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# New Zealand and the Antarctic Treaty 1945 to 1961

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# Abbreviations

AAT	Australian Antarctic Territory
AJHR	Appendices to the Journal of the House of Representatives
CSAGI	Comité Spéciale de l'Année Géophysique Internationale
FID	Falkland Islands Dependency
FIDS	Falkland Islands Dependency Survey
ICSU	International Council of Scientific Unions
IGY	International Geophysical Year
MFAT	Ministry of Foreign Affairs and Trade
NA	National Archives
NZAS	New Zealand Antarctic Society
NZPD	New Zealand Parliamentary Debates
SCAR	Scientific Committee on Antarctic Research
TAE	Trans Antarctic Expedition

## Preface

This thesis studies the making of the 1959 Antarctic Treaty, and New Zealand's involvement in this process. From 1945, when international attention increasingly focussed on Antarctica and its associated disputes, through to the negotiation, signing and eventual ratification of the Treaty, the nature of New Zealand's participation in Antarctic affairs underwent considerable analysis and adaptation. This thesis concentrates on New Zealand's perception of its Antarctic interests during the period under review, and how these influenced the development of New Zealand's role as a key player in Antarctic affairs.

This study relied heavily on the records of the Ministry of Foreign Affairs and Trade (formerly External Affairs) for its primary information. Some of these files, as noted in the bibliography, are available at National Archives in Wellington. The majority, however, are restricted files to which I was granted access by the Ministry of Foreign Affairs and Trade. I would like to thank those people from the Ministry who were so supportive and forthcoming with their help and advice, and made this information available to me. However, the interpretations and conclusions based on these files are my own. In particular, I thank Stuart Prior, Head of the Antarctic Policy Unit; Rosemary Banks, Director of the Information and Public Affairs Division; Elizabeth Beaufort, Director of the Information Services Division; Graeme Eskrigge; and the staff of the MFAT library.

Acknowledgments are also due to my supervisors, Dr James Watson and Professor Barrie Macdonald. I gratefully thank them for their support, advice, critique, time and knowledge. Without their continuous interrogation of my work I would have learnt very little, and would still be struggling to craft some semblance of a thesis from the great amorphous mass of information with which I began.

# Introduction

In 1959 Antarctica was set apart from the rest of the world by the creation of a uniquely non-militarised, nuclear-free continent dedicated to scientific research for peaceful purposes. The unprecedented agreement that enabled this to occur was the Antarctic Treaty, signed on 1 December 1959 by Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the Soviet Union, the United Kingdom, and the United States. The Antarctic Treaty has been heralded as “one of the most successful international treaties”,<sup>1</sup> and “one of the bolder and better products of modern diplomacy and law making”.<sup>2</sup> It has also been described as “an *ad hoc* arrangement”,<sup>3</sup> and “the diplomatic confirmation of the existing state of affairs”.<sup>4</sup> For New Zealand, the Antarctic Treaty was an important means of protecting its interests concerning the Antarctic continent.

This thesis investigates the making of the Antarctic Treaty, and the role that New Zealand played in this process. From the Treaty’s origins around 1945, until its conclusion in 1959, New Zealand developed from an uncertain and reluctant Antarctic power to become a key player in Antarctic affairs and a significant participant in the Antarctic Treaty negotiations. Through examination of the evolution of New Zealand’s Antarctic interests, the thesis will illustrate an important and previously neglected aspect of the development of New Zealand’s independent foreign policy. In tracing the development of the Antarctic Treaty, this thesis also highlights the specific New Zealand perspective on the questions of internationalisation, sovereignty and the tensions and alliances of the Cold War.

New Zealand has been called the “Gateway to the Antarctic”.<sup>5</sup> The close proximity of the continent meant New Zealand established an early connection with Antarctica, and

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<sup>1</sup> Peter J. Beck, *The International Politics of Antarctica*, (New York, 1986), p. 61.

<sup>2</sup> Christopher Beeby, *The Antarctic Treaty*, (Wellington, 1972), p. 3.

<sup>3</sup> F.M. Auburn, *Antarctic Law and Politics*, (Bloomington, 1982), p. 4.

<sup>4</sup> F.M. Auburn, *The Ross Dependency*, (The Hague, 1972), p. 43.

<sup>5</sup> L.B. Quartermain, *South From New Zealand: An Introduction to Antarctica*, (Wellington, 1964), p.

acquired significant interests in developments there. The most essential consideration for New Zealand was its security interests. This included preventing the militarisation of the continent and its possible use as a staging point for hostile military activities. New Zealand was also concerned to avoid the use of Antarctica as a testing range for nuclear or conventional weapons. A fundamental aspect of New Zealand's security interests involved ensuring the predominance of New Zealand's allies on the continent, and preventing international conflict, particularly cold war hostilities, from being extended to the Antarctic. New Zealand had a territorial interest in the Antarctic, as it claimed jurisdiction and administrative authority over the Ross Dependency, a sector of Antarctica between 150° West and 160° East longitude. At first, the validity of this claim was highly questionable. This meant that New Zealand was anxious to avoid undue attention being given to the nature of its Ross Dependency claim. New Zealand also worked towards some international agreement that would remove the burden of substantiating the claim.

New Zealand also had important scientific and economic interests in Antarctica which were linked closely together, as the continent's exploitable resource potential required considerable scientific investigation before it could be accurately assessed. Meteorology was particularly relevant to New Zealand, because of the continent's influence on New Zealand weather patterns. New Zealand participation in scientific endeavours in the Antarctic was reliant on collaboration with other nations, in particular the United States, and fostering such collaboration was another factor in New Zealand's Antarctic policy. A further interest for New Zealand was national prestige and concerns for international opinion. For most of the period under review, New Zealand was an enthusiastic supporter of United Nations participation in an Antarctic treaty. Despite some differing views on the extent of United Nations authority that was desirable, New Zealand consistently showed concern for General Assembly opinion and sought for, at least, United Nations recognition of an Antarctic settlement. In the interests of national prestige, New Zealand was eager to retain its status as an original Antarctic claimant nation, and to avoid criticism over its poor record of activity in the Ross Dependency. New Zealand also wished to confirm its alliances with the Western powers, and to avoid association with the communist and

anti-colonial blocs which might have been regarded as discreditable by those Western Powers.

The structure of the thesis is essentially chronological, beginning with an account of New Zealand's historical connections with Antarctica. From the eighteenth-century voyages of Cook, New Zealand had provided a regular harbour for Antarctic explorers and scientists. New Zealand was entrusted with a direct interest in the continent with the creation of the Ross Dependency in 1923, but it will be seen that no direct action was taken to confirm or assert the claim to this territory. Nevertheless, New Zealand recognised a number of interests in Antarctica in these early years, and some of them continued to influence policy through to the signing of the Antarctic Treaty.

Chapter Two, covering the years between 1947 and 1956, illustrates the rise of internationalisation of Antarctica as a theme for New Zealand policy. This decade also saw the beginnings of a move in wider New Zealand foreign policy, away from an imperial alliance with the United Kingdom, to a recognition of the United States as an important strategic ally. This trend is clearly seen in New Zealand's Antarctic policy of the period. Chapter two also investigates increasing concerns over the validity of New Zealand's claim to the Ross Dependency.

A new urgency entered Antarctic affairs in 1956, as planning for the International Geophysical Year of 1957-58 intensified. Chapter Three follows New Zealand reactions to the increased international attention on the Antarctic, and highlights the differences of approach between Sidney Holland's National government and Walter Nash's Labour government. This was also a time when, to some extent, New Zealand took on the role of mediator between the United Kingdom and the United States, initiating consultation between the two nations that developed into the preliminary negotiation of the Antarctic Treaty.

In mid-1957 the twelve nations that participated in the Antarctic activities of the International Geophysical Year began a series of negotiations towards a settlement of the problems in Antarctica. Chapter Four examines New Zealand's approach to these

discussions, its impact on the drafting procedure and its priorities regarding the provisions of the Treaty. This chapter also explores New Zealand's tendency to refrain from prematurely supporting proposals that might be shunned by its allies. An important deviation from this hesitant approach was New Zealand's advocacy of full internationalisation of Antarctica through the United Nations, and its willingness to relinquish territorial sovereignty over the Ross Dependency to an international regime.

Chapter Five is centred on the Washington Antarctic Conference that finalised the Treaty, and explores New Zealand's interests going in to the Conference - the specific provisions that were favoured and the general concerns that lay behind the New Zealand position. This chapter deals with the two most disruptive issues of the conference; nuclear testing and developmental explosions; and the right of other nations, not active in Antarctica, to become party to the Treaty. The immediate aftermath of the Treaty negotiations is also briefly considered, in particular the New Zealand parliamentary debate on the Antarctic Bill, New Zealand's instrument of ratification of the Antarctic Treaty; and some evidence of New Zealand's continuing concern over validating the Ross Dependency claim.

Existing literature relevant to this thesis can be taken in three groups: works on Antarctica and Antarctic Law of a general, international nature; works on New Zealand foreign affairs; and works specific to New Zealand in the Antarctic. In the international work, F.M Auburn's *Antarctic Law and Politics* (1982), and Peter J Beck's *The International Politics of Antarctica* (1986), are prominent. Auburn's work has a definite legal slant, and "...examines the framework of the Antarctic club of nations, stressing current issues."<sup>6</sup> It is a "...review of [the Antarctic System's] working during the first twenty years of the system..."<sup>7</sup> and places particular emphasis on the national interests of South America, the Soviet Union and the United States. With regard to New Zealand's role in the Antarctic, Auburn clearly identifies the paucity of direct, claim-supporting action by New Zealand authorities. He makes

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<sup>6</sup> Auburn, *Antarctic Law and Politics*, p. vii.

<sup>7</sup> Auburn, *Antarctic Law and Politics*, p. vii.

repeated reference to what he regards as the weakness of New Zealand's position in Antarctica, and speaks of New Zealand as "...the most lukewarm of the countries having a declared stake in the continent",<sup>8</sup> and as a "reluctant claimant"<sup>9</sup>. Auburn also gives considerable space to New Zealand's active relationship with the United States in Antarctica.

Beck's work, *The International Politics of Antarctica*, is

...a descriptive and interpretive essay designed to examine Antarctica's international political role from the perspectives of the Antarctic past, present and future through the adoption of a multidisciplinary approach on account of the alliance of political, legal, economic, scientific environmental and other themes characteristic of the continent's affairs.<sup>10</sup>

In this eclectic work, which focuses on the Antarctic since the signing of the Antarctic Treaty, Beck discusses New Zealand's internationalisation proposals and, from this, raises the issue of doubts as to the New Zealand Government's commitment to the Ross Dependency claim. He finds the sovereignty positions of both New Zealand and the United Kingdom to be ambiguous, and groups New Zealand with Australia and Norway as the nations most criticised over their failure to give sufficient fiscal backing to territorial claims.

There is a noticeable absence of information on the Antarctic Treaty and New Zealand's role in the Antarctic in New Zealand foreign affairs literature. Where these issues are mentioned, it is largely in the context of Walter Nash's term as Prime Minister and his personal interest in Antarctic matters. The Antarctic Treaty is also referred to in a disarmament context, highlighting its importance as the first nuclear test-ban agreement, making Antarctica the first nuclear-free region in the world. Roderick Alley's essay on disarmament in *New Zealand in World Affairs* vol. 2 (1991), makes brief mention of the Antarctic Treaty. Malcolm McKinnon's *Independence and Foreign Policy: New Zealand in the World Since 1935* (1993) includes Antarctica with the nuclear debate and recognition of Communist China as

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<sup>8</sup> Auburn, *Antarctic Law and Politics*, p. 186.

<sup>9</sup> Auburn, *Antarctic Law and Politics*, p. 94.

<sup>10</sup> Beck, *The International Politics of Antarctica*, preface.

issues indicative of the second Labour government's foreign policy of 'loyal dissent'.<sup>11</sup> McKinnon comments on Nash's internationalisation proposals:

New Zealand had no significant interests in the Ross Dependency, was ill-placed to guard what interests it had and made a claim which neither of the superpowers recognised: internationalisation had something to commend it.<sup>12</sup>

Of work specific to New Zealand in Antarctica, Quartermain's *South From New Zealand* (1964), *South to the Pole* (1967), and *New Zealand and the Antarctic* (1971) deal mainly with accounts of early exploration and research in Antarctica. *New Zealand and the Antarctic* is a detailed account of New Zealand field activities to the end of the 1960s, and has a 'frontier spirit' feel. Quartermain refers to "...the valour - and the sacrifice - of the pioneers..."<sup>13</sup> and conveys the harsh conditions in which 'our men' battled to break new ground - physically and scientifically. One might infer from this that primary New Zealand interests in Antarctica were exploration, scientific research and prestige.

Christopher Beeby's work *The Antarctic Treaty* (1972) is a brief but comprehensive work that considers "...how the Treaty came to have the shape it does and its significance, especially for New Zealand, and [indulges] briefly in some speculation about its future."<sup>14</sup> Beeby outlines the events leading up to the 1959 Washington Conference, then describes the provisions and significance of the Treaty, and finally questions the future prospects of the Treaty. As a key New Zealand player in the Treaty system, Beeby gives specific insight into New Zealand interests in both Antarctica and the Treaty. He points out that it was assertive British imperialist policy that began New Zealand's sovereign involvement in Antarctica, and that the United Kingdom made clear to the New Zealand Government the commercial and strategic importance of the Ross Dependency.

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<sup>11</sup> Malcolm McKinnon, *Independence and Foreign Policy: New Zealand in the World Since 1935*, (Auckland, 1993), p. 140.

<sup>12</sup> McKinnon, *Independence and Foreign Policy*, p. 143.

<sup>13</sup> L.B. Quartermain, *New Zealand and the Antarctic*, (Wellington, 1971), p. 239.

<sup>14</sup> Beeby, *The Antarctic Treaty*, p. 4.

Auburn's *The Ross Dependency* (1972) focuses primarily on the question of sovereignty in the Ross Sea area. Auburn has a view of New Zealand's interests in the Antarctic that is considerably narrower than other commentators. He holds that "Economic resources, and nothing else should be the reason for New Zealand activities in the Ross Dependency".<sup>15</sup> He finds scientific research too expensive to be a justifiable reason for New Zealand Antarctic activity; and critically states that:

New Zealand can have little strategic interest in Antarctica when it has difficulty catching fishing vessels off its own coasts. International prestige may be a large factor in U.S. and U.S.S.R. Antarctic operations, but surely a small country such as New Zealand can find more productive ways of impressing world public opinion?<sup>16</sup>

A central theme of Auburn's book is that New Zealand missed the opportunity to ensure the validity of its Ross Dependency claim through a determined and concentrated administrative and diplomatic effort.<sup>17</sup> In regards to the Antarctic Treaty, Auburn's account of the lead up to the signing is brief and general:

The success of this effort [the IGY] at international scientific co-operation coupled with the potential danger of increased conflicts with the establishment of many permanent bases, led to informal negotiations, and the signing of the Treaty in 1959.<sup>18</sup>

Much of the remainder of the book examines the legal position of New Zealand in the Ross Dependency, with considerable attention being given to United States activities.

In the context of this existing body of work, this thesis will address issues previously neglected concerning New Zealand and the Antarctic Treaty. None of the reviewed secondary literature has looked in detail at the creation of the Antarctic Treaty from the perspective of New Zealand's role in this process. Close analysis of New Zealand's evolving Antarctic interests will illustrate that it had a significant and substantial stake in Antarctica, and that this made New Zealand an influential participant in the making of the Treaty. The manner in which New Zealand

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<sup>15</sup> Auburn, *The Ross Dependency*, p. 1.

<sup>16</sup> Auburn, *The Ross Dependency*, p. 1.

<sup>17</sup> Auburn, *The Ross Dependency*, pp. 1, 2.

<sup>18</sup> Auburn, *The Ross Dependency*, pp. 35-6.

conducted its Antarctic policy, often seen as reluctant and uncommitted, will be looked at with regard to the considerations and motives behind this policy, to provide new insight into the hesitancy and apparent lack of concern for retaining the Ross Dependency that was characteristic of New Zealand's Antarctic approach.

The majority of commentators identify New Zealand most strongly with its support for the full internationalisation of Antarctica. The full extent of New Zealand's internationalist stance will be assessed, including the incentives and priorities behind such a policy and the differing approaches of successive governments and prime ministers. A new perspective on New Zealand's international relations and foreign affairs, from the unique sphere of Antarctic interests, will be provided by this investigation of New Zealand's role in the creation of the Antarctic Treaty.

## Chapter One

The early background to New Zealand's association with Antarctica was as an enthusiastic colonial outpost for United Kingdom exploration. In its support of the British explorers and their heroic deeds, New Zealand developed a strong connection with Antarctic exploration and with the interests of the United Kingdom in Antarctica. Although this connection was strengthened when New Zealand assumed administrative and jurisdictional authority over the Ross Dependency in 1923, the uncertain nature of its title and financial considerations meant that New Zealand adopted a very cautious attitude in its Antarctic policy. As a small nation, unwilling to engage a larger power in a sovereignty dispute, and without the resources to act independently, New Zealand recognised that drawing undue attention to its position in the Antarctic would do nothing to secure its interests in the area. Those interests remained inextricably linked to the United Kingdom and the Commonwealth, and although the United Kingdom itself called on New Zealand to exert its rights as sovereign power over the Ross Dependency, New Zealand Antarctic policy reflected its wider foreign policy supporting collective security and Commonwealth solidarity.

New Zealand's connection with Antarctica can be traced to explorers seeking the mythical *Terra Australis Incognita*, a conjectural continent that grew out of ancient Greek notions of a balance in nature, and the subsequent necessity of a southern counterpart to the land masses of Europe and Asia. When Abel Tasman sighted New Zealand in December 1642 he believed he had found this vast southern continent. James Cook was also seeking the unknown Southern Land when he mapped the coast of New Zealand in 1769. Cook thereby dispelled the belief that New Zealand was part of *Terra Australis Incognita* and as he later pushed further south, crossing the Antarctic Circle and circumnavigating the earth in the high southern latitudes, Cook effectively demonstrated that the fabled southern continent was restricted to the Antarctic. The French explorer Marion du Fresne was also searching for the Southern Land at this time and he came to New Zealand in 1772 after discovering Marion Island and the Crozet Islands.

As the drive for the southern continent gained momentum, many of the great names associated with Antarctic exploration used New Zealand as a base and resting place for their expeditions. Thaddeus von Bellingshausen captained the Russian Antarctic Expedition of 1819-21 and sighted the Continent on 16 January 1820, while attempting to complete the work of Cook in the Antarctic Circle. Bellingshausen was compelled by adverse winds to use Queen Charlotte Sound as anchorage for a week. Sealing captains John Biscoe and John Balleny, working for the Enderby Brothers, spent time in New Zealand in the 1830s. Biscoe was sealing in New Zealand waters for three months in 1831 after his sighting of Cape Ann in Enderby Land, and in the late 1830s made further unsuccessful runs south from New Zealand. Balleny departed from New Zealand in June 1839 on the expedition that discovered the Balleny Islands and made the first known landing south of the Antarctic Circle, on Borradaile Island. Jules-Sébastien-César Dumont d'Urville, a French Admiral, sighted and named Adélie Land in 1840. A landing was made on an islet just off the coast, and possession of both the islet and the coast was taken in the name of France. Dumont d'Urville stated that the title was incontestable, as no one had been dispossessed by his action.<sup>1</sup> On his return from Antarctica, d'Urville spent time at the Auckland Islands, carrying out magnetic observations, then sailed via the Snares and Stewart Island to Otago Harbour, then to Akaroa, Tauranga and finally to the Bay of Islands. Captain Charles Wilkes, who commanded the 1838-42 United States Exploring Expedition, believed in 1840 that he had sighted land within the Antarctic Circle, and charted a 'coastline' that was subsequently sailed over by the Australian Douglas Mawson. Wilkes and his party of scientists made for New Zealand after returning to Sydney from the Antarctic. They left New Zealand in April 1840. Captain Sir James Clark Ross led the 1839-43 British expedition that circumnavigated the Antarctic, charted approximately 900 km of Victoria Land, and discovered Mt Erebus, Mt Terror, Ross Island and the great 'Barrier' of the Ross Ice Shelf. Ross returned to New Zealand from the Antarctic (via Hobart and Sydney), to spend three months in the Bay of Islands, where the crew undertook magnetic observations, geological and botanical work, before leaving once again for the Antarctic. All of these expeditions

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<sup>1</sup> Paul Simpson-Housley, *Antarctica: Exploration, Perception and Metaphor*, (London, 1992), p. 13.

found in New Zealand a convenient and welcoming anchorage and replenishing station.

The end of the nineteenth century saw the Antarctic gain more international attention through the development of southern whaling. A series of whaling grounds in the Atlantic and Pacific Oceans had been exploited to near-extinction in the 15th and 19th centuries. The discovery of whales in sub-Antarctic waters had drawn the whalers south at a time when the depletion of the Japan and North Pacific grounds had combined with the development of steam-driven chase boats, explosive harpoons and compressed air technology to enable the hunting of Rorqual (especially Humpback, Grey and Blue) whales. The Ross Sea had remained relatively untouched until reports of large numbers of 'black' whales inspired expeditions into the area at the end of the nineteenth century. By 1914 the seas around Antarctica provided two thirds of the world's whale oil.<sup>2</sup> The commercial and strategic value of whale oil lent the Antarctic whaling industry considerable importance, and the rise in Antarctic whaling was paralleled by an increased interest in the discovery and exploration of the continent itself. The drive for the interior had begun.

New Zealand, located so close to what seemed the easiest access to the interior of the Antarctic Continent, became the usual base for British expeditions in the Ross Sea area. As such an important staging point for Antarctic exploration, New Zealand - the Government, the public and the press - became intimately involved in the series of expeditions that culminated in Captain Robert F Scott reaching the Pole in 1912.

New Zealand waived harbour fees, and provided financial support, repairs and supplies for Scott's *Discovery* expedition of 1902-04, and for *Discovery's* relief ship, *Morning*. This expedition was based on the enthusiastic desire to explore the still largely unknown Antarctic, and to conduct scientific research, particularly magnetic work. A German Antarctic expedition was also being planned at this time, and Sir Clements Markham, President of the Royal Geographical Society, wrote in 1898, "If we hold back, our country will lose credit. For the first time in our history we shall

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<sup>2</sup> Peter J. Beck, *The International Politics of Antarctica*, (New York, 1986), p. 26.

shamefully resign our proud position, so long held, in the forefront of exploration and discovery".<sup>3</sup> New Zealand interests in Antarctica at this time were very much the interests of the United Kingdom. There was a strong identification among New Zealanders with the British explorers, evidenced by the reception Scott received upon his return to Lyttelton in 1904. Scott wrote: "New Zealand has welcomed us as its own..."; and Doorly, *Discovery's* third executive officer, recalled: "Flags were flying, whistles tooted, and cheer upon cheer rang out from those who had risen so early to welcome us home".<sup>4</sup> This greeting suggests both a public awareness of and interest in Antarctic exploration, and the imperial pride felt for the achievements of Scott and his crew.

