

CLOSED

Gov. Ref. 12/56 W.S.S. (m)

H.C. 1.

Previous No.

17/88/2

No. P.S. 16/2
Vol. 3

HIGH COMMISSIONER
FOR THE
UNION OF SOUTH AFRICA

F.

SUBJECT:

ANTARCTICA : POLITICAL

SOVEREIGNTY, ETC.

CLOSED

For Falkland Islands & Dependencies see P.S. 16/3

7th SEPTEMBER, 1957 - 31st August, 1958.



P.S. 16/2 - 31/8/58
VSI 3 CLOSED

Next Number

TELEGRAM

FROM: SECEXTERN, PRETORIA
DESPATCHED: 7.9.57
TO: HIGH COMMISSIONER, LONDON
RECEIVED: 9.9.57

SECRET

No.147 (Secret EAS)

Antarctica.

Your minute 19/88/2 dated 16th August matter being considered and we shall let you have our views as soon as possible.

As an interim precautionary measure Minister desires you to inform United Kingdom Government that Union Government attaches great importance to their interests in the Antarctic which they have repeatedly stressed since 1948 and are gravely perturbed that proposals being considered for controlling authority which exclude the Union. You should again strongly press the Union's claims as set out in Policy Review No.84A.

You should inform other old Commonwealth High Commissioners of action taken.

Her de Belliere

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EXT. AFFRS.

**SECRET**

IdeW

10th September, 1957.

SECEXTERN PRETORIA

No. 1257

Your No. 147.

United Kingdom fully aware our essential interest and appear willing at this stage to consider our inclusion in their proposed Authority for Antarctica. Union should therefore indicate whether it supports United Kingdom plan in preference to other alternatives mentioned in my minute of 3rd September bearing in mind yet undetermined manpower and financial commitments which will be entailed.

Main Official discussions now postponed to 12th and 13th September at which a firm statement our views desirable. Please instruct urgently.

10/9/57

TELEGRAM

FROM: SECEXTERN, PRETORIA
DESPATCHED: 11.9.57
TO: HIGH COMMISSIONER, LONDON
RECEIVED: 12.9.57

SECRET

No.149 (Secret EAS)

Antarctica.

Your No.125.

In light of assurance contained therein matter will be studied further and you will be advised as soon as decision reached which cannot however possibly be this week.

preference to other alternatives mentioned in my minute of 3rd September bearing in mind yet undetermined manpower and financial commitments which will be entailed.

Main Official discussions now postponed to 12th and 13th September at which a firm statement our views desirable. Please instruct urgently.

12/9/57

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but it should be possible to prepare a summary of the pros and cons of the alternative proposals. A paper dealing so far as possible with the main points raised would be circulated in advance of the first meeting at 3 p.m. on Thursday afternoon, 12th September.

Distribution:

Mr. Arnold Smith	3	copies
Mr. Davis	5	"
Mr. Corner	5	"
Mr. de Villiers	3	"
All others	1	copy

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means of contributions to the United Kingdom expeditions), was considerably more vulnerable to Antarctic activity than was Belgium. Moreover, such a criterion would tend to exaggerate Russian interest in the area, and there was even the possibility that the Russians might claim membership of the authority for some of their satellites on the strength of alleged contributions to I.G.Y. activities.

Discussion then turned to the references in the United Kingdom memorandum to neutralisation and in this connection MR. CORNER stressed that the essential requirement was to ensure a continuous check on Russian activity in the area. MR. DAVIS suggested that the possibility of devising an effective process of inspection would require study from the technical point of view by experts and subsequent consideration of how far such a procedure would be likely to be acceptable to the Russians, and possibly to the Americans. It was generally agreed that an effective provision for neutralisation would be an improvement on the existing situation but certain members were not yet convinced that such arrangements were feasible in practice. In this connection THE CHAIRMAN pointed out that as well as examining the question of how Russian activity might be controlled by an international authority, the related question of how existing Russian activity could be controlled in the absence of such an authority would also have to be considered.

THE CHAIRMAN enquired whether it was the general view that, in addition to the original United Kingdom memorandum, a further document summarising the points which had arisen during discussion in the meetings since the original United Kingdom memorandum had been put forward, should be submitted to the meeting at High Commissioner level later in the week. It would not be possible in the time available to prepare a new memorandum examining all the proposals which had been mentioned during the discussions,

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possibility of co-operating in an international authority for the area. On the other hand, there was no real reason why the United Kingdom proposal should be kept in reserve until the Russians' long-term intentions were known. It would have certain advantages even if the Russians had intended not to remain in the area, firstly because without such an arrangement there would be nothing to stop them returning uninvited to the area at any time and secondly, because it contained a deterrent to any military use of the area in the form of a public declaration by every member. Any Russian infringement of their undertaking could be publicised in the United Nations for the benefit of the 'uncommitted' countries.

The following main points were made in this part of the discussion:

- (a) A serious objection to any unnecessary delay in putting forward proposals for international control was that if any valuable economic discoveries were made in the area there would be great reluctance on the part of the beneficiary country to pool its sector with those of the other countries. Moreover, the international co-operation arising out of the I.G.Y. was a useful starting point for a proposal of this kind.
- (b) The possibility had been mentioned at the previous meeting of extending membership of the authority to all countries contributing substantially to the International Geophysical Year. This would only bring in Japan and Belgium, both of which could be regarded as supporting the Western group. Although it was recognised that this might get away from some of the difficulties arising from membership of countries without claims to sovereignty in the area, participation in the I.G.Y. was not necessarily a good criterion. From the strategic point of view for example South Africa (whose I.G.Y. participation was by

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These would include the United States proposal, the possibility of securing an international convention concerned only with neutralisation, and the possibility of maintaining the status quo, and before giving their support his Government would need convincing that any particular proposals for a new initiative would present advantages over the existing situation. One danger was that if the Russians were invited to preliminary discussions of these proposals they might, without any intention of ultimately co-operating in an international authority, take part in preliminary discussions and subsequently seek to use the invitation to do so as implying recognition for a Russian claim in Antarctica or at least a legitimate Russian interest in the area. It would therefore be important to make sure that the Russians were invited on a basis which made clear that they were not regarded as even a potential claimant in the area. There was also the further danger that if the Russians were invited to discuss such proposals before it was known whether or not they intended to leave Antarctica after the end of the International Geophysical Year (I.G.Y.), we might in effect be providing them with an invitation and an incentive to stay. Although it was by no means premature to examine proposals on the lines put forward by the United Kingdom it should be considered carefully whether it would not be premature to take any open initiative on the question until the Russians' long-term intentions had become clearer.

