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INTERNATIONAL REGIME FORMATION  
AND LEADERSHIP

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The Origins of the Antarctic Treaty  
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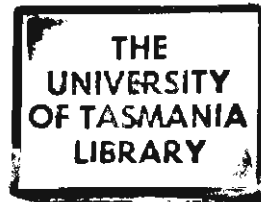
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H. ROBERT HALL B.A. (Hons), M.A.  
*Hardel*

Submitted in fulfilment of the requirements  
for the degree of Doctor of Philosophy

University of Tasmania

May, 1994



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## ABSTRACT

This study assesses the role of political leadership in international regime formation. It is argued that political leadership is a necessary, but not sufficient, condition for the success of efforts to reach agreement through processes of institutional bargaining that dominate attempts to form regimes in international society. The theoretical work of Oran Young has drawn attention to the issue of leadership in the formation of international regimes. This study has sought to test ideas, derived from his work, in the context of the international regime regulating human activities in Antarctica which was established under the terms of the Antarctic Treaty of 1959.

Based largely on the analysis of recently released government archival material, this case study contrasts the failed attempt to form an Antarctic regime in the late 1940s and early 1950s with the success of efforts in the late 1950s. Indeed, the failure of the efforts undertaken in the earlier period to solve what was known as the Antarctic Problem provides a near experimental condition (or relevant counterfactual) to compare with the success of the efforts which culminated in the signing and ratification of the 1959 Treaty.

This thesis confirms Young's hypothesis that political leadership is a multidimensional phenomenon which plays a critical role in regime formation. While leadership was present in both attempts to form an Antarctic regime, the emergence of intellectual leadership in the late 1940s was not complemented by structural or significant entrepreneurial leadership to overcome or circumvent prenegotiation problems. In the later, successful attempt, the ideas generated and proposed through intellectual leadership in the earlier period were complemented with entrepreneurial leadership and structural leadership that were crucial in overcoming extant prenegotiation and other institutional bargaining problems. Thus, the case study suggests that entrepreneurial, structural and intellectual forms of leadership are necessary for regime formation to occur.

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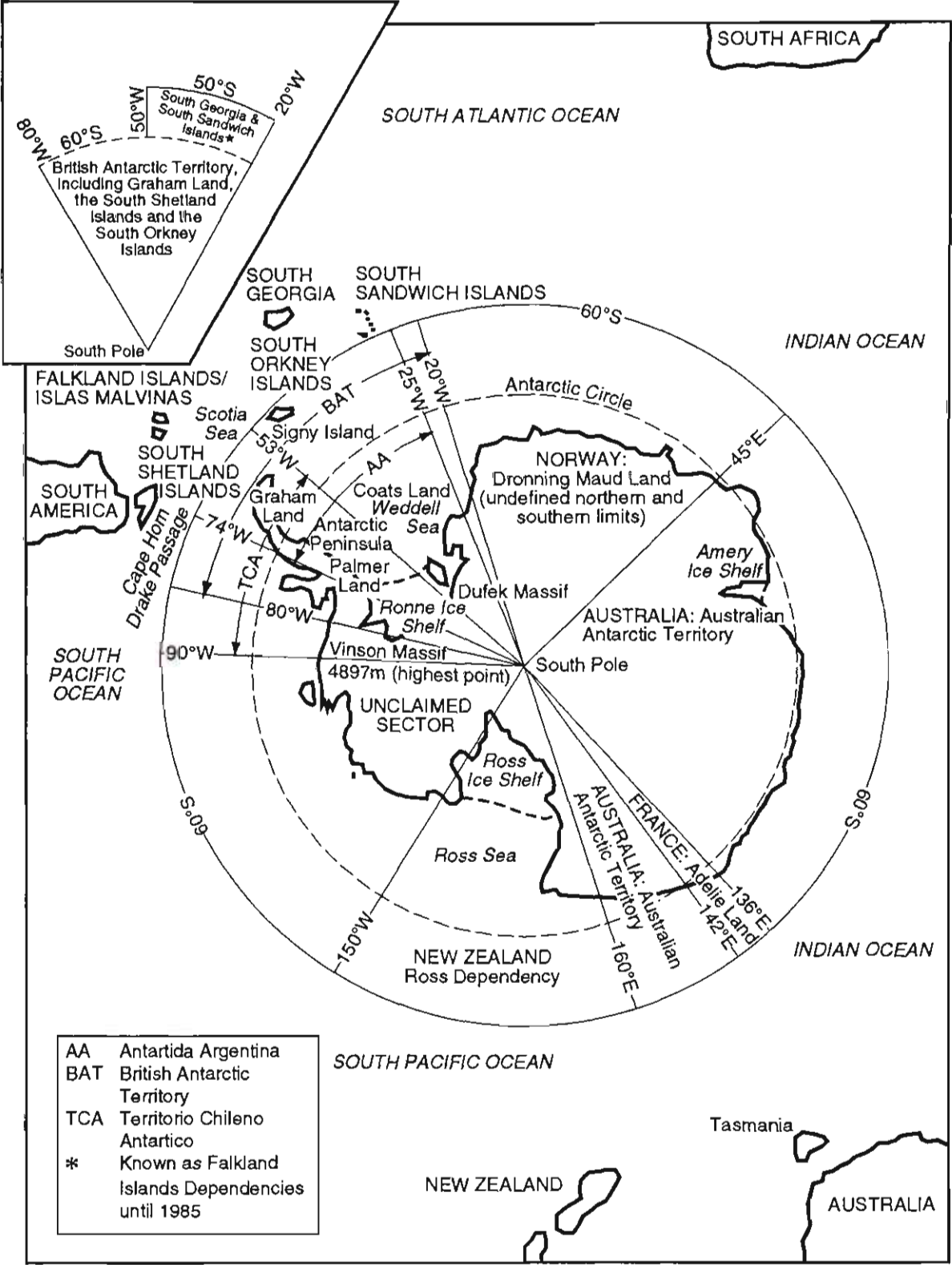
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Map 1: Antarctic Territorial Claims

Source: P.J. Beck, *Why Study Antarctica?* (Kingston upon Thames: The APEX Centre, Kingston Polytechnic, 1991).

## PART I

### INTRODUCTION

## 1

## INTERNATIONAL REGIMES AND REGIME FORMATION

This is a study about the role of political leadership in international regime formation. In his recent theoretical work on regime formation, Oran Young has drawn attention to the significant contribution that individual leadership plays in such activity.<sup>1</sup> Distinguishing between three forms of leadership - structural, entrepreneurial and intellectual - Young has suggested that the formation of international regimes ordinarily requires the interplay of at least two of these forms and it is not uncommon for all three to come into play. In more formal terms, he has proposed that the emergence of political leadership is a necessary, but not sufficient, condition for success in efforts to reach agreement through processes of institutional bargaining that dominate attempts to form regimes in international society.<sup>2</sup>

The central research objective of this thesis is to assess Young's proposition in the context of the international regime regulating human activities in Antarctica which was established under the terms of the Antarctic Treaty of 1959. Such a task immediately introduces a set of questions that must be explored: What are international regimes and why is the study of their formation an important subject of inquiry? Why and how are they formed? What is the nature of leadership in regime formation? What methodological

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<sup>1</sup> O. R. Young, "Political leadership and regime formation: on the development of institutions in international society," *International Organization* 45 (Summer 1991), pp. 281-308. See also, O. R. Young, "The politics of international regime formation: managing natural resources and the environment," *International Organization* 43 (Summer 1989), pp. 349-75; O. R. Young, *International Cooperation: Building Regimes for Natural Resources and the Environment* (Ithaca: Cornell University Press, 1989).

<sup>2</sup> Young, "Political leadership and regime formation: on the development of institutions in international society," p. 302.

issues need to be considered? These theoretical and methodological issues will be addressed in the two introductory chapters. The present chapter examines conceptually the developmental processes through which regimes form. As a result of this examination, a schema for categorizing and assessing the role of leadership in regime formation is advanced. A methodology by which this schema may be considered empirically is also introduced. Chapter 2 sets out how this general methodological approach can be applied to the politics of regime formation in the specific case of the Antarctic regime.

### 1.1 INTERNATIONAL REGIMES

The concept of international regime, as Haas notes, 'is almost as old as international law itself.'<sup>3</sup> It was, however, not until the 1970s and 1980s that the term became widely used and developed in the field of International Relations.<sup>4</sup> This does not mean to imply that there is a unified body of thought about the concept. On the contrary, within the research program there is much debate as to what constitutes a regime, why and how regimes form, change, decay and how they matter.<sup>5</sup>

Since this is a study about regime formation, it is necessary to specify at the outset how the term "regime" is to be used and to sketch a framework around which to organize the analysis that follows. This, however, is by no means a straightforward task. As intimated above, there is no generally accepted definition or framework of analysis. Rather than embarking upon

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<sup>3</sup> E. B. Haas, "Why Collaborate? Issue-Linkage and International Regimes," *World Politics* 32 (April 1980), p. 396.

<sup>4</sup> Indeed, the analysis of international regimes emerged at this time as a major research program in International Relations. Used to help explain patterned forms of international cooperation, regime analysis stems largely from scholarly dissatisfaction with the dominant post-World War II realist frame of reference as a tool to understand and explain international behaviour of a cooperative nature in an increasingly interdependent world. For overviews of the literature on international regimes, see, S. Haggard and B. A. Simmons, "Theories of international regimes," *International Organization* 41 (Summer 1987), pp. 491-517; F. Kratochwil and J. G. Ruggie, "International organization: a state of the art on an art of the state," *International Organization* 40 (Autumn 1986), pp. 753-775.

<sup>5</sup> See, for example, the essays in S. Krasner, ed., "International Regimes," *International Organization* 36 (Spring 1982). Outside the program, critics question the very utility of the approach itself. See, for example, S. Strange, "Cave! hic dragones: a critique of regime analysis," *International Organization* 36 (Spring 1982), pp. 479-96; J. M. Rochester, "The rise and fall of international organization as a field of study," *International Organization* 40 (Autumn 1986), pp. 777-813.

an extended critical survey of formulations of the concept of international regime and extracting a working definition and conceptual schema from the disputes of political scientists in an attempt to overcome this problem, an alternative way to proceed is to stipulate the usage most appropriate to the research problem. The latter approach has been adopted in this study. Indeed, given the focus of this study on the ideas about regimes and regime formation developed by Oran Young, it is methodologically and prudentially requisite to utilize Young's definition of regime as one of the parameters of this research.

There are two main reasons for this decision. Firstly, because the research objective of this study is to test Young's ideas on the relationships between leadership and regime formation, it would be inappropriate to employ definitions which were inconsistent with his terms. Secondly, Young's approach is useful in its own right - it offers a coherent and consistent conception of international regimes as social institutions, links their study to broader streams of theoretical analysis, serves to highlight a few critical factors while, at the same time, not sacrificing the richness and complexity of the data. This is not to imply, however, that Young's terminology on regimes and regime formation is without difficulties. While accepting that there are disputes about his approach, the advantages of consistency outweigh the costs of an "artificially" constrained or narrow usage.

According to Young, regimes are 'social institutions governing the actions of those involved in specifiable activities or sets of activities. Like all social institutions, regimes are practices consisting of recognized roles linked together by clusters of rules or conventions which govern relations among the occupants of these roles.'<sup>6</sup> Thus *international* regimes are regimes that govern or regulate the actions and relations among members of international society which pertain to well-defined activities, resources, or geographical areas. Accordingly, as Young says, 'we speak of the international regimes for whaling, the conservation of polar bears, the use of the electromagnetic spectrum, and human activities in Antarctica.'<sup>7</sup>

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<sup>6</sup> Young, *International Cooperation*, pp. 12-13.

<sup>7</sup> *Ibid*, p. 13

The primary function of international regimes is to facilitate cooperative action in international society as a means for achieving desirable goals or values that cannot be achieved by its members acting individually. In other words, they are responses to transboundary or common problems at the international level or to situations in which the pursuit of interests defined in individualistic terms regularly leads to socially undesirable outcomes.<sup>8</sup>

Given, then, that international regimes are important determinants of collective outcomes in international society and that collective action may be necessary for its members to attain such values as increasing aggregate world or regional welfare, equality, physical and biological survival, or state survival in the sense of preserving some degree of national autonomy, a better understanding of how they are formed may assist efforts to devise new international regimes, or to maintain or change existing ones in such a way as to overcome or reduce the adverse effects of human activities. As Haas succinctly puts it, 'we study regimes because they mirror the evolving capacity of man to redefine and perhaps solve common problems.'<sup>9</sup>

Because sovereign states remain the principal actors in international society, the rules and conventions that make up regimes tend to derive primarily from the actions of states and apply, initially, to them. Notwithstanding this point, it must be recognized, too, that often the actions of non-state actors such as business corporations, voluntary organizations or scientific bodies may also be governed by international regimes. If this is the case, state members of international regimes normally assume some responsibility for ensuring that these non-state actors comply with the dictates of the regime.<sup>10</sup>

For Young, at the core of every international regime is a cluster or bundle of rights and rules.<sup>11</sup> Rights are those things to which an actor is entitled by virtue of occupying a recognized role and rules are well-defined guides to action or standards setting out performance expectations. Whereas rights

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<sup>8</sup> *Ibid*, p. 84. See also, E. B. Haas, "Words can hurt you; or, who said what to whom about regimes," *International Organization* 36 (Spring 1982), pp. 207-43.

<sup>9</sup> Haas, "Words can hurt you; or, who said what to whom about regimes," p. 212. See also, Young, *International Cooperation*, p. 108.

<sup>10</sup> Young, *International Cooperation*, p. 14.

<sup>11</sup> *Ibid*, p. 15.



often safeguard the freedom of actors to act in certain ways, rules often also spell out restrictions on the freedom of actors to do as they wish.<sup>12</sup>

Of course, rights and rules are human artifacts. They are socially constructed. If a cluster of rights and rules are the core of every international regime, it follows that regimes are socially constructed. But how? Young's work on the subject of regime formation has led him to conclude that (1) regimes arise in several different ways, involving different developmental processes; (2) institutional bargaining dominates efforts to form international regimes; and (3) leadership, exercised by individuals, is a critical determinant of success or failure in the processes of institutional bargaining.

## 1.2 INTERNATIONAL REGIME DEVELOPMENTAL PROCESSES

Young identifies three developmental processes through which international regimes come into existence - self-generating or spontaneous processes; negotiation processes and imposition processes.<sup>13</sup> The first, *self-generating or spontaneous* processes, lead to regimes that, as Hayek has said in another context, are 'the product of the action of many men but . . . not the result of human design.'<sup>14</sup> What Young has in mind here are regimes that arise in the absence of conscious coordination, design or even explicit awareness on the part of the actors involved in a way analogous to the development of language systems and social conventions. While acknowledging that these spontaneous processes are not well understood, Young suggests that social conventions can arise and become operative through the informal convergence of expectations associated with such activities as tacit bargaining where explicit communication is absent.<sup>15</sup>

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<sup>12</sup> *Ibid*, p. 15-16.

<sup>13</sup> *Ibid*.

<sup>14</sup> F. Hayek, *Rules and Order* (Chicago: University of Chicago Press, 1973) p. 37, cited in Young, *International Cooperation*, pp. 84-5.

<sup>15</sup> Young, *International Cooperation*, pp. 85-6. See also, O. R. Young and G. Osherenko, "International Regime Formation: Findings, Research Priorities, and Applications," in O. R. Young and G. Osherenko, eds., *Polar Politics: Creating International Environmental Regimes* (Ithaca: Cornell University Press, 1993), p. 225. Young does not provide any specific examples to illustrate international regimes that have been formed through such spontaneous processes although he asserts that many of the substantive provisions proposed for inclusion in the law-of-the-sea convention are properly understood as illustrations of this phenomenon. (See, Young, *International Cooperation*, p. 91.) Moreover, he refers to suggestive observations in the theoretical works of Schelling on tacit bargaining

*Negotiation* processes, in contradistinction, are characterized by the conscious effort on the part of the actors involved to agree on the regime's major provisions, secure explicit consent in regard to the agreement and express formally its results.<sup>16</sup> The resulting regimes may take the form either of constitutional contracts (whereby those expecting to be subject to institutional arrangements participate directly in negotiation) or legislative bargains (whereby those expected to be subject to a regime do not participate directly but are only represented in negotiations by others.)<sup>17</sup>

The third category identified by Young, *imposition* processes, are characterized by the efforts of dominant powers or consortia of dominant powers to get others to conform to their requirements through some combination of coercion, cooptation, and the manipulation of incentives. The resultant regimes 'typically do not involve explicit consent on the part of subordinate actors, and they often operate effectively in the absence of any formal expression.'<sup>18</sup>

Two types of imposition, discussed by Young, are (1) the classic, though extreme, case of an hegemonic actor explicitly articulating institutional arrangements and compelling subordinate actors to conform to them; and (2) various forms of leadership whereby 'an actor (or small group of actors) markedly superior to others in natural and human resources or other bases of power plays a critical role in designing institutional arrangements and inducing others to agree to their terms. The leader may exercise influence by threatening others with negative outcomes (for example, termination of aid

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and Axelrod on the emergence of norms in large groups. (See, T. Schelling, *Strategy of Conflict* (Cambridge: Harvard University Press, 1960) and R. Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984), cited in Young, *International Cooperation*, pp. 85-86.)

<sup>16</sup> Young, *International Cooperation*, p. 86.

<sup>17</sup> *Ibid*, p. 86-87. Young cites the Antarctic regime as an example of a constitutional contract and the various efforts of several states under the auspices of the United Nations to devise a regime for Palestine as examples of legislative bargains. This study will assess the validity of Young's contention that the Antarctic regime was formed through a process of constitutional contracting.

<sup>18</sup> *Ibid*, p. 88.

or withdrawal of trading privileges) or by offering rewards for cooperation (for example, access to advanced technology or loans on favorable terms).<sup>19</sup>

In regard to this latter type of imposition, Young's discussion is, however, somewhat confusing. At an earlier point in his discussion, he argues that leadership differs from hegemony 'in that it involves *a distinct element of negotiation or give-and-take* in contrast to processes in which an obviously dominant actor simply dictates terms to others who have no choice but to acquiesce.'<sup>20</sup> If we take Young at his word here, it could be argued that the various forms of leadership he is referring to above (and especially those involving coercion and manipulation) actually constitute a form of negotiation. If this is the case, it could be argued that in regard to regime formation, by definition they should be classified as a negotiation process rather as an imposition process. At one stage, Young seeks to resolve this dilemma by stating that '[i]n such cases, the distinction between imposed regimes and negotiated regimes begins to blur, and it is not helpful to insist on a hard-and-fast separation between the two.'<sup>21</sup>

But this will not do. If the developmental processes identified by Young are to be useful in thinking about regime formation they must be analytically distinct. Later in his discussion of regime formation, Young seeks to extricate himself from this problem by stating explicitly that 'many interactions regarding social institutions involve complex mixtures of conventional bargaining and the sort of coercion associated with the activities of unusually powerful actors.'<sup>22</sup> 'This combination,' Young continues, 'has given rise to the concept of coercive diplomacy, a notion that reflects the complex mixture of negotiation and coercion present in many interactions at the international level.'<sup>23</sup> Here, Young states that 'negotiation and coercion are distinct processes' and he concedes that 'it does not clarify

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<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid*, p. 88 - emphasis mine.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid*, p. 201.

<sup>23</sup> *Ibid.*

matters to conflate them in thinking about the origins of international regimes.'<sup>24</sup>

Young is particularly concerned at this latter point about the emphasis on negotiated institutions that pervades much of the literature on international regimes. He sees this as a reflection of bias on the part of liberal authors who, by stressing a contractarian perspective and notions of rational choice, tend to ignore or minimize the significance of coercion and spontaneous processes when thinking about regime formation thereby producing 'one-dimensional accounts of the emergence of institutional arrangements in international society.'<sup>25</sup> Indeed, it is Young's judgement that there is 'a pronounced tendency to exaggerate the role of negotiated regimes in contrast to imposed or spontaneous regimes at the international level.'<sup>26</sup> To counter this bias, Young rightly pleads for 'clear analytic distinctions among negotiation, imposition, and spontaneous processes' to produce 'a far richer account of regime formation, appraising systematically the conditions under which one or another of these processes is likely to predominate as well as the conditions under which two or more of them are likely to occur in some complex mixture.'<sup>27</sup>

This is clearly what is required. The problem can be resolved by limiting the forms of leadership involved in imposition processes to those when an actor exercises power - coercing others by the threat of negative outcomes or manipulating others by shaping their perceptions, cognitions and preferences. These forms do not involve any element of negotiation or 'give-and-take', to use Young's phrase, as the offer of rewards for cooperation does. Thus, by limiting the forms of leadership involved in imposition to those of a coercive and manipulative nature (as Young does) and excluding those involving the offer of inducements (as Young does not), this allows us to see (1) negotiation and imposition as distinct processes; (2) that differing forms of leadership may constitute elements of imposition while other forms may constitute elements of negotiation; and (3) take up the fertile idea that

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<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid*, p. 202.

<sup>26</sup> *Ibid*, p. 90.

<sup>27</sup> *Ibid*, p. 202.

regimes often rise from a combination of developmental processes - that is, the processes may overlap but do not blur. All this, I believe, offers a more illuminating way of interpreting the developmental processes through which international regimes are formed.

### 1.3 INSTITUTIONAL BARGAINING

Notwithstanding Young's comments about the emphasis on the contractarian perspective (with its consensual overtones) within the literature, Young maintains that the type of interaction that dominates efforts to form international regimes is institutional bargaining.<sup>28</sup> By this phrase, he refers to 'efforts on the part of autonomous actors to reach agreement among themselves on the terms of constitutional contracts or interlocking sets of rights or rules that are expected to govern their subsequent interactions.'<sup>29</sup>

For Young, institutional bargaining is characterized by a number of distinctive, though inter-related, features. For convenience, these can be discussed under four headings, the first of which is *the rule of unanimity for decision-making*. According to Young, those engaging in institutional bargaining usually operate under a unanimity rule rather than resorting to other methods of reaching decisions such as a majoritarian rule. By operating in this way, once prenegotiation issues are settled (involving, for example, problem identification, option search, negotiation commitment and the identification of the bargaining participants), the actors seeking to formulate the terms of constitutional contracts make concerted efforts to devise packages of provisions that all the participants can accept.<sup>30</sup>

The second feature of institutional bargaining is that to a marked extent it is typically *integrative* in nature and entails the participants proceeding under *a veil of uncertainty with imperfect information*. As Young says, '[t]he participants in institutional bargaining do not begin with a clear picture of the locus and shape of a welfare frontier or contract curve, and they

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<sup>28</sup> Young, "Political leadership and regime formation: on the development of institutions in international society," p. 282.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.* On prenegotiation, see J. G. Stein, ed., *Getting to the Table: The Processes of International Prenegotiation* (Baltimore: The Johns Hopkins University Press, 1989).

ordinarily seek to reach agreement on institutional arrangements encompassing enough issues or expected to remain in place long enough so that it is difficult for those negotiating on behalf of an individual participant to make confident predictions about the impact of particular options on that participant's welfare.<sup>31</sup>

In addition, because the actors seeking to reach agreement on the terms of constitutional contracts seldom make a sustained effort to perfect the information at their disposal concerning the locus and shape of the contract curve, they normally focus instead on *a few key problems* and endeavour to devise solutions to these that each of the participants can accept. This often results in *the development and refinement of a negotiating text* that serves as an organizing device for the sequence of discrete negotiating sessions that constitute the overall process in specific instances of institutional bargaining.<sup>32</sup>

The third distinctive feature of institutional bargaining concerns *collective action problems and obstacles* resulting from the foregoing characteristics that can delay or block efforts to reach agreement. The unanimity rule, for example, often engenders incentives for actors to hold out in the hope that

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<sup>31</sup> Young, *International Cooperation*, p. 83. Distributive (or positional) bargaining, in contrast to integrative bargaining, typically occurs when there is a generally acknowledged contract curve or negotiation set. Thus, self-interested negotiators who know the locus of the contract curve to begin with will be motivated primarily by a desire to achieve an outcome on this curve that is as favourable, as possible, to their own interests. Accordingly, they will turn to calculations that may help them obtain their own distributive goals. See, Young, "The politics of international regime formation: managing natural resources and the environment," p. 361.

The classic treatise on integrative and distributive bargaining is R. E. Walton and R. B. McKersie, *A Behavioral Theory of Labor Negotiations* (New York: McGraw-Hill Book Company, 1965). Walton and McKersie define integrative bargaining as an activity which is instrumental to the attainment of objectives which are not in fundamental conflict with those of other parties and which, therefore, can be integrated to some degree. Thus, integrative potential exists when the nature of the problem being addressed permits solutions which benefit all the parties, or at least when the gains of one party do not represent equal sacrifices by the others. In other words, successful integrative bargaining leads to joint gains though not necessarily equally. On the other hand, Walton and McKersie define distributive bargaining as an activity instrumental to the attainment of one party's objectives when they are in basic conflict with those of the others. It refers to the activity of dividing limited resources. Thus, successful distributive bargaining results in gains to one party at the expense, or loss, of the other - one party wins what the other parties lose. (pp. 4-5, p. 11)

<sup>32</sup> Young, "Political leadership and regime formation: on the development of institutions in international society," p. 283.

others will offer significant concessions to avoid stalemate. This raises the possibility that no agreement will be reached at all. Prenegotiation problems to do with diverging preferences regarding the composition of the group of participants and the contents of the agenda may also arise thereby delaying or obstructing the negotiation process.

In addition, negotiations pertaining to the formation of international regimes are often characterized by disputes between the elements that make up the bargaining parties themselves. Sovereign states are, after all, not unitary actors in international relations. They are collective entities. As such they may exhibit intra-party tensions as a consequence of domestic politics that result in internal disagreements over the terms of constitutional contracts at the international level.<sup>33</sup> Such tensions may also raise doubts in the minds of others about the capacity of a party to continue bargaining in good faith or send mixed signals about its preference on a particular issue. The possibility of transgovernmental alliances forming may also undermine the negotiation process.<sup>34</sup>

Finally, those engaged in institutional bargaining pertaining to the formation of international regimes may confront problems associated with the socioeconomic and political environment within which the negotiations are embedded. Some parties may complicate the negotiations by linking seemingly extraneous issues in such a manner as to engender the development of complex bargains over an array of problems. Others may obstruct the process in the hope of increasing their bargaining strength with the passage of time or may also become preoccupied with domestic matters, such as election campaigns or civil strife, that diverts their attention from institutional bargaining.<sup>35</sup>

These sorts of problems and obstacles indicated above set the stage for the fourth characteristic of institutional bargaining - *the emergence of leadership*. In

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<sup>33</sup> R. D. Putnam, "Diplomacy and domestic politics: the logic of two-level games," *International Organization* 42 (Summer 1988), pp. 427-60.

<sup>34</sup> On transgovernmental relations, see R. O. Keohane and J. S. Nye, *Power and Interdependence* (Boston: Little, Brown and Company, 1977).

<sup>35</sup> Young, "The politics of international regime formation: managing natural resources and the environment," p. 365; Young, "Political leadership and regime formation: on the development of institutions in international society," p. 285.

this context, the term "leadership" is used by Young to refer 'to the actions of individuals who endeavor to solve or circumvent the collective action problems that plague the efforts of parties seeking to reap joint gains in processes of institutional bargaining.'<sup>36</sup> From his study of regime formation, Young suggests that leadership plays a very crucial role arguing that, although it is not sufficient to guarantee that institutional bargaining will result in agreement, the actions of leaders do 'raise the probability of success . . . in efforts to devise provisions for constitutional contracts that all the participants are willing to accept.'<sup>37</sup>

#### 1.4 LEADERSHIP IN REGIME FORMATION

Young approaches leadership in regime formation in behavioural terms, focussing, as indicated above, on the actions of *individuals*. This focus must be recognized at the outset. Whereas much of the recent theoretical International Relations literature has adopted a different approach by placing emphasis on the structural determinants of collective outcomes in international society, it must be recognized that such an emphasis has ' . . . had the effect of diverting attention from the roles that individuals play as leaders who are able to exercise significant influence over processes of institutional bargaining.'<sup>38</sup> While recognizing that leaders in institutional bargaining frequently act in the name of or as agents of collective entities such as states and international organizations, Young maintains that, in the final analysis, 'leaders are individuals and it is the behavior of these individuals which we must explore to evaluate the role of leadership in the formation of international regimes.'<sup>39</sup>

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<sup>36</sup> Young, "Political leadership and regime formation: on the development of institutions in international society," p. 285.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*, p. 287. An example of such emphasis on structural determinants is R. O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton, N.J.: Princeton University Press, 1984).

<sup>39</sup> Young, "Political leadership and regime formation: on the development of institutions in international society," p. 287. Thus Young's approach offers an important corrective to rather one-sided structural explanations of regime formation by bringing 'the individual back in' to the study of international cooperation 'without in any way diminishing the role of collective entities, such as states, international organizations, nongovernmental organizations, and multinational corporations.' (p. 281)



Young identifies three types of leadership that he argues regularly come into play in efforts to form international regimes - *structural leadership*, *entrepreneurial leadership* and *intellectual leadership*. Although his discussion of these types is framed within the context of institutional bargaining (as the above definition of leadership implies), which in turn is defined in terms of constitutional contracting (classified by him as a form of negotiation process), it is important to restate, in the light of the preceding discussion about the desirability of distinguishing between negotiation processes and imposition processes, that some forms of leadership should be interpreted more accurately as elements of imposition (especially those of a coercive or manipulative nature) while others are clearly elements of negotiation.

If this is the case and leadership does occur in both negotiation and imposition processes, it is necessary to specify which types of leadership behaviour should be classified as elements of negotiation and which types should be classified as elements of imposition. As Young does not do this, the following discussion, while drawing heavily on his ideas, attempts to make such distinctions. To do so, it is necessary first to clarify how such terms as coercion, manipulation, inducement and other modes of "significant affecting" such as power, influence and persuasion that Young uses in his description of leadership behaviour may be defined.<sup>40</sup> The following conceptual map (Figure 1) of these modes of "significant affecting" (a notion, it can be suggested, at the core of leadership) may be useful in this regard.<sup>41</sup>

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<sup>40</sup> It must be recognized that these concepts are, to use Gallie's phrase, 'essentially contested' which 'inevitably involve endless disputes about their proper uses on the part of their users.' See, W. B. Gallie, "Essentially Contested Concepts," *Proceedings of the Aristotelian Society* 56 (1955-6), p. 169 - cited in S. Lukes, *Essays in Social Theory* (London: Macmillan, 1977), p. 4.

<sup>41</sup> This conceptual map is adapted from one constructed by Lukes which, in turn, broadly follows the typology of power offered by Bachrach and Baratz. See, S. Lukes, *Power: A Radical View* (London: Macmillan, 1974) and P. Bachrach and M. S. Baratz, *Power and Poverty. Theory and Practice* (New York: Oxford University Press, 1970). Needless to say, given their "essential contestability," I do not expect these definitions to be universally accepted, nor do I know whether Young would accept them or not. But I do hope it is clear how these terms are to be used in this study. It must be noted, too, that I have not defined other forms of "significant affecting" such as force and authority which may well be exercised in processes of regime formation. For definition and locus of these terms on Lukes' conceptual map, see his *Power: A Radical View*, p. 32.

If power refers to all forms of successful control by Party A over Party B (that is, of A's securing B's compliance) where there is conflict over values or course of action between A and B, coercion (where A secures B's compliance by the threat of deprivation) and manipulation (where A secures B's compliance in the absence of recognition on B's part either of the source or the exact nature of A's demand upon it - that is, by A shaping B's preferences) may be seen as forms of power.

If influence refers to those forms of significant affecting where Party A causes Party B to change B's values or course of action without resorting to threats of deprivation, manipulation (as defined above), inducement (where A offers something to B in exchange for B agreeing to follow a course of action that A desires) and persuasion (where B agrees to follow A's desired course of action because B recognizes that A's request for B to do so is reasonable, impelled by argument) may be seen as forms of influence.

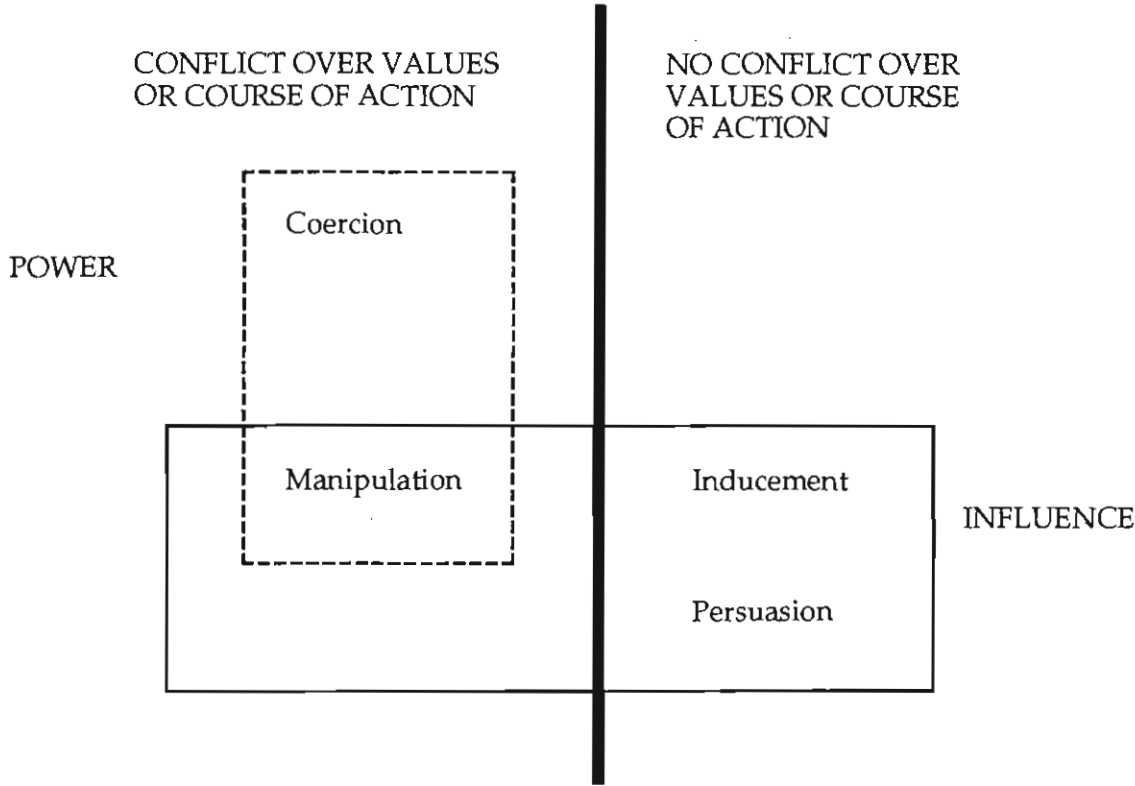


Figure 1: Modes of "Significant Affecting"

From this simple conceptual scheme, it can be seen that power may or may not be a form of influence - depending on whether threats of deprivation are involved; while influence may or may not be a form of power - depending

on whether a conflict over values or course of action is involved.<sup>42</sup> It is also important to note that power and influence are alike in that both are relational: both exist only if B actually follows A's wishes. Thus, in terms of the regime formation processes adumbrated above, the exercise of power and, in particular, the forms of coercion and manipulation, are forms of imposition because they imply a process of demand and compliance; while the exercise of inducement and persuasion, two forms of influence, are forms of negotiation because they imply a process of agreement or "free" choice.<sup>43</sup> Seen in this way, a purely consensual, negotiated regime implies a prior process of agreement and "free" choice that may involve inducement and persuasion, and a purely imposed regime implies a prior process of demand and compliance that involves coercion and/or manipulation.

With these distinctions in mind, what, then, are the major characteristics of the various forms of leadership? According to Young, a *structural leader* is an individual who acts in the name of a party (ordinarily a state) and 'who leads by devising ways to bring that party's structural power (that is, power based on the possession of material resources) to bear in the form of bargaining leverage over the issues at stake in specific interactions.'<sup>44</sup> What Young has in mind here is the leader's ability to deploy threats and promises 'in ways that are both carefully crafted and credible.'<sup>45</sup> Examples he cites are threats by a party 'to stall the bargaining process unless others accept its preferred institutional provisions and by making use of committal tactics to enhance the credibility of its threats' and 'by offering side-payments or

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<sup>42</sup> Lukes, *Power: A Radical View*, p. 32.

<sup>43</sup> It could be argued that the exercise of coercion does involve choice on the part of the complier (B); B has chosen compliance rather than noncompliance. But, as Bachrach and Baratz point out, this is not "free" choice because 'B does so because he is fearful that A will deprive him of a value or values which he regards more highly than those which would have been achieved by noncompliance.' (Bachrach and Baratz, *Power and Poverty. Theory and Practice*, p. 24) It must be noted that Bachrach and Baratz do not actually use the term "coercion" in their discussion of this form of power; Lukes labels it in this way because of what he sees as confusion in Bachrach and Baratz's formulation. See, S. Lukes, *Power: A Radical View*, p. 17.

<sup>44</sup> Young, "Political leadership and regime formation: on the development of institutions in international society," pp. 287-8. Young uses Kindleberger's phrase "arm-twisting and bribery" to describe two broad categories of structural leadership strategy. See, C. Kindleberger, *The World in Depression, 1929-1939* (Berkeley: University of California Press, 1973), p. 186.

<sup>45</sup> Young, "Political leadership and regime formation: on the development of institutions in international society," p. 290.

promising to reward others for throwing their support behind the institutional arrangements it prefers.'<sup>46</sup> Young recognizes that 'the presence of collective action problems typically ensures that it will be hard to achieve consensus under the conditions associated with institutional bargaining' and 'the essential feature of structural leadership, then, lies in the ability to translate structural power into bargaining leverage as a means of reaching agreement on the terms of constitutional contracts in social settings of the sort exemplified by international society.'<sup>47</sup>

From these observations and in light of the conceptual map concerning power and influence sketched above, it can be suggested that many of the strategies employed by structural leaders should be classified as imposition practice rather than negotiation. For example, if successful "arm-twisting" involves threats of deprivation, coercion exists. Similarly, if demands are made and compliance forthcoming without the complier recognizing the source or the nature of the demand upon it (that is, when the complier has made no choice as to course of action), manipulation exists.

This does not mean, however, that all structural leadership behaviour should be classified as imposition practice. This is clearly not the case. When side-payments or rewards are offered and given to another party in exchange for that party agreeing to follow a course of action that the structural leader desires, inducement may be said to have occurred. Such instances, it can be suggested, do not involve an exercise of power but a form of influence and should, therefore, be classified as examples of negotiation practice.

Whereas structural leaders use a state's material resources to coerce, manipulate and induce other parties to behave in certain ways over issues at stake in specific interactions, *entrepreneurial leaders* rely 'on negotiating skill to frame issues in ways that foster integrative bargaining and to put together deals that would otherwise elude participants endeavoring to form international regimes through institutional bargaining.'<sup>48</sup>

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<sup>46</sup> *Ibid*, p. 289.

<sup>47</sup> *Ibid*.

<sup>48</sup> *Ibid*, p. 293.

Because institutional bargaining is fraught with collective action problems and obstacles, as indicated above, there is no guarantee that the efforts of the parties involved to reap mutual benefits will succeed. Entrepreneurial leaders seek to overcome these problems and obstacles and thereby help the parties achieve their objectives by playing a number of roles. For example, they may act as agenda setters (shaping the forms in which issues are presented); popularizers (drawing attention to the importance of the issues at stake); inventors (devising innovative policy options to overcome impediments); and brokers (making deals and lining up support for particular options).<sup>49</sup>

Although not discussed by Young, it may also be suggested that another role played by entrepreneurial leaders is to provide socio-emotional support to the parties involved. Walton and McKersie argue, for example, that an important subprocess of negotiation is attitudinal structuring, the functions of which are to influence the attitudes of the parties toward each other and to affect the basic bonds which relate them.<sup>50</sup> This activity is a socio-emotional, interpersonal process designed to change attitudes and relationships.<sup>51</sup>

For example, in a negotiation characterized by a relationship pattern of distrust, hostility or intransigence, an entrepreneurial leader may attempt to change the relationship between the parties to one of trust, friendliness and flexibility by such tactics as emphasizing the similar likes or dislikes the parties have toward an object, deemphasizing their differences, emphasizing their common fate, being responsive to an intransigent party's agenda in the present, reminding the party of role obligations, extending compliments and expressing appreciation.<sup>52</sup> Such tactics enhance integrative bargaining - after all, before integrative bargaining can take place, the parties need to develop a good measure of trust and friendliness and the extent to which attitudinal

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<sup>49</sup> *Ibid*, p. 294.

<sup>50</sup> Walton and McKersie, *A Behavioral Theory of Labor Negotiations*, p. 4.

<sup>51</sup> *Ibid*, p. 5. There are several reasons why an entrepreneurial leader might prefer one pattern of relationship over another - a more cooperative or accommodative pattern might lead to more expeditious handling of problems whereas a more competitive pattern might be preferred because it would contribute to internal cohesion within the leader's own party. (p. 223.)

<sup>52</sup> Walton and McKersie, *A Behavioral Theory of the Firm*, pp. 222-80.

structuring leads the parties to become positively disposed toward each other, the more likely they will succeed in reaping joint gains.<sup>53</sup>

It is important to note, too, the distinction between entrepreneurial leadership and mediation. Although entrepreneurial leaders and mediators both have an interest in working to overcome obstacles and problems, the former are not third parties, they 'work to frame the issues at stake and intervene energetically in the substance of the negotiations, endeavoring to invent attractive options and to persuade the parties to back the options they espouse.'<sup>54</sup>

In sum, then, entrepreneurial leadership is associated with such activities as shaping, popularizing, devising, brokering, supporting and persuading. Although these activities may well be part and parcel of negotiation, that is, involving a process of agreement or "free" choice, as Young's rather sanguine discussion implies, this may not necessarily always be the case. In the shaping of agendas and the use of symbolic strategies to popularize issues or options, for example, such a process may not have occurred. Instead, agenda shaping and popularizing may be part of what has been called the 'mobilization of bias' whereby 'some issues are organized into politics while others are organized out.'<sup>55</sup> Such exercise of the "second and third faces" of power implies manipulation (when the manipulated has made no choice as to course of action) and should, therefore, be classified as imposition rather than consensual negotiation.<sup>56</sup>

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<sup>53</sup> *Ibid*, pp. 279-80. It is clear, too, that in many respects such tactics do not facilitate distributive bargaining. As Walton and McKersie note, a tactic designed to promote a more cooperative relationship frequently entails a sacrifice of the substance of distributive bargaining and, conversely, a tactic designed to achieve a distributive gain often adversely affects such a relationship. (See, p. 270.) On the significance of socio-emotional leadership in group problem-solving see also, R. F. Bales and P. E. Slater, "Role Differentiation in Small Decision-Making Groups," in T. Parsons and R. F. Bales, eds., *Family, Socialization and Interaction Process* (Glencoe, Illinois, The Free Press, 1955), pp. 259-306 and R. F. Bales, "In Conference" *Harvard Business Review* 32, 2 (March-April 1954), pp. 44-50.

<sup>54</sup> Young, "Political leadership and regime formation: on the development of institutions in international society," p. 295.

<sup>55</sup> E. E. Schattschneider, *The Semisovereign People* (Hinsdale, Illinois: The Dryden Press, 1960), p. 71.

<sup>56</sup> On the "second and third faces" of power, see Lukes, *Power: A Radical View*.

The third form of leader, an *intellectual leader*, is an individual who may or may not be affiliated with a recognized actor in international politics but who generates and proposes ideas or systems of thought that influence the way in which participants in institutional bargaining understand the issues at stake and orient participants' thinking about options available to come to terms with these issues.<sup>57</sup>

While the entrepreneurial leader is an agenda setter and popularizer who uses skill to frame issues, devise options, broker interests and provide socio-emotional support, the intellectual leader is a thinker and proposer of 'systems of thought that provide the substratum underlying the proximate activities involved in institutional bargaining.'<sup>58</sup> As such circumstances suggest, entrepreneurial leaders often market the ideas produced by intellectual leaders.

This observation suggests that intellectual leaders 'generally have little ability to control the use that others make of their ideas, a fact that can become a source of irritation or even acute frustration on the part of those who dislike the way in which their ideas are applied to actual cases.'<sup>59</sup> Accordingly, the nature of intellectual leadership in regime formation is somewhat passive - in marked contrast to the more active nature of the structural and entrepreneurial forms. And since proposing and persuasion (through ideas and systems of thought) are associated with processes of agreement and "free" choice, it seems clear that such activities of intellectual leaders should be classified as negotiation practice.

Although specifying the distinctions between the three forms of leadership identified by Young is theoretically useful, is not, however, sufficient to account for the role of leadership as a determinant of success or failure in regime formation. To do this, Young argues, leadership must be considered in action and a set of propositions about the connection between leadership and regime formation formulated.<sup>60</sup> Tackling this task, Young proposes

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<sup>57</sup> Young, "Political leadership and regime formation: on the development of institutions in international society," p. 288.

<sup>58</sup> *Ibid*, p. 300.

<sup>59</sup> *Ibid*, p. 301.

<sup>60</sup> *Ibid*, p. 302.

three hypotheses regarding relationships between leadership and regime formation:

- (1) Institutional bargaining cannot yield agreement concerning the provisions of constitutional contracts in the absence of leadership;
- (2) no one form of leadership is adequate by itself to produce constitutional contracts in institutional bargaining at the international level; and
- (3) much of the real work of regime formation in international society occurs in the interplay of bargaining leverage, negotiating skill, and intellectual innovation.<sup>61</sup>

Recast in slightly different words, Young thus proposes that leadership is a necessary, but not sufficient, condition for success in efforts to reach agreement on constitutional contracts at the international level; success in such endeavours also requires the operation of more than one form of leadership; and the real work of regime formation generally occurs in the interplay among structural leaders, entrepreneurial leaders and intellectual leaders.

The reasoning that underlies these propositions is relatively straightforward. In regard to the first: because of the formidable problems and obstacles generally associated with institutional bargaining, countervailing forces are necessary if they are to be overcome. Leadership is proposed as one such force. In regard to the second and third propositions: because structural leadership, entrepreneurial leadership and intellectual leadership make different contributions to help overcome these problems and obstacles, it is proposed that success in regime formation generally involves the interplay of all three forms, while the absence of two makes success problematic.

### 1.5 REGIME DEVELOPMENTAL PROCESSES, INSTITUTIONAL BARGAINING AND LEADERSHIP - A SCHEMA

To summarize so far, then, I have drawn heavily on Young's ideas on regimes and regime formation to develop a conceptual framework around which to organize analysis. I have outlined the developmental processes through which regimes may arise and the characteristics of institutional bargaining that dominates efforts to form regimes. I have also sketched three

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<sup>61</sup> *Ibid*, pp. 302-6.



forms of leadership that play critical roles in these processes of institutional bargaining.

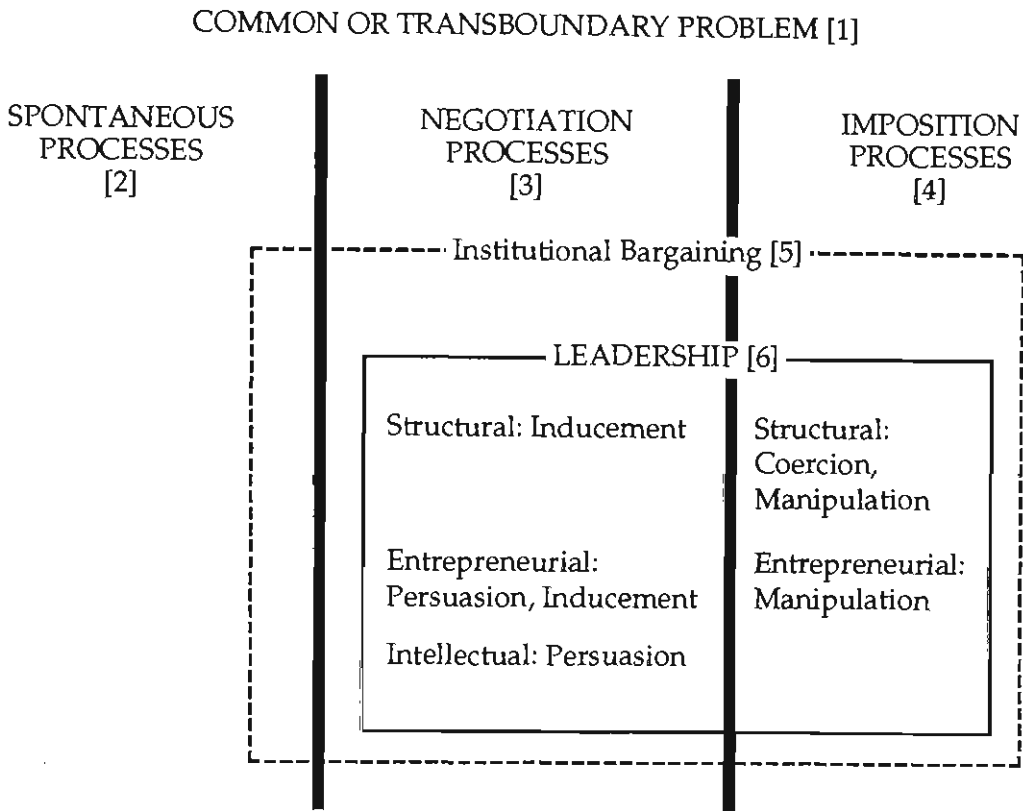


Figure 2: Regime Developmental Processes, Institutional Bargaining and Leadership — A Schema

The relationship between developmental processes, institutional bargaining and leadership may be schematized, as in Figure 2, and described as follows: International regimes are responses to transboundary or common problems in international society [1] and are formed through three developmental processes - spontaneous processes [2], negotiation processes [3] and imposition processes [4]. Institutional bargaining [5] involves, largely, but not exclusively, negotiation among parties seeking agreement on the terms of constitutional contacts. This normally entails the use of a unanimity rule for decision-making, a large element of integrative bargaining with the parties involved proceeding under a veil of uncertainty with imperfect information. The parties normally focus on a few key problems and eventually use a negotiating text that serves as an organizing device for the bargaining sessions. Institutional bargaining is also fraught with collective action problems and obstacles which set the stage for the emergence of leadership, exercised by individuals, in attempts to solve or circumvent

them. [6] Structural leadership typically involves not only negotiation processes (such as inducement) but also imposition processes (such as coercion and manipulation); entrepreneurial leadership typically involves not only negotiation processes (such as inducement and persuasion) but also imposition processes (such as manipulation through the "mobilization of bias"); and intellectual leadership typically involves negotiation processes (such as the generation and proposal of persuasive ideas and systems of thought).

In the light of the foregoing theoretical discussion, fundamental questions to be addressed in the analysis of the formation of an international regime can be cast in the following terms: What common or transboundary problem in international society prompted a solution through the formation of an international regime? Through which developmental processes, or mix of processes, did the regime arise? Did this process involve institutional bargaining? If so, was the formation of the regime afflicted by the sorts of problems and obstacles associated with institutional bargaining and how were they overcome? Did leadership play a critical role in the solution or circumvention of these problems?

By the use of this conceptual framework and by focussing on these questions derived from it, it may be suggested that Young's hypotheses on regime formation can be tested. It can thus be seen, then, that the mode of analysis is "disciplined-configurative," rather than "configurative-idiographic," thereby permitting comparison with other cases and the cumulation of findings. As George argues, this approach is necessary if a single case study is to contribute to theory development.<sup>62</sup>

## 1.6 METHODOLOGICAL CONSIDERATIONS

If the research objective of this study of regime formation, then, is to answer these questions; seeking these answers is its primary task. That there are

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<sup>62</sup> A. L. George, "Case Studies and Theory Development: The Method of Structured, Focused Comparison," in P. G. Lauren, ed., *Diplomacy* (New York: The Free Press, 1979) p. 47, p. 50. As George argues, disciplined-configurative analysis employs 'available general hypotheses (whether cast in the form of general laws or statements of probability) to explain the outcome of a particular case.' (p. 51) In other words, a disciplined-configurative study describes and analyses a case in terms of theoretically relevant general variables in contrast to a configurative-idiographic study which offers explanations couched in idiosyncratic and highly specific terms.

methodological difficulties involved in this task must be recognized from the outset.

One problem can be stated thus: Assuming that leadership is found to have been exercised in the case of the formation of a regime, how do we know that its presence was such a critical factor as Young's theoretical formulation suggests? It is not adequate merely to observe that leadership behaviour occurred; we need to justify the contrary expectation that, but for the presence of leadership behaviour, the attempt by the parties involved in the formation of the regime would not have been successful. To do this it is necessary to use counterfactual reasoning - that is, point to evidence of the same or similar parties acting differently (that is, not exercising leadership behaviour) under relevantly similar circumstances (that is, seeking to form an international regime) but not being successful in what they had endeavoured to achieve.<sup>63</sup> As Lukes points out, objections may then subsequently be raised that either the parties or the circumstances, or both, are not relevantly similar. But he rightly argues that such 'appeal to evidence and argument concerning counterfactuals is quite central to the explanatory enterprise' although 'by the nature of the case, it [that is, the evidence and argument] must always be indirect and ultimately inconclusive, but it can be more or less plausible.'<sup>64</sup>

If, however, no relevant counterfactual can be found despite the identification of leadership behaviour, the researcher must conclude that leadership was not such a critical factor in the formation of the international regime. In this sense, the counterfactual approach allows for the falsifiability of the hypothesized relationships being explored.

A similar problem arises in substantiating that power or influence have been exercised. Recall that an exercise of power has been defined as A securing B's compliance where there is a conflict over course of action. Suppose that evidence is found that one party, A, has demanded another party's, B's, compliance to a course of action and secured it by either threatening deprivation (that is, coercion) or in the absence of recognition on B's part of

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<sup>63</sup> For a discussion on counterfactual reasoning see, S. Lukes, *Essays in Social Theory* (London: Macmillan, 1977) p. 24.

<sup>64</sup> *Ibid.*

the source or the exact nature of the demand upon it (that is, manipulation), and evidence shows that B followed that course of action. It cannot be *assumed* that, but for the exercise of power (coercively or manipulatively), B would have acted differently. It is necessary to *justify* the expectation that B would have acted differently. To do this, several types of evidence must be gathered. In a case of coercion, it may be possible to demonstrate, for example, that at that time, B expressed its preference to follow another course of action and/or that B expressed a grievance about the demand and threats of A.

In the exercise of manipulation, justifying the expectation that B would have acted differently is rather more difficult. How does one demonstrate that B would have acted differently were it not for A's manipulation, when, by definition, B does not recognize either the source or the exact nature of A's demand upon it? While it may be possible to demonstrate that at an earlier time B expressed its preference to follow another course of action, this kind of argument may be challenged on the grounds that B merely changed its preferred course of action. To overcome this type of criticism other types of evidence must be gathered. It may be possible, for example, to demonstrate that B's action was not the outcome of any prior process of agreement or choice. Alternatively, it may be possible to demonstrate that in relevantly similar circumstances, B followed another course of action or that a relevantly similar party so acted. As noted above, such use of evidence and counterfactual argument is, however, ultimately inconclusive; none the less it can be more or less plausible. If on the other hand, after following these guidelines no relevant counterfactuals can be found, and despite what may appear to have been exercises of power, there is no sound reason to doubt that the actions of the given parties were, in fact, consensual in nature.

Similarly, suppose that evidence is found that one party, A, has offered something to B in exchange for B agreeing to follow a course of action that A desires (that is, inducement) or that B agrees to follow A's desired course of action because B recognizes that A's request for B to do so is reasonable, impelled by argument (that is, persuasion). It cannot be assumed that, but for the exercise of influence (through inducement or persuasion), B would have acted differently. Again it is necessary to justify the expectation that B would have acted differently. In such cases, evidence must be gathered to demonstrate that at that time, B expressed its preference to follow another course of action before choosing to follow A's. If, however, no relevant

counterfactuals can be found, then the researcher has no sound reason but to otherwise conclude that despite what may appear to have been exercises of influence, they were not.

It can be concluded, therefore, that though there are methodological difficulties involved in the task of seeking answers to the research questions posed in this study through the application of the conceptual framework of analysis, they are not insurmountable. The telling test for the method, as for the framework, will be, then, the extent to which it helps to illuminate the empirical case itself.

I now turn to this task. In Chapter 2, which follows, the relevance of the study of the origins of the Antarctic Treaty of 1959 as a case study of international regime formation is discussed. Part II then examines what was to become known as the Antarctic Problem and initial responses to it. In Chapter 3 the stage is set by reviewing the source and early nature of the Antarctic Problem. Chapter 4 examines why and how the first search for its solution through the formation of a regime began and faltered. In Part III, the breaching of the impasse that had foiled the earlier attempt at regime formation is discussed. Chapter 5 examines the relationship between the Antarctic program of the International Geophysical Year (I.G.Y.), post-I.G.Y. uncertainties and the idea of an Antarctic treaty. Chapter 6 places this discussion in the context of an extensive prenegotiation process which led to the twelve states participating in the Antarctic program of the I.G.Y. getting to the table to negotiate an Antarctic regime. In Part IV, the negotiations that resulted in the Antarctic Treaty and the formation of the Antarctic regime are examined. Chapter 7 deals with the series of preparatory meetings, attended by representatives of the twelve states, that were held to clear the way for the Conference on Antarctica. Chapter 8 examines the negotiations at the Conference itself. The final Chapter 9 brings the threads of the analysis together into conclusions.

