VERBATIM RECORD OF THE 49th MEETING

Chairman: Mr. BAGBENI ADEITO NZENGEYA (Zaire)
(Vice-Chairman)

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The meeting was called to order at 11 a.m.

AGENDA ITEM 70 (continued)

QUESTION OF ANTARCTICA: GENERAL DEBATE AND CONSIDERATION OF AND ACTION UPON DRAFT RESOLUTIONS

Mr. TREVES (Italy): In this year's debate in this Committee on the question of Antarctica, we do not have a substantial document to comment upon, as we did last year. The study requested under resolution 38/77, which we considered at the thirty-ninth session, was a major step in enlarging knowledge and awareness about the various facets of the Antarctic legal régime and about the various opinions held by States on it. The study fully deserved the wide debate that was held last year in this Committee. That debate clarified the opinions of States on the general aspects of the question, and also gave ample evidence that in the opinion of the General Assembly the Secretariat study was a well-documented, useful, balanced and objective piece of work.

Without such a document to discuss, this year's debate might seem less necessary and interesting. It could none the less be useful to make some observations on the developments that have taken place in the General Assembly since this subject was added to its agenda two years ago, in 1983.

In our opinion, the most striking development is the following: although consideration of this item was started from a position of strong criticism of the Antarctic Treaty system, what has emerged from the debate and from the Secretariat study is wide-ranging praise for that system, at least in its main features.

The debates in this Committee and the views of States included in the study show clearly that there is substantial support for the rules contained in the Treaty concerning subjects such as non-militarization, non-nuclearization and the prohibition of nuclear waste disposal; freedom of scientific research; open access to the area covered by the Treaty; and protection of the environment and of the
living resources of Antarctica. Support for those rules may permit the thought that they are in the process of being recognized as belonging to customary international law.

It is obvious that it is harder for such a process to concern provisions that require the intervention of specific mechanisms, such as, perhaps, some aspects of the inspection system and, in particular, those rules of the Convention for the Conservation of Antarctic Seals and the Canberra Convention on the Conservation of Antarctic Marine Living Resources that are of a purely conventional nature.

We can, however, see the Treaty's significance if we consider that it is an open Treaty, that the number of Parties is growing, and that, within the Parties, the number of those with consultative status is growing as well. All this indicates that there is wide consensus on the basic aspects of the Antarctic régime and that each State with a direct interest in Antarctica can, if it chooses to do so, be involved in the management of the system and be bound by the obligations that implies.

The negotiations on mineral resources deserve the attention of the international community, but certainly not the suspicion they seem to arouse in some quarters. Knowledge concerning such resources is scarce, even though, as the Secretariat study clearly confirms, it does not seem that Antarctica is a new Eldorado. Many years will elapse before any form of exploitation is conceivable and many more before it will be feasible and actually carried out. In the light of those facts, the decision of the Consultative Parties to begin negotiations on a régime for mineral resources is in essence a pre-emptive move: a move to pre-empt conflicts that might explode in a future of States starting to scramble for resources in a legal vacuum; and especially a move to pre-empt a situation which would endanger the Antarctic environment. The prudence with which the Consultative
Parties envisaged this question is evidenced by the fact that from the time the question was placed under consideration it took them a decade, from 1972 to 1982, to start the negotiations now under way.

Italy is participating in those negotiations as an observer. We understand the interest they raise and the desire to obtain information about them. We wish to remark, however, that the scientific and environmental communities are well aware of what is going on in those negotiations. It seems to us that interested States are already in the same, if not a better, position. Consequently, we do not think it advisable to consider new officialized and bureaucratized channels of information. The actual amount of knowledge available might in fact be less abundant under such arrangements than it is now.

Another aspect of the Antarctic Treaty upon which we wish to insist because we consider it to be of paramount importance is the rule under article IV that freezes claims to sovereignty over Antarctica. That provision has had the effect of putting aside a major source of international tension and conflict. It preserves the general interest of scientific research, demilitarization and denuclearization by permitting the co-operative endeavours provided for in the Treaty.

In the light of the most recent developments in the law of the sea, the provision in article IV becomes even more important. Without that provision, claimant States might be encouraged to proclaim zones of national jurisdiction in the sea and sea-bed areas adjacent to the portion of Antarctic territory they claim. The fact that, in conformity with article IV, they have not done this is an encouraging benefit of the Treaty.

It has been suggested that the General Assembly might consider the effects of the 1982 Convention on the Law of the Sea on the southern ocean. That is certainly a very meritorious academic endeavour; indeed, in academic circles it is a subject
that various scholars from numerous countries are in fact pursuing. There is, however, reason to doubt the wisdom of pursuing the same endeavour within the framework of the United Nations. The reason for the doubts that we cast is easily understood considering that the answers to the various and sometimes complex and difficult questions to which the new law of the sea gives rise in connection with consequences for the southern ocean depend in most cases upon basic assumptions about the status of the Antarctic territory. Do we really think that this is the right moment to focus on this aspect of Antarctic questions? Do we really think that it is advisable for the common interest to discuss questions, and perhaps revive claims, of sovereignty that have been put aside to general satisfaction by article IV of the Treaty? We think that such a study has to be left to the academic community, at least for the time being. It is not politically advisable for any State to tackle it in the present situation.