Shackleton's 1907-09 expedition was a far more personal undertaking than the *Discovery* expedition, not sponsored by 'powerful organisations' or regarded as a 'national undertaking'.<sup>5</sup> Shackleton's aim was to reach the Pole, carrying out scientific work in the process. The expedition, which did come to within 97 miles of the Pole, departed from New Zealand on New Year's Day 1908, sent off by 30,000 people at Lyttelton. Shackleton carried a small brass cylinder containing a number of New Zealand postage stamps, which were left at the southernmost point reached by the party. The issuance of postage stamps had long been regarded as a symbol of sovereignty and were later used to support claims of annexation in the Antarctic. "The philatelic effusion of a desolate region is due to various causes - frequently political, often financial sometimes philatelic, but rarely postal."<sup>6</sup> The sending of New Zealand stamps along with other documents, and a Union Jack, was an early attempt to assert sovereignty in Antarctica. The expedition took possession of the Plateau in the name of King Edward VII. This was very much a display of imperial territorial accrual, though the fact that New Zealand stamps were taken did not, at that time, indicate a deliberate and distinctly New Zealand attempt to express sovereignty in the Antarctic.

<sup>3</sup> Cited in L.B. Quartermain, *South to the Pole: The Early History of the Ross Sea Sector, Antarctica*, (London, 1967), p. 73.

<sup>4</sup> Quartermain, *New Zealand and Antarctica*, p. 12.

<sup>5</sup> Quartermain, *South to the Pole*, p. 136.

<sup>6</sup> Bagshawe and Goldup, "The Postal History of the Antarctic", *Polar Record*, 1951, 6, 45.

New Zealand stamps were also taken by Scott on his last expedition of 1910-12 and, like Shackleton before him, Scott was made a New Zealand postmaster. When the *Terra Nova* returned to New Zealand bearing news of the deaths of Scott and his men, "New Zealand was shocked to the core...It was a homecoming shrouded in genuine sorrow, for New Zealanders had come to regard all these men as her own".<sup>7</sup>

New Zealand continued to provide generously for expeditions departing from its shores. A great proportion of the supplies for Douglas Mawson's Australasian Antarctic Expedition of 1911-14 came from New Zealand manufacturers, and assistance was given to the distressed *Aurora* of Shackleton's 1914-17 Trans-Antarctic Expedition. New Zealand seemed conscious of responsibilities towards the Antarctic explorers. Geographical proximity meant New Zealand was one of the most significant British outposts for exploration and acquisition in Antarctica.

In 1920 the United Kingdom began to pursue a policy of seeking sovereignty over the entire Antarctic continent, largely, it would seem, for economic reasons. The seas in the area had increased in significance during the First World War due to the importance of whale oil to the production of glycerine - a by-product of soap manufacture vital for the nitro-glycerine used in explosives. It was foreseen that, in the future, trade routes might open up between South Africa, South America, Australia and New Zealand in waters hitherto avoided because of the dangers of ice. The United Kingdom Government believed that "the control of the islands in and adjacent to these seas might become important to British interests in the southern hemisphere, and the establishment of harbours and stations might become economical".<sup>8</sup> The United Kingdom Government also pointed to its 'overwhelming' imperial interests in the region, compared with other nations. L.S. Amery, Secretary of State for the Colonies, claimed that: "With the exception of portions of Chile and Argentina and a few barren islands belonging to France, every inhabited land in the

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<sup>7</sup> Quartermain, *New Zealand and the Antarctic*, p. 22.

<sup>8</sup> Letter from L.S Amery, Secretary of State for the Colonies to New Zealand Governor General, 6 February 1920 - EA W2619 208/9/1 [NA].

direction of the Antarctic regions is already British.”<sup>9</sup> Concern was also shown for the conservation of the animal life of the region, although it is unclear to what extent the motivation for this was environmental, rather than economic. The United Kingdom claimed that a single power controlling the continent would be better able to prevent the “extinction of valuable animals”.<sup>10</sup> It appears that there was also consideration of the possible use of Antarctica as a base for hostile military offensives. Amery, writing to the Governor General in February 1920 stated: “The increasing radius of action of submarines and aircraft will tend to interest your Government in any territories where preparations might secretly be made for raiding operations”.<sup>11</sup>

In the same years as Britain was beginning its bid for control of Antarctica, whaling in Antarctic waters increased in volume and profitability. Rumours began in 1920 that Norway would extend its whaling to the Ross Sea. The threat of Norwegian acts of sovereignty and possible administrative measures over Ross Sea coasts and their hinterland lent an urgency to the existing policy of asserting British sovereignty over the area. It was decided, in discussion with the Australian and New Zealand Governments, that the two countries would have separate spheres of control in the area. In December 1922 the Norwegian whaling company Hvalfangerselskap Rosshavet applied for and received from the British Government a licence to catch whales in the Ross Sea. The licence granted whaling rights in territorial waters in “the Ross Sea and the Antarctic Ocean lying south of the 60th degree of South Latitude East of the 160th degree of East Longitude and west of the 150th degree of West Longitude from the Balleny Islands in the Antarctic Ocean and over and along the waters adjacent to Victoria Land”<sup>12</sup>, a description almost identical to that later used to define the Ross Dependency on its creation in 1923. In granting Norway a license to operate in the Ross Sea, the United Kingdom was asserting its own sovereignty over the area - sovereignty that was obviously acknowledged by Norway.

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<sup>9</sup> Ibid.

<sup>10</sup> Letter from L.S Amery, Secretary of State for the Colonies to New Zealand Governor General, 6 February 1920 - EA W2619 208/9/1 [NA].

<sup>11</sup> Ibid.

<sup>12</sup> Quatermain, *South to the Pole*. p. 421.

On 4 June 1923 the New Zealand Government approved the use of an Order in Council under the British Settlements Act 1887 for the creating of the Ross Dependency.<sup>13</sup> On 30 July 1923 an Order in Council was issued that vested in the Governor General of New Zealand the authority "...to make all such Rules and Regulations as may lawfully be made by His Majesty's authority for the peace, order and good government of the [Ross] Dependency".<sup>14</sup> The Dependency was defined as "that part of His Majesty's Dominions in the Antarctic Seas which comprises all the islands and territories between the 160th degree of East longitude and the 150th degree of West Longitude which are situated south of the 60th degree of South Longitude...".<sup>15</sup> It was clear that this Order in Council was intended to assert British, and not New Zealand, sovereignty over the area. At the time, New Zealand was very certain of its administrative position. A statement by the Minister of External Affairs on 15 August 1923 confirmed that the Ross Dependency had not been included in the boundaries of New Zealand, and that "...His Majesty's delegation...to the Governor-General of New Zealand [did] not confer upon the Government or Parliament of New Zealand the same powers as are vested by The Constitution Act in respect of the Dominion itself".<sup>16</sup> The Government was aware that the powers and duties over the Dependency were entrusted to it by Britain, rather than conferred upon the Dominion. New Zealand had not been granted sovereignty over the Ross Dependency.

Despite its application for a whaling licence in 1922, Norway was the only country to protest against the declaration of the Ross Dependency. In 1925 Norway inquired of the British Government whether it could assume that the latter's annexations only included islands already known and discovered by Britain; and if the area in the immediate vicinity of the Pole (claimed by Amundsen in 1911) was excluded. Britain replied that no territory was known to exist within the Dependency that was not discovered by Britain and it declined to admit the Norwegian claim based on Amundsen's journey, as Shackleton had taken possession of the South Pole Plateau in

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<sup>13</sup> Rather than the Letters Patent procedure, which had been considered earlier.

<sup>14</sup> *New Zealand Gazette*, 16 August 1923, 2211.

<sup>15</sup> *Ibid.*

<sup>16</sup> Minister of External Affairs, 15 August 1923 - EA W2619 208/9/1 (I) [NA].

1909. It took Norway some time to reply, but in 1927 it responded that, as the Ross Ice shelf rested on water and not on land, it was not intended to be included in the Dependency. Norway also claimed that Amundsen's discovery of the Pole entitled Norway to sovereignty of the area beyond the 89th degree. Britain repudiated these claims, and Norway did not pursue the issue until 1929, when it reiterated its former position. Britain did the same, and this time Norway fell silent.<sup>17</sup>

It is most likely that Norwegian opposition to the establishment of the Ross Dependency was motivated primarily by an interest in whaling in the Ross Sea, and by territorial and sovereignty interests in other areas of the Antarctic. At the same time as Norway dropped its protest, unrestricted slaughter of whales in the Antarctic had led to a fall in catch figures, and the subsequent fall in productivity, combined with the effects of the Depression, largely put an end to profitable whaling. Later, the restrictions that World War II placed upon the movements of whaling fleets meant that Norwegian whaling in Antarctica was halted for many years. The 1925-26 whaling season had brought the New Zealand Government royalties of 2s. 6d. per barrel on any catch over 20,000 barrels from the Norwegian whalers. This was on top of the £200 licence fee paid in the 1923-24 season. But in 1929, after other whaling companies began to operate unimpeded in the area without paying any fees or royalties, the Norwegians refused to pay. In 1946 the *Dominion* reported that New Zealand had "accepted sovereignty" by levying fees on whaling in the Ross Sea in the 1920s.<sup>18</sup> Later, these licensing activities were the only administrative acts that New Zealand could refer to in support of its claim to the Ross Dependency.

The issues raised by Norway over the creation of the Ross Dependency were to dog New Zealand and the international community for years to come. The question of sovereignty, and whether discovery without effective occupation was an adequate basis for a territorial claim - considering the relatively uninhabitable nature of the Antarctic continent - was a particularly problematic legal issue. The legal nature of

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<sup>17</sup> EA W2619 208/9/1 (I) [NA].

<sup>18</sup> *Dominion*, 5 December 1946.

the ice shelf, being neither 'land' nor 'sea', was to trouble the Antarctic powers right through to the defining of 'Antarctica' in the Antarctic Treaty of 1959.

Despite its new administrative responsibilities, New Zealand itself did not take an active, independent role in the Antarctic for more than two decades after the 1923 Order in Council. The intervening period was not, however, one of complete disinterest in the continent. It was at this time that New Zealand began its association with the American Rear-Admiral Richard E. Byrd, and established the working relationship with the United States that came to be vital to New Zealand Antarctic operations. Byrd's exploratory expedition of 1928-30 was based at the Bay of Whales, an inlet in the Ross Ice Shelf where a succession of "Little America" bases were to be established by the United States. Once again New Zealand provided provisions and crew members, and was a vital harbour for the expedition. New Zealand press coverage of the expedition was extensive, and thousands turned out to give enthusiastic welcome to the intrepid explorers on their return from the frozen south.

During Byrd's second expedition of 1933-35 "There appeared to be no [United States] intention of contesting British sovereignty over the Ross Dependency, and the New Zealand Government offered all facilities to the expedition...".<sup>19</sup> Yet complications arose regarding the issue of postage stamps by the United States Government bearing the inscription "Byrd Antarctic Expedition II" and "United States Postage". The New Zealand Government was concerned that "...the use of United States postage stamps without permission of the Sovereign Power must be regarded as infringing British sovereignty and New Zealand administrative rights in the Dependency...".<sup>20</sup> New Zealand addressed a note to the United States Government to this effect.

The United States Government's Antarctic Service Expedition of 1939-41 was at least partly directed towards supporting an American territorial claim in Antarctica. The expedition worked from bases at Little America and at Stonington Island, effectively

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<sup>19</sup> New Zealand brief for 1944 Premiers Conference, EA W2619 208/9/1 (III) [NA].

<sup>20</sup> Ibid.

covering King Edward Land, Marie Byrd Land and the south-east and south-west coasts of the Antarctic Peninsula. Initial ideas for permanent or semi-permanent bases were raised by United States officials in the context of providing evidence of effective occupation. President Roosevelt informed the expedition that such permanent bases were important for the defence of the Western Hemisphere, meteorology, radio work and minerals research.<sup>21</sup> Members of the service were urged to deposit documents that would contribute as acts of symbolic annexation to any claim. Accordingly, several claim sheets were deposited in rock cairns marked by a United States flag. However, because of the Second World War, little public attention was paid to the expedition, and plans for permanent bases were dropped.

A secret British wartime expedition “Operation Tabarin” (1942), which established United Kingdom bases in Antarctica in order to secure a stronger position on the continent, grew out of concern over a possible permanent United States presence in the Antarctic. London feared that this could create a new precedent on effective occupation, one that the British operations could not, at that time, hope to satisfy. “Operation Tabarin” was also a response to the entry of Chile and Argentina into Antarctica, specifically into the same sector the United Kingdom had claimed. The British Antarctic Territory was defined as 20°W to 80°W south of 60°S. The Argentinian claim (Antártida Argentina) was defined during 1943-47 (but allegedly precedes this date) as 25°W to 74°W south of 60°S, based, according to the Argentinian Government, on historical rights, geographical proximity, geological contiguity, first occupation, diplomatic action and effective and continuous occupation since 1904.<sup>22</sup> The Chilean claim (Territorio Chileno Antártico) was announced in 1940 as 53°W to 90°W, with no northern boundary announced. The Chilean claim was based on sovereign rights originally established by Spain and continued by the Republic, geological contiguity, geographical continuity, climatic influences, acts of occupation, diplomatic and administrative antecedents and the sector theory.<sup>23</sup> These conflicting claims, and the anxiety they aroused, were later to provide a prime motivation in the development of the Antarctic Treaty.

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<sup>21</sup> Beck, *The International Politics of Antarctica*, p. 27.

<sup>22</sup> Beck, *The International Politics of Antarctica*, p. 119.

<sup>23</sup> Beck, *The International Politics of Antarctica*, p. 121.

Despite wartime activities of the United States and United Kingdom in the Antarctic, international attention was overwhelmingly engaged in the theatres of war. It was only after 1945 that the New Zealand and other interested governments looked again with any enthusiasm at the Antarctic continent.

Antarctica then became the focus of an increasing number of government-sponsored expeditions, as opposed to earlier expeditions most of which were privately funded. The Argentinian Peronist regime attached “considerable policy significance” to Antarctica, and undertook increasingly large-scale operations in the area. Chile also became more active, often at bases in close proximity to Argentinian expeditions.<sup>24</sup> The United Kingdom “Operation Tabarin” became the civilian Falkland Islands Dependencies Survey (FIDS), which continued activities in the Antarctic region to support the British claim and to counter the activities of Chile and Argentina. The United Kingdom was uneasy over the soundness of its title to the British Antarctic Territory - the decreasing value attached to a claim based on discovery or contiguity alone meant greater demands for ‘effective occupation’. Considerations of physical occupation, and the encroachments of Argentina, Chile and the United States resulted in the United Kingdom taking active steps of occupation, research, exploration and administration in the Falkland Islands Dependency as evidence of sovereignty.<sup>25</sup>

In late 1946 the United Kingdom considered raising the Antarctic issue in the United Nations General Assembly - one of the first suggestions that the Antarctic issue either should or would be raised in the United Nations forum. This was to become a recurring theme in the lead-up to the Antarctic Treaty, with nations both stridently opposed to, or eager for, the involvement of the world body. It was an issue of particular concern to New Zealand, and the fact that United Nations involvement was raised this early by the United Kingdom may well have contributed in part to New Zealand’s subsequent support for the United Nations taking a significant role in any Antarctic regime.

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<sup>24</sup> Beck, *The International Politics of Antarctica*, p. 33.

<sup>25</sup> Telegram, New Zealand High Commissioner, London to Minister External Affairs, 2 November 1946 regarding Polar Committee meeting, 31 October 1946 - EA W2619 208/9/1 (III) [NA].

The United Kingdom believed that

...should some form of conference or arbitration be forced on the United Kingdom Government in connection with [the] Falkland Islands dependencies, it may not be possible to restrict discussions to this Antarctic area alone...<sup>26</sup>

In other words, British territorial conflicts with Chile and Argentina might lead to the opening up of the sovereignty issue for the whole continent. Thus New Zealand, in whose territory the United States was becoming increasingly active, should give consideration to the “...question of what, if any, active steps she may consider it advisable to take to strengthen her sovereignty there”.<sup>27</sup> The fact that the United Kingdom referred explicitly to New Zealand strengthening its sovereignty in the Ross Dependency is a significant point. The United Kingdom had never officially vested sovereignty over the Ross Dependency in New Zealand. In fact, the validity of the 1923 Order in Council was doubted by both the British and New Zealand Governments at the time because it conferred authority on the Governor General to make rules and regulations for the Ross Dependency whereas, by the 1887 British Settlements Act, powers of legislation in respect of a British Settlement could be delegated only to three or more people within the settlement.

In 1945 a new British Settlements Bill had been introduced in the United Kingdom parliament to replace the 1887 Act. It was suggested to the New Zealand Government by the Dominions Office that if the Bill became law, consideration should be given whether to revoke the 1923 Order in Council and replace it by an Order in similar terms under the new law.<sup>28</sup> However, officials within the New Zealand Government considered that such an amendment “...would be an admission internationally that the claim to ownership of [the] Ross Dependency was not well founded”.<sup>29</sup>

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<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Letter from Addison, Dominions Office to Minister of External Affairs, 13 Sept 1945 - EA W2619 208/9/1 (III) [NA].

<sup>29</sup> Message from Secretary of Marine to Minister of Marine, 26 July 1946 - EA W2619 208/9/1 (III) [NA].

The advice of the New Zealand Crown Law Office was that the Ross Dependency should be made an integral part of New Zealand by action under the Colonial Boundaries Act 1895. This would have extended the boundaries of New Zealand to include the Dependency, as was done with the Cook Islands and Niue in 1901, in such a way as to avoid admission of invalidity in the 1923 legal procedure. The reasoning behind the use of the Colonial Boundaries Act was that the Ross Dependency had never been administered as a separate jurisdiction from New Zealand. When created as an organised territory in 1923, it was “...at law a separate Dependency of the United Kingdom having no connection with New Zealand except that its Governor was, ex officio, the person who was the Governor-General or officer administering the Government of New Zealand”.<sup>30</sup> However, a separate financial system had never been established for the Dependency, and any profits from whaling fees were taken into the New Zealand Public Account. Administrative expenses were borne by New Zealand, and “certain enactments and other documents” regarding the Dependency were prepared by New Zealand government departments and promulgated in the *New Zealand Gazette*.<sup>31</sup> These points were taken to show that the Ross Dependency had largely come to be regarded as a dependency of New Zealand and that, if this was not the case, the existing practice was not altogether satisfactory. It was believed by External Affairs and Crown Law that this situation would be best rectified by incorporation of the Dependency within New Zealand boundaries. However, when the possibility was discussed with Prime Minister Peter Fraser in December 1946, he decided that the matter should be left until after the elections, when it could be considered in more detail by Cabinet.<sup>32</sup>

At the time when the United Kingdom was urging New Zealand to strengthen its position in the Ross Dependency, New Zealand itself was clearly all too aware of the uncertainty of that position. External Affairs was very conscious of the weakness of New Zealand title, a point made repeatedly in internal correspondence.<sup>33</sup> No

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<sup>30</sup> Draft telegram from Minister External Affairs to Secretary of State for Dominion Affairs (London), 9 August 1946 - EA W2619 208/9/1(III) [NA].

<sup>31</sup> Ibid.

<sup>32</sup> Memorandum, “The Ross Dependency”, 12 December 1946 - EA W2619 208/9/1 (I) [NA].

<sup>33</sup> For example, “New Zealand’s claim to sovereignty over the Ross Dependency is weak”, FS in file note, 5 September 1947 - EA W2619 208/9/1(I) [NA]. “The New Zealand title to the Ross

definitive act of sovereignty had been exercised by New Zealand in the territory, and the possibility that the area had become *res nullius* had to be considered. Unless some positive act of sovereignty was exercised by the New Zealand Government, the already weak title could only deteriorate.

However, despite such concern over title, and an obvious need for action by the New Zealand Government if its position in Antarctica was to be consolidated, no official expedition was sent to the Dependency until the International Geophysical Year of 1957-58. In fact, a very cautious approach was adopted towards the whole issue, exemplified by the New Zealand response to “Operation High Jump”, the massive United States expedition in the summer of 1946. The Operation was to involve 4,700 men (only three women had been to Antarctica at this time), numerous land vehicles and 13 ships, including an aircraft carrier.<sup>34</sup> The expedition was to be based at the Bay of Whales, and the directive of the United States Chief of Naval Operations called for “consolidating and extending...United States sovereignty over the largest practicable area of the Antarctic Continent”.<sup>35</sup> Although this directive remained classified until 1955, the American press at the time had sufficient information to report the aims of the expedition as “to determine whether the southern polar area had value to national defence and long term United States economy and to strengthen this country’s claim...”.<sup>36</sup> The very nature and existence of the expedition was sufficient to cause uneasiness in the New Zealand press and External Affairs. Yet the response of the New Zealand Government was that:

Any action which is taken with regard to the Byrd Expedition should...be carefully considered in order that a controversy should not ensue. Care must be taken not to bring matters to a head since disclosure of all the facts would reveal the pitiful inadequacy of New Zealand measures so far as the

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Dependency is, at the moment, not very strong”, C. Craw, Proposed Action with regard to visit of the Byrd Expedition to the Ross Dependency, 17 December 1946 - EA W2619 208/9/1 (III) [NA].

<sup>34</sup> Auburn, *Antarctic Law and Politics*, p. 63.

<sup>35</sup> Cited in Quartermain, *New Zealand and the Antarctic*, p. 63; and Auburn, *The Ross Dependency*, p. 23.

<sup>36</sup> Summary of Byrd interview with Press as reported in New York Times, 12 November 1946, in telegram from Secretary of State for Dominion Affairs to NZ Minister External Affairs, 21 Nov 1946 - EA W2619 208/12/1 (1B) [MFAT].

Dependency is concerned. Indeed it could be argued that the best method in this case would be to “let sleeping dogs lie”.<sup>37</sup>

Consequently, when the United Kingdom Secretary of State for Dominion Affairs suggested to the New Zealand Government that it should inform the United States State Department that “whilst New Zealand Government in no way wish to prevent such exercises as United States Navy Department may decide to undertake, they feel obliged to request that their rights as to territorial power concerned shall be respected”<sup>38</sup>, the Ministry of External Affairs did draft a letter along these lines. However, the letter was then discussed with the United States Minister and amended accordingly. The significant paragraph of the draft letter read thus:

...the New Zealand Government wish to state that they would anticipate receiving some official intimation on the subject and, in accordance with customary international usage any formal request for permission to land on or fly over the Dependency. They wish to point out that they have no desire to place any obstacles in the way of the exercises proposed by the United States Navy Department. The purpose of this note is to inform the United States Government that every possible assistance will be offered by New Zealand with a view to facilitating the plans of the Task Force, and to request the United States Government to ensure that the rights of New Zealand, as the territorial power concerned, are respected.<sup>39</sup>

The corresponding paragraph in the amended letter was significantly altered:

The New Zealand government would normally have expected a formal request for permission to land on and fly over the Dependency but since they have no desire to place any obstacles in the way of the exercises proposed by the United States Navy Department they do not under the circumstances of this expedition desire to raise the question of this formality. The purpose of this note is to inform the United States Government that every possible assistance will be offered by New Zealand with a view to facilitating the plans of the Task Force.<sup>40</sup>

<sup>37</sup> C. Craw, “Proposed action with regard to visit of the Byrd Expedition to the Ross Dependency”, 17 December 1946 - EA W2619 208/9/1 (III) [NA].

