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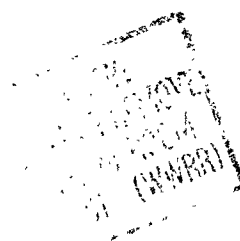
SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. VRAALSEN (Norway)

later: Mr. ELFAKI (Sudan) (Vice-Chairman)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 140

QUESTION OF ANTARCTICA (A/38/193 and Corr.1, A/38/439/Rev.1, A/38/495)

The CHAIRMAN: As members are aware, the question of Antarctica has been included in the agenda of the General Assembly for the first time at this session. I call on the representative of Antigua and Barbuda, the first speaker in this debate.

Mr. JACOBS (Antigua and Barbuda): A few weeks ago the General Committee agreed to include in the agenda of the thirty-eighth session of the General Assembly an item entitled "Question of Antarctica". As members are aware, my tiny island State, Antigua and Barbuda, and Malaysia, another small State, submitted the request for inclusion of this item jointly. It was agreed that this matter should be aired in a full and free debate in this Committee. That is why we meet this afternoon. That is why today we seek to present to this Committee our reason for seeking a comprehensive study of Antarctica.

Why should a tiny island State, confronted daily by pressing economic problems, vulnerable to the hegemonistic adventurism of aggressive States, be overly concerned about an area of the world which, from all accounts, Captain Scott rightly described as an awful place?

We are known for our beautiful beaches, for our halcyon climate, for the warmth and hospitality of our people and for the consummate skill of our cricket players. What interest, then, should a sunny Caribbean island find in an area where in 1960 the world's lowest temperature was recorded - minus 125 degrees Fahrenheit? What causes Antigua and Barbuda to be so troubled by Antarctica that we should ask for a study by the United Nations?

The answer to all those questions may be summed up in one phrase: the survival of the world. It was a concern for the world's survival that first engendered my Government's interest in Antarctica; it is a fear that mankind's fate may yet be determined in that bitterly cold and hostile environment which sustains our concern.

(Mr. Jacobs, Antigua and Barbuda)

Antarctica has a dominant effect on world climate. The huge ice cap and ice pack possess a high albedo or reflectivity. This means that only a small proportion of the sun's energy falling on the Antarctic is absorbed. These huge expanses of ice greatly reduce the exchange of heat between the atmosphere and the ocean. Industrial pollution or other man-made aberrations could produce changes in this fragile ecosystem with an accumulated significant effect on atmospheric circulation and biological productivity.

The existence of a great southern continent was postulated by the Greeks and Maoris. There are also references in ancient African literature and folktales to a huge continent to the south ringed with towering walls of ice and populated with "an overabundance of marine life of every conceivable description". It was not until the nineteenth century that British, Russian and American ships first sighted Antarctica. By the end of the century expeditions from Belgium, Germany, the United Kingdom and Norway remained in this inhospitable land for more than three months consecutively. It was Roald Amundsen who first reached the South Pole, in December of 1911. Captain Robert Scott of the United Kingdom arrived a few weeks later, and by 1950 there were expeditions from Britain, Germany, New Zealand, Argentina, the United States and Chile. Between 1908 and 1943 seven nations had land claims to the frozen continent. They were: Argentina, Australia, Chile, France, New Zealand, Norway and the United Kingdom. These nations made the first formal territorial claims, based on the legal principles of discovery, occupation and administrative arrangements such as the issuing of decrees and postage stamps, inherited rights, contiguity and the sector principle.

Argentina's claim, based on proximity, was not made until 1908, but the argument advanced is that "Antarctica Argentina" has been part of the territory since the founding of the Republic, owing to geographical proximity, geological affinity, the sector principle and succession to Spanish "rights". Both Chile and Argentina trace their historical rights to a Papal Bull of 1493 and the subsequent Treaty of Tordesillas, which gave all lands west of the 46th meridian to Spain. The United Kingdom's claim dates from 1908 with the creation of the Falkland Islands dependencies, the Ross dependency in 1923 and the discoveries by Ross, Scott and Shackleton between 1901 and 1912. Australia and France made claims between 1933 and 1939. There are five countries - Australia, France, New Zealand,

(Mr. Jacobs, Antigua and Barbuda)

Norway and the United Kingdom - that have mutually recognized claims. The claims of Argentina, Chile and the United Kingdom overlap with one another in the Antarctic peninsula. Seven other countries - the United States, the Soviet Union, Belgium, South Africa, Japan, Poland and the Federal Republic of Germany - have refrained from making claims or formally recognizing claims made by others.

As early as 1924 the United States Secretary of State, Mr. Hughes, argued that the discovery of lands unknown to civilization, even when coupled with a formal taking of possession, does not support a valid claim of sovereignty unless the discovery is followed by an actual settlement of the discovered country.

In 1946 the United States sent to the Antarctic continent the largest expedition ever assembled. In the same year the United States informed Chile and Argentina that its activities in the Antarctic peninsula would be conducted on behalf of all the other American Republics. Japan never made a formal claim, although the 1911 and 1930s expeditions seem to have laid the basis for such claims. South Africa, Belgium and Poland are still non-claimants.

The activities of claimants and non-claimants in the Antarctic continent established the potential for conflict and conflictual situations. Argentina and Chile both refused a United Kingdom invitation to go to the International Court of Justice in 1947 and in 1953, on the grounds that their sovereignty was so clear that no third Power could judge this domestic issue. In 1948 the United States proposed that a number of countries establish a condominium or trusteeship. In 1957 the United Kingdom proposed another scheme including the Soviet Union. Neither of these proposals was suitable to Chile, which countered with the Escudero proposal - which foreshadowed the Antarctic Treaty.

In 1956 and 1958 India requested - in vain - that the question of Antarctica be put on the agenda of the United Nations General Assembly. In 1956 Prime Minister Nash of New Zealand suggested a form of United Nations trusteeship for Antarctica. It was the International Geophysical Year which provided the incentive and basis for a permanent settlement to this thorny issue. In the International Geophysical Year nations with an interest in Antarctica co-operated in an extensive programme of scientific research in the area in spite of their disagreements over territorial claims. The United States invited all countries active in the programme to Washington to negotiate a settlement. The fact that the Russians refused to leave their stations after the International Geophysical Year came to an end precipitated the need to find a solution.

(Mr. Jacobs, Antigua and Barbuda)

In 1959 the Antarctic Treaty was signed. It came into force in 1961, when all 12 participants had ratified it. These are the consultative parties; they are: Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the United Kingdom, the Soviet Union and the United States. Since the Treaty was signed, the following countries have acceded: Poland in 1961, Czechoslovakia in 1962, the German Democratic Republic in 1974, Brazil in 1975, Bulgaria in 1978, the Federal Republic of Germany in 1979, Uruguay in 1980, Peru in 1981, Italy in 1981, Papua New Guinea in 1981, Spain in 1982, China in 1983 and India in 1983. In 1981 Poland, the Federal Republic of Germany and India became consultative parties.

The Treaty recognizes that

"it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes."

Its main provisions are as follows: Antarctica is to be used "for peaceful purposes only"; all "measures of a military nature", including the testing of weapons, military manoeuvres and the establishment of military bases, are banned, but use of military personnel or equipment is allowed for scientific or other peaceful purposes; "freedom of scientific investigation in Antarctica and co-operation toward that end, as applied during the International Geophysical Year, shall continue"; and scientific plans, observations, results and personnel are to be freely exchanged.

The Treaty freezes the legal status quo in Antarctica. Previously asserted rights of, claims to or bases of claims to territorial sovereignty are unaffected by the Treaty. Nothing done while the Treaty is in force can constitute a basis for asserting, supporting or denying any territorial claims, rights or basis of claims. New claims are banned during the period that the Treaty is in force.

Nuclear explosions and the disposal of radioactive waste in Antarctica are banned.

The Treaty applies to the area south of 60° south latitude, including all ice shelves, but states that nothing in it shall

"affect the rights ... of any State under international law with regard to the high seas within that area".

Appointed observers from Consultative Treaty Powers have the rights of free access to any area of Antarctica and may inspect all stations, installations and equipment. This is the first time both the United States and the USSR have agreed

(Mr. Jacobs, Antigua and Barbuda)

to an on-site inspection system to ensure against unauthorized military activity. Consultative Parties may also undertake aerial observation at any time over any area of Antarctica.

Observers and scientific personnel exchanged under Article III remain subject only to the jurisdiction of the Contracting Party of which they are nationals. Full Consultative membership is reserved for the original twelve signatories and any acceding State during such time as it

"demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the dispatch of a scientific expedition."

These parties meet to exchange information, consult on matters of common interest and recommend additional measures to further the principles and objectives of the Treaty.

Modification or amendment of the Treaty requires the unanimous agreement of the Consultative Parties. However, 30 years after the entry into force of the Treaty any one of the Consultative Parties may call a conference of all the Contracting Parties to review the operation of the Treaty.

No Treaty secretariat exists, but biennial consultative meetings are held behind closed doors. At these meetings some 130 recommendations have been adopted, not all of which have been ratified, on subjects ranging from the environmental impact of mineral exploitation to the issuing of a tenth anniversary postage stamp.

This is no longer 1959, and circumstances have changed. There are now 157 nations which sit in the United Nations, and 14 of those nations can no longer expect, without accountability, to manage as they see fit an area of land that is one tenth of the earth's surface. It is larger than Australia; it is larger than Europe. It is larger than the United States and Mexico combined and larger than India and China together. It is half as big again as the United States.

Over the years since 1959 the 14 Consultative Parties to the Antarctic Treaty have held 12 meetings, one every two years, in capitals that range from Canberra to Bonn, taking in Buenos Aires, London and Washington in the process. Each of these regular meetings, as in the case of other special meetings to conclude a marine resources convention and to negotiate a mineral resources régime, was secret and held behind closed doors in secret sessions. Not only other nations but even their own people were denied any knowledge of the decisions taken by those 14 countries.

(Mr. Jacobs, Antigua and Barbuda)

In our view the world has a right to know about those meetings and about the decisions that are made and why they are made. My delegation objects to the arrogance inherent in the belief that a handful of countries can make decisions for the rest of us. This is totally unacceptable.

