

C O N F I D E N T I A L

DRAFT WORKING PAPER

Article III

1. There shall be international cooperation in scientific research in Antarctica.

2. To this end, to the greatest extent feasible and practical, High Contracting Parties shall promote:

(a) the coordination of plans of support operations for scientific programmes in Antarctica with a view to achieving maximum economy and efficiency in support of such programmes;

(b) the exchange of scientific personnel in Antarctica between expeditions and stations of different countries;

(c) the exchange of information resulting from scientific research in Antarctica;

(d) the establishment of cooperative working relationships with international organizations having a scientific or technical interest in Antarctica.

The Chairman (New Zealand) suggested that the difficulty might be met by rewording of the whole of paragraph 2; and it was agreed that he would do this in collaboration with the United States representative before the next meeting. Rather surprisingly, in view of their previous attitude, the Americans also agreed that this redraft should embody a more specific statement of the principle of co-operation with known organizations. The New Zealand representative has since furnished me with a copy of the redraft which I enclose.

**CONFIDENTIAL**

The next meeting will take place on February 3rd. We have not yet received from you any comments on the United States draft Treaty and this is proving increasingly embarrassing for the Group is now adopting the procedure of obtaining as far as possible the views of each country on each specific matter as it comes up for consideration. I should be grateful if your comments on the draft Treaty could be furnished urgently.

Copies to London and Canberra.

W. C. DU PLESSIS  
Ambassador.

(b) the exchange of scientific personnel in connection with expeditions and stations of scientific interest in each country;

(c) the exchange of information resulting from scientific research in Antarctica;

(d) the establishment of cooperative working relationships with international organizations having a knowledge or technical interest in Antarctica.

CONFIDENTIAL

considered that the experience of the IGY had shown that scientific co-operation was possible without political disputes over sovereignty. He said also that one of the main French objections to draft Article IV was that it avoided the main issue, that is the existence of sovereign rights in Antarctica. While other Governments might not be obliged to recognise the rights asserted by countries such as France, those sovereign rights nevertheless existed. The American draft, however, avoided mentioning them; all it referred to was "right to territory" (which to the French seemed meaningless) or "claim to territorial sovereignty", there was no reference to "rights of sovereignty". The French Government would be agreeable to draft Article IV therefore if it were amended by substituting the phrase "any right of or claim to territorial sovereignty" for the phrase "any right to territory or claim (or basis of claim) to territorial sovereignty" where it occurs in paragraph 1(a) and 1(c) of Article IV. The French representative added that in agreeing to the inclusion of Article IV if amended on the lines suggested, the French Government had "come a long way" in an effort to meet the views of the majority.

In the short time available for discussion after the French statement the Australian, Chilean and Argentine representatives all expressed sympathy with the French position. We know that the New Zealanders and the British also favour the French amendment, and in fact I think it may be safely assumed that it will have the support of all the claimant countries. The importance of the amendment would seem to be that it would include in the Treaty a reference to rights of sovereignty in Antarctica. It may be that this could be interpreted as implying recognition by the signatories of the existence of sovereign rights in Antarctica. (The United States draft contains no mention of sovereign rights, only of "right to territory" and of "claim to territorial sovereignty"). I would appreciate an urgent indication of your views on the matter.

In conclusion it should be mentioned that the Japanese representative suggested that the term "right to territory" might have a special significance of its own, that is a sort of right of servitude which one country might obtain from another by reason of continued transit through its territory for the maintenance of its bases. Such a right he suggested might be very important in the event that the Treaty should lapse. No discussion of this took place.

The .....