<sup>38</sup> Telegram from Secretary of State for Dominion Affairs to Minister External Affairs, 14 December 1946 - EA W2619 208/12/1 (1B) [MFAT].

<sup>39</sup> First Draft of note to the United States, 24 December 1946 - EA W2619 208/12/1 (1B) [MFAT].

<sup>40</sup> Telegram from Minister External Affairs to NZ Minister, Washington, 24 December 1946.

This was perhaps the most prudent approach, considering New Zealand's somewhat precarious position in the Ross Dependency, but New Zealand had identified strong national and imperial interests in the territory, and such passivity did nothing to secure its security, economic, scientific and Commonwealth interests. Central to New Zealand's security interests in Antarctica was the desire to prevent the Ross Dependency and adjoining territories in the Antarctic from "...falling under the control of enemy powers, or possible enemy powers".<sup>41</sup> The proximity of the territory to New Zealand meant a possibility, albeit remote, that it could be used as a platform for hostile operations against New Zealand. However unlikely, such a possibility could not be disregarded. The New Zealand Antarctic Society (NZAS) also viewed security as one of New Zealand's major interests in Antarctica. In a conversation with JS Reid of External Affairs, Bryan O'Brien of the NZAS, when pressed to explain why the Society considered that the Antarctic had a security interest, stated that in its view the recent US Naval Expedition to the area was surely evidence of this.<sup>42</sup>

It was unclear in the late 1940s whether economic exploitation of Antarctica's resources would become possible in the future, but New Zealand was determined to ensure it had the opportunity to share in whatever resources might be profitably exploited.<sup>43</sup> There was considerable discussion in parliament during 1947 on the possibility of New Zealand becoming a base for British whaling in the Antarctic, as a means of entering the Antarctic whaling industry.<sup>44</sup> Apart from the economic value of whale oil and its by-products, a British presence in the Ross Sea would protect New Zealand interests against recent encroachments by Norwegian, Japanese, Dutch and Russian whalers in the Antarctic area.

Participation was also desired in scientific exploration in the Antarctic, particularly in areas of immediate concern to New Zealand: meteorology and ionospheric research.<sup>45</sup>

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<sup>41</sup> Draft report, Prime Minister's Department, 21 February 1947 - EA W2619 208/9/1 (I) [NA].

<sup>42</sup> Record of conversation of 14 May, JS Reid, 20 May 1947 - EA W2619 208/9/1 (I) [NA].

<sup>43</sup> Memorandum (Foss Shanahan), 2 July 1947 - EA W2619 208/5/1 (I) [MFAT].

<sup>44</sup> *NZPD* 24 September 1947 p. 531; 13 August 1947 p. 300, 311.

<sup>45</sup> *Ibid.*

Scientific interests were closely tied to economic concerns, as considerable scientific investigation was required to identify the resource potential of the continent.

Commentators in the press were particularly aware of scientific interests in Antarctica. The *Otago Daily Times* reported that “There can be no doubt that New Zealand is destined to play an increasingly important part in the development of scientific research in the Antarctic regions”.<sup>46</sup> New Zealand was seen as the most suitably situated base outside the Antarctic for communication between the large section of the continent facing New Zealand and the rest of the world;<sup>47</sup> and the Ross Dependency itself was potentially “the cheapest atom-smashing observatory in the world...through cosmic rays Nature provides in the Ross Sea its own cyclotron for bombarding the atom”.<sup>48</sup> A call was also made for New Zealand to act on its interests in Antarctica and join in the growing scientific activities in that area:

The vast and formerly little-known southern continent is assuming an importance, scientifically and strategically, that demands a completely new evaluation of its future in world affairs. The geographical propinquity of New Zealand to the region requires that the Dominion be not backward in the general movement to explore further its possibilities.<sup>49</sup>

Although New Zealand was concerned over the weakness of its title to the Ross Dependency, and the United Kingdom was urging New Zealand to ‘secure sovereignty’ in the area, opinion in New Zealand was still that responsibility over the Dependency was a duty to the Commonwealth, and to some extent that duty was still to secure British title to the territory. The *Christchurch Star-Sun* reported the weakness of “...British title to the Ross and Australian Dependencies...”.<sup>50</sup> In discussion with External Affairs, Prime Minister Peter Fraser stated that

The United Kingdom are obviously anxious that British Title to the territory should be secured, and it appears that this is a case where New Zealand might accept a “burden of Empire” in the hope that the occupation and exploitation of the territory

<sup>46</sup> *Otago Daily Times*, 19 March 1947.

<sup>47</sup> *Dominion*, 14 March 1947.

<sup>48</sup> *Daily Telegraph*, 13 December 1946.

<sup>49</sup> *Otago Daily Times*, 19 March 1947.

<sup>50</sup> *Christchurch Star-Sun*, 3 June 1947.

may result in some tangible advantage to New Zealand and other members of the British Commonwealth.<sup>51</sup>

The New Zealand Government maintained that securing the Ross Dependency from occupation by hostile powers would be of assistance to the United Kingdom, "...because possession of the territory assists in denying access by potential enemy powers to the Falkland Islands, in which a British Naval Base is established".<sup>52</sup>

Despite the cautious approach adopted towards the United States Operation High Jump, the New Zealand Government did give some active regard to its interests in the Ross Dependency, and Antarctica as a whole. On 24 December 1946 a Cabinet Committee was established to report on the organisation of any expedition to the Dependency, the value likely to accrue to New Zealand through exploration and the establishment of bases in the Dependency, and what work was likely to be done by such an expedition. The committee submitted its report in June 1947. It found that, as New Zealand title to the Ross Dependency was weak, effective occupation and control was essential if British title was to be secured to "at least part of the area".<sup>53</sup> Two points arise from this report. First, title over the Ross Dependency was still being referred to as 'British', and this at Cabinet level. Secondly, there was the suggestion that the full Dependency claim would not be salvaged, in view of the good prescriptive title the United States had to the eastern section of the area. Yet as far as implementing effective occupation and control went, the committee found that it was "not imperative, on scientific or economic grounds, that New Zealand despatch an expedition and establish a base".<sup>54</sup> The committee concluded that, in view of the possibility of conflict in Antarctica, much was to be said for the proposal for a United Nations trusteeship.

Earlier in 1947 the Department of External Affairs had already considered placing an item on the agenda of the second session of the United National General Assembly

<sup>51</sup> Memorandum: The Ross Dependency, 12 December 1946 - EA W2619 208/9/1 (I) [NA].

<sup>52</sup> Draft report, Prime Minister's Department, 21 February 1947 - EA W2619 208/9/1 (I) [NA].

<sup>53</sup> Report, "Ross Dependency - New Zealand Expedition", 4 June 1947 - EA W2619 208/10/1 (I) [MFAT].

<sup>54</sup> Ibid.

calling for discussion of the desirability of placing Antarctica under United Nations' control.<sup>55</sup> External Affairs held that, as the Antarctic was incapable of continuous settled occupation and because of increasing international attention, administration by the United Nations Organisation would "end the incessant and largely meaningless wrangles over various portions of the area" and "would constitute a unique experiment in direct control of an area by an international organisation with all the usual pitfalls of international government absent".<sup>56</sup> United Nations trusteeship was also seen as a means to manage the exploitation of any economically significant resources for the benefit of all nations. The New Zealand Government was aware that there might be resistance to such a proposal but maintained that "its adoption would at least mitigate the possibilities of conflict in an area of the world close to New Zealand and of special concern to us".<sup>57</sup> New Zealand was willing to consider giving away territorial sovereignty for the benefits of an international regime and it was believed that New Zealand's interests would be best served by a co-operative arrangement.

It is easy for us to offer to give away something which is worth nothing to us, which has proved, if anything, an embarrassment, and to which, in any case, we are not certain whether we possess the title or not.<sup>58</sup>

In 1961 the *Dominion* reported that "New Zealand's interest in the Antarctic continent for nearly a century of our history waxed and waned with the coming and the starting off from Lyttelton of some fabulous adventurer on the way to the frozen South".<sup>59</sup> This was a fairly accurate view of New Zealand's early interests in Antarctica, which were almost exclusively the interests of the United Kingdom for many years. However, as the responsibilities of, at least nominally, administering a territory in an area of considerable international tension became increasingly apparent, New Zealand was compelled to participate in the potentially volatile Antarctic politics of the 1930s and 1940s. New Zealand initially approached the question of Antarctica from the

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<sup>55</sup> "Suggested International Control of Antarctica", External Affairs, 28 May 1947 - EA W2619 208/5/1 (I) [MFAT].

<sup>56</sup> *Ibid.*

<sup>57</sup> Memorandum, External Affairs to Prime Minister, 15 May 1947 - EA W2619 208/9/1 (I) [NA].

<sup>58</sup> "Suggested International Control of Antarctica", External Affairs, 28 May 1947 - EA W2619 208/5/1 (I) [MFAT].

<sup>59</sup> *Dominion*, 23 November 1961, editorial.

context of a euro-centric foreign policy (or more accurately, imperial policy), and from the new recognition of United States power in the Pacific area - although reservations over United States aspirations were reflected in New Zealand's wariness towards United States activities within the Ross Dependency. In fact, this wariness coloured all aspects of New Zealand's Antarctic policy. Such a cautious approach, due largely to the questionable validity of New Zealand's claim, did little to protect national interests in Antarctica. New Zealand confined itself to an uneasy silence regarding the sovereignty implications of the United States presence in the Ross Dependency, and looked towards the fledgling United Nations for an international solution to the difficulties emerging in Antarctica.

## Chapter Two

The period from 1947 through to 1956 saw a series of United States initiatives dominating the international politics of Antarctica. For New Zealand, constantly responding to United States proposals - for international regimes, expeditions and permanent bases - it was necessary to assess closely the nation's interests and policy regarding the Antarctic. This period was characterised by New Zealand moving gradually away from a dependence on the United Kingdom and suspicion of United States motives, to a desire for a strong United States presence in the Antarctic. This was a reflection of wider foreign policy trends, particularly the development of what has been called 'dual dependency'<sup>1</sup>. New Zealand had established the ANZUS alliance with the United States in 1951, which was reflected in the increased importance given to United States Antarctic interests. However, New Zealand was still a little wary of United States motives, and retained its strong link with the United Kingdom, continuing to take many of its Antarctic policy cues from London. New Zealand also considered its security in the Antarctic as intimately linked to that of the United Kingdom.

The interests and values of Peter Fraser's Labour Government and Sidney Holland's National Government in this period were manifest in their Antarctic policy, particularly Fraser's dedicated internationalism and Holland's parsimony and disinterest in foreign affairs. Conditional internationalisation of Antarctica clearly developed through the late 1940s and early 1950s as a continuous thread in New Zealand's views on an Antarctic settlement. These years also saw concerns over the New Zealand sovereignty claim develop and intensify. However, despite the increasing international attention being paid to Antarctica (particularly in the planning of the International Geophysical Year and Trans-Antarctic Expedition), and a number of opportunities to join an Australian or United Kingdom expedition, New Zealand still did nothing to validate or strengthen its claim to the Ross Dependency. New Zealand came to realise that it could not maintain its claim, or any activity in the

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<sup>1</sup> W. David McIntyre "From Dual Dependency to Nuclear Free", in Rice, Geoffrey W. (ed.), *The Oxford History of New Zealand*, 2nd ed., (Auckland, 1992), pp. 520-38. Richard Kennaway, *New Zealand Foreign Policy 1951-1971*, chapter two 'Towards Dual Dependence', pp. 22-31.

Dependency, without the support of other nations. Internationalisation was one solution to this problem.

The international rivalry over Antarctica intensified during 1947-48, and international relations - particularly among the United Kingdom, Argentina and Chile - became increasingly heated. A series of declarations and symbolic acts both reflected and inflamed the conflicts in these years. Through the 1940s, Chile and Argentina, in a common stand against the United Kingdom, had agreed on the existence of a South American sector in the Antarctic which covered the combined area of the two claims, where Chile and Argentina had exclusive rights of sovereignty. This culminated in the 1948 Donoso-La Rosa declaration, by which each nation recognised the other's sovereign rights and agreed to "act in mutual agreement in the protection and legal defence of their rights in the South American Antarctic, lying between the meridians of 25° and 90° West...".<sup>2</sup> As a symbolic act of United Kingdom authority in 1947-48, *HMS Nigeria* carried the Falkland Islands Governor around the Falkland Islands Dependencies, which included South Georgia, the South Sandwich and South Shetland Islands, the South Orkneys and the Antarctic sector centred on Graham Land. In 1948 the Chilean president visited the Chilean Antarctic bases. The possibility of military conflict in the South American sector was very real at this time, with Argentina positioning two cruisers, six destroyers, two transports and support vessels around the South Shetlands.<sup>3</sup> Chile had also positioned warships in the area, and the United Kingdom countered the South American presence with a frigate and a cruiser of its own. Fears over potential confrontation among the three nations led them, in January 1949, to exchange declarations that they would not send warships south of 60°S. This understanding was renewed annually until the adoption of the Antarctic Treaty in 1959. The arrangement, however, did nothing to lessen the sovereignty conflict in this area of Antarctica, and acrimony among the United Kingdom, Argentina and Chile continued throughout the treaty negotiations.

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<sup>2</sup> Cited in Beck, *The International Politics of Antarctica*, p. 34.

<sup>3</sup> Beck, *The International Politics of Antarctica*, p.34.

United States concern over the South American sector dispute provided the original impetus for attempts to find an international solution to sovereignty issues. The United States had been placed in a difficult, even embarrassing situation, as the dispute involved both its NATO ally Britain, and two Rio Treaty allies. The Rio Treaty (the Inter-American Treaty of Reciprocal Assistance) had been signed in 1947, and proclaimed that any armed attack on an American state would be considered an attack against all American States. The Treaty area extended to the South Pole between 90°W and 24°W (South of South America). “Aggression included violation of the integrity of territory by means other than an armed attack.”<sup>4</sup> This treaty could have effectively prevented the United States from siding with the United Kingdom in any confrontation with Chile and Argentina.

Difficulties had also arisen in the late 1940s between the United States and the United Kingdom. United States Antarctic activities were becoming increasingly political. Operation Windmill of 1947 deposited claim forms, contributing to a possible declaration of sovereignty, at various points throughout the Antarctic. This was motivated both by the desire to consolidate the United States territorial position in Antarctica, and by an appreciation of the value of military training in the Antarctic in preparation for deployments in the Arctic. The United Kingdom, alarmed by the depositing of claim forms, resented the United States policy of refusing to recognise Britain’s Antarctic claims and its refusal to seek permission before sending expeditions to ‘British territory’. For example, the United States Finn Ronne expedition of 1946-48 wintered over in 1947 at East Base on Stonington Island in Marguerite Bay, Graham Land while, at the same time, a British expedition was occupying a base a little more than 200 metres away. The United Kingdom Government attempted to deflect United States intentions with complaints that there was insufficient space or resources for the two expeditions. Despite this, the United States party arrived, causing considerable friction over base hut locations, the belief that the British party had caused some damage to the United States base, and the United States failure to respect ‘British territory’. Ronne even issued a non-fraternisation order to his United States party.

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<sup>4</sup> Auburn, *Antarctic Law and Politics*, p.56.

International tension regarding Antarctica was clearly growing. The United States responded to the deterioration in Antarctic relations with a United Nations Trusteeship proposal in early 1948. This was the trusteeship concept embodied in Chapter XII of the United Nations Charter, but as it was primarily directed towards advancing the interests of a territory's inhabitants, and the Antarctic had no indigenous population, the trusteeship proposal did not remain under contemplation for long. The United Kingdom saw the proposal as disadvantageous because "A dangerous precedent might be created which would have implications for other parts of the Empire which are more sparsely inhabited" (probably a reference to South Pacific islands which were potentially important for the development of civil aviation).<sup>5</sup>

New Zealand initially favoured a United Nations Trusteeship. The 1946 Cabinet Committee had suggested that the New Zealand Government invite the United Kingdom and Australian authorities to consider a Trusteeship proposal, with the resources of the Antarctic Continent being "exploited for the benefit of all nations and scientific work there conducted on a joint basis by all interested nations".<sup>6</sup> New Zealand had a particular interest in United Nations Trusteeship at this time. Peter Fraser was an enthusiastic advocate of trusteeship, and had been Chairman of the Committee drafting Trusteeship provisions for the United Nations Charter at the San Francisco Conference in 1945. New Zealand's labour Government had long been a supporter of international collective security arrangements rather than regional agreements, viewing the United Nations as the best organisation to solve international disputes. However, no action had been taken on the Committee's recommendation, and the New Zealand Government gradually came to the conclusion that trusteeship was not appropriate to the Antarctic Continent.<sup>7</sup> This conclusion was no doubt reinforced by a meeting held between United Kingdom, Australian and New Zealand representatives on 21 October 1948 where it was agreed that "United Nations

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<sup>5</sup> Telegram from Secretary of State for Commonwealth Relations to N Z Secretary External Affairs, 17 February 1948 - EA W2619 208/5/1 (I) [MFAT].

<sup>6</sup> Antarctica: Background paper. 10-9-48, JVS - EA W2619 208/5/1 (I) [MFAT].

<sup>7</sup> Ibid.

Trusteeship would be unacceptable since it would bring the Soviet Union into the Antarctic".<sup>8</sup>

An alternative scheme, again proposed by the United States in 1948, was for a limited international regime, involving the seven nations with territorial claims in the Antarctic (Argentina, Australia, Chile, France, New Zealand, Norway and the United Kingdom) plus the United States. The New Zealand reaction to this United States initiative was largely negative at first. The Ministry of External Affairs held that: "by internationalisation we do not avoid, but merely transfer to a different forum, a struggle of interests which could cause trouble".<sup>9</sup> However, the Ministry did prefer that the struggle occur within international bodies of control, rather than as "an overt scramble for possession".<sup>10</sup> It was foreseen that

Chile and the Argentine as the most active scramblers may...succeed in securing...the support of the United States of America for their claims both in the Falkland Islands Dependencies and in the Antarctic proper. This would surely be a situation of great danger to us.<sup>11</sup>

New Zealand security in the Antarctic was clearly considered, at this time, as inseparable from the security of the United Kingdom claim. New Zealand only recognised the United Kingdom claim in the South American sector, and the possibility of a United States, Argentinian and Chilean alliance, to the detriment of that claim, was perceived as a direct threat to the New Zealand position in Antarctica. Accordingly, the uncertainty over United States plans in the Antarctic made internationalisation an appealing, if not ideal, solution. Some form of international monitoring of the claims struggle would help secure New Zealand interests and ensure an orderly resolution to the problems in Antarctica.

A few days later, responding to the United States limited regime proposal, New Zealand was strongly in opposition, which shows that New Zealand support for

<sup>8</sup> Record of Meeting held at Foreign Office, 21 October 1948 - EA W2619 208/5/1 (I) [MFAT].

<sup>9</sup> Telegram from: External to Secretary of State for Commonwealth Relations, 5 March 1948 - EA W2619 208/5/1 (I) [MFAT].

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

internationalisation was not open acceptance of any multi-national scheme, and that certain prerequisites had to be met before any such scheme would receive New Zealand backing.

We consider the United States proposal for a condominium of the whole area is a most unsatisfactory halfway house and would not wish to support a solution along these lines which ignores the United Nations.<sup>12</sup>

The United States and Argentina separately proposed an international conference to resolve the Antarctic disputes. New Zealand External Affairs considered that attempts of this nature to establish multi-lateral control of Antarctica were “fraught with danger and could achieve no lasting settlement”.<sup>13</sup> Sovereignty questions were seen as formidable obstacles at any international conference, and the United States proposal was considered inconsistent with the American desire to settle the Antarctic problem without reference to the sovereignty dispute. There was concern within the New Zealand Government that the United States proposal was vague in character. It was also seen as an exclusive arrangement, implying the denial of any rights in the Antarctic continent to all except the eight ‘Antarctic powers’. This denial would exist despite the fact that adoption of the regime would, hypothetically, liquidate the mutual rivalries of the eight nations themselves.<sup>14</sup>

These concerns led New Zealand to consider an alternative, more open, regime. It was envisaged that an open regime could be similar to that which regulated maritime navigation, with a protocol drawn up to embody the conditions under which expeditions could be sent, scientific investigation conducted and mineral resources exploited. Some standing authority or “Licensing Authority” was considered necessary, with the special position of the eight Antarctic powers given recognition by permanent positions on the authority. It would be composed of these eight, plus perhaps five nations appointed by the United Nations General Assembly, with decisions made by majority vote.

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<sup>12</sup> Telegram from: External to Secretary of State for Commonwealth Relations, 10 March 1948 - EA W2619 208/5/1 (I) [MFAT].

<sup>13</sup> Telegram from External to SECRO, London, 13 April 1948 - EA W2619 208/5/1 (I) [MFAT].

<sup>14</sup> Report “Regime of the Antarctic Continent”, JVV, 29 July 1948 - EA W2619 208/5/1 (I) [MFAT].

The likely objections to such a scheme were also considered, and these points highlight key New Zealand fears at the time. First, the tenacity with which national claims were held would prevent the acceptance of an “open” or, for that matter, a “closed” regime. Therefore securing any co-operation or settlement was seen as a difficult, if not impossible, task, considering the strong individual national interest in Antarctica and the reluctance to concede any of those interests. Second, there was a strategic problem, as an open regime might not fulfil the true aims of the United States in proposing a limited regime. “It may be that the real object of the whole move is to have large unlooked-over areas for atom bomb experiments and also for the collection of useful minerals...”<sup>15</sup> Uncertainty over United States plans in the Antarctic was causing concern to the New Zealand Government. Suspicion over United States motives was not helped by American reticence over the possibility of making a claim; and the proximity of the Antarctic Continent made atomic weapons testing an issue of particular immediacy. Third, an “open” regime would be open to nations unwelcome in the Western-dominated Antarctic. According to External Affairs these unwelcome nations were “at present Russia and - we might feel this even more strongly - Japan.”<sup>16</sup> Memories of the Second World War, and newly developed Cold War anxieties meant that a Soviet or Japanese presence in the nearby Antarctic Continent was a situation to be avoided at all costs.

