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Common interests in the international space of Antarctica

Paul Arthur Berkman

Scott Polar Research Institute and Judge Business School, University of Cambridge, Cambridge, CB1 2ED, and Donald Bren School of Environmental Science and Management University of California, Santa Barbara, CA 93106, USA (pb426@cam.ac.uk)

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The Antarctic Treaty was adopted by twelve nations in Washington, DC on 1 December 1959 with the interests of science and the progress of all mankind. Seven of these nations asserted territorial claims, including the overlapping claims of Argentina, Chile and the United Kingdom in the Antarctic Peninsula. The five other nations were non-claimants, including the United States and Soviet Union (now Russian Federation), which reserved rights to press claims in the future.

What compelled these nations to adopt the Antarctic Treaty and to establish the first institution to manage an international space beyond national jurisdictions? Why has the Antarctic Treaty succeeded in managing nearly ten percent of the Earth, for peaceful purposes only, continuously over the past half century? What are the 'common interests' of nations in the Antarctic?

Consider the situation in the 1950's. Antarctica could easily have become a region for testing or storing weapons, including nuclear weapons that existed in the United States, Soviet Union and United Kingdom. There were no native human inhabitants to object and Antarctica itself was a frozen desert, isolated at the southern end of the Earth surrounded by a vast ocean. Yet, Antarctica became the first nuclear-free zone on Earth where all activities of a military nature have been prohibited, except the use of military personnel or equipment for scientific research or for any other peaceful purpose.

The Antarctic Treaty is elegant in its simplicity; only requiring fourteen articles for its firm foundation to manage the region south of 60°S in the interests of all mankind 'for ever.' This agreement established a bridge of cooperation between the two superpowers and 10 other states on the basis of science, as kindled by the International Geophysical Year (IGY).

Established territorial adversaries such as Argentina, Chile and the United Kingdom agreed in Article IV of the Antarctic Treaty that no acts or activities shall constitute a basis for asserting, supporting or denying a claim while the Antarctic Treaty is in force. Open and

unfettered inspection was enabled by Article VII in all areas of Antarctica, including all stations, installations, and equipment. Bolstered by the freedom of scientific investigation and international cooperation through science, as provided in Articles II and III, the Antarctic Treaty created a framework for stewardship of an entire continent and its surrounding ocean in the interests of all mankind.

There was no 'magic bullet' in the Antarctic Treaty that at once solved problems for ever. Rather, the unique step that mankind made with the Antarctic Treaty was the establishment of an evolving process of consultation for nations continuously to adjust their solutions in relation to ever changing circumstances. As Article IX.1 of the Treaty noted:

Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty including measures regarding:

- A use of Antarctica for peaceful purposes only;
- B facilitation of scientific research in Antarctica;
- C facilitation of international scientific cooperation in Antarctica;
- D facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;
- E questions relating to the exercise of jurisdiction in Antarctica;
- F preservation and conservation of living resources in Antarctica.

This consultative process was set in motion by President D. Eisenhower on 3 May 1958, when he invited all nations engaged in scientific activities in Antarctica during IGY to develop an administrative arrangement dedicated to the principle that the vast uninhabited wastes of Antarctica shall be used only for peaceful purposes. Over the next eighteen months, sixty secret meetings were held in the United States. Inclusion of the Soviet Union in these secret meetings is noteworthy, particularly because Eisenhower had to prevail over objections from his joint chiefs of staff. Without the Soviet Union, however, it is extremely unlikely that the Antarctic Treaty would have secured the kind of legitimacy and robustness that we have witnessed over the past half century.

Finally, on 15 October 1959, the conference on Antarctica was formally initiated in Washington, DC

among the twelve Antarctic IGY nations. The Antarctic Treaty was finalised over the next six weeks, culminating with its adoption at 1776 Pennsylvania Avenue in an annex of the United States Department of State on 1 December.

At the heart of the Antarctic Treaty are the six matters of common interest pertaining to Antarctica that were established by the 12 IGY nations in the interest of all mankind. These common interests, which were negotiated over months of diplomatic exchanges, offer lessons about the ingredients of global stewardship and the governance of international spaces beyond national jurisdictions.

