

**ANTARCTICA AND WORLD POLITICS:
THE SIGNIFICANCE OF POLITICAL FACTORS IN
ANTARCTIC AFFAIRS DURING THE TWENTIETH CENTURY**

by

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DECLARATION

This thesis contains no material which has been accepted for the award of any other higher degree in any university and that, to the best of my knowledge and belief, the thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.

A handwritten signature in black ink that reads "Robert Hall". The signature is written in a cursive style with a horizontal line underlining the name.

H. Robert Hall

December, 1986.

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ABSTRACT

This study is about Antarctic affairs during the twentieth century. The images most often associated with this subject throughout this period focus on science. Apart from a brief interlude in the 1940's and early 1950's, and again in the late 1970's and 1980's, political considerations have been portrayed in the background and of little account. These images also depict Antarctic affairs as unique - separated from events and forces arising elsewhere in the world. The view is put forward in this thesis that these images are in important respects deficient: political factors have been more significant than these dominant images suggest and Antarctic affairs have not occurred in isolation.

The study begins by examining Antarctic affairs during the first four decades of the twentieth century - a period commonly divided into the "heroic age" from around the turn of the century to the end of World War I and the "air age" during the interwar years. The dominant image associated with this period focuses on scientific activity and exploration in the region. The argument here is presented, however, that significant political and economic factors concerned with the partition of Antarctica, which occurred between 1908 and 1939 when five countries asserted claims to about 85 per cent of the region, must also be brought into

focus to achieve a more complete and accurate picture of Antarctic affairs. It is also argued that this partition was an expression and extension of two underlying structural forces of world politics which first became operative during the closing years of the nineteenth century: the Second Industrial Revolution and the New Imperialism.

The study continues in the 1940's and 1950's with an examination of the origins of the Antarctic Treaty of 1959. The dominant image associated with this era portrays a series of events connected with the International Geophysical Year which led directly to the signing of the Treaty. The picture presented is one of "the triumph of science over politics." The argument of this study is that this image is superficial and misleading. It overlooks the interplay of political and strategic considerations which were, in turn, consequences of basic structural changes in world politics which impacted on Antarctic affairs following the outbreak of World War II, such as the rise of the United States and the Soviet Union to superpower status and the intensification of rivalry between these countries after 1947 to become the Cold War.

The third period under review in this study is the two decades, or so, following the signing of the Antarctic Treaty and its entry into force in 1961. This period of Antarctic affairs is generally portrayed as a time of regional peace and order. The dominant image associated with this era sketches a picture of the Treaty providing a blueprint for science with the ensuing scientific

activity engendering Pax Antarctica. It is argued in this study that this image is one-sided. Left out of account is the continuing conflict-management function of the Treaty and its attendant arrangements - the central one of which is the Antarctic Treaty Consultative Meeting. This Meeting can be viewed as a form of international organization, and several mechanisms of it have played an important part in the management of conflict pertaining to Antarctica and thereby also contributed to regional peace and order. It is also shown how a structural change in world politics again began to impact on Antarctic affairs during the late 1970's and 1980's: as the world entered "the era of interdependence", Antarctica became entangled in a number of global issues concerned with resource scarcity, North-South relations and environmental conservation. ■

■ In sum, it is proposed that (i) political factors have played a significant part in Antarctic affairs throughout the twentieth century, and (ii) structural changes in world politics have impacted upon Antarctic affairs throughout the same period. On this view, it is concluded that Antarctic affairs have been an integral part of world politics. Accordingly, they must be considered in this way and not sui generis as commonly asserted. This means that Antarctic affairs cannot be assessed realistically unless they are ranged firmly against the past and analysed in the light of structural forces in world politics. ■

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CHAPTER 1 - INTRODUCTION

This is a study of Antarctic affairs during the twentieth century. In the late 1970's and 1980's, increased interest in the exploitation of Antarctica's marine-living and mineral resources resulted in Antarctic issues gaining wider attention as an item on the international political agenda. Controversy concerning the environmental impact of, and the distribution of benefits and costs from resource exploitation in the region arose amongst and within various countries, international and transnational organizations. By 1983, The Economist reported, 'Beneath its prodigious icecap, the frozen continent is becoming a hot potato.'¹

Prior to these events with their obvious political dimensions, the images most often associated with Antarctic affairs are those of science. During the first four decades of the twentieth century, Antarctic affairs have been commonly divided into two ages: the "heroic age" from the turn of the century to the end of World War I and the "air age" during the interwar years. The dominant image associated with this era focuses on science and exploration with the achievements of such Antarctic explorers and scientists as Shackleton, Amundsen, Scott, David, Mawson, Byrd and Ellsworth afforded prominence in accounts of mankind's activity in the southernmost region of the world.

1 "Icebox hotting up", The Economist, October 8, 1983, p 49.

The 1940's and 1950's witnessed a change in the nature of Antarctic affairs. Overlapping sovereignty claims to Antarctic territory by Britain, Argentina and Chile resulted in an acrimonious political controversy between the three countries. Antarctica became the subject and scene of international discord. The dominant image associated with this era portrays a series of events connected with a major international scientific activity - the International Geophysical Year (I.G.Y.) - as dissipating this controversy. The image presented depicts three scenes: first, the success of the Antarctic program of the I.G.Y. leading the twelve countries involved, including the rival claimants, to decide to continue their scientific cooperation in the region; second, the need therefore arising to establish an international legal agreement that would provide a stable basis for such activities; and third, the resulting Antarctic Treaty of 1959 designed to foster regional cooperation and harmony. Put simply, the origins of the Antarctic Treaty are presented in this image as "the triumph of science over politics."

The next two decades following the entry into force of the Antarctic Treaty in 1961 are generally portrayed as a period of regional peace and order. The dominant image associated with this era sketches a picture of the Treaty providing a blueprint for science with the ensuing scientific activity engendering Pax Antarctica.

In these ways, then, the three dominant images of Antarctic affairs during the first eight decades of the twentieth century focus on science. Apart from the claims controversy in the 1940's and early 1950's, political considerations have been portrayed very much in the background and of little account. Moreover, these images depict Antarctic affairs as unique - separated from events and forces arising elsewhere in the world. It is the central argument of this thesis that these images are in important respects deficient. This argument is structured upon two initial, interlinked propositions: (i) it may be argued that political factors have been more significant than the dominant images of Antarctic affairs suggest; and (ii) Antarctic affairs have not occurred in isolation, removed or divorced from world politics and the basic structural forces that have shaped the modern world. In other words, a valid assessment of Antarctic affairs during the twentieth century must take full account of both political factors and underlying structural forces. Without either, our understanding of the course of events to do with this region of the world is shallow.

The topic of the study merits attention because of the dual and reciprocal function of history. Given that the stakes involved in Antarctic resource exploitation alluded to earlier are high, there is a compelling case for a reassessment of Antarctic affairs during the twentieth century to place this contemporary issue in proper perspective for although the past is intelligible to us

only in the light of the present . . . we can fully understand the present only in the light of the past.² It is this interrelationship, or dialogue, between past and present which Carr has termed the dual function of history. And clearly, without a well-grounded understanding of the past, policy constructed in accord with even the best blueprints for such values as international order, distributive justice or environmental conservation in Antarctica is like the proverbial house built on shifting sand.

It must be emphasized, at once, that it is not the purpose of this study to prescribe solutions to any current Antarctic problems or to canvass policy options. Moreover, while the two propositions upon which the argument of this thesis is structured imply that important political aspects have hitherto been largely neglected in studies of Antarctic affairs, this viewpoint is not meant to belittle the past labour of scholars in the field. International lawyers, geographers, natural scientists and historians who have toiled in the field use differing frames of reference which offer insights in exchange for limitations in approach. In other words, every way of seeing is also a way of not seeing. What is remarkable, however, is that political scientists have shown relatively little interest in Antarctic affairs. Of course, a single study such as this by no means redresses this neglect

2 E.H.Carr, What Is History?, Macmillan, London, 1961, p49.
Emphasis added.

and what follows is not a comprehensive analysis of the politics of Antarctic affairs. The study has merely an iconoclastic or debunking objective, seeking in Berger's terms, to unmask pretensions and to penetrate verbal smoke screens to the unadmitted and often unpleasant mainsprings of action.³

The thesis is organized in an essentially chronological manner. Apart from this introductory chapter, there are three substantive chapters and a concluding chapter. Chapter 2 is concerned with Antarctic affairs during the first four decades of the twentieth century and discusses the partition of Antarctica that occurred between 1908 and 1939. It consists largely of a synthesis of secondary sources, although government documents, newspaper reports, and published personal letters have also been used. Chapter 3 examines Antarctic affairs in the 1940's and 1950's. It seeks to explain the origins of the Antarctic Treaty of 1959. In this chapter, government reports and official documents have been the major sources used - most notably those published in Foreign Relations of the United States, The Department of State Bulletin and various United States Congressional reports and hearings. In addition, the Annals of the International Geophysical Year was an indispensable source of the argument developed in this chapter. The Treaty era from the beginning of the 1960's to the early 1980's is the period under review in Chapter 4. It looks at the

3 P Berger, Invitation to Sociology, Penguin, Harmondsworth, 1972, p 51, 55.

way the Treaty and its attendant arrangements contributed to regional peace and order in Antarctica. Again, a variety of sources have been used in this chapter including secondary material, official documentation and newspaper reports.⁴ A final Chapter 5 brings the threads of the argument together into conclusions.

Before turning to discuss the partition of Antarctica, it is necessary to define the areal configuration of the region. The Antarctic continent is the remotest, coldest, driest, windiest and most lifeless continent on Earth.⁵ Covering about fourteen million square kilometres, approximately the size of the combined areas of the United States and Australia, it is separated from the neighbouring continents of South America, Australia and Africa by broad expanses of ocean. The most distinctive feature of the continent is that between 95 and 98 per cent of its surface is buried beneath an immense ice-sheet which in places may be more

4 Personal interviews with several Australian diplomats who had been involved in Antarctic affairs were also conducted. The secretive way in which the Australian government has treated Antarctic affairs meant, however, that the interviewees' comments were very circumspect. Nevertheless, the exercise provided useful information of a contextual and confirmative nature. The Australian government's predilection for secrecy about Australia's involvement in Antarctic affairs during the twentieth century also meant that Australian archival material was not available to be sifted - access to this material having been denied to the author of this study.

5 For a detailed account of the areal configuration and distinctive features of Antarctica see, Polar Regions Atlas, U.S. Central Intelligence Agency, May, 1978; and J.F.Lovering and J.R.V.Prescott, Last of Lands . . . Antarctica, Melbourne University Press, Carlton, Victoria, 1979.

than 4,500 metres thick. But the continent of Antarctica is only part (albeit a large one) of the region. The Antarctic or Southern Ocean which surrounds the continent is also part of the region. The generally accepted northern boundary of this Southern Ocean is what is known as the Antarctic Convergence which lies between latitudes 50° and 60° South where the northward flowing Antarctic cold surface water impinges on the warmer Subantarctic surface waters. The nomenclature "Southern Ocean" or "Antarctic Ocean" is frequently neglected by geographers, and maps tend to show the Pacific, Atlantic and Indian Oceans extending south to the margins of the Antarctic continent. As Lovering and Prescott point out, however, "The artifice may be geographically convenient, but it cannot be supported in that it hides the essential unity of the circumpolar ring of water around the Antarctic continent which is better termed the Southern or Antarctic Ocean."⁶ In this study, then, the term "Antarctica" will refer to the region comprising both the continent and the Southern or Antarctic Ocean, plus the islands contained therein.⁷

6 Lovering and Prescott, op.cit., p 26.

7 See Map, p 179.

CHAPTER 2 - THE PARTITION OF ANTARCTICA

Antarctic affairs, from the closing years of the nineteenth century till the outbreak of World War II in 1939, have been commonly divided into two ages: the "heroic age" from around 1895 to the end of World War I and the "air age" during the interwar years. The predominant image associated with these two ages concerns science and exploration. Much has been written about the period and, as one writer remarks, many of the scientists and explorers involved in Antarctica during these times appear larger than life-size because of the risks they undertook and the tasks they achieved.¹ Before discussing this image however, it is necessary to outline mankind's earlier thoughts about, and activities in, Antarctica. This brief excursion provides the historical perspective necessary to an understanding of Antarctic affairs during the twentieth century.²

2.1 Early History

The existence of the Antarctic continent had first been postulated by the ancient Greeks, Indeed, the term "Antarctic" is derived

1 C.Hartley Grattan, The Southwest Pacific Since 1900: A Modern History - Australia, New Zealand, The Islands, Antarctica, The University of Michigan Press, Ann Arbor, 1963, p 592.

2 As Magdoff rightly points out, 'Stages of history rarely, if ever come in neat packages: the roots of new historical periods begin to form in earlier eras, while many aspects of an older phase linger on and help shape the new.' H.Magdoff, Imperialism: From the Colonial Age to the Present, Monthly Review Press, New York, 1978, p 21.

from the Greek words anti and arktos which together mean "opposite the bear" (or opposite the Northern pole marked by the constellation Arktos, or Ursa Major). Cartographers during the Middle Ages also postulated about the existence of a southern continent, Terra Australis Incognita, but although the British explorer James Cook circumnavigated Antarctica from 1772 till 1775, penetrating as far south as latitude $71^{\circ} 10'$ South (or less than 19 degrees from the South Pole) in search of this southern continent, it was not until the third decade of the nineteenth century that the first sightings of the Antarctic mainland were documented.

The first sighting, itself, is a matter of great controversy with Britain, the United States and the Soviet Union all claiming the honour by one of their nationals. In the official British view, the first person to see the Antarctic continent was Edward Bransfield, R.N., when he discovered the northern extremity of the Antarctic Peninsula on January 20, 1820.³ The American contender was Nathaniel Palmer who, on November 17, 1820, is also said to have first sighted the Antarctic Peninsula.⁴ According to the official Soviet view however, the discoverer of the Continent was Admiral Bellingshausen who led a Russian expedition which

3 International Court of Justice Pleadings, Antarctic Cases (United Kingdom v. Argentina; United Kingdom v. Chile), p 12.

4 W. Sullivan, Quest for a Continent, Secker & Warburg, London 1957, pp 23-24.

circumnavigated Antarctica between 1819 and 1821 and who is said to have sighted the mainland several times during January and February, 1820.

These "discoveries" of the Antarctic continent were followed by Weddell's discovery in 1823 of the sea which now bears his name, and three expeditions mounted during the late 1830's and early 1840's from France (d'Urville), the United States (Wilkes) and Britain (Ross) all in search of the South Magnetic Pole.⁵ Although not one of these expeditions located the South Magnetic Pole, each discovered significant areas of Antarctica - the Adélie Coast (named after d'Urville's wife), Wilkes Land, the Ross Sea and the Ross Ice Shelf.

Then ensued a fifty year hiatus in Antarctic affairs when interest in the region waned. It was not until the 1890's that interest in Antarctica revived and the first four decades of the twentieth century witnessed a surge of activity pertaining to the region - the so-called "heroic age" and "air age" of Antarctic affairs.

2.2 The Dominant Image: Science and Exploration

The "heroic age" of Antarctic affairs derives its name from a series of pathbreaking exploratory and scientific expeditions to

5 The three government sponsored expeditions were triggered by scientific developments during the 1830's in the field of electromagnetism by the German mathematician Gauss. It was thought that the expeditions would gain knowledge useful in the production of accurate magnetic maps which, in turn, were necessary for accurate navigational purposes. See, P.Siple, 90 South, G.P.Putnam's Sons, New York, 1959, p 25.

Antarctica. For example, on January 24, 1895 Bull's Norwegian expedition effected the first landing on the Antarctic mainland.⁶ This was followed by Gerlache's Belgian expedition of 1897-99 which was the first to winter (on board ship) in the region, while Borchgrevink's British sponsored expedition of 1898-1900 was the first to winter on the continent itself. Bruce's British expedition of 1902-04 saw the establishment of the first permanent research station and in 1909, a party from Shackleton's British expedition of 1907-09 (led by the Australian geologist David) first located the region of the South Magnetic Pole. The geographic South Pole was first reached in December, 1911 by Amundsen's Norwegian expedition of 1910-12.

Other expeditions during this period between 1895 and 1917 included Scott's two British expeditions (1901-03 and 1911-13); Drygalski's German expedition (1901-03); Nordenskjold's Swedish expedition (1901-03); Charcot's two French expeditions (1903-05 and 1908-10); Shirase's Japanese expedition (1911-12); Mawson's Australasian expedition (1911-14) and Shackleton's second expedition (1914-16).

The "air age" of Antarctic affairs derives its name from the use of aircraft as a means to explore the region. The Australian adventurer Wilkins (with his pilot Eielson) made the first flight in Antarctica over the Antarctic Peninsula in 1928. In the

⁶ Two members of Bull's expedition, Borchgrevink and Kristensen, both claim to have been the first the step ashore. See, R.A.Swan, Australia in the Antarctic, Melbourne University Press, Parkville, 1961, p 84.

following season, further preliminary surveys and reconnaissance by air were conducted by Wilkins. Also in 1929, the American naval aviator Byrd (during the first of three large-scale expeditions which spanned the 1930's) was the first to fly over the South Pole. His fellow countryman, Ellsworth, became the first to cross the continent by aeroplane in 1935. Other expeditions which utilized aircraft were Riiser-Larsen's Norvegia expedition of 1929-30, Mawson's joint British, Australian and New Zealand expedition of 1929-31, Rymill's British expedition of 1934-37 and Ritscher's German expedition of 1938-39.

Because science and exploration were the objectives of these expeditions, science and exploration have become the dominant image of Antarctic affairs during this period. Grattan writes, for example,

While to understand the history of Antarctica attention must be given to whaling and politics to enforce the idea that there has been more to it than heroic struggle in the snow and ice, the fact remains that the most memorable transactions were indeed in exploration and scientific work. In the long run they became the dominant expressions of humanity's interest in Antarctica, though the ancient serpents of economics and politics continued to lurk in the shadows.

Other writers sketch a similar image. They do so, however, not by what they write, but by what they omit. Sullivan, Lovering and Prescott, Lewis, Mitchell and Tinker for example, all refer to these ages of Antarctic affairs and their accounts are replete

7 Grattan, op.cit., p 592.

with epic tales of risk, endurance, valour, ambition and tragedy.⁸ However, little, if any, prominence is afforded to political and economic factors in these studies thereby conveying the impression, as with Grattan, that such considerations were very much in the background.

This image is deficient, however. Interpretations which focus on science and exploration during this period have a shallow depth of field. Political and economic factors were significant, too, in shaping Antarctic affairs during the first four decades of the twentieth century. They were associated with the partition of Antarctica which occurred between 1908 and 1939 when five countries asserted claims to about 85 per cent of the region.

In 1908, Britain was the first country to proclaim sovereignty in the Antarctic when South Georgia, the South Orkneys, the South Shetlands, the South Sandwich Islands and Graham Land on the Antarctic Peninsular were, by Royal Letters Patent, formally constituted Dependencies of the Colony of the Falkland Islands and placed under its government. Nine years later, in 1917, Britain amended the definition of lands comprised in the Falkland Islands Dependencies so as to include all islands and territories situated

8 Sullivan, op.cit., pp 43-74; J.F.Lovering and J.R.V.Prescott, op.cit., pp 122-138; B.Mitchell and J.Tinker, Antarctica and its resources, Earthscan, London, 1980, pp 7-8; R.S.Lewis, From Vinland to Mars, Quadrangle, New York, 1976, pp 79-85.

between longitudes 20° and 50° West, and south of latitude 50° South; and all islands and territories situated between longitudes 50° and 80° West, and south of latitude 58° South. Thus Britain's claim in Antarctica took the form of a pie-shaped wedge, or sector, that extended to a point at the South Pole.

A similar sector was claimed in 1923 by a British Order-in-Council which established the Ross Dependency under New Zealand administration. This sector included all the area south of latitude 60° South between longitudes 160° East and 150° West. France followed suit in the following year by claiming Adélie Land in the neighbourhood of 140° East, 66° South, and in 1933 a British Order-in-Council established the Australian Antarctic Territory (under the administration of Australia) which constituted all the islands and territories other than Adélie Land situated between longitudes 45° East and 160° East, and south of latitude 60° South.

Subsequently, Norway asserted its rights in Antarctica on January 14, 1939, by claiming sovereignty over the region extending from the eastern boundary of the British Falkland Islands Dependencies at longitude 20° West to the western boundary of the Australian Antarctic Territory at longitude 45° East. The question immediately arises: How and why did this partition of Antarctica take place and in what way were political and economic factors significant.?

2.3 The Initial Annexation

The first point to emphasize is that the initial proclamation of sovereignty in Antarctica by Britain in 1908 resulted from a constellation of developments pertaining to the whaling industry. Leaving aside several financially unsuccessful expeditions to the Antarctic during the 1890's by Norwegian and Scottish interests, the start of Antarctic whaling can be said to have commenced in 1904 when the Compañía Argentina de Pesca S.A. established operations at Grytviken, South Georgia - much to the concern of the Governor of the nearby Falkland Islands who immediately informed the British Foreign Office, Colonial Office and Admiralty about the company's presence on the island.⁹

The following year the Norwegian manager of the Argentine company, C.A.Larsen, and the Norwegian manager of a newly established Chilean whaling company, arrived in Sandefjord, Norway (the whaling capital of the world) to buy whale catchers and

9 The Compañía Argentina de Pesca S.A. was constituted in Buenos Aires in 1904. The principal shareholders were mostly immigrant businessmen from Norway, Sweden and the United States. The whaling manager, C.A.Larsen, was a Norwegian who had been in charge of several whaling expeditions to Antarctic waters during the 1890's and early 1900's. In their history of modern whaling, Tonnessen and Johnsen contend that it was news of abundant whale stocks bought to Buenos Aires by Larsen (following an ill-fated expedition) that fired the imagination of local business tycoons to establish the company. See J.N.Tonnessen and A.O.Johnsen, The History of Modern Whaling, translated from the Norwegian by R.I. Christopherson, C.Hurst & Co.Ltd., London, Australian National University Press, Canberra, 1982, p 160.

equipment.¹⁰ Their optimistic reports concerning the prospects of whaling in the Antarctic resulted in a Norwegian whaling company venturing to the Falkland Islands and the South Shetlands. It was in connection with this enterprise that the Norwegian government addressed an inquiry to Britain concerning the sovereignty of territories in the area between longitudes 35⁰ and 80⁰ West and latitudes 45⁰ and 65⁰ South - in other words, the area covering South Georgia, the South Shetlands, the South Orkneys and the northern part of Graham Land on the Antarctic Peninsula. On May 16, 1906, the British Foreign Secretary, Sir Edward Grey, informed Norway's Minister in London, Fridtjof Nansen, that according to information from the Colonial Office and the Admiralty, all three archipelagos and Graham Land were British possessions.¹¹ Thus, these territories may be said to have been annexed by Britain for the first time in 1906, and this was done by the stroke of a pen in the Colonial Office.¹²

10 The manager of the Chilean whaling company was A.A.Andresen who had previously been involved in coastal trade in southern Chile. In 1905, he formed the Sociedad Bellenera de Magallanes (with British capital) and in the following year discovered the magnificent harbour of Deception Island in the South Shetlands. This harbour became the centre of whaling operations in the western Antarctic. See, Tonnessen and Johnsen, op.cit., p 157; E.W.Hunter Christie, The Antarctic Problem, George Allen & Unwin Ltd., London, 1951, p 280.

11 Tonnessen and Johnsen, op.cit., pp 179-180. Britain also informed Norway that 'Norwegian whalers should apply to the Governor of the Falkland Islands for any facilities that they might need.' See, International Court of Justice Pleadings, Antarctic Cases . . ., op.cit., p 15.

12 Tonnessen and Johnsen, op.cit., p 180.

These developments led the Governor of the Falkland Islands to issue on October 5, 1906, an Ordinance to regulate the whale fishery of the Colony of the Falkland Islands (The Whale Fishery Ordinance of 1906). The ordinance made the taking of whales without licence in the four areas of the Falkland Islands, the South Orkneys, the South Shetlands and Graham Land unlawful.¹³ It also established the boundary for the area within which each licence holder had the right to catch and settled how many whales each licence holder could catch.¹⁴ Subsequent to this, Britain then made specific provision for the government of South Georgia, the South Shetlands, the South Orkneys, the South Sandwich Islands and Graham Land as dependencies of the Falkland Islands through the Letters Patent of 1908.

There are several reasons that explain why Britain issued the Letters Patent. First, these dependencies had become increasingly important as sources of a valuable raw material - whale oil. The following table illustrates this by comparing whaling catches in

13 Whaling in South Georgia was controlled through separate arrangements dating from January 1, 1906, when the *Compañía Argentina de Pesca S.A.* was granted a lease of 500 acres of land. See, International Court of Justice Pleadings, Antarctic Cases . . ., op.cit., p 17.

14 Tonnessen and Johnson, op.cit., pp 180-181.

Antarctic waters with those in the northern seas.

TABLE 2.1: CATCH IN THE ANTARCTIC & NORTHERN SEAS, 1904-10

ANTARCTIC

Season	Shore Stations/ Floating Factories	Catchers	Whales	Barrels
1904-05	1	1	95	2,870
1905-06	3	5	712	19,100
1906-07	4	8	1,112	27,719
1907-08	7	14	2,312	60,760
1908-09	10	21	4,125	94,506
1909-10	13	37	6,099	157,592

NORTHERN SEAS

(not including East Asia)

Year	Catchers	Whales	Barrels
1905	82	3,536	108,050
1906	79	2,766	81,145
1907	80	3,432	100,100
1908	81	3,248	95,360
1909	78	3,958	120,050
1910	83	3,448	112,347

Source: Tonnessen and Johnsen, op.cit., p 176.

These statistics indicate that within four seasons (i.e. by 1907-08), 41.50 per cent of whales caught in these two whaling areas came from Antarctic waters while 38.9 per cent of whale oil barrels were obtained from the south. It has been suggested that overexploitation and the consequent decline of northern fisheries both caused and emphasized this rise of whaling in Antarctic

waters.¹⁵ Moreover, this change was greatly facilitated by several technological developments in the latter part of the nineteenth century. One such development was the ironclad steam-driven (subsequently diesel-driven) catcher which had the strength, speed and manoeuvrability to catch the abundant rorqual whales in southern waters. Another development was the harpoon gun fitted with an explosive device which brought a swift death to a stricken whale in contradistinction to the time-consuming, more dangerous "old method" which essentially involved "playing" the stricken whale until it died from loss of blood or shock.¹⁶

An additional factor of great significance in explaining the increasing importance of whaling in Antarctic waters was the

15 See, P.J.Beck, "Securing the dominant Place in the Wan Antarctic Sun" for the British Empire: the policy of extending British control over Antarctica," Australian Journal of Politics and History, Vol.29, No.3, 1983, p 450, and G.Jackson, The British Whaling Trade, Adam & Charles Black, London, 1978.

16 Rorqual whales (such as the blue whale, the fin whale, the humpback whale and the sei whale) were abundant at this time because, prior to the technological developments mentioned above, they were more difficult to catch than the so-called right whales. Right whales were "right" because they were slow swimming (therefore easier to catch than the fast-swimming rorquals), very fat (thus giving a high oil yield) and continued to float after being killed (whereas rorquals sank). By the latter half of the nineteenth century, the stocks of right whales had been decimated to such an extent that they no longer provided the basis for profitable whaling operations. With the development of the ironclad steam catcher, the harpoon gun and various other associated technological innovations, the nature of whaling changed to become the so-called "modern method" based on the catching of rorquals. See, Tonnessen and Johnsen, op.cit., pp 6-7, and Jackson, op.cit., pp 157-169.

escalating demand for whaling products, especially whale oil, which was used in the manufacture of soap and margarine and as a fibre dressing, lubricant and fuel for lighting.¹⁷ Tonnessen and Johnsen concur about the importance of this factor, although they contest the view (mentioned earlier) that the decline of northern fisheries directly caused the rise of whaling in the south. As Table 2.1 indicates, even during the vigorous increase in the south of the first six years, operations in the north remained stable. They maintain, and produce supporting statistics, that the reason had to do with the abundance of stocks in Antarctic waters whereby it was possible, using the same material, to catch three to four times more than in the north, thereby creating a greater margin of profit (notwithstanding increased costs of transportation, processing and labour related to operations at the other end of the world).¹⁸

The increasing importance of the Falkland Islands Dependencies as sources of whale oil is, as it stands, however, an insufficient reason to explain why Britain issued the Letters Patent of 1908.

17 Beck, op.cit., p 450. This increase in demand for whale oil is reflected in its increase in price in 1906 from £15 to £23 per barrel after more than a decade of low prices. The commodity maintained this high level for 10 years, apart from an acute slump to £20 in 1909. See, Tonnessen and Johnsen, op.cit., p 177. Margarine was invented as a substitute for butter in the late 1890's by the French chemist Hippolyte Mège-Mouriès. For a classic account of the burgeoning margarine and soap industries in the latter part of the nineteenth century and early twentieth century, see, C.Wilson, The History of Unilever: A Study in Economic Growth and Social Change, Vol.1, Cassel & Co., London, 1954.

18 Tonnessen and Johnsen, op.cit., pp 176-177.

After all, apart from the Argentine and Chilean based companies and one British company (the South Georgia Co. - an affiliate of Salveson & Co. of Leith) which was established in 1908, all the other companies engaged in Antarctic whaling were Norwegian. Thus Britain obtained most of its supply of whale oil through trade with another country. It is significant to note however, that Antarctic-based whaling provided attractive opportunities for British financiers. Indeed, British financiers provided most of the capital necessary for Antarctic whaling because very few of the sixty Norwegian companies operating at this time could finance the required forward investment and immense inventory costs.¹⁹ There was, in brief, a marriage of British capital resources and Norwegian skilled (and cheap) labour and this was the nature of so-called "British" whaling during the first half of the twentieth century.²⁰ In this way Britain secured its supply of whale oil and at the same time entered into a new field of investment.

As indicated above, Antarctic whaling at this time had a greater margin of profit compared to whaling in northern seas. Although statistics concerning the profitability of Antarctic whaling companies are not available for the period 1906-08, it is reasonable to infer that during these years a turnabout from loss or marginal profit to high profits occurred. It is known for

19 Jackson, op.cit., p 163, p 172.

20 Ibid.

example, that in its first season of 1904-05, *Compañía Argentina de Pesca S.A.* operated at a very small profit and that the first Norwegian company to operate in Antarctic waters returned to Sandefjord in June, 1906, following a season which produced a deficit result.²¹ By 1909-10, however, *Compañía Argentina de Pesca S.A.* returned a dividend of 40 per cent and in 1910-11 returned a dividend of 80 per cent. Similarly, other pioneering companies in Antarctic waters (mostly Norwegian) returned high dividends by 1909-10.²² One Norwegian company provides another example of this turnabout of fortune. The Sandefjord Whaling Company did not declare a dividend for its first two seasons, 1906-08, but in 1909-12, 60 per cent, 120 per cent and 100 per cent respectively were declared. As Tonnessen and Johnsen comment, 'That a company was in a position to pay such colossal dividends during a depression in shipping could only mean that whaling was the most profitable enterprise.'²³ In short, therefore, it was both convenient and profitable for Britain to obtain its whale oil requirements via Norway and the Letters Patent of 1908 provided a legal foundation to control the burgeoning industry.

One other reason has also been suggested as a contributing factor in the issuing of the Letters Patent. Beck notes that Britain was

21 Tonnessen and Johnsen, op.cit.

22 Ibid., Table 49, p 737.

23 Ibid., p 184.

also anxious to pre-empt either French moves in the wake of Charcot's voyages in the region of the Antarctic Peninsula or Argentine action in the light of reports that it was intending to establish a meteorological observatory there.²⁴ Although Beck provides no evidence to substantiate British anxiety in this regard, it is important to note that the Antarctic Peninsula is on one side of a major strategic and commercial naval route (the Drake Passage) at the confluence of the Pacific, Southern and South Atlantic Oceans. Though it is no more than speculation, an additional factor in the initial annexation of Antarctic territory may well have been a British desire to exclude other foreign countries from a region deemed important on strategic grounds.²⁵

To summarize so far then, the commencement of whaling in the Antarctic led to a series of events which resulted in the initial British claim of sovereignty in the region. Clearly, a crucial point in this series of events was the Norwegian inquiry of 1906 as to the status of territories in the area between longitude 35⁰ and 80⁰ West and latitudes 45⁰ and 65⁰ South: by raising the question with Britain, Norway directly prompted that country to proclaim sovereignty over the area. But why did Norway make this inquiry of Britain? Why did Norway not proclaim sovereignty over the area concerned itself?