In August 1948, the United States formally proposed a limited regime for the Antarctic continent.<sup>17</sup> At first, New Zealand felt some reservations over this proposal, particularly because it did not involve the United Nations. However, New Zealand was quite prepared to overlook its reservations and accept the planned limited regime, if its allies decided to support the scheme. New Zealand’s response to the United States proposal stated that it was

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<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> The United States called for the creation of “a special regime for the Antarctic Continent and all Islands south of 60 degrees south latitude, excluding the South Shetlands and South Orkney Groups, and the establishment of an Antarctic Commission to undertake the actual government of the territory”. Memo to Office of the High Commissioner for New Zealand, Canberra, from Secretary External Affairs, (Shanahan), 26 October 1948 - EA W2619 208/5/1 (I) [MFAT].

not averse to entering into an arrangement of the kind contemplated by the United States proposals if other interested powers should indicate their agreement and if such an arrangement would facilitate the peaceful settlement of questions at present in dispute.<sup>18</sup>

Collective security and Commonwealth solidarity were of prime importance to New Zealand at this time, and it would put aside concerns about nuclear testing and the Soviet Union in order to uphold that solidarity. The response also reflected the recommendation of a New Zealand Chiefs of Staff Committee assessing the strategic importance of Antarctica, that in any negotiations concerning Antarctica, full regard should be given to security considerations affecting New Zealand and the British Commonwealth position generally.<sup>19</sup> The Chiefs of Staff Committee had been directed by Foss Shanahan, the Secretary of the Chiefs of Staff Committee, in August 1948 to give a comprehensive assessment of strategic considerations regarding the Ross Dependency. The call for this assessment was made in response to the series of proposals recently advanced by the United States, and - more generally - because of the increased interest shown in Antarctica in the post-war period and accompanying questioning of the validity of many long-standing claims.<sup>20</sup>

External Affairs gave close consideration to the United States draft condominium proposal, which contained many of the benefits of internationalisation that New Zealand had earlier seen in a trusteeship solution. The perceived advantages were that an international settlement was likely to resolve the claim disputes and remove the possibility of future rivalry in the Antarctic area. Such a settlement would also foster co-operation and facilitate scientific research, discovery and exploration for the benefit of all nations. An international regime would remove from New Zealand's back door a potential source of international conflict, and because the Ross Dependency was seen as having doubtful strategic value for New Zealand, internationalisation would not prejudice New Zealand security. Such a settlement was

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<sup>18</sup> Ibid.

<sup>19</sup> Chiefs of Staff Committee: The Strategic Importance of Antarctica, 23 September 1948 - EA W2619 208/5/1 (I) [MFAT].

<sup>20</sup> Memorandum from Foss Shanahan to Chief of General Staff, 31 August 1948 - EA W2619 208/10/1 (I) [MFAT].

seen as likely to diminish the risk of a 'uranium rush' in Antarctica, should fissionable materials be discovered there. Finally, on a more philosophical note, an international settlement would have "great moral effect in restoring confidence in the ability of nations with pressing difficulties to settle them by peaceful conciliation".<sup>21</sup>

The main disadvantages of the draft scheme were that it would create a 'closed' regime - one that would not only exclude the Soviet Union but also South Africa - a Commonwealth ally. Also, the condominium plan was only indirectly connected with the United Nations. Despite these disadvantages it was concluded that, "in discussion with other Commonwealth Governments, New Zealand should persist in her willingness...to support the American proposals as a suitable basis for discussion".<sup>22</sup>

Other nations were not so supportive of the United States proposal. Norway regarded the plan as extravagant and unnecessary, agreeing to the idea of a purely scientific international organisation, but unwilling to yield sovereignty. Argentina was opposed to the proposal, and could not consider surrendering its rights in Antarctica without a preliminary conference. Australia - conducting its own expansionist Antarctic policy - showed no enthusiasm for the United States idea. It was disposed to view favourably a regional arrangement for the development and exchange of information, but strongly opposed any infringement upon, or abandonment of, sovereignty. France, too, was against the principle of yielding national sovereignty, but would consider the internationalisation of scientific activities.<sup>23</sup>

The Chilean Government submitted a counter proposal in response to the United States draft agreement. This constituted an informal declaration of agreement between Argentina, Australia, Chile, France, Norway, New Zealand, the United Kingdom and the United States, allowing the full exchange of scientific information, data and publications regarding Antarctica, and encouraging the sending of technical expeditions. There would be a statement that the establishment of new bases, the sending of expeditions and other activities in the Antarctic would not harm sovereign

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<sup>21</sup> "Antarctica" TCL, 5 October 1948 - EA W2619 208/5/1 (I) [MFAT].

<sup>22</sup> Ibid.

<sup>23</sup> "United States Proposals for the Antarctic", 31 January 1949 - EA W 2619 208/5/1 (II) [MFAT].

rights, and none of the new activities would be invoked as a basis for sovereignty claims. The Chilean proposal was to last for five years, 'freezing' the current situation, and preparing the way for an Antarctic Conference. This concept of freezing the claims conflict in Antarctica was to develop into one of the most important articles in the Antarctic Treaty.

New Zealand saw advantages in the Chilean 'standstill' agreement. First, it would relieve the New Zealand Government of any immediate need to substantiate its claim to the Ross Dependency. Secondly, it was possible that the agreement could develop into some form of international control, a solution favoured by New Zealand. Thirdly, New Zealand would have the support of other parties to the Declaration should 'outside' powers display unwelcome interest in the area.<sup>24</sup> A possible disadvantage was that any of the Governments that signed the Declaration would be able to carry out scientific research and exploration in any part of Antarctica, leaving New Zealand no grounds on which to resist activity in the Ross Dependency.<sup>25</sup> However, the New Zealand Government was reluctant to make the necessary financial commitment to support its claim to the Dependency, and clearly favoured some solution that made such validation unnecessary.

By the end of 1948 it was becoming clear that United States interest in solving the problems in Antarctica was waning. In a meeting with the United Kingdom Minister in Washington, a representative of the United States State Department

did not deny that there had been some lack of vigour in pressing internationalisation proposals on other governments concerned...[the] United Kingdom Minister gained [the] impression that [the] State Department were now treating [the] Antarctic question as of relatively little importance compared with other major problems and that consequently they no longer saw any great urgency in dealing with it.<sup>26</sup>

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<sup>24</sup> Note for file, 16 July 1951, CCA - EA W2619 208/5/1 (III) [MFAT].

<sup>25</sup> Ibid.

<sup>26</sup> Telegram from: Secretary of State for Commonwealth Relations to Australian and New Zealand Governments, 18 December 1948 - EA W2619 208/5/1 (I) [MFAT].

When there had been no further developments regarding the American proposal for a special regime by August 1949, J S Reid of External Affairs wrote “The proposal appears to be dormant as far as the State Department are concerned...”<sup>27</sup>

As an internationalisation scheme had not been successful, emphasis was now transferred to the validation of territorial claims. Attention remained largely focussed on expeditions through the early 1950s, until the United States once again opened the issue of the claims disputes and international settlement with its 1955 reconsideration of Antarctic policy.

The Soviet Union formally entered the Antarctic debate in 1950, bringing the added dimension of superpower politics to the Antarctic, where before there had only been the unsubstantiated fears of Western nations that the Cold War would be extended to Antarctica. The Soviet Union addressed a memorandum to all claimant nations and the United States, asserting its right to participate in any Antarctic settlement. “The Soviet Government considers it necessary to state that in accordance with international practice, all interested countries must be brought into participation in consideration of the regime...”<sup>28</sup> New Zealand followed the United Kingdom in declining to respond to the Soviet note. The United Kingdom was concerned that it would be difficult to distinguish legally between the position of the United States and the Soviet Union regarding Antarctica, and that any rejection of Soviet declarations might imply the rejection of the United States’ right to participate in an Antarctic settlement.<sup>29</sup> It is likely that New Zealand shared this concern, along with its general anxiety over Soviet intentions.

The New Zealand Government’s role in Antarctica during the early 1950s was dictated by the initiatives of other nations - specifically the expedition proposals of the United Kingdom and Australia. In its response to these proposals, New Zealand

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<sup>27</sup> Memo for High Commissioner for New Zealand, Canberra, from J S Reid, 2 August 1949 - EA W2619 208/11/1 (II) [MFAT].

<sup>28</sup> Memorandum from Embassy of the USSR, Washington, 8 June 1950 - EA W2619 208/5/1 (II) [MFAT].

<sup>29</sup> Note, Cecil Day to Sec. External Affairs, 18 September 1950 - EA W2619 208/5/1 (III) [MFAT].

displayed continuing concern over the weakness of its claim to the Ross Dependency, and the strong presence of the United States in that sector. While the expeditions were recognised as ideal opportunities to establish a New Zealand Antarctic record, the overriding issue of cost remained a barrier to any participation. This was influenced by the fact that, for the new National Government elected in 1949, "Parsimony remained a more powerful imperative than participation".<sup>30</sup>

During 1949 the United Kingdom Government proposed an expedition to McMurdo Sound, in the Ross Sea. The object of this proposal was largely political. It was aimed at establishing a base in the Ross Sea area, where the United Kingdom had not been active for 32 years. During this time there had been five large-scale expeditions or 'task forces' from the United States, within the Ross Dependency. Professor Frank Debenham,<sup>31</sup> who first suggested such an expedition, held that sending a small party to the Ross Sea "could not but strengthen the long record of British exploration in that region".<sup>32</sup> Clearly the United Kingdom retained some interest in the question of sovereignty over Ross Dependency at this time, although it was concerned that any activity in the Dependency should not conflict with proposals for an international regime.<sup>33</sup> The proposal received New Zealand Cabinet support, and opinion within the Ministry of External Affairs was that participation or assistance with the expedition would not prejudice New Zealand's current attitude towards political settlement in the Antarctic. In fact it was foreseen that involvement in the expedition would strengthen New Zealand's position "with regard to territorial claims in the Ross Dependency, both generally and particularly vis a vis the United States".<sup>34</sup>

Once New Zealand had indicated its support, the question of financial assistance arose. Professor Debenham suggested to the Commonwealth Relations Office that sponsorship of the expedition should pass to New Zealand, because if the Navy was to

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<sup>30</sup> McKinnon, *Independence and Foreign Policy*, p. 112.

<sup>31</sup> Frank Debenham had been a member of Scott's 1910-13 expedition, had established the Scott Polar Research Unit, published the *Polar Record*, and was the first Professor of Geography at Cambridge.

<sup>32</sup> Letter, P J Noel-Baker, Commonwealth Relations Office to New Zealand Prime Minister, 5 January 1949 - EA W2619 208/11/1 (II) [MFAT].

<sup>33</sup> *Ibid.*

<sup>34</sup> Memorandum, JVS to McIntosh, 2 February 1949 - EA W2619 208/11/1 (II) [MFAT]

participate, most responsibility for planning and logistical support would lie with New Zealand.<sup>35</sup> The idea was put to the New Zealand Government that “as governing authority of [the] Ross Dependency [it] might consider it appropriate that joint expedition should bear some special evidence of a New Zealand character or might even regard it as an enterprise in which New Zealand would take a leading part...”.<sup>36</sup> There began a series of ‘Antarctic Committee’ meetings to discuss the joint expedition. It soon became clear that the United Kingdom Government could make no commitment to finance the expedition, and that New Zealand might have to bear most, or all, of the cost.<sup>37</sup> This caused the Committee to look closely at the reasons behind New Zealand participation, and whether the Government could be persuaded to agree to finance the expedition. It was agreed that “the arguments in favour of an expedition in 1950-51 were outweighed by other practical considerations such as shortage of trained scientific personnel and the absence of important political and strategic considerations”.<sup>38</sup> Thus the Committee was unable to recommend that New Zealand finance either the whole or the greater part of the expedition. The United Kingdom reiterated that it could not guarantee financial assistance from the United Kingdom Treasury.<sup>39</sup> With neither the United Kingdom nor New Zealand prepared to bear the major financial responsibility, it became clear that there would be no expedition.<sup>40</sup>

Opportunities arose through the early 1950s for New Zealanders to be attached to Australian expeditions to Antarctica. Indeed, the Australian Department of External Affairs unofficially suggested that New Zealand should take a greater interest in the Ross Dependency, in view of the increased international attention being given to the Antarctic.<sup>41</sup> It was suggested that a New Zealander who accompanied an Australian

<sup>35</sup> Letter, Debenham to E N Larmour, CRO, 14 May 1949 - EA W2619 208/11/1 (II) [MFAT].

<sup>36</sup> Telegram, High Commissioner for NZ, London to External, 20 May 1949 - EA W2619 208/11/1 (II) [MFAT].

<sup>37</sup> Report, Antarctic Committee Second Meeting, 3 June 1949 - EA W2619 208/10/1 (I) [MFAT].

<sup>38</sup> Memorandum, A D MacIntosh to Cecil Day, 16 June 1949 - EA W2619 208/11/1 (II) [MFAT].

<sup>39</sup> Telegram, High Commissioner for NZ, London to External, 27 June 1949 - EA W2619 208/11/1 (II) [MFAT].

<sup>40</sup> Telegram, External to High Comm. for NZ, London, 1 July 1949 - EA W2619 208/11/1 (II) [MFAT].

<sup>41</sup> Letter, John S Cumpston, Official Secretary, High Commission for Australia, Wellington, to NZ Secretary External Affairs, 28 July 1950 - EA W2619 208/13/1 (II) [MFAT].

expedition to Antarctica would then be in an ideal position to lead a New Zealand expedition. With no members of the Royal New Zealand Navy having any polar experience<sup>42</sup> this was a very real consideration for New Zealand. The NZAS, an organisation dedicated to the protection, occupation and proper management of the Ross Dependency by the New Zealand Government, considered the sending of New Zealanders to the Antarctic with an Australian expedition vital to future New Zealand activities in the Ross Dependency. The Society felt that some move to validate the claim to sovereignty over the Dependency was “essential and urgent”, and that the inauguration of the Australian station in the AAT was “an invaluable opportunity to accustom some of our men to Antarctic conditions as prospective leaders of the ultimate New Zealand expedition”.<sup>43</sup> However, New Zealand declined to participate in Australian Antarctic activities, and the Ross Dependency remained unvisited by a New Zealand expedition.

During this period, plans were well under way for the International Geophysical Year (IGY) of 1957-58. It was to be a time of coordinated scientific investigation of geophysical phenomena throughout the world, concentrating on the poles and coinciding with a period of intense solar activity. The concept of a ‘polar year’, in the tradition of the two earlier polar years of 1882-3 and 1932-3, had initially been raised by Professor Lloyd Berkner in April 1950, and endorsed by the Joint Commission on the Ionosphere. The IGY was planned and developed by the International Council of Scientific Unions, which created the subsidiary body ‘Comité Spécial de l’Année Géophysique Internationale’ or CSAGI to plan “a global, co-ordinated multi-disciplinary research programme for 1957-8”.<sup>44</sup> There were to be 67 nations participating in the IGY, but only 12 would be active in Antarctica, the same countries who were to participate in the negotiation of the Antarctic Treaty. An important aspect of the IGY planning was the ‘gentleman’s agreement’ reached at the Paris Conference in July 1955, that all sovereignty disputes would be suspended for the

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<sup>42</sup> Memorandum, Naval Secretary to Secretary External Affairs, 18 September 1950 - EA W2619 208/13/1 (II) [MFAT].

<sup>43</sup> Letter, R A Falla of NZAS to Clifton Webb, Minister External Affairs, 29 April 1953 - EA W2619 208/13/1 (II) [MFAT].

<sup>44</sup> Beck, *The International Politics of Antarctica*, p. 47.

duration of the IGY, in order that international scientific cooperation could proceed unhampered by political concerns. This agreement was not formally adopted, and was not legally binding on the governments concerned, but it was significant in its containment of the tensions surrounding the claims disputes in Antarctica, and for the fact that it later developed into the crucial provision of the Antarctic Treaty, freezing the legal status quo of claims.

As a claimant nation, New Zealand was included in the 12 Antarctic IGY participants, and at a meeting of CSAGI in 1954 was directly asked by that body to establish a base at or near Ross Island.<sup>45</sup> This base would undertake activities during the IGY in meteorology, geomagnetism, aurora and airglow studies, ionospheric physics, seismology, gravity measurements, glaciology and oceanography. It would also form an important link in a chain of stations that also included Invercargill, Christchurch and Campbell Island. New Zealand was also involved in planning the Trans-Antarctic Expedition (TAE), a United Kingdom proposal to cross the polar continent from the Falkland Islands Dependency to the Ross Dependency. The TAE plans required that New Zealand provide essential facilities - housing, transport and a reception team - in McMurdo Sound. The United Kingdom hoped for the support of New Zealand, Australia and South Africa for the TAE, seeing it as an opportunity to demonstrate Commonwealth solidarity in Antarctica.<sup>46</sup>

It was not until February 1955 that New Zealand announced its formal decision to be involved in the IGY and the TAE. The indecision and reluctance to commit to either plan that led to the postponement of this announcement, was most likely a continuation of the financial concerns that had prevented participation in earlier expeditions.

In 1954, United States proposals for three expeditions to the Antarctic caused considerable anxiety within New Zealand, and forced the Ministry of External Affairs to formally address the question of title over the Ross Dependency. The United States

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<sup>45</sup> Quartermain, *New Zealand and the Antarctic*, p. 74.

<sup>46</sup> Letter, W G Head to A D McIntosh, 1 September 1954 - EA W2619 208/11/1 (II) [MFAT].

announced in November 1954 that it intended to conduct expeditions in the Falkland Islands Dependencies, and at Little America in the Ross Dependency. An expedition was also planned for the IGY. Press reports had raised the possibility that United States expeditions were to seek new testing grounds in Antarctica for the hydrogen bomb. Public concerns over H-bomb testing so close to home were strong. One letter to the editor of *The Press* asked: "Could something not be done to further New Zealand's interest in this vast unused territory we claim, or must it be doomed to be a testing ground for the hydrogen bomb?"<sup>47</sup>

Speculation in the press elicited comments by politicians. The views of the National Government and of the Labour Opposition on this issue were very similar. Both promised that they would continue in close cooperation with the United States in its Antarctic activities. Walter Nash, as Leader of the Opposition, expressed anxiety, and stated that a Labour Government would not condone the testing of bombs that would endanger the New Zealand people through radioactivity.<sup>48</sup> Clifton Webb, Minister of External Affairs, stated that the New Zealand Government would view with concern any hydrogen bomb tests that would be of danger to New Zealand citizens.<sup>49</sup>

When the New Zealand Government received official notification of the United States expeditions, there was concern over the implication for title over the Ross Dependency. Because of the agitation in the press, and public awareness of the issue, it was decided that an early approach should be made to the United States regarding New Zealand's claim. The wording of this approach caused a great deal of anxiety within the Ministry of External Affairs. It was first discussed by the New Zealand High Commissioner in Washington with the staff of the United Kingdom High Commission in Wellington. Their advice was that "it would be unwise to take any

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<sup>47</sup> BC Fraser, Letter to the editor, *The Press*, 2 November 1954. Another letter suggested that "The announcement from the United States that at some time in the future the Antarctic will be used for H-bomb tests makes one wonder when the climax will be reached for United States audacity. The irresponsibility of trying big types of explosions at the cap of the world, with the risk of seriously altering axis balance, and unduly upsetting atmospheric conditions, calls for strong condemnation from all countries. In my opinion an exploded or split ice cap could send our world into an unnatural spin." Axis, Letter to the editor, *The Press*, 2 November 1954.

<sup>48</sup> Telegram, External to Totara, 10 November 1954 - EA W2619 208/12/1 (Ib) [MFAT].

<sup>49</sup> Ibid.

action at the present time which the United States would regard as an attempt to secure even tacit acceptance of [New Zealand] claims to sovereignty, or which they would otherwise interpret as provocative”.<sup>50</sup> It was also suggested that ‘a little extra warmth’ be given to the offer of facilities.<sup>51</sup>

The aide memoire, sent to New Zealand’s High Commissioner in Washington, welcomed the United States’ display of interest in the Ross Dependency, and offered every assistance to the expedition.<sup>52</sup> It had been decided that an overt assertion of sovereignty might be unduly provocative and was therefore to be avoided - particularly because of the precarious nature of New Zealand title to the Dependency. Accordingly the United States expedition was invited to visit New Zealand, but was not invited or welcomed to the Dependency - implying that New Zealand did not have (or exert) the right to grant access to that area of the Antarctic.

The response in London to this aide memoire was strongly critical, and the approach by the New Zealand High Commissioner in Washington to the United States State Department was abruptly postponed. United Kingdom authorities felt that the preservation of sovereign rights in Antarctica, and of the sector principle, were general Commonwealth interests. The aide memoire was seen as liable to prejudice the Commonwealth position, especially as it contrasted with the United Kingdom’s own specific mention of sovereignty in reply to the United States proposals.<sup>53</sup> United Kingdom and Australian authorities, while appreciating that New Zealand’s position in Antarctica was perhaps not as strong as theirs, suggested that “it could be a case of ‘divided we fall’”.<sup>54</sup> The New Zealand High Commissioner in London reported that “Our draft merely offers facilities in New Zealand; and indeed if we were proposing to abandon all interest in [the] Ross Dependency its wording would hardly have to be changed.”<sup>55</sup> He also stated that “It would appear as if the New Zealand Government

<sup>50</sup> Telegram, Totara to External, 15 November 1954 - EA W2619 208/12/1 (Ib) [MFAT].

<sup>51</sup> Ibid.

<sup>52</sup> Telegram, External to Totara, 18 November 1954 - EA W2619 208/12/1 (Ib) [MFAT].

<sup>53</sup> Telegram one, High Commissioner for NZ, London, to External, 18 November 1954 - EA W2619 208/12/1 (Ib) [MFAT].

<sup>54</sup> Ibid (telegram two).

<sup>55</sup> Ibid (telegram one).

were assuring the United States that they have as much right to sovereignty over the Ross Dependency as New Zealand has".<sup>56</sup> The Foreign Office suggested that New Zealand would be on stronger ground if the aide memoire was to welcome the United States icebreaker to the Ross Dependency, rather than merely offer it assistance.<sup>57</sup>

In redrafting the aide memoire, External Affairs brought the message closer to the desires of the United Kingdom. However, when referring to the legal status of the Ross Dependency, New Zealand preferred the expression "territory which is under New Zealand jurisdiction and administration" rather than "which is under the sovereignty of New Zealand".<sup>58</sup> These phrases, with their alternative references to the nature of New Zealand's claim, were to appear again in 1956, when policy regarding the sovereignty issue was significantly altered.

This aide memoire clearly displays how New Zealand's Antarctic policy was closely tied to its wider foreign policy. In 1951 the ANZUS treaty had indicated that New Zealand was anxious to include the United States in its security arrangements. The careful and non-specific wording of the aide memoire reflected this new agreement with the United States. New Zealand did not want to risk offending its ally, when the United States presence on the Antarctic Continent was the best guarantee that the Soviet Union would not become active in Antarctica. The ANZUS arrangement had brought accusations that New Zealand was moving away from the United Kingdom, accusations that were refuted by the National Government of the time. The arrangement was still only a back up for the Commonwealth,<sup>59</sup> a situation obvious in New Zealand's willingness to follow the United Kingdom lead in responding to the United States proposals.

