

NATIONAL INTERESTS AND CLAIMS IN THE ANTARCTIC¹

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HISTORIANS have been unable to agree who first discovered Antarctica, or even who first navigated antarctic waters. It was common for early ships in the southern Atlantic and southern Pacific to come near to icebergs drifting northward, and doubtlessly some large ones were mistaken for islands. What is certain is that, long before anyone was there, the existence of a vast austral continent, covered with ice and snow, was taken for granted.

There is even suspicion among cartographers that Columbus took with him on his first voyage to the New World a map of the antarctic coastline, later stolen by the Turkish geographer Piri Reis, who made use of it in drawing his map of the world. An existing fragment of the early map, now in the Library of Congress, is believed by cartographer A. H. Mallery to represent the ice-free antarctic continent of some 5000 years ago².

The National Library of Madrid contains a map made by Christuenum Sgrothenum in 1588 showing the line of demarcation based on the Treaty of Tordesillas. The line on the original map extended to the South Pole, and the vague outlines of the antarctic continent are seen surrounding the polar area. This map is reproduced in Pinochet de la Barra's book "La Antártica Chilena"³.

The earliest recorded discovery of land south of the antarctic convergence was that of the English merchant Antonio de la Roché, who sighted a snow-covered island, now believed to have been South Georgia, in 1675. Captain James Cook circumnavigated the whole continent in 1772-5 without ever sighting land. In 1819-20, within a few months of one another, an American, an Englishman, and a Russian, came very close to the mainland, but whether they actually sighted the continent or offshore islands has not been established with certainty⁴.

The British believe that the continent was sighted by the British captain Edward Bransfield aboard the brig *Williams* on January 20, 1820⁵. American investigators generally contend that Bransfield sighted only an island, and that the first to see the mainland was Nathaniel B. Palmer, captain of the sealing vessel *Hero*, on November 17, 1820⁶. Soviet spokesman attribute the discovery to an admiral in the Imperial Russian Navy, Fabian Gottlieb von Bellingshausen, a native of the Baltic island of Oesel, who, together with his companion Lt. Mikhail Petrovitch Lazarev, commanded the naval vessels *Vostok* and *Mirny* in a circumnavigation of Antarctica in 1819-20⁷.

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Bellingshausen's expedition was an official undertaking of the Imperial Navy. Although his records contain no reference to the sighting of land identified as a part of the continent, the All-Soviet Geographical Congress concluded in 1949 that he was the discoverer of Antarctica. At the Antarctic Conference of 1959 the Soviet delegate Mr. V. Kuznetsov stated: "as is known, [Russian] navigators and scientists, Bellingshausen and Lazarev, were the first to discover the sixth continent at the beginning of the nineteenth century". Such a claim is also set forth in *Russkie Otkryti Antarktiku* (Russians discovered the Antarctic), 1950⁸.

The official U.S. Government publication "Introduction to Antarctica", 1961, has this to say about the Bellingshausen expedition: "their commander was a fine Baltic sailor named Bellingshausen, who was an officer in the Russian Navy. Bellingshausen was a cautious man. At times during 1820, he saw what might have been land, but it also might have been giant icebergs stuck fast in the pack. Unless he was sure, he would not say so. Finally, on January 28, 1821, he saw a rugged, mountainous coast which he named Alexander I Land after the Emperor of Russia. Later explorers have shown that Alexander I Land is really an island separated from the continent by a narrow, ice-filled strait"⁹.

The "Encyclopedia Britannica" says: "he almost certainly sighted, but did not recognize as land, two coastal areas between longitudes 5°W. and 20°E. The first was on January 28, 1820, two days before Edward Bransfield's discovery of the Palmer Peninsula, which, if Bellingshausen is left out of account, is the first-known sighting of the antarctic continent"¹⁰.

A popular definition of the Antarctic is all land and water south of the 60th parallel south, but a broader concept, much used among geographers, is that it includes everything south of the antarctic convergence, defined in "Geographic Names of Antarctica" as "a line encircling Antarctica where the cold, northward-flowing antarctic waters sink beneath the relatively warmer waters of the sub-Antarctic". This belt extends across the Atlantic, Pacific and Indian oceans between the 48th and 61st parallels and moves slightly north and south with changing weather conditions. The South Shetland, South Orkney, South Sandwich, and South Georgia islands all lie south of the convergence, whereas the Falkland Islands and Cape Horn lie north of the convergence¹¹.

The Antarctic is usually considered to consist of four quadrants as follows: American (0°-90°W.), Pacific (90°-180°W.), African (0°-90°E.), and Australian (90°-180°E.). Of the American quadrant the sector from 0° to 20°W. is claimed by Norway. It is in the remainder of the quadrant that the claims of Argentina, Chile, and the United Kingdom overlap. This quadrant includes the Great Antarctic Peninsula, known to Americans as the Palmer Peninsula, to Britons as Graham Land, to Argentines as Tierra San Martín, and to Chileans as Tierra O'Higgins. This peninsula actually extends slightly beyond the Antarctic Circle at 66°30'S., and, being the northernmost part of the continent, is the warmest, the most nearly habitable, and the most accessible. A geological extension of the South American continent, although some 700 miles away, it is the area most readily reached

from the outside world, particularly from Argentina and Chile. It is, without doubt, the most coveted part of Antarctica, and it is not surprising that here three conflicting territorial claims overlap.