A common interest in all international spaces is peaceful uses. Peace is the epitome of international cooperation and a guiding light to prevent international discord. As demonstrated in Antarctica, even military personnel and equipment can only be used for peaceful purposes such as search and rescue and the support of science. The challenge and foresight required with international spaces is to establish such peaceful uses before national interests are defended. In Antarctica, the 1959 Treaty intervened to promote peace with its complex interplay of national interests and scientific-based internationalism.

Science, as Eisenhower recognised throughout his administration, was applied as a tool of diplomacy in developing the Antarctic Treaty. The process of designing, planning and implementing the IGY was a clear and compelling source of international cooperation. As with the governance of other international spaces, science has a dual role: to interpret the dynamics of the Earth system (for example phenomena of stratospheric ozone depletion, geophysics, and climate change) and to carry out the monitoring, reporting, and verification needed to maintain trust in international cooperation.

Rights of inspection originated with the 'open skies for peace' proposal that was introduced by Eisenhower at the Geneva summit on 21 July 1955 regarding aerial surveillance of nuclear weapons facilities in the United States and Soviet Union. While these directed negotiations about the open use of space were untenable at the time, the IGY and international science offered an alternative diplomatic path. The following week, on 29 July 1955, the White House publicly disclosed its first space policy and its intention to create a scientific satellite programme as part of the IGY under the principle of 'Freedom of Space'.

With the IGY connection, Antarctica eventually emerged as the first international space with its inspection provisions and nuclear strategies, which were most relevant to the United States and Soviet Union in the late 1950's.

Another common interest in Antarctica relates to the question about the exercise. However, addressing this question does not presume to be in favour of any particular exercise of national jurisdiction as reflected by the Antarctic Treaty concept that claims cannot be asserted, supported, or denied while this international space exists.

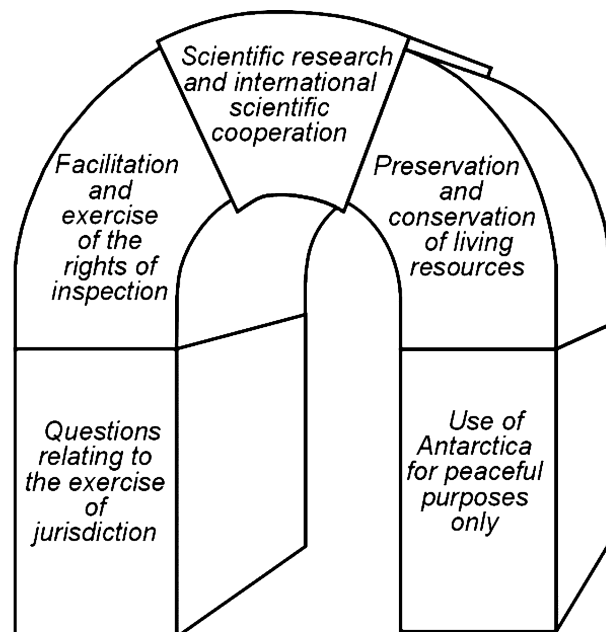


Fig. 1. 'Matters of common interest pertaining to Antarctica' (from Article IX of the Antarctic Treaty) with science as the 'keystone common interest' that underlies the policies that have enabled the Antarctic Treaty system continuously to promote cooperative stewardship of this international space since 1959. Adapted from Berkman, P.A. 2002. *Science into policy: global lessons from Antarctica*. London: Academic Press.

Article IV enabled balance between claimants, non-claimants and subsequent third parties.

Among the matters of common interest is the preservation and conservation of living resources, which provide a continuing justification for scientific presence. Preservation and conservation of living resources also have become the pillar for strategic approaches that are seen in contemporary terms of ecosystem based management, sustainable development and environmental security. Article IX, as noted above, anticipated the need for further regime development.

Peace, inspection, jurisdictions and conservation all are matters of common interest that underlie the stewardship of international spaces in the interests of all mankind. However, as a type of universal language that promotes objectivity and cooperation, science can be viewed as the keystone common interest that enables all other common interests to mature (Fig. 1). It also helped unquestionably that science and scientists were held in high public regard in the western and Soviet societies in the 1950s.

While the Antarctic Treaty itself offers a combination of policies for the unique region south of 60°S, the process of conceiving and implementing common interests is relevant to other international spaces. Notably, the Antarctic Treaty inspired the 1967 Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies. Under the 1982 United Nations Convention on the Law of the Sea (UNCLOS) the high

seas and deep sea are the other international spaces. All of these regimes include the concept of 'common' interests for the benefit of all.