Most unacceptable for us, however, is the fact that the racist régime of South Africa is one of the original Antarctic Treaty Consultative Parties. The international community has condemned the racist policies of South Africa. South Africa has been forced to vacate its seat in the United Nations. Every decent and respectable organization has shunned South Africa like the plague. Why was South Africa allowed to participate with the other Consultative Parties?

It is equally disconcerting for us to understand the fact that the Soviet Union is co-operating with South Africa on Antarctica. This is the height of hypocrisy. It is the height of hypocrisy because the Soviets have condemned the so-called contact group for collusion in the perpetuation and entrenchment of the Pretoria régime.

South Africa has sinned against humanity. It is a disgrace to the international community that the Pretoria régime continues to flaunt its viciousness in the face of mankind. That is why it is difficult for us to understand how it is that South Africa is allowed to sit and deliberate with other members of the international community. Those who claim to be the champions of the weak and vulnerable are hypocrites of the highest order if they sit with South Africa to determine the direction that we should pursue in Antarctica.

South Africa is a sore upon the face of the earth, a running sore, a cancerous sore, fit only to be cast out from among men. Those who aid and abet South Africa, which seeks to gain favour among men, will become infected with its contagious virus. We condemn those who seek to give South Africa acceptability in this regard, and we demand its immediate expulsion from membership in the Consultative Group.

We have requested a comprehensive study of Antarctica and the expulsion of South Africa as a member of the Consultative Parties to the Antarctic Treaty.

The ecosystem of Antarctica is extremely fragile. Indiscriminate plundering of the marine resources could upset the tenuous balance with disastrous consequences. In the latter half of the eighteenth century Captain Cook reported at length on the profusion of wild life in the southern seas. By 1784 the sealers

(Mr. Jacobs, Antigua and Barbuda)

descended on the area with a vengeance and systematically stripped the breeding grounds. They moved farther and farther south until by 1830 species of commercial value were virtually extinct. Millions of seals perished. In the decade after 1815 there were hundreds of American and English whalers in the waters. When the seals were exterminated the hunters turned for oil to the King and Royal penguins and decimated them as well. After 1830 they turned their attention to the whales. Men like James Weddell, John Biscoe and Edmund Fanning became the principal hunter explorers.

The depletion of the marine resources of virgin Antarctica must not continue unabated. Reason must prevail, and the responsibility for the management of the riches of the region must be placed in capable hands.

The seas also abound with squid, octopuses, crabs, lobsters and fin fish. Since the exploitation of conventional fisheries may have exceeded the limit, management and control of the foodstock in this region must be maintained to provide optimum returns.

There is a small shrimp-like crustacean of exceptional nutritional value called a krill, which is found in unbelievable abundance in the southern Antarctic waters. Men say that the krill constitutes the world's largest unexploited source of animal protein. "Krill" is the Norwegian word for "small fish". It is high in amino acids and rich in calcium, copper, iron, magnesium, and so on. It compares favourably with soybean.

The krill swim in huge swarms, thus making it possible for the whales to feast on them. Proper management and harvesting of the krill could provide an indispensable source of food for millions of starving people around the globe.

However, all higher life forms in the area depend on the krill for sustenance, directly or indirectly. Whales, seals, penguins, squid, fish and winged birds are all consumers. The indiscriminate exploitation of the krill could damage the enclosed ecosystem by removing the basic link of the food chain. Since the krill are so important, a study of the ecosystem must include a comprehensive study of the krill.

A comprehensive study of Antarctica when conducted will utilize the knowledge and resources of the Consultative Treaty members. It must, among other things, examine the fragile ecosystem and determine how much krill can be harvested without throwing the system out of gear and endangering the creatures that depend on krill for their survival.

(Mr. Jacobs, Antigua and Barbuda)

In the setting of harvest levels, productivity is far more important than the total size of the stock. Many scientists question the belief that there is a surplus of krill. There are nations represented here that are harvesting the krill for its commercial value, without consideration of the consequences. The sooner that study is begun and completed, the better it will be for mankind.

The conservationists, especially those active in the Whaling Commission and the Convention on the International Trade of Endangered Species (CITES) have been exerting significant pressure for the establishment of a convention on the conservation of Antarctic seals. Some have gone even further, lobbying for the establishment of a natural wilderness or world park. Whatever the connotation or configuration, it seems likely that pressures will continue to mount for the preservation of the pristine conditions of the area.

The principle of common heritage will be advanced continuously. A global régime built on the principle of common heritage must be examined by the international community. In 1970 the United Nations declared the seabed beyond national jurisdiction as the common heritage of mankind.

The 1967 Outer Space Treaty calls on participating nations to use space for the common benefit. According to Article I,

"The exploration of and use of outer space, including the Moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind."

(General Assembly resolution 2222 (XXI), annex)

A further step was taken in 1979, when the General Assembly recommended for signature a draft Agreement Governing the Activities of States on the Moon and Other Celestial Bodies. Eleven nations have signed the Agreement: Chile, France, Austria, the Philippines, Romania, Morocco, Guatemala, the Netherlands, Uruguay, Peru and India. The Philippines, Uruguay, Chile, and the Netherlands have ratified it. This draft Agreement contains language similar to that in Article 1 of the Outer Space Treaty, but goes further. Article 11 declares that the moon and its natural resources are the common heritage of mankind and that the moon is not subject to national appropriation by any claim of sovereignty, by means of use, occupation or any other method. States parties have the right to explore and use the moon without discrimination of any kind on the basis of equality. They undertake to establish an international régime to govern the exploitation of the natural resources of the moon as such exploitation is about to become feasible.

(Mr. Jacobs, Antigua and Barbuda)

In another sphere beyond internationally recognized jurisdiction - global radio frequencies and positions in space used for satellites orbiting the earth - developing countries are challenging the current "first come, first served" régime, under which developed countries have obtained priority assignments to much of the usable portion of the spectrum. Following concerted third-world action, the World Administrative Radio Conference (WARC), held in Geneva in September 1979, laid the foundations for a new global communications infrastructure. The rights of newcomers are to be acknowledged; organizational reforms will reflect their voices and concerns; and help is to be provided in developing the skills and strength needed by developing countries to take advantage of communications technology.

I shall not elaborate further on the question of common heritage, trusteeship, or global régime. I wish merely to state that times have changed.

My delegation does not seek to tear up the Antarctic Treaty - nothing could be further from the truth. We are not congenital iconoclasts. We do not seek to discard or devalue 24 years of experience; rather, we call on the contracting parties to recognize that over those 24 years the world has changed.

Nations have a right to participate in decisions which affect the global community, and developments in Antarctica have the potential for touching all mankind. Therefore, my delegation is strongly of the view that Antarctica should be the subject of a study, which includes the Antarctic Treaty, and which seeks to broaden the base of decision-making. Such a study should take serious account of the experience and views of those nations which are now Consultative Parties to the Treaty, for who better to offer advice and counsel than those with the benefit of experience? But, of course, the wisdom of experience is enhanced by the freshness of new perceptions, and to this end other countries should equally lend expertise to this study.

There should be no fear that third-world countries possess some inherent capability to destroy co-operative relationships which exist between larger and more powerful States in Antarctica, even though they do not subsist elsewhere. If this were so, the Antarctic Treaty, which includes third-world States as Consultative Parties, would long since have been weakened, destroying the basis for such co-operation and causing a disservice to world peace. The evidence, therefore, does not support the view that third world interests in Antarctica will upset the delicate balance in relations between other countries.

(Mr. Jacobs, Antigua and Barbuda)

Why should anyone object to a study of Antarctica, particularly if it takes account of the views of those who now manage the area? It would be unreasonable in the extreme for anyone to suggest that a study of Antarctica would detract from the objectives established in the Antarctic Treaty. Indeed, were there to be an objection, were there to be an attempt to stop debate on the need for such a study, the world might be forced to conclude that there was a sinister motive behind such an action.

My delegation fully agrees with a submission by one of the Antarctic Treaty Contracting Parties that it would not serve the interests of any country, or group of countries, if Antarctica became an area of international conflict and discord. This is precisely why we seek this study, for we feel that at the end of it creative and imaginative ways may be devised to maintain the non-nuclear, non-military aspects of Antarctica, preserve the ecological balance of the area, and yet derive benefits for mankind on a basis acceptable to all.

We fear that if this study is not conducted, if the world is not given an opportunity to examine Antarctica closely, to end the secret sessions, to be open about its development, then conditions for discord and conflict will be created, placing the survival of all in jeopardy.

My delegation calls on this Committee to give the world an opportunity to establish Antarctica as an example of peaceful co-operation by all States, by supporting a study of Antarctica.

Mr. ZAINAL ABIDIN (Malaysia): Today we begin discussion on what is obviously one of the most important items on our agenda, an item which we believe has long-term and far-reaching implications for mankind. Although the world knows very little about Antarctica, the significance and impact of our discussion of this item in this Committee will be considerable. The fact that for the first time the United Nations is turning its attention to what is generally a forgotten part of our planet is, in our view, historic. Taking into consideration previous failures to inscribe an item on the same question on our agenda, the fact that such initiatives have until now been successfully resisted by a number of States at the United Nations and other international forums, and the fact that even the Law of the Sea Conference was muted on such an obviously vital part of the globe, my delegation is proud to be taking the initiative, together with the delegation of Antigua and Barbuda, to have the United Nations seized of this question.

(Mr. Zainal Abidin, Malaysia)

We are living in times of rapid change and technological advancement. We are facing a wholly new, interdependent and changing world, one in which politics, economics, science and technology - and, indeed, the intensity of human aspirations - have been transformed and retransformed within a single lifetime. In this new interdependent and ever-changing world man must adjust and readjust his values and search for his destiny and future in the context of the common good of all mankind. Our destinies have become more interlinked as the world becomes increasingly interdependent. Henceforth, our ability to manage global affairs in the larger interest of mankind will have to assume greater importance.

In the nearly four decades since the end of the Second World War and the setting up of the United Nations, we have witnessed the steady, if inexorable, evolution of two tandem trends in international affairs that, seen from the globalist perspective, takes on the aspect of dominance and seem certain to continue to shape the destiny of planet earth. These trends are the process of decolonization and the consequential trend of democratization of decision-making on the international scene. If the first trend dominated international life for much of the initial three decades of the post-war world, the second consequential trend seems set to dominate the present and future decades unfolding before us.

