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The Antarctic Treaty as a temporal order

Alessandro Antonello

School of Historical and Philosophical Studies, University of Melbourne, Parkville, Victoria 3010, Australia

Research Article

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Author for correspondence:
Alessandro Antonello,
Email: aantonello@unimelb.edu.au

Abstract

Diplomats, officials, scientists and other actors working with the Antarctic Treaty System have not simply negotiated a range of measures for regulating human access to the region in a physical sense. They are also continually negotiating a cultural order, one in which time is central. Antarctic actors are aware that the Treaty did not once exist and may cease to exist sometime in the future. They are conscious of environmental change. Each actor tries to elevate their standing and power in the system by deploying temporal ideas and discourses in their interactions with each other: bringing their histories into negotiations, trying to control the idea of the future. This article will map three temporalities within Treaty history: first, the deployment and potency of histories and futures, their relative rhythms and lengths; second, permanence and expiration, the questions and politics of how long the Treaty should or might last; and third, the periodisation of the Treaty period, both among actors themselves and among scholars studying Antarctica.

Antarctica is suffused with the language of time. Ice moves at a glacial pace. Being the first in geographical or scientific discovery guarantees a place in public and institutional memory. We speak of it as the "last wilderness". Ice cores attest to the earth's temporal rhythms over eons. And the preamble to the Antarctic Treaty states "that it is in the interest of all mankind that Antarctica shall continue *forever* to be used exclusively for peaceful purposes".

The meaning and significance attached to time and experiences surrounding it—what are called temporalities—are central to Antarctic Treaty diplomacy and geopolitics, as for Antarctic history more generally. Time is not simply the abstract, unchanging background upon which human events take place. Humans, individually and collectively, give meaning to time as a way of making sense of, and regulating, themselves, their communities and their worlds (Adam, 2004; Elias, 2007). Historian Tom Griffiths is one of the few scholars who have probed Antarctic temporalities, arguing that the icy environment has generated a "deformed" time there that disrupts environmental sensibilities born in more temperate climes (Griffiths, 2007, p. 256; see also Leane, 2012).

The cultural approach to Antarctica of Griffiths, Elizabeth Leane and others has not fully extended to analyses of the Treaty as such, despite it being profoundly determinative of all Antarctic affairs since 1959. At its sixtieth anniversary, we must recognise that the Treaty is a cultural order as much as a legal regime for governing human interactions with the region in a physical sense. By cultural order, I mean that the Treaty is a structure for generating meaning and significance, both between humans, and between them and non-human Antarctic nature. While "culture", broadly defined, has become central to international history in recent decades, temporalities have barely been identified as a central component of discourses that structure action in the international sphere (e.g. Finney, 2018) or as part of the performance and spectacle of diplomacy (e.g. Shimazu, 2014).

This essay maps three Treaty temporalities: histories and futures, permanence and expiration, and periodisation. This novel view of Treaty diplomacy and history is meant not only to encourage officials, scientists and other actors in the Treaty sphere to be more self-conscious of their actions, but also to suggest new themes for both Antarctic humanities scholarship and international history more generally. Attending to temporalities further illuminates the discursive structures that make certain words and actions possible and impossible, effective or ineffective. From a critical point of view, identifying and categorising temporalities might help to see through a technocratic triumphalism much evident in Antarctic science and diplomacy, but which nevertheless obscures the deep foundation of (geo)politics that structures it around inclusion and exclusion.

Histories and futures

Invoking histories and futures has been a consistent feature of Antarctic Treaty diplomacy. Even though the Treaty advances through consensus decision-making, there remains a contest among Treaty parties, and between Treaty parties and outsiders, for relative standing in geopolitical, cultural and epistemic terms. Emphasising one's historical exertions in the region, strategic

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silence, or controlling the terms in which the future is discussed and negotiated are therefore important discursive manoeuvres.