In 1955, External Affairs reports suggested that the United States was planning to establish permanent bases in Antarctica. The ability to maintain a constant presence on the Continent would mean a new standard of effective occupation in the Antarctic,

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<sup>56</sup> Ibid (telegram two).

<sup>57</sup> Ibid (telegram one).

<sup>58</sup> Telegram, External to Totara, 22 November 1954 - EA W2619 208/12/1 (Ib) [MFAT].

<sup>59</sup> McKinnon, *Independence and Foreign Policy*, p. 121.

and accordingly, questions over the possibility of a United States claim surfaced again. The main areas under contemplation by the United States regarding a possible claim were Marie Byrd Land in the unclaimed sector, Ellsworth Land in the contested South American sector, Wilkes Land within the Australian Antarctic Territory, Queen Maud Land in the Norwegian claim, and the eastern sector of the Ross Dependency.<sup>60</sup> With regard to Wilkes Land and Queen Maude Land, it was the opinion of the United States that “vast areas claimed by Australia and Norway are grossly disproportionate to the interests of the claimants and that an adjustment resulting in United States acquisition of ‘some portions’ of both territories is necessary”.<sup>61</sup> The boundaries of the Ross Dependency would most likely be ‘adjusted’ to include King Edward VII Land and Little America in a United States claim.

Australia was particularly concerned over a possible United States claim, and proposed that New Zealand and Australia stage a joint approach in Washington making clear the ‘profound effect’ such a claim would have on Australian and New Zealand opinion. New Zealand decided, however, that this move was uncalled for, as no definite information was available on United States plans. External Affairs decided that “Before taking any action at all we would have to consult with [the] United Kingdom since sovereignty seems still legally vested in them”.<sup>62</sup> This is further evidence of New Zealand taking care not to offend the United States, remaining in close consultation with the United Kingdom, and being hampered by the dubious sovereignty position.

New Zealand was aware that, in order to establish permanent bases, the United States was “entirely dependent” on the use of airfields in New Zealand.<sup>63</sup> It was necessary for United States aircraft to fly from New Zealand to McMurdo Sound and then on to other parts of Antarctica, something they could not do from Little America. The United States realised that its plans hung on permission to use New Zealand airstrips

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<sup>60</sup> Telegram, Totara to External, 25 August 1955 - EA W2619 208/12/2 (I) [MFAT].

<sup>61</sup> Ibid.

<sup>62</sup> Telegram, External to Totara, 11 August 1955 - EA W2619 208/12/2 (I) [MFAT].

<sup>63</sup> Telegram, High Commissioner for New Zealand, Canberra, to External, 5 August 1955 - EA W2619 208/12/2 (I) [MFAT].

and did not want to antagonise New Zealand or bargain openly for airfield use. Rather, the United States was prepared to offer generous material assistance to the New Zealand IGY party, including transport, and ultimately to hand over huts.<sup>64</sup>

For its part, the New Zealand Government did not want to bargain with the United States over air facilities, for fear of bringing the issue of New Zealand's Antarctic claims to a head. Nevertheless, United States plans were clearly directed primarily at the Ross Dependency area, and permanent bases in the territory would easily override New Zealand's tenuous claim. The Minister of External Affairs stated that "assuming that sovereignty in Ross Dependency is ours rather than United Kingdom's - we could not agree to give up our claim in favour of United States".<sup>65</sup> With the actual legal position of the Ross Dependency claim still uncertain, and the importance to New Zealand of reaching an amicable agreement with the United States - its ANZUS and SEATO partner - it was considered impossible to refuse the use of the facilities that the United States required. The New Zealand Minister in Washington held that "our only hope of maintaining our somewhat precarious foothold in Antarctic lies in cooperation with United States based on frank discussion".<sup>66</sup>

External Affairs considered the idea of a condominium as a possible solution to the United States presence in the Ross Dependency, but was doubtful that the United States would be content with this option.<sup>67</sup> An agreement between the United States, the United Kingdom, New Zealand and possibly Australia, was seen as an alternative. This 'regional' concept was to become a fall back position for a number of nations during the Antarctic Treaty negotiations, when the success of the Treaty seemed unlikely. It was also a reflection of the fact that New Zealand had come to accept regional security arrangements rather than international agreements as achievable and satisfactory options for collective security.

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<sup>64</sup> Ibid.

<sup>65</sup> Telegram, Minister External Affairs to High Commissioner for New Zealand, London, 11 August 1955 - EA W2619 208/6/2 [NA].

<sup>66</sup> Telegram, New Zealand Minister, Washington to External, 11 August 1955 - EA W2619 208/12/2 (I) [MFAT].

<sup>67</sup> Telegram, Minister External Affairs to High Commissioner for New Zealand, London, 11 August 1955 - EA W2619 208/6/2 [NA].

In September 1955 the United States sent a series of questions to all Antarctic claimant nations:

1. Has New Zealand any long range plans for post-IGY operations in Antarctica.
2. What is New Zealand's attitude to the inclusion of the USSR in international activities relating to the Antarctic.
3. What are New Zealand's views on the possibility of holding an international conference to consider conflicting territorial claims in the Antarctic.
4. Has New Zealand any views on Soviet interest in the Antarctic.
5. What are New Zealand's views of the validity of conflicting national claims and on possible forms of international cooperation.<sup>68</sup>

The United States approach was seen by New Zealand as indicating a reconsideration of United States Antarctic policy, the object being to reach a general agreement among Western powers so as to exclude the Soviet Union from the Antarctic. The two possibilities that appeared to be under consideration were, first, that the United States would make a territorial claim and seek to adjust the claims of other Antarctic nations; secondly, that a proposal would be made for two separate condominiums, perhaps a 'Pacific' sector and an 'Atlantic' sector.<sup>69</sup>

New Zealand's initial inclination was to reply in very general terms, and to evade as far as possible questions three and five until fuller information was available on United States thinking.<sup>70</sup> Australia attempted to bring the matter up at the end of an ANZUS meeting, but the whole issue was pushed aside by the United States.<sup>71</sup> A meeting was held in the Commonwealth Relations Office in London on 30 September to discuss the United States inquiry and what responses should be made. The meeting was attended by representatives of the Commonwealth Relations Office, New Zealand

<sup>68</sup> Note for Wilson, Reid and Crow, from BH, 21 September 1955 - EA W2619 208/12/2 (I) [MFAT].

<sup>69</sup> Brief paper: United States policy in the Antarctic, ANZUS Council, 24 Sept 1955 - EA W2619 208/5/1 (III) [MFAT].

<sup>70</sup> Telegram, External to Totara, 26 September 1955 - EA W2619 208/12/2 (I) [MFAT].

<sup>71</sup> Telegram, New Zealand Permanent Mission to the United Nations, to External, 28 September 1955 - EA W2619 208/12/2 (I) [MFAT].

House, Australia House, the Foreign Office American Department and the Colonial Office. The United Kingdom considered that it would be unwise to stir up international discussion by calling for a conference or encouraging the announcement of United States claims - particularly in view of Soviet interests in the Antarctic. If there was to be a conference, the United Kingdom hoped that the Soviet Union could be excluded, but was not confident that this could be achieved.

New Zealand's response to the United States inquiry was to be informal, emphasising the maintenance of cooperation with the United States, and New Zealand's continuing interest in the Ross Dependency. It stipulated that the New Zealand Government would not look favourably on any other nations - in particular the Soviet Union - undertaking extensive activities within the Dependency. It was held that should the Soviet Union gain a strong foothold in the Antarctic, this could have serious strategic implications for the ANZUS powers and their allies. The message made clear New Zealand recognition of United Kingdom, Australian, French and Norwegian claims; and that New Zealand would be willing to discuss a practical solution to the conflicts in Antarctica with the United States and other concerned governments. However, New Zealand did not support the convening of a general international conference, because it felt that the Soviet Union could not be excluded, and this would "to a considerable extent, defeat the object of the conference itself".<sup>72</sup> The New Zealand Government felt that a solution was more likely to be found by a series of limited negotiations than by multilateral discussion at an early stage.

Although New Zealand's response to the United States was relatively non-committal, the questions did initiate a close appraisal of New Zealand's interests in the Ross Dependency, and Antarctica in general. The first consideration was strategic, New Zealand desired to keep unfriendly powers out of Antarctica. The continent was seen to have little positive strategic value to New Zealand, but Commonwealth and allied countries' communications could be at risk if an enemy power secured sea or air bases in the Antarctic. If the Panama Canal was closed, the alternative route from the

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<sup>72</sup> Letter, Sec. External Affairs to Acting Minister External Affairs, 14 October 1955 - EA W2619 208/12/2/(I) [MFAT].

Atlantic to the Pacific through the Drake Passage could be commanded by air from most points in Antarctica. It was important to New Zealand, therefore, that the use of the Antarctic be denied to possible enemy powers - referring primarily to the Soviet Union and Japan. The second consideration was that New Zealand should maintain a stake in Antarctica for economic, scientific and prestige reasons. The Ross Dependency was of no immediate material value to New Zealand, and large-scale scientific investigations were needed to determine the extent of economic potential in Antarctica. Such investigation would require access to the interior of the continent, obtainable at only a few places. The Dependency contained two of the best points of access to the interior, the Bay of Whales and McMurdo Sound. It was therefore in New Zealand's interests to retain at least one of these, and the claim to McMurdo was stronger. As for reasons of prestige, it was acknowledged that

the public generally takes a definite interest and pride in what is regarded as a New Zealand possession. It is probably the mere fact, and not the extent or soundness of the claim, which captures the public imagination, but this makes it difficult to envisage New Zealand relinquishing its interest in the Antarctic.<sup>73</sup>

The third and overriding interest for New Zealand in the Antarctic was to avoid international disputes, "particularly with countries upon which it is dependent e.g. the United Kingdom and the United States".<sup>74</sup> It was recognised that New Zealand was incapable of maintaining its international position alone, and could not afford to lose United States cooperation - in the Antarctic or in other spheres of interest. It was therefore desirable to New Zealand that the United States take an active interest in ensuring the security of the Ross Dependency area.

During the period 1947 to 1956, New Zealand developed much stronger interests in its stake in the Antarctic continent. Hampered by financial constraints and continuing insecurity over the claim to the Ross Dependency, New Zealand was eager for an international settlement to the Antarctic debate. However, there were certain requirements, particularly the involvement of the United Nations, that New Zealand

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<sup>73</sup> Brief paper: United States policy in the Antarctic, ANZUS Council, 24 September 1955 - EA W2619 208/5/1 (III) [MFAT].

<sup>74</sup> Ibid.

considered essential to any settlement. New Zealand became reluctant to support a call for an international conference on Antarctica, foreshadowing New Zealand's later desire to conclude an agreement on Antarctica before opening the issue to an international forum. This was a time of transition, from fears over United States activities in the Ross Dependency, to recognition of New Zealand's reliance on the United States for logistical support, and the security of the Dependency. This mirrored wider foreign relations, exemplified by the ANZUS alliance, where the United States had become a vital part of New Zealand's security arrangements. Although New Zealand had not taken any direct action to validate the Ross Dependency claim, pressures from the New Zealand public, the press, international opinion and from within Government itself, compelled New Zealand to commit itself to a course of future action in Antarctica - in the International Geophysical Year and the Trans-Antarctic Expedition.

## Chapter Three

From early 1956 Antarctic politics took on a new urgency, with international attention turning once again towards the possibility of a solution to the discord. Planning for the International Geophysical Year gave an added momentum to the search for an Antarctic agreement. By early 1958 the United States was making arrangements for a twelve nation conference to be held to negotiate an Antarctic treaty. In New Zealand, the intervening period saw some significant alterations and developments in Antarctic policy. New Zealand adopted an influential role as mediator between the United States and the United Kingdom when those nations appeared to be formulating similar proposals independently of each other. The change of government in 1957 highlighted some important differences in the approaches of Labour and National to Antarctic issues, but essentially revealed a continuity between the parties. Two themes persist throughout the period, regardless of the change in government. One was New Zealand's desire to retain a voice in whatever discussions were held on the future of Antarctica. The other was the acknowledgment that the United States was vital to New Zealand interests in the Ross Dependency.

Until the defeat of National in 1957, New Zealand administered its Antarctic affairs in a very cautious manner, not wanting to draw undue international attention to the problems and issues surrounding the continent. New Zealand was anxious to avoid open participation in Antarctic matters, and was very wary of internationalisation. External Affairs was aware that if world attention was brought to bear on the uncertainty of New Zealand's claim, the nation's stake in Antarctica could be threatened. Therefore, New Zealand attempted to remain unobtrusive while quietly strengthening its claim to the Ross Dependency.

When Labour came to power under the leadership of Walter Nash, External Affairs appears to have continued with a careful Antarctic policy. However, Nash's strongly held views on the internationalisation of the continent, and his tendency to make those views public, soon forced External Affairs to adopt a stronger internationalist position. New Zealand was to become best known as the only nation involved in the

Antarctic Treaty that supported the full internationalisation of Antarctica and professed willingness to relinquish its sovereignty over the Ross Dependency.

In January 1956, the United Kingdom proposed a joint approach to the United States by Commonwealth nations with interests in Antarctica. The purpose of this approach was to obtain United States support for the United Kingdom in its conflict with Argentina and Chile, and to elicit information on United States plans concerning Soviet activity in the Antarctic. New Zealand indicated its support for the approach, as it wished initial discussions regarding some solution in Antarctica to be held on a Commonwealth-United States basis. It was felt that enough common interest existed between Commonwealth nations to make the joint effort worthwhile and, indeed, New Zealand felt an obligation to consult with Australia and the United Kingdom before making any move. New Zealand was, however, prepared to be “more forthcoming with the Americans than either the United Kingdom or the Australians, in the belief that the means of achieving a general Antarctic settlement lie in the hands of the United States alone”.<sup>1</sup> New Zealand also hoped to assist in the improvement in understanding between the United Kingdom and the United States by capitalising on its “apparently growing stock of American goodwill in Antarctic affairs and by tempering the somewhat rigid attitudes of the United Kingdom and Australia”.<sup>2</sup>

However, the United States conceded nothing regarding its non-recognition policy, and rejected - if only by implication - the request for five power consultation between the United Kingdom, the United States, Australia, New Zealand and South Africa. In the meeting of 9 February, United States Secretary of State John Dulles spoke of a coordinated ‘allied’ policy for the Antarctic. This was a clear indication of Cold War politics being extended to Antarctica, with the United States hoping to secure the continent as a Western stronghold against Soviet encroachment. Indeed, the first aim of this allied policy was to keep the Soviet Union out of Antarctica. Furthermore, Dulles felt that Western nations should agree on measures to allow the maximum freedom of exploration and scientific research, attempting to achieve the above points

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<sup>1</sup> Note for Mr Wilson from BH, “Antarctic Policy”, 10 January 1956 - EA W2619 208/9/1 (III) [NA].

<sup>2</sup> Telegram, External to Totara, 4 January 1956 - EA W2619 208/12/2 (I) [MFAT].

without prejudice to national claims.<sup>3</sup> The formal United States reply to the New Zealand Government expressed the hope that a divergence of views regarding the recognition of claims would not “interfere with effective and friendly cooperation on other aspects of the Antarctic question”.<sup>4</sup> Rather than support the request for five power consultation, the United States chose to interpret the request as a bilateral proposal for continuous consultation and exchange of information, and welcomed such communication using already existing means of exchange. New Zealand External Affairs believed that this implied rejection resulted from the strong reluctance of the United States to become involved with one side of the Antarctic debate to the detriment of the other, and that “their unwillingness to give [the] impression of taking sides in [the] United Kingdom/Argentine/Chile dispute [would] govern [the] United States response to any further Commonwealth approach for multilateral consultation...”<sup>5</sup> Therefore, when the United Kingdom announced that it wished to make another Commonwealth approach to the United States, New Zealand considered that a second appeal would be no more successful than the first.

The United Kingdom intended the second approach to address the need for unity in Antarctic policy. It wished all Commonwealth countries to encourage the United States to make a claim to the sector between 80° West and 150° West (within the unclaimed Marie Byrd Land sector). This would, hopefully, secure United States recognition of the existing claims of the other Antarctic powers, strengthening their position on the continent. The United Kingdom would no doubt have wanted its territory recognised by the United States, to endorse its claim against those of Chile and Argentina. The United Kingdom also wished Commonwealth nations to reconsider the strategic implications of Antarctica, in the light of possibilities of using heavy jets off the ice, and submarine activity, should the Soviet Union establish permanent bases on the continent.<sup>6</sup> A sovereignty claim would regulate the United States’ role in Antarctica, and give it a common interest with the other claimant

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<sup>3</sup> Letter, New Zealand Embassy, Washington to Sec. External Affairs, 23 May 1956 - EA W2619 208/5/1 (III) [MFAT].

<sup>4</sup> Telegram, Totara to External, 29 March 1956 - EA W2619 208/12/2 (I) [MFAT].

<sup>5</sup> Telegram, Totara to External, 11 April 1956 - EA W2619 208/12/2 (I) [MFAT].

<sup>6</sup> Note WBH to McIntosh, 6 April 1956 - EA W2619 208/12/2 (I) [MFAT].

eastern area of the Ross Dependency, and that New Zealand would not be able to retain title to that area should the question be brought before a tribunal.<sup>9</sup> To force a formal assertion of United States sovereignty was not in the interests of New Zealand.

In February 1956 India formally requested the inscription of an item titled 'the question of Antarctica' on the General Assembly provisional agenda. This move was motivated by concerns over the possible use of Antarctica as a site for nuclear experimentation, and by opposition to the supposed 'colonisation' of the continent. In a meeting with the United Kingdom delegate to the United Nations, Krishna Menon stressed doubts whether "in this era it was appropriate for sovereignty to be established over new areas by exploration and flag planting".<sup>10</sup> It was likely that the Indian delegation would seek a General Assembly declaration prohibiting nuclear testing on the Antarctic continent, and demanding freedom of access, communications and scientific research in the area.<sup>11</sup> The Indian delegation also referred to a press statement made in January by Walter Nash as New Zealand's Leader of the Opposition. Nash urged the abandonment of national claims, and the declaration of the continent as "an area where peaceful citizens of any nation would have equal privileges...".<sup>12</sup> He advocated governance by a United Nations Trustee Commission, with no title to be given to any land except for residential or manufacturing purposes; and the banning of all military equipment, armaments and vessels from the area. Nash held that this would help avoid disagreement and international friction surrounding the claims disputes. Believing Antarctica to be "not at present owned by anyone", Nash asked "Is this not an area that ought to belong to all the world, and be free to all the world?".<sup>13</sup>

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<sup>9</sup> Memorandum for Cabinet prepared in External Affairs, 31 March 1956 - EA W2619 208/9/1/(III) [NA].

<sup>10</sup> Cablegram, Australian Mission to United Nations to External, 2 March 1956 - EA W2619 208/5/1 (III) [MFAT].

<sup>11</sup> Telegram New Zealand Ambassador, Washington, to External, 7 April 1956 - EA W2619 208/5/1 (III) [MFAT].

<sup>12</sup> "Mr Nash's views on Antarctic regime given to press", 25 January 1956 - EA W2619 208/9/1 (III) [NA].

<sup>13</sup> Ibid.

The possibility of debate on Antarctica in the United Nations caused considerable consternation among interested nations. For New Zealand, such debate was seen as threatening the peace in the Antarctic, and New Zealand interests in the Ross Dependency. External Affairs held the view that “debate in the United Nations...would undoubtedly serve to draw an undesirable amount of international attention to the subject and unduly increase the number of countries involved”.<sup>14</sup> Later, in the midst of the Treaty negotiations, New Zealand was to refer to its long-held support of opening participation in Antarctica to as many nations as possible - a position difficult to reconcile with this early desire to avoid unwanted international involvement.

At least until this matter is disposed of, our aim must be to avoid any action which would give the impression that Antarctica is a source of danger to the peace or weaken the debating position of the Western powers vis-a-vis the Soviet and anti-Colonial blocs. We do not feel that undue emphasis should be given to the strategic significance of Antarctica.<sup>15</sup>

Clearly, New Zealand wished to restrict the Antarctic debate to those nations already involved, obtaining a settlement before the issue was opened up to general international scrutiny. In the end, the item was withdrawn from the General Assembly agenda by India when the United States announced its decision to oppose the inclusion of the topic on the agenda. It was the ‘modest assumption’ of the United States State Department that this action “frightened Mr Menon into dropping the Indian initiative”.<sup>16</sup>

Maintaining and reinforcing the New Zealand claim to the Ross Dependency was beginning to take precedence over other interests in Antarctica at this time. In a brief for an ANZUS Council meeting in November 1956 officials claimed that, in the short term, New Zealand’s primary concern was to consolidate its position in the Dependency, strengthen its territorial claim, and secure general recognition as one of the nations closely interested in (and therefore to be consulted on) the future of

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<sup>14</sup> Telegram AD McIntosh to High Commissioner for New Zealand, London, 13 April 1956 - EA W2619 208/9/1 (III) [NA].

<sup>15</sup> Ibid.

<sup>16</sup> Letter, GDL White, New Zealand Embassy, Washington to sec. External Affairs, 15 November 1956 - EA W2619 208/5/1 (IV) [MFAT].

Antarctica.<sup>17</sup> The threat of a United Nations debate had concerned New Zealand because it was in no position to defend its sovereignty claim should a resolution be forced.

On the whole we favour a policy of soft-peddling Antarctica in political forums and taking advantage of the time allowed us to strengthen our own position in the Ross Dependency.<sup>18</sup>

Looking ahead to the IGY, it was expected that less attention would be given to territorial claims for the duration of the year, due to the agreed suspension of political rivalry. However, at the same time, the extensive scientific activities associated with the IGY would provide evidence of effective occupation on a previously unknown scale. The New Zealand Government saw three possible developments from this situation. First, acts of occupation during the IGY would cancel each other out, with occupation before and after the period carrying more significance. Secondly, new claims could be expected from nations recently becoming active in the Antarctic, such as Japan and South Africa. Thirdly, the most significant actions in support of territorial claims would take place after 1959.<sup>19</sup> Accordingly, until the end of the IGY the New Zealand Government was reluctant to do or say anything that would limit its freedom of action, or endanger the validity of its claim to the Ross Dependency. “Nothing should be said or done during the next two years to limit our freedom of action in 1959/1960.”<sup>20</sup> New Zealand’s main hope was that, without sacrificing New Zealand interests or advantages, some peaceful solution would be found after 1959 to end the latent disagreements over Antarctica. It believed that its policy should be to consolidate the position in the Dependency so as to gain any positive economic advantage that might arise, and to obtain “at least, a voice in any international negotiations about the political future of the area”.<sup>21</sup> New Zealand “hoped that actions taken in the past and during the period of the IGY will have established [New Zealand’s] right to take part in any political negotiations, either multilateral or bilateral with the U.S.A.”<sup>22</sup> While the value of New Zealand’s insubstantial ‘past

<sup>17</sup> ANZUS Council, 2 November 1956 - EA W2619 208/5/1 (IV) [MFAT].