Although an American was one of the first to see Antarctica, and although American explorers and scientists have engaged in extensive activities there, the United States has never seen fit to make a territorial claim. Secretary of State Charles Evans Hughes expressed in 1924 the opinion that "discovery of lands unknown to civilization, even when coupled with the formal taking of possession, does not support a valid claim to sovereignty unless the discovery is followed by actual settlement of the discovered territory"¹². From time to time the question has been reviewed by the United States Government, but the policy remained virtually the same. The United States makes no claim, recognizes none, but reserves all its rights.

Of the other powers with a history of discovery or activity in the Antarctic, only Russia has followed substantially the same line as the United States. Norway, Australia, New Zealand, France, the United Kingdom, Argentina, and Chile have all carved out for themselves slices of the antarctic pie, and the claims of Argentina, Chile, and the United Kingdom largely overlap one another. Although the three rivals are grateful that the United States has not added its claim to the others in the disputed area, all claimant powers have made no secret of their wish that the United States would step in and assert a claim to the one remaining unclaimed part, the sector between 90° and 150°W., most of which is an inaccessible plateau known as Marie Byrd Land. That the United States has not done so is consistent with the Hughes policy, which Washington has never changed. Indeed, if the United States were to become a claimant, it would be more likely to include in its claim the more accessible and valuable territory in other parts of the continent where American explorers have been, but such action would precipitate a disagreement with several friendly countries. To lay claim to the unclaimed sector alone would appear to have the effect of tacitly renouncing American rights elsewhere.

The antarctic claimant powers follow the "sector" theory. This is the system adopted early in the 20th century in support of claims in the Arctic. It was advanced by the Canadian Senator Pascal Poirier and means, simply, that if a country has territory extending poleward that country has a right to all land up to the pole. As applied to the Antarctic it has been coupled with the principle of contiguity, and in some cases held to mean that all land straight south of the metropolitan territory can be claimed¹³.

The Treaty of Tordesillas has also been invoked, primarily by Chile, to defend the principle of a sector extending along a meridian to the pole, as well as the assertion that the treaty made Spanish (or Portuguese) all undiscovered land south to the pole¹⁴.

Chile bases her claim on the inheritance of Spain's rights transferred to her at the time of her independence in 1810. In 1539 Charles V of Spain is said to have granted Pedro Sánchez de Hoz all territory from the Strait of Magellan to the South Pole west of 40°W. At that time the land south of the Strait, Tierra del Fuego, was believed to extend indefinitely to the south.

This grant devolved on Pedro de Valdivia and ultimately came under the Captaincy General of Chile. After independence, in 1831, Bernardo O'Higgins, who was Chile's first president, wrote a letter stating that the South Shetland Islands, which had recently been visited by British, American, and Russian navigators, were Chilean territory. "Chile", he wrote, "holds the key to the Atlantic from 30°S. to the South Pole and to all the Great Pacific"¹⁵.

Chile consolidated her position in the Straits of Magellan and Tierra del Fuego and established the town of Punta Arenas in 1843. Later in the 19th century a dispute between Chile and Argentina over territory in Patagonia, the Straits of Magellan, and certain offshore islands, was settled by the Treaty of 1881. Tierra del Fuego was divided between the two countries along the meridian 68°24'W. down to the Beagle Channel. The islands on the Atlantic side were assigned to Argentina, and those on the Pacific side to Chile. The protocol of 1893 amplifying this treaty provided that "sovereignty of each state over the respective littoral is absolute so that Chile cannot claim any point toward the Atlantic and Argentina cannot claim any point toward the Pacific"¹⁶.

Chile's leading antarctic authority, Oscar Pinochet de la Barra, concedes that Chile had only an "imperfect" (i.e., not perfected) title to a part of the Antarctic until 1906. In that year the government granted a fishing concession to two Chilean citizens, Fabry and Toro Herrera, under the terms of which the concessionaires were authorized not only to exploit but to "assure Chilean dominion over" the Diego Ramírez, South Shetland, and South Georgia islands, and Graham Land. In the same year the Sociedad Ballenera de Magallanes was authorized by official decree to operate in the antarctic seas. The company established a base of operations on Deception Island in the South Shetland Islands. This station was used until 1911 and then abandoned. Furthermore, an official expedition to the South Shetland Islands had been planned in 1906, but was cancelled because of the earthquake of August 16. However, in the official note to the Chilean Navy Department about the proposed expedition Foreign Minister Antonio Hunneus stated that one of the purposes was to "make effective by all means at the government's disposal the sovereignty vested in it over the Shetland Islands and over the southern continent, which, until today, seem to have remained abandoned, and establishing firmly by means of occupation its title to the dominion of the antarctic region, preventing other foreign flags from ruling regions that are connected with or adjoining to the continent". These three events of 1906, Pinochet de la Barra asserts, had the effect of "perfecting" Chile's title to the antarctic territory that was to be officially proclaimed in 1940¹⁷.