Colonialism held sway on our planet for some four centuries. The dismantling of the colonial order built over that time has taken us nearly four decades of the present century. With the exception of Namibia and a few island dependencies whose emancipation are merely a matter of time, colonialism in inhabited territories is fading into history. But the colonialist impulse that bloomed over the previous three centuries not only incorporated inhabited territories but barren lands as well. Thus the last vestigial reminder of the colonialist order that was the norm on our planet until very recently is the vast, largely unknown ice-continent of Antarctica.

There is perhaps a certain historical irony to be found in the notion that the barren wastes of Antarctica should provide the point of conjunction for the two great liberating trends of our times. The past merges with the present in the historic deliberation that we begin today on Antarctica. That we deliberate on this subject at all is a manifestation of the inexorable democratization of the

(Mr. Zainal Abidin, Malaysia)

international decision-making process on matters of universal concern. It is a trend that must surely endure.

Today international society has become universal. With the emergence of new States, many developing countries are taking a more active and constructive role in international affairs. With the global communications revolution, individuals and groups within nations are taking on heightened interest in matters once the exclusive purview of Governments. Genuine international co-operation has, however, developed only slowly, as nations and Governments continue to be guided by notions of self-interest characterized more by myopia than by enlightenment. None the less, the international community has been able to agree on common goals in several areas, indicating that the spirit of enlightenment while not pervasive continues to be nurtured by people of good will and common sense.

We see this spirit of enlightenment at work in the development of customary international law over the last decade and a half. The international community by the Outer Space Treaty of 1967 agreed that the exploration and use of outer space shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of scientific development, and declared that outer space shall be "the province of all mankind" (General Assembly resolution 2222 (XXI), annex, art. I). Similarly the international community agreed by the Moon Agreement of 1979 to make the moon and its natural resources "the common heritage of mankind" (General Assembly resolution 34/68, annex, art. 11). This trend continues to develop in the law of treaties such as the recent Convention of the Law of the Sea, which declared that areas beyond national jurisdiction belong to "the common heritage of mankind" (A/CONF.62/122, p. 1)

We also see the spirit of enlightenment at work in recent efforts to secure the more universal involvement of the larger section of the world community in the call for the new international economic order, the new communication and information order and the new international humanitarian order. These proposals, far from being an automatic or sweeping rejection of traditional and existing systems for their own sake, represented rather an attempt to institutionalize change. The recognition of the need for greater equitability, given the changed and changing circumstances of life on our planet, is merely the necessary prerequisite for international peace and order.

(Mr. Zainal Abidin, Malaysia)

Man's capacity for enlightenment has been demonstrated in some measure in Antarctica. Until recently this continent engendered little interest. Like Captain Cook in 1772, most people were content to believe that Antarctica was too remote and too inhospitable and that "the world will derive no benefit from it". Perhaps because of this general absent-mindedness, Antarctica remained the purview largely of the scientific community. It was essentially the efforts of the international scientific community during the International Geophysical Year of 1957-1958 that paved the way for the conclusion of the Antarctic Treaty in 1959. The Treaty, premised as it was on the notion of mutual coexistence, defused competition and international bickering over the region. Deferred were the questions of sovereignty and of territorial claims amongst several of its signatories. Antarctica, the last unsettled continent, was temporarily at least free from contention among nations, in the interest of science.

While little is generally known about Antarctica, we are told that this dark and barren region is of great significance to humanity and to the world. It has considerable geophysical, climatic, environmental, scientific and strategic significance and is of potential economic value to all mankind, though it is inhabited only by various species of penguins, seals, birds, rare fauna and flora and micro-organisms, some of which are endangered. With the encroachment of man on Antarctica, its fragile ecosystem is threatened with potentially grave consequences.

As the world's fifth-largest continent, Antarctica and the southern oceans occupy the whole area south of latitude 60° south and constitute one sixteenth of the surface of the globe. That region is also the coldest known region on earth, being permanently encased in ice and snow up to a height of two or sometimes three miles, except for 2 per cent of its surface. Because of its immense ice-cap, Antarctica has considerable influence on the world's environment, climate and weather. It is claimed that Antarctica's ice-cap and snow contain about 90 per cent of the world's supply of fresh water. If anything should cause that ice and snow to melt or slide into the sea, the oceans of the world would rise by about 200 feet, with incalculable consequences for most of the population centres of the world.

Antarctica's value to humanity and the world, though never fully documented, are nevertheless thought to be significant. The region possesses considerable

(Mr. Zainal Abidin, Malaysia)

potention amidst dwindling global supplies of food and other essential resources. The southern ocean has great volumes of marine resources particularly in krill, a small shrimp-like crustacean representing one of the world's largest potential sources of protein. Krill is the key factor in the Antarctic food-chain system for endangered whales, seals, penguins and other birds, and fish. Uncontrolled harvesting of krill through irrational commercial exploitation, as indicated in the 1979 report of the Food and Agriculture Organization of the United Nations (FAO), would upset the food-chain system, thereby endangering other species that depend on krill for their survival. In the 1978 fishing season, about 145,000 tonnes of krill was commercially exploited in the southern ocean. This has now increased to over 500,000 tonnes, yet no one knows whether this harms the recovery of endangered whales. Without proper international management to protect and conserve these rare and endangered species, they will soon disappear, as so many other species already have.

Antarctica is potentially rich in mineral resources. There are large deposits of iron and coal and traceable deposits of other metals such as copper, uranium, lead, nickel, cobalt, zinc, tin, gold, silver, platinum and chromium are said to exist in the Trans-Antarctic range and the Antarctic Peninsula regions. Their quality and quantity, however, are as yet undetermined. Recently we have noted a growing interest in Antarctic resources, mainly in the possibility of exploiting oil and gas in the Antarctic continental shelf. One estimate has placed the deposits of oil and gas in the continental shelf of the western Antarctic alone at 45 billion barrels of oil and 115 trillion cubic feet of gas.

Antarctica is also noted for its pristine beauty: rare fauna and flora, snow, freshwater lakes and majestic mountains. There are about 400 species of lichens, 200 of bryophytes and 150 of fauna.

Antarctica is surrounded by four world oceans. Its strategic importance in relation to international commercial and naval movements and telecommunication linkage with other continents is well known. The military and maritime reach of the super-Powers would give them a decided advantage in exploiting at present unclaimed or even unknown resources on the continental shelves and seabeds of the continent of Antarctica. The presence of a large number of what are euphemistically termed research stations, often manned by military personnel, certainly bears witness to the potential strategic significance of Antarctica.

(Mr. Zainal Abidin, Malaysia)

The present management of Antarctica is governed by the Antarctic Treaty of 1 December 1959 and by the system it has spawned in subsequent years. My delegation believes that the pioneers of the Antarctic Treaty should be complimented for their success in neutralizing the issues of competing sovereignty and territorial claims in the interest of science and for the progress of all mankind. The Treaty at its inception could have been considered as an unusually enlightened experiment in international co-operation.

In our view, however, the Treaty and its system have become mired in the obsession to maintain a status quo régime advantageous to the privileged few. In doing so it has become oblivious to the tides of change in the affairs of men and nations which have been lapping our shores over the last decade and a half. My delegation would like to draw the attention of the Committee to two crucial areas in which the Treaty has not kept pace with current international reality.

My delegation would like first to address the obvious structural flaw inherent in the Treaty system. The Treaty provides for a two-tier membership structure, characterized by gross inequality. This is evident from the relevant Treaty articles pertaining to membership. The first paragraph of article XIII of the Treaty states that

"The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty."

The second paragraph of article IX states that

"Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition."

(Mr. Zainal Abidin, Malaysia)

This means that while every State is welcome and encouraged to accede to the Treaty only the original 12 can participate in decision-making, along with such other States as, in the unanimous judgement of the original Contracting Parties, have demonstrated significant interest in Antarctica by conducting substantial scientific research activity there. Thus, a State acceding to the Treaty formalizes its willingness to abide by the Treaty provisions without any role to play whatsoever, as voting and regulatory control are reserved for the full - or "consultative" - members only. States are, in actual fact, called upon to accede to the Treaty without any right to participate in the decision-making process. It is clear that this undemocratic arrangement which the Treaty perpetuates goes against the grain of current international reality. Most States would find accession without representation extremely difficult to accept, while the representation requirement of a significant capacity for research would be beyond their means. They are thus effectively frozen out of meaningful participation in the Antarctic Treaty system.

The second major flaw of the Treaty system, in the view of my delegation, pertains to the limitations on its efficacy. The Treaty purports to be an international régime that serves the interests of all mankind, yet it benefits only the few. Even the United Nations, which is the repository of the interests of mankind, is taken cognizance of more in the breach than in the observance, even though the Treaty itself was supposed to advance the principles and purposes of the Charter. The second paragraph of article III of the Treaty states unambiguously that

" ... every encouragement shall be given to the establishment of co-operative working relations with those specialized agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica."

And yet the Consultative Parties have actually rejected co-operation with the Food and Agriculture Organization of the United Nations (FAO), the United Nations Environment Programme (UNEP), the Committee on Natural Resources and other international organizations. Furthermore, the world community at large is kept ignorant of Antarctica. There are of course numerous provisions and

(Mr. Zainal Abidin, Malaysia)

recommendations in the Treaty which call for the free flow of information about Antarctica. In truth, however, that flow is very much limited to the Consultative Parties and is not even made available to ordinary parties of the Treaty, let alone the international community at large.