²⁴ Beck, op.cit., p 451.

²⁵ It is important to note too, that the Panama Canal linking the Atlantic Ocean with the Pacific Ocean was not in use until 1914. Moreover, the nearby Falkland Islands were strategically important as a naval fueling depot.

The Norwegian scholars Tonnessen and Johnsen note that Norway's action of asking Britain to make clear its position in the region was repeated several times in the ensuing years and they suggest that the explanation was the lack of Norwegian diplomatic experience.²⁶ Certainly, Norway was a newcomer to the ranks of sovereign states, having gained independence from Sweden in 1905. Notwithstanding this point, however, it must be recognized that although Norway immediately embarked upon a policy of neutrality after gaining statehood, a high priority of Norwegian foreign policy was to maintain a friendly relationship with Britain, the predominant naval power.²⁷

The major reasons for this were twofold. First, a century before, Norway (then under the rule of Denmark) had been drawn into a war on the side of Napoleon against Britain. This resulted in a British blockade of Norway, the seizure of its shipping, and the loss of its major export market (i.e. Britain), all of which caused extreme hardship in the Nordic country. Thus, Norway developed a foreign policy tradition oriented toward the Atlantic in general, and toward Britain in particular.²⁸ Second, this

26 Tonnessen and Johnsen, op.cit., p 179.

27 Britain had also given diplomatic support to the Norwegian government during the union dissolution crisis with Sweden during 1905. See, P.M.Burgess, Elite Images and Foreign Policy Outcomes: A Study of Norway, The Ohio State University Press, (no date of publication), p 22.

28 See, "A Brief History of Modern Norway's Foreign Policy," Norway Information, Royal Norwegian Ministry of Foreign Affairs, Oslo, Norway, January 1981; F.Hodne, "Growth of a Dual Economy - The Norwegian Experience 1814-1914," Economy and History, Vol.XVI, 1973, pp 89-90; The Scandinavian States and Finland, Royal Institute of International Affairs, London, 1951, pp 1, 157, 199; Burgess, op.cit., pp 22-23.

tradition was also in accord with Norwegian maritime interests which had rapidly developed during the last half of the nineteenth century.²⁹ These maritime interests (both shipowners and exporters) were able to bring considerable political influence to bear on the administration of Norway's external affairs from their key positions in the Norwegian economy. They pressed for a narrow concept of the objectives to be pursued by the Norwegian diplomatic and consular services: objectives which concentrated, as one writer has observed, 'on looking after Norway's economic interest to the virtual exclusion of all other activities normally associated with foreign policy.'³⁰ When one considers that Britain was a major market for Norwegian goods and the major source of finance capital for Norway, not only in respect to whaling (as indicated earlier), but also in respect to shipping and manufacture,³¹ it seems reasonable to suggest that the maintenance of cordial relations with Britain was afforded high priority by these influential maritime interests.

29 By the beginning of World War I, Norway had acquired the fourth largest mercantile fleet in the world (after Britain, the United States and Germany) and by this time, shipping alone earned for Norway some 40 per cent of its total export incomes. See, Hodne, op.cit., p 100.

30 E-W Norman, "The Royal Norwegian Ministry of Foreign Affairs," The Times Survey of Foreign Ministries of the World, selected and edited by Z.Steiner, Times Books, London, 1982. Norman remarks that at this time 'it was generally accepted that Norway was to keep clear of all foreign political entanglements and that top priority was to be given to the promotion and safeguarding of foreign trade and shipping.' See, ibid., p 207.

31 See, for example, T.K.Derry, A Short History of Norway, Allen & Unwin, London, 1957, p 202; Jackson, op.cit., pp 163,172.

Taken together, then, these considerations lead to the conclusion that 'lack of Norwegian diplomatic experience' is a rather shallow explanation of the Norwegian inquiry. A deeper analysis reveals Norway's need at the time to be sensitive and responsive to the interests of Britain. Accordingly, a more plausible explanation of the Norwegian inquiry is that Norway did not wish to risk antagonizing Britain by making a precipitant claim in Antarctica.

2.4 Further Developments

Following the issuing by Britain of the Letters Patent of 1908, a number of consequential developments pertaining to the partition of Antarctica occurred. The major ones can, for convenience, be discussed under seven headings. The first was the increasing importance of Antarctica, in economic and strategic terms. In part, this stemmed from an increased demand for whale oil which magnified the importance of the region as the major source of the commodity. Poor harvests of linseed oil (an oil generally preferred to whale oil) in 1911 and 1912, together with the increased consumption of margarine, caused shortages of oils and fats for soap production and thereby increased the demand for whale oil.³² Furthermore, the introduction of the hydrogenation process on an industrial basis between 1911 and 1913 (a process which transformed whale oil from fluid to a solid and which removed most of its unpleasant smell and taste) also resulted in the increased usage of whale oil such that 'Whaling became,

32 Tonnessen and Johnsen, op.cit., pp 232-233.

in effect, an adjunct of the margarine and soap industries by 1914.³³

Moreover, after 1914, with the onset of World War I, whale oil became an exceedingly important strategic material, not only as a food (i.e. margarine), but also as the principal source of glycerine. Glycerine, of course, was a vital constituent of explosives used in the manufacture of armaments and was obtained in soap-making when fatty acids combined with alkalis.³⁴ Accordingly, during the course of the war, Britain relaxed the regulations which had previously restricted direct British commercial operations in Antarctica and encouraged the two British

33 Jackson, op.cit., p 182. As the name suggests, the hydrogenation process involves the transformation of unsaturated fatty acids and their glycerides to solid fats by binding hydrogen compounds with the aid of a metal catalyst. Although first patented in 1902, development to the stage of industrial mass production took a decade to achieve. For a more detailed account of the application of this process to the soap and margarine industries, see Tonnessen and Johnsen, op.cit., pp 227-240; and Wilson, op.cit., pp 125-138.

34 For more detailed accounts of the strategic importance of whale oil during World War I, see Tonnessen and Johnsen, op.cit., p 229; Jackson, op.cit., p 176; Beck, op.cit., pp 453-454; Wilson, op.cit., pp 216-226; and M.W.W.P.Consett, The Triumph of Unarmed Forces, Williams and Norgate, London, 1923, pp 166-179.

The strategic value of whale oil continued throughout the interwar years and during World War II. In the memoirs of the British Minister for Food during World War II (the Earl of Woolton), an account is given about the importance attributed to the acquisition of whale oil supplies, largely from the Antarctic, by both Britain and Germany. See, The Memoirs of the Rt.Hon.The Earl of Woolton, Cassell, London, 1959, p 237.

whaling companies to increase their catches.³⁵ In short, then, Antarctica became strategically important as the major source of whale oil.

The region's proximity to Australia, New Zealand, South Africa and the Falkland Islands also raised fears in the years immediately after World War I that during any future war, enemy submarines and aircraft might use Antarctica as a base for raiding operations against these southern parts of the British Empire. Accordingly, Antarctica came to be regarded as a significant part of British imperial security with the British Admiralty emphasizing the need 'to learn the area thoroughly.'³⁶

35 Most existing licence-holders in the pre-war period were Norwegian, and the subsequent exclusion of British companies from particular areas fostered criticisms that, paradoxically, the British policy was 'anti-British' in nature. (See, Beck, op.cit., p 451; Jackson, op.cit., p 173). Beck makes the telling point, however, that to official eyes, the system of control served to promote British interests in the Falkland Islands Dependencies in the wider sense by securing implicit international recognition of British sovereignty. (See, Beck, op.cit., pp 451-452). In addition, as discussed earlier, although most of the whaling firms that operated in the Antarctic before 1914 were Norwegian, their chief source of capital was Britain. The policy can therefore hardly be labelled 'anti-British', for although it hamstrung some British whaling firms, it was not inimical to the interests of the British overseas financier.

36 Cited in Beck, op.cit., p 456. See also, The Antarctic Treaty, New Zealand Institute of International Affairs, Wellington, 1972, p 5.

The major naval Battle of the Falklands in December 1914 also illustrates the strategic significance of the area where the South Atlantic meets the Southern Ocean.

The second development concerns further British initiatives pertaining to Antarctica. In 1917, Britain redefined the boundaries of the Falkland Island Dependencies, as set out in the Letters Patent of 1908, to make the claim more precise and in line with the sector principle which had been employed by Russia during the previous year in relation to its particular claim in the Arctic. Notwithstanding this action, however, British policy with regard to Antarctica at the time was essentially aimless. In 1919, however, Britain commenced a policy, the object of which was to extend imperial control gradually over the whole Antarctic region while acting 'without undue ostentation' in order to avoid counter-claims and international dispute.³⁷ The principal architect of this policy was Leo Amery who, at the time, was Under Secretary at the Colonial Office. A fervent advocate of imperial development, Amery saw 'Britain as the source of men and money and with the Dominions and Britain as mutually interdependent markets'³⁸ and he was to become the political heir of Joseph Chamberlain and acknowledged leader of the Imperial movement in Britain.³⁹ Serving as First Lord of the Admiralty from 1922-23 and Secretary of State for the Dominions and Colonies from 1924 till 1929, Amery's keen interest in Antarctica continued throughout the

37 For a more detailed account of this policy, see Beck, op.cit.

38 Julian Amery, "Introduction," The Leo Amery Diaries, Vol.1: 1896-1929, J.Barnes and D.Nicholson (eds.), Hutchinson, London, 1980, p 14.

39 Ibid., pp 13,15. Joseph Chamberlain was British Secretary of State for the Colonies from 1895 to 1903. During his tenure of office, Chamberlain was the principal architect of British imperialist policies.

1920's as Britain sought, in the words of one Foreign Office departmental head, 'to paint the whole Antarctic red as the result of a deliberate and settled policy.'⁴⁰

While Britain was formulating this "gradualist" imperial policy, a number of events were in train which were to bring these British designs into the open with the sorts of consequences that Britain had hoped to avoid. These events shall be discussed under the third development heading: the introduction of modern pelagic whaling in Antarctica. This method of whaling involves the use of 'mechanically propelled (steam or motor) whale catchers in the open sea in combination with a floating factory which has no links with the shore, and where the whale is reduced on board to oil and other products.'⁴¹ Apart from two brief episodes of pelagic whaling during the 1912-13 season off South Orkney - the result of extensive pack ice which prevented the floating factories involved from mooring close to shore - this method of whaling commenced

40 Cited in Beck, op.cit., p 459. An example of Amery's public pronouncements about Antarctica is his 1925 speech delivered at the commissioning of the Royal polar research ship Discovery. On this occasion, Amery drew a parallel between the earlier imperial design in Africa and contemporaneous British designs concerning Antarctica. As The Times reported: "Just as the developments of Africa had taken place within the last generation, so he [Amery] believed we [Britain] were on the eve of a period during which our outlook upon the Arctic and Antarctica was going to be very much changed . . . the Antarctic was of immense interest because of its great and as yet undiscovered fishing grounds. We were going to live up to our reputation as pioneers by developing and safeguarding the natural resources of that vast ocean region." (See, The Times, June 15, 1925.)

41 Tonnessen and Johnsen, op.cit., p 324. Emphasis added.

in Antarctic waters in 1923 after the Norwegian whaling pioneer G.A.Larsen had applied for, and obtained from Britain in December 1922, a licence for catching whales outside the area claimed as the Falkland Islands Dependencies in the Balleny Islands and Ross Sea areas.⁴² Larsen had suspended his whaling operations in Antarctica in 1914, and as no further licences or concessions were available from Britain for whaling in the Falkland Islands Dependencies, he conceived the idea of pelagic whaling in the Ross Sea. Wishing to maintain regulatory control of Antarctic whaling,⁴³ and seeing the opportunity again to secure implicit international recognition (i.e. Norway's) of British sovereignty in another area of Antarctica, Britain granted the licence to Larsen and subsequently established by an Order-in-Council of July 30, 1923, the Ross Dependency, encompassing the Ross Sea area, under New Zealand administration, to provide the legal basis for its action.

The fourth development pertaining to the partition of Antarctica was the subsequent formal claim by France of Adélie Land in March,

42 Tonnessen and Johnsen, op.cit., pp 346-347, 197-198. Prior to Larsen's expedition, almost all modern whaling had been conducted from a shore station or from a factory ship which was moored in a harbour and supplied with whales by catchers.

43 It should also be noted that there was direct financial gain in establishing and maintaining regulatory control of Antarctic whaling. This was in the form of revenue from licence fees and royalties. In 1914 these yielded £9,662 (or 28.2 per cent of Falkland Islands government revenue), and in 1917 they yielded £10,139 (or 27.9 per cent of Falkland Islands government revenue). See, P.J.Beck, "British Antarctic Policy in the Early 20th Century," Polar Record, Vol.21, No.134, 1983, footnote 7, p 481.

1924. The coastal portion of this area of Antarctica had been sighted by the French explorer Dumont d'Urville in 1840 (as mentioned earlier) and this "first discovery" was the basis upon which the claim rested. It is not clear what motivated France to claim Adélie Land although the action may well have been related to its increasing interest in whaling and other fisheries in that the Kerguelen Islands, the Crozet Archipelago, St. Paul and Amsterdam Islands (all remote southern locations in the Indian Ocean between South Africa and Australia) were all placed under French Fisheries Regulations in decrees issued on November 21 and December 30, 1924. These islands, together with Adélie Land, were also attached to the French Government of Madagascar.

This French claim was not contested by Britain despite the latter country's imperial aims concerning Antarctica. The phraseology of a subsequent statement of British policy in the region which was released following the 1926 Imperial Conference illustrates this point. In this statement, a number of areas were listed as regions to which a British title already exists by virtue of discovery namely:

- (i) The outlying part of Coats Land, viz., the portion not comprised within the Falkland Islands Dependencies.
- (ii) Enderby Land.
- (iii) Kemp Land.
- (iv) Queen Mary Land.
- (v) The area which lies to the west of Adélie Land and which on its discovery by the Australian Antarctic expedition of 1912 was denominated Wilkes Land.
- (vi) King George V Land [which is east of Adélie Land].
- (vii) Oates Land.

44 See, D.H.Miller, "National Rights in the Antarctic," Foreign Affairs, Vol.5, No.3, April, 1927; and Imperial Conference 1926, Summary of Proceedings, Commonwealth of Australia, Parliamentary Paper, 23 March, 1927, p 22.

Thus Britain excluded Adélie Land in this list of regions which extended in an easterly direction from the Falkland Islands Dependencies to the Ross Dependency. It is also clear that Britain knew of France's designs in Antarctica as early as 1912. In December, 1911, Britain had asked France to clarify its position in the region and had been informed in the following April that d'Urville had taken possession of Adélie Land for France during his voyage of 1840. The French reply had also indicated that France had no intention of renouncing possession of the territory.⁴⁵

This French action concerning Antarctica did, however, cause a great deal of consternation amongst interested individuals and groups in Australia and uncertainty about the boundaries of Adélie Land resulted in a muted controversy between the two countries that lasted until 1938-39. This controversy even involved suggestions that France trade the area for the New Hebrides.⁴⁶

The year 1924 was noteworthy in another important respect, too. In April and May of that year, the United States Secretary of State, Charles E. Hughes, issued two statements about the status of claims to sovereignty in Antarctica. The first statement,

45 Beck, "Securing the dominant . . ." op.cit., p 452.

46 Ibid., p 458-461. See also Document 440, Department Memorandum for Mr. J. McEwen, Minister for External Affairs, June 1940 in Documents on Australian Foreign Policy 1937-49, Vol. III: January-June 1940, H. Kenway, H. J. W. Stokes & P. G. Edwards (eds.), Australian Government Publishing Service Canberra, 1979, p 496.

contained in an exchange of notes between Hughes and the Norwegian Minister in the United States, posited that in the polar regions where settlement was an impossibility, mere discovery coupled with the formal taking of possession would afford frail support for a reasonable claim to sovereignty.⁴⁷ The second statement, in reply to an inquiring citizen, reiterated this position saying that it was the opinion of the State Department that the discovery of lands unknown to civilization even when coupled with a formal taking of possession, does not support a valid claim of sovereignty unless the discovery is followed by an actual settlement of the the discovered country.⁴⁸ Accordingly, Hughes went on to write that the United States was reluctant to claim sovereignty over Wilkes Land despite its discovery (by Wilkes) in 1840 and this notion that actual settlement was a necessary condition to establish sovereignty (known as the Hughes Doctrine) became the keystone of United States policy concerning Antarctic claims. It was the fifth major development pertaining to the partition of Antarctica and, in short, meant that the United States did not recognize the British, French and New Zealand claims.

The sixth development was increasing concern in Australia during the 1920's that the portion of Antarctica adjacent to the

47 The Secretary of State [Charles E. Hughes] to the Norwegian Minister [Bryn], Foreign Relations of the United States 1924, Vol.11, U.S.Government Printing Office, Washington, 1939, pp 519-520.

48 Cited in Miller, op.cit., pp 509-510.

Australian continent should be brought under British or Australian control. For example, from 1919 and throughout the 1920's, the noted Australian polar explorer Douglas Mawson (with the backing of the Australian scientific community) repeatedly called for the British and Australian governments to act in this way.⁴⁹ Following the French claim to Adélie Land in 1924, and subsequent Norwegian and American activity in Antarctica, the Australian government was stirred into action and extended to Antarctica a doctrine of its own - a doctrine also employed in regard to the Pacific islands south of the equator that any land within a conveniently undefined distance of Australia should be in British possession to insure Australia's insulation from the attentions of hostile powers.⁵⁰

In the two years following the 1926 Imperial Conference, the Australian liaison officer attached to the British Foreign Office, R.G. Casey, took part in discussions with Britain about how best Australia might proceed to assume control over parts of Antarctica.⁵¹ The Australian Prime Minister at the time,

49 Swan, op.cit., pp 157,175,182. In an address to a Rotary Club in Hobart, Tasmania in January 1928, Mawson claimed that after World War I, the British government had invited Australia to take control of the part of Antarctica known as the Australian Quadrant, but the invitation was not accepted by the Commonwealth because Mr. Hughes [the Australian Prime Minister] was too busy with political trouble of his own. Reported in The Times, January 20, 1928.

50 Grattan, op.cit., pp 614-615.

51 My Dear P.M.: R.G. Casey's Letters to S.M. Bruce, 1924-1929, W.J. Hudson and J. North (eds.), Australian Government Publishing Service, Canberra, 1980, p 51. In one episode, in August 1928, Casey urged the British Foreign Office to warn the Norwegians off any flag-planting activities in Enderby Land or the vicinity. See, p 392.

S.M. Bruce, favoured immediate direct annexation. Britain, however, did not agree, favouring its "gradualist" policy coupled with its desire to avoid controversy.⁵² The outcome of these discussions was BANZARE - the British, Australian and New Zealand Antarctic Research Expedition of 1929-30 and 1930-31 led by Mawson. The aims of this expedition were fivefold. The first was to locate the coastline from Enderby Land (at 45⁰ East) to King George V Land (at 160⁰ East); the second was to carry out scientific research; the third was to examine the economic resources of the so-called Australian quadrant (and in particular, the whaling possibilities); the fourth was to make use of the experience and knowledge of the personnel who had been associated with the Australasian expedition of 1911-14 before it was too late.⁵³ It is clear too, that the fifth aim was to make landings on the Antarctic continent to plant the flag and proclaim each area to be British.⁵⁴

Using the polar research ship Discovery, the first BANZARE took place in the summer of 1929-30. On January 14, 1930, whilst sailing along the coast of Enderby Land, the Discovery made contact with a Norwegian whaling and exploring expedition using the ship Norvegia. The leaders of the two expeditions, Mawson and Riiser-Larsen, discussed and compared their programs and agreed to avoid duplication of effort by restricting their respective fields

52 Beck, "Securing the dominant . . . ", op.cit., p 458.

53 Swan, op.cit., p 187.

54 Ibid., p 189.

of action. Mawson agreed to stay east of longitude 45⁰ East and Riiser-Larsen agreed to stay west of that point.

Following the first BANZARE and the second during the summer of 1930-31, the British Dominion Office sought the advice of the Law Officers of the Crown concerning the steps to be taken to assert British sovereignty over, and to provide Australian administration of, that part of the Antarctic continent (with the exception of Adelie Land) which lies between longitudes 45⁰ East and 160⁰ East.⁵⁵ Subsequently, on February 7, 1933, a British Order-in-Council established the Australian Antarctic Territory,⁵⁶ and this was followed in June of that year by the Australian Antarctic Territory Acceptance Act under Section 122 of the Australian Constitution.⁵⁷ Thus, after more than a decade of prompting by interested individuals within the Australian community, and protracted diplomatic discussions between Australia and Britain, approximately three-sevenths of Antarctica was annexed under Australian control.

Whilst Australian concern about sovereignty claims in Antarctica during the 1920's was becoming more strident, Norway (one of the

55 Documents Relating to Antarctica, prepared in the Office of the Legal Adviser to the Australian Department of Foreign Affairs, March, 1976, IV.7.I. As events unfurled, the meeting between Mawson and Riiser-Larsen decided the future westward limit of Australia's Antarctic activities.

56 Statutory Rules and Orders Revised 1948, Vol.II, p 1034.

57 Act No.8 of 1933 - Commonwealth Acts 1901-1950, Vol.1, p 227.

major pioneering countries in Antarctic exploration and whaling) became a claimant of Antarctic territory after two decades' acquiescence with respect to British claims. This is the seventh major development in the partition of Antarctica. On January 19, 1928, the Norwegian Foreign Office ordered the Norwegian Minister in Britain to inform the British Foreign Office that on December 1, 1927, the duly empowered Norvegia expedition had taken possession of Bouvet Island (located some 2,000 miles South South East of South Africa).⁵⁸ This formal Norwegian action was precipitated by an announcement several days earlier by the British Secretary of State for the Colonies that a Norwegian whaling company had been granted an exclusive licence to occupy certain islands belonging to his Majesty named Bouvet Island and Thompson Island.⁵⁹ Britain immediately disputed the Norwegian claim, arguing that the British title to Bouvet Island had been acquired by virtue of the occupation of the island by a Captain Norris in 1825. Negotiations over the matter took place until November, 1928, when after careful review of all the issues involved, and having regard to the friendly relations existing between the two countries, his Majesty's Government have decided to waive the British claim to Bouvet Island in favour of Norway.⁶⁰

58 The Times, January 20, 1928.

59 Reported in The Times, January 18, 1928. Also see, The Times, January 24, 1928.

60 The British Foreign Office Under-Secretary (Locker-Lampson), cited in The Times, November 20, 1928.

But why did Britain waive its claim to Bouvet Island and why did Norway decide to annex such territory? In answer to the first part of the question, there is evidence to suggest that Britain's action was part of a bargain concerning what was to become the Australian Antarctic Territory and Norway's subsequent claim to Queen Maud Land. For example, in the advice given by the Law Officers of the Crown to the British Dominion Office in December, 1931 (referred to earlier) concerning the steps to be taken to assert British sovereignty over, and to provide Australian administration of, the Australian quadrant, the writer (H.N.Tait) explains that "great pains have been taken to forestall any opposition on the part of the Norwegian Government to the action now contemplated in connexion with the proposed Australian sector and a friendly understanding has been reached under which an adjoining sector is regarded as open to Norwegian occupation."⁶¹ Moreover, a press report in 1939 of a Norwegian government statement about the annexation of Queen Maud Land mentions, too, "that the Norwegian expeditions also explored other parts of the Antarctic, for instance in the Australian dependency, but in accordance with the Norwegian Government's declaration to the British Government in 1929, Norway will not claim land in territories already placed under foreign sovereignty."⁶² The territories implied in the latter part of this statement are those listed in the statement of British policy in the Antarctic which

61 Documents Relating to Antarctica, op.cit., IV.7.3 and IV.7.8. Emphasis added.

62 The Times, January 16, 1939.

had been released following the 1926 Imperial Conference. It thus seems likely that an understanding between Britain and Norway about their respective interests in the region had been reached by 1929 and earlier British designs 'to paint the whole Antarctic red' had by this time been modified.

In answer to the second part of the question, it is clear that the motivation behind the annexation of Bouvet Island was related to whaling: simply the desire to prevent Norwegian whaling interests being excluded from areas by the claims of other countries.⁶³ This was also the motivation behind Norway's annexation of Peter I Island (in the vicinity of longitude 90⁰ West, within the Antarctic Circle) in 1931 and Queen Maud Land on the continent of Antarctica in 1939.⁶⁴ The major stimulus in respect to the latter annexation was fear that Germany, through Ritscher's expedition of 1938-39, would claim territory in the Norwegian sphere of interest between the eastern boundary of the Falkland Islands Dependencies and the western boundary of the Australian Antarctic Territory. Germany recognized the strategic importance of whale-oil as a

63 "Norway in the Antarctic," Norway Information, Royal Norwegian Ministry of Foreign Affairs, January, 1982. See also, Grattan, op.cit., p 600.

64 The limits of the Norwegian claim to Queen Maud Land are not defined to the north or to the south. In this way, Norway disavows the so-called "sector principle" used by other claimants in the Antarctica and also in the Arctic. The reason for this disavowance is that the use of the principle by Norway in the Antarctic would undercut Norway's jurisdictional claim in the Arctic to control part of the continental shelf in the Barants Sea. This particular Arctic claim is contested by the Soviet Union which, in turn, favours the sector line. See, Polar Regions Atlas, U.S. Central Intelligence Agency, May, 1978.

vital commodity in a wartime economy. During World War I, Germany had been menaced by a shortage of fats and one of the first acts of the Nazis following their rise to power in 1933 was to embark upon a policy, the aim of which was to make Germany more self-sufficient in fat production.⁶⁵ Apart from setting up a fat monopoly (the Reichsstelle für Milcherzeugnisse, Öle und Fette) with powers to control all imports, marketing and production, Germany also entered the Antarctic whaling industry.⁶⁶

In 1936, the Director of the German Reichsbank and Economics Minister (Hjalmar Schacht) forced Unilever (the British multinational company which dominated the whale-oil industry) to finance the construction of the German whaling fleet by threatening to reduce drastically the company's margarine quota. During the 1937-38 season, two of the six German whaling expeditions in Antarctica were chartered from Norway, one was entirely owned by Unilever and of the remaining three, Unilever had interests of 50 per cent or more. Thus one of the Nazi

65 Tonnessen and Johnsen, op.cit., p 370.

66 See, The Times, May 4, 1935; January 8, 1936. See also, Tonnessen and Johnsen, op.cit., pp 394-399. In their first years of operation (1936-37), Germany had five factory ships and thirty-seven catchers. In seasons 1936-37, 1937-38, 1938-39, German crews constituted 2.74 per cent, 7.89 per cent and 10.91 per cent respectively of the Antarctic whaling fleets. As points of comparison, British crews constituted 4.87 per cent, 6.01 per cent and 6.82 per cent respectively; Norwegian crews 82.3 per cent, 67.8 per cent and 59.1 per cent respectively; and Japanese crews 8.98 per cent, 16.89 per cent and 21.98 per cent respectively. See, Tonnessen and Johnsen, op.cit., p 742.

leaders, Herman Goering, was able to comment on the importance of German whaling that foreign capital and Norwegian whalers "offer the possibility of supporting the supply of fats to our people, and thereby contributing to the attainment of the great goal of freedom in raw materials and food."⁶⁷

It is obvious that Antarctic's strategic importance as the major source of whale oil was recognized by Germany, and Norwegian fear of German designs in the region was probably well founded in the light of reports of Ritscher's expedition taking possession of "Neu Schwabenland" (which overlapped part of Queen Maud Land) by hoisting the flag in various places and dropping pointed darts surmounted by the German flag from aircraft at regular intervals.⁶⁸ Notwithstanding these actions, however, it is uncertain if any formal, official claim to part of Antarctica was ever made by Germany, and the onset of World War II forestalled any dispute between Norway and Germany over the territory.

Thus, after Norway claimed Queen Maud Land in 1939, only 15 per cent of Antarctica, the so-called Pacific sector, remained unclaimed. By the end of the first four decades of the twentieth century, over 4 1/2 million square miles of land alone (mostly covered by ice) had been claimed by just five countries, and two-thirds of the whole continent had been formally annexed by members

67 Tonnessen and Johnsen, op.cit., p 398.

68 "Swastikas over Antarctic," The Times, April 13, 1939.

of the British Empire. As Beck points out, however, such developments have 'passed virtually unnoticed by most historians.'⁶⁹ When Robinson and Gallagher write that the 'fabulous artificers who had galvanized America, Australia and Asia had come to the last continent' they are referring to the partition of Africa.⁷⁰ When Fieldhouse writes of places, which by the 1930's had 'not or had never been under European domination' he cites Turkey, parts of Arabia, Persia, Afghanistan, Tibet, China, Mongolia, Siam, Japan, a number of small islands, the Arctic and the Antarctic.⁷¹

In important respects, these eminent historians are mistaken. Antarctica is the last continent. Antarctica, by the end of the 1930's had become part of the European formal empire⁷² and its partition was an expression and extension of two underlying structural forces of world politics which first became operative during the closing years of the nineteenth century: the Second Industrial Revolution and the New Imperialism. But before explaining the events of the Antarctic partition, a brief comment about these two forces is necessary.

69 Beck, "Securing the dominant . . . ", op.cit., p 448.

70 R.Robinson and J.Gallagher with A.Denny, Africa and the Victorians: The Official Mind of Imperialism, Macmillan, London, 1961, p 472.

71 D.K.Fieldhouse, Economics and Empire 1830-1914, Weidenfeld & Nicolson, London, 1973, p 3.

72 It must, of course, be acknowledged that the claims made in Antarctica during this period were no recognized by all countries.

2.5 The Second Industrial Revolution and the New Imperialism

The Second Industrial Revolution involved a cluster of innovations which marked the start of a new upswing, a second cycle of industrial growth which is still in course and whose technological possibilities are still far from exhausted.⁷³ These innovations included such advances as the introduction of electricity as a source of power, heat and light; the development of such things as the internal-combustion engine, automotive and aeronautical devices, synthetics, fibres and plastics, the telephone and wireless telegraphy; the emergence of microbiology and bacteriology as new sciences with important implications for medicine, hygiene and nutrition; the development of precision manufacture, assembly-line production and new methods of retail distribution such as the department store and the chain store. The steel industry was also revolutionized following the innovations of Bessemer, of Siemens and of Thomas and Gilchrist all during the late nineteenth century. So, too, was the petroleum industry. In short, the age of coal and iron (i.e. the First Industrial Revolution) was succeeded, after 1870, by the age of steel and electricity, of oil and chemicals.⁷⁴

The consequences of the Second Industrial Revolution were far-reaching to say the least. Of course, the provision of an extended account of these consequences is an enormously complicated task

73 D.Landes, The Unbound Prometheus, Cambridge at the University Press, 1969, p 235.

74 G.Barraclough, An Introduction to Contemporary History, Penguin, Harmondsworth, 1967, p 44.

well beyond the scope of this study. It is relevant, however, to sketch three major developments which, in turn, are related to the New Imperialism. The first involved the creation of large-scale industrial undertakings to facilitate the achievement of economies of scale and increased profits. These enlarged industrial enterprises sought new sources of basic materials required for the increased production of commodities and new markets for their distribution. This resulted in the rapid integration of the world as various parts of the globe became more interconnected with each other.⁷⁵ The integration of the world was also facilitated by improvements in transportation. The third development was a shift from a one-nation industrial system (centred on Britain) to a multi-nation industrial system (including the newly industrialized countries - Germany, the United States, even India and Japan). As Landes says, 'Monopoly had given way to competition' and this transformation meant that national economic growth entailed international economic struggle and political rivalry.⁷⁶

A major consequence of these developments was the New Imperialism - the surge of colonial expansion and quest for "spheres of influence" that occurred in the closing decades of the nineteenth

75 Ibid., p 55.

76 Landes, op.cit., p 239.

century and opening decades of the twentieth century.⁷⁷ Between the years 1876 and 1914, for example, over 11 million square miles of territory were annexed by the colonial powers of the world, mostly in regions of Africa, Asia and the Pacific - one-fifth of the Earth's land area and one-tenth of its population had become part of the colonial empire of the European powers. The most renowned annexation concerned Africa. About one-tenth of the continent was controlled by European powers in 1876. During the next decade, however, they scrambled to claim five million square miles of African territory (containing over sixty million people) and by the end of the century, nine-tenths of the continent had been brought under European control.⁷⁸

In Asia, as the nineteenth century drew to a close, attention also turned to China where Britain, Russia, France and Germany initially sought "spheres of influence" rather than following the model of African partition. This manoeuvring drew from the United States in 1899 the famous "Open Door" diplomatic notes from Secretary of State Hay to Britain, Russia, Germany and France demanding equal access and fair treatment for American interests

77 It is important to note that this surge and quest was not a solely European phenomenon but a world-wide movement involving all the industrialized countries. The five significant colonial powers during the preceding three centuries were Britain, Portugal, Spain, France and the Netherlands. These were joined in the late nineteenth century by such countries as Germany, Russia, Italy, Belgium, Denmark, the United States and Japan.

