issues. The environmental, climatic, scientific and economic significance of Antarctica for the rest of the world is generally recognized, as is the need to ensure that the régime applicable to Antarctica does indeed benefit the international community. Similarly, the merits of the Antarctic Treaty system have been underlined, not only by the parties to the Treaty, but by a number of States not directly associated with the system. The contribution of the Treaty to the maintenance of peace and security in the area, its demilitarization and denuclearization provisions, the way in which the Treaty has fostered scientific co-operation, resource conservation and environmental protection - all those aspects have been the object of many positive remarks by representatives of Member States during the debate. It seems generally accepted that the Treaty system works, and that it works effectively.

(Mr. Kirsch, Canada)

But the point made by those who wish greater involvement of the United Nations in the issue is, to borrow the words of the representative of Malaysia that "something more must be done than merely to proclaim the virtues of the Antarctic Treaty system". (A/C.1/40/PV.48, p. 9). Our attention is being drawn to certain aspects that are considered problem areas, such as the flow of information on Antarctica and the Antarctic system, the relative openness of the system, the decision-making process, including the role of the non-consultative parties, and the manner in which the minerals régime is being developed. The suggestion has also been made that a régime for Antarctica should perhaps be based on the precedents of the deep sea-bed and of outer space.

I turn first to the elements of the Antarctic Treaty system that have been the object of most comments. It is the impression of my delegation that any adjustments that might be desirable might be better - and certainly more easily - carried out through increased co-operation between States parties and other interested States and organizations rather than through attempts to bring about structural changes or the institutionalization of links between legally unrelated institutions.

We have heard concerns expressed about the availability of information on Antarctica and the Antarctic Treaty system. But we have also been made aware that the flow of information to the international community has been steadily increasing through a variety of channels, and, perhaps more important, that the parties to the Treaty have been prepared to consider ways of further improving dissemination of information. It has also been said that, even though the Treaty is open for accession to all members of the United Nations - and, indeed, has received an increasing number of adherents of differing degrees of development - the non-consultative parties are not exercising enough influence in the management of the system. But the non-consultative parties themselves, which have now been

(Mr. Kirsch, Canada)

admitted to regular and special consultative meetings, seem to be satisfied that, although the system could be further improved, their influence is significant and that the distinction between consultative and non-consultative parties is likely to become progressively less pronounced.

If that is so, and if in addition it is possible in practice for developing States that have sufficient interest in Antarctica to become Consultative Parties - as was recently the case of the People's Republic of China and Uruguay - concerns that have been expressed with respect to lack of openness of the system and the development of a minerals régime are more difficult fully to appreciate. We believe that the system has demonstrated its adaptability. It also seems increasingly to my delegation, in the light of past and current discussions on the subject, that it would indeed be difficult to bring about the fundamental changes in the structure of the Antarctic Treaty system without undermining its operation and possibly jeopardizing the benefits that have flowed from it and that, as such, are not in question. In our view, great care should be exercised in examining possible ways of dealing with this issue in the United Nations context.

In this regard, the suggestion that an adjusted régime for Antarctica should take into account the law of the sea and outer space precedents should in our view be considered with particular caution. Major differences exist between those situations and that of Antarctica. Certain realities impose themselves. There has been a legal régime in force for Antarctica for 25 years, various activities have been carried out in the area for three-quarters of a century and, equally important, a number of States are claiming sovereignty over parts of Antarctica or are reserving the possibility of doing so. We feel that the practical significance of those factors has sometimes been dismissed a little too lightly in the debate.

(Mr. Kirsch, Canada)

The compromise that was reached in the Antarctic Treaty is in essence a safety valve, and the delicate balance that has been achieved should not lightly be disrupted.

We believe that the debate in the General Assembly and the excellent report the Secretary-General submitted last year have served a useful purpose, both in increasing the awareness of Member States of the nature and operation of the Antarctic Treaty system, and in making the States Parties to the Treaty more sensitive to the high level of interest in Antarctica that exists in the international community as a whole. We should acknowledge these positive developments, and build on them by ensuring that any resolution of the General Assembly on Antarctica is based on general agreement. To proceed otherwise would be worse than ineffective; it would also give credence to the concern expressed here by some delegations that any United Nations involvement might have a disruptive, divisive effect on a system that has demonstrated its merits, could probably be improved in certain areas, but certainly deserves to be protected in the interest of mankind.