In 1907 Chile proposed to Argentina that the two countries should reach an agreement as to the division of the land within the spirit of the Treaty of 1881, but received a rebuke from Argentina to the effect that it was well known that the land was claimed by Britain¹⁸.

Britain really started "political history" of the Antarctic when she published her letters patent of July 21, 1908, asserting sovereignty over a number of islands as well as Graham Land, and placing it all under the administra-

tion of the Falkland Islands, henceforth to be known as the Falkland Islands Dependencies. From the outset it was made clear that title to these territories was not the same as to the Falkland Islands themselves, but that this was only a matter of administrative convenience. It was likewise stated that this merely established definite limits over territory that had been under the effective control and sovereignty of Britain for many years.

The British claim, as announced in 1908, was to the "South Orkney, South Georgia and South Shetland islands, and Graham Land situated in the South Atlantic Ocean to the south of the 50th parallel of south latitude and lying between the 20th and 80th degrees of west longitude". Clarifying letters patent were issued on March 28, 1917, defining the claim more precisely to exclude anything north of the 58th parallel and west of 50°W., since it had been observed that a literal interpretation of the original claim would have taken in a part of the South American mainland and Tierra del Fuego. Britain's claim was based on alleged discoveries and acts of annexation by British nationals in the period 1675-1843 and the display and exercise of sovereignty between 1843 and 1908¹⁹.

At this point it is desirable to look back to 1903 when a Scottish expedition headed by Dr. W. S. Bruce established a meteorological station on Laurie Island in the South Orkney group (60°44'5"S. 40°42'5"W.) inside the accepted limits of the Antarctic. The Bruce party remained from April 1, 1903 until February 22, 1904, at which time the station was transferred to the Argentine Government Meteorological Office. In the ceremony of transfer, the flag of Scotland (sic) was taken down and replaced by that of Argentina. The Scottish scientists were evacuated by an Argentine vessel and the Laurie Island observatory has been maintained and manned by the Argentine Government ever since. It is the place in the Antarctic that has been continuously inhabited for by far the longest period — the strongest peg on which Argentina subsequently came to hang her extensive antarctic claims.

A member of the Bruce party, R. N. Rudmose Brown, wrote in 1906 in his book "The voyage of the *Scotia*":

"Often, among the varied topics brought forward in the cabin in the long winter evenings, arose the question of the ownership of the South Orkneys. And after many long discussions we arrived at the pleasing conclusion that even in this age of imperialism the South Orkneys had escaped the grasp of any country, and that we enjoyed the privilege of living in No-man's Land. But I fear it is no longer so. Not that we claimed them for Britain, — for even if we had been seized with a desire to widen the confines of our empire, we could not lay claim to new territory in our country's name without having a Government mandate, — and as for claiming them for Scotland, I fear that still less would have been recognized, though in Mossman they certainly had a Scotsman for their first governor. However, when the *Scotia* returned to the island in February 1904, with an Argentine staff to take over the meteorological observatory at Osmond House under the auspices of the Argentine Government, the Argentine naval flag was hoisted on the cairn where formerly the Scottish Lion flew; and I presume the South Orkneys are looked upon as a possession of that power, — the nucleus of an empire, perhaps, they may even seem to ambitious Argentine expansionists."²⁰

Brown remained in opposition to the principle of territorial claim in the Antarctic. In 1947 he wrote:

“Continuous occupation over any length of time in the Antarctic regions could be claimed only by Argentina who since 1904 has maintained a meteorological observatory at the South Orkney Islands and has recently founded another on the west side of Graham Land. . . . No state has the right to claim sovereignty over land which it cannot administer and that argument can be used against all sovereign claims in Antarctica.”²¹

Despite the establishment of the meteorological station in 1904, neither Argentina nor Chile objected to the promulgation of the British claims in 1908. The Argentine Foreign Office addressed a note to the British Minister in Buenos Aires, asking for information about the matter. The Minister forwarded him a copy of the *Falkland Islands Gazette* carrying the letters patent, and received a brief and routine note of acknowledgement, without further comment, which prompted him to report to London that Argentina presumably recognized the British claim²².

This interpretation was strengthened by the fact that an Argentine company, the *Compañía Argentina de Pesca*, applied for and obtained a British lease to land on South Georgia Island. A similar request was received from a Chilean company, the *South Georgia Exploration Company*, and another Chilean company, the *Sociedad Ballenera de Magallanes*, took out a British whaling license. (The Chilean Government cites the operation of this company in the South Shetland Islands in support of its claim.)²³

Argentina's apparent acquiescence did not mean that she was not interested in advancing her interests in the area. In 1914 Argentina negotiated with Britain for the transfer of the South Orkney Islands to Argentina in exchange for some urban real estate in Buenos Aires that was to be the site of the British Embassy. Arrangements were well advanced when a change of government in Buenos Aires prevented the deal²⁴.

The first overt assertion of an Argentine counterclaim was in 1925. Argentina had erected a wireless station at the Laurie Island weather observatory without asking the British for a license in accordance with the regulations of the International Telegraph convention. When Britain called this to Argentina's attention, the reply was that the station was on Argentine territory²⁵.

