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Chairman: Mr. ZACHMANN (German Democratic Republic)

later: Mr. ROCHE (Vice-Chairman) (Canada)

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 66

GENERAL DEBATE, CONSIDERATION OF AND ACTION UPON DRAFT RESOLUTIONS ON THE QUESTION OF ANTARCTICA

The CHAIRMAN: In accordance with the Committee's programme of work and timetable, this afternoon the First Committee will begin its general debate, consideration of and action upon draft resolutions on the question of Antarctica. This item was considered by the General Assembly at its thirty-eighth session in 1983. At that session, resolution 38/77 was adopted without a vote, an indication of the willingness on the part of the members of the First Committee to approach this complex question with flexibility, bearing in mind the concerns and interests of all.

Under that resolution the Secretary-General prepared a useful study on the question of Antarctica for the Assembly's thirty-ninth session that covered all aspects of the question. Last year, the General Assembly adopted resolution 40/156 A, B and C, and as a result the Committee will have before it two reports on the question of Antarctica.

No one underestimates the complexities involved in the examination of the issues before us, but I express the hope that a spirit of goodwill and co-operation will prevail throughout our deliberations and that consensus on this subject can be restored.

Mr. JACOBS (Antigua and Barbuda): May I congratulate you, Sir, on your assumption of the chairmanship of the Committee and say that I am sure the deliberations here will be of benefit to the community of nations.

When my delegation joined with the delegation of Malaysia in 1983 to request that an item on Antarctica be included in the agenda of the thirty-eighth session

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of the General Assembly, we did so from a desire to promote greater international co-operation and to advance global peace.

We said at that time that we had no wish to tear up the Antarctic Treaty. Speaking in the General Committee, I had the honour to tell representatives of Member States that we were not congenital iconoclasts; that we did not seek to discard or devalue 24 years of experience. In the years that have elapsed since then, our position has not changed. We still maintain the position that the Antarctic Treaty is a solid foundation upon which we can construct an agreeable framework for the achievement of genuine international co-operation.

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But to do so, real movement is required on the part of those countries which are now Consultative Parties to the Treaty. For we believe that there has been genuine movement on our side to meet the Consultative Parties half-way. For instance, my Government and others are now prepared to accept the retention of the Antarctic Treaty and are willing, further, to establish the mechanism for administration of Antarctica within the structure of the Antarctic Treaty.

However, my delegation has noted that through Australia the Consultative Parties have reiterated their position that "consensus offers the only realistic basis for United Nations General Assembly consideration of Antarctica". None of us would reasonably quarrel with that view, and my delegation certainly does not. But I would remind the representatives of the countries that are in the privileged position of being Consultative Parties to the Treaty that consensus does not mean unanimity; it simply means widespread agreement; and, on the basis of widespread agreement, if all the countries in this Assembly except the Consultative Parties adopt a single position that would be consensus. However, we have the impression that the Consultative Parties would still reject such a consensus, for it appears that they would prefer the rest of the world quietly to acquiesce in their continued exclusive control of Antarctica.

In this sense, while there has been movement by countries such as mine to accommodate the concerns of the Consultative Parties, we fear that there has been no reciprocal movement to address our perceptions.

But the purpose of my statement is not to seek to isolate the countries that are Consultative Parties to the Antarctic Treaty; we wish instead to engage them in a constructive dialogue on this issue, for isolation of any group in the context of this debate would lead only to polarization of positions and to a widening of the chasm that has separated us so far on this matter.

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Therefore, my delegation would urge this Assembly to refrain from any actions that would sweep the wintry winds of Antarctica into our discussions and cast a cold chill over the dialogue we must have in order to narrow the gulf which still stretches between the Consultative Parties and the rest of us.

Central to the debate on Antarctica is concern over two fundamental matters: the non-democratic nature of the decision-making system over Antarctica and a universal sharing of the benefits to be derived from Antarctica both now and in the future. If these two issues can be addressed in a meaningful way by the current Consultative Parties to the Antarctic Treaty, the Assembly will make significant progress.

I propose to address both these issues in what I hope will be considered a helpful way. In the first place, it is not good enough for the Consultative Parties to assert that their scientific activities under the Treaty entail the assumption of a wide range of responsibilities and therefore demand that they have a greater say in the decision-making process in the area. It is also unacceptable for them to state their concern over the introduction of a global decision-making process as a reason for keeping out the majority of nations in the world.

The world has vastly changed since the original Consultative Parties arrogated to themselves the exclusive right to vote and exercise regulatory control over Antarctica. Since then over 100 nations have come to independence. In 1959, these new nations had neither the opportunity nor the sovereignty to participate in events in Antarctica. It is now not only unfair - it is unjust - to suggest that they should abide by decisions made without their involvement. In any event, it is about time that the Consultative Parties, including those which like many of us are classified as developing countries, understood that the new nations of the

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world will not accept continued attempts to ignore them or shunt them aside - for our peoples share this globe and as we have an equal obligation to care for it, so do we have an equal right to participate in decisions about its future.

Those countries that sit as Consultative Parties to the Antarctic Treaty and yet side with the rest of the developing countries in the Group of 77 or in the Non-Aligned Movement on questions such as the new international economic order, can no longer run with the hare and hunt with the hounds. Serious choices have to be made, and those choices have to be made in the interest of improving the lot of all mankind, not simply some of mankind.

In this context, my delegation wishes to draw attention once again to the inconsistency of the participation by many of the Consultative Parties with the odious apartheid régime of South Africa in the Antarctic Treaty. The spurious argument has been used that it is necessary to keep South Africa within the governance of the Treaty system in order to monitor its activities in Antarctica. Those who advance this argument miss the point; for no one is suggesting that South Africa simply be expelled from the Council of the Consultative Parties; the suggestion is that South Africa be expelled from Antarctica altogether.

My delegation has been told that if we have such a great interest in Antarctica, we should accede to the Antarctic Treaty and so participate in the work of the Consultative Parties, as an observer.

But it should be clearly understood now that, even if that were an acceptable proposition, my country would not accede to the Antarctic Treaty while South Africa was party to the decision-making process in Antarctica with virtual veto powers. In my delegation's view, there can be no justification for collaboration with the despicable régime in South Africa, which legitimizes racism, promotes murder,

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violates the territory of its neighbours, denies basic human rights and violates human dignity. Those who would say that there is reason for encouraging scientific co-operation with South Africa need to reassess their opinion in the light of the state of terror that now engulfs southern Africa since the death of Samora Machel and of threats to the leaders of States bordering South Africa.

It has recently been brought to our attention that the Government of South Africa has imprisoned 6,000 children between the ages of 9 and 12. It has been brought to our attention also that those children have been raped. It has been brought to our attention also that those children have been flogged. No decent nation can collaborate with South Africa.

My delegation hopes that it will not be too long before those Governments that have imposed sanctions on South Africa recognize the importance of non-collaboration in Antarctica with the Botha régime.

As for the argument that countries which want to participate in the decision-making process in Antarctica should set up scientific expeditions and centres in the area, my delegation would point out that such a criterion was not established by international consensus but by the edict of a handful of countries that comprise the Consultative Parties and are attempting to maintain their stranglehold on the area.

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We reject that as a contrivance designed to exclude poor States from their legitimate right to contribute to the decision-making process in Antarctica.

I turn now to the second issue, which in my delegation's view is central to the debate on Antarctica: the question of participation in the benefits which may be derived now and in the future from the resources of the area.

The Consultative Parties have expressly endorsed the proviso that in dealing with the question of mineral resources in Antarctica they shall not prejudice the interests of all mankind in the area. They have yet to elaborate a plan on how they shall do so to the satisfaction of the international community as a whole. It is my delegation's view that it will be impossible for them to do so, for no decision-making process that is undemocratic by virtue of its exclusion of representatives of the majority of the world's people will ever be satisfactory,.

It is against this background that I would urge the Consultative Parties to make some genuine movement towards meeting us some of the way in our concerns about Antarctica, for the alternative is divis on that will be as deep as it will be wide.

The polarization will gain no benefits for anyone and could spill over into other areas of international relations, prejudicing negotiations on matters bearing little or no relevance to the specifics of Antarctica.

My delegation would state once again what we consider to be a set of actions that would promote genuine international co-operation in Antarctica and significantly contribute to global peace.

We propose the retention of the Antarctica Treaty as a basis for administering the area; the creation of an authority, under the umbrella of the Treaty, to manage the Antarctic with the existing Consultative Parties as members of the authority and equal membership by representatives of every region of the world; an environmental non-governmental organization, such as Green Peace, with an

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established record in Antarctica, to be an observer with the right to speak at all meetings of the authority; and the establishment of a system of international taxation and reserve sharing administered by the proposed authority of Antarctica.

We believe that our proposals would go a long way towards democratizing Antarctica and should be acceptable to all except those with sinister objectives in the region. We have advanced the idea of a system of international taxation and revenue sharing because we accept that certain countries will continue to exploit the marine life of Antarctica. But we feel they should do so in a controlled manner and within a framework in which the world, and no less so Antarctica itself, benefits from revenue derived from taxation. We propose that the revenues raised from taxes on fishing and mining should be placed in a special development fund for maintaining the Antarctic environment and advancing global human development. The fund should be subdivided in three ways: expenses for the maintenance of the Antarctic environment; hard loans to developed countries; and soft loans and grants to less developed and least developed countries. More particularly, grants made to the United Nations also would greatly assist in easing the critical financial crisis.

