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Some reflections on the Antarctic Treaty

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2009 brings not only the 50th anniversary of the Antarctic Treaty but also the end of the International Geophysical Year (IGY) and of its extension into the period of International Geophysical Cooperation (IGC 1959). It is also the 133rd anniversary of K. Weyprecht's suggestion that initiated the impetus. As he noted, 'if Polar Expeditions are looked upon merely as a sort of international steeplechase . . . and their main object is to exceed by a few miles the latitude reached by a predecessor these mysteries (of Meteorology and Geomagnetism) will remain unsolved' (Weyprecht 1875). Although he stressed the importance of observations in both the Arctic and Antarctic during the first International Polar Year (IPY) in 1882–1883 only two stations in the sub-Antarctic region, at Cap Horn and South Georgia, made such scientific recordings. In spite of the fact that several expeditions to the Antarctic had been made in the period between the first and the second IPY 1932–1933, no stations were created in Antarctica during that IPY. The major increase in scientific studies in Antarctica came with the third IPY, which became the IGY of 1957–1958.

As indicated by Baker (2009) the agreement made in 1956 at the first Antarctic Conference of the Special Committee for the IGY (CSAGI) of the International Council of Scientific Unions (ICSU) that, 'the objects of the Conference are exclusively of a scientific nature' played a part in reducing inter-national tensions especially between the counter-claimants in the Antarctic Peninsula region, since it facilitated the discussions that led to a tentative *modus operandi* as the IGY Antarctic bases were being established across the polar continent and surrounding islands. The need for cooperation in the establishment of the bases such as that for the establishment of a Weather Central and, particularly, a system to help resolve emergencies led to contacts and exchanges between the different groups of national scientists, who in general were not avidly interested in politics. Although the majority of the IGY scientists were geophysicists there were others from other disciplines as had been the case in the first IPY. However the number of high profile environmental scientists with access to the politicians at the Antarctic Treaty meeting in Washington in 1959 seems to have been insufficient (because the majority of the scientists involved in the delegations to the meeting were from the geophysical sciences who tended to be not over interested in Biology) to ensure that the importance of the protection of the Antarctic environment and the adjacent seas featured sufficiently in the original agreement. This deficiency eventually led to the convention concerned with the conservation of the living resources and the creation of specially protected areas.

Earlier attempts to resolve territorial problems such as that of Pope Alexander VI in his four Bulls of 1493, which divided the world been Portugal and Spain and which were modified shortly after, in June 1494, by the Treaty of Tordesillas were not very effective. There were many reasons for this such as the following. The division did not really take into account Portuguese and Spanish discoveries, or those of those of other countries; the influence of Popes' global decisions were becoming less and less effective and these were usually ignored by countries with other dominant religions; the treaty did not foresee the growing number of voyages of discovery by other nations or of the difficulty of Portugal and Spain putting the decision of the Pope into practice; the Popes for more than 100 years, going back at least to Benedict XII, had been primarily concerned with the problems of keeping peace between Portugal and Spain, and tended to overlook the interests of other nations. The treaty drew a line from the North to the South Poles: one half of the world for Spain and the other for Portugal. Later attempts to resolve such problems have been made as international law developed, perhaps the most noteworthy being that resulting from the attempt by the United States of America in 1948 (Hanessian 1960). Although this was not immediately successful it led to a number of diplomatic discussions in the midst of the IGY and its aftermath, which helped create the negotiating atmosphere that facilitated the successful conclusion to the discussions that led to the Antarctic Treaty in 1959. The treaty has been subject to criticism at the time and after, in particular that the signatories of it form a kind of exclusive club, from which the United Nations Organisation has to a large extent been excluded. In view of the later frictions between the UNO and the Antarctic Treaty signatories it is interesting to note that at its first meeting in 1958 SCAR requested ICSU to inform the United Nations, through proper channels, of the existence and purpose of SCAR because it was keen to consolidate its wider international legitimacy or importance especially with regard to the UN specialized agencies such as WMO and UNESCO and its IOC. We can, however, be grateful that so far the treaty and its additions and the institutional apparatus that provides advice have, without

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major disagreements for 50 years, functioned effectively, particularly in the protection of the environment although this might have been facilitated had more biologists been involved in the early days. The treaty has come to be viewed as a good example of what can be achieved by a mixture of politicians and scientists.

lf we look back to the period prior to the first Antarctic conference of CSAGI, and to the claims and counter-claims on parts (almost all) of the Antarctic and surrounding seas, who would have forecast the progress in reaching a solution to the political imbroglio: especially when that was accentuated in 1948 when the USSR began to make official claims or statements? The likelihood then of a solution prepared by politicians seemed remote.

As Bullis (1973) wrote: 'It seems quite possible that the IGY conferred on political leaders of most of the world's nations an enlarged appreciation of the potential of constructive international collaboration for solving political, as well as scientific and technological problems.' This appreciation was at least to some extent the result of the experience gained with the advisory council for the IGY, made up of representatives of all the nations participating in the IGY. It should be recognised that the CSAGI was composed of scientists, some government scientists and others, who were not always entirely in agreement with their governments. Additional positive comments continue to be made, for example the Danish government in a contribution to the U.N. stated: 'For more than 20 years the 1959 Antarctic Treaty has provided a legal regime in Antarctica which has removed the potential for disputes relating to the exercise of sovereignty and guaranteed peace and stability in the region.' The importance of the treaty has had other expressions of praise, some by representatives of India who were initially critical and to a certain extent opposed to the way the treaty had been established. However India joined the ATS in 1983, and expanded its scientific presence on the polar continent.

