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ORGANIZATION OF WORK

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 66 (continued)

GENERAL DEBATE, CONSIDERATION OF AND ACTION UPON DRAFT RESOLUTIONS ON THE QUESTION OF ANTARCTICA

Mr. QADER {Bangladesh}: Last year in the debate on the agenda item 'Question of Antarctica', the Bangladesh delegation highlighted the **fact** that, although there existed an apparent similarity in the views of the members of the Antarctic Treaty and of those who were ~~not on~~ the **objectives** of the Treaty **régime** - to promote the interests and the progress of all mankind - there were divergent views regarding the specific nature and operation of that **régime**. Accordingly, we called for the evolution of a concrete course of action, preferably by consensus, for international co-operation in Antarctica for the benefit of humanity.

We have made that call **because we**, like most other Members of the united Nations, firmly believe that the vast continent of Antarctica, because of its location, nature and other scientific characteristics, is crucial to the ecological balance of this planet and is therefore a legitimate object of interest for all nations. For very pertinent reasons, we also wanted Antarctica to be treated as the common heritage of mankind.

Because of the inclusion of this item on the agenda of this Committee for the **past four years**, and in **the** light of last year's three-part General Assembly resolution on the subject, the time has come for all of us to collate and analyse what has been said and done, most notably by the Consultative Parties to the Treaty, on this subject of legitimate concern to us.

(Mr. Qader, Bangladesh)

First, let us ● naly88 the structure and development of the Treaty, in whose praise the members of the Treaty have never waned. The Treaty was established in 1959 with 12 signatory countries. Today, after 26 years, it ha8 18 Consultative Parties and 14 non-consultative parties. Non-consultative status is the redeeming feature of this hierarchical Treaty system which ha8 a built-in device for classifying members as consultative and non-consultative, with all the decision-making power reponing in the Consultative Parties to th8 Treaty.

(Mr. Qader, Bangladesh)

In the age of the global village, in which any convention or treaty under United Nations sponsorship usually receives a great number of ratifications or accessions in a few years' time, an increase of membership of 6 at consultative status and of 12 in the non-consultative status of the Treaty system over a period of 26 years does not seem impressive, even statistically, nor does it say very much for the popularity or openness of the system, as the Antarctic Treaty Consultative Parties would like everybody to believe. The debate on this item in the last few years at the United Nations has exposed this lack of universality in the Antarctic Treaty system convincingly, and let us hope that Treaty members will now look at it in a positive spirit to overcome the problem instead of ignoring it, as they have so far done, in an obsessive spirit of self-praise.

The scope of the 1959 Antarctic Treaty was to promote the interest and progress of all mankind, primarily through scientific co-operation. In that context, laudable pioneering research was conducted by the Treaty members. No one disputes that. But would it not raise waves of question and doubt in the minds of others if the same Treaty were used as a basis for the exploitation of living and non-living resources, as the members of the Treaty have done and are doing under the specious garb of regulating present and future human activities in that area when they are not supposed to engage in that type of activities at all?

The revelation of such self-serving desires by the self-proclaimed protectors of the Antarctic environment raises more questions than it answers. Now the rest of the world is being told of the coming of a minerals régime for Antarctica. If democracy is of the people, by the people and for the people, it would be hard not to define the coming minerals régime as a régime of the 18 by the 18 and for the 18. The rest of mankind has nothing to do with it.

(Mr. Qader, Bangladesh)

We are also told that the Treaty system is open enough that any country is welcome to join it. For our part, we would be only too glad to join the Treaty system, provided the Treaty's sponsors make it a truly equal Treaty in which the wealth or poverty of a nation would not decide its proximity to the decision-making processes of the Treaty. Further, given the exclusivity and monopolistic features that mark the Treaty, perhaps the word "open" requires redefinition to mean something very different from the age-old and accepted meaning of that word.

I shall now turn to the legal basis for exercising mineral exploration rights by the Antarctic Treaty régime. We all know that such activities are predicated on the holding of proper legal title, either on the basis of sovereignty or on the basis of transferred rights. We also know that the Treaty Parties have no such valid right in the area except claims. The 1959 Treaty does not in itself treat the area clearly as terra nullius or terra communis. Treaty member States themselves have different opinions on the legal status of the continent's areas. And, so far as the rest of the wide world is concerned, it does not recognize any territorial right of any country over Antarctica. Yet the otherwise scientific and peaceful régime is now, through a self-serving process, becoming an extension of the terra firma of the member States of the Treaty wherever they may be located.

The extension of such logic to establish exploitation rights is unheard of in international law in contemporary times. To effect such a notion would be to put the clock of progressive development of international legal norms back by centuries. My delegation would therefore sincerely request the Antarctic Treaty Consultative Parties to reconsider their present endeavour to create a mineral régime for Antarctica that does not have any valid legal basis. The logic of their act would be in direct contravention of some of their known stands or

(Mr. Qader, Bangladesh)

• 88artion8 in respect of some of the organizing principles of the much greater régime Of the Law of the Sea, as enshrined in the 1932 United Nations Convention on the Law of the Sea. However hard t.. Antarctic Treaty Consultative Parties may try to rationalise their endeavour under the guise of the principle of effectiveness88, to my delegation and to many others the principle Of the common heritage of mankind remains a more valid basis for the creation of any viable legal régime in Antarctica to maintain peace and security in that region.

We all know that if contiguity, adjacency or proximity were to have been the sole basis of territorial rights, then there would have been no neighbouring country on the political map of this Earth. Is it not therefore proper not to harp on claims of territorial rights in Antarctica on the basis of the above-mentioned principles alone? Further, the world has not reposed Antarctica as a trust territory upon the the Antarctic Treaty Consultative Parties 80 that they may run and manage that continent on its behalf. If the lesson taught by the South African régime in respect of administering trust territories could be any guide, the world would never even dare to repose such a trust in a body in which the South African régime remain4 an active partner.

The object of the foregoing analysis is to make some effort to show that the closed circuit of the Consultative Parties to the Antarctic Treaty affords no moral, ethical, political or legal basis for venturing into new fields or for creating a new régime outside the domain of pure scientific research, as agreed in the 1959 Treaty. Fulfilment of any other objective would require the consent of the rest of the world in order to become a politically viable and legitimate proposition. Otherwise, there is every possibility that the closed circuit may get short-circuited - not by design or desire of the rest of the world, but because of the actions of the parties to the Treaty themselves in due course. In that case,

(Mr. Qader, Bangladesh)

the ball will again come back to the United Nations system for a resolution of disputes.

Therefore, in line with the various Declarations made by the Conference of Heads of State or Government of the Non-Aligned Movement and in the interest of all mankind, my delegation would ask that Antarctica should be used forever exclusively for peaceful purposes, that Antarctica should not become the scene or object of international discord and that it should be accessible to all nations. We would ask that any exploitation of the resources of Antarctica should ensure the maintenance of international peace and security and the protection of the Antarctic environment, and that it should be for the benefit of all mankind. Further, the racist régime of South Africa should be excluded from participation in the meetings of the Consultative Parties as soon as possible, in accordance with General Assembly resolution 40/156 C.

Mr. GRANDERSON (Trinidad and Tobago): The question of Antarctica is an issue of great importance to the entire international community, and not only to a small group of countries, because of its implications for the global environment, for international security and for multilateral co-operation. The widespread nature of those concerns is reflected in decisions adopted by the Organization of African Unity, the League of Arab States and, most recently, at the Eighth Summit Meeting of Heads of State or Government of Non-Aligned Countries held at Harare, Zimbabwe, in September of this year. Those decisions reaffirmed the position that Antarctica was the common heritage of mankind and that it should not be the preserve of only a small group of States.