78 Barraclough, op.cit., pp 61-62.

in China and enunciating the integrity and inviolability of that country.⁷⁹ By 1900, as it turned out, the competition for spheres of influence passed as the four foreign powers concerned had already come to see that such informal division would be contrary to their best economic interests.⁸⁰

Emphasis has been placed on various factors to explain the New Imperialism. Writers such as Magdoff have stressed the necessity of the industrialized countries to control new sources of primary products and new markets for their manufactured goods.⁸¹ This is known as the "imperialism of trade". Other writers such as Hobson, Lenin and Hilferding thought that the basic cause of the New Imperialism was the need of capitalists in the industrialized countries to find satisfactory new opportunities in other parts of the world for the investment of surplus capital.⁸² Still other writers have emphasized the decisive role played by statesmen and

79 These "Open Door" notes are noteworthy, not so much in their immediate impact on the course of events, but as the first occasion on which the United States made pronouncements concerning international affairs outside the Western Hemisphere.

80 Fieldhouse, op.cit., pp 415-437.

81 H.Magdoff, "Imperialism Without Colonies", in Theories of Imperialism, R.Owen and R.Sutcliffe (eds.), Longman, London, 1972, pp 143-169.

82 See, J.A.Hobson, Imperialism: A Study, London, 1902; R.Hilferding, Finance Capital, edited with an introduction by T.Bottomore from translations by M.Watnick and S.Gordon, Routledge & Kegan Paul, London, 1981; V.I.Lenin, Imperialism: the highest stage of capitalism, Foreign Languages Publishing House, Moscow, 1947.

senior civil servants of the industrialized countries who found it necessary to annex overseas territories because of their value as strategic bases, as symbols of status, or in order to exclude other foreign rivals from regions deemed important to established national interests. Finally, writers such as Fieldhouse maintain that the New Imperialism is shorthand for a diverse set of European responses to urgent and varied problems and situations which occurred on the periphery of the world, far from Europe and beyond its control. These crises on the periphery were engendered by the rapidly growing involvement of Europeans in all parts of the world. In brief, Europe was pulled into the New Imperialism by the magnetic force of the periphery.⁸³

Although not one of the "explanations" of the New Imperialism adumbrated above is sufficient alone to account for the partition of Antarctica, each contains valid elements which are essential to an understanding of this course of events pertaining to the southernmost region of the world.

2.6 Explaining the Partition

The initial annexation of Antarctica began, in the main, as a response to problems, questions and opportunities in what Fieldhouse calls 'the periphery'. For example, the concern of the Governor of the Falkland Islands about the operations of the

83 Fieldhouse, op.cit., p 8, pp 76-84, 460-463. Fieldhouse's study provides a useful summary of the various explanations of the New Imperialism.

Compañía Argentina de Pesca S.A. on South Georgia (communicated to the British Foreign Office, Colonial Office and Admiralty), coupled with the Norwegian inquiry about the sovereignty of territories located in what is known as western Antarctica, led to the issuing of the ordinance to regulate the whale fishery of the colony of the Falkland Islands in 1906 and the subsequent Letters Patent of 1908, which provided Britain with a legal foundation to control the expanding whaling industry. These actions were not the product of a precisely calculated imperialist policy, although considerations related to new sources of the raw material, whale oil, (the imperialism of trade) and new opportunities for the investment of British capital (the imperialism of capital investment) were also evident.

It is important to note at this juncture, that this initial annexation was also interlinked with the other structural force operative in the world at the time - the Second Industrial Revolution. The increased importance of Antarctic whaling during the first decade of the twentieth century was engendered in large part by the technological developments of the latter part of the nineteenth century such as the ironclad steam and diesel catcher and the harpoon gun which made the catching of the abundant rorqual whales feasible. Thus, as Tonnessen and Johnsen remark, 'with the introduction of the modern method the Industrial Revolution had made its entry into whaling.'⁸⁴ The revival of

84 Tonnessen and Johnsen, op.cit., p 7.

exploration and scientific activity during the "heroic age" of Antarctic affairs can also be seen as an expression of the Second Industrial Revolution. The orthodox accounts of this period rightly trace the origins of the numerous expeditions to initiatives taken at the turn of the century by national and colonial organizations and scientific societies such as the British Royal Geographic Society, the British Association, the Royal Society and the Australasian Society. But they say little else about causes and origins and, thus, lack explanatory depth. Exploration and science in Antarctica during this era was not an isolated phenomenon, as usually implied, but part of a much wider force or historical trend - the Second Industrial Revolution. The nature of this revolution was, in the words of Barraclough, 'deeply scientific' and when these Antarctic activities are ranged against similar activities in the Arctic and other regions of the world, and the general contemporaneous developments in various fields such as chemistry, physics, biology and so forth, it seems plausible to conclude that they were not merely coincidental but expressions of the major underlying structural force.⁸⁵

When attention is turned to the major developments relating to the partition of Antarctica during the second, third and fourth decades of the twentieth century, it is also evident that not one of the explanations of the New Imperialism is sufficient, although

⁸⁵ Barraclough, op.cit., pp 43-50.

again, several of them contain some valid elements which provide useful insights into the nature of international relations pertaining to the region. First, the British annexation of the Ross Dependency under New Zealand administration in 1923 was largely the product of a situation on the periphery which provided an opportunity for a formal claim of sovereignty. The unexpected application by the Norwegian whaling pioneer, C.A.Larsen, for a licence to engage in untried pelagic whaling in the Ross Sea provided Britain with the opportunity to annex the area and gain Norwegian recognition of the claim. But this is not a total explanation. Factors such as the British desire to maintain regulatory control of the increasingly important Antarctic whaling industry; the perceived strategic importance of the region; and the "gradualist" imperial designs to paint Antarctica red, instigated by Leo Amery, were also significant.

The enunciation of the United States' Hughes Doctrine and the Norwegian claims to Bouvet Island, Peter I Island and Queen Maud Land also involved factors associated with the imperialism of trade explanation.⁸⁶ The Norwegian claims clearly involved considerations concerned to preserve access to whaling areas, but rather than being motivated by any positive desire for empire, Norway was more fearful of the economic consequences of exclusion

86 The French claim to Adélie Land may have also involved factors associated with the "imperialism of trade". As mentioned beforehand, French motivation may have been related to its increasing interest in whaling and other fisheries, although it must be acknowledged that the evidence supporting this conclusion is flimsy.

by foreign annexation - particularly by Germany.

An explanation of the Hughes Doctrine is somewhat more complex. It will be recalled that this doctrine meant: (i) that the United States made no claims to territory in Antarctica because no "actual settlement" could be made even though first discovery could be proved; and (ii) the United States would not recognize claims by other countries because this condition of "actual settlement" was not fulfilled. In short, according to the Hughes Doctrine, "first discovery" did not constitute an adequate basis for a claim to sovereignty. As indicated earlier, this was to remain the keystone of United States' Antarctic policy concerning sovereignty in the region despite several occasions during the ensuing three decades when it seemed apparent that the United States would reverse this policy by contesting British claims in the region.⁸⁷

To writers such as Auburn, the Hughes Doctrine is puzzling. He maintains that it 'unsettled all claims without giving the United States any benefit' and 'later worked against American interests by requiring a higher standard than that adopted by the actual claimants.'⁸⁸ Moreover, Auburn finds it 'curious' that a major

87 For press reports of seemingly impending reversals during the years immediately after the enunciation of the Hughes Doctrine, See The Times, April 6, 1929, July 2, 1930.

88 F.M.Auburn, Antarctic Law and Politics, C.Hurst & Co., London, [Croom-Helm (Australia), Canberra], 1982, p 64.

legal decision by the Permanent Court of International Justice in 1933 (the Eastern Greenland case) did not change the United States' policy.⁸⁹ But the Hughes Doctrine is not so puzzling when ranged firmly against past American policies. According to the imperialism of trade explanation of the New Imperialism, those countries which espoused the economic doctrine of free trade could preserve their existing or potential markets or supplies in one of two ways: by obtaining international agreement for a "hands off" policy coupled with an "open door" for trade; or by imposing whatever degree of political control was necessary to prevent annexation by some other power.⁹⁰ Both strategies were employed by Britain during the nineteenth century,⁹¹ while the former strategy was a distinctive feature of United States' during the twentieth century, following the famous "Open Door" diplomatic notes of 1899

89 In the Eastern Greenland case, both Denmark and Norway claimed sovereignty of Eastern Greenland. Denmark argued that when Norway and Denmark ceased to be in union (after 1814), Denmark had administered the whole of Greenland, explored and settled it. Norway, on the other hand, argued that Eastern Greenland had not been settled by Denmark and that in 1931 Norwegian hunters had hoisted the Norwegian flag in Eastern Greenland and occupied it for Norway on the grounds that it was terra nullius. The Permanent Court, after a lengthy deliberation, ruled in favour of Denmark. In the words of the majority judgement, Danish acts of legislation, exploration, mapping, etc. . . . show to a sufficient extent - even when separated from the history of the preceding periods - the two elements necessary to establish a valid title to sovereignty, namely the intention and the will to exercise such sovereignty and the manifestation of State activity. Cited in H.E.Archdale, "Legality in the Antarctic," Australian Outlook, Vol.11, September, 1957, p 12.

90 Fieldhouse, op.cit., p 12.

91 See, J.Gallagher and R.Robinson, "The Imperialism of Free Trade," Economic History Review, Second Series, Vol.VI, No.1, 1953.

concerning China.⁹²

Indeed, it has been argued that "the open door policy [of the United States] had reached the zenith of its vigor" whilst Hughes was Secretary of State.⁹³ For example, the Washington Conference of 1921 was designed in part to gain formal international recognition of the principle of the "open door" in the Far East, thereby propping up "a vulnerable China against a mighty [and expansionist] Japan."⁹⁴ Hughes also applied the "open door" principle in the Middle East. During the Lausanne Conference, which was convened in 1922 to write a new peace treaty with Turkey, Hughes persuaded Britain to give up an agreement with France concerning restricted access to the Mesopotamian oil fields and to recognize the principle of the "open door", thus allowing American companies the opportunity to share in the development of the valuable and important resources of the region.⁹⁵

Against this background, coupled with Hughes' tendency to frame American interests in terms of general principles, the Hughes Doctrine can be seen as an extension of the "open door" into

92 See pages 46-47, this chapter.

93 M.J.Pusey, Charles Evans Hughes, Volume Two, Macmillan, New York, 1952, p 503. Hughes became Secretary of State in March, 1921 and relinquished the position in 1925.

94 B.Glad, Charles Evans Hughes and the Illusions of Innocence, University of Illinois Press, Urbana, 1966, p 305.

95 Ibid., pp 308-310.

Antarctica.⁹⁶ Viewed in this light, the Hughes Doctrine preserved American access to all of Antarctica by denying recognition of claims by other countries. In other words, United States' access was not restricted to only parts of the region by virtue of claims based on the "first discovery" of such areas as Wilkes Land and a contested Antarctic Peninsular. The benefit to be gained from such a policy (as in the case of the Mesopotamian oil fields) was the opportunity to secure resources from all of the region if and whenever they were discovered and/or became valuable. In sum, then, the imperialism of trade explanation provides a useful insight to help understand the Hughes Doctrine - when firmly ranged against past American policies it falls in line as part of United States' ambitions to establish an "open door" international order to exploit its growing economic power.⁹⁷

Finally, the establishment of the Australian Antarctic Territory can largely be explained in terms of three sets of factors. First, strategic and security considerations were clearly important with Antarctica being perceived by Australia as a proximate geographical area from which foreign powers should be excluded by preemptive annexations. Second, British "gradualist" designs to extend control over most, if not all, of the region dovetailed

96 On Hughes' tendency to frame American interests in terms of general principles, see Glad, ibid., pp 318-320.

97 For a discussion about American ambitions to establish an "open door" international order see, G.Stedman Jones, "The History of US Imperialism," Ideology in Social Science, R.Blackburn (ed.), Fontana/Collins, Glasgow, 1977, p 228.

with Australian ambitions. Third, the role of Douglas Mawson, with the backing of the Australian scientific community, must also be emphasized as an important factor. His speeches and writings which urged the Australian government to make a claim in the region helped shape public and political opinion for more than a decade.

All in all then, the partition of Antarctica involved the same sorts of political and economic factors which have been emphasized in explanations of the New Imperialism: problems, questions and opportunities at the periphery; the need to control new sources of raw materials; strategic, security and diplomatic manoeuvring; opportunities for the profitable investment of capital. From this discussion, three conclusions are compelling. First, the partition of Antarctica was clearly an extension of the New Imperialism - the basic underlying structural force that was so distinctive a feature of the late nineteenth and early twentieth centuries. Umbrage must therefore be taken with Suter's statement that Antarctica 'has for so long remained outside the scramble for territory' because it could not and, to a lesser extent still cannot, satisfy any of the main motivations for the acquisition of territory.⁹⁸ He lists the need to gain raw materials, the belief that it was necessary to hold onto certain territory as a launching point for other invasions or to have a defensive or protective belt from invasions, and the need to win greater glory

98 K.D.Suter, World Law and the Last Wilderness, Revised Edition, Friends of the Earth, Sydney, 1980, p 32.

for one's country by expanding the size of its empire as examples of these 'main motivations.'⁹⁹ Suter is mistaken, however. The first two of his motivations were important factors involved in the partition of Antarctica.

Second, a valid assessment of Antarctic affairs during the first four decades of the twentieth century must therefore not only take account of scientific and exploratory activities pertaining to the region, but also recognize the significance of political and economic factors involved in the partition of Antarctica. These 'ancient serpents' should not be seen merely 'lurking in the shadows' as the dominant image portrays. They need to be brought into focus to achieve a more complete and accurate picture of Antarctic affairs.

Third, and finally, it is clear that the dominant image of Antarctic affairs during this period, which focuses on science and exploration, treats Antarctic affairs in isolation, divorced from world politics and the basic structural forces (such as the New Imperialism and the Second Industrial Revolution) which have shaped the modern world. Accordingly, "dominant image" accounts lack explanatory depth. Antarctic affairs must be related to these underlying structural forces to achieve greater depth of field not only in connection with the political and economic factors accented above, but also in connection with science and exploration.

99 Ibid.

CHAPTER 3 THE ORIGINS OF THE ANTARCTIC TREATY

When Norway claimed sovereignty over Queen Maud Land in January 1939, this brought to five the number of countries which had annexed Antarctic territory. Britain, New Zealand, France, Australia, together with Norway, had claimed approximately 85 per cent of the region. Such actions had not passed without dispute or controversy. The United States, for example, did not recognize the annexations of the five claimant countries and the French claim to Adelle Land had resulted in a controversy between that country and Australia which had lasted from 1924 till 1938-39. In essence, however, Antarctic affairs during the first four decades of the twentieth century were conducted without acrimony and the disputes and controversies that did arise were generally muted.

With the onset of World War II, the nature of Antarctic affairs changed. The 1940's and early 1950's witnessed acrimonious relations between Britain, Argentina and Chile after the two South American countries had laid claims to Antarctic territory which overlapped the British claim. By 1955 no solution to the dispute seemed near and the "Antarctic problem" (as the wrangle was known) appeared intractable. The predominant image of Antarctic affairs during the 1950's portrays events in train which were to change this situation. These events were associated with the International Geophysical Year (I.G.Y), the most complex and most comprehensive international scientific activity ever undertaken, which began in July, 1957, and concluded in December, 1958.

3.1 The Dominant Image: The Triumph of Science

Antarctica was one of two areas of study selected to receive special emphasis during the I.G.Y., and one of the Year's most cited accomplishments was the part directly played by scientists in showing the way and pressing for a solution to the pre-I.G.Y. territorial disputes in the region.¹ It is generally asserted that: (i) the success of the Antarctic program of the I.G.Y. directly led the twelve countries involved to decide to continue their scientific activities in the region: (ii) the need therefore arose to establish some international legal arrangement or blueprint which would provide a stable basis for such activities; and (iii) ergo the Antarctic Treaty of 1959 and its attendant arrangements fostering international cooperation and harmony in the region.²

1 The other region was outer space.

2 See, for example, G.deQ.Robin, "International Co-operation and Geophysics" in Antarctic Research, Sir Raymond Priestley, R.J. Adie and G.deQ.Robin (eds.), Butterworths, London, 1964, esp. pp 258-259; R.Bilder, "The Present Legal and Political Situation in Antarctica" in The New Nationalism and the Use of Common Spaces, J.I.Charney (ed.), Allanheld, Osman Publishers, 1982, p 169; R.Woolcott, "The interaction between the Antarctic Treaty system and the United Nations system," text of a paper presented on a personal basis by the Australian Ambassador to the United Nations at a workshop on the Antarctic Treaty system, Beardmore Glacier, Antarctica, 5-13 January, 1985, reprinted in Australian Foreign Affairs Record, Vol.56, No.1, January, 1985, esp. p 18; E.Hambro, "Some Notes on the Future of the Antarctic Treaty Collaboration," American Journal of International Law, Vol.68, No.2, April, 1974, pp 218-219; W.Sullivan, Assault on the Unknown, Hodder & Stoughton, London, 1961, pp 413-414; W.F.Birch, "Antarctica: Sovereignty and Stewardship," address by the New Zealand Minister of Science to the Christchurch Branch of the New Zealand Institute of International Affairs, 14 September, 1979, reprinted in New Zealand Foreign Affairs Review, July-December, 1979, p 36.

Perhaps the most detailed account typifying this assertion about the relationship between the I.G.Y. and the Antarctic Treaty is by Coplin, McGowan and O'Leary. They maintain that:

While the International Geophysical Year was a success generally, and for Antarctic research in particular, scientists and government officials raised the question of what would happen once the year was over. The International Council of Scientific Unions appointed a permanent Special Committee on Antarctic Research (SCAR), which consisted of delegates from each nation actively engaged in research and representatives from various scientific committees. Various private subnational and transnational groups were able to convince the U.S. State Department to initiate a general agreement to make the scientific cooperation in Antarctica a long-range effort and were able to persuade other governments to accept the U.S. proposal. As a result, in 1959 the twelve nations originally interested in the area signed a thirty-year pact insuring international scientific cooperation in Antarctica, and precluding military use and territorial claims.³

Coplin et al continue that:

The lesson to be learned from this and a number of similar situations is that international laws and organizations can develop if there is a sufficient number of private groups with technical knowledge and specialization to support cooperation. In the case of Antarctica, cooperation was more important and desirable to the scientists concerned with research than it was to the general military and political leaders of the countries involved. . . . the salience of the issue was very high for the scientists, while it was lower for other national and transnational actors. The results were that the natural bias of scientists for cooperation produced a political victory for them.⁴

If this account is the most detailed, then perhaps the simplest statement exemplifying such assertions is Quilty's contention

3 W.D.Coplin, P.J.McGowan, M.K.O'Leary, American Foreign Policy: An Introduction to Analysis and Evaluation, Duxbury Press, North Scituate, Massachusetts, 1974, pp 203-204.

4 Ibid., p 204.

that:

the idea [of the Antarctic Treaty] arose from scientists, for science,⁵ and Antarctica has been seen as a continent for science.

Notwithstanding their differences, such accounts portray one dominant image: the triumph of science over politics. This image is not, however, an accurate portrayal of the origins of the Antarctic Treaty. It does not give due emphasis to the interplay of political and strategic considerations which influenced Antarctic affairs during the 1940's and 1950's, nor does it take full account of the new patterns of structural forces which shaped world politics at this time. To understand how the Antarctic Treaty came about one has to first look at the so-called Antarctic problem.

3.2 The Antarctic Problem

The first point to be made is that the Antarctic problem was not just an isolated dispute but part and parcel of a changing world situation. The claim by Chile in November, 1940, over Territorio Antartico Chileno lying between longitudes 53⁰ West and 90⁰ West, and the claim by Argentina in 1943 over that part of Antarctica south of latitude 60⁰ South and lying between longitudes 25⁰ West and 68⁰ 34' West were expressions of an anti-colonial movement gathering strength throughout the world which sought to abolish all

5 P.Quilty, Interview on A.B.C. Science Show, 19 March, 1983, printed in "Science on radio," Search, Vol.14, No.5-6, June-July, 1983, p 167.

vestiges of European imperial domination.⁶ Among the factors which facilitated the rise of this movement was 'the weakening grip of the European powers' on their colonial possessions largely as a consequence of their own discords and rivalries, plus the concomitant depletion of their economic resources.⁷ An associated factor was the relative decline of European power in relation to that of the United States (with its strong anti-colonial tradition) and the Soviet Union (whose history offered revolutionary nationalist movements an alternative blueprint for development).⁸

Both Argentina and Chile had shown interest in Antarctica at the turn of the century and from 1904, Argentina had maintained a meteorological observatory on Laurie Island in the South Orkney Islands. Throughout the intervening years, the two South American

6 G. Barraclough, An Introduction to Contemporary History, Penguin, Harmondsworth, 1967, pp 153-198. See also, E.H. Carr, International Relations Between the Two World Wars 1919-1939, Macmillan, London, 1965, pp 232-257.
The westerly limit of the Argentine claim was subsequently extended to longitude 74° West by a decree of September 2, 1946.

7 Barraclough, op.cit., pp 153-232. See also, W. Roger Louis, Imperialism At Bay, Oxford University Press, New York, 1978. Both Argentina and Chile trace their rights to Antarctic territory to a 15th Century Papal Bull demarcating the sphere of influence between Portugal and Spain. The Argentine claim is also based on the presumed geological and geographical continuation of the Andes mountains through the island chains in the Antarctic region, territorial proximity and the maintenance of a meteorological station on Laurie Island in the South Orkneys since 1904. See, J. Hanessian, "Antarctica: Current National Interests and Legal Realities," American Society of International Law, Proceedings, Fifty-second Annual Meeting held at Washington, D.C., April 24-26, 1958, pp 152-153.

8 Barraclough, op.cit.

countries were not major participants in Antarctic affairs, however, their interest in the region may well have been rekindled by United States' pronouncements about the region. In a characteristically anti-colonial statement, U.S. President Franklin Roosevelt advised Argentina and Chile in 1939 that his country's activities in western Antarctica would be carried out on behalf of all the other American republics (notwithstanding British claims in the region) and if this sector proved valuable, it could be managed under a new form of sovereignty by an inter-American republic organization⁹ Furthermore, in 1940, U.S. Secretary of State Cordell Hull stated that the American republics needed to have a clearer title to western Antarctica than non-American countries for their own defense purposes.¹⁰ Whatever aspirations Chile and Argentina had in Antarctica at this time, such comments, communicated when relations between the United States and Latin American were 'more sincerely friendly than at any previous time,' may well have encouraged the South American countries to press their claims in the region.¹¹

9 F.D.R., His Personal Letters 1928-1945, Vol.II, E.Roosevelt (ed.), Duell, Sloan & Pearce, New York, 1950, p 909. See also, F.Auburn, Antarctic Law and Politics, C.Hurst & Co., London, [Croom-Helm (Australia), Canberra], 1982, p 55.

10 Auburn, ibid.p 56.

11 On United States-Latin American relations during the 1930's, see E.H.Carr, op.cit., pp 247-253. Another factor which may have influenced the Argentine and Chilean decisions to claim territory in western Antarctica at this time was British pre-occupation in World War II.

Apart from a small British military force despatched in 1943 to Deception Island in the South Shetlands and to Graham Land on the Antarctic Peninsula to ensure that the southern side of the strategically important Drake Passage remained secure for Allied shipping during World War II, the issue of overlapping claims in western Antarctica did not assume major proportions until 1946.¹² From that year, the newly installed Peron government in Argentina, seeking ways to retain the political backing of ultranationalistic groups, stepped up its activities in and about Antarctica.¹³ Also linked to this dispute about Antarctica was an older dispute between the two countries concerning the Falkland Islands. Put simply, the Argentine government did not recognize British rule in the Falkland Islands and therefore did not accept British administration in the Falkland Islands Dependencies.¹⁴ Argentina thus protested to Britain about the issuing of Falkland Islands and Falkland Islands Dependencies postage stamps and established a naval base on Gamma Island. Chile also established a naval base on Greenwich Island. Britain subsequently protested about these

12 During the early 1940's, the Argentine government refused to break off relations with the Axis powers and it was not until 1944 that Argentina declared war on Germany and Japan. Operation Tabarin, as the British force was known, was sent to Deception Island and Graham Land to 'forestall any attempted Argentine coup in the Antarctic.' See, E.W.Hunter Christie, The Antarctic Problem, Allen & Unwin, London, 1951, p 247.

13 E.S.Milensky and S.I.Schwab, "Latin America and Antarctica," Current History, Vol.82, No.481, February, 1983.

14 Argentina first protested against British claims to the Falkland Islands following the raising of the British flag there in January, 1833. Argentina based its own claims to the islands, under the name Islas Malvinas, on geographical proximity and inheritance from Spain. See, E.W.Hunter Christie, op.cit., pp 264-265.

actions and in 1947 suggested that the dispute be brought before the International Court of Justice at The Hague for settlement. Both Chile and Argentina rejected this proposal, however, and relations between Argentina and Britain became particularly tense as both countries sent warships in the region.

In late 1947 and early 1948, in the wake of these developments, the United States began considering new policy options with respect to Antarctica.¹⁵ One proposal which gained support within the U.S. government at this time was the notion that Antarctica should be "internationalized" through the establishment of either a trusteeship under the auspices of the United Nations or a condominium of directly interested nations.¹⁶ At this time too, Britain asked the United States to express its attitude about the prospect that several Latin American countries intended to support a resolution at the forthcoming Ninth International Conference of American States (to be held at Bogota, Colombia from March 30 to May 2, 1948) declaring all European colonies in the Western

15 The Secretary of the Interior (Krug) to the Acting Secretary of State; Secret Memorandum, Washington, January 8, 1948, Foreign Relations of the United States 1948, Vol.I, United States Government Printing Office, Washington, 1976, p 962.

16 Following the establishment of the United Nations, trusteeship had also been advocated as a possible solution for the problems of such widely-separated areas as Palestine, Berlin, the Italian colonies, and certain Pacific islands. See, "Paper prepared by the Colonial Policy Review Sub-Committee of the Committee on Problems of Dependent Areas," Washington, April 26, 1950, Foreign Relations of the United States 1952-1954, Vol.II, United States Government Printing Office, Washington, 1979, pp 1086-87.

Hemisphere, such as the British Antarctic claims, were a danger to the peace and security of the Hemisphere.¹⁷ The United States replied that it would oppose a discussion of Antarctic questions at the Bogota Conference and also indicated that following a review of the Antarctic problem it hoped in the near future to be in a position to discuss it in greater detail with the British Government.¹⁸

In March, 1948, the United States subsequently advised Britain that its current thinking about Antarctica was "along lines of some form of international control such as trusteeship under UN or condominium" and that it would welcome any British proposals.¹⁹ The U.S. also indicated that it planned to approach other interested countries about the proposal believing that it offered the best means of forestalling any embarrassing discussion of Antarctic claims at the Bogota Conference.²⁰ In reply, Britain proposed a four-power round table discussion between Chile, Argentina, the United States and Britain to consider the Antarctic problem, however, this suggestion was quickly shelved.²¹

17 Memorandum of Conversation, by the Secretary of State, Washington, February 18, 1948, Foreign Relations of the United States 1948, op.cit., pp 963-65.

18 Ibid., p 965.

19 The Secretary of State to the Embassy in the United Kingdom, Washington, March 4, 1948, Foreign Relations of the United States 1948, op.cit., pp 965-966.

20 Ibid.

21 The Secretary of State to the Embassy in the United Kingdom, Washington, March 25, 1948, Foreign Relations of the United States 1948, op.cit., p 969.

United States' hopes of forestalling a difficult and possibly embarrassing discussion of Antarctic claims at the Bogota Conference were not fulfilled, however. Argentina, Chile and Guatemala promoted a resolution at the Conference calling for the abolition of all European colonies in the Western Hemisphere such as British Honduras, British Guiana, the Falkland Islands and the Falkland Islands Dependencies.²² The United States opposed the resolution and successfully steered the passage of an alternative resolution which called for the establishment of a committee to consider the issue at a later date.²³ In this way, the United States extricated itself from the rather awkward position of having to either support its Latin American neighbours promoting the original resolution at the expense of its European allies, or vice versa.

It is not entirely clear why the United States did not approach other interested countries about the internationalization proposal

22 E.W.Hunter Christie, op.cit., p 285. Plott points out the inconsistency between the Argentine and Chilean use of the colonial issue at Bogota and the reservations regarding the non-recognition of European possessions in the Western Hemisphere they had made at the Inter-American Conference for the Maintenance of Continental Peace and Security held at Rio de Janeiro in 1947. See, B.M.Plott, "The Development of United States Antarctic Policy," Ph.D. thesis, Fletcher School of Law and Diplomacy, Tufts university, 1969, p 130.

23 Plott, ibid., p 131. The final act of the Bogota Conference, however, did contain a resolution declaring 'that it is a just aspiration of the American Republics that colonialism and the occupation of American territories by extra-continental countries should be brought to an end.' Memorandum Prepared in the Bureau of Inter-American affairs, Washington, 25 June, 1952, Foreign Relations of the United States 1952-1954, op.cit., p 1129.

prior to the Bogota Conference and thereby try to forestall the discussion of Antarctic claims. One reason may well have been American preoccupation with other problems related to the intensification of rivalry between the two superpowers, the United States and the Soviet Union, after 1947.²⁴ In general, America's adversarial relationship with the Soviet Union after World War II had been sharpened by such considerations as the threatening character of Soviet communist ideology, the consolidation of Soviet control over Eastern Europe, the threatening posture of Soviet armed forces against Western Europe and the intransigent nature of Soviet negotiating behaviour on a wide range of issues. In particular, during February and March of 1948, while informal discussions between the United States and Britain about the Antarctic problem were taking place, momentous events in Europe were gathering pace. In February, the Czechoslovakian coalition government headed by President Eduard Benes, and which included Jan Masaryk as Foreign Minister, was overthrown in a communist coup backed by the Soviet Union.²⁵ As U.S. President Truman noted, the Czechoslovakian coup 'sent a shock throughout the civilized world' and coupled with concern about Soviet behaviour in Germany

24 On the rise of the United States and the Soviet Union to superpower status and the intensification of their rivalry, especially after 1947, see Barraclough, op.cit., pp 93-123; A.Fontaine, The History of the Cold War, Vol.I, 1917-1950, Pantheon, New York, 1968; W.LaFeber, America, Russia and the Cold War 1945-1984, (5th edition), Alfred A.Knopf, New York, 1985; S.E.Ambrose, Rise to Globalism: American Foreign Policy, Since 1938, (Third Revised Edition), Penguin, Harmondsworth, 1983, pp 13-244.

