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Chairman: Mr. **FARMY (Egypt)** (Vice-Chairman)

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In the absence of the Chairman, Mr. Fahmy (Egypt), Vice-Chairman, took the Chair.

The meeting was called to order at 10:40 a.m.

AGENDA ITEM 70 (continued)

QUESTION OF ANTARCTICA; GENERAL DEBATE AND CONSIDERATION OF AND ACTION ON DRAFT RESOLUTIONS

Mr. KOLANE (Lesotho): The Committee will recall that a draft resolution on the question of Antarctica was introduced in this Committee in 1987. It was again before us last year and **adopted** by the **General Assembly** as resolution **43/83 B**. This draft **resolution** is before us **once more** at this **forty-fourth** session as draft resolution **A/C.1/44/L. 68** in view of the continued participation of South Africa in the meetings of the Antarctic Treaty Consultative Parties, despite the **General Assembly** resolutions of 1987 and 1988.

(Mr. Kolane, Lesotho)

The **purpose** of **this draft** resolution **is to** appeal **once again** to the Antarctic Treaty **Consultative Parties** to take urgent **measures** to **exclude** South **Africa** from participation in the meetings of the **Consultative Parties** at the earliest **possible date**. According to the **draft resolution**, the **General Assembly** would invite the **States parties to the Antarctic Treaty** to inform the **Secretary-General** of the **actions taken** regarding the **provisions** of the draft resolution.

The **Committee will note** that the **fourth and fifth** preambular **paragraphs** refer to the **latest** resolution of the **Organization of African Unity (OAU)** and the **Declaration** adopted by the **Ninth Conference of Heads of State or Government of Non-Aligned Countries**, and the **changes** are therefore merely to **update the draft**, **inasmuch as** the **same** resolution of the OAU and the **Declaration** of the non-aligned **countries** were reconfirmed **once more** at the **latest sessions** of those two **organizations**.

The African Group once again speaks to the Treaty **Parties** to exclude South Africa **from** participation in **their meetings** at the earliest **possible date** and **submits** the draft **resolution** for the **Committee's consideration**.

Mr. WILENSKI (Australia): I **speak** today to **address** the Committee on behalf of States **Parties** to the **Antarctic Treaty**, a remarkable **instrument** of unlimited duration, **dedicated** to furthering the purpose and principles embodied in the Charter, and one which, in **less** than two **weeks' time**, will celebrate the thirtieth **anniversary** of **its** adoption-

This is a joint statement, reflecting the **united views** of consultative and non-consultative parties, which collectively encompass a majority **of** humankind and **about one-quarter** of the membership of the United **Nations**. The parties are not making separate statements.

(Mr. Wilenski, Australia)

This is the first time that I have addressed the Committee **on** this **subject**. In reviewing the history of this item since it was inscribed on the agenda in 1983 I was struck by the fact that since the initiators of the item **broke** with its consensus handling in 1985, it has **become** little more than an annual ritual. Unfortunately, it would **seem** that consensus is again going **to** elude us at the forty-fourth session of the general Assembly. That is a matter of great regret. It is the profound hope of **the** Treaty Parties that there will **be a return** to consensus in any future deliberations of the Assembly on this question. It is only in this way that a productive dialogue can occur in the interests of further enhancement of the already long-standing **co-operative** relationship between the United Nations and the Antarctic Treaty **systems**.

I wish **to** dwell for a moment on the record of achievement of the Antarctic Treaty system, including its important **contributions** to international peace and security, to the advancement of scientific knowledge and to global and regional **environmental** awareness and protection.

We have heard no serious challenge to this record and these achievements have been widely acknowledged, including in the Secretary-General's reports. In the opinion of the **Parties** they consolidate the Treaty's claim to **be** regarded as a valuable and successful instrument of international **co-operation**.

The main important features of the Treaty include its openness to accession by any State, the stipulation that Antarctica should for ever **be** used exclusively **for** peaceful purposes and not **become** the scene or **object** of **discord**, and the prohibition on nuclear explosions, **on** the disposal of nuclear waste, and **on any** military **measures** including the testing of weapons **or** the conduct of military **manoeuvres**. Indeed, Antarctica is a **zone** free of nuclear weapons and is the first entirely **demilitarized** continent.

(Mr. Wilenski, Australia)

The other important features of the Treaty **are:** the guarantees of freedom of scientific research throughout Antarctica and the promotion of exchange of scientific information and **personnel;** the establishment of a comprehensive system of on-site inspection **to promote** the **objectives,** and ensure the observance, of the Treaty; and the removal of the potential for political and sovereignty disputes by the **unique** accommodation of the positions of claimants and non-claimants, which allows **co-operation** on scientific and other matters **to** proceed.