## 2

### THE ANTARCTIC TREATY AS A CASE STUDY OF REGIME FORMATION

In Washington, D.C., on December 1, 1959, representatives of Argentina, Australia, Belgium, Chile, France, Britain, Japan, Norway, South Africa, the Soviet Union and the United States signed the Antarctic Treaty. Eighteen months later, on June 23, 1961, the Treaty entered into force after all of the twelve signatories had deposited their instruments of ratification with the depositary government - the United States.

Since its signature and ratification, the Antarctic Treaty has introduced a new phase of international cooperation into Antarctic affairs. Prior to its creation, the vast expanses of Antarctica had been the subject and scene of sporadic international discord and uncertainty. During the 1940s and early 1950s especially, acrimony characterized relations between several of the states which had claimed territory, rights and interests in this southernmost region of the world. The Antarctic Problem, as this disputation became known, was solved, although not settled, by the Treaty and the period of cooperation that it ushered in has been frequently described as *Pax Antarctica*.

Indeed, during the three decades since its entry into force, the Treaty has been lauded as a landmark initiative on the path toward world peace. In 1964, for example, United States President Lyndon Johnson wrote that 'preoccupation with world problems should not obscure situations like Antarctica where this country [the United States] and others work together

harmoniously to construct the prototypes of peace.<sup>1</sup> Johnson went on to add 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.'<sup>2</sup>

Two decades later, the Australian Minister for Foreign Affairs, Bill Hayden, spoke similarly of the Antarctic Treaty. 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.'<sup>3</sup> Similar sentiments were expressed by the Treaty Parties in 1991 when they issued a celebratory declaration marking the Treaty's 30th anniversary which stated that they '... are proud of their achievements over the last 30 years and the examples of peaceful cooperation that the Treaty provides to the rest of the world.'<sup>4</sup>

Although such diplomatic acclaim has not been universal, comments along these lines suggest that the Antarctic Treaty has been widely perceived as a remarkably successful measure when judged in terms of engendering peace and order in an hitherto contentious region of the world.<sup>5</sup> While many

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<sup>1</sup> 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 (Washington: United States Government Printing Office, 1964), p. 111.

<sup>2</sup> *Ibid.*

<sup>3</sup> 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* 402 (October 5, 1983).

<sup>4</sup> Final Report of the XVIth Antarctic Treaty Consultative Meeting, Bonn, October 7-18, 1991, p. 139.

<sup>5</sup> It is important to note, however, that during the past decade or so, the Antarctic Treaty and attendant agreements negotiated in the 1970s, 1980s and 1990s (the 1972 Convention for the Conservation of Antarctic Seals, the 1980 Convention on the Conservation of Antarctic Marine Living Resources, the non-ratified 1988 Convention on the Regulation of Antarctic Mineral Resource Activities and the 1991 Protocol on Environmental Protection to the Antarctic Treaty) have been criticized by several countries at the annual sessions of the United Nations General Assembly. As indicated above, in 1983, the "Question of Antarctica" was placed on the agenda of the 38th Session of the General Assembly. At this and subsequent sessions during the 1980s, the harvesting of marine living resources of the

statesmen have celebrated the Antarctic Treaty of 1959 as a landmark initiative on the path toward a more peaceful world, political scientists, too, have frequently cited the agreement and its attendant arrangements as an important example of international cooperation. Indeed, within the burgeoning literature on international regimes, the Antarctic Treaty has provided political scientists with a source of examples to illustrate some general or specific point about regime conceptualization, regime formation, regime maintenance and regime transformation.<sup>6</sup>

## 2.1 THE ANTARCTIC TREATY AND INTERNATIONAL REGIME FORMATION

While international regimes are not to be necessarily equated with the agreements in terms of which regimes are often expressed, some are more formally articulated than others. The Antarctic Treaty is a case in point; as Oran Young notes the 'current regime for Antarctica is formalized to a far greater degree than the neutralization arrangements for Switzerland.'<sup>7</sup> He contends that the '1959 Treaty on Antarctica lays out a regime to regulate human activities on the Antarctic continent.'<sup>8</sup> Peterson concurs,

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Southern Ocean (especially krill) and the prospect of mining Antarctic minerals prompted Malaysia and several other developing countries to demand that the Antarctic Treaty be scrapped, the region recognized as part of the "global commons" and Antarctic resources regarded as the "common heritage of mankind" to be shared by all states. Criticism was also levelled at the exclusive and secret nature of the Antarctic Treaty Consultative Meetings and the participation of South Africa in the regime. By the late 1980s, these criticisms and demands were effectively countered by the parties to the Treaty. Although the "Question of Antarctica" has remained on the General Assembly agenda in the early 1990s, the critical campaign appears to have lost momentum. (For analysis of the debates concerning the "Question of Antarctica" at each session of the General Assembly during this period, see the annual reviews by P. J. Beck in *Polar Record* dating from 1984.) At the same time that this matter was debated in the U.N. General Assembly, several nongovernmental organizations concerned with the conservation of the environment, such as Greenpeace International and Friends of the Earth, made similar criticisms of the Treaty and demanded that Antarctica should be declared a "world park" sacrosanct from the violations of exploiters. Following the conclusion of negotiation, in 1991, for the Protocol on Environmental Protection by the Treaty parties which designates Antarctica as 'a natural reserve, devoted to peace and science,' this critical campaign appears to have lost momentum, too. (For analysis of this matter, see K. Suter, *Antarctica: Private Property or Public Heritage?* (Leichhardt: Pluto Press, 1991).

<sup>6</sup> See, for example, D. J. Puchala and R. F. Hopkins, "International regimes: lessons from inductive analysis," *International Organization* 36, (Spring 1982), pp. 245-75; I. D. Duchacek, "Consociations of Fatherlands: The Revival of Confederal Principles and Practices," *Publius* 12 (Fall 1982), pp. 129-77; Young, "The politics of international regime formation: managing natural resources and the environment;" and Young, *International Cooperation*.

<sup>7</sup> Young, *International Cooperation*, p. 24.

<sup>8</sup> *Ibid*, p. 218.



acknowledging that the Antarctic Treaty provides a framework - albeit not a comprehensive one - for common activity in the region. She argues that the Treaty formed the basis upon which states involved could organize their cooperation, providing 'the starting point for further elaboration, first as implementation of the new international regime, and later as its modification.'<sup>9</sup>

In Chapter 1, it was asserted that at the core of every international regime is a cluster or bundle of rights and rules. In regard to the Antarctic regime, this substantive core component of rights and rules clearly emanates from the Antarctic Treaty.<sup>10</sup> The Contracting Parties of the Antarctic Treaty have rights in the region to undertake scientific investigation in the region (Article II); inspection rights to promote the Treaty's objectives and to ensure the observance of its provisions (Article VII); rights to participate in decision making consultative meetings (Article IX); rights to exert efforts consistent with the Charter of the United Nations to prohibit any activity in Antarctica contrary to the principles and purposes of the Treaty (Article X); and rights to instigate amendment and to withdraw (Article XII).<sup>11</sup>

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<sup>9</sup> M. J. Peterson, *Managing the Frozen South: The Creation and Evolution of the Antarctic Treaty System* (Berkeley: University of California Press, 1988), p. 41.

<sup>10</sup> Since specifying the explanandum must precede seeking explanations, it is important to note, as Young points out, that empirically, 'rights and rules can be approached either in terms of the expectations shared by the members of a given group or in terms of observable regularities in the behaviour of the group's members.' (Young, *International Cooperation*, p. 15.) He suggests that, 'as the two approaches are not mutually exclusive, it may well be instructive to make use of both in the effort to pin down rights and rules empirically. This suggests that there is no necessary connection between the rights and rules actually operative in a social environment and the statements regarding rights and rules contained in formal documents such as treaties or conventions, though it may still prove useful to turn to such documents for an easily accessible approximation of the substantive component of specified institutional arrangements.' (*Ibid.*) Because an investigation into the attitudinal and behavioural regularities of the members of the Antarctic regime has not been undertaken in this study, it must be acknowledged that the rights and rules specified above should perhaps be regarded, more accurately, as an approximation of the substantive core of the Antarctic regime.

<sup>11</sup> The phrase "Contracting Party of the Antarctic Treaty" refers to three groups of parties - (1) the twelve original signatories of the Treaty, which, by virtue of this status, are also consultative parties under Article IX, Paragraph 1, with full decisionmaking rights; (2) those states which have acceded to the Treaty under Article XIII and which have conducted substantial scientific research activity in Antarctica and, thereby, gained consultative status under Article IX, Paragraph 2; and (3) those states which have acceded to the Treaty under Article XIII, but do not have consultative status. By 1994, the Contracting Parties of the Antarctic Treaty numbered 42 - the 12 original signatories, 14 parties which had acceded to the Treaty and gained consultative status, too, and 16 parties which had acceded to the Treaty only.

In terms of use rules, the Contracting Parties of the Antarctic Treaty are required to use Antarctica for peaceful purposes only (Article I); exchange information on Antarctic scientific programs, personnel, observations and results (Article III); encouraged to cooperate with the United Nations and other international organizations which have a scientific or technical interest in Antarctica (Article III). Moreover, no acts or activities taking place while the 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 the region (Article IV). In addition, no new claim or enlargement of an existing claim to territory shall be asserted while the Treaty is in force (Article IV). The Treaty's provisions apply to all land and ocean areas south of 60° South Latitude although nothing in the Treaty shall prejudice or affect the rights of any state under international law with regard to the high seas within this area (Article VI). The Contracting Parties are also prohibited from conducting nuclear explosions or disposing of radioactive waste in Antarctica (Article V).

Procedural rules of the regime are also articulated in the Treaty. These include jurisdictional rules relating to observers and scientific personnel exchanges (Article VIII); a unanimity decisionmaking rule (Article IX); dispute-settlement rules (Article XI); amendment and withdrawal rules (Article XII), ratification, accession and depositary rules (Articles XIII, XIV).

If, then, an international regime for Antarctica was indeed established under the terms of the Antarctic Treaty of 1959, it may be suggested that the course of events leading to its signature and ratification can be seen as an example of regime formation. While there are many accounts that offer explanations of the Antarctic Treaty, there has yet to be, however, a detailed, systematic investigation of its origins based extensively on empirical evidence marshalled from the analysis of primary sources. This is because, until very recently, government archival material pertaining to the signature and ratification of the Treaty has been unavailable for analysis. With the passage of time and the subsequent release of previously classified documentation, the opportunity for such an inquiry now exists. What might be offered, then, by such a study of the Treaty's origins would be not only a better understanding of how and why this particular instance of international

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cooperation came about, but also more importantly, through the example, addition to our knowledge of the processes of international regime formation. It is with this possibility in mind that this study is undertaken.

## 2.2 FURTHER METHODOLOGICAL CONSIDERATIONS

This inquiry into the origins of the Antarctic Treaty is, therefore, a case study of international regime formation. Notwithstanding the usual caveats expressed in recognition of the inherent methodological weaknesses of the case study as a research technique,<sup>12</sup> there are two interlinked considerations that need to be addressed: Why study the formation of the Antarctic regime? What are the limitations of this particular study?

In answer to the first question ("Why study the formation of the Antarctic regime?") there are several points to be considered. First, as Peterson notes, most of the early studies of international regimes have focused on economic issues such as trade, monetary matters and the transfer of technology.<sup>13</sup> While this situation is changing with the increasing study of security regimes,<sup>14</sup> human rights regimes,<sup>15</sup> international food aid regimes,<sup>16</sup> global prohibition regimes,<sup>17</sup> and regimes for natural resources and the

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<sup>12</sup> For example, too often in case studies, analysis and explanation are subordinated to exhaustive description and the unique takes precedence over the general. See, A. L. George, "Case Studies and Theory Development: The Method of Structured, Focused Comparison," pp. 43-68; H. Eckstein, "Case Study and Theory in Political Science," in F. I. Greenstein and N. W. Polsby, eds., *Handbook of Political Science VII* (Reading, Mass.: Addison-Wesley, 1975), pp. 79-138.

<sup>13</sup> Peterson, *Managing the Frozen South*, p. 3.

<sup>14</sup> R. Jervis, "Security regimes," in S. Krasner, ed., "International Regimes," *International Organization* 36 (Spring 1982), pp. 357-78; R. K. Smith, "Explaining the non-proliferation regime: anomalies for contemporary international relations theory," *International Organization* 41, (Spring 1987), pp. 253-81; A. L. George, P. J. Farley, A. Dallin, eds., *U.S.-Soviet Security Cooperation: Achievements, Failures, Lessons* (New York: Oxford University Press, 1988); V. Rittberger, M. Efinger and M. Mendler, "Toward an East-West Security Regime: The Case of Confidence- and Security-Building Measures," *Journal of Peace Research* 27, 1 (1990), pp. 55-74; J. S. Duffield, "International regimes and alliance behaviour: explaining NATO conventional force levels," *International Organization* 46 (Autumn, 1992), pp. 819-55.

<sup>15</sup> J. Donnelly, "International human rights: a regime analysis," *International Organization* 40, (Summer 1986), pp. 599-642.

<sup>16</sup> R. F. Hopkins, "Reform in the international food aid regime: the role of consensual knowledge," *International Organization* 46 (Winter 1992), pp. 225-64.

<sup>17</sup> E. A. Nadelmann, "Global prohibition regimes: the evolution of norms in international society," *International Organization* 44 (Autumn 1990), pp. 479-526.

environment,<sup>18</sup> the Antarctic case offers the prospect of studying the formation of a regime that involved multiple issues such as sovereignty disputes, security concerns, science matters, jurisdictional problems, resource exploitation, conservation and environmental management. Thus, the Antarctic case can contribute to the broadening application of the concept of international regime. This is necessary if regime analysis is to continue as an increasingly important analytical tool in the quest to gain a greater understanding of international cooperation.

Secondly, as indicated earlier, the Antarctic Treaty (and, by implication, the Antarctic regime) has been widely perceived as a successful agreement. Because of this perception of the regime being a "success" and because its origins concerned issues that continue to be relevant in other issue-areas (particularly those concerning the Arctic, oceans, outer space and the atmosphere), conclusions drawn from the Antarctic case could be particularly useful in the creation of future international regimes.

A third, though subsidiary, consideration is that a study of the formation of the Antarctic regime is important because, as Beck argues, an understanding of the 'Antarctic past' facilitates an understanding of the manner in which the 'Antarctic present' has developed.<sup>19</sup> For Beck, 'the key fact of the 'Antarctic present' is the 1959 Antarctic Treaty,' thus an understanding of how and why it (and the regime) originated 'promotes an informed appraisal of future possibilities', indicating, for example, potential problems and providing insight into the reasons states have attached considerable importance to Antarctica and continue to do so.<sup>20</sup> In short, the study of this particular chapter of Antarctic affairs 'must be integrated into any appraisal

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<sup>18</sup> Young, *International Cooperation*; P. M. Haas, "Do regimes matter? Epistemic communities and Mediterranean pollution control," *International Organization* 43 (Summer 1989), pp. 377-403; R. Hjorth, "Baltic Sea Environmental Cooperation: The Role of Epistemic Communities and the Politics of Regime Change," *Cooperation and Conflict* 29, 1 (March 1994), pp. 11-31; O. R. Young and G. Osherenko, eds., *Polar Politics: Creating International Environmental Regimes* (Ithaca: Cornell University Press, 1993).

<sup>19</sup> P. Beck, *The International Politics of Antarctica* (London: Croom Helm, 1986) p. 56.

<sup>20</sup> *Ibid.*

of the international politics of Antarctica and also considered in conjunction with contemporary factors.'<sup>21</sup>

With these three considerations in mind, then, it can be concluded that a study of the formation of the Antarctic regime is clearly an important case for both theory and practice. But notwithstanding these points, it could still be argued that because the Antarctic regime was created in the late 1950s, any explanation offered of its formation will be influenced by the circumstances of that particular time and, therefore, questions about irrelevance and incomparability could be raised. Obviously, conditions in international and domestic politics have changed in significant ways since then, however, any notions about irrelevance and non-comparability are inapposite. As discussed above, the sorts of issues involved in the formation of the Antarctic regime are of continuing interest to members of the international system - sovereignty, security, science, jurisdiction, resource exploitation, conservation and environmental management are still items on the agenda of international affairs.

Of course, this is not to deny that the formation of the Antarctic regime was shaped by the circumstances of the 1950s. To assert, however, that this enervates the relevance and utility of conclusions drawn from its study inappropriately questions the assumptions and aims of empirical theory and the use of history in theory-building. After all, most, if not all, social phenomena or events are influenced by contextual conditions that differ. But empirical theory in International Relations is based on the reasonable assumption that 'experience includes not only single, isolated events, but also elements of regularity and patterns in human behaviour, [and that empirical theory] seeks to identify, describe, and/or explain these.'<sup>22</sup>

Moreover, one of the requirements of theory in International Relations is that it is well-grounded in historical experience. As George argues, the

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<sup>21</sup> *Ibid.* Beck's argument echoes Carr's notion of the dual function of history: while '[t]he 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.' See, E. H. Carr, *What is History?* (London: Macmillan, 1961), p 49.

<sup>22</sup> P. G. Lauren, "Diplomacy: History, Theory, and Policy," in P. G. Lauren, ed., *Diplomacy: New Approaches in History, Theory, and Policy* (New York: The Free Press, 1979), p. 8; A. L. George and R. Smoke, *Deterrence in American Policy: Theory and Practice* (New York: Columbia University Press, 1974), pp. 616-20.

formulation of such theory builds upon the contribution that historians make by attempting to 'absorb the "lessons" of a variety of historical cases within a single comprehensive analytical framework; [and it is] the task of theory to identify the many conditions and variables that affect historical outcomes and to sort out the causal patterns associated with different historical outcomes.'<sup>23</sup> By doing so, George continues, 'theory accounts for the variance in historical outcomes; it clarifies the apparent inconsistencies and contradictions among the "lessons" of different cases by identifying the critical conditions and variables that differed from one case to the other.'<sup>24</sup>

In the process of relating theoretical notions of political science to a particular aspect of international relations, several limitations of this study must be acknowledged. Theoretically, I have not considered the difficult question of the relation between structure and agency.<sup>25</sup> Methodologically, the emphasis on agency that characterizes the approach adopted in this study may have led me to underplay the significance of structural constraints on individuals and parties involved in the formation of the Antarctic regime. After all, agents, whether individuals or collectivities such as sovereign states, do not act in a vacuum; structural factors in a given context set limits upon agents' actions, constraining them. Empirically, I have not explored in any comprehensive manner the impact of larger institutional structures at the international level upon the processes of regime formation. Young notes that specific regimes are nested in international orders in that they build on foundations provided by these more general institutions rather than consist of arrangements that are unconnected to broader orders or that even conflict with the terms of such institutions.<sup>26</sup> It follows, therefore, that analyses of specific regimes

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<sup>23</sup> George, "Case Studies and Theory Development: The Method of Structured, Focused Comparison," p. 44. George also refers to the important contribution made by historians when they provide timely reminders that the lessons of history are not always clear and that to view situations as analogous to an earlier historical case, or cases, may be inappropriate or misleading and lead to error.

<sup>24</sup> *Ibid.*

<sup>25</sup> A seminal discussion on this subject is Lukes, *Essays in Social Theory*, pp. 3-29. For a more recent discussion in the field of International Relations, see, A. E. Wendt, "The agent-structure problem in international relations theory," *International Organization* 41 (Summer 1987), pp. 335-70.

<sup>26</sup> Young, *International Cooperation*, pp. 13-14. By international orders, Young is here referring to the broad, framework arrangements governing the activities of all (or almost all) the members of international society over a wide range of specific issues. The

(including, it can be suggested, their formation) cannot be complete without consideration of the extent to which they are shaped by and become embedded in these larger institutional orders.<sup>27</sup>

In addition, the official government documentation, upon which this study is largely based, was obtained from national archival collections of Australia and the United States - two states that played significant roles in the course of events that resulted in the formation of the Antarctic regime. Whereas this material includes data from other states involved too, it must be recognized that some of the explanation, particularly concerning the actions of these "other" states, must necessarily be speculative and, therefore, considered rather more tentative.

While these are clear limitations of the study, it is hoped that the approach taken will have facilitated other contributions. From the consideration of the specific case, it is hoped will come findings that can not only contribute to a general theory about regimes, but also inform future statecraft concerning Antarctica. And, from the application of the conceptual framework of analysis derived from the theoretical work of Oran Young that was outlined in the preceding chapter, it is hoped will come stimulus for further studies of regime formation in other contexts that are required to develop more sophisticated and differentiated theory that discriminates among different cases and classes of cases presenting variables of diagnostic and, prospectively, predictive significance.

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international political order, as a system of territorially based and sovereign states that interact with one another in the absence of any central government, and the international economic order, as a system of exchange relationships in which buyers and sellers throughout the system are able to participate in a range of international markets, are examples of such institutions.

<sup>27</sup> *Ibid.*

## **PART II**

### **THE PROBLEM**



### 3

#### THE SOURCE AND EARLY NATURE OF THE ANTARCTIC PROBLEM

During the first four decades of the twentieth century, Antarctic affairs were generally amicable and the disputes and controversies that did arise between the small number of states active in the region were muted. By 1939, Britain, New Zealand, France, Australia and Norway had claimed approximately 85 per cent of Antarctica, although it must be noted that these assertions of national sovereignty had not been recognized by other states. With the onset of World War II, however, the nature of Antarctic affairs began to change. In November, 1940, Chile asserted sovereignty over Antarctic territory that overlapped the British claim and in 1943 Argentina did likewise - asserting sovereignty over territory in the region that overlapped both the British and Chilean claims. Acrimonious relations between these rival claimants developed after 1946 and the dispute made up a major part of what was to become known as the Antarctic Problem.

The search for a solution to this problem constituted a new phase in Antarctic affairs. During the late 1940s and 1950s, several attempts were made to form an international regime to govern the actions and relations among states involved in Antarctica and, thereby, prevent socially undesirable outcomes ensuing from the pursuit of interests or courses of action defined in individualistic terms. To understand these efforts at regime formation, it is helpful to consider the source and early nature of the Antarctic Problem, reviewing Antarctic affairs from the 1820s to the

immediate post-World War II period, outlining the region's discovery, exploration and partition, and the reactions to the latter's occurrence.<sup>1</sup>

### 3.1 THE DISCOVERY AND EXPLORATION OF ANTARCTICA

Antarctica is the southernmost region of the world. The Antarctic continent is the remotest, coldest, driest, windiest and most lifeless continent on Earth covering about 14 million square kilometres or approximately the size of the combined areas of the United States and Australia. The most distinctive feature of this land mass is that between 95 and 98 per cent of its surface is buried beneath an immense ice-sheet which in places may be more than 4,500 metres thick. But the Antarctic continent is only part, albeit a large one, of the region. The Antarctic or Southern Ocean which surrounds the continent separating it from the neighbouring continents of South America, Australia and Africa, is also an integral 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.<sup>2</sup> Thus, in short, Antarctica comprises the continent and the Southern Ocean, plus the islands contained therein.

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

As to whom first achieved this feat is a matter of dispute with explorers from three countries being accorded the honour. In the official British view,

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<sup>1</sup> Portions of this review are drawn from the analysis of the partition of Antarctica in H. R. Hall, "Antarctica and World Politics: The Significance of Political Factors in Antarctic Affairs During the Twentieth Century," M.A. thesis, University of Tasmania, 1986, pp. 8-57.

<sup>2</sup> *Polar Regions Atlas*, (Washington: United States Central Intelligence Agency, 1978).

the first person to see the continent was Edward Bransfield, R.N., when he discovered the northern extremity of the Antarctic Peninsula on January 20, 1820.<sup>3</sup> The American whaler Nathaniel Palmer is recorded as first sighting the Peninsula on November 17, 1820, while Admiral Bellingshausen, who led a Russian expedition which circumnavigated the continent between 1819 and 1821, 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 1830s and early 1840s from France (d'Urville), the United States (Wilkes) and Britain (Ross) all in search of the South Magnetic Pole.<sup>4</sup> 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, and 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 1890s that this was rekindled and the first four decades of the twentieth century saw a surge of activity in the region.

Between 1895 and 1939, a series of pathbreaking exploratory and scientific expeditions to Antarctica were undertaken. In 1895, for example, Bull's Norwegian expedition effected the first landing on the Antarctic mainland. 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 on Laurie Island (in the South Orkneys) 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.

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<sup>3</sup> *International Court of Justice Pleadings, Antarctic Cases (United Kingdom v. Argentina: United Kingdom v. Chile)*, Orders of March 16th, 1956: Removal From The List, p. 12.

<sup>4</sup> The three government sponsored expeditions were triggered by scientific developments during the 1830s 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* (New York: G. P. Putnam's Sons, 1959) p. 25.

Other expeditions during this so-called "heroic age" of Antarctic affairs included Scott's two British expeditions (1901-03 and 1911-13); Drygalski's German expedition (1901-03); Nordenskjöld'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 Shackelton's second British expedition (1914-16).

After a brief interlude brought on by World War I, exploration continued in the late 1920s and 1930s. The Australian adventurer Wilkins (with his pilot Eielson) made the first flight in Antarctica over the Antarctic Peninsula in 1928 and in the following year, the American naval aviator Byrd (during the first of three large-scale expeditions by the United States which spanned the 1930s) 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 during the latter part of this period were Riiser-Larsen's Norwegian expedition of 1929-30; Mawson's joint British, Australian and New Zealand expeditions of 1929-30 and 1930-31, Rymill's British expedition of 1934-37 and Ritscher's German expedition of 1938-39.

While this exploration of Antarctica, and the scientific activity that went with it, has been extensively recorded in the annals of Antarctic affairs, it is misleading to think that this was the only expression of humanity's interest in the region. The epic tales of risk, endurance, valour, ambition and tragedy connected with these expeditions, often told in the historiography of Antarctica, afford little, if any, prominence to political and economic matters.<sup>5</sup> Yet political and economic factors, associated largely with the partition of Antarctica between 1908 and 1939, played a significant role in shaping Antarctic affairs during the 1940s and 1950s - the time frame which is the focus of this study.

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<sup>5</sup> See, for example, C. H. Grattan, *The Southwest Pacific Since 1900: A Modern History - Australia, New Zealand, The Islands, Antarctica* (Ann Arbor: The University of Michigan Press, 1963) p. 592.

### 3.2 THE INITIAL PARTITION OF ANTARCTICA

In 1908, Britain was the first state to proclaim sovereignty in Antarctica when South Georgia, the South Orkneys, the South Shetlands, the South Sandwich Islands and Graham Land on the Antarctic Peninsula were, by Royal Letters Patent, formally constituted Dependencies of the Colony of the Falkland Islands and placed under its government. This act resulted from a constellation of developments pertaining to the commencement of whaling in Antarctic waters.

Leaving aside several financially unsuccessful whaling expeditions to the region during the 1890s by Norwegian and Scottish interests, the start of Antarctic whaling can be said to have begun 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 British Falkland Islands who immediately informed the Foreign Office, Colonial Office and Admiralty in London about the company's presence on the island.<sup>6</sup>

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 equipment. Their optimistic reports concerning the prospect of whaling in the Antarctic resulted, in turn, in a Norwegian whaling company venturing to the Falkland Islands and the South Shetlands. It was in connection with this enterprise that Norway, newly independent from Sweden, addressed an inquiry to Britain concerning the sovereignty of 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, replied informing Norway's Minister in London, Fridtjof

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<sup>6</sup> 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 1890s and early 1900s. In their history of modern whaling, Tonnessen and Johnsen contend that it was news of abundant whale stocks brought 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 (London: C. Hurst & Co. Ltd., Canberra: Australian National University Press, 1982), p. 160.

Nansen, that according to information from the Colonial Office and the Admiralty, all three archipelagos and Graham Land were British possessions.<sup>7</sup> 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.'<sup>8</sup>

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). This 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.<sup>9</sup> 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. Subsequent to this, Britain 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.<sup>10</sup>

There are several reasons why Britain issued the Letters Patent. First, the Falkland Islands Dependencies had become increasingly important as a

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<sup>7</sup> Tonnessen and Johnsen, *The History of Modern Whaling*, pp. 179-80. 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 (United Kingdom v. Argentina; United Kingdom v. Chile)*, Orders of March 16th, 1956: Removal From The List, p. 15.

<sup>8</sup> Tonnessen and Johnsen, *The History of Modern Whaling*, p. 180. Norway made a further enquiry in 1907 and Britain reasserted its claim. See, *International Court of Justice, Pleadings, Antarctica Cases (United Kingdom v. Argentina; United Kingdom v. Chile)*, Orders of March 16th, 1956: Removal From The List, p. 21.

<sup>9</sup> 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, Antarctica Cases (United Kingdom v. Argentina; United Kingdom v. Chile)*, Orders of March 16th, 1956: Removal From The List, p. 17.

<sup>10</sup> Norway did not make any protest or reservation against the assertion and exercise of British sovereignty over the Falkland Islands Dependencies at this time. Moreover, Norwegian whaling companies took out British licences and complied with the laws of the Falkland Islands government. Britain subsequently argued that these considerations 'established by implication Norway's recognition of British sovereignty over the Dependencies in or about 1908.' *International Court of Justice Pleadings, Antarctica Cases (United Kingdom v. Argentina; United Kingdom v. Chile)*, Orders of March 16th, 1956: Removal From The List, p. 22.

major source of a valuable raw material - whale oil. Within four seasons of the commencement of Antarctic whaling, that is, by 1907-08, 41.50 per cent of whales caught in northern seas (excluding East Asia) and southern seas came from Antarctic waters, while 38.9 per cent of whale oil barrels were obtained from the south.<sup>11</sup> Moreover, at this time there was an escalating demand for whaling products and whale oil, in particular, which was used in the manufacture of soap and margarine and as a fibre dressing, lubricant and fuel for lighting. The Letters Patent of 1908 thus provided Britain with legal foundation to control this burgeoning industry, and, given the nature of Norway's polite enquiry, the likelihood of immediate Norwegian recognition of the British Antarctic claim.

Control of Antarctic whaling was important for Britain on financial grounds, too. Although Norwegian companies dominated the industry, British financiers provided most of the capital necessary for commercial whaling. 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 at this time.<sup>12</sup> In this way, Britain secured its supply of a valuable raw material and at the same time entered into and controlled a new field of investment. Moreover, there was also direct financial gain for Britain in establishing and maintaining regulatory control of Antarctic whaling through the issue of the Letters Patent. This was in the form of revenue from licence fees and royalties that were used to defray the costs of the Falkland Islands government.<sup>13</sup>

Another reason which may well have prompted Britain to issue the Letters Patent was that Britain was 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 the South American state was intending to establish a meteorological observatory on the Peninsula in Graham Land.<sup>14</sup> Although there is no direct evidence to substantiate British

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<sup>11</sup> Tonnessen and Johnsen, *The History of Modern Whaling*, p. 176.

<sup>12</sup> G. Jackson, *The British Whaling Trade* (London: Adam & Charles Black, 1978), p. 172.

<sup>13</sup> P. J. Beck, "British Antarctic Policy in the Early 20th Century," *Polar Record* 21, 134 (1983), pp. 475-83.

<sup>14</sup> 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* 29, 3, (1983), p. 451.

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, South Atlantic and Southern (or Antarctic) Oceans.<sup>15</sup> Thus, the initial annexation of Antarctic territory may have been driven by a British desire to exclude other states from a region deemed important on strategic grounds.

### 3.3 THE FURTHER PARTITION OF ANTARCTICA

Following the issue by Britain of the Letters Patent of 1908, a number of developments involving the further 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 a major source of the commodity. Poor harvests of linseed oil (an oil generally preferred to whale oil at that time) 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.<sup>16</sup> 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, in effect, an adjunct of the margarine and soap industries by 1914.'<sup>17</sup>

After 1914, with the onset of World War I, whale oil became an exceedingly important strategic material, not only as a food (i.e. used in the manufacture of margarine), but also as the principal source of glycerine. Glycerine, of

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<sup>15</sup> 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.

<sup>16</sup> Tonnessen and Johnsen, *The History of Modern Whaling*, pp. 232-3.

<sup>17</sup> Jackson, *The British Whaling Trade*, 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, *The History of Modern Whaling*, pp. 227-40; C. Wilson, *The History of Unilever: A Study in Economic Growth and Social Change* Volume i, (London: Cassel & Co., 1954), pp. 125-38.



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.<sup>18</sup> Accordingly, during the war, Britain relaxed the regulations which had previously restricted direct British commercial operations in Antarctica and encouraged the two British whaling companies to increase their catches.<sup>19</sup> In short, then, Antarctica became more strategically important to Britain as the major source of whale oil.

The region's proximity to Australia, New Zealand, South Africa and the Falkland Islands also raised British 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.'<sup>20</sup>

The second development leads on from this consideration. In 1917, through the issue of Letters Patent, Britain redefined the boundaries of the Falkland Islands 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

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<sup>18</sup> For more detailed accounts of the strategic importance of whale oil during World War I, see, Tonnessen and Johnsen, *The History of Modern Whaling*, p. 229; Jackson, *The British Whaling Trade*, p. 176; Wilson, *The History of Unilever: A Study in Economic Growth and Social Change*, pp. 216-26; and M. W. W. P. Consett, *The Triumph of Unarmed Forces* (London: Williams and Norgate, 1923), pp. 166-79. 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 (the Earl of Woolton) during War War II, 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* (London: Cassell, 1959), p. 237.

<sup>19</sup> Most existing licence-holders in the pre-war period were Norwegian, and the subsequent exclusion of British companies from particular areas fostered criticism that, paradoxically, the British policy was "anti-British" in nature. (See, Beck, "Securing the dominant 'Place in the Wan Antarctic Sun' for the British Empire: the policy of extending British control over Antarctica," p. 451; Jackson, *The British Whaling Trade*, 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. (pp. 451-2) In addition, 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 British overseas financiers.

<sup>20</sup> Cited in Beck, "Securing the dominant 'Place in the Wan Antarctic Sun' for the British Empire: the policy of extending British control over Antarctica," p. 456.

employed by Russia during the previous year in relation to its particular claim in the Arctic. Notwithstanding this action, though, 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 Antarctic region while acting 'without undue ostentation' in order to avoid counter-claims and international dispute.<sup>21</sup>

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 the Dominions and Britain as mutually interdependent market'<sup>22</sup> and he was to become the political heir of Joseph Chamberlain and acknowledged leader of the imperial movement in Britain.<sup>23</sup> Later 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 1920s 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.'<sup>24</sup>

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 were associated with the introduction of modern pelagic whaling in Antarctica.<sup>25</sup> Apart from two brief episodes of pelagic whaling during the 1912-13 season off the South Orkneys (the result of extensive pack ice which prevented the floating factories involved from mooring close to shore) this method of whaling commenced in Antarctic waters in 1923 after the

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<sup>21</sup> *Ibid.*

<sup>22</sup> J. Amery, "Introduction," in J. Barnes and D. Nicholson, eds., *The Leo Amery Diaries, Vol. I: 1896-1929* (London: Hutchinson, 1980), p. 14.

<sup>23</sup> *Ibid.*, p. 13, p. 15. Joseph Chamberlain was British Secretary of State for the Colonies from 1895 to 1903. During his tenure of office, Chamberlain was the principle architect of British imperialist policies.

<sup>24</sup> Cited in Beck, "Securing the dominant 'Place in the wan Antarctic Sun' for the British Empire: the policy of extending British control over Antarctica," p. 459.

<sup>25</sup> As Tonnessen and Johnsen explain, this method of whaling involves the use of whale catchers in the open sea in combination with a floating factory ship which has no links with the shore. See, Tonnessen and Johnsen, *The History of Modern Whaling*, p. 324.

Norwegian whaling pioneer C.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.<sup>26</sup> 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 strategically important and financially lucrative Antarctic whaling, and seeing the opportunity again to secure implicit international recognition (i.e., Norway's) of British sovereignty in another area of Antarctica, Britain granted a 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.<sup>27</sup>

The fourth development relating to the further partition of Antarctica was the subsequent formal claim by France of Adélie Land in March, 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. Whilst it is not clear what motivated France to claim Adélie Land, 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 (remote southern locations in the Indian Ocean) 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 in Madagascar.

This French claim was not contested by Britain despite the latter's imperial aims concerning Antarctica. Indeed, it seems that Britain knew of France's designs in Antarctica over a decade earlier. In December, 1911, Britain had asked France to clarify its position in the region and had been informed in

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<sup>26</sup> *Ibid*, pp. 346-7. pp. 197-8. 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.

<sup>27</sup> It should 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. See, Beck, "British Antarctic Policy in the Early 20th Century," p. 481.

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.<sup>28</sup> The claim 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.<sup>29</sup>

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, contained in an exchange of notes between Hughes and the Norwegian Minister in the United States (concerning a forthcoming Arctic expedition by the Norwegian explorer Amundsen), 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.'<sup>30</sup>

The second statement, in reply to an inquiring citizen who had proposed that the United States should base a claim to sovereignty in Antarctica upon the discoveries of Wilkes, reiterated this position. Hughes noted 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 discovered country.'<sup>31</sup> He went on to state that the United States was, therefore, reluctant to claim sovereignty over Wilkes Land despite its discovery by Wilkes in 1840. Accordingly, the notion that actual settlement was a necessary condition to establish sovereignty became

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<sup>28</sup> Beck, "Securing the dominant 'Place in the Wan Antarctic Sun' for the British Empire: the policy of extending British control over Antarctica," p. 452.

<sup>29</sup> *Ibid*, pp. 451-61. See also, Document 440, Department Memorandum for Mr. J. McEwen, Minister for External Affairs, June, 1940, in H. Kenway, H. J. W. Stokes and P. G. Edwards, eds., *Documents on Australian Foreign Policy 1937-49, Vol.III* (Canberra: Australian Government Publishing Service, 1979), p. 496.

<sup>30</sup> The Secretary of State [Charles E. Hughes] to the Norwegian Minister [Bryn], *Foreign Relations of the United States, 1924 II*, (Washington: U. S. Government Printing Office, 1939), pp. 519-20.

<sup>31</sup> Cited in D. H. Miller, "National Rights in the Antarctic," *Foreign Affairs* 5, 3, (1927), pp. 509-10.

known as the Hughes Doctrine. It was the fifth major development pertaining to the partition of Antarctica and meant, in short, that the United States did not recognize the British, French or New Zealand claims.

The sixth development was increasing concern in Australia during the 1920s that the portion of Antarctica adjacent to the Australian continent should be brought under British or Australian control. Indeed, 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.<sup>32</sup> 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.'<sup>33</sup>

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.<sup>34</sup> The Australian Prime Minister at the time, S.M.Bruce, favoured immediate direct annexation. Britain, however, did not agree, favouring its "gradualist" policy coupled with its desire to avoid controversy.<sup>35</sup>

The outcome of these discussions was the British, Australian and New Zealand Antarctic Research Expedition (B.A.N.Z.A.R.E.) 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 45° East) to King George

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<sup>32</sup> R. A. Swan, *Australia in the Antarctic* (Parkville: Melbourne University Press, 1961), pp. 157, 175, 182.

<sup>33</sup> Grattan, *The Southwest Pacific Since 1900*, pp. 614-5.

<sup>34</sup> W. J. Hudson and J. North, eds., *My Dear P.M.: R. G. Casey's Letters to S. M. Bruce, 1924-1929* (Canberra: Australian Government Publishing Service, 1980), p. 51.

<sup>35</sup> Beck, "Security the dominant 'Place in the Wan Antarctic Sun' for the British Empire: the policy of extending British control over Antarctica," p. 458.

V Land (at 160° 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 involved in the Australasian expedition of 1911-14 'before it was too late.'<sup>36</sup> 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.<sup>37</sup>

During the first voyage, the B.A.N.Z.A.R.E. made contact with a Norwegian whaling and exploratory expedition in January, 1930. 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 of action. Mawson agreed to stay east of longitude 45° East and Riiser-Larsen agreed to stay west of that line.

Following the second B.A.N.Z.A.R.E. 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 Antarctica (with the exception of Adélie Land) which lies between longitudes 45° East and 160° East.<sup>38</sup> Subsequently, on February 7, 1933, a British Order-in-Council established the Australian Antarctic Territory and this was followed in June of that year by the Australian Antarctic Territory Acceptance Act under Section 122 of the Australian Constitution.<sup>39</sup> Thus, after more than a decade of prompting by interested individuals within Australia, 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 major pioneering

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<sup>36</sup> Swan, *Australia in the Antarctic*, p. 187.

<sup>37</sup> *Ibid*, p. 189.

<sup>38</sup> *Documents Relating to Antarctica*, prepared in the Office of the Legal Adviser to the Australian Department of Foreign Affairs, (1976), IV.7.I. As events unfurled, the meeting between Mawson and Riiser-Larsen decided the future westward limit of Australia's Antarctic activities.

<sup>39</sup> See, *Statutory Rules and Orders Revised 1948* Vol. II, p. 1034; Act No. 8 of 1933 - Commonwealth Acts 1901-1950, Vol. I, p. 227.

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.

In January, 1928, the Norwegian Foreign Office ordered the Norwegian Minister in Britain to inform the British Foreign Office that during the previous month, a duly empowered Norwegian expedition had taken possession of Bouvet Island located some 2,000 miles South South East of South Africa in the Southern Ocean.<sup>40</sup> Although initially contested by Britain, negotiations between the two countries during 1928 resulted in Britain waiving its claim to the island in favour of Norway.<sup>41</sup>

The Norwegian desire to prevent its whaling interests being further excluded from areas by the claims of other countries was clearly the motivation behind the annexation of Bouvet Island.<sup>42</sup> This was also the case with Norway's annexation of Peter I Island, (in the vicinity of longitude 90° West, within the Antarctic Circle) in 1931 and Queen Maud Land on the continent of Antarctica in 1939.<sup>43</sup>

The major stimulus in respect to the latter annexation was fear that Germany, though Ritscher's expedition of 1938-39, would claim territory in what Norway considered its sphere of interest between the eastern boundary of the Falkland Islands Dependencies and the western boundary of the Australian Antarctic Territory. Germany had come to recognize the strategic importance of whale-oil as a 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

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<sup>40</sup> *The Times* January 20, 1928.

<sup>41</sup> The British Foreign Office Under-Secretary (Locker-Lampson), cited in *The Times*, November 20, 1928.

<sup>42</sup> "Norway in the Antarctic," *Norway Information* (Oslo: Norwegian Ministry of Foreign Affairs, January, 1982).

<sup>43</sup> 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 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, and its successor state, Russia, which, in turn, favours the sector line. See, *Polar Regions Atlas*.

1933 was to embark upon a policy that would make Germany more self-sufficient in fat production.<sup>44</sup>

Apart from setting up a fat monopoly (the Reichsstelle für Milcherzeugnisse, Öle und Fette) with powers to control all imports, marketing and production, Germany entered the Antarctic whaling industry when 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 a German whaling fleet by threatening to reduce drastically the company's margarine quota. The strategic importance of Antarctica as the major source of whale oil was clearly 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).<sup>45</sup> Although it is not known if any formal, official claim to part of Antarctica was ever made by Germany, 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 4.5 million square miles of land alone (mostly covered by ice) had been claimed by just five countries, and two-thirds of the whole region had been annexed by members of the British Empire. Formal imperialism had clearly come to the last continent, although such claims were not recognized by other members of international society.

### 3.4 CHALLENGES TO THE PARTITION

The enunciation of the Hughes Doctrine in 1924 by the United States was just the first of a number of reactions challenging Antarctic claims that were to evolve over the next two decades into the Antarctic Problem. Chile, Argentina, Japan, the Soviet Union, as well as the United States, all made official pronouncements on the status of the sovereignty claims to Antarctic territory.

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<sup>44</sup> Tonnessen and Johnsen, *The History of Modern Whaling*, p. 370.

<sup>45</sup> "Swastikas over Antarctic," *The Times*, April 13, 1939.



During this time, the United States' continued to adhere to the Hughes Doctrine, although there was some press speculation, Congressional discussion, Department of State policy reviews and Presidential musings during the late 1920s and throughout the 1930s which canvassed the possibility of the United States making its own claims to Antarctic territory. Perhaps more significantly, however, from 1934, the United States began to communicate in virtually all its diplomatic correspondence regarding Antarctic claims the reservation of American rights in the region.<sup>46</sup> Moreover, in November, 1939, the United States reiterated, in a press release issued by the State Department, its adherence to the Hughes Doctrine thereby facilitating any future American challenges to the claims of other states all of which had followed a definition of effective occupation less rigorous than that of permanency implied in the Doctrine.<sup>47</sup>

To some scholars this continuation of the Hughes Doctrine as the keystone of U.S. Antarctic policy is puzzling. Not only is it argued that it 'unsettled all claims without giving the United States any benefit,' but it flew in the face of a major international legal decision made by the Permanent Court of International Justice in 1933 - the *Eastern Greenland Case* - which ruled that the intention and the will to exercise sovereignty and the manifestation of state activity were the two elements necessary to establish a valid title to sovereignty (rather than the "actual settlement" criterion of the Hughes Doctrine).<sup>48</sup>

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<sup>46</sup> B. M. Plott, "The Development of United States Antarctic Policy," Ph.D. thesis, Fletcher School of Law and Diplomacy, Tufts University, 1969, pp. 62-5.

<sup>47</sup> *Ibid*, p. 94.

<sup>48</sup> F. M. Auburn, *Antarctic Law and Politics* (London: C. Hurst & Co.; Canberra: Croom-Helm, 1982), p. 64. In the *Eastern Greenland Case*, both Denmark and Norway claimed sovereignty over Eastern Greenland. Denmark argued before the Court that when Norway and Denmark ceased to be in union (after 1814), Denmark 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 nullus*. 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* 11, (1957), p. 12.

But the Hughes Doctrine is not so puzzling when ranged against past and contemporaneous efforts on the part of the United States to establish and maintain an "open door" international order to exploit its growing economic power - a strategy associated with the notion known as the "imperialism of free trade" whereby a state preserves its existing and potential markets or supplies by obtaining international agreement for a "hands off" policy in regard to some territory, coupled with an "open door" for trade.<sup>49</sup> This strategy has been a distinctive feature of United States' foreign policy throughout the twentieth century following the famous "Open Door" diplomatic notes of 1899 sent by Secretary of State Hay to Britain, Russia, Germany and France demanding equal access and fair treatment for American interests in China and enunciating the integrity and inviolability of that country after the four states had sought to establish "spheres of influence" there.<sup>50</sup>

Indeed, Pusey has argued that 'the open door policy [of the United States] had reached the zenith of its vigor' whilst Charles E. Hughes was Secretary of State between March 1921 and 1925.<sup>51</sup> The Washington Conference of 1921, for example, was designed in part to gain formal international recognition of the principle of the "open door" in the Far East, thereby propping up 'a valuable China against a mighty [and expansionist] Japan.'<sup>52</sup> Hughes also applied the "open door" principle in the Middle East. During the Lausanne Conference, which convened in 1922 to write a new peace treaty with Turkey, he persuaded Britain to give up an agreement with

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<sup>49</sup> The following discussion on the Hughes Doctrine is based on H. R. Hall, "The 'open door' into Antarctica: an explanation of the Hughes doctrine," *Polar Record* 25, 153 (1989), pp. 137-140. On the "imperialism of free trade," see, J. Gallagher and R. Robinson, "The Imperialism of Free Trade," *Economic History Review, Second Series* VI, 1, (1953) pp. 1-15.

<sup>50</sup> D. K. Fieldhouse, *Economics and empire 1830-1914* (London: Weidenfeld and Nicolson, 1973) pp. 415-37. For further discussion on the "open door" policy of the United States, see, L. C. Gardner, "American foreign policy 1900-1921: a second look at the realist critique of American diplomacy," in B. J. Bernstein, ed., *Towards a new past* (New York: Pantheon Books, 1968); R. F. Smith, "American foreign relations 1920-1942," in B. J. Bernstein, ed., *Towards a new past* (New York: Pantheon Books, 1968); G. Stedman Jones, "The history of US imperialism," in R. Blackburn, ed., *Ideology in social science* (Glasgow: Fontana/Collins), 1977, pp. 207-37.

<sup>51</sup> M. J. Pusey, *Charles Evans Hughes* (New York: Macmillan, 1952), p. 503.

<sup>52</sup> B. Glad, *Charles Evans Hughes and the illusions of innocence* (Urbana: University of Illinois Press, 1966) p. 305.

France concerning restricted access to the Mesopotamian oil fields and to recognize the principle of the "open door", thus allowing U.S. companies the opportunity to share in the development of the valuable and important resources of the region.<sup>53</sup>

Against this background, and coupled with Hughes' tendency to frame U.S. interests in terms of general principles, the Hughes Doctrine can thus be interpreted as an extension of the "open door" into Antarctica.<sup>54</sup> Whether consciously formulated with "open door" aims, or otherwise, the doctrine preserved U.S. access to all of Antarctica by denying recognition of claims by other states. Moreover, U.S. access was not restricted only to parts of the region by virtue of claims based on "first discovery" of Wilkes Land and, possibly, of the Antarctic Peninsula. The benefit to be gained from such a policy, as in the case of the Far East and the Mesopotamian oil fields, was the opportunity to secure resources from all of the region if and whenever they were discovered and became valuable.

Adherence to the Hughes Doctrine also fell in line with subsequent United States' policies. Though by 1929 the U.S. appeared largely to have established an "open door" international order, this achievement was short-lived as the collapse of the world market during the Great Depression of the 1930s engendered economic and political nationalism on the part of the industrialized states.<sup>55</sup> But the U.S. objective remained, and further measures in accordance with the tactics and treaty systems which had been devised during the previous decade were introduced. An example was the highly publicized "Good Neighbor" policy of the United States toward Latin American countries.<sup>56</sup> Furthermore, in 1941, in return for aid, the United States was also able to secure from a war-ravaged and desperate Britain, acceptance of "open door" ground rules and modification of Imperial Preference in the Ottawa Agreements of 1932, which had hampered U.S.

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<sup>53</sup> *Ibid*, pp. 308-10.

<sup>54</sup> On Hughes' tendency to do this, see, Glad, *Charles Evans Hughes and the illusions of innocence*, pp. 318-20.

<sup>55</sup> Smith, "American foreign relations 1920-1942," p. 245.

<sup>56</sup> *Ibid*, p. 246.

economic interests.<sup>57</sup> Thus, in the light of such developments, it may be less puzzling that the Hughes Doctrine continued to inform the United States' Antarctic policy.

The Norwegian claim to Queen Maud Land in January, 1939, elicited further challenges to the partition of Antarctica. The Soviet Union cautioned Norway in a diplomatic note, observing that it would 'reserve its opinion as to the national status of territories discovered by Russian citizens.'<sup>58</sup> Clearly, the Soviet Union was referring here to the discoveries of Bellingshausen made during his 1819-21 voyage to Antarctica. Moreover, upon notification of the Norwegian claim, both the United States and Chile immediately reserved their respective rights in the area. Furthermore, in September 1939, the Chilean government appointed Julio Escudero, Professor of International Law at the University of Chile, to study Chilean rights and interests in Antarctica and following the submission and consideration of his report, the Chilean President, in November 1940, claimed by way of a decree a broad sector of Antarctica between longitudes 53° West and 90° West (named Territorio Chileno Antartico) which overlapped Britain's claim.<sup>59</sup> The basis for such action was the geological affinity of the Antarctic Peninsula to Chile; the Chilean succession to rights possessed, allegedly, by Spain prior to its independence; and, as the state closest to Antarctica, rights to territory on the grounds of propinquity.<sup>60</sup>

Notification of the Chilean claim was sent to the United States, Japan and Argentina.<sup>61</sup> Japan responded by sending a diplomatic note to Chile asserting that it regarded itself 'as one of the countries holding interests and rights' in Antarctica.<sup>62</sup> Although the Japanese government was under pressure from sections of the domestic press and exploration groups to

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<sup>57</sup> Stedman Jones, "The history of US imperialism," p. 235; W. R. Louis, *Imperialism at Bay* (New York: Oxford University Press, 1978), p. 24.

<sup>58</sup> *Izvestia*, Moscow, January 28, 1939, cited in J. Hanessian, "National Interests in Antarctica," in T. Hatherton, ed., *Antarctica* (London: Methuen, 1965), p. 29.

<sup>59</sup> E. W. H. Christie, *The Antarctic Problem* (London: George Allen & Unwin Ltd., 1951), p. 281.

<sup>60</sup> Plott, "The Development of United States Antarctic Policy," p. 105.

<sup>61</sup> *Ibid*, p. 106.

<sup>62</sup> Hanessian, "National Interests in Antarctica," p. 44.

substantiate its rights and make an Antarctic claim based on the discoveries of Shirase's 1911-12 expedition, the reservation of Japanese rights was its only response at this time.

Argentina was also stirred into considering its Antarctic interests. Apart from maintaining a meteorological station on Laurie Island in the South Orkneys since 1904, Argentine involvement in Antarctic affairs during the first four decades of the twentieth century had been minimal.<sup>63</sup> In July, 1939, however, an interdepartmental National Antarctic Commission was formed to study Antarctic problems and consider Argentine participation at a planned International Polar Congress to be held in Norway in the summer of 1940. As a result of the subsequent abandonment of the Congress, due to the onset of World War II, this body was instructed to continue to study Argentine interests in Antarctica and submit proposals to be carried out by the Argentine government with regard to those interests.<sup>64</sup> In June of that year, the Commission subsequently recommended that a program of official activities be undertaken in Antarctica with the aim of strengthening Argentine rights in the region.<sup>65</sup>

In November, 1940, (when Chile claimed Territorio Chileno Antartico) Argentina was also invited to confer with Chile about their respective Antarctic interests. This conference took place in Santiago in May, 1941, and resulted in both acknowledging that they were the only states which possessed rights in the so-called South American sector of Antarctica.

Taking up the recommendation of the National Antarctic Commission to strengthen its rights in Antarctica, Argentina sent a naval vessel, *Primero de Mayo*, to the Antarctic Peninsula and the South Shetland Islands in 1942. In three places, members of this expedition raised the Argentine flag and deposited bronze tablets which bore inscriptions announcing Argentine possession of all lands south of latitude 60° South and lying between longitudes 25° West and 68° 34' West.<sup>66</sup> In the following year, the *Primero de*

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<sup>63</sup> The Argentine meteorological office took over the Laurie Island station at the invitation of Dr. W. S. Bruce, leader of the British expedition of 1902-04 which had established it.

<sup>64</sup> Plott, "The Development of United States Antarctic Policy," p. 101.

<sup>65</sup> *Ibid*, p. 102.

<sup>66</sup> Christie, *The Antarctic Problem*, p. 268.

*Mayo* undertook another voyage to the region and after depositing further emblems of Argentine sovereignty at a fourth site, the expedition found that one of the original deposits (left at Deception Island in the South Shetlands during the previous voyage) had been removed and replaced by a notice indicating that the area was under British sovereignty. This notice was immediately removed and another inscribed bronze tablet deposited.<sup>67</sup>

As events unfolded, the tablets had been removed from Deception Island by a British warship on routine patrol duties searching for German naval raiders that were operating in the Southern Ocean. The tablets were duly returned to the Argentine government in February, 1943, by the British Ambassador at Buenos Aires. Diplomatic correspondence between Argentina and Britain ensued with the Argentine Foreign Minister expressing his 'most formal reserve' and reaffirming Argentina's 'sovereign rights over all the Antarctic lands and dependencies.'<sup>68</sup> As Christie notes, this statement is important, because it was the first occasion that the Argentine government had actually enunciated a formal claim to sovereignty over Antarctic territory.<sup>69</sup>

British concern at this Argentine action, coupled with that over the pro-Axis sympathies evident in Argentina following a military coup in June, 1943, and the actions of German raiders in the Southern Ocean, resulted in the despatch later in that year of a small British military detachment to Deception Island and to the Antarctic Peninsula to guard the southern side of the strategically important Drake Passage and thereby ensure that it remained secure for Allied shipping during World War II.<sup>70</sup>

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<sup>67</sup> *Ibid.*, p. 269.

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.* Christie's comment may not be accurate. Hanessian notes that Argentina took formal possession of the South Orkneys by an Executive Decree in 1904 after the meteorological station on Laurie Island had been taken over by Argentina. See, Hanessian, "National Interests in Antarctica," p. 12.

<sup>70</sup> During the early 1940s, 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, Christie, *The Antarctic Problem*, p. 247. See also, P. Beck, *The International Politics of Antarctica*, pp. 31-3, p. 54, p. 80, p. 126.

From 1945, following the end of World War II, 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.<sup>71</sup> The dispute between Argentina and Britain over claims in Antarctica was explicitly linked to an older dispute between the two states concerning the Falkland Islands. Argentina had first protested against British claims to the Falkland Islands following the raising of the British flag there in January, 1833. Argentina had asserted its own claims to the islands, under the name *Islas Malvinas*, on geographical proximity and inheritance from Spain.<sup>72</sup> Argentina continued to dispute British occupation of the islands and from 1908, protests increased in both frequency and vigour. By the 1940s, Argentina had come to treat the Falkland Islands, or *Islas Malvinas*, as an integral part of its territory.