The Soviet representative repeated his previously expressed views, namely that the Treaty should carry no reference to the question of rights and claims to sovereignty. Scientific co-operation, he said, should not be permitted to be affected by political differences. Therefore, he argued, it would be better to have no reference at all in a scientific Treaty to matters which could be the subject of political disputes. Of course the main purpose of the draft Article IV is to set aside the question of rights and claims in order to avoid any political conflict over sovereignty for the duration of the Treaty. As the Australian representative put it, those countries which have already asserted territorial claims in Antarctica do not want to be in any worse position than the non-claimants. Should the Treaty lapse, Australia would wish to be in exactly the same position as she is at present in regard to her rights and claims. By agreeing to the inclusion of Article IV, Australia in principle was not renouncing its claims to sovereignty, but she was agreeing to defer the exercise of those rights and claims. She was prepared to do this in the interests of a solution to the problem of political conflicts which might hamper scientific co-operation, but it was necessary for the Treaty to provide a proper balance between the position of claimants and non-claimants.

The Soviet representative remained impervious to such arguments. He merely reiterated previous statements that the Soviet Government had never acknowledged the rights or claims of any Government in Antarctica and reserved the right to make claims itself on the basis of its activity in the area.

It may be mentioned that in the course of discussion following the Soviet statement both the United States and Japanese representatives stated also that their Governments had not recognised any rights and claims in Antarctica. We had made a similar statement when indicating preliminary agreement with the principle of Article IV. The Japanese representative went further by stating that his Government does not intend to make any claims in the future.

As you will recall France was the only country other than the Soviet Union which in the earlier discussions, had been opposed to draft Article IV. At Tuesday's meeting the French representative stated again that his Government had

considered .....

Article IV (Rights and claims)

Australia, Belgium Chile, Japan, New Zealand, Norway, the United Kingdom all indicated general approval of the principles enunciated in the United States draft Article IV, subject to possible minor textual changes on more detailed examination.

The Argentine representative also indicated general approval, but made two preliminary reservations:-

(a) in respect of the words "as a result of its duration activities or those of its nationals in Antarctica" in paragraph 1(b). He considered that this made the possible bases for claims to sovereignty too restrictive, for there could be other bases for claims such as geological. He obviously had in mind the theory that parts of Antarctica are an extension of South America.

(b) In respect of the first sentence of paragraph 2. He did not explain his reservations in regard to this sentence.

For our part we expressed general preliminary agreement with the principles in Article IV. We also expressed sympathy with the Argentine reservation in respect of paragraph 1(b). In doing so we were actuated by the idea that geographic propinquity and possibly other factors such as considerations of security could be used as bases for a claim to sovereignty should the Union wish at some time in the future to make such a claim. Paragraph 1(b) of the United States draft as at present worded seems to imply that the activities of a country and its nationals in Antarctica are the only bases for claims to sovereignty, and it would not appear to be in the long term interests of the Union to have such an implication embodied in an international Treaty. We suggested that paragraph 1(b) should terminate after the word "Antarctica" where it occurs for the first time.

The United States representative did not appear to be averse to considering a reformulation of paragraph 1(b) to meet the Argentine reservation. He thought the position might be met by the addition at the end of the sentence of a phrase such as "or for any other reasons". He undertook to examine the position, taking into account also our own suggestion.

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considered .....

EMBASSY OF THE UNION OF SOUTH AFRICA,  
3101 MASSACHUSETTS AVENUE, N. W.  
WASHINGTON 8, D.C. U.S.A.

27th January 1959

AIR BAG

SECRET

The Secretary for External Affairs,

PRETORIA.

ANTARCTICA

At the meeting of the Group of Twelve on 27th January, further consideration was given to Article III before discussion was started on Article IV.

Article III

The Norwegian representative intimated that his Government were in general agreement with the principle that there should be co-operation with international organisations having a scientific interest in Antarctica, <sup>but</sup> they did not favour the emphasis on "assistance" to such organisations in the Soviet formula.

As far as paragraph 2 (b) of Article III is concerned the Norwegian government thought the United States text was too mandatory, and that the word "shall" could be replaced by "should".

The United States representative thought it would detract from the principle of co-operation to use "should" and pointed out that in any event the provisions of paragraph 2 were governed by the opening phrase "to the greatest extent feasible and practical".