In this connection MR. HANKEY said that it was most important in any event that no publicity should be given to the possibility of new proposals for the control of Antarctica before the Argentine general elections in February, 1958. The danger was that any such announcement would result in vote-catching declarations by the Argentine political parties which would subsequently preclude the new Argentine Government from the

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difficulties which had arisen in such cases as the New Hebrides, but he did not think that such a proposal, for example for a condominium between New Zealand and the United States in the existing New Zealand sector would necessarily give rise to more administrative difficulties than would the arrangements now suggested by the United Kingdom.

MR. de VILLIERS said that it would be undesirable in the view of the South African Government to approach the problem from the point of view of pooling existing claims to sovereignty. Neither the Americans nor the Russians nor South Africa had as yet made any geographical claim, but since 1948 South Africa had consistently pressed her claim to take part in any international arrangements for the administration of the area. In so far as the new United Kingdom proposals avoided this approach by providing for, in effect, complete cession of sovereignty to the international authority they represented an acceptable approach to the problem by disposing of any distinction between those members of the authority which had existing claims in the area and those which had not. It was possible that this feature might also make the United Kingdom proposals more acceptable to other countries. THE CHAIRMAN commented that the only rights retained under the United Kingdom proposals by those members now having claims in the area would in effect be the residual right to resume active sovereignty in the event of the international authority breaking down. As this eventuality would only involve a reversion to the existing status quo it would both protect South African interests and might to some extent serve to deter the Russians from wilfully breaking up the international authority.

MR. DAVIS said that the Australian Government were anxious that not only the proposal now put forward by the United Kingdom, but all other possible solutions should be carefully examined.

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with Argentine and Chile would necessarily be dormant during the operation of an international authority. This might well be welcome to certain elements in the Argentine and Chile in that it would remove the need for costly operations in maintaining their competing claims against the United Kingdom.

MR. CORNER said that the working of arrangements to secure effective neutralisation would be its main attraction, at least to New Zealand and very probably to the United States also, but so long as there were doubts about the practicability of such a scheme his Government would find it very difficult, if not impossible, to give its assent in principle to the proposal as a whole. In this connection he noted that the proposal now put forward differed from that in the earlier United Kingdom memorandum in that it no longer envisaged the final cession of sovereignty but only of the attributes of sovereignty to the international authority. In so far as this brought the proposal nearer that put forward by the United States, he welcomed the change. It would be essential that any proposal accepted by the New Zealand Government should have the prior approval and support of the Americans. He suggested that it might help to convince the Americans of the merits of the new proposal if copies of the papers and minutes of these meetings could be shown to them.

MR. DAVIS said that he would prefer that no details of the Commonwealth meetings on this question should be provided to the Americans in view of comments on the American proposal which had been made in the course of them.

The meeting were informed that the United Kingdom Embassy in Washington had already communicated the United Kingdom proposals informally and discussions were proceeding.

MR. CORNER suggested that the possibility of a condominium should be given more consideration. He appreciated the

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ANTARCTICA

The Meeting first considered a paper which had been prepared by the Foreign Office, in consultation with the other Departments concerned, in response to the request put forward at the previous meeting (29th August) for further information concerning certain aspects of the United Kingdom proposals for international control with particular reference to sovereignty and neutralisation of Antarctica.

MR. HANKEY explained that the paper dealt principally with the problems arising out of claims to sovereignty in the area and more briefly with questions of administration and neutralisation. These proposals were put forward against the background that any new international control organisation should so far as possible leave members free to carry on without unnecessary interference their present scientific and exploratory activities in order that practical work should not be hindered. Unless this could be achieved there was no prospect of getting general agreement. There must, however, be some provision for international co-operation and the United Kingdom proposal represented a compromise between, on the one hand, a condominium, (which would be politically the easiest to secure acceptance for but would not solve problems arising from existing disputes over sovereignty), and on the other hand, the complete abandonment of national sovereignty in the area to the international authority. The latter course would be both politically unacceptable to some of the countries concerned and extremely difficult to work in practice as it would involve the creation of a new kind of international entity for which there were no precedents in international law or relations. Although the compromise suggested by the United Kingdom would not finally dispose of any possibility of conflict of national sovereignties, the dispute

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Minutes of a meeting held in the Conference Room at
the Commonwealth Relations Office on Tuesday, 10th ^{Sept} August,
1957.

Mr. A. W. Snelling (in the Chair)

Mr. Arnold Smith	Canada House.
Mr. G.G. Riddell	" "
Mr. O. L. Davis	Australia House.
Mr. M.G.M. Bouchier	" "
Mr. F. H. Corner	New Zealand House.
Mr. I.F.A. de Villiers	South Africa House.
Mr. H.G.M. Bass	Commonwealth Relations Office.
Mr. A.R. Swinnerton	" " "
Mr. S.F.St. C. Duncan	" " "
The Hon. W.A.A. Hankey	Foreign Office.
Mr. R. D. Clift	" "
Mr. F. Kennedy	Colonial Office.
Mr. M.A. Willis	" "
Mr. L. Airey	Cabinet Office.

(Mr. J.F.Hosie, Ministry of Defence was
unable to attend).

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WES 147/58/1

COMMONWEALTH RELATIONS OFFICE,
DOWNING STREET, LONDON, S.W.1.

Secret. Guard 12th Sept 57

Mr 170. Dr Yillias

South Africa House

ce Room at
^{Sept 7}
10th August,

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*With the Compliments of the
Under-Secretary of State for
Commonwealth Relations*

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ns Office.
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The Hon. W.A.A. Hankey	Foreign Office.
Mr. R. D. Clift	" "
Mr. F. Kennedy	Colonial Office.
Mr. M.A. Willis	" "
Mr. L. Airey	Cabinet Office.

(Mr. J.F.Hosie, Ministry of Defence was
unable to attend).

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5. Australian/United States Exchanges

In recent months Australia has stimulated American official thinking about Antarctica in the light of Soviet activity in the area. These efforts have had some success in that the Americans are currently undertaking a review of their Antarctic interests and policies. In the context of informal exchanges with the Americans arising out of this review they have now formulated a plan. (The details of this plan - so far as they have been developed - are known to all recipients of this paper and will not be repeated here.)

