VERBATIM RECORD OF THE 54th MEETING

Chairman: Mr. ALATAS (Indonesia)

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The meeting was called to order at 3.45 p.m.

AGENDA ITEM 70 (continued)

QUESTION OF ANTARCTICA: GENERAL DEBATE AND CONSIDERATION OF AND ACTION UPON DRAFT RESOLUTIONS (A/C.1/40/12; A/C.1/40/L.82, L.83, L.84 and L.85)

STATEMENT BY THE CHAIRMAN

The CHAIRMAN: Some delegations have indicated that, having seen some of the draft resolutions on the question of Antarctic only this morning, they wish to have more time before being called upon to take a decision on them. Accordingly, I propose that we postpone action upon draft resolutions on the question of Antarctica until Monday, 2 December 1985. May I take it that the Committee agrees to that proposal?

It was so decided.

Mr. LOUET (France) (interpretation from French): The Washington Treaty of 1 December 1959 is a document which has played an unprecedented historical role in the maintenance of world peace and in harmonious international co-operation among countries with the most diverse social and political philosophies. Based upon the United Nations Charter, it has promoted the purposes and principles of our Organization by its establishment of Antarctica as a zone of peace.

As noted in the study in the report of the Secretary-General, no armed conflict has broken out in the region. In the main, it is the agreements contained in the Antarctic Treaty that have maintained peace in the continent. The Treaty provides States Parties with a framework within which to carry out peaceful activities in the spheres of scientific research, exploitation of marine resources and environmental protection.

France cannot fail to be pleased at the success of a Treaty which has protected that part of the world from the splits which divide international society. That success is explained both by the innovative principles of the Treaty and by the flexibility and pragmatism with which it has been implemented.
In addition to its freeze on all territorial claims on the sixth continent, the Treaty is based on principles which implement purposes of the United Nations: non-militarization, non-nuclearization and freedom of scientific research. It also gives the Consultative Parties the right to name observers to verify respect for the provisions of the Treaty.

As noted in the Secretary-General's study, the Antarctic Treaty is the sole post-War international instrument providing for the total demilitarization of an entire continent. No one has questioned the fact that peace has reigned in Antarctica for 25 years thanks to the effective implementation by the States parties of the important disarmament measures contained in the Treaty. Our success in keeping Antarctica free from nuclear weapons through strict implementation of the Treaty is one of the most important post-War contributions to the prevention of the proliferation of nuclear weapons and to the cessation of the nuclear-arms race.

Moreover, the Treaty promotes scientific co-operation by encouraging, inter alia, the exchange of information on scientific programmes in Antarctica and exchanges of scientific personnel among different expeditions and stations. It also serves to protect the environment through, for example, the 1964 measures for the protection of Antarctic flora and fauna. That concern is reflected also in the Convention for the Conservation of Antarctic Seals, of 1 June 1972, the Convention on the Conservation of Antarctic Marine Living Resources, of 20 May 1980, and the current negotiations on a régime to govern Antarctic mineral resources.

My delegation wishes now to respond to certain questions or criticisms regarding the Antarctic Treaty.

First of all, the Antarctic system in no way resembles an exclusive "club" reserved for the lucky chosen few. It provides for representation from States of all economic and political categories and all parts of the world. The Antarctic
Treaty is in fact open to all States Members of the United Nations; the number of signatory States has increased from the original 12 to 32. Consultative Party status is available to any country which has carried out scientific research activities in the Antarctic. Thus, among the 20 States which have joined the original Parties to the Washington Treaty, six have attained Consultative Party status and the right to participate in meetings as set out in article IX: Poland in 1977, the Federal Republic of Germany in 1981, Brazil and India in 1983, and China and Uruguay last October at the Thirteenth Consultative Meeting.

The open nature of the Antarctic system entered a new phase in 1983, when at the Thirteenth Consultative Meeting, held at Canberra, it was decided that non-consultative parties should be invited to participate in the work of the Meeting as observers. It was also decided at Canberra to prepare and regularly bring up to date a handbook on the Antarctic Treaty, covering all recommendations adopted at Consultative Meetings. It was decided too that the final reports of regular Consultative Meetings should be transmitted to the Secretary-General.