The efficacy of the Treaty system is especially questionable with regard to environmental and ecological management. The environmental and ecological balance of Antarctica is an extremely delicate one, with explicit life-threatening impact on the world at large. With the growing encroachment of man, not even the 17 or more "Protected Areas" under the provisions of the Treaty system could long withstand an unconscionable onslaught on Antarctica. The management under the Treaty system is patently tenuous. Indeed, to forestall any destruction of Antarctica's invaluable and irreplaceable endowments, environmentalists world-wide have advocated the designation of Antarctica as a world park. The latest call was made in Bali, Indonesia, as recently as 1982 by the World Parks Congress. This consternation in the minds of environmentalists is well placed in view of the fact that the Scientific Committee established under the Treaty framework to oversee the environmental and ecological affairs acts only as an advisory body to the Antarctic Treaty Consultative Parties (ATCP) without binding clout. Nor are other international environmental non-governmental organizations with great interest in Antarctica - such as the Scientific Committee on Antarctic Research, the International Whaling Commission and the Scientific Committee on Oceania Research - given access, even as observers, to ATCP meetings. Because of this exclusivity, the world community is entitled to entertain serious doubts on the effective management of Antarctica's present and future environment, especially as the Treaty system lacks a centralized environmental review body and enforcement is left to individual States.

This propensity of the ATCP to ignore environmental and ecological concerns is likely to become more marked in the emerging scramble to exploit the mineral resources of Antarctica. Their exploration and exploitation would certainly present awesome problems and pose grave environmental hazards. But the lure of these economically viable resources, especially oil and gas, has been sufficiently great to cause explorative commercial expeditions to be undertaken by private

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multinational companies from the United States, Australia, New Zealand, Germany and Japan, against the ATCP's own recommendation for a moratorium on all mineral exploration until a régime is completed.

We note that several closed-door meetings have been held to devise a new and exclusive minerals régime in Antarctica among the few parties enjoying consultative status within the Antarctic Treaty framework. Regrettably, the international community at large has been kept out altogether. We are told by the Treaty Consultative Parties that Antarctic mineral exploration would not be technically feasible and commercially viable until the next century. Yet they themselves are none the less pursuing seriously and secretly an exclusive minerals régime. Under the circumstances, we should well ask whether any group of countries should confer upon itself the moral or legal right to self-elected determination or management of Antarctica. I wish to underline in this regard that the manner and speed in which this negotiation is undertaken has quite naturally engendered suspicion, especially when the United Nations is only beginning to discuss Antarctica as a whole. I wish therefore to suggest to the initiators of this negotiation that they be open and above board and bring into the exercise the widest possible involvement of the international community to ensure its viability and success. We are not in a position to scrutinize the substance of the negotiation carried out thus far, but the need to take into account the wide spectrum of views of all concerned is obvious.

The proponents of the Antarctic Treaty system have taken great pains to assure the world that the Treaty is so efficacious that it is certain of a prolonged life and therefore will run for an unlimited duration. We note, however, that the Treaty does not resolve territorial claims already in existence at the time of its inception. The Treaty merely established a moratorium on the territorial claims and sovereignty issue, as some signatories still insist on maintaining their rights. The duration of the Treaty would appear to be directly tied to the further pursuit of these claims when the possibility for review of the Treaty comes up in 1991. This is an issue that is likely to gain greater salience should the exploitation of the mineral resources of Antarctica become feasible. It is not unlikely that claimants would resort to more aggressive, if not combative,

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positions in pursuit of their preconceived national interests. Such a situation would have a direct impact on those contracting parties without claims on Antarctica, especially those with global strategic imperatives. Should such fractiousness emerge among the Treaty parties, the longevity of the Treaty and its system would be very much open to question.

My delegation would like to submit, in view of the grave limitation manifestly inherent in the Antarctic Treaty, that it is time for the United Nations to address itself to considering further internationalist modalities to deal with the question of Antarctica. In considering those modalities, we could do worse than build on the provisions that the Antarctic Treaty so proudly boasts of concerning the safeguarding of the interests of all mankind. The protection of these interests, however, requires the creation of international mechanisms that are not only truly representative in membership but also truly committed to serving all of its constituents. The philosophy that guides those mechanisms must be such as to command unquestioned moral authority amongst the nations of the world. In this respect the concepts of common benefit and common heritage come to mind.

The common heritage approach, as outlined by Ambassador Pardo of Malta, the pioneer of this concept, should be considered in a future international design for Antarctica. The elements of the common heritage concept - peaceful use, non-appropriation, preservation for future generations, including environmental protection and conservation of resources, international management and benefit-sharing - are of great relevance to Antarctica. Other eminent leaders, such as former Prime Minister Walter Nash of New Zealand, had proposed that Antarctica should be considered as a "world territory" under the control of the United Nations. The late Ambassador Amerasinghe of Sri Lanka had similarly proposed that the Antarctic continent should be managed for the benefit of all mankind on the basis of equitable sharing of the world's resources.

It was in the awareness of what could be in Antarctica that my Prime Minister urged the world to focus its attention on this ice-continent at the thirty-seventh session of the General Assembly. The Heads of State or Government of the Non-Aligned Movement recognized the validity of this call when they endorsed a comprehensive United Nations study on Antarctica in the Declaration issued at Delhi

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in March 1983. The initiative taken by Antigua and Barbuda and Malaysia at this session, so widely supported by the Members of the United Nations, represents the general recognition that the time has come for the world community to address itself seriously to this long forgotten continent. Implicit in the success of our endeavour so far is the realization that a study on Antarctica in no way threatens the underlying objectives and purposes of the Antarctic Treaty.

No one could seriously quarrel with such worthy purported aims as: first, the utilization of the Antarctic resources for the "benefit of mankind" so that its management by the Antarctic Treaty Consultative Parties (ATCP) would not prejudice the interest of the global community; secondly, the protection of the finely-tuned ecology and environment in the region; thirdly, international co-operation and co-ordination in scientific research and other beneficial activities to man, with world-wide accessibility; and, fourthly, the use of Antarctica for peaceful purposes only, thereby promoting further disarmament, denuclearization and demilitarization.

As I said at the beginning of this statement, the world is rapidly changing in the direction of universality in the context of the common interests and benefit of mankind. Modern technology has brought us to a realization that this planet of ours appears to get smaller and smaller. No longer can one nation or group of nations take actions affecting the interest of all without taking into account the views and interests of the rest of the world community.

It is within the framework of this perception that Malaysia, together with Antigua and Barbuda, took the initiative to bring this item to the United Nations forum, with the full realization of the complexity of the issue and with a definite sense of responsibility to Antarctica and to mankind as a whole. At this stage our objective is truly a modest one. We wish the United Nations, as the ideal and only international forum available to us, to look into the question of Antarctica and give us the opportunity to be informed fully, on the basis of a comprehensive study to be made by the Secretary-General. In making this request, we are not prejudging anything. We wish to be informed of the functioning, effectiveness or otherwise, of the Antarctic Treaty, its achievements and failures and its strong as well as weak points. We want to examine whatever avenues are available to work towards a better arrangement for Antarctica taking into account the existing reality.

(Mr. Zainal Abidin, Malaysia)

We should like to offer the Secretary-General full discretion with regard to the conduct of the study, which should however be comprehensive. He should have at his disposal the views of all Member States, both signatories to the Antarctic Treaty as well as non-signatories. He should have available the co-operation of all relevant specialized agencies and other bodies in the United Nations system, as well as those international organizations interested in Antarctica. Ideally, he should also have the views of interested experts in environmental protection. In short, we want available an in-depth report, by the thirty-ninth session, that could assist all of us in approaching this question in an intelligent and responsible way. Of course we value and indeed expect, the co-operation of Member States which know the region better, especially members of the Antarctic Treaty Consultative Council, so that together we can examine this question in a serious and constructive way.

In conclusion, may I be permitted to sum up the conviction of my delegation as follows. First, the world is in a process of evolution and there is an urgent need for all to display the necessary political will to make adaptations and adjustments to rapidly changing circumstances in order to build a structure of international peace and a just international order.

Secondly, the world of 1959, when the Antarctic Treaty was first formulated, is different from that of 1983. There are now 158 States Members of the United Nations, most of which are categorized as developing countries. Their rights, interests, aspirations and, not least, their views have to be accommodated by any purportedly international régime on Antarctica.

Thirdly, there is a growing and an inexorable demand by this articulate and growing majority for greater involvement in international decision-making. No longer can a handful of countries arrogate unto themselves the prerogative of representing humanity in matters of common concern when the majority of humanity is not directly involved.

Fourthly, the movement for a just and a balanced world order for the cause of mankind is irresistible. Significant areas of the world beyond national jurisdiction, and the celestial bodies in outer space, must be viewed in the context of the common heritage of mankind, and for the benefit of mankind as a whole.

(Mr. Zainal Abidin, Malaysia)

And, fifthly, Antarctica constitutes one such significant and vital area, because what happens in this region will have a direct effect on the rest of the world. In many ways, the vital importance of this continent to the world as a whole and mankind generally has already been acknowledged by the signatories of Antarctic Treaty countries themselves. It is time that a proper and representative international régime beyond the Antarctic Treaty be explored within the framework of the United Nations.

Mr. WOOLCOTT (Australia): I have asked to speak only briefly this afternoon in my capacity not so much as the representative of Australia, but as the present Chairman of the Group of Antarctic Treaty Consultative Parties in New York, as I did when the General Assembly considered the question of the inscription of an item on Antarctica on 23 September last.

The views of the Antarctic Treaty Consultative Parties were set out in document A/38/439 of 10 October, which embodies a position paper adopted by all of the Consultative Parties on 19 August 1983. For the convenience of delegations, I should like to reiterate the main thrust of that paper.

The Antarctic Treaty, which is open to all countries of the world and is of unlimited duration, establishes Antarctica as a region of unparalleled international co-operation in the interests of all mankind.

The Treaty is based on the Charter of the United Nations. It promotes the purposes and principles of the Charter and confirms Antarctica as a zone of peace.

The Treaty excludes Antarctica from the arms race by prohibiting any measures of a military nature such as the establishment of military bases and fortifications, the carrying out of military manoeuvres or the testing of any type of weapons, including nuclear weapons.

The Treaty encourages and facilitates scientific co-operation and the exchange of scientific information beneficial to all States.

The Treaty protects the natural environment for all mankind.

The Treaty establishes a comprehensive system of on-site inspection by observers to promote the objectives and to ensure the observance of the Treaty.

The Treaty serves the international community well and it has averted international strife and conflict over Antarctica. The Treaty also removes the potential for sovereignty disputes between Treaty Parties.