Australian thinking about the United States plan has not yet proceeded very far, but at present is along the following lines:-

- (a) The plan appears to make no provision for demilitarization of the Antarctic and, at least initially, covers only part of the Antarctic continent.
- (b) Although it would ensure American backing for the joint sovereignty which the limited condominium would establish, it would not resolve the sovereignty question itself. Our joint title would still be open to challenge, e.g. by the Soviet.
- (c) The United States has not provided evidence as to how their plan would force the Soviet Union out of the area or neutralize them if they remain. If the Soviet Union is not to be excluded (or cannot be excluded) and the Antarctic remains subject to no restrictions as to military activity, the defence problem would remain unsolved. On the other hand the United States would be engaged; the dispute between the U.S. and its co-domini would have been brought to an end; and the Russians would be trespassers in territory in respect of which the United States shared sovereignty.
- (d) Having aroused American interest in the problem, we consider that we should seek to hold them at the point they have reached and discourage them from making any definite decisions, while we continue to explore how our various interests can best be accommodated (see ii(a) above on timing).

kind described in (c) below, without any substantial modifications of the status quo.

- (b) How would such a convention work? It would presumably have to be signed at least by all claimants and states which are active in Antarctica. Would the Argentine and Chile be interested? Would the Soviet participate without some quid pro quo? Is the United States interested? Would it be necessary to set up a body with funds to supervise and enforce the Convention, e.g. through inspection? Could it be enforced against non-signatories?
- (c) In relation to the United Kingdom plan, the principal Australian concern is whether the proposed neutralization would be effective in practice and whether we could feel sufficiently confident regarding its probable effectiveness to justify making the decision to depart from the status quo and to invite the Soviet to participate in the international authority. The practical question of whether or not inspection could be effective may well be a matter on which the views of Defence authorities and experts with Antarctic experience may need to be obtained.

It is possible that the liability of all countries which are active in Antarctica to be subjected to inspection of ships and planes proceeding to the Antarctic and their bases established there, together with occasional inspections, would be a sufficient deterrent. If that were so, it might provide a sufficient measure of security to justify the invitation being extended to the Soviet. There is still the open question of how far the United States would be prepared to submit to such inspection.

(iv) Role of United Nations

The United Kingdom plan provides for some form of United Nations approval of the scheme, presumably with the participants taking the initiative in bringing the scheme before the United Nations General Assembly. The reasoning behind this appears to be that if the participants do not take the initiative, some other country is likely to do so and that it would be better to have the matter brought forward in a way which suited the participants than otherwise.

In the alternative it may be better to be taken to the United Nations (this may not arise, if the Soviet was a participating country) than to take the initiative in approaching the United Nations. In the latter case the participants would be committing themselves to the position that the view of the majority of the United Nations should prevail in respect of a matter in which the majority of the members of the United Nations have neither claim to territory nor valid interest. The onus would be on others to demonstrate that an international arrangement, made by powers claiming sovereignty and others with tangible interests, should be discussed in the United Nations under one or other of the Articles of the Charter. If the matter were brought before the United Nations by a non-participant, it would still be possible for the participants to adopt a common front in disputing the jurisdiction of the United Nations and in refusing to accept its resolution, if unsatisfactory. This would not be so easy if the question were placed on the agenda by the participating countries.

The better way might be simply to register the agreement with the United Nations.

- (a) sovereignty was retained;
- (b) the delegated authority would revert to the claimants if the organization ceased to exist;
- (c) the position of all claimants would revert to the status quo ante if the organization ceased to exist;
- (d) the Soviet did not derive from the invitation to participate in the functions of the authority any backing for or confirmation of any pretensions it might have to a right to claim territory;
- (e) the Soviet did not receive from the invitation any backing for a claim to remain in the Antarctic after I.G.Y. - if it did not join the authority;
- (f) United States legitimate claims were satisfied.

(ii) Soviet participation

The principal difficulties as foreseen by us are

- (a) Should we assume that the Soviet intends to stay on in the Antarctic after I.G.Y.? Should we not wait for this to be proved before advancing publicly a plan for internationalization of the area (assuming such a plan were accepted)? The question of timing is important. An early invitation to the Soviet might induce them to stay on although they had not intended to do so - or to increase its bargaining strength by assuming a claim to territory. The possibility of a discovery of important mineral deposits during I.G.Y. is no doubt a factor which might induce a Soviet claim or a determination to stay on. However, this possibility in the next 18 months is speculative and possibly remote.
- (b) Would the Soviet accept the invitation to discuss the plan, and then after lengthy negotiation refuse to participate except on unacceptable terms? This might give to the Soviet (e.g. in Asian eyes) the appearance of Western acknowledgement of its interest in the Antarctic or put the West in the wrong in appearing to place unreasonable conditions on Soviet participation. We might, by our own proposal, elevate the Soviet from the position of trespasser to the status of a legitimate claimant.
- (c) Why should the Soviet want to surrender their freedom of action by joining an international scheme which would place them in a permanent voting inferiority?
- (d) Would it be possible to reach agreement with the Soviet and all others (including the United States) on the principles governing commercial exploitation of minerals?

(iii) Demilitarization

The principal questions under this heading are:

- (a) Would it be possible to establish an international convention to demilitarize Antarctica without the adoption of a broader plan along the lines of United Kingdom proposal? Can an agreement on demilitarization be conceived, providing for inspection of the

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Australia House

11th September, 1957

ANTARCTICA: AUSTRALIAN COMMENTS1. Introduction

Australia is concerned primarily with the presence of four Soviet stations in Australian Antarctic territory and with the potentiality that the Soviet will retain these scientific bases after the end of the T.G.Y. (1958) and develop them for other purposes, thereby challenging our title and raising a threat to Australian security.

2. Defence

The Australian Defence Committee recently reviewed the strategic importance of the Antarctic. Their conclusions do not differ substantially from those expressed by the United Kingdom Chiefs of Staff. While they feel that no threat from Soviet activity in Antarctica is at present apparent they also express the opinion that the possibility of a serious threat developing must be provided for. The best means of doing this would be a successful scheme for demilitarizing the whole Continent on a permanent basis. Failing this, provision should be made for countering the threat by ensuring that the existence of the threat is taken into practical account by the United States military authorities.