Secondly, my delegation considers that it is groundless to claim that the Consultative Parties would attempt to monopolize the resources of Antarctica. It should be recalled that apart from the case of krill, the exploitation of Antarctic natural resources remains hypothetical and that, far from being a source of profit, the Antarctic activities of the Consultative Parties have thus far entailed considerable expense. The only concrete results have been scientific data of fundamental importance, which have been broadly disseminated and are easily accessible.
(Mr. Louet, France)

Thirdly, my delegation thinks it unrealistic to believe it would be possible to agree on a new legal régime which would be better than the present one. In that connection, my delegation does not agree that the situation as regards the deep sea-bed is analogous to that of Antarctica; that would justify application to Antarctica of a system like that for the deep sea-bed set out in the Convention on the Law of the Sea of 10 December 1982. Such an analogy would be misleading. In fact, while the deep sea-bed was res nullius, there are very large areas of the Antarctic continent over which sovereignty has been claimed or territorial claims made by a number of States Parties to the 1959 Treaty. While such sovereignty is not universally recognized, it is an essential factor in the legal situation of the continent. Another basic difference is that while the deep sea-bed was governed by no international instrument before the 10 December 1982 Convention, Antarctica has for 25 years been subject to an international system which has functioned satisfactorily for the good of all mankind.

Therefore, France would be unable to associate itself with any initiative which might call into question the system put in place by the Washington Treaty, which in any event, by international law, can be amended only by the States Parties themselves. On the contrary, it is essential that this diplomatic instrument be preserved; any challenge to the Antarctic Treaty would involve serious consequences indeed. For example, it could result in the first appearance in Antarctica of the international political tensions which prevail elsewhere in the world and which the system has thus far kept away from the continent. More specifically, it could re-open disputes among certain claimant States and between claimant and non-claimant States. It could also damage the interests of the international community at large by compromising the freedom of scientific research guaranteed by the Treaty.
That is why my delegation could under no circumstances accept the creation, in this forum or elsewhere, of any mechanism aimed at replacing the Antarctic system and which could threaten the edifice so patiently and painstakingly erected over the past 25 years. The excellence of the Antarctic system has been amply revealed in the outstanding study carried out by the Secretary-General.

My delegation therefore believes that there is no further reason to retain the question of Antarctica on the agenda of the General Assembly.

Mr. PAVLOVSKY (Czechoslovakia)(interpretation from Russian): The Czechoslovak Socialist Republic has been a party to the Antarctic Treaty since 1962 and attaches great importance to its functioning and to the strengthening of the international legal régime under the Treaty governing the activities of States in the Antarctic.

Our interest in the strengthening of all aspects of the Antarctic Treaty is based on our keen awareness of the unique and irreplaceable role it has played in preventing the spread to Antarctica of the arms race, in particular the nuclear-arms race, and in the maintenance of international peace, security and stability. It is based also on our wholehearted support for the principles of co-operation and freedom of scientific activity in the field of Antarctic research.

Czechoslovakia engages in international scientific research in Antarctica in the framework of Soviet Antarctic expeditions from the Mirny and the Novolazarev stations. At present we are discussing expansion of our participation in Antarctic research programmes in such fields as geology, biology, telecommunications, astronomy and meteorology.
We view as very significant the current negotiations on a régime to govern future exploitation of Antarctic mineral resources aimed at conservation of the natural environment of Antarctica and at ensuring the rational utilization of the continent's mineral resources. That would include confirmed renunciation of territorial claims.

Along with a large number of other delegations, we believe that over the 25 years of its existence the Antarctic Treaty has fully justified itself, to become a prime bulwark of international law and an instrument for mutually advantageous, multi-faceted co-operation among States. The Treaty has established practically the world's only zone free from all military activity. That zone encompasses the entire continent and imposes equal obligations upon all five nuclear Powers. Compliance with those provisions of the Treaty is ensured by on-site inspection, among other measures; over the life of the Treaty none of its provisions have been violated. Without a doubt, that is in keeping with the true security interests of all States and constitutes an achievement benefitting the entire international community. It shows also that the Antarctic Treaty has shown in practice that it is consistent with the principles and purposes of the United Nations Charter, particularly with regard to the maintenance of international peace and security, the elimination of threats to the peace, and the development of fruitful international co-operation.