The 1920's and 1930's were a period of intense United States exploration in Antarctica. Commander Richard E. Byrd made his spectacular flight over the South Pole on November 29, 1929 from his base at Little America (New Zealand sector). Byrd's second expedition (1933-5), privately financed like the first, laid the foundation for what is recognized to be the United States' greatest contribution to antarctic technology — the adaptation of modern techniques and equipment. Another American explorer active in Antarctica in the 1930's was Lincoln Ellsworth, who made the first trans-antarctic flight and later surveyed from the air the section now known as the American Highland²⁶.

Byrd's third antarctic expedition (1939-41) was made under government sponsorship. Two bases were established, one at the old Little America site and one on Marguerite Bay on the Palmer Peninsula. It was intended that these should be permanent stations, which might have given the United States the right to make territorial claims within the spirit of the Hughes declaration, but the deterioration of the international situation and the outbreak of World War II led to the premature termination of the expedition and the closing of the settlements.

However, Byrd's expedition did advance American rights in two ways. The primary objective was to explore the region between 78° and 148°W. (Marie Byrd Land and Ellsworth Highland) where a potential American claim was strongest. President Franklin D. Roosevelt sent Amiral Byrd a letter of instruction dated November 25, 1939 — not made public until many years later — authorizing members of the Service to "take appropriate steps such as the dropping of written claims from airplanes, depositing such writing in cairns, etc., which might assist in supporting a sovereignty claim by the United States Government"²⁷.

The outbreak of World War II also had other repercussions in the southern continent. The Third Reich under Adolf Hitler had become increasingly interested in whaling and wished to secure a foothold in Antarctica as a base for operations. Apparently desirous of avoiding an unnecessary conflict with the British or antagonizing the Americans, North or South, the Germans concentrated their activities on the then unclaimed sector between 20°W. and 45°E. Norwegian whalers and explorers had a record of long activity in that area, but Norway had never laid claim to it. The season of 1938-9 was to be devoted to aerial reconnaissance and mapping, to be followed the next year by a more substantial expedition. The exploration was carried out by an 8,000-ton catapult ship, the *Schwabenland*, equipped with two 10-ton Dornier-Wal seaplanes that could fly inland from the ship lying off the coast. This operation was carried out for 10 days in January and February 1939, with thrusts extending up to 300 miles inland, and resulted in the discovery of mountains over 13,000 feet high. The Germans named this area Neu Schwabenland²⁸.

However, on January 14, 1939, 5 days before the first flight, the government of Norway, apparently alarmed at the prospect of losing out to the Germans in the area explored by Amundsen in 1911 and named Queen Maud Land, announced Norway's claim to the entire coastal area from 20°W. to 45°E.²⁹

Nevertheless, the German party dropped markers claiming the land for the Reich. Ernst Hermann, the geographer, later reported that the party landed on the ice shelf and raised the swastika a few hundred metres from the edge. "This is the outward sign that we Germans have trod this no-man's land and claimed it for Greater Germany", wrote Hermann. "The first German colony!", he added. A "native" waddled forward to meet them and they greeted him with a "Heil Hitler!" "The penguin", Hermann reported, "was not impressed"³⁰.

After the outbreak of the war German raider-commandos operating in antarctic waters seized a number of Norwegian whalers and factory ships and operated them for Germany. In the waters near the subarctic islands along the arm of the Palmer Peninsula German raiders could take refuge, rendezvous with their supply ships and land their crews for recreation. Operating from such refuges, they sank or captured several hundred thousand tons of allied shipping.

Even before, fears were felt in Washington lest German activities based in the Antarctic might endanger American and allied shipping. It was also feared that as an incident in its war with Britain, Germany might seize the British-claimed Palmer Peninsula and thus gain a foothold close to the South American continent. When the 21 American republics issued the Declaration of Panama in September 1939, they established a neutrality zone surrounding the North and South American continents. This included some islands and waters of the Antarctic. On May 24, 1940 Secretary of State Cordell Hull said "Considerations of continental defense make it vitally important to keep for the 21 American republics a clearer title to the Antarctic continent south of America than is claimed by any non-American country"³¹.

It seems likely that Hull's pronouncement encouraged both Chile and Argentina to press their territorial claims. On November 6, 1940 President Pedro Aguirre Cerda issued an executive decree defining Chile's antarctic territory as "all the lands, islands, islets, reefs, glaciers (ice pack) already known or to be discovered and their respective territorial waters in the sector constituted by the meridians 53° and 90° west of Greenwich"³².

The United States probably had not intended Hull's statement to result in such a sweeping claim on the part of one American republic, but from the Chilean point of view it was step in the direction of "keeping for the 21 American republics a clearer title to that part of the Antarctic continent south of America than is claimed by any non-American country". The United States voiced no complaint when Chile announced her claim, but restated the Hughes policy and the American policy of making and recognizing no claims. Britain objected and reminded Chile that most of the territory she was claiming had been British for many years. Argentina reminded Chile of her own rights in the area and proposed a meeting to talk it over. Julio Escudero Guzmán of Chile and Isidoro Ruiz Moreno of Argentina met in March 1941 and agreed on two things: (1) that a *South* American Antarctic exists and (2) that the only countries with exclusive rights of sovereignty over it are Argentina and Chile.

