

(3) Procedural Questions.

The United States representative at to-day's meeting circulated in one document a draft containing the suggested rules of procedure for the Conference (copy attached). The group proceeded to consider very tentatively this draft, and the following points of view were expressed:

(a) Appointment of Secretary-General.

There was again some discussion of this question, the Soviet representative maintaining that the Secretary-General should be appointed by the Conference and not by the host government, while other representatives maintained that the host government could do the provisional appointing and that the Conference could approve the appointment when it met. There was no further progress on the matter but the Soviet stand would appear to be impracticable, as it will be necessary for the Secretary-General to provide all the organisational arrangements for the Conference before it convenes. It was also pointed out that a distinction should be drawn between a Secretary-General of international organisations and a Secretary-General of an Ad Hoc Conference. It was essential that the former should be appointed by the organisation itself because a Secretary-General of such an organisation is elected on a continuing basis and has certain executive responsibilities which give him authority to act in certain matters on his own. This is, however, not the position of a Secretary-General of an Ad Hoc Conference who has no responsibilities other than those which evolve upon him at the work of the Conference and is subject always to direction by the Chairman of the Conference.

(b) Credentials Committee.

The Soviet representative was of the opinion that the Credentials Committee should be appointed by the Conference and not by the Chairman. There was, however, no discussion on this point.

(c) To an enquiry as to whether the Chairman of a Committee would, like the Chairman of the Conference, not have the right to vote, the United States representative on Conference matters (who had been invited to attend to-day's meeting of the group) replied that it was his understanding that although rule 14 provides that Committees shall "in so far as possible operate under the same rules of procedure of the Conference" it would nevertheless be open to the Committees to adopt their own decision on this question. Ambassador Daniels, however, felt that it might be desirable to have the position set out clearly in the rules and suggested that rule 10 should, therefore, be amended by adding the words "of the Conference" after the words "as Chairman" in that rule.

(d) Voting Procedure.

This question was discussed fairly thoroughly. The Soviet representative maintained that voting on all

AIRBAG.

20th August, 1958.

SECRET.

The Secretary for External Affairs,

PRETORIA.



(a) Appointment of Secretary-General.

ANTARCTICA.

The only meeting of the working group which will be held this week took place this morning. The group did not manage to make progress on those matters which up to now have proved to be a stumbling block. Nevertheless the following points which were discussed at this morning's meeting should be brought to your attention:

(1) Time.

As already reported in my despatch 43/44 of 15th August, 1958, the instructions of the Australians are that they should maintain a firm stand on not agreeing to a date for the Conference until there has been some progress on questions of substance. Because of the Australians' firm attitude, it was felt that it would be embarrassing to them if pressure was brought to bear on the group to-day to decide on a date for the Conference, and it was, therefore, decided as a result of informal consultations prior to the meeting of the group that delegates should avoid committing their Governments on this question to-day. Consequently, in spite of the decision of the group that members would to-day report on the desirability of 23 October as a date for the Conference, the discussion was a limited one and no decision was reached. This question will again be discussed at subsequent meetings of the group.

(2) Announcement of Time and Place.

In view of the lack of progress on the question of time, it was felt it would be premature to give consideration to the form of the press announcement and this matter was taken no further at to-day's meeting.

A number of delegates, however, expressed concern at the fact that an article which appeared in the New York Times this morning mentioned that talks were being held "quietly" in Washington on the question of a Treaty on Antarctica and that "they are expected to announce shortly the time and place for a formal Conference". This press report may have been based on intelligent speculation, but the group considered it necessary to reaffirm the hope that delegates would confine their replies to any enquiries from the press to a statement along the lines of that agreed on by the group at an earlier meeting (see my minute 43/44 of 15th July, 1958). \*

\* A further article appeared in the New York Times on 11 August 21st. Both articles are attached.



SECRET.

20th August, 1958.

With the  
Compliments of the  
Embassy  
of the  
Union of South Africa  
Washington, D.C.

LONDON.

*Lie Hai Kam: Jll 24/8*  
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20th August, 1958.



ANTARCTICA. Discussion of the...  
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- (3) Separate provision for co-operation by non-signatories in scientific activities e.g. a Protocol for scientific co-operation, an Institute for Antarctic Research, or conferring the administration of scientific co-operation on a scientific body such as S.C.A.R.

Yesterday's meeting thought that these possibilities could be better considered if they were elaborated in more detail, and the United States, Chilean and Australian representatives were asked to draw up draft texts for later consideration. It should be mentioned that yesterday the United States representative said that whereas the United States had at first been opposed to an accession clause, their position was now flexible. On the other hand the Australians who had been the main proponents of an accession clause said that while they still thought it might prove necessary to fall back on such a clause to meet the Russian case and international opinion, they would not press it until consideration had been given to the other possibilities. In particular they thought the idea of a Protocol might bear examination.

Copies to London and Canberra.

J. G. STEWART

CHARGE D'AFFAIRES a.i.

The Russian representative at the Conference should be given the opportunity to express his views on the proposals for a counter to any proposal for accession of Antarctica at the Assembly. Against this it should be noted that if a date should be fixed without any reference to the question of participation the Russian could be expected to express his views in the General Assembly. If a speech with the Russians should become necessary this should not be on the basis of participation in the Conference, for on this score the Russians would have a strong appeal to international opinion. It would be better to keep the preparatory talks going during the General Assembly, directing them as much as possible towards a view of accession, and if a break should prove unavoidable, let this be on the pretext of the Russians to discuss conditions, and let it be on a stage when it would be too late for the question of accession to be raised in the General Assembly.

The British seemed to be fairly confident that the Indians are unlikely in their intention to withdraw their item in the General Assembly. In terms of the rules of procedure it seems that the item cannot be withdrawn until the General Committee meets. Even should the matter come up in the General Assembly, however, by the failure of the Indians to withdraw, or through the Russians' great determination to insist that it should be finally decided or prevent any resolution being adopted. But in this connection the Russians would be in a

stronger position if they could exploit a break on the issue of participation in the Conference.

There was some discussion on the question of whether inscription of an item on the agenda of the General Assembly should be opposed. It was clear, however, that in terms of established policy the United States and some other countries would not be able to oppose inscription. It seems doubtful whether inscription could be defeated, but the general opinion was that any resolution (which would probably require a two-thirds majority) could be blocked.

