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Chairman: Mr. SOUZA e SILVA (Brazil)

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The meeting was called to order at 10.55 a.m.

## AGENDA ITEM 66

QUESTION OF ANTARCTICA: GENERAL DEBATE, CONSIDERATION OF AND ACTION UPON DRAFT RESOLUTIONS (A/39/560, 563 (Part I, Part II, vols. I, II and III))

The CHAIRMAN: In accordance with the Committee's programme of work and timetable, this morning it will begin its general debate, consideration of and action upon draft resolutions on agenda item 66, "Question of Antarctica". As may be seen from the programme of work for the First Committee adopted by the Committee, contained in document A/C.1/39/2 of 11 October 1984, a deadline was established for the submission of draft resolutions on the item. It was also my intention to set a deadline for inscription on the list of speakers for the debate on this matter. However, after consultations with the delegations which are particularly interested in this subject, I believe a certain degree of flexibility would be advisable. So I propose that the list of speakers be closed at 6 p.m. tomorrow and that we tentatively set the deadline for submission of draft resolutions also at 6 p.m. tomorrow. As it was previously decided otherwise, it requires another decision by the Committee that the deadline be 6 p.m. tomorrow. I take it that the First Committee agrees.

It was so decided.

Mr. JACOBS (Antigua and Barbuda): At this thirty-ninth session the General Assembly has received a study on aspects of Antarctica. There seems to have been some reluctance on the part of the super-Powers to agree to co-operation on this question. It is this tendency for nations, rich and poor, to seek solutions to international problems through confrontation rather than negotiation and the widening chasm between the developed and the developing countries that intensify our sense of alarm over the arrangements which currently subsist in Antarctica.

At this point I wish to draw attention to one section of the views presented by my Government and recorded in the report of the Secretary-General. It states:

"The study on Antarctica should examine ways by which the 1959 Antarctic Treaty can be modified to accommodate (a) the principle of universality in terms of accession to the Treaty; and (b) a system by which the supreme decision-making body of Antarctica is made up of the existing Contracting Parties as permanent members and representatives of regions as non-permanent members." (A/39/583 (Part II, Vol. I), p. 3)

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I would ask that Member States take seriously into consideration the views we have presented.

We still fear that Antarctica could become a final frontier for human conflict. It is of more than passing significance to us that all the nations with the capacity to participate in a scramble for Antarctica are parties to the Antarctic Treaty and therefore are able to initiate a review in 1991. Doubly significant is the fact that poor developing States with no vested interest in Antarctica have no voice in decision-making about the area and are unable to influence the activities of other nations.

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But small States such as mine cannot abandon international responsibility for developments in Antarctica simply because we lack military might or economic clout. And nothing that the powerful nations have done so far in their relations with each other has convinced us that they should be the sole arbiters of the world's future.

To add to all this, the world has vastly changed since the Antarctic Treaty was signed in 1959. There are now 159 Member States of the United Nations, most of which are developing countries. In 1959 they had neither the opportunity nor the sovereign competence to participate in events in Antarctica. It is not only unfair, it is unjust to suggest that we should abide by decisions made without our involvement. Indeed, we would warn the world that if the status quo in Antarctica is maintained and further institutionalized, a confrontation is bound to develop between the Consultative Parties and the rest of the world.

In our view, it is in the interest of global peace and stability to address the democratization of Antarctica now, for delay will do no more than divide still further an already divided world.

Antigua and Barbuda is not so naive as to believe that the Consultative Parties would accept our tearing up the Antarctic Treaty and declaring the region the common heritage of all mankind to be administered by the United Nations. Nor do we see them agreeing to the area being declared a repository for science or a park for the conservation of wildlife. Since a number of the Consultative Parties have benefited from fishing in the area and over the last few years they have been working on a régime to exploit its mineral resources, it is obvious that they will not surrender Antarctica to the rest of the world. However, no country can ignore growing world opinion that Antarctica should not be managed by an exclusive club, particularly when the ecology is so vitally important to global climatic patterns. In this connection, my delegation proposes the following: the retention of the Antarctic Treaty as a basis for administering the region. I wish to repeat this: the retention of the Antarctic Treaty as a basis for administering the region; the creation of an authority under the umbrella of that Treaty to manage the Antarctic, with the existing Consultative Parties as members of the authority and equal membership by representatives of every region of the world; the designation of environmental non-governmental organizations with an established record in

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Antarctica to be observers at all meetings of the authority, with the right to speak, although not necessarily the right to vote; and the establishment of a system of international taxation and revenue sharing administered by the proposed authority of Antarctica.

We believe that our proposals would go a long way toward democratizing Antarctica and should be acceptable to all, except those with sinister objectives in the region. We have advanced the idea of a system of international taxation and revenue sharing because we accept the fact that certain countries will continue to exploit the marine life of Antarctica; but we feel they should do so in a controlled manner and within a framework in which the world, and Antarctica itself, benefit from revenue derived from taxation. We propose that the revenues raised from taxes on fishing and, in time, mining should be placed in a special development fund for maintaining the Antarctic environment and advancing global human development. The fund should be divided three ways: expenses for the maintenance of the Antarctic environment, hard loans to developed countries and soft loans and grants to less developed and least developed countries.

In closing, I must state that South Africa's participation in Antarctica is totally unacceptable to my delegation and to my country. The international community has constantly 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 has South Africa been allowed to participate with the other Consultative Parties?

It is equally difficult for us to understand the fact that the Soviet Union is co-operating with South Africa on Antarctica. This 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. This is why it is difficult 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

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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, who seek 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. We demand South Africa's immediate expulsion from membership in the Consultative Group.

Mr. ZAIN (Malaysia): I want to begin saying at once that at this very early stage of the involvement of the United Nations in the subject of Antarctica, the fundamental approach of my Government is to proceed with care and caution, to build upon agreement and to move forward by consensus if at all possible. Our intention is to build, not to destroy, and our attitude is to explore all questions with an open mind, with full respect for the views and interests of others and for the realities of the situation in Antarctica. While Malaysia holds certain views about Antarctica which we have stated on a number of occasions, we do not insist that they are the only valid views and we shall listen carefully and objectively to the views of others. We suggest that it would be helpful if others who also have their own views on Antarctica would assume a similar attitude. In order to make progress, we must accept the fact that differences of views exist on Antarctica, and we must examine them as carefully as we can to see whether, and how, these differences can be bridged.

This process may in fact take a long time, and my delegation feels that the more time we spend in seriously thinking about and frankly discussing the subject of Antarctica, the better are our prospects of success. In that process it would also be helpful not to cast aspersions on each other's motives. It would be easy to suggest that those of us who have raised this issue want to undermine and finally destroy the Antarctic Treaty system which now exists. Equally, it would be easy to suggest that the Consultative Parties of the Antarctic Treaty merely want to preserve their privileged position.

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It would be easy - it is sometimes even tempting - but it would not contribute to a fruitful discussion of serious issues. And my delegation believes it would be mistaken. My delegation, for one, would be willing to accept that the Treaty parties are seriously concerned that what they have achieved should not be undermined and destroyed. We ask in turn that they accept that we on the other side, as it were, are seriously concerned about how Antarctica might best be governed and managed in the interest of all mankind.

The basic question that we face in dealing with Antarctica is: does mankind as a whole, represented here in this most universal of Organizations, have a legitimate interest in Antarctica? If so, how might mankind's interest best be served? Or, more specifically, what should be the objectives of a régime which would best serve mankind's interest? What should be the nature of a régime which would best achieve those objectives? And, to bring the discussion to a more concrete, practical level, does the present system which exists, the Antarctic Treaty system, meet those objectives? If there are deficiencies, how might they be remedied? And linked to all these as an over-arching question: how best might all these questions be discussed?