25 Masaryk was subsequently assassinated.

concerning the Berlin question, the Cold War was clearly warming up.²⁶ Indeed, by March 11, in the United States, Secretary of State Marshall described the European situation as 'very, very serious' while Averall Harriman warned that 'There are aggressive forces in the world coming from the Soviet Union which are just as destructive in their effect on the world and our own way of life as Hitler was, and I think are of greater menace than Hitler was.'²⁷

Against this background too, it hardly seems surprising that concern about possible Soviet ambitions in Antarctica began to be voiced in the United States. For example, in a reply to a Department of State request for their opinion of the U.S. policy proposing the internationalization of Antarctica, the Joint Chiefs of Staff expressed concern, on the one hand, that it would be 'impracticable, or in any event difficult, to guarantee against the active participation of our most probable enemies [i.e. the Soviet Union] in the control of the Antarctic if trusteeship arrangements should be carried through to completion' and doubts, on the other hand, that it would be possible to exclude the Soviet Union from participation in a condominium.²⁸ In view of the perceived difficulties with the two alternatives of the

26 Cited in Ambrose, op.cit., p 142.

27 Cited in Ambrose, ibid., p 143.

28 The Secretary of Defense (Forrestal) to the Secretary of State, Washington, 12 April, 1948, Foreign Relations of the United States 1948, op.cit., pp 971-974.

internationalization proposal, the Joint Chiefs of Staff accordingly advised that the preferable course from a military standpoint 'would be to press United States' claims to areas of Antarctica and to propose submission of the entire problem of Antarctica to jurisdictional determination.'²⁹ Clearly, Cold War considerations had entered Antarctic affairs.³⁰

During the northern spring and summer of 1948, discussions about the Antarctic problem continued between various parts of the U.S. government and by June a policy paper and draft agreement had been prepared. The paper recommended that the United States 'support in principle the establishment of an international status for Antarctica, in the form of a United Nations trusteeship or in

29 Ibid., p 974. This advice assumed that a solution to the Antarctic problem was a pressing matter. It was added that if this assumption was not correct, additional study of the matter was the appropriate course of action.

30 It can be argued that this was not the first entry of Cold War considerations into Antarctic affairs. Immediately after World War II, U.S. military strategists had perceived an urgent need for training military forces in polar warfare. This need stemmed from the existence of a potentially hostile Soviet Union across the Arctic region from the United States. Accordingly, a six-ship U.S. naval exercise (Operation Nanook) was held in Arctic waters in the summer of 1946 and a major fleet exercise in the same region was scheduled in 1947. Concern within the U.S. government that this 1947 exercise might antagonize the Soviet Union resulted in the U.S. Navy shifting its attention to the Antarctic and in August, 1946, orders were issued for the mounting of Operation Highjump. Among the objectives of Operation Highjump were the training of personnel and testing of equipment under polar conditions and establishing the feasibility of constructing air bases on ice 'with particular attention to later application of such techniques to operation in interior Greenland.' Sullivan, Quest for a Continent, McGraw-Hill, New York, 1957, pp 173-174. See also, B.Plott, op.cit., pp 112-113.

other suitable form, the terms of which should be agreed on by the United States, Great Britain, Australia, New Zealand, Argentina, Chile, France, and Norway before submission at the United Nations General Assembly for approval.³¹ In order to place the United States on an equal juridical footing with the other seven countries listed above (all of which had made claims to Antarctic territory) it was also recommended that after agreement to negotiate an international settlement of the Antarctic problem had been obtained from these countries, the United States should make official claim to areas in Antarctica to which it has best rights by virtue of discovery and exploration on the part of its nationals.³²

It was also argued in this policy paper that the Soviet Union would probably not make claims in Antarctica on the grounds of discoveries made by Bellingshausen during his voyage of 1819-20. It was suggested that a Soviet claim on the basis of prior discovery would leave them open to similar claims by other countries to islands in the Arctic which the Soviet considered their territory. Moreover, participation in some form of international control over the region would leave them open, so it was argued, to demands for a similar regime in the Arctic which would be contrary to their long standing sector principle of

31 Paper Prepared by the Policy Planning Staff, Washington, June 9, 1948, Foreign Relations of the United States 1948, op.cit., pp 977-987.

32 Ibid., p 982.

sovereignty in that particular region. It was pointed out that there was nothing at the time to prevent the Soviet Union from sending an expedition to the unclaimed Pacific sector of Antarctica, establishing a base there, conducting explorations and then laying claim to territory on the basis of these activities. It was therefore argued that the United States should claim this particular sector on the basis of discovery and exploration by American citizens, thereby forestalling any Soviet attempt to become a territorial claimant by activities in this sector; and preventing the Soviet Union and other non-claimant countries from asserting a right to participate in discussions for an international regime on the grounds that the United States was not a claimant.³³

On June 25, 1948, the U.S. proposal for the internationalization of Antarctica, together with a copy of the draft agreement on Antarctica, were handed to Britain with the hope that they would provide a basis for discussion. By early July, Britain had indicated that while it welcomed the U.S. proposal, it would prefer an eight-power condominium on the grounds that a United Nations trusteeship would give the Soviet Union an opportunity to interfere in Antarctic affairs.³⁴ In mid July, the United States

33 Ibid., p 980.

34 The Ambassador in the United Kingdom (Douglas) to the Secretary of State, London, July 9, 1948, Foreign Relations of the United States 1948, op.cit., pp 992-993. The memorandum also reveals that prior to the U.S. proposal of June 25, the British Foreign Office had decided to tell Argentina and Chile
(continued next page)

also conveyed, by envoy, the internationalization proposal to both Chile and Argentina. In discussions in Santiago between the U.S. envoy, Caspar Green, and the principal Chilean representative, Professor Julio Escudero Guzman, the latter presented for consideration a counter-proposal which called for interested nations to establish a modus vivendi arrangement in Antarctica for a period of five or ten years during which all claims and rights would be frozen and scientific cooperation encouraged.³⁵

But the United States pressed on with its own proposal and in early August Australia, New Zealand, France and Norway were approached for their opinions. Several weeks later, on August 28, the U.S. Department of State issued a press statement explaining that the U.S. government had approached the governments of Argentina, Australia, Chile, France, New Zealand, Norway and Britain informally with a suggestion that a solution for the

that if they would submit Antarctic claims to the International Court of Justice, Britain would not press its claims in certain disputed areas. It was reported that the Foreign Office contemplated trying to hold the South Shetlands and South Orkneys while yielding elsewhere. The matter had reached Cabinet level for approval but was withdrawn when the Foreign Office learned of the U.S. proposals of June 25.

35 The Ambassador in Chile (Bowers) to the Secretary of State, Santiago, July 19, 1948, Foreign Relations of the United States 1948, op.cit., p 995. This Chilean counter-proposal became known as the "Escudero Declaration" and according to a Chilean diplomat serving in the United States during the early 1950's, it was modelled on an agreement of 1908 between Russia, Germany, Denmark and Sweden for the maintenance of the status quo in the Baltic. See, Confidential Memorandum of Conversation, September 7, 1950, Foreign Relations of the United States 1948, op.cit., p 918.

territorial problem of Antarctica be discussed. The statement went on to say:

^It is the viewpoint of the Department of State that the solution should be such as to promote scientific investigation and research in the area. The Department of State has suggested that this can perhaps be done most effectively and the problem of conflicting claims at the same time solved through agreement upon some form of internationalization. The Department of State expects that the question is one which will require an extended exchange of views, consideration of suggestions and probably reconciliation of varying viewpoints. Until such exchange of views and necessary further study is completed, it is not believed that any useful purpose could be accomplished by a conference on the subject and no such conference is contemplated at present.³⁶

This press release, issued because public statements regarding the Antarctic discussions had already been made by the British Foreign Office and the Chilean Foreign Ministry, elicited a number of reactions. First, South Africa brought to American attention its interest in Antarctica and registered its hope that an opportunity would be provided for it to comment in detail on any proposals about the internationalization of the region.³⁷ Belgium also called to the attention of the U.S. Department of State Belgian exploration activities in Antarctica in 1898-99 and indicated that it, too, was entitled to participate in the settlement of the Antarctic problem.³⁸ Similarly, in early 1949, the All Union

36 Department of State Press Release No. 689, August 28, 1948, quoted in The Department of State Bulletin, Vol.19, No.479, September 5, 1948, p 301.

37 Memorandum of Conversation, Washington, October 1, 1948, Foreign Relations of the United States 1948, op.cit., pp 1007-1009.

38 Editorial Note, Foreign Relations of the United States 1948, op.cit., p 1010.

Geographical Society of the U.S.S.R. adopted a resolution demanding Soviet participation in all international decisions concerning Antarctica by right, it was claimed, of the prior discovery of the Antarctic continent by Russian explorers in the years 1819-21.³⁹ Despite its non-official status, the Soviet notice indicated to the United States the desirability of coming to an agreement on the Antarctic problem as promptly as possible since it was assumed that it would be followed in due course by some official action.⁴⁰ But prompt agreement was not forthcoming. Although Britain and New Zealand conveyed favourable interest in the internationalization proposal, both Argentina and Chile rejected it. Norway and France also viewed internationalization as unnecessary and fraught with difficulties, while Australia indicated a desire to cooperate in working out a solution but was skeptical about the necessity for internationalization, too.⁴¹

In the meantime, when it became obvious in late 1948, that responses to the U.S. proposal were largely negative, Britain entered into discussions with Argentina and Chile and secured an agreement not to send warships south of latitude 60⁰ South during the coming 1948-49 Antarctic season. It was hoped that this

39 "Russian Antarctic Claims," The Times, February 12, 1949.

40 Memorandum of Conversation by the Chief of the Division of Northern European Affairs (Hulley), February 16, 1949, Foreign Relations of the United States 1949, Vol. I, U.S. Government Printing Office, Washington, 1976, pp 793-795.

41 Paper Prepared in the Department of State, undated, Foreign Relations of the United States 1949, *ibid.*, pp 800-801.

agreement would defuse the tense relations between the rival claimants which had characterized the previous 1947-48 season.⁴²

Subsequently, Britain formally asked the United States in March, 1949, about the status of its internationalization proposal and indicated that 'If it looks like dying, the British Government will contemplate reverting to its proposal to open discussions direct with Argentina and Chile for settlement of their respective claims.'⁴³ Clarifying its position, the United States replied that it was now using the Chilean (Escudero) modus vivendi proposal as a basis for study and, in turn, requested that it be informed in advance of any definite British plan to proceed with direct negotiations with Chile and Argentina.⁴⁴

Six months were to pass before the next major move in the search for a solution to the Antarctic problem took place. In September, 1949, the United States handed to Britain for comment copies of a draft declaration on Antarctica embodying a modified version of the Chilean modus vivendi, the main points of which provided for:

- (i) the freezing of all claims and rights in territory

42 For the text of the agreement, see United States Policy with Regard to the Antarctic, Editorial Note, Foreign Relations of the United States 1949, ibid., p 793. The agreement was formally reaffirmed each season until 1955-56.

43 Memorandum of Conversation, by the Chief of the Division of Northern European Affairs (Hulley), March 23, 1949, Foreign Relations of the United States 1949, ibid., p 795.

44 Ibid.

south of latitude 60⁰ South for the period of the declaration (five or ten years);

- (ii) the exchange among the declarant governments of scientific information regarding Antarctica;
- (iii) the freedom of scientific research in the region for all declarant countries;
- (iv) the establishment of a consultative committee consisting of one member from each declarant country.⁴⁵

In the following month, Britain again responded positively to the new initiative by indicating that the draft agreement might afford a useful interim policy and would be willing to accept the proposals as a basis of discussion if other interested powers did so too.⁴⁶ The United States then began informal discussions with Chile about the modus vivendi in January, 1950, and a month later informed Australia and New Zealand about the new developments.⁴⁷

In June, 1950, the Soviet Union made its first official

45 See Appendix A for the text of this Draft Declaration given to Britain in September, 1949.

46 Draft Declaration on Antarctica, Prepared by the Department of State, Foreign Relations of the United States 1949, op. cit., pp 807-809. Britain also suggested several refinements for, and objections to, articles of the Draft Declaration.

47 Memorandum by the Officer in Charge of British Commonwealth and Northern European Affairs (Hulley) to the Director of the Office of North and West Coast Affairs (Mills), January 4, 1950 and Memorandum of Conversation, by Mr. Caspar D. Green of the Office of British Commonwealth and Northern European Affairs, February 17, 1950, Foreign Relations of the United States 1950, Vol. I, U.S. Government Printing Office, Washington, 1977, pp 907-908.

pronouncement about the Antarctic problem in a memorandum simultaneously addressed to the United States and six claimant countries - Argentina, Australia, Britain, France, New Zealand and Norway.⁴⁸ The memorandum again asserted the Soviet right to take part in any international discussions of the type proposed by the United States in 1948, and warned that the U.S.S.R. cannot recognize as legal any decision regarding the regime of the Antarctic taken without its participation.⁴⁹ Only Argentina and Chile replied, rejecting the right of the U.S.S.R. to claim territory in Antarctica and rejecting the Soviet demand to participate in the discussion of Antarctic problems. At the same time, both countries also reaffirmed the validity of their own Antarctic claims.⁵⁰

The Soviet memorandum was more significant than just signalling the entry of another "actor" in Antarctic affairs. The memorandum clearly placed the United States in another awkward position with respect to Antarctica. Because it had made no territorial claims to parts of Antarctica, the United States was essentially in the

48 The memorandum was not sent to the remaining seventh claimant, Chile. At this time, the Soviet Union had not established formal relations with the South American country.

49 The Embassy of the Soviet Union to the Department of State, Memorandum dated 8 June, 1950, Foreign Relations of the United States 1950, op.cit., pp 911-913.

50 Department of State Policy Statement, July 1, 1951, Foreign Relations of the United States 1951, Vol.I, U.S.Government Printing Office, Washington, 1979, p 1728. Because it had not received the official memorandum, Chile's reply to the Soviet Union was by way of a public statement.

same category as the Soviet Union vis a vis the claimants and any principle which would have excluded the Soviet Union from discussions about the Antarctic problem would also have excluded the United States. The United States, accordingly, followed a policy of continuing to work toward a modus vivendi. That policy also involved maintaining the Hughes Doctrine until such time as there appears a good prospect for making the announcement of U.S. claims part of an international arrangement.⁵¹ In other words, the United States intended to announce its claims to Antarctica at the time formal discussion of a modus vivendi had begun, thereby permitting U.S. participation on a basis of equality with other claimants and hopefully, excluding the Soviet Union.⁵²

The United States did not reply to the Soviet memorandum on the grounds that whatever arguments the U.S. might use to reject the Soviet claims to participation, those arguments could be taken by the Soviet Union as the criteria it should set about to satisfy in order to qualify for participation in an Antarctic solution.⁵³ The beginning of the Korean War in late June, 1950, also meant that the United States had more pressing matters than the Antarctic

51 Department of State Statement, July 1, 1951, Foreign Relations of the United States 1951, ibid., p 1730.

52 It was hoped that such timing would minimize any claimant criticism. See, ibid. This was essentially the same policy strategy that had been planned for use had the original U.S. internationalization proposal of 1948 been accepted by the interested countries.

53 Department of State Statement, July 1, 1951, Foreign Relations of the United States 1951, ibid., pp 1730-1731.

problem with which to contend, and during the remainder of 1950 and throughout 1951, little effort was devoted to a search for a solution other than intermittent drafting discussions with Britain and Chile about the proposed modus vivendi.⁵⁴

While these informal drafting discussions were taking place, the Antarctic problem continued. An annual occurrence was the establishment of military bases in the region by both Argentina and Chile and the concomitant formal protest by Britain against such actions. Furthermore, in 1952 and 1953, several incidents took place in western Antarctica which served to heighten tension between the rival claimants. In February, 1952, a British party intending to re-establish a survey base at Hope Bay on the Antarctic Peninsular was forced to withdraw after shots were fired over their heads by a party of armed Argentines.⁵⁵ Argentina subsequently informed Britain that the commander of the Argentine party had acted in error and an assurance was given that the commander's instructions had been rectified. Britain, nevertheless, delivered a strong protest over the incident.⁵⁶

54 J.Hanessian, "The Antarctic Treaty 1959," The International Comparative Law Quarterly, Vol.9, 1960, p 447.

55 "Argentines Eject a British Party: Incident in Antarctica," The Times, February 2, 1952.

56 "Strong British Protest," The Times, February 2, 1952. On his return to Buenos Aires, the Argentine commander (Captain Diaz) was congratulated by President Peron. Peron is also reported to have reaffirmed that 'Argentine sovereignty will have to be re-stated every year with a new effort' and in another speech maintained, somewhat resignedly, that 'we defend our rights
(continued next page)

Following this incident, Chile and the United States reached agreement regarding the draft modus vivendi, however Chile was reluctant to proceed on the grounds that 1952 was a Chilean election year and a negative reaction from Argentina was expected.⁵⁷ The Chilean reticence stalled further developments and this situation was compounded when the U.S. Department of Defense unexpectedly opposed the proposed draft declaration.⁵⁸

The second incident, in February, 1953, concerned the arrest and deportation of two Argentines from Deception Island (part of the South Shetlands) by the British authorities there. Furthermore, several Argentine and Chilean buildings were dismantled. These actions sparked vehement protests by Argentina and Chile, together with demands for reparations. In addition, Argentina proposed that the dispute be submitted to the Organization of American States, however this was not acceptable to Britain.⁵⁹ This second incident also sparked a renewal of Chilean interest in the modus vivendi proposal and the South American country sought clarification of the United States' position. Although the U.S. Department of State

and time will confirm them. We have no undue haste . . . We must therefore wait with confidence and launch generations of Argentines towards the Antarctic . . . secure of the protection of God, of justice and of time . . . Extracts from La Nacion, April 26, 1952, p 1 and May, 1952, p 1, cited in G.A.Makin, "Argentine approaches to the Falklands/Malvinas: was the resort to violence foreseeable?" International Affairs, Vol.59, No.3, 1983, pp 393-394.

57 Hanessian, "The Antarctic Treaty 1959," op.cit.

58 Ibid.

59 "Argentine Dispute with Britain," The Times, Feb.24, 1953.

considered the *modus vivendi* to be the best form of intermediate policy for the United States, internal agreement again could not be reached. The proposal thus became moribund.⁶⁰

But the Antarctic problem continued to exist, and in May, 1955, Britain submitted its case to the International Court of Justice for arbitration. In December of the previous year, Britain had stated in identical notes to both Argentina and Chile that if the two South American countries still felt unable to negotiate a peaceful settlement, reference of the dispute to international arbitration could be considered as an alternative. No replies were received to these notes by the end of April, 1955, and Britain therefore decided to apply directly to the International Court and lay the British case before it. In a written Parliamentary answer, British Foreign Secretary Harold Macmillan explained that by this action, Britain would at least have acquainted the Court with the facts of the case and placed on record before the Court and world opinion the grounds on which Britain considered its sovereignty over Antarctic territory to be firmly rooted in international law.⁶¹

In formal notes, Argentina and Chile subsequently rejected the British proposal to submit the dispute to the International Court. This resulted in press speculation in Britain that the time for

60 Hanessian, "The Antarctic Treaty 1959," *op.cit.*, p 447-448.

61 "British Application to Hague Court," The Times, May 7, 1955.

conciliation, waiting and talking may have passed and some observers predicted that it may be necessary for Britain to adopt a sterner policy to protect her interests in the Antarctic.⁶² Compounding this situation was the domestic political turmoil which racked Argentina during 1955. In June of that year, an attempt was made to oust President Peron from power. Although unsuccessful, subsequent moves by Peron so alarmed the Argentine army that they turned against him and in September, 1955, he was removed by a coup.⁶³ After nine and a half years of Peronista rule, during which time Argentina's nationalistic designs in Antarctica became fervent, the South American country entered into a period of military rule.

Thus, by the middle of the decade, no solution to the Antarctic problem seemed near. But events were in train which changed this situation. These were associated with the International Geophysical Year.

3.3 The International Geophysical Year

The initial proposal which led to the International Geophysical Year was conceived on April 5, 1950, at a dinner party at the Maryland home of an eminent American geophysicist, Dr. James Allen. One of the guests at the party, Dr. Lloyd Berkner,

62 "British Rights in Antarctic: New Situation," The Times, August 6, 1955.

63 P. Calvocoressi, World Politics Since 1945, (3rd edition), Longman, London, 1977, p 412.

suggested that a Third Polar Year be held during 1957 and 1958.⁶⁴ The idea was enthusiastically received by the scientists at the party and it was decided to present this concept of a Third Polar Year to a number of international scientific organizations for endorsement, support and program development. This was carried out and in October, 1951, the prestigious International Council of Scientific Unions (I.C.S.U.) approved the planned program of activities.⁶⁵ Moreover, in the following May, I.C.S.U. set up a committee to take charge of coordinating the program.

64 The First Polar Year had been held in 1882-83 and involved scientists from twenty countries cooperating in studies of meteorology, geomagnetism and auroral physics in the high northern latitudes. The success of this scientific effort led, after an agreed fifty year interval, to the Second International Polar Year of 1932-33 which involved scientists from forty countries studying geophysical phenomena in the high latitudes of the Northern Hemisphere. The success of this Second International Polar Year raised expectations that a Third International Polar Year would be held after another fifty year interval - in 1982-83.

Unless directly acknowledged, the ensuing narrative history of the International Geophysical Year is synthesized from the following studies: W.Sullivan, "The International Geophysical Years," International Conciliation, No. 521, January, 1959, pp 257-336; United States House of Representatives Committee on International Relations, "The Political Legacy of the International Geophysical Year," Science, Technology, and American Diplomacy, Vol.I, U.S.Government Printing Office, Washington, 1977, pp 293-360; W.W.Atwood, Jr., "The International Geophysical Year: A Twentieth-Century Achievement in International Cooperation," The Department of State Bulletin, Vol.XXXV, No.910, December 3, 1956, pp 880-886; W.W.Atwood, Jr., "The International Geophysical Year in Retrospect," The Department of State Bulletin, Vol.XL, No.1037, May 11, 1959, pp 682-689; Plott, op.cit., pp 143-191.

65 The I.C.S.U. is a nongovernmental organization which helps to coordinate international activities in science. During this period of the early 1950's it comprised thirteen international scientific unions plus forty-five member nations.

There were three major reasons advanced at the time for suggesting that a Third Polar Year was an idea whose time had come sooner, rather than later. First, the existing basic geophysical data had been largely exploited and new data was required. Second, the development of new communications systems and travel at supersonic speeds posed problems which required new information about the earth and its upper atmosphere. And third, it was predicted that 1957-58 would witness a period of unusual solar activity, therefore presenting an unparalleled opportunity for scientists to observe phenomena that affect the planet Earth.⁶⁶

But it was not all plain sailing - there were some difficulties to be overcome. Initial responses by invited member nations of the I.C.S.U. to participate in a Third Polar Year were modest in number. In 1952, several international organizations, including the World Meteorological Organization, criticized the program and suggested that it should be expanded to encompass world-wide studies rather than focus exclusively on the polar regions. The I.C.S.U. considered these suggestions and subsequently approved the expansion of the program to become the International Geophysical Year. Acceptance of the change among the international scientific community became widespread.⁶⁷ Accordingly, the special

66 W.W. Atwood, Jr., "The International Geophysical Year in Retrospect," op.cit., pp 682-683.

67 In February, 1953, for example, the United States' National Committee for the I.G.Y. was formed by the National Academy of Sciences which adhered to the I.C.S.U. on behalf of the
(continued next page)

committee set up by the I.C.S.U. to coordinate the program and to ensure that the data collected was available to researchers from all nations, was enlarged and in July, 1953, renamed the Comite Special de L'Annee Geophysique Internationale (C.S.A.G.I.).

At the first meeting of C.S.A.G.I. held in Brussels in 1953, delegates from twenty-six countries participated - including all the major Western countries, plus Czechoslovakia and Yugoslavia. At the second meeting, held in Rome during the following year, this number had increased to thirty-eight participating countries and it was notable for two significant developments. First, at the opening of the meeting, the Soviet Embassy in Rome notified C.S.A.G.I. that the Soviet Academy of Sciences would participate in the I.G.Y., and second, two regions of study - Antarctica and outer space - were selected to receive special emphasis during the I.G.Y.

The exploration of outer space involved the idea of launching earth satellites to monitor such phenomena as extra-terrestrial radiation, thereby greatly enhancing scientific knowledge of the outer atmosphere, while the selection of Antarctica for special attention was justified on the grounds that its physical

United States. Subsequently, U.S. President Eisenhower (i) designated the Operations Coordinating Board of the National Security Council as the government agency responsible for overseeing and coordinating broad U.S. plans and policies for the Antarctic phase of the I.G.Y., and (ii) appointed the Secretary of Defense executive agent for logistic support.

characteristics were of unique interest to the field of geophysics. Antarctica, for example, had many significant unexplained aspects such as the influence of the ice mass on atmospheric and oceanographic dynamics and on global weather. Also of interest was the prospect of conducting original atmospheric experiments from the region during the Antarctic winter to determine the physical characteristics of the ionosphere during this period of prolonged absence of sunlight. This decision also resulted in the establishment of a special Antarctic Conference of C.S.A.G.I., the function of which was to coordinate the activities of the twelve countries planning to undertake research in the region - Argentina, Australia, Belgium, Britain, Chile, France, Japan, New Zealand, Norway, South Africa, the Soviet Union and the United States.

At the first C.S.A.G.I. Antarctic Conference held in Paris in July, 1955, the location of sites for I.G.Y. scientific stations was discussed. Two contentious issues immediately arose. In the first place, the scientific delegates at the Conference became concerned when it was discovered that the Argentine and Chilean delegations were headed by those countries' respective ambassadors in Paris. This appeared to the scientists present as an affront to the supposed non-political character of the I.G.Y.⁶⁸ In the second place, numerous stations were proposed for the Antarctic Peninsular region, primarily by Argentina, Chile and Britain, for

⁶⁸ Plott, op.cit., p 162.

what appeared to be political rather than scientific reasons.⁶⁹ Wary of the projected increased level of British activity plus the Soviet presence, Argentina and Chile presented a joint resolution at the final plenary session of the Conference in an attempt to protect their claims positions.⁷⁰ This resolution stated that:

"The Argentine and Chilean delegations give their accord to the recommendations for the co-ordination of existing and new bases, with the proviso that agreeing to the goal and spirit of the resolution taken at the first plenary meeting of the Conference, these are temporary measures calculated to achieve the best results of the I.G.Y. and adopted in the interests of scientific development, and that these resolutions do not modify the existing status in the Antarctic regarding the relations of the participating countries.

All of the delegations present approved the resolution and although not binding their respective governments, it constituted a mutual understanding, or "gentlemen's agreement", to "freeze" temporarily Antarctic territorial claims at their existing status thereby allowing non-claimant participating countries to establish stations anywhere in Antarctica without fear of repercussions from claimants and, at the same time, protecting claimant participating countries against the erosion of their positions. This informal understanding resulted in the diminution of overt friction in Antarctic affairs during the period leading up to, and including,

69 Ibid., p 163.

70 Ibid., p 164.

71 First C.S.A.G.I. Antarctic Conference (Paris, 6-10 July, 1955), Annals of the International Geophysical Year, Vol.IIB, 1959, p 409.

the I.G.Y., although countries such as Australia were particularly perturbed about the location of Soviet stations on Australian-claimed territory.⁷²

By the time the I.G.Y. was underway, then, in 1957, some fifty stations were manned in Antarctica by scientists from the twelve countries with programs in the region, whilst world-wide, over 10,000 scientists and technicians from an eventual sixty-seven participating countries worked at 2,500 stations by the time the I.G.Y. ended on December 31, 1958. The results of the program were considerable and its overall success widely acclaimed. In areas such as aurora and airglow, cosmic rays, geomagnetism, glaciology, gravity measurement, ionospheric physics, meteorology, nuclear radiation, oceanography, seismology, solar activity and upper

72 Plott, op.cit., pp 165-166.

In Australia at this time, there was much speculation about the possible military value of Soviet bases in Antarctica. The Melbourne Argus of January 11, 1956, commented that the Antarctic 'could become the strategic centre from which air and naval fleets could control vital sea lanes around the far corners of Africa, South America and Australia.' Cited in R.A.Swan, Australia in the Antarctic, Melbourne University Press, Parkville, 1961, p 374. Australian concern about the presence of an unfriendly power in Antarctica has a long history. In the 1920's, as discussed in Chapter 2, Australia sought to ensure that Antarctica became a British possession thereby insulating itself from the attentions of hostile powers. After World War II, Australia sought to prevent Japanese whaling activities in Antarctica. Although unsuccessful in this endeavour, Australia did secure a clause in the 1951 Japanese Peace Treaty which required Japan to abjure all rights and interests in Antarctica. See, R.N.Rosecrance, Australian Diplomacy and Japan, Melbourne University Press On Behalf of the A.N.U.Press, Parkville, Vic., 1962, pp 37-40, 74-80, 227.

atmosphere studies, major contributions to scientific knowledge were obtained, while perhaps the single most outstanding achievement was the launching of the first artificial earth satellites. The first, Sputnik I, was launched on October 4, 1957, by the Soviet Union, while the first American satellite, Explorer I, was placed in Orbit on January 31, 1958. The impact of this achievement was immense, ranging from wonder throughout the world to consternation in American defense and political circles that the Soviet Union had been able to accomplish this remarkable technological feat.⁷³ It heralded the dawn of the Space Age.

If the launching of the first artificial earth satellites was the most outstanding achievement during the I.G.Y., then perhaps the second most cited accomplishment was the success of the international scientific cooperation in Antarctica.⁷⁴ It is one thing however, to laud the success of the I.G.Y. Antarctic program; it is another to say that this success led directly to the signing

73 The fact that Sputnik I had been launched by a missile with an intercontinental range also clearly demonstrated to the United States that the Soviet Union had the capability of firing such missiles at American territory. This had major implications for American defense requirements and strategy. See, J.M. Gavin, War and Peace in the Space Age, Harper, New York, 1958; J.R.Killian, Jr., Sputnik, Scientists, and Eisenhower, The M.I.T. Press, Cambridge, Mass. 1977; D.D.Eisenhower, Waging Peace, Heinemann, London, 1965, Chapter VIII; S.Ambrose, op.cit., pp 227-229.

74 See, for example, United States House of Representatives Committee on International Relations, "The Political Legacy of the International Geophysical Year," op.cit., p 328; and L.M.Gould, "Emergence of Antarctica: The Mythical Land," Frozen Future, R.S.Lewis and P.M.Smith (eds.), Quadrangle Books, New York, 1973, p 22.

of the Antarctic Treaty. A closer examination of the relationship between the I.G.Y. and the Antarctic Treaty is clearly required.

3.4 The I.G.Y. and the Antarctic Treaty

To understand the relationship between the I.G.Y. and the Antarctic Treaty, it is necessary to backtrack in the narrative history of the I.G.Y. to the year, 1956. In early December of that year, the U.S. National Committee for the I.G.Y. held a meeting during the course of which several scientists expressed the wish that data collected in Antarctica during the I.G.Y. be completed by additional observations made after its conclusion. Moreover, it appeared from the ensuing discussion that an extension of observations in Antarctica for an additional year would lead to more statistically complete and more general understanding of the region's geophysics.⁷⁵ It was therefore decided to send a telegram to the General Secretary of C.S.A.G.I. in France inquiring . . . whether the C.S.A.G.I. and the [twelve] participating nations believe that the I.G.Y. Antarctic program should be continued for an additional year to realize the full scientific benefit of the present investment and training.⁷⁶ The telegram also asked, in the event of a favourable response to the initial inquiry, whether an Antarctic conference might be convened . . . in the late spring of 1957 to consider the character of a potential

75 Fourth C.S.A.G.I. Antarctic Conference (Paris, 13-15 June, 1957), Annals of the International Geophysical Year, Vol.IIB, 1959, p 475.