In its statement in the debate on Antarctica on 29 November 1984, my delegation announced that the Italian authorities had approved the general outlines of a project to assure the Italian presence in Antarctica and that the relevant legislative measures, permitting an Italian scientific expedition in the Antarctic summer of 1985-1986, were in the process of adoption. I have the honour and the pleasure of informing this Committee that developments have followed as anticipated. The Italian Official Journal of 21 June 1985 contains the text of a law providing for a programme of research in Antarctica to be conducted in full observance of the principles set forth in the Antarctic Treaty, as explicitly indicated in article 5, paragraph 2, of the law. The project covers the years 1985 to 1991, and substantial amounts of money have been allocated to implement it. The Italian expedition is now reaching Antarctica, ready to start work.
(Mr. Treves, Italy)

That activity is a clear indication of the importance Italy attaches to scientific research in Antarctica. Italy's present active involvement in it, which is linked with various past activities summarized in Italy's contribution to the Secretariat study, clearly indicates our country's intention soon to become a Consultative Party to the Antarctic Treaty.
Mrs. FINSTAD (Norway): One argument put forward against the Antarctic Treaty system is the alleged lack of information about how the system works. Against that background, it is with special pleasure that my delegation once again thanks the Secretary-General for his report on the question of Antarctica. Although considerable information about Antarctic co-operation has in fact been available for many years, a comprehensive report of the kind prepared by the Secretary-General quite obviously fills an information gap in the United Nations context. For this, the Norwegian Government is grateful.

My delegation hopes that all Member States have had an opportunity to study the report during the past year. In the view of my delegation, that report shows clearly the very real merits and vital results of the Antarctic Treaty. It shows that the Treaty is one of the major success stories of post-war international law and politics. The Treaty constitutes a firm basis for constructive and harmonious international co-operation in Antarctica. Thus, the Treaty is a uniquely successful international legal instrument that has served the interests of all mankind. In the view of my delegation, these singular achievements of the Antarctic Treaty emerge very clearly when reading the report of the Secretary-General.

The report of the Secretary-General has added to the volume of information on Antarctic Treaty co-operation already available in books and other publications, national reports on scientific activities and so forth. For their part, the parties to the Treaty wish to ensure that ample and accurate information is made available to an increasingly interested public. The question of the operation of the Antarctic Treaty system thus figures on the agenda of the biennial consultative meetings. At the 1983 meeting it was decided to send a copy of the meeting's final report to the Secretary-General so that the United Nations might obtain a clearer picture of the work carried out by the parties to the Antarctic Treaty.
At this year's meeting, held in Brussels, the Consultative Parties went several steps further in their desire to achieve a wider dissemination of information. Thus a recommendation was adopted which, inter alia, calls for a continuation of efforts to see that the final reports of the consultative meetings and the handbook of the Antarctic Treaty provide a clear picture of the operation of the Antarctic Treaty system. The recommendation also provides that information about the Antarctic Treaty system, including the final reports and the handbook, be made available upon request, to the greatest possible extent. Furthermore, provision is made for up-to-date information on sources of scientific data as well as on bibliographies summarizing available material on Antarctica. National contact points are provided for to carry out necessary information functions.

I have mentioned but a few of the information-related issues discussed at the Antarctic Treaty consultative meeting. There are, of course, others, which time does not permit me to discuss in this statement. It is more important now to proceed to a broader aspect of the same issue: the question of the openness of Antarctic Treaty co-operation.

I have demonstrated the willingness of the Treaty parties to disseminate ample information about Antarctic co-operation to countries outside the Treaty. However, some countries feel that they would want more direct information. Some have also maintained that it is useless to adhere to the Antarctic Treaty. It is asserted that non-consultative parties have no say in the deliberations and that it is well-nigh impossible for a developing country to obtain consultative status. Thus, it is charged that the Antarctic Treaty involves co-operation among the few - the rich - to the detriment of the world in general.

Nothing could be more wrong. Let me first repeat the well-known fact that the Antarctic Treaty is open to any Member of the United Nations. Any State which
deposits its instrument of accession has the right to participate as an observer in all future regular consultative meetings in addition to the ongoing discussions on a minerals régime. Thirty-two States have already done this, and more are going to do so. I stress that this right of participation is very real indeed. All participating delegations, consultative or non-consultative, participate actively in all plenary and working group meetings. In a system which operates on the basis of consensus, this active participation gives considerable influence to all parties. My delegation points with satisfaction to the two meetings on Antarctic questions held last fall in Paris and in Brussels, where non-consultative parties participated very actively and very constructively in the work. If they were asked, I expect that they would give a uniformly positive reaction regarding their possibilities for participation.