Should the preparatory talks be kept going for the greater part of the General Assembly, the Antarctic Conference would probably not be held until after the termination of the International Geophysical Year. Continuation of the scientific co-operation of the I.G.Y. is one of the main purposes of the Conference. But the British said that they had given consideration to this and could see no real difficulties, and this seemed to be the general opinion. On the other hand sight must not be lost of the decision of the recent meeting of the S.C.A.R. in Moscow to continue I.G.Y. co-operation, which the Russians have given a lot of publicity.

In the end it was agreed that an attempt should be made to keep the preparatory talks going. To this end the regular meetings could perhaps be reduced to one a week and informal consultations could take place at the same time between the 'Eleven' - not necessarily by meetings of all eleven, as it might be difficult to keep this from the knowledge of the Russians - but perhaps among different groups which would consult in turn with the others.

At the meetings of the Twelve further attempts would be made to get the Russians to discuss matters of substance. As they seemed to be willing to talk about the agenda of the Conference it might be possible to bring in matters of substance in this context - also wherever possible in discussion of matters of procedure (e.g. establishment of Committees).

It would be desirable if the Eleven at the same time could attempt to reach agreement among themselves on the main matters of substance. This they could do by informal consultation. It would also be desirable that they give consideration to the line to be adopted by them in the General Assembly should the matter still for any reason come on the agenda.

One of the most important matters on which agreement should be reached among the Eleven would be the position of non-signatories of a Treaty. (This, together with such provision as might be agreed for the admission of observers to the Conference, would be the answer to the Russian case for widening participation in the Conference itself). The possibilities which had been mentioned were:-

- (1) An accession clause in the Treaty.
- (2) Provision in the Treaty for non-discriminatory treatment for non-signatories with the proviso that the rules of the Treaty be observed.

7.5.16/7

43/44

CONFIDENTIAL

August 23, 1958.

THE SECRETARY FOR EXTERNAL AFFAIRS,  
PRETORIA.

Antarctica

At the suggestion of the Australians an informal meeting was called yesterday of representatives of all countries taking part in the preparatory talks except the Soviet Union. The purpose of the meeting was to decide on future tactics in the light of the deadlock which seemed to be arising in the group of twelve.

As you know the impasse has arisen because on the one hand the Russians have firmly refused to discuss matters of substance relating to the proposed Treaty and have firmly insisted on extending participation in the Conference; whereas on the other hand all the others are opposed to participation in the Conference being widened, and the Australians are not prepared to agree on a date for the Conference until some progress is made in consideration of matters of substance. On the latter point the Australians have recently received strong support from the British, and in any case the majority of delegations desire some progress on matters of substance.

At yesterday's meeting the Australians and British proposed that the preparatory talks should be kept going until towards the end of the U.N. General Assembly. The majority had desired that the date for the Conference should be fixed before the Assembly commenced as a counter to any proposals for discussion of Antarctica at the Assembly. Against this it was argued that if a date should be fixed without any solution of the question of participation the Russians could be expected to capitalise on this in the General Assembly. If a break with the Russians should become necessary this should not be on the issue of participation in the Conference, for on this score the Russians would have a strong appeal to international opinion. It would be better to keep the preparatory talks going during the General Assembly, directing them as much as possible towards matters of substance, and if a break should prove unavoidable, let this be on the refusal of the Russians to discuss substance, and let it be at a stage when it would be too late for the question of Antarctica to be raised in the General Assembly.

The British seemed to be fairly confident that the Indians are sincere in their intention to withdraw their item in the General Assembly. In terms of the rules of procedure it seems that the item cannot be withdrawn until the General Committee meets. Even should the matter come up in the General Assembly, however, (by the failure of the Indians to withdraw, or through the Russians) most delegations seemed to think that it should be easily possible to prevent any resolution being adopted. But in this connection the Russians would be in a

2./...

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With the  
Compliments of the  
Embassy  
of the  
Union of South Africa  
Washington, D.C.

The High Commissioner for the Union  
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COPY.

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ANTARCTICA

FRENCH POSITION REGARDING FREEZING 28th August  
OF CLAIMS.

New Zealand authorities have expressed the following comments on the French position in response to enquiries made by the New Zealand Embassy on 17 July.

It is recognised that some countries may be concerned on the question of sovereignty in the sense that they wish to retain the right to exercise some attributes of sovereignty during the period of the treaty. The objective in the current series of discussions, however, should be to arrive at a situation which would subordinate this issue to other more positive considerations. There is little possibility of achieving a constructive international solution of these difficult problems as long as claimants or potential claimants regard the maintenance or acquisition of "sovereign rights" as primary objective of the exercise.

It is noted that the French authorities see some contradiction in the freezing formula between (a) the refusal to recognise sovereign rights and (b) their implicit recognition by the formal guarantee provision of the treaty. It is assumed that the words "formal guarantee provision" refer to the second part of the draft on claims, i.e. "maintenance of legal status quo existing at the time this agreement enters into force with respect to matters of sovereignty". In the New Zealand view, this should not be regarded as implicit recognition of sovereign rights but merely as a statement that the agreement, and activities undertaken pursuant to the agreement, should not have any effect on the legal position of states concerned as it exists at the time when the agreement is concluded. The formula, no doubt advisably, begs the question of whether this legal position amounts to sovereignty.

The French authorities have raised the question whether an administrative organisation might develop out of the treaty which would exercise, in effect, sovereign rights which were frozen by the treaty and thereby commit encroachments upon national sovereignties and constitute a grave threat to them. The New Zealand view is that the exercise of any such jurisdiction by a supra national authority would not seem to affect the existing legal basis for sovereignty so long as an express disclaimer is retained in the proposed article on claims. The treaty might best be regarded by claimants as an agreement not to exercise full sovereignty and, in this respect, it would be no different from most other treaties which usually involve agreement by governments to limit in some way the exercise of their sovereign powers.

Embassy of New Zealand,  
Washington, D.C.  
31 July 1958.

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COPY.

S E C R E T.

ANTARCTIC CONFERENCE: DRAFT AGENDA.