In this context we would call on the General Assembly to maintain the question of Antarctica on its agenda and to request the Secretary-General once again to seek information from the Consultative Parties on their negotiations to establish a régime regarding minerals.

My delegation would also regard it as an advance if the Assembly also requested the Secretary-General to seek from the Consultative Parties information as to whether they would be willing to meet with representatives drawn from the regional groups in the United Nations system to discuss means by which the decision-making process on Antarctica may be widened. Such a discussion might

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serve to open up opportunities for a meaningful dialogue on Antarctica and could considerably lower the temperature of the debate on the issue.

Mr. HITAM (Malaysia): May I first of all congratulate you, Sir, on your assumption of the chairmanship of this Committee and express my confidence that under your leadership the Committee's efforts will be successful.

I would also unhesitatingly endorse the sentiments you expressed at the beginning of this meeting, when you called for a flexible approach to this most difficult question.

May I also echo the call of the representative of Antigua and Barbuda that the dialogue on this subject by all parties concerned be continued amicably.

Let me begin my contribution to this debate by reiterating the basic considerations of my Government in approaching the question of Antarctica. I hope that by doing so we can set our deliberations on this subject on a constructive plane.

First of all there is the undisputed fact that Antarctica, which covers one tenth of the surface of the Earth, has great significance to the world in terms of international peace and security, the economy, the environment, scientific research, meteorology, telecommunications and so on. Secondly, there has been no permanent human habitation on the continent of Antarctica. Thirdly, there has been no international agreement on any claims of sovereignty over it, except on their suspension by the Treaty parties. Fourthly, 18 consultative parties of the Treaty have apportioned certain rights and obligations concerning the pursuit of the objectives of the Treaty. Within the arrangement, the Consultative Parties have, on the basis of their scientific expertise, given themselves a higher and more decisive status than that enjoyed by the non-consultative parties. And, fifthly, the instrumentation to achieve the objectives of the Treaty has been left open to be decided by consensus by the Consultative Parties.

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By any account, therefore, the Treaty cannot be regarded as fair; it cannot be regarded as universal in character; nor can it be regarded as compatible with its declared objective of promoting - and I quote from the preambular paragraphs of the Treaty - "the interest of mankind" or "the progress of all mankind" or furthering "the purposes and principles embodied in the Charter of the United Nations".

Since the Treaty came into force some 24 years ago, just over 20 other countries have acceded to it. Although its preamble enjoins all members of the Treaty to promote the interest and progress of all mankind, the fact of the matter is that the Treaty has operated in a manner that has preserved the interests of the original members, and particularly those of the seven claimant States, to the exclusion of those other members of the international community that do not meet the criteria set by the Consultative Parties by consensus.

The Antarctica Treaty Consultative Parties strongly defend their monopoly over decision-making by regulating access to Antarctic Treaty Consultative Party status. Thus, under the present set-up, no State can achieve that status without investing a great deal of resources on scientific investigation in Antarctica. Yet scientific research is only one of many activities on the continent in which the international community would have a legitimate interest. The membership of other countries cannot be precluded or prejudiced simply on the grounds of their inability to conduct research on a sustained basis.

(Mr. Hitam, Malaysia)

As a further complication of the issue of sovereignty and exclusivity, some members of the Treaty have made strenuous efforts towards exploring the potential of mineral resources even though the Treaty is silent on that subject. Since 1967, the Consultative Parties have been addressing themselves to the development of a mechanism to circumvent the Treaty, and have begun negotiating among themselves on ways and means of exploiting the resources of Antarctica. I should like to draw it to the attention of the Committee that in its present form the Treaty has no legal order for the exploitation or development of resources. But the Consultative Parties have decided to ignore that fact, and have gone ahead with the project to create a new régime on mineral exploitation. A report by a group of experts of the Consultative Parties has been completed; today this forms the basis for negotiations among Treaty members.

Consequently, the Government of Malaysia has also been drawn to a number of questions with regard to international peace and security pertaining to the Antarctic region. At present, the state of law in Antarctica is indeterminate and inconsistent with international law in many respects. A case in point is that under the present set-up no State or group of States can effectively pursue resource development or environmental activities in Antarctica, beyond pure scientific research, without prejudicing the common interests of mankind. The present state of law in Antarctica is also too restrictive for the promotion of legitimate global interests outside the domain of pure scientific research. The material circumstances surrounding the continued application of the 1959 Antarctic Treaty have also substantially changed, further undermining the fragile basis for co-operation in Antarctica. It has become necessary, in the light of those changes, for the United Nations to intervene to correct a situation that could well develop into an international dispute. The United Nations has the obligation to

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prevent the occurrence of any dispute that could lead to a breach of international peace.

Hence, in spite of the distance that seems to separate Malaysia from Antarctica, the question of international law and the concerns we have regarding international stability make us pay close attention to Antarctica. I believe many other delegations continue to be motivated by similar considerations.

Several developments in accord with that perception have emerged. The non-aligned ministerial conference at Luanda and the Organization of African Unity (OAU) summit in July 1985 at Addis Ababa both considered the item and adopted the position that Antarctica is the heritage of mankind. In 1986 the League of Arab States further reviewed the question of Antarctica and reaffirmed that the continent should be used exclusively for peaceful purposes. It also decided that all nations should have easy access to the Treaty, in accordance with United Nations resolutions, the decisions of the OAU and the Declaration of the Non-Aligned Movement.

Most recently, the eighth non-aligned summit held in September 1986 at Harare, Zimbabwe, inter alia, reaffirmed the conviction that in the interest of all mankind Antarctica should be accessible to all nations. At the summit the hope was expressed that the updated and expanded study of the Secretary-General, called for in General Assembly resolution 40/156 A, would contribute to a more comprehensive examination of this question at the United Nations, with a view to the taking of appropriate action. To that end, all States were called upon to resume co-operation, with the purpose of coming to an understanding on all aspects concerning Antarctica within the framework of the United Nations.

The summit also noted with regret that the racist apartheid régime of South Africa was a Consultative Party to the Treaty, and in the light of General Assembly

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resolution 40/156 C urged the Consultative Parties to exclude that régime from participation in their meetings.

We have always been clear in our objectives, and together with other like-minded countries have taken a cautious approach since we consider the subject important to the maintenance of an atmosphere conducive to international co-operation to resolve the problems regarding Antarctica. Similarly, we would avoid prejudging anything regarding what a universally acceptable treaty ought to be, except that such a régime could conceivably be based on principles of democracy generally recognized by the United Nations. It is for the purpose of leading us towards that objective that we have called for the studies by the Secretary-General referred to in resolution 40/156 A.

At this juncture I should like to express my delegation's deep appreciation for the report presented to us by the Secretary-General in document A/41/722. I feel that that report is all the more commendable given our awareness of the constraints encountered by the Secretary-General in completing it.

As we can observe from the report, there is now a greater flow of information coming from the Consultative Parties to the Treaty, including that covering the activities of the Commission for the Conservation of Antarctic Marine Living Resources and the Scientific Committee on Antarctic Research, a development I feel is noteworthy and should be encouraged further. The need for such encouragement arises from the fact that the level, content and quality of the flow of information do not fully satisfy the interests of the international community as a whole. Furthermore, such information is made available by the Treaty parties on a selective basis, which indicates that there is still reluctance on the part of the Treaty parties in this regard. We note for instance that working documents and other papers of importance for various meetings of the Consultative Parties are still not readily available; nowhere has that point been more clearly relflected

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than in the response of the Consultative Parties to the Secretary-General's communication in respect of resolution 40/156 B, about which I shall say more later.

As regards the involvement of the United Nations specialized agencies and other international organizations in the Treaty system, we note that there are at present organizations in active co-operation with the Treaty system. However, two points are worth noting: first, such a relationship is not organic to the Treaty system, since they have to be invited by a member of the Treaty as and when their presence is considered necessary by a Consultative Party; secondly, such a relationship, on the operational level, is not direct, as the consultation is done by the Consultative Parties mainly through the Scientific Committee on Antarctic Research.

Furthermore there is at present no provision by which the Consultative Parties are bound by the recommendations of the specialized agencies or international organizations. That situation could be improved, as many of those recommendations would have a direct bearing on the interests of the international community. Besides, it is apparent that many of the recommendations made by the specialized agencies or international organizations are transmitted through a member or members of the Treaty also having membership in the organizations in question. There is no organic linkage or interaction of the international organizations within the activities of the Consultative Parties. A more satisfactory level of co-operation would be one that enabled direct linkage between the respective specialized agencies and/or international organizations and the consultative process of the Treaty parties.

The study on the United Nations Convention on the Law of the Sea in the Southern Ocean provides clear proof, if such proof were needed, of the comprehensiveness of the régime established under the 1982 Convention on the Law of the Sea.

(Mr. Hitam, Malaysia)

First of all, I should like to emphasize the importance we attach to the Convention on the Law of the Sea. That instrument has been signed by 159 States and entities, obviously including both developed and developing countries, and has already received 32 ratifications. Even before its entry into force, the Convention is establishing - and, indeed, in several instances has already established - a new maritime legal order. The Convention is a fact of international life. That was why we requested the study on the significance of the new global Convention on the Southern Ocean.