Let me dispel the other myth: that it is impossible in practice for developing countries to become Consultative Parties. As is well known, there have been developing countries Consultative Parties to the Antarctic Treaty for a long time. The newest addition is Uruguay, which became a Consultative Party last October, together with the People's Republic of China, the fifth permanent member of the Security Council to become a Consultative Party. They obtained that status because of their special interest in Antarctica as expressed through scientific activity on the southern continent. Other countries with a real interest in Antarctica could do the same. The cost does not have to be prohibitive, but an expression of willingness to be active in Antarctica is essential if one wishes to participate in taking decisions in an area so dependent on special knowledge.

The Norwegian Government would welcome increased participation in Antarctic matters. My Government therefore urges Member States with an interest in
Antarctica to adhere to the Antarctic Treaty. At this stage I would also point to the possibilities which exist for individual scientists to participate in the national Antarctic expeditions of the parties to the Antarctic Treaty.

I have spoken so far about the openness of the Antarctic co-operation system and its willingness to welcome new members with an interest in Antarctica. I have demonstrated the system's active dissemination of information and its desire further to improve the flow of information. Let me now emphasize some of the elements of the Antarctic Treaty system the preservation of which should be in the common interest of all.

The Antarctic Treaty is based on a singularly important premise: that it is in the interest of all mankind that Antarctica be for ever used exclusively for peaceful purposes and that it never become the scene or object of international discord. This common desire was the basis for the Treaty and it has been the unwavering guideline for co-operation in Antarctica ever since.

Through the Treaty a whole continent has remained non-militarized and non-nuclearized. In spite of differing views on sovereignty issues, Antarctica has remained a unique zone of peaceful co-operation among nations of all parts of the world, among them all five permanent members of the Security Council. Nations which, like my own, have proclaimed sovereignty over parts of Antarctica have been able, and indeed very willing, to co-operate peacefully and closely with nations which do not recognize their claims. Those States for their part have shown an equivalent desire to co-operate, the common goal being safeguarding Antarctica as an area of peace and co-operation for all.

Thus, the Antarctic Treaty has proved itself as a unique mechanism for preventing conflict. However, the possibilities for conflict are still present.
Today they have been set aside through well-established Antarctic co-operation.
The Treaty has made it possible for all parties to work together in harmony. Let us not jeopardize that achievement which is so vital to continued peace and stability on the southern continent.
I should like to make an additional point in this connection. The Antarctic Treaty is a legal instrument that obliges all participating States to respect and carry out its provisions. It is therefore of major significance to all - the Antarctic Treaty parties as well as the world at large - that all States active in Antarctica become parties to the Treaty and thus be obliged to respect the all-important provisions of that Treaty.

When one looks at the results achieved by the Antarctic Treaty system over the 30 years it has been in existence, one must acknowledge its many successes. I have mentioned the Treaty's all-important role in preventing conflict. But the Treaty has also established a singularly important mechanism for managing all aspects of human endeavour in Antarctica. It has created a system that works. In a world in which effective international co-operation is so hard to come by, the Antarctic Treaty stands out as a unique success.

Let me mention but a few examples of these achievements. Scientific co-operation in Antarctica has prospered over the last 30 years and significant results have been and are being obtained, to the benefit of the whole world. A large number of measures for the protection of the fragile Antarctic environment have been agreed upon. A Convention for the Conservation of Antarctic Marine Living Resources has been concluded. A Convention for the Conservation of Seals is in force. Agreed measures for the conservation of Antarctic flora and fauna have been elaborated. Work is now going on to draft a régime to cover possible future desires to prospect or explore for minerals - work which is highly complicated owing to the differing views concerning sovereignty but which at the same time has a chance of succeeding only because it is taking place in a forum of which harmonious consensus decisions have always been the trademark.
The Antarctic Treaty's ability to grow and develop should be clear from what I have said. The Treaty is a dynamic international instrument. It has created a system with a will to develop further, to expand and to welcome new parties with an interest in Antarctica. It has secured a continent for peace. It has made it possible to promote far-reaching scientific co-operation. Through its achievements it has secured and fulfilled its main aim of ensuring that Antarctica shall for ever be used exclusively for peaceful purposes. In pursuing that aim the Antarctic Treaty parties have succeeded in promoting the purposes and principles of the Charter of the United Nations.

Let me conclude by expressing the sincere hope that this debate will contribute to a clear understanding of the significance of the Antarctic Treaty. It is the hope of my Government that all Members of the United Nations will acknowledge the need to strengthen even further co-operation under that Treaty. It is through the Treaty that Antarctica can be safeguarded as an area of peaceful co-operation for the benefit of all mankind.

MR. MGBORWERE (Nigeria): At the thirty-ninth session of the United Nations General Assembly the Secretary-General's report on the study on the question of Antarctica produced intensive debates in this Committee. Since then we have had time to give further consideration to the study taking into account the views on it expressed by various delegations.