3. Australia is moved to consider the problems of the future of Antarctica in all its aspects because the Soviet threat referred to in paragraph 1. It is anxious therefore to consider the relative advantages of the various courses of action which are open to us - e.g.

- (a) Status quo;
- (b) The status quo with the addition of an international convention for the demilitarization of Antarctica;
- (c) The United Kingdom proposal or any variations of it;
- (d) The United States proposal.

The Australian objective is to exchange views on these alternatives on an exploratory and ad referendum basis and with a view to subsequent quadripartite discussions of a similar kind in the United States.

4. The United Kingdom Plan

Discussion of this plan has so far resulted in a useful exchange of views. Comments and queries in relation to the plan are set out below under the headings of Sovereignty, Soviet Participation, Demilitarization and the Role of the United Nations.

(i) Sovereignty

The United Kingdom plan as revised resolves the difficulties which we had felt regarding the technical problem of whether sovereignty could be wholly transferred to an international body consisting in the main of persons who were subjects of the States conveying the sovereignty. The revised plan appears to amount to a delegation of all but residual sovereign rights to an Authority which would consist of representatives of all claimant States (at the relevant date) and some States whose interest is admitted to be valid by the claimant States. It would not be a transfer of most of the attributes of sovereignty comparable to the case of the Panama Canal where the transfer is from one State to another. The United Kingdom revised plan would also appear to have overcome the principal difficulties which we had foreseen on the question of sovereignty, provided:

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armed forces on peaceful and scientific expeditions, no country without the unanimous approval of the Authority would be permitted to use any portion of the area for military exercises as such.

15. There is perhaps force in the argument that if the U.S.S.R. were invited to become a member of an international body responsible for Antarctica and, with other States, entered into a carefully-worded Convention or Agreement which provided for the effective neutralisation of the area, they are unlikely to depart from any stated provision or requirement. Any such breach would be difficult to defend and a weak defence would make the Russians appear foolish in the eyes of world opinion - a position which it is considered they would be most unwilling to assume.

16. In the United Kingdom view, however effective neutralisation cannot be achieved by mere statement of intention embodied in a convention unless accompanied by arrangements for prior notification of activities and subsequent inspection by an international supervisory body.

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of powers without legal claims. This, for example, would make it easier for South Africa to join, as well as any other powers whose addition to the authority might be considered desirable with a view to diminishing the effective weight of Russia's vote.

NEUTRALIZATION

14. At present, if Russia were to put down an airfield or to create reserves of, e.g. oil and petrol of military potential, the power (if any) of inspection would lie only with the Australians in whose zone Russia's main base is located. As Russia does not recognise any claims in Antarctica it is problematical whether they would permit the entry of an Australian national inspection team. If, however, an international body including Russia is set up to administer the area, with provision for prior notification of any activities and with full inspection facilities, such a regime would be a better guarantee against the build-up of a military potential than individual (unrecognised) sovereignty which possesses no power to inspect. If armed intervention is discounted, if only on practical grounds, there remains only moral force supported perhaps by an international convention to provide for the effective neutralisation of the area. The main provision of any such convention would be a foolproof inspection system an outline of which is set out in paragraph 4(b) of the paper on "Sovereignty, Administration and Neutralisation." In addition, while there would be no objection to any country employing members of their

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Russians. The French are in a similar position.

12. Against status quo. Both zones might be entered by the Russians without supervision. Parts might be claimed by the United States. In the event of a valuable discovery in their areas by another power Norway and France probably would not benefit.

Admittedly the French zone probably has no valuable minerals but this is an argument in favour of some arrangement which would give her more scope in the rest of the continent.

SOVEREIGNTY

13. The original United Kingdom proposals envisaged sovereignty passing from the participants to the international authority of which they would be members. The preliminary meeting with Commonwealth representatives considered various alternatives which are as in the paper annexed hereto. In discussion it was suggested that there might be superimposed on the third proposal in the attached paper an authority with powers on the lines proposed in paragraphs 3 and 4 of the paper. It was agreed that while this would have the advantage of resolving the conflict over sovereignty in, e.g., the United Kingdom zone, it provided no legal ^{claim} basis for the entry of nations, such as Soviet Russia, having no claims to sovereignty in the continent. On the other hand, the second proposal recommended in the attached paper, while subject to criticism in that it leaves the conflict in the United Kingdom zone basically unresolved would facilitate the adherence to the authority of any number

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Not necessary.
a common level
operates on same
basis.

Nothing to stop
the coming in
of other units than

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whole continent and actively supported by the United States. Consequently, retention of the status quo in the Australian and New Zealand zones might make it more difficult for the United Kingdom to avoid withdrawal from the area.

- d) It is true that the Russians have not announced their intention of remaining in the Antarctic after the I.G.Y. although evidence about the permanent nature of their base constructions points to the likelihood of their intending to remain. If they leave after the I.G.Y., however, there is no guarantee that they will not return, possibly with the intention of establishing military bases if the international situation should deteriorate. In that event there would not be any means of keeping a check on their activities.

10. Norwegian and French Zones. The Norwegian zone is comparatively unexplored. It is constitutionally a part of the Norwegian State and an Act of the Storting would be necessary to alter its status. The French zone is small and has been fairly well explored. There is no evidence of valuable mineral deposits. Neither claim is recognised by the Russians or Americans.

11. In favour of status quo. The Norwegians have sovereignty and at present are not occupied by the
/Russians

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observing their activities and there are no powers for preventing them setting up military installations if they wish. Whatever the formal status of the area, it is unthinkable that the danger of war would be risked by other powers attempting to evict the Russians.

Under the United Kingdom plan, however, the Russians would have to let the authority know everything they were proposing to do and to give assurances of intention not to build military installations, accept the presence of observers representing the authority to ensure that they did not do so and face an outcry of world opinion if the authority ever had to accuse them publicly of failing to stand by their assurances. If they were invited to join the authority and refused they would have to face accusations by world public opinion of refusing to co-operate in the peaceful development of the continent.

- b) As the United States do not recognise the claims of any nation, including those of Australia and New Zealand, a change in the status quo along the lines of the United Kingdom plan would safeguard the Australian and New Zealand position (if not their claims to sovereignty).
- c) In the view of H.M.G. the dispute with Chile and Argentina in the United Kingdom zone can only be resolved by an agreement covering the

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the American scheme provides no real answer to the problem of their continued presence.