I shall try to indicate Malaysia's own answers to these questions. First, we believe it to be indisputable that mankind as a whole has a legitimate interest in Antarctica and in how it is governed and managed. As has been pointed out repeatedly, Antarctica after all occupies some one tenth of the surface of the globe. Its location, vastness, fragile ecosystem, rich marine and, possibly, mineral resources, have great significance for international peace and security, economy, environment, scientific research, meteorology, telecommunications and so on. These are clearly matters of global interest and fall within the ambit of concern of the international community.

Secondly, how might mankind's interest best be served or, more specifically, bearing in mind the special characteristics of Antarctica what would be the objectives and nature of a régime which would best serve that interest? My delegation believes that, among other things, the régime should preserve international peace and security; it should promote and facilitate scientific research and exchange; it should protect the environment; and it should ensure that the fruits of any exploitation of Antarctica's resources should be equitably shared by mankind. Further, a régime serving these objectives should be one in which States Members of the United Nations, as well as the relevant specialized agencies and other international organizations, are able to play an appropriate role.

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Thirdly, we test the current régime of the Antarctic Treaty system against these objectives, and we find that there are certain deficiencies. Let me say at once, however, that we acknowledge its achievements with regard to preserving international peace and security, promoting scientific research and protecting the environment - though there may be some qualifications on the last count because of a certain looseness in the relevant provisions. However, on the question of minerals exploitation and the equitable sharing of the benefits of any possible exploitation, we have some reservations. I shall refer to the question of minerals later, but I will only say now that the assertion that the Treaty parties, in their current negotiations on a minerals régime, act as trustees for mankind and will look after the interests of mankind does not carry sufficient conviction to my delegation. First, trustees cannot be self-appointed, and they should not have a material interest in the trust property. Secondly, however fair-minded the Antarctic Treaty parties may be, only mankind can look after its own interest, perhaps in a forum or through representatives that it designates.

As to the nature of the régime, we believe that the major deficiency of the current system is that decisions are made exclusively by the Consultative Parties - indeed, a more accurate nomenclature for them is decision-making parties. There is simply no denying this. Although the non-Consultative Parties have participated as observers since 1983 - incidentally, 21 years after the Treaty came into force - and although they have at last been admitted as observers in the minerals negotiations, after a series of meetings from which they were excluded, the fact remains that they have no decision-making power. Now, my delegation is willing to listen to the argument that the Consultative Parties should have the exclusive right to make decisions on matters affecting scientific research, the environment and even, as a practical matter, peace and security in Antarctica, by virtue of their special expertise or experience. But in connection with these assertions there still remains the question: who gave them that right, and by what authority? Is this privileged status acceptable to the international community today, and why should they not be accountable to the international community?

I may add that I have sometimes heard that the Consultative Parties should be seen as having assumed a special responsibility which has incurred considerable expenditure on their part and even, on occasion, the tragic loss of lives. Thus, historic rights, geographical propinquity, scientific experience, technological



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expertise and so on are said to have given the Consultative Parties a special responsibility in Antarctica. Even if one accepts the notion of special responsibility - which may or may not be justified - there is no denying that it has generally translated into exclusive right to make decisions on all matters affecting Antarctica, not only on, say, scientific research and environmental protection and questions of peace and security, but also on the possible exploitation of the mineral resources of Antarctica and the equitable sharing of its benefits, on which the expertise of the Consultative Parties is not, it seems to us, self-evident.

Fourthly, how best might all these issues be discussed? The fact that we are having this second debate on Antarctica in this Committee represents, in the view of my delegation, a good start, but, clearly, it is only a start. In this, we have been assisted by the study on Antarctica submitted by the Secretary-General pursuant to General Assembly resolution 38/77, which will further assist in increasing awareness, interest and knowledge on Antarctica among Member States. The question remains, however: how best might we move forward in discussing these issues? Let me state here now how my delegation sees the situation we have arrived at today.

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The debate at the thirty-eighth session and the replies which Member States addressed to the Secretary-General in connection with his study on Antarctica showed that, first, there is considerable interest in Antarctica, and, secondly, that, while Member States hold many similar views - for example, on peaceful use, non-militarization and non-nuclearization, the promotion of scientific research and the protection of the environment - there are also differences between them on major issues, such as the equitable sharing of the benefits of any mineral exploitation and greater involvement of the international community in decision-making. It would of course be extremely desirable if our debate at this session could bridge these differences, but the prospects of our reaching such a desirable goal now are, to be realistic, somewhat limited.

In these circumstances, it had been Malaysia's view that further discussions were best pursued in a smaller forum, and we therefore proposed the creation of a United Nations committee on Antarctica. We have encountered opposition or reservations on this proposal and, for reasons which I shall explain presently, Malaysia will not press its proposal at this time. However, as the proposal has given rise to some misunderstanding, I shall seek the Committee's indulgence to take a little time to explain and clarify what we had in mind.

The *raison d'être* of our proposal is that a small committee is the most effective forum where these issues and differing points of view may be clarified, where mutual understanding of each other's concerns may be promoted and where, hopefully, differences in the positions of Member States may be bridged. We had visualized that the membership of the committee would reflect the broadest possible geographical representation, including States which are parties to the Antarctic Treaty, both Consultative and non-Consultative, as well as non-parties to the Treaty, and would also take into account the economic and other interests of States in developments in Antarctica. We had also envisaged that the Committee would work quietly and seriously in specific working sessions in which the emphasis would be on detailed discussions and detailed probings of specific issues rather than on general statements.

From all this it should be clear that the thought behind the proposal was serious and that the proposed committee was intended not to provide a forum for general statements of well-known views, but, rather, I repeat, to promote and facilitate detailed discussions of specific issues, often perhaps privately and

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informally. Incidentally, Malaysia also felt that such a committee, which would work in the way we envisaged, might well prove to be an interesting and desirable addition to the diplomatic armoury of the United Nations system, whose method of work could perhaps be improved from time to time.

We thought, and we still think, that this proposal was modest and sensible. But, as I have already noted, there was opposition to, and reservations about, the proposal. I should now like to deal with the objections as I understand them.

First, why a committee at all? The Antarctic Treaty system, it is asserted, has worked well, has preserved international peace and security, promoted scientific research and - with possible qualifications - has protected the environment; moreover, it has shown itself to be flexible. In other words, leave well alone; the system has shown the capacity to correct any deficiencies which may exist.

The Malaysian delegation - and I believe this is true of practically all delegations which have expressed themselves on this question - has never disputed the achievements of the Antarctic Treaty system. Nevertheless, real questions have now been raised as to how the international community can be more involved in decision making on matters which, after all, affect the interest of the international community itself. It has been asserted innumerable times that the Treaty system is open, that any Member State may join. But we all also know the distinction between the role of the Consultative Parties and that of the non-Consultative Parties. What, then, is the incentive to accede to the Treaty when decision making is exclusively in the hands of the Consultative Parties? Moreover, how could the specialized agencies with expertise in the appropriate areas of activity - for example, the United Nations Environment Programme (UNEP) or the Food and Agriculture Organization of the United Nations (FAO) - be involved in, or contribute to, decision making?