I recall that in my statement in this forum on that occasion I appealed to Member States of our Organization to collaborate in working out an acceptable arrangement that would transform the existing Antarctic Treaty into a genuine and effective instrument for the preservation of lasting peace and security in Antarctica and the strengthening of international co-operation in the continent. The concern of my delegation regarding the future of Antarctica remains undiminished.
What came across clearly during the debates was the reaffirmation by
delegations of all shades of opinion of their conviction that Antarctica should, in
the interest of all mankind, continue for ever to be used exclusively for peaceful
purposes and that it should not become the scene or object of international
discord. The resolution adopted by the Organization of African Unity in July last,
at its 21st summit meeting, placed emphasis on this fundamental principle, which my
delegation perceives as the linchpin of the Treaty. There was clear recognition of
the establishment of a régime of non-militarization, including the prohibition of
nuclear explosions and the disposal of radioactive waste, as a positive
contribution to the disarmament process. My delegation specifically expressed its
awareness of the efforts of the Consultative Parties Antarctic Treaty in the
protection of the Antarctic environment.

We agree that these achievements should be preserved. I must also hasten to
add that we firmly believe that a further advance is needed today to enable all
countries to participate fully in the peaceful use of the area. It was for that
purpose that during the debate last year Nigeria expressed the hope that the
Antarctic Treaty Consultative Parties would agree to the setting up of an ad hoc
committee to examine further the Secretary-General’s study. It was our considered
opinion that the establishment of such an ad hoc committee would be a practical
step in the search for areas of co-operation in determining appropriate action that
would serve the common interest of all mankind in Antarctica. It was a matter of
profound regret that the proposal was found unacceptable.

I was pleased to note the observation by one of the Consultative Parties last
year that the Antarctic Treaty had the capacity to evolve to meet new circumstances
and the capability to accommodate new interests and new participants. There exist
today new circumstances that have arisen from the growing awareness of the
importance of the continent to all mankind, an awareness that did not exist when, in 1959, 12 founding parties to the Treaty which claimed a history of active involvement in the continent, established the conditions for gaining consultative status and assigned to themselves the key role of decision-making in the system. We are not unaware of the recent innovation allowing the non-consultative parties to take part as observers in the consultative meetings, where they have no votes. Their functions and roles at such meetings remain a secret.

The voices of those seeking a more effective and accommodating system in the Antarctic Treaty as evidenced in the debates last year, the resolution of the Organization of African Unity on Antarctica to which I referred earlier and the recent Declaration of the Luanda Conference of Foreign Ministers of the Non-Aligned Movement clearly manifest new interest in and concern over the question of Antarctica. We do not deny that the Treaty works as other treaties do, but it is also essential that narrow interests should not be allowed to obscure the need to address effectively the broader issues that trouble those outside the system.

I must emphasize that my delegation seeks no confrontation in its approach to the important question before the Committee. It has therefore been collaborating with other delegations in a joint effort to formulate a draft resolution that will achieve a consensus.
(Mr. Mgbokwere, Nigeria)

After detailed examination of the Secretary-General's report and the divergent views that marked the debates on the study, my delegation feels more convinced that at its fortieth session the General Assembly should exert the utmost effort to create an ad hoc committee to consider the interests of all mankind in Antarctica as recognized in the Treaty. There are indeed serious differences that neither side can brush aside with self-serving arguments. The proposed ad hoc committee would provide a forum for dialogue, understanding and accommodation for parties within and outside the Antarctic Treaty system.

In the view of my delegation the interest of all mankind in Antarctica encompasses commonality of rights, obligations and goals and requires the international community to fashion the machinery of accommodation that will cater to our mutual interests as perceived by States Members of our Organization and not by only a handful of States who share the restricted status of Antarctic Treaty Consultative Parties.

I referred earlier to the implications for membership of the Treaty stemming from the criteria set out by the original 12 members. In the report of the Secretary-General on the question of Antarctica in document A/39/583, Part Two, Volume II, of 2 November 1984, a member of the Antarctic Treaty Consultative Parties makes an interesting observation:

"In order to meet the difficult working conditions of Antarctica and the standards of environmental protection established under the Treaty, training of personnel has to be thorough, planning of operations must be careful and well-informed and scientific proceedings must be sound and effective. For a developing country with substantially no prior experience and limited financial and technical resources, the decision to engage in Antarctic activities is a far-reaching one which can only be taken after close examination of its implications."
(Mr. Mgbokwere, Nigeria)

For most of the developing countries the financial and technical resources to fulfill the requirement to attain the status of the Antarctica Treaty Consultative Parties would be overwhelming. What we are saying is that the system is essentially discriminatory.

One aspect of the Treaty which its proponents have used strongly to buttress their opposition to any modification in the Treaty is the demilitarization of the continent. Those continents that are outside the system have demonstrated in this Committee, in the Conference on Disarmament, in the Disarmament Commission and in other international forums their firm commitment to general and complete disarmament. Most of them have foreclosed the option to acquire nuclear weapons by their accession to the Non-Proliferation Treaty. There is no evidence that any of the very few that have not joined the Non-Proliferation Treaty has ambition to acquire nuclear-weapon capability. Indeed the import of this is that the involvement of the international community in the Treaty system would strengthen rather than weaken the enforcement of the demilitarization of Antarctica.