(Mr. Woolcott, Australia)

Revision or replacement of the Treaty which is now being suggested by Malaysia and Antigua and Barbuda could undermine this system of international law and order in Antarctica with very serious consequences for international peace and co-operation. It is unrealistic to think that, in the present state of world affairs, a new or better legal régime for Antarctica could be agreed upon. The undermining of the Treaty could open the way to an arms race in the region and might lead to new territorial claims. It would not serve the interest of any country, or group of countries, if Antarctica became an area of international conflict and discord.

The Treaty system has proved to be a remarkably successful, practical and dynamic arrangement and every effort should be made to preserve and maintain it.

It is for these reasons that the Consultative Parties to the Antarctic Treaty have serious reservations about the initiative taken by the Governments of Malaysia and Antigua and Barbuda and about any attempt to revise or replace the present Treaty system.

The Antarctic Treaty partners believe that this initiative by Malaysia and Antigua and Barbuda inaccurately represents the Antarctic Treaty of 1959. It implies that there is a need for revision or replacement of the Antarctic Treaty system, something which could be achieved only under international law by the Parties to the Treaty.

Mr. ZEGERS (Chile) (interpretation from Spanish): The representative of Australia, in a statement which, naturally, I reaffirm has just given the position of the Consultative Parties to the Antarctic Treaty in all its parts. Having said that, I should like to make a few comments on behalf of my delegation.

To raise the question of Antarctica in the United Nations could have the beneficial effect of promoting greater knowledge of that frozen continent and of the Antarctic Treaty and the system to which it has given rise, opening up the possibility of general participation in this legal régime. In general, people are not sufficiently aware of the uniqueness of the sixth continent. It is covered with ice. It is the coldest and most mountainous part of the world. It is buffeted by winds of hurricane force. Life there is difficult for man, yet it is attractive as well as inhospitable. It is enormous and it is essential to the ecology of the world.

(Mr. Zegers, Chile)

People also often forget who explored it and at what cost. They forget who brought it into the life of the world, who found out about it, who made it known, who kept it in its natural state and who is keeping it free of conflicts and struggles for power. At the same time there is insufficient knowledge of international co-operation in Antarctica, which has been admirable. That co-operation has led to a régime which has been harmoniously integrated into the United Nations, the essence of which régime is the principles of the Charter. The very special physical features and the juridical and political realities of Antarctica require mature, careful treatment of the subject. Undue politicization of the study of the subject must be avoided and there must not be plans for Antarctica which would be quite at variance with its nature. It would be regrettable if we were to yield to the temptation to apply to it policies which are alien to its realities and its importance, as if it were just one more subject on the agenda of the General Assembly. It would be even more dangerous if, as the Consultative Parties have said, there were direct or indirect questioning of the régime for the international co-operation which already exists.

This discussion provides an opportunity for greater knowledge, dissemination of knowledge and co-operation and dialogue among the parties concerned; yet at the same time it could become a source of conflict and discord which would have a negative effect not only for Antarctica but also for the international community as a whole.

Chile's ties with Antarctica have to do with our geographical position, our history and our mission. We are less than 500 miles from the Antarctic continent. We are the country nearest to it, and our country reaches as far as the South Pole. Sealers and whalers settled there during the last century - a continuation of activities begun much earlier by Spain. Chilean planes can reach Antarctica in 2-1/2 hours from Punta Arenas. Chile maintains three permanent bases there throughout the entire year - one for intense scientific work, one for effective co-operation with a meteorological network and tourism which goes through Punta Arenas and one for air communications with the rest of the world. This year a number of families will settle permanently in Antarctica and live there.

(Mr. Zegers, Chile)

Chile is a developing country and, together with other active members of the Antarctic Treaty, has co-operated by supplying men and resources in order to preserve this unique ecosystem, to promote knowledge of the continent and communications with the rest of the world. This is a difficult task which has required major sacrifices. Chile claimed pre-existing Antarctic rights - rights dating from the beginning of this century. My delegation referred to this in its statement in the General Assembly (A/38/PV.3, pp. 67-72) and we now reaffirm that statement. We took part in the discovery of Antarctica and lent special co-operation in the International Geophysical Year. We are a founding member and a Consultative Party of the Antarctic Treaty, and as such, we have participated in the formulation and development of the Treaty system and maintained a very active presence there throughout this century.

Therefore, by definition Chile is an Antarctic country - because of its historic mission, its geographical position, its presence there and the activities of its nationals.

The Antarctic Treaty has been one of the major achievements of international co-operation in the modern era. Men from all parts of the world and countries at all levels of development are co-operating in Antarctica. Quite apart from political systems, countries without diplomatic relations have worked together and, although some have confronted each other militarily elsewhere, they have sat at the same table and carried out joint actions. All these activities have been in keeping with the principles and purposes of the United Nations Charter, which were fully reflected in the Antarctic Treaty at a time that could have given rise to conflict and confrontation.

When in his annual reports the Secretary-General of the United Nations refers to the Antarctic Treaty as an example and a precedent for disarmament - which is the central question in the First Committee - he is expressing at once a great truth and the gratitude of the international community. Antarctica was the first zone of peace - the first demilitarized and denuclearized zone in the world - and as such it has been maintained and strengthened by the parties to the Treaty. This is a unique example, a well-nigh perfect one, of compliance with the goals of peace and harmony which are the very *raison d'être* of this Organization. It has also

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been - indeed, it is - the first great scientific laboratory, where science is unhindered and even encouraged and given impetus under the Treaty.

Antarctica is the first ecological reserve for the benefit of mankind. The Antarctic ecosystem, which is valuable and unique, is of decisive importance and has a decisive effect on the climate, marine currents and the supply of fresh water for the entire world. Its integrity has been preserved by agreements and the presence and actions of the active members of the Treaty. Particularly noteworthy are those measures that have been adopted with regard to the flora and fauna aimed at protecting the integrity of the native habitat; the agreements reached on man's impact on the area; and other measures on the protection of marine resources - and not only marine resources themselves but also the entire biological chain and its environment. This has been a gigantic undertaking, and it was justifiably recognized and acknowledged - just as the Antarctic Treaty - by the World Conference of the Food and Agriculture Organization of the United Nations (FAO) in 1975.

The development of the Antarctic Treaty during the more than two decades of its existence has been properly called the Antarctic Treaty system.

In addition to the Treaty itself, that system comprises the recommendations which have been adopted and implemented by the Consultative Parties with regard to science and knowledge of the environment, the protection of the ecology, the network of logistics and transportation which today unites the various parts of the Antarctic region with the rest of the world, meteorology, tourism and a whole range of related subjects.

Along with those recommendations, we should stress how they have been implemented, as well as other legal acts proclaimed by the active members of the Treaty. Those agreements and their implementation, together with the constant regular activities of all the members on the continent, have put Antarctica on the map: they have come to know it and have made it known; they have established communication by sea, air and telegraph with the rest of the world; and Antarctica's ecological integrity has been preserved.

There have been conventions to protect seals and Antarctic marine resources that complement the Treaty, its recommendations and other legal acts and activities of the parties.

(Mr. Zegers, Chile)

There is now a moratorium in respect of mineral resources, and work is proceeding on an open mining régime based on a criterion of ecological acceptability which must take into account the interests of mankind. In the early stages of this work - at a time when it is possible to stress ecological priority and respect for the realities and the many uses of Antarctica - care is being taken to anticipate interests that might arise in future.

The dynamic development of the Treaty, its recommendations, the legal acts of the parties to it and the complementary instruments - the components of the Antarctic Treaty system - have for the past two decades made it possible for men to adapt to new realities and anticipate problems that may arise in the future, without there being a need to modify the Treaty.

The Treaty system is unquestionably a suitable and effective juridical régime and shows that Antarctica is different from other regions and spaces in the world to which it has often mistakenly been compared - such as the sea-bed beyond national jurisdiction and outer space. Indeed, there is no legal void here such as exists elsewhere; there is a régime made up of the elements I have just enumerated. There have been many kinds of centuries-old activities by men, which have continued and are increasing today. There are exercises or claims of sovereignty, including that of Chile, enshrined in the Treaty, along with the positions of those who do not recognize such claims.

Furthermore, the Antarctic Treaty system is a subsystem forming part of the general international system.

As I have already said, the Treaty sets forth the purposes and principles of the United Nations Charter. It is unconditionally open to accession to all Members of the Organization and non-Members with the agreement of the Parties. It establishes co-operative relations with the specialized agencies and other international bodies.

Approximately 30 States are members of the Antarctic Treaty - most recently Peru, Spain and China. Sixteen are Consultative Parties, and recently such status was conferred upon Brazil and India because of their substantial scientific activities.

(Mr. Zegers, Chile)

Co-operation with international bodies has been and continues to be intense within each organization's jurisdiction. The Treaty system provides for co-operation with the World Meteorological Organization (WMO), the World Health Organization (WHO), the United Nations Environment Programme (UNEP), the Food and Agriculture Organization of the United Nations (FAO), the Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and in connection with the latter the Scientific Committee on Antarctic Research (SCAR), which has had such significance in Antarctica's history, and the Scientific Committee on Oceanic Research (SCOR).

Complementary instruments to the Treaty, such as the Convention for the Conservation of Antarctic Marine Resources, are also open to adherence and participation by States.

Thus the subsystem of the Treaty has harmoniously become part of the general international system. States and international bodies have given tacit acceptance to this subsystem - as has been shown on numerous occasions, for example, in the Secretary-General's reports and international resolutions such as those of the FAO World Conference.

The invaluable service provided to mankind by the Antarctic Treaty system has been recognized repeatedly by the international community. Antarctica has been acknowledged by, and linked to, the rest of the world, as well as preserved, by the activities and presence of the members of the Treaty, which continue to ensure its integrity and uniqueness for the benefit of all.

This impressive work - establishing links, protecting the environment, creating a juridical system, and political balance and promoting peace - has been made possible through the efforts of the States that have taken an interest in Antarctica, by the activities and self-denial of pioneers who have explored and mastered this inhospitable environment and by expending tremendous resources; and developing countries, such as Chile, have been and continue to be involved in this process.

During the past decade there has been a growing interest in the economic potential of Antarctica, whether real or imagined.