By not recognizing British rule in the Falkland Islands, Argentina did not, therefore, accept British sovereignty of the Falkland Islands Dependencies (as Britain's Antarctic claim was then known following the Letters Patent of 1908 and the boundary redefinition in the Letters Patent of 1917). In May, 1946, the Argentine government took particular umbrage when it learned that Britain had issued several sets of postage stamps for the Falkland Islands and the Falkland Islands Dependencies in 1944 and 1946 (one of which showed a map of Britain's Antarctic sector claim). In a protest note delivered to the British Embassy in Buenos Aires in early June, Argentina denied having surrendered its rights to the Falkland Islands and expressed its 'indisputable right to the lands situated to the south of the parallel of 60 degrees.'<sup>73</sup>

Later in 1946, Argentina amended the boundary of its Antarctic claim by extending its western limit to 74° West and in early 1947 established a naval base on Gamma Island in the Melchior Islands which lie off the Antarctic Peninsula. At this time, Chile also established a naval base on Greenwich Island, which lies off the northern tip of the Antarctic Peninsula. Clearly, Argentine and Chilean Antarctic activities were increasing.

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<sup>71</sup> E. S. Milensky and S. I. Schwab, "Latin America and Antarctica," *Current History* 82, 481 (1983), pp. 52-90.

<sup>72</sup> Christie, *The Antarctic Problem*, pp. 264-5.

<sup>73</sup> *Ibid.*, p. 270.

During the following July, 1947, the Ministers of Foreign Affairs of both Argentina and Chile met in Buenos Aires and issued a joint declaration regarding what they considered the South American Antarctic region. This declaration expressed their states' rights over the South American sector of Antarctica together with their desire to conclude a treaty between each other regarding the demarcation of boundaries in this sector.<sup>74</sup>

The establishment of the two bases on Gamma Island and Greenwich Island by Argentina and Chile, finally elicited formal protests from Britain in mid December, 1947. A second note addressed to the Argentine government, dated December 23, 1947, also registered British indignation about the construction of an Argentine base on Deception Island begun in that month. In these notes, Britain also suggested that the disputes over Antarctic claims with each country be brought before the International Court of Justice at The Hague for settlement, otherwise Britain reserved its rights to take appropriate action to ensure that its territory was respected.

Both Argentina and Chile rejected the suggestion of invoking the jurisdiction of the International Court of Justice and Argentina counter-proposed that a solution to the 'problem presented by the boundary delimitation of the whole of the Antarctic continent' could be found by means of an international conference.<sup>75</sup> In the wake of these developments, tension between Argentina and Britain concerning Antarctica increased markedly and both states sent warships to the region and during February, 1948, extensive naval manoeuvres were conducted by a squadron of the Argentine Navy in Antarctica.<sup>76</sup>

### 3.5 CONCLUSIONS

Thus, by the beginning of 1948, a significant international dispute concerning Antarctica largely involving Britain, Argentina, and Chile, which also affected Australia, France, Japan, New Zealand, Norway, the Soviet Union and the United States had evolved, the source and nature of which, at this time, can be summarized in the following manner:

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<sup>74</sup> *Ibid*, p. 314.

<sup>75</sup> *Ibid*, p. 313.

<sup>76</sup> *Ibid*, p. 274.



- (1) Seven states - Argentina, Australia, Britain, Chile, France, New Zealand and Norway - had claimed Antarctic territory;
- (2) Australia, Britain and New Zealand had recognized each other's claims; the Australian claim had also been formally recognized by France and Norway; the French claim had been formally recognized by Australia, Britain and New Zealand and the Norwegian claim had been recognized by Australia, Britain and New Zealand;<sup>77</sup>
- (3) Chile and Argentina had both asserted sovereignty over Antarctic territory which overlapped the British claim and each other's;
- (4) Both Chile and Argentina had asserted that they were the only states which possessed rights in the so-called South American sector of Antarctica and both had expressed their desire to conclude a treaty between each other regarding the demarcation of boundaries in this sector;
- (5) Britain had suggested that the dispute over Antarctic claims it had with Argentina and Chile be brought before the International Court of Justice at The Hague for settlement;
- (6) Argentina and Chile had rejected this suggestion and Argentina had counter-proposed to Britain that a solution to the dispute over claims in the whole of Antarctica could be found by means of an international conference;
- (7) British-Argentine relations had become particularly tense over Antarctica and both countries had sent warships to the region;
- (8) The Soviet Union had cautioned Norway about its claim to Antarctic territory, reserving Soviet opinion about the status of territories that had been discovered by Russian citizens;
- (9) Japan had asserted itself as a state having interests and rights in Antarctica; and
- (10) The United States had enunciated and adhered to a doctrine which denied the legitimacy of the extant Antarctic claims and, moreover, had reserved U.S rights in the region.

With these developments, the dispute had become one of a number of international problems with the symbolic status of a capital "P" - the Antarctic Problem had joined the Palestine Problem, the Berlin Problem, the Korean Problem, the Trieste Problem and the Tangier Problem as items on the international agenda during the immediate post-World War II period.

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<sup>77</sup> Commonwealth Prime Ministers' Conference 1956, Volume II - Agenda Papers, Paper No. 8 - Antarctica, Australian Claims in the Antarctic, AA: A1838/2, 1495/1/9/1 Part 1.

And, as with some of these other territorial problems, the stage was set for the first attempt to form an international regime to govern the actions and relations among states involved in the region and, thereby, provide a solution.

## 4

**THE SEARCH FOR A SOLUTION BEGINS ...  
AND FALTERS**

In late 1947 and early 1948, when the Antarctic Problem was gathering intensity, the United States began considering new policy options with regard to Antarctica. One proposal that gained support within the United States 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 "special regime" of directly interested states.<sup>1</sup> This proposal was communicated to other interested parties and so began the initial, tentative steps on the path to form an international regime to govern the actions and relations of states involved in Antarctica. By the end of 1953, however, after five years of diplomatic activity, the first efforts to form an Antarctic regime ended in failure.

This outcome was not the result of any deficient or incomplete self-generating or spontaneous process. In this chapter it will be shown that there was no absence of conscious coordination efforts, design and explicit awareness on the part of the actors involved. Nor was the failure the result of an inability of a dominant state, or states, to get others to conform to their requirements through an imposition process. There is no evidence of a state or states attempting to coerce or manipulate others.

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<sup>1</sup> 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 II* (Washington: United States Government Printing Office, 1979), pp. 1086-7.

The argument presented in this chapter is that the failure of this initial attempt to form an Antarctic regime resulted from collective action problems and obstacles involved in a negotiation developmental process. Prenegotiation problems, of the sort intimated by Young in his discussion of institutional bargaining, blocked efforts to "get to the table." Moreover, despite evidence of intellectual leadership that generated and proposed ideas about solutions, this was not sufficient to overcome these problems - especially in the absence of structural and significant entrepreneurial leadership.

#### 4.1 THE PROCESS OF PRENEGOTIATION

Before turning to the empirical work, a brief comment should be made about the process of prenegotiation. According to Zartman, 'prenegotiation is the span of time and activity in which parties move from conflicting unilateral solutions for a mutual problem to a joint search for cooperative multilateral or joint solutions'.<sup>2</sup> Defined as a process, Stein treats prenegotiation as analytically distinct and prior to the process of negotiation.<sup>3</sup> It begins when one or more parties considers negotiation as a policy option and communicates this intention to other parties; it ends when the parties agree to formal negotiations (an exchange of proposals designed to arrive at a mutually acceptable outcome in a situation of interdependent interests) or when the parties abandon the consideration of negotiation as an option (or in cases involving just two parties, when one of them abandons the consideration of negotiation as an option).<sup>4</sup>

Within the literature on prenegotiation, it is generally argued that the onset of this process is marked by a turning point in the relationship between the parties - an event or change in conditions that triggers a reassessment of values attached to possible alternative outcomes concerning a problem by one or more of the parties.<sup>5</sup> Comparative evidence suggests that such

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<sup>2</sup> W. Zartman, "Prenegotiation: Phases and Functions," in J. G. Stein, ed., *Getting to the Table: The Processes of International Prenegotiation* (Baltimore: The Johns Hopkins University Press, 1989), p. 4.

<sup>3</sup> J. G. Stein, "Preface and Acknowledgments," in J. G. Stein, ed., *Getting to the Table*, p. xi.

<sup>4</sup> *Ibid*, p. x. See also, Zartman, "Prenegotiation: Phases and Functions," in Stein, ed., *Getting to the Table*, p. 4.

<sup>5</sup> J. G. Stein, "Getting to the Table: The Triggers, Stages, Functions, and Consequences of Prenegotiation," in J. G. Stein, ed., *Getting to the Table*, p. 239; B. W. Tomlin, "The Stages of

triggers include either recent or anticipated crisis, or a paired perception of threat and opportunity.<sup>6</sup>

In Tomlin's five-stage model of prenegotiation this reassessment of alternative outcomes produced by changing events or conditions is labelled *problem identification*. If, in this initial stage, a preliminary evaluation of alternative responses results in the addition of a negotiated solution to the array of outcomes under consideration by at least one of the parties, the *search for options* stage of the process has been reached. This second stage involves the active consideration of the options to the problem that has been identified, including a negotiated one. The third stage begins when negotiation is chosen as the preferred policy alternative - that is, when at least one party considers *making a commitment to a negotiated solution* to the policy problem. This stage is characterized by a shift from considerations about whether to negotiate to considerations about what will be negotiated. Tomlin suggests that initially during this stage, the policy focus of a party making a commitment to negotiation is largely inner-directed as it addresses questions to do with scope and strategy.<sup>7</sup> But at some point the policy focus also becomes more outer-directed as the preoccupation with internal concerns gives way to increased attention to the interests of the other parties to the policy problem. After all, a party that has chosen negotiation as its preferred policy alternative needs to get others to the table.

Once a commitment to negotiate is made by at least one of the parties, the fourth stage of the process had been reached. In this stage an *agreement to negotiate is sought* - at least one of the parties communicates its desire to negotiate a solution to the problem. When such an agreement is achieved, and prior to the commencement of formal negotiation, the parties may then engage in structuring activity as they 'attempt to position themselves for an advantageous start.'<sup>8</sup> Tomlin suggests it is this activity, which may involve

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Prenegotiation: The Decision to Negotiate North American Free Trade," in J. G. Stein, ed., *Getting to the Table*, pp. 19-22.

<sup>6</sup> Stein, "Getting to the Table: The Triggers, Stages, Functions, and Consequences of Prenegotiation," pp. 240-44.

<sup>7</sup> Tomlin, "The Stages of Prenegotiation: The Decision to Negotiate North American Free Trade," p. 23.

<sup>8</sup> *Ibid*, p. 25.

specifying the scope (whether narrow or comprehensive, limited or expansive), additional participants and, at times, even the agenda for the proposed negotiation, that characterizes the fifth and final stage of the prenegotiation process. He labels this *setting the parameters*.<sup>9</sup>

While Tomlin's model may offer a useful conceptual scheme to analyse prenegotiation, Stein cautions that the process may, however, be messier than indicated. From a comparative analysis of several cases, she suggests that apart from problem identification and the search for options, the sequencing of stages is problematic. Indeed, she suggests that the ordering of prenegotiation 'appears to be highly context-dependent.'<sup>10</sup> Notwithstanding this caution, Stein proposes that the prenegotiation process is highly significant irrespective of whether negotiation occurs or not. If prenegotiation does succeed in getting parties to the table, she suggests that it 'defines the boundaries, shapes the agenda and affects the outcome of negotiation.'<sup>11</sup> She also suggests that it provides the parties with opportunities for learning, both about themselves, about others, about their relationships and about the preconditions for and possibilities of a negotiated agreement. Such learning may also occur even if the process does not lead to negotiation.<sup>12</sup>

#### 4.2 TOWARD A TURNING POINT IN ANTARCTIC AFFAIRS

Immediately after the conclusion of World War II, military strategists in the United States perceived an urgent need for training military forces in polar warfare. This need stemmed from the recognition that the Soviet Union constituted a potentially hostile state adjacent to the United States across the Arctic region. 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 to be held in 1947.

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<sup>9</sup> *Ibid*, pp. 24-5.

<sup>10</sup> Stein, "Getting to the Table: The Triggers, Stages, Functions, and Consequences of Prenegotiation," pp. 251-2.

<sup>11</sup> Stein, "Preface and Acknowledgments," p. x.

<sup>12</sup> Stein, "Getting to the Table: The Triggers, Stages, Functions, and Consequences of Prenegotiation," pp. 263-8.

Concern within the U.S. government that this 1947 exercise might, however, 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 this relocated exercise (named Operation Highjump).<sup>13</sup> Cold War considerations had entered into Antarctic affairs.

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 operations in interior Greenland.'<sup>14</sup> The operational order, issued by the U.S. Department of Navy, also listed another confidential objective of the exercise - that of 'consolidating and extending United States sovereignty over the largest practicable area of the Antarctic Continent.'<sup>15</sup> That the United States had not asserted any claim to sovereignty over Antarctic territory at this time seems to have been overlooked by the Department of Navy; nonetheless, this objective is a further indication of the recurring theme proposed by parts of the United States government since the 1930s that the U.S. should eventually lay claim to Antarctic territory.

Indeed, by early 1947, it seems that the U.S. Department of State had come to believe that Operation Highjump, and a privately-planned expedition under the leadership of Commander Finn Ronne of the United States Naval Reserve that was also scheduled to be undertaken that summer, would 'finally strengthen the bases of United States Antarctic claims to the point where a formal claim could be defended successfully in the international diplomatic and legal arena.'<sup>16</sup> A report in *The New York Times* on January 6, 1947, said to be based on disclosure from State Department sources, supports this view stating that the United States would definitely assert Antarctic claims in the very near future and that international conferences would be held after the conclusion of Operation Highjump to consider the

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<sup>13</sup> W. Sullivan, *Quest for a Continent* (London: Secker & Warburg 1957), Chapter 15. See also Plott, "The Development of United States Antarctic Policy," pp. 112-3.

<sup>14</sup> Sullivan, *Quest for a Continent*, pp. 173-4.

<sup>15</sup> Plott, "The Development of United States Antarctic Policy," pp. 113-4.

<sup>16</sup> *Ibid*, p. 118.

timing of formal claims, the resolution of sovereignty disputes and future U.S. Antarctic programs.<sup>17</sup>

But the immediate prospect of an international conference (or conferences) to discuss Antarctic matters was short-lived. Several days after this report appeared in *The New York Times*, U.S. Secretary of State James F. Byrnes indicated that any conference to consider the matter of Antarctic claims was not at all imminent. Questioned about the subject at a press conference, Byrnes replied that the issue did not have sufficient urgency to warrant an international conference - especially so in view of the large number of conferences already scheduled at this time on what were perceived to be more pressing matters.<sup>18</sup>

Although U.S. Secretary of State Byrnes did not view the situation in Antarctica as a pressing matter in early 1947, by the end of the year, however, it had clearly become so. The development of the Antarctic Problem - especially the acrimonious nature of the relations between Britain, Argentina and Chile concerning their overlapping claims to Antarctic territory - during the remaining months of 1947, as discussed in the previous chapter, can be seen as a turning point in Antarctic affairs. It resulted in the United States reassessing its Antarctic policy, searching for options, making a commitment to negotiate, setting parameters and seeking an agreement to negotiate.

#### 4.3 A REASSESSMENT OF U.S. ANTARCTIC POLICY AND THE SEARCH FOR OPTIONS

One factor in this turning point, especially for the United States, was the signing, on August 15, 1947, (at the Inter-American Conference for the Maintenance of Continental Peace and Security held at Quitandinha, near Rio de Janeiro, Brazil) of the Inter-American Treaty of Reciprocal Assistance (or Rio Pact) by representatives of 20 American states including Argentina, Chile and the United States. In Article 3 of this Treaty, the Contracting Parties agreed that 'an armed attack by any State against an American State shall be considered as an attack against all the American States' and in the

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<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*, p. 119. See also, The Secretary of State to the Embassy in the United Kingdom, Washington, January 30, 1947, *Foreign Relations of the United States, 1947 I* (Washington: United States Government Printing Office, 1973), p. 1050.



event of such an attack, each Party would undertake 'to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defence recognized by Article 51 of the Charter of the United Nations.'<sup>19</sup> Moreover, Article 6 of the Treaty states that in cases of aggression which are not an armed attack, the Organ of Consultation (that is, as defined in Article 11, the Meetings of Foreign Ministers of the American Republics) would meet immediately to seek agreement on the measures to be taken to assist the victim of the aggression. The Security Zone within which the Treaty is to be operative includes the sector of Antarctica between longitudes 24° West and 90° West, which encompasses both the Argentine and Chilean sovereignty claims in Antarctica.

The term "aggression" in the Treaty is defined in Article 9(b) as:

"Invasion, by the armed forces of a State, through the trespassing of boundaries demarcated in accordance with a treaty, juridical decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another States."<sup>20</sup>

Accordingly, the possibility became apparent that because Argentina and Chile claimed to be exercising effective jurisdiction over their Antarctic territories, both states might invoke the Rio Pact in response to Britain's Antarctic activities. As Plott notes, both Argentina and Chile made reservations to the Final Act of the Conference, as if to underline this intention, stating that they did not recognize the existence of European possessions within the Security Zone of the Treaty and that they specifically reserved their rights and titles to the territories included in their respective Antarctic claims.<sup>21</sup>

This posed a dilemma for the United States. Its delegation at the Conference, headed by Secretary of State George C. Marshall, did not relish the prospect of the United States being called upon to take measures toward the ejection

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<sup>19</sup> Plott, "The Development of United States Antarctic Policy," p. 123.

<sup>20</sup> Cited in Plott, "The Development of United States Antarctic Policy," p. 123.

<sup>21</sup> *Ibid*, p. 124.

of its ally, Britain, from Antarctica or from British Honduras.<sup>22</sup> While recognizing that no party was bound under the Rio Pact to use armed force against an aggressor and that lesser measures required the agreement of two-thirds of the Contracting Parties to be binding on all, the United States, none the less, decided to make a reservation to the Final Act recording its position that the Treaty had no effect upon the sovereignty or the national or international status of any of the territories located within the Security Zone.<sup>23</sup>

While the United States extricated itself from the dilemma in this way, the Department of State, nevertheless, was becoming increasingly concerned about the escalating tension between Argentina, Chile and Britain over their overlapping Antarctic claims. In addition, the United States was especially desirous of maintaining cooperative relations with all three rival claimants and informed Britain in September, 1947, that it 'will avoid [a] position which could be interpreted as favourable to either faction.'<sup>24</sup>

Later in September, the U.S. Department of State received advice from the British Foreign Office that the British Cabinet had before it a Foreign Office recommendation that Chile and Argentina be invited to submit their claims to British territory in Antarctica to adjudication before an international court. Responding to this information, the Department directed the U.S. Embassy in Britain to inform the British Foreign Office that it did not consider pressing for a partial settlement of the Antarctic Problem urgent, that it would not be useful at that time and that 'action should be delayed until agreement can be reached on manner of arriving at total settlement.'<sup>25</sup> Although not committed to this position, the Department also requested the Embassy to pass on the information that it was currently studying the

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<sup>22</sup> Both Mexico and Guatemala had made reservations about British Honduras (Belize) similar to those that Argentina and Chile had made about Antarctica. British Honduras had been settled by British colonists, but the British title had never been conceded by Spain. See, The Chairman of the United States Delegation (Marshall) to the Acting Secretary of State, *Foreign Relations of the United States, 1947*, p. 75. General Marshall had taken over the position of Secretary of State from Byrne in 1947.

<sup>23</sup> Plott, "The Development of United States Antarctic Policy," p. 125.

<sup>24</sup> The Secretary of State to the Embassy in the United Kingdom, Washington, September 8, 1947, *Foreign Relations of the United States, 1947*, p. 1050-1.

<sup>25</sup> The Acting Secretary of State to the Embassy in the United Kingdom, Washington, September 22, 1947, *Foreign Relations of the United States, 1947*, p. 1051.

desirability of coming to some arrangement, 'possibly a special U.N. trusteeship which would remove [the] Antarctic problem as a whole from area of international dispute, promote international scientific development and at [the] same time safe-guard special interests of certain countries by giving them permanent control of trusteeship administration.'<sup>26</sup>

Clearly, the increasing tension between Argentina, Chile and Britain over the Antarctic Problem, the desire on the part of the United States to avoid favouring any of the rival claimants and, at the same time, secure its own interests in the region, constituted a turning point for the United States. The United States had begun a reassessment of its policy and a search for options in regard to Antarctica.

In early December, 1947, the U.S. Department of State, noting the 'increasing British, Argentina and Chilean interest and tension,' advised the U.S. Embassy in Britain to inform the Foreign Office that the U.S. government had come to the conclusion 'that a change in policy may be necessary' and a study of the situation had been initiated 'which may lead to an altered position within the course of the next few months' possibly along the lines of a U.N. trusteeship that had been suggested in September.<sup>27</sup>

By mid December, the Department of State had prepared and forwarded a memorandum on U.S. Antarctic policy to the Departments of Navy, Army, Interior, Commerce and Air Force requesting their comments upon the recommendations embodied therein as well as upon problems related thereto.<sup>28</sup> The memorandum stated that a settlement of the Antarctic Problem was 'made desirable by the tendency towards increasing conflict rather than towards agreement.'<sup>29</sup> It went on to suggest that it was doubtful whether unilateral action by any state would bring the situation to 'maturity for settlement on clear legal principles' and in view of the existing and potential conflict of national claims it was also 'difficult to find a practical

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<sup>26</sup> *Ibid.*

<sup>27</sup> The Acting Secretary of State to the Embassy in the United Kingdom, Washington, December 8, 1947, *Foreign Relations of the United States, 1947*, pp. 1053-4.

<sup>28</sup> The Acting Secretary of State to the Secretary of the Navy (Sullivan), Washington, December 11, 1947, *Foreign Relations of the United States, 1947*, pp. 1055-6.

<sup>29</sup> *Ibid.*

basis for partition of the area by political agreement.<sup>30</sup> The memorandum went on to state that the current knowledge of Antarctica indicated that its economic and strategic values were 'probably small' although there was general agreement that full exploration and investigation of the region was desirable on scientific and technical grounds.<sup>31</sup>

This latter consideration prompted the Department of State to suggest that 'the development of the Antarctic may be considered an appropriate field for international cooperation.'<sup>32</sup> Accordingly, the memorandum canvassed the possibility of establishing an international trusteeship under the United Nations with perhaps those states with direct interest in Antarctica being given a predominant voice in the arrangement.<sup>33</sup> The memorandum went on to note that in the light of the current situation, it appeared that one of two courses looking towards a stable situation in the Antarctic was practicable for the United States - either present claims together with a proposal for judicial settlement of conflicting claims or propose the establishment of an international administration. The memorandum concluded that given the assumption that the United States had little to gain from sovereignty over large areas of Antarctica but that, 'on the other hand, many or all peoples will benefit by the results of a program of scientific studies and meteorological observation in the area,' the second alternative was preferable.<sup>34</sup>

By this time, as discussed in the previous chapter, Britain had sent formal protests to Argentina and Chile about the establishment of bases on Gamma Island and Greenwich Island by the South American states and had suggested that its disputes over Antarctic claims with each be brought before the International Court of Justice at The Hague for settlement. Britain immediately informed the U.S. Department of State about this action and pressed upon the Department the desirability of letting the British in very early on American thinking and plans for an Antarctic settlement 'which

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<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

could then be worked out in cooperation.'<sup>35</sup> Britain also expressed reservation about the notion of a U.N. trusteeship arrangement for Antarctica, stressing 'the difficulty of excluding the Soviet Union from a share in the control and operation of a multilateral trusteeship.'<sup>36</sup> The Department of State saw considerable merit in the suggestion about cooperation, recognizing that British acceptance of any final proposal made by the United States would be a key factor in its workability.<sup>37</sup>

In mid February, 1948, increasing support within the U.S. government for some form of international control to solve the Antarctic Problem<sup>38</sup> resulted in Secretary of State Marshall advising the British Ambassador (Lord Inverchapel) that U.S. feeling at the time was that the matter could be handled more satisfactorily by intergovernmental bilateral negotiations rather than by calling a conference to consider Antarctic claims.<sup>39</sup> Marshall noted that a conference, if called, 'should be a culmination of such negotiations, its function being to formalize an agreement already reached.'<sup>40</sup> At this meeting, Marshall also noted the British objection to a U.N. trusteeship arrangement and indicated that the United States was 'thinking also of possible alternatives.'<sup>41</sup> Furthermore, while recognizing the importance of exchanging views with Britain on the basic approach to solve the Antarctic Problem, Marshall stressed the need for the United States to be very circumspect and avoid possible criticism from other interested states. Because of this consideration, Marshall advised the British Ambassador that 'it might well be desirable to open discussion with the other countries concerned at the time detailed discussions are taken up with the British.'<sup>42</sup>

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<sup>35</sup> Memorandum of Conversation, by the Acting Chief of the Division of Northern European Affairs (Hulley), *Foreign Relations of the United States, 1947*, pp. 1060-1.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> The Secretary of the Interior (Krug) to the Acting Secretary of State, *Foreign Relations of the United States, 1948 I*, General; The United Nations (Washington: United States Government Printing Office, 1976), p. 962.

<sup>39</sup> Memorandum of Conversation, by the Secretary of State, Washington, February 19, 1948, *Foreign Relations of the United States, 1948*, pp. 963-5.

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

At this meeting between the Secretary of State and the British Ambassador, and in a subsequent exchange of correspondence, the latter also inquired about the United States' attitude to the prospect that several South 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 Hemisphere, such as the British Antarctic claims, were a danger to the peace and security of the Hemisphere. Inverchapel also expressed the hope that the United States would be able to get such an item deleted from the agenda of the Conference or find some way to neutralize discussion.<sup>43</sup>

Marshall replied that the United States would oppose a discussion of Antarctic questions at the Bogota Conference and in early March advised Britain that its current thinking about Antarctica was 'along lines of some form of international control such as trusteeship under U.N. or condominium' and that it would welcome any British proposals.<sup>44</sup> Marshall also indicated that the United States 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.<sup>45</sup>

In reply, Britain indicated its preference for a partial settlement of the Antarctic Problem by judicial arbitration but suggested to the United States a four-power round table discussion between Chile, Argentina, the United States and Britain to discuss the conflicting claims. This suggestion was not supported by the United States and the idea was quickly shelved.<sup>46</sup>

Any United States' hopes of forestalling a difficult and possibly embarrassing discussion of Antarctic claims at the Bogota Conference were

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<sup>43</sup> *Ibid.*

<sup>44</sup> The Secretary of State to the Embassy in the United Kingdom, Washington, March 4, 1948, *Foreign Relations of the United States, 1948*, pp. 965-6.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.* See also, The Secretary of State to the Embassy in the United Kingdom, Washington, March 25, 1948, *Foreign Relations of the United States, 1948*, p. 969.

not fulfilled. 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.<sup>47</sup> 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.<sup>48</sup> In this way, the United States extricated itself from another 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 states about the internationalization proposal 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.<sup>49</sup> In general, the United States' 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 the informal discussions between the

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<sup>47</sup> Christie, *The Antarctic Problem*, 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, Plott, "The Development of United States Antarctic Policy," p. 130.

<sup>48</sup> Plott, "The Development of United States Antarctic Policy," 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, June 25, 1952, *Foreign Relations of the United States, 1952-54*, p. 1129.

<sup>49</sup> On the rise of the United States and the Soviet Union to superpower status and the intensification of their rivalry, especially after 1947, see, G. Barraclough, *An Introduction to Contemporary History* (Harmondsworth: Penguin, 1967); A. Fontaine, *The History of the Cold War, Vol. I, 1917-1950* (New York: Pantheon, 1968); W. LaFeber, *America, Russia and the Cold War 1945-1984* 5th ed. (New York: Alfred A. Knopf, 1985); S. E. Ambrose, *Rise to Globalism: American Foreign Policy Since 1938* 5th revised ed. (Harmondsworth: Penguin, 1988).

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 and Masaryk was subsequently assassinated. 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 concerning the Berlin Problem, the Cold War was clearly heating up.<sup>50</sup> Indeed, by March 11, in the United States, Secretary of State Marshall described the European situation as 'very, very serious' while the former U.S. Ambassador to the Soviet Union, Averall Harriman, warned that '[t]here 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.'<sup>51</sup>

Against this background too, coupled with the development of a U.S. foreign policy that sought to meet the Soviet threat by 'long-term patient but firm and vigilant containment,' it hardly seems surprising that concern about possible ambitions of the Soviet Union in Antarctica began to be voiced within the United States government.<sup>52</sup> In a reply to the Department of State request for the opinion of the Departments of Navy, Army and Air Force about the proposal to internationalize Antarctica, in April, 1948, the Joint Chiefs of Staff noted that because of the strategic value Antarctica might provide for the Soviet Union should a major conflict occur, particularly if use of the Panama Canal were denied the United States thereby leaving the passage around Cape Horn as the shortest sea route between the Pacific and South Atlantic Oceans, it was imperative that sovereignty or active participation in international control of Antarctica should be denied the Soviet Union. The Joint Chiefs also noted that it was

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<sup>50</sup> Cited in Ambrose, *Rise to Globalism*, p. 94.

<sup>51</sup> *Ibid*, pp. 94-5.

<sup>52</sup> For a concise account of the development of U.S. "containment" policy after July, 1947, see Ambrose, *Rise to Globalism*, Chapter 6. The phrase cited above are the words of George Kennan, a career diplomat who served in the U.S. Department of State. Kennan's influential ideas about containing Soviet ambitions were published in July, 1947, in the journal *Foreign Affairs* under the pseudonym "Mr. X." (See, "Mr. X," "The Sources of Soviet Conduct," *Foreign Affairs* 25 (July 1947) pp. 566-82.)



important that in the determination of U.S. Antarctic policy, the United States should make certain that its possible future Arctic interests were in no way weakened by any precedents established with respect to the Antarctic. They 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 doubted, on the other hand, that it would be possible to exclude the Soviet Union from participation in a condominium.<sup>53</sup> In view of the perceived difficulties with the two alternatives of the 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'.<sup>54</sup>

This reply, coupled with reservations expressed by Britain, resulted in the U.S. Department of State deciding to postpone any approach to the other interested states until it had an opportunity to study the matter further.<sup>55</sup> This was done during the northern spring and summer of 1948, when discussions about the Antarctic Problem continued between various parts of the U.S. government and by June a policy paper had been prepared by the Policy Planning Staff of the Department of State and a draft agreement had also been prepared by that department.<sup>56</sup>

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<sup>53</sup> The Secretary of Defense (Forrestal) to the Secretary of State, Washington, April 12, 1948, *Foreign Relations of the United States, 1948*, pp. 971-4.

<sup>54</sup> *Ibid*, p. 974. This advice assumed that a solution to the Antarctic Problem was a pressing matter. It was added that if this assumption were not correct, additional study of the matter was the appropriate course of action.

<sup>55</sup> The Acting Secretary of State to the British Ambassador (Inverchapel), *Foreign Relations of the United States, 1948*, p. 974.

<sup>56</sup> Paper Prepared by the Policy Planning Staff, Washington, June 9, 1948 and Draft Agreement Prepared by the Department of State, Washington, undated, *Foreign Relations of the United States, 1948*, pp. 977-987. As Joyner notes, this paper, designated PPS-31, represented the first policy statement made by the United States government on Antarctica. See, C. Joyner, "U.S.-Soviet Cooperative Diplomacy: The Case of Antarctica," in N. Jamgotch, Jr., ed., *U.S.-Soviet Cooperation: A New Future*, (New York: Praeger, 1989), p. 42.

#### 4.4 PARAMETER SETTING AND MAKING A COMMITMENT TO NEGOTIATE

The policy 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 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.'<sup>57</sup> It was proposed that substantial agreement with these states should be attained through diplomatic conversations and a conference should then be convened to put the agreement in its final form and formalize it. In order to place the United States on an equal juridical footing with the other seven claimants, it was also recommended that after agreement to negotiate an international settlement of the Antarctic Problem had been obtained from these states, 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 parts of its nationals.'<sup>58</sup>

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 claim by the Soviet Union on the basis of prior discovery would leave them open to similar claims by other countries to islands in the Arctic which the Soviets 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 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

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<sup>57</sup> Paper Prepared by the Policy Planning Staff, Washington, June 9, 1948, *Foreign Relations of the United States 1948*, p. 982.

<sup>58</sup> *Ibid.*

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.<sup>59</sup>

The draft agreement set out the terms of the trusteeship and defined its territorial scope as the Antarctic continent and all islands south of 60° South latitude except the South Shetland and South Orkney groups. It also provided for the establishment of administrative authority with respect to the Trusteeship Council of the United Nations; the creation of a commission consisting of one representative of each participating state to exercise the powers and carry out the responsibilities of the agreement; adherence rules for additional parties and provision for the formation of a special regime at the conclusion of the agreement that required the parties to merge and join their claims to, and interests in Antarctica.<sup>60</sup>

The endorsement of the policy paper by the Department of State and its approval by the Secretary of Defense (Forrestal) and the Joint Chiefs of Staff resulted in the implementation of the measures contained therein.<sup>61</sup> The United States had set some parameters, made a commitment to a negotiated solution to the Antarctic Problem and now sought agreement to negotiate with the other interested states.

#### 4.5 AN AGREEMENT TO NEGOTIATE IS SOUGHT

Accordingly, 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. It was also stressed to Britain that the U.S. proposal was

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<sup>59</sup> *Ibid*, p. 980.

<sup>60</sup> Draft Agreement Prepared by the Department of State, Washington, undated, *Foreign Relations of the United States*, 1948, p. 984-7.

<sup>61</sup> See Footnote No. 1, *Foreign Relations of the United States*, 1948, p. 977; The Secretary of Defense (Forrestal) to the Secretary of State, Washington, July 1, 1948, *Foreign Relations of the United States*, 1948, p. 989-92.

'calculated to prevent Sov[iet] intervention in [the] process of settlement or interference with [the] resulting status.'<sup>62</sup>

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, indeed, give the Soviet Union an opportunity to interfere in Antarctic matters.<sup>63</sup> In the light of this comment and criticism, the U.S. Department of State revised the draft agreement to provide for a condominium in the form of an international regime which merged and joined the claims of the parties and established an Antarctic Commission made up of one representative of each participating state to govern the territories under its charge.<sup>64</sup>

In mid July, the United States conveyed, by envoy, the revised 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 (former Legal Adviser in the Chilean Foreign Ministry and unofficial consultant to the Ministry), the initial Chilean reaction was negative, although not categorically so.<sup>65</sup> At these discussions, Escudero also presented for consideration a counter-proposal which called for interested nations to establish a *modus vivendi* "standstill" arrangement in Antarctica for a period of five or ten years during which all claims and rights would be frozen and scientific cooperation encouraged.<sup>66</sup> In Buenos Aires several days later, Green received a strongly

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<sup>62</sup> The Secretary of State to the Embassy in the United Kingdom, Washington, June 26, 1948, *Foreign Relations of the United States, 1948*, p. 989.

<sup>63</sup> The Ambassador in the United Kingdom (Douglas) to the Secretary of State, London, July 9, 1948, *Foreign Relations of the United States, 1948*, pp. 992-3. 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 that if they would submit the dispute over Antarctic claims to the International Court of Justice, Britain would not press its claims in certain other 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.

<sup>64</sup> Draft Agreement Prepared by the Department of State, Washington, undated, *Foreign Relations of the United States, 1948*, pp. 997-1000.

<sup>65</sup> See Footnote No. 2, *Foreign Relations of the United States, 1948*, p. 997.

<sup>66</sup> The Ambassador in Chile (Bowers) to the Secretary of State, Santiago, July 19, 1948, *Foreign Relations of the United States, 1948*, p. 995.

unfavourable reaction to the internationalization proposal and the United States was warned that it 'should not make [the] mistake of considering Argentina too lightly in the general picture.'<sup>67</sup>

Despite these two negative reactions to the proposal by Chile and Argentina, in late July the U.S. Department of State was informed that the British Foreign Secretary, Ernest Bevin, and later the British Cabinet, had expressed approval of the U.S. condominium proposal before the House of Commons.<sup>68</sup> The United States then pressed on with its internationalization proposal and, in early August, Australia, New Zealand, France and Norway were approached for their opinions. At this time, too, the U.S. Department of State had completed work on the definition of the area in Antarctica that the United States proposed to claim which had been foreshadowed in the June paper prepared by the Policy Planning Staff.<sup>69</sup>

Several weeks later, on August 28, the U.S. Department of State issued a press statement explaining that the United States had informally approached the governments of Argentina, Australia, Chile, France, New Zealand, Norway and Britain with a suggestion that a solution to the territorial problem of Antarctica be discussed. The statement went on to say that:

"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

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<sup>67</sup> The Chargé in Argentina (Ray) to the Secretary of State, Buenos Aires, July 21, 1948, *Foreign Relations of the United States, 1948*, pp. 995-6.

<sup>68</sup> J. Hanessian, "The Antarctic Treaty 1959," *International Comparative Law Quarterly*, 9 (1960), p. 440.

<sup>69</sup> The Under Secretary of State (Lovett) to the Secretary of Defense (Forrestal), Washington, August 13, 1948, *Foreign Relations of the United States, 1948*, p. 1000. Enclosed with this memorandum was a paper prepared by the Department of State defining the proposed U.S. claims to Antarctic territories. See, Paper Prepared by the Department of State, Washington, undated, *Foreign Relations of the United States, 1948*, pp. 1001.

believed that any useful purpose could be accomplished by a conference on the subject and no such conference is contemplated at present."<sup>70</sup>

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 two immediate reactions. First, on October 1, South Africa brought to the attention of the United States 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.<sup>71</sup> Second, in a memorandum dated October 8, 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.<sup>72</sup>

While these uninvited states expressed their desire to participate in a negotiated settlement of the Antarctic Problem, the United States' hopes for an agreement to negotiate with all seven claimants was not, however, forthcoming. Although Britain and subsequently New Zealand conveyed favourable interest in the internationalization proposal, both Argentina and Chile formally rejected it.<sup>73</sup> Norway viewed internationalization as unnecessary, while France requested further information about the proposal before reaching a decision.<sup>74</sup> Australia, indicating a desire to cooperate in

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<sup>70</sup> Department of State Press Release No. 689, August 28, 1948, cited in *The Department of State Bulletin*, 19, 479 (September 5, 1948), p. 301.

<sup>71</sup> Memorandum of Conversation, by the Chief, Division of Northern European Affairs (Hulley), Washington, October 1, 1948, *Foreign Relations of the United States, 1948*, pp. 1007-8.

<sup>72</sup> Editorial Note, *Foreign Relations of the United States, 1948*, p. 1010.

<sup>73</sup> Britain formally informed the U.S. Department of State in late November that it accepted the proposal in principle as a basis for discussion. See, "International Control of Antarctica," *The Times*, December 28, 1948, cited in Hanessian, "The Antarctic Treaty 1959," p. 442. New Zealand's first reaction to the U.S. proposal was adverse, however, after consultation with Britain, New Zealand indicated in September that it was willing to 'go along' with the proposal. See, The Minister in New Zealand (Scotten) to the Secretary of State, Washington, September 7, 1948, *Foreign Relations of the United States, 1948*, p. 1005. Chile formally rejected the proposal in October, 1948, and Argentina did likewise in November, 1948. See, The Ambassador in Chile (Bowers) to the Secretary of State, Santiago, October 8, 1948, *Foreign Relations of the United States, 1948*, p. 1009-10; The Ambassador in Argentina (Bruce) to the Secretary of State, Buenos Aires, November 1, 1948, *Foreign Relations of the United States, 1948*, p. 1011.

<sup>74</sup> The Norwegian Ambassador (Morgenstierne) to the Acting Secretary of State, Washington, November 15, 1948, *Foreign Relations of the United States, 1948*, pp. 1011-13; The

working out a solution, was skeptical about the necessity for internationalization, too. Indeed, the Australian Minister for External Affairs, H. V. Evatt, in a note informing his Prime Minister (Ben Chifley) about Australia's negative reply to the U.S. proposal, indicated that this stance was based on Australia's desire not to forego the right to control minerals and other resources in the Australian Antarctic Territory that would be surrendered if a "special regime" that internationalized Antarctica were established.<sup>75</sup>

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 60° South during the coming 1948-49 Antarctic season. It was hoped that this agreement would defuse the tense relations between the rival claimants that had characterized the previous 1947-48 summer season.<sup>76</sup>

Thus, after a period of 15 months during which time it had reassessed its Antarctic policy, searched for options, committed itself to a negotiated solution to the Antarctic Problem and suggested some parameters of the proposed negotiation, the United States was unable to secure an agreement to negotiate a solution with Argentina, Australia, Chile, France and Norway - despite favourable responses from Britain and New Zealand. As 1948 drew to a close, the initial attempt to solve the Antarctic Problem through the internationalization of the region appeared to have stalled.

#### 4.6 ANOTHER TURNING POINT - SOVIET INTEREST

But this was not the case. Another turning point in the U.S.-led attempt to form an international regime and, thereby, solve the Antarctic Problem, occurred in early 1949 when the All Union Geographical Society of the

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Department of State to the French Embassy, September 28, 1948, *Foreign Relations of the United States, 1948*, pp. 1005-7.

<sup>75</sup> Letter from H. V. Evatt to J. B. Chifley, February 8, 1949, AA: A1838/2, 1495/18/2. In this letter, Evatt informed Chifley that Australia's reply to the United States also indicated that Australia 'would be glad to co-operate with other governments in an [Antarctic] advisory commission on the lines of the South Pacific Commission.'

<sup>76</sup> For the text of the agreement see, Editorial Note, *Foreign Relations of the United States, 1949*, I (Washington: United States Government Printing Office, 1976), p. 793. This agreement was formally reaffirmed each season until 1955-56.

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.<sup>77</sup> Despite its non-official status, the Soviet notice indicated to the U.S. Department of State 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.'<sup>78</sup>

Prompted by this notice, both France and Britain sought the United States' reaction.<sup>79</sup> Upon learning that the U.S. was still interested in securing the internationalization of Antarctica, France delivered an aide-memoire to the U.S. Department of State on March 1, 1949, indicating that it now favoured in principle the proposed negotiations on the Antarctic Problem and 'could see nothing but advantages in the international scheme suggested by the United States.'<sup>80</sup> In addition, the aide-memoire indicated that the French government considered that 'the internationalization of activities in Antarctica could be realized without the abandonment of national claims of sovereignty' in the region.<sup>81</sup>

Several weeks after this French communication, Britain also formally asked the United States about the status of its internationalization proposal and indicated that '[i]f it looks like dying, the British Government will contemplate reverting to its proposal to open discussions direct with Argentina and Chile for settlement for their respective claims.'<sup>82</sup> Clarifying its position, the United States replied that it was now using the Chilean

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<sup>77</sup> "Russian Antarctic Claims," *The Times*, February 12, 1949.

<sup>78</sup> Memorandum of Conversation by the Chief of the Division of Northern European Affairs (Hulley), Washington, February 16, 1949, *Foreign Relations of the United States, 1949*, pp. 793-5.

<sup>79</sup> Memorandum of Conversation, by the Chief of the Division of Northern European Affairs (Hulley), Washington, February 16, 1949, *Foreign Relations of the United States, 1949*, pp. 793-5; Memorandum of Conversation, by the Chief of the Division of Northern European Affairs (Hulley), Washington, March 23, 1949, *Foreign Relations of the United States, 1949*, pp. 795-6.

<sup>80</sup> Footnote No. 4, *Foreign Relations of the United States, 1949*, p. 794.

<sup>81</sup> *Ibid.*

<sup>82</sup> Memorandum of Conversation, by the Chief of the Division of Northern European Affairs (Hulley) Washington, March 23, *Foreign Relations of the United States, 1949*, pp. 795-6.



(Escudero) *modus vivendi* "standstill" 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.<sup>83</sup>

#### 4.7 THE UNITED STATES TRIES AGAIN

Six more months were to pass, however, 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* "standstill" proposal, the main points of which provided for: (1) the freezing of all claims and rights in territory south of latitude 60° South for the period of the declaration (five or ten years); (2) the exchange among the declarant governments of scientific information regarding Antarctica; (3) the freedom of scientific research in the region for all declarant countries; and (4) the establishment of a consultative committee consisting of one member from each declarant country.<sup>84</sup>

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.'<sup>85</sup> Indeed, Britain also suggested several refinements for, and objections to, articles of the draft that were later reflected in subsequent revisions of the draft agreement. The United States then began informal discussions with Chile about the *modus vivendi* "standstill" in January, 1950, and a month later informed Australia and New Zealand about the new developments.<sup>86</sup>

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<sup>83</sup> *Ibid.*

<sup>84</sup> For the text of this draft declaration that was given to Britain in September, 1949, see, Draft Declaration on Antarctica, Prepared by the Department of State, Washington, undated, *Foreign Relations of the United States, 1949*, pp. 807-9.

<sup>85</sup> Footnote No. 3, *Foreign Relations of the United States, 1949*, p. 807.

<sup>86</sup> 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), Washington, January 4, 1950, *Foreign Relations of the United States, 1950*, I (Washington: United States Government Printing Office, 1977), p. 907-8; Memorandum of Conversation, by Mr. Caspar D. Green of the Office of British Commonwealth and Northern European Affairs, Washington, February 17, 1950, *Foreign Relations of the United States, 1950*, pp. 908-9.

Whereas New Zealand expressed support for the proposal, again the Australian response was negative, opposing the initiative on the grounds that (1) the consultative committee might give the Soviet Union an easier entry to Antarctic control; (2) occupation or activity by the Soviet Union or any other non-signatory during the "standstill" period might be recognized at international law as constituting a title in the area; and (3) Australia's own claim needed the support of expeditions and other activity in the Australian Antarctic Territory.<sup>87</sup>

In June, 1950, the Soviet Union made its first official 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. The memorandum was not sent to the remaining seventh claimant, Chile, because, at this time, the Soviet Union had not established formal relations with the South American state. The memorandum asserted the Soviet Union's 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.'<sup>88</sup> Argentina and Chile replied immediately, rejecting the right of the U.S.S.R. to claim territory in Antarctica and rejecting the Soviet Union's demand to participate in the discussion of Antarctic problems. At the same time, both states also reaffirmed the validity of their own Antarctic claims.<sup>89</sup>

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<sup>87</sup> Australian Claims in the Antarctic, Volume II, Agenda Papers, Paper No. 8, Antarctica, Commonwealth Prime Ministers' Conference, 1956, AA: A1838/2, 1495/1/9/1 Part 1. In October, 1951, Australia also informed Britain that it was unable to support the revised Chilean proposal on the grounds that (1) the most satisfactory means for meeting any possible future challenge to the Australian claim would be to continue and expand its activities in the area and the "standstill" agreement would prevent Australia from profiting from these activities; (2) the Chilean proposal would in all probability revive the question of the Soviet Union's note which was lying dormant; and (3) the establishment of a consultative committee would be the thin edge of the wedge in whittling away national sovereignty and setting up an international regime. See, Note for Mr. Plimsoll, undated, AA: A1838/2, 1495/17/2 Part I.

<sup>88</sup> The Embassy of the Soviet Union to the Department of State, Washington, June 8, 1950, *Foreign Relations of the United States, 1950*, pp. 911-13.

<sup>89</sup> Footnote No. 16, *Foreign Relations of the United States, 1951*, I (Washington: United States Government Printing Office, 1979), p. 1728. Because it had not received the official memorandum, Chile's reply to the Soviet Union was conveyed by way of a public statement.

The Soviet memorandum clearly placed the United States in another awkward position with respect to Antarctica. Because it had not made territorial claims to parts of the region, the United States was essentially in the same category as the Soviet Union *vis-à-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* "standstill." This 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.'<sup>90</sup> 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.<sup>91</sup> 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 claimants as it was hoped that such timing would minimize claimant criticism.

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.'<sup>92</sup> The beginning of the Korean War in late June, 1950, also meant that the United States had more pressing matters than the Antarctic Problem with which to contend, and during the remainder of 1950 and throughout 1951, little effort was devoted toward achieving a solution other than intermittent drafting discussions with Britain and Chile about the proposed *modus vivendi*.<sup>93</sup>

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<sup>90</sup> Department of State Policy Statement, Washington, July 1, 1951, *Foreign Relations of the United States, 1951*, p.1730.

<sup>91</sup> *Ibid*, pp. 1722-31.

<sup>92</sup> *Ibid*. Britain, Australia and New Zealand did not reply to the note, either, while France sent a simple acknowledgment. See, Memorandum from A. S. Watt, Secretary, For the Prime Minister and Acting Minister for External Affairs: Antarctica, October 27, 1950, AA: A1838/2, 1495/13/1 Part 2.

<sup>93</sup> Hanessian, "The Antarctic Treaty 1959," p. 447.

#### 4.8 FURTHER ESCALATION OF THE ANTARCTIC PROBLEM

While these informal drafting discussions were taking place, the Antarctic Problem escalated in intensity. An annual occurrence since 1947 had been 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 Peninsula was forced to withdraw after shots were fired over their heads by a party of armed Argentines.<sup>94</sup> 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.<sup>95</sup>

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.<sup>96</sup> The Chilean reticence stalled further developments and this situation was compounded when, in October, 1952, the U.S. Department of Defense unexpectedly opposed the proposed draft declaration.<sup>97</sup> Although it is not clear why the Department of Defense opposed the proposed draft declaration at this time, it is probable that a reversion to the concerns expressed by the Joint Chiefs of Staff during the spring of 1948 had occurred.

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<sup>94</sup> "Argentines Eject a British Party: Incident in Antarctica," *The Times*, February 2, 1952.

<sup>95</sup> "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 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 Falkland/Malvinas: was the resort to violence foreseeable?" *International Affairs*, 59, 3 (1983), pp. 393-4.

<sup>96</sup> Hanessian, "The Antarctic Treaty 1959," p. 447.

<sup>97</sup> *Ibid.*

The second incident, in February, 1953, concerned the arrest and deportation of two Argentine nationals from Deception Island (part of the South Shetlands) by the British authorities stationed 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.<sup>98</sup>

This second incident also sparked a renewal of Chilean interest in the *modus vivendi* "standstill" proposal and the South American state sought clarification of the United States' position. Although the U.S. Department of State considered the *modus vivendi* proposal to be the best option for the United States to seek agreement about, internal agreement again could not be reached.<sup>99</sup> The proposal thus became moribund and the first attempt to form an Antarctic regime had ended in failure.

#### 4.9 PRENEGOTIATION AND LEADERSHIP

From the foregoing narrative history of the first, unsuccessful effort to form an Antarctic regime, a number of observations can be made. First, it is clear that the development of the Antarctic Problem during the latter part of 1947 - especially the increasingly acrimonious nature of the relations between Britain, Argentina and Chile concerning their overlapping claims to Antarctic territory and the desire on the part of the United States not to be drawn into the dispute but to maintain cooperative relations with each, while, at the same time, secure American interests in Antarctica - constituted a turning point in Antarctic affairs. For the United States, at least, the situation concerning Antarctica was a problem about which the pursuit of its interests defined in purely individualistic terms was beginning to lead to undesirable outcomes. This turning point resulted in the United States initiating a prenegotiation process which involved reassessing its Antarctic policy, searching for options, making a commitment to negotiate a comprehensive solution to the Antarctic Problem through the establishment of a regime internationalizing the region, setting some parameters about the

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<sup>98</sup> "Argentine Dispute with Britain," *The Times*, February 24, 1953.

<sup>99</sup> Hanessian, "The Antarctic Treaty 1959," pp. 447-8.

scope and participants of the proposed negotiation, and seeking an agreement to negotiate.

At first suggesting the internationalization of Antarctica in the form of a United Nations trusteeship, the United States revised its proposal, on advice from Britain, to that of an eight-power condominium of claimant states (including the United States as an intending claimant and excluding its superpower adversary, the Soviet Union). While the United States secured the agreement of Britain and New Zealand to negotiate an arrangement along such lines, the five other claimants to Antarctic territory (Argentina, Australia, Chile, France and Norway) declined to provide theirs. Thus, by the end of 1948, the initial attempt to form an Antarctic regime appeared to have stalled with these negative responses. Impetus revived at the beginning of 1949, however, following the expression of interest by the All Union Geographical Society of the U.S.S.R. in all international decisions concerning Antarctica. France then immediately agreed to the principle of a negotiated solution to the Antarctic Problem that involved internationalization without the abandonment of national claims of sovereignty in the region and the United States cast aside the idea of a condominium and picked up the Chilean *modus vivendi* "standstill" proposal as the basis upon which to secure an agreement to negotiate. Again, Britain and New Zealand responded positively to the proposal, but once more the Australian reaction was negative, while Argentina and Norway were not consulted. Drafting discussions about the *modus vivendi* proposal between the United States, Britain and Chile took place intermittently during the next two years (as the United States and Britain became more preoccupied with more pressing matters such as the Korean War), however these came to nothing by late 1952 when the United States' commitment to negotiate evaporated following unexpected internal opposition to the proposal by the U.S. Department of Defense.

In sum, then, prenegotiation problems at the *agreement to negotiate* stage blocked efforts to "get to the table" to negotiate a regime. Widespread claimant opposition to any internationalization of Antarctica at this time was the major factor in the failure to create a regime. Although Britain and New Zealand (and later, France) expressed support for the U.S. proposal of an Antarctic condominium and the United States, Britain and New Zealand supported the Chilean *modus vivendi* "standstill" proposal as bases for negotiation, Argentina, Australia, Chile and Norway rejected the former,

and Australia rejected the latter. In short, although some states with declared Antarctic interests accepted two regime proposals in principle as a basis for negotiation, others were unwilling to entertain the need for such a course of action. The opposition of the U.S. Department of Defense to the *modus vivendi* "standstill" proposal in late 1952 was a final blow to the initial attempt to create an Antarctic regime. The American commitment to a negotiated solution was revoked. It must be recognized, however, that the U.S. commitment to negotiate a solution to the Antarctic Problem was not a problem until this time.

The second observation follows from the first. If the prenegotiation problems identified above constituted obstacles to the negotiation of a solution to the Antarctic Problem through the formation of an international regime, there was little entrepreneurial leadership and no structural leadership exercised to solve or circumvent them despite the emergence of intellectual leadership that generated and proposed ideas about solutions. In regard to structural leadership, the documentary record contains no evidence to suggest that United States policymakers, or policymakers from any other country for that matter, used their states' material resources as bargaining leverage to coerce, manipulate or induce others to behave in preferred ways. In regard to entrepreneurial leadership, apart from United States policymakers shaping the initial scope of the proposed negotiations in the form of a comprehensive solution to the Antarctic Problem through the internationalization of the region and specifying the participants that should be involved, there is no evidence to suggest that they, or those from any other country, engaged in popularising, persuading or devising and brokering deals to foster the negotiation that it was hoped would follow.

Why this was so is difficult to explain. It could be argued that the solution of the Antarctic Problem had low salience and therefore did not warrant the investment of resources to try to overcome impediments to negotiation and agreement.<sup>100</sup> While it can be suggested that the level and frequency of U.S.

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<sup>100</sup> This is the line of argument adopted by Peterson. (See, M. J. Peterson, *Managing the Frozen South*, Chapter 3.) Peterson's argument, however, relies more on assertion rather than the marshalling of evidence to support such a conclusion. It is noteworthy, too, that Peterson also argues that the inability of the claimants and the United States to arrive at some mutually acceptable resolution of the Antarctic Problem was the other major factor in the failure to create a regime. While this comment is valid, she maintains that this 'lack of resolution stemmed mainly, though not entirely, from the United States government's inability to arrive at a set policy. If the pro-claims faction had been able to carry the day, there would have been a regime based on the division of Antarctica into eight national

diplomatic activity concerning this initial attempt to form an Antarctic regime declined after the first few months of 1949, the documentary record does show, however, that during the preceding 12 months the matter was sufficiently important (and salient) enough to involve the frequent, active participation of high level officials, particularly Secretary of State Marshall.<sup>101</sup> Certainly, from the beginning of the Korean War in late June, 1950, the salience of the Antarctic Problem had declined with little American effort to achieve a solution thereafter. But to assert that this was the situation throughout this period, and particularly in 1948, is plainly mistaken.

Perhaps a more telling consideration to help explain the lack of entrepreneurial and structural leadership during this process of prenegotiation was the desire on the part of the United States to reduce uncertainty and deal with a complicated problem at a lower level of risk than an assertive strategy involving inducement, persuasion, coercion or manipulation would allow. As Stein suggests, 'when leaders consider the process of negotiation a high-risk option, with potentially large costs, the reduction of uncertainty will dominate the process of prenegotiation and order the phases.'<sup>102</sup>

This was so in the case under discussion here. It has been shown that the reassessment of United States' Antarctic policy during the closing months of 1947 and the early part of 1948, occurred in the wake of an intensifying

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areas, the reciprocal recognition of sovereignty, and a united effort to protect that sovereignty against all outside challenge. If the anti-claims faction had prevailed, the United States would probably have backed the Chilean proposal to hold claims in abeyance while pursuing cooperative scientific research.' (pp. 65-6)

From the examination of the documentary record in this chapter, a number of points can be made about this argument. First, examination of the documentary record analysed in this chapter reveals that (1) the United States did back the Chilean proposal from late 1949; (2) dissension within the United States to the government's policy of seeking to form an Antarctic regime did not become an issue until late 1952; (3) Peterson provides no grounds to support her conclusion that if the pro-claims faction in the U.S. had been able to carry the day, there would have been a regime, nor does she explain how the opposition of such claimants as Australia and Argentina would have been overcome. All in all, then, Peterson's conclusions reflect a remarkably American-centric view of Antarctic affairs which is clearly flawed.