The Chairman (New Zealand) suggested that the difficulty might be met by a redrafting of the whole of paragraph 2; and it was agreed that he should do this in collaboration with the United States representative before the next meeting. Rather surprisingly, in view of their previous attitude, the Americans also agreed that this redraft might embody a more specific statement of the principle of co-operation with international organisations. The New Zealand representative has since furnished us with a copy of the redraft which I enclose.

Article IV .....



SECRET

27th January, 1959

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

Van der Velden  
by  
3/12

LONDON



F SOUTH AFRICA,  
AVENUE, N. W.  
C. U.S.A.

27th January 1959  
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Article IV .....

word is "appurtenant". According to Webster's New International Dictionary "appurtenant" is defined as: "pertaining to some more important thing; accessory; incidental; as a right of way appurtenant to land or buildings".

On the other hand the new British draft still has the disadvantage that the appurtenant waters, the surrounding waters, are not precisely defined; and their extent being a matter of interpretation, might give rise to dispute. It is difficult to see how this difficulty could be overcome, however, without actually drawing a line on the map a certain distance from all land and permanent ice.

Copies to London and Canberra.

The High Commissioner for the United Kingdom  
at their offices  
London

to the British Legation  
in Moscow

J. G. STEWART

AMBASSADOR

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application of the Treaty. One of the main objections to the  
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January 30, 1959

CONFIDENTIAL

THE SECRETARY FOR EXTERNAL AFFAIRS,  
PRETORIA.

Antarctica

The British Embassy has given us informally the following draft of the article defining the zone of application of the proposed Antarctic Treaty:

"The provisions of the Treaty shall apply to all the land and ice shelves (wherever situated) together with the waters and submarine areas appurtenant thereto between latitude 60° south and the South Pole".

We understand that the British are canvassing this draft among the Group of Twelve (except the Russians), and that if it finds favour with a majority they intend to submit it formally for discussion at one of the meetings of the Group. I should appreciate an early indication of your views on this draft.

We have not yet discussed the draft in any detail with the British. Our first impression of it, however, is that it goes some way to getting around the main difficulties which have been encountered in respect of earlier drafts. Thus it does not specifically exclude the High Seas from the zone of application of the Treaty. One of the main objections to the exclusion of the High Seas was that permanent ice might be regarded as High Seas and thus not subject to the control of the Treaty. On the other hand it had been found necessary to exclude the High Seas because of the difficulty in defining territorial or adjacent waters in the Antarctic area. The new British formula specifically groups "ice shelves (wherever situated)" with the land, and then includes the waters and submarine areas "appurtenant" to that land and ice. This does not seem to mean that all the High Seas south of latitude 60° S. should be included in the zone of application, for the pertinent



Mr H. V. Miller

W/P  
3/2

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

The High Commissioner for the Union  
of South Africa,  
Canberra.

January 30, 1959

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CYPHER TELEGRAM

FROM: SECRETARY, PRETORIA

DESPATCHED: 4.2.59

TO: HIGH COMMISSIONER, LONDON

RECEIVED: 4.2.59

SECRET

Cir. Tel. B1 (XX Secret XX)

Grateful urgent indication attitude adopted by the Government to which you are accredited towards recent Polish application for membership SCAR founded on takeover from Russians of latter's oasis station. Application may be considered at forthcoming SCAR meeting in Canberra March 2nd. to March 6th.

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SECRET

FROM: HIGH COMMISSIONER: LONDON.  
TO: SECEXTERN PRETORIA.  
D: 4.2.59.

No. 23 (SECRET EAS).

Your circular telegram B.1. United Kingdom authorities state:

- 1) At SCAR Meeting last August Russian scientists discussed Polish candidature with British and said Polish participation in Antarctica insufficient as yet to justify membership
- 2) In view subsequent Polish takeover of oasis station Russians will now presumably support Polish candidature
- 3) United Kingdom has no formulated policy. British scientist on SCAR is independent and in principle United Kingdom Government will leave him to judge Polish candidature on scientific merits of the case
- 4) Foreign Office will nevertheless discuss question informally with Royal Society (which deals with Antarctic research here) and will inform us of any further development.