Since the early 1970s the oil crisis has given rise to hopes that there might be oil on the Antarctic continental shelf. So far, gas has been detected only in

(Mr. Zegers, Chile)

certain areas of the deep and hostile sea-bed of Antarctica. In any case, if there were commercially interesting hydrocarbon deposits, their exploitation would be technically difficult and excessively costly - at least at the present time.

The decrease in the numbers of whales has highlighted the importance of plankton, which is their food source and the basis for the Antarctic food chain: the small crustaceans called krill, which exist in great quantities. There is a clear possibility of their development and use, but the problem lies in the sophistication of the fishing fleets required and the difficulties in processing and conserving krill.

In any case, now that the short-, medium- or long-term exploitation of resources has ostensibly become the issue of the day, there is a growing interest that was not manifested during the more difficult times of exploration, discovery, control of the environment and establishing ways and means of communication. It is this underlying interest which seems to have given rise to this debate in the United Nations.

But that should not diminish the tremendous importance of preserving the Antarctic régime for the world, the many uses to which it can be put and the reality of the presence in Antarctica of States from every region and of varying degree of development, as well as the impressive work already accomplished.

In today's international climate it would be impossible to reach agreement on an accord such as the Antarctic Treaty, and this is especially true with regard to its provisions on disarmament. If the effectiveness of the Treaty system were undermined in any way, the consequences for the entire world would indeed be very grave. Consequently we must consider carefully the characteristics and virtues of this system. The Antarctic Treaty and its system are open to all and are, or should be, well known.

The manner in which the Antarctic Treaty is open to membership has been questioned because there are two categories of participants: simple members and consultative parties. The truth is that these two categories reflect only degrees of participation, with equal opportunities for all.

The participation of States within the system - the Treaty and its complementary instruments - depends on its interest and activities. Mere accession

(Mr. Zegers, Chile)

confers a number of rights. Carrying on scientific activities under the Treaty or, for example, other tasks having to do with living species in the case of the Convention on the Conservation of Marine Resources allows them to aspire to a higher level of participation.

This opening of the Treaty and the various degrees of participation are just and equitable because, quite aside from rights, titles and propinquity, there are States which have done much more than others in the ice-continent. But the uniqueness of Antarctica, the fragility of its ecosystem and its harsh environment require a certain degree of knowledge and expertise for a country to participate fully - something which is not acquired in a day.

The Parties to the Antarctic Treaty recently took part, as observers, in the Twelfth Consultative Meeting held in September in Canberra. Under the item "Operation of the Antarctic system" - which has been made a permanent topic at Consultative Meetings - there was a discussion on the participation and linking of members, relations with third States and international organizations and publicity on activities. Its report and recommendations were sent to the Secretary-General, who will submit this material as a document of the General Assembly.

A Party to the Treaty has the right to attend the regular Consultative Meetings as an observer and to receive the documentation and is in general invited to take part in the expeditions or scientific work of the Consultative Parties of its region. The Latin American members - Uruguay and Peru, and earlier Brazil - have always participated in Chile's activities in Antarctica, as have some Parties from other areas of the world, including China.

As far as publicity is concerned, the meetings on the Antarctic are held quite openly and the bulk of the documentation is not only made public but also distributed by the participants, which have published a Handbook of Measures reporting on activities and on agreements reached. This handbook is available in the Library of the United Nations. Copies of treaties, research projects, monographs and articles covering a wide spectrum of Antarctic problems can be found in that Library as well as other libraries. The report of the latest meeting was sent to the Secretary-General.

A few days ago the Chilean delegation gave the Library - where they are now available - books in English giving an account of the first seminar held in the

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Antarctic itself, in October 1982, at the Chilean base "Lieutenant March". The seminar's deliberations were notably frank and free in dealing with the main problems of Antarctica.

Therefore, there is no highly publicized "secret" about Antarctica. What has happened is that, on the one hand, the Treaty has no secretariat or bureaucracy and, on the other, interest in the subject is greater today than it was 20 or even 10 years ago, for the reasons I have already given.

We are sure that the discussion we are now beginning will contribute to knowledge about Antarctica and its complex realities, the Treaty and the system that governs it, and the many opportunities offered to all States, depending on their interest and participation. This is undoubtedly an opportunity for States interested in Antarctica to consider acceding to the Treaty.

We also hope that it will be realized that we are not considering a new subject, as has been the case with other matters that have arisen in this Organization. It has not arrived here by a process of lege ferenda, because there are fully in force a Treaty, a system and a régime, open to all and integrated into the United Nations system. Decades before the General Assembly took up this subject the principles and provisions of the Charter had already reached the Antarctic continent.

The study of Antarctica must lead to better knowledge of its realities, its régime, who is taking part in work there, the scope of the undertaking and the importance of the international co-operation that has resulted from it. It is also necessary to open channels of communication and understanding between those States interested in Antarctica, the Parties to the Treaty, and the other Members of this Organization.

We for our part have shown an open and a constructive spirit. In this statement we have tried to share something of the experience Chile has acquired in more than a century of activity in Antarctica and we affirm our constant willingness to increase the fruitful international co-operation that already exists in Antarctica, for the benefit of mankind.*

Mr. KHALIL (Egypt) (interpretation from Arabic): The delegation of Egypt would like briefly to state its point of view on this item.

* Mr. Elfaki (Sudan), Vice-Chairman, took the Chair.

(Mr. Khalil, Egypt)

I am pleased first to express thanks and appreciation to the friendly delegations of Antigua and Barbuda and Malaysia for their constructive initiative in having this item included in the agenda at this session, which will certainly contribute to the clarification of different viewpoints on the subject. Through the co-operation of Member States we shall be able to reach a collective understanding that will benefit us all.

This international Organization has already decided that regions untouched by man should be explored and exploited as the common heritage of humanity. That concept is one of the most important recent developments in contemporary international law. Perhaps the most vivid examples of this are the agreements on the law of the sea and on the activities of States on the moon and other celestial bodies, which stipulate that the sea and ocean beds and the moon and other celestial bodies - all areas outside regional frontiers - are covered by the principle of common heritage. The exploration and exploitation of these areas should be in the interests of humanity as a whole, regardless of geographical location and the technical and scientific abilities of nations, and in accordance with the rules agreed upon by the international community to apply this principle to each case individually.

In 1959 a group of States Members of our Organization hastened to conclude a treaty between them called the Antarctic Treaty, the purpose of which was to protect Antarctica, keep it free from all kinds of nuclear weapons and prevent its use for nuclear testing. The Treaty also provided for co-operation in scientific research and for the exchange of information and scientists for peaceful purposes. The Treaty did not openly provide for one significant principle - confining the use of the region to peaceful purposes - despite the fact that this Organization had not tackled the question of exploration and exploitation of, natural resources. The States Parties to the Treaty began negotiations on the matter, which in 1980 led to the signing of a Convention on the Conservation of Marine Living Resources. That agreement regulates fishing rights, but does not encompass the regulation of exploration and exploitation of natural resources in the region, which is still under negotiation among the States Parties to the Treaty.

In spite of its full confidence in the purposes mentioned in the Antarctic Treaty of 1959, the Egyptian delegation cannot find in the attached agreement

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relating to regulation of fishing rights sufficient equity in the distribution of the marine resources in this area. The mere fact of signing the agreement and opening its membership has generated a discrepancy between States, since those geographically near to Antarctica have an advantage over those far removed from it. Categorical proof is the accession to the Treaty of four developing States located near the region - Uruguay, Peru, Brazil and Papua New Guinea - whereas many others have refrained from adhering to it.

Based on the above, Egypt, as a developing country and a member of the Group of 77, has taken a position on the establishment of a new international economic order.

It has emphasized our insistence on considering as the common heritage of mankind those regions that have not yet been explored and exploited by man. Egypt also concurred, at the Seventh Conference of Heads of State or Government of the Non-Aligned Movement, held at the beginning of this year in New Delhi, with the resolution calling upon the United Nations to conduct an overall study on this region, taking into consideration all factors related to the topic in the Antarctic Treaty.

Over the last few days the delegation of Egypt has followed with interest the extensive contacts undertaken by the delegations of Malaysia and Antigua and Barbuda in this respect. We are confident that all States Members of this Organization, particularly those with a vital stake in Antarctica, will support current efforts aimed at considering the subject in a way that will guarantee the application of the principle of common heritage and regulate the just distribution of resources, in keeping with the principles of equality and justice on which the United Nations Charter is based.

Mr. KOROMA (Sierra Leone): The continent of Antarctica, which represents a considerable area of the earth's surface, is considered mankind's last frontier or, as others have called it, its last wilderness. Its ecosystem is considered fragile. Its exploration and development will perforce continue to require careful consideration in the interests of protecting and preserving the marine environment.

Mineral and edible resources are known to occur on Antarctica's mainland and among its known mineral resources are copper, cobalt, gold, iron ore, lead,

(Mr. Koroma, Sierra Leone)

molybdenum, nickel, silver, tin and zinc. Oil and natural gas are also known to occur on its continental shelf, although no reliable data on their quality and quantity are said to be available.

Among Antarctica's edible resources is krill, a tiny shrimp-like crustacean, that abounds in its waters and which, it is expected, will eventually provide a major portion of the world's protein harvest from the seas. At the moment krill is processed into shrimp butter and krill paste.

It is against this background of resource exploration and development that my delegation has decided to consider this matter, namely, the desirability of establishing a legal order for Antarctica that would guarantee its peaceful uses and the equitable and efficient utilization of its resources, with a view to promoting the economic and social advancement of all States, particularly the interests and needs of the developing countries, the protection and preservation of the marine environment and the conservation of Antarctica's living resources.

As representatives know, the Charter of this Organization expresses the determination of the peoples of the United Nations:

"to promote social progress and better standards of life in larger freedom, and for these ends ... to employ international machinery for the promotion of the economic and social advancement of all peoples ...".

Today it is generally accepted that we live in an interdependent world, responsible for each other's economic security, and therein lies the essence of the principle of the common heritage of mankind. The Secretary-General in his report on the work of the Organization stated that:

"the impressive economic progress since the Second World War - in which almost all nations have shared - owes a great deal to multilateral co-operation which the United Nations has helped to bring about and develop." (A/38/1, p. 7)

Recently, and under the auspices of the United Nations, we concluded a comprehensive régime for the seas and oceans, representing some 70 per cent of the earth's surface. The Convention on the Law of the Sea, painstakingly negotiated, is today regarded by the overwhelming majority of States to be fair, equitable and just, and on the whole serves the interests of all nations. It is therefore both timely and propitious that the United Nations should be seized of the question of working out an international régime for Antarctica which should, after all, be considered an international territory.