1. Opening statement by temporary Chairman.
2. Election of Chairman.
3. Election of Vice-Chairman (or Chairmen).
4. Confirmation of appointment of Secretary-General.
5. Appointment of Committees:
  - (a) Credentials Committee;
  - (b) Legal Committee;
  - (c) Scientific Committee;
  - (d) ----- etc.
6. Adoption of rules of procedure.
7. Consideration of draft Treaty:
  - (i) Use of Antarctica for peaceful purposes only.
  - (ii) Scientific research and cooperation.
  - (iii) Status quo on rights and claims.
  - (iv) Jurisdiction in regard to civil disputes and criminal matters.
  - (v) Settlement of disputes between parties.
  - (vi) Administrative arrangements.
  - (vii) Definition of Antarctica.
  - (viii) Ratification of the Treaty.
  - (ix) Entry into force of the Treaty.
  - (x) Position in regard to non-signatories.
  - (xi) Duration of Treaty.
  - (xii) Other matters.
8. Approval of the Treaty.
9. Signing of the Treaty.
10. Arrangements for first meeting of treaty representatives on administrative matters.
11. Adoption of Conference Report.

27th August, 1958.

S E C R E T.

of the peaceful use of Antarctica for scientific purposes. The Soviet representative has never elaborated fully his objections to this item on rights and claims, but it seems that the Russians fear that any formula which would in some way "freeze" the position in regard to claims might be interpreted as strengthening those claims. For opposite reasons the French are also opposed to the Treaty dealing with rights and claims. They apparently are not satisfied that any formula evolved could not lead to encroachment on national sovereignty during the period of freezing. Up to now the French representative had not expressed any definite view in the group, but at yesterday's meeting he stated that his Government would not wish the Conference to concern itself with the question of rights and claims. This statement was made immediately before the adjournment, and no further discussion took place.

As regards the French position regarding freezing of claims, we understand that talks have taken place between them and some of the other claimant countries, and in this connection I enclose for information a copy of a confidential memorandum given to us by the New Zealand Embassy.

The next meeting of the group will take place on 3rd September.

Copies to London and Canberra.

J. G. STEWART

CHARGÉ D'AFFAIRES a.i.

Some discussion took place on whether the problem could be solved by deleting the item from the agenda, but reaching agreement separately during the course of the Preparatory Talks on the incumbent of the post of Secretary-General. The Soviet representative would not commit himself on this proposal; and as no progress seemed possible, the matter was deferred to a later meeting.

Item 5. Appointment of Committees.

The United States pointed out the need for a "Style" Committee. This would be a small Committee of one representative for each of the four working languages, to ensure equal texts in the final documents.

Everyone seemed agreed that for practical and financial reasons it was desirable to ensure that the number of Committees, apart from the Credentials and Style Committees, should be limited as far as possible. Some hope was expressed that only two such Committees would be necessary, but the general opinion seemed to be that three would be required. Some delegations pointed out that a decision on Committees would have to be dependent on a decision on the heads of the draft Treaty (item 7 of the agenda), but time did not permit of any serious consideration of item 7 at yesterday's meeting.

Before we adjourned, however, the United States representative suggested that as a basis for discussion, the group might like to consider at a later meeting a tentative Committee structure on the following basis:

- Committee I : Peaceful uses.  
Scientific research and co-operation.  
Administrative measures.
- Committee II : Status quo on rights and claims.  
Jurisdiction in regard to civil disputes  
and criminal matters.  
Settlement of disputes between parties.  
Zone of application of Treaty.
- Committee III : Other matters.

Item 7. Consideration of draft Treaty.

The Soviet representative proposed the deletion of item 7(vii) (Definition of Antarctica), reverting to his earlier contention that as S.C.A.R. had already defined Antarctica there was no need for the Conference to do this. It was pointed out to him that a zone of application of the Treaty would have to be determined by the Conference and embodied in the Treaty and he was asked whether he would not agree to the item being retained in the draft agenda with the substitution of the title "Zone of Application of Treaty" for "Definition of Antarctica". He replied that he would have to seek instructions.

The Soviet representative also proposed the deletion of item 7(iii) (Status quo on rights and claims). He referred to the Soviet comment on this in their reply to President Eisenhower's invitation to the Conference, and argued that the purpose of the Conference should be limited to the consideration

28th August, 1958.

CONFIDENTIAL.

The Secretary for External Affairs,  
PRETORIA.

ANTARCTICA.

The only meeting this week of the group of twelve met as arranged on Wednesday, August 27th, under the Chairmanship of the Australian representative. Below is set out a resumé of the exchange of views at the meeting.

(1) Time and Place.

The Russian representative wanted to know whether, as agreed by most representatives a few weeks ago, the Conference would be held here on October 23rd. This date would be acceptable to his Government. The Japanese representative thought it unwise to decide on a date at this stage in view of the slow progress in the preliminary discussions and the uncertainty about the Indian proposal to have Antarctica included on the agenda of the forthcoming session of the United Nations General Assembly. On the other hand he would support in principle the fixing of a target date, should the majority of the representatives decide on this and in case such a step might speed up the discussions. In view of the discussion at the meeting of eleven on August 22nd (my minute 43/44 of August 23rd), other representatives were non-committal on this subject, and no decision was taken.

(2) Agenda for a Conference.

It will be recalled that Mr. Booker (Australia) at the last meeting of the group of twelve had agreed to produce a draft Conference agenda for consideration at this week's meeting (my report of 20th August). A copy of the draft agenda circulated at the meeting, is attached. The following preliminary points of view were expressed on the draft during the discussions that followed:

Item 4. Confirmation of Appointment of Secretary-General.

The Soviet representative again insisted that the Secretary-General should be elected by the Conference. A lengthy discussion took place on this, the other representatives pointing out the impracticability of such a procedure. The Secretary-General would have to commence the preparatory work for the Conference, appoint staff, etc., at least a month before the commencement of the Conference. Furthermore, as he would be responsible for the administration of United States funds it would be necessary that he be conversant with United States financial records. In any case it was doubtful whether the United States Treasury would countenance financial responsibility devolving on a Secretary-General who was not a United States citizen.



28th August, 1958.