Mr. JESUS (Cape Verde): Over the last few days we have listened to the debate generated around the item "Question of Antarctica". To a certain extent this year's debate is no more than a restating of the different positions of countries or groups of countries on the item. The views expressed over the past three sessions of the General Assembly in which the question of Antarctica has been considered can be summed up in two sets of different conclusions.

(Mr. Jesus, Cape Verde)

The first is that there is a general understanding, if not unanimity, of the whole international community that activities in Antarctica should be based on the following principles: peaceful uses; non-militarization and non-nuclearization; protection of the environment and the delicate ecosystem; promotion of scientific research; resource conservation; and international co-operation.

In this respect, there seems to be no substantial difference between the positions of countries or groups of countries. In fact, we share the objectives of the Antarctic Treaty system when it comes to respect for, and universal promotion of, these principles. I know of no delegation that could have spoken differently, to cast aside or undermine any of those principles as ground rules for activities to be carried out in Antarctica.

Where we differ, however, with the Atlantic Treaty system, and consequently with the views expressed in this debate by parties to the Treaty - and this is the second set of conclusions I referred to earlier - is over the fundamental questions of decision-making power and the territorial status of Antarctica and its resources.

With regard to decision-making power, we continue to share the view of the overwhelming majority of members of the United Nations that the Antarctic Treaty system falls short of commanding the broad international support that is desirable. We think that any system of international co-operation on any matter of universal concern, such as the one before us, which selectively accords the decision-making power to a few, based upon requirements which can be met only by rich and scientifically developed countries, is not acceptable, to say the least. In effect, making the power of decision dependent on ability to bear the costs and expenditures incurred in sending a major scientific expedition to Antarctica or in the establishment of a research station there, seems to militate against the principle of sovereign equality of States. If wider international co-operation on activities to be carried out in Antarctica is desired, an idea that seems to be

(Mr. Jesus, Cape Verde)

praised by all of us here, and is to be achieved in an efficient and satisfactory manner, a different approach to the question of decision-making has to be seriously considered. In this regard, we believe that all sides must display the necessary flexibility and understanding, with a view to reaching an agreed basis for decision-making on Antarctica, so as truly to represent the international community as it is today, due consideration being paid, of course, to the special situation of Antarctica and to the interests of all countries in the continent.

The second question on which delegations have been taking different positions is that relating to the status of Antarctica and of its resources. In this respect, like other representatives, I wish to draw attention to the resolution recently passed by the Organization of African Unity (OAU) on the question of Antarctica, declaring the continent to be the common heritage of mankind. Needless to say, my delegation entirely shares this view. In fact, by declaring Antarctica the common heritage of mankind the OAU has, by consensus, reaffirmed what the overwhelming majority of countries, from Africa and other regions, have maintained time and again since the beginning of this debate in 1983. By that declaration, the members of the OAU and other countries are doing nothing more than interpreting a sentiment of the majority - already translated into the practice of the international community in relation to the Moon and other celestial bodies, and the sea-bed - that common spaces are nobody's property, but, rather, have to be vested in mankind as a whole.

That position is not inconsistent with that of some parties to the Antarctic Treaty, with consultative status, which do not recognize the territorial claims of any countries on the continent. In this regard, we share the views of those parties, and therefore consider that no State should claim, or exercise sovereignty

(Mr. Jesus, Cape Verde)

or sovereign rights over, any part of the continent of Antarctica or its resources. Any legal régime to be drawn up on the status of Antarctica and on the exploitation of its resources should duly take into account that no State or group of States should appropriate any part thereof, and it should also ensure the broadest international co-operation.

If we are flexible enough, as I think we should be for the benefit of all of us, to engage in negotiations on these two questions - the decision-making power, and the territorial status of Antarctica and of its resources - the prospect of narrowing the differences will be good.

In the process of reaching common, generally accepted ground on those two important questions, there is a gamut of possibilities to work on. We are prepared to examine all possibilities and proposals on these two questions which take due account of the interest in Antarctica of all countries and groups of countries. In this context, it seems to my delegation that, in order to facilitate the Committee's work on the item under consideration, it is high time for the establishment of a committee on Antarctica, or a similar body, with a general mandate to evaluate all studies, information and positions of countries on Antarctica and to recommend a course of action to the Assembly. In fact, all positions are already known and all major problems have been clearly identified.