Moreover, it must be recalled that the system was created at a time in 1959 when the membership of the United Nations numbered some 82 countries, and in circumstances in which issues of international security, scientific research and environmental protection in Antarctica were paramount. The membership has nearly doubled, and none of the States which became Members since that date had any say in the creation of the Antarctic Treaty system. Moreover, the Antarctic Treaty system is now beginning to deal with the issue of the mineral resources. How should the

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views of Member States that had no say in the establishment of the Antarctic Treaty system be accommodated? How should the issue of mineral resources be dealt with? Furthermore, the United Nations Convention on the Law of the Sea now exists, and with it the proposed International Sea-Bed Authority. What is the significance of those developments to Antarctica?

It seems to my delegation that these are serious questions. The United Nations study has provided a useful starting-point for discussions on them, and it would be useful for a Committee to, as it were, study the study as well as other relevant questions, including the objectives of a régime in Antarctica and an appropriate structure that would serve those objectives. Is it possible to have agreement on the objectives which should govern an Antarctic régime? If so, is it possible to see whether the existing Antarctic Treaty régime serves those objectives, and if there are deficiencies what remedies may be appropriate or possible?

I should note in this connection that the Consultative Parties have always asserted that the present system serves proper objectives in Antarctica in the best way that is practically possible and that if there are deficiencies, which they themselves acknowledge - hence the emphasis on the flexibility of the system - these again, as a practical matter, are best remedied from within the system. These are perfectly serious arguments, and my delegation, for one, takes them seriously. But it does seem to us that these questions are better examined in detail in the sort of committee we have in mind, whose findings and conclusions would carry greater conviction, because they would be discussed in a forum in which Member States were, so to speak, on an equal footing.

I turn next to a second objection: would not a committee undermine the present system by the implied need for a change? Unless any discussion of the present system is said to undermine the system, my delegation does not see how this argument can hold. Our Committee here discussed the subject of Antarctica at the thirty-eighth session and it is doing so now at this session. My delegation does not see that such discussions have weakened the Treaty system; on the contrary, these discussions and perhaps the prospect of them have strengthened the system, if the recent improvements in granting observer status to the non-Consultative Parties are anything to go by. In any event, the point of the committee is that no Member State would need give up any of the views it holds with regard to what is best for

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Antarctica. The purpose of the committee would be to examine those views as carefully as possible and to see whether they can be reconciled. No prejudgement on anything is intended. The committee is not intended to be the thin end of the wedge or another slice of the salami - to use various metaphors I have heard - which would lead ultimately to the abandonment of the Treaty. The committee is intended to do a serious study of a serious subject - no more, but also no less.

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In any event, the Antarctic Treaty system is not exactly fragile, to put it mildly. Furthermore, States Members of the United Nations, contrary to the popular impression in certain quarters, are fully conscious of the realities of power in international life; the deliberations of the Ad Hoc Committee on the Indian Ocean, which was in fact authorized to organize a conference and which after many years has still to do so, is only one of many examples.

A third objection is: Would a committee not infringe upon the rights and responsibilities of the Antarctic Treaty Parties? Having explained at length what we believe the functions of the committee should be. I believe this objection cannot be seen as justified. Discussions by the proposed committee of the issues indicated would no more infringe upon the right and responsibilities of the Treaty Parties than discussions of such issues in our Committee here.

Fourthly there is the objection: Why overload the United Nations system with another committee when there are more urgent matters to discuss? The fact is, as I have tried to demonstrate, there are some important and serious issues to discuss with regard to Antarctica. Surely the United Nations should not be concerned only with crisis management. Surely in circumstances such as those prevailing in Antarctica, bearing in mind the differing views of Member States, it is precisely the business of the United Nations not to wait until crisis point, but to anticipate developments and to explore ways of heading off confrontation and irreconcilable differences. It is in the conviction that Antarctica should be one of those issues on which the United Nations should stay ahead of developments that my Government felt that the idea of a committee makes good sense.

Next, a fifth objection: surely Governments should examine the United Nations study before making any decision on the committee proposal or, indeed, on any other action. Because my Government's view is that the formation of the committee prejudices nothing and predetermines no conclusion, we felt - as we still do - that the deliberations in the committee would be helpful to the General Assembly when it takes up the item of Antarctica again at its fortieth session. It is true, of course, that Member Governments will need to do their own homework on the study, as well as on other issues relating to Antarctica, but we felt that the committee's examination of the subject would represent important spade-work which would flag and clarify issues, seek additional information wherever there are gaps in the United Nations study, attempt a conciliation of views and so on. Thus we felt that

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the intervening period between now and the next session of the General Assembly could be usefully spent in these discussions, which would surely facilitate our debate in 1985.

Having said all that, my Government is nevertheless conscious of the very real reservations which many delegations have about taking a decision which may seem hasty in present circumstances when the United Nations study on Antarctica was issued only in mid-November. Because a major element of Malaysia's policy on Antarctica is to proceed with care and caution, to move forward by consensus if at all possible, we are therefore not pressing our proposal for the formation of a United Nations committee at present. But I have taken the time of this Committee to explain our proposal at some length because my delegation would like this Committee to know its *raison d'être*, to understand how we see the committee functioning and above all to appreciate the spirit which motivated us in making the proposal. We hope that other delegations will be able to consider the proposal further in the coming year in the light of these explanations. We hope in particular that they will consider carefully whether many of the objections which I have tried to examine do not merely cover a more fundamental objection, namely, that the United Nations has no business to be dealing with Antarctica at all. My Government would leave it to them to ponder their reaction to any such objection.

I would now like to turn to the study on Antarctica which the Secretary-General has submitted in response to General Assembly resolution 38/77.

Here my first words must be to express the warm appreciation of my delegation to the Secretary-General and to his associates, in particular all those involved in the Department of Political and Security Council Affairs led by its Under-Secretary, Mr. Ustinov, and in the Legal Department led by the Legal Counsel, Mr. Fleischhauer, as well as all others who have worked hard and diligently to produce the study now before us. It has been a prodigious effort to digest the voluminous material from many sources, including the submissions of Member States, and to produce a study of manageable length and remarkable conciseness and my delegation thanks them all for it.

It is unfortunate, of course, that the study could not have been made available earlier. Less than two weeks have elapsed between the time the study was issued and our debate beginning this morning and further parts of the study containing the submissions of Member States, which make for illuminating reading,

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have been issued even more recently. In these circumstances it has been impossible for my Government to pull together its views in any meaningful way, as many of our authorities have probably not had the opportunity to examine even those parts of the study which have become available to them. My delegation is therefore not in a position this morning to offer any comments on what is contained in the study. There may be other delegations at this meeting, more fortunate than mine, whose authorities have been able to digest the study with exemplary speed and my delegation naturally looks forward to hearing from them, which would also assist us in our further examination of the study.

However, for the present my delegation would like to take a moment to make a brief preliminary reference to what is not contained in the study, in particular to point to certain areas in which we would have wished for more work.

The first is the precise role of the non-Consultative Parties in decision making. What exactly does observer status confer on them? As they certainly do not have decision-making powers, what have been their precise contributions in influencing decisions? Are they in a position to participate actively and fully in the discussions, to submit resolutions and proposals, to put forward amendments and counter-proposals? And what is the truth about the session - the so-called restricted sessions of heads of delegations - from which the non-Consultative Parties, so recently admitted as observers, are excluded and in which important discussions are said to take place and decisions made?

The second is the question of the accessibility of information to the non-Consultative Parties and to the relevant specialized agencies and other intergovernmental organizations before, I repeat before, decisions are made. Is the relevant information made available - and made available in good time - to enable these Member States and relevant bodies to make meaningful contributions to the discussion and to decision making?