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*With the  
Compliments of the  
Embassy  
of the  
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Washington, D.C.*

LONDON.

28th August, 1958.



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Washington telegram No.471 Saving to Foreign Office

- 2 -

considerations which might influence his Government against that date. He had no fresh instructions on the question of participation. The Japanese representative said that his Government had no objection to the date of October 23. The New Zealand representative said his Government was prepared to agree to a suitable date in October, but that he had no instructions about October 23. The United States representative stated that the Conference he had in mind was one confined to the Governments already invited.

3. The United States representative asked whether representatives wished to express any views on the draft press release which he had circulated at the previous meeting. The Australian representative said that in his view it was premature to discuss the press release. He had noticed with dismay that this morning's edition of the "New York Times" carried a well-informed report about our discussions and that it went so far as to suggest that an announcement about the time and place of the Conference would be made shortly. The French representative associated himself with these remarks. He had been disturbed to discover that members of other Embassies in Washington seemed to be well informed about the course of our discussions, and in particular about the attitude of the French Government on certain important problems. We supported the remarks of the two previous speakers in regard to the report in the "New York Times". We expressed the hope that all representatives would keep strictly to the line which had been agreed unanimously at the Fifth meeting (my telegram No.375 Saving of July 15), when answering questions from the press. We pointed out that speculation in newspapers about the imminence of an announcement on the time and place of the Conference might seriously prejudice the position of Governments which were not yet prepared to commit themselves to a definite date. The United States representative associated himself with our views. There was no further discussion about the date of the Conference or the press release.

4. The United States representative then circulated a document entitled "Draft rules of procedure", based on the working papers which were forwarded under cover of Benest's letter 1520/210/58 of August 7 to Hankey. It was agreed that this document should be referred to Governments, but certain points in it were discussed today. We are reporting this part of the meeting by letter.

5. At the end of the meeting, the Chairman thanked Ambassador Gajardo, who is about to return to Chile, for the valuable contribution he had made to the discussions.

6. It was agreed that the next meeting should be held on Wednesday August 27. We are sending our comments by letter.

B B B  
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INWARD SAVING TELEGRAM

FROM WASHINGTON TO FOREIGN OFFICE

BY BAG

FOREIGN OFFICE AND

WHITEHALL DISTRIBUTION

Lord Hood

No. 471 Saving  
August 20, 1 958

R. August 22, 1958

CONFIDENTIAL

Addressed to Foreign Office telegram No.471 Saving of August 20

Repeated for information Saving to: U.K.Mission New York  
Santiago  
Buenos Aires

My telegram No. 458 Saving [of August 14]:

ANTARCTIC TREATY.

The Fourteenth meeting of the Twelve was held today. The date of the proposed Conference and questions of procedure were discussed.

2. The Argentine representative (who was in the chair) opened the meeting by asking whether representatives wished to say anything further about the date of the Conference. The United States representative said that his position was flexible and that he was willing to agree to any date that was generally acceptable. The Australian representative said that he still thought that it was premature to fix a date. We said that our position was unchanged. We still believed that it would be better to take no decision about the date of the Conference until a greater measure of agreement had been reached on questions of substance. But we were ready to agree to a Conference meeting at the end of October, if this were the general wish, provided that a clear understanding could be reached on the question of participation. We enquired whether the Soviet representative had received new instructions which might open the way to agreement on this subject. The French representative said that he had previously agreed to the date of October 23, but that recent speeches by the Soviet representative seemed to imply that he was thinking of a Conference which was different to the one which the United States Government had proposed. The Soviet representative stated that he had not received any instructions about the date of October 23, but that he knew of no particular  
/considerations

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Washington telegram No.454 Saving to Foreign Office

- 3 -

7. The Argentine representative also pointed out that the areas claimed by his Government in the Antarctic were considered to be part of the national territory. He supported the formula adopted by the United States Government in issuing their invitations. If other countries had been interested in Antarctica they could have participated in activities there under the IGY programme. The United States representative said that, in issuing their original invitations, the United States Government left open the questions of the time and place of the Conference, to be settled by mutual agreement. The United States Government had not suggested that there should be any discussion about participation in the Conference. Provision would be made in the Treaty itself for scientific activity in Antarctica by third countries on a non-discriminatory basis. The work of planning and organising the Conference would be greatly complicated if the United States invitation were revised and addressed to all countries. He doubted whether a Treaty could be negotiated in a wider circle than the twelve powers already taking part in our meetings. The South African, Norwegian, Japanese, Belgian and Australian representatives all spoke briefly in favour of confining the Conference to the Twelve.

8. The Soviet representative then replied to the points made against his earlier statement. The fact that the United States Government had seen fit to issue an invitation to eleven governments only did not, in his view, affect the issue of participation. The United States Government had no exceptional right to issue invitations on the subject of Antarctica to particular governments. He thought that the list of powers invited should be enlarged without reference to the basis on which the original invitation had been sent out. He did not believe that it was valid to argue that the task of negotiating the Treaty would be easier in a limited circle. Convenience was not a sufficient reason for excluding other powers. The Antarctic Conference would be of the utmost importance to all countries. In such circumstances, it was common international practice to invite all who would be interested. He took exception to the argument that the list of those invited should be limited to twelve on the grounds that other powers had not shown interest in scientific activity in Antarctica. The main purpose of the Treaty was to provide for international cooperation in the future, so we should not base our decisions on the past. If we were to be equitable to all powers, we should not deny them the right to participate in the Conference. He believed that questions involving territorial claims in the Antarctic went beyond the scope of the Conference.

9. We expressed the hope (in our capacity as Chairman) that the Soviet representative would reconsider his attitude.

10. It was agreed that the discussion on participation should be continued at the next meeting, on Thursday.

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Washington telegram No. 454 Saving to Foreign Office.

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and that it should be referred back to governments in the hope that final agreement could be reached at the meeting of the Twelve on Tuesday August 22. This was agreed, without reservation by all representatives, except the Australian, who again said that he had to reserve his position, and ourselves. We repeated that we were ready to accept any date at the end of October, provided agreement was first reached on the question of participation. We then explained our views on participation, (Your telegram No. 5570 / of August 6 / paragraph 2). We said that we believed the difficulty of negotiating a Treaty would be greatly increased if the number of powers attending the Conference were enlarged. We therefore thought that participation should be limited to those already invited. The interests of other powers would be safeguarded in the Treaty. Although we recognised that there were differences of opinion about how this should be done, we believed that agreement between all concerned could be reached.