PROS AND CONS OF THE STATUS QUO

7. United Kingdom Zone. The arguments in favour of altering the status quo are expounded in the principal document referred to above. Briefly, the United Kingdom position is that, owing to the cost of maintaining our claim in face of Argentine and Chilean activities, we are faced with the alternatives of clearing out altogether or resolving the conflict in our zone by an international arrangement for the whole area.

8. Australian and New Zealand Zones. In favour of the status quo:-

- a) The presence of the Americans provides some insurance against possible hostile Russian activities in the Australian zone and intrusions into the New Zealand zone.
- b) Satisfactory relations which could hardly be improved under any other arrangement exist for scientific work between the United States, Australian and New Zealand authorities.
- c) Both countries claim full sovereignty over their respective zones, which they would not like to see effectively diminished.
- d) The Russians may leave the Antarctic altogether after the I.G.Y., rendering any change in the present arrangements superfluous.

9. In favour of changing the status quo:-

- a) There is no real check on the activities of the Russians. No formal means exist for
/observing

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from a whole continent and start afresh on a basis of ^{desirable} neutralisation and international co-operation along the lines begun successfully during the International Geophysical Year.

- b) There is a danger, having reached stage one of their scheme (i.e. merger of American, Australian and New Zealand zones only) the Americans will be content to let it rest at that. This would not help us in our dispute with Argentina and Chile, and we should prefer them to consider such a limited plan only as a last resort if efforts to bring about our more comprehensive plan fail.
- c) If, as the Americans propose, Soviet Russia is excluded and the plan is not laid before the United Nations, there will be strong pressure in the Assembly in favour of proposals which would almost certainly be unacceptable to all the Antarctic powers. A forewarning of the general interest which the subject may arouse was given by the abortive Indian resolution in 1956. It is only by including Russia in the scheme that we can hope ^{to avoid United Nations opposition} both to secure United Nations approval, and effectively to neutralise the continent.
- d) The Russians cannot be turned out physically; they have stated that they recognise no existing claims in the Antarctic and are therefore unlikely to recognise any American claim to the unclaimed area. Consequently

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any adverse vote there rather than of securing support. Whatever happened in the United Nations a stalemate could always be ensured which would leave the status quo, which would by then, of course, be whatever had resulted from the merger of the various zones.

4. We have no further details about the American plan. It seems probable that the Americans do not regard the above plan as necessarily a final one; they have asked to have more details of H.M.G.'s proposals and have suggested that the whole question might be discussed at a quadripartite meeting in October.
5. In favour of the American plan:
a means which can be most quickly negotiated
 - a) It provides ~~the~~ *a means which can be most quickly negotiated* quickest way of bringing the Americans into the Antarctic permanently as a counter balance to the Russians.
 - b) Provided an effort is made to go on from the first stage to extend the condominium to include all the Antarctic powers as at 3(c) above, it provides a practical first step toward internationalising the whole continent.
 - c) By excluding the Russians it would leave them without any legitimate pretext for remaining in Antarctica and might contribute toward securing their departure.
6. Against the American plan:
 - a) The other Antarctic powers, particularly Argentina and Chile, are more likely to join the scheme if it can be presented from the outset as a grand plan to banish the cold war

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ANTARCTICA

(Supplementary Paper)

The Note circulated by the Commonwealth Relations Office dated August 1957 remains the principal document for consideration at the meeting on September 12.

2. During preliminary discussions at the official level with Commonwealth representatives in London interest has concentrated on the following aspects of the matter.

3. THE AMERICAN PLAN

From enquiries made through H.M. Embassy in Washington after the first of the preliminary discussions in London, the Americans have informed us that at present their policy for the Antarctic is to:-

- a) claim the unclaimed zone;
- b) invite the Australian and New Zealand Governments to merge the three zones into a single condominium;
- c) at a later date, if possible before the end of 1958, invite the other Antarctic powers to join the condominium;
- d) exclude Soviet Russia; *or build up a basis on which Russia could be excluded from Antarctica.*
- e) make no attempt to secure the approval in advance of the United Nations. The State Department think in terms rather of blocking

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*provisional plan
open to modification*

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expeditions of different nationalities. It would seem necessary for this purpose at least to set up an authority on roughly the lines envisaged in paragraph 3 above if not also more elaborate arrangements to cover the legal problems which might arise. It is doubtful, however, whether at least the two Latin American nations would be prepared to enter at all into an arrangement which deprived them of what they like to regard as exclusive sovereignty over their existing sectors.

6. It is recommended that the second of the two proposals considered in this paper (paragraphs 3 and 4) would be the most suitable.

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the national prisons of the offender. As regards the police force it might in practice be possible to delay actually constituting one, but there should be no material delay in providing for its eventual institution.

- (b) Administration: The authority would have to set up a headquarters, and possibly small offices in each constituent country as well as in the various areas of activity in Antarctica. The authority and all members of the authority would have unrestricted rights of access to the whole of the area and to any installations created thereon. All members of the authorities and their nationals (including commercial undertakings) would have unrestricted right of entry and exploration throughout the area subject only to notification to the international authority and periodic inspection of activities by the authority.

All non-members of the authority and their nationals would have the same rights subject to the same conditions but would require licences from the authority. No nation would create specifically military installations in the area of the authority. The authority shall have the right to request participants or non-participants to remove any installation which in the opinion of the majority of the authority contravenes this principle.