<sup>18</sup> Brief for Prime Ministers’ Conference, London, 5 May 1956 - EA W2619 208/5/1 (III) [MFAT].

<sup>19</sup> ANZUS Council, 2 November 1956 - EA W2619 208/5/1 (IV) [MFAT].

<sup>20</sup> Prime Ministers’ Conference, 12 June 1957 - EA W2619 208/9/1 (III) [NA].

<sup>21</sup> Prime Ministers’ Conference, 12 June 1957 - EA W2619 208/9/1 (III) [NA].

<sup>22</sup> ANZUS Council, 2 November 1956 - EA W2619 208/5/1 (IV) [MFAT].

action' was doubtful, the IGY did provide an opportunity for building up a sound record of effective occupation in the Ross Dependency prior to the political developments that were foreseen for the end of the geophysical year.

The New Zealand Antarctic Expedition associated with the IGY had two overt purposes: to assist in the crossing of the continent by the Trans-Antarctic Expedition in the summer of 1958/59, and to carry out New Zealand's part in the IGY Antarctic Programme. Participation was to cost almost £400,000,<sup>23</sup> and New Zealand would gain "a first class base [Scott Base], two specially designed aircraft, a quantity of equipment and trained dog teams. The Royal New Zealand Navy [would have] a ship specially constructed for work in high latitudes. There [would] also be quite a large number of New Zealanders with Antarctic experience."<sup>24</sup> With all this in place, future New Zealand expeditions and research programmes in Antarctica would be far cheaper, and logistically more viable. Participation in the IGY and Trans Antarctic Expedition opened the door for New Zealand activities in the Antarctic, and made the prospect of achieving effective occupation in the Ross Dependency, and thus retaining the claimed territory, all the more likely.

However, New Zealand was reluctant to commit the level of resources necessary to achieve independently its goals in Antarctica, and close affiliation with the United States was central to the Government's Antarctic policy. The United States should not simply be present in the Dependency, New Zealand recognised that close relations had to be maintained between the two nations if dispute was to be avoided. In a meeting held at the Department of External Affairs in September 1956, George Laking, Deputy Secretary of External Affairs, held that "in case of any dispute arising with the United States, our chief potential rival claimant, it was unlikely in view of our overall relationship with that power to be settled on purely legal grounds".<sup>25</sup> Against claims that United States activity within the Dependency would require New

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<sup>23</sup> £50,000 from a Government Grant, £193,000 in Government services and equipment, £39,500 from public donations, and £83,000 of gifts in kind from organisations in New Zealand and the United Kingdom. Prime Ministers' Conference, 12 June 1957 - EA W2619 208/10/1 (I) [MFAT].

<sup>24</sup> *Ibid.*

<sup>25</sup> Minutes of Meeting held in Department External Affairs on Legal Position of Ross Dependency, 20 September 1956 - EA W2619 208/9/1 (III) [NA].

Zealand to forfeit its territory, New Zealand made the point that the United States could not be forced to abandon its activities, and that great advantages existed in cooperation:<sup>26</sup>

This friendly and mutually advantageous cooperation is...perhaps the best guarantee of our claim, since the United States would be less likely to challenge the claim of a country with which she was collaborating on the most friendly terms.<sup>27</sup>

Because the principal object of New Zealand in the Ross Dependency was to keep 'unfriendly powers' out, it was in the nation's interest that the United States should concern itself with the area.

The September meeting also marked an important change in the manner in which the External Affairs officials regarded the Ross Dependency. The Legal Section of External Affairs considered that it would be better to regard the 1923 Order in Council as having made the territory a dependency of New Zealand and to proceed as if sovereignty was vested in the New Zealand parliament. The meeting reached an agreement that this position would be adopted. "In order to preserve continuity of diplomatic usage however it would be best to adhere to the practice of referring to the Ross Dependency in formal documents as 'territory under New Zealand jurisdiction and administration'."<sup>28</sup> This is the same wording that had been used in the carefully crafted diplomatic reply to the 1954 United States aide memoire, designed to cause least offence, by leaving the nature of New Zealand's claim deliberately vague.

Parallel with New Zealand's emphasis on the Ross Dependency claim, uneasiness had intensified over the idea of an international regime. External Affairs expected that pressure for such a regime would increase after the IGY, with one of the arguments in support being the desire to neutralise Soviet activity, should it continue in Antarctica after 1959. New Zealand did not wish to make the exclusion of the Soviet Union the principal objective of its Antarctic policy,<sup>29</sup> and appreciated that sacrificing national

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<sup>26</sup> Prime Ministers' Conference, 12 June 1957 - EA W2619 208/10/1 (I) [MFAT].

<sup>27</sup> Prime Ministers' Conference, 12 June 1957 - EA W2619 208/10/1 (I) [MFAT].

<sup>28</sup> Ibid.

<sup>29</sup> Prime Ministers' Conference, 12 June 1957 - EA W2619 208/9/1 (III) [NA].

sovereignty solely to avoid a Soviet claim would not be favoured by the United States or Australia.<sup>30</sup> It feared that should the United States make a claim in the Antarctic, the Soviet Union and India might, in retaliation, introduce in the United Nations “unwelcome proposals for an international regime”:<sup>31</sup>

Many private individuals and organizations speak in favour of “internationalizing” the continent, presumably through some relation with the United Nations. Their interest is generally idealistic; the thesis most frequently heard is that because Antarctica is “empty” it would be feasible to “experiment” there with “world government” or “trusteeship”.<sup>32</sup>

These sentiments, here critically referred to as idealistic, were later to be supported by Walter Nash as Prime Minister and, perhaps reluctantly, by External Affairs. They were put forward by New Zealand during the 1959 Washington negotiations of the Antarctic Treaty as the most desirable solution for the continent. However, at this time, it was held that the more enthusiastic proponents of such schemes should not be encouraged,<sup>33</sup> as no comprehensive plan for an international regime had been propounded, and answers could be found to most of the arguments put forward in favour of such a settlement.<sup>34</sup>

Considering the proximity to New Zealand of the Antarctic continent, our interests are best served by the Ross Dependency remaining under New Zealand jurisdiction or being occupied under some joint arrangement with a friendly power, rather than it should be “open” to any country, including those that might pursue their own narrow purposes under the guise of participation in an international regime.<sup>35</sup>

As with the discussion surrounding the possibility of United Nations debate on the Antarctic issue, New Zealand was firmly opposed to opening the continent indiscriminately to any and all nations. This was in direct contrast to the 1948 New Zealand consideration of an ‘open’ regime, in reaction to what was considered the closed, exclusive United States condominium proposal. New Zealand had envisaged

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<sup>30</sup> Prime Ministers’ Conference, 12 June 1957 - EA W2619 208/10/1 (I) [MFAT].

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> Prime Ministers’ Conference, 12 June 1957 - EA W2619 208/9/1 (III) [NA].

<sup>34</sup> Prime Ministers’ Conference, 12 June 1957 - EA W2619 208/10/1 (I) [MFAT].

<sup>35</sup> *Ibid.*

a regime open to all United Nations members, with a standing authority administering the agreement. However, it appears that fears of unwelcome nations in the Antarctic were stronger than in 1948, particularly because the Soviet Union had entered the Antarctic debate in 1950, and was now planning to participate in the IGY Antarctic activities. The 'open regime' proposal had been put forward by an internationalist Labour Government. In 1956, the British-loyalist National Government had been involved in the Suez crisis, and subsequently its faith in the United Kingdom's power on the international stage had been dealt a harsh blow. It was possible that this incident influenced New Zealand's desire for a close relationship with the United States in Antarctica, and the reluctance to support an international regime. The change in policy was also motivated by New Zealand's new determination to retain, or obtain, sovereignty over the Ross Dependency, at least until after the IGY.

It was in consideration of a future for Antarctica without internationalisation that New Zealand displayed some of the attachment to, and obligation towards, the United Kingdom that had dominated earlier Antarctic policy. If New Zealand retained its position in the Ross Dependency along current organisational and political lines, it felt an obligation to support United Kingdom and Australian policies in the area, particularly as the original New Zealand title was owed to the United Kingdom. External Affairs also believed it was possible that the Dependency could be used by the United Kingdom for the development of nuclear energy. In a written answer to one of a series of questions submitted by R B O'Neill of *The Press*, the Prime Minister stated that "it may be taken for granted that the New Zealand Government would not make a major policy decision concerning the future of any part of Antarctica without considering the point of view of the United Kingdom Government".<sup>36</sup>

In mid-1957, with the IGY well under way and international attention drawn to the 'spirit of cooperation' evident in the scientific work being done, New Zealand was aware of separate United States and United Kingdom formulations for a solution to

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<sup>36</sup> Answers to questions submitted by RB O'Neill, *Christchurch Press*, for background interview with the Prime Minister, 6 November 1956 - EA W2619 208/9/1 (III) [NA].

the problems in Antarctica. The United States National Security Council had begun to favour a United States claim to territory in the Antarctic, although only in certain hypothetical circumstances and not before the end of the IGY.<sup>37</sup> In the meantime, consideration was being given to an interim condominium between the United States, Australia and New Zealand, over the Australian Antarctic Territory, the Ross Dependency and the unclaimed Marie Byrd Land. It was argued that this arrangement would “develop the maximum capacity to squeeze the Russians out”.<sup>38</sup>

New Zealand did not support a United States claim, largely because it might provoke a claim by the Soviet Union. But New Zealand did believe that a condominium, covering the area where the Soviet Union was active, would give greater weight to the demand which “must ultimately be made”,<sup>39</sup> that the Soviets leave Antarctica. However, it was possible that the establishment of a condominium would, in itself, actually dissuade the Soviet Union from withdrawing its Antarctic expedition. New Zealand questioned whether “any measure short of the use of force could secure the departure of the Russians if they decide to stay”.<sup>40</sup> New Zealand did not like the idea of becoming intimately involved in a Cold War exercise in the Antarctic.

A condominium would ensure the continuation of the United States in the Ross Sea area, thus protecting New Zealand’s interests. External Affairs was aware that New Zealand would be a junior partner in such a condominium and that, as such, its opinions might be given less than their full weight. There would be little recourse for New Zealand should the United States decide to pursue policies of which it did not approve. Yet New Zealand could be better placed to bring its point of view to the attention of the United States if it was included in the tripartite arrangement.

New Zealand was concerned that a tripartite condominium would be criticised in the General Assembly “as another instance of ‘imperialist’ Western ‘colonialism’”.<sup>41</sup> It

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<sup>37</sup> Summary for the Prime Minister of a telegram from Washington, 31 July 1957 - EA W2619 208/5/1 (III) [MFAT].

<sup>38</sup> *Ibid.*

<sup>39</sup> “The Future Control of Antarctica” (first draft), 19 August 1957 - EA W2619 208/5/1 (V) [MFAT].

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

was possible that neither the United States nor the New Zealand public would stand by an arrangement that drew such criticism. Nations which had previously recognised the New Zealand claim to the Ross Dependency (the United Kingdom, Australia, France and Norway) might not accept the establishment of an international condominium over two-thirds of the continent.

The United Kingdom could no longer afford the expense of its “farcical competition” with Argentina and Chile.<sup>42</sup> Neither could it match the scale and technological sophistication of United States and Soviet expeditions. An international agreement was the only way for the United Kingdom to remain in Antarctica within its means. London made clear that if no international system could be developed, the United Kingdom would be forced to withdraw from its Antarctic sector. Therefore, the United Kingdom draft proposal involved a limited regime of interested powers, including the Soviet Union, merging their interests and claims, thus neutralising the entire continent. The United Kingdom envisaged some General Assembly participation, perhaps to examine and make recommendations on the actions of the regime’s governing authority.<sup>43</sup> New Zealand appears to have had no misgivings over the United Kingdom proposal; indeed, it offered the advantage of involving both the United Kingdom and the United States. The only question was whether the Soviet Union would be a greater threat inside or outside an Antarctic agreement. New Zealand, at this time, had no answer.

As New Zealand was being consulted on both proposals, it was in the unique position of seeing that the United Kingdom and the United States were ignorant of each other’s thinking. It was unlikely that the United States would consult the United Kingdom regarding the condominium proposal, particularly at such an early stage, as the United Kingdom was not directly involved in the plans. The United Kingdom was perhaps unwilling to make its financial difficulties known to the wider international community, discussing its plans with the Commonwealth Antarctic nations alone.

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<sup>42</sup> Telegram, New Zealand High Commissioner, London to External, 15 August 1957 - EA W2619 208/5/1 (V) [MFAT].

<sup>43</sup> Summary for the Prime Minister of a telegram from London, 14 August 1957 - EA W2619 208/5/1 (V) [MFAT].

Whatever their reasons for reticence, the two nations were working towards not altogether dissimilar arrangements for the Antarctic. New Zealand discussed the situation with Australia to find some means of reaching a 'more sensible' arrangement.<sup>44</sup> The Australian authorities agreed that the United Kingdom and the United States should be made aware of each other's views, and that the High Commissioners of both New Zealand and Australia should jointly approach the United Kingdom.<sup>45</sup> A favourable response was received from the United Kingdom Government, and an exchange of views with the United States took place on 14 August.

New Zealand tried to bring the two nations together because their combined influence would give permanence and stability to an international agreement. New Zealand's requirements of a "closed" international regime were that both the United States and the United Kingdom should be prepared to support it against critics in the United Nations. The regime should provide for the effective neutralisation and demilitarisation of the continent, probably involving some system of inspection. United States interest, particularly in the Ross Dependency, should be retained, and all originally interested nations should have free access to the continent. The regime should secure the approval of the General Assembly, while avoiding the grant of excessive rights or powers to that body. It should enable New Zealand's allies to accept the activities of the Soviet Union without embarrassment and with some equanimity. Finally, the regime should ensure a voice for New Zealand in Antarctic affairs, preferably without the obligation to maintain a high level of annual expenditure.

New Zealand was, however, not disposed to abandon the status quo until convinced that some alternative regime offered real advantages. Accordingly it was considered sound tactics to commit to neither the United Kingdom nor United States plan for as

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<sup>44</sup> Telegram, External to New Zealand Ambassador, Washington, 6 August 1957 - EA W2619 208/5/1 (V) [MFAT].

<sup>45</sup> Telegram, External to New Zealand High Commissioner, London, 6 August 1957 - EA W2619 208/5/1 (V) [MFAT].

long as possible.<sup>46</sup> The possibility of United Kingdom-United States collaboration had led New Zealand to give close consideration to a possible alternative scheme - namely a United Nations regime.<sup>47</sup>

The advantages of a United Nations-based arrangement were seen as the lessening of international tensions in the Antarctic and the conclusion of doubts over title. The continent would be neutralised, and the coordination of scientific work and the exchange of data would be promoted. Nuclear experimentation or the dumping of atomic waste in Antarctica would be less likely - at least without international supervision; and it was possible that whaling could be controlled more adequately. For its part, New Zealand would no longer be obliged to maintain bases or dispatch expeditions to uphold its claim to the Ross Dependency. It might also enjoy a more satisfactory relationship with the United States. There was considerable prestige to be gained in the United Nations from the gesture; and it was felt that Chile, Argentina and the Soviet Union would be open to such a scheme.

Countering these advantages, there was the possibility that a potentially militarised Soviet base might be established in an area close to New Zealand. There was a chance that United States military and scientific interest in the Ross Sea area would diminish, removing New Zealand's logistic and strategic support from the Dependency. Internationalisation would mean the loss of potential economic opportunities, while New Zealand would be required to make a regular financial contribution towards United Nations activities in the Antarctic. New Zealand might also be obliged to insist on membership of whatever governing authority was established, "and would perforce become involved in the usual United Nations politics - with many nations not previously interested in Antarctica".<sup>48</sup> Once again, the aversion to wide participation in Antarctic affairs is clear. Furthermore, if the United Nations was to become involved, New Zealand would no longer be one voice

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<sup>46</sup> Draft telegram, Peren, 30 September 1957 - EA W2619 208/5/1/(VI) [MFAT].

<sup>47</sup> "Future Control of Antarctica: United Nations Regime", 25 July 1957 - EA W2619 208/5/1 (IV) [MFAT].

<sup>48</sup> "Future Control of Antarctica: United Nations Regime", 25 July 1957 - EA W2619 208/5/1 (IV) [MFAT].

among nine, but one small nation among the entire General Assembly. A further disadvantage was the possible embarrassment for New Zealand's allies should the international community view unfavourably nuclear testing and the disposal of nuclear waste in the Antarctic. Also, a precedent might be established that would cause some embarrassment regarding other sparsely inhabited areas of the world. Finally, New Zealand had stated in 1948 that "by internationalisation we do not avoid, but merely transfer to a different forum, a struggle of interests which could cause trouble".<sup>49</sup> This attitude still held true.

As a result of the above considerations, New Zealand was circumspect about a number of aspects of the hypothetical United Nations agency. New Zealand desired some recognition of the special position of its allies and the 'five mutually recognising powers' in the composition of the governing body. However, New Zealand did not wish to be placed under any special obligations because of its status as one of the original interested powers. New Zealand wanted the benefits of being an interested party, with none of the burden. Other concerns included keeping expenditure and the size of the secretariat at a minimum, while specifying clearly the actual role of the governing body. "As far as possible the affairs of the continent should be treated as minor, routine matters. We would not approve the establishment of a political 'superstructure' that would itself generate tensions and squabbles, and inflate the importance of issues."<sup>50</sup> The remaining concerns were that there must be effective implementation and policing of the regime's provisions, and that nations - particularly New Zealand's allies - should continue with important activities in Antarctica, such as tracking satellites and rockets.

On balance, then, New Zealand was wary of a United Nations based international regime, but willing at least to explore the possibility of such a move, should the disadvantages be overcome, and New Zealand interests secured. There was a clear

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<sup>49</sup> Telegram from: External to Secretary of State for Commonwealth Relations, 5 March 1948 - EA W2610 208/5/1 (I) [MFAT].

<sup>50</sup> "Future Control of Antarctica: United Nations Regime", 25 July 1957 - EA W2619 208/5/1 (IV) [MFAT].

desire to contain Antarctic affairs to those nations directly concerned, and to avoid drawing too much attention to the continent.

The election in 1957 brought Labour to power under the leadership of Walter Nash. Under Sidney Holland's government, External Affairs had adopted a very cautious approach towards Antarctic issues, and it appears to have continued with this caution under the new Government. However, Nash took a direct interest in Antarctic affairs, and had particularly strong views on the type of settlement that should be concluded for Antarctica. Before long, Nash's persistent advocacy of full internationalisation of the continent required External Affairs to alter its approach, and New Zealand was placed in an extreme position on the internationalisation spectrum.

The result of the United Kingdom exchange of views with the United States was a series of quadripartite discussions between the United Kingdom, the United States, New Zealand and Australia, running from 7 October 1957 to mid-February 1958, on a possible international regime for the Antarctic. Discussion centred on a United States draft proposal that provided for international scientific cooperation, regulation of the development and utilisation of natural resources, conservation of renewable resources and the demilitarisation of the continent. It was envisaged that no participating states would be obliged to renounce their claims to sovereignty, or to recognise the claims of others - essentially freezing the status quo as the 1948 Chilean proposal would have done. Four main issues arose during the talks: participation, demilitarisation, sovereignty and United Nations involvement.

The United States proposal included as participants in a possible regime, the claimant nations including the United States itself; South Africa, the Soviet Union, and possibly Belgium and Japan - the latter so as to avoid characterisation of the organisation as a 'white men's club'.<sup>51</sup> This was the first United States proposal to include the Soviet Union, and general opinion at the quadripartite talks was that Soviet activities could be better regulated within an international regime. New

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<sup>51</sup> Telegram New Zealand Ambassador, Washington to External, 7 January 1958 - EA W2619 208/5/1 (VI) [MFAT].

Zealand was not in favour of inviting Belgium and Japan, and was only grudgingly reconciled to South African participation.<sup>52</sup> It is likely that this opposition was a continuance of New Zealand's well-established aversion to wide international participation. By excluding all nations without established claims in Antarctica, New Zealand would retain a stronger voice in discussions on the future of the continent. As for participation in the present round of talks, when the question arose whether to consult with Chile, Norway and France, it was considered that this should be delayed until the four governments reached some agreement on the basic principles of a solution.

Demilitarisation was accepted as an essential part of any Antarctic agreement. It was realised that demilitarisation of the continent could only be achieved with Soviet concurrence. New Zealand supported the prohibition of all armed activity in Antarctica, but External Affairs wondered if demilitarisation included the banning of naval logistic support, nuclear tests and military proving trials. Without the logistical support of the Navy, many nations' activities in the Antarctic would be difficult to maintain. This issue was to provoke considerable debate in the Working Group negotiation of the Antarctic Treaty but, at this early stage, the talks did not run unhampered long enough to address such detailed issues.

Early in the talks, New Zealand and Australia had expressed the view that "a complete renunciation of sovereignty by participating powers might prove unacceptable even though sovereignty were vested in an international authority...".<sup>53</sup> The United States proposed that participating states in the international regime would turn administrative jurisdiction and control over to the regime, but that the legal situation with regard to territorial sovereignty would be frozen at the commencement of the agreement. Australian cabinet ministers, however, were firmly against the proposals which were seen as affecting Australian sovereignty. The United States responded with the proposal that each participating state would retain jurisdiction and law enforcement

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<sup>52</sup> Telegram, New Zealand High Commissioner, Canberra to External and Totara, 8 January 1958 - EA W2619 208/5/1 (VI) [MFAT].

<sup>53</sup> Cablegram, Australian Embassy, Washington to Australian External Affairs, 31 October 1957 - EA W2619 208/5/1 (VI) [MFAT].

authority over all matters involving their own nationals.<sup>54</sup> New Zealand now sided with the United States and the United Kingdom in attacking the Australian proposal. This shift was possibly linked to a threat that, should the negotiations break down, “...Australia and New Zealand would find themselves - should we be forced to withdraw - without [the] prospect of United Kingdom cooperation in any future negotiations”.<sup>55</sup> The Australian Government remained firm in its opposition to the surrender of its claim to sovereignty or to any arrangement that deprived it of substantial attributes of that sovereignty. It retained this position well into the Working Group negotiations.