4. The Soviet representative (speaking in Russian) said that he would like to make a statement on participation. He believed that it was impossible to justify any attempt to restrict participation in the Conference to a limited circle of twelve powers. Such restricted participation would not serve the main purpose of the Treaty, which was to foster scientific research by all countries in the Antarctic. He found it difficult to believe that any representatives at the meeting would wish to deny that other countries besides the Twelve could make an important contribution to research in Antarctica. Participation in the Conference should not be limited to the countries already engaged in scientific work in the Antarctic. We must encourage others to join in. He proposed that we should issue invitations to all countries to take part in the work of the Conference.

5. We remarked (in our capacity as Chairman) that the meeting was faced with a most important matter on which all representatives would wish to speak. The United Kingdom position had already been stated, we therefore invited other representatives to give their views. The New Zealand representative said that he believed the formula adopted by the United States Government in issuing their invitation to the Conference was the logical one; he also stressed that it was the intention that the Treaty should give other countries access to Antarctica. The French representative said that we were meeting in reply to an invitation from the United States Government; if we were to adopt some formula different to that on which the United States Government had acted in issuing their invitation, we should be convening a different conference. The powers represented at the present meetings were those which had experience in Antarctic activities.

6. The Chilean representative set out his Government's position in a lengthy statement. The question of participation was a fundamental one. His Government considered that the Chilean Antarctic areas formed part of Chile's national territory; they were not prepared to discuss the fate of this territory with all powers. The United States invitation had been directed to eleven governments and the Chilean Government had accepted it on that basis. He believed that the Treaty should be negotiated by the governments represented at the present discussions. It was not intended that other powers should be denied access to Antarctica for scientific purposes. But this could be done through the Treaty. There were many examples of international problems being tackled on the basis of regional cooperation; provision was made for this in the United Nations Charter.

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BY B4G

INWARD SAVING TELEGRAM

FROM WASHINGTON TO FOREIGN OFFICE

Lord Hood

FOREIGN OFFICE AND  
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No. 454 Saving  
of August 12, 1958

CONFIDENTIAL

R. August 14, 1958

Addressed to Foreign Office telegram No. 454 Saving of August 12  
Repeated for information Saving to: UKMIS New York

My telegram No. 438 Saving / of August 7\_/:

ANTARCTIC TREATY.

The twelfth meeting of the representatives of the Twelve was held today. We were in the Chair. The date of the Conference, and the question of participation, were discussed.

2. As usual, the date of the Conference was the first item on the agenda. The South African, Norwegian, New Zealand, Japanese, French Chilean, Belgian, Argentine, and United States representatives all expressed support for the idea of a Conference in the second half of October. The Soviet representative said that his Government had no particular date in mind, but that they would be ready to consider any proposal that found general favour. The Australian representative said that his Government, were not ready to fix a definite date; he therefore reserved his position. We said that we still considered that it would be better to take no decision about the date of the Conference until a wider measure of agreement had been reached on the substance of the Treaty. Nevertheless, we were ready to agree to the Conference meeting at the end of October, if this were the general wish, provided that agreement was first reached on the question of participation.

3. The New Zealand representative then suggested that it might be helpful if the meeting could agree upon a definite date, in the second half of October, for reference back to governments. October 20 and October 27 were put forward as possible target dates. A State Department expert on conference facilities, who had been invited to attend the meeting, said that there might be difficulty in providing the necessary facilities in Washington after December 8. The United States representative therefore proposed that Thursday October 23 should be adopted as the target date for the Conference, /and that

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Washington telegram No. 458 Saving to  
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9. The Argentine and Australian representatives spoke briefly in support of the idea that the conference should be limited to the powers already invited.

10. The United States representative (in his capacity as Chairman) suggested that the next meeting should discuss the date of the conference and questions of procedure, in particular the working papers he had provided on committees and the agenda. We reminded the meeting of the statement we had made on Tuesday to the effect that we were ready to agree to a date at the end of October, provided that agreement was first reached on the question of participation. We would wish to press for a further attempt to reach agreement on this latter problem.

11. The next meeting will be held on Wednesday, August 20. A second meeting next week may be held on Friday.

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Washington telegram No. 458 Saving to  
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to attend the conference by the United States Government, since these were the only powers which had been actively concerned with scientific work in Antarctica. There was no intention of Creating a monopoly of research in Antarctica. Provision would be made in the Treaty itself for access by third powers. There were various ways in which this could be done; for instance, an International Institute of Antarctic Research might be set up. In his view, the only way to proceed was for the Twelve to prepare a Treaty, which would include provisions designed to enable other powers to engage in scientific research in the Antarctic if they wished.

7. We re-stated our position briefly. We believe that participation in the conference should be limited to the powers already invited. In our view, the difficulty of negotiating the Treaty would be greatly increased if the number of powers attending the conference were enlarged. We had no intention of creating a monopoly, as alleged by the Soviet representative. On the contrary, we intended that the interests of other powers should be safeguarded in the Treaty. We felt confident that agreement about the best method of doing this could be reached amongst all concerned.

8. The Soviet representative again repeated that since the purpose of the Treaty was to ensure freedom of scientific research in Antarctica for all powers, he could not understand why they should not be invited to attend the conference. He believed that any attempt to raise questions of territorial claims would only result in a limitation of the freedom of scientific research. He reminded the meeting of the passage on territorial rights and claims in the Soviet reply to the American invitation. The purpose of the conference on Antarctica was to conclude a Treaty providing for freedom of scientific research in the Antarctic and to ensure that the area was used for peaceful purposes only. Questions that went beyond these points, should be considered at a further conference and not at the one we were planning.

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4. The United States representative also said that a decision would have to be taken about the manner in which the announcement would be made; it might, for instance, be made by a spokesman on behalf of the Twelve (perhaps by the Chairman after one of the regular meetings) or by the United States Government as the host. It would probably be impracticable to make a simultaneous announcement in all the countries concerned. In the discussion on these points, a number of representatives stressed the importance of ensuring that there was a reasonable interval between a decision by the Twelve and the actual announcement, in order that governments should be forewarned and ready to answer any questions that might be put to them by the press. It was agreed that the views of governments should be sought on these problems.