During last year's debate on that topic my delegation stated that

"the study should concern the way in which the Convention applies to the Southern Ocean ... without leaving aside ... the fact that the Antarctic Treaty system exists and, further, that territorial claims have been laid to parts of Antarctica." (A/C.1/40/PV.55, p. 39-40)

In other words, we requested an examination of the compatibility of the Antarctic Treaty system with the new law-of-the-sea régime. We are happy to state that the approach adopted by the Secretary-General in this part of the report meets with our full approval.

Although I have expressed our appreciation for this study, I would nevertheless like to submit certain views with regard to it. In the first place, it is our opinion, given the importance of this issue, that this part of the report could have been more elaborate. Certain matters raised in the report would require a more detailed treatment. For instance, it would have been more useful for the report to explain in much greater detail, within the context of the law of the sea, the régime for the conservation and management of living resources that now exists in the Southern Ocean. The following issues could also have been addressed:

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measures in the Southern Ocean, especially with respect to what article 119 of the Convention on the Law of the Sea considers as

"catch and fishing effort statistics and other data relevant to the conservation of fish stocks."

Furthermore, we have noted that several points of ambiguity have been brought out by the study vis-à-vis the rights of States not parties to the Treaty in regard to marine research - I refer in particular to paragraph 124 of the report - and questions relating to national sovereignty and jurisdiction, which are dealt with in paragraph 145. These would have to be resolved by the international community through the United Nations.

My delegation has noted that, although the study has addressed itself to the deep sea-bed régime embodied in the Convention, the application of that régime to the Southern Ocean has not been sufficiently elaborated. The report states:

"As the Antarctic mineral resources régime is still under negotiation among the Antarctic Treaty Consultative Parties, it is not possible to analyse at this stage its scope and content nor to consider its relationship with the principles on which the international régime for the Area is based."

(A/41/722, para. 150)

The rejoinder I should like to make at this juncture is that each treatment seems to be based upon an ambiguous legal structure.

Regarding the report submitted pursuant to resolution 40/156 B, my delegation notes with regret the utter lack of information - which, I must immediately add, in no way reflects any shortcoming on the part of the Secretary-General in the discharge of his responsibility. This vacuum has been adequately explained in document A/41/688/Add.1, which states the position adopted by the Antarctic Treaty Consultative Parties and which again shows the exclusivity of matters pertaining to Antarctica.

(Mr. Hitam, Malaysia)

In addition to that general remark, I should like to comment on some points contained in the document for the purpose of clarifying some misinterpretation that could arise, thus clearing the air somewhat at this point.

First, resolutions 40/156 A, B and C have been described as divisive. To say the least, that description is erroneous. As everyone is aware, the sponsors of those resolutions had never intended to be divisive. In fact, the resolutions were presented as a serious attempt to seek a consensus wherever possible. That effort had not succeeded, even in small parcels. Hence, resolutions 40/156 A and B were couched in moderate terms consistent with international norms and values. Whatever may be the judgement made by the Antarctic Treaty Consultative Parties, it was regrettable that they decided not to participate in the voting.

Secondly, I note that all Treaty Parties were able to participate in the meetings on a mineral régime held at Tokyo, and they agreed that the régime would be open to all States, as the Chairman of the session said in his statement, "with all entitled to undertake mineral-resources activities pursuant to it." To us, that statement appears misleading, since the entitlement is based upon the premise of a non-member acceding to the Treaty in the first instance. The participating country, of course, would have to be governed by the existing two-tier system of the Treaty, which we maintain is unjust. We do not consider it fair or proper that a subscription to the Antarctic Treaty should be a pre-condition of participation in the negotiation on the mineral régime. Thus, in respect to ongoing negotiations on the régime, what we are interested in seeing is participation by all interested countries during the negotiation itself, and not when all decisions have been made by the Antarctic Treaty Consultative Parties.

The distribution of document A/C.1/41/11 of 14 November 1986, which contains the press release by the Chairman of the Ninth Session of the Special Consultative Meeting in Tokyo, does not change our position. Although we understand that

(Mr. Hitam, Malaysia)

underlying the ongoing negotiation there is the currently held intention among the Antarctic Treaty Consultative Parties not to undertake mining in Antarctica, the fact remains that the legal provisions that will regulate mining in Antarctica are being actively considered. I therefore fail to understand why there is such urgency for the Consultative Parties to take action at the exclusion of members of the international community at this stage.

The Treaty has made no provision regarding the exploitation of mineral resources in Antarctica, a point I made earlier. As such, it is even more pertinent to emphasize that all countries stand on an equal footing in respect of establishing a mineral régime, and that the consultative or non-consultative party status should not apply. In fact, the Treaty is essentially irrelevant in this negotiation.

Finally, I should like again to clarify my Government's approach with respect to this debate. Uppermost in our mind is the question of international principles, which we would consistently seek to promote. We also attach great importance to the need for consensus at every step. For this reason, we have made every effort to strive for extremely moderate draft resolutions, in terms of both content and of language. We have also undertaken active consultations with our colleagues members of the Antarctic Treaty Consultative Parties particularly through the good offices of the Australian delegation, and with other colleagues of like-minded delegations. As such, we have withheld the submission of the draft resolutions by like-minded countries until the eleventh hour, as has been our usual practice, in order to provide a maximum opportunity to achieve consensus.

(Mr. Hitam, Malaysia)

However, if we have to choose between the maintenance of principles and the pursuit of consensus at this stage, it is only logical that we decide to maintain the principles; but that should in no way be construed as my delegation's neglecting the issue of consensus. I recall that consensus broke down last year even on such a non-substantive issue as calling for studies by the United Nations Secretary-General, which only indicates that we are still at the bottom of the ladder. The Antarctic Treaty Consultative Parties have not even accepted the principle that the Treaty should be reviewed. All that they are suggesting is postponement of a decision on this basic position as the basis for consensus. This shows all too clearly the substantive gap in our negotiations. We should like to reiterate that we shall always be ready to work for a consensus, but it would have to deal with questions concerning establishing an Antarctic régime which would be readily acceptable to the international community.

Mr. PUNUNGWE (Zimbabwe): My delegation has decided to participate in the debate on agenda item 66, entitled "Question of Antarctica", because of the great importance my country attaches to this subject. To my country the question is important, not only in itself, but also because of its implications for international organization. To us, the question of Antarctica and how it is eventually resolved has implications for the role to be accorded to naked power in the international political system, and serious repercussions on the conceptual approaches to be adopted in the fields of outer space and the law of the sea.

There are certain postulates which my delegation considers to be at the very core of organized international relations in the latter part of the twentieth century. One such postulate is that it is no longer tenable that decisions affecting the generality of mankind can be taken by a small group of States, no matter how powerful or technologically advanced that clique of nations happens to be. We have said this with regard to negotiations on nuclear disarmament, and we

(Mr. Punungwe, Zimbabwe)

must apply the same principle to the question of Antarctica. What happens to Antarctica has serious repercussions for the entire international community, ecologically, meteorologically, economically and, ultimately, in the all-important area of war and peace.

For this reason, it is the view of my delegation that decisions relating to Antarctica must be reached either under the auspices of the United Nations or through a decision-making mechanism worked out under the auspices of that universal Organization. The Antarctic Treaty system is inadequate for this purpose, and has become an anachronism. To my delegation, the Antarctic Treaty system brings to mind the 1884 Berlin Conference and smacks of a repetition of that old saga of Ali Baba and the forty thieves.

It is not the intention of my delegation to malign the Antarctic Treaty system. My delegation would point out that at its inception the Treaty had many positive features, and worked well in such issues as the desire to keep the region out of the realm of the arms race, ensuring that it was used only for peaceful pursuits, and freezing territorial claims. The Antarctic Treaty was, however, the product of a particular reality - the historical and technological reality of the late 1950s. That historical and technological reality has since changed. The United Nations is now composed of 160 Member States, and technology has advanced far enough to make commercial exploitation of Antarctic resources feasible. The Antarctic Treaty was not designed to absorb such developments. Hence we see today the hectic elaboration of a minerals régime by the Consultative Parties to the Treaty. This is because the Treaty did not envisage such a development, and it could be said that such a development is in actual fact a violation of the spirit, if not the provisions, or rather the lack of such provisions, of the Treaty.

(Mr. Punungwe, Zimbabwe)

In this connection I wish to quote the remarks of the Chairman of the ninth session of the Special Consultative Meeting on Antarctic Mineral Resources, held in Tokyo from 27 October to 12 November 1986, Mr. Chris Beeby of New Zealand:

"There are currently no binding legal controls on mineral activities in Antarctica"

and that:

"While there is no certainty that anyone will ever ... look for minerals there, that risk is one that the Antarctic Treaty [Consultative Parties] are not prepared to take." (A/C.1/41/11, Annex, p. 2)

I should like to assure the Antarctic Treaty States that Zimbabwe also is unprepared to take that risk. Furthermore, it appears that, unlike the Antarctic Treaty countries - or is it rather because of them? - Zimbabwe is even being excluded from participating in combating that risk.