76 Ibid., pp 473-474.

program for such an additional Antarctic I.G.Y.⁷⁷

The telegram was passed on to the Adjoint Secretary of C.S.A.G.I. who firstly informed the French National Committee of the U.S. inquiry and asked for their comments; secondly, convened a meeting between a representative of the British National Committee for the I.G.Y. and Australian, New Zealand and South African scientific officers in London; and thirdly, circulated the views expressed by these groups in letters addressed to all national organizing committees participating in the I.G.Y. Antarctic program.⁷⁸ These views generally opposed the notion of an extension to the I.G.Y. in Antarctica on the grounds that such an action would involve fairly large expenses and it was doubted whether the governments of countries would agree to allocate the required funds. It was also suggested that the recruitment of new personnel would be a difficult problem given that the personnel engaged in the Antarctic program intended to return home at the end of 1958. Possible delays in processing I.G.Y. data collected from throughout the world brought about by a years' extension to the program was also viewed as a danger.⁷⁹

The responses from the participating national committees were 'scarce and vague', and at the request of the U.S. National

77 Ibid.

78 Ibid., p 474.

79 Ibid.

Committee for the I.G.Y., the issue was placed on the agenda of the fourth C.S.A.G.I. Antarctic Conference held in June, 1957.⁸⁰

There it was recommended that the Bureau of C.S.A.G.I. at its next meeting forward to the I.C.S.U. Executive Board the recommendation:

That I.C.S.U. appoint a scientific committee to examine the merits of further investigations in the Antarctic covering the entire field of science, and to make proposals to I.C.S.U. on the best ways to achieve such program. That in view of the desirability of avoiding an interruption in the current series of I.G.Y. investigations in Antarctica, I.C.S.U. takes immediate action in order that the findings be available by the middle of August.⁸¹

At this Conference, delegates were also invited to express the attitudes of their national committees toward the U.S. proposal. The delegates from Britain, Australia, Chile and South Africa indicated that their committees were definitely against an extension, while the delegates from Belgium and, of course, the United States responded favourably toward the proposal. The Japanese, French and New Zealand national committees had not taken any decision about the matter, while the Soviet Committee for the I.G.Y. non-committedly 'recognized the interest of the extension' and Argentina had already planned a long term program of geophysical investigations in the region but 'recognized that for other countries the problem is quite different.'⁸²

80 Ibid.

81 Ibid., p 485.

82 Ibid., pp 477-478. Norway, the twelfth participating country in the I.G.Y. Antarctic program, was unable to send representatives to the Conference. The Norwegian attitude to the proposal was, therefore, not expressed.

The Bureau of C.S.A.G.I., at its meeting in Brussels on June 16, passed on the Conference's recommendation to the Secretary-General of I.C.S.U. for discussion at the I.C.S.U. Executive Board meeting also held in that city at the end of June. The recommendation was endorsed, and an I.C.S.U. ad hoc investigating group, to be comprised of a scientific delegate from each of the twelve national committees conducting or contemplating scientific activities in the Antarctic, was set up to study the issue.⁸³ This ad hoc group met in Stockholm from September 9 to 11, 1957. Present were delegates from eight of the twelve national committees and communications were received from the remaining four (the Australian, Belgian, New Zealand and South African) which had been unable to send representatives.⁸⁴

At first, the general attitude of the meeting toward the proposal to extend the duration of the Antarctic I.G.Y. program was again negative as most national committees felt that the financial costs would be prohibitive.⁸⁵ During the second day of the meeting, however, this negative attitude toward the proposal changed rapidly after the late arrival of the Soviet delegate who indicated on a map where the Russian Antarctic stations were and

83 Hanessian, "Antarctica: Current National Interests . . .", op.cit., p 149.

84 Ibid.

85 United States House of Representatives Committee on Interstate and Foreign Commerce, International Geophysical Year, The Arctic and Antarctica, 85th Congress, 2d Session, House Report No.1348, United States Government Printing Office, Washington, 1958, p 44.

where they wanted to go, said they expected to continue their studies in the Antarctic, and expressed the opinion that while Russia did not wish to influence other countries to go ahead if they did not wish to do so, they felt in such case new nations should be invited in to carry on the studies.⁻⁸⁶ As Plott says, 'this statement of the Soviet delegate proved to have far-reaching consequences . since the majority of the other nations did not wish to give the Soviet Union a free hand in the region, a continuation of international scientific operations was thereby assured.'⁻⁸⁷

Reversing its initial attitude, the I.C.S.U. ad hoc investigating group concluded that there was much to be gained from further scientific observations in Antarctica and recommended that the I.C.S.U. establish a committee to organize future scientific research in the region.⁸⁸ Events quickly gathered pace. Within a fortnight, the I.C.S.U. decided to establish a Special Committee on Antarctic Research (SCAR) with a primary task of planning for the scientific exploration of Antarctica after the I.G.Y. In October, invitations to participate in SCAR were sent to the twelve national I.G.Y. committees involved in Antarctic research and to several international scientific unions.⁸⁹ But the views of the

86 Ibid.

87 Plott, op.cit., p 184.

88 Hanessian, "Antarctica: Current National Interests . . .", op.cit.

89 Ibid.

national I.G.Y. committees did not necessarily represent the views of their respective governments and because government funding was required to support future scientific activities in Antarctica, the extension of the program in the region was by no means guaranteed.

In November, 1955, the Committee on Interstate and Foreign Commerce of the United States House of Representatives commenced a study concerned with the direction and magnitude of U.S. post-I.G.Y. programs should take, the probable achievements of the I.G.Y., the continuing emphasis which properly should be placed upon geophysical disciplines, and the legislation collaterally needed to accomplish the purposes of U.S. post-I.G.Y. programs.⁹⁰ The Committee subsequently reported that there were a number of scientific reasons why the Antarctic is best suited for the continuance of geophysical studies.⁹¹ These were to do, for example, with Antarctica's unequaled [sic] importance in supplying a stable platform for the observation of satellites having the highly significant north-south orbit and the region's long summer days and winter nights which aid studies of the ionosphere and radio propagation.⁹²

90 United States House of Representatives Committee on Interstate and Foreign Commerce, International Geophysical Year . . . , op.cit., p 3.

Ibid., p 44.

Ibid.

But there were other, non-scientific reasons pressing for the extension of the I.G.Y. Antarctic program. The Committee concluded that although the continuance of U.S. scientific activities in Antarctica was 'adequately buttressed by scientific interests', the Soviet intentions in the region, as stated at the Stockholm meeting in September, 1957, 'further emphasizes the need for their continuance.'⁹³ Accordingly, the Committee recommended 'that it straightaway be decided that our activities in the Antarctic will continue for another year, that the National Science Foundation prepare a budget for additional funds enabling it to continue to act as fiscal agent for the scientific studies, and that the National Security Council authorize and direct the Defense Department to furnish logistical support.'⁹⁴ On January 17, 1958, this recommendation was forwarded to U.S. President Eisenhower who immediately approved it.

The following month was noteworthy in Antarctic affairs for a number of reasons. First, the inaugural meeting of SCAR was held at The Hague from February 3-5. At this meeting, the British delegation relaxed its earlier stance opposing the extension of I.G.Y. activities in Antarctica by giving some indications that Britain would continue scientific operations in the region, too.⁹⁵ Second, the British Prime Minister acknowledged

93 Ibid., pp 44-45.

94 Ibid., p 45.

95 Hanessian, "Antarctica: Current National Interests . . .", op.cit., pp 156-157.

that recent discussions had taken place between Britain, Australia and New Zealand about ways and means of ensuring that Antarctica did not remain a potential source of friction and conflict.⁹⁶ Press speculation at the time hinted at the revival of interest in some form of internationalization of Antarctica which would include the participation of the Soviet Union.⁹⁷ The reports drew instantaneous reactions from Argentina and Chile - both countries reiterating their Antarctic claims and rejecting any plans about international control of the region.⁹⁸

The third noteworthy development in Antarctic affairs during February, 1958, and ultimately the most significant, was the initiation, by the United States, of quiet, confidential and informal conversations with interested countries aiming to persuade them of the benefits to be derived from participating in an Antarctic administrative organization.⁹⁹ Heading the U.S. team in this initiative was Ambassador Paul C. Daniels, a veteran U.S. Foreign Service Officer who specialized in Latin American affairs. Daniels had been recalled from retirement by U.S. Secretary of

96 Parliamentary Debates (Hansard) - Fifth Series - Vol.582, House of Commons Official Report, Third Session of the Forty-first Parliament of the United Kingdom of Great Britain and Northern Ireland - Session 1957-58, comprising period from 10th February-21st February, 1958, Her Majesty's Stationery Office, London, 1958, column 1033.

97 Hanessian, "The Antarctic Treaty 1959," op.cit., pp 452-453.

98 Ibid., pp 453-455.

99 Ibid., p 455.

State Dulles in September, 1957, to conduct a study of the U.S. position in Antarctica with the aim of finding a solution to the political problems in the region.¹⁰⁰

The United States' plan outlined at these conversations contained seven major elements: free access to Antarctica by all countries interested in carrying out scientific research; scientific cooperation and exchange of information among the participating countries; the use of Antarctica for peaceful purposes only; the non-militarization of the region; the guaranteed rights of unilateral access and inspection by all participating countries to all parts of Antarctica; the freezing of all rights and claims to territorial sovereignty in the region; and the creation of an administrative unit.¹⁰¹ Thus, as well as including the *modus vivendi* principle, this plan advocated the non-militarization of Antarctica together with the establishment of inspection rights to help secure compliance to this provision.

Despite a considerable array of difficulties raised by several interested countries during the course of these informal conversations, by April, 1958, the United States felt sufficiently

100 Plott, op.cit., p 193. It hardly seems coincidental that this U.S. action occurred at the same time (i.e. September, 1957) that the Soviet Union announced its intention, at the Stockholm meeting of the I.C.S.U. ad hoc investigating group, to continue scientific activities in Antarctica.

101 Hanessian, "The Antarctic Treaty 1959," op.cit., pp 455-456.

confident that its initiative would prove successful.¹⁰² A report stating that the United States government was consulting with the U.S.S.R. and other nations in continuing co-operation in Antarctica, and quoting the State Department Press Officer as saying that the discussions might lead to an international Antarctic conference, appeared in the New York Times.¹⁰³ Subsequent to this, in early May, 1958, U.S. President Eisenhower publicly announced that the United States had invited the eleven other countries participating in the I.G.Y. activities in Antarctica to confer together to conclude a treaty which would have the following peaceful purposes:

- A. Freedom of scientific investigation throughout Antarctica
- B. International agreement to ensure that Antarctica be used for peaceful purposes only.
- C. Any other peaceful purposes not inconsistent with the Charter of the United Nations.¹⁰⁴

By early June, all eleven countries had accepted the United States

102 Australia, for example, had reservations about the establishment of an inspection system and administrative machinery, while Argentina and Chile were very cautious about the plan. See, Hanessian, "The Antarctic Treaty 1959," op.cit., p 456-457.

103 "I.G.Y. Extension Sought, United States Consults with Soviet and Other Nations on Plan," New York Times, April 23, 1958, cited in Hanessian, "The Antarctic Treaty 1959," op.cit.

104 Text of U.S. Note reprinted in The Department of State Bulletin, Vol.XXXVIII, No.988, June 2, 1958, pp 911-912.

invitation. The U.S. Department of State believed, however, that before a formal conference could be held, basic agreement concerning such points as free scientific access, the status of claims, demilitarization and inspection had to be reached.¹⁰⁵ Accordingly, on June 13, 1958, the first of a series of private preparatory meetings of the so-called Informal Working Group on Antarctica was held in Washington with the expectation that the Treaty Conference would be held within a few months.¹⁰⁶ These expectations were to be dashed, however, and it was not until October, 1959, that the Conference could be opened. By that time sixty preparatory meetings had been held. The major stumbling block to progress was the obstruction of the Soviet Union which insisted, firstly, that the working group would not discuss substantive issues and should confine itself to determining the time and place of the Conference and the rules of procedure; secondly, that the proposed Conference should be open to any country wishing to participate; thirdly, that the only proper topics for inclusion in the treaty were scientific cooperation and peaceful uses of Antarctica; and finally, any reference to

105 Plott, op.cit., p 196.

106 P.M.Quigg, A Pole Apart: The Emerging Issue of Antarctica, McGraw-Hill, New York, 1983, p 145. United States' documentation about proceedings at these preparatory meetings were classified at the time when Quigg was writing his study. Memoranda for the meetings were discovered, however, in the private collection of papers of Admiral George Dufek, held at the George Arents Research Library, Syracuse University. For a later analysis of the Dufek papers, see, P.J.Beck, "Preparatory Meetings for the Antarctic Treaty 1958-59," Polar Record, Vol.22, No.141, 1985, pp 653-664.

territorial claims was unacceptable.¹⁰⁷

In July, 1957, soon after these preparatory meetings had commenced, India submitted that the "Question of Antarctica" be placed on the agenda for discussion at the 13th regular session of the General Assembly of the United Nations. Although the submission was subsequently withdrawn, due to the heavy agenda of the General Assembly, India continued to be convinced that the entire subject should be discussed at the United Nations.¹⁰⁸

All this time, the preparatory meetings continued with the Soviet Union maintaining its obstructionist stance. The United States had anticipated at the onset that Argentina and Chile would raise major obstacles to any Antarctic agreement and this proved to be the case.¹⁰⁹ Both countries, along with Australia, were reluctant to accept any proviso for an international administrative

107 Quigg, op.cit., p 146.

108 K.Ashluwalia, "The Antarctic Treaty: Should India Become a Party to It?" The Indian Journal of International Law, Vol.I, 1960-61, pp 474-475. This was not the first time that India had expressed an interest in Antarctic affairs. In 1956, India had made a formal proposal ("The peaceful utilization of Antarctica") for inclusion in the agenda of the 11th regular session of the U.N. General Assembly. This proposal was not pressed and it, too, was subsequently withdrawn because of the opposition of Chile and Argentina and the lack of support from Britain and the United States. See, ibid., pp 473-474.

109 It can be suggested that the choice of Ambassador Daniels as leader of the U.S. negotiating team was related to the expectation of difficulties arising from Argentina and Chile. As mentioned beforehand, Daniels was a specialist in Latin American affairs.

body.¹¹⁰ But there were other major difficulties, too. For example Japan, along with the Soviet Union, wanted wide participation in any Antarctic agreement, while Australia pushed for a limited group and the United States argued that the participants remain those that had been invited to confer about an Antarctic Treaty. Taking a different tack, Britain wanted a limited number of countries involved in the administrative arrangements but was agreeable to the accession of a wide range of countries to a general agreement.¹¹¹

By March, 1959, however, eleven of the twelve countries had negotiated toward substantial agreement without significant change in the Soviet position. At this time, the leader of the United States team, Ambassador Daniels, told the Planning Board of the U.S. National Security Council that he saw only a 50-50 chance that the Treaty Conference would come into being.¹¹² In the following month, however, the situation was to change. Several weeks after a lunchtime meeting between Daniels and the Soviet Ambassador to Washington, Mikhail Menshikov, the Soviet position at the preparatory meetings altered to one of active participation and flexibility.¹¹³ Thereafter, rapid progress was achieved at the

110 Hanessian, "The Antarctic Treaty 1959," op.cit., p 462.

111 Ibid., pp 462-463.

112 Memorandum of a March 10, 1959, meeting made by James E. Mooney, Deputy U.S. Antarctic Projects Officer, Department of Defense, in the Center for Polar Archives, R.G.330 cited in Quigg, op.cit., p 146.

113 Quigg, op.cit., pp 146-147.

meetings and by May, 1959, enough basic agreement had been reached for the United States to announce that the formal Conference on Antarctica would be held in Washington commencing on October 15, 1959.

Although progress at the Washington Conference was initially rapid, the almost exclusively private proceedings were by no means contention free.¹¹⁴ For example, France did not initially agree to a draft article of the Treaty concerning the freezing of claims to sovereignty and it was not until November 5, 1959, that the French accepted the notion.¹¹⁵ Chile was also concerned about the provisions governing accession (of new members) to the Treaty and at one stage proposed, to the consternation of other delegations, that there should be provision for any party to denounce the Treaty on two years' notice, after ten years.¹¹⁶ In addition, it was not possible to secure agreement about the compulsory

114 By October 20 it had been announced that general agreement had been reached "that Antarctica should be used for peaceful purposes only and that all measures of a military nature should be prohibited." Three days later, it was also announced that "General agreement had been reached on international cooperation in scientific investigation in Antarctica." See, "Press Release No.2, October 20, 1959" and "Press Release No.3, October 23, 1959," Conference on Antarctica, Department of State Publication 7060, International Organization and Conference Series 13, September, 1960, p 40.

115 Australian Foreign Minister: The Diaries of R.G. Casey, 1951-60, T.B. Millar (ed.), Collins, London, 1972, pp 330-333.

116 Ibid., pp 333-334. Casey records that the matter was left for the U.S. to work through diplomatic channels in Santiago, in an effort to get this proposal withdrawn.

reference of disputes to the International Court of Justice due to the objections of Argentina, Chile and the Soviet Union.¹¹⁷

Finally, the only major new matter which arose for negotiation during the Conference (at the instigation of delegates from the Southern Hemisphere countries) was the notion of banning all nuclear explosions in Antarctica. Although a concern of the South American countries during the I.G.Y., for unknown reasons this subject had not been discussed during the preparatory meetings.¹¹⁸

The Soviet delegation had not anticipated the issue being raised and it was a subject which the United States wished to avoid incorporating in the Treaty. After considerable debate, however, a formal proposal by the Argentine delegate banning all nuclear explosions and the disposal of radioactive wastes from the Antarctic continent and adjacent islands was accepted by the other delegations.¹¹⁹ This cleared the way for the completion of the agreement and on December 1, 1959, after six weeks of negotiation, the Antarctic Treaty was signed by the authorized representatives of the twelve countries at a special ceremony following the fourth and final plenary session of the Conference.¹²⁰

117 Ashluwalia, op.cit., pp 481-482.

118 Plott, op.cit., p 201.

119 Ibid.

120 See Appendix B for the text of the Antarctic Treaty.

3.5 The "Triumph of Science" Image Reconsidered

In the light of the foregoing discussion, it is clear that the dominant "triumph of science" image of the origins of the Antarctic Treaty is both superficial and misleading. While there can be no doubt that scientific cooperation in Antarctica in the years immediately before and during the I.G.Y. played a significant role in reducing and minimizing overt friction between countries involved in the region,¹²¹ the crucial turning point in the chain of events that led to the signing of the Antarctic Treaty was the Soviet announcement at the I.C.S.U. ad hoc group meeting in Stockholm in September, 1957, that the U.S.S.R. intended to continue and extend its activities in Antarctica. It has been shown that immediately before this announcement was made, a proposal to extend I.G.Y. activities in Antarctica did not enjoy widespread support from many I.G.Y. national committees, let alone their respective governments who would have been required to fund such operations. The Soviet announcement, however, set in motion a number of initiatives which converged on the path toward an Antarctic agreement. These included the renewed British, Australian and New Zealand discussions in late 1957 and early 1958 about 'ways and means' of reducing the sources of friction and conflict in Antarctica which had characterized the region during the 1940's and early 1950's. There were also the U.S. State Department and Congressional studies during the same period which

121 A key factor in this was the "gentlemen's agreement" among participating countries to "freeze" temporarily Antarctic territorial claims at their existing status.

ultimately resulted in President Eisenhower's invitation to the eleven other countries participating in the I.G.Y. Antarctic program to confer with the aim of concluding an agreement.

Clearly, the statement by Coplin et al cited earlier that "the salience of the [Antarctic] issue was very high for the scientists while it was lower for other national and transnational actors" does considerable violence to the facts of the case.¹²² In the United States, for example, there is no indication that the State Department and Congressional committee needed to be pressured about the Antarctic situation once the Soviet intentions were clear. Quilty's contention that "the idea [of the Antarctic Treaty] arose from scientists" is also misleading.¹²³ The United States' plan which formed the basis of the eventual agreement and which was communicated to interested countries during February, March and April, 1957, built on the earlier U.S. modus vivendi proposals dating from January, 1950. Even the so-called "gentlemen's agreement" undertaken at the C.S.A.G.I. Antarctic Conference in 1955 (which temporarily "froze Antarctic territorial claims at their existing status) was a version of this modus vivendi principle a proposal originally presented to the United States by Chile in July, 1948,¹²⁴

122 Cited on page 60.

123 Cited on page 61.

124 Moreover, this "gentlemen's agreement" was proposed, not by scientists, but by the leaders of the Argentine and Chilean delegations at the C.S.A.G.I. Conference who were those countries' prespective ambassadors in Paris.

In short then, the "triumph of science" image is an inaccurate portrayal of events leading up to the signing of the Antarctic Treaty. But why was the Soviet announcement at Stockholm such a turning point in Antarctic affairs? The answer to this question, it can be suggested, lies in the interrelationship between Antarctic affairs during the 1940's and 1950's and basic structural forces operative in world politics at this time. Just as the Second Industrial Revolution and the New Imperialism shaped Antarctic affairs during the first four decades of the twentieth century, underlying structural changes began to impact upon Antarctic affairs during the two decades following the outbreak of World War II. These changes, referred to throughout the course of this chapter, concerned the changing distribution of power associated with the rise of the United States and the Soviet Union to superpower status, the intensification of American-Russian rivalry after 1947 to become the Cold War, coupled with the declining importance of European countries and the gathering strength of anti-colonialism.

It has been shown that factors associated with these underlying structural forces shaped Antarctic affairs in significant ways. The Argentine and Chilean claims to Antarctic territory reiterated throughout the 1940's and 1950's were expressions of anti-colonialism in the Western Hemisphere. The United States' decision not to support the South American countries, despite its strong anti-colonial stance at the time, was based in large part upon

concern not to act against the interests of allies (i.e. Britain) during the worsening Cold War situation in Europe where solidarity was deemed necessary in the face of perceived Soviet belligerence. The demand of the Soviet Union in 1950 to be part of any discussions about the Antarctic problem dashed American hopes and designs of excluding their "most probable enemy" from Antarctica, while the international arrangements associated with the International Geophysical Year provided the Soviet Union, a country interested in Antarctic research for the same sorts of reasons as the United States, with the ready opportunity to establish its presence on the Antarctic continent in a way which minimized political difficulties with claimants. It must also be noted that by the mid 1950's, the focal point of the Cold War was shifting from Europe toward other parts of the world such as the Middle East and South Asia,¹²⁵ and the expansion of the Soviet Union into Antarctica, part and parcel of this shift, became a matter of political and strategic significance for not only the United States, but concerned Southern Hemisphere countries such as Australia. Moreover, in the the wake of Sputnik, there was a generalized fear of the Soviet Union establishing rocket-launching sites in Antarctica for use against other countries.¹²⁶

Thus, faced with the penetration of Antarctica by its Cold War

125 On this point see, LaFeber, op.cit., pp 125-194, and Ambrose, op.cit., pp 212-244.

126 H.J.Taubenfeld, "A Treaty for Antarctica," International Conciliation, January, 1961, p 261.

adversary, the United States sought to "neutralize" the region by proposing a treaty which provided, not only for continued scientific cooperation and a way around the "Antarctic problem" between Britain, Argentina and Chile, but also for the non-militarization of Antarctica and the establishment of inspection rights. Non-militarization and inspection rights were new notions in the context of Antarctic affairs. They had not been contained in any of the previous United States' proposals for internationalizing the region. Indeed, back in 1948, the U.S. Secretary of Defense Forrestal wrote to the Secretary of State that "It would not be in the military interest for Antarctica to be maintained as a demilitarized area."¹²⁷ But a decade later, the situation had changed. By the mid and late 1950's, both the Soviet Union and the United States were seeking ways to maximize their influence in the world while avoiding major conflict with each other. Soviet-American relations were experiencing a slight "thaw" as each country was concerned to reduce international tensions in order to prevent the outbreak of nuclear war.¹²⁸ To this end, in 1955, the United States had called for an "open skies" agreement with the Soviet Union involving the exchange of plans of each country's military facilities and allowing aerial inspection of each country's territory to ensure against surprise attacks. This

127 The Secretary of Defense (Forrestal) to the Secretary of State, Washington, 12 April, 1948, Foreign Relations of the United States 1948, op.cit., p 973. At this time, Antarctica was used by the United States military forces as a venue for training personnel and testing equipment in polar conditions.

128 On this point see, LaFeber, op.cit., and Ambrose, op.cit.

proposal was quickly rejected by the U.S.S.R., however, on the grounds that it would infringe on Soviet territorial sovereignty.¹²⁹ In 1957, the United States had also suggested a system of international inspection of the Arctic area as part of its disarmament proposals to the Soviet Union. The U.S. aim was to reduce the danger of surprise attack from across the Arctic and the danger of miscalculation.¹³⁰

Against this background, and with the Soviet presence on the Antarctic continent a new factor in Antarctic affairs, the United States sought to deal with this situation by proposing an agreement which, on the one hand, accommodated Soviet interests in Antarctica thus preventing the region from becoming another flashpoint in the continuing Cold War, and on the other hand, "neutralized" Antarctica through the non-militarization and inspection provisions thereby limiting Soviet activities in the region yet at the same time preserving American access to all parts of the continent. In the words of U.S. Secretary of State Dulles, America proposed "to establish in Antarctica an international regime which will prevent the monopolizing of any part of this new continent for the military purposes of any nation but assure an "open door" for the peaceful pursuits of all

129 LaFeber, op.cit., p 181.

130 In April, 1958, the U.S. renewed this proposal in the United Nations Security Council, but the measure was blocked by Soviet veto. See, Address by Secretary Dulles, "Principles and Policies in a Changing World," The Department of State Bulletin, Vol.XXXIX, No.1015, December 8, 1958, p 899.

mankind.¹³¹ These objectives were reiterated at the Hearings before the U.S. Senate Committee on Foreign Relations which considered the Antarctic Treaty before ratification, when Herman Phleger (initially head of the U.S. delegation to, and subsequently chairman of, the Conference on Antarctica) emphasized American desire to "neutralize" Antarctica so that it could not be used for any purpose except a peaceful purpose. Moreover, in response to a question from the Senate Committee Chairman, Senator Fulbright, asking if the United States could have placed limitations on Soviet activity in Antarctica without entering into the Treaty with them as partners, Phleger testified, "I know of no other way than going down there and trying to throw them out."¹³² Although ex post facto, Phelger's responses support the argument that as well as providing a blueprint for scientific investigation in Antarctica, the Antarctic Treaty must also be seen as an agreement established to limit and control manifest and latent conflict pertaining to the region between Cold War opponents, as well as between claimants and non-claimants, and between rival claimants. Put simply then, the Antarctic Treaty was not a victory, or triumph, of science over politics. It was not even a victory. As shall be shown in the following chapter, it was more a truce.

131 U.S. Secretary of State, John Foster Dulles, "Our Changing World," The Department of State Bulletin, Vol XXXVIII, No.987, May 26, 1958, p 849.

132 United States Senate Committee on Foreign Relations, Hearings The Antarctic Treaty, 86th Congress, 2d Session, United States Government Printing Office, Washington, 1960, pp 66-7.

CHAPTER 4 - THE ANTARCTIC TREATY AND PAX ANTARCTICA

In his note of May 3, 1958, to the eleven other countries inviting them to confer about Antarctica, U.S. President Eisenhower proposed that 'joint administrative arrangements' be worked out that 'would provide an agreed basis for the maintenance of peaceful and orderly conditions in Antarctica for the years to come; and would avoid the possibility of that continent becoming the scene of international discord.'¹ For two decades following the signing of the Antarctic Treaty at the Conference on Antarctica held in Washington in late 1959 and its entry into force in 1961, such hopes seemed to have been fulfilled. By 1964, for example, U.S. President Johnson wrote that 'preoccupation with world problems should not obscure situations like Antarctica where this country and others work together harmoniously to construct the prototypes of peace.'² Johnson added that the Antarctic Treaty 'serves not only as a pact guaranteeing freedom of scientific inquiry in the continent of Antarctica but, more importantly, as an outstanding example of practical cooperation between nations and a positive step toward a peaceful world.'³

1 Text of U.S. Note reprinted in The Department of State Bulletin, Vol. XXXVIII, No. 988, June 2, 1958, pp 910-912.

2 Message from the President of the United States Transmitting Special Report on United States Policy and International Cooperation in Antarctica, 88th Congress, 2d Session, House Document No. 358, U.S. Government Printing Office, Washington, 1964, p 111.

3 Ibid.

Nineteen years later in 1983, the Australian Minister for Foreign Affairs, Mr. Bill Hayden, spoke similarly of Antarctica. Expressing concern that the "Question of Antarctica" had been placed on the agenda of the 38th Session of the United Nations General Assembly, Hayden stated that any attempt to scrap the Antarctic Treaty and negotiate a new international agreement on Antarctica or to renegotiate parts of the Treaty itself would prove counter-productive and introduce uncertainty and possible instability into a region of hitherto unparalleled international harmony.⁴

Such remarks suggest that the Antarctic Treaty has been a remarkably successful measure when judged in terms of engendering peace and order in a region which, as discussed in the previous chapter, had been the subject and scene of bitter discord and enmity between several countries during the 1940's and 1950's. This view of the Treaty has been shared by many.⁵ But baldly attributing peace and international order in Antarctica during the 1960's, 1970's and early 1980's to the Treaty takes one very little way towards understanding how this state of affairs came

4 Statement by the Australian Minister for Foreign Affairs, Mr. Bill Hayden, to the General Assembly of the United Nations, October 4, 1983, reprinted in Department of Foreign Affairs Backgrounder, No.402, October 5, 1983.

5 See, for example, J.F.Lovering and J.R.V.Prescott, Last of Lands . . . Antarctica, Melbourne University Press, Carlton, Victoria, 1979, p 183; and R.B.Bilder, "The Present Legal and Political Situation in Antarctica," The New Internationalism of the Use of Common Spaces, J.I.Charney (ed.), Allanheld, Osmun, Totowa, New Jersey, 1982, p 174.

about. The literature of Antarctic affairs offers no detailed explanation of Pax Antarctica during this period. Much of it has emphasized how the Treaty provides a blueprint for scientific investigation and cooperation in the region. It is then implied that scientific cooperation engendered regional peace and order. This image of the Antarctic Treaty as a blueprint for science seems to follow inexorably from the "triumph of science" accounts of the origins of the Treaty. Having demonstrated in the previous chapter, however, that the "triumph of science" image of the origins of the Antarctic Treaty is superficial and misleading, a closer examination of this subsequent image is clearly required.

