VERBATIM RECORD OF THE FIFTY-FIFTH MEETING

Chairman: Mr. SOUZA e SILVA (Brazil)

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

ORGANIZATION OF WORK
The meeting was called to order at 3.20 p.m.

AGENDA ITEM 66 (continued)


Mr. Al-MOHAMED (Oman) (interpretation from Arabic): The Antarctic Treaty of 1959 was welcomed by the peoples of the world upon its conclusion because it emerged at a time when the world was in dire need of such a treaty to ease international tensions. The Antarctic Treaty managed to succeed in establishing a nuclear-weapon-free zone at a time when the nightmare of nuclear holocaust was hovering over the world. The Treaty took on additional importance because of its provision that Antarctica should be used only for peaceful purposes, and it preserved international harmony by setting aside the continent for peaceful scientific purposes. No one can deny that the 1959 Antarctic Treaty also succeeded where others had failed in establishing a nuclear-weapon-free zone, a goal that mankind has been attempting to achieve.

Opinions are unanimous that, in addition to the aforementioned accomplishments the Treaty has also succeeded in facilitating international scientific co-operation in Antarctica. In its article VII it provides for observers to carry out inspections and verifications. It has promoted scientific research and has dealt with issues of jurisdiction, as well as providing for the preservation and protection of Antarctica's living resources.

However, because of the current structure of the international community, circumstances today are so different from what they were at the time the Treaty was signed in 1959 and the number of countries in the world is so much larger than it was then that it is unreasonable to expect that the decision-making process with regard to a continent that represents approximately one tenth of the world's total land mass should be limited only to certain countries with Consultative Party status in the Treaty system, to the exclusion of the rest of the countries of the world.

Bearing in mind that the question of Antarctica, as has been made clear in various studies, is now of interest to all countries of the world, it should be noted that some of them have so far hesitated to accede to the Treaty because they are unable to participate in the decision-making process with regard to the Antarctic continent. They are unable to participate in the decision-making process because they are not in a position to conduct substantial scientific research in the area and are thus unable to acquire Consultative Party status, which is reserved, under the provisions of the Treaty, to those countries able to do so.
The Sultanate of Oman, like many of the world's States, is profoundly concerned over the claims of sovereignty being put forward over large areas of Antarctica by certain States that enjoy Consultative Party status under the Treaty. This is because the Treaty lacks sufficient safeguards to keep Antarctica free from conflicts and competition, as evidenced by the fact that the Antarctic Treaty froze such claims without settling any of them. Moreover, the conflicting territorial claims over Antarctica that countries are pursuing are based on such arguments and principles as discovery, contiguity, occupation, inherited right, geological similarity, geographical proximity and formal and de facto acts of acquisition.

In fact, the issue of the protection of the Antarctic ecosystems is the most urgent matter for that continent, particularly in view of the fact that those systems are today more vulnerable than ever because of the changes brought about by man's activities there. In addition, the creation of instability in any ice mass is the result of a long process; that scientific fact demands that we exercise caution before making any decision that could be detrimental to the continent's ecosystems, especially if we take into account the fact that those systems crucially affect the water and air cycles, both in the oceans and in the atmosphere, and, consequently, the global climate, particularly in the southern hemisphere. This is not to mention the role of Antarctica in the temperature cycle and its position as the best vantage point from which to monitor world pollution, its own environment being free from pollution.
However, and most regrettably, we see that the Consultative Parties to the Treaty are deeply involved in special negotiations among themselves in order to pursue the exploitation of the mineral resources in Antarctica in complete disregard of the grave repercussions this kind of activity has on the environment.

The general debate in the First Committee coincides with the ongoing debate in the General Assembly on the question of Namibia. There we see that many delegations are denouncing the policies of the racist régime in South Africa at the same time that they are rejecting any amendment to the Treaty, which grants the South African régime a status that no other African State enjoys. We were surprised to see South Africa given the right to participate in decision making concerning Antarctica while as a result of the stringent qualifications for membership most countries of the world are denied this right.

The fact that our world is a global village in which interests are intertwined makes it impossible for any country to claim Antarctica for itself; however, events and developments taking place there are not at all in accordance with this principle. There is no doubt that this principle applies to Antarctica because that continent has an effect on life on this planet.

While the opportunity is still available to us, all States should endeavour to co-operate constructively and maintain international peace concerning Antarctica in the interests and benefit of mankind as a whole.