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may subsequently agree upon, matters involving claims by nationals and organisations of one party arising out of acts or omissions in Antarctica by nationals or organisations of another party shall be determined in such manner as may be agreed upon by the parties concerned."

There was no time available for discussion of this draft. It was agreed that it be taken up at later meetings as and when representatives had any views to express. In the meantime it would be useful if Governments could consider the submission of alternative drafts for the Article.

The next meeting will be held on Tuesday, February 10th.

Copies to London and Canberra.

W. G. DU PLESSIS  
AMBASSADOR.

*Ughe*  
*1/11/52*



Regarding the first question, the Australian representative feared that if the answer was in the affirmative it would be difficult for claimants to agree that Soviet rights be increased to the detriment of others. Should the Soviet reply to the second query also be in the affirmative, the Australian Government would, no doubt give serious consideration to the whole project presently under discussion.

The Soviet representative failed to answer these questions.

Of the other claimant countries, the New Zealand, Argentine and Chilean representatives fully endorsed the views expressed by the British and Australian representatives. They regarded a provision on the lines of draft Article IV as essential to any Treaty. The setting aside of possible political disputes regarding sovereignty was basic to successful peaceful scientific co-operation. Incidentally the New Zealand representative informed the meeting that his Government supported the French amendments to Article IV proposed at the meeting on 27th January (my despatch 43/44 of the 27th January).

At this stage it was agreed that the Article would be further discussed at a later stage.

#### Article V:

It will be recalled that representatives were not happy with the wording of the American draft during previous discussions of this article.

The Chilean representative stated again that his Government would prefer that the question of jurisdiction be left over for consideration in terms of Article VII after the Treaty has come into force.

In an effort to embody certain of the views expressed in the past on this article and to meet the views of both those who wished a specific clause on jurisdiction in the Treaty and those who considered details would have to be worked out later, the Australian representative proposed the following new draft:-

"Each state party to this agreement shall have the exclusive right, in relation to its own nationals and organisations, to exercise jurisdiction for the punishment of offences against its laws committed by its nationals or organisations in Antarctica. Pending the making of such other arrangements as the parties

The United States representative said he would like to come back to this article in the near future. The British representative also intimated that he would have more to say on this article at some future date. In the meantime he would like to point out that claims made by sacrifice and at considerable expense by certain countries in Antarctica, could not be ignored; on the contrary, their interests must be safeguarded. He agreed that claims to sovereignty may not have been recognised, but maintained that it would be unrealistic not to recognise that claims had been asserted. He interpreted the present United States draft as not in any way recognising claims; it merely freezes the position for the duration of the Treaty. Some provision setting aside the question of rights and claims he regarded as fundamental to any Treaty.

The Australian representative said he had difficulty in following the Soviet arguments against inclusion in the Treaty of an Article setting aside the question of rights and claims. While there were differences as to territorial dispositions, he did not find differences in the desire of representatives to remove such differences from the field of dispute between the Twelve. The only way to remove the source of conflict would be to include in the Treaty a specific clause to that effect. He could not see how progress could be made on the other aims (peaceful uses of Antarctica for scientific research) without agreement on this question which is of vital importance to his Government. As far as he could see the Soviet representative raised two interesting points and he would be glad if more clarification could be given on them:

(a) Does the Soviet objection to the article mean that the Soviet Government does not wish to be prevented from building up a claim during the existence of the Treaty?

(b) More details would be welcome on the idea of settling other questions relating to Antarctica (e.g. territorial claims) at some other Conference. Was it the intention of the Soviet Government to propose the convening of such a Conference in the near future or even before the Conference at present under discussion? Was it the intention that such a Conference arrange for the territorial division of Antarctica?

Regarding .....

The United States representative said he would like to  
give part to this article in the second version. The British  
representative also indicated that on 4th February, 1959.

AIR BAG

SECRET

The Secretary for External Affairs,

PRETORIA.

ANTARCTICA.