Recommendation XII-3 of the Antarctic Treaty Consultative Parties recognizes that the ecosystem of the Antarctic Treaty area is vulnerable to human interference and that the Antarctic derives much of its scientific importance from its uncontaminated and relatively undisturbed condition. Studies have also underlined the need to maintain for all time the intrinsic value of the Antarctic environment and the global ecosystem.

The destabilization of the delicate environment to the detriment of the global climate and ecology should be a matter of great concern to all mankind. My delegation therefore believes that the present measures for the protection of the environment would be greatly strengthened by the participation of the United Nations in the conservation, exploration and exploitation of the resources of the continent.
This leads me to the issue of the minerals régime being developed by the Antarctic Treaty Consultative Parties. The concerns of my Government over the ongoing negotiations on the minerals régime are threefold.

First, it is imperative to ensure that hazardous environmental changes do not occur as a result of the exploration and exploitation of the Antarctic mineral resources. In this connection it is pertinent to mention that Antarctic Treaty recommendation IX-II of the Consultative Parties recognizes that adequate scientific data concerning the harmful environmental effects of activities related to the exploration and exploitation of Antarctic mineral resources are not yet available. This is all the more reason why caution should be exercised in the reported ongoing research being carried out to learn more about the oil-bearing geological structures beneath the Antarctic continental shelf.

Secondly, the issue of the implications of the Law of the Sea for the minerals régime under negotiation by the Antarctica Treaty Consultative Parties with regard to article VI of the Antarctic Treaty cannot be resolved unilaterally by the Antarctic Treaty Consultative Parties. It is hard to see how the United Nations could be expected to abdicate its role in the finding of a solution to this complex legal issue.

Thirdly, it is significant that the special preparatory meeting of the representatives of the Antarctic Treaty Consultative Parties held in Paris from 28 June to 15 July 1976 endorsed the conclusion that:

"The Consultative Parties, in dealing with the question of mineral resources in Antarctica, should not prejudice the interests of all mankind in Antarctica".

It is therefore absolutely necessary that the Antarctic Treaty Consultative Parties should seek to reach some understanding with the international community if they intend genuinely to respect the requirement of not prejudicing the interests
of all mankind on the question of the minerals régime. We therefore refuse to accept that a group of 18 States should proceed to determine the fate of Antarctica without even the slightest consultation with the international community. The present exercise on the minerals régime is premature, and we urge that the demand made by the Organization of African Unity at its twenty-first summit for recognition of Antarctica as a common heritage of mankind be respected.

At the thirty-ninth session I stressed that South Africa's membership of the Antarctic Treaty Consultative Parties raised serious political and moral questions. The paradox today is that while the pariah régime in Pretoria is a member of the Consultative Parties, no member of the Organization of African Unity has acceded to the Treaty. There is some consolation, no matter how slight: there has recently been an increase in the membership of the Consultative Parties of those States whose credentials for support for freedom and justice in Africa are impeccable. We will naturally expect them to join hands in redressing this awful anomaly, which is at variance with the current mood of the international community regarding the isolation of South Africa politically, economically and diplomatically. The time has now come for the Antarctic Treaty Consultative Parties to reconsider the apartheid régime's continued participation in the Treaty system.
My delegation agrees that the Antarctic Treaty contains a great measure of positive elements, including the maintenance of the continent as a demilitarized area free from nuclear weapons and strategic competition. We also appreciate the contribution of the Treaty in introducing order to Antarctica at a time when non-recognition and overlapping of territorial claims were causing tension. However, the territorial claims remain potent. Some areas of the continent, especially on the peninsula, are reportedly overcrowded with stations, airstrips and other facilities. Moreover, the States with territorial claims have not abandoned those claims, while there are those who consider themselves States with basis of claim. Whether the understanding that now subsists in the system over the question of territorial claims is a question of marriage of convenience or of mind, we are convinced that the ultimate solution to territorial claims lies with the recognition of Antarctica as a common heritage of mankind.

It is clear to us that the Treaty needs the involvement of the international community to fulfil the interest of all mankind in all its ramifications. What is now required is for us to move a step forward in that direction by setting up at this session an ad hoc committee to study and make recommendations on the relationship between the Antarctic Treaty system and the United Nations system and to report to the forty-first session of the General Assembly. Let us therefore resolve to co-operate to overcome exclusive interests and to show that vision that made it possible for the 12 founding States to introduce the concept of the "interest(s)" of all mankind in the Antarctic system. Let us not substitute prejudice for understanding and meaningful dialogue. Let us work together towards matching that vision with concerted efforts aimed at ultimately according recognition to Antarctica as a common heritage of mankind.
Mr. NEYCHEV (Bulgaria): At the thirty-ninth session of the General Assembly the People's Republic of Bulgaria stated its position of principle on the question of Antarctica. Now, as before, our main aim is to maintain a demilitarized Antarctica as a zone of peace and all-round scientific co-operation among States with different social systems, in the interest and for the benefit of all mankind. Therefore, the People's Republic of Bulgaria advocates the maintenance of the existing Treaty system, which is based on the Antarctic Treaty of 1959, the contents of which are further developed by additional agreements among all the Parties to the Treaty.