The third is the relationship between the Antarctic Treaty system on the one hand and the relevant specialized agencies and other intergovernmental organizations on the other. There are indeed references to this subject in the study, but my delegation, at its first reading, has the impression that those references have been carefully crafted to the point of disingenuousness and that what has been omitted is at least as interesting as what has been included.

The fourth is the status and the significance in legal terms of the unclaimed sector.



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The fifth is the significance of the United Nations Convention on the Law of the Sea and the proposed International Sea-Bed Authority to the situation in Antarctica, more specifically to the question of the exploration and exploitation of its mineral resources.

There are indeed other issues on which my delegation has hoped for more information and more analysis. We had referred to these in our submission to the Secretary-General and a glance through the submissions of other delegations suggests that they too had indicated other areas for examination which have not been sufficiently covered.

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The brief for the study was that it should be "comprehensive, factual and objective". My delegation believes that the study has been factual; as to the criteria of objectivity, my delegation's present comment is that objectivity is perhaps difficult to judge objectively. But as regards comprehensiveness, my delegation believes that there are important lacunae in the study which detract from its value and which, in some way or another, should be remedied. Furthermore, as my Government stated in its submission to the Secretary-General, we felt that in order to be comprehensive the study should not merely be a compilation of the factual background information on Antarctica and of the views of Member States - useful though such a compilation would be - but that it should analyse the relevant issues in depth:

"so as to provide a broader basis and firmer foundation for international co-operation in Antarctica which would be acceptable to, and in the interest of, the international community as a whole". (A/39/583 (Part II, vol. II), p. 107)

These are some preliminary comments of my delegation on areas in which more work might have been done. My Government will, of course, be examining the report in detail and we will state our views at the appropriate time. In this connection, we believe it would facilitate this Committee's discussion at the fortieth session of the General Assembly if Member States could know each other's views in advance of the debate. We therefore feel that Member States should submit their comments to the Secretary-General by an agreed date and that he should then circularize these comments in good time before the next session of the General Assembly. In this way, the intervening period between now and our discussion next year can be put to some useful purpose.

I should now like to take a few moments more to address the question of the mineral resources of Antarctica. A lot has been written on this subject and here I should like merely to draw the attention of my colleagues to an interesting article which appeared in the summer issue this year of the journal Foreign Affairs entitled "Who owns Antarctica?" by Mr. Evan Luard, a former Minister of State in the British Foreign Office and a well-known and highly respected scholar of international affairs. One need not agree with all of Mr. Luard's conclusions, but I believe the article sets out the issues admirably. Allow me to quote a passage from it:

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"A minerals regime inevitably raises the fundamental question of ownership of the area and its resources. The claims previously put forward by the seven claimant countries could hardly be used as a basis for asserting rights. Those claims have been explicitly placed in abeyance by the Treaty powers ... and are rejected by some outside powers. They are in some cases in conflict with each other. They do not cover the entire continent. The high seas, beneath which many of the most valuable resources are believed to lie, are excluded from the jurisdiction of the Treaty; and it is not self-evident that a continent which is itself under no accepted sovereignty can, in effect, create its own Exclusive Economic Zone (above all for that part which has never been claimed)." (Foreign Affairs, Summer 1984, p. 1187)

Elsewhere, Mr. Luard notes the interest and activities of various national and commercial enterprises in studying the possibilities of mineral exploitation in Antarctica and he goes on to add:

"All this activity would not be taking place in the absence of a real possibility of major oil and gas finds. The questions arise, therefore: who do the Antarctica resources belong to? Who can decide when, where, how and by whom they can be exploited? And who should derive the benefits from the royalties (if any) to be obtained?"

These are serious questions. My delegation is aware of the negotiations which the Consultative Parties are conducting on a minerals régime in Antarctica though we are not privy to the substance of the negotiations. This activity on the part of the Treaty parties is often cited as an example of the flexibility of the Treaty system. My delegation has a feeling that the word "flexibility" is used somewhat flexibly here. We see it, rather, as a further attempt on the part of the Treaty Parties gradually to enlarge their rights. The Antarctic Treaty grew out of the International Geophysical Year with emphasis therefore on scientific research, and the criterion for membership, rightly or wrongly, was the capacity for, or actual research in Antarctica. How can the same criterion for membership be justified now that the subject is minerals exploration and exploitation?

In these circumstances, my Government would wish to state clearly its view that to be acceptable, any arrangement concerning the resources of Antarctica should be freely negotiated and concluded in a forum authorized or organized by or acceptable to the United Nations. We expect that many other Governments hold

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similar views. Again this is an area in which discussions among all concerned would be helpful.

I conclude, as I began, by reiterating the firm belief of my Government in dialogue and discussions. Over the last year, interested Governments have set out their respective positions on Antarctica. There are, as I have already noted, many areas of agreement. There are also important areas of disagreement. Will the powerful among us - or indeed any one of us - insist that only their views are valid and must prevail? Or can we come together and reason together? Antarctica, it has been said, is mankind's last frontier on earth. All of us surely have a historic responsibility to ensure that its governance and management will be truly in the interest of all mankind and will reflect the best of which mankind is capable.

Mr. WOOLCOTT (Australia): I am speaking this morning in my capacity as the present Chairman of the Group of Antarctic Treaty Consultative Parties in New York. I may have additional comments to make, with your indulgence, in my national capacity as the Permanent Representative of Australia later in the debate, but this morning I am speaking on behalf of the Antarctic Treaty Consultative Parties.

Before I turn to the substance of this question, it might be informative for me to remind some delegations of the diversity of the Antarctic Treaty system. The 16 Consultative Parties include a wide range of economic and political systems and membership is drawn from countries of the north and countries of the south. Antarctica is certainly not a North-South issue as some have sought to project it.

In addition to the 16 Consultative Parties, it may be less well known to delegations that there are an additional 16 States which have acceded to the Treaty. These are: Bulgaria, China, Cuba, Czechoslovakia, Denmark, Finland, the German Democratic Republic, Hungary, Italy, the Netherlands, Papua New Guinea, Peru, Romania, Spain, Sweden and Uruguay.

Thus, 32 countries have now acceded to the Treaty. The Treaty's members include all those countries actively involved in Antarctica. They include six of the seven most populous nations on earth, they include all of the nuclear-weapon States, they include all the countries proximate to Antarctica and they include the five permanent members of the Security Council. They also include both developed and developing countries and members of the group of non-aligned countries.

(Mr. Woolcott, Australia)

It will be recalled that when the delegation of Antigua and Barbuda and the delegation of Malaysia first proposed this question as an item for last year's General Assembly session, most Consultative Parties did not participate in the decision by which the item was inscribed on our agenda. We did not participate because of our continuing faith in the operation of the Antarctic Treaty system and our belief that any problems which might - and let me emphasize the word "might" - have existed could best be solved within the context of the Treaty system itself rather than within the United Nations. Acting in a spirit of compromise, however, we did not stand in the way of the item's being inscribed on our agenda, and it will be recalled that, in all the negotiations leading up to the adoption of resolution 38/77, we continued to be governed by the desire to proceed by consensus. That remains our preferred position at this time.

As a result of the adoption of resolution 38/77, we now have before us the comprehensive, factual and objective study of all aspects of Antarctica prepared by the Secretary-General and contained in document A/39/583. The Secretary-General and his officers are to be congratulated on the painstaking and faithful way in which they have sought to carry out the mandate given in last year's resolution on this item.

It might be timely, especially in view of some of the comments that have been made this morning, for me to reiterate the advantages of the present Antarctic régime, as seen by the Consultative Parties.