<sup>101</sup> After a period of ill-health in the latter part of 1948, Marshall resigned from the position of Secretary of State in January, 1949. Dean Acheson was subsequently nominated and confirmed to the position.

<sup>102</sup> Stein, "Getting to the Table: The Triggers, Stages, Functions, and Consequences of Prenegotiation," p. 251.



Antarctic Problem when the U.S. sought to avoid favouring any of the rival claimants to Antarctic territory and, at the same time, secure its own interests in the region. This first stage of the prenegotiation process was coupled almost immediately with the consideration, by the United States, of the option of a comprehensive negotiated solution to the problem in the form of an international trusteeship regime under the auspices of the United Nations or a condominium regime of directly interested states.

While consultation between the United States and Britain during this period resulted in the latter state expressing its general support of such a negotiated solution, Britain also indicated a preference for a judicially arbitrated settlement of its dispute with Argentina and Chile over their overlapping claims. In addition, both the United States and Britain both agreed about the desirability of excluding their Cold War adversary, the Soviet Union, from any Antarctic regime that may be formed.

The complications associated with the dispute between Britain, Argentina and Chile, plus the increasing desirability of excluding the Soviet Union from Antarctica, resulted in the United States developing the option of a comprehensive negotiated solution during the first half of 1948 (after all, a partial, arbitrated settlement of the British-Argentine-Chilean dispute would not have solved all of the United States' problems in Antarctica). Rather than then making a commitment to a negotiated solution, seeking an agreement to negotiate and then setting parameters, as Tomlin's 5-stage model suggests, the fifth stage overlapped the second when the United States set some parameters concerning scope and participants.<sup>103</sup>

Part of the reason for this particular ordering of the stages of prenegotiation concerned domestic political interests within the United States, particularly the need by the Department of State to secure Department of Defense support for the negotiated solution option. It can also be suggested that this ordering was the result of U.S. Secretary of State Marshall's caution and desire to reduce uncertainty. This is illustrated in Marshall's memorandum of conversation, at a meeting held in August, 1948, with Australian

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<sup>103</sup> By proposing a comprehensive solution and the participants, the United States engaged in the sorts of structuring activity that Tomlin characterizes as the fifth stage of prenegotiation. See, Tomlin, "The Stages of Prenegotiation: The Decision to Negotiate North American Free Trade," in J. G. Stein, ed., *Getting to the Table*, pp. 18-43.

representatives about the U.S. condominium proposal. Marshall commented at this time that:

'Our feeling is that the situation is so complicated and the other means of settlement are so complicated that we are afraid we would come out the same hole we went in; that we want to work out a settlement and that internationalization seems to us the way to get it.'<sup>104</sup>

Clearly, Marshall's approach was one of cautious exploration of the option of negotiation as he sought to gauge the intentions and objectives of the other parties, thereby acquiring critical information at little or no cost and without publicly committing the United States to a negotiation with an unknown outcome. Marshall's aim, at this time, was to explore the possibility of getting to the table rather than pressing to get there. This suggests that even when senior level policymakers consider regime formation a preferred means to solve a vexing, complicated international problem, calculation of costs and the degree of uncertainty about the outcome, revealed through prenegotiation, may mean that decisions (or non-decisions) are made not to invest in structural or entrepreneurial leadership activity to attempt to overcome the obstacles.

But while structural leadership and significant entrepreneurial leadership were absent in the initial attempt to form an Antarctic regime, the same cannot be said for intellectual leadership. This was exercised. As has been shown, three proposals to solve the Antarctic Problem were generated: the establishment of an international trusteeship; the creation of a condominium; and the *modus vivendi* "standstill" proposal.<sup>105</sup> The establishment of an international trusteeship under the auspices of the U.N. offered the prospect of a comprehensive solution to the Antarctic Problem. But the United States quickly dropped this idea when Britain expressed concern about the difficulty of excluding the Soviet Union from involvement in Antarctic affairs if this sort of arrangement proceeded and gave support to the alternative American idea of an Antarctic condominium.

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<sup>104</sup> Memorandum of Conversation, by the Secretary of State, Washington, August 17, 1948, *Foreign Relations of the United States, 1948*, pp. 1003.

<sup>105</sup> There was, of course, another proposed solution: judicial arbitration of the dispute between Britain, Argentina and Chile. This was, however, only partial in scope and did not involve the notion of an international regime. Britain expressed its preference for this solution at various times during discussions with the United States about the possibility of forming an Antarctic regime.

The idea of a condominium - where a territory is under joint tenancy of two or more states exercising conjointly sovereignty over it - can be quickly dismissed, however, as indicating the imprint of intellectual leadership. While the establishment of condominiums has been a diplomatic device to solve some, though admittedly not many, territorial disputes in international society during the past few centuries, it can by no means be termed a novel idea.<sup>106</sup>

The idea of establishing an international trusteeship as an innovative solution to the Antarctic Problem is, however, more difficult to assess. Leaving aside the consideration that nowhere in the archival material examined is there any indication as to the identity of the individual who generated this idea in connection with Antarctica, at most it can be suggested that the application of the notion of international trusteeship was an inchoate, embryonic antecedent to the concept of the common heritage of mankind that twenty years later was so significant during the development of the United Nations Law of the Sea Convention during the late 1960s and 1970s.<sup>107</sup>

A subject of great controversy during and immediately after World War II, particularly between Britain and the United States, international trusteeship contained two cardinal elements - concern for the welfare of indigenous inhabitants (defined in terms of native peoples) of colonial territories and open access to their resources.<sup>108</sup> Insofar as Antarctica had no such indigenous inhabitants, it can therefore be suggested that its application to Antarctica represented a novel shift in thinking about ways to solve a vexing territorial dispute and, at the same time, secure open access to its resources. To go any further though and classify the idea of international trusteeship to Antarctica as the outcome of anonymous intellectual leadership is to draw

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<sup>106</sup> On the subject of condominium, see, A. James, *Sovereign Statehood: The Basis of International Society* (London: Allen & Unwin, 1986) pp. 31-2; and M. Ydit, *Internationalised Territories* (Leyden: A. W. Sythoff, 1961).

<sup>107</sup> On the evolution of the concept of the common heritage of mankind, see, B. Larschan and B. C. Brennan, "The Common Heritage of Mankind Principle in International Law," *The Columbia Journal of Transnational Law* 21, 2 (1982-3), pp. 305-337; Suter, *Antarctica: Private Property or Public Heritage?* especially, Chapter 11.

<sup>108</sup> W. R. Louis, *Imperialism At Bay: The United States and the Decolonization of the British Empire 1941-1945*, Chapter 5.

perhaps too long a bow. More evidence is required before such a conclusion could be confidently stated.

The third proposed solution, the *modus vivendi* "standstill" idea can, however, be classified as the work of an intellectual leader. Originally proposed in 1948 by the Chilean academic and foreign ministry adviser, Professor Julio Escudero, the essence of his idea was the freezing of all claims and rights to Antarctica for a period of five or ten years during which time scientific cooperation was to be encouraged. Reportedly modelled on an agreement of 1908 between Russia, Germany, Denmark and Sweden for the maintenance of the status quo in the Baltic, the Escudero Declaration (as the proposal also became known) was clearly an innovative conceptualization of a solution to solve the Antarctic Problem.<sup>109</sup>

#### 4.10 CONCLUSIONS

Thus to conclude, it has been shown that the failure of the initial attempt to form an Antarctic regime during the late 1940s and early 1950s resulted from prenegotiation problems which blocked efforts to "get to the table."

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<sup>109</sup> Memorandum of Conversation, by the Officer in Charge of British Commonwealth and Northern European Affairs (Hulley), Washington, September 7, 1950, *Foreign Relations of the United States, 1950*, p. 917-19. While the *modus vivendi* "standstill" proposal was innovative, it must be noted, however, that a similar idea to solve a territorial dispute was employed by the United States and Britain in 1818. In that year, Britain and the United States signed a convention to solve, albeit temporarily, the dispute they had with each other over the Oregon Territory. In this case, the U.S. Secretary of State, John Quincy Adams, declined a arbitrated settlement of the dispute that had been proposed by Lord Castlereagh, British Secretary for Foreign Affairs. Instead, Adams suggested direct negotiation on the matter and the outcome was the Convention of 1818, signed on behalf of the United States by Richard Rush (Minister to Great Britain) and Albert Gallatin (Minister to France). In this Convention, the parties agreed to (1) fix the northwest boundary between the U.S. and British North America along the 49th parallel from the Lake of the Woods to the crest of the Rocky Mountains; (2) not establish a boundary for the region west of the mountains but agree that the Oregon country was to be open to their subjects for 10 years during which time such joint occupation would not be considered prejudicial to the territorial claims of either power in the Pacific Northwest. In 1827, the Convention was renewed for an indefinite term with the stipulation that on a year's notice the joint occupation agreement might be terminated unilaterally. In 1845, the United States did this and in the following year Britain proposed a treaty which was subsequently accepted and ratified by the United States. This treaty (the Oregon Treaty) provided (1) that the boundary between the U.S. and British territory in Oregon would be an extension of the existing continental line along the 49th parallel to the middle of the channel between Vancouver Island and the mainland, and thence a line running southward through the Juan de Fuca Strait to the Pacific Ocean; (2) for free navigation of the channel and the strait by both parties; and (3) by the British of the Columbia River below the 49th parallel. See, R. B. Morris, ed., *Encyclopedia of American History* (New York: Harper & Row, 1965) p. 157, pp. 195-6. For more detailed discussion of this matter, see, F. Merk, *The Oregon Question: Essays in Anglo-American Diplomacy and Politics* (Cambridge, Mass.: The Belknap Press of Harvard University, 1967).

Emphatic opposition by several claimants to any internationalization of Antarctica, coupled with the eventual revocation of U.S. commitment to a negotiated solution along the lines of an Antarctic regime, brought about by U.S. Defense Department opposition, were problems unchallenged by structural or entrepreneurial leadership. Even though intellectual leadership had generated and proposed an innovative solution to the Antarctic Problem, this type of leadership, alone, was insufficient to overcome these problems. None the less, during the process of prenegotiation solutions had been formulated and opportunities for learning presented. Whether or not these were to be taken up, however, lay in the future.

## **PART III**

### **BREACHING THE IMPASSE**

## 5

## ANTARCTICA, THE I.G.Y. AND BEYOND

With the collapse, by 1953, of the U.S.-led effort to form an Antarctic regime as a way of solving the Antarctic Problem and in the wake of the incidents between British, Argentine and Chilean parties in the disputed area, Britain reassessed its Antarctic policy. On receiving legal advice that the title to its sector of Antarctica was becoming progressively weaker in the face of increased Argentine and Chilean activity in the area, Britain proposed to change its policy and proceed to the orderly reduction of political and naval commitments in the region. Indeed, Britain resolved, as a first step, to sound out the Argentine and Chilean Governments as to their readiness to enter into discussion on outstanding claims.<sup>1</sup> In essence, Britain had decided not to maintain its claim to title over the whole of the sector to which it had asserted sovereignty.

When informed of this decision and its opinion sought, the Australian government expressed its concern that such action might impair the sector principle and if this were so, thereby raise serious implications for Australian claims. A year was to pass before such Australian fears were allayed when, in October, 1954, Britain indicated that there had been a change of emphasis since 1953 and their present plans did not now envisage any withdrawal from any portion of the British Antarctic Sector.<sup>2</sup> Moreover,

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<sup>1</sup> For Moodie from Watt, September 15, 1953, AA: A1838/2, 1495/17/2 Part 1; For the Minister from the Australian External Affairs Office, London, October 1, 1953, AA: A4311/1, 85/1.

<sup>2</sup> Letter from the Office of the High Commissioner for the United Kingdom, Canberra, to The Secretary, Prime Minister's Department, Canberra, October 26, 1954, AA: A1838/2, 1495/17/2 Part 1.

in May, 1955, Britain reverted to a policy which sought partial settlement of the Antarctic Problem through judicial arbitration when it submitted its case to the International Court of Justice. During the previous December, Britain had asserted in identical notes to both Argentina and Chile that if the two states still felt unable to negotiate a peaceful settlement concerning the issue of their overlapping claims to Antarctic territory, 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 decided to apply directly to the International Court and lay the British case before it. Explaining this action in a written Parliamentary answer, the British Foreign Secretary, Harold Macmillan, stated that 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.<sup>3</sup>

In formal notes, both Argentina and Chile subsequently rejected the British proposal to submit the dispute to the International Court of Justice. This resulted in press speculation in Britain that 'the time for 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.'<sup>4</sup> Compounding this situation was the domestic political turmoil which racked Argentina during 1955. In June of that year, an attempt had been 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 from office by a coup.<sup>5</sup> After almost nine years of Peronista rule, during which time Argentina's nationalistic designs in Antarctica had become fervent, the South American state entered into a period of military rule.

With these developments, by the middle of the decade no solution to the Antarctic Problem - either comprehensive or partial - seemed near. But events were in train, however, that were to change this situation. By the end of the decade a treaty concerning Antarctica had been signed and an Antarctic regime formed. These events were associated with the

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<sup>3</sup> "British Application to Hague Court," *The Times*, May 7, 1955.

<sup>4</sup> "British Rights in Antarctica: New Situation," *The Times*, August 6, 1955.

<sup>5</sup> P. Calvocoressi, *World Politics Since 1945* 3rd. ed. (London: Longman, 1977), p. 412.



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. Indeed, the I.G.Y. was instrumental in breaching the impasse that had foiled the earlier attempt to solve the Antarctic Problem through the formation of an international regime to govern the actions and relations among states involved in the region.

The nature of the role that the I.G.Y. played in this regard is, however, somewhat controversial. Perhaps the dominant school of explanations of the Antarctic Treaty emphasises what can be termed the "triumph of science." On this account, it is generally asserted that (1) the success of the Antarctic program of the I.G.Y. and, particularly, the exemplary part played by scientists in showing the way to solve the Antarctic Problem through their cooperative efforts, directly led the twelve states involved (Argentina, Australia, Belgium, Chile, France, Britain, Japan, Norway, South Africa, the Soviet Union and the United States - all of whom had claimed either territory, rights or interests in Antarctica) to decide to continue their scientific activities in the region; (2) the need therefore arose to establish some international arrangement or blueprint which would provide a stable basis for such valued activities; ergo (3) the Antarctic Treaty of 1959.<sup>6</sup> Thus, in this "triumph of science" account, the primary objective of the states involved is portrayed as their need to ensure that continuing scientific activities in the region would be conducted in a coordinated and cooperative manner.

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<sup>6</sup> See, for example, W. Sullivan, *Assault on the Unknown* (London: Hodder & Stoughton, 1961), pp. 413-4; G. deQ. Robin, "International Co-operation and Geophysics," in Sir Raymond Priestley, R. J. Adie and G. deQ. Robin, eds. *Antarctic Research* (London: Butterworths, 1964), pp. 258-9; T. O. Jones, "The Antarctic Treaty," in L. O. Quam, ed., *Research in the Antarctic* Publication No. 93, (Washington: American Association for the Advancement of Science, 1971), pp. 57-65; E. Hambro, "Some Notes on the Future of the Antarctic Treaty Collaboration," *American Journal of International Law* 68, 2 (1974), pp. 218-9; R. Bilder, "The Present Legal and Political Situation in Antarctica," in J. I. Charney, ed., *The New Nationalism and the Use of Common Spaces* (Allanheld: Osman Publishers, 1982), p. 169. Diplomats and politicians, too, have often espoused this "triumph of science" view of the origins of the Antarctic Treaty. See, for example, 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, January 5-13, 1985, reprinted in *Australian Foreign Affairs Record*, 56, 1 (January 1985), p. 18; 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, September 14, 1979, reprinted in *New Zealand Foreign Affairs Review* (July-December 1979), p. 36.

Perhaps the most detailed example of this "triumph of science" explanation is offered by Coplin, McGowan and O'Leary.<sup>7</sup> 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 . . . 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.'<sup>8</sup>

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.'<sup>9</sup>

Although not cited in the literature as such, this picture can be viewed as supporting what Osherenko and Young term a "knowledge-based" hypothesis of regime formation.<sup>10</sup> This hypothesis, developed initially by Peter Haas, emphasises the direct role of knowledge and values in regime formation: regimes form when an epistemic community arises and communicates its ideas on a problem and its solution persuasively to policy

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<sup>7</sup> W. D. Coplin, P. J. McGowan, M. K. O'Leary, *American Foreign Policy: An Introduction to Analysis and Evaluation* (North Scituate, Mass.: Duxbury Press, 1974), pp. 203-4.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> Osherenko and Young, "The Formation of International Regimes: Hypotheses and Cases," p. 20.

makers.<sup>11</sup> This epistemic community, generally consisting of scientists and government officials, offers authoritative, consensual advice on matters about which policy makers are poorly informed and uncertain about what to do.<sup>12</sup> Based on the reasoning of this hypothesis, then, the scientists involved in the I.G.Y., as depicted in the "triumph of science" account of the Antarctic Treaty, may well have formed an epistemic community (whose members shared a common understanding of the Antarctic Problem and its solution) which was able to promote, successfully, its preferred arrangements to the relevant policy makers.

Within Antarctic studies, though, the "triumph of science" account of the origins of the Antarctic Treaty has recently been challenged by an alternative view which, while acknowledging the relevance of events concerning the I.G.Y., suggests the primacy of security motives. Although not drawing on evidence gathered from an extensive review of the documentary record, proponents of this view suggest that the further development of Cold War considerations in Antarctica during the mid and late 1950s was a more significant factor that must be added to the explanatory equation.<sup>13</sup>

This chapter will examine the role played by the I.G.Y. in breaching the impasse that had stymied earlier efforts to form an Antarctic regime. In doing so, it will begin to assess the contending explanations of the Antarctic Treaty adumbrated above, assess the "knowledge-based" hypothesis which emphasises the critical role of epistemic communities in regime formation

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<sup>11</sup> P. M. Haas, "Do regimes matter? Epistemic communities and Mediterranean pollution control," and E. Adler and P. M. Haas, "Conclusion: Epistemic Communities, World Order and the Creation of a Reflective Research Program," *International Organization* 46 (Winter 1992), pp. 367-90.

<sup>12</sup> See, Osherenko and Young, "The Formation of International Regimes: Hypotheses and Cases," pp. 18-19 and "Appendix - Template of Hypotheses to Be Tested," O. R. Young and G. Osherenko, eds., *Polar Politics: Creating International Regimes* (Ithaca: Cornell University Press, 1993), pp. 265-6.

<sup>13</sup> P. J. Beck, "Antarctica as a Zone of Peace: A Strategic Irrelevance? A Historical and Contemporary Survey," in R. A. Herr, H. R. Hall, M. G. Haward, eds., *Antarctica's Future: Continuity or Change?* (Hobart: Australian Institute of International Affairs, 1990), p. 204. Other scholars who have emphasized security motives are : C. C. Joyner, "Nonmilitarization of the Antarctic: The Interplay of Law and Geopolitics," *Naval War College Review* LXII, 4 (Autumn 1989), pp. 83-104; C. C. Joyner, "U.S.-Soviet Cooperative Diplomacy: The Case of Antarctica," in N. Jamgotch, Jr., ed., *U.S.-Soviet Cooperation*, pp. 39-61; D. Shapely, *The Seventh Continent: Antarctica in a Resource Age* (Washington: Resources for the Future, 1985), pp. 89-90.

and, given the research objective of this study, ascertain the existence or otherwise of leadership in regime formation exercised by participants in the planning and conduct of the I.G.Y.

### 5.1 THE INTERNATIONAL GEOPHYSICAL YEAR<sup>14</sup>

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 the eminent American geophysicist, Dr. James Allen. One of the guests at the party, Dr. Lloyd Berkner, suggested that a Third Polar Year be held during 1957 and 1958.<sup>15</sup> The idea was enthusiastically received by the scientists at the party and it was decided to present this proposal 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.<sup>16</sup> Moreover, in the following May, I.C.S.U. set up a committee to take charge of coordinating the program.

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

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<sup>14</sup> Much of the following narrative history of the International Geophysical Year is based on a section of my M.A. thesis (H. R. Hall, "Antarctica and World Politics: The Significance of Political Factors in Antarctic Affairs During the Twentieth Century," pp. 83-100.) Unless directly acknowledged, the analysis is synthesized from the following studies: W. Sullivan, "The International Geophysical Year," *International Conciliation* 521 (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 I* (Washington: United States Government Printing Office, 1977), pp. 293-360; W. W. Atwood, Jr., "The International Geophysical Year: A Twentieth-Century Achievement in International Cooperation," *The Department of State Bulletin* XXXV, 910 (1956), pp. 880-886; W. W. Atwood, Jr., "The International Geophysical Year in Retrospect," *The Department of State Bulletin* XL, 1037 (1957), pp. 682-689; Plott, "The Development of United States Antarctic Policy," pp. 143-191.

<sup>15</sup> The First Polar Year was held in 1882-3 and involved scientists from 20 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 50-year interval, to the Second International Polar Year of 1932-3 which involved scientists from 40 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 50-year interval - that is, in 1982-3.

<sup>16</sup> I.C.S.U. is a nongovernmental organization which helps to coordinate international activities in science. During the early 1950s it comprised 13 international scientific unions with members from 45 countries.

data were required. Second, the development of new communications systems and travel at supersonic speed posed problems which required new information about the earth and its upper atmosphere. 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.

Further development of the proposal was not, however, straightforward. There were some difficulties to be overcome. Initial responses by invited member states of 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. I.C.S.U. considered this suggestion 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.<sup>17</sup> Accordingly, the special committee set up by I.C.S.U. to coordinate the program and to ensure that the data collected was available to researchers from all states, was enlarged and in July, 1953, renamed the Comité Spécial de L'Année Géophysique 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 states participated - including all the major Western states, plus Czechoslovakia and Yugoslavia. At the second meeting, held in Rome during the following year, this number had increased to 38 participating states 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.

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<sup>17</sup> 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 the behalf of the United States. Subsequently, U.S. President Eisenhower (1) 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 (2) appointed the Secretary of Defense executive agent for logistic support.

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 selection of Antarctica for special attention was justified on the grounds that its physical 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 states 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 - all of which, as indicated before, had declared claims, rights or interests in the region during the preceding half-century.

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. Three 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 states' respective ambassadors in Paris. This appeared to the scientists present as an affront to the supposed non-political character of the I.G.Y.<sup>18</sup> In the second place, numerous stations were proposed for the Antarctic Peninsula region, primarily by Argentina, Chile and Britain, for what appeared to be political rather than scientific reasons.<sup>19</sup> Thirdly, the Soviet Union proposed to establish three stations in the Australian Antarctic Territory, much to the immediate consternation of the Australian government and the concern of the U.S. Department of State at the imminent Soviet penetration of Antarctica.<sup>20</sup>

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<sup>18</sup> Plott, "The Development of United States Antarctic Policy," p. 162.

<sup>19</sup> *Ibid*, p. 163.

<sup>20</sup> On Australian reaction, see, Cabinet Submission by R. G. Casey, Minister for External Affairs, January 19, 1956, AA; A1838/2, 1495/1/9/4 Part 2. U.S. Department of State concern is reported in Cablegram 817, July 25, 1955, AA: A1838/2, 1495/13/1 Part 2. Eventually, the Soviet Union established six stations in Antarctic during the I.G.Y.

Moreover, wary of the projected increased level of British activity plus the Soviet presence, the Argentine and Chilean delegations presented a joint resolution at the final plenary session of the Conference in an attempt to protect their claim positions.<sup>21</sup> 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 IGY 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."<sup>22</sup>

All of the delegations present approved the resolution and although not binding their respective governments, it came to be viewed as a mutual understanding, or "gentleman's agreement," to place a moratorium on the claims issue thereby allowing non-claimant participating states to establish stations anywhere in Antarctica as part of the I.G.Y. Antarctic program without political repercussions and, at the same time, providing a measure of protection for claimant participating states against the erosion of their positions.

This informal moratorium on Antarctic claims resulted in the diminution of overt friction in Antarctic affairs during the period leading up to, and including, the I.G.Y., although states such as Australia continued to be particularly perturbed about the location of Soviet stations on Australian-claimed territory. Indeed, in Australia at this time, there was much speculation about the possible military value of Soviet bases in Antarctica. Echoing concerns expressed after World War I, newspaper editorials again prophesized 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.'<sup>23</sup>

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<sup>21</sup> Plott, "The Development of United States Antarctic Policy," p. 164.

<sup>22</sup> First C.S.A.G.I. Antarctic Conference (Paris, July 6-10, 1955), *Annals of the International Geophysical Year IIB* (1959), p. 409.

<sup>23</sup> Plott, "The Development of United States Antarctic Policy," pp. 165-6. 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

By the time, then, that the I.G.Y. was underway in 1957, some 50 stations were manned in Antarctica by scientists from the twelve states with programs in the region, whilst world-wide, over 10,000 scientists and technicians from an eventual 67 participating states worked at 2,500 stations when 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 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 U.S. 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 U.S. defense and political circles that the Soviet Union had been able to accomplish this remarkable technological feat.<sup>24</sup> It heralded the dawn of the Space Age.

If the launching of the first artificial earth satellites were 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.<sup>25</sup> It is one thing, however, to laud the success of

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around the far corners of Africa, South America and Australia.' (Cited in R. A. Swan, *Australia in the Antarctic*, p. 374.) Australian concern about the presence of an unfriendly power in Antarctica has a long history. In the 1920s, as discussed in Chapter 3, 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* (Parkville: Melbourne University Press On Behalf of the A.N.U. Press, 1962), pp. 37-40, pp. 74-80, p. 227.)

<sup>24</sup> 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 and Allied territory. This had major implications for American and Allied defense requirements and strategy. See, J. M. Gavin, *War and Peace in the Space Age* (New York: Harper, 1958); J. R. Killian, Jr., *Sputnik, Scientists, and Eisenhower* (Cambridge, Mass: M.I.T. Press, 1977); D. D. Eisenhower, *Waging Peace* (London: Heinemann, 1965), chapter VIII; Ambrose, *Rise to Globalism*, Chapter 9.

<sup>25</sup> See, for example, United States House of Representatives Committee on International Relations, "The Political Legacy of the International Geophysical Year," p. 328; and L. M.



the I.G.Y. Antarctic program; it is quite another to say that this success led directly to the signing of the Antarctic Treaty (and the formation of the Antarctic regime). A closer examination of the relationship between the I.G.Y. and the idea of an Antarctic treaty is clearly required.

## 5.2 THE I.G.Y. AND PROPOSED POST-I.G.Y. ACTIVITY IN ANTARCTICA

To understand the relationship between the I.G.Y. and the idea of an 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.<sup>26</sup> 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.'<sup>27</sup> 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 program for such an additional Antarctic I.G.Y.'<sup>28</sup>

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

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Gould, "Emergence of Antarctica: The Mythical Land," in R. S. Lewis and P. M. Smith, eds., *Frozen Future* (New York: Quadrangle Books, 1973), p. 22.

<sup>26</sup> Fourth C.S.A.G.I. Antarctic Conference (Paris, June 13-15, 1957), *Annals of the International Geophysical Year IIB* (1959), p. 475.

<sup>27</sup> *Ibid*, pp. 473-4.

<sup>28</sup> *Ibid*.

addressed to all national organizing committees participating in the I.G.Y. Antarctic program.<sup>29</sup> 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 states 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 year's extension to the program was also viewed as a danger.<sup>30</sup>

The responses from the participating national committees were 'scarce and vague,' and at the request of the U.S. National 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.<sup>31</sup> 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 [a] 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."<sup>32</sup>

At this Conference, delegates were also invited to express the attitudes of their national committees toward the U.S. Committee'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

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<sup>29</sup> *Ibid*, p. 474.

<sup>30</sup> *Ibid*.

<sup>31</sup> *Ibid*.

<sup>32</sup> *Ibid*, p. 485.

Argentina had already planned a long term program of geophysical investigation in the region but 'recognized that for other countries the problem is quite different.'<sup>33</sup>

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 to be 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.<sup>34</sup> 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.<sup>35</sup>

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.<sup>36</sup> 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 was reported to have 'indicated on a map where the Russian Antarctic stations were and 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.'<sup>37</sup> Reversing its initial attitude, the I.C.S.U. ad hoc

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<sup>33</sup> *Ibid.*, pp. 477-8. 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.

<sup>34</sup> 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*, p. 149.

<sup>35</sup> *Ibid.*

<sup>36</sup> 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 (Washington: United States Government Printing Office, 1958), p. 44.

<sup>37</sup> *Ibid.*

investigating group concluded that there was now much to be gained from further scientific observations in Antarctica and recommended that I.C.S.U. establish a committee to organize future scientific research in the region.<sup>38</sup>

Events quickly gathered pace. Within a fortnight, I.C.S.U. decided to establish a Special Committee on Antarctic Research (S.C.A.R.) with a primary task of planning for the scientific exploration of Antarctica after the I.G.Y. In October, invitations to participate in S.C.A.R. were sent to the twelve national I.G.Y. committees involved in Antarctic research and to several international scientific unions.<sup>39</sup> Of course, the views of the national I.G.Y. committees did not necessarily represent the views of their respective governments and because government funding was required to support

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<sup>38</sup> *Ibid.* See also, Hanessian, "Antarctica: Current National Interests and Legal Realities," p. 149.

There was further controversy concerning the interpretation of the statement by the Soviet delegate (Somov). The above version of the statement was reported by the U.S. representative at the Stockholm meeting, Dr. Harry Wexler (Chief Scientist of the U.S. I.G.Y. Antarctic Program). The British representative at the meeting, Sir David Brunt (Secretary of the Physical Section of the Royal Society of London), reported the Soviet statement in a different way. According to Brunt, the Soviet delegate had stated that the Soviet Union did not want to carry on an extensive Antarctic program by itself and that if other countries were not going to continue their programs, the Soviet Union would pull out, too. (Wilson to Drier, September 20, 1957, AA: A1838/2, 1495/1/9/4 Part 6.) Brunt had the clear impression that the Soviet delegate did not regard the U.S. and Soviet stations alone as providing sufficient coverage. Moreover, Brunt believed that the U.S. representative at the I.C.S.U. ad hoc investigating group meeting (Wexler) was 'merely reporting undoubted Russian interest in continuing scientific activity and supressing [sic] reservations expressed by [the] Russians with [the] object of supporting his [i.e. Wexler's] own campaign to obtain more funds from [the] United States Treasury.' (Cablegram from the Australian High Commission, London, AA: A1838/2, 1495/19/1 Part 2.) Throughout October and November, 1957, Britain and Australia sought clarification about what the Soviet delegate had actually said at the Stockholm meeting. But their efforts were to no avail and by late November, both the British Foreign Office and the U.S. Department of State agreed that 'it would be inadvisable to go back to the Russians now to ask them to clarify what they said.' (Memorandum of Conversation between Luboeansky, (RPA), and Audland, (British Embassy), November 27, 1957, Department of State, Central Files, 702.022/11-2757.) Examination of Wexler's papers stored at the U.S. Library of Congress failed to shed any light on the controversy. (See, Harry Wexler Papers, U.S. Library of Congress.) Some doubt may be cast on the accuracy of Blunt's version of the statement by an earlier, unkind, comment on Blunt made by a New Zealand delegate at the June, 1957, C.S.A.G.I. conference held in Paris. In a report to the New Zealand Secretary of External Affairs, the delegate commented that Brunt 'becomes more noticeably senile as one I.G.Y. meeting succeeds another - the pace of the meetings is often a little swift for him . . . ' (Corner, Office of the High Commissioner for New Zealand, London, to the Secretary of External Affairs, Wellington, June 19, 1957, AA: A1838/2, 1495/1/9/13.)

<sup>39</sup> Hanessian, "Antarctica: Current National Interests and Legal Realities," p. 149.

future scientific activities in Antarctica, the extension of the program in the region was by no means guaranteed.

In the United States, the Committee on Interstate and Foreign Commerce of the House of Representatives commenced a study in November, 1957, 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.<sup>40</sup> The Committee subsequently reported that there were a number of scientific reasons why 'the Antarctic is best suited for the continuance of geophysical studies.'<sup>41</sup> 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.<sup>42</sup>

But the Committee also believed that there were other, non-scientific reasons pressing for the extension of the I.G.Y. Antarctic program. It 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.'<sup>43</sup> Accordingly, the Committee recommended 'that it straightaway be decided that our [i.e. U.S.] 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.'<sup>44</sup> This recommendation was then forwarded to U.S. President Dwight D. Eisenhower on January 17, 1958, who immediately approved it.

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<sup>40</sup> United States House of Representatives Committee on Interstate and Foreign Commerce, *International Geophysical Year, The Arctic and Antarctica*, p. 3.

<sup>41</sup> *Ibid*, p. 44.

<sup>42</sup> *Ibid*.

<sup>43</sup> *Ibid*, pp. 44-45.

<sup>44</sup> *Ibid*, p. 45.

With the United States adopting such measures to continue its Antarctic presence, other states followed suit. At the inaugural meeting of S.C.A.R., held at The Hague from February 3-5, the British and Australian delegations, following new instructions by their governments, relaxed their earlier stances opposing the extension of I.G.Y. activities in Antarctica by indicating that they would continue scientific operations in the region, as well.<sup>45</sup>

During February, too, the British Prime Minister publicly acknowledged 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.'<sup>46</sup> Press speculation at the time hinted at the revival of interest in some form of internationalization of Antarctica.<sup>47</sup> The reports drew instantaneous reactions from Argentina and Chile - both states reiterating their Antarctic claims and rejecting any plans about international control of the region.<sup>48</sup>

Another noteworthy development in Antarctica during February, 1958, was the initiation, by the United States, of 'quiet, confidential and informal conversations' with interested states aiming to persuade them of the benefits to be derived from participating in an Antarctic administrative organization.<sup>49</sup> Heading the U.S. team in this initiative was Ambassador Paul C. Daniels, a veteran U.S. Foreign Service Officer who had been recalled from retirement during the previous September by the U.S.

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<sup>45</sup> Hanessian, "Antarctica: Current National Interests and Legal Realities," pp. 156-7. See also, Meeting of Special Committee for Antarctic Research (S.C.A.R.) - Report of Australian Academy of Science, February 7, 1957, AA: A1838/2, 1495/1/9/15 Part 1.

<sup>46</sup> 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, (London: Her Majesty's Stationery Office, 1958), Column 1033.

<sup>47</sup> Hanessian, "The Antarctic Treaty 1959," pp. 452-3. This was fuelled, too, by press reports of statements by New Zealand Prime Minister Nash supporting the idea of international control of the Antarctic involving the United Nations - an idea he had expressed on several occasions since 1956. See, for example, an extract from *Evening Post*, February 18, 1958, AA; A1838/2, 1495/10/1 Part 4.

<sup>48</sup> Hanessian, "The Antarctic Treaty 1959," pp. 452-3.

<sup>49</sup> *Ibid*, pp. 453-5.

Secretary of State, John Foster Dulles, 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.<sup>50</sup>

The United States' plan outlined at these conversations contained seven major elements: (1) free access to Antarctica by all states interested in carrying out scientific research; (2) scientific cooperation and exchange of information among the participating states; (3) the use of Antarctica for peaceful purposes only; (4) the demilitarisation of the region; (5) the guaranteed rights of unilateral access and inspection by all participating states to all parts of Antarctica; (6) the freezing of all rights and claims to territorial sovereignty in the region; and (7) the creation of an administrative unit.<sup>51</sup> Thus, as well as reviving the *modus vivendi* "standstill" principle, this plan advocated the demilitarisation of Antarctica together with the establishment of inspection rights to help secure compliance to this provision.

Despite difficulties raised by Australia, Argentina and Chile during the course of these informal conversations, by late April, 1958, the United States felt sufficiently confident that its initiative would prove successful. Accordingly, in early May, 1958, President Eisenhower publicly announced that the United States had invited the eleven other states participating in the I.G.Y. activities in Antarctica to confer together with the United States to conclude a treaty which would guarantee freedom of scientific investigation throughout Antarctica and ensure that Antarctica would be used for peaceful purposes only.<sup>52</sup> All eleven states accepted this invitation by early June and the impasse that had blocked earlier attempts to confer on Antarctica to conclude a treaty and form an international regime had been breached.

### 5.3 CONCLUSIONS

From this discussion of the relationship between the I.G.Y. and the idea of an Antarctic treaty, a number of points can now be made. First, it is clear that the straightforward sequence of events as portrayed in the "triumph of

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<sup>50</sup> Plott, "The Development of United States Antarctic Policy," p. 193.

<sup>51</sup> Hanessian, "The Antarctic Treaty 1959," pp. 455-6.

<sup>52</sup> Text of U.S. Note reprinted in *The Department of State Bulletin* XXXVIII, 988 (June 2, 1958), pp. 911-2.

science" account of the origins of the Antarctic Treaty is superficial and misleading. While there can be no doubt that scientific cooperation in Antarctica during the years immediately before and during the I.G.Y. played a significant role in reducing and minimizing overt friction between states involved in the region, the successful planning and conduct of the I.G.Y. did not lead directly to the breaching of the impasse that had blocked the earlier attempts to form an Antarctic regime and thereby solve the Antarctic Problem.

The reported Soviet statement at the I.C.S.U. ad hoc group meeting in Stockholm in September, 1957, that indicated that the Soviet Union intended to continue and extend its activities in Antarctica appears to have been a crucial turning point in Antarctic affairs. After all, it has been shown that immediately before this statement 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 had to fund such operations. Moreover, there is no evidence that an epistemic community of scientists existed at this time offering authoritative, consensual advice on the Antarctic Problem and its solution.

Nor is there any evidence that any participant in the planning and conduct of the I.G.Y. exercised leadership in regime formation. The only innovative idea was the so-called "gentleman's agreement" struck at the C.S.A.G.I. Antarctic Conference held in Paris in 1955 which offered some protection for claimant states against the erosion of their positions and the non-claimants against any political repercussions ensuing from scientific activities in Antarctic territory claimed by other states during the course of the I.G.Y. It has been shown that this agreement was proposed, not by scientists, but by the leaders of the Argentine and Chilean delegations who were those countries' respective ambassadors in Paris. Moreover, this informal moratorium on claims was clearly based on the Chilean *modus vivendi* "standstill" proposal of 1948. It was not *de novo*.

Though there is some suggestive support for the alternative explanation of the Antarctic Treaty which draws attention to the significance of Cold War security motives, on the account so far, the validity of this must remain, for the moment, not yet confirmed. The Soviet announcement does appear, however, to have concerned a number of states and, accordingly, triggered a number of initiatives which converged on the path toward an Antarctic



agreement. These included the establishment of the Special Committee on Antarctic Research (S.C.A.R.) of I.C.S.U. to plan and coordinate scientific investigation in Antarctica after the I.G.Y. and the 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 1940s and early 1950s. In the United States, there were also the Congressional and Department of State studies in late 1957, the appointment of Ambassador Daniels as special advisor on Antarctic matters in September, 1957, and his initiation of 'quiet, confidential and informal conversations' with states interested in Antarctica in early 1958. All of these developments culminated in U.S. President Eisenhower's invitation to the eleven other states participating in the I.G.Y. Antarctic Program (and their acceptance) to confer with the aim of concluding an agreement.

But appearances can be deceptive. Was the Soviet announcement such a crucial turning point triggering the initiatives which converged on the path toward a conference on Antarctica and, ultimately, an Antarctic agreement? In addition, the question still remains: Was leadership exercised to overcome any obstacles on this path? In the next chapter, these questions will be addressed.

## 6

### GETTING TO THE TABLE

The previous chapter posed two crucial questions about the relationship between the I.G.Y. and the Antarctic Treaty: Firstly, was the Soviet announcement of September, 1957, indicating their intention to remain and extend their activities in Antarctica, a crucial turning point triggering the initiatives which converged on the path toward a conference on Antarctica and, ultimately, an Antarctic agreement? Secondly, was leadership exercised to overcome any obstacles on this path toward the negotiating table? To answer these questions it is necessary to turn back to 1955 and trace the diplomatic developments associated with a protracted prenegotiation process that began with a reassessment of U.S. Antarctic policy by the Eisenhower Administration.

#### 6.1 THE REASSESSMENT OF U.S. ANTARCTIC POLICY

This particular reassessment was, in fact, the second undertaken by the Eisenhower Administration. The first had occurred in mid 1954 in the wake of the collapse of the U.S. quest to solve the Antarctic Problem through the formation of an international regime that had been initiated by previous the Truman Administration.

At the 206th meeting of the U.S. National Security Council, held on July 15, 1954, this initial review by the Eisenhower Administration was completed when it was resolved that the United States should (1) reassert its rights in Antarctica at an appropriate time; (2) indicate its willingness to examine with Britain, New Zealand, Australia, France, Norway, Argentina and Chile, on a bilateral basis, the possibility of an early resolution of conflicting claims by amicable means and (3) ' . . . encourage and participate in international

arrangements to promote the over-all reduction of international friction and the orderly solution of the territorial problems among friendly powers.'<sup>1</sup>

But this particular policy directive, promulgated under the title of NSC 5424/1, did not, however, lead to any immediate discussions with the claimants to Antarctic territory and over a year later, on September 8, 1955, at another National Security Council meeting, it was decided that the policy should be reviewed again. The reason for this reassessment was concern at the news of the intended Soviet penetration of Antarctica - as noted in Chapter 5, the Soviet Union had announced at the first C.S.A.G.I. Antarctic Conference (that had been held in Paris in July, 1955) that they intended to establish three I.G.Y. stations in Antarctica.<sup>2</sup>

Just one week after this reassessment was authorized, the Australian Minister for External Affairs, Richard Casey, visited the State Department and discussed Antarctic affairs with several officials there. In the course of this discussion, Casey indicated that he had heard rumours of the U.S. policy reassessment and asked what could be told to him. Replying, Deputy Under Secretary Murphy, made no mention of the intended Soviet penetration of the region but indicated that 'at some suitable time we [that is, the United States] favoured negotiation among the seven claiming countries, excluding the U.S.S.R. so that conflicting claims could be reconciled.'<sup>3</sup>

Casey responded by informing the U.S. officials that Lester Pearson, the Canadian Secretary of State for External Affairs, had mentioned the same idea of internationalization during his recent visit to Canada, but that he, Casey, had opposed the idea strongly. Explaining this position, Casey indicated that Australia wanted the status quo and saw no reason for

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<sup>1</sup> Memorandum of Discussion at the 206th Meeting of the National Security Council, July 15, 1954, NSC Series, Box 5, Ann Whitman File, Eisenhower Library.

<sup>2</sup> Memorandum of Discussion at the 258th Meeting of the National Security Council, Washington, September 8, 1955, *Foreign Relations of the United States, 1955-1957*, Volume XI, United Nations and General International Matters, (Washington: United States Government Printing Office, 1988), pp. 620-2. The review was suggested for this reason by the Policy Planning Staff of the State Department and strongly supported by the Deputy Director of the Central Intelligence Agency (General Cabell).

<sup>3</sup> Memorandum of a Conversation, Department of State, Washington, September 14, 1955, *Foreign Relations of the United States, 1955-1957*, pp. 624-5.

international action given that there was now not much friction about Antarctica.<sup>4</sup>

By September 24, however, news of the intended establishment of the Soviet bases had come to Casey's attention, too. At an Australia, New Zealand, United States (A.N.Z.U.S.) Council meeting in Washington, Casey raised this development and expressed the hope that the United States, New Zealand, Britain and Australia 'could get together to concert their positions with regard to Antarctica.'<sup>5</sup> Under Secretary of State Hoover responded to this statement by confirming the current reassessment of U.S. Antarctic policy, but indicated that the United States was not yet in a position to discuss the matter authoritatively.<sup>6</sup>

The United States was not to be in such a position until early in the new year. At a National Security Council Meeting, held on January 12, 1956, the reassessment concluded when President Eisenhower took a clear stand, stating that U.S. policy should:

'... first continue to reserve our [i.e. U.S.] rights in the area; second, achieve what the scientist wishes to achieve in connection with the International Geophysical Year program; and third, ask the Secretary of State to initiate exploratory conversations with other interested free world countries regarding the possibility of creating a condominium in the area.'<sup>7</sup>

Clearly, the intended Soviet penetration of Antarctica presented a new dilemma for the United States. A turning point had been reached and,

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<sup>4</sup> *Ibid.*

<sup>5</sup> Editorial Note, *Foreign Relations of the United States, 1955-1957*, pp. 627-8. Casey also indicated that these consultations should be held before any new developments occur. In her account of the origins of the Antarctic Treaty, Shapley contends that the immediate impetus for the Antarctic Treaty was Australia's concern, expressed by Casey at the A.N.Z.U.S. Council meeting, that the Soviet Union remain in Antarctica. As the documentary record reveals, this is incorrect - the United States was concerned about this possibility and doing something about it before Casey was even aware of the significance of the intended Soviet action. See, Shapley, *The Seventh Continent: Antarctica in a Resource Age*, p. 89.

<sup>6</sup> *Ibid.*

<sup>7</sup> Memorandum of Discussion at the 272d Meeting of the National Security Council, Washington, January 12, 1956, *Foreign Relations of the United States, 1955-1957*, pp. 640-3.

following this reassessment of its policy, the second stage of a prenegotiation process, the search for options, appeared to be imminent.

The first opportunity to discuss the turn of events "with other interested free world countries" occurred in Washington in early February, when the Ambassadors of Australia, Britain, South Africa and the New Zealand Minister met U.S. Secretary of State John Foster Dulles. At this meeting, the Commonwealth representatives pressed on Dulles the need for consultation to work out a common policy with the United States in watching and countering the Soviet penetration of Antarctica.<sup>8</sup> Dulles was hopeful that this could be achieved, assuring the representatives that all five states should be able to merge their interests to achieve a common policy, the purpose of which he felt was to keep unfriendly elements out of Antarctica, to ensure the freedom of scientific research in the region and to do this without prejudicing their existing national positions.<sup>9</sup> Dulles also remarked that it was conceivable that some kind of condominium proposal might be the solution to the Antarctic Problem; however, he made it clear that he was not advancing this as a practical prospect at this particular time.<sup>10</sup>

But further consultation along such lines was not to occur for another eighteen months. Discussion was impeded by the entry of a new player into Antarctic affairs. On February 17, 1956, the Indian Delegation at the United Nations requested that the Secretary General include the "Antarctic question" on the agenda of the 11th General Assembly. Much to the angst of Britain, the United States, Australia, Argentina and Chile, this matter was to dominate diplomatic manoeuvring on Antarctica for the remainder of the year until India withdrew, at the last minute, its item for inscription on the

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<sup>8</sup> Savingram from the Australian Embassy, Washington, February 10, 1956, AA: A1838/2, 1495/1/9/4 Part 2. This meeting had first been requested by the Australian Minister for External Affairs, Richard Casey, during a visit to the U.S. Department of State and during the A.N.Z.U.S Meeting both held in September, 1955. See, Memorandum of Conversation between Horsey (BNA) and Blakeney (Australian Embassy), Washington, October 21, 1955, Department of State, Central Files, 702.022/10-2155.

<sup>9</sup> Savingram from the Australian Embassy, Washington, February 10, 1956, AA: A1838/2, 1495/1/9/4 Part 2.

<sup>10</sup> *Ibid.*

agenda due to the lack of support from the seven claimants and the United States.<sup>11</sup>

Following this diversion, during the first half of 1957, U.S. policy was again under continuous reassessment with the Department of State generally favouring the position that the United States should make a territorial claim, or claims, in Antarctica - a position long pressed by Australia which wished to see tangible evidence of an American commitment to maintain its presence in the region.<sup>12</sup> Debate continued with various officials and other agencies in the United States concerned that such action may well encourage the assertion of a Soviet claim and compromise the conduct of the I.G.Y.<sup>13</sup> Complicating the considerations was the growing feeling by some American officials that it would be very difficult to 'get the Russians out of Antarctica' now that they were there.<sup>14</sup> At one meeting, a U.S. Central Intelligence Agency officer offered the opinion that in his judgement it was doubtful that this could be achieved - 'it appeared they were moving in the direction of remaining.'<sup>15</sup>

Thus, by early May, one senior U.S. official commented that the United States was 'still floundering in deep snow over Antarctica'<sup>16</sup> although the documentary record shows that the proposal that America should claim

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<sup>11</sup> A. Dey, "India in Antarctica: perspectives, programmes and achievements," *Polar Record* 27, 161, (1991), pp. 87-92; K. Ahluwalia, "The Antarctic Treaty: Should India Become a Party to it," *The Indian Journal of International Law* I (1960-61), pp. 474-5. In withdrawing the item for inscription (formally entitled "the peaceful utilization of Antarctica") on the U.N. General Assembly agenda, the Indian Representative, Krishna Menon, is reported to have said that 'his Government was doing so in order to have time to prepare the item better and to persuade other governments of its importance.' This comment was interpreted by U.S. Department of State officials as an indication that India 'may well re-introduce the subject at a subsequent meeting of the General Assembly.' See, Memorandum From the Acting Assistant Secretary of State for Inter-American Affairs (Rubottom) to the Secretary of State, Washington, December 4, 1956, *Foreign Relations of the United States, 1955-1957*, pp. 652-3.

<sup>12</sup> Casey from Spender, Washington, June 5, 1957, AA: A1838/2, 1495/19/1 Part 2.

<sup>13</sup> Telegram from N.Z. Ambassador, Washington, to Minister of External Affairs, Wellington, May 11, 1957, AA: A1838/2, 1495/19/1 Part 2.

<sup>14</sup> Memorandum for the Files, by the Officer in Charge of River Plate Affairs (Watrous), Washington, March 25, 1957, *Foreign Relations of the United States, 1955-1957*, pp. 659-660.

<sup>15</sup> *Ibid.*

<sup>16</sup> Memorandum from McClintock (Policy Planning Staff), May 7, 1957, Department of State, Central Files, 702.022/5-757.

Antarctic territory was gathering more support. Studies on the prospects of establishing a condominium and the application of a U.N. trusteeship over Antarctica were also prepared at this time by the Department of State for consideration by the National Security Council.<sup>17</sup>

Matters came to a head in late June when, at a National Security Meeting, the United States amended its Antarctic policy, deciding, in policy directive NSC 5715/1, to (1) determine the areas within presently-claimed territory to which America wished to assert claims or rights; (2) then commence diplomatic conversations with the "Free World" claimant countries for the purpose of making known to them the U.S. intent to advance, at an appropriate time, a formal claim to the unclaimed sectors of Antarctica and to other areas in which the United States had rights derived from discovery, exploration and other activity and (3) negotiating with them the possible extent of their claims and U.S. claims, the mutual recognition of claims and the method of exercising sovereignty - the possibilities being either national control or international control, through the establishment of a condominium (covering all or part of Antarctica) or one or more U.N. trusteeships.<sup>18</sup>

## 6.2 THE SEARCH FOR OPTIONS BEGINS

With the new policy directive in place the search for options by the United States began in earnest. At a meeting in Washington in late July, Secretary of State Dulles informed a New Zealand representative that responsibility for U.S. Antarctic policy had been passed to him and that he intended to appoint a special assistant to work on the Antarctic Problem and to develop proposals for U.S. action. Dulles also indicated that the possibility of a condominium might be the 'best way of squeezing the Russians out' although he recognized that such a course of action could create difficulties with Chile and Argentina. He also indicated that he regarded the Antarctic 'as a highly important area which would increase in significance with the years.'<sup>19</sup>

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<sup>17</sup> Memorandum From the Director of the National Security Council Secretariat (Boggs) to the National Security Council Planning Board, Washington, May 22, 1957, *Foreign Relations of the United States, 1955-1957*, pp. 675-89.

<sup>18</sup> National Security Council Report, Washington, June 29, 1957, *Foreign Relations of the United States, 1955-1957*, pp. 693-710.

<sup>19</sup> Savingram from the Australian Embassy, Washington, July 26, 1957, AA: A1838/2, 1495/19/1 Part 2. In regard to the appointment of a special assistant to work on the

Following up this meeting, the New Zealand Embassy in Washington was informed by the State Department that (1) the United States might be in a position to discuss with them by September what could be done about the Antarctic situation; (2) America was considering, as a first step, a limited condominium of Australia, New Zealand and the United States covering territory from Marie Byrd Land around to the main Australian sector, excluding the French claimed Adelie Land; and (3) this might then lead to a wider condominium covering the territories claimed by other countries.<sup>20</sup>

Australia was briefed on these ideas by both New Zealand and the U.S. Department of State (by the latter, on an informal and unofficial basis). In response to this American position, the Australian Department of External Affairs informed its High Commissioners in London and Wellington and its Ambassador in Washington that the Australian Cabinet still felt that international control as a solution to the Antarctic Problem was premature and that Australia 'must work to sustain' its claim to sovereignty in the region.<sup>21</sup> In this cablegram, the Department also informed its representatives that forthcoming discussions on Antarctica in London, scheduled to be held in August and September, between Australia, Britain, New Zealand, South Africa and Canada were intended to explore the issues *without commitment* to the participating governments, and that Australian officials could participate fully in exploring the various alternatives which seemed likely to be examined (including current British ideas on an international regime) so long as they recognized the Australian Cabinet's current disposition.<sup>22</sup> These "Old Commonwealth" discussions were to be initially at "working level" to

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Antarctic Problem, in mid July, Dulles asked Norman Armour (then serving as Adviser on Political and Security at the U.S. Mission at the United Nations) to act in this capacity. (See, Dulles to Armour, July 18, Department of State, Central Files, 702.022/7-1857; Dulles to Armour, July 19, Department of State, Central Files, 702.022/7-1957.) Armour was a U.S. Foreign Service officer with extensive experience having served in such positions as Ambassador to Chile (1938); Argentina (1939); Spain (1944-45); Venezuela (1950-51) and Guatemala (1954-55). As indicated in Chapter 5, the position was eventually filled by Ambassador Paul Daniels in September, 1957. The documentary record does not reveal why Armour did not accept Dulles' request to fill the position.

<sup>20</sup> Cablegram from the Australian Embassy, Washington, August 2, 1957, AA: A1838/2, 1495/19/1 Part 2.

<sup>21</sup> Cablegram to Australian High Commission, London; Australian Embassy, Washington; Australian High Commission, Wellington; August 12, 1957, AA: A1838/2, 1495/19/1 Part 2.

<sup>22</sup> *Ibid.*



help clear the way for the more formal examination of the subject in September when the Australian Minister of External Affairs, Richard Casey, planned to meet in London with other senior policy makers from Britain and New Zealand.

The mention of British ideas on an international regime for Antarctica referred to recent indications that the Foreign Office had been reassessing its Antarctic policy, too, and a trend had emerged that the establishment of a condominium was a favourable means of solving the Antarctic Problem.<sup>23</sup> With this development, coupled with the impending "Old Commonwealth" talks on the situation and U.S. action on the problem, the second stage of the prenegotiation process, the search for options, was gathering momentum.

Briefing the United States on the impending "Old Commonwealth" talks, the British Foreign Office indicated that it felt strongly that some arrangement for the future of Antarctica had to be worked out before the end of the I.G.Y. for fear of U.N. involvement forcing a solution which may be unsatisfactory for Western interests. The Foreign Office expressed its preference for an international condominium for Antarctica including the Soviet Union. It also suggested that if the talks with Casey (for Australia) and New Zealand were successfully concluded, the three Commonwealth claimants would shortly thereafter raise the matter with the United States with the aim of securing a four-power agreement.

It was also indicated that the Foreign Office did not plan to raise the subject with Argentina or Chile until after the conclusion of Argentine elections in early 1958 for fear of the issue becoming the subject of acrimonious debate during the Argentine election campaign thereby destroying any possibility of reaching an agreement on an Antarctic condominium. Chile was not to be informed in order to prevent leaks of the matter reaching the attention of Argentina.