The Antarctic Treaty is based on the principles of the United Nations Charter and contains extremely important provisions aimed at maintaining international peace and security and promoting co-operation among all States. The Treaty is an eloquent demonstration of the most appropriate way of solving global problems by taking into consideration the interests of all countries and peoples.

My Government deems it politically imperative to keep the vast region south of the 60th Parallel free of international tensions and conflicts. In this respect, by freezing all territorial claims and promoting the equitable participation of all States in scientific research within its framework, the Antarctic Treaty has provided substantive guarantees. In spite of the fact that my country is a non-consultative party to the Antarctic Treaty of 1978, Bulgarian scientists have been involved in scientific research in Antarctica for years prior to that. I should like to state in this connection that my country has always complied with the obligations under the Antarctic Treaty providing under which the necessary publicity is to be given to scientific research and research findings in Antarctica, with a view to making them available to all countries and peoples.
The People's Republic of Bulgaria also calls for preserving the Antarctic Treaty because that Treaty has demonstrated its usefulness not only as an instrument for international legal regulation of the demilitarization of that part of the world but also for maintaining it as a nuclear-weapon-free zone. I should also like to emphasize the fact that such a zone has thus been established for the first time in history. The Treaty takes into account the principle of universality, enabling each and every country to join the Treaty irrespective of its contribution to the exploration of Antarctica. It provides for the exchange of information for the benefit of all countries. Moreover, as far as the region south of the 60th Parallel is concerned, the Treaty stipulates obligations for co-operation among countries from all existing socio-economic systems which, in keeping with Article 55 of the United Nations Charter and the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, are contributing to resolving the existing problems of international relations and of international law as a whole. The co-operation of all Parties to the Treaty is aimed not only at the scientific exploration of Antarctica but also at undertaking effective measures to protect the natural environment of that continent. Rather than constituting a conservative system in itself, the Treaty envisages further legal regulation of the remaining unresolved issues, including the exploitation of the natural resources of the continent on a just and democratic basis and in the interest of all countries and peoples.

The specific obligations for co-operation enunciated in the Treaty form the relevant framework for safeguarding the interests of any particular country and of the international community as a whole.
The discussions in this Committee over the past two years have shown the positive approach to the Antarctic Treaty on the part of the majority of countries representing social systems. A number of States have expressed their interest in becoming parties to the Treaty, and we would like to voice our satisfaction at the fact that some of them have already done so. In this connection there are substantial opportunities for all other States interested in the exploration and use of Antarctica exclusively for peaceful purposes to join the Treaty.

Despite the fact that the existing Treaty system related to Antarctica has lived up to the requirements of the present day, we should note that some aspects of its application could be improved upon. In this regard we welcome and attach major importance to the readiness of the Consultative Parties to improve and intensify the existing information system with a view to meeting better the needs of non-consultative parties and States not parties to the Treaty as well as the efforts announced at the consultative meeting held recently at Brussels designed to ensure that all Parties to the Treaty participate more actively and substantially to its implementation. Such steps contribute to fostering co-operation among all the parties concerned and to limiting and decreasing reservations and disagreements concerning the Treaty. With a large number of other countries the People's Republic of Bulgaria has opposed any attempts to undermine the Treaty under any pretext whatsoever. Such attempts are fraught with serious negative consequences not only for the countries of the Antarctic region but for all mankind as well. They may be detrimental to the basic principle of the Treaty, which is the use of Antarctica exclusively for peaceful purposes, and there is no doubt they can have an adverse effect on the over-all international situation. Such attempts might mean that, rather than being a zone of peace and fruitful co-operation among States with different socio-economic systems, Antarctica would instead be converted into an area of friction and conflicts, into a stage for a new and even more vigorous
and tense struggle among countries in upholding their territorial claims to Antarctic regions. That is why, rather than tampering with the Antarctic Treaty system or establishing any other parallel system, the all-round strengthening of the Treaty and ensuring that all interested States should accede to it would guarantee that this extremely important region will continue to be used in the future for the benefit of mankind.

The comprehensive study of the Secretary-General circulated last year and the national contributions of individual countries have greatly increased the extent of available information concerning the undertakings in Antarctica and the Antarctic Treaty system. Therefore, we do not deem it appropriate to establish an ad hoc committee to deal with information relating to Antarctica.
In conclusion, the Bulgarian delegation would like once again to reaffirm its position that the Antarctic Treaty adopted for an indefinite period of time in 1959 constitutes a unique example of international co-operation, that it has demonstrated its usefulness, that it has duly taken into consideration the substantive interests of all groups of countries and that it has provided the prerequisites for the peaceful development of Antarctica now and in the future as well.

Mr. Valde (Brazil): For the third consecutive year the General Assembly is turning its attention to Antarctica. This involvement, which stems from a recent interest of the international community, has allowed for a greater knowledge and comprehension of the political, juridical, scientific and economic issues for which the Antarctic Treaty system has provided an effective and operational framework. For this reason we are indebted to the Secretary-General for the study prepared in 1984. That study, as well as the debates in the First Committee, have shed light on the uniqueness of Antarctica. I refer not only to that continent's peculiar ecosystem and natural features, but also to the simple fact that what abounds there - effective environmental protection, international co-operation, consensual and practical policy-making - is not easily found on such a significant scale in other parts of the globe. The Antarctic Treaty system is without parallel in its wide-ranging management capability and in its flexibility to accommodate different and often divergent perceptions of the Antarctic. It would be difficult to imagine a more effective system.