It is important to note that meetings such as the one recently concluded in Tokyo are not even proper under the original Antarctic Treaty. They constitute an extension of that Treaty and, unfortunately, an extension also of its exclusive nature. What we are witnessing are in fact steps, in 1986, aimed at concluding agreements that would exclude the vast majority of States, through the stratagem of near-impossible accession requirements, from involvement in one of the most internationally consequential issues of the day. If I may quote Mr. Beeby again, he said the agreement reached:

"will prohibit mining in Antarctic unless a judgement is made in the future by the institutions to be established that the environment will be adequately protected". (p. 2)

Is it not true that a deterioration of the Antarctic environment will have grievous consequences for all of us? Yet who is to decide on the institutions

(Mr. Punungwe, Zimbabwe)

Mr. Beeby mentions, which will make such a judgement? Should it not be all of us, the potential victims of any bad judgement that may be reached?

Since the introduction of this item on the agenda of the First Committee, we have been treated to an annual ritual of extolling the virtues of the Antarctic Treaty system by the Consultative Treaty Parties. We submit that such utility as the Treaty has shown - and we do not deny that it has been of some usefulness - was a product of a historical reality that has since changed. Today, in line with the dominant theme of the democratization of international relations, neither the authorship, nor the provisions of the Treaty, especially those pertaining to the qualifications for accession to consultative status, are tenable any longer. Moreover, technological advances seriously threaten the one aspect in which the Antarctic Treaty system has been most effective, that of the non-militarization of the area. With the scramble for the commercial exploitation of Antarctic resources, one can foresee the reactivation of territorial claims, mutual animosity between the Treaty Powers and possibly war.

My delegation cannot understand why there should be, in the twentieth century, so much difficulty in declaring Antarctica the common heritage of mankind and bringing all decisions affecting State activities in the region under the purview of the United Nations, the one universal organization functioning today. Since the United Nations is already involved in similar activities elsewhere in such areas as health, labour, economic development, atomic energy, human rights and even political relations, it cannot be argued that it is unqualified to take the leading role in this field. The fact that atomic energy has been put under the aegis of the International Atomic Energy Agency, for example, does not mean that all States are at the same stage of sophistication with regard to nuclear technology: it is only because of recognition that misuse of the technology in question would affect

(Mr. Punungwe, Zimbabwe)

all the peoples of our planet. Need it really be pointed out here that misuse of Antarctica could affect all the world's peoples?

My delegation believes that the question of Antarctica is closely intertwined with the idea of what importance shall be accorded brute force in international affairs. We are acutely aware of the preponderance of power on the side of the Antarctic Treaty Consultative Powers: both super-Powers are in it; so are all the nuclear-weapon States, as are the half dozen or so most populous States in the world. So, even in the face of all logic, shall we just allow such naked power to scare us and make us go along with the anachronistic and discredited dictum that might is right? It would appear that this is exactly what the Antarctic Treaty Consultative Powers would have us do. But we cannot do this, on a point of principle. We are acutely aware of the absence of brute force on our side, and we cannot draw the members of either power bloc to see our point of view, nor even draw all our own members, the members of the developing world, to adopt a united stand on this issue.

Some of us have been co-opted, and the move has been neatly done; it leaves us disunited and possibly dispirited. This was a clever strategy which worked well: co-opt a few of the world's disinherited and why, you can keep the other 140-odd disinherited States away from the pie! Yet this cannot and will not detract from the inherent righteousness of our cause. For us Antarctica is not even a pie, it is a time-bomb, and someone has left it ticking in our communal kitchen. We want a hand in the disposal of that bomb; and we want to participate in any decisions that are made with regard to it. Antarctica is not a few thousand square miles of territory in the middle of nowhere. It is a unique environment with unique climatic, environmental, economic and security implications for all of us.

(Mr. Punungwe, Zimbabwe)

It is important at this stage to state clearly that my country is not worried about being left out of the Antarctic régime because of certain benefits that are being denied us. I wish to go on record as stipulating that we do not view the issue of, say, the elaboration of a minerals régime for Antarctica as bad because we may not participate in such exploitation. Far from it. My country's sole preoccupation in this regard derives from principle. Whether or not there should be a minerals régime in the first place; whether or not the Antarctic ecological system should be disturbed; whether or not a disturbance of the system would have adverse consequences for the international environment: those are the questions. And we do not believe that the Antarctic Treaty system, with 16 Consultative Parties, is competent to give answers to these questions on behalf of an international community composed of more than 160 countries. In this connection, therefore, I can state that Zimbabwe does not want to be a consultative party to the "Antarctic Treaty System Club". We do not want to participate in the negotiation of a minerals régime for the region, except as part of a joint effort by the entire international community. Only the international community is competent to decide whether such activities are appropriate and how, if at all, such activities may be carried out.

I have already mentioned the preponderance of power on the side of the Antarctic Treaty Consultative Powers. It is a pity that that power has been used so flagrantly to browbeat us smaller States when we argue our case on a point of principle. We have been told - and we agree - that the best resolutions that can be adopted in connection with the question of Antarctica are those reached by consensus. However, such consensus must mean give-and-take on both sides. On the contrary, it would appear that, aware of their power, the Antarctic Treaty Consultative Parties will not have a consensus that does not amount to capitulation

(Mr. Punungwe, Zimbabwe)

by us. It is always possible that the potential victim may get to a consensus with his would-be robber about the rightfulness of the robber taking the car, say, but such a consensus cannot stand in court. If the only way we can obtain consensus on this subject is through a total capitulation on our part, then my delegation is not in favour of such consensus. A consensus that merely registers our consent to being overruled because of the fact of naked power is not for my delegation. Rather, if an honourable consensus is unachievable, my delegation would prefer to have our principled approach adhered to and submitted to the vote. We may win or we may lose, but at least we would not be troubled by conscience. We would not for ever have to explain away our victorious defeat. It is a fact that a non-consensual resolution will not translate into a lot of movement on the ground. But then again a nonsensical, capitulationist resolution will also fail to generate much movement on the ground. The former, however, has the advantages of honesty and a clear conscience.

The arrogance of power is overwhelming with regard to the question of Antarctica. So this year we have a one-page report of the Secretary-General on the question of Antarctica. And that one page, contained in document A/41/688, is to the effect that the Antarctic Treaty Parties have chosen not to respond to resolutions 40/156 A and B. And we are supposed to stand here and take it. Yes, we shall stand here and take it. What choice do we have? We will stand here and take it, not because what we stand for is wrong and not because what we asked for was unreasonable, but because we are a whole lot of small countries, and the Antarctic Treaty Consultative Parties have come to the conclusion that there is nothing we can do about it. For our part, we can at least stand by principle. That at least teaches us that we should never compromise principle in the face of power, overwhelming or otherwise.

While experience may have led us to expect this from some of the Antarctic

(Mr. Punungwe, Zimbabwe)

Treaty Consultative Parties, I must admit frankly that we did not expect it from some of them who are partners with us in advancing these same principles with regard to the law of the sea and outer space. After all, in the Harare Political Declaration (A/41/697), adopted by consensus, the leaders of non-aligned countries stated that Antarctica should be "accessible to all nations" (para. 198) and called upon "all States to resume co-operation with the purpose of coming to an understanding on all aspects concerning Antarctica within the framework of the United Nations General Assembly" (para. 202) and in fact specifically expressed the "hope that the updated and expanded study by the Secretary-General called for by General Assembly resolution 40/156 would contribute towards a more comprehensive examination of this question at the forty-first session of the United Nations General Assembly with a view to appropriate action, taking into account the concerns of members of the Movement" (para. 199). It is therefore exceedingly strange that all the Antarctic Treaty Parties should have failed to respond to resolutions 40/156 A and B.

How can we have a consensus forced down our throats to the effect that the Antarctic Treaty System has furthered the purposes and principles of the Charter of the United Nations? Where is the universality principle of the United Nations Charter in the Antarctic Treaty System? Is it peace-loving to form an exclusive club of 16 and keep out the other 140-odd members of the international community? If the activities of the Antarctic Treaty Consultative Parties are aimed at promoting international co-operation for the benefit of mankind as a whole, why, then, are these States so anxious to exclude the majority of States from participating in decisions to regulate such activities?

It is the view of my delegation that, since Antarctica has significant environmental, meteorological, scientific, economic and security consequences for the entire international community, it should be regarded as the common heritage of

(Mr. Punungwe, Zimbabwe)

all mankind. It is inconceivable, in the latter part of the twentieth century, that decisions pertaining to such an important issue can be the exclusive preserve of a small group of States, no matter how powerful that small group may be. Moreover, no matter that the Antarctic Treaty System may have kept peace in the continent in the past, the technological and historical reality in which it managed to do so has been radically transformed. It is our view, therefore, that a new approach is needed to the question of Antarctica and that that approach, whatever it is, is best elaborated under the auspices of the United Nations.

Mr. WIJEWARDANE (Sri Lanka): At Harare two months ago the Heads of State or Government of 101 non-aligned countries expressed the hope, in their Political Declaration (A/41/697), that at this session of the General Assembly there would be "a comprehensive examination" of the question of Antarctica "with a view to appropriate action, taking into account the concerns of members of the Movement" of non-aligned countries (para. 199). Our participation in this debate is motivated by precisely this objective. There must be a full and complete discussion of all aspects of the question; there must be action taken at the conclusion of the discussion; and the deep and sustained interest of a large and significant group of countries on this question must be recognized and their concerns met in the action we should finally agree upon.