The invocation of the past has been a feature of Treaty diplomacy from the beginning. The territorial claimants frequently emphasised their status in the system through the length of their occupation, the fame of their explorers and their long record of scientific achievement. Historic monuments have been a specific treaty agenda item, and their inscription and protection have been political at times. Deep time has also, irregularly, been invoked. The anthropologist Jessica O'Reilly carefully detailed how, in trying to establish a new station in the Larsemann Hills in the early 2000s, India deployed geological history and Gondwanaland in their treaty temporalities (O'Reilly, 2017). Even personal histories shaped the course of discussion: during negotiations about regulating sealing in 1968, the leading British polar diplomat, Brian Roberts, who had been to Antarctica between 1934 and 1937, invoked his actual personal encounters with seals to claim authority and take the lead in the negotiations (Antonello, 2019, pp. 65–66).

The future abundance or scarcity of natural resources became a central consideration of global affairs in the early 1970s. The Antarctic Treaty parties similarly became deeply concerned with the future exploitation of minerals and fisheries resources in the region. The minerals discussion of the 1970s and 1980s looked backwards and forwards. The reconstructions of the ancient Gondwanaland supercontinent around 1970 led many to boldly infer that if Australia and Africa had mineral wealth, so too must Antarctica—deep time at work again. Yet the minerals industry that some imagined was still decades in the future. This thinking about minerals also coincided with the first decade of "environmental impact assessments", regulatory procedures designed to understand how developments and policies might affect communities and their environments in the future. The far-off and hoped-for mineral futures merged with questions about the future of Antarctic nature (Antonello, 2019, ch. 3). The negotiations surrounding marine living resources also had strong temporal elements, in that one of the principles of conservation was that any potential negative changes to the environment had to be "reversible over two or three decades" (Article 3(c), CCAMLR). Thus, the turn to the future in Treaty politics in the 1970s embedded the environment at the very centre in Antarctic affairs.

Permanence and expiration

Even though the preamble to the Treaty states "that Antarctica shall continue forever to be used exclusively for peaceful purposes", both the Treaty and the Madrid Protocol contain revision clauses (Article XII(2a) and Article 25(2), respectively) that have often been misinterpreted as expiration clauses, an error not simply born of confusion but suggestive of two points. Not all parties to the Treaty have consistently backed it as a permanent or indefinite agreement, as is clear from the negotiations in 1959. And invoking an ending—an after-Treaty time—also plays on the Article IV sovereignty "freeze": even if review or ending is not automatic, that which is discursively and legally frozen must presumably or inevitably melt at some point.

The "thirty-year" review provision (Article XII, 2a) was a Chilean demand in the conference negotiating the Treaty in late October 1959. The Chilean delegate argued that "A treaty should have some kind of a time limit" and wondered what an appropriate length might be. Only Argentina supported them; the other ten delegations supported a 'permanent' treaty. The Australian delegate thought that there would be "a good deal of danger in creating the impression that this is only a temporary treaty". The Chilean delegate dissembled and made grand claims about human nature: "The ideal . . . would be that all treaties be permanent", he stated, but "even though we might wish to have or might think of this as a meeting of gods, we are only men, human beings, with our frailties, with our limited capacities to see and foresee the future". They explicitly suggested a ten-year duration for the treaty; the other delegations got 40 years as a placeholder, while they tried to sink the proposal. The British delegate suggested that any time limit would undermine the diplomatically novel non-militarisation aspect of the treaty. The New Zealand delegate put it bluntly: "If you are going to conceive the possibility of it [the treaty] being abrogated inside a period of ten years it isn't worth writing the treaty" (Conference on Antarctica, 1959).

After this negative response, Chile modified its proposal into the complex, non-automatic review conference that was included in the final treaty. They further argued that this was an issue about sovereignty, rights and outsiders. The countries at the conference should not have their legitimate rights, gained through their exertions, deferred "to eternity"; speaking ambiguously about both claimants and non-claimants, and conflating general rights with sovereignty, Chile aspired to a future in which "we have our rights recognized by others and become true sovereigns in those areas which legitimately belong to us" (Conference on Antarctica, 1959). This harked back to the Chilean Escudero proposal of 1948, after Antarctic internationalisation had first been mooted: rather than renouncing sovereignty to allow for scientific cooperation, states in Antarctica would suspend sovereignty for a short period to encourage research (Hanessian, 1960, p. 440). In 1959, Chile clearly still hoped for a time after the Treaty. In the end, while 10 of the 12 delegations pushed for no duration and no review conference clause whatsoever, Chile and Argentina prevailed with the thirty-year formula. Since the Treaty came into force in 1961, it could become revisable in 1991.