Some countries have questioned the legitimacy of the Antarctic Treaty as a basis for the regulation of possible mineral-resource exploration and exploitation. Negotiations among States with a common objective must start from a basis or a principle to which all parties agree and by which they are all bound. The Antarctic Treaty provides the only cornerstone on which a workable and effective régime can be built. As a developing country, Brazil is especially aware
of the fact that such a régime will have to provide equal opportunities for all interested in benefiting from mineral-resource activities, if they ever become a reality. In our view the basis for achieving equal opportunity lies in the Treaty itself, which we regard as a co-operative venture.

In this connection let me state once again what my delegation has said before, namely, that the Antarctic Treaty system is based on the responsibility of all participating States. Before 1959, when the Antarctic continent was virtually untouched by international law, there existed no limits to international presence in that area. Gradually it became clear that that situation would lead to confrontation, secretive policies, disruption of the environment and depletion of resources. The current system has set norms and regulations which all Parties to the Treaty must abide by. This self-restraint has proved essential for the fulfilment of the objectives of the Treaty. Brazil recognises the value of those regulations as the existing juridical framework governing Antarctica and has agreed to undertake its scientific activities in that region in accordance with them.

The Antarctic Treaty system is not static. It has been evolving in response to the increasing demands of the management of Antarctica, the widening participation in the Treaty and the growing international interest, as witnessed in this debate. As a developing country and a recent participant in the system, Brazil has been able to identify and to point out those areas in which the system can be responsive to the preoccupations of the international community. We believe that in its capacity to anticipate events by adapting itself lies the foundations of the Treaty's durability. Brazil's support of the Antarctic treaty is based on the notion that it must not remain indifferent to a rapidly evolving international reality.

My delegation believes that only a constructive approach based on forbearance and flexibility will lead us to a generally accepted outcome of this debate.
Appropriate action by the General Assembly should, in our view, consist of a widening of exchange of information on activities within the Antarctic Treaty system. My delegation is ready to contribute to such an outcome.

Mr. ZAKI (Egypt) (interpretation from Arabic): This is the third consecutive year in which we have considered the question of Antarctica in this Committee. My delegation recalls that at the seventh summit Conference of countries members of the Non-Aligned Movement held at New Delhi in 1983 it was decided that that continent should be used exclusively for peaceful purposes and that its resources should be developed for the common benefit of all mankind.

The study submitted by the Secretary-General last year demonstrated that regional claims to Antarctica started in the 19th century. Those claims and the rush to Antarctica were no different from those experienced in other regions of the world during the same historical period. Those were years in which many third-world countries were colonial possessions and lacked the ability to make any claims to territory because they possessed neither the freedom nor the resources needed to send expeditions to Antarctica.

My delegation recognizes the extreme importance of Antarctica to all mankind, from the environmental, climatic, geographical, scientific and historical standpoints. First and foremost we would emphasize the extreme importance of Antarctica's renewable resources and the critical and strategic importance of its non-renewable resources. It is certain that the importance of those resources will never be paralleled in future generations, particularly the strategic non-renewable resources, which are decreasing in presently known environments.

The administrative arrangements set up for Antarctica are restricted to a limited group of States. The decision-making machinery is in fact limited exclusively to the 16 countries that enjoy Consultative Status within the Antarctic Treaty system.
This proves that the institutional system of the Antarctica Treaty has been
devised to protect the interests of rich and technologically developed countries,
and therefore it may be claimed that the developing countries, which possess
neither resources nor technology, gain nothing from the development of the
resources of the Antarctic.

Hence this system is, to say the least, unjust. The study submitted last year
proves that the Antarctic Treaty, which came into effect in 1961, should not be
called in question. It has various positive aspects that should be preserved and
strengthened, and implementation of the Treaty should continue without
restrictions. The existing system makes Antarctica not only a nuclear-weapon-free
zone, but also a continent in which any measures aimed at militarization are
prohibited. The Treaty also categorically prohibits the deployment of nuclear
weapons, nuclear explosions and the disposal of nuclear waste in Antarctica.

No one can cast doubt on those provisions. On the contrary, we call for
implementation of those and other provisions, and we also support additional
provisions that ensure that the continent will be used exclusively for peaceful
purposes.

Certain incorrect interpretations lead to the claim that the mere
consideration of the Antarctic Treaty within the United Nations would compromise
the régime established in 1959. But we must recall that any question of
international importance - and there is no doubt that Antarctica is such a
question - should be considered by the United Nations and not by a certain limited
number of countries.