The Antarctic Treaty, which is open to all Member countries of the United Nations is based on the purposes and principles of the United Nations Charter. It is of unlimited duration and has established Antarctica as a region of unparalleled peaceful international co-operation in the interests of all mankind. It excludes Antarctica from the arms race by prohibiting any measure 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 of course nuclear weapons. Thus, Antarctica has become the world's only fully effective nuclear-weapons-free zone.

Antarctic Treaty parties, working through the Treaty system, have gone to great lengths to promote scientific research and to protect and preserve the natural environment of that unique continent; the results have been of benefit to all mankind.

(Mr. Woolcott, Australia)

The Treaty establishes a comprehensive system of on-site inspection by observers to promote the objectives and to ensure the observance of the Treaty. It will be seen from the Secretary-General's report that this inspection system is working very effectively.

It is the firm conviction of all Consultative Parties that the Treaty system has proved to be a remarkably successful, practical and dynamic arrangement. Every effort should be made to preserve and maintain it rather than to revise or replace it.

Since the debate at last year's General Assembly session, a number of events have occurred which have further improved international understanding on Antarctica. The Secretary-General's report itself, of course, constitutes a very substantial body of information from which Member States can draw. In addition, beyond the decision in 1983 to invite all Antarctic Treaty parties to consultative meetings, it was agreed by the Consultative Parties at the last session of the minerals negotiations that non-Consultative Parties would be invited to attend future meetings. This represents a significant demonstration of the openness and flexibility of the Treaty system.

Also since our last session, Cuba, Finland, Hungary and Sweden have acceded to the Treaty, and a number of non-Consultative Parties, including the People's Republic of China, have signalled their wish to move to consultative status as this activity increases.

This demonstrates that the Treaty is a living entity capable of adapting itself to changing circumstances.

In the three volumes of part II of the Secretary-General's report, the 54 responses by Member States to the request by the Secretary-General for information are reproduced. It is not without relevance that, of these responses, no fewer than 28 came from the 32 States which have acceded to the Treaty. In this way they have demonstrated their willingness to co-operate with the Secretary-General in an exercise designed to increase international knowledge and understanding of Antarctica.

In the negotiations that led to the adoption of resolution 38/77 and in the negotiations which are proceeding on a draft resolution to be adopted this year, the Consultative Parties have stressed their desire to continue acting on the basis

(Mr. Woolcott, Australia)

of consensus. It is not the Treaty parties that are promoting a dispute with the originators of this item.

In our discussions with the originators of the item, we have stressed our continued preference to proceed on the basis of consensus, but we have also indicated that we are not prepared to agree to language the aim or the result of which would be the eventual undermining of the Antarctic Treaty system. Nor are we able to agree to language which calls for the establishment of alternative or parallel mechanisms.

The essential question is this: How are scientific and other activities in this unspoilt, remote but large and very special part of the world to be best regulated? Should this be achieved by attempting to introduce some new international arrangement, which will inevitably be divisive and ultimately ineffective, or is it not better to continue to develop the existing, sound Antarctic Treaty system, which has been tested and which has proved to be both open and flexible? For the members of the Treaty, the answer to this question is unanimous and clear.

We renew our invitation to those countries which continue to seek further information on Antarctica and which have a genuine interest in Antarctica to consider joining the Treaty and working within its system. The charges of exclusivity and secretiveness, which were referred to during last year's debate, are false, as the developments I have outlined make clear.

The strong preference of the Consultative Parties would be for us to complete the consideration of this item in a constructive manner at this year's session of the General Assembly.

Mr. VALLE (Brazil): Last year the question of Antarctica was considered for the first time by this Committee. On that occasion my delegation expressed its views on the subject and indicated the reasons which had led the Brazilian Government to accede to the Treaty and to give its support to the Antarctic Treaty system. From the discussion that took place last year it also became clear that a constructive and consensual approach was necessary for the successful outcome of the debate. This positive spirit became embodied in resolution 38/77. My delegation hopes that the consideration of this subject will continue to be characterized by a common willingness to reach a consensus.

The Antarctic Treaty has established the only juridical framework covering that continent - a framework which has maintained its validity throughout the years. On many occasions we have heard in this Committee references to the fundamental principles of peaceful co-operation and demilitarization on which the Treaty is founded. It has also been pointed out that the Treaty has established a considerable record of co-operation and exchange of experience between countries with an interest in Antarctica; that it has provided for the effective protection of that region's unique and fragile environment; that for a potentially explosive situation of widely differing policies and perceptions of the Antarctic it has substituted a workable system of co-operation. In fact it can be said that the Antarctic Treaty has, in many ways, set an example for other international agreements.

There seems to persist, however, an inclination to think of the Treaty as an isolated, self-contained instrument based on restricted information and competitive practices which confers certain privileges on a limited group of countries. In this respect, there are two essential aspects of the functioning of the Antarctic Treaty on which more light could be shed.

First, it must be remembered that the Treaty does not stand alone. Since 1961, Parties to the Treaty have established working relations with specialized agencies of the United Nations and other international organizations whose work is related in some way to Antarctica. Among these, one may mention the World Meteorological Organization, the International Whaling Commission, the Scientific Committee on Oceanographic Research and the Scientific Committee on Antarctic Research.



(Mr. Valle, Brazil)

In addition, it must be recalled that, during the past two decades, a number of international instruments, both under the Treaty and associated with it, have been created to respond to the increasing necessities arising from the management of Antarctic activities, and most especially to ensure the protection of its environment. This set of interrelated instruments, informally referred to as the "Antarctic Treaty system", includes two major conventions and a great number of recommendations adopted and approved by Governments dealing with virtually all aspects of Antarctic activities, such as telecommunications, exchange of information, facilitation of scientific research and measures for environmentally safe procedures. All these objective regulations and norms, which are linked to the Treaty by unity of principle, have made it possible to maintain the high standards of operations in the Antarctic and have led to the establishment of sound national Antarctic programmes.

A second aspect to be pointed out is that, when a country decides to undertake activities in the Antarctic under the aegis of the Treaty and of all the instruments related to it, it must take upon itself full responsibility for compliance with these principles and regulations, the transgression of which will render that country accountable not only to the Parties to the Treaty but also to the international community as a whole. Participation in the Treaty, thus, entails the assumption of concrete responsibilities. Based on the notion of responsibility, this system has proved to be effective for the protection of the Antarctic environment and in ensuring co-operative relations among countries interested in Antarctica. It must also be stressed that scientific, technical and logistic co-operation has become an essential element in every national Antarctic programme. That this is a reality keenly felt by all countries which carry out activities in that region is made clear by the very fact that not one of those countries has remained outside the Antarctic Treaty system.

Since the Antarctic Treaty is not an isolated instrument but constitutes, in reality, the cornerstone of a whole system for the administration of Antarctica, it does not seem possible to think of an alternative to the Treaty without thinking of an alternative to the whole system, a task which seems beyond realistic consideration, one which would be carried out at the risk of reopening disputes which existed before 1959.

(Mr. Valle, Brazil)

Activities in the Antarctic Treaty system are continuing in a business-like and straightforward manner. Last September the Commission and the Scientific Committee of the Convention on the Conservation of Antarctic Marine Living Resources held their third meeting in Hobart. The Scientific Committee on Antarctic Research held its 18th meeting in Bremerhaven, during which Brazil and India were admitted as full members. In the mean time membership in the Antarctic Treaty has been steadily increasing with the accession of new Parties. The Brazilian Government believes that greater participation in the Treaty system provides an important basis for strengthening co-operation in the Antarctic and for the reaffirmation of the basic principles on which this co-operation is founded. Brazil especially welcomes greater participation by developing countries in Antarctic activities. All Parties to the Treaty are now entitled to participate in consultative meetings and have been invited to the next meeting for the elaboration of a régime on Antarctic mineral resources, to be held in Rio de Janeiro in February 1985. It can be seen that the Treaty is a dynamic organism which has been evolving in order to adapt to the demands of international life.

