

ANTARCTIC TREATY
SPECIAL CONSULTATIVE MEETING ON
ANTARCTIC MINERAL RESOURCES



TRATADO ANTÁRTICO
REUNIÓN CONSULTIVA ESPECIAL SOBRE
LOS RECURSOS MINERALES ANTÁRTICOS

TRAITÉ SUR L'ANTARCTIQUE
RÉUNION CONSULTATIVE SPÉCIALE
RELATIVE AUX RESSOURCES MINÉRALES
DE L'ANTARCTIQUE

Wellington
14-25 June 1982

ДОГОВОР ОБ АНТАРКТИКЕ
СПЕЦИАЛЬНОЕ КОНСУЛЬТАТИВНОЕ
СОВЕЩАНИЕ О МИНЕРАЛЬНЫХ
РЕСУРСАХ АНТАРКТИКИ

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Original: English

REPORT OF THE FIRST SESSION OF THE SPECIAL CONSULTATIVE MEETING
ON ANTARCTIC MINERAL RESOURCES, WELLINGTON, 14-25 JUNE 1982

1. In accordance with Recommendation XI-1 of the Eleventh Antarctic Treaty Consultative Meeting, representatives of the Consultative Parties (Argentina, Australia, Belgium, Chile, France, the Federal Republic of Germany, Japan, New Zealand, Norway, Poland, the Republic of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America) met in Wellington from 14 to 25 June 1982.
2. The Meeting was formally opened by the Honourable Warren Cooper, Minister of Foreign Affairs of New Zealand.
3. Mr C.D. Beeby, Representative of New Zealand, was elected Chairman of the Special Consultative Meeting. Miss A.J. Pearce and Mr T.B. Caughley, of the New Zealand Ministry of Foreign Affairs, were respectively appointed Secretary-General and Assistant Secretary-General.
4. Opening statements, the texts of which are annexed to this Report, were made by Heads of Delegations. The Meeting then adopted the following agenda:
 1. Opening of the Meeting.
 2. Election of Officers.
 3. Opening addresses.
 4. Adoption of the agenda.
 5. The elaboration of a regime on Antarctic mineral resources.
 6. The form of a regime on Antarctic mineral resources.

7. Schedule for future negotiations.
8. Other business.
9. Adoption of the final report of the Meeting.

5. The meeting considered these items in Plenary Session. Informal discussions also took place at Heads of Delegations level.

The elaboration of a regime on Antarctic mineral resources

6. The meeting proceeded to discuss item 5 of the Agenda, the elaboration of a regime on Antarctic mineral resources, on the basis of Recommendation XI-1 (attached as Annex A) and the relevant recommendations and reports of the Eighth, Ninth and Tenth Antarctic Treaty Consultative Meetings.

7. The Chairman presented a proposal for a structure for the discussion of the item, comprising a list of questions, and representatives addressed these questions. There was also discussion of working papers submitted by delegations. The meeting drew up and approved a schema (attached as Annex B) for an instrument on Antarctic Mineral Resources for the guidance of the subsequent discussion and as an aid in negotiation, without prejudice to any decision on the format and structure of the regime. In the course of the discussion on the schema, further proposals were submitted. It was agreed that all proposals would be carried forward to, and could be considered further at, future sessions.

8. Delegations reaffirmed their belief, stated in Recommendation XI-1, that the protection of the unique Antarctic environment and its dependent ecosystems should be a basic consideration. A number of delegations submitted proposals in this regard. The view was expressed that discussion of this element would continue to play an integral and important part in further negotiations. It was thought useful that at future meetings, as appropriate, all delegations should have available

experts in the field of environmental protection to provide such material and advice as might be required to assist in the negotiation of the regime.

The form of a regime on Antarctic Mineral Resources

9. Discussion of item 6 of the Agenda revealed a widely held view that the form of the regime on Antarctic Mineral Resources should be such as would ensure that the obligations contained in it were binding under international law and that it should be part of the Antarctic Treaty system. It was accepted that there is a close relationship between the form and the content of the regime.

Schedule for future negotiations

10. Representatives agreed that delegations would meet informally in Wellington from 17-28 January 1983 to continue their discussions. The meeting requested the Chairman to undertake consultations with delegations in order to facilitate the progress of the negotiations.

11. The meeting also took note with appreciation of a statement by the Delegation of the Federal Republic of Germany that, subject to confirmation probably not later than January 1983 following the necessary Parliamentary approval, the Government of the Federal Republic of Germany expected to be in a position to host the second session of the Special Consultative Meeting in June 1983.

12. It was also agreed that in January in Wellington there would be further consideration of other opportunities that would arise during 1983 to carry the work forward.

13. The Representatives recalled the recommendation of the Eleventh Consultative Meeting that a regime on Antarctic mineral resources should be concluded as a matter of urgency, and noted the progress that had been made to that end and the importance of this progress.

14. Representatives expressed their appreciation to the Government of New Zealand for its hospitality, and for the excellent arrangements provided for the meeting, and recorded their grateful acknowledgement for the facilities made available in the Parliament Buildings of New Zealand.

TEXT OF RECOMMENDATION XI-I
ON MINERAL RESOURCES

The Representatives

RECALLING the provisions of the Antarctic Treaty, which established a regime for international cooperation in Antarctica, with the objective of ensuring that Antarctica should continue forever to be used exclusively for peaceful purposes and should not become the scene or object of international discord;

CONVINCED that the framework established by the Antarctic Treaty has proved effective in promoting international harmony in furtherance of the purposes and principles of the U.N. Charter, in prohibiting inter alia any measures of a military nature, in ensuring the protection of the Antarctic environment, in preventing any nuclear explosions and the disposal of any radioactive waste material in Antarctica, and in promoting freedom of scientific research in Antarctica, to the benefit of all mankind;

CONVINCED further of the necessity of maintaining the Antarctic Treaty in its entirety and believing that the early conclusion of a regime for Antarctic mineral resources would further strengthen the Antarctic Treaty framework;

DESIRING without prejudice to Article IV of the Antarctic Treaty to negotiate with the full participation of all the Consultative Parties to the Antarctic Treaty an appropriate set of rules for the exploration and exploitation of Antarctic mineral resources;

NOTING the unity between the continent of Antarctica and its adjacent offshore areas;

AND IN view of the negotiations that are taking place in the Third United Nations Conference on the Law of the Sea;

REAFFIRMING their commitment to the early conclusion of a regime for Antarctic mineral resources which would take due account of the respective interests of the Consultative Parties as regards the form and content of the regime, including decision-making procedures, as well as the special characteristics of the Antarctic area;

RECALLING Recommendations VII-6, VIII-14, IX-1 and X-1;

RECALLING further Recommendations VI-4, VII-1, VIII.11, VIII.13, IX-5, IX-6 and X-7.