The problem of the exploitation of natural resources in many parts of the
world has been dealt with by the United Nations for the last two decades. It has
been expressed in universally recognized instruments such as the Treaty on
Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, and the United Nations Convention on the Law of the Sea. Therefore we maintain that the exploitation of the natural resources of Antarctica should be in the interest of the international community as a whole. The Government of Egypt maintains that the future régime for the exploration and exploitation of Antarctica should be established under the auspices of the United Nations, taking into account the contribution of the Antarctic Treaty. No other system can gain universal acceptance. We again affirm that exploitation of the resources of Antarctica should be governed by the common heritage principle.

My delegation wishes to reiterate its position that one of the disquieting shortcomings of the Antarctic Treaty is that the racist régime of South Africa is one of its signatories. That régime is internationally ostracized since it pursues institutionalized racism through the hideous policy of apartheid. Continuation of its membership in the Antarctic Treaty is detrimental not to the Treaty alone but also to its total membership. We believe it would be in the interest of the international community to exclude the racist minority régime of South Africa from the Treaty. That régime's continued membership is tantamount to acceptance of the repugnant policy of apartheid, and constitutes a reward to that régime and its policy, which has been declared a crime against humanity.

In conclusion, it is incumbent upon us to reflect seriously on the means through which we can take measures conducive to the promotion of co-operation in Antarctica as well as of all the positive aspects of the established Antarctic system. No one should feel that that will place us - and especially the countries parties to the Antarctic Treaty - in jeopardy, since our intentions reflect a desire to realize the long-term interests of the international community, to which those countries themselves belong.
Mr. WERNDL (Federal Republic of Germany): The position of the Government of the Federal Republic of Germany on the issue of Antarctica is well known. It has repeatedly been presented to this Committee. Furthermore it is stated in detail in the reply of my Government to the request of the Secretary-General in connection with his factual study on Antarctica and is contained in part 2, volume II, of that study. In substance our views are fully in line with the position which the representative of Australia, in his excellent and comprehensive statement, presented to this Committee yesterday. I shall therefore restrict myself to summing up very briefly some essential points of my Government's position.

I hardly need reiterate in detail the obvious merits of the Antarctic Treaty system, especially in the fields of non-militarization, scientific research and the protection of the Antarctic ecosystem. They are well known and recognized even by those who otherwise are critical of the existing system. These advantages are of vital importance to all of us, and they are quite unique, not least because they set aside controversies about sovereignty claims. In the present international context we cannot possibly conceive of any other system which could afford mankind equivalent benefits and safeguards.

For that reason my Government attaches the utmost importance to the preservation of the integrity of the existing Antarctic Treaty system and firmly opposes anything that could lead to its undermining. There is, in our view, no need for the replacement of the system or for any additional mechanism. The existing system may not be perfect, but it functions well and has proved capable of adaptation. It is an open system, open to accession by all Member States of the United Nations. In fact the number of parties to the Treaty has considerably increased since its entry into force, including the number of Consultative Parties. My own country is an example of the possibility of acceding to the Treaty and acquiring full rights at a later stage.
In the course of our debate we have repeatedly heard the allegation that the Treaty system is exclusivist and secretive. It is true that the status of Consultative Party can be achieved only on certain conditions, fulfilment of which requires certain commitments. But is it not quite natural that those who are actively involved in the work, who have the know-how and experience, should also have a particular responsibility? And does this mean that others are excluded from the benefits? We strongly feel that the existing system functions to the benefit of all, and it is the firm intention of my Government to work further towards this objective. The task of managing activities in Antarctica is, on the whole, certainly more of a responsibility than a privilege.
Apart from that, the developments within the Treaty system show an increasing degree of participation by the Non-Consultative Parties to the Treaty. They have been invited to take part in consultative meetings, as well as in meetings on mineral negotiations. Accession to the Treaty as a Non-Consultative member does not imply financial obligations or any other conditions which could not be fulfilled by every country.

Moreover, the flow of information on Antarctica to the international community has been steadily increasing. In this connection I would refer to the latest example of this trend, namely, the distribution of the final report on the consultative meeting at Brussels last month. In view of those developments, we are of the opinion that charges of exclusivity and secretiveness are unwarranted.

As I said earlier, we do not claim that the Antarctic Treaty system is perfect, but we are firmly convinced that the present system is flexible enough to adapt to new developments and to solve whatever problems might arise within the system. There is no need for an outside mechanism. On the contrary, we find it dangerous to tamper with a legal system that is of paramount importance to all of us and that has, for 25 years, been functioning well to the benefit of all mankind.

We are discussing the question of Antarctica in this Committee for the third year. In the course of our discussions all conceivable views and arguments have been submitted. The substantive mandate in General Assembly resolution 38/77, namely, to prepare a comprehensive, factual and objective study on all aspects of Antarctica, has been carried out by the Secretary-General and all who have co-operated in him in a comprehensive and excellent manner that deserves our thanks and admiration. We think that the work of this Committee, conducted in a spirit of
co-operation and consensus, has been extremely useful. But we also feel that the Committee has fulfilled its task on this subject and that consideration of agenda item 70 should be concluded at this year's session of the General Assembly.

The meeting rose at 12.15 p.m.