Permit me at this point to express the satisfaction with which my country welcomes the first Antarctic expedition of the People's Republic of China, which will take place in the forthcoming austral summer. In accordance with the spirit of the Treaty, Brazil stands ready to render all co-operation in order to contribute to a successful outcome for that expedition.

Last year, in this Committee, my delegation expressed Brazil's genuine and concrete interest in Antarctica and the great importance my country has traditionally attributed to it. The Brazilian Antarctic activities have been steadily developing and expanding, and my country has become increasingly integrated into the Treaty system. As I have mentioned, Brazil became a member of the Scientific Committee on Antarctic Research last September. Our National Congress is currently considering the country's accession to the Convention on the Conservation of Antarctic Marine Living Resources. In 1983-1984 an Antarctic station was set up on King George Island. During the third Antarctic expedition, which is now under way, the station will be expanded, with a view to beginning year-round operations in the near future. We continue to receive significant

(Mr. Valle, Brazil)

co-operation from other countries for our projects and in particular from our neighbours, Argentina and Chile. Brazil also continues to welcome appropriate participation by experts from developing countries in its Antarctic efforts, which have been fostering the development of a whole new field of scientific and technical expertise, of great significance to Brazil as a developing country.

The Brazilian delegation has taken note of the study prepared by the Secretary-General in response to resolution 38/77. It is our hope that the study will contribute to informing all Governments on the functioning of the Antarctic Treaty system and help to prevent misconceptions concerning its nature and objectives. As the study has been circulated only recently, it would be useful for Governments to give it in-depth consideration.

(Mr. Valle, Brazil)

This being the case, we do not consider it necessary to engage in work seeking further action at the General Assembly level. It is the position of my delegation that the setting up of any institutional framework within the United Nations would be detrimental to overall interests. I believe that in speaking of the Antarctic Treaty my delegation provided sufficient arguments on its behalf.

In concluding, may I express once more the importance that the Brazilian delegation attaches to a consensual solution. My delegation stands ready to continue to work constructively towards that end.

Mr. DHANAPALA (Sri Lanka): This is the second year in succession that we are considering in this Committee the agenda item "Question of Antarctica". My delegation recalls that at the seventh Non-Aligned Summit held in New Delhi in 1983, in recognition of the considerable environmental, climatic, scientific and economic significance of Antarctica, it was decided that that continent should be used exclusively for peaceful purposes and that its resources should be developed in the interest of all mankind. The New Delhi Summit also called for a study of Antarctica to be undertaken by the United Nations, in pursuance of which we adopted General Assembly resolution 38/77 last year without a vote.

The decision taken by consensus last year took into account the Antarctic Treaty system in requesting the Secretary-General to prepare a comprehensive, factual and objective study. The wide agreement on General Assembly resolution 38/77 constituted a recognition of the need for a study as a prelude to action by the international community in pursuance of the basic principle that the exploration and use of Antarctica should be for the benefit of all mankind.

We have now before us document A/39/583, and my delegation would like to acknowledge the useful information contained therein. The study reveals a long history of competing territorial claims beginning in the colonial era of the nineteenth century. These claims to about 85 per cent of Antarctica have been made unilaterally and for a variety of historical and legal reasons. The scramble for Antarctica, despite its lack of population and forbidding climate, was no different from the scramble for other continents during the same period of history. Many of the countries of the third world were, at that time, colonies like Sri Lanka and had neither the independence of action nor the resources to send their explorers to

(Mr. Dhanapala, Sri Lanka)

Antarctica. They certainly lacked the capacity to assert any claims on such grounds as discovery, occupation, contiguity, inherited rights, geological affinity, possession and the other numerous arguments advanced by the countries who did make their territorial claims. The study points out significantly that the disputed sovereignty of Antarctica persists even after the signing of the Antarctic Treaty, although the Treaty has many merits and has ensured that Antarctica has been free of armed conflict or international discord.

The selective invitations to countries to attend the Washington Conference which resulted in the Antarctic Treaty were clearly based on their participation in scientific research and exploration of Antarctica in the International Geophysical Year of 1957/58. Once again, the majority of developing countries lacked the resources to undertake these research activities and thereby qualify for an invitation. Notwithstanding this lack of universal participation, the Antarctic Treaty embodies many praiseworthy features. It upholds the United Nations Charter and affirms:

"... that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord". (first paragraph, Preamble)

The absence of military use of Antarctica must be welcomed by all mankind, together with the prohibition of nuclear explosions and the ban on disposal of radioactive waste material in the area. The scientific co-operation within the framework of the Treaty and the consultative procedures have been impressive, although the benefits have been restricted.

The fact that the Treaty does not settle the issue of territorial sovereignty and its claims to serve the interest of all mankind necessitate further study of this matter within the international community. We cannot assume that the absence of discord since the Treaty was signed will be a permanent feature so long as problems like the sovereignty issue remain unresolved. This is particularly true because of mineral exploitation. It is also important to note that the impact of the many multilateral instruments concerning the continent of Antarctica has still to be studied. For example, the Law of the Sea Convention provides for

(Mr. Dhanapala, Sri Lanka)

exploitation of areas outside national jurisdiction and defines the relationship of this Convention to others. Consideration of these aspects and agreed decisions can only take place within the United Nations system, with the participation of all Member States on the basis of the sovereign equality of States irrespective of the levels of their economic or scientific development. The existing provisions of the Treaty enable it to continue indefinitely without modification, without any conference being summoned. International instruments, however effective they may be and whatever positive features they may have, should contain built-in mechanisms for review by the entire international community.

The seventh Non-Aligned Summit signalled the increasing interest of the international community in Antarctica; and the purpose of bringing the subject before the United Nations General Assembly last year was to strengthen and expand international co-operation on that continent. My delegation would like to compliment the delegation of Malaysia for its dedication to this task and for the hard work it has done. It is clear that the approach is a constructive one. The merits of the Antarctic Treaty are acknowledged. But it is necessary to consider ways and means of improving it and implementing its objectives for the benefit of all mankind. The democratization of international affairs by the participation of all States in international decision making must replace monopolies established in the past. The present criteria for joining the Treaty are dubious and are, in fact, applied selectively. But we are not only complaining about the price of the admission ticket. We are also concerned as to why there should be an admission ticket at all and the basis of the authority to issue such tickets.

My delegation is concerned, for example, about the membership of the Pretoria régime in the Antarctic Treaty and doubts the credibility and efficacy of an arrangement in which the non-militarization and peaceful use of Antarctica depend on the co-operation of a régime which, in defiance of United Nations decisions, continues its racist and aggressive policies. The objectives of the Treaty are as much political as they are scientific, and the inclusion of South Africa while all members of the Organization of African Unity (OAU) are excluded must surely be viewed as a serious anomaly.

(Mr. Dhanapala, Sri Lanka)

These and other features of the Treaty that require improvement have to be studied in depth within an appropriate framework set up by the United Nations General Assembly. At the same time, my delegation notes the many valuable features in chapter III of the Secretary-General's study regarding the Antarctic Treaty system in practice. We are at a crucial stage in the international exploration and use of Antarctica. The threshold for the exploitation of its untapped mineral resources will be crossed soon. The unknown quantities of iron in the Prince Charles Mountains and coal in the Trans-Antarctic Mountains - not to mention copper, molybdenum, nickel and other deposits, including off-shore resources - will soon be exploited, and the question of the equitable distribution of the benefits of such exploitation must be considered and resolved now.