The Foreign Office went on to suggest that after the Argentine election, it was hoped that a six-power agreement between the United States, Britain, Australia, New Zealand, Argentina and Chile would be reached and then discussions with the Soviet Union and perhaps India undertaken well in

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<sup>23</sup> Cable from High Commissioner for New Zealand, London, to High Commissioner for New Zealand, Canberra, June 21, 1957, AA: A1838/2, 1495/17/1 Part 1.

advance of the U.N. General Assembly session at the latter part of 1958. The briefing concluded with a request for U.S. views and comments on this timetable before the scheduled senior-level meetings in September.<sup>24</sup>

The U.S. State Department's response to this British plan was soon forthcoming. While willing, in principle, to participate in the proposed four-power discussions at working level (that could be held in Washington in October), the Department indicated that its first reaction to the suggestion of an Antarctic condominium including the Soviet Union was that such an arrangement would not best serve the interests and security of the "free world" and would be inconsistent with current U.S. policy. The Department also outlined its current thinking on the problem along the lines it had recently communicated to New Zealand.<sup>25</sup>

### 6.3 "OLD COMMONWEALTH" DISCUSSIONS

At the working level "Old Commonwealth" discussions held in mid August, 1957, the British participants explained the reasons for suggesting an Antarctic condominium including the Soviet Union. The financial burden of maintaining its claim to Antarctic territory, the determination that the region was no longer in the main sphere of British defence interest, the wish to normalise its relations with Argentina and Chile, had all led Britain to come to the conclusion that the internationalisation or, at least, the neutralisation of Antarctica was required. It was felt that such a solution would be impossible to work without the inclusion of the Soviet Union since 'they would regard exclusion as a major political move against them and could cause much trouble in the United Nations and elsewhere.'<sup>26</sup> This reasoning was based on the premise that the Soviet Union would remain in Antarctica after the end of the I.G.Y. and it would be impracticable to eject them by force. Thus it was considered unrealistic to establish a international regime without them.<sup>27</sup>

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<sup>24</sup> Barbour to Secretary of State, London, August 13, 1957, Box 22, Internationalization File, John Hanessian Papers, United States National Archives, Washington.

<sup>25</sup> Telegram From the Department of State to the Embassy in the United Kingdom, *Foreign Relations of the United States, 1955-1957*, pp. 710-11.

<sup>26</sup> Cablegram from the Australian High Commission, London, August 15, 1957, AA: A1838/2, 1495/19/1 Part 2.

<sup>27</sup> Cablegram from the Australian High Commission, London, August 15, 1957, AA: A1838/2, 1495/17/1 Part 1.

It did not take long for evidence to indicate that this premise was sound. On exactly the same day that the senior-level "Old Commonwealth" discussions began in London (on September 10, 1957), the Soviet delegate announced at the I.C.S.U. ad hoc investigating group meeting in Stockholm that the Soviet Union intended to remain in Antarctica to continue their studies in the region.

At these "Old Commonwealth" discussions which were attended by representatives from Britain, Australia and New Zealand, together with representatives from South Africa and Canada (the latter acting as observers), a paper outlining British thoughts as foreshadowed at the previous discussions was considered together with papers elaborating and modifying those parts of their original proposal concerned with sovereignty, administration and neutralisation as well as a memorandum summarising the pros and cons of other alternatives. In addition, a paper prepared by the Australian delegation commenting on the British proposals and indicating the issues with which Australia was mainly concerned was also considered as was the American plan for an initial partial condominium.<sup>28</sup>

The outcome of this series of meetings was a working paper that was to be used by Britain, Australia and New Zealand in preparation for the discussions with the United States which had been agreed should be held in Washington in early October. The paper described the existing position in the Antarctic, an account of the arguments for and against a continuation of the status quo, analysis of the principal problems which would arise in establishing an international regime and comparison of the rival merits of the plans so far favoured by Britain, the United States and the suggestion for a limited demilitarisation program for Antarctica which Australia had indicated it would like explored. It is clear from this working paper and the tenor of the minutes of the meetings that Britain had shifted its preference from the establishment of an Antarctic condominium to that of a version of the *modus vivendi* proposal (first proposed by Chile in 1948) whereby an international authority including the Soviet Union would be established without sovereignty in name - the legal status quo in Antarctica would be

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<sup>28</sup> Minutes of Meetings held in the Commonwealth Relations Office on September 10, 12 and 13, 1957, AA: A1838/2, 1495/17/1 Part 1.

frozen in such a way that it would in no way be affected by the subsequent activities of any member-nation.<sup>29</sup>

Preparations for the October four-power discussions in Washington were, thus, well under way. Moreover, in mid September, Australia was informed by the State Department that the United States would be represented at the discussions by Ambassador Paul Daniels, who had recently been appointed by U.S. Secretary of State Dulles as special advisor on Antarctic affairs.<sup>30</sup>

#### 6.4 FOUR-POWER DISCUSSIONS

The four-power discussions were held in Washington on October 7 and 8, 1957. It was understood that the talks were informal, exploratory and secret and the U.S. representative (Daniels) stressed the tentative nature of what he said. The British representative (Lord Hood) outlined the British proposal of establishing an international authority without sovereignty in name, while Daniels expressed the U.S. policy position that if an international regime were to be established they favoured a gradual approach along the lines of a partial condominium which could then be extended to other countries, excluding the Soviet Union. Daniels also indicated that the United States was considering making a claim to Antarctic territory - a matter that concerned the other participants. While accepting the view that a U.S. claim could create problems such as prompting the Soviet Union to do likewise and stimulating discussion on the matter in the United Nations, Daniels also advanced ideas on how a U.S. claim could be simultaneously linked with an announcement about an international regime.<sup>31</sup>

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<sup>29</sup> The text of this working paper is enclosed with Memorandum No. 1150/57, October 23, 1957, AA: A1838/2, 1495/17/1 Part 1.

<sup>30</sup> Cablegram from the Australian Embassy, Washington, September 11, 1957, AA: A1838/2, 1495/19/1 Part 2. Daniels was formerly U.S. Ambassador to Honduras (1947) and Ecuador (1951-53). He had entered the U.S. Foreign Service in 1927 and had served in a number of overseas posts, mainly in Latin America. He had retired from the Foreign Service in 1953 but had agreed to return to accept this appointment with the personal rank of Ambassador. Quigg, who interviewed Daniels in 1979 and 1980, writes that Daniels knew little about Antarctica at the time of his appointment, but, as indicated, he was experienced in Latin American affairs - especially the disputes among Argentina, Chile and Britain. See, P. W. Quigg, *A Pole Apart: The Emerging Issue of Antarctica* (New York: McGraw-Hill, 1983), p.142. Note, too, that the person first approached by Dulles to fill this position, Norman Armour, was experienced in Latin American affairs, as well. (See, Footnote No. 19, this chapter.) This suggests that Dulles felt that the position required a person well versed in diplomatic dealings with both Chile and Argentina.

<sup>31</sup> From Tange, Washington, October 9, 1957, AA: A1838/2, 1495/19/1 Part 2.

From these discussions a formula evolved, the main points of which were (1) the United States would issue a proclamation claiming the unclaimed portion of Antarctica and a section southward from the Norwegian claim (following discussion with Norway) and reserve its rights in other areas; (2) simultaneously, the United States would declare its belief that the interests of mankind and world peace would be served if the claimants could agree on an international regime; (3) the United States would declare its intention to negotiate to this end with the claimants and other powers having a direct and substantial interest in Antarctica; and (4) pending the conclusion of satisfactory arrangements for an international regime, the United States would offer to cooperate with other like-minded countries in scientific efforts in the area it claimed.<sup>32</sup> The United States, Australian and New Zealand representatives all thought that no public action should be taken on these lines until after the conclusion of the I.G.Y., but Britain did not agree, favouring earlier action, but not before the Argentine elections in early 1958.<sup>33</sup>

In regard to Soviet participation in an international regime, Daniels clearly indicated that the United States was not convinced about the desirability of this. While he could foresee eventual Soviet inclusion, provided that the Soviets accepted the conditions and purposes of the regime, Britain argued strongly for their inclusion from the outset on the grounds that without them the four powers could not hope to achieve their basic objectives for the area.<sup>34</sup>

On the matter of demilitarising Antarctica, which had been placed on the agenda by Australia, Daniels stated that the present basic objective of American policy was the removal of the Soviet military threat, rather than demilitarisation per se and he assumed that a regime would provide for this. He saw no need for any of the four states to tie their hands in a military sense, voluntarily, unless this was done to achieve a greater gain.<sup>35</sup>

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<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

The Australian representative (Arthur Tange, Secretary of the Department of External Affairs) emphasised that there was considerable scepticism in Australia about the notion of solving the Antarctic Problem with an international regime. Australia wanted Antarctica demilitarised and preferred a solution of the conflict of claims and the denial of recognition to their own sector. In general, Australia thought that any international regime ought to include the Soviet Union and if an arrangement that covered the whole of the region could not be achieved, Australia thought it worth studying whether a more limited arrangement might be attempted. Tange also indicated that if demilitarisation could not be achieved, and if the issue of conflicting claims could not be solved except by unacceptable Australian concessions, Australia might prefer the status quo and 'live with the dispute with friends and others'.<sup>36</sup>

The final matters discussed concerned South African participation in the discussions and the nature of future discussions. Daniels told the other representatives that before the four-power talks had begun, South Africa had contacted the U.S. Department of State, expressed their interest in Antarctica and requested an invitation to participate. Asking for British, Australian and New Zealand concurrence on what the State Department had replied, Daniels then related that the Department had assumed that the South African request for consultation had referred to general and formal consultations and not to informal exchanges which might take place, particularly if the initiative for such informal conversations had come from another government (as in this case). While welcoming consultation with South Africa at any time in regard to Antarctic problems, the State Department had neatly side-stepped the request by indicating that it saw no necessity of either one participating in all informal talks which representatives of either government may have with representatives of other governments on this subject.<sup>37</sup>

From discussion on this matter it was agreed that future consultations of the four were desirable and should be on the same secret and informal basis.

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<sup>36</sup> *Ibid.*

<sup>37</sup> For the text of the aide-memoire, see, Aide-Memoire From the Department of State to the Embassy of the Union of South Africa, *Foreign Relations of the United States, 1955-1957*, pp. 714-5.

Furthermore it was agreed that South Africa should be told merely that such issues as an international regime, demilitarisation and Soviet participation 'were discussed only in a most exploratory way.'<sup>38</sup> It was also decided that the next consultations might be held in December after the report on these talks had been examined and further views formulated based on the major objectives of (1) preventing Antarctica from being used as a base for a military threat against any of the "free world" powers; (2) encouraging scientific research in the Antarctic; and (3) providing for the equitable exploration and exploitation of the natural resources of the region.<sup>39</sup>

## 6.5 FURTHER DEVELOPMENTS

By mid November, it is clear that Daniels had been impressed with the logic of the British argument in favour of an international regime which, from the outset, would include Soviet membership. In a draft memorandum prepared on November 13 for Secretary of State Dulles' approval, Daniels recommended that the United States should: (1) promptly assert a territorial claim to the unclaimed portions of Antarctica and reserve rights in other areas of the region; (2) simultaneously suggest that the other present claimant states join with the U.S. in establishing an international regime for Antarctica; (3) in the same proclamation, propose an international conference of states which had a direct and substantial interest in Antarctica and which desired to cooperate in the establishment of an Antarctic regime; (4) also extend invitations to the conference to the claimant governments plus the Soviet Union and South Africa; (5) the proclamation should be issued as soon as possible after confidential consultations with 'friendly states', without necessarily awaiting the end of the I.G.Y. and preferably before the opening of the next U.N. General Assembly; and (6) the statute of the proposed international regime would among other things take active steps to "demilitarise" and "neutralise" the Antarctic.<sup>40</sup> In this draft memorandum, Daniels also emphasised that the basic U.S. objective in the Antarctic 'must be to prevent Antarctica from being used as a base of military threat against any of the free world powers.'<sup>41</sup> Moreover, he

<sup>38</sup> From Tange, Washington, October 9, 1957, AA: A1838/2. 1495/19/1 Part 2.

<sup>39</sup> *Ibid.* See, also, Memorandum from Kevin to The Minister, November 29, 1957, AA: A1838/2, 1495/1/9/1 Part 3.

<sup>40</sup> For a summary of the contents of this draft memorandum, see, Green to Robertson, Washington, November 21, 1957, Department of State, Central Files, 702.022/11-2157.

<sup>41</sup> *Ibid.*

justified the Soviet participation in the proposed conference on Antarctica on exactly the same grounds as those used by Britain.

The memorandum was circulated to seven bureaux and offices within the State Department for clearance.<sup>42</sup> Marshall Green, at the Bureau of Far Eastern Affairs, raised two principal questions. First, he cautioned about undertaking the proposed action during the I.G.Y. and suggested that any forthcoming Indian or Soviet resolution placing Antarctica under U.N. control (a concern of Daniels) could be lobbied against on the argument that it would be out of order to take up political arrangements for the Antarctic during the I.G.Y.<sup>43</sup> Second, he expressed his concern at the failure to include Japan among the countries to be invited to the proposed conference. 'If Japan is not invited,' he warned, 'it will have no Asian representation and be a strictly white man's club.' 'More importantly,' he continued, 'Japan has an IGY team in Antarctica and extensive fishing interests there.'<sup>44</sup> Green discussed these points with Daniels and Daniels agreed that the United States might leave the question of timing of the proclamation more open and he also agreed 'that it would be desirable to include the Japanese if our other Antarctic friends are agreeable.'<sup>45</sup>

By early December, the memorandum had been cleared for Dulles' approval. Although it did not take cognizance of Green's concerns, it did have one significant change, as included in the memorandum was a section stating that the statute for the proposed international regime:

"might provide for an International Authority under which states would not be obliged to renounce their claims or recognize other claims, or to transfer sovereignty to the Authority. The Authority would, however, be given administrative power over Antarctica. The statute might also provide for the organization, membership, and procedure of the Authority, for

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<sup>42</sup> Footnote No. 1, *Foreign Relations of the United States, 1955-1957*, p. 716.

<sup>43</sup> Green to Robertson, Washington, November 21, 1957, Department of State, Central Files, 702.022/11-2157.

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*



scientific activity, for economic policy including conservation of resources, for demilitarization, and for a working relationship with the United Nations."<sup>46</sup>

Daniels had, by now, also taken on board the current British preference concerning the nature of the international regime - both based on the Chilean *modus vivendi* principle in regard to "freezing" the issue of claims and rights, but clearly a development of it. He had to wait, though, until early January, 1958, before Dulles' approval of the proposal, and then it was done on a tentative basis, only.<sup>47</sup> This delay resulted in the postponement of the resumption of the four-power talks which had been scheduled for December.

## 6.6 THE FOUR-POWER DISCUSSIONS RESUME

The four-power discussions resumed in January, 1958. At the first two meetings held on January 6 and 13, the Australian, British and New Zealand representatives were informed of the substance of the State Department's tentative proposals as a basis for consultation.<sup>48</sup> While the Antipodean claimant representatives expressed concern at the proposed reservation of rights by the United States in claimed sectors of Antarctica, the British representative registered the opinion that the proposal for an Antarctic regime would have a better chance for success if it were not accompanied at this time by an American claim.<sup>49</sup> Coincidentally, at a meeting of the U.S. Operations Coordinating Board held five days before, where the tentative proposals were also discussed, representatives of the U.S. National Science Foundation and the U.S. Information Agency had expressed a similar opinion to that of the British representative. In view of these opinions, Daniels recommended this decoupling as an alternative State Department position and on a draft note setting out the modified procedure, Dulles initialled his tentative approval.<sup>50</sup>

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<sup>46</sup> Memorandum From Paul C. Daniels to the Secretary of State, *Foreign Relations of the United States, 1955-1957*, pp. 716-19.

<sup>47</sup> Memorandum From the Special Adviser on Antarctica (Daniels) to the Secretary of State, *Foreign Relations of the United States, 1958-1960 Volume II, United Nations and General International Matters* (Washington: United States Government Printing Office, 1991) pp. 466-7.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

At the third four-power meeting held on January 17, two working papers were discussed - a U.S. draft "Suggested Basic Principles to be Considered in Establishing an International Authority for Antarctica" and a British draft "Convention Setting Up An International Regime for Antarctica."<sup>51</sup> The representatives expressed opinions about such matters as voting mechanisms, site of the permanent seat, judicial matters and categories of members. In regard to the issue of membership, Daniels suggested that if the establishment of an international authority were connected with the furtherance of scientific cooperation, a convenient non-discriminatory cut-off point would be those engaged in scientific activities in Antarctica. This, in effect, would limit participation to the present claimants, the United States, the Soviet Union, South Africa, Belgium and Japan.<sup>52</sup> Objections to this suggestion were, however, immediately raised by the representatives of Australia and New Zealand who emphasised their opposition to Japanese membership 'on any basis whatsoever.'<sup>53</sup>

#### 6.7 U.S. DEPARTMENT OF STATE-DEFENSE DEPARTMENT MEETINGS

It is evident from the documentary record that since the promulgation of U.S. policy directive NSC5715/1 in the previous June, the State Department had dominated American thinking about ways and means of solving the Antarctic Problem, with Secretary Dulles assuming responsibility for U.S. Antarctic policy. On the account so far, he had approved the proposals developed in the Department on a tentative basis only. Given the concerns that the U.S. Defense Department had expressed during the first attempt by the United States to form an international regime in the late 1940s and the critical role that it played in the demise of those attempts in the early 1950s, it is not surprising that during January 1958 Daniels also became inner-

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<sup>51</sup> Draft Memorandum of Conversation, Washington, January 17, 1958, Department of State, Central Files, 702.022/1-1758.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.* Australia's opposition to Japanese involvement probably reflected its long concern about the presence of an unfriendly power in Antarctica. As discussed in Chapter 3, in the 1920s, Australia sought to ensure that Antarctica became a British possession thereby insulating itself from the attentions of hostile powers. In Chapter 5, it was also noted that 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.

directed. In three meetings, he sought to bring the Joint Chiefs of Staff and the Defense Department up to date with recent developments and gain their views on such issues as the U.S. proposal to claim Antarctic territory, Soviet participation in the proposed international regime and the proposed demilitarisation of the region.<sup>54</sup>

By the third meeting, held on January 29, it was clear that the only substantial area of disagreement between the State Department and the Defense Department at this time concerned whether the Soviet Union should participate in the proposed regime.<sup>55</sup> While Defense Department representatives expressed their opposition to Soviet participation, Daniels reiterated the arguments for the inclusion of the Soviet Union, emphasising that the United States would not be inviting them into Antarctica since they were already there and that the United States 'would only be attempting to contain and control them in the most practical way.'<sup>56</sup> Although no resolution of this difference of opinion was achieved at this time, it was clearly an issue that portended future problems.

Thus, by the end of January 1958 substantial progress had been made in the search for options undertaken by the United States, Britain, Australia and New Zealand. The trend of British and American thinking on ways to solve the Antarctic Problem was narrowing toward the establishment of an international regime which, in the words of the British proposal first presented at the "Old Commonwealth" discussions in the previous September, involved an International Authority without sovereignty in name.

Australia was not supportive of this solution. In early February, Mr. Malcolm Booker from the Australian Embassy, saw Daniels and indicated that Australia was firmly against an early attempt to achieve any general internationalization of Antarctica. Booker also asked if the United States

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<sup>54</sup> Memorandum of Discussion at a Department of State-Joint Chiefs of Staff Meeting, Washington, January 10, 1958, *Foreign Relations of the United States, 1958-60*, pp. 464-5. See also, Memorandum of Conversation, Defense and State Department Positions Respecting Antarctica, Washington, January 30, Department of State, Central Files, 702.022/1-3058.

<sup>55</sup> Memorandum of Conversation, Defense and State Department Positions Respecting Antarctica, Washington, January 30, Department of State, Central Files, 702.022/1-3058.

<sup>56</sup> *Ibid.*

would be willing to discuss what he called a "functional approach" to the Antarctic Problem whereby sovereignty would not be renounced but agreement would be sought solely on demilitarisation and scientific cooperation. Booker added, too, that Australia hoped to include the Soviet Union in such an arrangement. Responding to this suggestion, Daniels replied that it would be possible to discuss this "functional approach" as a possible fall-back plan at the next four-power meetings and he asked Booker to summarize the proposal in writing to facilitate analysis.<sup>57</sup>

## 6.8 WORD GETS OUT

The secrecy within which the recent four-power discussions had been cloaked was uncovered on February 12, however, when a United Press despatch printed on the front-page of the *Daily Telegraph* in London reported a British Foreign Office announcement that Britain had proposed to the United States a tentative plan for the internationalization and demilitarisation of Antarctica. The report went on to say that the plan was currently being prepared by Britain in consultation with Australia and New Zealand.<sup>58</sup>

News of the press report sparked immediate action by Daniels and, by the end of February, all the other states with Antarctic claims were informed about the U.S. position to date - a position that, it was emphasized, was by no means firm or final. This was achieved by means of a circular telegram (drafted by Daniels) sent on February 15 to U.S. Embassies in Argentina, Chile, France, Norway as well as Belgium, the Soviet Union, Canada, Japan, India, South Africa, Mexico and Brazil and repeated to the Embassies in Australia, Britain and New Zealand. The telegram stated that the Department was particularly interested in ascertaining the views of host

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<sup>57</sup> Memorandum of Conversation between Daniels (G), Wilson (ARA) and Booker (Australian Embassy), Border (Australian Embassy), February 5, 1958, Department of State, Central Files, 702.022/2-558.

<sup>58</sup> Memorandum of Conversation between Daniels (G) and Lord Hood (British Embassy), Washington, February 12, 1958, Department of State, Central Files, 702.022/2-1258, plus attached text of the United Press report. This announcement may well have been prompted by public comments made by the British Prime Minister, Harold Macmillan, during his visits to Australia and New Zealand in late January and early February when it was revealed that he had discussed Antarctic matters with both Commonwealth governments. (*Ibid.*) On the same day as the *Daily Telegraph* report, the U.S. Embassy in London informed the State Department that the article included a fairly accurate resume of the British position on Antarctica and noted that the British Foreign Office was 'intensely annoyed' at the leak. See, Footnote No. 2, *Foreign Relations of the United States, 1958-1960*, p. 471.

governments as to broad objectives which might be sought in a common Antarctic policy. These objectives included: (1) that Antarctica should be used for peaceful purposes only; (2) that countries having a direct and substantial interest in Antarctica should jointly endeavour to reach agreement with the Soviet Union, possibly by treaty, to prevent Antarctica becoming the scene of international discord; (3) that there should be provision for adequate measures of inspection and control to ensure the effectiveness of the first two objectives; (4) that fruitful scientific cooperation in Antarctica should be continued; (5) that Antarctic affairs of joint interest should be handled by the relatively few countries having interests and activities there rather than by the United Nations.<sup>59</sup>

Despite some initial misgivings about the U.S. position by Argentina and Chile, by the end of February there was general concurrence by the two South American states with the broad objectives outlined in the circular telegram.<sup>60</sup> Moreover, the Norwegian Foreign Office had indicated that its preliminary reaction to these broad objectives was favourable, too.<sup>61</sup> But while their reaction to the U.S. position was encouraging to the United

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<sup>59</sup> Circular Telegram From the Department of State to Certain Diplomatic Posts, Washington, February 15, 1958, *Foreign Relations of the United States, 1958-1960*, pp. 471-2. This telegram was drafted by Daniels on February 14, 1958. A second means by which this information about the current U.S. position was conveyed took the form of two conversations between Department of State officers and representatives from the Argentine and Norwegian Embassies in Washington. See, Memorandum of Conversation between Daniels, Wilson (ARA) and Oftedal (Norwegian Embassy), Jakobsen (Norwegian Embassy), Washington, February 14, 1958, Department of State, Central Files, 702.022/2-1458; Memorandum of Conversation between Wilson (RPA), Luboeansky (RPA) and Goni (Argentine Embassy), Washington, February 14, 1958, Department of State, Central Files, 702.022/2-1458. The State Department officers' request to see the Argentine representative at this time was probably prompted by a concern that the news leak may have become an issue in the forthcoming Argentine elections. By February 24, it was clear that Arturo Frondizi had gained a landslide victory in the Presidential election and that Antarctic affairs had not been an issue.

<sup>60</sup> A major factor in Argentine and Chilean concurrence may well have been Daniels' reassurances that any ensuing arrangement could expressly reserve the rights of all interested states on the question of territorial sovereignty and that the agreement might even expressly provide that it implies no renunciation or recognition of existing claims. See, Memorandum of Conversation between Daniels, Owen (ARA), Luboeansky (ARA), Guyer (Argentine Embassy) and Goni (Argentine Embassy), Washington, February 20, 1958, Department of State, Central Files, 702.022/2-2058; Memorandum of Conversation between Daniels, Luboeansky (ARA) and Bianchi (Chilean Embassy), Washington, February 28, 1958, Department of State, Central Files, 702.022/2-2858.

<sup>61</sup> U.S. Embassy, Oslo, to Secretary of State, Department of State, Central Files, 702.022/2-1958.

States, the Australian position still represented an area of potential disagreement. In mid February, Australia had responded to Daniels' request for a summary, in writing, of its "functional approach" proposal by forwarding a draft declaration which consisted of three main clauses: (1) a preambular clause acknowledging that 'scientific cooperation can only proceed on the basis that all activity in the Antarctic should be exclusively peaceful both in character and in intent;' (2) an operative clause stating that '[t]he parties further agree that Antarctica shall not be militarised . . .' and (3) a clause stating 'the right of all countries to have free access to the bases of countries operating in the Antarctic.'<sup>62</sup>

This draft declaration reflected Australian skepticism of the possibilities of obtaining Soviet agreement in respect to any elaborate provisions for inspection and control in Antarctica. In a submission requesting the views of the Australian Cabinet on this matter, the Australian Minister for External Affairs, Casey, indicated that at this time he believed that any insistence on such provisions would jeopardise the chances of securing general acceptance of the principle of international scientific cooperation and the principle of demilitarisation.<sup>63</sup> He had come to this conclusion because of the impasse that existed at this time over inspection in the general sphere of disarmament; while the United States had insisted upon inspection and control in the disarmament field, the Soviet Union had rejected this notion. Since Casey could not envisage either the United States waiving the principle of inspection in any Antarctic agreement or much chance of the Soviet Union changing its position on the matter, he saw the prospect of the U.S. proposals for an Antarctic agreement 'falling down from the start.'<sup>64</sup> Accordingly, he believed that it would be preferable to rely on an agreement along the lines of the draft declaration giving, ostensibly in the context of scientific cooperation, the right of free access to one another's bases entailing 'the constant exchange of visits as between national expeditions and stations.'<sup>65</sup> In this inconspicuous way, then, Casey believed 'if general acceptance can be secured of the idea of a constant exchange of visits as

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<sup>62</sup> Cabinet Submission No. 1040, from Casey, Minister for External Affairs, February 22, 1958, AA: A4926/XM1, Vol. 42.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

between national bases, this will be as close as we are likely to get to inspection and control.'<sup>66</sup>

On February 28, Booker (from the Australian Embassy) reiterated these thoughts to Daniels, indicating that while Australia had not gone so far as to abandon the concept of internationalizing Antarctica, it wanted to confine its efforts at the onset to the realm of the possible - 'Australia would agree only to minimum concessions and would be reluctant to "give anything away."<sup>67</sup> He also commented that the Australian government felt that negotiations for an agreement might also break down on the point of control over economic exploitation.<sup>68</sup>

France, the other remaining claimant that had not been involved in discussions on Antarctica with the United States to date, was approached on February 26, when a representative of the U.S. Embassy in Paris left an aide-memoire setting forth the U.S. position (as authorized in the circular telegram) with the Chief of the American Section of the French Foreign Office. The French official (M. Christian Girard), expressed his gratification that the United States was undertaking consultation of this kind and indicated that the Foreign Office would provide their comments thereon in due course. He also indicated that he hoped 'it would be possible to hold informal, confidential discussions between the friendly powers who are most interested in the Antarctic before suggestions concerning Antarctic policy were discussed in a public forum or, more particularly, with the Soviet Union.'<sup>69</sup>

## 6.9 THE FIRING OF THE U.S. POSITION

Having contained any adverse reaction to the news leak of the Antarctic discussions to date, the United States formally considered what to do next. On March 6, 1958, at the 357th Meeting of the National Security Council, this

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<sup>66</sup> *Ibid.*

<sup>67</sup> Memorandum of Conversation between Daniels, Luboeansky (ARA) and Booker (Australian Embassy), Border (Australian Embassy), Washington, February 28, 1958, Department of State, Central Files, 702.022/2-2858.

<sup>68</sup> *Ibid.*

<sup>69</sup> From American Embassy, Paris, to Department of State, Washington, February 27, 1958, Department of State, Central Files, 702.022/2-2758.

was decided. Policy directive NSC 5804/1, approved by President Eisenhower on March 8, set the U.S. objective of seeking 'the orderly progress toward a peaceful solution of the problem of Antarctica' which would (1) prevent the use of Antarctica for military purposes; (2) provide for freedom of scientific investigation throughout Antarctica; (3) guarantee freedom of access to Antarctica; (4) establish uniform and non-preferential rules applicable to all countries and their nationals for any possible development of economic resources; (5) provide for an orderly joint administration of Antarctica; and (6) provide such relationship and association with the United Nations as would advance these aims.<sup>70</sup>

The President's approval of the directive also authorised action, the main points of which were: (1) 'secret advance consultation with the Free World claimant countries' to reach agreement for an Antarctica organization, that would include the Soviet Union, and which would have such objectives as the demilitarisation of Antarctica and the freedom of scientific investigation; (2) if the 'Free World claimant countries' accept the concept of an Antarctica organization, invite interested governments, including the Soviet Union, to an international conference to conclude an agreement that would set it up; and (3) in the event of failure to achieve an acceptable organization which includes the Soviet Union, seek to achieve cooperative arrangements (for example, condominium, joint administration) between the United States and any or all of the claimants.<sup>71</sup>

At the National Security Council Meeting there was considerable debate before this directive was decided. It was noted that the Joint Chiefs of Staff were in opposition to this new policy because they wished to exclude the Soviet Union and because they wished the United States to claim, as soon as possible, both the unclaimed sector and areas in other parts of the region in which they felt America had rights and interests. Replying to this note, Secretary of State Dulles said that he supported the new policy, which had largely been worked out by Ambassador Daniels in consultation with other interested U.S. government agencies and in discussion with other certain claimants. Dulles continued that, while he had sympathy with the Joint

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<sup>70</sup> National Security Council Report, Washington, March 8, 1958, *Foreign Relations of the United States, 1958-1960*, pp. 479-87.

<sup>71</sup> *Ibid.*



Chiefs of Staff view (indeed, he said it was his personal position at the beginning of the exercise of rewriting the existing policy), he had come to feel that it would be impracticable to try to exclude the Soviet Union and than an attempt to do so would fail. Beyond this, Dulles maintained that he 'saw no way to push the Soviet Union out of Antarctica without the resort to force.' He also added that the assertion of U.S. claims at this time would precipitate conflicting claims and such action would probably not advance the United States very far toward its objectives, although he originally supported this proposal, too.<sup>72</sup>

With the new policy directive in place, the stage was set for it to be followed. A turning point in the prenegotiation process had been reached and the next stage, making a commitment to negotiation, appeared imminent.

#### 6.10 MAKING A COMMITMENT TO NEGOTIATION

On March 7, before the new policy directive had been approved by the President, Daniels asked the Bureau of European Affairs in the State Department for their view as to whether the Soviet Union should be consulted at all in advance of any public statements or initiatives by the United States, if prior consultations were deemed desirable, where and at what time should they be undertaken, and who should undertake such consultations and through what channel?<sup>73</sup> While Daniels anticipated that the consultations with the claimant governments on the Antarctic Problem would begin soon, he was concerned that information about this matter might "leak" and come to the attention of the Soviet Foreign Ministry which, in turn, might provoke unwelcome Soviet initiatives in regard to the region. Thinking that an early consultation with the Soviet government might forestall any such initiatives, as well as perhaps lead to a better understanding and acceptance by them of the U.S. position, Daniels, thus, sought the Bureau's comments.<sup>74</sup>

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<sup>72</sup> Memorandum of Discussion at the 357th Meeting of the National Security Council, Washington, March 6, 1958, *Foreign Relations of the United States, 1958-1960*, pp. 472-6.

<sup>73</sup> Office Memorandum, Daniels to Kohler, March 7, 1958, Department of State, Central Files, 702.022/3-758.

<sup>74</sup> *Ibid.* Daniels also recognized that early consultation may, on the other hand, lead to disagreements and undesirable results.

In two meetings held on March 10 and March 13, Daniels also consulted with representatives of Britain, Australia and New Zealand to discuss the present status of developments. At the first meeting, Daniels indicated that the United States planned to approach soon all the claimants with the view of gaining some assurances of success for the proposed conference on Antarctica.

Responding, Booker, the Australian representative, stated that the Australian government preferred that any approach to other governments await the formulation of an agreed position among the three Commonwealth countries and the United States. He also stated that Australia still preferred to approach the whole issue on a minimum essential basis and to this end felt that those things most likely to succeed should be undertaken first, namely the matter of scientific cooperation and the use of Antarctica for peaceful purposes.<sup>75</sup> Booker then went on to question the immediate need for administrative machinery in any Antarctic arrangement, the matter of inspection and control to guarantee the demilitarisation of the region and the inclusion of any provision concerning economic exploitation.<sup>76</sup> Lord Hood, the British representative, then took issue with an Australian draft declaration that had been circulated previously, which encapsulated these Australian preferences and the meeting ended with Daniels reiterating the U.S. intention to send an aide-memoire to the claimant governments.<sup>77</sup>

At the second meeting, Daniels conveyed the current thinking in the State Department that the Soviet Union should be approached at the same time as other countries on any proposal for Antarctica that might be made.<sup>78</sup> He

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<sup>75</sup> Memorandum of Conversation, Embassy of New Zealand, Washington, March 10, 1958, *Foreign Relations of the United States, 1958-1960*, pp. 494-7

<sup>76</sup> *Ibid.*

<sup>77</sup> This Australian draft declaration had been received by the U.S. Department of State on February 10. Daniels had asked for it at his meeting with Booker on February 5 when, as noted above, Booker had indicated that Australia preferred a "functional approach" to solving the Antarctic Problem, whereby sovereignty would not be renounced but agreement sought solely on demilitarisation and scientific cooperation.

<sup>78</sup> Memorandum of Conversation between Daniels, Luboeansky (ARA), Neidle (L), White (New Zealand Embassy), Audland (British Embassy), Booker (Australian Embassy) and Border (Australian Embassy), Washington, March 13, 1958, Department of State, Central Files, 702.022/3-1358. Daniels had, presumably, received advice along such lines in answer to the questions he had posed to the Bureau of European Affairs.

justified this position on the same grounds that he had suggested to the Bureau of European Affairs. Moreover, he added that if the Soviet Union were consulted it would be desirable also to consult simultaneously other interested states such as South Africa, Japan and Belgium, all of which were participating in the Antarctic program of the I.G.Y.<sup>79</sup>

Again responding first, Booker indicated that Australia preferred that an agreed position among the claimant powers and the United States could be established before any approach was made to the Soviet Union. He commented that to do otherwise would have serious political implications for the Australian Government at home.<sup>80</sup> The New Zealand representative, G.D.L.White opposed this Australian preference, while Christopher Audland, the British representative, said that his government supported the Soviet Union being consulted at an early state. He cautioned, however, that Britain felt that it was desirable to hear the views of Chile and Argentina concerning Soviet inclusion. On this point, Daniels indicated that both Argentina and Chile had already been sounded out on the matter - although he could not positively say that Argentina had accepted Soviet participation, he would attempt to seek clarification.<sup>81</sup>

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<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.* While Booker did not elaborate as to what these implications were, they may well have been associated with what is known as the "Petrov affair" in Australia. In April, 1954, Vladimir Petrov, Third Secretary and Consul of the Soviet Embassy in Australia since 1951, defected from the Soviet Union and sought and was granted, along with his wife, asylum in Australia. Petrov gave documentary and oral evidence of Soviet espionage in Australia to the Australian security authorities. The Soviet government responded to these developments by immediately recalling its ambassador and all staff, and ejecting the Australian Embassy staff from Moscow. The affair created a political furore in Australia and the strongly anti-communist Liberal Party government resisted Soviet overtures to resume formal diplomatic representation until June, 1959. Given the stance the Australian government took toward the Soviet Union at this time, it may be suggested that the government did not wish to be seen as conciliatory if news of their support for the early inclusion of the Soviet Union came to the notice of (1) the Labor Party Opposition, which could use this information as evidence of Liberal Party double-standards, and (2) the general public, which had been continuously warned by the Liberal Party of Soviet perfidy. For a succinct account of the "Petrov affair" and its repercussions, see, T. B. Millar, *Australia in Peace and War* (Canberra: Australian National University Press, 1978), pp. 346-9.

<sup>81</sup> Draft Memorandum of Conversation between Daniels, Luboeansky (ARA), Neidle (L), White (New Zealand Embassy), Audland (British Embassy), Booker (Australian Embassy) and Border (Australian Embassy), Washington, March 13, Department of State, Central Files, 702.022/3-1358.

Taking up the matter of the Australian concerns about early Soviet inclusion, Daniels asked whether the deletion of a paragraph on resources 'might soften the blow for the Australian Government.'<sup>82</sup> After Booker indicated that this suggestion would help, Daniels immediately added that such a deletion would not mean, though, that the United States had abandoned the idea.<sup>83</sup>

So far, Daniels had obtained State Department views as to when to consult the Soviet Union and he had canvassed the positions of Britain, Australia and New Zealand on this and other matters pertaining to the proposed conference on Antarctica. Next, he sought South Africa's position on its role in any future organization concerning Antarctica and its views on which states should be members. At a meeting on March 13 between Daniels and a representative from the South African Embassy, the latter indicated South African support for the general line of U.S. thinking on such matters, including the participation of the Soviet Union, and stressed his government's interest in participating in an Antarctic regime.<sup>84</sup>

Finally, on March 19, Daniels requested separate meetings with Chilean and Argentine Embassy representatives to inform them of developments and to obtain reassurance of both their government's concurrence with the general thrust of U.S. objectives and intentions for Antarctica. At both meetings,

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<sup>82</sup> *Ibid.* Presumably, the participants at the meeting had seen a draft of a note on the proposed Antarctic conference which was to be sent to interested countries including the Soviet Union. Presumably, too, this draft included reference to the objective specified in U.S. policy directive NSC 5804/1 of March 8, 1958, which set the aim of establishing 'uniform and non-preferential rules applicable to all countries and their nationals for any possible development of economic resources in the future.' (National Security Council Report, Washington, March 8, 1958, *Foreign Relations of the United States, 1958-1960*, p. 485.) The above question asked by Daniels referred to Australia's long held objection to the inclusion in any Antarctic arrangement of any provision concerning economic exploitation.

<sup>83</sup> Draft Memorandum of Conversation between Daniels, Luboeansky (RPA), Neidle (L), White (New Zealand Embassy), Audland (British Embassy), Booker (Australian Embassy) and Border (Australian Embassy, Department of State, Central Files, 702.022/3-1358. The tenor of British, New Zealand and Australian views expressed at these meetings was reiterated to Secretary of State Dulles when he discussed Antarctica briefly with the Prime Minister of New Zealand, the British Foreign Secretary and the Australian Minister for External Affairs on March 11 during the S.E.A.T.O. Council Meeting in Manila. See, Footnote No. 3, *Foreign Relations of the United States, 1958-1960*, p. 497.

<sup>84</sup> Memorandum of Conversation between Daniels, Luboeansky, Forster and Stewart (Embassy of the Union of South Africa), Washington, March 13, 1958, Department of State, Central Files, 702.022/3-1358.

Daniels indicated that the United States was ready to bring all governments participating in the Antarctic program of the I.G.Y., including the Soviet Union, into consultation regarding the region. He also added that U.S. thinking was presently directed toward signing a treaty which would call for the continuation of scientific cooperation in Antarctica after the end of the I.G.Y. and would guarantee peaceful use of the area.<sup>85</sup>

The Argentine representative, Dr. Roberto Guyer, felt that such an approach to the Soviet Union was reasonable, although he emphasized that he had no definitive instructions from his government on the matter. According, he stated that he would send a report of the discussion to the Argentine government.<sup>86</sup> At the other meeting, the Chilean representative, Sr. Manuel Bianchi, interpreted a Chilean memorandum of February 20 that had been sent to the U.S. Embassy in Santiago and stated that this appeared to contain adequate assurance that his government would not object to the early inclusion of the Soviet Union in the discussions.<sup>87</sup>

Having thus touched base with five of the seven claimants - Britain, Australia, New Zealand, Argentina and Chile - about American intentions, Daniels had cleared the way for the next stage of the prenegotiation process to proceed. But instead of making a commitment to negotiation, the United States sought further confirmation about the views of the other parties to the potential negotiation. On March 24, an aide-memoire (drafted by Daniels) was handed to representatives from the Embassies of Argentina, Australia, Belgium, Britain, Chile, France, Japan, Norway, New Zealand, South Africa, and the Soviet Union in Washington.<sup>88</sup> In this note, the United States, sought

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<sup>85</sup> Memorandum of Conversation between Daniels, Luboiansky (RPA), Silberstein (OSA) and Bianchi (Chilean Embassy), Washington, March 13, 1958, Department of State, Central Files, 702.022/3-1958; Memorandum of Conversation between Daniels, Watrous (OSA), Luboiansky (RPA), Goni (Argentine Embassy) and Guyer (Argentine Embassy), Washington, March 19, 1958, Department of State, Central Files, 702.022/3-1958.

<sup>86</sup> Memorandum of Conversation between Daniels, Watrous (OSA), Luboiansky (RPA), Goni (Argentine Embassy) and Guyer (Argentine Embassy), Washington, March 19, 1958, Department of State, Central Files, 702.022/3-1958.

<sup>87</sup> Memorandum of Conversation between Daniels, Luboiansky (RPA), Silberstein (OSA) and Bianchi (Chilean Embassy), Washington, March 19, 1958, Department of State, Central Files, 702.022/3-1958.

<sup>88</sup> For the full text of this document, see, Aide-Memoire From the Department of State to Certain Embassies, Washington, March 24, 1958, *Foreign Relations of the United States, 1958-1960*, pp. 497-9. This aide-memoire was drafted by Daniels on March 21, 1958.

'agreement among the interested countries' and asked for each of the governments' views on the following approach to Antarctica: (1) that there be broad agreement in regard to the basic objectives of freedom of scientific investigation throughout Antarctica and that the region used for peaceful purposes only; (2) that these objectives could be best achieved by means of a multilateral treaty which might contain provisions which would (a) give legal effect to the general policy objectives, (b) provide for reports to the United Nations and cooperative relationships with its specialized agencies, (c) provide for such joint administrative arrangements as might be necessary and desirable to accomplish the agreed objectives, and (d) ensure that no political rivalries in Antarctica endanger the program contemplated;<sup>89</sup> (3) that a conference should be convened to conclude the treaty;<sup>90</sup> and (4) that the countries which had conducted scientific research in the Antarctic during the I.G.Y. would wish to participate.<sup>91</sup>

At the end of the aide-memoire, it was emphasized that the United States had 'not yet formulated in any fixed or final form its policy in regard to the matters of substance and procedure' outlined.<sup>92</sup> A commitment had not yet been made. The note expressed, however, the United States' preference to consult with the other interested states before reaching any final conclusion, as well as the hope that mutual agreement could be reached on a long range solution of the Antarctic Problem. Finally the note indicated that those states which had participated in the Antarctic program of the I.G.Y. were receiving identical aide-memoires and it was suggested that it be 'considered

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<sup>89</sup> To obtain this goal, the aide-memoire noted that, 'this could be accomplished by freezing the legal status quo in Antarctica at the beginning of the treaty and for its duration. Under this procedure, no state would be required to renounce any claim to sovereignty which it might have asserted; no state would be obliged to recognize any claims asserted by other countries; and no new rights would be acquired or claims asserted by any country after the treaty as come into effect and for its duration. If at any time the treaty should be terminated, the legal situation in Antarctica would revert to the status quo ante.' (See, *Ibid.*)

<sup>90</sup> The aide-memoire requested views as to time and place such a conference should convene.

<sup>91</sup> The aide-memoire contained no reference to the establishment of rules concerning the exploitation of resources - an objective in U.S. policy directive NSC 5804/1 of March 8, 1958. This omission was probably a consequence of the deal tentatively struck by Ambassador Daniels with the Australian representative Booker at the meeting between representatives from the United States, Britain, Australia and New Zealand which was held in Washington on March 13, 1958.

<sup>92</sup> Aide-Memoire From the Department of State to Certain Embassies, Washington, March 24, 1958, *Foreign Relations of the United States, 1958-1960*, pp. 497-9.

confidential until such time as public proposals can be made with some assurance of a satisfactory outcome.'<sup>93</sup>

There were a number of actions and reactions that followed the sending of this aide-memoire. Firstly, the U.S. Secretary of State Dulles, considered it prudent to instruct the U.S. Mission to the United Nations to inform the Secretary General, on a personal and confidential basis, of the character and purpose of the consultations that had been initiated through the aide-memoire and to report his reactions.<sup>94</sup>

Secondly, Audland, from the British Embassy in Washington, informed the State Department that the British Foreign Office, though a 'little sad' over the timing of the aide-memoire, was disposed to give a favourable reply.<sup>95</sup> Audland added that Australia had come-up with the idea of a pre-conference working group to meet in Washington and the Foreign Office considered this proposal with favour, too. He also expressed Britain's desire to resume the four-power discussions for the purpose of resolving the differences which still existed between them - particularly those with Australia.<sup>96</sup>

Thirdly, the State Department received reports of a negative reaction to the aide-memoire by the Chilean Foreign Ministry - particularly regarding the early inclusion of the Soviet Union. On April 3, three Department officers (Earl Luboiansky, Joseph Silberstein and Jackson Smith) discussed the report with Sr. Bianchi from the Chilean Embassy, reiterated the reasons behind the American proposal and expressed surprise at the Foreign Ministry reaction, given the tenor of earlier communication between the U.S.

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<sup>93</sup> *Ibid.*

<sup>94</sup> Dulles to the United States Mission to the United Nations, New York, March 31, 1958, Department of State, Central Files, 702.022/3-3158. No documentary record of the Secretary General's reactions was found in the Department of State files at the U.S. National Archives in Washington.

<sup>95</sup> Telegram to the United States Embassy, London, April 1, 1958, Department of State, Central Files, 702.022/4-158.

<sup>96</sup> *Ibid.* Audland reiterated these thoughts at a subsequent meeting with State Department officials held in Washington on April 10, 1958. See, Memorandum of Conversation between Luboiansky (RPA), Smith (RPA) and Audland (British Embassy), Washington, April 10, 1958, Department of State, Central Files, 702.022/4-1058.

and Chile on the matter.<sup>97</sup> Silberstein tacitly warned of the possible consequences of a Chilean refusal to agree to the proposed plan by explaining that the U.S. suggestion was an alternative to extensive U.S. claims in Antarctica which might not be limited to the unclaimed sector but would likely extend into the areas claimed by other states. Such claims, Silberstein stressed, might not only satisfy considerable Congressional and public opinion in the United States, but might also engender more conflict over Antarctica. Luboeansky added that there was another pole of U.S. public opinion which was exerting pressure for a direct U.N. solution to the Antarctic Problem.<sup>98</sup> While not explicitly stating that these alternatives were likely to become U.S. policy if the Chilean government maintained its negative response to the U.S. proposal, Silberstein and Luboeansky underscored the implications to Chile if it were not supportive by raising the possibility, in this oblique way, that the alternatives could become so.

Sr. Bianchi indicated that he fully understood the U.S. view and undertook to re-state all the points made at this meeting to his government. At a subsequent meeting, on April 10, he reported that although the Chilean Foreign Office had expressed surprise at the broadening of the terms of reference contained in the aide-memoire and on the inclusion of new countries, the Chilean government had not yet taken any resolution on it.<sup>99</sup> Bianchi explained that there had probably been some misunderstanding as to what was previously been agreed in the course of discussions between the U.S. Embassy in Santiago and the Chilean Foreign Office and his discussions with Ambassador Daniels.<sup>100</sup> Referring to the cable he had received from the Foreign Office, Bianchi interpreted the message as trying to say: "'Don't get excited - our answer will not necessarily be negative.'"<sup>101</sup>

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<sup>97</sup> Memorandum of Conversation between Silberstein (OSA), Luboeansky (RPA), Smith (RPA) and Bianchi (Chilean Embassy), Washington, April 3, 1958, Department of State, Central Files, 702.022/4-358.

<sup>98</sup> *Ibid.*

<sup>99</sup> Memorandum of Conversation between Silberstein (OSA/W) and Bianchi (Chilean Embassy), Washington, April 10, 1958, Department of State, Central Files, 702.022/4-1058.

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*



The fourth development of the sending of the aide-memoire occurred within the United States government. At an Operations Coordinating Board (of the National Security Council) Meeting on April 2, General Cutler (Special Assistant to the President for National Security Affairs), Mr. Harr (Special Assistant to the President) and Assistant Defense Secretary Sprague expressed their doubts as to whether the State Department's handling of the U.S. proposal for international consultations on Antarctica had been in accordance with NSC policy.<sup>102</sup> Taking up the matter again at another meeting held on April 9, these officials pointed out that the NSC policy called for an initial sounding out of Free World claimants on support for the U.S. proposal, including the matter of Soviet participation. In particular, Cutler argued that the policy called for invitations to the Soviet Union to attend a conference and not prior consultation with it as the State Department had done.<sup>103</sup>

The issue continued to simmer and at a further meeting, on April 23, Harr charged that 'there was a "certain feeling that State protagonists sold the policy on one basis and executed it on another."' <sup>104</sup> While Deputy Under Secretary of State Murphy denied that this was the case, the issue clearly reflected division within the United States government.

The fifth consequence of the aide memoire was the suggestion by Australia that the time was ripe to inform India about the proposed consultations. Accordingly, on April 10, the Australian High Commission in London was instructed to seek British reactions to this suggestion and, six days later, the British Embassy in Washington raised the matter with Daniels.<sup>105</sup> While personally favouring the idea, Daniels thought that the United States should not take the initiative and added that he saw no objection to showing the

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<sup>102</sup> Fisher Howe to the Secretary of State, Washington, April 8, 1958, Department of State, Central Files, 702.022/4-858. The National Security Council's Operations Coordinating Board was responsible for overseeing the execution of national security policies that had been approved by the President.

<sup>103</sup> Preliminary Notes on the Operations Coordinating Board Meeting, Washington, April 9, 1958, *Foreign Relations of the United States, 1958-1960*, pp. 499-501.

<sup>104</sup> Preliminary Notes on the Operations Coordinating Board Meeting, Washington, April 23, 1958, *Foreign Relations of the United States, 1958-1960*, pp. 501-2.

<sup>105</sup> Cablegram to Australian High Commission, London, April 10, 1958, AA: A1838/2, 1495/24/1 Part 2.

Indians the aide-memoire.<sup>106</sup> Australia was subsequently informed by both the British Embassy in Washington and the State Department that Daniels would not take part in any initial approach to India on the matter which the Department thought should be left in Commonwealth hands.<sup>107</sup>

By late April, the fear that Daniels had of a "leak" of the contents of the aide-memoire was realized. This was the sixth consequence. Publicity of the U.S. proposals had occurred in Chile and at a State Department press conference held on April 22, brief details of the aide-memoire were announced.<sup>108</sup> These leaks prompted the State Department to advise the Soviet Ambassador in Washington, Mikhail Menshikov, the circumstances under which the announcement had been forced and to indicate that the United States was anxious to receive the views of the Soviet Union concerning the proposals set out in the aide-memoire as soon as possible.<sup>109</sup> Menshikov indicated his understanding of the matter and said that he should "remind" his government of the request for its views.<sup>110</sup>

The Soviet silence had clearly become a matter of concern for the State Department. By April 22, the United States had received written or oral positive replies to the aide memoire from all of the recipients but three - the Soviet Union, France and Norway.<sup>111</sup> Five days later, the number of non-respondents was reduced to two, when representatives from the French

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<sup>106</sup> Cablegram from the Australian Embassy, Washington, April 16, 1958, AA: A1838/2, 1495/24/1 Part 2.

<sup>107</sup> Cablegram from the Australian Embassy, Washington, April 24, AA: A1838/2, 1495/24/1 Part 2.

<sup>108</sup> Preliminary Notes on the Operations Coordinating Board Meeting, Washington, April 23, 1958, *Foreign Relations of the United States, 1958-1960*, pp. 501-2.

<sup>109</sup> Elbrick to Murphy, Washington, April 22, 1958, Department of State, Central Files, 702.022/4-2258; Memorandum of Conversation between Murphy (Deputy Under Secretary), Kohler (Deputy Assistant Secretary) and Mikhail Menshikov (Soviet Ambassador), Washington, April 22, 1958, Department of State, Central Files, 702.022/4-2258.

<sup>110</sup> *Ibid.*

<sup>111</sup> Memorandum of Conversation between Daniels, Parsons (Deputy Assistant Secretary), Martin (Officer in Charge, Japanese Affairs) Shimoda (Embassy of Japan) and Sugihara (Embassy of Japan), Washington, April 22, 1958, Department of State, Central Files, 702.022/4-2258. At this meeting, Daniels acknowledged that the Soviet Union had not replied to the aide-memoire. The identification of France and Norway as non-respondents has been adduced from other documentary records.

Embassy met with Daniels to discuss it. They indicated that the French government was in agreement with the objectives of peaceful utilization and continued scientific cooperation in Antarctica and that an agreement to this effect should be concluded. France did not, however, approve the notion that claims and rights should be frozen for the duration of any agreement and considered, therefore, that this device should not be used as a basis for negotiation. It was argued that if other countries established bases in Antarctica, a return to the status quo would be difficult and while a *de jure* situation may be prevented by agreement among the countries concerned, a *de facto* situation of acquired rights would nevertheless result.<sup>112</sup> Thanking the representatives for their expression of general agreement with the U.S. proposals, Daniels counter argued that without a provision guaranteeing the status quo for claims and rights, a claims race might result and even in the absence of an agreement, a *de facto* situation could just as well arise.<sup>113</sup> The French representatives then concluded the meeting by saying that these thoughts would be communicated to their government and further guidance requested before a formal communication on the aide-memoire would be forthcoming.<sup>114</sup>

Thus, by the end of April, the prospect of an agreement to negotiation seemed likely to eventuate. On April 28, with Daniels thinking that it would be difficult for the Soviet Union not to participate in any negotiations (after all, in 1950 they had demanded to be included in any Antarctic arrangement), Secretary of State Dulles was sent a draft text of a Presidential announcement inviting the interested countries to negotiate an Antarctic regime.<sup>115</sup> After suggesting a redraft, on April 30, Dulles spoke by telephone to Under Secretary Herter about the timing of its release. The record of this conversation reveals that there was still bitter feeling within the U.S.

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<sup>112</sup> Memorandum of Conversation between Daniels, Luboeansky (RPA), Landy (French Embassy) and Lucet (French Embassy), Washington, April 28, 1958, Department of State, Central Files, 702.022/4-2858.

<sup>113</sup> *Ibid.*

<sup>114</sup> *Ibid.*

<sup>115</sup> Editorial Note, *Foreign Relations of the United States, 1958-1960*, pp. 502-3. On Daniels thoughts about the likely problem for the Soviet Union, see, Memorandum of Conversation between Daniels, Parsons (Deputy Assistant Secretary), Martin (Officer in Charge, Japanese Affairs), Shimoda (Embassy of Japan) and Sugihara (Embassy of Japan), Washington, April 22, 1958, Department of State, Central Files, 702.022/4-2258.

government about proceeding in this way, although Herter commented that during the previous week a commitment to negotiation by the United States had almost been made.<sup>116</sup>

#### 6.11 AN AGREEMENT TO NEGOTIATE IS SOUGHT

But the United States soon did make a commitment to negotiation and the next stage of the prenegotiation process was reached. On May 2, U.S. President Eisenhower invited the eleven other directly interested countries to participate in a conference on Antarctica for the purposes that had been foreshadowed in the aid-memoire of March 24. The following day, May 3, White House Press Secretary Hagerty released to the public the text of this invitation together with an explanatory statement by the President. In this statement, Eisenhower indicated that the invitation had been extended to ensure that Antarctica would not 'become an object of political conflict' and that the American proposal was directed at insuring that the same kind of cooperation that had characterized the I.G.Y. would be perpetuated 'for the benefit of all mankind'.<sup>117</sup>

By early June, all eleven states had accepted the American invitation and the stage was set for the negotiation process to follow. This began on June 13, 1958, when representatives of the twelve states met at the U.S. National Science Foundation Building at 1520 H Street, N.W., Washington, D.C., in the first of a series of meetings to reach mutual agreement on time and place of the conference and on other procedural matters. Although much structuring activity in regard to participants, scope of the negotiation and agenda formation had already taken place, particularly over the previous six months, other parameters needed to be set before the participants were satisfied that the formal conference could proceed. In this way, parameter setting spilled over into the formal negotiation process. After a protracted pre-negotiation process lasting almost three years, Argentina, Australia,

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<sup>116</sup> Telephone Call to Governor Herter, April 30, 1958, Telephone Conversation Series, Memoranda of Telephone Conversations, General, April 1, 1958 to May 29, 1958 (2), Papers of John Foster Dulles, Eisenhower Library. Presumably, this comment referred to the continuation of opposition to policy directive NSC 5804/1 by the Joint Chiefs of Staff and to the continuation of objections to the way by which the State Department had implemented this directive which had been aired at the Operations Coordinating Board meetings of early April.

<sup>117</sup> Texts of the Presidential statement and invitation are reprinted in *The Department of State Bulletin*, XXXVIII, 988 (June 2, 1958), pp. 911-2.

Belgium, Britain, Chile, France, Japan, New Zealand, Norway, South Africa, the Soviet Union and the United States had reached the table.