Several subsequent meetings have been held between Argentine and Chilean representatives in an effort to reconcile their differences. The Foreign Ministers of the two countries met in Buenos Aires in July 1947 and issued a joint statement expressing the hope that there would soon be reached an Argentine-Chilean agreement on demarcation of boundaries. On March 4, 1948 the La Rosa-Vergara Donoso declaration was issued, whereby the two countries agreed to co-operate in the zone of their combined, but

not common, sovereignty — 25° to 90° W. This declaration is often referred to as the Argentine-Chilean Declaration of Mutual Rights³³.

In addition to pressing her historical claims Chile asserts that geographical factors favour her rights. She asserts that the Antarctic Peninsula is a continuation of the Andean Cordillera as indicated by a submarine ridge that connects in a wide curve to the east the tip of Tierra del Fuego and the Antarctic Peninsula. If the crest of the Andes is recognized as the boundary between Argentina and Chile on the mainland, Chile contends, then the submerged range is the true dividing line between the waters of the Atlantic and the Pacific oceans. Under the treaty of 1881 islands in the Atlantic Ocean belong to Argentina and those in the Pacific Ocean to Chile. Chile would stand to lose if the meridian $68^{\circ}34'$ W., dividing Tierra del Fuego, were accepted as the line of demarcation in the sea and in Antarctica. A New Zealand scientist, Rhodes W. Fairbridge, author of "The Geology of the Antarctic" (1952), supports the submarine ridge thesis advanced by Chile³⁴.

Chile's proclamation, Hull's declaration, and British involvement in the war were probably factors that induced Argentina to send the *Primero de Mayo*, a naval vessel, to the Antarctic in 1942 and 1943. On the occasion of the first of these expeditions Argentina's antarctic territorial claim was officially stated to be the sector 25° to $68^{\circ}34'$ W., south of 60° S. It should be noted that $68^{\circ}34'$ W. is the boundary in Tierra del Fuego³⁵.

In 1946 an Argentine postage stamp was issued showing the western limit of Argentina's antarctic territory as the 74th meridian, which is approximately the westernmost point of Argentina's *mainland* (not Tierra del Fuego). That has been the boundary shown on maps and official publications ever since.

In spite of her involvement in the war Britain was anxious to maintain her position in Antarctica and carried out the Falkland Islands Dependency Survey (Operation Tabarin) in 1943-4 under the joint sponsorship of the Colonial Office and the Admiralty. Two ships, the *William Scoresby* and the *Fitzroy*, sailed south from the Falkland Islands to Deception Island, where Base B was established for weather observation and for territorial administration. The ships then turned southwest along the coast in search of another possible site. Meteorological observations as well as geological, topographical, and biological surveys were conducted and the ships returned to the Falkland Islands in February 1944³⁶.

The end of the war brought a spate of antarctic expeditions: the United States Navy's Operation Highjump, headed by Rear Admiral Byrd in 1946-7, Operation Windmill 1947-8, the Fin Ronne Antarctic Research Expedition of 1947-8; the Argentine expeditions of 1947, 1947-8, and 1948-9; Chilean expeditions of 1947, 1947-8, and 1948-9; and the British Falkland Islands Dependencies Surveys of 1947-8 and 1948-9³⁷.

After the Argentine meteorological station on Laurie Island, in continuous operation since 1903, the next oldest permanent settlement in the Antarctic is Base B, established by the British on Deception Island in 1944. Argentina's second antarctic station was established on Melchior Island on

March 31, 1947 and has been maintained in active status ever since³⁸. Later in the same year, on November 20, 1947, an Argentine party landed at Deception Island to protest the establishment of British Base B and to establish the third Argentina antarctic station only 4 miles from Base B. There have been reports of some "incidents" between personnel at the two bases, shots fired in the air, removing of flags, and exchange of token protests³⁹, but these incidents have usually been strictly *pro forma* and there have been other reports of friendly football matches, exchanges of courtesy calls, with toasts to the Queen or the President. Human relations among the few persons in the cold continent tend to be warm, despite national differences.

Chile's first permanent antarctic settlement was the Prat Base, established in January 1947, at Isla González Videla (formerly Greenwich Island), and from that time on the Maritime Governor of Chilean Antarctica and an officer in charge of the postal agency have resided there. The island is one of the South Shetland group and is located at 62°30'S., 59°41'W.

The second Chilean base, maintained by the Army, is at the extreme tip of the Palmer Peninsula (O'Higgins Land), 63°19'S., 57°54'W. It was inaugurated in 1948 by none other than President Gabriel González Videla⁴⁰, the only chief of state of any country over to set foot on antarctic soil. Chile had in 1961 three other permanent antarctic stations, established in 1951, 1955, and 1957 respectively.

Early in 1962 other countries were operating antarctic bases as follows: Argentina, seven bases with 100 men; United Kingdom, eight bases with 90 men; United States, two bases with 184 men; Soviet Union, three bases with 113 men; Australia, three bases with 70 men; New Zealand, two bases with 32 men; France, one base with 17 men; Japan, one base with 16 men, and South Africa, one base with 10 men⁴¹.