The delegation of Trinidad and Tobago shares the view expressed by other speakers in this debate concerning the exclusive and discriminatory nature of the Antarctic Treaty system by which a small number of countries determines the policy

(Mr. **Granderson**, Trinidad and Tobago)

to be **followed** in that vast territory. We believe that the time has come to look more closely at **this** system, which came into being when a great number of the present States Members of the United Nations were still dependent **colonies**. We believe the time has come to ask ourselves if it is not necessary to look again at this **legal régime** for a region that is of **concern** to the entire **global community**.

This review seems all the more urgent at a moment when the **question** of the exploration of the mineral resources of Antarctica **has** come to the fore. **It** would **appear** that the drafting of a legal framework to regulate mining in Antarctica reached a very detailed stage during the recent **negotiations** held at Tokyo between **32** countries. **This immediately raises a number of issues**. Among those are the following: Should Antarctica be another **example** of narrow national interest or a **symbol** of multilateral co-operation? Should the benefits which accrue from the mineral exploitation **of** that **region** be enjoyed by a minority of **nations** or by the **global community**? Should balancing the conflicting interests arising from human and mineral activities, **on** the one hand, and from the protection of **an** extremely fragile environment, on the other, be left to the self-policing measures **of** individual States or should this be carried out by an international co-ordinating agency?

It is in that context that my delegation believes that the concept of the **common heritage** of mankind should **be** applied to Antarctica. **We** also believe that the precedents of the Conventions on outer space, the **Moon** and the **Law of the Sea** contain useful insights and lessons that would be adopted to provide a basis for the establishment of a new international **régime** for Antarctica.

(Mr. Grandernon, Trinidad and Tobago)

It is not the intention of my delegation to undermine the prevailing system, which has been of great worth over the years. We, however, strongly believe that when a particular situation evolves, the institutions which underpin that situation should also evolve in order to take into account the new realities. Multilateral co-operation is one of the cornerstones of contemporary international relations, and that reality cannot be ignored. Antarctica must not be allowed to become another example of the retreat from multilateralism.

We hope that the debate in the Committee on the question of Antarctica will help us find a mechanism which can benefit from the worthwhile experience of the existing Treaty system and from the input of all other nation States and international organizations.

Before concluding, my delegation wishes to express its appreciation for the report of the Secretary-General on the question of Antarctica. We note that there has been some improvement in the flow of information from the Antarctic Treaty Consultative Parties and hope that this trend will continue.

Mr. WOOLCOTT (Australia) : I am speaking on this matter on behalf of States Parties to the Antarctic Treaty. This is a joint statement reflecting the views of Consultative and non-Consultative Parties, which are accordingly not making separate statements.

I am honoured to have been entrusted with this task by Treaty Parties, which represent such a diverse range of international viewpoints, yet are united in their perception of the Antarctic Treaty system as a valuable Instrument which has, in the unique Antarctic environment, functioned in ways which further the purposes and principles of the United Nations Charter.

As members will be aware, 32 nations are at present parties to the Treaty; a number of those have acceded since the question of Antarctica was first taken up in

(Mr. Woolcott, Australia)

the Committee. Other accessions in the future are likely. That is not a "small group of nations", as one speaker said yesterday; nor is the majority of the world's population excluded from the Treaty, as another speaker suggested. In fact, Treaty Parties number one fifth of the membership of the United Nations, and the majority of people in the world live in Member countries. That has nothing to do with some alleged arrogance of power. It is a fact of international life.

We have heard, during this discussion and elsewhere, a number of references to the functioning of the Antarctic Treaty system, including references by countries which it would seem are not well disposed to taking an impartial view of the facts of this matter. We have, however, heard no serious challenge to the Treaty's history of achievements.

Those achievements have included the preservation of peace and harmony in Antarctica for a quarter of a century; the establishment of Antarctica as an effective, functioning, nuclear-weapon-free zone; the prohibition of any measures of a military nature; the promotion and dissemination of important scientific research and co-operation in the interests of all mankind; the protection of the environment; and the promotion of active co-operation with international organizations.

These achievements have been acknowledged in the Secretary-General's reports and, in the opinion of the Parties, consolidate the Treaty's claim to be regarded as a valuable and successful instrument of co-operation for international objectives.

To those - and there have been some in the consideration of this item - who express interest in a new régime for Antarctica, we suggest that it must be acknowledged that Antarctica is subject to an existing legal régime. We are determined - to use the words of the preamble to the United Nations Charter:

(Mr. Woolcott, Australia)

"to **establish** conditions under which justice and respect for the **obligations arising** from treaties and other **sources** of international law can be maintained".

Accordingly, we believe our concern to ensure the preservation and strengthening of the Antarctic Treaty to be **well** founded.

The Treaty system has, moreover, shown itself to be flexible in adapting to evolving **circumstances, including** in ways which have **been** commented on during this debate. **I shall** refer to three instances in particular.

The first relates to the openness of the Treaty. **Here the facts speak for** themselves. We have heard several allegations yesterday and today about exclusivity. The Treaty **is** open to accession by any Member of the United Nations - I repeat, to any Member of the United Nations - as are the other instruments already concluded within the Antarctic Treaty system.

The instrument currently **being** negotiated within the system - the Antarctic minerals **régime** - will **be** open to all **States**. Moreover, the meetings undertaken under the auspices of **the** Treaty system are open to **all** Treaty Parties. Specifically, the acceding States have been able to participate, openly and effectively, in the Antarctic Treaty consultative meetings and in the minerals negotiations.

in practice, as **acknowledged** following the conclusion last week of the Tokyo meeting of the **minerals** negotiations, a large number **of** the non-Consultative Parties have **participated** and played an effective **and** constructive role in those **negotiations**. In short, there is **nothing** to **prevent** any State with a serious **interest in Antarctica** from becoming a party to the **Treaty** and from participating fully in **its ongoing activities**.

(Mr. Woolcott, Australia)

A second **matter** referred to during the debate has **been** the provision of Information. The Secretary-General's **reports** acknowledge that a very considerable volume of information has been made available to the Secretariat and to international **organizations** on an ongoing basis.

That **is** virtually a **unique** undertaking by a group of States and has, we believe, **contributed** to a greatly increased awareness of - and interest in becoming a party to - the Antarctic Treaty system. Much of that **i.nformation** has been published; much also is available in the Secretariat for the information of all **delegations**. We have to **question** whether the delegations which call **for more** information have in fact **consulted** all this information which **is** already available. We tend to think not. Their interest seems to be not so much **in** receiving or in using information as **in** making an issue of requiring more and more - read and digested or not - so as to prepare the way for further **United Nations** resolutions on Antarctica and implement a process for the **progressive erosion** and ultimate replacement of the Antarctic Treaty. That we **shall** not accept.

A third subject, referred to earlier in this debate, **has** been that of Antarctic mineral **resources**, in which connection we have heard Borne **grossly exaggerated** claims. Antarctica is not some **vast** cornucopia of minerals. The Secretary-General's **first** report has pointed out that no mineral deposits economically worth extracting have been found in Antarctica. Moreover, given present technology and under present economic **circumstances**, it **is** unlikely that such minerals as do exist in Antarctica could be developed until well into the twenty-first century. The Treaty parties have, however, seen the need to develop a **régime** to govern mineral resource activities against the **possibility** of future commercial **prospecting**.

(Mr. Woolcott, Australia)

Their overriding concerns in so doing have been to preserve the stability guaranteed by the Antarctic Treaty, to prevent a possible future depletion of resources and to protect the fragile and unspoiled Antarctic environment.

The only way to deal with these problems effectively is by negotiations on the basis of the existing Treaty, as has already been done successfully in the case of Antarctic marine living resources.

To have awaited a possible future build-up of pressures for exploitation before devising a régime to regulate such activities would have been short-sighted and irresponsible. Moreover, among the principles for such a régime, it has been agreed that it should be open to all States, with all Parties entitled to undertake mineral resource activities pursuant to it; and that it should be developed in the interests of all mankind. There is also a specific commitment that no commercial mineral activities should take place while progress is being made towards a timely adoption of a régime.