Condominium

5. There are no permanent populations or national administrations in Antarctica and the usual bases for a condominium are therefore absent. A condominium could be set up in which national sovereignty would be pooled, i.e. vested collectively in the States party to it. Each state would be left to administer its national expeditions and bases according to its own laws. But this would not solve problems arising from disputes between

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4. It is suggested that such a scheme might be worked along the following lines from the legal and administrative angle:-

(a) Law: Provision for a police force and for the institution of criminal law would be necessary from the beginning, and the most satisfactory solution would be for the international authority to adopt a criminal code applicable to the whole of Antarctica. The simplest way of doing this would be for the authority to adopt the law and make use of the courts of one constituent country. But as Antarctic activities will continue mainly to be on the basis of national bases and expeditions it is perhaps unrealistic to suppose that participating nations would welcome any arrangement preventing them from applying their own law so long as no disputes with other nations arose. A possible way of getting round this difficulty would be a compromise, admittedly unsatisfactory from the purely formal standpoint, in which at least during an initial period each nation remained free to administer its expeditions and bases under its own law so long as more than a certain proportion of the participants were nationals of the state in question. If the proportion of other nationals were higher or in the event of offences involving members of other expeditions or bases, recourse would be had to regulations to be drawn up by the authority. Until these regulations had been compiled it would be agreed that offences would be tried under the national law and in the national courts of the offender. In all cases and even after the compilation of the authority's regulations and the establishment of its courts, terms of imprisonment would be served in

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years to come, the administrative and legal problems which will arise should not call for such cumbersome machinery. The greatest obstacle of all to such an arrangement, however, is likely to be the reluctance as a matter of national prestige and pride of many of the constituent countries to surrender their sovereign rights to their possessions. They may be prepared eventually to give up the substance of sovereignty but they are likely to react emotionally against any proposal to give up sovereignty in name even if this is really only a shadow.

An international authority without sovereignty in name

3. Governments which fear that their public opinions would never agree to give up sovereignty in name may nevertheless be prepared to hand over to an international authority the attributes of this sovereignty which are necessary to its efficient functioning. For example, Panama signed away all the rights and attributes of sovereignty over the canal zone to the United States but was careful to retain that sovereignty in name. It would be necessary to agree a convention under which far-reaching powers were vested in the authority and in which participating powers contracted not to withdraw (which might lead to an attempt to reassert sovereign rights) without the consent of the majority of the other participants, if not of all of them. The authority would consist of representatives of each of the constituent countries and would take decisions by vote, possibly a two-thirds majority, save on certain questions (e.g. relating to arrangements for undermining effective neutralisation) for which unanimity might be required. If the Russians participated they would thus be almost certainly outvoted whenever they tried to be obstructive. It would, however, be important to ensure that they did not succeed in securing the participation in the authority of sufficient states friendly to them to undermine a two-thirds majority for the Western world.

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ANTARCTICA

SOVEREIGNTY, ADMINISTRATION AND NEUTRALISATION

In each of the proposals so far put forward in regard to the future administration of Antarctica, several different solutions to the problem of sovereignty have been possible. This is equally true of the plans now being considered by Her Majesty's Governments. An international control authority can be vested with absolute sovereignty by the constituent countries which would then renounce their own rights or claims; it can exercise what are in essence all the attributes of sovereignty but without sovereignty itself in name and in law, sovereignty therefore remaining theoretically with the participating countries but held as it were in abeyance; or it can be a condominium exercising its powers through national administrations or consisting of parallel national administrations.

1) A sovereign international authority

2. This is evidently an ideal solution, since in theory disputes as to sovereignty, jurisdiction or control could not arise. It would, however, almost certainly be very difficult to work in practice. There is no precedent for such an arrangement. A sovereign authority which would not be a state, nor yet an international organisation set up for a definite purpose and with a clearly-defined set of powers, would be an entirely new phenomenon. The position of the authority in international law would be most uncertain and its relations with other states or international organisations would be very difficult to determine. In the initial stages at least it would, although sovereign, be entirely dependent on the constituent countries on all fundamentals such as the legal and administrative systems to be applied, a process which might take many years. Even having regard to the likelihood of increased activity in Antarctica in /years

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Australian, New Zealand and South African Governments on these aspects together with their comments on the proposed establishment of an international Authority along the lines proposed, and the stage at which it would be desirable to consult other Commonwealth Governments (particularly the Indian Government). We should also welcome the views of the other Commonwealth Governments stated on the question of an early approach to the U.S. Government.

Commonwealth Relations Office,

August, 1957.

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stage on such subjects as free access of all countries to the Antarctic, whaling and sealing royalties for shore stations, exploration and exploitation of minerals, etc. Until or unless large-scale joint expeditions were organised, member-nations would be invited to administer their national bases and expeditions according to their own laws. But the Authority would retain the right, should the need ever arise, to draw up and administer a common code of law for the whole area. While member-nations would probably concentrate their activities in the area with which they were historically associated, they would agree to co-ordinate their activities so far as possible through the Authority along the lines already established so fruitfully in connection with the I.G.Y. Non-member-nations would be permitted unrestricted access to the Continent, though they ought to be required to pay a lease or a royalty to the Authority as a contribution towards its administrative expenses.

24. No nation, whether a member or not, would be permitted to install military bases in the area, although this would be without prejudice to the right of member-nations to continue to draw on Service resources where necessary for mounting their expeditions. Non-member-nations would be required to accept an observer on their expeditions, representing the Authority, if the Authority should so wish. The Authority would make clear that one of its raisons d'etre was to ensure the complete neutralisation of the area.

Conclusion

25. No attempt has been made in this paper to provide solutions to a number of important points, e.g. the procedures to be adopted and the powers to be assumed by the proposed Authority. The U.K. authorities would be glad to learn the views of the Canadian,

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maintaining a separate national administration as well as a condominium administration, as this system has been found to be inefficient.

20. The Antarctic authority, it is proposed, should be a separately constituted international authority formed by the powers primarily concerned. Each power concerned would delegate one representative, and the whole body would function as a Board of Directors. The authority would need to have funds, and it would also require a Secretariat. The latter need not be large and might in fact be as small as is permitted by the natural tendency of all international organisations to proliferate. The Secretariat could function satisfactorily anywhere. From the United Kingdom's point of view London would be the best place, but this is a matter for discussion.

21. The funds of the International Authority would be provided by contributions from the participating Governments. The contributions would be block grants, the Authority being responsible for its own expenditure.

22. The powers to be represented on the Authority would be those who have already laid claims to sectors of the Antarctic, viz. the United Kingdom, Australia, New Zealand, Norway, France, Argentina and Chile, as well as the U.S.A., who are generally recognised as having legitimate grounds for making a claim in the unclaimed sector, and the U.S.S.R., who, although without real grounds for a claim to sovereignty, may be regarded as having established themselves as an Antarctic power by the scale of their present activities. The Union of South Africa in view of her propinquity to the area and interests generally may also wish to advance a claim for membership.

23. The Authority would have powers to make regulations to cover the whole Continent; regulations would be required at an early

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with equal rights.