In addition to the political aspects one should not overlook the effect of the treaty on new collaborative programmes that have, to a greater or lesser extent, developed as a result of the successful cooperation in Antarctica, not only those within the framework of SCAR but others that have, or have had, an Antarctic component especially those of the specialised agencies of the UN system carried out jointly with or by ICSU such as the Global Atmospheric Research Programme, World Climate Research Programme, the World Ocean Circulation Experiment, the International Geosphere Biosphere Programme, IPY 2007–2008; the various parts of the Global Observing System, etc.

There are many questions, some rhetorical, that remain unanswered, such as the following.

1 Are the changes in the surfaces of ice-covered land and of the ice-shelves likely to decrease the effectiveness of the treaty. Laclavère (1986) wrote as early as 1986, that 'the living and mineral resources already cause covetousness' and 'wondered if the Treaty would survive 1991 and its renewal'.
2 In view of the unexpected rapidity of such changes should more effort be devoted to developing projections of future changes and their impacts.
3 Although the number of original members remains constant as the number of signatories and consultative parties increases might their combined efforts affect the way the treaty evolves because eventually the voting against the original 12 might cause the system to collapse.
4 In view of evolving animal and human viruses, such as H5N1 and A(H1N1) is the system for the protection of living natural resources adequate?
5 Could more be done to make visitors and tour operators comply with the treaty provisions of the Protocol on Environmental Protection pending a more complete understanding of the effects of such visits and of the degree to which tourists comply? (Frenot 2008).
6 What greater positive role might the tour guides who are scientists and have had experience of the Antarctic play in helping to avoid disturbance of the natural environment?

The following reflections on the past offer themselves:

1 If more 'developing' countries had participated in IGY research in Antarctica might they have impeded progress in the treaty discussions but have avoided later disagreements such as those with the UNO?
2 One is given to wonder what the situation would be today if CSAGI instead of seeking a focus on the Antarctic had gone back to the origin of the IGY as the third International Polar Year and suggested the focus be on the polar regions in general and if SCAR had become the Special Committee on Antarctic and Arctic Research (SCAAR). Might a political agreement have led to an Antarctic and Arctic treaty or nothing at all given the strategic sensitivity of the Arctic and Antarctic before and during the cold war? Or should one be grateful that there is at least one continent, which is reserved for cooperative international scientific projects with exchange of the data obtained and which shall be used for peaceful purposes only. Should we regret that attempts to create a (SCAR of the north) by representatives of SCAR and ICSU failed or might that have complicated the situation for the original twelve and the ATS and CP's without improving the situation in the north?

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Fifty years on: putting the Antarctic Treaty into the history books

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Recent media coverage of the threatened collapse of the vast Wilkins ice shelf highlights the manner in which the established focus on global warming and the ozone hole has led Antarctica to be well and truly accepted as playing an integral role in global environmental systems. By contrast, histories of the 1950 and 1960s continue still to treat Antarctica largely as, to quote Philip Quigg (1983), 'a Pole Apart', that is a marginal region struggling for inclusion on most world maps. Despite the occasional newsworthy item, like the 1952 Anglo-Argentine clash at Hope Bay (Beck 1987: 18–21) or the 1955–1958 British Trans-Antarctic Expedition (Fuchs and Hillary 1958), Antarctic affairs have not been regarded, except perhaps in Argentina, Australia, Chile and New Zealand, as sufficiently mainstream during the 1950s and 1960s to warrant inclusion in national or global histories covering that period. As a result, it remains easy still to gloss over the 1959 Antarctic Treaty as possessing rather limited contemporary significance, and hence to dismiss it as a limited purpose agreement confined to a relatively marginal area. Indeed, for some commentators, the treaty was even interpreted as a lost opportunity in terms of failing either to internationalise the region or to resolve the longstanding Antarctic sovereignty problem.

In reality, the Antarctic Treaty, signed by twelve governments at Washington on 1 December 1959, can be properly understood only if viewed in the broader post-1945 cold war context. Apart from providing the fundamental postwar framework for international affairs, this east-west conflict escalated beyond Europe to cover other parts of the world, not excluding the vast cold continent of Antarctica. Indeed, during the 1950s the leading powers feared that Antarctica was gradually being drawn into this broader conflict. For example, in July 1959 Henry Dater of the USA's State Department asserted that:

> Because of its position of leadership in *the Free World*, it is evident that the United States could not now withdraw from the Antarctic .... National prestige has been committed .... Our capacity for sustaining and leading an international endeavour there that will benefit all mankind is being watched not only by those nations *with us* in the Antarctic but also by non−committed nations everywhere. Antarctica simply cannot be separated from *the global matrix*. Science is *the shield* behind which these activities are carried out [author's italics] (Beck 1986: 64–65).

References to, the 'Free World', 'with us', 'the global matrix', 'non-committed' and 'the shield' offer revealing insights into American official thinking at a time when sections of the American media were speculating about the, to quote the title of an article published in June 1959 and found in US government archives, 'Red threat from Antarctica' (*Missiles and Rockets: Magazine of World Astronautics* 1959: 15–16). In October 1959 worries about Soviet intentions led *The New York Times* to use the opening of the Antarctic treaty negotiations at Washington DC to stress that 'it is in our interest to insure that this vast region should never be turned by the Russians into a kind of Antarctic Albania .... Launching pads could be used by the USSR to blackmail the entire Southern Hemisphere from here' (*The New York Times* 26 October 1959).

Of course, military experts might argue that such picturesque and 'loaded' language displayed an ignorance of both Antarctic and strategic realities, given the restricted range and operational effectiveness of contemporary submarines and missiles or the logistical difficulties posed by Antarctic conditions. However, it is worth quoting from such publications, which were read in official circles and which in turn articulated the assumptions underlying the thinking of many Americans. Similar perceptions influenced official thinking in other countries, particularly those located in the southern hemisphere, as Harold Macmillan, the British prime

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