5. The Soviet representative then restated his position on participation along familiar lines. He believed that the conference would be of interest to all countries, since it would be concerned with two important questions, namely, ensuring the peaceful use of Antarctica, and providing free access for scientific research there. He did not believe that it could be argued that other countries had no contribution to make to Antarctic research; we should therefore, welcome their participation. Although they had not taken part in research in the past, this was no reason for supposing that they might not wish to do so in the future. Consequently he proposed that we should invite all countries to take part in the conference if they wanted to; otherwise, he thought we would be accused of trying to monopolize scientific research in Antarctica.

6. The Chilean representative stated that when his Government accepted the United States invitation, they believed that the freezing of territorial rights and claims was to be amongst the subjects discussed. In his view, the peaceful use of Antarctica was dependent upon the freezing of rights and claims. He had understood from the Soviet reply to the American invitation that the Soviet Government agreed that any obstacles to free scientific research in Antarctica must be removed; in his view this involved the freezing of rights and claims. But, his Government believed that such questions could only be discussed with the powers invited  
/to attend

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INWARD SAVING TELEGRAM

FROM WASHINGTON TO FOREIGN OFFICE

By Bag

FOREIGN OFFICE AND WHITEHALL  
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Lord Hood

No. 458 Saving  
August 14, 1958.

R. August 16, 1958.

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Addressed to Foreign Office telegram No. 458 Saving of  
August 14.

Repeated for information Saving to: U.K. Mission New York  
Buenos Aires  
Santiago

My telegram No. 454 Saving [of August 12]:

ANTARCTIC TREATY

The Thirteenth meeting of the Twelve was held this morning. Participation in the proposed conference was the main subject discussed.

2. The United States representative (who was in the chair) suggested that a further discussion about the date of the conference should be postponed until the next meeting, by which time it was hoped that most representatives would have received instructions from their governments about the proposal that October 23 should be adopted as the target date. This was agreed.

3. The United States representative then suggested that it might be useful if the Twelve discussed the problems connected with an eventual public announcement about the time and place of the conference. He proposed that the following text might be adopted as a basis for consultation with governments:-

"Representatives of Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, Union of South Africa U.S.S.R., United Kingdom and the United States have consulted regarding the time and place of convening the conference on Antarctica to which the Government of the United States invited the other eleven governments on May 2, 1958, and have agreed that the conference shall convene at Washington on....." This was agreed.

/4. The United States

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Washington telegram No. 438 Saving to Foreign Office

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6. Voting.

The Soviet representative repeated the view he had expressed at the previous meeting that decisions of the Conference should be adopted unanimously. The Japanese representative disagreed. He thought that a two-thirds majority for important matters and a simple majority for minor matters, would be more appropriate. He again challenged the remarks made by the Soviet representative at the previous meeting about the relevance of the Fur Sealing Conference as a precedent in this respect. He pointed out that the Fur Sealing Conference, at which only four powers were present, lasted for 18 months. If that were any precedent, the Antarctic Conference would last for several years. The Soviet representative replied that although time was an important consideration, it was not more important than the decisions that would come out of the Antarctic Conference. He thought that the rule of unanimous voting would ensure that the vital interests of all parties would be fully protected. Many other international conferences (he named none of them) had adopted unanimous voting. The Australian representative said that although he hoped that the Treaty would be signed by all the powers represented at the Conference, it would not be practicable to apply the rule of unanimous voting to the day-to-day work. The South African, United States and New Zealand representatives all pressed the Soviet representative to explain whether he thought that the rule of unanimous voting should apply to the detailed work of the Conference, including Committee work and procedural problems, or whether he had in mind only the major decisions. The Soviet representative stated that he was unable to elucidate his views further at this stage, but that he hoped to be able to say something more at a later date.

7. Participation.

At the conclusion of the meeting, the Soviet representative pointed out that there had not been time this morning to discuss participation of other powers at the Conference. He reminded the meeting that a decision would have to be taken on this important question. His views on it remained unchanged.

8. The next meeting will be held on Tuesday, August 12, when we shall continue discussing the date of the Conference and questions of procedure.

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The Soviet representative then said that he would like to clarify his earlier remarks about the Indian item. He had suggested that we should delay deciding the date of the Conference until the Indian item had been discussed at the General Assembly, because it was his understanding that such an item would be included on the agenda. Several representatives seemed to be under the impression that the Indian Government were withdrawing their item. He did not know the Indian Government's intentions. If they were withdrawing their item, then he agreed that we should fix the date of the Conference. The French Representative said that he was prepared to support a date in early September and he thought that he would probably be able to agree to a date in October. The Chilean representative said that the Conference should meet in early September or as soon after as possible. The Australian representative said that he continued to believe that it would be better not to settle the date of the Conference until progress had been made on other important issues. In any case, it would be impossible for Australia to attend a Conference before December. They hoped to be represented by a Cabinet Minister, who would not be available earlier. The Argentine representative said that he thought his Government would be agreeable to a meeting in October.

4. The United States representative then stated that facilities for simultaneous translation would not be available in Washington in September or in the first part of October. He therefore thought the first date at which the Conference would meet would be the second half of October. We said that we had noted the proposal by the New Zealand representative that the Conference should meet in October. We would ask for instructions. We thought that there should be a reasonable interval before the Conference so that Governments would have an opportunity to study the work of our preparatory group. The Soviet representative repeated that he thought we could decide the date of the Conference without concerning ourselves about the possibility of proceedings at the United Nations, if the Indian government did not intend to ask for a debate on their item. He had no particular views about the date, but if the majority favoured October he thought that it would be acceptable to his Government. The New Zealand representative suggested that, in view of the remarks of the Australian representative, it might perhaps be worth considering whether the Conference should not be divided into two stages; the first stage would engage in preparatory work, whilst the second stage would be formal, leading to signature of the Treaty, at which Ministers might be present. The Australian representative repeated that his Government would wish to be represented by a Cabinet Minister. He also said that elections might be held in Australia in the latter part of the year, which might make it difficult for a Minister to attend a Conference at that time.