Mr. ENGELS (Netherlands): After decades as a peaceful scientific backwater, Antarctica has recently emerged to command international and public attention. Increased awareness and concern for this area are in themselves commendable providing that they benefit Antarctica's ultimate preservation and protection. It is therefore towards this fundamental objective that the debate we are now witnessing in the First Committee should lead. It is also in this light that my delegation will judge its outcome. At the outset my delegation also wishes to make clear that the introduction of extraneous issues that could politicize the discussion on Antarctica will not be considered fruitful.

The Netherlands Government is of the opinion that by concluding the Antarctic Treaty, the contracting parties have succeeded in maintaining in that area a permanent absence of military activity for 25 years, freezing, in some cases overlapping, territorial claims, promoting scientific research and protecting the continent's unique ecosystem. The effective isolation of Antarctica from the international tensions that exist elsewhere is perhaps the Treaty's most solid
achievement. The adoption of the system of mutual inspections can also be regarded as an important achievement and one worthy of emulation. It can therefore be said that the objective formulated as follows in the Treaty's preamble:

"Recognizing 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" (Preamble, first paragraph) has to a significant extent been realized.

These achievements need to be preserved. The Netherlands also believes that the present Treaty is the most suitable instrument for achieving this objective because of its proven efficacy and because it enables the framework of international law governing the continent to be expanded as required. This belief is based on the assumption that accession to the Treaty is open to all United Nations Member States or any State invited by the contracting parties. My delegation has therefore noted with satisfaction that during this debate the Antarctic Treaty Consultative Parties have reiterated the accessibility of the Antarctic Treaty to all States Members of the United Nations.

Maintaining the international acceptability of the Treaty in the years to come will require that all the contracting parties can participate as constructively as possible in the Treaty's implementation. In addition, they must acknowledge the importance of Antarctica for the international community. This can be achieved by providing a clear and regular picture of how the Treaty is being implemented and by bearing in mind the interest of the international community when putting into practice its legal provisions. It is in this context that my delegation welcomes the decision of the Consultative Parties to admit all acceding States as observers with a right to present their views.

As to the study on Antarctica which the Secretary-General has submitted in response to General Assembly resolution 38/77, my delegation wishes to reserve its observations for a later occasion as the study has just recently been received. Our first impression is, however, that the report is factual, comprehensive and objective. Further to the Netherlands contribution to this report, as set out in document A/39/583 (Part II, vol. II), it can at this stage be mentioned that the Netherlands Government has recently decided to finance a national programme for Antarctic research. This programme should form the basis for further international co-operation in this field.
My delegation hopes that the proceedings on this item, as last year, will lead
to consensus. It notes with satisfaction that this indeed seems to be the case.

Mr. WOOLCOTT (Australia): Two days ago, I addressed this Committee in my
capacity as current chairman in New York of the Antarctic Treaty Consultative
Parties. At that time I gave a general review of the value and importance placed
by the Consultative Parties on the Antarctic Treaty and the system it has
established.

In today's statement, in my capacity as the Permanent Representative of
Australia, I do not propose to reiterate those comments but rather to offer some
views on some of the attitudes expressed in the course of this debate.

I should begin by stating firmly that Antarctica involves the national and
security interests of the Australian Government and people. Apart from its
importance to the Australian people, Antarctica also has for us a regional
dimension in so far as two of our nearest neighbours, New Zealand and Papua New
Guinea, have acceded to the Antarctic Treaty.

For Australia, we are not involved in a theoretical or theatrical debate but
in one which is on a matter of direct national importance to my country.

My delegation was pleased to note that in his introductory statement, my
long-standing friend, the representative of Malaysia, paid tribute to the
substantial achievements of the Antarctic Treaty. We share those sentiments but we
do not agree with him when he goes on from there to question a number of other
aspects of the Treaty.

The majority of speakers in this debate have spoken positively of the Treaty.
I was pleased to note the supportive comments made earlier by the representatives
of Finland and Sweden. But some have made critical observations and I would like
now to address those.

The charge has been made that the Treaty is exclusive and that the
decision-making process of the Treaty system is discriminatory and controlled by
developed countries. This is not true. The Treaty is open to all Member States
and, as I noted in my earlier address, the membership is increasing. Thirty-two
Member States have now acceded to the Treaty and these include developed and
developing countries, as well as countries from all social and political systems.
Antarctica is neither an East-West issue nor a North-South issue.
(Mr. Woolcott, Australia)

Treaty parties have repeatedly made it clear that they would welcome membership in the Treaty by other countries which are interested in Antarctica. The most concrete manner in which those countries which have expressed a serious interest in Antarctica could give effect to that interest would be for them to join the Treaty.