No treaty with the United Nations was contemplated in the United States proposal, but in an effort to appease those wanting full United Nations control - including influential elements within the United States - ‘cooperative working relationships’ were planned with specialised agencies of the United Nations.<sup>56</sup> The same concession was used in the treaty negotiations proper, to placate nations, particularly New Zealand, that wanted United Nations involvement. During the quadripartite talks, New Zealand External Affairs held that links with the United Nations should be kept to a minimum to ensure freedom from the opposition and intrusion of that body.<sup>57</sup> It was seen as possible that the Soviet Union might utilise United Nations intrusion if it became unsatisfied with the conduct of the new regime. However, External Affairs was forced to alter its views on the United Nations by the public statement of Prime Minister Walter Nash. Nash stated that the establishment of operating bases by individual countries and the scope of their activities should be approved by an international authority which would have sovereign powers over the whole continent. He held that any such arrangement should have the blessing of the United Nations.<sup>58</sup> The Department of External Affairs conceded that “If Antarctic powers could agree on

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<sup>54</sup> Telegram, Sec. State for Commonwealth Relations, London to United Kingdom High Commissioner, Canberra, 25 January 1958 - EA W2619 208/5/1 (VII) [MFAT].

<sup>55</sup> Ibid.

<sup>56</sup> Telegram New Zealand Ambassador, Washington to External, 7 January 1958 - EA W2619 208/5/1 (VI) [MFAT].

<sup>57</sup> Telegram, New Zealand High Commissioner, Canberra to External and Totara, 8 January 1958 - EA W2619 208/5/1 (VI) [MFAT].

<sup>58</sup> Telegram, External to New Zealand Ambassador, Washington, 17 January 1958 - EA W2619 208/5/1 (VI) [MFAT].

demilitarisation of continent and free access of all nations to economic resources we doubt there is much to fear in political links with United Nations".<sup>59</sup>

Nash's views placed New Zealand ahead of the other three nations in supporting an international regime - the others having made no firm governmental commitment to any proposal. The press statement was given a cool reception at the quadripartite talks. New Zealand's representative in Washington had just been asking the United States to refrain from making statements that would draw undesired attention to the whole Antarctic matter - and the four nations had already agreed that there was a need to avoid provoking outside interest until agreement had been reached on major policy points. Also, as Nash was due to visit India in the near future, there was fear among United States and Australian authorities of a Nash-Nehru initiative in the United Nations. Internal discussion in External Affairs displayed concern over the implications of such an initiative.

Given the present disenchantment of the West with the United Nations such a move would be fraught with difficulties for New Zealand. The Western Powers in the United Nations would be split, with Australia and the Latin-Americans and some Europeans likely to be in opposition to a United Nations debate, the United States and the United Kingdom sitting on the fence and the Indian-New Zealand initiative warmly supported by the Communists and the Afro-Asian bloc.<sup>60</sup>

At the same time as Nash was drawing undesired attention to Antarctic affairs, in the United Kingdom the fact that certain nations were involved in discussions on the Antarctic had been leaked to the press. The period during which negotiations could proceed without publicity was over. The attempt to reach some agreed position before the issues were opened up to a wider forum would now be difficult, and the United States announced in a meeting with the United Kingdom, Australia and New Zealand, that further four-power talks could not be held and that the approach should now be made to other interested nations.<sup>61</sup>

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<sup>59</sup> Ibid.

<sup>60</sup> Note, JV Scott to McIntosh. 26 February 1958 - EA W2619 208/5/1 (VII) [MFAT].

<sup>61</sup> Telegram, New Zealand Ambassador, Washington to External, 14 February 1958 - EA W2619 208/5/1 (VII) [MFAT].

The United States initiated the sending of an aide memoire to the 11 other nations, to propose the creation of a multilateral treaty between countries directly and substantially interested in the Antarctic, and to invite those nations to a conference to negotiate such a treaty. The aide memoire outlined the general purposes and objectives that the United States, in consultation with the United Kingdom, New Zealand and Australia, envisaged for the treaty. There was to be freedom of scientific investigation by all countries, and continued scientific cooperation along the lines of the IGY. The treaty should be an international agreement to ensure that the Antarctic was used for peaceful purposes only. Joint administrative arrangements should be made as necessary to accomplish the treaty objectives, and the treaty parties should report to the United Nations and cooperate with its specialised agencies. Finally the legal status quo should be frozen, so that political rivalries would not endanger the objectives of the treaty. The draft of the aide memoire had contained mention of uniform and non-discriminatory rules for the future development of resources on the continent, but this was opposed by Australia and withdrawn from the final text. Otherwise, the aide memoire reflected issues that were eventually to become the basis of provisions in the final Antarctic Treaty.

The New Zealand reply to this aide memoire incorporated the recently voiced opinions of Walter Nash, stating that as his views on internationalisation, demilitarisation and a regime with the 'blessing of the United Nations' were well known, the New Zealand Government was glad that the Antarctic question would be formally raised at a conference.<sup>62</sup> Although this may appear as though the hand of government, or External Affairs, was being forced by Nash's press statement, New Zealand would have doubtless supported the convening of a conference anyway. Its allies, the United Kingdom and the United States, were both in favour of a conference, and New Zealand was eager to retain a voice in any Antarctic negotiations.

By early 1958, New Zealand was willing to participate in negotiations towards a treaty along the lines suggested in the United States aide memoire. New Zealand had

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<sup>62</sup> Telegram, External to New Zealand Ambassador, Washington, 16 April 1958 - EA W2619 208/5/1 (VIII) [MFAT].

always favoured some international or bilateral arrangement for Antarctica, but External Affairs took a particularly cautious approach to such matters in the lead up to the IGY. It was willing to delay any overt action or comment regarding the continent until the conclusion of the IGY, preferring to use this opportunity to quietly reinforce New Zealand's claim. For New Zealand, a major incentive to conclude an international treaty came when the United Kingdom and the United States, New Zealand's two primary allies, once again began working together towards some Antarctic settlement. The entrance of Walter Nash as Prime Minister onto the Antarctic stage initiated New Zealand's somewhat unpopular stance on full internationalisation, and largely saw an end to the formerly circumspect policy. However, External Affairs continued to work carefully to secure the country's interests in Antarctica, and to ensure that New Zealand's voice would be heard in whatever negotiations were to be held.

## Chapter Four

From mid-1958 to late May 1959, representatives from the twelve nations invited by the United States to participate in an Antarctic Conference formed a Working Group for the preparatory negotiation of a draft treaty to take to the Conference. This was a critical period of negotiation, where discussion was held on a number of issues that largely conformed to the eventual articles of the Treaty as signed in 1959. Some of the issues, such as the use of the Antarctic for peaceful purposes only, and the freedom of scientific research, were not debated significantly by any of the participants, and negotiation in these areas was only on the precise wording of the articles. However, there were issues that attracted much debate and contention, in which New Zealand was intimately involved. These issues included the question of who should participate in the negotiations and sign the Treaty, United Nations involvement, territorial claims, demilitarisation and inspection, and the zone of application. In a more general sense, important issues during the Working Group talks were the level of detail that should be included in the Treaty, and how international tension regarding Antarctica could be eased. New Zealand was aware of the inevitable international scrutiny that the Treaty would receive, and repeatedly displayed concern for world opinion. New Zealand policy generally followed either a United States or United Kingdom lead, and maintained a careful balance between the two. However, it increasingly became apparent that New Zealand was reluctant to develop an independent stance, or to commit to any proposal that had not already attracted significant support. A notable exception was the issue of internationalisation, on which New Zealand was in the unique position of supporting the relinquishment of territorial sovereignty in the Antarctic.

Parallel to the Twelve-power talks, meetings were held of 'sub-groups' of the main working group. These groups were referred to in internal External Affairs correspondence as 'the Six' and 'the Eleven'. The Six were the United States, the United Kingdom, Australia, New Zealand, Chile and Argentina, which excluded the Soviet Union, South Africa, Belgium, France, Norway and Japan. The Eleven excluded only the Soviet Union. Meetings of both groups appear to have been held

without the knowledge of the remaining nations, and discussed solutions to the various barriers to progress that arose during the negotiations.

It soon became clear to New Zealand that the eventual treaty text would be probably only in the most general terms, as the Soviet Union, Australia, Chile and Argentina all appeared to favour such an arrangement. It took a considerable amount of persuasion simply to get the Soviet Union to agree to discuss anything more than the most basic procedural matters prior to the actual conference. New Zealand still wished to press for a treaty “amounting to more than just pious wishes”.<sup>1</sup> At an early meeting, the New Zealand representative, GDL White<sup>2</sup>, suggested that, in the preliminary negotiations, the twelve powers should formulate principles with an interpretative comment to be discussed by the working group, as an aid to the main conference.<sup>3</sup> No objection was raised, and the New Zealand proposal initiated the first real progress of the informal negotiations.

With this move, New Zealand ensured that the important issues would be addressed by the working group and that, accordingly, some detail would be introduced into the principles of the treaty. However, New Zealand remained concerned throughout the preparatory negotiations that the Soviet Union would seek to discomfit the West by insisting on an open, general treaty, along lines “sufficiently close to certain broad fundamentals often expressed by ourselves...as to occasion considerable embarrassment”:<sup>4</sup>

The problem is that any treaty along these lines would be so broad and general that it would be little more than a platitudinous formula, and if New Zealand supported such a treaty the Government would not only be abandoning the chances of a reasonably detailed and careful settlement of the Antarctic problem, but it would be allying itself with the Soviet Union, its satellites and the whole uncommitted bloc.<sup>5</sup>

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<sup>1</sup> Draft memorandum, Peren to New Zealand Embassy, Washington, 19 June 1958 - EA W2619 208/5/1 (IX) [MFAT].

<sup>2</sup> New Zealand charge d'affaires, Washington, 1958 - 1961.

<sup>3</sup> Telegram, Totara to External, 10 July 1958 - EA W2619 208/5/1 (IX) [MFAT].

<sup>4</sup> “Progress towards an Antarctic Treaty”, 27 January 1959 - EA W2619 208/5/1 (XII) [MFAT].

<sup>5</sup> Ibid.

Early in the talks, the Soviet Union suggested that the conference - but not the preparatory talks - should be open to all countries wishing to participate. The proposal attracted no support, and the United States argued that it was not proper for the working group to decide which countries should be invited to participate, as this was the responsibility of the United States as host to the conference. These opening moves by the two superpowers were indications of the Cold War tensions that had been brought to the negotiations. Although the Soviet attempt to widen the negotiating group was overwhelmingly opposed, the issue of participation was to develop into a contentious accession clause.

The Soviet Union advocated a clause that would allow any nation to accede to the treaty. There was concern in External Affairs that this would permit the Soviet Union to encourage its satellite states and allies to accede, giving the Soviet Union stronger voting powers and making the entire system a farce, as the majority of those voting would have no real interest in Antarctica.<sup>6</sup> External Affairs felt that once the Soviet Union gained a fuller understanding of the regime envisaged “on our side”, it would cooperate in the treaty organisation. New Zealand was therefore inclined to include an accession clause, which would allow nations other than the original signatories to become party to the treaty. However, this would bring New Zealand into opposition with the United States and the United Kingdom, which both preferred to omit such a clause.<sup>7</sup> New Zealand would therefore not insist on the inclusion of an accession clause.

A number of alternatives to the Soviet proposal were raised. The United States suggested that there be a statement of non-discrimination, rather than an accession clause, making it possible to justify in world opinion the omission of any provision for the accession of third states. New Zealand felt this would avoid the difficulties of an open accession clause and, although non-signatories would not be legally bound to honour the treaty principles, “in practice there would be sufficient sanctions to keep them more or less in line”.<sup>8</sup> Seven of the 12 nations supported the United States

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<sup>6</sup> Telegram, External to Totara, 14 July 1958 - EA W2619 208/5/1 (IX) [MFAT].

<sup>7</sup> Ibid.

<sup>8</sup> Note, ABS (External Affairs) to Peren, 14 January 1959 - EA W2619 208/5/1 (XII) [MFAT].

proposal.<sup>9</sup> Australia proposed an accession clause for those nations with a genuine interest in scientific research in the Antarctic, but this was not well received. Chile was strongly against any accession clause, reflecting the strong South American aversion to open international participation, which it was feared would detract from the predominant position of the original claimant nations in an Antarctic settlement. Japan suggested that accession be restricted to members of the United Nations and its specialised agencies which were acceptable to a two-thirds majority of the twelve original signatories. Eligibility for consultative status would be based on the ability to carry out treaty obligations, and a nation's scientific achievements and record of international cooperation in the Antarctic. New Zealand felt it could support this proposal, which was in keeping with the desire for a treaty which followed United Nations principles. New Zealand also considered such a clause would probably be acceptable to the United States and Australia, both of which wanted to exclude Communist China from the treaty. However, because it was reluctant to stray from majority opinion and ally itself with a nation other than the United States or the United Kingdom, New Zealand remained on the side of the United States proposal.

The United Kingdom proposed a protocol for non-signatories, setting out the actions to be taken in the event of a nation refusing to abide by the principles of the Treaty. The general reaction to this option was that it offered so little inducement to potential subscribers as to be worthless. New Zealand felt that such a protocol would be unwise, especially as the action proposed would be 'rather feeble' (refusal to countenance any action, activity or claim that was contrary to the principles of the treaty).<sup>10</sup> New Zealand also suggested that the threatening tone of the protocol would create an adverse impression on world opinion and that it would be ineffective, as treaty signatories did not have the power to enforce corrective measures on non-signatories.<sup>11</sup>

New Zealand's preliminary position on accession had been that non-signatories should not operate in the Antarctic, and that potentially active nations should be able

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<sup>9</sup> The United States, New Zealand, France, Norway, South Africa, Belgium, and possibly Argentina.

<sup>10</sup> Report, GDL White to Sec. External Affairs, 12 May 1959 - EA W2619 208/5/3 (III) [MFAT].

<sup>11</sup> White to Sec. External Affairs, 20 May 1959 - EA W2619 208/5/3 (III) [MFAT].

to accede to the treaty.<sup>12</sup> In response to the various proposals, New Zealand drafted its own limited accession clause, taking into account the United States principle of non-discrimination, the Japanese criteria for accession, and the Soviet desire for open accession. The United States representative acclaimed the New Zealand draft as “the most intelligent effort that had so far been made to reconcile the varying points of view on accession”.<sup>13</sup> The Soviet representative called it “a thoughtful and excellently worded proposal”,<sup>14</sup> while the Japanese representative thanked the New Zealand representative “for his effort to find a compromise solution acceptable to all concerned”.<sup>15</sup> This draft was to become the basis of the final accession clause, and represented perhaps the greatest influence New Zealand was to have on the text of the treaty. This conciliatory move is also evidence of the New Zealand desire to avoid international conflict over Antarctica.

For New Zealand, the role of the United Nations in the treaty negotiations and in the treaty itself were quite distinct issues. New Zealand opposed the inscription of an Antarctic issue on the United Nations General Assembly agenda prior to the conclusion of the treaty, but Walter Nash, and thus the New Zealand Government, was strongly in support of close links with the United Nations in the final agreement. Early in the preparatory negotiations, the New Zealand Government learnt that India was planning to place Antarctica on the United Nations agenda once again. This prompted a message from Nash to the Indian Prime Minister Nehru, requesting that the inscription be delayed “to enable us to see...[if] further real progress can be made in the smaller group now meeting in Washington”.<sup>16</sup> This can be seen as a continuation of New Zealand’s reluctance to open the Antarctic issue to general debate that had characterised policy in earlier years.

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<sup>12</sup> Draft memorandum, Peren to New Zealand Embassy, Washington, 19 June 1958 - EA W2619 208/5/1 (IX) [MFAT].

<sup>13</sup> Cablegram, Australian Embassy, Washington to Australian Department External Affairs, 6 October 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>14</sup> White, Record of meeting 12, 6 October 1959 - EA W2619 208/5/3 (III) [MFAT].

<sup>15</sup> *Ibid.*

<sup>16</sup> Draft message from Nash to Nehru, 15 June 1958 - EA W2619 208/5/1 (IX) [MFAT].

The message was apparently successful. Nehru replied that he would ask the Indian delegation not to press for a discussion of Antarctica at the forthcoming session of the General Assembly.<sup>17</sup> However, in the months that followed, United Nations debate came to be seen by External Affairs as ‘inevitable’, through inscription either by India, or the Soviet Union.<sup>18</sup> This was at a stage in the negotiations when it appeared that the Soviet Union would not participate in a small 12 power group, and differences of opinion between the other eleven nations suggested that it would be impossible to achieve the kind of regime originally intended. It was New Zealand’s opinion, raised in a meeting of ‘the Eleven’, that the objective should be to secure in the General Assembly an agreement as close as possible to that which might have come out of the conference. Unwelcome as the idea of a United Nations debate was, New Zealand held that the Eleven should not oppose inscription and instead prepare for the inevitable so as to obtain the maximum benefit from the debate.

New Zealand itself was unable to oppose the inscription of an Antarctic item, because of Nash’s many statements on the desirability of United Nations involvement. The most that the New Zealand delegation could do was abstain from voting on the item’s inclusion - and only if the other participants agreed to do the same. New Zealand policy was to be prepared to vote in favour of the item if inscribed by India, and to vote in favour if inscribed by the Soviet Union “unless New Zealand would be embarrassed by this...”.<sup>19</sup>

External Affairs envisaged three possible resolutions from a United Nations debate. The first might be a declaration endorsing the general principles of ‘peaceful purposes’ and ‘freedom of access’, stating a desire to avoid political conflict and to continue to work for a satisfactory settlement. New Zealand saw this possibility as useful, because it would reduce international tension, and be acceptable to India, without introducing any embarrassing commitment. There was concern that the Soviet Union would consider this declaration as adequate, removing any need for

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<sup>17</sup> Message from Nehru to Nash, 24 June 1958 - EA W2619 208/5/1 (IX) [MFAT].

<sup>18</sup> Telegram, External to Totara, 7 August 1958 - EA W2619 208/5/1 (X) [MFAT].

<sup>19</sup> United Nations agenda item 64, New Zealand Brief, 11 September 1958 - EA W2619 208/5/1 (X) [MFAT].

further negotiation, which might preclude the settlement of the claims issue. The second possibility was a United Nations expression of the importance of the Antarctic issue, and a request for the nations concerned to continue their efforts to reach an agreement. New Zealand considered this possibility would be satisfactory to most interested nations. There was the benefit that the Soviet Union would find it difficult to refuse the continuation of negotiations at the behest of the United Nations. The third possibility was that a regime would be established with some measure of United Nations control, to which New Zealand expected fierce objection from most of the claimant powers. New Zealand felt that “the Assembly has been shown to be a most unsatisfactory forum for detailed drafting of this nature...”<sup>20</sup>

Throughout the working group negotiations, the opinions of Walter Nash on the role of the United Nations in any Antarctic agreement came under considerable international scrutiny, and placed New Zealand in a fairly solitary position as the strongest advocate of United Nations participation. In a meeting with Roger Peren, Murray Bouchier of the Australian Department of External Affairs asked for clarification of Nash’s phrase ‘the blessing of the United Nations’, a phrase which had become a touchstone for New Zealand’s internationalisation policy. Peren explained that New Zealand took the view

that it would be necessary to secure some form of United Nations...approval of whatever agreement was reached among the twelve powers....One could imagine, for example, the Twelve submitting a joint draft resolution by which the Assembly would take note of a treaty and commend the actions of the Twelve as being a notable advance in international affairs....<sup>21</sup>

This concept of United Nations recognition and commendation was far milder than the views of Nash set out in a message to Australian Prime Minister Robert Menzies, where he expressed a desire for “some substantial or organic link with the United Nations”.<sup>22</sup> Nash felt that such a link would be essential to a genuine Antarctic settlement, and that the text of the treaty should “make it self evident that the

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<sup>20</sup> Ibid.

<sup>21</sup> Note for file: Visit of Murray Bouchier, 4 November 1958 - EA W2619 208/5/1 (XI) [MFAT].

<sup>22</sup> Telegram, External to Totara, 1 September 1959 - EA W2619 208/5/1 (XV) [MFAT].

signatories are acting in accordance with the general principles and purposes of the United Nations”.<sup>23</sup>

The various international responses to Nash’s advocacy of close association with the United Nations make clear how, on this issue, New Zealand had stepped away from its careful attention to United States and Commonwealth interests to press a point unpopular with them. Menzies told Nash that Australia could not conceive of an international authority which would not be cumbersome and open to mischief-making.<sup>24</sup> The Australian representative at the working group meetings later stressed the point that the 12 nations should not advocate any direct association with the United Nations, because he feared “its mischievous intervention”.<sup>25</sup> The United Kingdom considered the idea of a fully international regime as dead for the present, but was not averse to New Zealand stating such views at the Conference.<sup>26</sup> The United States regarded an international regime with a strong United Nations presence as completely unrealistic. It was, however, seemingly prepared to include some ‘appropriate’ reference to the United Nations in the preamble of the treaty.<sup>27</sup>

The issue of national rights and territorial claims, embodied in the draft Article IV, was one of the key issues of the preliminary negotiations. New Zealand was again placed in a difficult position by the opinions of Walter Nash, and the divergence of views between the Prime Minister and the Department of External Affairs was clear. The United States aide memoire of March 1958 had suggested the freezing of the legal status quo as a solution to the claims disputes. New Zealand entered the preliminary negotiations in favour of this solution,<sup>28</sup> considering it to be a crucial article in the treaty.<sup>29</sup> In discussion with RG Casey, Australian Minister of External Affairs, Nash stressed that he was keen on the freezing of sovereignty, and that New

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<sup>23</sup> Ibid.

<sup>24</sup> Letter, Menzies to Nash, 7 September 1959 - EA W2619 208/5/1 (XV) [MFAT].

<sup>25</sup> Telegram, Totara to External and Prime Minister, 13 October 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Draft memorandum, Peren to New Zealand Embassy, Washington, 19 June 1958 - EA W2619 208/5/1 (IX) [MFAT].

<sup>29</sup> White to Sec External Affairs, 9 June 1959 - EA W2619 208/5/3 (III) [MFAT].

Zealand would be prepared to abandon sovereign rights over a the full extent of its claim only if it could keep the particular area that had been developed.<sup>30</sup> This was consistent with New Zealand's earlier willingness to concede the western sector of the Ross Dependency, where its claim was weakest, provided that the claim to the eastern sector was retained. When the Soviet Union refused to include the claims article in the draft treaty, New Zealand was chosen by the 'Six' to convey reasons for its inclusion to the Soviet Union. While New Zealand was acting as messenger for the 'Six', it had been directed to represent the comments as coming from New Zealand only, and not from the United States or the other nations.<sup>31</sup> The reasons for including article IV convey strong New Zealand support for freezing the status quo and the belief that, without this provision, it would be difficult to bring the treaty negotiations to a successful conclusion.<sup>32</sup> At the same time, an External Affairs evaluation of a possible treaty to come out of the current negotiations foresaw a claims agreement that would end the latent disagreement with the United States about sovereignty in the Ross Dependency. It would also end New Zealand's obligation to spend large amounts of money maintaining its claim.<sup>33</sup> In a press statement of 29 May, Nash maintained that

One of New Zealand's main concerns at the Conference will be to strive for a settlement in which territorial claims would remain in abeyance....This does not mean that New Zealand will specifically renounce her claim to the Ross Dependency....We believe it is essential...to put controversial issues of sovereignty in 'cold storage', and so long as international cooperation continued, any New Zealand claim would cease to be of practical consequence.<sup>34</sup>

However, in February 1959, in discussion with Nobosuke Kishi, the Japanese Prime Minister, Nash considered the solution to the claims disputes was for Antarctica to become an independent non-sovereign area, completely neutralised, with all nations

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<sup>30</sup> Note of a discussion between Prime Minister and Rt Hon RG Casey, 21 August 1958 - EA W2619 208/5/1 (X) [MFAT].