RECOMMEND to their governments that:

1. They take note of the progress made toward the timely adoption of a regime for Antarctic mineral resources at the Eleventh Consultative Meeting and related meetings and the importance of this progress.
2. A regime on Antarctic mineral resources should be concluded as a matter of urgency.
3. A Special Consultative Meeting should be convened in order:
 - (a) to elaborate a regime;
 - (b) to determine the form of the regime including the question as to whether an international instrument such as a convention is necessary;
 - (c) to establish a schedule for negotiations, using informal meetings and sessions of the Special Consultative Meeting, as appropriate; and
 - (d) to take any other steps that may be necessary to facilitate the conclusion of the regime, including a decision as to the procedure for its adoption.
4. The Special Consultative Meeting should base its work on this recommendation and the relevant recommendations and reports of the Eighth, Ninth and Tenth Antarctic

Treaty Consultative Meetings.

5. The regime should be based on the following principles:
 - (a) the Consultative Parties should continue to play an active and responsible role in dealing with the question of Antarctic mineral resources;
 - (b) the Antarctic Treaty must be maintained in its entirety;
 - (c) protection of the unique Antarctic environment and of its dependent ecosystems should be a basic consideration;
 - (d) the Consultative Parties, in dealing with the question of mineral resources in Antarctica, should not prejudice the interests of all mankind in Antarctica;
 - (e) the provisions of Article IV of the Antarctic Treaty should not be affected by the regime. It should ensure that the principles embodied in Article IV are safeguarded in application to the area covered by the Antarctic Treaty.
6. Any agreement that may be reached on a regime for mineral exploration and exploitation in Antarctica elaborated by the Consultative Parties should be acceptable and be without prejudice to those states which have previously asserted rights of or claims to territorial sovereignty in Antarctica as well as to those states which neither recognise such rights of or claims to territorial sovereignty in Antarctica nor, under the provisions of the Antarctic Treaty, assert such rights or claims.

7. The regime should inter alia:

I Include means for:

- (a) assessing the possible impact of mineral resource activities on the Antarctic environment in order to provide for informed decision-making;
- (b) determining whether mineral resource activities will be acceptable;
- (c) governing the ecological, technological, political, legal and economic aspects of those activities in cases where they would be determined acceptable, including:
 - the establishment, as an important part of the regime, of rules relating to the protection of the Antarctic environment; and
 - the requirement that mineral resource activities undertaken pursuant to the regime be undertaken in compliance with such rules.

II Include procedures for adherence by states other than the Consultative Parties, either through the Antarctic Treaty or otherwise, which would:

- (a) ensure that the adhering state is bound by the basic-provisions of the Antarctic Treaty, in particular Articles I, IV and VI, and by the relevant recommendations adopted by the Consultative Parties; and
- (b) make entities of that state eligible to participate in mineral resource activities under the regime.

III Include provisions for cooperative arrangements between the regime and other relevant international organisations.

IV Apply to all mineral resource activities a taking place on the Antarctic continent and its adjacent offshore areas but without encroachment on the deep seabed. The

precise limits of the area of application would be determined in the elaboration of the regime.

- V Include provisions to ensure that the special responsibilities of the Consultative Parties in respect of the environment in the Antarctic Treaty area are protected, taking into account responsibilities which may be exercised in the area by other international organisations.
 - VI Cover commercial exploration (activities related to minerals involving, in general, retention of proprietary data and/or non-scientific exploratory drilling) and exploitation (commercial development and production).
 - VII Promote the conduct of research necessary to make environmental and resource management decisions which would be required.
8. They promote and cooperate in scientific investigations which would facilitate the effective operation of the regime taking into account, inter alia, the relevant parts of the report of ecological, technological and other related experts on mineral exploration and exploitation in Antarctica (Washington, June 1979), attached as an Annex to the report of the Tenth Consultative Meeting.
9. With a view to improving predictions of the environmental impacts of activities, events and technologies associated with mineral resource exploration and exploitation should such occur, they continue with the assistance of the Scientific Committee on Antarctic Research, to define programmes with the objectives of:
- (a) retrieving and analysing relevant information from past observations and research programmes;

6.

- (b) ensuring in relation to the needs for information identified by the experts report, that effective use is made of existing programmes;
- (c) identifying and developing new programmes that should have priority, taking account of the length of time required for results to become available.

10. In elaborating the regime, they take account of the provisions of Recommendation IX-1, paragraph 8.

SCHEMA FOR AN INSTRUMENT ON ANTARCTIC MINERAL RESOURCES

1. Preamble.
2. Definitions
 - (a) Mineral Resources
 - (b) Stages of Mineral Resource Activities (Prospecting, Exploration and Development).
3. Area and scope of application.
4. Objectives and Principles of the regime.
5. Provisions to ensure that the regime is acceptable and without prejudice to the Consultative Parties.
6. Strengthening of the Antarctic Treaty system.
7. Special responsibilities of Consultative Parties.
8. Activities covered by the regime
 - (a) Prospecting
 - (b) Exploration
 - (c) Development
9. Compliance with the regime, including monitoring and enforcement.
10. Terms and conditions for the participation of physical and juridical persons of states parties to the regime in activities under the regime.

11. Institutions
 - (a) Nature
 - (b) Membership
 - (c) Functions and Powers
 - (d) Decision-making
 - (e) Location
 - (f) Time of Establishment
12. Rights and obligations of states parties under the regime.
13. Financial questions.
14. Protection of the environment.
15. Applicable law and jurisdiction.
16. Research.
17. Cooperation.
18. Relationship with other international agreements and organisations.
19. Settlement of Disputes.
20. Adherence to the regime.
21. Other aspects of the regime.

Original: Spanish

STATEMENT BY DR JUAN CARLOS M. BELTRAMINO

As it has invariably done in the past, in accordance with its indisputable and permanent interest in Antarctica, its nature and environment, the activities carried out there, the problems posed by the region, and also the effects and impact of such problems on its South American territory lying so close to Antarctica, the Argentine Republic comes to this new meeting, devoted to mineral exploration and exploitation, with a very positive and cooperative attitude, to assist the meeting to attain the purpose for which it was called.

My country is perfectly aware of the efforts required and the difficulties involved in laying down norms in the particular field of the Antarctic Treaty, due to the regime of the Treaty itself and the politico-legal realities recognised in Article IV of the Treaty. My country is also fully aware of the nature of the mineral exploration and exploitation and the international cooperation which it is desired to establish in order to manage such activity, and for which there are no suitable models to serve as a basis. It is generally accepted among the Consultative Parties that this cooperation and coexistence between the states in the area cannot exist without the operation of basic legal norms governing such cooperation and ensuring that "Antarctica shall continue forever to be used for peaceful purposes and shall not become

the scene or object of international discord", as stated in the Antarctic Treaty. It is necessary that the standards adopted should be equitable, suitable, and effective in the achievement of these goals. In our opinion, a simple and insubstantial blanket declaration is not sufficient, if it is desired to arrive at a regime which is acceptable to all. It would be an illusion to believe that such a declaration would be sufficient to preserve the atmosphere of peaceful economic activity which we wish to see prevail, and which should apply both to the non-militarisation and to the scientific activity of the Antarctic Treaty.

It should be recalled here that when the 1959 Antarctic Conference was held in Washington there were a few guidelines agreed on for the International Geophysical Year and a draft treaty, but both imagination and very painstaking negotiations were necessary in order to find the accommodation of the various positions which made the Antarctic Treaty possible.

It is this very approach which must be our basis and incentive in determining principles and in planning the provisions and the form of the future minerals regime, otherwise we shall not succeed in making this regime a reality.