A number of countries have expressed the view that, as developing countries, they are unable to afford membership in the Treaty. The fact is that membership in the Treaty is free,

The further criticism has been levelled that decisions affecting the management of Antarctica are made in secret by a small, exclusive group. Again this is not true. The 16 Consultative Parties, which include all the countries substantially engaged in scientific activity in Antarctica, make decisions affecting Antarctic activity at meetings which are now open to all parties to the Treaty, which can speak on matters of interest to them at those meetings. This two-tier structure is not only sensible, it makes decision making more workable. Similar structures apply in other international agreements and organizations, including the United Nations itself. Those actively engaged are those responsible and directly affected, but any interested country can participate in those meetings simply by acceding to the Treaty.

In the course of this debate, we have heard some exaggerated notions of the resource potential of Antarctica. Knowledge of possible mineral resources in the continent remains quite limited and we would certainly not, at this stage, share some of the suggestions we have heard that some veritable cornucopia of minerals lies beneath the ice cover of the continent. Also, if there is to be any mineral exploitation, it is likely to be well into the next century.

In relation to the Antarctic minerals negotiations which are now under way and to which reference has been made by a number of delegations, most recently a few minutes ago by the representative of Oman, I should like clearly to put on record the following points. The principal purpose of those negotiations is to ensure that unregulated minerals activity, which could prove environmentally harmful, which could adversely affect other users of the continent and which could lead to renewed contention, does not take place. What the Consultative Parties are seeking to negotiate therefore is an arrangement which will lay down the ground rules for
any future activity and establish mechanisms to ensure that the Antarctic environment is stringently protected and that potential conflict is avoided.

We regard it as important to negotiate such a régime now, before any pressures to exploit possible resources might develop in the future. Any minerals agreement concluded now will, in our view, further the interests of all mankind and, let me stress this point, will be open to all nations. Similarly, the negotiations themselves are open to any who wish to accede to the Treaty.

Several representatives have spoken of the concept of the common heritage of mankind in relation to Antarctica. This is an attractive concept and while Australia embraces it in the context of the Law of the Sea, we do not accept it in relation to Antarctica, where the situation is quite different. There are already territorial claims over the continent and, while these have been frozen by the Antarctic Treaty, they cannot be ignored or abrogated.

While there are differences of view over the sovereignty question, we consider any attempt to undermine article IV of the Antarctic Treaty carries with it the danger that it could lead to the renewal of the very tensions in the area about which some representatives have spoken.

There have also been suggestions in the course of this debate that Antarctica somehow represents a colonialist situation. As a southern hemisphere country relatively close, geographically, to Antarctica, Australia totally rejects this view. The term "colonialist" evokes emotions and images which are not relevant to what is happening in Antarctica. There is, of course, no indigenous population and I assume no one would contend that the penguins, which benefit from the protection of the Treaty system, are being denied their right to self-determination. What has been taking place in Antarctica is essentially scientific investigation and scientific endeavour, the results of which have been made freely available to mankind as a whole.

The Australian Government places particular stress on the disarmament aspects of the Antarctic Treaty. As many speakers have noted, the Treaty explicitly prohibits military activities, it forbids nuclear explosions in Antarctica and it prohibits the dumping of nuclear waste. There is a comprehensive system of on-site inspection with observers being guaranteed freedom of access at any time.

As a result of the Treaty, the Antarctic continent is, in effect, the only effective, functioning nuclear-free zone in the world today and we would certainly
not wish to see a situation arise in which attempts to erode other facets of the Treaty had the effect of damaging what is a major disarmament instrument.

As a result of resolution 38/77, the Secretary-General has prepared a comprehensive, factual and objective study on Antarctica. We congratulate him and his staff on the manner in which he has undertaken this substantial task and assure him that his study is receiving the closest attention of the Australian authorities. One of the objectives of those who originated this item was to improve international understanding on Antarctica. With the Secretary-General's study now complete, the international community has a very significant body of information on which it can now draw on this important subject.

The Australian delegation has been closely involved in the negotiations with the originators of this item which have led to the draft resolution now before this Committee. We should like to pay tribute to the Permanent Representative of Malaysia for the unfailingly fair way in which the sometimes difficult negotiations have been conducted. We believe that the draft resolution before us represents a realistic compromise on both sides and is deserving of adoption by consensus.

For the record, I should state that the preferred position of the Australian delegation would have been to have been able to dispose of this item at this Assembly. This has not proved to be possible and we are therefore prepared to see this item referred again to the fortieth session of the General Assembly.