The Inter-American Treaty of Reciprocal Assistance signed by the 21 American republics at Rio de Janeiro in 1947 provided for an American Defense Zone extending to both poles and including the antarctic sector between 24°W. and 90°W., which is almost, but not quite, identical with the combined Argentine-Chilean claims (25°-90°). The treaty provides that an armed attack by any state against an American state, which takes place within the security zone, shall be considered as an attack upon all American states. Although this provision has nothing to do with sovereignty, it is often cited by both Argentina and Chile in support of their claims. It does mean that the United States might become involved in an unpleasant tangle with friendly allies in case of any open hostilities among Britain, Argentina, and Chile over their respective claimed territories.

The thorny question of what the United States would do in the event of a Russian encroachment has, of course, frequently been mentioned, especially since the Soviet Union has become exceedingly active in the Australian quadrant.

In 1948 the Department of State decided the time had come to bring the question of territorial claims to a head and sound out international opinion on some sort of solution, such as an international regime in which

all countries with a legitimate interest could participate on a basis of equality, relinquishing or pooling their claims. A Foreign Service Officer, Caspar Green, who had been "desk officer" for antarctic affairs, travelled to the capitals of all the claimant powers to present notes along the lines indicated and to discuss the idea with foreign government officials. Although Green was courteously received, his plan received no encouragement except in London. The British would have welcomed this opportunity to get rid of the heavy expense of maintaining their now permanent stations and still save face for the Empire. Elsewhere the responses were unfavourable. No one was willing to yield an inch of sovereignty. Faced with this reaction the United States took no further action until 10 years later⁴².

In 1949 the British, Chileans, and Argentines, sincerely desirous of avoiding incidents of violence that might embarrass them all, started exchanging notes, with copies to Washington and other interested capitals, saying that they foresaw no reason to send warships south of the 60th parallel for military purposes during the coming year. These notes have been sent annually ever since and amount to a sort of *modus vivendi*⁴³.

From time to time the British suggested that the matter of conflicting claims should be submitted to the International Court of Justice for final determination. In 1955 Britain prepared a formal application for arbitration of her disputes with Argentina and Chile and forwarded a well-documented presentation of her case to the Court at The Hague. In it were set forth the historical and legal bases for Britain's claims as well as detailed charges of alleged Chilean and Argentine acts of violation. In the presentation the British set forth a number of facts or allegations that the Argentines and Chileans had always carefully avoided in their propaganda, such as their failure to voice any objections at the time of the pronouncement of the British claim in 1908 and Argentina's overtures to buy the South Orkney Islands from the British in 1914. In accordance with the rules of the Court, Britain agreed to accept compulsory jurisdiction and to abide by its decision⁴⁴.

As Britain had expected, both Argentina and Chile refused to accept the jurisdiction of the Court and their curt replies were published by the Court, together with the British application and its enclosures, to bring the "case" to a close. In rejecting the Court's jurisdiction, both countries expressed their unwillingness to place any part of their national territory under adjudication by any foreign entity. Likewise, both referred to the inclusion of the sector within the security zone established by the Treaty of Rio de Janeiro and argued that this precluded discussion of any possible alienation of such territory considered essential to the defence and security of the western hemisphere⁴⁵.

By placing their case fully on record and forcing their adversaries to refuse the Court's jurisdiction the British succeeded in making it appear, to outside observers at least, that the two South American countries did not have full confidence in the validity of their positions.

It is of course also true that even a failure of Britain to win the case would still have left the South American countries with the unresolved

dispute between them. As long as the British threat is present they do not seem to be very much concerned about settling their controversy. A typical Argentine statement on this aspect is that of Alberto Luis Quaranta in "El Sexto Continente" (1950):

"There is little doubt that like the Argentine Republic, Chile enjoys valid titles with respect to the possession of antarctic land in the South American quadrant. The same reasons of geographical and historical nature serve her and to a certain extent the juridical reasons are similar, even though our country excels her notably in the matter of permanent and effective occupation. In any case it is unquestionable that the South American quadrant of the sixth continent belongs entirely to Argentina and Chile"⁴⁶.

In October 1951 the Executive Board of the International Council of Scientific Unions agreed to sponsor the International Geophysical Year (IGY) in 1957-8. It was planned and conducted as a world-wide multidisciplinary study of man's total environment. By means of co-ordinated simultaneous meteorological observations in all parts of the world it was hoped to solve or clarify many problems of geophysics, such as the origin of cosmic rays, laws governing global weather patterns, and aurora.

Similar previous efforts had been made in 1882-3 and 1932-3 with significant results despite a comparatively meagre participation and limited programs, and it was desired to make the 1957-8 program universal and, accordingly, of even greater value to science. All countries were invited to participate and most of them did. Preliminary meetings were held in Rome in 1954 and in Paris in 1955 to co-ordinate planning. Because of the strategic importance of Antarctica in meteorology, the antarctic program of the IGY was expected to be a very important part of the whole undertaking and the scientists of the world were hopeful that political considerations and rivalries would not be permitted to stand in the way of its successful realization.⁴⁷

It was at first expected that only those countries that had conducted recent activities in Antarctica would establish IGY stations there, but to the astonishment of most of the delegates at the Paris meeting, the Soviet representative announced an ambitious program for his country. In fact, he said, the USSR might build an observation post at the South Pole itself. When the American representative promptly said that the United States had already made plans to put one of its stations at the Pole, the Russians settled for the South Geomagnetic Pole.