The approach of the Treaty Parties to the question of Antarctic mineral resources reflects the characteristic ability of the Antarctic Treaty system to anticipate and deal with issues before they may come to pose serious difficulties.

My remarks establish that the Antarctic Treaty system has shown a remarkable capacity to adapt to changing circumstances and to respond to international interests. The Treaty system itself operates by consensus, and the Parties have been consistently ready to apply the same principle of consensus to consideration of Antarctica in the United Nations. Indeed, they believe that this is the only realistic basis for a practical, co-operative relationship between the United Nations and the Antarctic Treaty system now and in the future.

(Mr. Woolcott, Australia)

To that end, the Treaty Parties have actively sought means to promote consensus resolutions during successive sessions of the General Assembly. We succeeded in 1983 and again in 1984. But Malaysia and its supporters last year adopted attitudes which resulted in the breaking of consensus.

As for this session of the General Assembly, Malaysia maintained, in the negotiations with the Treaty Parties earlier this month, that it wanted to return to consensus. The Treaty Parties proposed language which, they believed, could form the basis of a consensus resolution since it was based on a draft resolution which Malaysia was willing to accept last year. But this was rejected by Malaysia on this occasion. Moreover, the draft resolutions put forward by Malaysia contain material which was known in advance to be unacceptable to the Treaty Parties. Thus, consensus has broken down for the second year - a matter which we and other countries regret.

Once again the Treaty Parties were negotiating seriously towards consensus with Malaysia, and once again this has not been reciprocated. The result now is that consensus will be even more difficult to re-establish in the future. That has been pointed out to Malaysia -- which must know that consideration of Antarctica within the United Nations cannot advance without the participation of countries, large and small, from East and West, North and South, which are Parties to the Treaty. So Malaysia and its supporters, it seems, are intent on confrontation rather than a genuine effort to reach consensus, as called for in the Political Declaration of the recent Eighth Conference of Heads of State or Government of Non-Aligned Countries at Harare.

(Mr. Woolcott, Australia)

Those **may** seem firm words, but we **consider** that they are well justified. **What** **else** were we to make of **Malaysia's** intention⁸ when we were **presented** with &ft resolutions **which** had been **prepared before** the Secretary-General's report **appeared**, but which call for a further **elaboration** of the - at that time - **unseen** report? Was that the language Of consensue? **What** were we to make **of** the **Malaysian** **statement** to the General **Assembly** at the beginning of **this session**? Wae that the language of **consensu**? In **what** light are we to view the **Malaysian** statement **yesterday** - and mom other **s** made by **its** auppor **ters** so far in this **Commi ttee**? Were those cast in the language of consensus?

The answer, clearly, is "No". Despite **protestations** to the **contrary**, **Malaysia** and **its** few active supporters heve nat, in our considered opinion, **made** a serious effort to achieve **consensus** **and** they have, **accordingly**, **jeopardized** the chances of a **productive consideration** of Antarctica in this body. **Confrontation** is **counter-productive** and cannot lemd to positive results; but it **is** inevitable when the General **Assembly** **is presented** with draft reaolutions which, in our view, could **not** have related to the **Secretary-General's** reports mince they were drafted before they appeared md which pursue **positions** at variance with the facts. It **is** also unfortunate **that** remarks made by several **speakers** on **this item** hav also **strayed** from **the facts**: It **is** not true that, am **some speakers** have auggemented, the non-aligned **countries** in Luanda, **New Delhi** or **Harare** have **de** laced Antarctica the common heritage of mankind. That can be readily verified by reference to **the** **relevant documents**.

I have mentioned several times **the Secretary-General's** reports but, mm **members** will have noted, I have not **commented** in detail on the most **recent** report (A/41/722), which waa made **available** to **Member** States only one day before the

(Mr. Woolcott, Australia)

beginning of our consideration of this item. In the circumstances, we have not had time to study its implications, let alone - as the Malaysian draft resolutions would prescribe - to be able to note it with appreciation and ask for yet another updated study.

As is known, there had been a suggestion that this item might be deferred because of the very late appearance of the Secretary-General's report. Although Treaty Parties would normally have preferred this item to be concluded at this session, they were, in the circumstances, willing to agree to its deferral until the forty-second session. Unfortunately, Malaysia was not prepared to agree.

A first reading of the report shows that the Antarctic Treaty system has co-operated very extensively with other elements in the international system in such ways as information sharing and practical collaboration with international organizations. It would clearly require more than a quick perusal to come to a considered view on the report's handling of some other issues.

Some of the Treaty Parties have, however, some concern about the report's treatment of the question of the sea-bed. In the view of those Parties, there is no justification for further studies to define, or give greater precision to, the international area of the sea-bed. That area, in accordance with international law - including, as appropriate, the Convention on the Law of the Sea - can be determined only as a consequence of a previous determination of the limits of national jurisdiction. In the case of Antarctica - Unlike the cases of outer space and the deep sea-bed - claims of sovereignty exist and, together with provisions to protect the position of other parties, including those which do not recognize the claims, are taken into account in the régime which manages Antarctica.

(Mr. Woolcott, Australia)

Some other Parties have noted that an initial look at part IV of the report, relating to the **significance** of the United Nations Convention on the Law of the Sea in the Southern Ocean, **raises** serious questions as to its accuracy and possibly even its impartiality. In What appears to be an effort to demonstrate that the Law of the Sea Convention - which has not yet entered into force - should somehow supersede the Antarctic Treaty system, that part of the study seems to misinterpret the provisions of each. Such misinterpretation serves no one's interest, including the interest of those who seek effective implementation of the Law of the Sea Convention, and it does not contribute positively to discussion in the General Assembly.

(Mr. Woolcott, Australia)

I have little doubt that parties may wish to discuss these matters in more detail at a later time.

Our more immediate concern however is, of course, with the relationship between the General Assembly and the Antarctic Treaty system. In that connection, if Malaysia and its supporters continue on their present path, the inevitable reaction of many countries - not necessarily only the Treaty Parties - will be to conclude that there is little value in or reason for further institutionalized discussion of Antarctica in the United Nations. We hold the view firmly that the links which have already been established, and are developing further, between the United Nations and the Antarctic Treaty system should be permitted to work unhampered in the interests of all mankind. We sincerely believe that the international community as a whole should recognize that something of international value has been developed in the Antarctic Treaty which has preserved the peace, advanced scientific knowledge, protected the environment and maintained a problem-free management of the Antarctic continent. The goal of the growing number of Treaty Parties is the protection and enhancement of that system and its operation for the universal good. The only useful and practical role for the General Assembly would, we suggest, be to assist, and not to hinder, that process.

The CHAIRMAN: As I stated earlier, this afternoon the Committee will proceed to take a decision on draft resolutions under agenda item 66 - namely, "Question of Antarctica" - contained in documents A/C.1/41/L.86, A/C.1/41/L.87 and A/C.1/41/L.88.

Before proceeding to take action on them, it is my intention first to call on those delegations wishing to introduce draft resolutions. Then I shall call on those delegations wishing to make statements, other than explanations of vote, which they regard as necessary with respect to the draft resolutions before the

(The Chairman)

Committee. Subsequently, I shall call on those **delegations** wishing to explain **their positions** or votes **before** decisions are taken on any or all of the draft resolutions. After the Committee has taken decisions on the draft resolutions under agenda item 66, delegations will then have an opportunity to explain their positions or votes after such decisions have been **taken** on any or all of the draft resolutions.

I shall now call on those delegations wishing to introduce draft resolutions.