Over the last three years, we have followed with interest the First Committee's consideration of the question of Antarctica. We believe that the debate has fostered deeper understanding of a whole range of substantive matters connected with Antarctica, that it has heightened interest in the Antarctic on the part of States not parties to the Treaty, and that it has promoted the wider dissemination of pertinent information. A valuable contribution was made by the study prepared last year by the Secretary-General.
In our view, the debate has made it possible more clearly to highlight the major features of the Antarctic Treaty and the way in which its system functions in practice, including the freedom and equality of scientific research in the Antarctic in keeping with the actual needs and resources of States.
(Mr. Pavlovsky, Czechoslovakia)

For the most part the debate has made it absolutely clear that the existing international legal régime governing the Antarctic is built on just and realistic foundations and has adequate potential for further development and improvement. One of the most important conditions in that regard is consistent compliance with the fundamental principles of the Treaty system, including the principle of unanimity among Consultative Parties in the decision-making process.

The Treaty is open for accession by all Members of the United Nations on an equal basis; under the Treaty, each State may determine freely the scale of its peaceful scientific research in the Antarctic, in keeping with its actual requirements.

We welcome the statement made by a number of delegations that by supporting the inclusion of the question of Antarctica on the agenda of the General Assembly they do not intend to undermine the results already achieved through the implementation of the Treaty. Yet we continue to be concerned at the negative consequences which could come about as a result of any involvement by the United Nations in any kind of review of the Treaty régime or its elements. In our view, such a review would first of all disrupt existing guarantees of the exclusively peaceful nature of the Antarctic activities of States, would open the doors for the spread of the arms race to that continent, and would fan old territorial claims and give rise to new ones.

For those reasons, we continue to maintain that the consideration of the question of Antarctica should be aimed primarily at strengthening the existing Treaty system, especially through increasing the number of parties to the Treaty. It is also our firm belief that any United Nations recommendations on this matter should be adopted solely on the basis of consensus, encompassing States both party and not party to the Treaty.
Mr. BENYAMINA (Algeria) (interpretation from French): In more than one respect, the General Assembly's third consecutive year of consideration of the question of Antarctica is a sign of the increasing interest in that subject by the international community.

It is in this Assembly that the concerns expressed at the regional or inter-regional level have been brought together and amplified. In this connection, I would recall that the Organization of African Unity (OAU), meeting this year at Addis Ababa, declared the Antarctic to be the common heritage of mankind. Dealing with this question last September at their Luanda meeting, the Ministers for Foreign Affairs of the Non-Aligned Movement reaffirmed their conviction that "the international community's interest in that continent can be strengthened by the United Nations being kept duly informed on all developments in the Antarctic".

The non-aligned Ministers also considered that the General Assembly should remain seized of the question.

Within the United Nations itself, the fact that this debate is taking place as the world Organization commemorates its fortieth anniversary further determines the context and spirit in which the question of Antarctica should be approached.

If there is one indisputable conclusion to which we are driven on the occasion of the fortieth anniversary, one paramount accomplishment that must be credited to the United Nations on judgement day, it is that the goal of universality has been nearly reached. That makes the Organization the appropriate framework for raising and resolving questions of common interest to the entire international community. This is evident now more than ever before; it was part of the original purpose at the time of the creation of the United Nations, described by Article I of its Charter as "a centre for harmonizing the actions of nations".
In its 40 years of existence, the United Nations has ventured into all fields of international co-operation on the strength of its universalist goals and thanks to its capacity to deal correctly with all types of multilateral activities. In carrying out its task, the international Organization has been able when necessary to make adjustments in order to strengthen its universal representativeness, thus reflecting the concerns of the majority of States, to which the Organization owes the consolidation of its activities and the confirmation of its irreplaceable role.

The issue today remains that very need for universality, which is an unavoidable requirement, since we are dealing with an area of international co-operation which, by its very nature, calls for concerted efforts by the entire international community.