Antarctica does not exist in a legal vacuum. It has a special political and legal **status** based in the **system** that has developed from and around the Antarctic Treaty. This **system** is strong, dynamic, flexible and in full conformity with international law and the Charter of the **United Nations.** Since 1983 the number of Contracting Parties has increased **by** 25 per cent to 39. The number of **Consultative** Parties has recently grown **by** 3 to 25 and there are 2 other notifications under Consideration. The Parties to the Treaty comprise a diverse and formidable range of countries with differing political, economic and social complexions and include **all** those geographically closest to Antarctica, the **most** populous nations **on Earth,** developed and developing, aligned and non-aligned, large and small countries, all nuclear-weapon **States** and all permanent members of the United Nations Security Council.

The steady increase in participation in its **work** is testimony to the **system's** continuing relevance and to the **rejection** of criticisms made of it and Of suggestions that it needs to **be replaced by some other system.** It is clear that the **system works** and works well, and every effort should **be made** to maintain and further strengthen it.

This work of the Treaty **system** is reflected in **the** substantial **body** of **measures** adopted and decisions taken over the past 30 years and recorded in many

(Mr. Wilenski, Australia)

reports and publications including in the Antarctic Treaty System Handbook. These measures touch upon all aspects of human activity in Antarctica and have ensured the smooth functioning of the consultative process and the necessary evolution and adaptation of the system to meet new challenges.

The outcome of the recent XVth Antarctic Treaty Consultative Meeting in Paris has maintained the momentum of this work, and is a further testimony to the strength and dynamism of the Treaty system and its ability to reach consensus decisions in the increasingly complex areas requiring co-operation in respect of Antarctica. In keeping with standing practice, the government of France, as host nation, will convey the report of the meeting to the Secretary-General as soon as it has been prepared and will also be drawing parts of it to the attention of the relevant specialized agencies and organizations.

The work of the Antarctic Treaty system in respect of the protection of the Antarctic environment and dependent and associated ecosystems is impressive. It should be noted that some 60 per cent of the measures adapted to date apply to the environment. This recent, most successful consultative meeting was marked by a rededication of the Treaty Parties to their major goals of scientific achievement and environmental protection. I should like briefly to summarize the practical outcome. The meeting adopted some 22 recommendations to Government and a major declaration on the ozone layer and climate change. In this context it should not be forgotten that scientific research conducted in Antarctica by Treaty parties has played an important role in understanding the nature of our planet and how it works. The ozone hole phenomenon was discovered by scientists of the Antarctic Treaty parties, and monitoring and meteorological data from Antarctica are making an indispensable contribution to the global effort to predict and understand climate change.

(Mr. Wilenski, Australia)

Among the important recommendations to Governments of the XVth Consultative Meeting are those in respect of: the convening of separate meetings in 1990 to explore and discuss all proposals relating to the comprehensive protection of the Antarctic environment and its dependent and associated ecosystems, and relating to the liability protocol envisaged under article 8 (7) of the Convention on the Regulation of Antarctic Mineral Resource Activities; a major revision and strengthening of the code of conduct on waste management in Antarctica; action by States to prevent and control marine pollution; and expanded monitoring of local impacts of human activity and of the indicators of global environmental change.

(Mr. Wilenaki, Australia)

A second group of recommendations relates to the Antarctic protected area system and includes: the establishment of three new sites of special scientific interest and the redesignating of a specially protected area as a site of special scientific interest so that it can be used as a biological and ecosystem monitoring site; the introduction of management plans and improved descriptions for specially protected areas; and protection for newly designated historic sites and monuments.

A significant development was the establishment of two new categories of protected area in Antarctica: the single-purpose category of special reserve area to provide for the protection of areas of outstanding geological, recreational, scenic and wilderness values, and the multiple-use planning area to prevent multiple activities in certain areas interfering with each other or causing cumulative environmental damage.

A third group of recommendations includes: proposals for the establishment of a scientific and environmental data system; the promotion of maximum efficiency and effectiveness of scientific work in Antarctica; and the prevention and alleviation of problems arising from the concentration of stations in some areas of Antarctica.

Recommendations were also adopted on promoting co-operation in the fields of weather and sea ice information services for maritime and air navigation in Antarctica; promoting co-operation in the hydrographic charting of Antarctic waters; establishing information exchange arrangements and programmes of action and study to promote air safety in Antarctica; calling for further studies on the question of ice usage; and calling for the issue of commemorative stamps to mark the thirtieth anniversary of the entry into force of the Antarctic Treaty.