4.1 The Dominant Image: A Blueprint for Science

There can be no doubt that the Antarctic Treaty does provide a blueprint for scientific investigation and cooperation in the region. Article I of the Treaty provides that Antarctica should be used for peaceful purposes only: Article II for international cooperation and freedom of scientific investigation in the region; Article III for the free exchange of information regarding plans for scientific programs, scientific personnel and scientific observations and results; Article VII for inspection of any party's Antarctic operations by any other party to the Treaty to promote the objectives of the Treaty and to ensure the observance of its provisions; and Article IX for establishing meetings of parties at suitable intervals and places for consulting together on measures including the facilitation of scientific research and international scientific cooperation in Antarctica. In addition,

Article IV provides that nothing contained in the Treaty should be interpreted as (i) a renunciation of previously asserted claims or rights, nor (ii) a renunciation or diminution of any basis of claim any party may have, nor (iii) prejudicing the position of any of the parties with regard to recognition or nonrecognition of claims or rights. Moreover, Article IV also provides that while the Treaty is in force, no acts or activities should constitute a basis for asserting, supporting or denying claims or creating any rights and that no new claim, or enlargement of any existing claim should be made. These provisions of Article IV were based on the "gentlemen's agreement" which temporarily "froze" Antarctic territorial claims at their existing status during the International Geophysical Year and which, in turn, was a version of the Chilean modus vivendi principle that was first proposed to the United States in 1948. In effect, the guarantee contained in Article IV, that their claims would not be weakened or threatened while the Treaty was in force gave the states with previous claims the assurances they needed to agree to free and unlimited access and operation of expeditions and stations from other countries within their territories for a prolonged period.⁶ On the other hand, the non-claimants had their minimum requirement met when they got free access to and freedom of scientific exploration in all parts of Antarctica without conceding the rights of any of the claimants or prejudicing their own right

6 F.Sollie, "The Political Experiment in Antarctica," Frozen Future, R.S.Lewis and P.M.Smith (eds.), Quadrangle, New York, 1973, p 58.

either to make their own claims or to press for internationalization if and when the treaty should be terminated.⁷

Writing just over a decade after the Treaty had come into force, Sollie contended that an advantage of the arrangements provided by Article IV was that by removing politics from operations in Antarctica, it was possible to leave science to the scientists themselves and to let them continue to develop their own system of cooperation within the nongovernmental organization [i.e. SCAR] that had been developed in connection with the I.G.Y.⁸ He maintained that much of the success of Antarctic cooperation was due to the fact that activities have been concentrated on science, and that scientific cooperation has not required a fully developed international organization at the government level nor substantial and substantive regulations involving controversial issues of jurisdiction and national prerogatives.⁹ He concluded that following the signing of the Antarctic Treaty, Antarctica had been an international laboratory for science.¹⁰

7 Ibid.

8 Ibid. As discussed in Chapter 3, SCAR (Special Committee on Antarctic Research) was established in late 1957 by the International Council of Scientific Unions to plan for post-I.G.Y. scientific exploration in Antarctica. SCAR first met in February 1958. Its name was changed to the Scientific Committee on Antarctic Research in 1961.

9 Ibid., p 61.

10 Ibid., p 63.

Indeed, the term "laboratory", as employed by Sollie, was a widely used metaphor to depict the context within which Antarctic affairs had taken place during the first ten years or so of the Treaty era. Such imagery helped to convey, of course, the picture of Antarctica as a place where scientific experiments were conducted. For example, Sullivan wrote that "The Antarctic Treaty of 1959 has set an entire continent aside as a laboratory open for research by all and open to inspection by signatories who seek assurance that its provisions against military activity and nuclear testing are being adhered to."¹¹ Fuchs commented, too, that "At last, Antarctica had become an international laboratory . . . a continent for science . . . Let us hope that the scientists are allowed to continue their studies uninterrupted by outside influences from an over-populated world."¹² In a similar vein, Lewis maintained that,

Antarctica has become a conspicuously successful model as a laboratory for human and international affairs . . . In 70 years, Antarctica has evolved from an arena where Amundsen and Scott raced their yelping dog teams for the pole to an international cluster of scientific settlements, often working in concert. In this frigid land, where there is no cold war nor crime, man has been able to perceive his survival in terms of cooperation rather than conflict.¹³

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- 11 W.Sullivan, "Introduction," Frozen Future, R.S.Lewis and P.M.Smith (eds.), Quadrangle, New York, 1973, p xi.
- 12 Sir Vivian Fuchs, "Evolution of a Venture in Antarctic Science," Frozen Future, R.S.Lewis and P.M.Smith (eds.), Quadrangle, New York, p 238, p 248.
- 13 R.S.Lewis, "Antarctic Research and the Relevance of Science," Frozen Future, R.S.Lewis and P.M.Smith (eds.), Quadrangle, New York, 1973, p 7, p 10.

Lewis added that 'Perhaps the greatest experiment in this icy laboratory has been man himself, and his ability to adapt his outlook and his drives to an environment which requires cooperation.'¹⁴

Notwithstanding a gradual increase in international interest in Antarctic affairs during the late 1970's and early 1980's, related mainly to resource exploration and exploitation issues in the region, this image of Antarctica as a 'continent for science' continued. For example, The New Encyclopaedia Britannica reference to the region concludes that Antarctica,

'provides a unique laboratory not only for natural science but also for political science. Antarctic and other IGY activities, the historic signing in 1959 of the Antarctic Treaty reserving an entire continent for nonpolitical scientific use, and the ensuing international community of polar-science efforts pointed the way for gradual thawing of the East-West Cold War of the 1950's...'¹⁵

Upon inspection then, it turns out that the dominant image of Antarctic affairs during the first two decades of the Treaty era presents a picture of (i) the Antarctic Treaty providing a blueprint for scientific activity; (ii) the ensuing scientific activity being nonpolitical and cooperative in nature; and (iii) this engendered international peace and order in the region. The first thing to be said about this image, however, is that it leaves some important considerations out of account. While there

14 Ibid., p 10.

15 The New Encyclopaedia Britannica: Macropaedia, Vol.1, 15th Edition, 1982, p 965.

can be no doubt that with the Antarctic Treaty providing a blueprint for science, international cooperation in scientific matters pertaining to Antarctica has been enjoyed during the Treaty era,¹⁶ the picture presented is nevertheless a one-sided view. It does not take full account of the conflict management function of the Antarctic Treaty and its attendant arrangements, which also contributed to regional peace and order in Antarctica during this period. Nor does it acknowledge the political-strategic dimensions of scientific activity in the region. These considerations shall be discussed, taking the second one first, in the following sections of this chapter.

4.2 The Science-Politics Nexus

A common phrase in the foregoing discussion of the dominant image is that the Antarctic Treaty is "for science." It has been shown that this notion is bolstered by contentions that Article IV of the Treaty removed "politics from operations in Antarctica" therefore making it "possible to leave science to the scientists themselves" and that the Antarctic Treaty reserved "an entire continent for nonpolitical scientific use." Such comments imply that scientific activities in Antarctica during the Treaty era

16 For example, scientists and observers from Argentina, France, India, Japan, New Zealand, the Soviet Union and the United States have taken part in Australian scientific expeditions to Antarctica, moreover, Australians have accompanied Argentine, British, French, Japanese, New Zealand, Soviet and American expeditions. Furthermore, international cooperations in times of emergencies in the region has been readily forthcoming. See, Australians in Antarctica, Australian Government Publishing Service, Canberra, 1981, p 39.

have been kept free of political considerations. As Taubenfeld argues, comments like this are either naive or cynical, for scientific activities have themselves political overtones . . . whatever advances science furthers strategic techniques: a station useful for gaining knowledge of our environment is ultimately strategically important by its very nature.¹⁷ Taubenfeld goes on to suggest that governments would not allocate resources to such activities as they have done in Antarctica, if research did not tend to have political results, however indirect.¹⁸ He concludes that in a world of rapid technological change and frequent important scientific discoveries, it is too much to assume that science can be completely apolitical, even if the scientists involved would like it that way and really believe it to be so.¹⁹

In support of Taubenfeld, it is clear that many Antarctic research projects have had political-strategic dimensions. For example, Antarctic upper atmospheric physics studies and studies of noise transmission under sea-ice have had relevance for defence navigation and communications systems.²⁰ Meteorological studies in Antarctica and studies concerning the practice of medicine in cold weather and the psychological effects of isolation on

17 H.J.Taubenfeld, "A Treaty for Antarctica," International Conciliation, No.531, January, 1961, p 255.

18 Ibid.

19 Ibid.

20 F.M.Auburn, Antarctic Law and Politics, C.Hurst & Co., London, Croom-Helm (Australia), Canberra, 1982, p 96.

expeditioners have had military relevance, too.²¹ Logistical support activities such as ice-breaking and aircraft runway construction on ice, associated with Antarctic scientific research, also have had application to Arctic political-strategic operations.²² Thus, despite verbiage about the purely scientific nature of Antarctic activities, as in the case of other fields such as space research,²³ their political-strategic dimensions are unmistakable.²⁴

This science-politics nexus is also illustrated in other ways. Caro argues, for example, that one of the major reasons for doing

21 Ibid., p 95.

22 Ibid.

23 On this point see, Sir Bernard Lovell, The Origins and International Economics of Space Exploration, Edinburgh University Press, Edinburgh, 1973; A.B.Ulam, Expansion and Coexistence: The History of Soviet Foreign Policy, 1917-67, Secker & Warburg, London, 1968, esp. p 609.

24 It is often pointed out that World War II emphasized, and the Cold War confirmed, the importance that governments attached to scientific research, 'for out of the laboratories of scientists come ideas which contribute to the technology of war and defense.' (See, G.B.Baldwin, "The Dependence of Science on Law and Government - the International Geophysical Year - A Case Study," Wisconsin Law Review, Vol.1964, January, 1964, p 95.) While World War II has been labelled 'the physicists' war' par excellence, and World War I has been termed 'the chemists' war' (see, H.Rose and S.Rose, Science and Society, Penguin, Harmondsworth, 1970, Chapters 3 and 4) it would not be too gross a generalization to suggest that a significant proportion of scientific activity has always had political-strategic dimensions. For a classic study of the relationship between science and military technique during the seventeenth century, see R.K.Merton, Science, Technology and Society in Seventeenth-Century England, Harvester Press, Sussex, 1978, especially Chapters IX and X.

science in Antarctica is that "science is the present-day vehicle for the assertion of national sovereignty by those nations with territorial claims and perhaps the means adopted by other nations to frustrate the same claims." Notwithstanding the provisions of Article IV of the Treaty, which amongst other things suspend sovereignty claims, Caro argues that "the best way to support future aspirations is through active participation in scientific programs."²⁶ Indeed, science has been used in this way by Australia - one of the stated aims of its Antarctic policy in the Treaty era has been the "maintenance of a balanced scientific program as a contribution to world science and in support of Australian sovereignty and the Antarctic Treaty system."²⁷

The United States has also used Antarctic science as a vehicle to support future aspirations in the region. Kistiakowsky, Special Assistant to U.S. President Eisenhower for Science and Technology,

25 D.E.Caro, "The Role of Science in Australian Antarctic Policy," Issues in Australia's Marine and Antarctic Policies, R.A.Herr, R.Hall and B.W.Davis (eds.), Public Policy Monograph, Department of Political Science, University of Tasmania, 1982, p 141. Caro also argues that there are two other reasons for doing science in Antarctica: first, because Antarctica is a unique environment, scientists, with their innate curiosity, wish to study its special features; second, because the continent and its surrounding ocean may well contain exploitable resources, science plays the dual role as tool for exploration and discovery and also as the means for the establishment of effective regimes of the protection of the environment.

26 Ibid., p 142.

27 Antarctic Research Policy Advisory Committee, Initial Report to Government, November 1979, Australian Government Publishing Service, Canberra, 1980, p 5. Emphasis added.

although writing shortly before the Antarctic Treaty had actually entered into force, states that the U.S. Antarctic program "is set as an orderly, sound, scientific effort but with political awareness that there are other attributes to the scope and excellence of the U.S. effort there."²⁸ These attributes, Kistiakowsky says, have to do with "the relation of research to possible territorial claims."²⁹

In sum, then, the notion that scientific activities in Antarctica during the Treaty era have been kept free of political considerations, is erroneous. The political-strategic dimensions of Antarctic science must be acknowledged and emphasized. So, too, must the conflict management function of the Antarctic Treaty and its attendant arrangements. It is to this consideration that attention is now turned.

28 G.B.Kistiakowsky, "Science and Foreign Affairs," The Department of State Bulletin, Vol.XLII, No.1078, February 22, 1960.

29 Ibid. In this article, Kistiakowsky also hints at another political dimension of U.S. Antarctic scientific activity. Approvingly, he maintains that "science is today one of the few common languages of mankind; it can provide a basis for understanding and communication of ideas between people that is independent of political boundaries and of ideologies." Over time, Kistiakowsky continues, "these personal relationships established with Soviet scientists, who form a major portion of Russia's intellectual elite, can provide a bridge between our culture and perhaps bring about a gradual erosion of the militant aspects of Communist ideology." Such a statement is an example of so-called "convergence theory" - the theory, popular during the late 1950's and early 1960's, that involves the conception that the differences between the capitalist societies (especially the United States) and the socialist societies (especially the Soviet Union) are becoming and should become diminished. For a discussion of the theory, see Z.B.Brzezinski and S.Huntington, Political Power: U.S.A./U.S.S.R., The Viking Press, New York, 1963.

4.3 The Antarctic Treaty and Conflict Management

It was concluded in the previous chapter that as well as providing a blueprint for scientific investigation in Antarctica, the Antarctic Treaty must also be seen as an agreement established to limit and control manifest and latent conflict pertaining to the region. Perhaps the most difficult problem tackled in the Treaty concerns the territorial claims to sovereignty controversy which had arisen and escalated during the 1940's and 1950's. The key measure in the Treaty which deals with this thorny issue is, of course, Article IV. As mentioned beforehand, this article provides that previous sovereignty claims are "frozen" while the Treaty is in force and that no act occurring while the Treaty is in force is to serve to assert, support or deny any claim or to create any rights. Furthermore, new claims or enlargements of existing claims are prohibited.

It is important to note, however, that although Article IV is rightly described as "the cornerstone of the Treaty"³⁰ it does not settle the issue concerning sovereignty claims and rights in Antarctica. As Taubenfeld says,

"As it stands, the Treaty cannot be considered as a final settlement of the Antarctic question. Problems of national interest and prestige may have been "frozen." They have not been removed, though no doubt it was the hope of many of the

30 Auburn, op.cit., p 104.

signatories that they would die away.³¹

In short, then, conflict has still existed during the treaty era, concerning the sovereignty issue but has been latent. For this reason, it is more accurate to describe the Antarctic Treaty as a truce.³²

Notwithstanding the fact that the sovereignty problem has been dealt with by Article IV of the Antarctic Treaty, albeit not finally, it would be a mistake to assume that the framers of the Treaty envisaged a conflict-free Antarctic future. Apart from Article I which declares that 'Antarctica shall be used for peaceful purposes' and that 'There shall be prohibited, inter alia, any measures of a military nature, such as the establishment

31 Taubenfeld, op.cit., p 300. During his testimony at the U.S. Senate Hearings which considered the Antarctic Treaty before ratification, Herman Phleger made a similar comment: 'This treaty does not settle all of the problems of Antarctica for all time, nor does it attempt to do so. It does, however, represent a significant advance in the attempt, based on U.S. initiative, to bring some form of international order to a large area of the earth's surface where none has existed heretofore.' See, United States Senate Committee on Foreign Relations, Hearings: The Antarctic Treaty, 86th Congress, 2d Session, United States Government Printing Office, Washington, 1960, p 43.

32 Although Article XII provides that the Treaty is of indefinite duration, it may be modified or amended at any time by unanimous agreement of the contracting parties. Moreover, after thirty years, any of the contracting parties can request a conference of all the contracting parties to review the operation of the Treaty. Modifications or amendments to the Treaty may be proposed at such a conference by majority agreement and if not agreed to within a period of two years any contracting party may withdraw on two years' notice.

of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any types of weapons,³³ the other key measures drafted to help manage conflict pertaining to the region are Article IX and Article XI.

Article IX provides for periodic Consultative Meetings of representatives of the contracting parties -

for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:-

- (a) use of Antarctica for peaceful purposes only;
- (b) facilitation of scientific research in Antarctica;
- (c) facilitation of international scientific co-operation in Antarctica;
- (d) facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;
- (e) questions relating to the exercise of jurisdiction in Antarctica;
- (f) preservation³⁴ and conservation of living resources in Antarctica.

Writing a decade after the Treaty had come into force, Paul Daniels (one of the principal architects of the Treaty, as

33 Article I can be seen as a conflict-control measure by the way it aims to limit activities in the region to those with peaceful purposes and prohibits any measures of a military nature. In a sense, it is a much wider extension of the agreements between Britain, Argentina and Chile not to send warships south of latitude 60° South during the late 1940's and 1950's which sought to defuse the tense relations that existed between the rival claimants at the time. Of course, as argued in the previous discussion of the science-politics nexus, seemingly peaceful activities might well have military dimensions. For a detailed discussion of Article I, see, Auburn, op.cit., pp 94-98.

34 Article IX (1), The Antarctic Treaty.

mentioned in the previous chapter) maintained that this measure is of great significance because it provides an opportunity to exchange information and to discuss current problems of mutual interest which 'gives some assurance that misunderstandings will not arise and that friendly cooperation will continue.'³⁵ He acknowledged that 'there is much unfinished business' concerning Antarctica and that 'There are a number of problems which either have arisen or may arise requiring international agreements and joint decisions.'³⁶ Three of the major problems he identified at this time were firstly, the confused legal situation in Antarctica resulting from the lack of general agreement on the exercise of jurisdiction in civil and criminal cases; secondly, problems concerning the equitable exploitation of living resources in the Southern Ocean; and thirdly, questions to do with the rights of ownership and development of mineral resources of commercial value should they be discovered.³⁷

Such "unfinished business" was certainly recognized by the framers of the Treaty.³⁸ It was clearly anticipated that the consultative provision may not be sufficient to prevent or limit future

35 P.C.Daniels, "The Antarctic Treaty," Frozen Future, R.S.Lewis and P.M.Smith (eds.), Quadrangle, New York, 1973, pp 40-41.

36 Ibid.

37 Ibid., p 44.

38 See, for example, Phleger's testimony at the U.S. Senate Hearings which considered the Antarctic Treaty before ratification - U.S. Senate Committee on Foreign Relations, Hearings: The Antarctic Treaty, op.cit., pp 36-46 and 55-67.

conflicts concerning such problems, hence, a disputes-settlement measure was drafted as Article XI. This provides that "If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice."³⁹ Moreover, Article XI provides that if such means fail to resolve the dispute, the matter may be referred to the International Court of Justice, but only with the consent of all parties to the dispute.

It is obvious, then, that Article IX and Article XI of the Antarctic Treaty were drafted to serve as conflict-management measures. Several analyses of these particular provisions conclude, however, on a very critical note. Writing shortly after the treaty had been signed, Hayton, for example, contended that "the crucial processes of disputes-settlement [Article XI] and decision-making [Article IX] provided by the treaty are very weak, permissive, and add little, if anything, to the present opportunities and obligations of the nations involved."⁴⁰ Taubenfeld also commented that Article IX "sets the rather limited pattern for a mechanism for future political cooperation" and

39 Article XI (1), The Antarctic Treaty.

40 R.Hayton, "The Antarctic Settlement of 1959," American Journal of International Law, Vol.54, No.2, April, 1960, p 365. Emphasis Hayton's.

represents a 'lost opportunity for a creative experiment' in international administration.⁴¹ Later analyses are similarly critical of the Treaty's disputes-settlement, consultative and decision-making provisions. Jain echoes Taubenfeld's comment,⁴² while Auburn maintains that the 'dispute-settlement procedure has been aptly termed the worst solution imaginable'⁴³ and he concludes that the Consultative Meetings set up under Article IX are 'clumsy and inefficient'⁴⁴ and its administrative procedures very limited 'both in theory and practice.'⁴⁵

For what stated reasons do these commentators make such criticisms? Considering the disputes-settlement provision first, it is pointed out that there is not a shred of compulsion in referring disputes to the International Court of Justice if they are not settled by peaceful means of the parties' own choice. As Hayton emphasizes, 'A dispute cannot be taken to the Court without "the consent, in each case, of all parties to the dispute."⁴⁶ Thus, Article XI does not provide any obligatory means of

41 Taubenfeld, op.cit., p 288, p 316.

42 S.C.Jain, "Antarctica: Geopolitics and International Law," The Indian Year Book of International Affairs, 1974, published under the auspices of the Indian Study Group of International Law and Affairs, University of Madras, Madras, 1974.

43 Auburn, op.cit., p 139.

44 Ibid., p 296.

45 Ibid., p 165.

46 Hayton, op.cit., p 363.

resolving disputes but merely lists traditional means that have always been available to any nation.⁴⁷ Adding to this, Auburn argues that Article XI "is not merely an ineffectual means of dealing with possible disagreements; it turns back the clock."⁴⁸ He points out that it can be argued that Article XI "removes the effect of general agreements between signatories to submit disputes to the International Court."⁴⁹ By this he means that Article XI of the Antarctic Treaty could give a country the opportunity to avoid referring a dispute to the International Court that would not have been avoidable in the absence of the Treaty.⁵⁰

Turning to the consultative provisions of Article IX, Hayton takes issue with Paragraph 4 which states that the measures recommended by the Consultative Meetings "shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures."⁵¹ This provision obviously grants a veto to every party taking part in the Meetings and Hayton concludes that "The outlook for

47 Ibid.

48 Auburn, op.cit., p 139.

49 Ibid.

50 On this point, also see Hayton, op.cit., p 364. There are several other reasons put forward by Auburn to support his view of Article XI. These are more complex and hypothetical and beyond the scope of the discussion here. See, Auburn, op.cit., pp 138-142.

51 Article IX (4), The Antarctic Treaty. Emphasis Hayton's, op.cit.

expeditious agreement is thus rather bleak on anything but the most innocuous matters.⁵² Paraphrasing Hayton, Auburn makes the same point and also takes another tack when he argues that the lack of an international secretariat is a 'major deficiency in the Treaty system.'⁵³ Asserting that the 'existing framework is rudimentary', Auburn states that the Treaty 'did not set up even the most minimal form of international organization.'⁵⁴ For him, there must be an organization and a continuous exercise of responsibility for Antarctic decision-making if the parties are to carry out their assumed duties with some semblance of order.

The expectations of the Treaty framers that conflict pertaining to Antarctica would arise came to pass.⁵⁵ During the two decades following the entry into force of the Treaty, Antarctic affairs were characterized by conflict, albeit of a generally low intensity. Myhre's study of the first five Antarctic Treaty

52 Hayton, op.cit., p 364.

53 Auburn, op.cit., p 155.

54 Ibid.

55 The term "conflict" is being used here in its widest sense as meaning all relations between sets of actors that involve an incompatible difference of objective. Conceived in this way, following Dahrendorf, the term does not as such imply any judgement as to the intensity of relations caused by differences of objective, thus "conflict" may assume to forms of war, of debate, or of negotiation. It does imply, however, that war, debate and negotiation are essentially motivated by the same type of social relationship and are therefore different manifestations of an identical force. See, R.Dahrendorf, Class and Class Conflict in Industrial Society, Routledge & Kegan Paul, London, 1959, p 135.

Consultative Meetings, from 1961 to 1968, reveals that negotiations between members on such matters as historical sites, mail service, administrative arrangements, criminal jurisdiction, flora and fauna conservation and pelagic sealing resulted in "great differences of opinion," "argument," "opposition," "intractability," "heated dispute" and so forth.⁵⁶ More significantly, during the late 1970's, increased interest in and activity related to the exploitation of Antarctic natural resources resulted in the region gradually becoming an "issue area" on the wider international political agenda following demands by several countries and transnational bodies that the Antarctic Treaty be replaced and the region internationalized.

This came about as Antarctica became entangled in a constellation of global issues concerned with resource scarcity, North-South relations,⁵⁷ and environmental conservation. This was, in turn, a consequence of a structural change in world politics that occurred during the late 1960's and 1970's. The world had entered "the era of interdependence."⁵⁸ Post World War II alliances languished,

56 J.D.Myhre, "The Antarctic Treaty Consultative Meetings, 1961-68: A Case Study in Negotiation, Cooperation, Compliance in the International System," Unpublished Ph.D. Thesis, London School of Economics and Political Science, December, 1983

57 North-South relations refers to the relations between industrialized developed countries (mostly in the Northern Hemisphere) and developing countries (mostly in the Southern Hemisphere).

58 R.O.Keohane and J.S.Nye, Power and Interdependence, Little, Brown and Company, Boston, 1977, p3.

blocs loosened and some countries switched alliances as the Cold war sense of security threat slackened, foreign economic competition and domestic distributional conflict increased.⁵⁹ Moreover, the newly independent nations pressed for a new international economic order to remove all vestiges of colonialism, to offset inequities and to obtain restitution for what they believed to be prior injuries.

A major characteristic of this new era was the larger and more diverse nature of the international political agenda. In addition, issues on this agenda were not subordinated to military security. United States Secretary of State Kissinger described the situation aptly in 1975 when he stated that,

progress in dealing with the traditional agenda is no longer enough. The problems of energy, resources, environment, population, the uses of space and the seas now rank with questions of military security, ideology and territorial rivalry which have traditionally made up the diplomatic agenda.⁶⁰

Kissinger might well have included Antarctica in his list of new global issues. For example, the prospect of harvesting the marine living resources of the Southern Ocean (especially krill) and traces of hydrocarbons discovered at a number of Antarctic sites

59 Ibid., p 7. See also, E.B.Haas, "The Frailty of Complex Interdependence: A Worst-Case Scenario for the 1980's," Jerusalem Journal of International Relations, Vol.5, No.4, 1981, pp 1-13. It must be acknowledged that these phrases slip quickly over a very complex set of important changes which occurred during the late 1960's and 1970's.

60 H.A.Kissinger, "A New National Partnership," The Department of State Bulletin, February 17, 1975, p 199, cited in Keohane and Nye, op.cit., p 26.

during the 1970's, prompted several developing countries to demand that (i) the Antarctic Treaty be scrapped; (ii) the region be recognized as part of the "global commons"; and (iii) Antarctic resources be regarded as the "common heritage of mankind" and shared by all states.⁶¹

In turn, the prospect of harvesting Antarctic marine living resources and the mining of Antarctic minerals prompted several international nongovernmental organizations concerned about environmental conservation (such as Friends of the Earth and Greenpeace International) to demand that Antarctica be declared a "world park" sacrosanct from the violations of exploiters.⁶²

Both sets of demands were actively resisted and denied by those countries which supported the Antarctic Treaty regime. They argued that international regimes to manage resource exploitation problems and problems related to the conservation and preservation

61 See, M.J.Peterson, "Antarctica: the last great land rush on earth," International Organization, Vol.34, No.3, Summer, 1980, pp 377-403; B.Mitchell, "Antarctica: a special case?" New Scientist, Vol.73, No.1034, 13 January, 1977, pp 64-66; B.Mitchell and J.Tinker, Antarctica and its resources, Earthscan, London, 1980; S.A.Zorn, "Antarctic minerals: a common heritage approach," Resources Policy, Vol.10, No.1, March, 1984, pp 2-18. It has also been suggested that the share of revenue allocated to developing countries be greater than the share allocated to industrialized, developed countries. In this way, the internationalization of Antarctica is seen as a step towards the goal of reducing global inequality.

62 K.D.Suter, World Law and the Last Wilderness, 2nd Revised Edition, Friends of the Earth, Sydney, 1980; J.N.Barnes, Let's Save Antarctica, Greenhouse Publications, Richmond, 1982.

of the Antarctic environment should be built on to the existing framework of the Antarctic Treaty.⁶³

If the criticisms of the consultative arrangements and the disputes-settlement provisions of the Treaty outlined above are valid, one would have to look elsewhere then, in the light of this continuing conflict in affairs pertaining to the region, when seeking to explain Pax Antarctica. Whereas the criticisms of the disputes-settlement provisions seem justified, there are good reasons, however, for rejecting the critical comments about the consultative arrangements provided by, and set up under, Article IX of the Treaty. For a start, issue can be taken with Auburn's statement that the Treaty 'did not set up even the most minimal form of international organization.' It can be argued, in contradistinction, that the Treaty established a form of international organization in the Antarctic Treaty Consultative Meeting (A.T.C.M.) and that mechanisms associated with this organization have played a major part in controlling conflict pertaining to the region. These mechanisms must be recognized when explaining Pax Antarctica in the Treaty era.

4.4 The A.T.C.M. as an International Organization

In accordance with Paragraph 1 of Article IX, the First Antarctic Treaty Consultative Meeting was held in Canberra from July 10 to

63 See, K.Brennan "Criteria for access to the resources of Antarctica: alternatives, procedure and experience applicable," Antarctic resources policy, F.O.Vicuna (ed.), Cambridge University Press, Cambridge, 1983, pp 217-227.

July 24, 1961, less than one month after the final Treaty ratification notices were deposited with the United States and the Treaty had entered into force.⁶⁴ Subsequent Meetings were held in Buenos Aires (1962), Brussels (1964), Santiago (1966), Paris (1968), Tokyo (1970), Wellington (1972), Oslo (1975), London (1977), Washington (1979), Buenos Aires (1981), Canberra (1983) and Brussels (1985). Before each A.T.C.M., one or a series of Preparatory Meetings were held to set a provisional agenda, discuss issues and generally lay the groundwork for the ensuing Meeting. Moreover, this consultative mechanism also led to the establishment of special negotiating forums, accountable to, but distinct from, the A.T.C.M. to discuss specific issues or groups of issues.⁶⁵ These have ranged from Meetings of Experts to deal with such problems as telecommunications to Special Consultative Meetings which have addressed, since 1977, such topics as the drafting of Antarctic marine living resources and mineral resources regimes.

The A.T.C.M., in effect, has governed Antarctica through recommendations and agreed measures adopted at the Meetings⁶⁶ and

64 The nomenclature "Antarctic Treaty Consultative Meeting" was designated in the Rules of Procedure which were adopted at this first meeting held in Canberra in 1961.

65 R.Tucker Scully, "Alternatives for cooperation and institutionalization in Antarctica: outlook for the 1990's," Antarctic resources policy, F.O.Vicuna (ed.), Cambridge University Press, Cambridge, 1983, pp 281-296.

66 Between the First A.T.C.M. in 1961 and the Thirteenth A.T.C.M. in 1985, 154 recommendations were adopted covering such matters as the exchange of informations on scientific programs and results, tourism, logistics, communications, the preservation and protection of the Antarctic environment.

instruments it has initiated such as the 1972 Convention on the Conservation of Antarctic Seals (which entered into force in 1978) and the 1980 Convention for the Conservation of Antarctic Marine Living Resources (which entered into force in 1982). As Daniels comments, it is through the A.T.C.M. that "the Antarctic Treaty acquires vitality, and a practical aspect going beyond more abstract and political concepts contained in the Treaty."⁶⁷ In a similar vein, Scully concludes that the decentralized system of meetings, recommendations, conventions that has evolved over the past two decades "has played an important part in the practical realization of the obligations of the Antarctic Treaty and the unique form of international cooperation which has taken place pursuant to it."⁶⁸

But nowhere in the literature of international relations is the A.T.C.M. cited as an example of an international organization. The simple, common definition of the term "international organization" refers to organizations based on (i) formal agreement among governments; (ii) possessing diplomatic forums; and (iii) assisted by an associated international bureaucracy.⁶⁹ A more detailed, more precise, yet similar definition is provided by Wallace and

67 Daniels, op.cit., p 42.

68 Scully, op.cit., p 292.

69 J.S.Nye, Peace in Parts: Integration and Conflict in Regional Organization, Little, Brown and Company, Boston, 1971, p 5.

Singer.⁷⁰ Focussing upon international governmental organizations (IGO's) and disregarding international nongovernmental organizations (NGO's), Wallace and Singer develop the following criteria for inclusion as IGO's: (i) the organization must consist of at least two nation-state members of the international system; (ii) the organization must be created by a formal instrument of agreement between the governments of national states; (iii) the organization must hold more or less regular plenary sessions at intervals not greater than once a decade; (iv) a permanent secretariat and some sort of permanent headquarters arrangement are required. In connection with this last criterion, Wallace and Singer contend that the crucial distinction here is between ad hoc conferences or series of conferences whose staffs do not function between meetings and true organizations (even if labelled conferences or agreements) possessing secretariats which perform ongoing tasks.⁷¹

According to these definitions, then, the A.T.C.M. is not an international organization. It is not assisted by an associated international bureaucracy. Although it consists of more than two nation-state members of the international system, it was created by a formal instrument of agreement between the governments of national states (i.e. the Antarctic Treaty), and it holds regular

70 M.Wallace and J.Singer, "Intergovernmental Organization in the Global System, 1815-1964: A Quantitative Description," International Organization, Vol.XXIV, No.1-2, Winter, 1970.