In Part II of document A/39/583, 54 Member States have set out their views on this subject. Among them is a statement of the views of the Government of Sri Lanka. I would like to quote from that statement to illustrate the main principles underlying my delegation's approach to this matter:

"Sri Lanka supports the call made by the Seventh Conference of Non-Aligned Countries and subsequently by the United Nations General Assembly for a comprehensive study on Antarctica, including the operation of the Antarctic Treaty, with a view to widening international co-operation on the continent. Sri Lanka's support of such a study in no way implies a rejection of the Antarctic Treaty, but is based rather on the conviction that an authoritative and wide-ranging examination of all aspects of the Antarctic system will be not only of immense economic and scientific benefit to mankind, but also of help in identifying the best means of protecting the environment of Antarctica and preserving it as a continent of peace and international co-operation.

"Despite the inhospitable and forbidding characteristics of the Antarctic ... its political, economic, scientific, geo-physical, ecological and meteorological significance has become clear to the international community, and the continuation of an exclusive régime, based on factors such as geographic proximity and technical capacity to govern its management and exploitation, is hardly justifiable. The approach underlying the United Nations Convention on the Law of the Sea, the Treaty on outer space and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies ... must become applicable to the continent of Antarctica as well, if only to prevent

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international discord and a dangerous clash of competing rival interests in that continent in the future ...

"Given the limited time available and the inevitable pressures of other commitments during the General Assembly, the full purpose of this international endeavour would be best served by establishing an appropriate ad hoc or special committee on Antarctica, consisting of interested States including parties to the Antarctic Treaty. The body could be entrusted with a defined mandate to examine carefully all aspects of the question of Antarctica, with a view to reporting to a subsequent session of the General Assembly. If acceptable, this body could eventually serve as the nucleus for a forum of consultation and co-operation in respect of all matters concerning the Antarctic." (A/39/583 (Part II, vol. III), pp. 71-73)

Our proposal is made in a spirit of co-operation. A collective exercise with all members of the international community fully represented and on an equal footing is best equipped to investigate in depth the manner in which we can improve the present arrangements in Antarctica. There is no question of throwing the baby out with the bath water. Rather, we would like to create the necessary conditions for the entire world community to be served by arrangements in Antarctica in accordance with the principles of the United Nations Charter and on the basis of peace, equality and justice.

The study before us is a first step in this process. It would be an anticlimax to satisfy ourselves merely by noting the information in Part I of the document. We are not prejudging the outcome of an in-depth study where all points of view can be represented. The unique coincidence of views of certain delegations should be no reason to obstruct this examination of the issues within the format of an ad hoc or special committee. Interested parties have already shown signs of interest in the mineral deposits of Antarctica. A viable minerals régime may not be possible within the framework of a Treaty signed 25 years ago. A stable international system must be a comprehensive one based on equality and justice and not a selective one. We do not, at this stage, rule out an approach regarding the future of the Antarctic Treaty which would preserve its positive features. Numerous possibilities have been discussed. One is to retain the existing Antarctic Treaty for the purposes for which it was set up and create a new and equitable separate international system for the exploitation and use of mineral resources in the area. This and other proposals deserve to be considered within



(Mr. Dhanapala, Sri Lanka)

the framework of an ad hoc or special committee and should not be rejected at this stage without study.

However, the path of compromise, of reconciling diverse interests and changing old structures, is the only way forward. History records that the failure to respond to the need for change has been disastrous. We must learn that lesson of history.

Mr. ZEGERS (Chile) (interpretation from Spanish): Chile attaches the greatest importance to the question of Antarctica, since ours is a country whose history and geographical position are at one with those of that continent.

Whence the interest we place in the Secretary-General's study, as well as in the answers submitted by States and interested agencies and in the debate in the General Assembly, which, we trust, will be carried out in realistic and constructive terms.

The consideration of this agenda item has been an educational process that has allowed for a better knowledge of the sixth continent, the factors unique to it, the legal régime governing it and the work already accomplished there for the benefit of mankind.

Valuable suggestions and valid concerns have been voiced that should contribute to a fruitful dialogue, most appropriate in the case of the Antarctic régime, always bearing in mind the interest of all mankind, which it has served well.

The present discussion could satisfy the wish of non-aligned countries to expand international co-operation in this region if greater and improved participation in the Antarctic system were to be achieved.

On the other hand, discussion could turn towards polemics and become something negative, and thus sterile, were an attempt to be made - without the support of the parties - in some way to replace, amend or undermine the legal instruments that apply and have applied for decades in Antarctica with full international acceptance, or were there to be a proposal to create parallel mechanisms incompatible with the organs set up under the Antarctic Treaty system or, lastly, were there to be a politization of international co-operation, an international co-operation that has risen above cold war, ideological differences and rivalries, different degrees of development and even military conflicts - in short, were the consensus that has always heretofore prevailed in these deliberations to be destroyed.

(Mr. Zegers, Chile)

A glance at the map immediately enables one to understand Chile's links with Antarctica. Only 500 miles away, Chile is the closest country to the frozen continent, bound to it by geology and physical and climatic conditions in the extreme south in a clear natural continuity. Our aeroplanes regularly fly to Antarctica in two and a half hours, following a tradition that dates back to the time of Philip II and which has been gradually strengthened since we became independent. We are an Antarctic nation by title and right, geographical and ecological imperative, calling and destiny. A developing country, Chile has striven to remain faithful to its status as an Antarctic nation and always to serve to the best of its ability the interests of mankind in this difficult, severe and remote region. Therefore, we cannot remain indifferent to anything that occurs in Antarctica. We believe that more than anyone we have earned the right to participate in taking decisions on Antarctica and to give our views on a reality that is very much ours. It may be said without euphemisms or exaggeration that Chile is concerned about Antarctica.

In last year's debate and in our reply to the Secretary-General (A/39/583 (Part II)) we gave a detailed account of the history of Chile's presence in Antarctica and its position, so I do not need to repeat that. What I wish to do now is to refer to various aspects of the Antarctica debate.

Cold statistics unfortunately show that since the Second World War there have been more than 100 armed conflicts. We know the obstacles to controlling the arms race and ending the confrontations that arise every day. Moreover, we cannot ignore the difficulties in the way of solving, among other very serious problems, the ecological destruction that affects the environment and the fauna and flora. There are serious limitations to international co-operation, which have led the Secretary-General to speak of a partial paralysis of this Organization.

There is one area that, because of the results that it achieves, contrasts with the sombre picture that the General Assembly has to face. It is a subsystem that works better than the general international system. In a moment of special inspiration and vision of the future, man a quarter of a century ago created a régime that has worked extremely successfully and that constitutes a precedent and excellent example for the work of the United Nations. The Antarctic Treaty and the system that has grown up from it created 25 years ago the first zone of peace, demilitarized and denuclearized, where States co-operate beyond political and military differences and conflicts; the first scientific laboratory; the first ecological reservation; and a political agreement which would seem incredible, if

(Mr. Zegers, Chile)

it did not exist, because of the overcoming of difficulties and the harmonization of interests that it signified.