My delegation believes that an essential condition for the establishment of the regime is the accommodation of the various positions and that this accommodation should be explicitly stated in the normalisation

agreed on. Those countries which, like Argentina, exercise sovereignty in Antarctica consider that such an accommodation is not only equitable but also realistic and pragmatic in the special juridico-factual conditions presented by Antarctica.

Furthermore, it is indisputable and enshrined in the established norms of international coexistence of other kinds that it is the interest shown constantly and without interruption by a state in its activities which forms the basis of rights recognised by conventions and custom. In our opinion this must be maintained in future norms on minerals. This interest is manifested by Argentina not only within the bounds of its sector, but above all in its specific links with, and its presence and activities in the Antarctic, which date from much earlier than the Treaty and will soon have attained eight decades.

The great proximity of our South American coasts to those of Antarctica has led us right from the beginning of this century to take a greater interest in the state of nature there and the human activities which are carried out or planned there, because of the impact which such activities also have on the rest of our territory. It is for this reason that we have assigned and will continue to assign the greatest importance to ecological problems in Antarctica and to its links with the sea and land lying to the north. We have maintained, and will continue to do so, that the Antarctic ecosystem, with its special characteristics and particular vulnerability, should receive the greatest protection under specific norms.

At this meeting the states represented here will make a renewed effort on the basis of Recommendation XI-1, approved at the Eleventh Antarctic Consultative Meeting at Buenos Aires, which constitutes a common denominator, to bring the various positions closer together and to continue to build the foundations for the subsequent normalisation of mineral exploration and exploitation in Antarctica. Only a determined will to succeed, mutual respect, and recognition of the juridico-political reality of Antarctica will allow us to make the necessary progress in our discussions and negotiations.

Original: English

STATEMENT BY MR J.H. BROOK, AUSTRALIA

May I first join in offering congratulations to you, Mr Chairman, on your appointment to preside at our meetings. May I secondly join others in thanking the New Zealand Government for its hospitality, and for the excellent arrangements which have been made for our meetings here, and thank the Minister of Foreign Affairs for being present at the opening of our meeting, and for the frank statement which he made in describing the work lying ahead of us. We in the Australian delegation are delighted to be here in Wellington, in such familiar surroundings and having had to make only a short foray across the Tasman.

The point has already been made that it is appropriate that we should meet for our first formal session here in Wellington, which was the site of the first formal decision of Consultative Parties on Antarctic Minerals, at the 7th Consultative Meeting in 1972, all of 10 years ago. The lapse of 10 years since that first decision must be an incentive to us, as we come together, to recognise the need to make early progress towards our goals.

Of course, we are not at the beginning of our work. We have produced a number of elements of agreement, set out in Recommendation XI-1. That Recommendation has its solid basis in the Antarctic Treaty system, which has served us all well for two decades - not only in the interests of the Consultative Parties but of all Parties to the Treaty, and indeed all the international community. The Recommendation highlights the importance of preserving the fragile Antarctic environment.

In its paragraph 6, the Recommendation makes clear that our regime should not prejudice any of the Consultative Parties. We all have real interests in the Antarctic, and the real interests of each of us need to be reflected in the regime. Indeed, it is essential that the regime, as it evolves, should not only be adequate to do so, but should be seen to be so.

While the Recommendation reflects agreement on a number of points, it is clear also that it does not cover various other points. There are a number of quite different formulations for the regime possible. There are a number of different methods of approach. We already have a number of studies on these aspects. We also have a number of precedents for our regime: on the one side, that of the Law of the Sea, very elaborate; on the other side, that of the Convention on Antarctic Marine Living Resources, which is largely un-elaborated. It is clear that both of those precedents have unsatisfactory features for us; we should do our best to avoid an elaborate regime, but the essentials of it must be adequately set out. It will be our conceptual challenge to find the right balance. It is also essential that we find the best means for settling our approach. We need to move with purpose on a common basis.

May I in conclusion say that we in the Australian delegation are ready to try to play our full part in helping to attain our ends.

Original: French

STATEMENT BY LEON OLIVIER, BELGIUM

Mr Chairman,

My delegation joins with earlier speakers, who were delighted that you are chairing this meeting. We know your competence in the field of questions relating to Antarctica, and we are sure that under your leadership, the objectives we set ourselves at the 11th Meeting of the Consultative Parties of the Antarctic Treaty can be achieved to the satisfaction of all participants.

Mr Chairman, my delegation has already had the opportunity to mention previously - particularly at the meeting held in Washington in December 1980 - the main directions Belgium wishes to see pursued in the elaboration of a regime applicable to the exploration and exploitation of Antarctic mineral resources.

I shall therefore confine myself to recalling the broad lines of our position in this respect.

The Antarctic Treaty signed at Washington in 1959 is a legal instrument which has perfectly lived up to expectations as regards the organising of relations between the Consultative Parties to this Treaty, and the establishment of the rules of behaviour of the States that are Parties to it and the nationals of such States in its zone of application.

It has been proved that this Treaty has offered a sufficiently flexible legal framework to enable it to be adjusted to any situation which has arisen since it came into force. We believe that with respect to the activities which we must consider regulating at this Special Consultative Meeting, the Antarctic Treaty must remain as the overall legal framework inside which the regime on the mineral exploration and exploitation of Antarctica must be contained. This regime should make it possible to develop these activities in a methodical and orderly fashion.

The Antarctic environment is unique. Its main feature is that, up to now, it has not been disturbed by Man's activities. We know that this environment is more precarious than anywhere else in the world. It is therefore important for the Consultative Parties which will have the responsibility of elaborating the rules for the exploration and exploitation of mineral resources to pay particular attention to this question. On the subject of access to resources, my country comes out strongly in favour of a non-discriminatory regime uniformly applicable to all the Consultative Parties to the Antarctic Treaty.

We consider that this principle corresponds best to the spirit of this Treaty and to the wishes of the entire International Community.

In this respect, Mr Chairman, I would like to conclude my statement by mentioning my country's position on the participation of States in the regime established by the Antarctic Treaty: Belgium considers that any State which has acceded to the Treaty and which fulfils the conditions required to become a Consultative Party can attain this status. Therefore, it considers that any regime established within the framework of the Treaty for the exploration and exploitation of Antarctic mineral resources would be an open regime from which no member of the International Community would be excluded a priori.

3.

Such are the main considerations which will guide my delegation in the conduct of our work.

Thank you, Mr Chairman.

Original: Spanish

STATEMENT BY MR FERNANDO ZEGERS, CHILE

Mr Chairman:

1. Firstly I wish to emphasise how pleased the Chilean delegation is that this meeting is being held in New Zealand, our brother country of the Pacific, whose distinguished antarctic history specially fits it to be the host of this Special Consultative Meeting on Antarctic Mineral Resources.

2. The elaboration of the regimens for the exploitation of Antarctic resources, and very specially the one related to minerals, which we are dealing with now, constitutes perhaps the most important step in the history of the Antarctic Treaty and of the System which it has given rise to.

The Antarctic System - shaped by the provisions of the Treaty, the agreements, and the activity of its Consultative Parties, which have administered the frozen continent for the benefit of mankind - has overcome difficulties of various types in the past, and will certainly find solutions to the complex problems caused by the exploitation of these resources.