## 6.12 CONCLUSIONS

I can now return to the first of the two questions posed at the beginning of this chapter: Was the Soviet announcement of September, 1957, which indicated that the Soviet Union intended to remain in Antarctica, a crucial turning point on the path toward a conference on Antarctica and, ultimately, an Antarctic agreement? On the analysis of the documentary record in this chapter, the answer to this question is affirmative, although it was a turning point that was not unanticipated. Its significance lay in confirming existing British Foreign Office and some American predictions that the Soviet Union would retain a presence in Antarctica after the conclusion of the I.G.Y.

The foregoing analysis shows that to gain a more satisfactory understanding of the developmental process through which the Antarctic regime came into existence, the relationship between the Antarctic program of the I.G.Y., post-I.G.Y. uncertainties (such as Soviet intentions) and the agreement to negotiate an Antarctic regime must be placed in the context of an extensive prenegotiation process which began in September, 1955. At this time, the United States reassessed its Antarctic policy in the wake of news that the Soviet Union intended to penetrate Antarctica with the establishment of research stations in the region as part of their contribution to the I.G.Y. The spectre of impending crisis brought about by the perceived threat that the Soviet Union could ultimately use these bases for military purposes concerned the United States, as well as Britain, Australia and New Zealand. Hitherto, during the 1940s and early 1950s, the Antarctic Problem had centred largely on the status of claims and rights in the region and the desire on the part of interested Western states that sovereignty or active participation in international control of Antarctica should be denied the Soviet Union. By the mid 1950s, however, the problem came to be framed somewhat differently - particularly by the United States and the Commonwealth claimants. With the establishment of the Soviet bases, the problem was framed first in terms of "squeezing the Soviet Union out" of the region and when this was recognized as being impracticable, containing and controlling their activities there. Britain came to this position by August, 1957 (prior to the Soviet announcement), while it was not until March, 1958,

that the United States adopted this position, too.<sup>118</sup> Time and time again, the documentary record shows that the primary aim of the Western, or so-called "Free World", states was to "contain the Soviet Union" and "prevent Antarctica from being used as a base of military threat against any of the free world powers."

But what about the Soviet Union? Why did they agree to "go to the table?" What was in it for them? While an answer to this question can not be offered with any confidence until the documentary record in Moscow has been analysed, it may be suggested that three interrelated considerations prompted their decision. First, as Daniels thought, the Soviet Union would have had a problem if they did not accept the American invitation to participate in the conference on Antarctica because in 1950 they had demanded to be included in any Antarctic arrangement. Thus, had they refused, they probably would have found it difficult to challenge the legitimacy of any ensuing arrangement made without them.

Second, the Soviet penetration of Antarctica by the mid 1950s should be seen in the context of a shift in the locus of the Cold War. Before this period, the focal point of the Cold War had been Europe, but by the mid 1950s this was moving toward other parts of the world such as the Middle East and South-East Asia.<sup>119</sup> The Soviet penetration of Antarctica was part and parcel of this shift and the presence of the Soviet Union in these regions demonstrated to the rest of the world that the projection of Soviet capabilities had become global. It can therefore be suggested that Soviet participation in the creation of an Antarctic regime offered them the prospect of solidifying their presence in Antarctica without the risk of conflict, demonstrating their reach and the legitimacy of their demand of 1950 to participate in any Antarctic deliberations.

The third consideration prompting the Soviet decision may also have been associated with the realization by Soviet leaders of the need to avoid major

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<sup>118</sup> Although Daniels was swayed by the British logic for the inclusion of the Soviet Union in an Antarctic regime by mid November, 1957, it was not until policy directive NSC 5804/1 was approved in early March, 1958, (which contained this point) that the United States adopted this position.

<sup>119</sup> On this shift in the loci of the Cold War, see, LaFeber, *America, Russia and the Cold War 1945-1984*, pp. 125-94; Ambrose, *Rise to Globalism*, Chapter 9.

conflict with the United States at this time. Indeed, by the mid and late 1950s, while both the Soviet Union and the United States were seeking ways to maximize their influence in the world, they were also both concerned with the need to reduce international tensions in order to prevent any flashpoint sparking the outbreak of nuclear war.<sup>120</sup> Thus, all these considerations suggest that the Soviet Union had much to gain from the U.S.-led initiative on Antarctica, too.

In sum, then, on the account so far, the Antarctic Treaty (and Antarctic regime) was no "triumph of science". The alternative view which emphasizes the significance of security motives is a much more plausible explanation. Indeed, examination of the documentary record reveals that the primary objective of the actors involved in the creation of the Antarctic Treaty was to establish a crisis-prevention regime rather than to provide a stable basis for science in the region. Viewed in this way, science was the "means" to achieve the "end" of crisis-prevention.

In regard to the second question, concerning the exercise of leadership, the answer is affirmative. The foregoing analysis also reveals that leadership was instrumental in overcoming and circumventing the many problems and obstacles that arose in the course of the prenegotiation process - particularly during the search for options stage, making a commitment to negotiation stage and in the structuring activity that had set some parameters. Examination of the documentary record shows that U.S. Ambassador Paul Daniels played an entrepreneurial leadership role in this process after he was appointed by Secretary of State Dulles as special advisor on Antarctic affairs in the Department of State in September, 1957.<sup>121</sup> His contribution to the prenegotiation process was significantly productive - in discussions and communications with other officials and agencies of the US government and with representatives of other interested states, he shaped the forms in which

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<sup>120</sup> *Ibid.* President Eisenhower's "open skies" proposal of 1955 and the 1957 U.S. proposal of an international inspection system in the Arctic (both rejected by the Soviet Union) were other attempts to ease Soviet-American tension by reducing the danger of surprise attack and the danger of miscalculation. See, LaFeber, *America, Russia and the Cold War 1945-1984*, p. 181.

<sup>121</sup> Note, too, that although Daniels' appointment quickly followed the Soviet announcement, this was coincidental. U.S. Secretary of State Dulles had approached another person (Norman Armour) to act in this capacity during the previous July. (See, Footnote No. 19, this chapter.)

many of the issues were presented. He also persuasively drew attention to the importance of the issues at stake, devised policy options and garnered support for salient options as well as brokering at least one deal - all indicators of entrepreneurial leadership. For example, Daniels played a crucial role in garnering support for the early inclusion of the Soviet Union in the proposed negotiations, albeit after he was convinced by British arguments to do so, as well as support for the participation of the other three non-claimants who had contributed to the Antarctic program of the I.G.Y. He drafted the circular telegram of February 15, 1958, to U.S. Embassies in Argentina, Chile, France, Norway, Belgium, the Soviet Union, Canada, Japan, India, South Africa, Mexico, Brazil, Australia, Britain and New Zealand which sought the views of host governments on the subject of a common Antarctic policy. In addition, he also drafted the aide-memoire of March 24, 1958, to the governments of the eleven other countries that were participating in the Antarctic program of the I.G.Y. seeking their views on the U.S. proposal for an Antarctic regime. The one deal brokered by Daniels that appears in the documentary record was with the Australian representative, Booker, at the meeting on March 13, 1958. At this meeting Daniels tentatively struck a deal when he induced Australian support for an early approach to the Soviet Union seeking their view on the proposal for an Antarctic conference. He did this by offering to delete reference to the exploitation of resources (which Australia opposed) in the aide-memoire that was to be later sent to interested countries.

There is little, if any, evidence, however, that structural leadership was exercised in the process. Although the two U.S. State Department officials, Silberstein and Luboiansky, warned the Chilean Embassy official, Bianchi, in early April, 1958, of the possible consequences of a Chilean refusal to agree to the U.S. proposed plan set out in the aide-memoire of March 24, it is unclear as to whether this was an attempt to coerce Chile or to point out, merely, possible implications of its action. In regard to intellectual leadership, the only innovative conceptualization of a solution to the problem identified, an indicator of this type of leadership, was derived from the previous attempt to form an Antarctic regime. This was the idea of the "freezing" of the legal status quo in the region at the beginning of the proposed treaty (and regime) and for its duration. This solution, advocated by Britain at the "Old Commonwealth" discussions in September, 1957, and subsequently adopted, too, by the United States in early 1958, was clearly based on the *modus vivendi* "standstill" proposal originally suggested in 1948



by the Chilean academic and Foreign Ministry adviser, Professor Julio Escudero.

**PART IV**

**AT THE TABLE**

## 7

**NEGOTIATING THE ANTARCTIC TREATY:  
THE PREPARATORY MEETINGS**

The negotiation of the Antarctic Treaty lasted for eighteen months. It took two forms. The first was a series of 60 preparatory meetings at which procedural arrangements and a framework for discussion were agreed - subject to the decisions to be reached at the conference that was to follow. These meetings were held in Washington between June, 1958, and October, 1959, and were attended by two representatives from each of the eleven invited states and three or four representatives from the United States. The second form of negotiation was the full-scale conference, also attended by representatives of the twelve states, which began on October 15, 1959 and concluded with the signing of the treaty on December 1, 1959.

The preparatory meetings were considered necessary because, as the U.S. special adviser on Antarctic affairs and head of the U.S. delegation at them, Ambassador Daniels, later commented,

'It was generally agreed that to convene an international conference dealing with such novel and controversial questions would be unwise, and possibly dangerous, unless adequate preparations were made. Accordingly, and always in consultation with all the governments concerned, it was decided to hold preparatory talks in Washington with a view to analyzing in detail the various points which had been proposed and others which might arise, in the hope of reaching a broad agreement which would ensure the success of the conference to be convened at a later date.<sup>1</sup>

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<sup>1</sup> P. C. Daniels, "The Antarctic Treaty," in R. S. Lewis and P. M. Smith, eds., *Frozen Future: A Prophetic Report from Antarctica* (New York: Quadrangle Books, 1973) pp. 37-8.

The fact that 60 preparatory meetings were required before the Conference on Antarctic could even begin suggests that problems and obstacles arose that delayed efforts to reach such agreement. Indeed, when negotiation began at the preparatory meetings it was expected by most of the parties that the conference proceedings would commence within a few months - in August or September, 1958. Most hoped that an agreement would be in place by the end of the International Geophysical Year in December, 1958, when the "gentleman's agreement" to maintain the political status quo in Antarctica during the I.G.Y. was to expire. In addition, it was also hoped by some of the parties that the commencement of the full-scale conference would forestall or dampen any discussion on Antarctica at the United Nations General Assembly session scheduled to be held later that year.<sup>2</sup> Although the subject was not discussed at the General Assembly, such initial hopes and expectations were not, however, fulfilled.

Why was this so? What was discussed at the table? What form, or forms, of bargaining did the negotiation take? What problems and obstacles surfaced and how were they overcome? Did leadership play a role in their solution or circumvention as Young's proposition on regime formation suggests? This chapter will address these questions through an examination of the preparatory meetings and Chapter 8 considers them through an analysis of the conference, itself.

One feature of the preparatory meetings which may provide a useful way of analysing what went on there and identifying any problems that arose is to divide the proceedings into three phases related to the negotiating demeanour of the representatives from the Soviet Union. The first phase, between June, 1958, and early November, 1958, was characterized by what was generally perceived by the other parties to be Soviet intransigence in regard to a number of matters. The second, between mid November, 1958, and late April, 1959, saw a gradual "thawing" of this perceived intransigence while the third, between mid May, 1959, and October 13, 1959, was characterized by active participation and flexibility on the part of the Soviet representatives. This division of the preparatory meetings into these three

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<sup>2</sup> Indeed, on July 15, 1958, India asked that the "Question of Antarctica" be inscribed on the agenda of the 13th Session of the United Nations General Assembly which was scheduled to be held later that year. In September, however, India withdrew the item for inscription, repeating what it had done to a similar proposal in 1956. See, Ahluwalia, "The Antarctic Treaty: Should India Become a Party to It?" pp. 474-5.

phases does not mean to imply, however, that the only problems that arose were associated with the Soviet Union. They were not. Moreover, from a Soviet perspective, the intransigence may well have been perceived to emanate from the other parties. Nonetheless, the changing negotiating demeanour of the Soviet representatives altered significantly the general nature of the discussions.<sup>3</sup>

## 7.1 THE PREPARATORY MEETINGS - PHASE ONE

Between June 13 and early November, 1958, 24 preparatory meetings were held once or twice weekly. At the first meeting on June 13, it was decided that the position of chairman would be rotated alphabetically with lots drawn selecting the Argentine representative as the chairman for the next meeting. It was also agreed that representatives of the parties would be seated at subsequent meetings alphabetically (in English), clockwise from the chairman.<sup>4</sup> At the second meeting, held on June 24, U.S. representative Daniels emphasized that the preparatory work should not involve firm or final commitments by the participating governments but should be conducted on an informal preparatory level.<sup>5</sup>

Despite this understanding, though, progress was slow. Indeed, the major feature of this phase of the negotiation was the repeated insistence by the Soviet representative (Andrei Ledovski) that discussion at the meetings

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<sup>3</sup> The following analysis of the preparatory meetings is based largely on United States records that are in the form of memoranda of meetings. During the first phase of the meetings, these memoranda were compiled mainly by Alan Neidle or Earl Luboensky, both of whom accompanied Daniels on the U.S. delegation during this period.

<sup>4</sup> Memorandum of Meeting, June 13, 1958, Department of State, Central Files, 702.022/6-1358.

<sup>5</sup> Memorandum of Meeting, June 24, 1958, Department of State, Central Files, 702.022/6-2458. It was also agreed at first that there should be a minimum of publicity concerning the meetings and that any public statement should be agreed upon among all the participants. Accordingly, papers and records of the meetings were first classified as "Official Use Only." (See, Memorandum of Meeting, June 13, Department of State, Central Files, 702.022/6-1358.) By mid August this classification was altered to "Confidential." (See, Memorandum of Meeting, August 20, Department of State, Central Files, 702.022/8-2058.) Although it is not clear from the documentary record why this change in classification occurred in mid August, Beck suggests that it was associated with the appearance that some journalists and diplomats in Washington were well informed about the discussions. (See, P. J. Beck, "Preparatory Meetings for the Antarctic Treaty 1958-59," *Polar Record* 22, 141 (1985) pp. 653-64.) A United Press International despatch of September 17 which reported that the proceedings had 'become bogged down in a maze of conflicting interests' and which quoted one source as saying 'It's a mess' was discussed in the meeting held on September 19. (See, Memorandum of Meeting, Department of State, Central Files, 702.022/9-1958.)

should be confined to deciding the time and place of the conference and to procedural matters - discussion on substantive matters should be left to the conference.<sup>6</sup> Ledovski also repeatedly indicated that it was his government's view that all countries of the world should be given an opportunity to participate in the Antarctic conference; that negotiating a treaty for peaceful uses of Antarctica and continued scientific cooperation there should alone constitute the agenda for the conference; and, following on from this point, that the treaty should not include any article on "freezing" the status quo on rights and claims.<sup>7</sup>

Both the Australian and British representatives frequently expressed their governments' strong opposition to the Soviet view that negotiation on matters of substance should be left until the conference. Indeed, at the second meeting, held on June 24, the British representative (David Muirhead) stated that agreement as to the time and place of the conference would be premature until substantive preparatory work had been done.<sup>8</sup> This line of argument was strongly supported by the Australian representative (Malcolm Booker), who also circulated a tentative list of nine headings for possible articles in an Antarctic treaty: (1) Peaceful Use of Antarctica; (2) Scientific Research and Cooperation; (3) Status Quo on Rights and Claims; (4) Jurisdiction in regard to Civil Disputes and Criminal Matters; (5) Position in Regard to Non-Signatories; (6) Duration, Ratification, etc.; (7) Definition of Antarctic; (8) Administrative Arrangements; and (9) Settlement of Disputes between Parties.<sup>9</sup>

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<sup>6</sup> One reason offered for this stance was that there were no Soviet specialists on Antarctica in Washington and it would therefore be difficult to discuss substantive questions. (See, for example, Memorandum of Meeting, July 1, Department of State, Central Files, 702.022/7-158.) It is also clear that Ledovski did not contemplate a conference at foreign minister level or a conference which would be purely a signing conference on the basis of drafts previously agreed. In a conversation with the New Zealand representative, Lloyd White, Ledovski revealed that he thought that delegations to the conference might be staffed by senior accredited officials and that the conference would work on the substance of the treaty. (See, Kevin to The Minister, July 21, 1958, AA: A1838/1, 1495/13/1.)

<sup>7</sup> The Soviet preference for wider participation had been foreshadowed in its reply to the U.S. note of May 2, 1958, which had invited the other eleven states that had participated in the Antarctic program of the I.G.Y. to confer, together with the United States, on Antarctica. See, "Russia to Discuss Antarctic," *The Times*, June 5, 1958; Adams to Daniels, June 13, Department of State, Central Files, 702.022/6-1358.

<sup>8</sup> Memorandum of Meeting, June 24, 1958, Department of State, Central Files, 702.022/6-2458.

<sup>9</sup> By early July, Australia had prepared a draft treaty and discussion on it had taken place in Washington between representatives of the United States, New Zealand, Britain and

The general thrust of the Australian opposition to the Soviet stance during this phase became one of steady resistance to the two notions of confining the discussions to those on procedural matters and extending the number of participants. At the same time, however, the Australian representative was instructed not to 'provoke the Soviet Union to further intransigence by trying too abruptly to move them.'<sup>10</sup> To this end, the Australian approach sought to 'develop as great a unanimity as possible among as many of the other participants as possible so as to obviate a premature move by any of them to accommodate the Russians to the general disadvantage.'<sup>11</sup>

It was soon clear that no other party supported the Soviet call for wider participation.<sup>12</sup> France, however, found itself agreeing with the Soviet position that the treaty should not include any article dealing with the question of rights and claims in Antarctica.<sup>13</sup> In discussions and correspondence with representatives from the French Embassy in Washington in September and October, Daniels attempted to persuade the French government about the utility of including an article freezing the existing legal status quo on rights and claims. He pointed out that the purpose of such a provision was not to solve the question of claims of

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Australia. Because of unresolved differences concerning the draft, on July 10 it was decided that it would be premature for it to be tabled as a working paper at the next preparatory meeting. (See, Cablegram from Australian Embassy, Washington, July 10, 1958, AA: A1838/2, 1495/24/1 Part 2; Australian Draft International Agreement Relating to Antarctica, July, 1958, AA: A1838/2, 1495/10/1 Part 4.)

<sup>10</sup> This strategy is set out in Cablegram to Australian Embassy, Washington, July 3, 1958, AA: A1838/2, 1495/24/1 Part 2.

<sup>11</sup> *Ibid.*

<sup>12</sup> Memorandum of Meeting, August 5, 1958, Department of State, Central Files, 702.022/8-558.

<sup>13</sup> Memorandum of Meeting, July 15, Department of State, Central Files, 702.022/7-1558; Memorandum of Meeting, August 28, Department of State, Central Files, 702.022/8-2858; and Memorandum of Meeting, November 5, Department of State, Central Files, 702.022/11-558. This French position had been foreshadowed back in late April, 1958, when officials from the French Embassy in Washington discussed with Daniels their government's general agreement with the American aide-memoire of March 24 which asked for the view of France in regard to the proposed Antarctic conference. (See, Memorandum of Conversation between Daniels, Luboeansky (RPA), Landy (French Embassy) and Lucet (French Embassy), Washington, April 28, 1958, Department of State, Central Files, 702.022/4-2858; Memorandum of Conversation between Daniels, Owen (RPA), Lucet (French Embassy) and Landy (French Embassy), June 12, 1958, Department of State, Central Files, 702.022/6-1258.)

sovereignty but to put this aside in order to facilitate the implementation of the other objectives of the treaty in the same spirit that had been adopted by the organizers of the I.G.Y., particularly Mr. Laclavere of France who had adopted this formula when president of C.S.A.G.I. Daniels also emphasized that such a provision would not be a danger to claimants, as the French government apparently regarded it, but rather a protection for them by preventing other parties from making claims. By the end of the first phase of the preparatory meetings, however, Daniels' representations on this matter had not succeeded in reconciling French preferences with those of the United States and the impasse with France over the question of rights and claims remained.<sup>14</sup>

In addition, the continual assertion of the Soviet view stifled progress on the discussion of substantive matters - much to the concern of the Australian representative who, in turn, resisted agreeing to any suggested commencement date for the conference.<sup>15</sup> The problem of discussing substantive matters was somewhat alleviated, however, at the ninth meeting, held on July 31, after Daniels suggested that the difficulty might be overcome by a better choice of words - '[i]nstead of saying "discussion of substance" the term "voluntary expression of views" might be used.'<sup>16</sup> Accordingly, Daniels continued, 'any representative who wished could state his views on substantive questions and present papers to the group, but there would be no compulsion to do so.'<sup>17</sup>

While much merit was seen in this suggestion by other representatives, Ledovski did not support this solution at the time it was proposed. But he did readily agree with Daniels when the U.S. representative then suggested

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<sup>14</sup> Memorandum of Conversation between Daniels, Owen (ARA), Lucet (French Embassy) and Landy (French Embassy), Washington, September 16, 1958, Department of State, Central Files, 702.022/9-1658; Memorandum of Conversation between Daniels and Alphand (Ambassador of France), Washington, September 23, 1958, Department of State, Central Files, 702.022/9-2358; and Letter from Daniels to Ambassador of the French Republic (Alphand), Washington, October 21, 1958, Department of State, Central Files, 702.022/10-2158.

<sup>15</sup> Memorandum of Meeting, July 29, 1958, Department of State, Central Files, 702.02/7-2958.

<sup>16</sup> Memorandum of Meeting, July 31, 1958, Department of State, Central Files, 702.022/7-3158.

<sup>17</sup> *Ibid.*



that the question of procedure at the conference should be taken up at an early date. It was quickly agreed that at the next meeting the question of regulations could be discussed and at a future meeting the draft of the regulations might appropriately be considered by the group.<sup>18</sup>

This is what eventuated. From the tenth meeting, held on August 5, 1958, to the twenty-fourth meeting, held on November 5, 1958, procedural matters to do with the conference site, conference agenda, committee structure and rules of procedure dominated discussion. By the end of this phase, the negotiating group had tentatively agreed that Washington was to be the site of the conference and that there should be a two-committee structure for it. In addition, preliminary consideration of a set of draft Rules of Procedure for the conference had been completed for submission to the governments involved and a list of topics pertaining to the proposed treaty had been compiled.<sup>19</sup>

Thus, by early November, some progress had been made, though not as much as both Australia and Britain had wanted. But Daniels was more hopeful. In a memorandum to the U.S. Deputy Under Secretary of State for Political Affairs (Robert Murphy), Daniels reported that the Soviet position on the matter of substantive questions being negotiated had 'recently softened' and their representative had stated that he did not object to other representatives making comments on the substantive aspects of the treaty and had implied that on appropriate occasion 'he might even on behalf of his government make comments on the substantive matters under discussion in the group.'<sup>20</sup> Daniels also noted that the Soviet representative had not raised the issue of wider participation for some time and that the group had agreed that there should be an interim period of approximately eight weeks between the setting of the date of the conference and the

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<sup>18</sup> *Ibid.*

<sup>19</sup> Status Report on Antarctica, Washington, August 24, 1958, *Foreign Relations of the United States, 1958-1960*, Volume II, United Nations and General International Matters (Washington: United States Government Printing Office, 1991), pp. 505-6; Memorandum From the Special Adviser on Antarctica (Daniels) to the Deputy Under Secretary of State for Political Affairs (Murphy), Washington, November 6, 1958, *Foreign Relations of the United States, 1958-1960*, pp. 512-15.

<sup>20</sup> Memorandum From the Special Adviser on Antarctica (Daniels) to the Deputy Under Secretary of State for Political Affairs (Murphy), Washington, November 6, 1958, *Foreign Relations of the United States, 1958-1960*, p. 513.

conference itself. While this meant that a conference during 1958 was not possible, he hoped that there would now be sufficient progress at the preparatory meetings so that the conference could be held during the early months of 1959.<sup>21</sup>

On the account so far then, Daniels' suggestion at the ninth meeting accommodating the Soviet preference to discuss procedural matters rather than substantive ones, was a critical juncture in the proceedings. While the documentary record does not reveal the motivation behind this proposal, it may be suggested that Daniels engaged in attitudinal structuring - the socio-emotional process designed to change another party's attitudes or to structure positive attitudes between the participants. By being responsive to the Soviet insistence that procedural matters should be discussed, Daniels was extending trust and building goodwill.<sup>22</sup> Indeed, examination of the documentary record of this whole phase of the preparatory meetings shows that Daniels' negotiating demeanour was one of courteous neutralism - unlike the approach of the Australian representative (Booker), Daniels did not attempt to shape the nature of the agenda at the meetings toward the discussion of substantive matters.<sup>23</sup>

## 7.2 THE PREPARATORY MEETINGS - PHASE TWO

With the perceived softening of the Soviet position in regard to the discussion of substantive matters, the next phase of the meetings began at the 25th meeting held on November 12, with Daniels circulating several draft working papers on possible articles of the proposed treaty relating to the use of Antarctica for peaceful purposes, freedom of scientific research and international cooperation in scientific research in the region. Following general discussion on these papers, the Australian representative (Booker)

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<sup>21</sup> *Ibid.*

<sup>22</sup> On attitudinal structuring, as an indicator of entrepreneurial leadership, see Chapter 1.

<sup>23</sup> The phrase "courteous neutralism" is Walton and McKersie's and, in the process of attitudinal structuring, describes a degree of friendliness associated with an accommodative relationship pattern during negotiation. (See, Walton and McKersie, *A Behavioral Theory of Labor Negotiations*, pp. 187-9.) In his analysis of this phase of the preparatory meetings, Beck makes a similar assessment of Daniels' role, pointing out his influence in peacemaking, smoothing points of controversy through semantic gymnastics, and his conciliatory public attitude toward Ledovski when other delegations vented frustration against the Soviet position. (See, Beck, "Preparatory Meetings for the Antarctic Treaty 1958-59," p. 663.)

suggested 'that as soon as possible a draft of the entire treaty be presented to the group so that an over-all look could be given to the entire question.'<sup>24</sup>

This is what Daniels did at the next meeting when he distributed a series of draft working papers containing suggested wording for possible treaty articles relating to (1) the use of Antarctica for peaceful purposes; (2) freedom of scientific research in Antarctica; (3) international cooperation in scientific research in Antarctica; (4) "freezing" the legal status quo in Antarctica; (5) criminal and civil jurisdiction in Antarctica; (6) inspection rights; (7) administrative measures; (8) the relationship of the treaty to non-parties; (9) zone of application; (10) settlement of disputes; and (11) ratification and depositary requirements.<sup>25</sup> Another draft article concerning review and amendment provisions was not, however, distributed at the meeting in deference to an informal request made beforehand by the British representative that this not be done at this time.<sup>26</sup> In this way, then, the draft treaty articles became the negotiating text serving, as Young contends in his discussion of institutional bargaining, as the organizing device for the sequence of preparatory meetings that followed.<sup>27</sup>

But progress remained slow. By March 13, 1959, George Owen (who had recently been appointed Director of the Antarctic Staff of the U.S. State Department, and who had attended most of the preparatory meetings as part of the US delegation) reported to Walter Walmsley (Deputy Assistant Secretary of State for International Organization) that although there was unanimous agreement in regard to the objectives of draft Article I (peaceful use only), Article II (freedom of scientific research in Antarctica), and Article III (scientific cooperation), there was disagreement about some aspects of

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<sup>24</sup> Memorandum of Meeting, November 12, 1958, Department of State, Central Files, 702.022/11-1258.

<sup>25</sup> Memorandum of Meeting, November 18, 1958, Department of State, Central Files, 702.022/11-1858. With the circulation of these draft working papers, this memorandum of meeting and subsequent ones were upgraded to "Secret" classification.

<sup>26</sup> This British request clearly suggests that Daniels had previously consulted with British officials about the content of the draft articles. This consideration, together with the similarity of the U.S. draft to the Australian draft which had been prepared by the previous July, also suggests that extensive behind-the-scene consultation between the United States, Australia, Britain and New Zealand had continued since that time.

<sup>27</sup> See, Chapter 1.

these provisions.<sup>28</sup> Owen also reported that there was disagreement, reservations and misgivings in regard to the nine other draft articles, too, ranging from concerns about language to more substantive matters about inspection, accession, relations with nonparties, inclusion of the high seas in the zone of application and compulsory submission of disputes to the International Court of Justice for settlement.<sup>29</sup>

But by far the most significant problem at this stage concerned draft Article IV ("freezing" the legal status quo in Antarctica). Nine of the representatives had indicated their agreement to the text - those from Australia, Belgium, Britain, Chile, Japan, New Zealand, Norway, South Africa, the United States. The representatives from France, who had earlier resisted this draft, had, however, subsequently shifted ground and merely wanted to have some changes in language, while the Argentine representatives had reserved their position on one portion of the draft. But it was the Soviet representatives who blocked agreement on this matter. They still maintained that the best way of setting aside the question of territorial claims and consequent political rivalry was to not mention the issue in the treaty at all.<sup>30</sup>

Notwithstanding this situation, by the 41st meeting held on March 31, 1959, there was substantial support, including Australian, for holding the conference within the next two months and it was decided to discuss the matter more fully at the next meeting.<sup>31</sup> At the 42nd meeting, held on April 7, 1959, support for holding the conference at an early date was still strong and Daniels commented that '[t]he advance exploration was largely

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<sup>28</sup> Memorandum From the Director of the Antarctica Staff (Owen) to the Deputy Assistant Secretary of State for International Organization (Walmsley), Washington, March 13, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 539-47. In regard to draft Article I, for example, the Soviet representative wished it to express the prohibition of military bases, manoeuvres and weapons testing. The Soviets and the Australians also wished to delete a provision which precluded the use of military equipment and personnel for peaceful purposes - a provision that the United States, Argentina and Chile favoured because their Antarctic logistic operations were almost entirely conducted by their respective military forces.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Memorandum of Meeting, March 31, 1958, Department of State, Central Files, 702.022/3-3159.

completed and the progress made to date was very useful.'<sup>32</sup> But opposition to this position was strongly expressed by the British representative (Muirhead) who said 'he did not think the group had yet found enough common ground on such matters as how to keep Antarctica nonmilitarised, how to set aside the question of rights and claims, or even where the treaty is to apply, and he thought discussion of a date was premature and unwise.'<sup>33</sup>

British resistance to determining the date of the conference was successfully maintained at the 43rd and 44th meetings, held on April 14 and 22, 1959, when again the British representative cited the question of rights and claims as the major obstacle indicating, specifically, the Soviet opposition to draft Article IV ("freezing" the legal status quo).<sup>34</sup> This British resistance resulted in a decision at the next meeting, the 45th, held on April 29, 1959, to adjourn the meetings for one or two weeks, during which time it was felt that some of the representatives might have further instructions regarding the date of the conference.<sup>35</sup>

Thus, by the end of April, 1959, British insistence that further agreement was required - particularly in regard to the settling of the claims and rights issue - prevented the determination of the date for the conference and the conclusion of the preparatory meetings. Soviet resistance to discussing substantive matters had gradually "thawed" but their refusal to countenance the "freezing" of the legal status quo as set out in draft Article IV clearly was a matter of concern to Britain.

The question arises, though: Why did Australia and the United States support the call for the conference to be held before tentative agreement had been reached on the crucial draft Article IV? After all, Australia had consistently stated during the first phase of the preparatory meetings that

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<sup>32</sup> Memorandum of Meeting, April 7, 1958, Department of State, Central Files, 702.022/4-759.

<sup>33</sup> *Ibid.*

<sup>34</sup> Memorandum of Meeting, April 14, 1958, Department of State, Central Files, 702.022/4-1459; Memorandum of Meeting, April 22, 1958, Department of State, Central Files, 702.022/4-2259.

<sup>35</sup> Memorandum of Meeting, April 29, 1959, Department of State, Central Files, 702.022/4-2959.

agreement on substantive matters was required before the date of the conference could be determined - and there was no more substantive issue than that regarding the question of claims and rights. For its part, the United States considered the provisions contained in draft Article IV were 'a sine qua non for the claimant states.'<sup>36</sup> Moreover, in mid March, several weeks before the matter of the conference date was raised, Daniels had been rather more pessimistic about progress at the proceedings when, in a report to the Operations Planning Board of the National Security Council, he indicated that he saw only 'a 50-50 chance that the Treaty Conference would come into being.'<sup>37</sup>

One reason for the Australian position was concern about the question of Antarctica being raised again for discussion at the United Nations General Assembly session scheduled to be held later in 1959. Australia believed that it would 'probably be raised there anyway and the advantage of a June conference is that it would decide the issue one way or the other well in advance of the General Assembly.'<sup>38</sup> It seems, however, that the United States' support for the early determination of the conference date at this time was for a number of reasons. First, it is clear that Daniels was concerned that the Soviet Union had recently announced an expanded program in Antarctica including plans to establish research stations in Marie Byrd Land - a part of the continent that, although unclaimed, had been earmarked as an area where the United States considered it could assert strong claims, based on U.S. exploration, if it decided to do so. Thus, Soviet penetration of Marie Byrd Land could lay the basis for future Soviet claims there, thereby queering the pitch for the United States in the event that a treaty setting aside the claims and rights issue was not forthcoming.<sup>39</sup>

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<sup>36</sup> Memorandum From the Director of the Antarctica Staff (Owen) to the Deputy Assistant Secretary of State for International Organization Affairs (Walmsley), Washington, March 13, 1959, *Foreign Relations of the United States, 1958-1960*, p 541.

<sup>37</sup> Memorandum of a March 10, 1959, meeting made by James E. Mooney (Deputy U.S. Antarctic Projects Officer, Department of Defense) filed in the Center for Polar Archives, R.G. 330 - cited in Quigg, *A Pole Apart*, p. 146.

<sup>38</sup> Cablegram to the Australian Embassy, Washington, April 30, 1959, AA: A1838/2, 1495/24/1 Part 2.

<sup>39</sup> Advantages in Making Early Announcement of Date of Antarctic Conference, drafted by Daniels, February 18-20, 1959, Department of State, Central Files, 702.022/2-2059. See also, Preliminary Notes on the Operations Coordinating Board Meeting, Washington, January 14, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 515-7.

Second, Daniels also thought that delay in moving ahead on the conference that had been proposed by the United States back in May, 1958, could give the impression to the rest of the world that these proposals were not being well received and that this approach to the Antarctic Problem was making no progress. He felt, accordingly, if the May, 1958, proposal became discredited in public opinion, both in the United States and in other countries, it could become increasingly difficult to negotiate a satisfactory treaty on that basis and alternative solutions might get increasing support.<sup>40</sup>

Third, Daniels also considered that further delay would render it increasingly difficult to limit the proposed conference and treaty to the twelve countries which were engaged in the preparatory meetings. Since the May, 1958, invitation had been addressed to the countries participating actively in the Antarctic program of the I.G.Y., and since the I.G.Y. had ended on December 31, 1958, it was felt that a delay going much beyond the end of the I.G.Y. would make it difficult to base the limitation to twelve participants on that criterion. In addition, he felt that a recent Polish application for membership of S.C.A.R. lent added urgency to the matter.<sup>41</sup>

Fourth, Daniels was concerned, like Australia, with the possibility of the question of Antarctica being debated at the United Nations General Assembly leading to possible United Nations intervention. If this occurred, he foresaw the possible reversion to intense political discord over Antarctica. For all these reasons, then, he concluded that if the United States failed to move ahead rapidly in bringing the preparatory meetings to an end and setting a date for the conference, the United States would assume 'the grave responsibility of gambling with a rational solution to the problem.'<sup>42</sup> He also concluded that '[f]ailure to agree on the time of the conference mean[t], in effect, failure to have the conference' and such an eventuality 'could have grave consequences.'<sup>43</sup>

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<sup>40</sup> Advantages in Making Early Announcement of Date of Antarctic Conference, drafted by Daniels, February 19-20, 1959, Department of State, Central Files, 702.022/2-2059.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

### 7.3 THE PREPARATORY MEETINGS - PHASE THREE

When the preparatory meetings resumed on May 13, 1959, Daniels straightaway picked up again the matter of the conference date. He indicated that he understood that there was some sentiment in favour of holding the conference in October and asked to what extent this represented the general view. The Australian representative (Booker) immediately responded indicating that the Australian government favoured holding the conference sooner but would be prepared to accept an October date if this were the wish of the majority of the parties. Following this reply, the British representative (Muirfield) advised the meeting that while Britain still had doubts over 'the absence of greater agreement on certain matters,' it would probably not object to an October date if this were the will of the majority, too.<sup>44</sup>

This was to be the case. While the Chilean, Argentine and Soviet representatives all agreed with Australia, expressing their preference for an earlier date, they joined with the New Zealand, French, Norwegian, Japanese and South African representatives in supporting a date in October.<sup>45</sup> Accordingly, Daniels interpreted these comments as unanimous agreement that the conference should commence in October and, after further discussion, it was agreed that the group would recommend to the governments concerned that the conference be held as soon as possible in October, 'but in any case no later than October 19.'<sup>46</sup>

Thus, with the removal of British resistance to determining the date of the conference in this way, the parties agreed at the next meeting, the 47th, held on May 26, to make a public announcement on May 28 stating that on October 15, 1959, the conference would convene at Washington. But this did not presage the conclusion of the preparatory discussions. Before the meeting drew to a close, several representatives expressed their desire to continue discussions regarding the treaty, either bilaterally or multilaterally, and the Australian representative suggested that it should not be formally

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<sup>44</sup> Memorandum of Meeting, Washington, May 13, 1959, Department of State, Central Files, 702.022/5-1359.

<sup>45</sup> *Ibid.* The memorandum does not record any Belgian preference.

<sup>46</sup> *Ibid.*



announced that the talks had concluded since it might be desirable to have a few more regular meetings later on, as the conference approached.<sup>47</sup>

These "few more regular meetings" turned out to number thirteen. After a two month intermission, the preparatory meetings resumed on July 13 and concluded on October 13. At the meeting on July 13, the 48th, the parties discussed a revised U.S. draft of the articles of the proposed treaty, dated June, 1959, that had been circulated. Daniels reviewed these new drafts and summarized the changes that had been made from the drafts that had been distributed in the previous November. The main points in this review were that (1) while some representatives had raised points of drafting in regard to Article IV (the "freezing" of the legal status quo) there now seemed to be quite general agreement on the objectives of this article; (2) the zone of application (now Article VI, formerly IX) was still a difficulty; (3) some governments objected to disputes being referred to the International Court of Justice at the request of only one party (Article VII, formerly X); and (4) there were divergent views concerning the relationship of the treaty to nonparties and the provision of this article had, therefore, not been drafted (Article IX, formerly VIII).<sup>48</sup>

General discussion on the revised draft articles ensued with the Soviet representative (Yuri Filippov) affirming that while Article IV was the most controversial article, his government 'was now prepared to agree to inclusion of an article on rights and claims in view of its policy of seeking to conclude a treaty and since it agreed with the objectives of the article.'<sup>49</sup> Filippov also stated that (1) his government would like to see a specific prohibition against military bases or fortifications, military manoeuvres and weapons testing included in Article I; (2) the Soviet Union considered that disputes should be referred to the International Court of Justice only when all parties to the dispute agreed; (3) the Soviet Union favoured having the treaty apply to the zone South of 60°O, with wording that would delete the high seas from this zone being omitted; and (4) his government was not

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<sup>47</sup> Memorandum of Meeting, May 26, 1959, Department of State, Central Files, 702.022/5-2659. For text of the press release announcing the conference opening date, see, *The Department of State Bulletin*, June 2, (1959), p. 895.

<sup>48</sup> Memorandum of Meeting, July 23, 1959, Department of State, Central Files, 702.022/7-2359.

<sup>49</sup> *Ibid.* Filippov had replaced Ledovski in April as the head of the Soviet delegation.

happy that the provision for the relationship of the treaty to non-parties was not yet drafted.<sup>50</sup>

Welcoming the Soviet representative's comments on Article IV, the Australian representative (Booker) stated that it was encouraging to know that there was now basic unanimity on this matter. He also expressed the opinion that the most difficult question remaining concerned the relationship of the treaty to non-parties and, given Filippov's comment on the subject, asked if he planned to make a specific proposal on this point in the near future.<sup>51</sup> Indicating that this would be possible, Filippov was then true to his word at the next meeting, the 49th, held on July 28, when he submitted a draft Soviet proposal on the non-parties issue (Article IX) which simply read that 'Any State wishing to accede to the Treaty on Antarctica shall have the right to do so.'<sup>52</sup> Filippov also submitted proposals on dispute settlement (Article VII), zone of application (Article VI) and peaceful use (Article I) that expressed the Soviet government's preferences as indicated above.<sup>53</sup>

Although there were no objections to the Soviet draft of Article I (indeed, Daniels pointed out that the wording of this draft was the same as that in the U.S. draft which had been distributed in the previous November), there was considerable discussion, without agreement, about the non-parties issue. Indeed, together with the issues of zone of application, dispute settlement, jurisdiction and the substantive agenda for the conference, it came to dominate discussion at the last eleven meetings.<sup>54</sup>

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<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*

<sup>52</sup> Memorandum of Meeting, July 28, 1959, Department of State, Central Files, 702.022/7-2859.

<sup>53</sup> *Ibid.*

<sup>54</sup> The matter of jurisdiction was also raised at the 50th meeting, held on July 30, when the Japanese representative said that his government favoured the inclusion of an article on jurisdiction in the treaty. Support for this Japanese position was given at this meeting by the British representative who indicated that this was a preference of his government, too. Daniels indicated at this time that while a proposed article on jurisdiction was in the November draft, it had been omitted from the June draft because agreement on this point appeared too difficult to obtain. See, Memorandum of Meeting, July 30, 1959, Department of State, Central Files, 702.022/7-3059.

While strenuous attempts were made to reach agreement on accession, zone of application, dispute settlement and jurisdiction, by the conclusion of the preparatory meetings it was not, however, achieved. In regard to accession, both Argentina and Chile had indicated categorical opposition to any kind of accession clause.<sup>55</sup> France, Norway, South Africa and Belgium also opposed such a provision.<sup>56</sup> A different position was taken by Australia and the United States, which both saw advantage in a limited accession clause and on this they gained support from Japan and New Zealand.<sup>57</sup> The Soviet Union still maintained its strong support for unlimited accession for all states who wished to do so, while Britain favoured a protocol for adherence by non-parties whereby they would accept the principles of the treaty.<sup>58</sup>

In regard to zone of application, while all participants agreed that this zone should include all land and permanent ice south of 60° South, there was disagreement as to whether areas of the sea should be included. Whereas Belgium, Britain, Chile, France, Japan, Norway and South Africa all preferred to have the high seas expressly excluded from the zone, Australia, Argentina and possibly New Zealand preferred inclusion. The Soviet Union had frequently expressed preference for extending the zone out to the Antarctic Convergence, including the high seas therein, but by this last

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<sup>55</sup> Memorandum of Meeting, September 24, 1959, Department of State, Central Files, 702.022/9-2459. Argentina and Chile took this position because, in their view, the admission of any parties beyond those who participated in the Antarctic program of the I.G.Y. would constitute a further step toward the internationalization of Antarctica and would further dilute the validity of their territorial claims.

<sup>56</sup> *Ibid.* Norway and South Africa were concerned that a limited accession clause which in anyway implied that continuing presence in Antarctica was necessary for accession. South Africa had never established a base on the continent and Norway intended to discontinue its base in 1960. Both states felt, therefore, that they would be in a disadvantageous position if qualifications required of acceding states could not be met by them, original parties.

<sup>57</sup> *Ibid.* Australia saw advantage in a limited accession clause as a means of inducing other states to accept the treaty's obligations. They felt that such a clause should be limited not only to members of the United Nations and its specialized agencies, but also only to those states having a genuine interest in Antarctica demonstrated by a continuing physical presence there or active engagement in Antarctic scientific activities. Although not convinced that a limited accession clause would be a means of binding other states to the obligations of the treaty, the United States was more concerned to remove any justification for complaints that the treaty was monopolistic and to reduce the prospect that the subject of Antarctica would be brought into the United Nations.

<sup>58</sup> *Ibid.* Britain felt that a protocol would not carry with it the disadvantages of bringing other states into Antarctic discussion yet demonstrate the non-exclusive character of the treaty.

phase of the meetings, the Soviets expressed acceptance of the area south of 60°, including the high seas. The United States opposed the extension of the zone to sea areas other than waters close to the land and fixed ice.<sup>59</sup>

The major point of disagreement concerning the settlement of disputes was the opposition of the Soviet Union and Argentina to the compulsory submission of disputes to the International Court of Justice in the event that it proved impossible to settle them by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means.<sup>60</sup> The matter of jurisdiction was divided between parties who favoured, or had indicated acceptance, of a provision establishing exclusive criminal jurisdiction over persons on the basis of nationality (Australia, Belgium, Britain, Japan, New Zealand, South Africa and the Soviet Union) and those which had expressed opposition to a provision of this kind (Argentina, Chile, France and Norway).<sup>61</sup>

While these unresolved matters were left in abeyance until the conference, the parties were, however, successful in reaching agreement on the substantive agenda for the conference. At the 55th meeting, held on September 22, the United States representative (George Owen) distributed a substantive agenda to be presented to the chairman of the conference for the purpose of facilitating its proceedings.<sup>62</sup> After some discussion it was agreed that this agenda would be recommended as a preliminary list for assigning work to the two committees on the following basis: One committee might consider such matters as: (1) the use of Antarctica for peaceful purposes; (2) freedom of scientific investigation in Antarctica; (3) international cooperation in scientific investigation in Antarctica; and (4) inspection for purposes of ensuring peaceful use and observance of the treaty's provisions.

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<sup>59</sup> Memorandum of Meeting, September 23, 1959, Department of State, Central Files, 702.022/9-2359.

<sup>60</sup> Memorandum of Meeting, September 25, 1959, Department of State, Central Files, 702.022/9-2559.

<sup>61</sup> Memorandum of Meeting, September 23, 1959, Department of State, Central Files, 702.022/9-2359. Such opposition was based on arguments that a provision establishing criminal jurisdiction would derogate these participants' claim of jurisdiction based on territorial sovereignty.

<sup>62</sup> Memorandum of Meeting, September 22, 1959, Department of State, Central Files, 702.022/9-2259.

The other committee might consider such matters as: (5) relation of the treaty to countries which are not parties; and the other committee might consider such matters as (6) questions of rights and claims in Antarctica; (7) zone of application of the treaty; (8) settlement of disputes arising under the treaty; (9) provision of administrative measures; (10) jurisdiction over persons and offenses in Antarctica; (11) final provisions; (12) preamble; and (13) consultation pending entry into force of the treaty.<sup>63</sup>

So the stage was set for the conference to convene. The third and final phase of the preparatory meetings had been characterized by active Soviet participation in sharp contrast to its perceived intransigence during the first two. Although some problems still remained, the crucial draft Article IV on claims and rights "freezing" the legal status quo - at the core of the proposed treaty - appeared acceptable to all after the Soviet Union changed its stance from one of opposition to one of acceptance. How was this turnabout achieved? Was leadership a factor in overcoming this obstacle that blocked efforts to convene the conference? The answers to these questions are not revealed in the documentary record of the preparatory meetings. To answer them, it is necessary to turn back to March, 1959, and trace a line of developments that began 10,000 miles away.

#### 7.4 AWAY FROM THE TABLE

On March 12, during an Economic Commission for Asia and the Far East Conference held at Broadbeach, Queensland, Australia, the Australian Minister for External Affairs (Richard Casey) had a private conversation with the leader of the Soviet delegation (Deputy Foreign Minister Nicolai Firubin) about the mutual reinstatement of their embassies in Moscow and Canberra.<sup>64</sup> During the course of this conversation, Casey also raised the issue of Antarctica, and 'explained Australian objectives and interests in orthodox but forceful terms.'<sup>65</sup> Firubin responded by outlining what he believed to be his government's views on Antarctica indicating, amongst

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<sup>63</sup> *Ibid.*

<sup>64</sup> T. B. Millar, ed., *Australian Foreign Minister: The Diaries of R. G. Casey 1951-1960* (London: Collins, 1972) p. 316. It will be recalled that at this time, Australia and the Soviet Union did not have formal diplomatic relations with each other. These had been suspended in 1954 over the "Petrov Affair." See, Chapter 6, this thesis.

<sup>65</sup> Savingsgram to Australian Embassy, Washington, March 18, 1959, AA: A1838/2, 1495/13/1 Part 2.

other things, that the Soviet Union believed that the matter of territorial rights and claims in the region should not be part of the current deliberations on Antarctica but should be dealt with separately, perhaps at a separate conference to be held in due course.<sup>66</sup>

On the following day, Casey gave Firubin a letter expressing Australia's viewpoint on the matter of the freezing of territorial claims in the region. In the letter, Casey indicated that Australia felt strongly on the matter and would have substantial doubts as to whether it would agree to participate in a treaty that did not in substance contain the provisions that it had in mind. Emphasizing that he believed that there was a 'fundamental misapprehension in the Russian position' as explained by Firubin, Casey went on to state that Australia supported a provision in an Antarctic treaty that was designed to have two effects: (1) 'to relegate all questions of territorial sovereignty between nations into differences which would not be resolved but would be held quietly in abeyance rather than matters of actual current dispute'; and (2) 'to create a legal situation in which no activity in the Antarctic by any country (whether claimant or non-claimant[]) after the Treaty comes into effect will improve its legal claim to sovereignty as compared with the existing state of rights, whatever that may be.'<sup>67</sup>

Casey went on to say that the Australian government believed that the draft Article IV currently being discussed at the Washington meetings could achieve this objective and that it could 'do so without in any way damaging the legitimate interests and aspirations of the two great non-claimant powers interested in the Antarctic, namely the United States of America and the U.S.S.R.'<sup>68</sup> Accordingly, Australia saw no advantage in concluding a treaty which failed to achieve this objective and if the Soviet Union felt any doubt that the text proposed for the article fails of this object, then his government would be most willing to examine any alternative draft. Indicating that the terms of the relevant draft article were attached, Casey then concluded the letter indicating that he would be most interested to have Firubin's comments on the matter.<sup>69</sup>

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<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

There was no immediate reply from Firubin to Casey, but on April 28, U.S. Ambassador Daniels met the head of the Soviet delegation at the preparatory meetings (Filippov) at the State Department. In the course of the discussion that took place, Filippov advised Daniels that his government was now considering at least two alternative versions of Article IV - indicating to Daniels for the first time that the hitherto rigid Soviet attitude on this point was possibly thawing.<sup>70</sup>

This was confirmed within a fortnight, when, on May 11, Daniels went to lunch at the Soviet Embassy in Washington at the invitation of the Soviet Ambassador (Mikhail Menshikov). Apart from Daniels and Menshikov, the luncheon was also attended by Mikhail Smirnovsky (Counselor of the Embassy) and Filippov. It was soon made clear to Daniels what the purpose of the luncheon was - during the pre-prandial refreshments Menshikov brought up the subject of Antarctica and expressed an interest in discussing and analysing any points of difference that may have existed between the Soviet Union and the United States.<sup>71</sup> Menshikov referred to most of the major points which were under discussion at that time at the preparatory meetings. Among the points raised by Menshikov were that: (1) in regard to the peaceful use of Antarctica, there was no basic disagreement between the two states; (2) there had been an apparent misunderstanding in regard to the U.S. draft article on the subject of rights and claims (3) he did not foresee any difficulties in regard to the inspection provision of the treaty; (4) he did not understand why other states having an interest in Antarctica should not participate in the treaty; (5) he, and his colleagues, were willing 'to get along with the conference' and it would be helpful if all possible points of disagreement between the United States and the Soviet Union were ironed out in advance.<sup>72</sup>

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<sup>70</sup> Memorandum of Conversation between Daniels, Gleysteen (EUR/EE), Fisher (G) and Filippov (Embassy of the USSR), Washington, April 28, 1959, Department of State, Central Files, 702.022/4-2859.

<sup>71</sup> Memorandum of a Conversation, Soviet Embassy, Washington, May 11, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 563-6.

<sup>72</sup> *Ibid.*

In regard to the rights and claims issue, Daniels replied that 'perhaps the apparent disagreement could better be described as a misunderstanding of objectives rather than any disagreement in substance.'<sup>73</sup> Both Daniels and Menshikov then discussed the advantages and disadvantages of such an article without any conclusion being reached, although Daniels gained the clear impression that the Soviet Union was willing to discuss the matter further to seek an agreeable formula, 'since they were obviously impressed with the similarity of our two positions on this subject.'<sup>74</sup>

The upshot of the luncheon was that Smirnovsky and Filippov called on Daniels during the following day and on May 14, and after these two meetings Daniels concluded that the United States and the Soviet Union disagreed only on the question of accession to the treaty and the settlement of disputes.<sup>75</sup> In other words, then, the impasse on "freezing" the legal status quo as expressed in draft Article IV appeared to have been breached.

Given the close consultation that had taken place between the United States and Britain on Antarctica during the previous two years, it is thus reasonable to assume that Daniels informed Britain of this development. On the balance of probabilities, this accounts for the British acceptance of the October date for the conference opening which was agreed on the resumption of the preparatory meetings on May 13.

In early June, Casey received from Firubin, via the British Embassy in Moscow, a reply to his March 13 letter.<sup>76</sup> Firubin went on to say that he was pleased to be able to tell Casey 'at the present time that the Soviet side is prepared to agree to the text of Article IV in the form indicated, proceeding from the fact that the question of the territorial ownership of the Antarctic

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<sup>73</sup> *Ibid.* p. 564. This is another example of Daniels engaging in attitudinal structuring, deemphasizing the difference between the United States and the Soviet Union on this matter.

<sup>74</sup> *Ibid.*

<sup>75</sup> Footnote No. 6, *Foreign Relations of the United States, 1958-1960*, p. 565.

<sup>76</sup> The British Embassy received the letter on June 1 and although the full translated text was not received by Casey until June 12, its contents were communicated through the British Foreign Office to Australia on June 9. See, Cablegram from Australian High Commission, London, AA: A1838/2, 1495/3/2/1/4.



remains essentially open after this text has been passed.' <sup>77</sup> Accordingly, Firubin stated that the 'representative of the Soviet Union at the talks in Washington has been given instructions to agree to Article IV of the draft Treaty.'<sup>78</sup>

But there was also an possible sting in the tail of Firubin's letter. In the final paragraph, Firubin hinted that there was a quid pro quo for Soviet agreement to draft Article IV insofar as he expressed the hope that the agreement would permit the regulation of other questions concerning the Antarctic Treaty: 'If the Australian side would in turn consider it possible to instruct the Australian representative at the talks in Washington to examine the proposals made by the Soviet side at these talks in a spirit of co-operation this would in our opinion assist in bringing the talks to a successful conclusion.'<sup>79</sup>

When the Australian representative (Booker) passed on the contents of Firubin's letter to representatives of Argentina, Britain, Chile, New Zealand and the United States at a meeting held in Washington on June 13, the view was put forward that Soviet commitment in writing of this kind had to be regarded as binding on their government and that it could therefore be assumed that the problem of preservation of the status quo on rights and claims had been virtually solved. Accordingly, Booker reported to Canberra that the representatives felt considerable gratification and they expressed their appreciation of the part Casey had played in securing this result.<sup>80</sup> Clearly, Casey's initiative was a significant act of entrepreneurial leadership, persuading the Soviet Union to re-examine its stance on the issue and change its position.

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<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*

<sup>80</sup> Cablegram from Australian Embassy, Washington, June 13, 1959; AA: A1838/2, 1495/3/2/1/4.

## 7.5 CONCLUSIONS

The conclusions from this examination of the preparatory meetings can be brief. While the meetings were inconclusive insofar that the agreements reached there were subject to the decisions to be made at the conference that followed, they took the form of an institutional bargaining process along the lines depicted theoretically by Young summarized in Chapter 1. It was largely integrative in nature with the self-interested parties attempting to reap joint gains rather than some seeking benefits at the expense of others - all sought to ensure that Antarctica would not be a subject of political discord and that the region would be used for peaceful purposes only.

While there was no formal agreement that the meetings should operate under a unanimity rule, the recommendations that were to be passed on to the conference were decided consensually. The parties focussed on a few key issues and endeavoured to devise solutions to these that all could generally accept. This led to the development and refinement of a negotiating text (the draft treaty articles first presented by Daniels at the 26th meeting and subsequently revised for discussion at the 48th meeting), recommended rules of procedure and conference agenda. Collective action problems and obstacles arose during the course of the meetings, the major ones being the Soviet resistance during phase one to discuss substantive matters and Soviet and French opposition to draft Article IV which provided for the "freezing" of the legal status quo in Antarctica as a means of overcoming the disputes over rights and claims. This latter problem was a substantive issue considered particularly by Argentina, Australia, Britain and Chile as an indispensable provision in any Antarctic treaty and tentative agreement about which was considered necessary by Britain before the proposed conference could convene.