What we need to do now is to try to work in a smaller body on those positions and problems and assess in extenso the possibilities of bridging the gaps and removing the difficulties which over the last three years have been outlined by different delegations in this general debate.

Mr. LANSLOOT (Belgium) (interpretation from French): The Antarctic Treaty, signed in Washington on 1 December 1959, was concluded in order in particular to meet the need to keep Antarctica safe from any international conflict.

It may seem utopian to believe that in the world of today it is possible to isolate havens of international peace and co-operation, in the face of the differences between the types of society that make up mankind. In the 1950s the situation was not really different. At that time the Antarctic had already been for decades the object of differences, even bitter conflicts, between Member States of the United Nations. Nevertheless, wisdom prevailed.

The Belgian Foreign Minister, Mr. Leo Tindemans, emphasized that aspect in his speech at the opening of the Thirteenth Antarctic Treaty Consultative Meeting, in Brussels on 7 and 8 October 1985. In particular, he said:

"The Antarctic Treaty has succeeded in replacing a potentially explosive situation, involving unilateral and divergent claims and policies, with an objective framework, valid erga omnes, and a flexible system based on freedom of access and to carry out scientific research. The Treaty includes provisions on territorial sovereignty claims designed to prevent any confrontation within the treaty system. For States with claims, participation in the Treaty does not signify renunciation of their rights, and leaves other States free not to recognize such claims. It is well known that the question of sovereignty is delicate, and that the main purpose of the Treaty is to establish a viable system of co-operation."

(Mr. Lansloot, Belgium)

In the same statement, Mr. Tindemans called the Antarctic Treaty a dynamic mechanism, constantly evolving and continuously adapting to the international situation. Those characteristics were manifested once again at the Brussels Meeting, in which the non-consultative parties took part as observers in conformity with the decision taken at the Twelfth Consultative Meeting, held at Canberra in 1983.

By its letter of 26 November this year, my delegation transmitted to the Secretary-General the English text of the final report, noting that it would be published as soon as possible in all the official languages of the Treaty. The report shows that the two major concerns to which the Brussels Meeting devoted priority attention were the actual functioning of the Treaty system - particularly the improvement of its lines of communication - and the impact of all types of human activities on the Antarctic ecosystem. The Consultative Parties adopted a series of important recommendations which, as is the traditional practice, will be transmitted to Governments. By adopting them, Governments will commit themselves to respecting the practical measures outlined therein. Finally, with a view to securing better environmental protection, several recommendations propose to Governments the establishment of 13 new sites of special scientific interest and three new zones under special protection.

We consider that the interest of us all in Antarctica is the interest of all mankind. That is the thrust of the Washington Treaty. The seemingly utopian has been achieved: after so many years of conflict and discord, peace and international co-operation have been established in Antarctica and have been maintained there despite what has happened in other parts of the world. What is the secret of that success? The secret is political wisdom. Despite all political differences, despite all social and economic differences, the Parties to the Treaty

(Mr. Lansloot, Belgium)

have pooled their wills and their means to join in studying and developing that continent in the interest of all mankind.

That is no mere figure of speech. The current Antarctic system, as developed in the Washington Treaty, is at the service of all mankind. To understand that, it is enough to look at its contribution to international co-operation in the areas of the natural sciences, exchanges of meteorological information, telecommunications, air navigation and the conservation of nature. I shall not go into detail and need not repeat what is already well known. I wish merely to draw attention to the fact that there is a system which is an asset and a potential source of benefit for all. The Antarctic Treaty is nothing less than a management treaty under the responsibility of all who are particularly involved in the advance of Antarctica. It is open to accession by all those who wish to share in that responsibility.

We do not consider the parallel drawn with the law of the sea and outer space to be relevant. In those two cases, there was no treaty, while in the case of Antarctica there is a legal instrument which has proven its validity, its flexibility, its openness and its effectiveness.

Could there be any better proof of this than the present growing interest in the Treaty? We welcome that development. We consider it a sign of the success of our endeavours and a reward for our efforts. The Treaty Parties evince no exclusivity. On the contrary, we wish warmly to welcome all those who have not yet done so to join us in this common effort as exemplified in the existing system.