There is no other forum but the United Nations General Assembly where this task can be undertaken. The principles of equal rights, international co-operation and the sovereign equality of nations are visceral elements in the Charter, which also visualized our body as a "centre for harmonizing th actions of nations in the attainment of ... common ends". The primacy of the United Nations in the discussion of this question has been asserted consistently by my delegation. Thirty years ago the delegation of India proposed that the issue of Antarctica

(Mr. Wijewardane, Sri Lanka)

should be on the agenda of the General Assembly and since then the issue has been raised from time to time. Since 1983 the subject has appeared regularly on our agenda, causing a full discussion, which has demonstrated a wide and persistent concern by a vast majority of Member States in the international arrangements that currently govern the one-tenth of the surface of our world that is Antarctica. That discussion has been assisted immeasurably by the useful report submitted by the Secretary-General to the thirty-ninth session, which has now been updated and expanded. We find section V of document A/41/722 especially useful and we would do well to ponder the issues raised.

(Mr. Wijewardane, Sri Lanka)

The basic principle applicable to the Convention on the Law of the Sea, the outer space Treaty and the Moon Agreement is the acknowledgement that these important areas of the world's environment are the common heritage of mankind that must be developed for our common benefit. The present disparity in levels of economic and scientific development is no criterion for a division of spoils. Indeed, we have moved away from the concept of a "spoils system" to a democratized international order of recognizing equal rights. For example, article 2 of the outer space Treaty stipulates that:

"Outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means". (General Assembly resolution 2222 (XXI), annex)

We believe that this principle is applicable to Antarctica, especially since the Antarctic Treaty has not solved the competing claims of sovereignty amongst its parties. Failure to resolve this issue could in the future lead to the same scramble for a resource-rich area of Earth's surface that history has seen time and time again in other continents. Claims of sovereignty based on heroic feats of explorers of a bygone area or of first occupation supported by naval power are no longer tenable in international law. Equity and international co-operation have superseded these anachronistic colonial concepts of international law. The rationale of universality and economic interdependence demand that Antarctica should be the province of all mankind for its common benefit.

We have stated before, and we repeat, that we do not reject the Antarctic Treaty in toto. We do recognize its positive features, especially the provision that Antarctica

"shall be used exclusively for peaceful purposes and shall not become the scene of international discord".

(Mr. Wijewardane, Sri Lanka)

Other welcome features include the prohibition of nuclear explosions, the absence of conventional weapons and the prohibition on the dumping of radioactive waste materials. We therefore see Antarctica as a nuclear-free zone, a zone of peace and a safeguarded ecosystem where no action can be taken threatening the environmental and climatic situation elsewhere in the world. We cannot, however, agree with the facile view that the Treaty works well and that we should leave well alone. It is a dangerous argument that what works is, ergo, what is good. It is also an argument with familiar and unpleasant echoes to us in the third world. Our disagreement arises from the fundamentally discriminatory nature of the Treaty and its failure to recognize Antarctica as the province of all mankind. We are also only too well aware of the lessons of history where unresolved claims of ownership have fuelled disputes. Paragraphs 145 and 151 of the report of the Secretary-General (A/41/722) reveals the areas in which work must be undertaken to clarify the relationship between the Convention on the Law of the Sea and the Antarctic Treaty System. Moreover, the inherent logic of the new international economic order demands that the resources of Antarctica be available for the common benefit of all mankind.

In this task, it is only the United Nations that can play a role, representing as it does the interests of all the Member States. We have made a beginning with the valuable information made available to the international community through the Secretary-General's study. An increased flow of information directed to the United Nations from the Treaty Parties and other sources is necessary and we have to structure this, providing procedures and an acceptable format. On the basis of this information the international community will be able collectively and equally to assess the significance of Antarctica to the world and determine a course of action for the benefit of all mankind. The need for this is especially opportune

(Mr. Wijewardane, Sri Lanka)

because of attempts to negotiate a new legal régime for the exploitation of the mineral resources of Antarctica. A just and equitable minerals régime acceptable to all States can only be negotiated by the full and equal participation of all States Members of the United States. The adoption of resolution 40/156 B by the General Assembly last year was an expression of international concern that negotiations to which all States are not privy are going on to establish a régime regarding Antarctic minerals and that information on this must be forwarded to the Secretary-General.

We very much regret to note from the report of the Secretary-General contained in document A/41/688 and Add.1 that the Antarctic Treaty Consultative Parties have not been forthcoming to the resolutions for the reason that they were not adopted by consensus. At the same time the Antarctic Treaty Consultative Parties repeat their willingness to provide information. If that willingness genuinely exists, we should have seen proof of it without the adoption of the United Nations General Assembly resolution, by consensus or otherwise. In a world of multilateral co-operation, this exclusivity and lack of accountability is incongruous. The search for consensus is a bipartisan process. The sponsors of resolutions 40/156 A, B and C were ready to negotiate consensus texts. We remain ready to do so this year too. However, consensus has to be negotiated on an agreed basis. As an Asian non-aligned country, Sri Lanka has long valued the process of consensus decision-making because of its historical origins in our traditional social organizations and its inherent justice. We hope that through goodwill and co-operation that genuine consensus will be achieved this year.*

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*Mr. Roche (Canada), Vice-Chairman, took the Chair.

(Mr. Wijewardane, Sri Lanka)

An important aspect of the existing régime in Antarctica is the fact that the racist régime of South Africa continues to be welcomed as a Consultative Party to the Antarctic Treaty. This unacceptable state of affairs was the subject of resolution 40/156 C last year. We have seen no attempt by the Antarctic Treaty Consultative Parties to respond to this situation and we must once again urge them to exclude South Africa from participation. The world is clamouring for sanctions against the apartheid régime in Pretoria as a means of achieving structural change that will bring human dignity and decency to the majority in South Africa. In this context, the continued acceptance of the present régime of South Africa by the other Consultative Parties is both insensitive and inexplicable. Our concern over the readiness of those countries to co-operate with the rest of the international community is enhanced over their failure in this litmus test of their political will. A régime which remains inaccessible to all nations continues to accept South Africa without any qualms. This alone makes it imperative that the United Nations should remain seized of this question. We should like to see the present Antarctic Treaty System harmonized with the principles and aspirations guiding the United Nations Charter, the authority of which supersedes all else in international life.

I conclude by acknowledging the valuable input made by the delegations that have taken part in this debate. Their work will no doubt contribute to democratizing the régime governing Antarctica.

Mr. GBEHO (Ghana): I am happy to have the opportunity to participate in the present debate and once again to re-state the position of the Government of Ghana on the question of Antarctica. It is my hope also that my delegation's contribution will modestly assist in the ongoing examination of this important matter. The Ghana delegation has joined enthusiastically in the discussion of this

(Mr. Gbeho, Ghana)

matter in the last few years, even though the Committee has always failed to reach a satisfactory solution. We shall however continue to participate in this important and somewhat critical discourse in the hope that a mutually acceptable end can be reached. It is our expectation, therefore, that all delegations will endeavour "to live" the spirit of democratic dialogue and decision-making in the consideration of this matter, and not frustrate compromise by taking refuge in procedures that would evade the issue.

(Mr. Gbeho, Ghana)

Before I go any further, however, allow me to place on record the expression of my delegation's profound gratitude to the Secretary-General for the expanded study prepared pursuant to General Assembly resolution 40/156 A of 16 December 1985. Although the Government of Ghana has yet to examine the study in great detail - and the Government of Ghana cannot be held responsible for this, since the report was released only on Monday, 17 November 1986 - my delegation would none the less like to state by way of preliminary remarks that it is a good presentation and it has shed some light on the working relationship between the Antarctic system and the specialized agencies of the United Nations having a scientific interest in Antarctica. The study has also provided an insight into the comparative relationship between the 1982 United Nations Convention on the Law of the Sea and the Antarctic Treaty legal régime, particularly in the area of the protection and preservation of resources in the Antarctic.

Having received the Secretary-General's expanded study, the question now is what the Committee should do next. Without prejudging the reactions and comments of Member States, it is the view of my delegation that the flow of information to the specialized agencies of the United Nations or the reported working relations with those institutions should not necessarily lead to the muting of the present call by the international community for a reassessment of the 1959 Antarctic Treaty. This, after all, is the ultimate objective. In fact the Ghana delegation would advise that this Committee avoid endorsing any decision hastily, particularly at this time, when the impact of the scientific knowledge and skill recently furnished to the specialized agencies is yet to be assessed.

The present consideration of the question of Antartica is, in our view a process. And, like all processes that have to contend with die-hard attitudes and vested interests, the road will naturally be long, requiring a good deal of understanding, patience, flexibility and political will. Therefore any hasty

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decision made in the hope of parrying legislative queries can only harm the prospect for consensus required for productive change. It is the hope of my delegation that the Committee will impress this point upon the Treaty parties.