3. The history of the subject originated here in Wellington, where it was formally dealt with in a Consultative Meeting in 1972, and has passed through a series of Recommendations to come back to this city.

Those Recommendations have reflected important consensuses between the Consultative Parties, which have been setting out the elements of a regimen for the exploitation of mineral resources.

4. Firstly, there is agreement that the regimen should be originated by the Consultative Parties, within the Antarctic System, maintaining the content and essence of the Treaty and in close relation to it; and that the elaboration of the regimen should be done with some degree of urgency.

Also there is agreement that it should apply to the whole Antarctic continent and its Continental Shelves; and that it should cover all mineral activities, with special emphasis on those related to hydrocarbons.

There should exist, as a fundamental element of the regimen, an ecological standard, i.e. a guarantee that the Antarctic ecosystem and those dependent on it will not be affected by mineral exploitation.

A fourth element relates to not prejudicing the general interests of mankind in Antarctica.

Finally, a fundamental agreement contained in Recommendation XI-1, which gave expression to these directions for the future regimen, relates to the fact that it should be acceptable and without prejudice to those States which have claimed sovereignty, and should also respect the position of those which do not recognise or have not claimed such rights.

5. This last agreement is most important and its legal expression should deserve special attention in our discussions.

It has been said mistakenly that the Antarctic Treaty in Article IV, "freezes" sovereignty rights in the Antarctic. In reality it does not freeze them but protects and guards them, stating that they will not be affected by its provisions or by the activities to which it gives rise.

There exists in the Antarctic a legal regime constituted by the Treaty, the activity of the Consultative Parties pursuant to its provisions, and the sovereignty exercised by several States.

3.

Chile has sovereignty over part of the Antarctic, by virtue of titles derived from the Spanish Crown, declarations going back to its independence, from continued and stable acts of possession, and from a continuity and contiguity which a simple map suffices to make evident.

That sovereignty should be safeguarded and stated in the regime which we propose to elaborate.

7. Mr Chairman:

This meeting has been called for us to agree on the basis of a regime on Antarctic minerals, within the traditional spirit of the System, characterised by consensus based on realism, flexibility, and vision of the future.

It is an historical challenge which we must face in this session, on the basis of the important agreements already expressed in consensual Recommendations and in the spirit which has always prevailed in the legal and diplomatic authority of the Treaty.

Many thanks.

Original : French

STATEMENT BY MR N. MUSEUX, FRANCE

Mr Chairman,

It is a pleasure for me to congratulate you on your election as chairman of our conference. Your election is first of all a justified tribute to your country, which has demonstrated a sustained interest in Antarctica for such a long time, and which has given further proof of this interest by convening this Special Consultative Meeting. It is also a personal tribute to you, since you have already given so much of yourself and displayed such tireless competence in and devotion to the cause of Antarctica.

This competence and devotion will be extremely valuable, Mr Chairman, in carrying out the difficult task which has been entrusted to us. The development of Antarctic mineral resources presents new problems of great complexity, and the questions of principle which divide us take on, in this context, a significance which they have lacked up till now.

However, in subscribing to the 1959 Treaty, we have initiated a cooperative effort the efficiency of which it is our task to demonstrate, and we have assumed specific responsibilities for the benefit of mankind, which have been reaffirmed on several occasions since then. It rests therefore with the Consultative Parties to settle among themselves the problems facing them today. For some of these problems, moreover, solutions have already been found at earlier meetings, and these solutions are enshrined in Recommendation XI-I, as previous speakers have already stressed. We therefore have a foundation on which we must build.

STATEMENT BY MR HANS-GÜNTER SULIMMA , FEDERAL REPUBLIC
OF GERMANY

Mr Chairman,

I should like to congratulate you on your election as Chairman and wish you every success in presiding over this important Antarctic Treaty Special Consultative Meeting here in Wellington. In particular I should like to thank the Government of New Zealand for organising our meeting so well and for the charming hospitality extended to us in your country. Personally I am very gratified to be able to re-establish and intensify here the personal contacts which I, as the representative of the Federal Republic of Germany, was initially able to establish in Buenos Aires in the past year with the representatives of the other consultative parties.

Mr Chairman,

In adopting in Buenos Aires Recommendation XI - I concerning a régime for mineral resources we proceeded from the premise that after 10 years of more or less intensive discussions the time had now come to initiate as soon as possible concrete negotiations on an international régime for the exploration and exploitation of mineral resources in Antarctica. I am convinced that the jointly elaborated fundamental ideas underlying Recommendation XI - I form a sound basis of departure for the negotiations now to be conducted on a régime which

2.

Not only are we all aware of the urgency of finding a solution within the Treaty framework, but we also know the physical area to which the regime will apply. We have also decided to give particular importance to the preservation of the environment. In this respect, while we would consider it unjustified to permanently sterilise a continent whose resources are necessary to the development of mankind, we would equally deem it necessary to ensure that this fragile and unique natural environment is preserved in its specific features.

Given these things, it is of course our task to solve the other problems.

First, we will have to identify these. We are faced with some basic questions:

- What type of exploitation could be contemplated?
- How must the regulatory powers be allocated?
- What law will apply?
- Must we set up institutions?

These are some of the questions, among others, to which we must address ourselves and find suitable answers. The identification of the problems to be solved would, in our view, be an efficient way of proceeding.

I would like to assure you, Mr Chairman, that the French delegation is willing to offer you its full cooperation, and that it is coming to this meeting in an open and flexible spirit.

3.

The German delegation will participate in this Special Consultative Meeting in a constructive spirit and with a willingness to promote the joint efforts by useful contributions.

Thank you, Mr Chairman, for your attention.

Original: English

STATEMENT BY MR YASUhide HAYASHI

Mr Chairman,

On behalf of the Japanese delegation, I should like to join the distinguished representatives who preceded me in congratulating you on being unanimously elected Chairman. I am convinced that under your able leadership we will have a successful meeting.

I should also like to take this opportunity to express the deep appreciation of my delegation to the Government of New Zealand for the outstanding preparations it has made for this meeting and for the warm welcome extended to us. Many things here in New Zealand command our high respects; we are particularly impressed by the harmonious assimilation of the Maori and the Pakeha into the society, and by the most effective contribution New Zealand makes in its assistance to the island countries in the South Pacific for their development.

It is approximately 21 years since the Antarctic Treaty came into force. During this span of time, the Treaty proved itself to be an effective and important tool in ensuring the freedom of scientific research in the Antarctica, in securing the peaceful use of the area, and in promoting international cooperation among the parties to the Treaty. We must also note that two separate international conventions, "Convention for the Conservation of Antarctic Seals" and "Convention on Antarctic Marine Living Resources" were concluded with the initiative of the Consultative Parties.

we all consider to be necessary. Priority will have to be given to guaranteeing the principles of free scientific research and of international research cooperation as well as the integrity of the Antarctic ecosystem. We shall have to see to it that an arrangement is found which does equal justice to those States that assert claims and to those States that do not, and which in accordance with Article IV of the Antarctic Treaty does not affect the legal positions of either side.