Tomorrow marks the twenty-fifth anniversary of the signing of the Antarctic Treaty. To mark that occasion the Australian Foreign Minister, Mr. Bill Hayden, has made the following statement in Australia, which, with your indulgence, Sir, I would like to read into the record.

"The twenty-fifth anniversary of the signature of the Antarctic Treaty on 1 December is a significant landmark.

"The Treaty has proven to be a uniquely successful instrument of international co-operation. It has ensured that Antarctica has remained free from the political and military tensions which have beset the world community over the last quarter century, while at the same time fostering important scientific research for the benefit of all mankind."
"I stress the importance of the provisions of the Treaty, which ensure the demilitarization and nuclear-weapon-free status of Antarctica, and its value as the first major disarmament Treaty binding the super-Powers and, subsequently, all nuclear-weapon States. I also note its provisions for inspection with complete freedom of access. The Treaty also provides an ingenious solution to the problems caused by differing attitudes towards territorial sovereignty in Antarctica, and thus helps avoid international tensions and conflict in the area.

"I would also emphasize that the Treaty guarantees freedom of scientific investigation in Antarctica and encourages international co-operation through the exchange of information, personnel and the results of scientific research. This research is important in many fields, particularly in regard to the global climate, ocean currents and the behaviour of the upper atmosphere.

"Over the years the Treaty system has demonstrated a remarkable capacity for adaptation to new requirements. In this connection, I can cite the invitation a year ago to all parties to the Treaty to attend future meetings of the Antarctic Treaty Consultative Parties and the introduction of numerous measures aimed at protecting the vulnerable Antarctic environment; in particular, the Convention on the Conservation of Antarctic Marine Living Resources, in the conclusion of which Australia played a prominent role and which has its international headquarters in Hobart.

"I note that over the past few years there has been growing international interest in Antarctica. This is currently being discussed within the United Nations.

"In this context Australia strongly supports the maintenance of the Antarctic Treaty system, which continues to serve Australian interests very well.

"I have no doubt that, as international interest and involvement in Antarctica grows, the Antarctic Treaty system will continue to gain in strength and evolve to meet the needs of the next 25 years."
In conclusion, I should like to revert to the language of the Treaty to assure
delégations that the Treaty seeks "... in the interest of all mankind ..." to
ensure "... that Antarctica shall continue forever to be used exclusively for
peaceful purposes and shall not become the scene or object of international
discord". These are noble objectives, which Australia and many other countries are
prepared to defend. We should all aim to build on the open and flexible framework
which the Antarctic Treaty already provides. As I have just mentioned, and as
Australia's Foreign Minister, Mr. Hayden, said only today, the Antarctic Treaty
system will continue to gain strength and evolve to meet the needs of the next
25 years.

Finally, I should like to mention that I had the honour of representing my
country in Malaysia and I was impressed then by the richness of the Malay language
and its proverbs.

One such proverb which I recall began, in the English translation, with the
words "A boat that has sped too far can return". My delegation believes that, to
the extent the initiative of Malaysia seeks to undermine or replace the Antarctic
Treaty or could have that effect, the initiative "has sped too far". But we hope
the boat can return; that this situation can be changed by the next General
Assembly. To this end my delegation would urge Malaysia in the months ahead to
give further consideration to acceding to the Antarctic Treaty.

The CHAIRMAN: If no other delegation wishes to speak at this time, we
shall now take up draft resolution A/C.1/39/L.83, which I shall call on the
representative of Malaysia to introduce.

Mr. ZAIN (Malaysia): I am not speaking at the moment as a representative
of Malaysia but on behalf of the sponsors of draft resolution A/C.1/39/L.83.
Therefore, I shall make no attempt to find a suitable Malaysian proverb to respond
to that cited by my Australian colleague.

I have asked to speak because it is my duty to introduce on behalf of the
sponsors, Antigua and Barbuda, Bangladesh, Brunei Darussalam, Indonesia, Malaysia,
Mali, Oman, Pakistan, Philippines, Singapore, Sri Lanka and Thailand, draft
resolution A/C.1/39/L.83.
My colleagues will have noted at once that this draft resolution is identical to General Assembly resolution 38/77, which was adopted by consensus last year, except for the following: first, a reference to resolution 38/77 in the first preambular paragraph; secondly, a reference to the Secretary-General's study on Antarctica in the third preambular paragraph; thirdly, changes of a textual nature in the sixth preambular paragraph and operative paragraph 2, in their respective references to the sessions of the General Assembly concerned; and, fourthly, an expression of appreciation to the Secretary-General for the study on Antarctica which is contained in operative paragraph 1.