It is necessary to restate at the outset, if only to correct the apparent wrong impression in the minds of certain Treaty parties, that when small countries like mine call for broader international co-operation in the Antarctic we mean no harm at all. Indeed what we are asking is merely that the 1959 Antarctic Treaty be brought into line with the present realities of our contemporary world.

We regret to state that our partners have failed to demonstrate that this call is harmful to the international community. The impression being canvassed that certain non-Treaty parties are out to break down the Treaty and thereby threaten the fragile ecosystem of Antarctica can at best be misinformation.

Similarly, the Garden of Eden attitude of the Treaty parties, which asserts superciliously that everything is perfect in and among the Treaty parties, is also categorically not true. The existing Treaty organization, as we all know, harbours a number of disagreements as well as claims and counter-claims among parties, some of which are quite fundamental and others acrimonious. It is likely therefore that through the present dialogue also changes can be made in the organization's structure and methodology for the benefit not only of Treaty parties but also of the rest of the international community.

In his report to the General Assembly on the eve of the fortieth anniversary of the United Nations, the Secretary-General stated:

"We are all, in one way or another, engaged in a search for new landmarks, better systems and effective adjustments."

He also stated:

"The question is whether the governments and peoples of the world are capable, without the spur of further disasters, of together making the right choice;

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for the choice and its implementation will, in many important ways, have to be collective." (A/40/1, p. 2)

I have purposely quoted the Secretary-General to stress multilateral co-operation as a major ingredient in present-day international relations.

In this regard my delegation is convinced that all the different positions taken in the ongoing debate can find compromise in a new structure that is imbued with United Nations attributes but which at the same time preserves some of the laudable features of the present Treaty System. To discount mutability at all costs in a changing world is perhaps not the best approach to the problem.

At the infamous Berlin Conference of 1884, it will be recalled, a few countries wielding superior military and technological power decided to carve out and share the continent of Africa among themselves. It was the era of the rich and the powerful; the weak and the poor either were shut out of the colonial banquet hall or became victims of the new policy of domination and exploitation. Since the Berlin Conference, the world has come a long way. Today we have the United Nations, among whose primary objectives is the discouragement of the nineteenth-century paternalism that awarded the heritage of humankind to only the rich and the militarily strong and the promotion of the common good of all mankind on the basis of collective effort and collective responsibility. For a few States to arrogate to themselves a portion of the universe to which the rules and regulations of the most universal of institutions would not apply is therefore incompatible with the present-day concept of democracy and universality.

We are assured that the Antarctic Treaty System has scored many successes: Antarctica is demilitarized, and nuclear-weapon-free; the system has preserved and protected the Antarctic environment and encouraged scientific exploration and experiment; and it is a shining model of East-West co-operation without any ideological conflicts.

(Mr. Gbeho, Ghana)

My delegation has not disputed any of those claims. Our principled stand, however, is that a system that works so well, to the exclusion of the overwhelming majority of all mankind, should be considered seriously deficient. It is patently unjust and indefensible It is also said that it is open to membership on application, but would it not be better if the organization maintained the transparency and equitable foundations of our United Nations?

The continent of Antarctica constitutes about one tenth of our planet. It is of major ecological, environmental and scientific importance, and therefore any activities in the area have a potential impact on the well-being of mankind. There is therefore a strong case for establishing a responsible international body to co-ordinate and regulate activities in the Antarctic. That objective can in our view be best achieved within the framework of the United Nations.

(Mr. Gbeho, Ghana)

The proponents of the status quo, however, continue to contend that the 1959 Treaty is open for accession to all States. And there's the rub: the applicant must have demonstrated considerable interest in research and must have intentions to engage in exploration in the Antarctic. But how can small countries like mine effectively participate in a treaty system that is inherently based on a status and skills that history has cruelly denied them? The fact of the matter is that given the present discrimination between the Antarctic Treaty Consultative Parties and the non-Consultative Parties, small countries like mine can at best only join the crowd, since they cannot immediately conduct scientific research or undertake exploration on the Antarctic continent to qualify for consultative party status. In effect, the price of accession has been deliberately set high, so to speak, to restrict the membership and sustain the exclusive status of the club members.

It is our belief, therefore, that for fair and equitable management the Antarctic should be brought directly under the United Nations. That in our view would provide the safest guarantee against potential conflicting claims, which have only been temporarily and artificially suppressed. United Nations jurisdiction could create a régime consistent with common space law applicable to the 1967 outer space Treaty, the 1970 Agreement on the Moon and the 1982 United Nations Convention on the Law of the Sea. Like all common spaces, Antarctica is devoid of population, possesses one of the world's largest bodies of resources and, by virtue of its status as terra communis cannot be legally appropriated by any State or group of States.

We are particularly concerned at the reported series of meetings of Antarctic Treaty members with a view to finalizing a minerals régime that would make it legitimate for them to proceed with the exploitation of the minerals of Antarctica. As stated last year, we would consider as null and void any such

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minerals régime negotiated outside the framework of the United Nations. We believe that negotiations on a minerals régime should be open to all interested countries and parties, and not limited to members of the Treaty system.

I wish to assure the Committee that those who advocate a broadly based Antarctic system within the framework of the United Nations do so outside the spirit of confrontation. My delegation would hope that the Treaty parties would accept our proposals as being in earnest and not dismiss them as some kind of nuisance to be tolerated for the moment. We call for flexibility and a spirit of give and take, with a view to finding practical ways of establishing a widely acceptable régime that would ensure greater practical benefits, over and above the mere flow of information transmitted to the specialized agencies of the United Nations.

My delegation is therefore disturbed by the apparent ultimatum from the Treaty Parties to the effect that, unless there is a meeting of minds soon on areas of differences, they will no longer participate in the ongoing exchange of views. That is an unacceptable posture in any international negotiation. What it means in effect is that unless they have their way they will no longer negotiate. We shall not deny them their views, as indeed they must not deny us ours, but both sides need a will to reach understanding. Let no one tell us that the views of the Treaty Parties alone constitute a meeting of minds. That is neither logic nor equity. We, for our part, will continue to stand ready to exchange views at all times, but with a keen eye on maintaining mankind's link to its common heritage. We invite the Treaty Powers to do the same.

The truth is that one cannot suppress indefinitely matters of major importance to the overwhelming majority of mankind. History shows that such actions only help the issues to re-emerge in violent form. The current situations in Namibia and the

(Mr. Gbeho, Ghana)

Middle East are cases in point. They have assumed their present tragic form precisely because of the half-hearted and prevaricating approach to the genesis of the problem and the desire to sustain the narrow interests of a few States or people. My delegation therefore renews its appeal to the Antarctic Treaty Consultative Parties to reconsider any moves they may be contemplating to close the doors on the ongoing exchange of views on this important matter. In any case, let me ask them: What is wrong with our United Nations? Why is it such anathema to them? It is little wonder that the Organization suffers from so many problems.

Africans have naturally shown sensitivity about the apartheid régime's association with any international organization, precisely because it practises an odious system that is not only an affront to humanity but poses a potentially terminal threat to international peace and security. How are we to sit at the same table with racist South Africa, which constitutionally demotes and disparages us because we are black? How, given the reality of apartheid, are we to share the same tent with white South Africans on the icy stretches of Antarctica - which, ironically, is also white? Africa and its non-aligned colleagues have therefore rightly called for the denial of any status to the racist régime in any organization concerned with the promotion of the welfare of mankind.

On whose side is the Pretoria régime, which is represented in the Treaty System? Is it on the side of the overwhelming majority of its citizens, which it has politically, socially and economically proscribed? Whose lives will be improved by the research in and exploitation of Antarctica? Is it the same majority that is constitutionally condemned to an economic and social wilderness in a land of plenty? We are more than surprised that those who profess to be our allies against racism and apartheid have suddenly found the racist South African régime an indispensable partner because of commercial profits and so-called scientific knowledge.

(Mr. Gbeho, Ghana)

The Antarctic Treaty should not be seen to want even remotely to coexist with arrant racism. That, in our view, would be tantamount to a double standard. Yes, we use this forum to exert pressure for change on the apartheid régime. This forum is as good as any, and we ask all to understand our struggle even if they cannot actively join us. We wish our colleagues to understand that apartheid is evil in any form and poses a threat even to the Treaty. We will confront apartheid on the veld of South Africa; we will confront it on the beaches of Durban and at the Cape of Good Hope. But even more, we will confront it in every multilateral forum until this world knows racism no more.

(Mr. Gbeho, Ghana)

In conclusion, it is evident that the 1959 Antarctic Treaty is obsolete. It has been overtaken by time and events. After 25 years of operation on its present principles, it cannot validly be defended as a system committed to the interest of the overwhelming majority of mankind. It fails to answer to the call for the shared interests of humanity and still operates on the Berlin Conference syndrome to which I have referred. The future of our world undoubtedly lies in a future of interdependence, collective responsibility and shared heritage. To ignore that truism in favour of profit is to sow the seed of discontent that may disrupt the future needlessly.

Antarctica may very well be mankind's last remaining treasure-house. It should not be appropriated by only a few countries merely because they possess technological superiority. That, in our view, would be to perpetuate a world already divided cruelly into classes of haves and have-nots. It is therefore our view that the Committee has a clear responsibility: it must examine and place the question of Antarctica in its proper perspective so that more people will be made aware of the flaws in the existing Antarctic system and work for a widely acceptable régime within the framework of the United Nations. That surely should not be asking too much of a Treaty that, after all, claims to be for all people.