In our view it is a sound approach to start in the forthcoming negotiations with a settlement of concrete questions, such as questions of scientific activities and the preservation of the Antarctic ecosystem, and to pass on to the settlement of other problem areas. No doubt we are confronted with a difficult task. The experiences gained in these quarters so far, in particular the successful conclusion of the Convention on the Conservation of Antarctic Marine Living Resources, which has entered into a phase of practical application with the first session of the Commission in Hobart Australia, hold out the prospect that we will also succeed in jointly preparing an adequate and practicable régime for mineral resources. The more pragmatically we proceed, and the more the cooperative spirit of the Antarctic Treaty comes to bear upon the negotiations, the better we will succeed in mastering our task. Let us be confident that the pioneering spirit, which has always marked Antarctic research, will also lead our work to success.

3.

As you may be aware, it was necessary for the Government of Japan to formulate a domestic law aimed at protecting the natural environment of the Antarctica before we could approve the Recommendation III-VIII. This was an extremely difficult task. However, we succeeded in enacting this most difficult law, and I should like to report to you all of our success with some pride.

Thank you, Mr Chairman.

NEW ZEALAND

STATEMENT BY MR W.R. MANSFIELD

Mr Chairman:

For a number of years now New Zealand delegations to successive Consultative Meetings have urged that a regime to govern the exploration and exploitation of Antarctic mineral resources should be established expeditiously. We have seen this as essential if the dangers of unregulated exploration and exploitation are to be avoided. Accordingly, it was a measure of considerable satisfaction to us at the last ATCM that our Treaty partners not only explicitly recognised that a mineral resources regime should be concluded as a matter of urgency but also accepted the New Zealand Government's offer to host the first session of a special consultative meeting for the purpose of elaborating such a regime.

It is now almost a year since that offer was made and accepted. In our view there is nothing that has happened in the intervening period which calls in question either the need for, or the urgency of, the negotiation of a set of rules to govern any exploration and exploitation of the mineral resources of Antarctica. On the contrary there are clear signs that the international community at large is paying increasing attention to Antarctic affairs. International organisations and other bodies - both public and private - with a special interest in environmental matters are watching us closely. In particular they are casting a critical eye on the manner in which the Treaty partners live up to their responsibilities for the stewardship of Antarctica, and to the declaration of principles for environmental protection contained in Recommendation IX-5.

There are clear signs too that increasing pressure for commercially-oriented scientific research in Antarctica is beginning to place a strain on the limited moratorium the consultative parties have been committed to observing since 1977. These and other developments over the past year emphasise, in our view, the need for urgent progress in the negotiations on which we are now embarking.

2.

The two conventions contributed in large measure to the protection of environment of the Antarctica. We believe that we could be proud of the remarkable achievements we have together made on the basis of the Antarctic Treaty.

Ladies and Gentlemen,

We are gathered here today in order to seek a solution to one of the most trying issues that we have faced since the coming into force of the Antarctic Treaty, namely, the formulation of a regime for the exploration and exploitation of mineral resources of Antarctica. It is undoubtedly a difficult and complicated task to formulate an agreement satisfactory to all of us, because the issue relates more than anything to the hard-core question of jurisdiction. We must remind ourselves, however, that we are here not for the purpose of reiterating and sticking uncompromisingly to our respective basic national positions, but each of us has come all the way from the capital to seek progress in our deliberations on the regime. All the participants must concentrate their efforts in formulating an outline of the regime which is acceptable to all the countries concerned, by mustering the creative ingenuity of each of us present here at this meeting.

I am convinced that if all of us made sincere efforts in the spirit of cooperation and mutual confidence, which characterises relations of the Consultative Parties and the Antarctic Treaty, we can achieve our objective.

Before concluding my remark, I have the pleasure of reporting to you that Government of Japan will shortly approve the Recommendation III-VIII. I should like to admit frankly on this occasion that Japan has been partly responsible for the delay in the coming into effect of the Agreed Measures, and should like to express our sincere apology to you all for this.

The foundations for these negotiations have been well laid. The principles upon which the regime should be based have been under discussion for a number of years. They are clearly and fully enunciated in Recommendation XI-1. In my delegations's view, with the conclusion of today's opening statements, the time for general debate will have passed. We must now proceed directly to build on that foundation, on those principles. The challenging issues which we have to confront in this negotiation will not themselves become less difficult with the passage of time. Nor will the negotiating process be made easier by the brightening spotlight of international attention. Accordingly, we look forward to the speedy adoption of the agenda and to getting down quickly to the business of the meeting.

The major issues which we have to address can be divided into three broad categories. The first is what has been referred to as the internal accommodation and is dealt with in paragraph 6 of Recommendation XI-1. The second has been called the external accommodation and is referred to in paragraph 5(d) of that Recommendation. The third is the steps which need to be taken to ensure the protection of the Antarctic environment and its dependent ecosystems.

Of these three categories of issues it seems to us that the one on which the most preparatory work has already been done, on which we may find progress least difficult, but on which also there is still much to do, is the protection of the Antarctic environment.

This is an issue to which the New Zealand Government attaches particular importance. We are pleased with the start that has been made. The basic principles have been clearly enunciated in various recent Recommendations. Recommendation IX-5 is a declaration of the high ideals which the consultative parties attach to the protection of the environment from all forms of harmful human interference, including mineral exploration and exploitation activities. Implicit in that declaration is a commitment to adopt a common approach to the protection of the environment of Antarctica from the impact of all such activities.

Recommendation XI-1 takes us a step further. It recognises that the regime should include specific means for meeting our joint commitment to the basic principle that the environment must be protected from the risks inherent in mineral resource exploration and exploitation. My delegation has been giving some thought to the ways in which we might build upon what has already been done. In the first instance, we must encourage

the continued acquisition of information on the possible impact of mineral extraction activities on the environment. This is an ongoing activity of a mid-to long-term nature much of which is already underway in SCAR.

In the meantime we believe we must address ourselves to two short-term tasks, the completion of which will put us in a better position than we are now to settle this aspect of a regime. First, we need to review such information as is available on the regions of Antarctica most likely to be exploited and by what operations. We also need the best possible judgment about the environmental sensitivities of those regions and on the impact of any mining operations. With this knowledge we shall be better able to establish the environmental ground rules of the regime and the system of environmental assessment necessary for determining the acceptability of specific exploration and exploitation activities. Secondly, we will need to examine the institutional and administrative arrangements through which effect will be given to the commitment of the consultative parties - particularly under Recommendation IX-5 - to a common approach to the protection of Antarctica. At an appropriate point in the negotiations my delegation will table a paper incorporating some suggestions on the way this aspect of our work might be carried forward

Turning now to the external accommodation - the need to ensure that the regime does not in the words of Recommendation XI-1 "prejudice the interest of all mankind in Antarctica". In my delegation's view, one yardstick by which the international community will measure not just the minerals regime but the Antarctic Treaty system itself will be the effectiveness of the rules we provide for affording proper protection to the vulnerable environment of Antarctica. Beyond that New Zealand has consistently advocated that the regime must offer some concrete benefits to the world at large. In our view this is not an issue which can be left to the end of our negotiations, but must be addressed at an early stage in the discussions and form an integral part of them.