The following is a summary of the discussions at the  
meeting of the Group of Twelve held on 3rd instant.

Article IV:

In a prepared statement, the Soviet representative  
said that after consideration of the views expressed at  
previous meetings he was still of the view that the American  
draft did not serve the principles of the proposed Treaty,  
namely to ensure that Antarctica be used for peaceful  
purposes in conducting scientific research. Draft Article IV  
not only raises the question of territorial claims, but even  
attempts to pre-judge the question. Moreover, it would place  
one country in a more advantageous position vis-a-vis another.  
Like certain other countries, Russia also has legitimate  
rights in Antarctica: she has been and still is conducting  
research there on a broad basis and, therefore, reserves all  
rights including that of asserting claims, in the area. He  
could not find any substantiation by any representative of  
the necessity for including this article in the proposed  
Treaty. Consideration of the question of territorial claims  
at the Treaty Conference would only hamper discussions regard-  
ing the peaceful uses of Antarctica for scientific research.  
The proposed Conference should not be overloaded with matters  
outside its primary scope. Such matters, e.g. territorial  
claims, going beyond the Russian aims of the conference could  
perhaps be considered separately at some other place. For  
that purpose it might be expedient to call for another  
conference "of all countries concerned". In the interest of  
the successful preparation for a Treaty conference, therefore,  
he proposed that the Article IV be deleted from the draft  
Treaty.

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The .....



4th Feb. 1959

SECRET

With the  
Compliments of the  
Embassy  
of the  
Union of South Africa

Washington, D. C.



LONDON

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neither the Chileans nor the Argentines like the British proposal. The British have asked us again for our views on their proposal and I should appreciate your comments at an early date.

The Chilean and Argentine representatives specifically reserved their position in regard to Article VI. The Chilean representatives suggested that the granting of rights of inspection to others by claimant countries might be a derogation of sovereignty; and he referred to the close connection between the various Articles of the proposed Treaty, in particular between Articles VI and IV. He could not agree with inspection, envisaged in Article VI, unless the question of rights and claims (Article IV) was solved. In this he had the support of the Argentine representative, who asked the Soviet representative whether scientific research at present conducted by the U.S.S.R. in Antarctica could be construed as forming a basis for territorial claims at the proposed second conference proposed by him at last week's meeting to settle this matter.

In reply the Soviet representative in a typically evasive manner said he had not proposed a second conference but had just mentioned it as a possibility to settle the question of rights and claims.

Before the meeting convened the Australian representative suggested that the words "or embarking" be included in the second clause between the words "discharging" and "cargoes". The United States representative did not think such an amendment would cause any difficulty.

The next meeting will be held February 17th.

Copies to London and Canberra.

W. C. DU PLESSIS

AMBASSADOR

He continued to explain that the principle of giving the right to each country to appoint observers was embodied as it was felt that this approach was less likely to give rise to problems, such as voting and the division of expenditure, which might attach to a collective body or central organisation. Nothing is contained in the draft to preclude arrangements being made by any two of the twelve countries for the exchange of observers on a bi-lateral basis. While no reference is made in the draft to the payment of the expenses of the observers, Ambassador Daniels said that the idea was that the country sending an observer(s) would have to bear such expenses. Should a collective or central organisation be formed, each of the twelve countries would no doubt have to contribute towards such expenses.

In answer to questions from the Soviet representative Ambassador Daniels intimated that the United States was not irrevocably committed to the unilateral principle embodied in their draft. They considered that on balance it was better than the collective approach; but if other Governments wished to put forward proposals for a collective or central organisation the United States would be glad to consider such proposals.

Norway, the United Kingdom, New Zealand, Australia, Japan the Soviet Union and the Union all voiced agreement with the general principle that there should be some system of observation to ensure that Antarctica be used for peaceful purposes only. While the Soviet representative was against discussion of any details of such control prior to the Conference (this, he contended, was work for the experts) the Australian representative made it clear that his Government would like to see that the working group reach agreement on the general lines of a suitable, effective and practicable system, in order to avoid the Conference being bogged down for considerable time on matters that could have been ironed out in advance.