Entrepreneurial leadership played a significant role in overcoming these particular impasses. By accommodating the Soviet insistence that procedural matters be discussed at the preparatory meetings, Daniels engaged in attitudinal structuring, an indicator of this type of leadership, in an attempt to change the Soviet attitude concerning the discussion of substantive matters. This clearly enhanced integrative bargaining during the latter part of phase one and during phase two when the Soviet posture softened and during phase three when its representatives participated actively and flexibly. Daniels also attempted to persuade France to accept draft Article IV

in September and October, 1958, and although his efforts were unsuccessful during phase one of the meetings, during phase two they appeared to have succeeded. Moreover, Casey's role in persuading the Soviet Union to re-examine draft Article IV in the light of his arguments expressed to Soviet Deputy Foreign Minister Firubin at their meeting in Australia in March, 1959, and subsequently set out in the letter to Firubin, was also significant in breaching the crucial impasse over claims and rights.

## 8

**NEGOTIATING THE ANTARCTIC TREATY:  
THE CONFERENCE ON ANTARCTICA**

With the conclusion of the preparatory meetings it seemed that the only substantive matters of disagreement between the parties to be resolved at the Conference on Antarctica concerned accession, zone of application, settlement of disputes and jurisdiction. But this was not to be the situation. Just three days before the commencement of proceedings, France informed the United States there was to be at least one more.<sup>1</sup>

On October 12, the French Representative to the Conference (Ambassador Pierre Charpentier) called on Ambassador Daniels (who had been appointed Alternative Representative of the U.S. Delegation) and Ambassador Herman Phleger (who had been appointed Representative and Head of the US Delegation) at the U.S. State Department. At this meeting, Charpentier explained that he wished to communicate to them that his instructions were 'positive and definite' that 'under no circumstances was France to agree to an article such as Article [IV] which provides that nothing in the treaty shall be interpreted as a recognition by any party of any other country's right to territory or claim or basis of claim to territorial sovereignty in Antarctica.'<sup>2</sup> Charpentier went on to say that 'on the highest levels it had been decided that French sovereignty in Antarctica should not be prejudiced by any treaty

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<sup>1</sup> Indeed, as events unfolded at the Conference, several other matters of disagreement emerged, too.

<sup>2</sup> Memorandum from Phleger, October 12, 1959, Department of State, Central Files, 702.022/10-1259. Phleger had been Legal Adviser in the Department of State from 1953 to 1957 and had served as a member of U.S. delegations to several major international conferences during the 1950s.

which provided that the other parties reserved their position that such claims were not recognized.'<sup>3</sup>

Daniels responded to this news by pointing out that this had been the French position more than a year before, but as a result of discussion and argument, their stance had been altered to agree to the present draft in substance. After being informed by Charpentier that Britain had already been notified of this French decision, Daniels then suggested that Charpentier should discuss the matter with other claimant countries, particularly Australia.<sup>4</sup>

On the following day, Charpentier took up Daniels' suggestion and called at the Australian Embassy in Washington. There he informed the Australian Minister for External Affairs, Richard Casey (who had arrived to be the Representative and Head of the Australian Delegation at the Conference), about the French decision. Casey recorded in his diary that the two had 'an active hour discussing the devastating French decision . . .' and that he had told Charpentier that if it were an unalterable one, it would destroy the conference and the treaty.<sup>5</sup>

Incensed at this turn of events, Casey then sent a personal message to the French Foreign Minister (Maurice Couve du Murville), on October 13. In this letter, Casey expressed how 'gravely concerned' he was to learn of the French decision and pointed out that draft Article IV would provide the principal safeguard against Soviet claims to Antarctic territory in any sector, including the French. He indicated that if the French objection were pressed, then Australia could not sign the treaty and his government was likely to be joined in this attitude by several other countries attending the conference. Accordingly, Casey continued, the conference would fail and 'the high

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<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.* Daniels later told Malcolm Booker of the Australian Embassy in Washington, that he felt that the French attitude was based partly on a suspicion that draft Article IV was a U.S. attempt to undermine French sovereignty in Antarctica. Daniels therefore believed that in the first instance, approaches by Australia and Britain were likely to have the most impact. See, Cablegram from Tange to Casey, Washington, October 15, 1959, AA: A1838/2, 1495/3/2/1/4.

<sup>5</sup> T. B. Millar, ed., *Australian Foreign Minister: The Diaries of R. G. Casey 1951-60*, p. 330.

hopes that have recently been entertained for the successful conclusion of a unique and progressive Treaty would be destroyed.'<sup>6</sup>

Casey went on to explain that Australia would not have attended a conference until prior understanding among all twelve parties had been reached on draft Article IV and provision for inspection to ensure non-militarization. He pointed out that a tentative date had been set for the conference about a year before, but Australia had refused at that time to accept the proposed date because in particular the French and Soviet governments had not accepted Article IV. He then pointed out that when the French representative at the preparatory meetings had subsequently indicated French agreement to draft Article IV, he had turned his attention to persuading the Soviet Union to accept it, too. Casey then outlined the role he had played in achieving Soviet acceptance of it and enclosed copies of letters he had exchanged with Soviet Deputy Foreign Minister Firubin to demonstrate this.<sup>7</sup>

Casey continued the letter stressing that the Australian government had always been most reluctant to enter into an Antarctic conference which was not reasonably assured of success and, he added, '[i]f the Conference were now to fail, as it most certainly will if the French Government continues to reject Article IV, the Australian Government will suffer deep political embarrassment and my own position will be seriously affected.'<sup>8</sup> He also pointed out that the Soviet Union had been remarkably flexible and conciliatory in recent discussions and, accordingly, there was no reason to believe that they would take any action to cause a breakdown. Casey also noted that other countries were also approaching the conference in a flexible frame of mind in regard to outstanding issues, therefore, if the conference failed, he concluded, 'the responsibility might well seem to rest solely upon France.'<sup>9</sup>

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<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

Casey ended the letter by saying that he personally would regard such a development as deeply regrettable and would therefore earnestly hope that Couve du Murville 'might feel able, in advance of the Conference on Thursday, to reconsider the French position on Article IV.'<sup>10</sup>

But, as shall be shown below, Casey's hope was not fulfilled. At 11.00 am on Thursday, October 15, the opening Plenary Session of the Conference on Antarctica began in the Auditorium of the U.S. Department of the Interior, Washington, D.C., with U.S. Secretary of State Christian Herter welcoming the assembled representatives and advisers who composed the delegations from the twelve participating countries.<sup>11</sup>

This chapter will examine the negotiations that took place at the Conference on Antarctica and explain how the renewed impasse over draft Article IV and other problems were resolved, thereby clearing the way for the successful conclusion of the proceedings with the signing of the Antarctic Treaty. The extent to which leadership played in this stage of the formation of the Antarctic regime will also be assessed.

## 8.1 CONFERENCE STRUCTURE AND RULES OF PROCEDURE

At the opening, public Plenary Session of the Conference, Ambassador Phleger was elected Chairman of the Conference and the representatives of the twelve parties delivered opening statements expressing their countries' interests in Antarctica and their hopes and expectations of the Conference.<sup>12</sup> On the following morning, October 16, the private Second Plenary Session

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<sup>10</sup> *Ibid.* For further diplomatic correspondence between Australia and France, Australia and Britain, and Australia and the United States on this matter before the Conference, see, AA: A1838/2, 1495/3/2/1/4 between the dates, October 14 and 16, 1959.

<sup>11</sup> Christian Herter had replaced John Foster Dulles as U.S. Secretary of State in April, 1959, after the latter's terminal illness had forced his resignation from the post earlier that year. Most of the representatives of the twelve states which had participated in the preparatory meetings were included in their respective delegations to the Conference. In the main, heads of the delegations were representatives of more senior level, ambassadorial or ministerial rank. It is noteworthy that a representative of the Chilean Delegation was Professor Julio Escudero, who, as argued in this study, exercised intellectual leadership in suggesting the *modus vivendi* "standstill" proposal of 1948 upon which draft Article IV was based. See, List of Participants in *The Conference on Antarctica* Department of State Publication 7060, International Organization and Conference Series 13 (Washington: United States Government Printing Office, 1960), pp. vii-xii.

<sup>12</sup> Daniels, as Alternative Representative of the United States Delegation, delivered a statement on behalf of his government. (See, *The Conference on Antarctica*, pp. 38-9.)

adopted the Rules of Procedure of the Conference (including a rule that the text of the treaty formulated shall be submitted for signature only if approved unanimously) that had been recommended by the parties at the preparatory meetings - with one amendment to Article 37. This amendment eliminated the phrase "in accordance with the purpose for which the conference is convened."<sup>13</sup>

The Conference then organized itself into two main committees that met privately at separate times, with rotating chairmen. These committees examined most topics in the contemplated treaty using the draft articles that had been proposed at the preparatory meetings as the basis of discussion - Committee I dealt primarily with topics related to Antarctic science and Committee II considered legal and political issues. Committee I met eleven times between October 16 and October 30 and Committee II met nine times between October 19 and October 29.

On November 3, a Committee of the Whole met and it was agreed that meetings of this committee would replace Committees I and II. It met

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<sup>13</sup> Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 16, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 581-82. In the light of the discussion above, and below, there is overwhelming evidence to suggest that this amendment was proposed by the French representative. I was not able to locate a copy of the submitted Rules of Procedure to ascertain the provisions of Article 37. They were not found by the editors of *Foreign Relations of the United States, 1958-1960*, Volume 11, either. The amendment, however, was the subject of some discussion at the 59th preparatory meeting held on October 9, when the French representative argued in favour of deleting the above phrase since, he said, all countries were not necessarily in agreement with all of the objectives stated in U.S. President Eisenhower's invitation to a conference. The memorandum of the meeting records that the general feeling of the other parties seemed to be that this was a relatively minor point and that changes in the draft Rules of Procedure should be discussed at the Conference. (See, Memorandum of Meeting, October 9, 1959, Department of State, Central Files, 702.022/10-959.) At the final, 60th preparatory meeting held on October 13, the matter was raised again by the French representative. The memorandum of this meeting records that several representatives expressed regret that France should raise objection to Article 37 at such a late date, particularly since the rules had been discussed at length and since the matter did not seem to be one of substantial importance. (See, Memorandum of Meeting, October 13, 1959, Department of State, Central Files, 702.022/10-1359.) Although Daniels attended this meeting, it is not recorded that he had made any linkage between the French opposition to the phrase in Article 37 of the Rules of Procedure and the French objection to draft Article IV of the treaty which had been communicated to him on the previous day (October 12). On October 15, this linkage was clear to Casey, however, who had been informed that Charpentier (the French Representative at the Conference) would move at the Second Plenary Session for the deletion of the phrase, thus leaving the Conference free to accept a treaty which did not cover one of the purposes set out in Eisenhower's invitation to the Conference - namely the freezing of rights and claims. (See, Cablegram from Casey to Barwick, Washington, October 15, 1959, AA: A1838, 1495/3/2/1/4.)



privately seven times between this date and November 30 to consider outstanding issues and approve recommendations of the committees. In addition, 26 informal private Heads of Delegation meetings were held between November 4 and November 28 to expedite discussions of the substantive topics of the Treaty.<sup>14</sup>

Finally, the public Fourth Plenary Session was held on December 1, where representatives of the twelve parties signified, orally, approval of the text of the treaty, made concluding statements, signed a Final Act and, at a special ceremony, signed the Antarctic Treaty on behalf of their governments. The Conference had taken 48 days to reach agreement on a Treaty consisting of a preamble and 14 articles.

While the foregoing brief account depicts how the Conference was organized, it reveals little, if anything, about the substantive nature of the negotiation. It does indicate, however, that the negotiation consisted, essentially, of two main phases - the first, from October 16 to October 30, when Committees I and II discussed their respective agendas; and the second, from November 3 to November 30, when (1) the Committee of the Whole considered the Committee and Heads of Delegation reports and approved agreed texts of articles of the treaty and (2) Heads of Delegation meetings informally considered outstanding issues.

## 8.2 PHASE ONE - COMMITTEES I AND II

Committee I discussed five major topics: (1) freedom of scientific investigation in Antarctica (draft Article II); (2) international cooperation in scientific investigation in the region (draft Article III); (3) inspection (draft Article V); (4) zone of application (draft Article VI); and (5) relation of the treaty to non-parties and accession (draft Article IX). Five other main topics were discussed by Committee II: (6) Antarctica shall be used for peaceful

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<sup>14</sup> It was agreed that participation at these meetings was usually limited to the twelve Heads of Delegation or designated representatives. (See, *The Conference on Antarctica*, p. xiv.) There were at least four additional Heads of Delegation meetings prior to November 4 - in two memoranda from Phleger to Secretary of State Herter, dated October 20 and October 21, the Chairman of the Conference refers to Conferences of Heads of Delegation held on both these dates. Two more were held on October 30 and November 3. (See, Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 20, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 583-5; Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 21, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 585-7.

purposes only (draft Article I); (7) claims and rights in the region (draft Article IV); (8) disputes-settlement (draft Article VII); (9) jurisdiction;<sup>15</sup> and (10) administrative measures (draft Article VIII). In addition, two new topics were also discussed during this phase - (11) Argentina raised the issue of prohibiting nuclear tests and explosions in Antarctica (discussed in both committees) and (12) Chile proposed that a duration clause be included in the treaty (discussed in Committee II).

By the end of this phase of the negotiation, the texts of articles relating to four of these topics had been accepted by the relevant committee:

~ Draft Article I on *peaceful purposes*, amended to prohibit certain types of military activity (proposed by the Soviet Union) but not precluding the use of military personnel and equipment for peaceful purposes, was generally accepted by Committee I on October 20;<sup>16</sup>

~ draft Article III on *international cooperation* was accepted, with some minor modifications, by Committee I on October 19;<sup>17</sup>

~ draft Article V on *inspection*, although amended, was generally accepted by Committee I on October 30;<sup>18</sup> and

~ draft Article VIII, which provided for periodic meetings of representatives of the parties for recommending further *administrative measures*, was generally accepted by Committee II, although the article, together with proposals relating to it, had been submitted to a drafting sub-committee.<sup>19</sup>

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<sup>15</sup> It will be recalled from the analysis in Chapter 7 that in November, 1958, Daniels had proposed a draft article on jurisdiction at the preparatory meetings but had omitted it from the June, 1959, draft treaty because agreement on this topic appeared to difficult to obtain. The topic had been raised again, however, by Japan and Britain during the last phase of the preparatory meetings.

<sup>16</sup> Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 20, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 583-5.

<sup>17</sup> Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 19, *Foreign Relations of the United States, 1958-1960*, pp. 582-3.

<sup>18</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 30, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 598-600.

<sup>19</sup> Circular Telegram From the Department of State to the Embassies in the Countries Participating in the Conference on Antarctica, Washington, October 24, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 588-9; Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 26, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 590-2.

But what of the other eight topics discussed during this phase? The answer to this question, in short, is that all seven remained unresolved.

*Scientific investigation.* Draft Article II ("There shall be freedom of scientific investigation in Antarctica in conformity with the provisions of the present Treaty") was, initially, generally accepted by eleven of the parties, while opposition to it was expressed by Argentina.<sup>20</sup> At the third meeting of Committee I, held on the morning of October 20, the Argentine Representative proposed that the article should state that:

"In order to achieve the greatest possible measure of freedom in scientific investigation in the area the high contracting parties agree to cooperate for this purpose subject to the provisions of the Treaty."<sup>21</sup>

This proposal was considered too restrictive by the Representatives of New Zealand, the Soviet Union and Japan, with the Soviet Representative asserting that one of the main purposes of the conference was to establish freedom of scientific research in Antarctica for all countries, not just the contracting parties.<sup>22</sup> Responding to this point, the Argentine Representative suggested that the heads of delegation meet to discuss the issue between noon and 1.00pm that day and from 10.00am to 11.00am the following day. This suggestion was taken up, and, at the mid-day meeting, the Argentine representative indicated that any obligation stronger than an agreement to cooperate would not be acceptable to his government and, if insisted upon, would force Argentina to withdraw from the conference.

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<sup>20</sup> Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 20, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 583-5. For text of draft Article II, see Draft Working Papers, June, 1959, enclosed in Memorandum of Meeting, July 23, 1959, Department of State, Central Files, 702.022/7-2359.

<sup>21</sup> Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, *Foreign Relations of the United States, 1958-1960*, pp. 583-5.

<sup>22</sup> *Ibid.* The identity of the Soviet Representative is not revealed in the U.S. documentary record of the private sessions of the Conference. The two accredited Soviet Representatives were Vasili Kuzentsov (First Deputy Minister for Foreign Affairs and Head of Delegation) and Grigory Tunkin (Head of the Treaty and Legal Department, Ministry for Foreign Affairs). See, *The Conference on Antarctica*, p. xi.

When the heads of delegation met the next morning to discuss the matter further, the New Zealand Representative proposed that Article II, as drafted, be eliminated from the treaty and that a new paragraph be added to Article III (concerning international cooperation) providing that:

"Freedom of scientific investigations in Antarctica and cooperation towards that end, as initiated and applied during the International Geophysical Year, shall continue and be further encouraged subject to the provisions of the present treaty."<sup>23</sup>

The Soviet Representative also proposed a substitute text of Article II, but the Argentine Representative expressed his opposition to this while indicating that the New Zealand suggestion merited study.<sup>24</sup>

At the Committee I meeting held on October 30, discussion on this topic was resumed with the South African, Australian and Soviet Representatives proposing alternative formulations of Article II. The Argentine Representative opposed the Australian and Soviet proposals but indicated that he could recommend that his government approve the South African draft (the text of which was identical to the earlier New Zealand suggestion). In the light of this development, the Soviet Representative shifted ground and, 'in a spirit of compromise,' indicated that he could accept the South African proposal, too, with some minor deletion of words from the text.<sup>25</sup> Thus, by the end of this phase of the negotiation, a re-worded Article II on scientific investigation appeared well on the way toward gaining acceptance, although it still required Argentine approval.

*Disputes settlement.* Discussion on this topic began in Committee II on October 21 and it soon became clear that Australia, France, New Zealand, Japan, South Africa, Britain, Belgium and Norway supported draft Article VII, which required the submission of disputes to the International Court of

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<sup>23</sup> Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 21, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 585-7.

<sup>24</sup> *Ibid.*

<sup>25</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 30, 1959, *Foreign Relations of the United States, 1958-1960*, p. 600.

Justice at the request of any party to the dispute.<sup>26</sup> Argentina, Chile and the Soviet Union opposed this provision, maintaining the stance they had adopted during the preparatory meetings.

During this meeting, the Soviet Representative also proposed an amendment to the draft article suggesting that the words "at the request of any party to the dispute" be replaced with the words "with the consent, in each case, of all the parties to the dispute."<sup>27</sup> This amendment was supported by the Argentine and Chilean Representatives with the former stating that the Soviet proposal reflected the traditional position of his government regarding the submission of disputes to the International Court of Justice.<sup>28</sup>

*Duration.* On October 26, at a Committee II meeting, Chile, supported by Argentina, proposed that the treaty include a provision which set a time limit of ten years duration. This proposal was immediately opposed by Australia, Britain and Belgium who argued that it would create a negative psychological effect to suggest that the treaty was temporary in nature.<sup>29</sup> Two meetings later, on October 28, this issue was debated again with Chile, supported by Argentina, strenuously arguing in favour of a provision for review of the treaty after a specified period.<sup>30</sup>

*Jurisdiction.* On October 21, Britain submitted to Committee II a proposal for an article in the treaty over jurisdiction of persons and offenses in Antarctica. The Chilean and Argentine Representatives immediately responded that this was a very complicated matter and the discussion was

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<sup>26</sup> Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 21, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 585-7.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 26, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 590-2.

<sup>30</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 28, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 594-6.

referred to a drafting sub-committee.<sup>31</sup> When the topic was picked up again on October 28, an article that had been prepared by the drafting sub-committee was discussed. This draft article provided that inspection observers and scientific personnel exchanges,

"shall be immune from the jurisdiction of all High Contracting Parties other than that of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purposes of exercising their function."<sup>32</sup>

In addition the draft provided that,

"in order to avoid the occurrence of disputes with regard to the exercise of jurisdiction in Antarctica [the High Contracting Parties] will in any case in which such a dispute might arise immediately consult together with a view to reaching a mutually acceptable solution."<sup>33</sup>

While France, Argentina and Chile supported this text, Australia and New Zealand indicated that they favoured extending immunity to personnel accompanying scientists and South Africa and the Soviet Union favoured an even broader immunity on a basis of nationality.<sup>34</sup>

*The relation of the treaty to non-parties and accession.* Discussion on this topic began with the United States introducing a new provision committing the parties to exert appropriate efforts consistent with the United Nations Charter to the end that no one engage in activities contrary to the treaty.<sup>35</sup> By October 24, the Soviet Union had also indicated that it desired unlimited

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<sup>31</sup> Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 21, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 585-7.

<sup>32</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 28, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 594-6.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> Circular Telegram From the Department of State to the Embassies in the Countries Participating in the Conference on Antarctica, Washington, October 24, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 588-9. Britain had proposed a similar provision, too.

accession to the treaty by other countries - a position it had taken during the preparatory meetings.

When the matter of accession was considered again on October 26, New Zealand expressed its support for an article permitting limited accession to those countries having a genuine interest in Antarctica, provided that they were members of the United Nations or its specialized agencies.<sup>36</sup> At this meeting, the Soviet Representative reiterated his government's proposal for opening accession to all countries carrying out scientific investigation in Antarctica, whether members of the United Nations or not. He also took umbrage at the formula of restricting accession to members of the U.N., arguing that this was designed to keep out such socialist states as the People's Republic of China and East Germany and was 'being relentlessly put forward as a consequence of the cold war, which the Soviet Union wanted to liquidate as soon as possible in accordance with its policy of coexistence and strengthening peace.'<sup>37</sup> Discussion continued in much the same vein on October 29, with one addition - Chile indicated that it believed that no article on accession was necessary since the Conference included all countries who participated in Antarctica during the I.G.Y. and that the interests of non-parties could be satisfied by a protocol, open to accession by them.<sup>38</sup>

On October 30, Casey summarized the situation concerning this topic in a report to the Australian government indicating that Chile still opposed accession and their attitude on this topic 'seemed to be one of the few remaining substantial obstacles to securing a Treaty . . . '<sup>39</sup> Casey went on to say in this report he had had a private talk with the Head of the Chilean Delegation (Ambassador Mora) and put to him 'the arguments in favour of the New Zealand proposals and suggested that unless these were accepted

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<sup>36</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 26, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 590-2.

<sup>37</sup> *Ibid*, p. 590.

<sup>38</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 29, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 596-8.

<sup>39</sup> Cablegram from Casey to Barwick, Washington, October 30, 1959, AA: A1838/2, 1495/3/2/1/6.

the Conference might well fail.<sup>40</sup> Mora replied that Casey need not worry that Chile might wreck the Conference on this issue and Casey gained the impression that the Chileans would 'maintain their opposition to Accession for a while longer but if the Russians agreed to limiting Accession to United Nations and specialized agencies this would be accepted by Chile.'<sup>41</sup>

*Zone of application.* Discussion on this topic began in much the same vein as had occurred at the preparatory meetings, too, with the Soviet Union, Australia, New Zealand and Argentina favouring inclusion of the high seas south of 60° latitude. <sup>42</sup> On October 26, the United States spoke in favour of draft Article VI which included the area south of 60° with the exception of the high seas, 'pointing out that the Conference was called to deal with Antarctica and not with the regime of the high seas.'<sup>43</sup> Discussion was continued on this topic on October 28 with Britain indicating that, while it favoured draft Article VI, it was willing to introduce, if Committee I desired, a proposal which stated that:

"The provisions of the present treaty shall apply to the area south of 60° South Latitude, including all islands and ice shelves, but shall not apply to the high seas."<sup>44</sup>

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<sup>40</sup> *Ibid.* See also, Millar, ed., *Australian Foreign Minister: The Diaries of R. G. Casey 1951-60*, p. 333.

<sup>41</sup> Cablegram from Casey to Barwick, Washington, October 30, 1959, AA: A1838/2, 1495/3/2/1/6. Phleger's report to the U.S. Secretary of State of the final Committee I meeting held on October 30 indicates that the parties had unanimously agreed that the treaty imposed obligations only upon the parties and that the benefits of the treaty were solely for the parties and, moreover, that agreement had also been reached on accession along the line that had been proposed by New Zealand with the Soviet Representative stating that 'in the spirit of compromise, it could accept such a provision.' (See, Memorandum From the Head of Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 30, 1959, *Foreign Relations of the United States, 1958-1960*, p. 600.) In the light of developments concerning the Soviet position on accession, discussed below in Phase Two of the negotiations, the accuracy of Phleger's account on this point is problematic.

<sup>42</sup> Circular Telegram From the Department of State to the Embassies in the Countries Participating in the Conference on Antarctica, Washington, October 24, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 588-9.

<sup>43</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 26, 1959, *Foreign Relations of the United States, 1958-1960*, p. 590.

<sup>44</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 28, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 594-6.



Such a desire was indicated and at the following meeting of Committee I, the British Representative explained that the proposal was intended to include areas covered by more or less permanent ice.<sup>45</sup> With this clarification, the British proposal was supported by the United States, Belgian and French Representatives. The Soviet Representative shifted ground and abandoned his government's previous position by expressing support for the proposal and suggesting, orally, a text for the article which incorporated the point of clarification.<sup>46</sup> But agreement was not forthcoming from the other parties who opposed exclusion of the high seas from the zone and at the request of Chile, the discussion on this topic was deferred to a later meeting.<sup>47</sup>

Accordingly, at the final meeting of Committee I on October 30, discussion of this topic was resumed but then postponed after Chile submitted another oral proposal and it was agreed that both the Chilean and Soviet proposals should be submitted in writing.<sup>48</sup>

*Nuclear tests and explosions.* This topic was introduced to the Conference on October 20, when, in a Committee II discussion on Article I (*peaceful purposes*), Argentina proposed that such activity be prohibited in Antarctica, regardless of their character and purposes.<sup>49</sup> Although the proposal was withdrawn by the Argentine Representative after it had been pointed out that all weapons testing was already banned by Article I, the topic struck a responsive cord with parties from the Southern Hemisphere. Accordingly,

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<sup>45</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 29, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 596-8.

<sup>46</sup> *Ibid.* See also, Cablegram from Barwick to Casey, Washington, October 29, 1959, AA; A1838/2, 1495/3/2/1/6.

<sup>47</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 29, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 596-8.

<sup>48</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 30, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 598-600.

<sup>49</sup> Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 20, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 583-5.

the matter was taken up again on October 28, when, in Committee I, a new article of the treaty was suggested in a joint Australian-Argentine proposal providing that:

"No nuclear or thermo-nuclear experiments or explosions of a non-military nature, and no disposal of fissionable waste material, shall take place in Antarctica except after notice to and consultation among the High Contracting Parties."<sup>50</sup>

After some discussion, it was agreed to change the initial phrase to: "No detonations of nuclear or thermo-nuclear devices of a non-military nature;" however, the Soviet Delegation stated that it could not express its position on this proposal at this time and a decision was made to defer discussion to a later date.<sup>51</sup>

*Claims and rights.* Discussion began on this topic in Committee II on October 20 with the French Representative (Charpentier) submitting a proposal that would delete paragraph 1(c) (which provided that nothing contained in the treaty shall be interpreted as recognition by any signatory of any other country's claim or basis of claim to territorial sovereignty in Antarctica) from draft Article IV.<sup>52</sup> Opposition to this proposal was immediately expressed by the Australian, United States, British, Norwegian and New Zealand Representatives, all of whom stated their acceptance of draft Article IV, and further discussion was deferred until the next meeting.<sup>53</sup>

When this meeting convened the following afternoon, the South African, Japanese and Belgian Representatives opposed the French proposal, too, while the Chilean and Argentine Representatives indicated that they accepted draft Article IV in principle, although they thought that some of

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<sup>50</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 28, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 594-6.

<sup>51</sup> *Ibid.*

<sup>52</sup> Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 20, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 583-5.

<sup>53</sup> *Ibid.*

the wording of the text might be improved.<sup>54</sup> In response to this opposition, Charpentier then explained his government's position by indicating that Paragraph 1(c) implied a legal negation of France's rights in Antarctica and was, accordingly, unacceptable.<sup>55</sup> This prompted several representatives of claimant and non-claimant countries, including the Soviet Representative, to emphasize that inclusion of the paragraph 'was necessary to maintain the delicate balance in the treaty between claimants and non-claimants.'<sup>56</sup>

Following these exchanges, a brief recess was taken during which Charpentier informed the delegates that he had just received information that the Legal Adviser of the French Foreign Office, Professor Andre Gros, was being sent to attend the Conference as Principal Adviser on the French Delegation.<sup>57</sup> Following this news, when the meeting resumed the British Representative suggested that the committee defer further discussion on the topic for several days to allow private discussions among legal advisers.<sup>58</sup>

On October 26 such a private discussion took place. Over breakfast at the French Embassy, Gros met with Phleger, Sir Gerald Fitzmaurice (Senior Legal Adviser of the British Foreign Office and Principal Adviser of the British Delegation) and Grigory Tunkin (Head of the Treaty and Legal Department of the Soviet Ministry for Foreign Affairs and one of the two representatives on the Soviet Delegation) to discuss the impasse.<sup>59</sup> After explaining the difficulty his government was having in accepting the inclusion of Paragraph 1(c) in draft Article IV, Gros admitted that it was appropriate that claims should be protected by an appropriate provision and

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<sup>54</sup> Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 21, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 585-7.

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*, p. 586.

<sup>57</sup> Cablegram from Barwick to Casey, Washington, October 21, 1959, AA: A1838/2, 1495/3/2/1/4.

<sup>58</sup> *Ibid.*

<sup>59</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 26, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 590-2.

the problem could be made much easier if the entire Paragraph 1 of the draft were put in a protocol.<sup>60</sup>

At this point, Fitzmaurice produced a reformulation of Paragraph 1(c) which Gros thought was much more acceptable and it was agreed that Fitzmaurice would draft a form of protocol to carry into effect the French proposal and circulate it for consideration.<sup>61</sup> This was done with the reformulated subparagraph (c) stating that:

"[Nothing contained in the present Treaty shall be interpreted as:]

c - prejudicing the position of any High Contracting Party as regards its recognition or non-recognition of any other country's right to territory or claim or basis of claim to territorial sovereignty in Antarctica."<sup>62</sup>

Discussion on the topic resumed in Committee II on October 30, where Gros presented the French position with regard to Article IV which included the proposal that the entire Paragraph 1 be withdrawn from the Article and placed in a protocol to the treaty. This, he explained, would have the same legal value as the treaty and would have to be signed and ratified together with the treaty.<sup>63</sup> This meant, in effect, though, that draft Article IV would consist only of Paragraph 2 - an outcome opposed by the other representatives who expressed the desire that the two paragraphs in Article IV not be separated.<sup>64</sup>

So the deadlock on claims and rights remained and the parties agreed to refer Article IV to a drafting sub-committee, together with the texts that had

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<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 29, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 596-8.

<sup>64</sup> *Ibid.* Paragraph 2 of draft Article IV provided that:

"No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting or supporting a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force." (See, Memorandum from McKeown, Antarctic Rights and Claims - Article IV, October 19, 1959, AA: A1838/2, 1495/3/2/1/4.)

been suggested by France and Britain. It was also agreed that a decision as to whether the provision on rights and claims, in whole or in part, should be placed in an article or in a protocol would be deferred pending the return of the provision from the drafting sub-committee.<sup>65</sup>

In sum, then, by the end of the first phase of the Conference on Antarctica, while four articles appeared to have been generally accepted by the parties, eight topics - scientific investigation, disputes settlement, duration, jurisdiction, relations of the treaty to non-parties and accession, zone of application, nuclear tests and explosions, claims and rights - remained unresolved.

### 8.3 PHASE TWO - COMMITTEE OF THE WHOLE AND HEADS OF DELEGATION MEETINGS

The second main phase of negotiation at the Conference on Antarctica began on November 3 when the Committee of the Whole met between 11.10am and 12.30pm to discuss the amended joint Australian-Argentine proposal for a new article on nuclear testing and explosions. As indicated above, six more meetings of this committee were held, culminating with the seventh meeting which was held on November 30 to approve the final text of the treaty. Interspersed between these Committee of the Whole meetings were 26 Heads of Delegation meetings.

The documentary record of this second phase of the negotiation is very fragmentary concerning the four Articles that had been generally accepted by either Committee I or Committee II. It appears, however, that Article I (*peaceful purposes*), Article III (*international cooperation*), Article V (*inspection*) and Article VIII (*administrative measures*) were not contentious and were quickly approved.<sup>66</sup>

In addition, agreement on five of the "unresolved" matters - claims and rights, disputes settlement, zone of application, jurisdiction and duration - was also obtained in early November. On November 5, Ambassador

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<sup>65</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, October 29, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 596-8.

<sup>66</sup> Memorandum of a Conversation, Department of State, Washington, November 7, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 606-9.

Charpentier (the French Representative) announced that France accepted the British draft of Article IV on *claims and rights* and stated that it should be part of the Treaty and not in the form of a protocol.<sup>67</sup> By November 7, the Heads of Delegation had also agreed on Article VI (*zone of application*), as amended by Britain and the Soviet Union in Committee I and on November 11, they approved an article on *jurisdiction*, incorporating amendments suggested by France and Australia.<sup>68</sup>

*Duration* was discussed at a Heads of Delegation meeting on November 6 when the Chilean representative indicated that his government's attitude that the treaty should be subject to termination after a stated number of years by any party was unchanged.<sup>69</sup> Upon reporting this situation to the U.S. State Department the following day, Phleger was instructed by Secretary of State Herter to propose that a clause providing for revision in the future would be a more desirable counter to any idea of a perpetual

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<sup>67</sup> Millar, ed., *Australian Foreign Minister: The Diaries of R. G. Casey 1951-60*, p. 333. There was a hiccup in regard to Article IV on November 20 when, at a Heads of Delegation meeting, the French Representative stated that while there had been an agreement on the French version of subparagraph 1(a), this version had not been correctly translated into English. He added that the French version had been approved on the highest authority in France and it would be impossible to execute any treaty which had a different formulation. Discussion followed and it was agreed that there had been a misunderstanding about which version had been approved. It was finally agreed by the French and Belgian Representatives and accepted by the others that a correct English translation of the French formulation for Article IV 1(a) would read "a renunciation by any contracting party of previously asserted rights of or claims to territorial sovereignty in Antarctica." The parties, without commitment, then agreed that they would consider this formulation. The French Representative then indicated that he was willing that the record of the Conference would contain the French agreement that this was a correct translation and that the French formulation was not intended to prejudice in any way the position of parties which did not recognize the French or other claims to sovereignty. See, Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Deputy Under Secretary of State for Political Affairs (Merchant), Washington, November 20, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 624-5.

<sup>68</sup> Memorandum of a Conversation, Department of State, Washington, November 7, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 606-9; Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 11, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 609-11. On November 16, the Heads of Delegation reaffirmed their approval of the article on jurisdiction, subject to a final French check with its legal adviser. See, Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, *Foreign Relations of the United States, 1958-1960*, pp. 616-7.

<sup>69</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 6, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 603-5.

treaty.<sup>70</sup> This proposal was taken up and at a Head of Delegation meeting held on November 11, an article was approved which provided for a revision conference after 40 years, although it was noted at the bottom of the text that Chile and Argentina reserved their position and preferred 30 years.<sup>71</sup>

*Disputes settlement* was taken up at a Heads of Delegation meeting on November 6 when the Soviet and Chilean Representatives reiterated their position that they could not agree to a compulsory reference of disputes to the International Court of Justice. The British Representative thereupon proposed that the draft Article VII provide that reference to the Court had to be by agreement by the parties to the dispute, but that failure to reach agreement on reference to the Court did not absolve the parties from the responsibility of continuing to resolve the dispute by other peaceful means.<sup>72</sup> This compromise solution, which incorporated the earlier Soviet amendment to draft Article VII eliminating the compulsory jurisdiction of the International Court of Justice, was accepted by the Heads of Delegation and referred to a drafting sub-committee for final report.<sup>73</sup>

Thus, to summarize so far, by early November agreement had been reached on nine articles of the treaty. But difficulty was experienced by the parties in resolving the three other topics that were contemplated for inclusion in the treaty. These were to be the major sticking points during this second phase of the Conference.

*Scientific investigation.* It will be recalled that while eleven parties had indicated their acceptance of a substantially re-worded Article II on October 30, Argentine approval of it was still required. Essentially, it had become

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<sup>70</sup> *Ibid.*

<sup>71</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 11, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 609-11. A compromise was eventually reached on this point of contention - the final text of the Treaty provides for a review of the Treaty after 30 years if any of the contracting parties so requests, and for withdrawal from the Treaty in certain circumstances after it has been in force for at least 34 years.

<sup>72</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 6, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 603-5.

<sup>73</sup> *Ibid.*

clear that Argentina feared that the original draft of this article might legitimize trespassing on what they claimed was their sovereign territory in Antarctica and, although the Argentine Delegation at the Conference seemed more tractable on this issue by the end of phase one of the negotiation, agreement on the topic had yet to be reached.

In regard to this matter, the U.S. Embassy in Buenos Aires was instructed on November 5, to approach Argentine President Frondizi on an "urgent basis". This was done, and later that same day, the U.S. Embassy reported to the State Department that although the Argentine position on Article II was still rigid, 'Frondizi had stated that the U.S. arguments in favour of the article "went far to meet Argentine objections and allay concern."'74

But ready agreement on Article II was not forthcoming and on November 10, the Head of the Argentine Delegation (Ambassador Adolfo Scilingo) spoke to Phleger after an adjournment of a Heads of Delegation meeting and reported that his government was still opposed to it.<sup>75</sup> Scilingo explained that his government 'wished a provision which would not permit foreigners to enter the Argentine sector without advance agreement and also a provision that they would leave when requested.'<sup>76</sup> Clearly at odds with his government's stance on this matter, Scilingo indicated that his delegation felt that: (1) if Argentina refused to execute the treaty, the other eleven parties might do so without them; (2) Argentina would then be subject to worldwide criticism for having failed to enter into a treaty designed to guarantee peace in Antarctica with adequate inspection; (3) Argentina's allies in the Rio Treaty who felt that Western Hemisphere security was promoted by this treaty would feel that such security would be prejudiced by failure to sign the treaty; and (4) it would force the making of claims by countries which had previously not made claims and particularly increase Soviet activities and the making of claims.<sup>77</sup>

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<sup>74</sup> Footnote No. 3, *Foreign Relations of the United States, 1958-1960*, p. 607.

<sup>75</sup> Memorandum from Phleger, Washington, November 10, 1959, Department of State, Central Files, 702.022/11-1059.

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*



For these reasons, he suggested to Phleger that the United States should consider some high level means of conveying to the Argentine government 'its views as to the desirability of Argentina signing the treaty and particularly as to the difficulties that might be precipitated if it did not sign.'<sup>78</sup> Scilingo also indicated to Phleger during this conversation that, although President Frondizi realized the value of the treaty and the dangers of not agreeing to it, he was 'faced by very active opposition by the armed forces, led by the navy.'<sup>79</sup>

It is also clear that, by mid November, the proceedings at the Conference on Antarctica had become embroiled in an election campaign then underway in Argentina with sections of the Argentine press and all the political parties involved seemingly behind the government's position on Article II and, as shall be discussed below, its position on nuclear testing and explosions in Antarctica.<sup>80</sup> On November 16, it became clearer, too, that the two issues were linked when, at a Heads of Delegation meeting, the Argentinian Representative reported that he had been instructed to accept Article II as formulated provided there was an acceptable provision which barred nuclear explosions in Antarctica.<sup>81</sup>

*Relation of the treaty to non-parties and accession.* There were two unresolved issues concerning this topic. It will be recalled that the first was the U.S. proposal for a new article committing the parties to exert appropriate efforts consistent with the United Nations Charter to the end that no one engage in activities contrary to the treaty. On November 10 at a Heads of Delegation meeting, a new draft article (designated Article IX) providing for this commitment was agreed with minor textual modifications.<sup>82</sup>

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<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*

<sup>80</sup> Memorandum from the U.S. Embassy, Buenos Aires, November 13, 1959, Department of State, Central Files, 702.022/11-1359.

<sup>81</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 16, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 616-7.

<sup>82</sup> Memorandum from Phleger to the Secretary of State, Washington, November 10, Department of State, Central Files, 702.022/11-1059.

The second issue concerned accession. On November 13, at a Heads of Delegation meeting, the Soviet Representative proposed an amendment to the draft article on this subject which provided that:

"The present treaty shall be open for accession by any state which is a member of the United Nations or by any state which will be invited to accede to the treaty by unanimous vote of the parties entitled to appoint representatives under Article VII [sic] of the treaty."<sup>83</sup>

The effect of this amendment would be to eliminate from the article accession by members of specialized agencies of the United Nations, without unanimous invitation by the treaty parties. Justifying the proposal, the Soviet Representative again pointed out that if the original draft article were to be adopted, it would be unfair to socialist countries which had been denied membership of the specialized agencies of the United Nations yet permit accession by members of the specialized agencies which were not members of the United Nations. Most of the representatives expressed their disapproval of this Soviet proposal but indicated that they would refer the matter to their governments.<sup>84</sup>

Several days later, when the subject was brought up again by the Soviet Representative, Phleger indicated that the U.S. position at this time was that it would accept the alternative proposal permitting accession by U.N. members and members of the specialized agencies together with that part of the Soviet amendment adding states invited by unanimous consent of the Article VIII (*administrative measures*) powers.<sup>85</sup> In response to this counter proposal, the Soviet Representative reiterated his government's opposition to the inclusion of the "members of specialized agencies" phrase, charging that it discriminated against socialist states by permitting the accession of West Germany, South Korea and South Vietnam and not competing regimes.<sup>86</sup>

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<sup>83</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 13, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 615-6. The reference to Article VII in this proposal is erroneous - the intention was to refer to Article VIII on administrative measures.

<sup>84</sup> *Ibid.*

<sup>85</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Deputy Under Secretary of State for Political Affairs (Merchant), Washington, November 17, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 618-9.

<sup>86</sup> *Ibid.*

With the Soviet Union sticking to its position on accession, the United States reconsidered its position. Not prepared to wreck the Conference and forego the treaty, on November 19, U.S. Secretary of State Herter authorized Phleger to yield to the Soviet Union on this point 'if thereby the treaty in its present form can be agreed by all participants through our acceptance of the last Soviet proposal on accession (or language having the same effect) and you further deem that continued withholding on our part would risk the achievement of this result.'<sup>87</sup>

Phleger tested the Soviet resolve on their position later that day at another Heads of Delegation meeting but again the Soviet Representative did not budge. Moreover, the Soviet representative stated that he had instructions which would prevent him from agreeing to any proposal other than his government's. When the views of other representatives on this matter were sought, no one responded and it was decided to take it up again when agreement on other outstanding matters was reached.<sup>88</sup>

But on the following day, discussion on accession at a Heads of Delegation meeting was raised again when the South African, Australian and New Zealand Representatives indicated that while they did not like the Soviet formula they would, nevertheless, accept it.<sup>89</sup> Moreover, in a private note to Phleger, the French Representative also indicated that he was authorized to accept the Soviet proposal if the U.S. accepted it.

And accept the Soviet proposal the United States did. On November 24, Phleger yielded at a Heads of Delegation meeting stating that, in light of the Soviet position on accession, 'it was a choice of accepting the Soviet formula

<sup>87</sup> Memorandum From the Deputy Under Secretary of State for Political Affairs (Merchant) to the Head of the Delegation to the Conference on Antarctica (Phleger), Washington, November 19, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 622.

<sup>88</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Deputy Under Secretary of State for Political Affairs (Merchant), Washington, November 19, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 623-4.

<sup>89</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Deputy Under Secretary of State for Political Affairs (Merchant), Washington, November 20, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 625-6.

or having no treaty.'<sup>90</sup> Since the United States 'considered a treaty of great benefit to the parties and to the world,' Phleger announced 'it was accepting the Soviet formula.'<sup>91</sup> Other representatives, including the Australian, South African, Belgian, New Zealand, French, Norwegian and Chilean, made similar statements, while the Argentine, Japanese and British Representatives indicated that they had no instructions.<sup>92</sup> Although final unanimous approval had not been obtained, further opposition to the Soviet proposal was not expressed and the significant impasse on accession was breached.

*Nuclear testing and explosions.* The final sticking point at the Conference and perhaps the most intractable issue during this phase of the negotiation concerned the matter of nuclear testing and explosions in Antarctica. Discussion on this topic resumed at the first Committee of the Whole meeting held on November 3, when the representatives considered the joint Australian-Argentine proposal for a new article prohibiting the detonation of nuclear or thermo-nuclear devices of a non-military nature in Antarctica and the disposal of fissionable waste material there except after prior notice to and consultation among the contracting parties.<sup>93</sup>

At this meeting, the Soviet representative indicated support for the first part of the proposal prohibiting all nuclear detonations and the disposal of waste material, but he objected to the inclusion of the second part on the grounds that it would undermine Article I (*peaceful purposes*) and would complicate inspection.<sup>94</sup> Indeed, this was to be the Soviet position on this issue throughout most of this phase, despite strenuous efforts by the other representatives to obtain agreement on alternative provisions.

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<sup>90</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 24, 1959, *Foreign Relations of the United States, 1958-1960*, p. 628.

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*, p. 629.

<sup>93</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 3, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 601-2.

<sup>94</sup> *Ibid.* The Soviet Representative also added that his government could accept a treaty which contained no provision on this subject.

Engagement with this Soviet position began at the second meeting of the Committee of the Whole on November 4, with the British, Japanese, Norwegian and French Representatives expressing their support for the Australian-Argentine proposal.<sup>95</sup> Taking issue with the Soviet stance, the British Representative argued that adoption of the Soviet formula was undesirable because it would prevent any nuclear detonations for peaceful scientific use.<sup>96</sup> Responding to this point, the Soviet Representative countered by arguing that it was very difficult to determine the difference between a military and a nonmilitary nuclear detonation; therefore, ambiguous provisions which would undermine Article I and jeopardize one of the basic purposes of the treaty should be avoided.<sup>97</sup>

By November 11, it was clear that there was a complete impasse on the issue. At a Heads of Delegation meeting, the Soviet representative announced that he had received instructions from his government stating that he could only agree to an article on fissionable material if it provided that there should be no nuclear explosions in Antarctica.<sup>98</sup> The Argentine Representative concurred on this point, indicating that he, too, had received word that the Argentine Parliament had passed a resolution on the previous day to the effect that no nuclear explosions should take place in the region and, accordingly, 'he must take account of this expression of public opinion.'<sup>99</sup> Opposing this position, the British and the United States

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<sup>95</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 4, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 602-3.

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

<sup>98</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 11, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 609-11.

<sup>99</sup> *Ibid.* As indicated in the discussion on Article II (*scientific investigation*), the linked topics of nuclear explosions and scientific investigation in Antarctica had become election issues in Argentina with the Argentine press and political parties expressing concern about the possibility of radioactive fallout from nuclear explosions, conducted under the guise of scientific investigation in Antarctica, contaminating southern Argentina and Chile. See, Daily Report # 214, Latin America, November 2, 1959, Department of State, Central Files, 702.022/11-259; Memorandum from the U.S. Embassy, Buenos Aires, November 13, 1959, Department of State, Central Files, 702.022/11-1359.

Representatives expressed their objections to any prohibition of peaceful explosions for scientific investigation in Antarctica.<sup>100</sup>

On the following day, the Argentine Representative hardened his position, with the support of Chile, by indicating that he could not accept Articles II (*scientific investigation*) and III (*international cooperation*) unless a new article banning nuclear explosions without prior consent of all was added to the treaty.<sup>101</sup> The Soviet Representative responded to this by stating that while his government could not accept the original Australian-Argentine proposal (now referred to as the Australian proposal) and it was putting forward its own proposal for an absolute ban on all nuclear explosions, it was willing to consider an amendment which would permit such explosions after prior unanimous consent.<sup>102</sup>

Thus, by this time, there were three proposals on the table: (1) the Australian proposal prohibiting nuclear explosions except after prior notice to and consultation among the contracting parties; (2) the Argentine-Chilean proposal banning nuclear explosions except with the unanimous consent of the parties and (3) the Soviet proposal of an absolute ban on nuclear explosions.

On November 17, the Australian proposal was jettisoned when all the representatives at a Heads of Delegation meeting, except the Soviet, approved a redrafted Argentine proposal which provided that:

"Nuclear explosions shall not take place in Antarctica except with the prior consent of all the high contracting parties whose representatives are entitled to participate in the meetings provided under Article VIII."<sup>103</sup>

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<sup>100</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 11, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 609-11.

<sup>101</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 12, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 612-4.

<sup>102</sup> *Ibid.*

<sup>103</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Deputy Under Secretary of State for Political Affairs (Merchant), Washington, November 17, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 618-9.

Maintaining his government's opposition to this type of provision, the Soviet Representative stated that the reason for this stance was on the grounds that the prohibition of nuclear explosions was a matter of principle, as had been discussed at the Geneva nuclear test ban negotiations, and not subject to waiver.<sup>104</sup>

The British, Argentine and South African Representatives then endeavoured to fashion a way around the impasse by presenting proposals which banned nuclear explosions in Antarctica but, in a subsequent paragraph, provided that notwithstanding this prohibition, and having in mind future scientific development and international agreements, the prohibition could be modified by the unanimous consent of Article VIII (administrative measures) parties.<sup>105</sup> But these proposals were not accepted by the Soviet Representative, who, in turn, suggested another which, if accepted, he would present to his government. This Soviet proposal provided that:

"Nuclear explosions and disposition of radioactive material not resulting from nuclear processes in Antarctica shall be prohibited.

"The present article, shall cease to be in effect if all the contracting parties to this treaty whose representatives are entitled to participation in the meetings provided for in Article VIII will become parties to a general international agreement which may be concluded in the future concerning the use of nuclear energy including nuclear explosions and disposal of radioactive material."<sup>106</sup>

Several representatives spoke in opposition to this proposal with Phleger pointing out that acceptance of it would endorse in principle the Soviet position in the Geneva test ban negotiations - that is to say that nuclear explosions should be banned first and then the parties should discuss the conditions under which they might be regulated and policed. Phleger added

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<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.* Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Deputy Under Secretary of State for Political Affairs (Merchant), Washington, November 17, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 619-20.

<sup>106</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Deputy Under Secretary of State for Political Affairs (Merchant), Washington, November 17, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 619-20.

that this was exactly contrary to the Western position at the test ban talks, namely, that the conditions under which such activities can be conducted and policed in the future should be decided upon before the explosions are banned.<sup>107</sup>

On the following day, November 18, a new three paragraph draft article was formulated at a Heads of Delegation meeting providing that:

"1. Nuclear explosions in Antarctica and the disposal of radioactive waste material shall be governed by such rules as may be established under international agreements to which the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article VIII are parties concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material.

"2. Pending the establishment of such agreed rules, nuclear explosions in Antarctica and the disposal of radioactive waste material other than waste material resulting from nuclear process in Antarctica shall be prohibited.

"3. Notwithstanding the foregoing, it is agreed that the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article VIII may, by unanimous prior consent, grant a waiver from the application of par. 2. Such a waiver shall relate exclusively to the furtherance of the scientific investigation of Antarctica or of its peaceful development or to the disposal of radioactive waste material."<sup>108</sup>

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<sup>107</sup> *Ibid.* Concluding a report of these developments at the Conference to U.S. Deputy Under Secretary of State for Political Affairs (Livingston Merchant), Phleger mentioned that after the meeting he had admonished the Soviet representative for introducing into the negotiations elements that had been the cause of differences between the Soviet Union and other nuclear powers elsewhere. He then suggested that two explanations of the Soviet position were: (1) that they did not want any prohibition of nuclear explosions in the treaty; or (2) that if the subject was dealt with in the treaty, it shall be dealt with in such a way as to improve the Soviet position at the Geneva test ban talks. (See, *Ibid.*) For an extensive analysis of the nuclear test ban negotiations, see H. K. Jacobson and E. Stein, *Diplomats, Scientists, and Politicians: The United States and the Nuclear Test Ban Negotiations* (Ann Arbor: The University of Michigan Press, 1966).

<sup>108</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Deputy Under Secretary of State for Political Affairs (Merchant), Washington, November 18, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 621. This draft was a combination of South African and Japanese proposals.



Indicating that this formulation might meet, at least in part, Soviet requirements, the Soviet Representative undertook to consult his government for further instructions.<sup>109</sup>

Representatives of the eleven other delegations approved this new draft article on November 19, but it was not until November 23 that the Soviet Representative could signify his government's evaluation of it.<sup>110</sup> At a Heads of Delegation Meeting on this date, he announced that the Soviet final position on the topic was that, while it could accept paragraphs 1 and 2 in principle, it could not accept paragraph 3.

When the Heads of Delegation met again on November 24, the Soviet Representative reaffirmed his government's final position, thereupon, Phleger stated that it was now a question of accepting the substance of paragraphs 1 and 2 or having no treaty. Accordingly, he advised the meeting that the United States 'was willing to accept the Soviet proposal.'<sup>111</sup> All other representatives then agreed to paragraphs 1 and 2 of the new draft article with the exception of the British and Japanese who indicated that they had not yet received instructions.<sup>112</sup>

In this way, the impasse on nuclear tests and explosions appeared breached. But this was illusory. On the following day, November 25, the Soviet Representative stated that he had received instructions that the only provision on nuclear explosions that he could accept was one which provided that:

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<sup>109</sup> *Ibid.*

<sup>110</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Deputy Under Secretary of State for Political Affairs (Merchant), Washington, November 19, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 623-4; Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 23, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 626-7.

<sup>111</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, Washington, November 24, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 628.

<sup>112</sup> *Ibid.*, p. 629.

"No nuclear or thermonuclear experiments or explosions of a non-military nature and no disposal of fissionable waste material shall take place in Antarctica."<sup>113</sup>

In addition, he stated that a provision on nuclear explosions was not appropriate in the treaty and should not be included, but if one were to be included it must be in the above form.<sup>114</sup>

This reversal of the Soviet position surprised the eleven other representatives, all of whom indicated that they had understood paragraphs 1 and 2 of the new draft were, in effect, a Soviet proposal and acceptable to it and that they had received instructions to accept the paragraphs on that basis. It was also pointed out that the new Soviet formulation included experiments as well as explosions and was a total and final prohibition that would not be lifted by any future international agreement, such as was envisaged in the new draft.<sup>115</sup>

The Soviet Representative was then asked to convey to his government that the position of the other countries participating in the Conference was: (1) that there should be a provision regarding nuclear explosions in Antarctica in order to satisfy the Argentine, Chilean and Australian requirements; (2) that paragraphs 1 and 2 of the new draft were acceptable; and (3) that the Soviet proposal was unacceptable.<sup>116</sup> In the light of these views, he was also asked to request further instructions.

Three days were to pass before the Soviet Representative was able to convey what his new instructions on the matter were. On Saturday, November 28, at what was to be the final Heads of Delegation meeting, he informed the other representatives that he had been authorized to agree to the "two paragraph" proposal in substance but that some textual changes were desired. He then presented a text of the article which provided that:

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<sup>113</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Deputy Under Secretary of State for Political Affairs (Merchant), Washington, November 25, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 629-30.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*

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

"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."<sup>117</sup>

After discussion as to the difference between this text and the "two paragraph" text, it was agreed that the only variance was that the Soviet wording would require the disposal elsewhere than in Antarctica of radioactive waste material produced in Antarctica. Moreover, all of the representatives agreed that the Soviet text contained no prohibition of the peaceful use of nuclear material in Antarctica other than for explosions.<sup>118</sup> Accordingly, it was agreed that the United States Representative could make a statement at the final meeting of the Committee of the Whole that U.S. agreement was given on this understanding.

After this, Phleger and several other representatives stated that this new Soviet text must be referred to their governments for approval. It was then agreed that the final meeting of the Committee of the Whole should be held at 2.30pm on Monday afternoon, November 30, in the hope that the final text of the treaty could be approved. If this approval were obtained, it was agreed that there would be a Plenary Session at 10.30am on Tuesday morning, December 1, following which it was hoped that a treaty could be signed.<sup>119</sup>

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<sup>117</sup> Memorandum From the Head of the Delegation to the Conference on Antarctica (Phleger) to the Deputy Under Secretary of State for Political Affairs (Merchant), Washington, November 28, 1959, *Foreign Relations of the United States, 1958-1960*, pp. 631-2. The reference in this text to Article IX indicates that by this time Article VIII (administrative measures) had been renumbered. It must be noted that several of the articles designated in this chapter were also renumbered in the final text of the Antarctic Treaty - Article V (inspection) became Article VII, Article VII (disputes settlement) became Article XI, Article IX (relations of the treaty to non-parties and accession) became Articles X and XIII, respectively. The articles which retained the same number were Article I (peaceful purposes), Article II (scientific investigation), Article III (international cooperation), Article IV (claims and rights) and Article VI (zone of application). New numbers were given to the articles on nuclear explosions (Art. V), jurisdiction (Art. VIII) and review (Art. XII). The final article of the treaty (Art. XIV) provides for language and depositary arrangements.