In dealing first with the questions of environmental protection and the external accommodation I have not overlooked the fact that the really difficult issue facing this meeting arises from the divergent positions regarding sovereignty in Antarctica. New Zealand's position on this is well-known and is unchanged. Our starting point is that we have all the necessary powers to regulate effectively mineral exploration and exploitation in the Ross Dependency. We know that others have a different starting point. We think that it needs to be said quite frankly that there will be no agreed regime unless it effects an accommodation between the two positions. For our part we stand ready to seek such an accommodation.

Thank you.

STATEMENT BY MR P. TRESSELT, NORWAY

It is highly important that we are now getting down to a formalised process of negotiation on a regime for Antarctic Minerals Resources in accordance with Recommendation XI-1. There are several elements in the international environment - I would particularly refer to the impending conclusion of the LOS Conference - which serve to reinforce the urgency with which our negotiations must be pursued.

While this is the formal start to these negotiations, we should not be too modest about the work we have already done. We have covered a great deal of ground from the Consultative Meeting in Wellington and the informal meeting at Polhøgda in 1973. Common positions on some fundamental principles and specific requirements for a minerals regime are set out in formal recommendations from recent ATCMs - my Government has approved those recommendations, and will stand by them. We have also gained an understanding of the underlying problems, and of our respective interests and concerns in seeking to solve those problems. We are all in a position to make realistic assessments of what is needed to achieve acceptable and non-prejudicial agreement on a regime, that is the accommodation of those interests and concerns.

That accommodation is a political prerequisite for the successful negotiation of a minerals regime. In turn, a viable and functioning minerals regime and continued cohesion among Consultative Parties constitute political prerequisites for the effective maintenance of the Antarctic Treaty system. Each participating state in these negotiations has its own perception of the elements which must be protected in any accommodation. For my Delegation, some essential elements are defined in Norwegian legislation - and, not

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surprisingly, recalled in our instructions. At the same time, those instructions give us broad latitude in reaching an acceptable and mutual accommodation on the basis of a practical and concrete approach to the contents, mechanisms and procedures of a regime.

On that basis, my Delegation would hope that we could devote this Special Consultative Meeting to a detailed investigation of the practical questions to be covered by the regime. For our part, we see a particular need to amplify what we have already agreed in respect of environmental safeguards. We must get closer to detail as concerns industrial activities: what will be the modalities for a responsible resources policy? Who will carry out industrial activities? How can we provide for equality of access and non-discrimination while at the same time ensuring the required selectivity among competing operators? Many of these issues will be linked to the institutional and procedural models we adopt for taking decisions and carrying out administrative responsibilities. How should we complete our definition of the area of application of a regime?

A detailed examination of questions of this nature would bring our negotiation closer to the practical business of controlling, regulating and conducting resource activities in Antarctica, which is what a regime is supposed to be about.

STATEMENT BY MR P.D. OELOFSEN OF SOUTH AFRICA

Thank you Mr Chairman.

It has already been pointed out that it was here in Wellington during the Seventh Antarctic Treaty Meeting held in 1972 that the question of mineral exploration and the possibility of exploitation thereof in the Antarctic was first raised. Since that meeting the Consultative Parties have devoted a number of meetings to discussing this question, and the progress achieved by these discussions was such that during the Eleventh Treaty Meeting agreement could be reached to proceed to the actual negotiation of a minerals regime for the Antarctic. In view of this historic connection between the City of Wellington and the issue of mineral exploitation in the Antarctic we regard it as most appropriate that the Special Consultative Meeting, which was convened to begin the negotiation process on the minerals regime, should take place in Wellington some ten years after the issue was first raised. Mr Chairman, we are therefore extremely pleased to be here; we are looking forward to a pleasant and, may I add hopefully, a fruitful stay in Wellington, and we would like to extend, through you, the thanks of my delegation to the New Zealand Government for its generous offer to host this meeting as well as for the excellent arrangements that were made for us.

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The adoption of recommendation XI-I during the Eleventh Consultative Meeting was the culmination of discussions and negotiations stretching back as far as the Paris Special Consultative Meeting. In recommending to governments that a regime on Antarctic mineral resources should be concluded as a matter of urgency and that a Special Consultative Meeting should be convened for this purpose, recommendation XI-I furthermore defines the perimeters of the discussions at this meeting. In this regard the contents of para. 6 and 7 of the recommendation are of particular importance. Unfortunately it is equally true that apart from laying down certain principles and ground norms to be observed and followed during the negotiations, recommendation XI-I gives no indication as to a possible solution of the crucial and difficult problems referred to, especially in para. 6 relating to the various different positions of the interest groups represented at this meeting. The fact that any agreement that may be reached should be acceptable and be without prejudice to the positions of these various groups and that it was thought necessary to explicitly state this requirement in para. 6, is of course of great significance.

Fortunately it is also true that all the parties represented here today are fully aware of the complexity of the problems facing us. The fact that the Consultative Parties have taken the decision formally to proceed to the negotiation of a minerals regime well aware of the international attention these discussions are bound to attract, and realising the disastrous consequences that may result from

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a failure to achieve agreement, is an indication of the determination to succeed in this task. I can only add that the success achieved in dealing with questions of a similar, if not equal, complexity in the field of the living resources is proof that the Consultative Parties have the ability, goodwill and dedication to deal successfully also with the minerals issue.

Mr Chairman, the first issue that will probably face us is how best to proceed with our work in the days ahead. Should we first deal with the questions raised in para. 6 of recommendation XI-I or should it possibly be more profitable to focus our attention on the more practical issues referred to in para. 7? Whatever our decision may be in this regard, it is the firm conviction of my delegation that the fate of our negotiations is linked inseparably to a solution of the issues identified in para. 6. May I add that especially as regards para. 6 issues my delegation came to this meeting with an open mind. We are prepared to discuss and consider, without preconceived ideas or prejudices, any and all suggestions that may be put forward as a possible solution to the problems involved.

Mr Chairman, my delegation is prepared and is looking forward to cooperate with all delegations in order to make our negotiations and this meeting achieve its goal.

In conclusion, I would like to join all those before me in congratulating you on your election as Chairman of this meeting. I am convinced that with your able and experienced leadership this meeting will be a great success.

Original: Russian

STATEMENT BY MR Y.M. RYBAKOV, UNION OF SOVIET SOCIALIST REPUBLICS

Mr Chairman,

Ladies and Gentlemen,

On behalf of the delegation of the USSR, allow me to express our deep appreciation to the Minister of Foreign Affairs of New Zealand, the Hon. Warren Cooper, who gave a speech of welcome to our Meeting, and through him to the Government of New Zealand for the kind invitation to hold this Meeting in Wellington. Allow me also to congratulate you on your election as Chairman of the Special Consultative Meeting on Antarctic Mineral Resources. Our stay in New Zealand has been marked from the first by hospitality and goodwill on the part of the New Zealand authorities, and we thank them sincerely for this. We should like to acknowledge the considerable work done by the Ministry of Foreign Affairs of New Zealand in making the preparations for this Meeting and in organising its work, which will undoubtedly contribute to the successful resolution of the problems facing this Meeting. Allow me to congratulate Miss Alison Pearce on her appointment as the Secretary-General of our Meeting, and also to greet the participants of this Special Consultative Meeting.