Under that régime, which makes a reality of the purposes and principles of the Charter and links up harmoniously with this Organization, the sixth continent has been put on the map by the active parties to the Treaty. It has become known and has been made known. It has been explored and made accessible to, and linked with, the rest of the planet. It has been kept out of global conflicts and has been preserved in its unique ecological condition. All of that has been done - at great cost and with a great deal of effort, with practically nothing in return - by the States with special links with this remote region, including some developing countries, such as Chile.

In those circumstances, it would be a paradox worthy of Unamuno or Chesterton, a painful paradox, if people questioned not the serious defects of the overall international system, but one of its parts, the one that works best - we would even say the one that is exemplary in its operation, as has been shown in the Secretary-General's study and in the records of the debate that is continuing today.

The study shows that there is an Antarctic system, a legal régime that has been applied, with general international acceptance, to the frozen continent. Therefore, there is no legal vacuum, nor a political vacuum, because there is an effective administration of Antarctica and admirable international co-operation. The régime and its operation are public and known, and knowledge about them becomes better and more widespread as interest in the subject grows. Lastly, the Antarctic Treaty and its supplementary instruments are open to the participation of all States, as are the activities and peaceful co-operation in the broad region to which they apply. I should like to dwell for a few minutes on this point - the openness of the system, to which the representative of Australia referred.

The parties to the Treaty are the countries closest to the Antarctic, those that have claimed rights over it, those which are carrying out and have carried out activities there and those which in one way or another have expressed interest in the region. They include many developing countries, among them being four of the Consultative Parties. The 32 parties to the Treaty include States of all latitudes, political systems and degrees of development, representative of the majority of mankind. Adherence to the Treaty is open, and accession could, and probably should, be increased with the inclusion of countries from regions that are insufficiently represented. Any State that has an interest in Antarctica should be a party to the Treaty.

(Mr. Zegers, Chile)

There is no question about the Treaty's being open. There are good grounds for saying that there is a true Antarctic career.

For a State interested in the Antarctic to become a party to the Treaty it is sufficient for it to send a letter to the depositary Government. Membership entitles it to participate, without the right to vote, in both the regular and the special consultative meetings.

(Mr. Zegers, Chile)

Furthermore, it provides it with a broad flow of information on the Antarctic enterprise, research under way, publications, documentation and the whole range of activities carried out there. Without detriment to its own initiatives, it may also participate in expeditions and activities of the Consultative Parties. In this connection, Chile has assisted all parties in Latin America and some from other regions. Finally, other initiatives are under way, such as the establishment of a documents clearing-house and the expansion of scientific co-operation, including the possible creation of a fund for that purpose, which would also benefit the parties.

If the interested country does not wish to participate in scientific work but in other activities, it may accede to the supplementary conventions or it may join one or more of the instruments without carrying out any activity whatsoever.

In order to become a Consultative Party, a party must carry out substantial scientific activity, such as the establishment of a base and must show interest in, contribute to and familiarize itself with the Antarctic enterprise. Those parties that have done this have immediately been recognized as such, without political conditions or distinctions. Last year two of the largest developing countries were recognized as Consultative Parties: Brazil and India.

From the aforementioned it follows that the Antarctic Treaty and its system are open, because similar mechanisms govern the supplementary instruments. Each State's participation is determined and gauged by two basic criteria: their interests and their activity. In keeping with these parameters, any country may participate in the legal régime of Antarctica and in the continent itself. It is qualified - if we may so term it - to follow an Antarctic career.

The openness of the system also extends to its operational aspects. The continent is open to scientific research and to ecological protection, distinctive priorities and characteristics of its régime. The same applies to the use of its living resources and will apply to its minerals when a régime is completed that will allow for their use without affecting the delicate Antarctic ecosystem and its related or dependent ecosystems.

As a developing country which has contributed to the Treaty with its sovereign rights, presence and activity that go back for more than a century, I believe that Chile has the moral authority to state that the system is open and that it allows the participation of any country that is new to the question under very similar conditions to its own.

(Mr. Zegers, Chile)

As a well-known philosopher and humourist used to say, the first thing one must do when faced by a difficult problem is to determine what cannot be done.

It is not possible, as has been stated and as has been so fully argued by others before us, to attempt to replace or modify the Antarctic Treaty outside its mechanisms and without the participation of the parties to it. It would be anti-judicial, in the case of an open convention which has been internationally accepted for a quarter of a century. There is no viable alternative to the Antarctic Treaty.

Therefore the establishment of parallel mechanisms by this Assembly to replace the Treaty and its system is not conceivable.

Neither does it seem politically acceptable to break the consensus that has existed thus far in such a delicate matter and to risk negative and sterile confrontation. When there is a mistaken wish to create specific laws and mechanisms and to apply to Antarctica analogies such as that of the common heritage, it is forgotten that in this case there exist man's centuries-long activities, a legal régime and rights that have been invoked and that there is no substantive consensus for attributing such a condition to it, as was the case concerning the sea-bed outside the limits of national jurisdiction and outer space.

Challenging the Treaty and its system would therefore be anti-judicial and confrontational. Even worse, it could endanger all the good that the Antarctic Treaty has meant and continues to mean in terms of international co-operation.

It is clear and obvious that confrontation will not be supported by the parties to the treaty nor by those who duly appreciate its contribution to the international system. Were such a view to prevail we would oppose it with vigour and we would refrain from participating in any alternative mechanism that might be established, as has been explained by the representative of Australia on behalf of the Consultative Parties.

However, there is a broad and open avenue to a solution and to the future.

The debate, the replies of States, the Secretary-General's study and the dialogue it has led to have brought about a greater awareness of the unique character of Antarctica, the Treaty and its system and the Consultative Parties are involved in this effort. The diffusion of information must be improved and the Consultative Parties have a very important role to play here.

Such greater awareness must be balanced by greater participation, extending to all States that show an interest in Antarctica, thus expanding the continuing process of broadening the Treaty.

(Mr. Zegers, Chile)

The openness of the Antarctic system must be extended and improved, a subject that has been discussed at the Consultative Meetings, as a result of the coming to maturity of its internal processes and the interest expressed externally. Co-operation with other States, interested international organizations and bodies involved in the promotion of science and ecology should be expanded through examination of the precepts of the Treaty and the established practice of the parties to it. The basic documentation of the Consultative Meetings and the documents that the centre to be created for that purpose would compile should be made available to the United Nations, as should the reports from them that have been and will be sent to the Secretary-General. The participation of the parties in activities in Antarctica and co-operation in scientific research should also be stepped up.

(Mr. Zegers, Chile)

This dynamic development of the Antarctic Treaty system flows naturally from its gradual maturing and the flexibility and adaptability of its mechanisms, which account for its success and strength in its quarter century of existence. What was possible in the past should also be possible in the present and future, given new challenges and problems. The response, the ideal solution, consensus among nations, are all to be found in the Antarctic Treaty and its system. All those of us interested in Antarctica should participate in it. We should also all contribute to its improvement for the benefit of mankind.

Chile belongs to a group of developing countries which participate in the Antarctic Treaty system; they have made a career of it, and they strive to express the common interest which unites them.

In the Treaty, its system and Antarctic activity itself, there is room and potential for any interested developing country. Its régimes, especially those relating to resources, are open to general participation. For our part, we have offered and continue to offer facilities to scientists from developing country parties to participate in Chilean Antarctic activities, and we reiterate our continued willingness to do so. We know that this is the case with all developing countries active in Antarctica and the members of the system in general.

At a time when the 25th anniversary of the Antarctic Treaty is being commemorated, we wish to pay due tribute to one of man's greatest contemporary achievements and to express our confidence in the positive contribution which will be made through greater knowledge and participation in the system it has produced.

The meeting rose at 12.55 p.m.