18. In these circumstances we think it should be made clear from the outset that the whole proposal would be laid before the General Assembly. Some members of the Assembly might then press for membership of the authority to be expanded so as to secure a "balanced" authority on which Africa and Asia would also be represented. The extreme critics might even try to replace the authority altogether by a United Nations administering body with broad geographical representation, responsible to the General Assembly and paid for from the United Nations budget. Other countries pressing to be included in the authority might however be put off by making it clear in the draft constitution of the authority that all its members would share equally in the costs involved, and that the costs of the authority should not become a charge on the United Nations budget. As regards the relationship between the authority and the United Nations, an attempt might be made to secure for the General Assembly the right to examine and make recommendations upon the actions of the authority. In general it can be said that this aspect of the question presents serious difficulties and that any scheme likely to pass the Assembly might give the United Nations such powers of interference as to render the plan unacceptable to the Antarctic powers. Assuming support for the scheme as it stands from the United States, Argentina and Chile, the outcome would depend on the attitude of the Soviet Union and the Afro-Asians. With Soviet support there should be some prospect of securing approval for an acceptable arrangement.

19. The Antarctic authority should not, in the U.K. view be a condominium of a limited number of the powers concerned, on the lines of that existing in the New Hebrides, i.e. with each nation

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whole weight of the Soviet bloc and their Afro-Asian supporters in the U.N. against the international authority as an instrument of collective imperialism which they would probably do if any effort were made to exclude them.

The United Nations

17. Any question of direct administration by the United Nations must, we consider, be ruled out. Although the United Nations Charter provides that the organisation can itself administer United Nations territories, a trusteeship solution in Antarctica would be entirely inappropriate, and a trusteeship administered directly by the United Nations would be open to a large number of political objections even if it were a practical possibility, which is most questionable. Nor, of course, is the United Nations a sovereign body. Nevertheless we believe there is no hope of carrying through the scheme without bringing the United Nations into the picture. The Americans are unlikely to put their weight behind any proposal which does not do so. The same might well apply to the Argentines and the Chileans. The Indians are likely to adopt a similar position and, though they are not "Antarctic" powers, they have great influence in the United Nations besides being members of the Commonwealth. The Indians have already once proposed that the Antarctic should be considered by the General Assembly, in 1956. Unless they can be satisfied that the scheme is generally compatible with the principles of the United Nations Charter they are likely to oppose it and perhaps revive their own proposal in a different form. Finally, the Russians will certainly insist that they should be included as a founder-member of the authority. In that event it is hoped that they would prefer to see the scheme limited to the "Antarctic" powers: but they would probably insist on an acceptable relationship with the United Nations and would certainly do all they could to wreck any scheme which excluded them from full membership

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among the Antarctic powers other than a shadowy claim that the Russian Admiral Bellingshausen was the first to sight the Continent. The Russians have, however, installed four bases in connection with the I.G.Y., all in the Australian sector, and like the United States her activities are on a very much greater scale than those of any other country. In the scale and efficiency of their operations the Russians benefit greatly from their long Arctic experience. It is generally accepted that they will wish to remain in the Antarctic after the I.G.Y. In 1950 the Soviet Government announced that they would wish to be included in any scheme such as the condominium proposed by the Americans in 1948, and they would probably press for inclusion in any scheme which might now be put forward. It would, of course, be easier both to secure the approval of the other participating powers and to make the international authority work smoothly if the Russians could be excluded. As it would be impracticable to eject them by force the only way in which their continued presence could then be formally provided for would be by an offer of a charter or a lease made by the international authority, (though it is very doubtful whether they would accept such an offer). Unfortunately the Russians have entrenched themselves in the Antarctic on so large a scale under cover of the I.G.Y., that it would in fact be unrealistic to try to set up an international authority without them. Moreover, experience in other parts of the world tends to show that where one of the two colossi, the United States or the U.S.S.R., is involved, the other has to be included too in the end. A condition for establishing the authority would be the complete neutralization of the continent. The main advantage of Russian participation would be that they would then probably not throw the

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the support of both these countries and particularly in overcoming any resistance to the project based on its alleged incompatibility with the 1947 Rio Treaty.

14. The United States have persistently declined to reveal their intentions in the Antarctic. They are believed to be waiting until the end of the International Geophysical Year (December 1958) before deciding whether and where to stake out a United States claim, in the hope that meanwhile their extensive activities in the Antarctic will assist them in deciding what areas, if any, are of special value. By virtue of exploration and subsequent activities they have established adequate grounds for an extensive claim in the so-called unclaimed zone, though this does not mean that they would not probably also claim patches of other areas, including the United Kingdom sector. They have hitherto not recognized the claims of other nations. Nevertheless there is reason to believe that an international solution might appeal to the United States Government. In 1948 it was they who put forward proposals for an eight-power condominium. At Bermuda a member of the United States Delegation expressed the view in informal conversation with a member of the United Kingdom Delegation that some international solution might be necessary. In any case it would be essential to the success of any scheme that the United States Government should not merely approve but actively press it on at least the Latin American countries.

15. The Norwegians opposed the United States proposal of 1948. Nothing is known about their present attitude. The same applies to France. The area at present claimed by France does not appear to be of much economic value, and she would therefore probably welcome an international arrangement.

16. Soviet Russia has no real ground for claiming to be included
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11. Antarctic policy in Argentina is at present largely dominated by the Navy. There is reason to believe that the Navy would be prepared to support proposals for some kind of settlement, though they are probably thinking rather in terms of a strictly local arrangement to cover only the dispute with the United Kingdom and Chile. It would be unwise, however, to raise the subject with the present provisional Government which is too conscious of its precarious provisional character and of the imminence of the national elections to dare take important decisions on any subject in which popular sentiment is deeply engaged. No approach could be made to the Argentine, therefore, until after the elections in February 1958. In the view of the United Kingdom Embassy in Buenos Aires it would also be preferable not to make any proposals public before the elections lest the political leaders should feel bound to commit themselves against it during the election campaign; on the other hand, a future elected Government might well be persuaded eventually to give it favourable consideration.