Mr. KIILU (Kenya): During the course of the past four years we have witnessed adequate proof of increasing international interest in Antarctica, particularly the recognition of the fact that at the heart of Antarctica lies the issue of international conscience.

The Summit Meeting of the Organization of African Unity (OAU), held in July 1985 at Addis Ababa, and the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare last September, spoke out very clearly and cogently on this issue and declared Antarctica to be the common heritage of

(Mr. Kiilu, Kenya)

mankind. They also expressed the conviction that the international community's interest in Antarctica can be enhanced by keeping the United Nations fully in the picture with regard to developments there. It may also be recalled that the General Assembly, on the recommendation of this Committee, has remained seized of this question with a view to taking appropriate action.

Kenya associates itself with the positions taken by the OAU and the Eighth Summit Conference of Non-Aligned Countries at Harare, namely, that the issue of Antarctica should remain within the purview of the United Nations.

Kenya also fully acknowledges the Antarctic Treaty's considerable contribution to scientific knowledge in studies ranging from the impact of environmental change on mankind to research on sea-bed minerals as well as living resources. Indeed, no one can deny the positive aspects of the Treaty System, which has placed the territorial claims of various States over parts of Antarctica in abeyance, ensured the denuclearlized status of the continent and made possible the pursuit of potential scientific research in various fields of relevance to all nations.

Thus, while a number of positive aspects of the Antarctic Treaty System can be identified, its shortcomings must not be minimized. The main issue that remains the central concern of most of us with regard to the Antarctic Treaty is the potential danger posed by the Consultative Parties' undertaking activities outside the Treaty framework. For example, the world has no means of ascertaining the modes of research activities undertaken by various parties in Antarctica. Another intractable problem relates to the conflicting claims by some nations that have led to the sub-continent's unresolved legal status. The refusal or reluctance of more than 127 United Nations Members to recognize the claims considerably weakens the credibility of the régime. Non-recognition also implies fundamental general disagreement over the modes of acquiring Antarctica's territory. Its legal status

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notwithstanding, the effect of non-recognition by more than 127 out of 159 nations this year lends support to the general feeling that no claims of sovereignty over all sectors of Antarctica have been fully perfected and, thus, there is a need to start the immediate internationalization of the sub-continent by converting it into a truly neutral territory, giving equal rights, as well as corollary obligations, to all nations irrespective of size, might or ideology.

A critical analysis of the Treaty further explains why the régime has an extremely poor record with regard to its ability to attract new membership. Since 1959 it has had only 32 signatories, 18 of whom have voting powers in meetings of the Consultative Parties. The remaining members enjoy only an observer status. This two-tier membership system presupposes that any country can apply to become a non-Consultative Party member through accession. Non-Consultative Parties are not considered members of the inner circle and will remain peripheral until and unless they can demonstrate their capability of conducting scientific research on the continent, including the dispatch of research expeditions on a sustained basis. Many countries, including my own, might never afford the price tag attached to that requirement.

Furthermore, the Consultative Parties, as the Treaty core, reserve to themselves the right to make decisions and determine policies, and they have the exclusive right to review the Treaty whenever there is a general consensus to revise the agreement, as provided in article XII (a). My delegation shares the opinion that the decision-making process regarding the management of Antarctica should be changed. A practical solution proposed to create an autonomous international legal régime for Antarctica that has a universal character could be achieved on an equal-opportunity basis. The present two-tier membership system will be abolished. Instead, all United Nations member countries will be

(Mr. Kiilu, Kenya)

represented, although the management of the Antarctic continent will be assigned to the International Legal Régime for Antarctica (ILRA), based on the same principles as the International Sea-Bed Authority with the Enterprise System.

There is a general consensus that, aside from deep-sea resources, Antarctica is mankind's last remaining treasure-house. Antarctica is not only the coldest, highest and most wind-blown continent; it also contains 90 per cent of the world's ice and 2 per cent of the world's fresh water. Krill is another important resource in Antarctica. As an important source of protein, it forms a vital link in the world's food-chain system. Any uncontrolled exploitation of this protein-rich crustacean is likely to upset the chain and can thus be hazardous to the world.

Of immediate concern to the international community is the hydrocarbon potential. It has been reliably learned that since 1969 the Consultative Parties have been negotiating exploitation of the hydrocarbon resources. We share the view that any irresponsible development activities that would result in a significant melting of the Antarctic ice can actually affect the ecosystem as well as the delicate balance of the world's weather patterns. The impact of such changes upon the world ecology cannot be ignored.

(Mr. Kiilu, Kenya)

The most regrettable aspect of the Antarctic Treaty régime is that the racist apartheid régime of South Africa is not only a party to the Treaty but enjoys the privileges of a Consultative Party. We should like to place on record Kenya's wish to have racist South Africa suspended from the Antarctic Treaty régime.

Finally, my delegation strongly feels that to avoid likely conflict over the exploitation of the offshore hydrocarbon resources or the marine resources, a new international legal system is necessary to establish an appropriate machinery for the settlement of disputes. In our opinion, given its present form, the 1959 Treaty is ill-equipped to resolve conflicts likely to arise from conflicting interests in Antarctica and to benefit all mankind.

Mr. LATAS (Indonesia): During the past three years the question of Antarctica has progressively assumed increased importance as its political, juridical, economic and scientific implications have become better known. Consideration of this item and the debates that ensued have evoked an appreciation of the Antarctic Treaty System as a unique mechanism in promoting and regulating scientific co-operation, resource conservation and environmental protection. As a result, a general consensus has evolved on the need to preserve that continent from international strife and conflict over sovereignty claims, to exclude it from strategic competition and the arms race, to protect its fragile ecosystem from man-made hazards, as well as to ensure that its exploration and exploitation will be consistent with the purposes and principles of the Charter.

As we delved further into this issue, common concerns emerged on some pertinent aspects. In that context, serious misgivings have been expressed over the Treaty conferring special rights and privileges on the Consultative Parties, its inherently selective and exclusivist nature, as well as on such questions as accountability, equity and the relationship between the Antarctic Treaty System and

(Mr. Alatas, Indonesia)

the United Nations system, particularly in the context of how Antarctica can best be utilized for peaceful purposes exclusively and for the benefit of all mankind.

To their credit, the principal signatories have sought to dispel some of these misgivings by facilitating channels of communication and providing information on some aspects of the System's functioning. In that regard, mention must be made of the decision to publish a handbook on the System. There has also been a modest expansion of interaction with the specialized agencies, and additional international scientific organizations have been accorded observer status. Furthermore, in response to the need for wider participation, the non-Consultative Parties have been more actively involved in the meetings of the Consultative Parties and reports of those meetings have been made available to the Secretary-General. Similarly, there has been increased access to research studies and other documents concerning certain activities and future plans for the region.

None the less one area in particular continues to be shrouded in a veil of secrecy, and that is the ongoing negotiations for the establishment of a minerals régime. Although we have been told that the exploitation of Antarctica's mineral resources is still many years off, at the same time we are witnessing a rather unseemly haste in the pace of negotiations to conclude a minerals treaty. Indeed, the exclusion of the vast majority of States from participation in those negotiations cannot but raise serious concern as to their conduct and aims. Moreover, the specialized agencies are not involved, even in areas of their direct responsibilities and interests, as mandated by their respective charters. In fact, to date the only Antarctic Treaty forum that has allowed for the participation of specialized agencies as observers has been the Convention on the Conservation of Seals.

(Mr. Alatas, Indonesia)

It is also difficult to understand why so few international scientific organizations have been accorded observer status at the regular meetings of the Treaty Parties. We are given to understand, for example, that the International Union for Conservation of Nature and Natural Resources (IUCN), an international body of over 500 governmental and non-governmental organizations, has been inexplicably denied such status. Its exclusion from participation in the deliberations held under the auspices of the Treaty has clearly prevented it from bringing to bear its considerable expertise and knowledge on Antarctic matters. We believe that the important work being conducted by IUCN in association with the Scientific Committee on Antarctic Research (SCAR) to develop a programme of long-term conservation in Antarctica constitutes a major contribution to this endeavour. We therefore hope that the Treaty signatories will reconsider their decision and include the IUCN in their deliberations.

My delegation would now like to turn to the Secretary-General's expanded study on Antarctica, as called for in resolution 40/156 A. Let me, first of all, thank the Secretary-General for providing us with this expanded study. At the same time, let me say that, although we are aware of the difficulties encountered in its preparation, we cannot but deeply regret the fact that its tardy distribution has circumscribed the opportunity for Member States to digest its contents fully. Consequently, my delegation's comments at this juncture will have to be tentative.