The Antarctic Treaty, which has won recognition throughout the world, has now been functioning successfully for more than two decades. The 1959

Treaty is an important instrument of peace, security and international cooperation. This Treaty laid the foundations for peaceful cooperation of countries on the territory of a continent situated in the least accessible and most forbidding region of our planet. For the first time in history, an entire continent, together with its extensive adjacent offshore areas was declared a peace zone. The principle of the peaceful use of Antarctica, which forms the basis of the Treaty, has contributed to the successful development of fruitful scientific cooperation, which has been crowned with significant enrichment of our knowledge of the basic laws of nature. The Antarctic Treaty is a clear demonstration of the possibilities of resolving complex international problems on the basis of a constructive approach to the search for mutually acceptable solutions.

This Treaty takes account of the specific character of the region, the history of its discovery, the established practices of Antarctic research, and the particularities of the positions in international law of the countries concerned. In this regard, it should be pointed out that any attempt to disregard the special features of this region, to approach it with any sort of general yardstick, would be misguided and extremely harmful.

An exceptionally important clause of the Antarctic Treaty is the one according to which the question of territorial claims and counter-claims and the recognition or non-recognition of such claims is frozen. This is extremely important because the freezing of this issue has the effect of keeping this Pandora's box - a dangerous source of arguments and serious conflicts - closed. A "thaw" in this area could have harmful consequences for many countries, could cause serious damage to the interests of peace and security, and would transform this region from a zone of peace and cooperation into a zone of constant friction and conflict.

The Soviet Union has always attached, and will continue to attach great significance to the Antarctic Treaty and the work which is carried out under it. An extensive body of measures has already been elaborated on the basis of the Treaty, for the protection of Antarctica's unique natural environment,

and for the preservation of its flora and fauna. The Declaration on the Protection of the Antarctic Environment has been adopted, and the 1972 Convention for the Conservation of Antarctic Seals is operative. The 1980 Convention on the Conservation of Antarctic Marine Living Resources has come into force. Significant and positive experience of scientific cooperation has been accumulated in such fields as biology, glaciology, geography, geology and others which have considerable significance for our knowledge of natural processes.

We are now faced with the task of further reinforcing and consolidating the Antarctic Treaty by elaborating an international-law regime on Antarctic mineral resource activities.

As we know, the XIth Consultative Meeting came to the conclusion that a regime on Antarctic mineral resources should be elaborated as a matter of urgency, and that the conclusion of an international-law instrument on this matter as soon as possible would further reinforce the Antarctic Treaty system. All countries represented here supported this conclusion and, apparently, there is no misunderstanding on anyone's part as to why this is so. Such an approach is in the interests of all the participants of our Meeting and the interests of the international community. However, there are different ways of achieving this goal.

If for example, we embark on an extensive elaboration of all the aspects of the problem at this stage, we may become bogged down in details, for which, given the present level of research in the Antarctic, it is hardly conceivable that we will have any ready answers. This would hardly be in the interests of the matter in hand, as it could postpone for many years the resolution of the fundamental issues and of a regime on Antarctic mineral resource activity; also it would bring about an unjustifiable delay in the elaboration of an international-law instrument which would reinforce the Antarctic Treaty in this sphere.

There is also another way, which is to resolve the key issues now in an international-law instrument, much as we did in the Convention on the Conservation of Antarctic Marine Living Resources, hence creating it in the image of that Convention. After all, the most complex and sensitive provisions of that

Convention were, as is well known, carefully weighed and polished after a lengthy process of coming to agreement, and all the difficulties arising in that connection have now been successfully overcome. These include, for example, the clause of Article IV relating to claims, counterclaims, and non-recognition of claims in Antarctica and the clause relating to the mechanism for implementation. These provisions could also be used, mutatis mutandis, in a convention on Antarctic mineral resources, which would address only the fundamental questions of principle. With this approach there would be no major difficulties in rapidly and expeditiously preparing a text of the actual convention. As regards the advisability of proceeding at this time to the creation by means of a convention of a mechanism concerned with Antarctic mineral resources, which would be similar to that specified in the Convention on the Conservation of Antarctic Marine Living Resources, the appropriateness of such a step is governed by the consideration that questions of detail relating to Antarctic mineral resource activities can and should be resolved gradually within the framework of this mechanism, on the basis of the joint collective efforts of all the 14 participating states of this Meeting, as the appropriate knowledge and experience is accumulated, and above all with due regard for the acquisition of hard scientific data enabling account to be taken of the possible impact of such activities on the unique Antarctic environment.

We are convinced that if we organise our work in a business-like manner this Meeting can achieve a positive result here and now, and that the conclusion of a convention on Antarctic mineral resources is an issue of vital importance today. As far as the Soviet delegation is concerned, we are prepared for serious constructive endeavour in this direction.

Thank you for your attention.

STATEMENT BY MR A. WATTS, UNITED KINGDOM

Mr Chairman,

I should like to associate my delegation with the remarks already made by other delegations in congratulating you on your appointment. We also join them in expressing appreciation of the Government of New Zealand's generous action in arranging this Special Consultative Meeting, and expressing gratitude for the warm and hospitable welcome we have received in this country. We are also cognisant of the honour done us by the Minister of Foreign Affairs in addressing our opening session this morning.

As we embark on our challenging task, it is comforting to know that, as other delegations have pointed out, even at this first session of this Special Consultative Meeting we do not start with a clean slate. Recommendation XI-1, pursuant to which this Meeting has been convened, itself indicates - notably, but not exclusively, in paragraph 7 - a number of elements which have to be incorporated in a minerals regime. These elements constitute a helpful basis for part at least of our initial discussions.

But Recommendation XI-1 did not identify all the matters calling for consideration. While keeping within the framework of the Recommendation, it is our principal task at this Meeting to build upon it so as to create an effective regime.

We echo the sentiment expressed by the New Zealand delegation that we should straightaway get down to consideration of the issues of substance which are before us. With this in mind, I should like to explain that the attitude of the United Kingdom delegation will be governed by three considerations to which we attach cardinal importance.

First, while we do not forget the terms of Article IV of the Antarctic Treaty, the UK approaches these negotiations as a State with rights of territorial sovereignty in part of Antarctica. Of course, the UK delegation does not ignore the fact that some other delegations do not share its views on territorial sovereignty. If we are to make progress in these negotiations there will have to be some accommodation between those other delegations and the delegations whose views on territorial sovereignty are similar to those of the UK delegation. With the exercise of a degree of creative ingenuity such an accommodation should be attainable, in accordance with the principles agreed in paragraph 6 of Recommendation XI-1. My delegation can conceive of circumstances in which, in the common interest, certain powers at present vested in the United Kingdom could be used for the general good as part of an acceptable minerals regime.

The second important consideration for my delegation is that decisions leading to exploration for and exploitation of minerals should be based on commercial criteria and judgment. This in practice means that those decisions, and the financial risks flowing from them, would be taken

at the initiative of commercial concerns, or equivalent public sector entities. The alternative, involving governments - either directly or acting through institutions to be established as part of a regime - being responsible for initiating and financing mineral activities, would in our view be both a more expensive and a less efficient way of providing for an Antarctic minerals regime. If, as the UK delegation believes, the relevant decisions are to be taken by commercial concerns, or equivalent public sector entities, this points to the establishment of a regime based on the granting of licences or concessions. A decision on this point will fundamentally affect the nature of the regime we shall be elaborating, and it is accordingly an issue which this Meeting will need to consider at an early stage.