Mr. YUSOF (Malaysia) : I have the privilege on **behalf** of the **sponsors** to introduce draft resolutions **A/C.1/41/L.86, A/C.1/41/L.87 and A/C.1/41/L.88.**

Before I do so, **I wish** to express my deep regret that, **as was** the case **last year**, it has not been **possible** on the occasion to present **this** Committee with draft resolutions that can be adopted by consensus. Let me **assure** the **Committee** that it **was** uppermost in the minds **of** the sponsors that we should **attempt** to restore **consensus** on this subject, so that we could proceed in a fruitful manner to bridge the different points of view. We are indeed agreed that, through consensus, we would have been able to lay a firm foundation for international co-operation in an area which we all regard as having great significance to the world community, particularly **for** those of us who are members of the Non-Aligned Movement. We are mindful that, at the last **summit meeting in Harare**, the Movement:

"called upon all States to resume co-operation with the purpose of coming to an understanding on all **aspects** concerning Antarctica within the framework **of** the United Nations General Assembly." (A/41/697, p. 95)

Thus from the **outset** we **were** hopeful that our efforts would result in **consensus**. From our point of view, however, **such consensus** can only come **about** if there is a readiness from all sides to discuss and take into account concerns on

(Mr. Yusof, Malaysia)

substantive issues. To circumscribe the search for consensus by merely being willing to address issues of a procedural nature is, in our opinion, narrowing the possibility of consensus itself.

What this debate has clearly established is that there is indeed an increasing interest in the subject on the part of the great majority of members of the international community not members of the Antarctic Treaty system. There is growing awareness of the issues and genuine concern that, given the importance of Antarctica to mankind as a whole, practical ways must be found towards establishing a regime which would be acceptable to the international community.

It should not be construed - as some have intentionally misconstrued - that the objective is to destroy the present Treaty. We are aware of its many good and laudable points, which can and should be preserved and strengthened in the context of a régime that is universally accepted.

I wish to express my deep gratitude to all who have participated in the series of consultations that have been held in our attempt to reach consensus. In spite of what has been said, I wish to express my appreciation especially to Ambassador Woolcott of Australia, who negotiated on behalf of the Consultative Parties. May I, through him, express the hope to the Consultative Parties that, although our efforts for the second successive year may not have achieved what we set out to do, the door to consensus will nevertheless be kept open. It is my belief that, although there are points on which significant differences exist, there are nevertheless other points on which agreement could have been reached. Let me assure him of our readiness to try again.

At this juncture, may I turn to draft resolutions A/C.1/41/L.86 and L.87.

With regard to L.86, this draft resolution is essentially a follow-up of General Assembly resolution 40/156 A, which requested an expanded study by the

(Mr . Yusof, Malaysia)

Secretary-General on the availability of information to the United Nations from the Antarctic Treaty Consultative Parties, as well as the significance of the United Nations Convention on the Law of the Sea in the Southern Ocean.

The preambular paragraph8 in the present draft resolution remain unchanged. Some revisions have been made for the purpose of textual updating. The twelfth and thirteenth preambular paragraphs are new. While the twelfth preambular paragraph notes:

"with appreciation the expanded study on the question of Antarctica submitted by the Secretary-General",
the thirteenth preambular paragraph:

"While noting the increased flow of information from the Treaty Parties, expressing concern at the continuing non-availability of information to the Secretary-General on certain issues affecting the question of Antarctica'.
There are three operative paragraphs, of which paragraphs 1 and 2 are new.
Operative paragraph 1 reads as follows:

"Requests the Treaty Parties to keep the Secretary-General fully informed on all aspects of the question of Antarctica so that the United Nations could function as the central repository of all such information."

(Mr. Yusof, Malaysia)

We believe **this** to be a reasonable request, particularly in view of the stated willingness of the Treaty Parties to make information available. Our request, that the United Nations function as the central repository spring from the fact that at present information made available is not centrally located since most of it goes to individual international agencies. This is implied in paragraph 99 of the report of the Secretary-General (A/41/722).

It is felt that **this** proposal would facilitate member countries in obtaining information on Antarctica that has been made available to the United Nations.

Operative paragraph 2 is self-explanatory: it requests the Secretary-General to continue to follow all aspects in relation to Antarctica and to provide a report to the General Assembly at its forty-second session.

Draft resolution L.87 is linked to resolution 40/156 B, adopted by the General Assembly at its last session. It deals with the resources of Antarctica, and more specifically with the issue of an eventual minerals régime covering Antarctica. The draft resolution sets out certain principles regarding this issue.

Except for the updating of the first preambular paragraph, the preambular part remains unchanged.

operative paragraph 1, which is similar to last year's, emphasizes the principles that should govern any exploitation of the resources of Antarctica, which is to say that it reaffirms that

"any exploitation of the resource of Antarctica should ensure the maintenance of international peace and security in Antarctica, the protection of its environment, the non-appropriation and conservation of its resources and the international management and equitable sharing of the benefits of such exploitation". (A/C.1/41/L.87)

(Mr. Yusof, Malaysia)

Operative paragraph 2 calls upon the Treaty Parties

"to impose a moratorium on the negotiations to establish a minerals régime until such time as all members of the international community can participate fully in such negotiations".

This operative paragraph is included in view of the fact that the Treaty Parties are pursuing their negotiations on a minerals régime despite our concern that such negotiations are unacceptable under the present framework. It is noted that the latest round of negotiations, held recently in Tokyo, from 27 October to 12 November, resulted in certain positions.

In the circumstances it is our view that the call for a moratorium is completely justified.

I now wish to introduce draft resolution L.86 on behalf of the following sponsors: Antigua and Barbuda, Bangladesh, Brunei Darussalam, Cameroon, Congo, Ghana, Malaysia, Mali, Nigeria, Oman, Pakistan, Rwanda, Sri Lanka, Sudan and Zimbabwe. A similar resolution, 40/156 C, was adopted at the fortieth session of the United Nations General Assembly.

The present draft resolution is essentially the same. It notes with regret that

"the apartheid régime of South Africa, which has been suspended from participation in the General Assembly of the United Nations, is a Consultative Party to the Antarctic Treaty".

In addition, I have been requested by the delegation of Cameroon, in its capacity as current Chairman of the African Group, to state that all other African States have also become sponsors of this draft resolution. At the same time the sponsors have authorized me to make the following revisions to draft resolution L.88:

(Mr. Yusof, Malaysia)

First, third preambular paragraph should read:

"Noting with regret that the racist apartheid régime of South Africa, which has been • uended from participation in the General Assembly of the United Nations, has continued to participate in the meetings of the Consultative Parties of the Antarctic Treaty".

The rut of the paragraph should be deleted.

In the fourth preambular paragraph, delete the phrase "the interest of African States in Antarctica as shown by".

There is a new seventh preambular paragraph, which reads as follows:

"Noting further that the policy of apartheid practised by the racist • inality régime of South Africa, which has been universally condemned, constitutes a threat to regional and international peace and security".

In operative paragraph 1, the words "continued status" • hould be replaced by the words "continuing participation"; the words "in meetings of the" should be inserted after the words "South Africa".

(Mr. Yusoff, Malaysia)

Operative paragraph 2 should begin with the words "Appeals once again to" instead of the word "Urges"; then, after the words "Antarctic Treaty Consultative Parties" the words "to take urgent measures" should be inserted.

A new operative paragraph should be added, reading as follows:

"Requests the Secretary-General to submit a report in this regard to the General Assembly at its forty-second session".

Finally, a new operative paragraph 5 should be added, reading as follows:

"Decides to include in the provisional agenda of its forty-second session the item entitled 'Question of Antarctica'".

The International community has repeatedly condemned the racist policies of South Africa. South Africa's is an evil, abhorrent system, and the Pretoria régime must be completely ostracized until apartheid is eradicated. As aptly stated by my colleague from Antigua and Barbuda in his statement yesterday, South Africa is a party to the decision-making process in Antarctica, with virtual veto power. In that context, we feel the apartheid régime of South Africa should justifiably be excluded from the Antarctic Treaty.