While the United Kingdom representative expressed agreement with the general principle of observation, he reserved the position of his Government in respect of all matters of detail relating to the manner in which observation should be carried out. We understand that this attitude is due to the fact that the British have not yet taken a decision on whether to introduce their proposal for a "Committee of Inspection and Control" (my minute 43/44 of January 21st). We learn that

neither/....

11th February, 1959.

AIRBAGSECRET

The Secretary for External Affairs, PRETORIA

PRETORIAAntarctica

The meeting of the Group of Twelve was held yesterday as planned.

ARTICLE V:

The only comment on this Article came from the Soviet representative who stated that while he was not as yet in a position to comment on the Australian draft, he accepted the American draft in principle. It was agreed to return to the Article at later meetings, as and when representatives might have further views or alternative drafts to submit.

ARTICLE VI:

Ambassador Daniels opened the discussion by saying that the objective of this Article was to ensure that the Treaty would be effective in accordance with the provisions of the United States invitation of May 2, 1958. It should be read in conjunction with other related articles, particularly Article VII and Article X. In drafting the Article the main considerations had been:

- firstly, to give each country broad power on a non-discriminatory basis to designate observers in accordance with the provisions of clauses 1 to 3 of the Article;
- secondly, in recognition of the common interest of the Twelve countries, to make the results of inspections by observers of any one of these countries available to the eleven other countries (Article VII, paragraph 3);
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With the  
Compliments of the  
Embassy  
of the  
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Washington, D.C.



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TELEGRAM

FROM: HIGH COMMISSIONER: LONDON.

TO: SECXTERN PRETORIA.

D: 13.2.59.

SECRET

No. 26. (SECRET EAS).

Further my 23.

1. United Kingdom authorities advise they have consulted Royal Society whose Committee on Antarctic Research is satisfied Polish activities are sufficient to justify membership SCAR. United Kingdom will therefore not oppose.
2. According to subsequent press report Poles will leave their station during Antarctic Winter returning in Summer. United Kingdom attitude regarding Polish membership unchanged by this.

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THIRTYWAY O.T.P. TELEGRAM

SECRET

FROM: SECEXTERN PRETORIA.

D: 19.2.59.

TO: H.C. LONDON.

R: 19.2.59.

Circular Telegram B 2.

Further to my Circular Telegram B 1.

Have ascertained that Russian vessel Mikadjl(?) Kalinin called Cape Town 8th February on return from Antarctica and had on board same team of eight Poles as on outward journey. It therefore seems clear that team's activities in Antarctica was extremely limited in scope and duration.

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Further to my Circular Telegram B 1.

Have ascertained that Russian vessel Mikadji(?) Kalinin called Cape Town 3th February on return from Antarctica and had on board same team of eight Poles as on outward journey. It therefore seems clear that team's activities in Antarctica was extremely limited in scope and duration.

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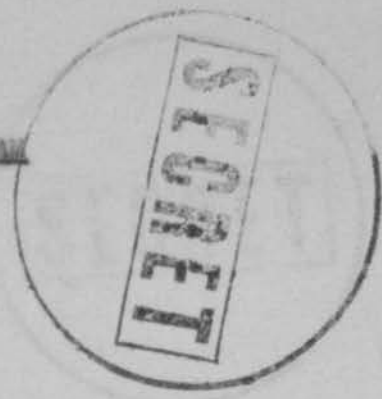
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He/.....

CONFIDENTIAL

20th February, 1959.

Dear Godfrey.

As promised on the telephone yesterday afternoon, I write to confirm that I have received the following official information from Pretoria about the Polish scientific party in Antarctica:-

The Russian vessel MIKADJL KALININ called at Cape Town on the 8th February on its return from Antarctica. It had on board the same team of eight Poles who went out on the KALININ's outward voyage. It therefore seems clear that, whatever their future programme of work may be, the activities of the Polish team have hitherto been extremely limited in their scope and duration.