In addition, the meeting also took decisions on practical aspects of the operation of the Treaty system, exchanges of information and future work in many areas, including some of those I have just mentioned, as well as an environmental

(Mr. Wilenski, Australia)

impact assessment, tourism and non-governmental activity, and inspection and compliance arrangements.

A word is also necessary about the process of interchange and dialogue with the wider international community, including the United Nations. The following specialised agencies and other international organisations attended the XVth Antarctic Treaty Consultative Meeting to assist deliberations on certain items: the International Hydrographic Organization, the Intergovernmental Oceanographic Commission, the Intergovernmental Panel on Climate Change, the International Civil Aviation Organisation, the International Maritime Organization, the World Meteorological Organization, the International Union for the Conservation Of Nature and Natural Resources, the Scientific Committee on Antarctic Research and the Commission of the Convention on the Conservation Of Antarctic Marine Living Resources. This represents the largest number of such bodies to have attended a consultative meeting to date and is illustrative of the practical co-operation which exists between the Treaty system and the international community.

In respect of information flows, the meeting made further decisions in respect of the public availability of documents from past treaty meetings. This ongoing programme of release will add to the enormous volume of material from Treaty Parties which is already on the public record and is available in scientific publications and through national contact points and international data centres. In addition the Treaty Parties send material to the Secretary-General of the United Nations. Major contributions were made to his study which was completed in 1984. Much of this material is, of course, of greater interest to scientists, reflecting the fact that science is, and will continue to be, the major product from activity in Antarctica.

(Mr. Wilenski, Australia)

My report on the XVth Antarctic Treaty Consultative Meeting would not be complete without a reference to the important discussions proceeding within the Treaty system on how best to protect the fragile Antarctic environment and its dependent and associated ecosystems, which reflect heightened concern about environmental matters. They are taking place against the background of a fine and universally acknowledged record of environmental protection achievement by the Treaty system. I must also stress that all Antarctic Treaty Parties have dedicated themselves to scientific research of global importance and share the objective of wishing to provide maximum environmental protection and conservation in Antarctica. The current discussions within the Treaty system, including those relating to the Convention on the Regulation of Antarctic Mineral Resource Activities and to comprehensive protection of the Antarctic environment and its dependent and associated ecosystems, are about the best means to that common end.

There are important and complex matters involved which will require some time to work through within the Antarctic Treaty system. However, in keeping with the traditional spirit and practice of Antarctic Treaty consultation, there will be a positive outcome. In this context I wish to reassure this Committee that the environment remains a fundamental concern of the Treaty Parties, and, as we have been stating before the General Assembly and in other forums for a number of years, the restraint from any commercial mineral activity in Antarctica as previously agreed upon remains in place. These particular discussions are a prime example of the fact that the Antarctic Treaty system's consultative and consensus processes, which are a central feature of its work, are working well and can accommodate all viewpoints and changing circumstances.

Shortly the Committee will be voting on draft resolution A/C.1/44/L.69, although for our part the Treaty Parties are, even at this late stage, willing to

(Mr. Wilenski, Australia)

work **for** consensus on it. **Regrettably, as it stands the draft is unacceptable to the Treaty Parties** in a number of **respects**, particularly the attempts to **issue** directions on how their deliberations should **be conducted**, who should **be involved** and how they conduct their scientific **research** in Antarctica **and** protect the environment, **and the underlying premise that there is something wrong with the Treaty system.**

The international community in **a number of ways recognises** the international **value** of the Antarctic Treaty, which **has** preserved **the peace, advanced** scientific **knowledge** and protected the **Antarctic** environment in **a practical, effective and flexible way.** The goal **of** the **increasing number** of Treaty Parties is the enhancement of that **system** and its **operation** in the interests of humankind. **There** exists **a** co-operative and ongoing relationship with the United Nations, and on the **basis** of mutual agreement we **are** prepared to develop this further.