Before concluding, I would emphasize once again that we, the sponsors of these draft resolutions, and, I should think, others that support our viewpoint, stand ready to restore the process of consensus on this subject, although I note with a certain degree of regret the seeming finality of the position of the Consultative Parties and non-consultative parties in this regard, as expressed just now by the spokesman for the parties.

Malaysia For its part is firmly committed to working with all concerned to return us all to the desired path of consensus. We ask only that there should be some movement on the part of the Treaty parties towards addressing substantive questions, so that consensus will not be proscribed.

The CHAIRMAN: I call now on delegations wishing to make statements on draft resolutions A/C.1/41/L.86, L.87 and L.88, as orally revised and amended.

Mr. BENNOUNA (Morocco) (interpretation from French): Speaking during the fortieth session of the General Assembly, my delegation stated that the question of Antarctica was one that should bring the international community together rather than divide it. There is full unanimity on the basic objectives of reserving the continent for peaceful activities, preserving it from confrontation between Powers, protecting its environment and developing scientific activities in the interest of all mankind.

Nor is there any doubt that those objectives are fully recognized in the Washington Treaty of 1 December 1959. No one denies that. Its preamble stresses the need to serve the purposes and principles of the Charter of the United Nations. The consultative meetings of the Contracting Parties have acknowledged the interaction between the Antarctic Treaty system and international organizations, including the specialized agencies of the United Nations, through which fruitful co-operation has been established.

The Washington Treaty established a closed club, membership of which is open only to certain privileged States that have proved their capacity to carry out scientific expeditions or set up costly stations. Also, that legal instrument has been extended ratione materiae to the protection of the flora, the fauna and the mineral resources of the continent. All of this has increased the international community's legitimate interest in being fully informed about all activities and in being associated with the management and exploitation of this integral part of the common heritage of mankind.

In that framework, at its fortieth session the Secretary-General submitted a substantial report to the General Assembly, which called upon him to update and

(Mr. Bennouna, Morocco)

~~complete~~ that report by gathering information from States ~~parties~~ concerning their negotiations on the creation of a ~~régime~~ governing the mineral ~~resources~~ of the Antarctic.

It may be considered regrettable that the ~~representative~~ of Australia, on behalf of the ~~parties~~ to the ~~Washington~~ Treaty, rejected the ~~request~~ for information that the Secretary-General had ~~addressed~~ to them ~~in~~ accordance with resolutions ~~40/156~~ A and ~~B~~. ~~I~~ refer to the Secretary-General's report in document A/41/688 of ~~8~~ October 1986.

Is the ~~search~~ for ~~consensus~~, which ~~we~~ whole-heartedly support, ~~and~~ for which we wrked tirelessly during the fortieth session, to ~~break~~ off all co-operation with the Secretary-General? We do not think so, particularly ~~since~~ at thin ~~stage~~ all that is involved ~~is~~ the ~~provinion~~ of information and, ~~as~~ har been ~~acknowledged~~ by the Treaty parties ~~themselves~~, the ~~safeguarding~~ of ~~the interests~~ of all mankind in the Antarctic.

(Mr. Rennouna, Morocco)

My delegation **hopes** that **constructive dialogue** between the **Contracting Parties** and the **Organization** will be **resumed**, both at this **session** and in the **inter-session** period, **so as** to comply fully with the **purposes** and principles of the Charter.

In **this** connection, the Declaration of the Summit Conference of **Heads** of State and Government of the Non-Aligned Movement held at **Harare** from **1** to **6** September 1986, appealed to all **States**

"to resume co-operation with the purpose of **coming** to an understanding on all aspects concerning Antarctica within the framework of the **United Nations General Assembly**". (A/41/697, para. 202, p. 95)

In conclusion, I **should** like to mention a fundamental and **highly** complex **aspect** of this **question**, namely, the significance of the **United Nations Convention** on the Law of the Sea in the Southern Ocean.

We have noted with **satisfaction** the detailed and very instructive study carried out by the Secretary-General at the request of the General Assembly and **contained** in chapter IV of **his** report (A/41/722) dated 17 November 1986.

The basic principle that **should guide us** in analysing that study is contained in article 311, paragraph 2, of the **United Nations Convention** on the Law of the Sea of 10 December 1982, which **provides** that the

"Convention shall not alter the **rights** and **obligations** of States Parties which arise from other agreements compatible with this Convention and which do not affect the enjoyment by other **States Parties** of their rights or the performance of their obligations under this Convention". (United Nations Convention on the Law of the Sea, art. 311.2)

Although the Montego **Bay** Convention, which to a large measure codifies the international law of **the sea**, has not yet entered into force, it **is**, according to the Secretary-General's report,

(Mr. Bennouna, Morocco)

*a global convention applicable to all ocean ● page.. (A/41/722, para. 115)

Compatibility between that universal Convention and the Washington Treaty, which covers "the Antarctic maritime space" is particularly necessary because the vast majority of States Parties to it have signed the Montego Bay Convention.

While such compatibility exists with regard to the peaceful use of the seas and oceans, many difficulties still remain; they are brought out by the study to which I have just referred, but it does not go into any detail about all the legal implications. Indeed, the central question which determines the problem of compatibility as a whole, and which has so far only been touched upon, remains the question of sovereignty over the land masses concerned. In this particular case, claims of sovereignty to certain parts of the Antarctic having been frozen, the question of the implications of a legal régime with functional competence over the adjacent maritime areas must still be examined.

Meanwhile, the study recalls the positions taken by three groups of countries, namely, the claimant and non-claimant States within the Antarctic Treaty system, the Antarctic Treaty Consultative Parties and, lastly, non-Party States. Various differences of opinion are noted in the report, and it concludes that

"the extent to which the provisions of the Convention relating to national sovereignty and jurisdiction apply to the area of application of the Antarctic Treaty, and hence their significance thereto, remain unclear". (A/41/722, para. 145)

Of course, for the zones lying beyond "national jurisdiction," whether in the high seas or the sea-bed, the compatibility problem does not arise.

My delegation congratulates the Secretary-General on his positive contribution to a better understanding of the legal status of Antarctica. We hope that his

(Mr. Bennouns, Morocco)

report will lead to a better **awareness** and a long-term view of the complexity of the problem and encourage all States to **intensify dialogue** in order to lay the foundation for harmonious co-operation in the interests of all mankind. We are convinced that, given the complex **problems** that have **been** highlighted, **it will now** be **possible** to enter into more detailed **studies** that will gradually dispel the shadows and enable **us** to reach a clear understanding of the **rights** and duties of each and every State while giving due regard to the **legitimate** interests of all. It **is** in that context that we consider that the recommendations in the draft resolution before us will be very useful in **enabling** us to **continue** the **studies** on the **question** of Antarctica and, within that framework, to **request** 'information from the Treaty Parties for those studies, making them of benefit to all. Hence, by furnishing such information, the Treaty **Parties** can also make a valuable contribution to dialogue and to the realization of a **régime** taking into account the **legitimate** interests of all within the framework of the relationship between international organizations and the Washington Treaty **system**.

The CHAIRMAN: The **representative** of **Malaysia** has **asked** to **speak** again to clarify his amendment to operative paragraph 1 of draft resolution A/C.1/41/L.88, and I therefore now call **upon** him.

Mr. YUSOF (Malaysia) : I should **like** to clarify the changes that have been made to operative paragraph 1 of draft **resolution A/C.1/41/L.88**, in order to avoid any possible misunderstandings. The paragraph should read as follows:

"Views with concern the **continuing participation** of the **apartheid régime** of South Africa in the meetings of **the** Consultative Parties to the Antarctic Treaty".