71 Ibid., p 246.

plenary sessions at intervals no greater than once a decade, the A.T.C.M. does not have a permanent secretariat nor some sort of permanent headquarters arrangement. Perhaps Luard comes the closest to viewing the Consultative Meeting as an international organization. According to him,

^A system has been established [in Antarctica], however tenuous, to ensure that these principles [of the Antarctic Treaty] are fulfilled in the running of the territory through regular meetings of the parties to undertake supervision. These consultative meetings represent an embryonic form of international administration and the area may acquire far more in years to come.⁷²

But Luard shrinks from calling the A.T.C.M. an international organization on the grounds that, ^virtually no permanent machinery has been established; there are no administrators, no officials, no police force, and no taxation.⁷³

Implicit in these definitions is the assumption that organization in some way necessarily involves bureaucracy (with its associated characteristics of hierarchy, permanent officials, career structure, and so forth) or a permanent secretariat (with a permanent headquarters).⁷⁴ Such definitions involving an

72 E.Luard, International Agencies: The Emerging Framework of Interdependence, Macmillan, London, 1977, p 106.

73 Ibid.

74 Other definitions which include notions of ^bureaucratic structure^, ^permanent bodies^ and ^permanent secretariat^ are those of Pentland, Gerbet and Archer, respectively. See, C.Pentland, "International Organizations," World Politics - An Introduction, J.N.Rosenau, K.W.Thompson, G.Boyd (eds.), The Free Press, New York, 1976, p 626; P.Gerbet, "Rise and development," International Social Science Journal, Vol.24, No.1, 1977, p 7; and C.Archer, International Organizations, Allen & Unwin, London, 1983, p 35.

international bureaucracy or permanent secretariat are, however, unduly narrow and analyses based on such restrictive conceptions of organization fail to explore a range of significant phenomena. For example, an organizational form other than the solely bureaucratic or the permanent secretariat is that which Weber, one of the founding fathers of modern social theory, describes as the "direct democratic" organization.⁷⁵

Weber insists that in every form of administration, it is always necessary that some executive powers be in the hands of somebody. Members of direct democratic organizations usually have difficulty in conceiving of others as super-ordinated and are thus concerned to reduce or restrict the accumulation of these powers and to ensure that those in authority are held obligated to act solely in accordance with the will of the members and in their service by virtue of the authority given to them.⁷⁶ In short, the direct democratic organization is based upon the interaction of two ideas: "equality" and "minimization". This means that in such organizations: (i) it is assumed that every member is equally qualified to conduct the affairs of the organization; and (ii) the scope of power of command is kept at a minimum.⁷⁷ Accordingly, administrative functions are rotated, or determined by drawing

75 M Weber, Economy and Society, G.Roth and C.Wittich (eds.), University of California Press, Berkeley, 1978, Vol.1, pp 289-290, Vol.2, pp 948-952.

76 Ibid., p 289. See also, J.J.R.Thomas, "Weber and direct democracy," The British Journal of Sociology, Vol.XXXV, No.2, June, 1984, pp 216-240.

77 Weber, op.cit., p 948.

lots, or assigned for short periods by election.⁷⁸ Moreover, "all important decisions are reserved to the common resolution by all; the administrative functionaries have only to prepare and carry out the resolutions and to conduct "current business" in accordance with the directives of the general assembly."⁷⁹

Weber also states that such measures as the principle of rotation or of selection by lot in filling offices, so that every member takes a turn, makes it possible to avoid the position of power of technically trained persons or of those with long experience and command of official secrets.⁸⁰ He goes on to add that direct democratic administration occurs in organizations which fulfil the following conditions: (i) the organization is local or otherwise limited in the number of members; (ii) an equality of status prevails among the members; (iii) the administrative functions are relatively simple and stable; (iv) there is some minimal training in determining ways and means.⁸¹

This form of organization, Weber states, can be found in certain political communities such as the Swiss Landesgemeinden, certain townships in the United States and in some universities. I suggest that the Antarctic Treaty Consultative Meeting can be added to this list. It is an example of a direct democratic organization at

78 Ibid.

79 Ibid.

80 Ibid., p 289.

81 Ibid., p 949; Thomas, op.cit., p 227.

the international level. Although not possessing all the characteristics described by Weber, the A.T.C.M. has most.

In the first place, the A.T.C.M. is limited in the number of members. The twelve original members of the A.T.C.M. were the twelve original signatories of the Antarctic Treaty - Argentina, Australia, Belgium, Britain, Chile, France, Japan, New Zealand, Norway, South Africa, the Soviet Union and the United States. Membership of the A.T.C.M. was also afforded to Poland (in 1977), West Germany (in 1981), India and Brazil (both in 1983), Uruguay and China (both in 1985). Secondly, "sovereign equality" prevails among the members of the A.T.C.M. whereby each member, as a sovereign state, is entitled to the same participatory rights in the Meeting and the same benefits to be derived from it, regardless of its size, population, wealth or power. Moreover, members also share the same obligations.⁸² Thirdly, the administrative functions of the A.T.C.M. are rotated to coincide with the rotation of hostship. This procedure was established at the First Antarctic Treaty Consultative Meeting in Canberra, when it was agreed, as an interim measure, that subsequent Meetings should be hosted, and the administrative functions performed, by members in alphabetical order in the English language.⁸³

82 On the notion of "sovereign equality" see, P.E.Jacob, A.L. Atherton, A.M.Wallenstein, The Dynamics of International Organization, Revised Edition, The Dorsey Press, Homewood, Illinois, 1972, pp 23-25.

83 These arrangements also applied to the Preparatory Meetings of the A.T.C.M.

Accordingly, Argentina hosted and administered the Second Antarctic Treaty Consultative Meeting. Although initially viewed as an interim measure, the principle of rotation of hostship and administrative functions has continued through all Consultative Meetings that have been held. It can thus be said to be a stable procedure.⁸⁴ Fourthly, the recommendations formulated by the A.T.C.M. are subject to a double unanimity rule: they have to be approved by all of the representatives at the Meeting,⁸⁵ and they only become effective when approved by all the contracting parties of the Antarctic Treaty whose representatives were entitled to participate in the Meetings.⁸⁶

As a direct deomocratic organization, the A.T.C.M. is thus far from 'rudimentary', to use Auburn's term. Nor do the Consultative Meetings represent 'an embryonic form of administration' as Luard contends. Indeed, when viewed as an example of direct democracy, the A.T.C.M. is quite a sophisticated form of organization linked as it is to a set of political ideals concerned with the minimization and equalization of administration. Moreover, organizational features of the A.T.C.M., concerned with

84 Leaving aside Poland, West Germany, India, Brazil, China and Uruguay, who have become members of the A.T.C.M. only recently, two member-countries' cities are missing from the list that have hosted regular Meetings - namely, Moscow and Johannesburg. Quigg notes that some members are not eager to hold Meetings in these cities and the Soviet Union is adamant in refusing to meet in South Africa. See, Quigg, op.cit., p 158.

85 Rule of Procedure 23.

86 Article IX (4), The Antarctic Treaty.

minimization and equality, as outline above, have played an important part in the management of conflict pertaining to Antarctica.

4.5 Conflict Management and the A.T.C.M.

The three major mechanisms of the A.T.C.M. which have served to control conflict are the process of exclusionary social closure, the unanimity rule and the privatization of organizational proceedings. The latter mechanism has, of course, made it difficult to gain more than a sketchy understanding of how the A.T.C.M. has operated and it must be acknowledged that the adduced evidence to support this claim is, by its nature, indirect, inconclusive, though it can be suggested, plausible. For these reasons, the following analysis should be considered as a tentative first insight into an important, though shadowy area of Antarctic affairs.⁸⁷

87 Writers such as Auburn acknowledge the difficulty of procuring details about the deliberations of the A.T.C.M. (See, Auburn, op.cit., pp 156-159.) From a scholarly point of view this is an unsatisfactory situation. The writings of diplomats, civil servants and scientists who have attended Consultative Meetings discuss little, if anything, about the specific proceedings. Several Australian diplomats were interviewed in the course of this study, however, their responses to questions about the proceedings of the A.T.C.M. were understandably vague. Myhre's recent study of the first five Consultative Meetings is a very welcome addition to the literature of Antarctic affairs. (See, Myhre, op.cit.) Much of it is based on documents (such as position papers and reports by members of U.S. delegations to those Meetings) which are held in the Polar Archives at the U.S. National Archives. But even Myhre's study is limited in the sense that observations and conclusions drawn in these papers and reports represent only U.S. accounts of proceedings.

But before discussing how these mechanisms have functioned, it is necessary to clarify what is meant by the terms. The first, exclusionary social closure, is the term used to describe the appropriation of social or economic opportunities that have been monopolized by a group. This monopolization is directed against other groups who share some positive or negative characteristics and involves the singling out of these characteristics as the justificatory basis of exclusion. Its purpose, as Weber says, "is always the closure of social and economic opportunities to outsiders."⁸⁸ In the context of Antarctic affairs, exclusionary social closure refers to the process by which membership of the A.T.C.M. has been restricted to a limited number of eligibles (or in more Weberian terms, the process by which decision-making opportunities pertaining to Antarctica have been appropriated, or monopolized, by the restricted membership of the A.T.C.M.).

As noted earlier, membership of the A.T.C.M. remained at the original twelve signatories for the first sixteen years of its operation. These countries acquired so-called "consultative status"⁸⁹ through Paragraph 1 of Article IX which simply states

88 Weber, op.cit., pp 342-344.

89 "Consultative status" is the right to participate in the A.T.C.M.. Parties of the Antarctic Treaty with consultative status are generally known as Consultative Parties. The term "contracting party" covers, then, two groups - those with consultative status and those who have acceded to the Treaty but who do not have consultative status. By 1984, this latter group numbered sixteen: Bulgaria, Cuba, the Peoples Republic of China, Czechoslovakia, Denmark, Finland, German Democratic
(continued next page)

that Representatives of the Contracting Parties named in the preamble of the present Treaty [as the twelve countries are] shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places . . .⁹⁰ These twelve countries, it will be recalled, were those that had participated in the Antarctic program of the International Geophysical Year and the exclusionary device that restricts participation of others in the Consultative Meetings calls upon intending new members to make the same sort of effort: Paragraph 2 of Article IX provides that

Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in Paragraph I of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition.

Thus, countries that have not conducted substantial scientific research in Antarctica are excluded from membership of the A.T.C.M. and countries that wish to participate in the Meetings have to pay this entry fee.

Poland and West Germany were able to meet this research qualification in 1977 and 1981, respectively, by establishing

Republic, Hungary, Italy, the Netherlands, Papua New Guinea, Peru, Romania, Spain, Sweden and Uruguay. (China and Uruguay, as noted previously, acquired consultative status in 1985.)

90 Article IX (1), The Antarctic Treaty.

91 Article IX (2), The Antarctic Treaty (emphasis added).

expensive shore research stations in Antarctica whose work, it is reported, seemed to have little connection with their interests in the region which were mainly concerned with its fishery potential.⁹² In 1983, Brazil and India were deemed to have met the memberships criterion, too, and joined the A.T.C.M. as its fifteenth and sixteenth members. Uruguay and China also gained consultative status in 1985 and became the A.T.C.M.'s seventeenth and eighteenth members.

In just over two decades, then, only six countries had joined the original twelve signatories as Consultative Parties of the Antarctic Treaty (four since 1983) and by 1984, sixteen other countries had become non-consultative signatories. Although the Treaty has been open for accession by any member state of the United Nations, or by any other state which may be invited to accede to the Treaty with the consent of all the contracting parties whose representatives are entitled to participate in the A.T.C.M.,⁹³ there seems good reason to agree with Auburn that 'Not only is the high entry fee of 'substantial scientific research' a hindrance to seeking [consultative] status, but it is also a disincentive to any such nation even acceding to the Treaty when it can have no say in decision-making.'⁹⁴ In short,

92 "Icebox hotting up," The Economist, Oct.8, 1983, p 49. Auburn reports that West Germany had to invest DM 260,000,000 to meet this research qualification (see, Auburn, op.cit., p 153).

93 Article XIII, (1), The Antarctic Treaty.

94 Auburn, op.cit., p 152.

observations that the A.T.C.M. has been an exclusive club seem well founded.⁹⁵

The second mechanism of the A.T.C.M. which has served to control conflict is the rule of unanimity. As noted earlier, one of the Rules of Procedure of the A.T.C.M. provides that "The recommendations formulated by the Meeting shall be approved by all of the representatives present and shall be set forth in the final report."⁹⁶ Thus, as Triggs notes, the Consultative Parties "have each retained a veto over the means by which the objects and principles of the Antarctic Treaty are to be implemented."⁹⁷ In this way, both claimant and nonclaimant states have ensured that no activity or practice prejudicial to their positions on the territorial status of Antarctica will be made without their consent. Moreover, Paragraph 4 of Article IX of the Treaty provides that the recommendations referred to above do not become effective until they have been approved by all of the Consultative Parties. This requirement, in effect, has given a second veto to the Consultative Parties and thereby provided an additional safeguard to both claimants and nonclaimants.

95 "Icebox hotting up," The Economist, *op.cit.*; L.Kimball, "Testing the Great Experiment," Environment, September, 1985.

96 Rule of Procedure 23.

97 C.Triggs, "The Antarctic Legal Regime: A Workable Compromise or a "Purgatory of Ambiguity"?", Case Western Reserve Journal of International Law, Vol.17, No.2, Spring, 1985, p 208.

The third conflict management mechanism, the privatization of A.T.C.M. proceedings, has presented itself in two ways. First, most deliberations at the A.T.C.M. have been conducted in private - a practice established with the sixty preparatory meetings held prior to the 1959 Conference on Antarctica. This has been provided by Rule 7 of the Rules of Procedure, which states that "The opening plenary session shall be held in public; other sessions shall be held in private, unless the Meeting shall determine otherwise."⁹⁸ In general, there have been five different types of sessions - open plenaries, closed plenaries, closed working-groups, closed sessions between a limited number of members, and informal negotiations - and although each Meeting has a different form as far as types of sessions are concerned, it has usually been only the first and last plenary sessions that have been open to the public and press.⁹⁹ Second, the procedural rule stated above, which originally applied to "sessions" of the A.T.C.M., has also been interpreted (at the 1972 Seventh Antarctic Treaty Consultative Meeting) to cover the official documents of the Meeting, too, and at the 1975 A.T.C.M. it was declared that all of the documents at the Meeting were confidential.¹⁰⁰

Having clarified, then, what is meant by exclusionary social closure, the unanimity rule and the privatization of proceedings

98 Rule of Procedure 7.

99 T.Hanevold, "The Antarctic Treaty Consultative Meetings - Form and Procedure," Cooperation and Conflict, Vol.VI, 1971, p 194.

100 Auburn, op.cit., p 158.

of the A.T.C.M. how have these mechanisms served in the management of conflict pertaining to Antarctica? The answer to this question, it can be suggested, lies in the way these mechanisms have restricted, what Schattschneider terms, the scope of conflict.¹⁰¹

According to Schattschneider, every conflict consists of two parts: (i) the few actors who are engaged at the centre; and (ii) the audience that is irresistibly attracted to the scene.¹⁰² It is important to keep in mind the relations between these two parts because the audience, or a section of it, is likely to do things that determine the outcome of the conflict. For example, if C intervenes in a conflict between A and B the nature of the conflict is changed. C may join A and tip the balance of forces in A's favour, or C may support B and turn the balance the other way, or C may disrupt the conflict or attempt to resolve the matter by imposing on both A and B. Thus, no matter how C intervenes, the conflict will be altered by the transformation of a one-to-one conflict into a two-to-one conflict or a triangular conflict. Moreover, every new intervention thereafter by D, E and F will change the balance of forces involved and alter the conflict. Put

101 E.E.Schattschneider, The Semisovereign People, The Dryden Press, Hinsdale, Illinois, 1960.

102 Although Schattschneider does not define what he means by "conflict", he uses the term for contests, disputes, clashes, tensions, fights, and so forth. To Schattschneider, they may take place in debates, meetings, political campaigns and hearings. Accordingly, for Schattschneider, 'at the root of all politics is the universal language of conflict.' (See, Ibid., p 2.) He is thus using the term in its most general form as employed in this study.

another way, too, every abandonment of the conflict by any of the participants changes the ratio as well.¹⁰³ This reasoning leads Schattschneider to conclude that 'the outcome of every conflict is determined by the extent to which the audience becomes involved in it,¹⁰⁴ or in other words, 'the outcome of all conflict is determined by the scope of its contagion.¹⁰⁵

Schattschneider goes on to argue that it is extremely unlikely that participants in a conflict situation will be reinforced equally as the scope of conflict multiplies - the balance of forces will almost certainly not remain constant. Thus, if there were a hundred times as many spectators in the audience who sympathized with A rather than B, A would have a strong motive for trying to spread the conflict while B would have a strong interest in keeping it restricted. It follows, then, 'that conflicts are frequently won or lost [and one can add, contained] by the success that the contestants have in getting the audience involved in the fight or in excluding it, as the case may be.¹⁰⁶

Thus control of the scope of conflict is a crucial factor in the management of conflict. Exclusionary social closure in the A.T.C.M. has served this function in an important way. As mentioned beforehand, the Antarctic Treaty is not a final settlement of the Antarctic sovereignty issue: the Treaty is a

103 Ibid. pp 2-3.

104 Ibid., p 2.

105 Ibid.

106 Ibid., p 4.

truce. Generally speaking, conflict over the sovereignty issue has been latent during the Treaty era (due in large part to Article IV of the treaty) however it has resurfaced on a number of occasions. For example, during the first five Consultative Meetings, conflict about the sovereignty issue became manifest during negotiations on such topics as historical sites, mail service, criminal jurisdiction and the Agreed Measure for the Conservation of Antarctic Flora and Fauna.¹⁰⁷ Furthermore, conflict concerning the sovereignty issue was the 'most difficult matter that parties had to consider' during the special and regular A.T.C.M. negotiations between 1978 and 1980 which developed the international convention on exploitation and conservation of marine life in the Southern Ocean.¹⁰⁸ The process of exclusionary social closure has limited the scope of the continuing conflict concerning this particular issue by simply making it difficult (or illegitimate) for the "audience" to be drawn to the centre of Antarctic politics and thereby changing the balance of forces involved. In short, exclusionary social closure has helped to maintain the Antarctic sovereignty issue equation intact.¹⁰⁹

107 Myhre, op.cit.

108 J.N.Barnes, "The Emerging Convention on the Conservation of Antarctic Marine Living Resources: An Attempt to Meet the New Realities of Resource Exploitation in the Southern Ocean," The New Nationalism and the Use of Common Spaces, J.I.Charney (ed.), Allanheld, Osmun, Totowa, New Jersey, 1982, esp p 265. Barnes notes that 'In spite of many disclaimers to the contrary, it seems apparent that the claimant states initially attempted to enhance their Antarctic claims through the mechanism of the new living resource regime.'

109 To borrow a metaphor employed by Schattschneider in another (continued next page)

It is ironical that the unanimity rule, a much maligned aspect of the A.T.C.M., has also played a major part in restricting the scope of conflict. It has done this in several ways. First, issues over which intense conflict has existed among members (or is considered likely) have not been brought before the Meeting, or if raised, have been quickly withdrawn. For example, at the 1962 Second Consultative Meeting held in Buenos Aires, Britain proposed that the question of criminal jurisdiction be accepted as Item 14 for discussion.¹¹⁰ Both Chile and Argentina protested about the inclusion of this matter because of the link between criminal jurisdiction and sovereignty. After a lengthy argument it was decided to divide the agenda into two sections: Items 1 to 13 were approved; while Items 14 to 18 were delayed as representatives sought instructions from their governments.

At the beginning of the second week of the Meeting, Britain however, withdrew its proposal even though the United States had in the meantime persuaded Chile to discuss the question. Apparently, Britain felt that so much hostility towards mere discussion of the matter would ensure the defeat, through the unanimity rule, of any but the most vague recommendation.¹¹¹ In

context, Antarctic politics during the Treaty era has been more like a modern football game rather than the original, primitive version of the sport. In the latter, everyone was free to join in as the game moved back and forth across the countryside, whereas the former is played on a measured field by fixed number of players in the presence of an audience excluded from the playing field.

110 Myhre, op.cit., pp 124-125.

111 Ibid.

this way, then, the unanimity rule has helped to limit the scope of decision-making to "safe" issues and thereby restricted the scope of conflict.¹¹²

But, of course, not all contentious issues have been able to be deflected in this way. Hanevold comments that the unanimity principle probably prevents controversial matters from being discussed [at the A.T.C.M.], which may have as a consequence that the most difficult problems are accumulated until something happens that makes it impossible not to discuss them.¹¹³ A case in point was the Antarctic resource management issue. In a statement made before the U.S. Senate Subcommittee on Oceans and International Environment of the Committee on Foreign Relations in 1975, U.S. Assistant Secretary Ray comments that in the first ten years of the Treaty's existence, and at the first five Consultative Meetings held during that period, the resources topic was conspicuously absent from agendas and discussion because one or several Consultative Parties feared that any multilateral approach to resources management would be detrimental to their

112 Hanevold makes a similar point when he says in his analysis of the A.T.C.M. that a delegation may withdraw a proposal to 'prevent a crisis' or 'because it wants to express its will to preserve the friendly atmosphere.' See, Hanevold, op.cit., p 197. Bachrach and Baratz point to this same function of the unanimity rule of the New York City's Board of Estimate. See, P.Bachrach and M.S.Baratz, "Two Faces of Power," American Political Science Review, Vol.56, 1962, pp 947-952.

113 Hanevold, op.cit.

territorial claims in that area.¹¹⁴ She acknowledges that during this period the United States was also loath to raise the subject¹¹⁵ But in the late 1960's and early 1970's, as world politics entered the age of interdependence, concern about resource scarcity and prophecies of biospheric catastrophe in the wake of overpopulation and the wasteful, pollutive use of resources began to be voiced in the Western world.¹¹⁶ Against this background, the Antarctic resource management issue was finally raised by Britain at the Sixth Antarctic Treaty Consultative Meeting in 1970 where it was agreed to place on the agenda for the Seventh Meeting (to be held in 1972) the item: "Antarctic Resources - Effects of Mineral Exploitation."¹¹⁷

At the Seventh Antarctic Treaty Consultative Meeting the issue was still highly charged and agreement was reached only to postpone discussion until the subsequent eighth consultative meeting . . . [held in Oslo in 1975] . . . in order that governments would have

114 U.S. Antarctic Policy, Hearing before the Subcommittee on Oceans and International Environment of the Committee on Foreign Relations, United States Senate, 94th Congress, 1st Session, United States Government Printing Office, Washington, 1975, p 5. The name (or names) of the Consultative Party (or Parties) was (or were) deleted from the text.

115 Ibid.

116 See, for example, World Eco-Crisis, D.A.Kay and E.B.Skolnikoff (eds.) with an introduction by M.F.Strong, The University of Wisconsin Press, 1972; and Club of Rome, The Limits of Growth: A Report for the Club of Rome's Project on the Predicament of Mankind, D.H.Meadows et al, New American Library, New York, 1972.

117 U.S. Antarctic Policy, op.cit.

time to give the subject careful consideration.¹¹⁸

By this time, resource scarcity was a major item on the international political agenda - the world was in the grip of the so-called "oil crisis" following the escalation of world oil prices and a brief, incomplete embargo by the Arab members of the Organization of Petroleum Exporting Countries (OPEC) in the aftermath of the 1973 Arab-Israeli war. At the Eighth Antarctic Treaty Consultative Meeting held in 1975, most of the discussion was devoted to the minerals resource issue, where a majority of Consultative Parties favoured a moratorium on exploration until the technical, environmental and political problems could be resolved.¹¹⁹ The United States, however, overtly opposed a moratorium because, as one U.S. State Department spokesman would later explain: "There was a feeling on our side at that time, that a moratorium was not so much a delay to permit rational consideration as a decision not to examine the issue at all, at a time when perception of resource scarcity and hydrocarbon scarcity were dawning."¹²⁰

In the end, the issue could not be avoided and tacit agreement was finally reached among the Consultative Parties to refrain from Antarctic resource exploration and exploitation until some ground

118 Ibid., p6

119 P.W.Quigg, A Pole Apart, McGraw-Hill, New York, 1983, p 194.

120 Cited in Quigg, ibid.

rules had been agreed upon.¹²¹ The wheels were subsequently set in motion to prepare, first, a suitable regime for the conservation of Antarctic marine living resources to be followed by a mineral resources regime.¹²²

This brief account of the broaching of the Antarctic resource management issue by the Consultative Parties illustrates how the unanimity rule served to defer a controversial issue (and restricted the scope of conflict) until such time as external pressure made avoidance extremely difficult. At that point, it can be suggested that another aspect of the unanimity rule helped to restrict the scope of conflict, too. In contradistinction to the majority rule, which is frequently touted as a more useful joint decision-making mechanism and which pays more attention to the size of majorities and the winning of victory, the unanimity rule can be said to encourage the maximization of agreement.¹²³ Thus, when unanimity is achieved, issues are resolved in such a way that there is no member who has a need, or indeed, grounds, to appeal to others for support. In other words, with the unanimity rule there are no aggrieved minorities, as may be the case with

121 Ibid.

122 For a comprehensive account of the negotiations leading up to the completion in 1980 of the Convention on the Conservation of Antarctic Marine Living Resources, see, Barnes, "The Emerging Convention . . .," op.cit.

123 On this point see, K.Tornudd, "From Unanimity to Voting and Consensus: Trends and Phenomena in Joint Decision-Making by Governments," Cooperation and Conflict, Vol.XVII, 1982, pp 163-177.

majority voting, to appeal for help from "outsiders" and thus expand the scope of conflict. Moreover, it can also be suggested that unanimity, in this way, has made it difficult for countries excluded from the A.T.C.M. to latch onto a specific issue for the purpose of criticizing the Treaty system.¹²⁴

Hanevold makes a similar point about the unanimity rule and the maximization of agreement in his analysis of the A.T.C.M. He maintains that 'the unanimity rule seems to have a restrictive effect on the formation of coalitions.'¹²⁵ This is largely because coalition-building accomplishes little - a particular proposal cannot be passed without the approval of all. Thus Hanevold argues, this engenders 'Free and open discussion' which prevents suspicion from arising.¹²⁶

The privatization of A.T.C.M. proceedings has restricted the scope of conflict in another way, too. This mechanism has made it possible for members of the A.T.C.M. to conduct their negotiations in a frank and, paradoxically, open manner. It has allowed them to strike bargains to resolve conflicts unencumbered by considerations and attitudes to do with other bilateral

124 Vidich and Bensman describe a similar effect of the unanimity rule in their discussion of village politics in an American rural community. See, A.J.Vidich and J.Bensman, Small Town in Mass Society, Princeton University Press, Princeton, New Jersey, 1958, pp 108-136.

125 Hanevold, op.cit., p 192.

126 Ibid.

matters.¹²⁷ As Spencer points out, at first sight the list of Consultative Parties to the Antarctic Treaty appears to be a virtual random conglomeration of heterogeneous countries . . . that can be relied to have widely differing views on almost any given subject outside Antarctica, as well as on Antarctica itself.¹²⁸ Indeed, during the Treaty era bilateral relations between the members of the A.T.C.M. have fluctuated widely over a number of global and regional issues such as the Soviet intervention in Afghanistan, South African apartheid policies and the Falkland Islands/Islas Malvinas controversy. But these have not spilled over into the A.T.C.M., nor have conflicts at the Meetings been linked to other global and regional issues. A graphic illustration of this point concerns the 1982 Falkland Islands War between Britain and Argentina, two Consultative Parties of the Antarctic Treaty. During this imbroglio, not once did hostilities extend south of latitude 60⁰ South into the area covered by the Treaty. Moreover, both countries attended Antarctic

127 In his diary notes of the Washington Conference on Antarctica, the Australian Head of Delegation, Richard Casey, makes a similar point. Commenting on the private nature of most of the negotiations there, Casey remarks that 'If it [the Conference] had been in public, attitudes could have been taken from which people could not subsequently retreat without loss of face.' Thus he concludes that 'This Antarctic Conference was an outstanding example of the possibilities of compromise being achieved between diverse interests, by reason of the Conference being held behind closed doors.' Australian Foreign Minister: The Diaries of R.G. Casey 1951-60, T.B. Millar (ed.), Collins, London, 1972, p 334.

128 C.Spencer, "The evolution of Antarctic interests," Australia's Antarctic policy options, S.Harris (ed.), CRES Monograph 11, Centre for Resource and Environmental Studies, Australian National University, 1984, p 122.

discussions at the height of the hostilities. As Spencer emphasizes, 'The successful exercise of restraint [in such matters] is a reflection of the value placed by consultative parties upon putting a political 'cordon sanitaire' around Antarctica.'¹²⁹ The privatization of A.T.C.M. proceedings has been an important part of this cordon restricting the contagiousness of conflict.¹³⁰

In sum, then, the critical comments about the consultative arrangements provided by, and set up under, Article IX of the Treaty by such writers as Hayton, Taubenfeld, Auburn and Jain must be rejected. Such arrangements have not been 'weak' or 'permissive' as Hayton contended, nor have they represented 'a lost opportunity for a creative experiment' as Taubenfeld decried. The lesson for both Hayton and Taubenfeld in the light of the foregoing analysis is that 'the test of a treaty is not how it reads but how it works.'¹³¹ It has been shown that as an example of a direct democratic organization at the international level, the central consultative arrangement - the A.T.C.M. - has been a

129 Ibid.

130 It can also be suggested that the A.T.C.M. practice of rotating administrative functions has helped to privatize organizational proceedings for the simple reason that it may well be more difficult for outside dissidents to focus on a moving target.

131 This apt comment was made by Herman Phleger at the Hearings before the U.S. Senate Committee on Foreign Relations which considered the Antarctic Treaty prior to ratification. See, United States Senate Committee on Foreign Relations, Hearings: The Antarctic Treaty, op.cit., p 41.

sophisticated form of organization based on the interaction of political ideas concerning minimization and equality. Further evidence was found to show how three mechanisms of this organization - exclusionary social closure, the unanimity rule and the privatization of organizational proceedings - have played an important part in the management of conflict pertaining to Antarctica by limiting its scope. These mechanisms must therefore be taken into account when explaining Pax Antarctica in the Treaty era. The dominant image of the Antarctic Treaty as, solely, a blueprint for science with ensuing scientific activity engendering international peace and order in Antarctica must, accordingly, be modified.

This argument, in turn, lends support to the advocates of regionalism who contend that regional actions, mediated through international organizations, promote regional political order by 'fractionating' or 'encapsulating' regional conflicts from more intractable global ones.¹³² Moreover, it follows from this

132 Among the advocates of regionalism have been John Burton, Edward Hallett Carr, Winston Churchill and Walter Lippman. See, J.W.Burton, Peace Theory, Alfred A. Knopf, New York, 1962, esp. pp 136-148; E.H.Carr, The Twenty Year Crisis, 1919-1939: An Introduction to the Study of International Relations, (2nd ed.), St.Martin's Press, New York, 1946, pp 224-239; W.S.Churchill, The Hinge of Fate, Houghton Mifflin Co., Boston, 1959, pp 711-712, 804-807; W.Lippman, U.S. War Aims, Little, Brown and Company, Boston, 1944, pp 80-85; A.Syed, Walter Lippman's Philosophy of International Politics, University of Pennsylvania Press, Philadelphia, 1963, p 196. On 'fractionating' or 'encapsulating' disputes, see R.Fisher, "Fractionating Conflict," International Conflict and Behavioural Science, R.Fisher (ed.), Basic Books, New York, 1964; and A.Etzioni, "On Self-Encapsulating Conflicts," Journal of Conflict Resolution, Vol.8, 1964, pp 242-255.

theoretical consideration, that common definitions of the term "international organization" are unduly narrow. A wider conception is required to allow for the inclusion of organizational forms other than the "permanent bureaucratic." One such organizational form exemplified by the subject of much of this chapter - the A.T.C.M. - is the "direct democratic." Clearly, such a wider conception promises a more satisfactory analysis of the role of international organization in world politics by preventing a range of relevant phenomena being closed off from investigation by definitional fiat.