5. Procedure.

The Soviet representative (who was in the chair) then suggested that we should continue with the discussion of Conference procedure. This was agreed. The United States representative circulated seven working papers dealing with the following points: languages, delegations, officers, secretariat, committees, records and sessions. These papers were discussed briefly. We are reporting this part of the meeting by letter.

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/6. Voting

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INWARD SAVING TELEGRAM

FROM WASHINGTON TO FOREIGN OFFICE

Lord Hood

FOREIGN OFFICE AND  
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No. 438 Saving  
of August 7, 1958

R. August 9, 1958

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Addressed to Foreign Office telegram No. 438 Saving of August 7  
Repeated for information Saving to: UKMIS New York No. 306

My telegram No. 433 Saving /of August 5/:

ANTARCTIC TREATY.

The eleventh meeting of the representatives of the Twelve was held this morning. The place and date of the Conference and questions of procedure, were discussed.

2. Place of the Conference.

Representatives repeated the views which they had expressed at the eighth meeting (Washington telegram No. 418 Saving of July 29), except that the New Zealand, French and Argentine representatives made no further reference to the possibility of meeting in Paris. The New Zealand representative then suggested that, since the majority clearly preferred that the Conference should be held in Washington, we should cease to discuss the question and work instead on the assumption that Washington had been tentatively adopted as the venue. This proposal was agreed unanimously. It was also decided that nothing should be said to the press until the date of the Conference had been fixed.

3. Date of the Conference.

The New Zealand representative suggested that we should decide the date without waiting to see whether there was any United Nations action on the Indian item, as this would involve lengthy delay. He believed that a date in early September would be too soon and suggested that October would be more convenient. The Japanese representative supported the view that there was no connection between the date of the proposed Conference and United Nations action on the Indian item. He agreed to a date in October.

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From Washington to Foreign Office telegram No: 433 Saving

12. Participation

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The Soviet representative stated that in his view all powers who wished to attend the Conference should be invited. He stressed that he considered that this was an important point, and he urged that we should take an early decision on it. The United States representative pointed out that the United States Government had taken the initiative in issuing invitations to the powers represented in the present Working Group and he doubted whether it would be proper for them to question the basis on which the United States Government had acted. The Soviet representative continued to insist that a decision should be taken in participation. We pointed out that participation of other powers at the Conference raised important points of principle connected with the Treaty itself, yet discussion of such questions had been opposed by the Soviet representative earlier on.

13. It was decided to continue the discussion on procedure at the meeting to be held on Thursday, August 7, when the Soviet representative will be in the Chair.

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From Washington to Foreign Office telegram No: 433 Saving

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8. Records

It was thought that we should consider whether a verbatim or summary record should be kept.

9. Committees

It was suggested that the working group should try to decide what committees should be set up, as this would affect the size of delegations. Several representatives (including those of New Zealand and Norway) said that they hoped most of the work would take place in plenary meetings, since their delegations would only be small.

10. Seating

It was proposed that this should be either alphabetical (on the basis of the seating at the United Nations) or decided by lot.

11. Voting

The Soviet representative suggested that all decisions should be taken unanimously. He referred to the Fur Sealing Conference of 1957, as a precedent in this respect. The Japanese representative (who had been present at this Conference) opposed the Soviet proposal. He pointed out that the Fur Sealing Conference had been confined to four powers. In a larger conference, it would be almost impossible to proceed by unanimous decision. He thought that voting by two-thirds majority would be more appropriate. The New Zealand representative stated that it would be very satisfactory if all decisions could be taken unanimously; he certainly hoped that all powers at the Conference would eventually sign the Treaty. In his opinion, voting procedure was linked with the participation of other powers in the Conference. If the Conference were restricted to twelve powers, it would be easier to agree to the rule of unanimity. The United States and South African representatives both stated that they doubted whether the idea of proceeding by unanimous decision would be practicable.

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From Washington to Foreign Office telegram No: 433 Saving

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officers, credentials, languages, records, committees, seating arrangements. The Soviet representative asked that voting, and participation should also be put on the list and the Australian representative suggested adding the agenda of the Conference. It was agreed that each of these points should be discussed in turn, without commitment at this stage.

4. Delegations

It was thought that we might discuss the title and rank of the leader of each national delegation, the appointment of alternate delegates and the number of advisers.

5. Officers

Consideration of this item would include the arrangements for the appointment of a chairman. It was suggested that a temporary chairman, presumably a representative of the host government, should be appointed to open the Conference and that a permanent Chairman should then be elected. A secretariat would have to be set up. A Secretary-General would probably have to be appointed before the Conference met, in order to make the necessary preliminary arrangements. The United States representative indicated that his government would be prepared to provide a Secretary-General, if the Conference were held in Washington.

6. Credentials

It was proposed that we should consider what form credentials should take and whether a credentials committee should be set up.

7. Languages.

The Soviet representative asked that Russian should be adopted as both a working and an official language. The Chilean representative asked that Spanish should also be both an official and working language. It was also agreed that English and French would probably have to be adopted as both official and working languages. There was some discussion about the provision of translation facilities, and whether they should be simultaneous or consecutive. The United States representative stated that it would be difficult to provide the necessary facilities in Washington in September or early October.

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FROM WASHINGTON TO FOREIGN OFFICE

By Bag

FOREIGN OFFICE AND WHITEHALL

Lord Hood

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No: 433 Saving

R: August 7, 1958

August 5, 1958

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Addressed to Foreign Office telegram No. 433 Saving of August 5  
Repeated for information Saving to:

U.K. Mission New York

My telegram No. 421 Saving [of July 31].

ANTARCTIC TREATY

The tenth meeting of the representatives of the Twelve was held this morning. Conference procedure was the main subject discussed.

2. Time and Place of the Conference

The South African Representative, who was in the chair, opened the meeting by stating that we seemed to have reached a wide measure of agreement that the Conference should, if possible, be held in Washington. The United States representative pointed out that the choice of place must depend partly on the time of the Conference. The Japanese representative said that he considered it was time to take a final decision about the date. As there were no further contributions to the discussion of this item, it was agreed to revert to it at a later meeting.