In that connection, we welcomed the 1985 accession as Consultative Parties to the Treaty of Uruguay and China. The Antarctic Treaty includes a unique variety of countries - industrialized, developing, North and South, East and West. We believe that the more of us there are to share the responsibility for preserving Antarctica as a haven of peace and international co-operation, the more of us there will be to

(Mr. Lansloot, Belgium)

protect the assets of mankind and to safeguard its future, and the better we will be able to serve the purposes of the Charter of the United Nations.

Considering those aspects of the Treaty, we cannot understand certain Members calling into question such a thoroughly legal and very effective and open instrument. We think it would be dangerous to tamper with the balance achieved by the Treaty, which takes account the interests of mankind.

We have listened attentively to statements referring to the presence of South Africa among the Parties to the Treaty. My country's opposition to the policy of apartheid cannot be questioned; it has been firmly and repeatedly expressed both on the national level and in the context of the European Community. But South Africa, an original signatory of the Antarctic Treaty, is also party to other treaties to which United Nations Members have acceded, without its participation being questioned. It appears to us that it would be a dangerous precedent, of which all countries should be chary, to accept the United Nations compelling the parties to a Treaty to expel one of the members of the Treaty against the will of the other Parties.

I wish again to draw attention to the positive aspects of the Antarctic Treaty and to reaffirm our opposition to anything which could damage the established system which has proven that it works well.

In conclusion, we reaffirm our conviction that the Antarctic Treaty is as necessary today as it was in 1959, since the basic characteristics of the problem remain unchanged. At the same time, my delegation wishes to reiterate the hope that we will be as wise as were our predecessors of 25 years ago.

Mr. LUPINACCI (Uruguay) (interpretation from Spanish): As several speakers have already noted in the course of this debate on the question of Antarctica, Uruguay has just become a Consultative Party to the Antarctic Treaty. My country has a special, direct and major interest in Antarctica owing to its geographical position, to the fact that its Atlantic coast faces the Antarctic continent, to Antarctica's influence on our climate, ecology and marine life, and to the historic bonds which have linked us to Antarctica since the earliest expeditions which ventured to explore the white continent and its waters.

That special interest made us overcome our material difficulties as a developing country with limited economic and technical resources and commence an effort to increase our presence in Antarctica, which began with a visit by Uruguayan technicians and experts to the scientific installations and stations of friendly countries, participation by Uruguayan scientists in the scientific expeditions and projects of other States, the launching of a first Antarctic expedition early in 1984 and the crowning establishment of a scientific base in December of that year.

In those efforts Uruguay had the backing and assistance of several States Parties to the Antarctic Treaty, in whose scientific expeditions and projects our experts participated, and whose installations and bases supported those who established Uruguay's presence in the Antarctic.

(Mr. Lupinacci, Uruguay)

Thus Uruguay joined in the work on that continent, taking part in the régime of co-operation and free scientific research and exchange which are the nature of the Antarctic system. That system, based on the Antarctic Treaty, is now being questioned. But the Antarctic system is unprecedented in the history of the international community as an example of co-operation among States, including countries of differing political and economic systems and of varying levels of development. It is exemplary in terms of the genuine compliance with Treaty objectives, which are wholly in keeping with the principles and purposes of the Charter of the United Nations.

As has been noted, Antarctica occupies one-tenth of the area of our planet; it is strategically located; it has a fragile ecosystem; and it is very likely to possess great mineral resources.

A phenomenon unique in today's world is to be seen in that region, which constitutes an entire continent, and its adjacent seas - where, we must add, several States claim sovereignty over certain parts and others challenge or do not recognize those claims - where we thus find converging so many political, economic, strategic and scientific interests: East-West and North-South confrontation yield to co-operation and understanding on an equal footing among Western and socialist countries and among industrialized and developing countries. The arms race, the defensive or offensive deployment of nuclear weapons, and nuclear tests have been banned, and demilitarization and denuclearization are reality. Suspicion is replaced by mutual trust and a policy of openness. Scientific research is no longer a subtle tool for domination subservient to the interests of certain Powers, but is a way of acquiring greater knowledge of nature, at the service of mankind. Damage to the environment as a result of human activity has been avoided and is prevented through a strictly observed system of safeguarding and maintaining

(Mr. Lupinacci, Uruguay)

ecological balance. Plunder and irrational exploitation of living resources has been replaced by conservation and protection of those resources. Disputes over territorial sovereignty have been neutralized by a freeze on claims.