(Mr. Koroma, Sierra Leone)

To say this is to say nothing new, as several States have in the past tried to bring this about. There have indeed been precursors to this idea. The United States itself, as long ago as the 1950s and to its credit, called for the internationalization of Antarctica. The United Kingdom, also in the past and again in its wisdom, called for guaranteed access for all States, with such access regulated by an international Antarctic authority exercising control. Indeed, the signatories to the Antarctic Treaty of 1959 deserve to be congratulated on establishing a régime of international co-operation, although in real terms developing countries were excluded. Nevertheless, efforts to internationalize the territory or the development of its resources have continued since 1959. At their Seventh Consultative Meeting the Parties to the Antarctic Treaty addressed the long-tabled issue of mineral resources. Growing concern over the economic and environmental implications of human activity in Antarctica resulted in a recommendation reaffirming that it is in the interests of all mankind that the Antarctic area be used exclusively for peaceful purposes. The Parties further called for a study - I repeat, a study - of the effects of such activity. At their Ninth Consultative Meeting, the Parties to the Treaty agreed on an immediate moratorium on all resource recovery. They also recommended a future régime to protect the ecosystem and urged that any action taken regarding mineral resources should not prejudice the interests of all mankind in Antarctica.

Therefore, calling for Antarctica to be further studied by the United Nations should be seen as an acknowledgement and a recognition of the pioneering role, both of the earlier discoverers of the continent and of the Parties to the Antarctic Treaty themselves, in ensuring that Antarctica is used exclusively for peaceful purposes and that freedom for scientific research and development is guaranteed.

The concern of the United Nations with Antarctica at this stage is also a reaffirmation that Antarctica's future is the concern of all nations and that its considerable economic, environmental, climatic, geo-physical, scientific and historical significance is of concern to all mankind. Therefore there is a need to acquire knowledge to maintain and enhance our ability to use its natural resources in a manner that will ensure the preservation of both its resources and its ecosystem for the benefit of all mankind.

(Mr. Koroma, Sierra Leone)

Despite the slight reservation I expressed earlier on regarding the Antarctic Treaty itself, the Sierra Leone delegation would nevertheless like to express its full support for the objectives and purposes of the Treaty and commend the Parties to that Treaty for their foresight in maintaining Antarctica exclusively for peaceful uses and for preserving its environment.

I have stated that we support the purposes and objectives of the Antarctic Treaty. My delegation, however, cannot fail to mention that South Africa's participation in the Antarctic Treaty detracts fundamentally from that Treaty, as the practices and policies of that Government are at complete variance with the objectives and purposes of the Treaty.

Furthermore, within the context of the new objective of the item - namely, that Antarctica's resources should be explored and developed for the benefit of mankind as a whole - we cannot see South Africa contributing meaningfully to that objective.

It therefore becomes categorically imperative - yes, categorically imperative - to exclude South Africa from even the present Treaty régime. To ask South Africa to withdraw voluntarily from the Treaty will in no way undermine the Treaty; but, should South Africa fail to do so, African States will in the very near future question its membership.

The Sierra Leone delegation believes that it is now time for all of us to join in the future exploration and development of Antarctica for the benefit of all mankind.

In conclusion, the Sierra Leone delegation hopes that the draft resolution that will be introduced on this item will enjoy consensus support in this Committee.

Mr. MEISSNER (German Democratic Republic): The German Democratic Republic has carefully studied the explanatory memorandum, contained in document A/38/193, in which Antigua and Barbuda and Malaysia requested the inclusion in the agenda of the thirty-eighth session of the United Nations General Assembly of a supplementary item entitled "Antarctica".

The German Democratic Republic's interest in the consideration of this item is based on the fact that it has always attached great importance to questions concerning Antarctica. It is non-consultative party to the Antarctic Treaty, but

(Mr. Meissner, German Democratic Republic)

German Democratic Republic scientists have persistently been involved in basic research in the Antarctic region for more than 20 years. The subjects of those research activities are fundamental issues of the Antarctic environment - in, for instance, the fields of glaciology, meteorology, solid earth geophysics, upper atmosphere physics and biology, as well as in the geodetical and cartographical fields. In accordance with provisions of the Antarctic Treaty, scientific findings have been made available to all interested States through the Academy of Sciences of the German Democratic Republic.

The progress that has been made in providing the parties to the Treaty with information is most welcome. On the other hand, we must express our concern about discussions by certain parties to the Treaty which have been held outside the machinery of the Treaty.

Our interest in issues related to Antarctica is above all based on the fact that the South Polar region has been kept demilitarized and free of nuclear weapons because of the Antarctic Treaty - in other words, it is a continent of peace and peaceful international co-operation. By the freezing of territorial claims, the emergence of disputes and conflicts has been precluded.

During the period of more than two decades in which it has been in force, the Treaty, which is open for accession by any interested State, has stood the test. The large area south of the 60th parallel has been kept free of any international disputes. It is an area where peaceful research is undisturbedly carried out by States with different social systems, in the interest and for the benefit of all mankind.

The German Democratic Republic therefore resolutely advocates the maintenance of the present state of affairs, in the interest of peace and security throughout the world. However, viewing the present state of international relations with a sense of responsibility, no one should fail to notice that any revision of the 1959 Treaty, for whatever motives, would entail very serious risks. Instead of producing a new agreement, it would result in the very real danger that the territory of Antarctica would be included in the arms race and territorial claims would be revived, and new territorial claims might emerge. The present well-proven legal régime, which provides that Antarctica shall continue to be used exclusively

(Mr. Meissner, German Democratic Republic)

for peaceful purposes, would be destroyed. In that event, Antarctica would become another area of international conflict and discord, which is by no means compatible with the purposes and principles of the United Nations Charter or in the interests of mankind as a whole.

Those are the major reasons why the German Democratic Republic is not in a position to support the initiative launched by Antigua and Barbuda and Malaysia, which seeks a revision of the Antarctic Treaty of 1959. The Treaty constitutes a system of agreements that is valid for an unlimited period of time; it is open for accession to any other interested State. It is fully consistent with the purposes and principles of the United Nations Charter. Everything has to be done to maintain it as an instrument of peace and co-operation, particularly at a time of increased international tensions and confrontation.

Not revision but accession to the Treaty by other States interested in the Antarctic would promote - as the most recent accessions by the People's Republic of China and India have demonstrated - the reinforcement and development of equal co-operation by States in the exploration and use of Antarctica for exclusively peaceful purposes.

Mr. HARLAND (New Zealand): Antarctica is of great importance to New Zealand. The Antarctic continent is closer to my country than any other land mass except Australia. For over two centuries explorers and scientists have used New Zealand as a base for their work in the Antarctic region, and for the last quarter of a century New Zealand has maintained a scientific station of its own in the Antarctic. Since 1923 New Zealand has exercised sovereignty in the area immediately to the south of us, around the Ross Sea.

New Zealand has always recognized that we have a responsibility to the international community in respect of Antarctica. We have recognized it not least by making our ports and facilities available to Antarctic expeditions from many other countries. The Prime Minister of New Zealand, who was kindly mentioned by the representative of Malaysia earlier this afternoon, the Right Honourable Walter Nash, played an active part in the negotiations that led to the signature of the Antarctic Treaty in 1959.

(Mr. Harland, New Zealand)

We strongly support the principle set out in the preamble to the Antarctic Treaty as follows:

"It is in the interests of all mankind that Antarctica shall continue for ever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord."

Since the Treaty entered into force in 1961, people in New Zealand, and all over the world, have been able to rest easy on this score. It was not always so. In the late 1940s and early 1950s disputes about sovereignty in Antarctica gave rise to international friction and the possibility of serious conflict. The high level of tension between the United States and the Soviet Union at that time gave rise to widespread fears that military competition between the two super-Powers might be extended to the Antarctic region. Those fears persisted in spite of the scientific co-operation that developed during the International Geophysical Year in 1957.

The signature of the Antarctic Treaty in 1959 did much to allay the fears and to ensure that Antarctica would not become an area of international conflict. All the countries then involved in the Antarctic region, including the United States and the Soviet Union, accepted the principle I have already quoted and established a multilateral régime to put it into effect. They agreed that Antarctica should be used for peaceful purposes only, and that all military activity should be banned. They agreed that any nuclear explosion, and the disposal of any radioactive waste material, should be prohibited. They agreed that the results of any scientific work carried out in Antarctica should be exchanged and made freely available. Last but not least, they successfully dealt with the central problem that some of the Parties, including New Zealand, exercise sovereignty in Antarctica while others neither claim sovereignty themselves nor recognize its exercise by others. Article IV of the Treaty provides a carefully crafted basis on which differences over the issue of territorial sovereignty can be put aside for the sake of developing international co-operation.

It is remarkable in retrospect, that such an agreement could have been reached at the height of what is known as the cold war. It is even more remarkable that the provisions of the Treaty have been faithfully carried out by all the parties

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for over 20 years - despite the differences between them over other issues. The Antarctic Treaty has in fact provided the framework for effective international co-operation on a large scale and over a long period. I wish to stress this point. The great virtue of the Antarctic Treaty is that it works. It keeps Antarctica peaceful and enables scientists from many countries to work together in the interests of mankind. In doing so the Treaty makes a significant contribution to the achievement of the purposes of the United Nations.

Central to the success of the Treaty in stabilizing the region are the provisions of Article I and Article V. The effect of these provisions is that the Antarctic continent is totally demilitarized. All nuclear testing is banned, as is the dumping of nuclear waste. It is perhaps not generally appreciated that Antarctica is in fact the only genuine nuclear-free zone in the world. The Antarctic Treaty is also the only arms control measure under which on-site inspection and verification may be carried out and in fact are. Despite times of international tension, these provisions have been honoured by all the parties, including both the United States and the Soviet Union.