Finally, it has been intimated that as the world entered the "era of interdependence" in the 1970's, Antarctica gradually became entangled with other global issues concerning such matters as resource scarcity and North-South relations. By the late 1970's and early 1980's, Antarctica was once more, an item on the international political agenda and it is to this development that attention is now turned.

4.6 Further Developments in the 1980's - A Postscript

If it is ironical that the much maligned unanimity rule has played a major part in restricting the scope of conflict pertaining to Antarctica during the Treaty era, it is equally ironical that the two of the conflict management mechanisms of the A.T.C.M. which have contributed to Pax Antarctica - exclusionary social closure and the privatization of organizational proceedings - became, by around 1983, the object of quite vocal criticism by sectors of the

international community. With decisions being made by the Consultative Parties concerning the exploitation of Antarctic marine-living and mineral resources,¹³³ several developing countries and international nongovernmental organizations stepped up objections to the so-called "exclusivity" and "secrecy" of the A.T.C.M. and the Treaty system in general. While the specific details of this development in Antarctic affairs need not be elaborated here, a brief outline of this turn of events is warranted.¹³⁴

133 The 1980 Convention on the Conservation of Antarctic Marine Living Resources entered into force in 1982. Negotiations between the Antarctic Treaty Consultative Parties concerning a legal regime to govern mineral resources development in Antarctica also began in June, 1982.

134 For detailed analyses of this development, see the following works by Beck:

P.J.Beck, "Antarctica's Indian Summer," Contemporary Review, No. 243, 1983, pp 297-299.

P.J.Beck, "India in Antarctica: science and politics on ice," Nature, Vol.306, 10 November, 1983, pp 106-107.

P.J.Beck, "Antarctica: a case for the UN?" The World Today, Vol.40, No.4, April, 1984, pp 165-172.

P.J.Beck, "The United Nations and Antarctica," Polar Record, Vol.22, No.137, 1984, pp 137-144.

P.J.Beck, "The United Nations' Study on Antarctica, 1984," Polar Record, Vol. 22, No.140, 1985, pp 499-504.

P.J.Beck, "Antarctica at the United Nations, 1985: The End of Consensus?" Polar Record, Vol.23, No.143, 1986, pp 159-166.

P.J.Beck, "Challenges to the Antarctic Treaty Regime: The External Political Challenge," paper presented to the Australian, Britain and Antarctica Conference held at the Australian Studies Centre of the Institute of Commonwealth Studies, University of London on 4 June, 1986.

A key event which prompted increased interest in Antarctica was the successful conclusion of the 1982 United Nations Law of the Sea Convention. At the signing of this Convention in Jamaica in December, 1982, the Malaysian delegate urged that "it is time now to focus our attention on another area of common interest . . . Antarctica, where immense potentialities exist for the benefit of mankind."¹³⁵ This statement was followed by moves in March, 1983, at the Non-Aligned Summit Meeting held in New Dehli where the Malaysian Prime Minister, Dr. Mahathir bin Mohamad secured the backing of the Non-Aligned Movement for a proposal calling for a comprehensive study on Antarctica to be undertaken by the United Nations. Subsequently, in September, 1983, Malaysia and Antigua and Barbuda succeeded in having the topic of Antarctica placed on the agenda of the forthcoming 38th Session of the United Nations General Assembly (U.N.G.A.). There, the so-called "Question of Antarctica" was debated and a resolution passed calling upon the U.N. Secretary-General to prepare a comprehensive, factual and objective study on all aspects of Antarctica for the 1984 U.N.G.A.

The study was completed in November, 1984, and at the 39th Session of U.N.G.A., critics of the Antarctic Treaty system, led by Malaysia, called for the Treaty's replacement by a new international regime, objected to the exclusive and secret nature of the A.T.C.M. and the membership of South Africa, and raised

135 Cited in Beck, "Antarctica: a case for the UN?" op.cit., pp 169-170.

questions about the distribution of Antarctic resource benefits. The Consultative Parties, in turn, highlighted the merits of the Treaty system and refuted the criticisms. No further action was taken at this point, however, apart from placing the item on the agenda for the 1985 U.N.G.A.

Whereas the 1983 and 1984 U.N.G.A. debates on the "Question of Antarctica" had resulted in the passage of consensus resolutions acceptable to all delegations, the 40th Session of U.N.G.A. held in 1985 witnessed the breakdown of consensus when three resolutions were adopted in spite of strong opposition from the Consultative Parties. The first resolution (L82), introduced by Malaysia, called for an expanded and up-dated U.N. study on Antarctica; the second (L83), introduced by Pakistan and reflecting concern about the secret and exclusive nature of the Special Antarctic Treaty Consultative Meetings on Mineral Resources, called for the Consultative Parties to provide information to the U.N. on these minerals regime talks; and the third (L85), submitted by Mauritius on behalf of African states, expressed concern about South African involvement in the Antarctic Treaty system and urged the Antarctica Treaty Consultative Parties to exclude the racist apartheid regime of South Africa from participation in the meetings of the Consultative Parties at the earliest possible date.¹³⁶ Thus, by the end of 1985,

136 Cited in Beck, "Antarctica at the United Nations, 1985: The End of Consensus?" op.cit., p 162.

consensus about the "Question of Antarctica" had broken down at the U.N. and views had become polarized. The situation appeared unstable.¹³⁷

While these events were unfolding, the Consultative Parties had not been idle. In September, 1983, when the 38th Session of U.N.G.A. was getting under way, the Consultative Parties made a number of decisions involving, (i) the admission of India and Brazil as new Consultative Parties;¹³⁸ (ii) the admission of non-consultative parties as observers to the A.T.C.M.; and (iii) the making of A.T.C.M. documents, reports and recommendations more easily available.¹³⁹

The first decision, the admission of India and Brazil as Consultative Parties, was cited by the Soviet delegate at a 38th Session of U.N.G.A. First Committee debate, as illustrating the open nature of the Antarctic Treaty system and he urged other governments to participate in the Treaty.¹⁴⁰ But it is important to note that at the time of their admission as Consultative

137 Ibid., p 164.

138 See, "Fifth Special Antarctic Treaty Consultative Meeting, Canberra, 1983," SCAR Bulletin, No.76, January, 1984, printed in Polar Record, Vol.22, No.136, 1984, p 101.

139 See, "Report of the Twelfth Antarctic Treaty Consultative Meeting, Canberra, 1983," SCAR Bulletin, No.76, January, 1984, printed in Polar Record, Vol.22, No.136, 1984, pp 101-124.

140 Beck, "The United Nations and Antarctica," op.cit., p 142.

Parties both India and Brazil were influential members of the Non-Aligned Movement, the grouping of largely developing countries that gave initial support to Malaysia's objections about the Antarctic Treaty system. Indeed, India had been a long-term critic of the Treaty system.¹⁴¹ Moreover, there are reports that the Soviet Union, which had extensive links with India, made strong representations to the Indian government to apply for consultative status.¹⁴² It is also significant that both countries' applications were based as much on Antarctic scientific research intended for the future, rather than what they had already achieved (as in the case of Poland and West Germany).

When these considerations are taken into account, the decision of the Consultative Parties to grant India and Brazil consultative status smacks of cooptation. Cooptation is the process of absorbing new elements into the leadership or policy-determining structure of an organization as a means of averting threats to its stability or existence.¹⁴³ By giving another organization a position of influence in an organization, the coopter may gain the coopted's awareness and understanding of the problems it faces

141 India's desire to have the "Question of Antarctica" discussed at the United Nations dated back to 1956 - as pointed out in Chapter 3 of this study.

142 See, for example, R. Wilson, "Treaty takes a new direction on Antarctica," The Mercury, Hobart, September 30, 1983, p 8.

143 The classic organizational study of cooptation is by P. Selznick, TVA and the Grass Roots: A Study in the Sociology of Formal Organization, Harper Torchbook, New York, 1966, see esp. p 13.

and, thus, may increase the likelihood of future support by the organization coopted.¹⁴⁴ Viewed in this way, it can be suggested that this decision had more to do with countering threats to the stability of the Treaty system rather than demonstrating the alleged "open nature" of it.

The second decision by the Consultative Parties in September, 1983, (the decision to admit non-consultative parties as observers to the A.T.C.M.) can similarly be viewed as an attempt to counter the charges of "exclusivity." The non-consultative parties were invited to attend the Twelfth and Thirteenth Antarctic Treaty Consultative Meetings held in Canberra (1983) and Brussels (1985) respectively.¹⁴⁵ As "observers" those that attended were able to participate in most discussions and submit information documents, although they were not able to take part in the Meetings' decision-making per se.

The third decision was made in response to charges that

144 J.D.Thompson, Organizations in Action, McGraw-Hill, New York, 1967, p 35.

145 Non-consultative parties were also invited to take part as observers in the Antarctic minerals regime negotiations and the Meetings under the Convention on the Conservation of Antarctic Marine Living Resources. At the Twelfth A.T.C.M. the following non-consultative parties attended as observers: Bulgaria, China, Denmark, East Germany, Italy, the Netherlands, Papua New Guinea, Peru, Romania, Spain and Uruguay. At the Thirteenth A.T.C.M., Bulgaria, Cuba, Czechoslovakia, Denmark, Finland, East Germany, Hungary, Italy, the Netherlands, Papua New Guinea, Peru, Romania, Spain and Sweden attended in this capacity.

information on Antarctic activities and decision-making was insufficient and not easily accessible and that this circumvented the Consultative Parties' accountability to the wider international community.¹⁴⁶ In an attempt to assuage such criticism about the privatization of A.T.C.M. proceedings, the Consultative Parties made a recommendation to broaden the availability of the documents and reports of the Meetings. Among the measures included the recommendation that a certified copy of the Final Report and Recommendations of regular Consultative Meetings be sent to the Secretary-General of the United Nations and that starting with the Thirteenth regular Consultative Meeting, any Consultative Party or non-consultative party which had been invited to the Meeting may make documents intended to be publicly available, available on such terms as it may prescribe.¹⁴⁷

146 Kimball, op.cit., p 26. The general question of opening up the A.T.C.M. by the publication of documents, the writing of more extensive reports, as well as inviting non-consultative parties to Meetings as observers was on the agenda of the Tenth A.T.C.M. in 1979, however the item did not receive much attention at the time. (See, Barnes, "The Emerging Convention . . .," op.cit., p 281.) The question was also discussed at the Eleventh A.T.C.M. in 1981, where, although debated at length, no consensus was reached. The Soviet Union, Argentina and Chile were the Consultative Parties that were opposed to the notion of greater "openness." (See, Quigg, op.cit., p 162.)

147 See, "Report of the Twelfth Antarctic Treaty Consultative Meeting, Canberra, 1983," op.cit. It was also decided at this Meeting that the Thirteenth A.T.C.M. would consider additional measures to improve the availability of information about the A.T.C.M.

In the light of the discussion in the previous section of this chapter, it can be suggested that these attacks on the "exclusivity" and "secrecy" of the A.T.C.M. and the responses by the Consultative Parties, have implications concerning the scope of conflict pertaining to Antarctica. Whereas the granting of consultative-status to India and Brazil may well have been a strategy designed to avert threats to the A.T.C.M. and the Antarctic Treaty's stability or existence, cooptation can also be constraining in that it places new elements in positions to raise questions and disruptive issues. The same can be said for the new "observer" status afforded to non-consultative parties. Several commentators have suggested that the consensual nature of decision-making at the A.T.C.M. (brought about by the unanimity rule) means that the non-consultative parties' influence on the decision-making would in practice be significant and that the distinction between ATCPs and Non-Consultative Parties is, therefore, likely to become less marked in the future.¹⁴⁸ It can therefore be suggested that the widening involvement of new Consultative Parties (not only India and Brazil, but also, since 1985, China and Uruguay) and non-consultative parties in the A.T.C.M. has expanded the scope of conflict. This has already been evidenced by the actions of two of the new Consultative Parties,

148 R.Woolcott, "The interaction between the Antarctic Treaty system and the United Nations system," text of paper presented on a personal basis by the Australian Ambassador to the United Nations at a workshop on the Antarctic Treaty system, Beardmore Glacier, Antarctica, 5-13 January, 1985, reprinted in Australian Foreign Affairs Record, Vol.56, No.1, January, 1985, p 2. Also see, Kimball, op.cit., p 28.

India and China, at the United Nations in 1985, when they both supported 'for political reasons,' U.N. resolution (L85) which called for the expulsion of South Africa from the A.T.C.M.¹⁴⁹

It can also be suggested that the decision to make A.T.C.M. documents, reports and recommendations more easily available has expanded the scope of conflict, too. The increased visibility of A.T.C.M. proceedings might well mean that attitudes are struck there, rather than bargains, and concomitantly, bilateral conflicts elsewhere might become linked to Antarctic issues.

One conclusion from the foregoing discussion is compelling. If the breakdown of consensus and the polarization of views concerning the "Question of Antarctica" at the U.N. in late 1985 placed a question mark about the stability of the Treaty system, and Pax Antarctica, the decisions by the Consultative Parties from 1983 to widen the involvement in, and increase visibility about, the A.T.C.M. have done likewise by expanding the scope of conflict. But this is not the place to enter into a discussion about what the future holds for Antarctica. Some brief comments about this situation will be made in the final concluding chapter.

149 Sydney Morning Herald, December 4, 1985. Both India and China claimed that their support of resolution L85 should not have been seen as a breach of solidarity with Treaty members in their unanimous opposition to outside interference in the Treaty. Such disclaimers, of course, cannot disguise the breach of solidarity with one Treaty member - namely, South Africa. In addition, Romania and Peru, two non-consultative parties who had participated as observers in the Twelfth and Thirteenth Antarctic Treaty Consultative Meetings also supported U.N. resolution L85. Indeed, Romania supported all three resolutions and Peru also supported L82.

CHAPTER 5 - CONCLUSION

At the beginning of this study it was claimed that the three dominant images associated with Antarctic affairs during the twentieth century which focus on science are in important respects deficient. It was suggested that political factors are more significant than the dominant images portray and that Antarctic affairs have not occurred in isolation, removed or divorced from world politics and the basic structural forces that have shaped the modern world. The evidence presented in this thesis suggests that these interlinked propositions are valid.

The first image, which focuses on scientific activity and exploration during the first four decades of the twentieth century, was found in Chapter 2 to have a shallow depth of field. Antarctic affairs during this period were also characterized by significant political and economic factors concerned with the partition of Antarctica, which occurred between 1908 and 1939 when five countries asserted claims to about 85 per cent of the region. It was argued that the partition of Antarctica was, in turn, an expression of two interlocked structural forces of world politics which first became operative during the closing years of the nineteenth century: the Second Industrial Revolution and the New Imperialism. It was shown that the partition of Antarctica involved the same sorts of political and economic factors which have been emphasized in explanations of the New Imperialism: problems, questions and opportunities which occurred on the

periphery of the world; strategic, security and diplomatic manoeuvring; the need to control new sources of raw materials; and opportunities for the profitable investment of capital. These factors were largely, although not exclusively, concerned with the Antarctic whaling industry, the importance of which was engendered in large part by technological developments associated with the Second Industrial Revolution. Moreover, it was also shown that the revival of scientific activity and exploration during the "heroic age" of Antarctic affairs from the turn of the century to the end of World War I was also an expression of this underlying structural force and not an isolated phenomenon, as usually implied.

The second, "triumph of science" image of the origins of the Antarctic Treaty was found, in Chapter 3, to be both superficial and misleading. It was shown to overlook the interplay of political and strategic considerations which were of major significance in the course of events that led to the signing of the Treaty in 1959. Rather than a direct consequence of scientific cooperation during the International Geophysical Year, the idea of the Antarctic Treaty was initiated by the United States concerned to limit Soviet activities in the region, devise a way around the "Antarctic problem" between Britain, Argentina and Chile, and at the same time preserve American access to all parts of the continent. Deeper analysis revealed that such political and strategic considerations were, in turn, consequences of basic structural changes in world politics which impacted on Antarctic

affairs following the outbreak of World War II, viz. the changing distribution of power in world politics associated with the rise of the United States and the Soviet Union to superpower status, the intensification of American-Russian rivalry after 1947 to become the Cold War, the declining importance in world politics of European countries and the gathering strength of anti-colonialism.

The third image, which depicts the Antarctic treaty as a blueprint for science, with ensuing scientific activity engendering Pax Antarctica, was found, in Chapter 4, to be one-sided. Left out of account is the continuing conflict management function of the Antarctic treaty and its attendant arrangements which also contributed to regional peace and order in Antarctica during the first two decades of the Treaty era. In Chapter 4 it was argued that the central consultative "arrangement", the Antarctic Treaty Consultative Meeting, can be viewed as an example of a "direct democratic" organization linked to a set of political ideals concerned with the minimization and equalization of administration. It was also argued that organizational mechanisms of the A.T.C.M. concerned with these political ideals also played an important part in the management of conflict pertaining to the region, and thereby contributed to Pax Antarctica. These mechanisms, the process of exclusionary social closure and the unanimity rule, together with the privatization of organizational proceedings, have served to control conflict by limiting or restricting its scope. Furthermore, it was also shown in this chapter how a structural change in world politics again began to

impact upon Antarctic affairs during the late 1970's and 1980's. As the world entered the "era of interdependence", Antarctica became entangled in a number of global issues concerned with resource scarcity, North-South relations and environmental conservation.

From this brief summary, two common threads are clearly visible: (i) political factors have played a significant part in Antarctic affairs throughout the twentieth century; and (ii) structural changes in world politics have impacted upon Antarctic affairs throughout the same period. Indeed, it has been shown that the two threads are intimately related; as Barraclough says, 'These changes are fundamental because they fix the skeleton or framework within which political action takes place.'¹

On this view, one basic conclusion can be drawn. Antarctic affairs during the twentieth century have demonstrably been an integral part of world politics. There is, therefore, the need to consider them in this way and not sui generis, as commonly asserted.² This means, in short, that Antarctic affairs cannot be assessed realistically unless they are ranged firmly against the past and

1 G.Barraclough, An Introduction to Contemporary History, Penguin, Harmondsworth, 1967, p 16.

2 Perhaps the boldest, and most recent statement of this view is by Quigg, who asserts that 'Everything about Antarctica is sui generis - its climate, its geography, its history, its assets, its management.' See, P.W.Quigg, A Pole Apart, McGraw-Hill, New York, 1983, p 218.

analysed in the light of structural forces in world politics.

This conclusion, in part, echoes a theme developed by Beck who points out that although the international debate about Antarctica in the 1980's has been characterised by several novel features such as the "common heritage" principle, "an appreciation of the historical dimension reminds one that recent events should be interpreted as merely another chapter in the long-running debate about whether Antarctica should be governed through either a limited or universal regime."³ Beck notes that hitherto, the limited approach has retained predominance and he sees it as "likely to survive the on-going UN-based challenge."⁴

This might well prove to be so, when it is considered that the Treaty system includes most of the U.N.'s most powerful members. But it was also argued in the postscript to Chapter 4 that the decisions by the Consultative Parties from 1983 to widen the involvement in, and increase visibility about, the Antarctic Treaty Consultative Meeting have also placed a question mark about the stability of the Treaty system and Pax Antarctica by expanding the scope of conflict. It can therefore be suggested that the Treaty system is perhaps more at risk now from within.

3 P.J.Beck, "Challenges to the Antarctic Treaty Regime: The External Political Challenge," paper presented to the Australia, Britain and Antarctica Conference held at the Australian Studies Centre of the Institute of Commonwealth Studies, University of London, on 4 June, 1986, p 9

4 Ibid.

To conclude, this prognosis is, of course, not necessarily lamentable. While order in world politics is something valuable, it should not be taken to be a commanding value.⁵ Other values such as justice may take priority. Indeed, this seems to be the preference of many of the critics of the Treaty system. Thus, before coming to any conclusion about the undesirability or otherwise of an unstable Antarctic situation, a thorough analysis of the relationship between order and justice in the context of Antarctica is clearly required.

5 For a discussion about the relationship between order and justice in world politics, see, H.Bull, The Anarchical Society, Macmillan, London, 1977, esp. Chapter 4.

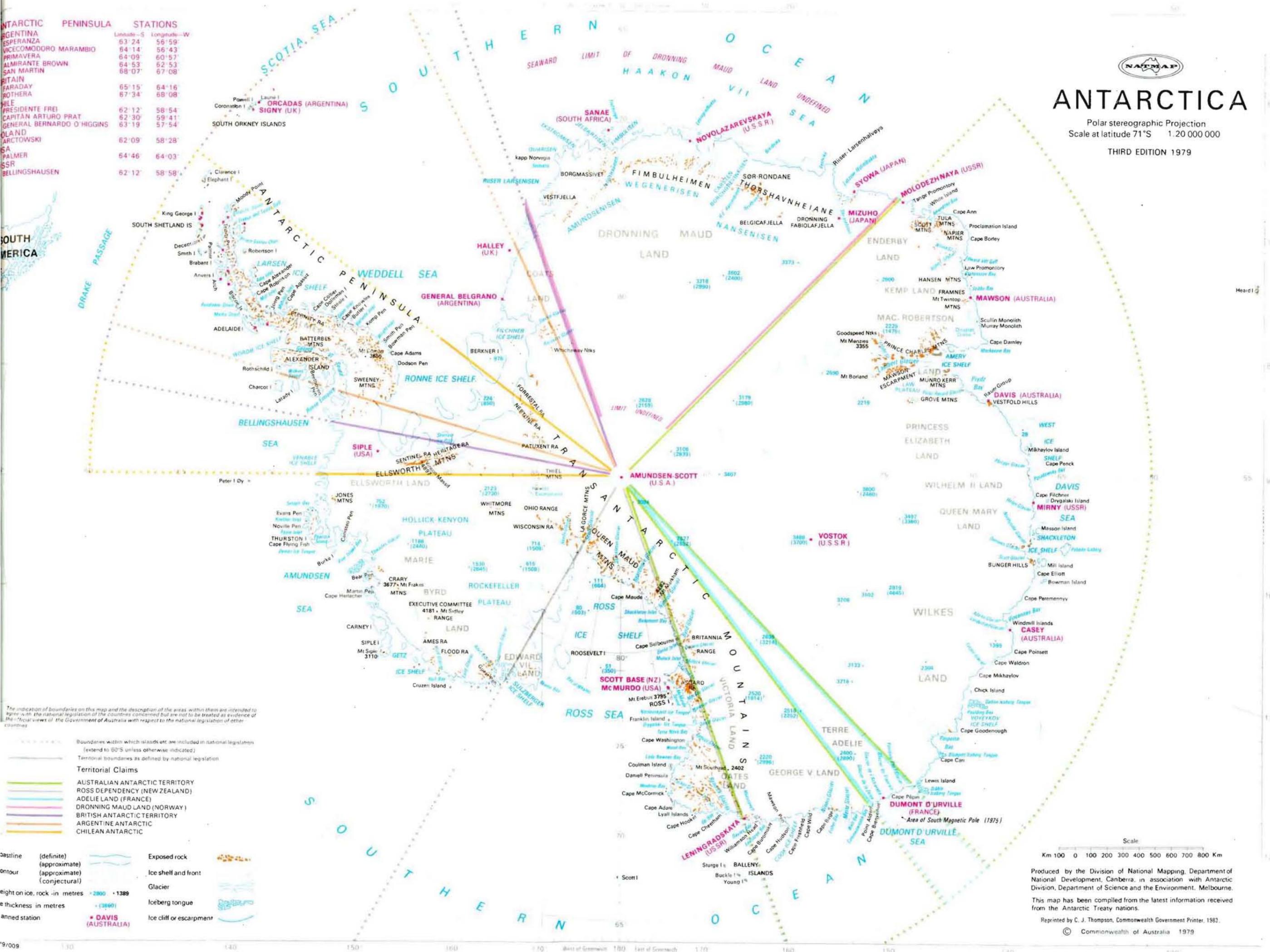


ANTARCTICA

Polar stereographic Projection
Scale at latitude 71°S 1:20 000 000

THIRD EDITION 1979

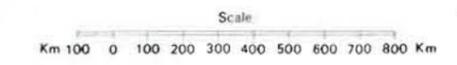
ANTARCTIC PENINSULA STATIONS	Latitude-S	Longitude-W
ARGENTINA		
ESPERANZA	63°24'	56°59'
VICCOMODORO MARAMBIO	64°14'	56°43'
PRIMAVERA	64°09'	60°57'
ALMIRANTE BROWN	64°53'	62°53'
SAN MARTIN	68°07'	67°08'
BRITAIN		
FARADAY	65°15'	64°16'
ROTHERA	67°34'	68°08'
HILE		
PRESIDENTE FREI	62°12'	58°54'
CAPITAN ARTURO PRAT	62°30'	59°41'
GENERAL BERNARDO O'HIGGINS	63°19'	57°54'
LAND		
ARCTOWSKI	62°09'	58°28'
SA		
PALMER	64°46'	64°03'
SSR		
BELLINGSHAUSEN	62°12'	58°58'



The indication of boundaries on this map and the description of the areas within them are intended to agree with the national legislation of the countries concerned but are not to be treated as evidence of the official views of the Government of Australia with respect to the national legislation of other countries.

- Boundaries within which islands etc. are included in national legislation (extend to 60°S unless otherwise indicated)
- Territorial boundaries as defined by national legislation
- Territorial Claims**
 - Australian Antarctic Territory
 - Ross Dependency (New Zealand)
 - Adelieland (France)
 - Dronning Maud Land (Norway)
 - British Antarctic Territory
 - Argentine Antarctic
 - Chilean Antarctic

- Contour (definite) (approximate)
- Height on ice, rock in metres: +2800 +1389
- Ice shelf and front
- Glacier
- Iceberg tongue
- Ice cliff or escarpment
- Exposed rock
- Ice shelf and front
- Glacier
- Iceberg tongue
- Ice cliff or escarpment



Produced by the Division of National Mapping, Department of National Development, Canberra, in association with Antarctic Division, Department of Science and the Environment, Melbourne.

This map has been compiled from the latest information received from the Antarctic Treaty nations.

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APPENDICES

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UTAS

APPENDIX A - TEXT OF 1949 DRAFT DECLARATION ON ANTARCTICA,

PREPARED BY THE U.S. DEPARTMENT OF STATE

Assembled in the city of _____, Messrs. _____, duly authorized representatives of the Governments of Argentina, Australia, Chile, United States of America, France, Norway, New Zealand and the United Kingdom of Great Britain and Northern Ireland have examined the Antarctic problem and having regard to the following points:

That in the Antarctic continent there still exist vast regions not yet well explored or mapped;

That the scientific data which may be obtained from the Antarctic on meteorology, terrestrial magnetism, cosmic rays, geology, marine biology, et cetera, are or can be of great value for marine and air navigation, in the use of telecommunications, the development of agriculture and many other human activities;

That it is the desire of the respective Governments to maintain close and friendly relations and avoid any cause for international disagreement, and that it is desirable, therefore, to prevent conflicts of sovereignty or of any other kind from disturbing such friendly relations; and

That their Governments are engaged in conversations and exchanges of views looking toward an amicable, mutually satisfactory solution of the territorial problem of Antarctica;

Declare the following on behalf of their Governments:

1. That they are disposed to consider and discuss suggestions for methods of settling the territorial problem of Antarctica.

2. That, for the period of this declaration, the establishment of new stations, the carrying out of expeditions, or the exercise of like activities in territory south of 60° south latitude will not prejudice the rights, as they now exist, of their respective countries within the region, and that the maintenance of present stations, the establishment of new stations, the dispatch of expeditions or the carrying out of other activities during the period of this declaration shall not be invoked against other signatories of this declaration as a basis for claims to sovereignty in the region.

3. That each of the Governments here represented hereby grants authority to the Government and national of each of the other countries here represented to conduct exploration and scientific research in the area of its claim.

4. That their Governments will carry out an exchange of scientific information regarding Antarctica, including the regular exchange of books, pamphlets, magazines, maps, navigation charts, photographs, schedules, computations, and in general, scientific data which they may possess or obtain regarding Antarctica.

5. That their Governments will encourage the sending to Antarctica of technical and scientific expeditions and will furnish to expeditions under the flag of any other declarant country facilities for provisioning and other facilities in accordance with international usage.

6. That their Governments will create a committee consisting of one member from each declarant country to which each country will report projected activities in the Antarctic area and the results of scientific investigations and research upon the completion of such activities.

7. That the committee shall have authority to request changes in the plans of any country, but will provide information concerning prior plans of any other country which may be duplicated by new projects or which may occupy expedition sites which would inconvenience the project.

8. The committee shall have authority, on behalf of the signatory countries, to grant permission to countries other than the signatory countries to conduct exploration and scientific investigation and research in the Antarctic area. However, the signatories will not recognize such expeditions carried out during the life of this agreement as a basis for territorial claims.

9. The signatories of this declaration will act in cooperation for the advancement of their common interests and protection of their rights in the area.

The present Declaration will take effect from this date and will remain in effect for a period of five [ten] years. Six months before the expiration of this time limit, the signatory Governments will consult one another regarding the advantages of meeting in an Antarctic Polar Conference. If none of the signatory Governments should notify the others that it wishes to terminate this Declaration on the date referred to, it will continue in effect for another like period.

Done in the City of _____, on the _____ day of the month of _____ in the year 19 _____.

Source: Foreign Relations of the United States, 1949, Vol.I, United States Government Printing Office, Washington, 1976, pp 807-809.

APPENDIX B - TEXT OF THE ANTARCTIC TREATY OF 1959

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Recognizing that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Acknowledging the substantial contributions to scientific knowledge resulting from international cooperation in scientific investigation in Antarctica;

Convinced that the establishment of a firm foundation for the continuation and development of such cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the Charter of the United Nations;

Have agreed as follows:

ARTICLE I

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, inter alia, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons.

2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

ARTICLE II

Freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

ARTICLE III

1. In order to promote international cooperation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable:

- (a) information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy and efficiency of operations;
- (b) scientific personnel shall be exchanged in Antarctica between expeditions and stations;
- (c) scientific observations and results from Antarctica shall be exchanged and made freely available.

2. In implementing this Article, every encouragement shall be given to the establishment of cooperative working relations with those Specialized Agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica.

ARTICLE IV

1. Nothing contained in the present Treaty shall be interpreted as:

- (a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;
- (b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;
- (c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.

2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

ARTICLE V

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.

2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to

participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

ARTICLE VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

ARTICLE VII

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.

3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

5. Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

(a) all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or preceding from its territory;

(b) all stations in Antarctica occupied by its nationals; and

(c) any military personnel or equipment intended to be introduced by it into Antarctica subject to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

ARTICLE VIII

1. In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the prespective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel exchanged under subparagraph 1 (b) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

2. Without prejudice to the provisions of paragraph 1 of this Article, and pending the adoption of measures in pursuance of subparagraph 1 (e) of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antarctica shall immediately consult together with a view to reaching a mutually acceptable solution.

ARTICLE IX

1. Representatives of the Contracting Parties named in the preamble to the present treaty shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding;

- (a) use of Antarctica for peaceful purposes only;
- (b) facilitation of scientific research in Antarctica;
- (c) facilitation of international scientific cooperation in Antarctica;
- (d) facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;
- (e) questions relating to the exercise of jurisdiction in Antarctica;
- (f) preservation and conservation of living resources in Antarctica.

2. Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition.

3. Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the Contracting Parties participating in the meetings referred to in paragraph 1 of the present Article.

4. The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

5. Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

ARTICLE X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

ARTICLE XI

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

ARTICLE XII

1. (a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

(b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is

received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provisions of subparagraph 1 (a) of the Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2. (a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

(b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary Government to all the Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

(c) If any such modification or amendment has not entered into force in accordance with the provisions of subparagraph 1 (a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

ARTICLE XIII

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open to accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instrument of accession.

6. The present treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XIV

The present treaty, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

[Here follow the French, Russian and Spanish
texts of the foregoing.]

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorized, have signed the present Treaty.

DONE at Washington this first day of December, one thousand nine hundred and fifty-nine.

[Here follow the French, Russian, and Spanish
texts of the testimonial paragraphs.]

Source: Conference on Antarctica, Department of State Publication 7060, International Organization and Conference Series 13, September, 1960.

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