Besides the United States and the Soviet Union all the antarctic claimant powers as well as Belgium, Japan, and South Africa established antarctic or subantarctic IGY stations. The American and Soviet participations were of such magnitude that it was necessary to mount extensive preliminary expeditions to get ready for them, reach the remote localities and build the stations. The preliminary US expeditions were known as Operation Deepfreeze I (1955-6) and II (1956-7)⁴⁸.

The United States maintained a station at Little America and a naval air facility at McMurdo Sound (both in the sector claimed by New Zealand),

the Ellsworth Station (in the zone claimed by Britain and Argentina), the Hallett Station, jointly with New Zealand in the zone claimed by the latter, Wilkes Station, in the zone claimed by Australia, the Byrd Station, in the heart of the unclaimed sector, and the Amundsen-Scott IGY station at the South Pole, where all sectors converge. The Byrd and Pole stations can be reached only with the greatest of difficulty, but there were strong political considerations that led the United States to persevere in their establishment.

The main Soviet base was at Mirny (66°33'S. 93°E.) and other bases were at Vostok at the South Geomagnetic Pole and Sovietskaya at the Pole of Inaccessibility. The Soviet undertaking was second to none in magnitude and daring, as well as in the number of persons involved. The fact that all Soviet stations were situated in the sector claimed by Australia gave rise to fears in Canberra lest they might not be abandoned after the IGY.

Australia maintained the Mawson Station in her sector. France operated two stations, Dumont d'Urville and Charcot, both in her narrow sector. New Zealand had her own station, Scott, 2 miles from the US naval facility at McMurdo Sound. Norway had one station in her zone and offered hospitality to the Japanese and Belgian stations. Britain maintained sixteen IGY stations, ten of which were on the Palmer Peninsula. Argentina and Chile maintained eight and seven stations respectively.⁴⁹

The antarctic program of the IGY was highly successful from a scientific viewpoint and can also be said to have served the useful objective of promoting better understanding, co-operation, and good will among scientists of the participating countries. Many stations received exchange visitors and observers from other countries, who were invariably treated with the utmost courtesy and deference. The conflicting claims of Argentina, Chile, and Great Britain did not stand in the way of friendly exchanges of observers among those countries. Neither did strained relations between the USSR and most of the other countries. It has been reported that the familiarity made necessary by close quarters, isolation, and long winter nights, far from breeding contempt and tensions, did much to promote better personal relations and harmony. Fortunately, observers were usually men of science of high calibre, little inclined to political debate.

Even before the IGY was fully under way there began to be speculation and concern about what would happen when it was over. Surely, thought officials of the western countries, the elaborate and expensive installations being built by the Soviet Union would not be casually abandoned. Australia, claimant to that territory, was frankly apprehensive about the impairment of her rights, realizing that there was nothing she could do by herself to oust the Russians. Even Argentina and Chilean officials began to worry about what they would do if the Russians came into their zones. It was one thing to voice a *pro forma* protest about British encroachments and top it off with a toast in scotch or *vino tinto*, but they had no appetite for *vodka*. Yet the Argentines and Chileans sensed that there was no one to whom they could turn for comfort on grounds of legality in such a contingency. The Americans refused to recognize their territorial claims, the British were their rivals and

even their own claims were in mutual conflict.

Meanwhile, the scientists of many countries, while not concerned about the political implications and rivalries of the participating countries, were seriously concerned lest anything stand in the way of continued fruitful scientific co-operation both during the IGY and in the post-IGY period.

During 1957 officials of several claimant countries approached the Department of State Washington, with suggestions that the United States take the initiative in calling a conference in which the Americans and all claimant powers would discuss the attitude to be assumed in the event of a Russian decision to remain in Antarctica after the end of the IGY. The following year, when Secretary of State John Foster Dulles was in Australia, Foreign Minister Richard G. Casey brought up the matter specifically.

The United States ultimately concluded that instead of trying to exclude the Russians from Antarctica it would be better to invite all countries with an interest in the area, including the USSR, to participate in a conference to be called for the purpose of assuring that the continent would be used for peaceful purposes only. A proposal along this line was made to representatives of Britain, Australia, and New Zealand, who held a series of talks in Washington following the Casey-Dulles conversation in Canberra. Soon thereafter, informal approaches were made also to representatives of France, Norway, Chile, and Argentina. With some reluctance, all finally agreed, after consultation with their governments, to participate in informal discussions with one another and with the Russians. The first meeting was at the Washington home of Ambassador Paul C. Daniels, who had been appointed a special assistant to the Secretary of State. Other participants included diplomatic representatives of the countries mentioned. At subsequent meetings diplomatic representatives from Belgium, South Africa, and Japan were also invited to attend.