The success of the Treaty in promoting international peace and security and in establishing a comprehensive disarmament régime is an achievement in which the United Nations can take particular satisfaction. Of no lesser importance to the international community at large has been the system of international co-operation set up under the Treaty in the field of scientific research. The basis for this international co-operation was established during the International Geophysical Year in 1957, and it is perpetuated in the Treaty. Science is in fact a major theme of the Treaty. Because of its unique location, almost totally unpolluted environment, harsh climate and simple ecosystem, Antarctica offers special research opportunities in many scientific fields. The cost and the practical difficulties of conducting such research are considerable, but a wide range of activities has been carried out in an equally wide range of fields, including meteorology, upper-atmospheric physics, oceanography, glaciology, cosmic-ray physics, biology, geology and geophysics and medical research. This research in the Antarctic has contributed substantially to our knowledge of our own planet. Its results - and I should like to stress this point too - have been made freely available in scientific publications and, where appropriate, are provided to World Data Centres.

(Mr. Harland, New Zealand)

Another field in which the Treaty system gives cause for international satisfaction is the preservation and protection of the Antarctic environment. From the outset the Consultative Parties to the Treaty have been concerned about man's impact on that environment and about the importance of protecting the flora and fauna of the continent. The First Meeting of the Consultative Parties recognized the

"urgent need for measures to conserve the living resources of the Treaty area and to protect them from uncontrolled destruction or interference by man". Since then nearly 70 of the recommendations drawn up at Meetings of the Consultative Parties have dealt with environmental matters. They cover virtually every aspect of human impact in Antarctica, and they include the 1964 Agreed Measures for the Conservation of Antarctic Fauna and Flora, which provide overall protection for native animal and bird populations. In addition, two separate Conventions have been drawn up under the umbrella of the Antarctic Treaty - the 1972 Convention on the Conservation of Antarctic Seals and the 1980 Convention for the Conservation of Antarctic Marine Living Resources. The latter Convention has been hailed as a landmark in international environmental law.

The development of these specific measures for the protection of the Antarctic environment and the conduct of scientific activity points to what is perhaps the Treaty's most important achievement, namely, the development of a process of consultation and co-operation among the Consultative Parties. This consultation and co-operation has given the Treaty a dynamic quality that enables it to respond to those changing circumstances and new challenges that have been mentioned several times by previous speakers.

New Zealand, like other Consultative Parties that have been active in co-operative scientific research in Antarctica over 20 years, sees great value in the Antarctic Treaty and in the system built up around it. Perhaps we have been guilty of not doing enough to explain and publicize the Treaty system and the work done under it. It is fair to acknowledge, as many speakers have already done, that until now the wider international community has not taken very much interest in Antarctica. For our part we are glad to talk about Antarctica and about the Treaty system, in the United Nations or anywhere else.

(Mr. Harland, New Zealand)

It is an unfortunate fact that there are at present several misconceptions current about the Treaty system. Some people seem to believe that the Treaty will remain in force only until 1991. This is not true. The Treaty itself merely says that if after 30 years any of the Consultative Parties asks for it a conference shall be held to review its operations; and if any amendment approved at the conference has not entered into force within two years, any of the Parties may withdraw. Experience to date makes that eventuality very unlikely indeed. As this debate will testify, all the Parties to the Treaty attach great importance to it and are determined to uphold the Treaty system. It is difficult, if not impossible, to envisage any of them believing that their interests might be better served by abandoning the highly successful régime established by the Treaty.

Some other people appear to believe that the Treaty is an exclusive arrangement. Again, this is a misunderstanding. The Treaty is open to any Member of the United Nations. Twenty-eight of them have now become Parties to it, the most recent being China and India. Consultative status under the Treaty is available to any Party that

"demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition".

On this basis, Brazil and India have both just acquired consultative status. It remains open to any country that has a serious interest in Antarctica.

Some criticism has been directed at the consultative status that is provided for in article IX of the Treaty. Such criticism is based on a misunderstanding of what is essentially a valid distinction. Any Party to the Treaty that establishes a scientific programme in Antarctica immediately assumes a range of practical, financial and legal responsibilities relating to its activities on the continent. The effective discharge of these responsibilities requires regular consultation and co-operation with the other countries carrying out similar activities. It makes sense for the countries with these wider responsibilities to play a more active role in running the Treaty system.

It is sometimes said that the process of consultation amongst the Consultative Parties is not open enough. I hardly need to say in this Committee that it is in

(Mr. Harland, New Zealand)

the nature of diplomacy that there must always be some place for confidentiality, whatever the forum and whatever the issue. Some privacy is always needed to allow for the reconciliation of differing approaches. The Consultative Parties are aware that international interest in Antarctica is growing. They are already considering ways of opening up their meetings and increasing the flow of information about them. This question was discussed at the Consultative Party Meeting held in Canberra in September of this year, which for the first time was attended by Parties to the Treaty that do not have consultative status.

Finally, there is some misunderstanding about the current negotiations under the Antarctic Treaty system on mineral resources. It has been implied, even in this debate, that the purpose of these negotiations is to enable the Consultative Parties to monopolize the resources of Antarctica and keep them from the rest of the world. This criticism is without foundation. The minerals negotiations are not based on the knowledge that there are great riches to be harvested in Antarctica. There is no certainty that minerals will ever be found there in commercially exploitable quantities. Exploitation, if it takes place at all, is many years away, but against the possibility that exploitation might one day be found to be feasible, economic and environmentally acceptable, the Consultative Parties have agreed that it is important to reach agreement in advance on conditions and standards that would ensure that such activities proceed in a regulated and disciplined manner.

The objective is to fill a gap in the Antarctic Treaty which, if left open, could bring back the very rivalries that the Treaty was designed to overcome and has in fact so successfully avoided for over 20 years. The aim, in other words, is to prevent any disorderly scramble for whatever resources Antarctica may prove to hold.

Filling this gap will make the Antarctic Treaty system even more effective. And it will be done, I would stress, in a manner that is in no sense exclusive. Like the Antarctic Treaty itself and subsequent instruments, including the Convention on the Conservation of Antarctic Marine Living Resources, any minerals régime adopted by the Consultative Parties will be open to other States. The Consultative Parties have made a commitment to that effect in their recommendation XI-I of 1981. That recommendation embodies two further

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commitments: first, the protection of the unique Antarctic environment and its ecosystems will be a basic consideration; and, secondly, in dealing with the question of mineral resources in Antarctica the Consultative Parties will not prejudice the interests of all mankind in Antarctica.

To sum up, I should like to quote the following from my Prime Minister's statement in the General Assembly on 4 October:

"The Antarctic region stands in sharp contrast to ... troubled areas throughout the world. For over 20 years the Antarctic Treaty has succeeded in making Antarctica an area of international co-operation and preventing it from becoming the object of international dissension. The Treaty is open to any Member of the United Nations and it remains in force indefinitely. It makes a very effective contribution to achieving the purposes of the United Nations. We assume that any study carried out by this Organization will fully recognize this fact and seek to reinforce the Treaty rather than to weaken it."

(A/38/PV.18, pp. 76 and 77)

Mr. QIAN Jiadong (China) (interpretation from Chinese): On the joint proposal of Antigua and Barbuda and Malaysia, a new item entitled "Question of Antarctica" has been included in the agenda of the current session of the General Assembly. This new agenda item has aroused the attention and concern of many countries. The Chinese delegation would like to express its views on this question.

Antarctica used to be a mysterious continent in people's imagination, an untraversed land covered with ice and snow all the year round. By the end of the nineteenth century and the beginning of this century, navigators and explorers began to appear on the scene. In their wake came scientists and expeditions from a number of countries. Some of these countries began to set up scientific research stations to carry out systematic scientific investigation and research on Antarctica. Over the years these countries and their scientists have contributed to the unravelling of the mysteries surrounding the continent.

With the increase of man's activities in Antarctica, however, new problems and difficulties have emerged, such as: How to protect the natural environment of Antarctica? How to maintain its ecological balance? How to exploit its natural resources rationally? How to ensure that it shall not be used for military purposes? And how to prevent it from becoming the scene or object of international

(Mr. Qian Jiadong, China)

discord as some countries have successively put forward claims to territorial sovereignty in this continent? All those questions call for serious consideration and appropriate solution.

In Washington, in December 1959, 12 countries including Argentina and Australia signed the Antarctic Treaty which laid down some legal provisions concerning Antarctica. The Treaty declares that:

"... it is in the interest of all mankind that Antarctica shall continue for ever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord."

The Treaty provides for a freeze on the claims to territorial sovereignty in the area put forward by some countries and encourages international co-operation among States in carrying out scientific expeditions in Antarctica. The Treaty also provides for the prohibition of nuclear explosions, the disposal of radioactive waste material and all measures of a military nature. These purposes and objectives of the Treaty are of positive significance. But one cannot say that the Treaty is perfect. Some of its provisions concerning the rights of Contracting Parties place undue restrictions on those countries, especially developing countries, which otherwise would have been able to accede, or should have acceded, to the Treaty or should have played a greater role. Not only non-Contracting Parties but also Contracting Parties to the Treaty are critical of this.

More than 20 years have gone by since the Antarctic Treaty was signed. The rapid progress in scientific investigation has greatly enhanced man's knowledge about the continent and his recognition of its immense scientific value and economic wealth. It is a natural and welcome development that more and more countries are showing a great interest and concern in Antarctica.

The Summit Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi last March, pointed out in its Declaration that "the continent of Antarctica has considerable environmental, climatic, scientific and potential economic significance to the world" and that "in view of increasing international interest in the Antarctic" the Heads of State or Government of the non-aligned countries requested that the United Nations "should undertake a comprehensive study on Antarctica ... with a view to widening international co-operation in the area".

(Mr. Qian Jiadong, China)

Taking into consideration the unique character of the Antarctic and its great significance for human society, we are of the opinion that the proposal by the non-aligned countries for a comprehensive study on the continent deserves serious consideration. It is in conformity with the basic spirit of the purposes and objectives of the Antarctic Treaty. It is our hope that, through joint efforts and full co-operation on the basis of thorough study and friendly consultation, a correct and reasonable solution can be found to the question of Antarctica so that this continent with its vast potential can better serve peace and the common interests of mankind.

The meeting rose at 5.50 p.m.