The thirty-year review period was not much remembered or noticed until the early 1980s, when the minerals discussions became the central concern of Treaty diplomacy. More commentators at that time—even those, historian Peter Beck noted, "who should know better" (Beck, 1986, p. 169)—began to suggest that 1991 was a milestone, one that should be worked towards or avoided. In a similar way, it has been during moments of stress on the regime (real or imagined) that the Madrid Protocol revision clause has been interpreted as an expiration clause. While experienced treaty diplomats do not refer to expiration, journalists at venerable news organisations and other commentators without detailed knowledge of the system frequently repeat the claim that the minerals ban of the Protocol will expire in 2048 (a recent example: Brangham, Fritz, & Carpeaux, 2019). Even when the review provision is correctly referenced, commentators refer to the inevitability of review. One *New York Times* journalist stated: "The treaty banning mining here . . . is expected to come up for review by 2048 and could be challenged before then" (Romero, 2015). Powerful media voices thus make expiry and an after-Treaty time seem inevitable, inhibiting more radical environmental protections or democratic governance structures to Antarctica.

Periodisation

The 60-year duration of the Antarctic Treaty is perhaps long enough to be divisible into distinct periods. Historians are particularly attuned to periodisation as an analytical and interpretive

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problem. Periodisation, at whatever scale, demands attention to continuities and discontinuities, as well as the actors who are controlling the measure of time. And it is something done by both historical actors and historians (Le Goff, 2015).

Antarctic humanities scholars have not yet given extensive thought to Treaty periodisation, or Antarctic periodisation outside those focused on the Heroic Era (van der Watt & Swart, 2016, p. 137). I have recently argued for the importance of the period 1959–1980, suggesting that "Antarctica's modern international environmental character was substantially developed and entrenched" between the Treaty and the Convention on the Conservation of Antarctic Marine Living Resources (Antonello, 2019, p. 7). This periodisation clearly hews to the larger environmental trajectory that most would recognise as central to the Treaty era.

The most obviously important milestone is the signing of the Madrid Protocol in 1991, as most diplomats and scientists would attest. One could look to other periodisations. The Treaty, despite its claims to universality, is still a system with insiders and outsiders. From a geopolitical vantage point, therefore, the recognition of the consultative status of India, Brazil and China, and others in the 1980s, could be another inflection point. The arrival of tourists in 1966 might be the seed of a periodisation that privileges non-scientific and non-official actors (Erceg, 2017). The creation of the Antarctic and Southern Ocean Coalition in 1978, similarly, brings to the fore actors and a frame of reference practically absent at the time of the Treaty's negotiation. The force of action of environmental non-governmental groups has been profound since that time (Shortis, 2018).

Whether advanced by the historian or the diplomat at the table, periodisation is not a neutral act. Framing different turning points or divisions highlights different issues of importance. The critical scholar can call attention to various issues, or the official in a consultative meeting can weave stories in which some actors and issues are more or less considerable. We must be alert to these discursive strategies and their broader effect on the Treaty's temporal order.

Out of time?

Just as the Antarctic Treaty parties have fought to preserve the exclusivity of the regime from interloping outsiders, so too has there been an effort to keep Antarctica in its own time zone. The Article IV sovereignty "freeze" is the prime manifestation of that effort, acting as a long-term caesura from the normal time of sovereign territoriality. But is this exclusive time zone stopping the full integration of Antarctica into other global regimes and environmental imaginaries? Is the Antarctic Treaty System now hostage to temporalities set in other regimes? The years commonly associated with climate change—whether the year 2100 frequently used as the culmination of climate projections by the Intergovernmental Panel on Climate Change (IPCC) or the 12 years now commonly invoked as those remaining to avert extreme temperature rises—are significant ones for Antarctic Treaty politics now, even if they were set within the IPCC, among others. While the Antarctic Treaty is not the only regime (or indeed principal one) to deal with the ever-deepening climate crisis, its parties are among the world's wealthiest countries, those that are polluting as well as those with the scientific and technological capacity to decarbonise and help deal with climate disruptions. In this context, we must see through the exclusivist temporal order built by the treaty parties, and try to imagine other, more globally just ones.

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