My colleagues are also aware that over the last few days there have been intensive and protracted discussions between the countries of the Antarctic Treaty Consultative Parties, represented by the representative of Australia, whose skill I respect and whose good will I highly appreciated during some difficult hours of discussions, and a group of like-minded countries, which I have the honour to represent.

I fear that the draft resolution which is now before the Committee is the best that we could come up with in the end. It is a draft with which perhaps none of us is particularly happy, and perhaps in that very fact lies whatever merit it may possess, but I must not sound too unenthusiastic. The fact is that from all sides in this Committee we have recognized that as the principle part of the Secretary-General's study came out only two weeks ago, and other parts even more recently, it was not possible at this session to have an in-depth discussion, to assist which the study was requested in the first place. What the draft resolution has done, in essence, is to postpone such in-depth discussion and any decision we may wish to make to the fortieth session of the General Assembly. In the circumstances as they obtain that appears to be a wise and probably the only practical decision we could have made.
(Mr. Zain, Malaysia)

The precise wording of resolution 38/77, that is, the resolution that was adopted last year — and adopted, I emphasize, by consensus — was worked out after very difficult and delicate negotiations between the parties involved. In these circumstances, because the present draft resolution is in essence identical to that resolution, I do not believe it is necessary for me to deal in any detail with its various paragraphs, which are in fact quite self-explanatory. At the time when resolution 38/77 was adopted, many delegations would have preferred the addition or omission of, or emphasis or de-emphasis on, certain elements. The same is true this year. Many delegations have expressed their regrets to me — regrets that my delegation fully shares — that there is no reference in the draft resolution to the United Nations Convention on the Law of the Sea and its relevance to Antarctica, or to the continued membership of the racist South African régime in the Antarctic Treaty system, to mention only two examples. But we are all aware that, this being an attempt to obtain a consensus draft resolution, it was necessary that its elements be reduced to the lowest common denominator. I believe we are all agreed that a consensus text would best serve our objective, and it is in that spirit that I, on behalf of the co-sponsors, present the draft resolution to the Committee as the best that could be obtained in the present circumstances. We urge its adoption by the Committee by consensus.

The CHAIRMAN: The representative of Malaysia has just introduced draft resolution A/C.1/39/L.83 on behalf its co-sponsors.

It appears that no one wishes to speak before a decision is taken on the draft resolution. I have received a request that it be adopted without a vote. If there is no objection, we shall proceed in that way.

Draft resolution A/C.1/39/L.83 was adopted.

The CHAIRMAN: I now call on the representative of Egypt, who wishes to explain his position on the draft resolution just adopted.

Mr. ZAKI (Egypt) (interpretation from Arabic): Egypt joined in the consensus by which draft resolution A/C.1/39/L.83 has just been adopted because we wished to emphasize once again that it is the will of the international community, represented in the United Nations, that regions not yet explored or exploited should be regarded as the common heritage of mankind.
This concept has become one of the most important developments of contemporary international law. Perhaps the best evidence of that is the Convention on the Law of the Sea and the Treaties regulating the activities on the moon and other celestial bodies as well as all other areas situated beyond regional boundaries -- all of which are governed by the principle of the common heritage. The exploitation of these regions must be carried out in the interest of mankind as a whole, regardless of geographical proximity or affiliation or the technical and scientific capabilities of various States, and in accordance with rules agreed on by the international community as a whole and designed solely to promote fruitful and equitable international co-operation, in the interests of all.

The CHAIRMAN: The Committee's consideration of and action upon agenda item 66 are thus concluded.

ORGANIZATION OF WORK

The CHAIRMAN: In accordance with the Committee's programme of work and time-table, we shall begin on Monday, 3 December, the general debate as well as consideration of and action upon draft resolutions on international security agenda items -- that is, items 67, 68, 69 and 143.

The time-limit for the submission of draft resolutions on those agenda items is Tuesday, 4 December, at 6 p.m.

In order that we may fully use the time allotted for the consideration of these agenda items, I formally open the list of speakers and invite delegations to inscribe their names as soon as possible. The list of speakers will be closed on Tuesday, 4 December, at 1 p.m.

At the meeting on Monday morning, after we have heard speakers on the international security items, we shall take up for decision draft resolutions A/C.1/39/L.30/Rev.1 and A/C.1/39/L.45.

I remind members that there will be no meeting of the First Committee on Monday afternoon, but there will be the organizational meeting of the United Nations Disarmament Commission.

The meeting rose at 4.10 p.m.