The third point of importance for my delegation is that, while certain provisions of Recommendation XI-1 point to the establishment, as part of the regime, of institutions of some kind with various continuing functions to perform, any such institutions should only exist and operate on a scale commensurate with the actual functions they are called upon to perform. Institutions should be established only insofar as is necessary to meet a demonstrated need for them.

Those three considerations to which the UK delegation attaches importance all bear directly on what may be the central task at this stage of our negotiations. This concerns the identification of the powers for which provision is necessary in a minerals regime, and decisions as to who exercises those powers.

As to the powers, they can conveniently be related to the various stages of activity associated with mineral development - namely prospecting, exploration and finally production. It might prove helpful to our deliberations if we were later to consider these stages in greater detail, in order to identify particular powers relevant to each stage of activity.

Recommendation XI-1 does not assist in determining how the necessary powers are to be divided between the governments concerned, any authority which may be established under the regime, and operating public or private sector entities. This is a matter which we shall have to decide, in a manner consistent with paragraph 6 of the Recommendation.

Before I conclude this statement I must comment on one final point which was raised by the Minister of Foreign Affairs, and has been touched on by certain delegations. It concerns the question of urgency. The UK delegation subscribes to the statement in paragraph 2 of Recommendation XI-1 that a minerals regime should be concluded as a matter of urgency. But we do not believe that this requires us to scramble through a hastily-adopted shadow of a regime. The interests of Antarctica require that the regime we adopt should be comprehensive enough to operate effectively when required. And in the view of my delegation nothing less than that will be likely to carry sufficient

weight with states outside the Antarctic Treaty to have a chance of dissuading them from attempting to usurp the role we have assumed under the Antarctic Treaty. Of course we must make haste to agree upon an acceptable regime - but it must be a regime which can be seen to be one which is adequate to do the job required of it.

The UK delegation firmly believes in the Antarctic Treaty as the appropriate framework within which to establish a minerals regime. We believe that when we have achieved that objective the Treaty will have been greatly strengthened, which can only be in the best interest of Antarctica. We expect to see the negotiations get off to a workmanlike start over the next two weeks. I can assure you, Mr Chairman, that my delegation has come to this session determined to work constructively for the success of the negotiations.

STATEMENT BY MR T. SCULLY, OF UNITED STATES OF AMERICA

Mr Chairman,

I would like to join in emphasising the pleasure and in extending the congratulations of my delegation on your selection as Chairman of these important discussions. We would also like to express, through you, our appreciation for the words of welcome conveyed by the distinguished Foreign Minister of New Zealand; our appreciation to the Government of New Zealand for its invitation and the excellent facilities it has provided for our meeting; and finally, our appreciation to the people of Wellington and of New Zealand for the warmth of their welcome to us.

We are particularly pleased to be here in New Zealand. The United States and New Zealand have for many years worked closely together on Antarctic matters and are, in fact, close neighbours at stations in Antarctica itself.

Many delegations, Mr Chairman, have stressed the importance of the Antarctic mineral resource issue to the Antarctic Treaty system. Successful resolution of Antarctic resource issues generally will assure the long-term health and viability of this important international system. This fact has been reflected in recommendations of the recent Consultative Meetings, particularly in Recommendation XI-I of last year's Consultative Meeting in Buenos Aires. That recommendation represents a commitment to begin the concrete negotiation of a regime for Antarctic mineral resources.

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We approach this negotiation on the basis of our basic view of the legal and political status of Antarctica. The regime for Antarctic mineral resources must be consistent with this view. Having said that, we believe that it is possible to develop a regime consistent with the basic views of all Consultative Parties. Further, it is time to begin that task - to get down to the actual discussion of the specific components of the regime. Recommendation XI-I established the momentum toward that end, and we need to keep up the momentum.

Mr Chairman, in Recommendation XI-I we defined the purpose of the regime as the determination of the acceptability of mineral resource activities in Antarctica and the governing of those activities determined to be acceptable. At the same time, the regime must provide a practical framework within which mineral resource activities can take place in a predictable and economically viable fashion. For if the system - the terms and conditions imposed by the regime - are not reasonable, incentives could be created for the conduct of mineral resource activities outside of the regime, with a corresponding threat to the Antarctic Treaty System.

With this in mind, Mr Chairman, I would like to share with delegations some of the elements which we believe are central to the elaboration of a viable regime. These include:

- provision for assurance of non-discriminatory access to all areas of Antarctic in which mineral resource activities are determined acceptable;
- provision of a stable and predictable legal framework for governing mineral resource activities;
- provision of a system for defining rights to Antarctic mineral resources so as to provide the security of tenure necessary to create a stable and reasonable investment climate. (I would stress the

- importance of this point, since the investments which are likely to be required for mineral resource exploration and development in Antarctica would be enormous.);
- provision for the establishment of reasonable terms and conditions to govern specific mineral resource activities;
 - provision that decisions about possible activities be based upon information sufficient to judge the possible impacts of those activities. (Here, I would note the importance of the contributions of ongoing and future scientific research under the Antarctic Treaty.);
 - provision that mineral resource activities not pose unacceptable risks to the Antarctic environment, including large-scale irreversible changes in that environment and that such activities are consistent with the standards of the Convention on the Conservation of Antarctic Marine Living Resources; and,
 - provision that technology and operational practices exist to ensure safety of mineral resource activities and that this technology and those practices be employed.

It is not possible at this point to judge what sorts of mineral resource activities, if any, may develop in Antarctica. In our view, however, it is essential that the regime deal with all possible stages of mineral resource activities through the development and production stage, even though such activities may not take place for several decades - if, indeed, they ever take place. In light of these factors, I believe that we should elaborate a regime which is simple, pragmatic and flexible. Specifically:

- the regime should define the stages of mineral resource activity and identify the points at which necessary decisions should be made;
- the regime should define the process by which these

decisions about mineral resource activities are made from the initial phases through development and production;

- the regime should not attempt to incorporate specific regulations for any phase of mineral resource activity but should identify the process, standards and mechanisms for developing such regulations if and when necessary; and,
- the regime should provide for the minimum machinery to ensure its implementation, including provision for activation of machinery only if and when necessary.

In conclusion, Mr Chairman, I would like to return to the importance of the successful conclusion of a regime for Antarctic mineral resources. It is important for good and sufficient economic and resource reasons. If mineral resources exist in commercial quantities in Antarctica, their development in sound and acceptable fashion will serve important economic objectives by increasing the supply of needed minerals.

In addition, successful conclusion of the regime is important to the continuing fulfilment of the objectives of the Antarctic Treaty. It would serve and enrich the objective of reserving Antarctica exclusively for peaceful purposes and the system of international cooperation on scientific research provided for under the Treaty.

Finally, Mr Chairman, I would like to reiterate our satisfaction at seeing you in the chair. In addition to the qualifications for that position cited earlier, I would draw attention to your good sense, good humour and stamina. I am sure all of these traits will serve you well in the days ahead. And I hope that I have not imposed too much on your stamina in this last of the opening statements.