3. The Chairman then pointed out that there was a difference of opinion amongst members of the Working Group about whether questions relating to the Treaty could be discussed. He enquired whether the Soviet position in this matter remained unchanged. The Soviet representative stated that he still believed that we should confine our discussions to questions directly related to the preparation of the Conference, namely, place, time and procedure. The United States representative suggested that we should discuss the following procedural points: delegations,

/officers

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FROM FOREIGN OFFICE TO WASHINGTON

Cypher/OTP

FOREIGN OFFICE AND  
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No. 5570

August 6, 1958

D. 10.40 p.m. August 6, 1958

PRIORITY

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Addressed to Washington telegram No. 5570 of August 6.  
Repeated for information to: UKMis New York.

Your telegram No. 2162 [of August 5 : Antarctic Treaty].

As regards the date I agree with line suggested in paragraph 3.

2. As regards participation in the Conference your line should be that the difficulty of negotiating a Treaty would be greatly increased if the numbers of powers attending the Conference were enlarged. We therefore still believe that participation should be limited to the powers already invited. The interests of other powers would be safeguarded if the Treaty provided for the accession of other countries interested in Antarctic activities. This could be done either by means of an accession clause or through a separate protocol, as may be agreed in subsequent meetings in Washington. We recognize that differences of opinion still exist on exactly how this can be done, but believe that agreement between all concerned can be reached.

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Washington telegram No. 2162 to Foreign Office

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decision about the date of the conference until there is a wider measure of agreement on the substance of the treaty, we are, nevertheless, ready to agree to a conference meeting at the end of October, if this is the general wish, provided that agreement can be reached on the question of participation. We could, of course, continue discussion of the substance of the treaty amongst the eleven, in the interval before the conference, if a date were fixed.

4. We should be grateful for confirmation that it still remains our position that participation should be limited to the Powers already invited, as we shall probably have to say something on this point shortly.

5. A full report of today's meeting follows by bag.

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No. 2162

August 5, 1958.

D. 1.16 a.m. August 6, 1958.

R. 2.3 a.m. August 6, 1958.

PRIORITY

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Addressed to Foreign Office telegram No. 2162 of August 5,  
Repeated for information Saving to: U.K. Mission New York.

My telegram No. 2154: Antarctic Treaty.

At this morning's meeting, which was mainly taken up with discussion of conference procedure, the Soviet representative reverted to the question of the participation of other Powers in the conference. He stressed that all countries that wished to take part should be invited. The United States representative, who obviously has strict instructions on this point, said that he doubted whether it would be proper for our working group to question the basis on which the United States Government had acted in issuing invitations.

2. Although the Chilean and Argentine representatives did not speak this morning, they have since told us in private that their Governments are still strongly opposed to any suggestion that the conference should include Powers other than the twelve already invited. The Chileans may, therefore, be less enthusiastic about fixing a firm date for the conference as a result of this morning's Soviet statement.

3. We should like to keep in step as far as possible with majority opinion amongst the eleven, most of whom, we judge, are in favour of the idea of trying to fix a firm date for the conference. We therefore suggest that it would be worth considering whether we should not now adopt the line that, although we still believe that it would be better to take no

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Washington telegram No. 2154 to Foreign Office

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2. Ambassador Daniels supported the Chilean proposal in principle, but argued in favour of a date in late October, which would leave no opportunity for United Nations debate if the conference were to break down. We continued to maintain, with the support of the Australians, that a decision about the date should not be taken until further progress had been made on substance. The other representatives present were obviously much impressed with the merits of the Chilean plan, although they made a number of reservations and most of them will have to ask for instructions.

3. It is probable that a proposal to fix the date of the conference in late October will be put forward on Thursday, with the object of seeking the view of Governments in time for the meeting on August 12. We should be grateful for an early indication of your views, and for the instructions before next Tuesday's meeting, especially as we shall be in the chair on that day..

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FROM WASHINGTON TO FOREIGN OFFICE

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No. 2154

August 5, 1958

D: 4.01 p.m. August 5, 1958

R: 4.50 p.m. August 5, 1958

PRIORITY

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Addressed to Foreign Office telegram No. 2154 of August 5.  
Repeated for information Saving to UK Mission New York.

Muirhead's letter 1520/195/58 to Hankey: Antarctic Treaty.

The Chileans called a meeting of the representatives of the four Commonwealth countries, the United States, Norway, France and Argentina yesterday, to discuss the tactics to adopt in face of recent Russian moves. The Chilean representative urged strongly that a further effort to fix a definite date for the conference should be made in meetings of the Twelve on the grounds that:-

(i) It is clear that the Russians do not intend to give any indication of their views on substance; and we should be able to reach agreement quickly on the contents of the treaty amongst the Eleven;

(ii) We must avoid a breakdown of the Twelve without any decisions being reached;

(iii) The Russians would either have to agree, or else resort to delaying tactics which would show that their main interest was in proceedings at the United Nations;

(iv) The Soviet Union will be in the chair at Thursday's meeting, and might force a showdown if some further move on the date has not been made by then;

(v) We should be in a stronger position to resist unwelcome interference by the United Nations, if Antarctica were discussed at the General Assembly, and would have good reasons for having the item taken off the agenda, or at least for getting a harmless resolution passed. This last consideration was the one which had chiefly influenced Chilean thinking.

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FROM SANTIAGO TO FOREIGN OFFICE

Cypher/OTP

FOREIGN OFFICE AND  
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Mr. Pink

No.47

August 1, 1958

D.6.20 p.m. August 1, 1958

R.1.00 a.m. August 2, 1958

CONFIDENTIAL

Addressed to Foreign Office telegram No.47 of August 1.

Repeated for information to: Washington  
Buenos Aires.

Your telegram No.2094 to Washington: Antarctic Bases.

Local Press states negotiations are under way for transfer to Chile of an American Antarctic base said to have been established by Captain Byrd in 1939 in sector claimed by Chile. We have no record of any such base.

2. United States Ambassador says he has heard nothing from his Government on this subject. You may wish to make enquiries in Washington.

Foreign Office pass to Washington as my telegram No.6.

[Repeated Saving to Washington]

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