Today, among the highly charged challenges we face as a civilisation is stewardship of the Arctic. In the central Arctic Ocean the high seas exists under UNCLOS and customary international law as an undisputed international space. Moreover, the high seas

is legally separated from the continental shelf and the sovereign jurisdictions that are increasingly asserted by the surrounding Arctic coastal states. Building on the lessons from Antarctica with optimism and hope, establishment of common interests in the high seas of the central Arctic Ocean will promote peace and cooperation in this other international space for the lasting benefit of all humanity.

The political origins of the Antarctic Treaty

Rip Bulkeley

38 Lonsdale Road, Oxford, OX2 7EW (rip@igy50.net)

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Like many great institutions, the Antarctic Treaty system has its own creation myth, according to which it was brought into being by the Antarctic science programme of the 1957–1958 International Geophysical Year (IGY). As myths are prone to do, this one combines both an important truth and a good deal of misinformation. After fifty years in which it has shamelessly flattered the earth scientists, who are understandably rather fond of it, and undervalued the many non-scientists who advocated the internationalisation of Antarctica from 1910 onwards, it is time to lay it to rest. But before summarising the intermeshing contributions of private citizens, diplomats and other officials, and scientists, we should first take note of a different factor altogether, political geography.

During the last century acceptable candidates for the status of global commons tended to be of the inaccessible and/or unprofitable variety, but that did not always secure their international recognition. Thus we have an Outer Space Treaty (1967), but the Moon Treaty (1979) has been ratified by only a handful of countries, including Australia, Mexico and Pakistan, and is therefore generally regarded as having failed. The geosynchronous satellite orbit has been partly established as a global common, thanks to what is perhaps the single most significant achievement in this area of international law, the work of the International Telecommunications Union, which will be 150 years old in 2015. The putative extent of the high seas, or international waters, was considerably reduced as a global common by the 1982 Convention on the Law of the Sea, due mainly to technological advances such as the development of offshore oil and gas fields. Some progress has been made with collectivising the atmosphere through the Kyoto Protocol and other emissions trading schemes. Attempts to confer the status of global or regional commons on assets long included in or divided between national territories, such as major rivers or rain forests, have made little progress. Collectivisation of the Arctic faces similar obstacles, as recent events involving the five Arctic coastal states have demonstrated.

In that context we can appreciate both the significance of political geography for the restricted internationalisation of Antarctica, and the problems that may arise in the future from any climatic or technological change in its condition as 'a pole apart', to borrow a familiar phrase. If Antarctica had not been largely separated from other land masses by the vastness of the Southern Ocean, then its inhospitability and distance from the centres of naval power in the northern hemisphere might not have sufficed to protect it from irreversible territorial acquisition. Even as it was things nearly went that way, and could yet do so. And if global, technological civilisation had originated in South America or Polynesia, then Antarctica's geographical isolation and lack of readily exploitable land based resources would probably not have saved it either. Its unique combination of geographical remoteness and political marginality owed little to any conscious human agency.

Turning now to human actors, none of the scientists who made up the first International Polar Commission, from 1879 to 1891, or who tried to establish a second one between 1906 and 1914, advocated the political internationalisation of Antarctica. The first person to do so was Thomas Willing Balch (1866–1927), an American expert in international law, in 1910. Within two years *The New York Times* supported him. After the League of Nations was established in 1920 the first person to suggest, in February 1929, that it should take control of Antarctica was the American long range weather forecaster Herbert Browne (1862–1936). The first non-governmental organisation to adopt this view, transferred to the United Nations (UN), was the Women's International League for Peace and Freedom (WILPF), which did so in the 1940s.

Between 1910 and 1946 most support for internationalisation came from Americans, plus a few people in Britain, France, and the Scandinavian countries. They, or at least their spokespersons, tended to be lawyers, Christians, socialists, or some combination of the three. At the end of 1946 leading American newspapers began to endorse (or re-endorse) the idea. In March 1947 a *Washington Post* opinion poll found that 66% of respondents were in favour of placing Antarctica under UN control. Press leaks from the United States Department of State cannot be ruled out. But publicly at least, no appointed or elected officials had shaped that climate of opinion.