I should also like to raise a point of **order** to correct the record. In my earlier statement, I mentioned **Brunei Darussalam** as a **sponsor** of draft

(Mr. Yusof, Malaysia)

resolution **A/C.1/41/L.88**. That is not the case, and I **would request** the Secretariat to remove Brunei **Darussalam** from the list of sponsors of that draft resolution. I **apologize** to Brunei **Darussalam** for my inadvertent error.

The CHAIRMAN: I shall now call upon representatives who **wish** to speak in explanation of vote before the voting on all draft resolutions under agenda item **66**.

Mr. RIVERA (Peru) (interpretation from Spanlah) : My country, which respects the international legal order and **is** a non-Consultative Party to the Antarctic Treaty, deems it essential that that legal instrument be fully **respected** by the whole of the international **community**. It is only through the co-operation of all its Parties that a **realistic** examination of the **problems** of the Antarctic region can be undertaken, for that framework is fully in keeping with the purposes and principles of the United Nations Charter.

(Mr. **Rivera**, Peru)

when Peru adhered to the Washington Treaty In 1981 it **emphasized** that that **was** the only legal agreement on Antarctica. In **so** doing we **registered** our special **interest** in **working and** co-operating within the system created by that **instrument**, to which we are a party, with a view to the adoption of the **most just** and appropriate **measures** with regard to that region **and** its **resources**. Furthermore, my country **is** eager to **acquire consultative** status. We **believe** that that could serve **as** an example or **stimulus**, since by achieving that goal the international **community** would see to it that the Treaty maintained an open and dynamic **mechanism** **established** in accordance with international law.

My delegation **has traditionally** considered that the United **Nations** was prepared to **serve as** a link between **members** and **non-members** of the Treaty on **all** matters pertaining to Antarctica, as a way of providing relevant and substantive information to the entire International community with regard to the Process and **implications** of the Treaty, with a view to making it **recognized** universally and also to preserving the **achievements** it has made **possible** in the area.

Nevertheless, my delegation **notes** that in dealing with the item more difficulties have **now arisen** in the way of reaching **agreement** among all the **parties** concerned. What **is** more **disquieting**, there **seems** to be an absence of willingness to **negotiate** to bring **about** a convergence of **positions and** consensus. The debate on the item **seems** to be taking an unfavourable turn, which **must** be avoided at all **cost**. **Consequently**, my country will abstain in the **votes** on draft **resolutions** A/C.1/41/L.86 and L.87.

Mr. ZEGERS SANTA CRUZ (Chile) (interpretation from Spanish): The **representative of Australia** explained and gave reasons for the non-participation of the Antarctic Treaty Parties in the **discussion** of and voting on **this** item, thus fully reflecting our position.

(Mr. Zegers Santa Cruz, Chile)

The delegation of Chile wishes before the vote to set forth a few additional comments on its non-participation. The draft resolutions before us bear little relation to the Secretary-General's report **submitted recently** to the General Assembly, to what is taking place in Antarctica, to the meetings of the Treaty that governs it, and in general to realities in Antarctica. **Unfortunately**, they **show** what appears to be a decision by their sponsors to maintain and widen the rupture in **consensus** that first emerged at last year's session. Often actions are taken and analyses presented as if there were no legal **régime** or system of international co-operation in Antarctica, but such a **régime is** a solid and undeniable fact. **For** more than **quarter** of a century there has been a Treaty governing activities in Antarctica to which all States that have operated or expressed interest in **the** frozen continent adhere, and which **is** open to participation by all States **and is** in keeping with the United Nations Charter.

The Antarctic Treaty and the system it **has** established constitute a legal **system** under international law and the law of treaties. It **is** also a sub-system integrated to the general international system that has **proved** its value over almost three decades of efficient administration of Antarctica for the benefit of mankind. Attempting to disregard the Antarctic **régime** makes it more difficult to **realize** the **process** for consensus, **consensus** which **existed** when the item **was** first **discussed** in the **United Nations**, for it constitutes a fundamental break with that consensus and **makes it impossible** to maintain co-operation, as the Australian representative made clear.

With regard to the study **requested** of the Secretary-General, we can but make preliminary comments on the report we **received** only recently and which has not been considered by the General **Assembly**, and my delegation reserves the **right** to do so in **writing**.

(Mr. Zegers Santa Cruz, Chile)

For the moment we shall not refer to the chapters dealing with co-operation by the consultative parties with the specialized agencies, nor with the information made available to the United Nations and other interested parties, for these chapters apparently reflect adequately the genuine international co-operation that has always been maintained by the Treaty and its system.

A preliminary analysis of the chapter dealing with the significance of the Law of the Sea Convention in the Southern Ocean gives rise to greater difficulties.

We must recognize that the mandate is vague, and one appreciates that the Secretariat has attempted to make an effort at objectivity. Without disregarding the obvious importance of the Law of the Sea Convention, the appropriateness of comparing it on an equal footing with treaties already fully in force is arguable. But a fundamental problem arises with regard to the space the Law of the Sea Convention defines as "the area".

It is said that the international sea-bed area in the Antarctic region is imprecise, or that this is a matter lacking sufficient study. Consequently it is deduced or implied that it would require further study or analysis. That concept encompasses an important error and constitutes a violation of the Convention on the Law of the Sea, which refers to that area. Indeed, in accordance with the Convention, neither its parties nor any of the organs it establishes have powers to discuss or define the international sea-bed area. That area follows the same rule as do all other extrajurisdictional areas or those areas beyond the limits of national jurisdiction: it depends on the definition of the latter.

Therefore, and in keeping with that Convention and international law, every State will define its national jurisdiction and in the case of the sea-bed its continental shelf; and that definition will lead to a later definition of the international area. The Convention provides for the establishment of a committee

(Hr. Zegers Santa Cruz, Chile)

on continental shelf limits 18 months after it comes into force. That committee will be seized of the national definitions of continental shelf. Only at that time could a problem arise as to the ensuing definition of the area.

Antarctica is no exception to such norms. As in the rest of the world, there are in Antarctica affirmations of sovereignty that are fully in keeping with international law, are in force and are covered by article 4 of the Antarctic Treaty. Land sovereignty has the logical consequence of existing adjacent maritime spaces and between them the continental shelf. Therefore at this time there is no need for further studies or clarifications about the international sea-bed area in the southern Ocean. Nor is there room for neutral states to cast doubt on sovereignty that has been clearly affirmed under international law.

In the case of Antarctica such sovereign rights are, moreover, part of a legal régime governing the Antarctic region south of 60 degrees latitude south, a régime which presupposes a jurisdiction shared by all the Consultative Parties within the framework of the Treaty and its system.

(Mr. Zegera Santa Cruz, Chile)

In the case of Chile, our sovereignty **has been invoked** throughout more than a century and a half of independent existence and it is **based on unquestionable legal titles, historical background, geographical facts, activity, a time-honoured presence and an obvious interest** in everything that happens within 500 miles of Chile's coast. It **suffices** to look at a map, or travel two and a half hours from the Strait of Magellan to Antarctica, as our aircraft do regularly, to understand the **solid foundations of our sovereign rights and the weight of evidence in that regard.**

In view of its potential and perspectives **as a developing country**, Chile has through continuous work within the Antarctic Treaty and **system made a considerable contribution to knowledge** about the frozen continent, to its **communication with the rest of the world, to the protection of its ecosystem, and to its maintenance as an example of a zone of international peace and co-operation.** We have done this with no **small measure of sacrifice**, and **have voluntarily accepted limitations** on the full **exercise of our sovereignty to honour such noble objectives.**

All of this, however, does not mean, **nor can it mean**, that we **would relinquish or choose to sacrifice our rights.** The reality of Chile's **sovereign rights** is beyond the possibility of **doubt**, as should **be** the undeniable reality of **Antarctic sovereignty** in general. These **facts** cannot be disregarded in **systems relating to Antarctica, nor in the consideration of this item, which is currently before the General Assembly.**

For these reasons, my **delegation, together with the other parties to the Antarctic Treaty, will not participate in the vote.**

Mr. SVOBODA (Canada) : My **delegation has so far listened at tent level**, to the debate on **the question of Antarctica.** I should like **at the outset to make it clear that, while Canadians have been active in the Antarctic for many years in**

(Mr. Rvohoda, Canada)

the scientific area, Canada has not been involved in Antarctica at the official level. Canada takes much interest, however, in development in that distant region, but is not a party to the Antarctic Treaty. It is from that perspective that we approach the issues being discussed in this Committee and the draft resolutions before us today.