There can be no question of challenging the basic merits of the Antarctic Treaty. If we recall the date of its conclusion and the international climate at that time, we can only be grateful that it established a system which for 25 years has frozen territorial claims on the Antarctic and has preserved the demilitarized and denuclearized status of that continent.

But over that quarter of a century we have witnessed a profound change in the physiognomy of international relations, owing to the accession to independence of many States once under colonial domination. That change has made itself felt on nearly all levels and in all spheres of international co-operation. Consequently, any field of joint effort and international co-operation, when it involves a sphere of common interest to all of mankind, must take account of this reality lest it be intolerably out of step with the evolution of the modern world.

The Antarctic Treaty's surprising defect of non-universality is placed in still greater relief by that contradiction between a system practically inaccessible to African countries and the presence within that system, with all the
privileges of a Consultative Party, of South Africa, which has been outlawed by the international community. Thus, African countries, like many other developing countries, can choose only between remaining outside the Treaty even though it covers a field of increasing interest to them, or joining it under discriminatory conditions legally and politically entrenching their economic and technological inferiority. The focus of future joint efforts on the question of Antarctica should be the development of another, this time just and even-handed, alternative.

In view of the prospects opened up by the possible exploration and exploitation of the mineral resources of the sixth continent, the Parties to the Antarctic Treaty quickly realized the limitations of the 1959 system. This is a matter of interest to all mankind; it cannot therefore be resolved - 25 years later - within the framework of a system devised at a specific point in history. By its nature it calls for a comprehensive consideration by all States, within the framework of the United Nations.
(Mr. Benyamina, Algeria)

The conviction shared by a majority of States that the Antarctic should be declared the common heritage of mankind and the conviction that only the United Nations provides an appropriate framework for discussion of the régime governing the exploitation of mineral resources should not be regarded as the bases for perpetuating the division between the States Parties to the 1959 Treaty and the non-party States. On the contrary, such convictions are the natural result of a notion of international co-operation that takes into account the profound changes in today's world. They stem from the fundamental truth that any human undertaking, when it affects an area that is of general interest and has accomplished as much as it can, can always be improved so long as the will and effort of the community are there.

Such an action should not be interpreted as casting doubts on the Treaty's good points, particularly its accomplishments in the area of international co-operation, but, quite the contrary, should be aimed at increasing and strengthening them through universal accession.

Thus, action in this spirit should delimit an area open to detailed discussion in a spirit of co-operation and collectivity and carried out on the basis of equality, with respect for the interests of all. Such a discussion can only be to the benefit of all if it is free of exclusivity and secrecy and alert to the basic demands of democracy.

Mr. KILU (Kenya): Sir, since I am speaking for the first time under your able chairmanship, I should like to convey my delegation's congratulations to you and to the other officers of the Committee, as well as to pledge to you our full support.

For the past three years the future of the question of Antarctica has been under discussion in this Committee. During the first two debates held at the thirty-eighth and thirty-ninth sessions of the United Nations General Assembly, an
opportunity was afforded to all Member States to address themselves to the future of this important sub-continent and to comment on the operations of the Antarctic Treaty system. Notably, in 1983 this Committee managed to adopt by consensus a resolution asking the Secretary-General to prepare a comprehensive, factual and objective study of all aspects of Antarctica taking fully into account the Antarctic Treaty system and other relevant factors. I wish to place on record my delegation's appreciation and gratitude to the Secretary-General for the excellent study in document A/39/583.

It has become more apparent that the initiation of these debates and the Secretary-General's study created an international concern about the fate of Antarctica that has continued to grow, notwithstanding the different conceptual interpretations and viewpoints regarding how the international community can best co-operate in Antarctica in respect to full protection of the region as a world preserve for scientific research and the continuation of its unique demilitarized status, including the utilization of its resources for the benefit of all mankind.

It is understood that the Antarctic continent represents one tenth of the earth's surface. Because of its unique climate and ecosystem it is not permanently habitable. Excepting for a few States that recognize each other's claims of sovereignty over different parts of it purely on the basis of discovery and proximity, Antarctica remains perhaps the only territory on earth which is not subject to international recognition.