Relatively rapid progress was made through these preliminary informal talks. As a result of agreement reached at this level, invitations were sent out in the name of President Eisenhower on May 3, 1958 addressed to Great Britain, Australia, New Zealand, Argentina, France, Norway, Chile, South Africa, the Soviet Union, Belgium, and Japan, inviting them to send delegates to a conference in Washington to be held for the purpose of concluding a treaty in which the contracting powers would agree on freedom of scientific investigation in the Antarctic by citizens of all countries in the spirit of international co-operation initiated during the IGY, and on the use of Antarctica for peaceful purposes only, including any other purposes not inconsistent with the United Nations charter. The invitation expressed the view that in such a treaty it would not be necessary for any participating nation to renounce whatever basic historic rights or claims to sovereignty it might have asserted and that the treaty could provide that such rights or claims would remain unaffected and that no new rights would be acquired or new claims made by any country while it was in force. "In other words", the note said, using an apt pun, "the legal *status quo* of Antarctica would be frozen for the duration of the treaty, permitting co-operation in scientific

and administrative matters to be carried out in a constructive manner without being hampered or affected in any way by political considerations⁵⁰.

Acceptance of the invitation was a foregone conclusion since the draft of the note had been discussed and cleared with the foreign representatives and some of them had had a hand in drafting it. Indeed, it appeared as if the ingenious proposal, simple and logical as it was, offered the ideal solution to save face all around and to facilitate the co-operation desired by all.

The conference took place in Washington from October 15 to December 1, 1959. It was attended by high-level delegations. In the opening plenary session each of the national delegates made a formal statement. The Chilean delegate, Ambassador Marcial Mora, referred to his country's historic claims and long-standing interest and activities. "My country is the closest one to the antarctic continent," he said and recalled that he, as Foreign Minister in 1940, had signed the decree defining Chile's antarctic sector. He expressed his country's full support for the overall objectives of the conference.

The Argentine delegate, Ambassador Adolfo Scilingo, referred to the Argentine-Chilean recognition of mutual rights, pointed out that Argentina was the first country to establish a permanent settlement in the Antarctic, and described the many activities of Argentine scientists in the cold continent. He said Argentina was pleased to co-operate in the conference on the clear understanding that her rights and claims were not under discussion.

The British delegate, Sir Esler Dening, lauded the purposes of the conference and dwelt at length on Britain's acts of discovery and scientific research in the area.

The Soviet delegate, Vasili V. Kutznevsev, reminded those present that Antarctica was discovered by a Russian and that the Soviet undertaking during the IGY was the most ambitious of all, centred mainly in the interior areas hitherto considered inaccessible. But he made this noteworthy statement:

"The selfless work of Soviet explorers in Antarctica gives valuable scientific data, which become available to the scientists of all countries. The Soviet scientists naturally realize that the results of their research constitute only a part of what has recently been done by all scientists working in Antarctica. We are glad to note that in Antarctica — the coldest region of our planet — exceptionally warm relations have developed between scientists from different countries."⁵¹

Ambassador Daniels of the United States said he would refrain from enumerating in detail the many activities of American explorers and scientists, lest he tire the listeners, but he did wish to put on record that those activities were extensive and had been carried out over a long period of time.

"It is our hope," he said, "that not only will we successfully conclude a treaty along the lines that have been outlined and which we will further refine, but also, having concluded that treaty, we hope that there will radiate forth from it and from Antarctica and into an otherwise troubled world a little additional warmth and understanding, additional light and knowledge, and added hope for peace."⁵²

The treaty concluded at the conference follows the general lines of the American proposal outlined in the letter of invitation. To ensure that the continent will be used for peaceful purposes only, it made provision for an

effective and unprecedented system of inspection. It contains the expected provisions concerning territorial claims and rights. It is of indefinite duration, but after 30 years any party can call a conference for review and amendment. In addition to the original signatory powers, it is open for accession by any state, which is a member of the United Nations or which is invited to accede with the unanimous consent of the contracting parties.

The last three countries to ratify the treaty were Argentina, Chile, and Australia, all in June of 1961. The treaty came into effect on June 23, 1961⁵³. In announcing its becoming effective, President John F. Kennedy said, "I earnestly believe that the Antarctic Treaty represents a positive step in the direction of world peace."⁵⁴

The first inspections of foreign bases were made when New Zealand inspected three American bases, including the South Pole station in 1963. In September 1963 the U.S. Government invoked the treaty when it requested permission to visit the Soviet and other foreign bases. The State Department said it had no evidence of any violations, but wanted to establish a precedent. The Soviet Union raised no objection and the U.S. inspection team, including experts on nuclear testing and biologists to check on the conservation of penguins and seals, left Washington for the Antarctic on December 26, 1963. The inspection was expected to be completed by March 1, 1964⁵⁵.

It is to be hoped that the treaty will prove so successful that the question of national sovereignty will become purely academic and, as time goes by, all but forgotten. Although the intrinsic and tangible value of the resources of Antarctica has yet to be proved, in this day of interplanetary exploration any part of our own little globe, however inhospitable its climate or terrain, will appear to be very close. The absurdity of different terrestrial states staking out claims on the moon, Jupiter, or Mars, or of sectors thereof, may possibly be avoided if those states that have discovered, explored, or settled parts of Antarctica will lay aside their rivalry and work together peacefully and harmoniously in the interest of science and of all mankind.

Notes and references

¹Facts and impressions expressed in this article that are not attributed to specifically cited sources are based on the author's experience as Officer in Charge of Antarctic Affairs in the Department of State in 1957-8.

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