In our substantive intervention on this subject last year, my delegation stressed the importance of having any and all resolutions of the General Assembly concerning Antarctica upon the broadest agreement of its members. My delegation therefore regrets that it has once again not been possible this year - as was the case last year - to arrive at such an agreement. In demonstrating divisiveness as well as our incapacity to proceed on that basis, we make no real contribution to the functioning of the Antarctic Treaty, particularly those key aspects which deal with support for international peace and security, scientific co-operation, conservation of Antarctic resources and the protection of the environment. I regret to say that we have instead created and deepened the rift between the parties to the Treaty and others of the international community. In our view, we should be doing our utmost to take universal advantage of the provisions and benefits already associated with the Antarctic Treaty, strengthening, expanding and developing these as we go along, Treaty and non-Treaty members alike working together in the spirit of co-operation and progress.

In the light, therefore, of what we view as the counter-productive nature of two of the draft resolutions before us - that is, A/C.1/41/L.86 and L.87 - we shall abstain in the voting on them.

As far as the third draft resolution, L.88, regarding the exclusion of South Africa from the Antarctic Treaty, is concerned, we shall vote against recommending it to the General Assembly. Members of this Committee will be well aware of

(Mr. Svoboda, Canada)

Canada's strong **opposition** to **the** apartheid policies and practice⁸ of the Government of South **Africa**. Canada has taken a wide range of **measures** against that Government in recent yearn and **months**, **and** we have in fact received **praise** in many **quarters** for our leadership role in **that** context. **However**, **just** as we firmly support the principle of **universality** in the **United Nations** and it⁸ **agencies**, we **oppose** the **exclusion** or limitation of a State's **rights** to participate in an **international agreement**, such an the Antarctic Treaty.

If I may Lay **so**, **what** I understand will **be** the widespread **non-participation**, in **the** votes ahead, of the State⁸ **Parties to the** Antarctic Treaty, a membership **which cuts across** lines of geography and ideology, **would suggest** a considerable **degree** of harmony among their number with Canada's approach to these draft **resolutions**, including L.88.

Hr. WOOLCOTT (Australia) : I am speaking before the vote to **address** the **Committee** again on behalf of the States parties to the Antarctic Treaty. **First**, however, I should like to thank the Permanent Reprewntative of **Malaysia**, **Ambassador Yusof**, for his **generous remarks** in introducing **the** draft **resolutions** **before us** about my part in our **negotiations** in the **attempt** to reach a **consensus** text on the **substantive** Antarctic draft **resolutions**.

It **is** a matter **of great** regret to the Treaty **parties** that **consensus** decision-making **has** once again not proved **possible** on this item. The Treaty **parties** have consistently **pursued** efforts aimed at a **consensus** resolution. **Those** efforts were successful et the **thirty-eighth** and thirty-ninth **sessions** of the **General Assembly**. **However**, in our view **because** of the **actions** of other **delegations**, conoeneus **was** broken at the **fortieth session**.

(Mr. Woolcott, Australia)

This year we negotiated **earnestly** and **seriously** with Malaysia in an effort to restore consensus. We regret that, despite **our** efforts, it has **not been** possible to reach agreement on such an outcome. In **order** to indicate that constructive **steps** towards **consensus** are **regarded as being** of great **importance**, the **Treaty** parties will make clear their **positions** in the voting on the various **draft** resolutions. **Generally**, they will not participate in the voting on two of the three draft resolutions - L.86 and L.87 - reflecting their continuing disappointment at the breaking of **consensus**. On the third draft **resolution, L.88**, the parties will reflect their views on the draft **resolution** in ways which do not affect their **position** on the successful functioning of the Antarctic Treaty.

The Treaty parties **regret** that the proponents of the draft resolutions **remain** **unwilling** to make the effort **required** to **return** to consensus. The Treaty **parties** believe that the General **Assembly's** consideration of Antarctica can proceed usefully and **realistically** only on the **basis** of **consensus**.

I **request** a roll-call vote on each of the draft resolutions, L.86, L.87 and **L.88**. As I have previously stated, a number of Member States will indicate that they are not **participating** in the voting. I **ask** that the **records** of the **Committee** indicate explicitly that **those** members elected not to participate in the voting.

Mr. HUANG Jiahua (China) (interpretation from Chinese): Since the **inclusion** of the **question** of Antarctica in the agenda of the General Assembly, the principle of **consensus has been** followed in dealing with the **issue**. However, at the **previous session** of the General Assembly, **as** well as at this one, **some parties** have **been** unable to reach a **consensus** on draft resolutions relating to the **question** of Antarctica. The Chinese **delegation** expresses its deep **regret**.

(Hr. Ruang Jiahua, China)

Indeed, there are different opinions and understandings on different sides on the issue of Antarctica. However, this should not negate the common points among US. For instance, all of us believe that the principles and purposes of the Antarctic Treaty are good, that Antarctica should be used for peaceful purposes, that it should not become a place for military activities or international rivalry, that the environment of Antarctica should be protected and that international co-operation in activities in Antarctica should be expanded and strengthened.

(Mr. Huang Jiahua, China)

In our **view**, all these common points should become the basis upon which we can carry out equal consultations and **common exploration** of the **issue** of the Antarctic. In recent years, in order to adapt to the evolving situation, the Antarctic Treaty Consultative Parties have **adopted** some **measures** to **improve** the Treaty **régime**. For instance, the 12th consultative **meeting** of the Antarctic Treaty decided to publish further **documents** relating to the consultative meetings. It showed **a continuing willingness to provide** information about Antarctica and the **operation** of the Antarctic Treaty **system**, and within the Treaty régime it is willing gradually to narrow the gap between the status of the Consultative Parties and the **non-consultative** parties. Those measures in our view are of **positive** significance to the promotion of a gradual opening of the Treaty and the strengthening of co-operation with **the United Nations**.

Of course, in order to implement the **purposes** and principles of the Antarctic Treaty, there is still a lot to do. There are questions to be dealt with such as how further to expand and strengthen **international** co-operation in activities in Antarctica; **how to** enable more **countries**, especially the developing **countries**, to participate in activities in Antarctica and give full play to **their role** in the Antarctic Treaty; and **how to** enable the future **Antarctic** mineral resources **régime** to reflect the principles and **purposes** of the Antarctic Treaty, as well as the **common** interests of the whole of mankind. **All these issues deserve our serious consideration and study.**

The Chinese delegation **believes that** the principle of consensus gives all sides an opportunity fully to express **their** respective **positions**. It enhances **mutual understanding** and mutual **co-operation** in serious **exploration** of the **relevant** issues. Therefore **the** task before us at present is, **on the one** hand, to seek

(Mr. Huang Jiahua, China)

further improvement and perfection of the Antarctic Treaty régime and, on the other, to promote dialogue, prevent confrontation and restore the principle of consensus in the consideration of the question of the Antarctic at the United Nations. Only by following such a method will it be possible for us to solve the problems of the Antarctic appropriately.

Based on the above-mentioned purposes and spirit, the Chinese delegation will abstain in the voting on draft resolutions A/C.1/41/L.86 and A/C.1/41/L.87, and vote in favour of the draft resolution contained in A/C.1/41/L.88.