12. Popular feeling in Chile has been artificially stimulated to the point at which the Government would have some difficulty in retreating from their present position. Their reaction to the United States Government's proposals in 1948 for an eight-power international regime for the Antarctic was that it would be against the principles of the Rio Treaty of 1947 in which the Antarctic was included within the "security zone of the Americas". Both they and the Argentines might take the same line today. But in the view of the United Kingdom Embassy in Santiago, much will depend on the attitude of the Argentine. It would therefore be best to delay approaching the Chileans until some success had been achieved in discussions with the Argentines.

13. American pressure would probably be decisive in securing

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Whether or not such deposits, if and when located, could be worked economically would depend upon the mineral discovered and the demand for it. The answer at the moment, for any mineral, is probably "No"; but as the current rate of consumption of most metals which is likely to increase in the years to come, it can be assumed that any obstacle to exploitation would be overcome to secure a fresh supply of a vital mineral which was nearing exhaustion in the traditional mining areas. Membership of a consortium of nations controlling the whole area would keep us in the running without the expense of competing with others in the investigation of one specified piece of the continent.

8. The possible discovery of valuable mineral deposits is also a reason for arriving at a settlement with the other interested nations at this time; it would probably be much more difficult to get all the parties to agree to an international agreement of the kind contemplated once a sensational discovery had been made in a particular national sector. With so many expeditions now active in various parts of the Antarctic the chance of a lucky strike is much increased and any moment may bring news of an important geological discovery. The sooner therefore some kind of general settlement is reached the better.

9. Finally, the benefits to be obtained from Antarctica are less likely to derive from the discovery and exploitation of minerals than from advances in fundamental knowledge about the area leading to, e.g. the improvement of radio communications, long-range weather forecasting, etc. All these are subjects specially suited for international co-operation.

The Position of other Nations

10. It is likely that the same considerations may influence other Antarctic powers to a varying degree in favour of an international scheme.

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of view; of which the following are perhaps the most important:

- (a) does it ease financial burdens without loss of national prestige?
- (b) does it enable the U.K. to retain its stake in Antarctica and the benefits derived therefrom?
- (c) how would other Commonwealth Governments be affected?

The cost of the proposal to the U.K. Government as compared with present expenditure is dependent upon the kind of organisation set up and the extent to which individual national activity in the area is taken over by a central authority. This is discussed below in the section dealing with the type of international body envisaged. There is also the negative aspect that internationalisation might avoid the heavy additional expenditure which would almost certainly have to be incurred if things remain on their present competitive national basis. As regards the actual cost of maintaining the U.K. bases (as opposed to U.K. contributions to the costs of the Authority) economies over the present level of expenditure might be expected, since it would probably be possible to reduce the number of bases to be maintained. Further economies might also be effected by the possibility of pooling with other powers, particularly Chile and the Argentine over shipping for the relief and provisioning of bases.

6. The question of prestige, as always, is difficult to assess in precise terms. Properly handled, the internationalisation of Antarctic activity with the United Kingdom and other Commonwealth countries taking a fair share in the resulting organisation need involve no loss of prestige and, indeed, by appearing to be a generous gesture, could even enhance it.

7. Economically, anything worthy of exploitation, even if exploitation were feasible has yet to be discovered. Nevertheless, it is reasonable to suppose that this large continent has its share of the globe's mineral deposits.

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eject them has been considered and dismissed. On the assumption that withdrawal is ruled out at the present stage the only reasonable solution seems to be some form of international control and administration which will neutralise the Antarctic Continent and reduce or remove altogether the need for expensive competitive activities.

Arguments in Favour of an International Scheme

4. The possibility of placing the whole Antarctic continent under the supervision of an international body of some sort has already found favour in a number of quarters as a means of getting round the awkward features of the present sectoring of the area on a national basis and it is known that the idea is not repugnant to certain United States interests. The present I.G.Y. activity in the Antarctic is being pursued successfully on an international basis and forms an excellent precedent. To forward the idea of internationalising the Antarctic is not, therefore, to introduce a complete novelty. Moreover the arrival of the Russians and the Americans in the Antarctic has almost certainly predisposed others of the Antarctic powers, including the Argentine, in favour of the idea of reaching a settlement of the political problems in the area before the end of the I.G.Y. It is widely feared that otherwise the Americans may further embroil the situation in the sector in dispute between the United Kingdom, Argentina and Chile by laying claims to large parts of it and that the Russians may embarrass everyone by proposing internationalization under an United Nations regime. It may be said therefore that the present moment is particularly favourable for putting the proposal forward.

5. So far as Her Majesty's Government in the United Kingdom is concerned, the proposal has to be looked at from various points

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ANTARCTICA

Note by the Commonwealth Relations Office

1. Recent developments in the Antarctic Continent have led the United Kingdom Government Departments concerned to re-examine the question of the future administration of this area. The prime factors as we see them are the presence of the Russians in the Antarctic, combined with the doubt which we must all feel of their intentions on the expiry of the I.G.Y.; the possibility of United States claims to territory; the continued refusal of the Argentines and the Chilians to submit their claims to any arbitral body and, apart from these international factors, the urgent need so far as the United Kingdom is concerned to effect economies wherever practicable.
2. The scale of United Kingdom activity in the Antarctic is at present determined mainly by the need to maintain and strengthen legal claims in face of Argentina and Chile. Apart from activities arising out of the I.G.Y. ten bases have to be maintained at a cost of approximately £160,000 a year. Argentine activities tend to increase annually. Yet the Foreign Office Legal Advisers have warned that although U.K. unilateral application to the International Court in 1955 would help to secure our claims, it would not alone be sufficient and that increased activity in the relevant areas would be advisable to maintain claims in full.
3. The Argentines and Chileans have declined repeatedly to submit the dispute to adjudication by the International Court or an arbitral tribunal. There is no reason to believe that they will change their minds. The alternative of using force to

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COMMONWEALTH RELATIONS OFFICE

MEETING to be held in the Council Chamber,
King Charles Street, on Thursday, 12th September, 1957
at ~~11.00~~ a.m.

B. F.

AGENDA

I. ANTARCTICA - PROPOSALS FOR INTERNATIONAL CONTROL.

(Note by C.R.O. dated August 1957 (already circulated)).

(Note on Sovereignty, Administration and Neutralisation
(already circulated)).

(Supplementary note by Foreign Office (to be circulated)).

(Note by the Office of the High Commissioner for
Australia (to be circulated)).

Commonwealth Relations Office,

Downing Street, S.W.1.

10th September, 1957.

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