While we appreciate the efforts expended in the preparation of the report, my delegation is somewhat perplexed that the treatment of the important question of the relationship between the Antarctic Treaty System and the United Nations Convention on the Law of the Sea was not carried out in greater depth and detail. In fact that part of the report raises more questions than it answers. On only one

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aspect, namely, protection of the Antarctic marine environment, does the report indicate - and even so in a rather qualified manner - a congruence of interests between the Treaty and the Convention. Other areas are dealt with too ambiguously without establishing the relationship between those two instruments, especially with regard to questions of sovereignty, jurisdiction, the role of the International Sea-Bed Authority in any future exploitation of resources in the marine areas of Antarctica and on the general question of the settlement of disputes. Merely acknowledging that the Convention is applicable to the Southern Ocean and that the Treaty also sets forth principles and rules that involve maritime space of the Antarctic region does not illuminate the interrelationship, the degree or the nature of the overlapping between the Treaty and the Convention.

That crucial issue is circumvented in the report on the ground that it cannot be dealt with until the Antarctic Treaty Consultative Parties conclude their negotiations on the minerals régime. Thus it seems to indicate that the degree to which the Convention is applicable in the Southern Sea is in the process of being determined by the Antarctic Treaty.

(Mr. Alatas, Indonesia)

It is the considered view of my delegation that, in the context of the sea-bed régime established by the United Nations Convention on the Law of the Sea, to which an overwhelming majority of States are signatories, any separate legal entity should necessarily take into account and be in accord with that Convention, which in essence has created new customary law in sea-bed exploitation.

On the basis of a cursory review of the issues involved we believe that at this juncture the jurisdiction of the Convention extends to the southern ocean, and if there is to be any limitation, it should be determined by the signatories to the Convention and not unilaterally by the Antarctic Treaty System, particularly in the light of the significant differences even among the Antarctic Treaty Consultative Parties on questions of maritime jurisdiction. Hence, in view of the potential controversy that may ensue on this point, a further and more thorough and precise evaluation and determination is called for.

Some of the areas in particular that need elaboration and clarification are, inter alia, the delimitation of respective jurisdictions, the clarification of the international legal principles involved and questions concerning the point at which the jurisdiction of the Antarctic Treaty over maritime resources ends and that of the Sea-Bed Authority begins.

It is by now self-evident that the complex issues attendant upon the Antarctic region carry far reaching implications beyond Antarctica itself. Indeed, they impinge upon the fundamental concepts of international co-operation, multilateralism, interdependence and equality among States.

Indonesia recognizes and appreciates the contributions made at great cost and effort by the Antarctic Treaty Parties, but much more remains to be done. The further evolution of the Antarctic Treaty as an area of common interest can be achieved through a dynamic process of innovation and adaptation to the new

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political and economic potentials offered and the technological challenges posed by that region. What is needed is greater access to and wider dissemination of information on the Antarctic Treaty Parties' activities, negotiations and agreements, the establishment of viable links with specialized agencies, and co-operation with relevant bodies of the United Nations system, as well as means and modalities to facilitate the meaningful participation of the non-aligned and other developing countries, irrespective of their size, geographical location or level of development.

Given the present and projected increase in the scope and intensity of interest in Antarctica, there is indeed ground for legitimate concern at the continuing unavailability of information on certain issues and aspects affecting this vast continent. My delegation believes that the United Nations, as the only universal multilateral forum, should rightly be made the repository of all such information. Moreover, any future exploration and exploitation of the mineral resources of Antarctica should be based on a régime which would ensure the maintenance of peace and security in the region, the protection of its environment and the balanced conservation of its resources, as well as provide for equitable management and sharing of the benefits of such exploitation for all mankind. This is only in line with what the Antarctic Treaty itself has set as its principal objectives. Hence, in the view of my delegation, until such time as all members of the international community can participate in the elaboration of such a régime, the present negotiations among Antarctic Treaty Parties to conclude a treaty on minerals cannot but be seen as an exercise fraught with potential future international discord and contention. Finally, my Government regards the continued participation of the outlaw régime of apartheid South Africa as a Consultative

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Party to the Antarctic Treaty to be a repugnant and unacceptable anomaly and endorses the call for its early exclusion from participation in the meetings of the Treaty Parties.

We believe that the views I have expounded will be reflected in the draft resolutions that will be put before this Committee. We continue to hope that they can form the basis for support by all members, for my delegation equally shares the sense of regret that since last year the pattern of consensus decisions on this question has been disrupted. It is hardly necessary for me to reaffirm our strong attachment to consensus decision-making, especially on such an important item as Antarctica. However, if consensus is only to be gained at the expense of substantive progress or, worse, is being misused as a device to prevent meaningful discussion of the issues, my delegation cannot in good conscience subscribe to this approach. Let us therefore resolve, as the communiqué issued by the non-aligned summit in Harare urges us to do, to resume co-operation for the purpose of coming to an understanding on all aspects of Antarctica within the framework of the United Nations.

Mr. JOSSE (Nepal): At the very outset my delegation wishes to express its appreciation for the expanded study on the question of Antarctica submitted by the Secretary-General in document A/41/722 pursuant to General Assembly resolution 40/156 A of 16 December 1985. That resolution not only underlined the interest of the whole of mankind in Antarctica but also its concern at the continuing non-availability of information to the Secretary-General on certain important issues relating to Antarctica. As the latest United Nations study on Antarctica amply bears out, such interest and concern is not misplaced. It is, however, noted that there is now a much greater flow of such information to the Secretary-General, though this continues to be provided largely on a selective basis.

(Mr. Josse, Nepal)

If the Secretary-General's report has a central message, it is precisely that Antarctica is too important to be left to just a section of the international community, no matter how well-meaning, scientifically advanced or influential. Our point of view on the question of Antarctica is essentially a simple one. It is based on the importance of Antarctica to mankind as a whole as far as international peace and security, the economy, the environment, scientific research and meteorology are concerned.

As much is apparent from these basic facts: Antarctica covers nearly one tenth of the earth's surface and it possesses the world's largest reservoir of fresh water, while the surrounding southern ocean is considered to hold enormous mineral and marine resources. Furthermore, the involvement of a large number of specialized agencies of the United Nations in the Antarctic Treaty System effectively stresses that Antarctica - the world's largest permanently uninhabited continent - must be considered in the same light.

Therefore my delegation reiterates its endorsement of the relevant paragraphs of the Political Declaration adopted at the Eighth Conference of Heads of State or Government of Non-Aligned Countries held in Harare in September of this year and recalls its support for the declaration, made at the 1985 summit of the Organization of African Unity, of Antarctica as "the common heritage of mankind".

(Mr. Josse, Nepal)

In that context, we also recall the positive outcome of the negotiations that led to the United Nations Convention on the Law of the Sea and to the outer space Treaty. While these truly represent achievements o far-reaching significance by the United Nations system, we believe that to a great extent those attainments were made possible because both the high seas and outer space were recognized by the international community as the common heritage of mankind.

What in our view has lent urgency to the need for universal acceptance of that concept with respect to the Antarctic is that negotiations are in progress among Antarctic Treaty Consultative Parties, with non-consultative parties as observers, on the establishment of a régime on Antarctic minerals, negotiations to which other States Members of the United Nations are not privy. The establishment of such a régime - from which the overwhelming majority of the international community is excluded from fully participating - could create conditions that would erode the concept that in the interest of all mankind Antarctica should continue forever to be used exclusively for peaceful purposes, by not becoming the scene or object of international discord.

All this is hardly to suggest that my delegation sees no merit in the Antarctic Treaty System. In fact, we deeply appreciate its having achieved the denuclearization and demilitarization of that strategically located continent. Neither, for that matter, are we oblivious to the fact that it has helped keep in abeyance the territorial claims of a number of States over parts of the continent. Similarly, we cannot fail to take appreciative note that it has helped promote scientific co-operation and research in a number of useful areas relevant to the continent, including important measures for the protection of Antarctica's fragile ecosystem, flora and fauna.

(Mr. Josse, Nepal)

Yet it has not succeeded in producing agreement on the fundamental issue of sovereignty. It must also be pointed out that, while since 1959 membership has expanded to include 18 Consultative and 14 non-consultative parties, decision-making is limited to members of the Consultative Council. Under criteria determined by the original 12 founding members, most United Nations Member States continue to be left out in the cold. My delegation, obviously, cannot take any comfort from that, but what makes it particularly galling is that racist South Africa, which has been suspended from participation in the work of the General Assembly and, more recently, even that of the International Committee of the Red Cross, continues to enjoy all the privileges that accrue from Consultative Party status.

Against that background, my delegation urges the exclusion of racist South Africa from participation in meetings of the Consultative Parties of the Antarctic Treaty system. More generally, we would support any initiative or proposal that aims, in the interest of mankind as a whole in Antarctica, to cause Treaty parties to keep the Secretary-General fully informed on all aspects of the question of Antarctica, recognizing the United Nations to be the repository of all such information. We would greatly value and urge consensus on this important question. Apart from being in line with the concept that Antarctica is of concern to all, such United Nations involvement would greatly strengthen the Organization by helping to slow the slide away from multilateralism in international relations that can be observed in other important areas as well.

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

Mr. KHERADI (Secretary of the Committee): I wish to inform members of the Committee that the Congo has become a sponsor of draft resolutions A/C.1/41/L.86, L.87 and L.88.

The CHAIRMAN: I should like to inform members that the following delegations are scheduled to speak at tomorrow morning's meeting: the Netherlands, the German Democratic Republic, Rwanda, Pakistan, Uruguay, Yugoslavia, Nigeria and Cameroon.

The meeting rose at 5.30 p.m.