Mr. AKRAM (Pakistan): I have asked to speak in order to respond to some of the remarks we have heard this afternoon, particularly from the representative of Australia, regarding the attitude of the sponsors of the draft resolutions on the question of consensus. I have sought to speak with some regret, and only after the representative of Australia dwelt on this point at some length, not once but on two occasions this afternoon.

The representative of Australia has stated that it is Malaysia and its supporters - which of course includes Pakistan - that have broken consensus on the question of Antarctica. We would have hoped that, in the spirit of mutual respect for and consideration of each other's position, which we at least have tried to demonstrate in this Committee, the representative of Australia, speaking on behalf of the Treaty parties, would also have found it possible to show a similar deference to the sincerity of the sponsors of the draft resolutions before us.

Let me just recall that a few months ago - two months to be precise - at Harare we were able to achieve a consensus on the question of Antarctica. The provisions of the Aerate Declaration are subscribed to by those who have sponsored these draft resolutions. They have also been subscribed to by at least two of the

(Mr. Akram, Pakistan)

consultative parties to the Antarctic Treaty, besides a number of non-consultative parties. We were able to achieve a consensus at Harare. If therefore in this Assembly we have not been able to achieve consensus along the lines of the provisions of the Harare Declaration, my question is this. What are the new elements in this Assembly which were not present at Harare? The answer to that question is self-evident. I believe that if consensus is to be re-established by the General Assembly, we must at least avoid ascribing unilateral blame to one side and make a sincere effort to promote a compromise which meets the minimum positions of both parties.

To the best of our knowledge, the representative of Malaysia has made a sincere effort in the consultations which he has held with Australia and others to promote a consensus. I wish to place on record my delegation's appreciation of the efforts made by the Malaysian delegation to promote such a consensus, and also our rejection of any contention to the contrary.

The CHAIRMAN: Since no other delegation has asked to speak in explanation of vote before the voting, we shall now begin the voting on the draft resolutions before us, starting with draft resolution A/C.1/41/L.1, titled "Question of Antarctica". It was introduced by the representative of Malaysia at the 51st meeting of the First Committee on 19 November 1986. Its sponsors are Antigua and Barbuda, Bangladesh, Brunei Darussalam, Congo, Ghana, Indonesia, Malaysia, Mali, Oman, Pakistan, Rwanda, Sri Lanka, Sudan and Zimbabwe.

A roll-call vote has been requested on each of the three draft resolutions before the Committee. Accordingly, in keeping with the relevant rule of procedure,

(The Chairman)

"The roll-call shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is drawn by lot by the Chairman. The name of each member shall be called in any roll-call, and its representative shall reply 'yes', 'no' or 'abstention'." (rule 127)

He may also point out that the request made by the representative of Australia has already been noted.

I call on the representative of Australia on a point of order.

Mr. WOOLCOTT (Australia): Mr. Chairman, I think you said **representatives** should say **"yes"**, "no", or "abstain". It should be clear that those who are not participating shall say **"non-participation"**. So I think the accurate formulation **is** that representatives should say **"yes"**, "no", "abstain", or **"non-participation"**.

The CHAIRMAN: Yes, that is what I said. I repeat: "I may also **point** out that the **request made** by the representative of Australia **has** already been **noted**."

The **Committee will now** take action on draft resolution A/C.1/41/L.86. A roll-call **vote** has been **requested**.

roll-call vote was taken.

Uruguay, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: **Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Cyprus, Democratic Kampuchea, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Guinea, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Philippines, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Yugoslavia, Zaire, Zambia**

Against: **None**

Abstaining: **Austria, Canada, China, Ireland, Luxembourg, Peru, Portugal, Turkey, Venezuela**

Draft resolution A/C.1/41/L.86 was adopted by 76 votes to none, with 9 abstentions.*

*During the course of the roll-call vote the following delegations announced that they were not participating: Afghanistan, Albania, Argentina, Australia, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Hungary, India, Israel, Italy, Japan, Lao People's Democratic Republic, Netherlands, New Zealand, Nicaragua, Norway, Poland, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Viet Nam.

The CHAIRMAN: The Committee will now take action on draft resolution A/C.1/41/L.87. It was introduced by the representative of Malaysia at the Committee's 51st meeting, on 19 November 1986. The sponsors are Antigua and Barbuda, Bangladesh, Brunei Darussalam, the Congo, Ghana, Indonesia, Malaysia, Mali, Oman, Pakistan, Rwanda, Sri Lanka, Sudan and Zimbabwe.

A roll-call vote has been requested.

A roll-call vote was taken.

The Lao People's Democratic Republic, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Cyprus, Democratic Kampuchea, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Guinea, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Philippines, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Yugoslavia, Zaire, Zambia

Against. None

Abstaining: Austria, Bahamas, Canada, China, Ireland, Luxembourg, Peru, Portugal, Turkey, Venezuela

Draft resolution A/C.1/41/L.87 was adopted by 76 votes to none, with 10 abstentions.*

*During the course of the roll-call vote the following delegations announced that they were not participating: Afghanistan, Argentina, Australia, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Hungary, India, Israel, Italy, Japan, Lao People's Democratic Republic, Netherlands, New Zealand, Nicaragua, Norway, Poland, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

The CHAIRMAN: The Committee will now take action on the last draft resolution, in document A/C.1/41/L.88, an orally revised by the representative of Malaysia on behalf of the sponsors.

The draft resolution is entitled 'Question of Antarctica'. It was introduced by the representative of Malaysia at the Committee's 51st meeting, on 19 November 1986. The sponsors are: Algeria, Angola, Antigua and Barbuda, Bangladesh, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, Mozambique, Niger, Nigeria, Oman, Pakistan, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe.

A roll-call vote has been requested.

A roll-call vote was taken.

Malta, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Guinea, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia

Against: Canada

Abstaining: Austria, Ireland, Luxembourg, Portugal, Turkey

Draft resolution A/C.1/41/L.88, as orally revised, was adopted by 99 votes to 1, with 5 abstentions.*

*During the course of the roll-call vote the following delegations announced that they were not participating: Australia, Belgium, Chile, Côte d'Ivoire, Denmark, Finland, France, the Federal Republic of Germany, Greece, Guatemala, Israel, Italy, Japan, the Netherlands, New Zealand, Norway, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay.

The CHAIRMAN: I call now on **delegations wishing** to explain their vote after the voting on draft **resolutions A/C.1/41/L.86, L.87, and L.88, as orally revised.**

Mr. LUPINACCI (Uruguay) (**interpretation from Spanish**) : From **the political standpoint**, Uruguay **agrees** with the thrust of draft **resolution A/C.1/41/L.88**, just adopted by the Committee. We believe, however, that from the legal **standpoint** it is **inadmissible**, because the functioning of the Antarctic Treaty is governed by the **provisions of** the Treaty **itself** and, in any event, by the **norms of international treaty law**, according to which **the implementation** of this draft resolution **is not feasible.**

Mindful of the legal **incompatibility** of this **draft resolution** with the Antarctic Treaty, which **established a system** independent of the United Nations, my **delegation was obliged** not to participate in the vote on the draft resolution. Had **it not** been for that technical difficulty, my delegation would have voted in favour of the exclusion of the minority **apartheid régime** of South Africa.

The CHAIRMAN: We have thus concluded our consideration **of** and action upon draft **resolutions A/C.1/41/L.86, L.87 and L.88**, under agenda item 66, 'Question **of** Antarctica'.

ORGANIZATION OF WORK

The CHAIRMAN: At tomorrow morning's meeting we shall embark on the general debate, consideration of and action upon draft resolutions **under** agenda items 67, 68, 69 and 141, relating to international **security**. The following **delegations** are **scheduled** to **speak** at that **meeting**: Hungary, Cuba, the Union of Soviet **Socialist Republics** and **Mexico**.

The meeting rose at 11.55 p.m.