It is not hard to imagine what might have happened in the absence of the Antarctic Treaty and the system based upon it. What guarantee would there have been that what has taken place everywhere else over the past quarter century - tension, confrontation, the inequitable use of natural resources, the contamination of the environment, nuclear testing, the widening of the scientific gap between States - would not have been extended to this oasis of peace and co-operation, this untouched ecological preserve, this open scientific laboratory, which is the Antarctica of today?

That, unquestionably, is the accomplishment of the Antarctic system. If the tree is known by its fruit, the Antarctic system's tree is of sound wood and full sap. But there is more: the Antarctic system also shows dynamism, pragmatism and flexibility.

Its structures are kept to the minimum to lend agility to its workings, and it is particularly quick to adapt to changes in the political, scientific and technological demands placed on the co-ordination and management of Antarctic activities. It has been able thus to develop a sufficiently effective legal framework to ensure the full realization of its objectives with the responsible participation of every one of its member States.

It is possible that, in its earliest stages, the system may have been too closed; perhaps that is a part of the secret of its solidity and the effectiveness of its regulations. But that closed nature was never part of its essence; on the contrary, the Antarctic Treaty is an open multilateral treaty to which United Nations Member States may accede. Today that encompasses nearly the entire

(Mr. Lupinacci, Uruguay)

international community; besides, any other State may be invited to accede to the Treaty with the consent of all the Consultative Parties. Thus, the number of States Parties has increased from 12 to 32.

It is true that not all Parties to the Treaty participate in decision-making; only Consultative Parties may do so. There are now 18 Consultative Parties, more than half the member States. It might appear to be unfairly restrictive that an acceding State can become a Consultative Party only by demonstrating its interest in Antarctica through carrying out major scientific research. Yet this has an explanation which has been well expressed in this debate: decisions which, by the terms of the Treaty, are taken by the Consultative Parties are intended to be binding on States which carry out activities in the Antarctic. That twofold criterion of interest and activity is the basis of responsible participation, and is yet another pillar guaranteeing the effectiveness of the operation of the system.

We must not forget that in practice, in the great majority of the provisions, decisions and regulations which it has engendered, this Treaty is a self-denying ordinance which imposes more obligations than it grants rights.

In any event, the system has proven its flexibility faced with the international community's growing interest in Antarctica, not only in its increased number of contracting parties and Consultative Parties, and in the more active participation as observers at most Antarctic Meetings by contracting parties, but also in the more copious information on its activities available to other States in publications, books and reports and scientific activities and research. This includes a handbook on the Treaty, which sets out, clearly organized and explained, the agreements, recommendations and decisions adopted within the system.

(Mr. Lupinacci, Uruguay)

Several delegations have referred also to the recommendations of the recent Brussels Meeting, on reports and updated information and bibliographies, with a view to a broader and more complete knowledge of Antarctic activities. That is an example of the quick response of the system to the growing interest of the international community in what is taking place in Antarctica, an interest which is certainly legitimate and amply justified.

We must admit in honesty that in the past there was not enough information and that an interest in maintaining the effectiveness of the system might perhaps have led to an excess of discretion. That lack of information and knowledge about the system, its goals and its activities may be the principal reason for the doubts expressed in this forum. Thus, this debate is healthy, as is the communication which has been established between the United Nations and the Antarctic system, an excellent manifestation of which is the report of the Secretary-General.

(Mr. Lupinacci, Uruguay)

That report and all that has been said in this debate shows the importance of the work being done through the operation of the Antarctic system, the unique experience it constitutes, and the benefits to mankind its continuation would yield. That does not mean that improved communications would not result in better awareness and knowledge of activities within the system and in increased interest in participating on the part of a greater number of States. We trust that that will be the result of this debate: a consensus on such an approach.

The desired creation of parallel mechanisms such as an ad hoc committee is not only unnecessary but could also lead to harmful interference prejudicing the safeguarding of the delicate values now preserved through the Antarctic system.

Let us strengthen and support something that experience has shown to work well and that is carrying out a very important service for the entire international community.

The CHAIRMAN: I call upon the Secretary of the Committee.

Mr. KHERADI (Secretary of the Committee): I wish to inform members of the Committee that the following countries have become sponsors of the following draft resolutions: A/C.1/40/L.82, Cameroon and Philippines; A/C.1/40/L.83, Cameroon and Indonesia.

The meeting rose at 12.55 p.m.