Yours sincerely  
Derick.

H.G.M. Bass, Esq.,  
Commonwealth Relations Office,  
Downing Street,  
S.W.1.

IdV/JH

secondly, in recognition of the common interest of the Twelve countries to make the results of inspections by observers of any one of these countries available to the eleven other countries (Article VII, paragraph 3); thirdly, to provide also for aerial inspection in view of the practical difficulties relating to travel in Antarctica.

He/.....



representative took a more active part in the discussions. His remarks showed little evidence of change in the basic Soviet attitude to the Treaty, but if the Russians are now prepared to enter more into matters of substance it may be possible for the work of the Group to be speeded up.

The next meeting is to be held on 13 January.

Copies to London and Canberra.

W. C. DU PLESSIS

AMBASSADOR

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... of present ...  
... necessary to spell out this article in detail so as to explain what was meant by peaceful uses and to stress that this was a principle which should be subscribed to by all countries. He therefore proposed that paragraph 1 of Article I should be amended along the following lines:

This Antarctic region shall be used by all countries for peaceful purposes only. This in particular implies that all military weapons shall be excluded from the Antarctic and that no military establishments or land, sea or air forces or staff or any kind of weapons of any kind shall be permitted there.

As far as paragraph 2 of the United States draft was concerned he stated that it was his opinion that the use of personnel and equipment of the navy, army and air force in Antarctica might in practice lead to violation of the principle of peaceful uses.

There was very little discussion on the wording of the United States draft paragraph 1 of Article I. The representative of Japan found no objection to the

representative.

body of opinion (8 in all) among the Group who are opposed to the Soviet suggestion. Only Australia, Belgium and ourselves did not express an opinion on this point. It would seem clear therefore that at this stage at any rate, as already reported in my minute 43/44 of 23 December, 1958, there does not appear to be any prospect of obtaining agreement on discontinuing the use of military, naval or air force units and equipment for Antarctic support operations. It is possible, of course, that some compromise along the lines suggested above by the United Kingdom might eventually be agreed upon.

The remainder of the meeting was devoted to a brief consideration of Article II. Here again the Soviet representative took the initiative in the discussions by suggesting that the United States draft of this Article should be amended. He argued that the draft as at present worded might be understood to mean that only the Treaty signatories could use Antarctica for peaceful purposes whereas in fact Antarctica should be open to all countries for scientific research. Accordingly he proposed that the United States draft be amended along the lines that scientific research would be open to the Governments, organisations and citizens of all countries on a basis of equality.

The United States representative replied that this suggestion was not a basic departure from the United States draft. The United States draft purposely avoided the difficulty which is created when attempting to enumerate all the elements covered by the Article, but the draft was of course intended to be all-embracing.

This discussion was taken no further at the meeting after the Australian representative had pointed to the difficulty of considering an individual article of the draft Treaty in isolation from other related articles. He suggested that better progress could be made if, before individual articles were considered in detail, each delegation could indicate its Government's views on each of the draft articles and the draft Treaty as a whole. After some discussion the meeting was adjourned on the understanding that this procedure should be followed at the next meeting on January 13th (My telegram No.3).

It may be encouraging that at this meeting the Soviet

representative.....

The representatives of all countries who depend on their army, navy or air force for support operations in Antarctica reacted fairly strongly to the Soviet suggestion. Thus the United States, United Kingdom, Argentine and Chile all spoke against the proposal. The United Kingdom and Chile wondered whether it would not be possible to agree that military units etc. should "as far as practicable" not be used.

The representative of Japan doubted the practicability of the Soviet proposal and pointed out that when a Japanese icebreaker was trapped in Antarctica in 1957, it was in fact rescued by a Soviet naval vessel. Other members of the Group who spoke against the Soviet proposal were the representatives of Norway, New Zealand and France.