Mr. KIBIDI NGOVUKA (Zaire) (interpretation from French) **•** Once again **the** delegation **of** Zaire is **participating in the** general **debate on the question of Antarctica.** We should like **at** the outset to say that we **have been** participating in this debate since 1985 with the **very** painful feeling **that** often **stimulating** and useful exchanges take place but that **no** progress **is** being made, **because** of **a** certain deliberate obstruction by **certain States** under the pretext **that** the draft **resolutions** on Antarctica should be adopted by **consensus.** **Worse yet, these States systematically** refuse to participate in the voting, because **their** demands are not taken into account by the majority **of** Member **States.** **If** Zaire is participating in the discussion **of this question again** at this **session, it is because there** are new reasons to **justify** it. **Among these reasons,** there is, first of all, the fact **that** Antarctica in the **common** heritage of mankind, and this in **itself** explains Zaire's profound interest in the **question.**

(Mr. Kibidi Ngovuka, Zaire)

In fact, it was in 1985 that the Council of Ministers of the Organization of African Unity (OAU) - in a resolution that everyone will remember - proclaimed Antarctica the "common heritage of mankind". The Political Declaration adopted by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986, should also be recalled. In other words, the continent is not under the jurisdiction of any one country or group of countries and any attempt to appropriate it violates its legal status.

None the less, Zaire highly appreciates the fact that the signatories to the Antarctic Treaty of 1959 have, over the past 30 years, been conducting research on that continent, research which has made it possible to better understand the importance of the role it plays in the climatology of the world as well as its role in the preservation of the ecosystem. Hence, Zaire would not in any way want to call into question the basic merits of that Treaty and is therefore pleased that it has established a system which, for 30 years, has succeeded in freezing the claims that have been made on Antarctica and in preserving the demilitarized and denuclearized status of that continent.

This legal instrument does, however, have its defects, foremost of which is undoubtedly its non-universality. In fact, the Treaty is open only to a few States with scientific potential and with considerable financial means. It therefore functions on a selective, and therefore discriminatory and arbitrary, basis. The States Parties to the Antarctic Treaty act as the privileged members of a hermetically sealed club and do not communicate the results of their research to the United Nations and do not want to receive guidelines or recommendations from the General Assembly. They therefore disregard the authority of the Secretary-General of the United Nations.

(Mr. Kibidi Ngovuka, Zaire)

At the beginning of my statement I **spoke** of **recent** and new reasons **for** our Participation in **this debate**. I should Like **now to** explain the **reasons why** Zaire **attaches so much importance** to the **question** of Antarctica.

The international community issued a serious warning to States Parties **to** the Antarctic Treaty through the adoption last **year** of resolution **43/83 A**. Under the **terms of** that resolution, the **General** Assembly expressed its **regret** that the **Antarctic Treaty Consultative Parties** had proceeded with **negotiations** and **had adopted**, on 2 June 1988, a convention **on** the regulation of Antarctic mineral **resource** activities, notwithstanding **its** resolutions **41/88 B** and **42/46 B**, calling for the imposition of a moratorium on negotiations to establish a mineral **régime** until such **time as all members** of the international community could **fully** **Participate** in **such** negotiations. Of course, the States Parties **to** the Treaty did not take into account the **recommendation** of the **General Assembly** and **proceeded to** **conduct negotiations** which led to a convention **on** the mineral **régime of** Antarctica.

In spite of the **existence** of that **agreement**, we now learn that the Governments of France, **Italy**, **Australia** and Belgium **refuse to follow** up on the Convention **because of** the clear **dangers** to the **ecosystem** of any mineral **exploitation** on the continent of Antarctica. Zaire **commends** the clear-sightedness of those States that **realized in time** the seriousness of the situation and refrained **from** going ahead **and** taking action that would have been irreparable.

We **also** commend, as a **promising** event, the convening in 1990 in **Paris** of a **Consultative meeting** of the States **Parties** to the Treaty **for** the purpose of exchanging views with regard to the establishment of a **régime** for the **protection** Of the ecosystems and the Antarctic environment and its associated **ecosystems**.

Zaire is a sponsor of the two draft resolutions **on Antarctica**, **A/C.1/44/L.68** and **A/C.1/44/L.69**, and hopes that there will be a decisive turning-point in the **question** of Antarctica in the very near future.

(Mr. Kibidi Ngovuka, Zaire)

Zaire maintains its objection to the presence of South Africa as a Consultative Party to the Antarctic Treaty for obvious moral reasons.

We can in no way be deceived but at the same time we are not closed to dialogue. Apartheid cannot be reformed; it must be fought against, it must disappear. That is the basic reason why we demand the withdrawal of the Pretoria régime from the Treaty. Zaire is participating in the efforts of the international community with a view to the dismantling of apartheid. We are doing so through different channels, convinced as we are that the winds of change blowing in South Africa will put an end to apartheid - in both its legal and its philosophical bases and in its social or political manifestations.

The meeting rose at 11.05 a.m.