However, in spite of its distance from the other continents into which our world is divided, what happens in Antarctica has potential consequences for the rest of the world. Activities there can offset the delicate balance of its fragile ecosystem and could have far-reaching consequences for the rest of the world. However, while the freezing of territorial claims over Antarctica under the Antarctic Treaty has happily kept that territory free of political rivalries and
potential conflicts, the present arrangement, under which certain States have arrogated to themselves, free from any accountability, exclusive and total rights to determine any and all activities that take place there, can be neither justified nor in keeping with the Charter's injunction to the nations of the world to employ international machinery for the promotion of the economic and social advancement of all peoples.

It is therefore imperative that activities in Antarctica be conducted by and for the benefit of the international community as a whole. In this context the initiative and call by the Summit Meeting of the Organization of African Unity in July 1985 and of the countries members of the Non-Aligned Movement for the declaration of any and all resources in Antarctica to be vested in the international community as a whole as the common heritage of mankind need to be understood and underscored. All States, regardless of their size, socio-economic system or stage of development, have a legitimate interest in Antarctica and ought to have a say in the development and management of its affairs.

Thus, while a number of the positive aspects of the Antarctic Treaty system can be identified, its shortcomings must be neither minimized nor overlooked. Chief among these is the conceptual approach to the Antarctic problems that seems to emphasize expertise in the ability to exploit the resources of the territory as a pre-condition for active membership in the Antarctic Treaty system. The interests of the overwhelming majority of other States non-parties to the Treaty ought to be given due consideration, and necessary steps should be taken to safeguard them in a more broadly based arrangement than provided for in the present Treaty.

While my delegation recognizes the Antarctic Treaty's goals and its fine accomplishments, such as the banning of nuclear weapons in the region, the encouragement of co-operation in scientific research and the great concern for the
preservation of the fragile Antarctic environment, we are fully aware of the fact that the restrictive nature of the régime explains why, so far, only 32 countries are Treaty Parties, of whom 18 can vote in the Consultative Meetings. The remaining 14 members enjoy only observer status and cannot vote. Needless to say, the many nations which are not Treaty members, 50 of them from my continent of Africa, are also unable to vote. Theoretically, it is both understandable and conceivable that any nation may become a Treaty member - indeed, a Consultative Party. However, a country that wishes to become a Consultative Party and thereby have a right to vote must pay the very expensive poll tax of mounting an Antarctic scientific expedition or of establishing a scientific station there. Many third-world countries, including my own, might never afford such a requirement.
(Mr. Kiilu, Kenya)

A critical analysis of this restrictive requirement reveals, among other things, the following: first, the current Antarctic Treaty is like a closed club, and we know only too well that most closed clubs are, in practice, discriminatory as regards membership; secondly, this requirement is a negation of the principle of universality so nobly espoused in the Charter of our Organization, particularly when the majority of the international community believes that the resources of Antarctica are the common heritage of mankind; thirdly, the haves and have-nots - the rich and the poor - are pitted against each other in acceding to the Treaty. If you are reasonably rich and therefore able to mount a scientific expedition to Antarctica and establish a station there, even through you paying a private organization to mount the expedition, you become a member of the club. If, on the other hand, you are poor and unable to mount or pay for such an expedition, you are excluded. It is on this basis that my delegation strongly feels that the decision-making system regarding the management of Antarctica should be changed to accommodate the wishes and the aspirations of the international community.

As all are aware, the Consultative Parties, with the non-consultative parties as observers, have been negotiating for several years a convention on mineral resources. My delegation strongly feels that any such convention must be established under the auspices of the United Nations in order to ensure that any such exploitation of Antarctica's resources will also entail, inter alia, the maintenance of international peace and security, the protection of the Antarctic environment, non-appropriation and the equitable sharing of the benefits derived.

My delegation shares the view that it would be a very constructive thing were this Committee and the General Assembly to recommend that the decision-making process with regard to Antarctica be more broadly based and that the resources of the region be unequivocally declared the common heritage of mankind. That would be a step forward in strengthening the international system.
My delegation would like to place on record our regret and deep disappointment that the racist apartheid régime of South Africa, which has been excluded from participating in the General Assembly of the United Nations, is a Consultative Party to the Antarctic Treaty. It is in the best interests of the international community that the Antarctic Treaty Consultative Parties exclude the racist apartheid régime of South Africa from participating in the Treaty at the earliest possible date.