Various arguments were advanced against the Soviet proposal. Thus it was stressed that any prohibition along the lines envisaged would mean that a number of countries at present actively engaged in Antarctica would have to withdraw from these activities and that this would seriously effect the scientific work in Antarctica and would also in fact amount to discrimination against these countries. A number of representatives stressed that the Treaty made adequate provision for inspection to ensure that military personnel and equipment were being used for peaceful purposes, and that it was not therefore important what type of equipment or vessel was being used. A number of representatives also wondered where one in fact would draw the line when referring to military personnel for example. Would this include anyone having a connection with the armed forces of any country? The representative of France for instance pointed out in this connection that most Frenchmen have some military status or other and the same position of course exists in other countries which have "reserve" forces. Finally it was also pointed out that if such a prohibition was written into Article I it would simply mean that those countries which were using military units for scientific research for peaceful purposes would not be able to sign or ratify the Treaty until they had converted their support operations to civilian ones. Any such prohibition would therefore have no practical application to those countries.

It is apparent from the above that there is a strong

body/.....

representative of Chile felt that Mr. Ledovsky's ideas were not inconsistent with the present wording and that the Group should consider them. The New Zealand representative was of the opinion that the reference to "all countries" in the Soviet draft of paragraph 1 should be omitted as the question of association of other countries with the Treaty would be considered when the relationship between signatories and non-signatories was taken up. Also the present wording sounded as if the Treaty would endeavour to "command" all countries to use Antarctica for peaceful purposes. The representative of Japan on the other hand felt that the use of the word "all" might have some psychological effect in the sense that it was the desire that all countries should observe the Treaty. He felt there was therefore some desirability for including the word "all" and pointed out that in any case from the strictly legal point of view the Treaty could only bind the parties to it and so even if the word "all" were used it still could only apply to the parties to the Treaty. Of the other members of the Group who spoke on this the United Kingdom representative reserved his position and the representatives of France and the Argentine expressed a preference for the United States draft as it stands.

There were no further speakers on this particular paragraph and the Group spent the major portion of the rest of the meeting in discussing the Soviet proposal regarding paragraph 2 of Article I. The Soviet representative made it quite clear that paragraph 2 as at present drafted was not acceptable to him. Upon being asked whether he considered that the second paragraph should be deleted he replied in the affirmative, but at the conclusion of the discussion he again spoke and suggested that paragraph 2 be reworded so as to "prohibit" the use of military personnel and equipment.

This change in attitude was possibly occasioned by the fact that the United States representative remarked during the course of the discussion that if it was decided to delete paragraph 2 it would presumably make no change in Article I as a whole. He added that the United States had thought it convenient to insert paragraph 2 merely to avoid ambiguity. In other words even if paragraph 2 were deleted this would not mean that military etc., support operations would have to be discontinued.

AIR BAG

9th January, 1959.

The Secretary for External Affairs,  
PRETORIA.

ANTARCTICA

This week's meeting of the Group of Twelve took place as scheduled on 6 January, 1959.

The Group devoted most of the meeting to the consideration of Article I of the United States draft Treaty and in particular to proposals made in regard to this article by the Soviet representative. Mr. Ledovsky stressed the importance of the principle of peaceful uses of Antarctica and repeated the view which he has already expressed at previous meetings that the United States draft as at present worded was inadequate. He considered it necessary to spell out this article in detail so as to explain what was meant by peaceful uses, and to stress that this was a principle which should be subscribed to by all countries. He therefore proposed that paragraph 1 of Article I should be reworded along the following lines:-

"The Antarctic should be used by all countries for peaceful purposes exclusively. This in particular implies that no military bases should be established in the Antarctic and that no military manoeuvres of land, sea or air forces as well as no testing of weapons of any kind should be conducted there".

As far as paragraph 2 of the United States draft was concerned he stated that it was his opinion that the use of personnel and equipment of the army, navy and air forces in Antarctica might in practice lead to violation of the principle of peaceful uses.

There was very little discussion at the meeting of the Soviet proposal re paragraph 1 of Article I. The representative of Japan found it "interesting" and the

representative/.....



9th January, 1959

*Van der Wal*

*hys*  
*2/12*

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



LONDON.

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