<sup>118</sup> *Ibid.*

<sup>119</sup> *Ibid.*

On Monday, November 30, Phleger received notification that U.S. Secretary of State Herter had approved the entire final text of the treaty that had been negotiated.<sup>120</sup> With this authorization, Phleger was able to join the other eleven representatives, who had also secured their governments' acceptance, in approving the final text at the Committee of the Whole meeting.<sup>121</sup> The path was thus cleared for the final Plenary Session of the Conference where, as noted before, representatives of the twelve participating countries publicly signified their approval of the text, made concluding statements, signed a Final Act, and at a special ceremony, signed the Antarctic Treaty on behalf of their governments.<sup>122</sup>

#### 8.4 CONCLUSIONS

Two conclusions can be drawn from the foregoing account of the Conference on Antarctica. First, as in the case of the preparatory meetings, the negotiation at the conference took the form of an institutional bargaining process along the lines depicted theoretically by Young that were summarized in Chapter 1. It, too, was largely integrative in nature with the parties attempting to reap joint gains rather than some seeking benefits at the expense of others. The keystone of the treaty, the "freezing" of the legal status quo regarding claims and rights as provided in Article IV, meant that none of the parties would be giving up anything and, in the event that the treaty were to be abrogated or violated, nothing would be lost.

The proceedings also operated under a unanimity rule, the parties focussed on twelve key problems and devised solutions to these that all accepted. The negotiating text that had been developed in the preparatory meetings was used as the basis for discussion, although several new issues arose - most notably, those concerning the duration of the treaty and the testing and explosion of nuclear devices in Antarctica.

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<sup>120</sup> Editorial Note, *Foreign Relations of the United States, 1958-1960*, p. 632.

<sup>121</sup> It is presumed that this occurred. Like the editors of *Foreign Relations of the United States, 1958-1960*, I was unable to find any record of this particular meeting.

<sup>122</sup> The Final Act of the Conference recommended to the participating governments that: "... they should appoint representatives to meet in Washington within two months after the signing of the Treaty and thereafter at such times as may be convenient, pending the entry into force of the Treaty, to consult together and recommend to their governments interim arrangements regarding matters dealt with in the Treaty as they may deem desirable." (*The Conference on Antarctica*, p. 59.)

Collective action problems and obstacles also arose during the course of the negotiation, the principal ones concerning claims and rights, scientific investigation, accession and nuclear explosions. The unanimity rule allowed, for example, Argentina to hold out acceptance of Article II (*scientific investigation*) until there was a provision acceptable to it which barred nuclear explosions; France to hold out acceptance of Article IV (*claims and rights*); and the Soviet Union to hold out on the approval of articles concerning accession and nuclear explosions. U.S. Ambassador Phleger also suspected that the Soviet Union's position on the prohibition of nuclear explosions in Antarctica was linked to the principle it wished to see adopted at the Geneva test ban negotiations - a principle which was contrary to that desired by the United States.<sup>123</sup> In addition, the election campaign in Argentina complicated negotiation on scientific investigation in Antarctica.

In the second place, leadership played a significant role in overcoming or circumventing the impasses on claims and rights, accession and nuclear explosions. Entrepreneurial leadership was exercised in attempts to overcome French opposition to Article IV (*claims and rights*). Casey engaged in attitudinal structuring by making a personal appeal to the French Foreign Minister Couve de Murville over the impasse on this article as well as drawing his attention to the importance of the issues at stake (both indicators of entrepreneurial leadership). Although there is no evidence that this was instrumental in ultimately reversing the French position of opposition to this article, the entrepreneurial leadership exercised by Sir Gerald Fitzmaurice, the legal adviser on the British Delegation, was. By reformulating and presenting Paragraph 1(c) of Article IV in a way that was eventually acceptable to France, Fitzmaurice's efforts were not insignificant given the centrality of agreement on this article to the successful conclusion of the treaty.

Entrepreneurial leadership was also exercised by the Soviet Representative (either Kuzentsov or Tunkin) when he attempted to persuade the eleven other parties that the proposed draft article on accession, which limited accession to members of the U.N. and its specialized agencies, discriminated

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<sup>123</sup> The Soviet Delegation may well have suspected the same motivation of the United States - that is, that the United States' position was linked to the principle it wished to see adopted at the Geneva test ban negotiations.

against socialist countries which had been denied membership of the specialized agencies.<sup>124</sup> The Soviet Representative also exercised entrepreneurial leadership when he attempted to persuade the other parties to the Soviet position that all nuclear explosions and the disposal of radioactive waste material in Antarctica should be prohibited by pointing out, for example, that it was very difficult to determine the difference between a military and a nonmilitary nuclear detonation, and that this would thereby undermine Article 1 (*peaceful purposes*) and complicate inspection.

When unsuccessful in these attempts at entrepreneurial leadership, the Soviet Representative then exercised structural leadership to overcome the impasses on accession and nuclear explosions by converting the structural power of the Soviet Union into bargaining leverage in an effort to bring pressure to bear on the others to accept its preferred provisions. When the Soviet Representative emphatically stated that his government's position on these two matters was "final," this indicated to the United States and the other parties (which had agreed on other provisions) that if they did not comply with the Soviet demands on these two points, there would be no treaty at all. Given their goal of containing Soviet activity in Antarctica, and the likelihood that their failure to concede to the Soviet Union on these matters would mean that this primary objective would therefore not be achieved, the other parties complied and the impasses were breached. There is no evidence to suggest that the eleven other parties had been persuaded by the logic of the Soviet arguments or had been induced to act in this way by the offer of rewards. The Soviet Representative secured the other's compliance by the credible threat of deprivation.

In these ways, then, structural leadership and entrepreneurial leadership were both instrumental in overcoming the major collective action problems and obstacles at the Conference on Antarctica concerning claims and rights, accession and nuclear explosions. And by the exercise of these two types of leadership in regime formation, the path was cleared for the successful conclusion of the proceedings with the signing of the Antarctic Treaty.

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<sup>124</sup> As noted in Footnote No. 22 of this chapter, the identity of the Soviet Representative is not revealed in the U.S. documentary record of the private sessions of the Conference. It is assumed that it was either Kuzentsov (Representative and Head of Delegation) or Tunkin (Representative).

## 8.5 POSTSCRIPT -

### RATIFICATION OF THE TREATY AND ITS ENTRY INTO FORCE

Of course, signature of a treaty is one thing, ratification and entry into force of it another. In regard to ratification and entry into force, the Antarctic Treaty provides, in Article XIII, that: (1) the treaty shall be subject to ratification by the signatory states; (2) ratification of the treaty shall be effected by each state in accordance with its constitutional processes; (3) instruments of ratification shall be deposited with the United States government; (4) the United States, as the depositary government, shall inform all signatory states of the date of each deposit of an instrument of ratification and the date of entry into force of the treaty; (5) upon the deposit of instruments of ratification by all the signatories, the treaty shall enter into force for those states.

These provisions were met on June 23, 1961, when Argentina, Australia and Chile simultaneously deposited their instruments of ratification with the United States - the final three signatory states to do so.<sup>125</sup> Accordingly, the Antarctic Treaty entered into force and the Antarctic regime formed.

There is no evidence from the documentary record examined to suggest that there were any major problems experienced by the twelve signatory states concerning their ratification of the treaty. Indeed, the requirement of unanimous ratification before it entered into force, expressed in Article XIII, shows that any problems in this regard were not anticipated by the twelve contracting parties. It appears on the face of it, therefore, that the ratification of the Antarctic Treaty was uncontroversial, providing no circumstances or conditions for the emergence of leadership in regime formation.<sup>126</sup>

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<sup>125</sup> The dates of ratification for each of the twelve signatory states are: Britain (May 31, 1960); South Africa (June 21, 1960); Belgium (June 26, 1960); Japan (August 4, 1960); the United States (August 18, 1960); Norway (August 24, 1960); France (September 16, 1960); New Zealand (November 1, 1960); the Soviet Union (November 2, 1960); Argentina (June 23, 1961); Australia (June 23, 1961); and Chile (June 23, 1961).

<sup>126</sup> In the United States, for example, where there was vociferous, but limited Congressional and public opposition to the Treaty, the Senate advised ratification of it on August 10, 1961, by a vote of 66 to 21 - a comfortable margin, given the U.S. Constitutional requirement of a two-thirds Senatorial majority to ratify treaties. Eight days later, as noted above, the United States became the fifth signatory state to ratify it, formally. For expressions of this position to the Treaty within the United States, see, *The Antarctic Treaty Hearings before the Committee on Foreign Relations, United States Senate 86th Cong., 2 sess., June 14, 1960* (Washington, United States Government Printing Office, 1960).



## 9

## CONCLUSIONS

In this thesis I have attempted to assess the proposition advanced by Oran Young that the emergence of political leadership is a necessary, but not sufficient, condition for success in efforts to reach agreement through processes of institutional bargaining that dominate attempts to form regimes in international society. The process of creating a regime to regulate human activities in Antarctica from the late 1940s through to success in 1961 has illustrated the importance of leadership in regime formation. Both success and failure can be explained by the presence or absence of necessary types of leadership at critical times. Thus, this study finds in favour of Young's hypotheses on leadership.

## 9.1 ASSESSING THE ROLE OF LEADERSHIP IN REGIME FORMATION

In Chapter 1, a conceptual framework of the relationship between regime developmental processes, institutional bargaining and leadership was set out (Figure 2) and, from this scheme, fundamental questions to be addressed in the analysis of regime formation were cast to test Young's proposition: What common or transboundary problem prompted a solution through the formation of an international regime? Through which developmental process, or mix of processes, did the regime arise? Did this process involve institutional bargaining? If so, was the formation of the regime afflicted by the sorts of problems and obstacles associated with institutional bargaining and how were they overcome? Did leadership play a critical role in the solution or circumvention of these problems? If leadership occurred, what forms were exercised?

On the account of the origins of the Antarctic Treaty (and, accordingly, the Antarctic regime) presented in this thesis, the answers to these questions in



brief are: The Antarctic Problem prompted a solution through the formation of an international regime. This regime was formed by means of a predominantly, although not exclusively, negotiation developmental process. This process involved institutional bargaining which was largely integrative in nature with the self-interested parties attempting to reap joint gains. Obstacles and problems associated with this type of bargaining blocked an initial attempt during the late 1940s and early 1950s to form an Antarctic regime. Although intellectual leadership was exercised at this time, it was not complemented by structural leadership or significant entrepreneurial leadership to overcome them. Problems associated with institutional bargaining also arose during a second attempt to form a regime in the mid and late 1950s. This time, however, the ideas generated and proposed through intellectual leadership in the earlier attempt were adopted and complemented with entrepreneurial and structural leadership. The exercise of these three types of leadership was crucial in overcoming these problems, thus clearing the path for the formation of the Antarctic regime.

In more detailed terms, in Chapter 3 it was shown that during the immediate post World War II period, a significant international dispute concerning Antarctica had become an item on the international agenda. The nature of this dispute, which became known as the Antarctic Problem, centred primarily on the status of claims and rights in the region which had been declared by a number of states. Claims to Antarctic territory had been asserted by Argentina, Australia, Britain, Chile, France, New Zealand and Norway. Recognition of these claims, however, was limited and the Argentine, British and Chilean claims overlapped each other. British-Argentine and British-Chilean relations had, accordingly, become tense, while the United States and Japan had asserted rights in the region. In addition, the Soviet Union had reserved Soviet opinion about the status of territories that it claimed were discovered by Russian citizens.

By the latter part of 1947, the increasingly acrimonious nature of the relations between Britain, Argentina and Chile concerning their overlapping claims to Antarctic territory posed a dilemma for the United States. How could the United States avoid being drawn into the dispute and maintain cooperative relations with each of the parties, yet, at the same time, secure American interests in Antarctica? For the United States, at least, the situation concerning Antarctica had, by this time, clearly become a problem - the pursuit of interests defined in purely individualistic terms was leading to

undesirable outcomes. This perception prompted the United States to consider, propose and initiate an attempt to obtain a solution to the problem through the formation of an international regime to govern and regulate the actions and relations among states involved in Antarctica.

In Chapter 4, it was shown how this initial attempt to form an Antarctic regime began and failed. Prenegotiation problems at the "agreement to negotiate" stage of an institutional bargaining process blocked efforts on the part of several states involved in Antarctica to "get to the table" to negotiate an agreement on the terms of a set of rights and rules (or constitutional contract) that would govern their subsequent interactions in the region. Widespread claimant opposition to the idea of an Antarctic regime was the major reason for the failure. Although Britain, New Zealand and later, France, supported a U.S. proposal in 1948 for an Antarctic condominium and the United States, Britain and New Zealand supported a subsequent Chilean *modus vivendi* "standstill" proposal as bases for negotiation, Argentina, Australia, Chile and Norway rejected the former and Australia rejected the latter. Further complicating the issue was the desire on the part of the United States and Britain, in particular, that active participation in any Antarctic regime should be denied the Soviet Union, their Cold War antagonist - a desire intensified after the Soviet announcements of 1949 and 1950 which asserted the Soviet Union's right to take part in any international discussions about the future of Antarctica.

It was also shown that, despite the exercise of intellectual leadership by the Chilean academic and foreign ministry adviser, Professor Julio Escudero (who, in 1948, proposed the innovative *modus vivendi* "standstill" proposal to "freeze" all claims and rights to Antarctica for a period of five or ten years, during which time scientific cooperation in the region was to be encouraged), there was little entrepreneurial leadership and no structural leadership exercised at this time to attempt to overcome these problems. This was a consequence of a desire, on the part of the United States at least, to reduce uncertainty and deal with a complicated problem at a lower level of risk than an assertive strategy involving inducement, persuasion, coercion or manipulation would allow. Had such leadership been exercised it is, of course, a moot point that it would have led to a different outcome.

Leadership should not be conflated with success in the formation of regimes.<sup>1</sup>

By 1953, then, it was clear that the first attempt to form an Antarctic regime to solve the Antarctic Problem had ended in failure. But, as shown in Chapter 5, events were in train that were to trigger a second attempt to form one. These events were associated with the planning and conduct of the International Geophysical Year. Although the example of international cooperation in science undertaken during the Antarctic program of the I.G.Y. (facilitated by the adoption of a variant of the *modus vivendi* "standstill" idea) did not lead directly to any of the twelve states involved pressing for the formation of an Antarctic regime, the Soviet penetration of the region as part of the I.G.Y. did.

In Chapter 6, it was shown that, by 1957, with the Soviet penetration of Antarctica through its establishment of six scientific bases on the continent as part of the Antarctic program of the I.G.Y., the Antarctic Problem came to be framed somewhat differently, particularly by the United States, Britain, Australia and New Zealand. Although the claims and rights issues remained at the core of the Antarctic Problem, for these states, at least, the primary problem became one of "squeezing the Soviet Union out" of the region and when this was recognized as being impracticable, containing and controlling Soviet activities there.

Accordingly, the United States, Britain, Australia and New Zealand began an extensive prenegotiation process with the aim of "getting to the table" to negotiate an agreement to establish a crisis-prevention regime for Antarctica. During this early stage of institutional bargaining, problems and obstacles arose blocking efforts to "get to the table." How should the claims and rights issue be solved? What measures would prevent Antarctica from being used as a base for military activities? Who should participate in the negotiation of an agreement? What topics should be negotiated and what should not?

Intellectual leadership and entrepreneurial leadership were crucial in overcoming some of these problems. The idea of a *modus vivendi* "standstill" arrangement "freezing" the legal status quo on claims and rights, which had

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<sup>1</sup> This point is stressed by Young in his article "Political leadership and regime formation: on the development of institutions in international society," p. 286.

been proposed in the late 1940s through the intellectual leadership of Escudero and a variant of which had been informally used during the Antarctic program of the I.G.Y. and shown to work, was adopted as the preferred means of solving the claims and rights issue.

Entrepreneurial leadership was exercised by U.S. Ambassador Paul Daniels in overcoming many of the other problems following his appointment in September, 1957, as special adviser on Antarctic affairs in the U.S. Department of State. As shown in Chapter 6, Daniels' contribution was significantly productive. He shaped the forms in which many of the issues were presented, persuasively drew attention to the importance of the issues at stake, devised policy options, garnered support for salient options (such as the early inclusion of the Soviet Union in the proposed negotiations, as well as the participation of other three non-claimants who had contributed to the Antarctic program of the I.G.Y.) and brokered at least one deal (deleting reference to the exploitation of resources in exchange for agreement on early Soviet involvement) - all indicators of entrepreneurial leadership.

When representatives of the seven claimants (Argentina, Australia, Britain, Chile, France, New Zealand and Norway) joined with representatives of the other five states which had participated in the Antarctic program of the I.G.Y. (Belgium, Japan, South Africa, the Soviet Union and the United States) to negotiate the terms of a constitutional contract to govern their interactions in Antarctica, problems also arose which blocked efforts of the self-interested parties to reap joint gains in the process of institutional bargaining.

As shown in Chapter 7, during the first stage of this formal negotiation (the preparatory meetings which were held between June, 1958, and October, 1959), the major problems were the Soviet resistance to the discussion of substantive matters and the Soviet and French opposition to the key draft Article IV (on rights and claims). Entrepreneurial leadership played a significant role in overcoming these. Daniels engaged in attitudinal structuring (an indicator of entrepreneurial leadership) to overcome the perceived Soviet intransigence by accommodating the Soviet insistence that procedural matters be dealt with at these meetings. When this suggestion was taken up, it resulted in a softening of the Soviet posture allowing the later discussion of substantive matters. In short, it enhanced integrative

bargaining. Daniels also attempted to persuade France to accept draft Article IV and although his efforts were initially unsuccessful, they later appeared to have succeeded. This, together with the successful effort of Richard Casey (the Australian Minister for External Affairs) to persuade the Soviet Union to also accept draft Article IV, was instrumental in clearing the way for such parties as Australia and Britain to agree to the setting of the date for the Conference on Antarctica where an Antarctic treaty was to be hammered out.

During the course of the Conference on Antarctica in late 1959, as shown in Chapter 8, problems arose again largely concerning treaty provisions on claims and rights, accession and nuclear explosions in the region. Leadership played a significant role in overcoming impasses on these matters. The legal gymnastic performed by Sir Gerald Fitzmaurice of the British Delegation in reformulating and presenting Paragraph 1(c) of the contentious Article IV (on claims and rights) in a way that was acceptable to France was an example of successful entrepreneurial leadership. Following unsuccessful entrepreneurial leadership by the Soviet Representative to overcome the impasses on accession and nuclear explosions, he resorted to structural leadership by converting the structural power of the Soviet Union into bargaining leverage coercing the other parties to accept its preferred provisions on these matters.

To summarize, then, there is substantial evidence that intellectual, entrepreneurial and structural leadership were all exercised during the course of the attempts to form an Antarctic regime. Despite, though, what may appear to be clear examples of these three types of leadership, one problem still must be considered before an assessment of Young's proposition about the role of leadership in regime formation can be made. This problem, as noted in Chapter 1, can be stated thus: How do we know that the presence of leadership was such a critical factor in the formation of the Antarctic regime as Young's theoretical proposition suggests? It is not adequate merely to observe that leadership behaviour occurred; the contrary expectation that, but for the presence of such behaviour, the attempt by the parties involved would not have been successful needs to be justified.

As noted in Chapter 1, one method of resolving this question can be achieved through counterfactual reasoning - that is, pointing to evidence of the same or similar parties acting differently (in this case, not exercising

leadership behaviour) under relevantly similar circumstances (in this case, seeking to form an international regime) but not being successful in what they had endeavoured to do. It can be suggested that the initial, unsuccessful attempt to form an Antarctic regime in the late 1940s and early 1950s provides such evidence to justify the significance of leadership in regime formation. In the first place, it can be suggested that similar parties (policymakers of the United States, Britain, New Zealand, Chile, Argentina, Australia, France, Norway, South Africa, Belgium, the Soviet Union) were involved in this first attempt at regime formation. Second, these similar parties acted under similar circumstances (the United States, Britain, New Zealand, Chile sought to form an Antarctic regime to solve the Antarctic Problem). In the third place, they acted differently from those involved in the second, successful attempt in that no one engaged in structural or significant entrepreneurial leadership to overcome the prenegotiation problems that arose during the early stage of an institutional bargaining process. Although intellectual leadership was exercised during the first attempt, generating an innovative idea on how to solve the dispute over claims and rights in Antarctica, this was not sufficient to circumvent the other problems.

Thus, it can be concluded that the propositions about leadership in regime formation hypothesized by Young are confirmed by the Antarctic Treaty case. Young's first hypothesis (that institutional bargaining cannot yield agreement concerning the provisions of constitutional contracts in the absence of leadership) is supported by the case - leadership was instrumental in overcoming many of the collective action problems that confronted the parties as they sought to reach agreement among themselves to form an Antarctic regime. Young's second hypothesis (that no one form of leadership is adequate by itself to produce constitutional contracts in institutional bargaining at the international level) is supported by the case, too. Despite the exercise of intellectual leadership during the first, unsuccessful attempt to form an Antarctic regime, neither bargaining leverage (structural leadership) nor significant negotiating skill (entrepreneurial leadership) was exercised to endeavour to overcome the extant collective action problems confronting those parties seeking to form a regime at this time as a means of solving the Antarctic Problem.

Young's third hypothesis (that much of the real work of regime formation in international society occurs in the interplay of bargaining leverage,

negotiating skill and intellectual innovation) is also supported by the case. Intellectual leadership was exercised (by Escudero) in the prenegotiation stage of the first, unsuccessful attempt to form an Antarctic regime and his innovative idea was adopted in the second, prenegotiation stage of the second, successful attempt. During this second attempt at regime formation, entrepreneurial leadership was exercised in both the prenegotiation stage (by Daniels) and the formal negotiation stage (by Daniels, Casey, Fitzmaurice and the Soviet Representative); and structural leadership was exercised (by the Soviet Representative) at the formal negotiation stage when his entrepreneurial leadership proved unsuccessful.

## 9.2 IMPLICATIONS FOR THEORY AND PRACTICE

From the discussion above, a number of theoretical implications can be drawn concerning the relationship between leadership, institutional bargaining and regime formation. Analysis of the case suggests that intellectual leadership is likely to be more central in the earlier, prenegotiation stage of regime formation when the search for options to solve common or transboundary problems in international society is undertaken - that is, before formal negotiation begins.<sup>2</sup>

The case also suggests that structural leadership, particularly the exercise of coercion, emerges when entrepreneurial leadership, particularly the exercise of persuasion, does not succeed in overcoming the collective action problems which characterize efforts to reach agreement in processes of institutional bargaining. In other words, the employment of coercive bargaining leverage is apt to follow unsuccessful attempts to persuade parties to accept preferred provisions, as shown when the Soviet Representative resorted to structural leadership at the Conference on Antarctica to overcome the impasses on accession and nuclear explosions after his entrepreneurial leadership to do this failed. One reason why this may be so is that coercion is generally more costly than persuasion. Since coercion involves demands for compliance, the possibility arises, therefore, that the subjects of the demand may come to resent such action. If they do, resentment may result in the loss of goodwill between the parties and adversely affect their future relations. Moreover, when opportunities arise, the subjects may retaliate in ways of their own.

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<sup>2</sup> This proposition has also recently been articulated by Young and Osherenko. See O. R. Young and G. Osherenko, "International Regime Formation: Findings, Research Priorities, and Applications," pp. 234-5.

These costs, whether real or potential, may not outweigh the benefits accruing from the exercise of coercion. But if persuasion can achieve the same outcome without these costs, it seems prudent to attempt this strategy first.

This argument provides an explanation for the absence of structural leadership exercised by any policymaker representing the United States during the second attempt to form an Antarctic regime. Given the preponderance of the United States at this time, one might intuitively have expected U.S. officials to convert their country's material resources into bargaining leverage in attempts to overcome some of the problems which arose during the prenegotiation and formal negotiation stages. But there is no evidence to suggest that this occurred. Essentially, the United States got what it wanted from institutional bargaining and yielded on matters that it considered less important. In short, there was no need for any U.S. policymaker to resort to structural leadership and run the risk, thereby, of incurring costs that could jeopardize the attainment of joint gains which the United States desired.

The matters over which the Soviet Union exercised coercive leverage were, on the other hand, important for it. The Soviet Union indicated that it was not prepared to accept an accession provision in the treaty which discriminated against several other socialist states with which it had close ties. Nor was the Soviet Union prepared to jeopardize the position it had taken at the Geneva nuclear test ban negotiations on the prohibition of nuclear explosions. These were core values for the U.S.S.R., at least in regard to Antarctica. The Soviet Union was clearly willing to sacrifice joint gains in Antarctica in order to preserve these two positions. The exercise of coercive structural leadership by the Soviet Representative was leadership of the last resort.

These two propositions about intellectual leadership and structural leadership suggest a third, for further examination: Entrepreneurial leadership is the one form of leadership that is necessary for regime formation to occur. It must be noted that this suggestion is not couched in terms of sufficiency. It does not contradict Young's proposition, supported by this case, that no one form of leadership is adequate by itself. The reasoning upon which this third proposition is based is straightforward. Since innovative solutions to common or transboundary problems in



international society generated by intellectual leadership ordinarily need to be promoted, entrepreneurial leadership is required at both the prenegotiation stage (to help get the parties to the table) and the formal negotiation stage (to help keep them there until agreement is reached). Of course, structural leadership could be exercised in any attempts to accomplish these tasks. But as the second proposition about this type of leadership argues, it is more prudential to exercise entrepreneurial leadership, particularly the exercise of persuasion, first. And if this type of leadership is successful, there is no need, therefore, to resort to coercive bargaining leverage.<sup>3</sup>

Another finding from the case concerning entrepreneurial leadership that warrants further examination is the significance of attitudinal structuring - the socio-emotional activity designed to change attitudes and relationships and provide interpersonal support in problem-solving. When practiced by U.S. Ambassador Daniels during the preparatory meetings, this activity enhanced integrative bargaining. Yet such a socio-emotional process has not received much systematic attention in the literature on international regime formation, although its significance has been demonstrated in other social contexts such as labour negotiations and small group decisionmaking.<sup>4</sup>

If this study has said something about the significance of leadership in regime formation, it has also said something about the institutional bargaining process within which leadership emerges. In particular, it illustrates the importance of theoretical and practical knowledge of the conditions and interaction that encourage parties to consider negotiation as a regime developmental process in the first place - that is, it has shown the significance of prenegotiation in regime formation. As Stein points out, if

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<sup>3</sup> Young and Osherenko have also recently proposed that entrepreneurial leadership is necessary for regime formation to occur. (See, Young and Osherenko, "International Regime Formation: Findings, Research Priorities, and Applications," p. 235.) They do not, however, base their proposition on the argument sketched above.

<sup>4</sup> On attitudinal structuring in labour negotiations, see Walton and McKersie, *A Behavioral Theory of Labor Negotiations*, pp. 184-280. On the significance of socio-emotional leadership in small decisionmaking groups, see R. F. Bales and P. E. Slater, "Role Differentiation in Small Decision-Making Groups," in T. Parsons and R. F. Bales, eds., *Family, Socialization and Interaction Process* (Glencoe, Illinois: The Free Press, 1955), pp. 259-306 and R. F. Bales, "In Conference," *Harvard Business Review* 32, 2 (March-April 1954), pp. 44-50.

prenegotiation (or, in other words, negotiation about negotiation) does not succeed, negotiation does not occur.<sup>5</sup>

This is illustrated in the account of the first, unsuccessful effort to form an Antarctic regime - prenegotiation problems at the agreement to negotiate stage blocked efforts to "get to the table." Of course, failure to overcome such prenegotiation problems in regime formation is not necessarily a negative outcome. Regimes are not valuable in themselves - assessment of their value can only be made after they have been formed. After all, an ineffective or inequitable regime may have more deleterious consequences than no regime at all. It is through prenegotiation, though, that policymakers can make preliminary judgements about other parties' positions, bargaining ranges, likely sticking points and so forth, without publicly committing themselves to negotiation and, if circumstances and conditions seem unfavourable, decide to reduce or even abort their efforts to form an international regime at lower exit costs than formal negotiation does.

As shown in Chapter 4, U.S. Secretary of State George Marshall's approach to solve the Antarctic Problem was one of cautious exploration of the option of negotiation to form an Antarctic regime. He sought to gauge the intentions and objectives of the other parties consulted and thereby acquired information at little or no cost. Although Marshall's efforts in prenegotiation, together with those of other officials of the United States, did not result in the formation of a regime at this time, possible solutions to the Antarctic Problem were generated, including the *modus vivendi* "standstill" proposal that formed the basis of Article IV, the keystone of the Antarctic Treaty.

It can be suggested that even though the parties did not "get to the table" at this time, prenegotiation also provided opportunities for learning that were taken up during the second, successful attempt at regime formation. As shown in Chapter 6, the United States learned to move even more cautiously, appointing a special adviser on Antarctic affairs (Ambassador Daniels) skilled in dealing with Argentina and Chile whence it was felt difficulties would arise, consulting with other parties to glean their core interests and garnering their support before making a commitment to negotiate and before seeking an agreement to negotiate.

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<sup>5</sup> Stein, "Preface and Acknowledgments," p. x. Much of the following discussion has been informed by the seminal ideas of Stein on prenegotiation.

It was also shown in Chapters 7 and 8 that when prenegotiation does succeed, as Stein suggests, it is likely to have important consequences for negotiation at the table - prenegotiation can define the scope of the negotiation, specify the participants, shape the agenda and reduce complexity by establishing what is kept off the table.<sup>6</sup> In the case of the Antarctic negotiations, the scope was comprehensive and multilateral, participation was limited to those who took part in the Antarctic program of the I.G.Y., agreement was sought in regard to the basic objectives of freedom of scientific investigation throughout Antarctica and that the region used for peaceful purposes only. Moreover, discussion on the exploitation of resources was precluded. All of these considerations were determined in prenegotiation. Thus, prenegotiation is a stage of the broader process of institutional bargaining that requires careful analysis if we are to deepen our understanding of the politics of regime formation in international society.

Whereas these observations on the concept of prenegotiation can contribute to our general understanding of regime formation, it can also be suggested that the concept of leadership can contribute to our understanding of critical determinants of success in prenegotiation. For example, on the account of the formation of the Antarctic regime, it can be concluded that an important factor in the entrepreneurial leadership of Ambassador Daniels was the significant support he received from his Secretary of State, John Foster Dulles. This was clearly evident, as shown in Chapter 6, when Dulles played a critical role in the circumvention of U.S. Defense Department opposition to the United States' Antarctic policy line, largely developed by Daniels, that was adopted during the early months of 1958 and which culminated in the Antarctic negotiations. Given that in the first attempt to form an Antarctic regime, the United States' commitment to negotiate a solution to the Antarctic Problem had evaporated in 1952 following the unexpected opposition of the Department of Defense and, notwithstanding the argument that the quest to form a regime had, by that time, probably run out of steam, it can be suggested that senior-level support is necessary for

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<sup>6</sup> Stein, "Getting to the Table: The Triggers, Stages, Functions, and Consequences of Prenegotiation," pp. 252-7.

entrepreneurial leadership to overcome prenegotiation problems that arise from domestic sources.<sup>7</sup>

One final, brief observation can also be drawn from the case of the formation of the Antarctic regime. This concerns the significance of contextual factors which influence the actions of parties engaged in efforts to form international regimes. Such efforts do not occur in isolation, separated from the course of human affairs evolving elsewhere. For example, in Chapter 4 and Chapter 6, it was shown that Cold War considerations impinged upon the efforts of the "Free World" states to form an Antarctic regime. In Chapter 4, it was noted that the beginning of the Korean War in late June, 1950, meant that the United States had more pressing concerns than the Antarctic Problem with which to contend, and, accordingly, little effort was devoted to achieve its solution through the formation of a regime. In Chapter 6, it was also noted that by the mid and late 1950s, both the United States and the Soviet Union, while both seeking ways to maximize their influence in the world, were also both seeking ways to moderate the intensity of their relations in order to prevent any flashpoint sparking the outbreak of nuclear war. This change in the nature of the Cold War helped to facilitate the negotiation of the Antarctic Treaty and, thereby, played an important part in the formation of the Antarctic regime. As Young and Osherenko have recently pointed out, consideration of such contextual factors has not received much attention in the theoretical literature of regime formation.<sup>8</sup> This case provides support for their suggestion that a more systematic analysis of contextual factors can make an important contribution to the

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<sup>7</sup> This suggestion is also consistent with ideas in organization theory about the role of high-level sponsors in the management of change. See, for example, R. M. Kanter, *The Change Masters* (London: Unwin Paperbacks, 1985), especially Chapters 6 and 8. Note, too, that the United States' efforts to form an Antarctic regime in the late 1940s and early 1950s were more active when Marshall was Secretary of State rather than when Dean Acheson had taken over the position. This, in part, may be explained by the consideration, noted in Chapter 4, that he was sensitized to the Antarctic Problem at the Inter-American Conference for the Maintenance of Continental Peace and Security in August, 1947. In addition, Marshall's standing in U.S. military circles (as a General of the Army and former Chief of Staff) may well have carried some weight in allaying Defense Department and Joint Chiefs of Staff concern that were expressed about the U.S. proposal to form an Antarctic regime in 1948.

<sup>8</sup> Young and Osherenko, "International Regime Formation: Findings, Research Priorities, and Applications," pp. 245-6.

explanation of regime formation and to our understanding of institutional bargaining in international society, more generally.<sup>9</sup>

In sum, then, these considerations about the significance of leadership, as well as those concerning prenegotiation and contextual factors, have important implications for both the theory and the practice of regime formation. And if regimes are important institutions for the attainment of valued collective outcomes in international society, it follows that cognizance and appreciation of their significance contributes to our capacity to solve pressing international problems in the future.

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<sup>9</sup> *Ibid.*

## APPENDIX

## The Antarctic Treaty, December 1, 1959<sup>1</sup>

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.

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<sup>1</sup> Signed by the duly authorized representatives at a special ceremony following the fourth and final plenary session of the Conference on Antarctica on December 1, 1959.

## 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 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 discharging or embarking cargoes or personnel in Antarctica, shall be open at all time 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 proceeding 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 respective 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 member 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 the 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 the 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 this 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 the Contracting Parties there represented, including 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 for 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.]

FOR ARGENTINA:

ADOLFO SCILINGO

F. R. BELLO

FOR AUSTRALIA:

HOWARD BEALE

FOR BELGIUM:

OBERT DE THIEUSIES

FOR CHILE:

MARCIAL MORA

E. GAJARDO

JULIO ESCUDERO

FOR THE FRENCH REPUBLIC:

PIERRE CHARPENTIER

FOR JAPAN:

KOICHIRO ASAKAI

T. SHIMODA

FOR NEW ZEALAND:

G. D. L. WHITE

FOR NORWAY:

PAUL KOHT

FOR THE UNION OF SOUTH AFRICA:

WENTZEL C. DU PLESSIS

FOR THE UNION OF SOVIET SOCIALIST  
REPUBLICS:

V. KUZNETSOV

FOR THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND:

HAROLD CACCIA

FOR THE UNITED STATES OF AMERICA:

HERMAN PHLEGER

PAUL C. DANIELS

**BIBLIOGRAPHY**

## LIST OF PUBLISHED BOOKS AND ARTICLES CITED

- Adler, E. and P. M. Haas, "Conclusion: Epistemic Communities, World Order and the Creation of a Reflective Research Program," *International Organization* 46 (Winter 1992), pp. 367-90.
- Ahluwalia, K., "The Antarctic Treaty: Should India Become a Party to it," *The Indian Journal of International Law* I (1960-61) pp. 473-83.
- Ambrose, S. E., *Rise to Globalism: American Foreign Policy Since 1938* 5th revised ed. (Harmondsworth: Penguin, 1988).
- Amery, J., "Introduction," in J. Barnes and D. Nicholson, eds., *The Leo Amery Diaries, Vol. I: 1896-1929* (London: Hutchinson, 1980).
- Archdale, H. E., "Legality in the Antarctic," *Australian Outlook* 11, (1957) pp. 10-16.
- Atwood, Jr., W. W., "The International Geophysical Year in Retrospect," *The Department of State Bulletin* XL, 1037 (1957), pp. 682-689.
- Atwood, Jr., W. W., "The International Geophysical Year: A Twentieth-Century Achievement in International Cooperation," *The Department of State Bulletin* XXXV, 910 (1956), pp. 880-886.
- Auburn, F. M., *Antarctic Law and Politics* (London: C. Hurst & Co.; Canberra: Croom-Helm, 1982).
- Axelrod, R., *The Evolution of Cooperation* (New York: Basic Books, 1984).
- Bachrach, P. and M. S. Baratz, *Power and Poverty. Theory and Practice* (New York: Oxford University Press, 1970).
- Bales, R. F., "In Conference" *Harvard Business Review* 32, 2 (March-April 1954), pp. 44-50.
- Bales, R. F. and P. E. Slater, "Role Differentiation in Small Decision-Making Groups," in T. Parsons and R. F. Bales, eds., *Family, Socialization and Interaction Process* (Glencoe, Illinois, The Free Press, 1955), pp. 259-306.
- Barracrough, G., *An Introduction to Contemporary History* (Harmondsworth: Penguin, 1967).
- Beck, P. J., "Antarctica as a Zone of Peace: A Strategic Irrelevance? A Historical and Contemporary Survey," in R. A. Herr, H. R. Hall, M. G. Haward, eds., *Antarctica's Future: Continuity or Change?* (Hobart: Australian Institute of International Affairs, 1990), pp. 193-224.
- Beck, P. J., "British Antarctic Policy in the Early 20th Century," *Polar Record* 21, 134 (1983) pp. 475-83.
- Beck, P. J., "Preparatory Meetings for the Antarctic Treaty 1958-59," *Polar Record* 22, 141 (1985) pp. 653-664.
- Beck, P. J., "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* 29, 3, (1983), pp. 448-61.

- Beck, P., *The International Politics of Antarctica* (London: Croom Helm, 1986).
- Bilder, R. "The Present Legal and Political Situation in Antarctica," in J. I. Charney, ed., *The New Nationalism and the Use of Common Spaces* (Allanheld: Osman Publishers, 1982), pp. 167-205.
- Birch, W. F., "Antarctica: Sovereignty and Stewardship," address by the New Zealand Minister of Science to the Christchurch Branch of the New Zealand Institute of International Affairs, September 14, 1979, reprinted in *New Zealand Foreign Affairs Review* (July-December 1979) pp. 35-9.
- Calvocoressi, P., *World Politics Since 1945* 3rd. ed. (London: Longman, 1977).
- Carr, E. H., *What is History?* (London: Macmillan, 1961).
- Christie, E. W. H., *The Antarctic Problem* (London: George Allen & Unwin Ltd., 1951).
- Consett, M. W. W. P., *The Triumph of Unarmed Forces* (London: Williams and Norgate, 1923).
- Coplin, W. D., P. J. McGowan, M. K. O'Leary, *American Foreign Policy: An Introduction to Analysis and Evaluation* (North Scituate, Mass.: Duxbury Press, 1974).
- Daniels, P. C., "The Antarctic Treaty," in R. S. Lewis and P. M. Smith, eds., *Frozen Future: A Prophetic Report from Antarctica* (New York: Quadrangle Books, 1973), pp. 31-45.
- Dey, A., "India in Antarctica: perspectives, programmes and achievements," *Polar Record* 27, 161, (1991), pp. 87-92.
- Donnelly, J., "International human rights: a regime analysis," *International Organization* 40, (Summer 1986), pp. 599-642.
- Duchacek, I. D., "Consociations of Fatherlands: The Revival of Confederal Principles and Practices," *Publius* 12 (Fall 1982), pp. 129-77.
- Duffield, J. S., "International regimes and alliance behaviour: explaining NATO conventional force levels," *International Organization* 46 (Autumn, 1992), pp. 819-55.
- Eckstein, H., "Case Study and Theory in Political Science," in F. I. Greenstein and N. W. Polsby, eds., *Handbook of Political Science* VII (Reading, Mass.: Addison-Wesley, 1975), pp. 79-138.
- Eisenhower, D. D., *Waging Peace* (London: Heinemann, 1965).
- Fieldhouse, D. K., *Economics and empire 1830-1914* (London: Weidenfeld and Nicolson, 1973).
- Fontaine, A., *The History of the Cold War, Vol.I, 1917-1950* (New York: Pantheon, 1968).
- Gallagher, J. and R. Robinson, "The Imperialism of Free Trade," *Economic History Review, Second Series* VI, 1, (1953) pp. 1-15.
- Gallie, W. B., "Essentially Contested Concepts," *Proceedings of the Aristotlian Society* 56 (1955-6).
- Gardner, L. C., "American foreign policy 1900-1921: a second look at the realist critique of American diplomacy," in B. J. Bernstein, ed., *Towards a new past* (New York: Pantheon Books, 1968), pp. 202-31.



- Gavin, J. M., *War and Peace in the Space Age* (New York: Harper, 1958).
- George, A. L. and R. Smoke, *Deterrence in American Policy: Theory and Practice* (New York: Columbia University Press, 1974).
- George, A. L., "Case Studies and Theory Development: The Method of Structured, Focused Comparison," in P. G. Lauren, ed., *Diplomacy* (New York: The Free Press, 1979) pp. 43-68.
- George, A. L., P. J. Farley, A. Dallin, eds., *U.S.-Soviet Security Cooperation: Achievements, Failures, Lessons* (New York: Oxford University Press, 1988).
- Glad, B., *Charles Evans Hughes and the illusions of innocence* (Urbana: University of Illinois Press, 1966).
- Gould, L. M., "Emergence of Antarctica: The Mythical Land," in R. S. Lewis and P. M. Smith, eds., *Frozen Future: A Prophetic Report from Antarctica* (New York: Quadrangle Books, 1973), pp. 11-28.
- Grattan, C. H., *The Southwest Pacific Since 1900: A Modern History - Australia, New Zealand, The Islands, Antarctica* (Ann Arbor: The University of Michigan Press, 1963).
- Haas, E. B., "Why Collaborate? Issue-Linkage and International Regimes," *World Politics* 32 (April 1980), pp. 357-405.
- Haas, E. B., "Words can hurt you; or, who said what to whom about regimes," *International Organization* 36 (Spring 1982), pp. 207-43.
- Haas, P. M., "Do regimes matter? Epistemic communities and Mediterranean pollution control," *International Organization* 43 (Summer 1989), pp. 377-403.
- Haggard, S. and B. A. Simmons, "Theories of international regimes," *International Organization* 41 (Summer 1987), pp. 491-517.
- Hall, H. R., "The 'open door' into Antarctica: an explanation of the Hughes doctrine," *Polar Record* 25, 153 (1989), pp. 137-140.
- Hambro, E., "Some Notes on the Future of the Antarctic Treaty Collaboration," *American Journal of International Law* 68, 2 (1974), pp. 217-26.
- Hanessian, J., "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. 145-164.
- Hanessian, J., "National Interests in Antarctica," in T. Hatherton, ed., *Antarctica* (London: Methuen, 1965), pp. 3-53.
- Hanessian, J., "The Antarctic Treaty 1959," *International Comparative Law Quarterly*, 9 (1960), pp. 436-80.
- Hayek, F., *Rules and Order* (Chicago: University of Chicago Press, 1973).
- Hjorth, R., "Baltic Sea Environmental Cooperation: The Role of Epistemic Communities and the Politics of Regime Change," *Cooperation and Conflict* 29, 1 (March 1994), pp. 11-31.
- Hopkins, R. F., "Reform in the international food aid regime: the role of consensual knowledge," *International Organization* 46 (Winter 1992), pp. 225-264.

- Hudson, W. J. and J. North, eds., *My Dear P.M.: R. G. Casey's Letters to S. M. Bruce, 1924-1929* (Canberra: Australian Government Publishing Service, 1980).
- Jacobson, H. K. and E. Stein, *Diplomats, Scientists, and Politicians: The United States and the Nuclear Test Ban Negotiations* (Ann Arbor: The University of Michigan Press, 1966).
- Jackson, G., *The British Whaling Trade* (London: Adam & Charles Black, 1978).
- James, A., *Sovereign Statehood: The Basis of International Society* (London: Allen & Unwin, 1986).
- Jervis, R., "Security regimes," in S. Krasner, ed., "International Regimes," *International Organization* 36 (Spring 1982), pp. 357-78.
- Jones, T. O., "The Antarctic Treaty," in L. O. Quam, ed., *Research in the Antarctic* Publication No. 93, (Washington: American Association for the Advancement of Science, 1971), pp. 57-65.
- Joyner, C. C., "Nonmilitarization of the Antarctic: The Interplay of Law and Geopolitics," *Naval War College Review* LXII, 4 (Autumn 1989), pp. 83-104.
- Joyner, C., "U.S.-Soviet Cooperative Diplomacy: The Case of Antarctica," in N. Jamgotch, Jr., ed., *U.S.-Soviet Cooperation: A New Future*, (New York: Praeger, 1989), pp. 39-61.
- Kanter, R. M., *The Change Masters* (London: Unwin Paperbacks, 1985).
- Keohane, R. O. and J. S. Nye, *Power and Interdependence* (Boston: Little Brown and Company, 1977).
- Keohane, R. O., *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton, N.J.: Princeton University Press, 1984).
- Killian, Jr., J. R., *Sputnik, Scientists, and Eisenhower* (Cambridge, Mass: M.I.T. Press, 1977).
- Kindleberger, C., *The World in Depression, 1929-1939* (Berkeley: University of California Press, 1973).
- Krasner, S., ed., "International Regimes," *International Organization* 36 (Spring 1982).
- Kratochwil, F. and J. G. Ruggie, "International organization: a state of the art on an art of the state," *International Organization* 40 (Autumn 1986), pp. 753-775.
- LaFeber, W., *America, Russia and the Cold War 1945-1984* 5th ed. (New York: Alfred A. Knopf, 1985).
- Larschan, B. and B. C. Brennan, "The Common Heritage of Mankind Principle in International Law," *The Columbia Journal of Transnational Law* 21, 2 (1982-3), pp. 305-337.
- Lauren, P. G., "Diplomacy: History, Theory, and Policy," in P. G. Lauren, ed., *Diplomacy: New Approaches in History, Theory, and Policy* (New York: The Free Press, 1979), pp. 3-18.
- Louis, W. R. *Imperialism At Bay: The United States and the Decolonization of the British Empire 1941-1945* (New York: Oxford University Press, 1978).
- Lukes, S., *Essays in Social Theory* (London: Macmillan, 1977)

- Lukes, S., *Power: A Radical View* (London: Macmillan, 1974).
- Makin, G. A., "Argentine approaches to the Falkland/Malvinas: was the resort to violence foreseeable?" *International Affairs*, 59, 3 (1983), pp. 391-403.
- Merk, F., *The Oregon Question: Essays in Anglo-American Diplomacy and Politics* (Cambridge, Mass.: The Belknap Press of Harvard University, 1967).
- Milensky, E. S. and S. I. Schwab, "Latin America and Antarctica," *Current History* 82, 481 (1983), pp. 52-90.
- Millar, T. B., *Australia in Peace and War* (Canberra: Australian National University Press, 1978).
- Miller, D. H., "National Rights in the Antarctic," *Foreign Affairs* 5, 3, (1927), pp 508-10.
- Morris, R. B., ed., *Encyclopedia of American History* (New York: Harper & Row, 1965).
- "Mr. X," "The Sources of Soviet Conduct," *Foreign Affairs* 25 (July 1947), pp. 566-82.
- Nadelmann, E. A., "Global prohibition regimes: the evolution of norms in international society," *International Organization* 44 (Autumn 1990), pp. 479-526.
- Osherenko, G. and O. R. Young, "The Formation of International Regimes: Hypotheses and Cases," in O. R. Young and G. Osherenko, eds., *Polar Politics: Creating International Environmental Regimes* (Ithaca: Cornell University Press, 1993), pp. 1-21.
- Peterson, M. J., *Managing the Frozen South: The Creation and Evolution of the Antarctic Treaty System* (Berkeley: University of California Press, 1988).
- Puchala, D. J. and R. F. Hopkins, "International regimes: lessons from inductive analysis," *International Organization* 36, (Spring 1982), pp. 245-75.
- Pusey, M. J., *Charles Evans Hughes* (New York: Macmillan, 1952).
- Putnam, R. D., "Diplomacy and domestic politics: the logic of two-level games," *International Organization* 42 (Summer 1988), pp. 427-60.
- Quigg, P. W., *A Pole Apart: The Emerging Issue of Antarctica* (New York: McGraw-Hill, 1983).
- Rittberger, V., M. Efinger and M. Mendler, "Toward an East-West Security Regime: The Case of Confidence- and Security-Building Measures," *Journal of Peace Research* 27, 1 (1990), pp. 55-74.
- Robin, G. deQ., "International Co-operation and Geophysics," in Sir Raymond Priestley, R. J. Adie and G. deQ. Robin, eds. *Antarctic Research* (London: Butterworths, 1964), pp. 254-64.
- Rochester, J. M., "The rise and fall of international organization as a field of study," *International Organization* 40 (Autumn 1986), pp. 777-813.
- Rosecrance, R. N., *Australian Diplomacy and Japan* (Parkville: Melbourne University Press On Behalf of the A.N.U. Press, 1962).
- Schattschneider, E. E., *The Semisovereign People* (Hinsdale, Illinois: The Dryden Press, 1960).
- Schelling, T., *Strategy of Conflict* (Cambridge: Harvard University Press, 1960).

- Shapely, D., *The Seventh Continent: Antarctica in a Resource Age* (Washington: Resources for the Future, 1985).
- Siple, P., *90° South* (New York: G. P. Putnam's Sons, 1959).
- Smith, R. F., "American foreign relations 1920-1942," in B. J. Bernstein, ed., *Towards a new past* (New York: Pantheon Books, 1968), pp. 232-62.
- Smith, R. K., "Explaining the non-proliferation regime: anomalies for contemporary international relations theory," *International Organization* 41, (Spring 1987), pp. 253-81.
- Stedman Jones, G., "The history of US imperialism," in R. Blackburn, ed., *Ideology in social science* (Glasgow: Fontana/Collins), 1977, pp. 207-37.
- Stein, J. G., ed., *Getting to the Table: The Processes of International Prenegotiation* (Baltimore: The Johns Hopkins University Press, 1989).
- Stein, J. G., "Getting to the Table: The Triggers, Stages, Functions, and Consequences of Prenegotiation," in J. G. Stein, ed., *Getting to the Table: The Processes of International Prenegotiation* (Baltimore: The Johns Hopkins University Press, 1989), pp. 239-68.
- Stein, J. G., "Preface and Acknowledgments," in J. G. Stein, ed., *Getting to the Table: The Processes of International Prenegotiation* (Baltimore: The Johns Hopkins University Press, 1989), pp. ix-ivx.
- Strange, S., "Cave! hic dragones: a critique of regime analysis," *International Organization* 36 (Spring 1982), pp. 479-96.
- Sullivan, W., *Assault on the Unknown* (London: Hodder & Stoughton, 1961).
- Sullivan, W., *Quest for a Continent* (London: Secker & Warburg 1957).
- Sullivan, W., "The International Geophysical Year," *International Conciliation* 521 (1959), pp. 257-336.
- Suter, K., *Antarctica: Private Property or Public Heritage?* (Leichhardt: Pluto Press, 1991).
- Swan, R. A., *Australia in the Antarctic* (Parkville: Melbourne University Press, 1961).
- The Memoirs of the Rt. Hon. The Earl of Woolton* (London: Cassell, 1959).
- Tomlin, B. M., "The Stages of Prenegotiation: The Decision to Negotiate North American Free Trade," in J. G. Stein, ed., *Getting to the Table: The Processes of International Prenegotiation* (Baltimore: The Johns Hopkins University Press, 1989), pp. 18-43.
- Tonnessen, J. N. and A. O. Johnsen, *The History of Modern Whaling* translated from the Norwegian by R. I. Christopherson (London: C. Hurst & Co. Ltd., Canberra: Australian National University Press, 1982).
- Walton, R. E. and R. B. McKersie, *A Behavioral Theory of Labor Negotiations* (New York: McGraw-Hill Book Company, 1965).
- Wendt, A. E., "The agent-structure problem in international relations theory," *International Organization* 41 (Summer 1987), pp. 335-370.

- Wilson, C., *The History of Unilever: A Study in Economic Growth and Social Change* Volume i, (London: Cassel & Co., 1954).
- Woolcott, R., "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, January 5-13, 1985, reprinted in *Australian Foreign Affairs Record*, 56, 1 (January 1985).
- Ydit, M., *Internationalised Territories* (Leyden: A. W. Sythoff, 1961).
- Young, O. R., "The politics of international regime formation: managing natural resources and the environment," *International Organization* 43 (Summer 1989), pp. 349-75.
- Young, O. R., *International Cooperation: Building Regimes for Natural Resources and the Environment* (Ithaca: Cornell University Press, 1989).
- Young, O. R., "Political leadership and regime formation: on the development of institutions in international society," *International Organization* 45 (Summer 1991), pp. 281-308.
- Young, O. R. and G. Osherenko, "International Regime Formation: Findings, Research Priorities, and Applications," in O. R. Young and G. Osherenko, eds., *Polar Politics: Creating International Environmental Regimes* (Ithaca: Cornell University Press, 1993), pp. 223-261.
- Young, O. R. and G. Osherenko, eds., *Polar Politics: Creating International Environmental Regimes* (Ithaca: Cornell University Press, 1993).
- Zartman, W., "Prenegotiation: Phases and Functions," in J. G. Stein, ed., *Getting to the Table: The Processes of International Prenegotiation* (Baltimore: The Johns Hopkins University Press, 1989), pp. 1-17.

## NEWSPAPERS

*The Times*

## THESES

- Hall, H. R., "Antarctica and World Politics: The Significance of Political Factors in Antarctic Affairs During the Twentieth Century," M.A. thesis, University of Tasmania, 1986.
- Plott, B. M., "The Development of United States Antarctic Policy," Ph.D. thesis, Fletcher School of Law and Diplomacy, Tufts University, 1969.

## ARCHIVAL MATERIALS: Locations and Abbreviations

### UNITED STATES

National Archives, Washington, D.C.:  
Department of State, Central Files  
John Hanessian Papers

Library of Congress, Washington, D.C.:  
Harry Wexler Papers

D. D. Eisenhower Library, Abilene, Kansas:  
Ann Whitman File  
Papers of John Foster Dulles

### AUSTRALIA

Australian Archives, Canberra:  
AA: A1838/2 (Australian Archives, Department of External Affairs)  
AA: A4311/1 (Australian Archives, Department of External Affairs)  
AA: A4926/1 (Australian Archives, Cabinet Documents)  
AA: A4926/XM1 (Australian Archives, Cabinet Documents)  
AA: A5818/2 (Australian Archives, Cabinet Documents)

## PUBLISHED GOVERNMENT AND INTERNATIONAL ORGANIZATION DOCUMENTS

### UNITED STATES

*Foreign Relations of the United States, 1924 II* (Washington: United States Government Printing Office, 1939).

*Foreign Relations of the United States, 1947 I* (Washington: United States Government Printing Office, 1973).

*Foreign Relations of the United States, 1948 I* (Washington: United States Government Printing Office, 1976).

*Foreign Relations of the United States, 1949 I* (Washington: United States Government Printing Office, 1976).

*Foreign Relations of the United States, 1950 I* (Washington: United States Government Printing Office, 1977).

*Foreign Relations of the United States, 1951 I* (Washington: United States Government Printing Office, 1979).

*Foreign Relations of the United States, 1952-1954 III* (Washington: United States Government Printing Office, 1979).

*Foreign Relations of the United States, 1955-1957 XI* (Washington: United States Government Printing Office, 1988).

*Foreign Relations of the United States, 1958-1960 II* (Washington: United States Government Printing Office, 1991).

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 (Washington: United States Government Printing Office, 1964).

*Polar Regions Atlas*, (Washington: United States Central Intelligence Agency, 1978).

*The Antarctic Treaty* Hearings before the Committee on Foreign Relations, United States Senate 86th Cong., 2 sess., June 14, 1960 (Washington, United States Government Printing Office, 1960).

*The Conference on Antarctica* Department of State Publication 7060, International Organization and Conference Series 13 (Washington: United States Government Printing Office, 1960).

*The Department of State Bulletin*.

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 (Washington: United States Government Printing Office, 1958).

United States House of Representatives Committee on International Relations, "The Political Legacy of the International Geophysical Year," *Science, Technology, and American Diplomacy I* (Washington: United States Government Printing Office, 1977).

## AUSTRALIA

*Documents Relating to Antarctica*, prepared in the Office of the Legal Adviser to the Australian Department of Foreign Affairs, (1976), IV.7.I.

Kenway, H., H. J. W. Stokes and P. G. Edwards, eds., *Documents on Australian Foreign Policy 1937-49*, Vol.III (Canberra: Australian Government Publishing Service, 1979).

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* 402 (October 5, 1983).

*Statutory Rules and Orders Revised 1948* Vol. II, p. 1034; Act No. 8 of 1933 - Commonwealth Acts 1901-1950, Vol. I.

## BRITAIN

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 (London: Her Majesty's Stationery Office, 1958).

## NORWAY

"Norway in the Antarctic," *Norway Information* (Oslo: Norwegian Ministry of Foreign Affairs, January, 1982).

## MISCELLANEOUS

Final Report of the XVIth Antarctic Treaty Consultative Meeting, Bonn, October 7-18, 1991.

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

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

*International Court of Justice Pleadings, Antarctic Cases (United Kingdom v. Argentina: United Kingdom v. Chile)*, Orders of March 16th, 1956: Removal From The List.