In conclusion, my delegation would support the creation of a United Nations ad hoc committee open to all Member States, or any similar body, to continue studying options for negotiations on mineral resources conventions and for the review of the present régime and its relationship to the United Nations system.

Mr. Lacleta (Spain) (interpretation from Spanish): Although my delegation has not spoken before in the debate on the question of Antarctica, we have followed with great attention, and not without occasional concern, the statements that have been made in the Committee, not only this year but in 1983 and 1984 – in other words since the time the question was first placed on the agenda of the General Assembly. At the present stage of our discussion, however, we feel it necessary to set forth here the position of the Spanish Government, a position that was earlier expressed in response to the request of the Secretary-General in 1984 and is contained in A/C/39/583, Part Two, Vol. III, p. 70. Since I have mentioned that document, I cannot fail at this juncture to express our appreciation to the Secretary-General for a report that describes in a highly detailed yet concise format the present situation in Antarctica.

On 31 March 1982, before the question of Antarctica came before the General Assembly, Spain adhered to the Antarctic Treaty, which had been signed at Washington D.C. on 1 December 1959, as a non-consultative party. That action reflected, and still reflects, the Spanish Government's belief in the positive
(Mr. Lacleta, Spain)

contribution the Antarctic Treaty makes to the complex range of questions it covers. We shall not dwell on them here, since many delegations have already discussed this point at length. I would, however, like to recall that the system established by the Treaty has proved absolutely effective in keeping Antarctica free of territorial conflicts and of the incidents, including armed incidents, such conflicts inevitably cause. The freezing of the territorial claims of various countries, both near and far, would in itself be sufficient justification for the Treaty's existence. Such a result, in our view, could have been achieved in no other way. The establishment of the whole of the Antarctic continent as a region in which the aspiration for total and complete disarmament has been made a reality under a system of effective verification, including on-site inspections, seems to us another major success of the Treaty, particularly since it also includes a total ban on testing of all types of weapons, including nuclear weapons. Those fundamental achievements take their place along with other equally important ones concerning the preservation of the ecosystem of Antarctica and its contiguous ocean. The Treaty system also guarantees and permits freedom of scientific research in a framework of genuine international co-operation. Spanish scientists have already participated in some of these activities with other States Parties to the Treaty, and we thank those States for that co-operation. It is my Government's firm intention to continue and to increase those scientific research efforts, always within the framework of the Treaty.

As for the Treaty mechanism, as a non-consultative party, Spain was present as an observer at the meeting held last month at Brussels as well as at earlier meetings, including the one held at Paris last September, at which terms for the exploration and exploitation of the living and mineral resources of the continent of Antarctica were studied. My delegation of course believes that those uses should be open to participation by all interested States on an equitable
basis, always subject to the conditions required to ensure preservation of the continent's unique characteristics and ecosystem.

Before concluding, I should like to emphasize that, in my Government's view, all of this can be achieved within the framework of the Antarctic Treaty, which is open to all Members of the United Nations, without the status of Consultative Party being denied to any State that effectively participates in the scientific activities of Antarctica. Because of the system's universalist openness, we do not believe it necessary for the Treaty's legal system to be amended or for conditions to be set on it; increased participation in that system would suffice.
ORGANIZATION OF WORK

The CHAIRMAN: In accordance with our programme of work and timetable, on Monday the Committee will begin consideration of and action upon draft resolutions on international security agenda items. As decided earlier this afternoon, we shall also take action on the draft resolutions submitted under agenda item 70. Since an insufficient number of speakers have inscribed their names on the list for Monday afternoon's meeting, I should like to announce that the Committee will hold only one meeting on Monday, at 10.30 a.m.

I should also like to bring to members' attention the fact that the Disarmament Commission is scheduled to hold its 1985 organizational meeting on Monday, 2 December 1985, at 3 p.m.

The meeting rose at 4.35 p.m.