<sup>31</sup> Telegram, Totara to External, 8 January 1959 - EA W2619 208/5/1 (XII) [MFAT].

<sup>32</sup> Telegram, Totara to External, "Reasons for including Article IV in proposed treaty", 8 January 1959 - EA W2619 208/5/1 (XII) [MFAT].

<sup>33</sup> Draft paper on progress at Washington talks, 30 January 1959 - EA W2619 208/5/1 (XII) [MFAT].

<sup>34</sup> Telegram, External to New Zealand Ambassador, Washington, 29 May 1959 - EA W2619 208/5/1 (XIV) [MFAT].

having free access.<sup>35</sup> In a message to Menzies, Nash suggested links with the United Nations, and also made some remarkable statements regarding internationalisation and the renunciation of territorial claims. Nash made clear that he had little confidence in the freezing of the status quo as a satisfactory long-term solution to the claims disputes, and that the New Zealand Government was prepared to contemplate the relinquishment of existing national rights and claims in favour of a more broadly-based international regime. The message referred to New Zealand favouring a “bold and imaginative effort to achieve an Antarctic settlement which might serve as a precedent for international arrangements relating to other more troubled areas of the world”.<sup>36</sup> Nash saw in Antarctica a unique opportunity for such an initiative, particularly because of “the absence of major international rivalry” on the continent.<sup>37</sup> Nash appeared unaware that it was international rivalry over territorial claims that initiated the search for an Antarctic regime, and it was that same rivalry that precluded a settlement along the lines he wished.

In a meeting of the ‘Six’, earlier in the year, it had been decided that “The use of controversial words and phrases, such as ‘internationalisation’, and ‘the giving up of national sovereignty’, should be avoided at all costs, and impressions in respect of these phrases should be corrected”.<sup>38</sup> Therefore, responses to Nash’s views on national rights and claims were largely negative. The Australian Department of External Affairs called Nash’s ideas “highly unpalatable”,<sup>39</sup> and the Australian representative in Washington was anxious that doubts should not be cast on existing sovereignty claims by proposing an international regime.<sup>40</sup> The United Kingdom was concerned that countries jealous of their sovereignty should not be scared away.<sup>41</sup> It also felt that the proposed freezing of the status quo would provide protection for

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<sup>35</sup> Extract from discussion Between Mr Nash and Mr Kishi, 21 February 1959 - EA W2619 208/5/1 (XII) [MFAT].

<sup>36</sup> Telegram, External to Totara, 1 September 1959 - EA W2619 208/5/1 (XV) [MFAT].

<sup>37</sup> Ibid.

<sup>38</sup> White to Sec External Affairs, 26 May

<sup>39</sup> Telegram, Australian Dept External Affairs to Australian Embassy, Washington, 4 September 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>40</sup> Telegram, Totara to External and Prime Minister, 13 October 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>41</sup> Telegram, New Zealand High Commissioner, London to External, 29 September 1959 - EA W2619 208/5/1 (XV) [MFAT].

Australia and New Zealand against the “very real danger of claims in their zones” from the United States and the Soviet Union.<sup>42</sup>

The three interrelated issues of demilitarisation, service logistic support and inspection were not particularly contentious, but they demonstrate the continuation of New Zealand’s policy of sitting on the United States-Commonwealth fence. Demilitarisation of Antarctica was widely viewed as essential to any solution for the continent. However, in the course of the negotiations, the Australian representative asked whether the demilitarisation provision would be binding both in peace time and in war. Australia wondered whether the aim of demilitarisation should not be “to seal the area off - to completely demilitarise it in peace and war...”.<sup>43</sup> The United States wished to demilitarise Antarctic only in peace, not in war, particularly because of the strategic value of the continent for controlling Drake Passage, between South America and Antarctica’s Graham Land, in the case of the closure of the Panama Canal. The United Kingdom agreed with Australia that the provisions should be regarded as binding in war as well as peace, but felt “It is perhaps a forlorn hope...that such a Treaty provision would deter a determined aggressor in an all-out war...”.<sup>44</sup> New Zealand’s response was almost identical to that of the United Kingdom:

We would agree with the Australians that, on the face of the treaty, non-militarisation provisions must apply to both peace and war time. In practice such provisions might very likely be ignored during a global war; nevertheless the treaty would lose a great deal of force if it formally envisaged the discarding of such a major principle.<sup>45</sup>

Comprehensive demilitarisation of Antarctica was, of course, most desirable for New Zealand and Australia due to the proximity of the continent to them and their wish to prevent military conflict in that area of the world.

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<sup>42</sup> Ibid.

<sup>43</sup> Letter, New Zealand High Commissioner, Canberra to Sec External Affairs, 2 September 1958 - EA W2619 208/5/1 (X) [MFAT].

<sup>44</sup> HGM Bass to OL Davis, Australia House, 19 December 1958 - EA W2619 208/5/1 (XI) [MFAT].

<sup>45</sup> Telegram from Sec External Affairs to New Zealand Embassy, Washington, 2 October 1958 - EA W2619 208/5/1 (XI) [MFAT].

Closely tied to this issue was that of service logistic support, and whether the utilisation of armed forces for Antarctic work was compatible with demilitarisation. The United States position was that “Western defence interests in the Antarctic lay in its possible use for research and development activities and in the prevention of the establishment of military bases in the area by powers unfriendly to the free world”.<sup>46</sup> It held that neither of these interests would be served by having civilian logistic support alone. In response to Australian concerns over a Soviet military presence on the continent, the United States replied that “Considering the communist system of governmental controls over all activities, it is considered immaterial whether the Communists utilize military or civilian logistic support”.<sup>47</sup> While the United Kingdom supported comprehensive demilitarisation, the total prohibition of service logistic support was seen as impracticable and “would certainly be a crippling incubus to the United Kingdom”.<sup>48</sup>

New Zealand was prepared to permit service logistic support, and recognised that this need not endanger peace in the area<sup>49</sup>, provided there was an adequate system of policing.<sup>50</sup> New Zealand was reliant for its activities in the Antarctic on the HMNZS *Endeavour*, and on United States Navy and Airforce ships and aircraft. Yet if an adequate system of inspection was not agreed upon, External Affairs felt that the principle of non-militarisation might prove more important to New Zealand, and it would be willing to forego the use of military vessels.<sup>51</sup> Walter Nash held that service logistic support was unwise, and that mercantile marine and civil aircraft should be used for Antarctic activities.<sup>52</sup> External Affairs, however, preferred to work for a suitable inspection system, rather than relinquish military support at this stage.

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<sup>46</sup> Cablegram, Australian Embassy, Washington to Australian Dept External Affairs, 3 March 1959 - EA W2619 208/5/1 (XIII) [MFAT].

<sup>47</sup> Ibid.

<sup>48</sup> HGM Bass to OL Davis, Australia House, 19 December 1958 - EA W2619 208/5/1 (XI) [MFAT].

<sup>49</sup> Draft telegram (not sent) External to Totara, 21 January 1959 - EA W2619 208/5/1 (XII) [MFAT].

<sup>50</sup> Telegram, Sec External Affairs to New Zealand Embassy, Washington, 2 October 1958 - EA W2619 208/5/1 (XI) [MFAT].

<sup>51</sup> Ibid.

<sup>52</sup> Note of a discussion between Prime Minister and Rt Hon RG Casey, 21 August 1958 - EA W2619 208/5/1 (X) [MFAT].

External Affairs saw the principle of inspection as essential if the treaty was to be more than a “mere declaration of good intentions”.<sup>53</sup> The United Kingdom proposed a committee of signatory powers that would appoint inspectors to travel with all Antarctic expeditions. The United States had proposed that each signatory power be entitled to send two observers with other national expeditions. New Zealand considered that the United States and the Soviet Union would doubtless keep a close watch on the activities of each other, and thus the United States proposal was likely to be an adequate system. However, New Zealand’s policy was to support the United Kingdom proposal until it was clearly unacceptable to the other nations. When the proposal met only criticism in the Working Group, New Zealand transferred its support to the United States scheme. This was a clear indication of New Zealand’s unwillingness to pledge its support for any proposal before it was certain of similar support coming from at least one of its allies. This reluctance to independently endorse any proposal meant that New Zealand hesitated in giving its opinion before the United States or the United Kingdom gave theirs, nor would it readily transfer its support to a new proposal until the reaction of other nations had been gauged.

Defining Antarctica, and the area to which the treaty would apply, was a difficult provision to draft because of the legally ambiguous nature of the continent and concerns over including the high seas in the treaty zone. In fact, initial moves to define the continent itself were abandoned in favour of an ‘area of coverage’ which did not have to determine the precise nature of ice shelves, island groups and territorial seas. For most of the Working Group negotiations, New Zealand opposed the inclusion of the high seas in the treaty zone. It reasoned that inclusion would impinge upon general principles already in place relating to the high seas. In particular, the operation of the Whaling Convention could be impaired if the treaty contained provisions for freedom of economic access. The conservation principles of the Convention on Living Resources of the High Seas might also be affected.<sup>54</sup> However, later in the negotiations New Zealand came to regard the zone of application as an issue on which it should show some flexibility, in order to secure

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<sup>53</sup> Draft telegram (not sent) External to Totara, 21 January 1959 - EA W2619 208/5/1 (XII) [MFAT].

<sup>54</sup> Telegram, External to Totara, 28 July 1958 - EA W2619 208/5/1 (IX) [MFAT].

Soviet support for other, more important, provisions. The Soviet Union wished to include the high seas south of 60° South in the treaty area. It would be difficult for New Zealand to argue against this wider zone of demilitarisation in the public context of the conference, and it was willing to compromise on the zone of application if the Soviets would agree to an effective inspection system.<sup>55</sup>

The Working Group negotiations highlighted the differences between the nations involved, and the difficulties that arose in drafting acceptable provisions showed that the conclusion of a satisfactory treaty was far from guaranteed. New Zealand felt that the success of the 12 power talks and the eventual conclusion of a treaty was its first concern,<sup>56</sup> but External Affairs was careful to keep in mind alternative solutions, should the negotiations fall through. It was the opinion of New Zealand that the principle of demilitarisation, the basis of any arrangement for the Antarctic, could be proclaimed by a General Assembly resolution. Freedom of scientific expeditions could be upheld by the Special Committee on Antarctic Research<sup>57</sup> established to replace CSAGI (Comité Spéciale de l'Année Géophysique Internationale) after the International Geophysical Year. New Zealand's other interests could be protected in a condominium with the United States and Australia, or with the United States alone. This kind of arrangement would relieve New Zealand of the financial burden of maintaining its claim, and would meet security and logistical needs.

Concerns over the breakdown in negotiations also influenced the Working Group deliberations over the date of the actual conference. There was anxiety, particularly among the 'Six' that, should the talks fail due to Soviet stubbornness, the Soviet Union might raise the issue of Antarctica in the next General Assembly meeting. New Zealand largely favoured an early conference date, as the objective was still to secure a treaty before the end of the IGY. The more progress that was made prior to a United Nations debate, the more favourable would be the position of the interested nations in that forum. However, it was the opinion of the 'Six' that the conference

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<sup>55</sup> Letter, GDL White to Sec External Affairs, 19 March 1959 - EA W2619 208/5/1 (XIII) [MFAT].

<sup>56</sup> Draft letter, Sec External Affairs to Prime Minister, 30 January 1959 - EA W2619 208/5/1 (XII) [MFAT].

<sup>57</sup> Later to become the Scientific Committee for Antarctic Research, after 1961.

also had to be late enough to forestall the inscription of the Antarctic issue on the General Assembly agenda, and to prevent the raising of the matter should the conference fail.<sup>58</sup> Eventually, on 26 May 1959, the Working Group held its last regular meeting at which the conference date was set for 1 October 1959.

During the Working Group negotiations, New Zealand had made some important contributions to the drafting procedure. The New Zealand suggestion that the preliminary talks should work towards formulating draft principles was a significant step towards the final treaty. New Zealand also took a notable initiative in drafting a conciliatory accession clause, which was an important breakthrough in the negotiations and reflected the overall spirit of New Zealand's approach to the talks, wanting a careful and effective treaty that helped avoid international conflict over Antarctica. There were continuing differences between Walter Nash and External Affairs, particularly regarding United Nations involvement, the renunciation of territorial claims, and service logistic support. However, the policy of 'dual dependency', with which New Zealand strongly allied itself with both the United States and the United Kingdom, remained a constant feature in New Zealand's Antarctic policy.

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<sup>58</sup> Cablegram, Australian Embassy, Washington to Australian Department External Affairs, 1 May 1959 - EA W2619 208/5/1 (XIV) [MFAT].

## Chapter Five

The Washington Antarctic Conference ran from 15 October to 1 December 1959, when the Antarctic Treaty was finally signed by Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the Soviet Union, the United Kingdom and the United States. New Zealand's key interests during this time included the neutralisation of the Antarctic Continent, the establishment of an effective inspection provision, and the prohibition of nuclear testing in Antarctica. New Zealand also hoped for freedom of access for scientific investigation, and conditional accession to consultative status in the Treaty. Settlement of territorial disputes and the regularisation of non-claimant presences in the Antarctic were important factors in the New Zealand brief, as was the inclusion in the treaty of a substantial reference to the United Nations. Underlying these specific interests, New Zealand was intent on maintaining a voice in Antarctic affairs and recognition of its status as an original claimant. New Zealand was also concerned to avoid any financial commitment to future Antarctic activities in order to retain its position in the treaty.

At the Washington Conference, there were two issues around which the success of the treaty hinged; nuclear explosions and accession. The nuclear issue was significant for New Zealand because in this it was allied with the other southern hemisphere nations on this matter against both its main allies, the United States and the United Kingdom. The question of accession - the criteria on which nations should be allowed to become signatories to the treaty - was an area where New Zealand clearly displayed its tendency to delay pronouncing its position until the other key participants had disclosed theirs.

As preparations were made for the Washington Conference, New Zealand authorities were aware that any treaty likely to evolve from this meeting would fall considerably short of the sort of agreement favoured by New Zealand. The treaty under consideration at the beginning of the Conference was seen as the lowest common denominator of national objectives, with most of the participants having accepted

compromises in order to secure agreement on a workable draft. During the Working Group negotiations, New Zealand had made clear its desire for a substantial and detailed arrangement that was more than a platitudinous declaration of good intent. However, External Affairs felt that it was in New Zealand's interests to accept a lesser agreement, when both the United States and the Soviet Union were willing to continue with the draft treaty as it stood.<sup>1</sup> Clearly, New Zealand felt that preventing superpower confrontation in Antarctica was the primary objective of the treaty, and that if this could be achieved, concessions could be made on other aspects of the settlement. New Zealand also recognised the need to secure agreement to the final treaty from all 12 nations, as "the failure of any major participant to sign and ratify the proposed Treaty would probably cause it to collapse and intensify political rivalries in Antarctica which it is the purpose of the Treaty to end".<sup>2</sup>

Despite its willingness to concede precision in favour of attaining agreement, New Zealand had clear objectives for the Washington Conference. These objectives were based on New Zealand's five main interests in Antarctica of the time; territorial, strategic, economic, scientific and environmental. The territorial interests based on the Ross Dependency claim which, despite being neglected for so long, had been developed by participation in the International Geophysical Year and the Trans Antarctic Expedition. The central motive for asserting these territorial interests had been "to provide New Zealand with an independent voice in any Antarctic settlement...".<sup>3</sup> New Zealand's strategic interest in the continent was based on its proximity to New Zealand, and the relative accessibility of the Ross Dependency area. New Zealand required "a strong assurance that no threat to the security of New Zealand could come from Antarctica generally".<sup>4</sup> As New Zealand security in the Antarctic was reliant upon the United States, it was important that cooperation between the two governments be confirmed on a more permanent basis. The right to share in any economic benefits from Antarctic resources was an important interest for

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<sup>1</sup> "Antarctic Conference - New Zealand Objectives", 6 August 1959 - EA W2619 208/5/1 (XV) [MFAT].

<sup>2</sup> Ibid.

<sup>3</sup> "New Zealand's Interests in Antarctica", JKC, 4 August 1959 - EA W2619 208/5/1 (XV) [MFAT].

<sup>4</sup> Ibid.

New Zealand. Because it could not secure any economic advantage alone, New Zealand favoured “the pooling of effort and money...in some cooperative system”.<sup>5</sup> Interest was also displayed in the possibilities of tourism and international aviation, significant to New Zealand and other southern hemisphere nations because of their proximity to the continent. Another main interest of New Zealand was in scientific investigations and observations that could be of direct value to the country, particularly meteorology and geophysics. The benefits of accurate weather information to farmers made meteorology the most important field of Antarctic research for New Zealand. In the context of an Antarctic treaty settlement, New Zealand’s environmental interests were mostly concerned with the consequences of possible nuclear testing on the continent.

In order to secure New Zealand’s interests in the Antarctic, a number of objectives were formulated that centred on the main issues of the negotiations. The first of these objectives was that Antarctica be effectively neutralised. This meant all military bases and manoeuvres would be banned, and no weapons testing would be allowed on the continent. New Zealand felt that this provision should be explicit in its wording, and supported the Soviet proposal for specific prohibitions.<sup>6</sup> With regard to service logistic support, New Zealand recognised the need for military assistance, but preferred this aspect of the article to have a general rather than a detailed formula. Neutralisation was inseparable from inspection, and New Zealand favoured the United States draft that provided for national observers, rather than a centralised body, and the immunity of all inspection personnel.<sup>7</sup>

A further objective of New Zealand was that “There should be freedom of access to all nations for peaceful purposes”.<sup>8</sup> However, the sentiments behind this statement were not straightforward. Distinction must be made between freedom of scientific investigation, freedom of access, accession to the Treaty, and membership of an

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<sup>5</sup> Ibid.

<sup>6</sup> “Ensuring the use of Antarctica for peaceful purposes only”, New Zealand Brief, Washington Conference 1959, - EA W2619 208/5/4/2 (I) [MFAT].

<sup>7</sup> “Observation and Inspection for purposes of ensuring peaceful use and observance of the treaty’s provisions”, New Zealand Brief, Washington Conference 1959, - EA W2619 208/5/4/2 (I) [MFAT].

<sup>8</sup> Antarctic Conference - New Zealand Objectives, 6 August 1959 - EA W2619 208/5/1 (XV) [MFAT].

administering group. The New Zealand interpretation of ‘freedom of scientific investigation in Antarctica’ was that this applied to all countries without distinction, whether treaty signatories or not.<sup>9</sup> With regard to access to the continent, the New Zealand brief for the Washington Conference stated that

It has been a central principle of the New Zealand approach to the discussions on an Antarctic Treaty that there should be no bar to activity in Antarctica by the nationals of any country, provided that such activity was in conformity with the general provisions of the Treaty.<sup>10</sup>

However, it has been seen that this position of open access to the continent had not been consistently central to New Zealand policy. An open regime had been considered in 1948, but this open access had always been conditional - the Soviet Union and Japan were unwelcome in any regime. New Zealand became wary of unrestricted international participation in 1957 as greater emphasis was given to retaining New Zealand sovereignty in the Ross Dependency. As the Working Group negotiations began, the position of External Affairs had been that non-signatory nations should not be active in Antarctica. New Zealand was aware of the ‘public relations’ value of open access to the Antarctic and, during the Working Group talks, had supported the United States proposal for a non-discrimination statement regarding non-signatories. This concern over world opinion was an important factor in External Affairs claiming, in the Conference Brief and at the conference itself, a long record of advocacy for open access.

New Zealand wished to keep access to the continent distinct from accession to the treaty.<sup>11</sup> It supported an accession provision that was open to all United Nations members, and specialised agencies with an interest in cooperative scientific activity in the Antarctic. The restriction of accession to United Nations members was significant in the exclusion of Communist China, which did not take up the Chinese seat in the United Nations until 1971. New Zealand was influenced by the United States in its

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<sup>9</sup> “Freedom of scientific investigation in Antarctica”, New Zealand Brief, Washington Conference 1959, - EA W2619 208/5/4/2 (I) [MFAT].

<sup>10</sup> “Relationship of the Treaty to countries which are not parties”, New Zealand Brief, Washington Conference 1959, - EA W2619 208/5/4/2 (I) [MFAT].

<sup>11</sup> *Ibid.*

non-recognition of the Communist regime until the end of 1972 and, throughout the 1950s, saw the People's Republic of China as a threat which should be isolated from the international community.<sup>12</sup>

New Zealand did not wish to limit the right to become party to the treaty in any way beyond membership of the United Nations and specialised agencies,<sup>13</sup> such as qualifications based on levels of activity in Antarctica. However, in recognition of the views of Chile, Argentina and France, which feared the effect of wide accession on their own status in the administration of the treaty, New Zealand was in favour of restrictions on participation in the administering group. It was in New Zealand's interests to have as many nations as possible bound by the principles of the treaty, but it was concerned that administrative powers remain with the few nations directly interested in Antarctic affairs. Therefore, New Zealand considered that amendments should be made to the accession article, limiting participation in administrative arrangements to the 12 signatories and any acceding states 'suitably qualified'. Restriction should be based on demonstrated activity in the Antarctic, with sufficiently clear criteria so as to avoid voting, and possibly a veto, on newly acceding states.<sup>14</sup> New Zealand expected that the 12 original signatory nations would remain in the administering group regardless of their level of Antarctic activity in the future. This was particularly important to New Zealand, which wanted to protect its interests and its voice in Antarctic matters without being financially committed to future expeditions.<sup>15</sup>

New Zealand also worked to ensure that "Any arrangements for Antarctica should be linked with the United Nations as closely as possible".<sup>16</sup> New Zealand was the only nation that desired a substantial link with, or reference to, the United Nations in the treaty. Apart from the views of Walter Nash and the general policy supporting United Nations involvement, there was particular reason for New Zealand wanting to

<sup>12</sup> Richard Kennaway, *New Zealand Foreign Policy 1951 - 1971*, (1972, Wellington), p. 62.

<sup>13</sup> "Accession" New Zealand Brief, Washington Conference 1959, - EA W2619 208/5/4/2 (I) [MFAT].

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> "Antarctic Conference - New Zealand Objectives", 6 August 1959 - EA W2619 208/5/1 (XV) [MFAT].

secure General Assembly endorsement for the treaty. During the early Working Group talks, New Zealand had taken a leading role in persuading India not to raise the issue of Antarctica at the United Nations. An important factor in this achievement had been New Zealand's assurance that the eventual treaty would be fully in accordance with United Nations principles, acceptable to India and other nations not participating in the negotiations.<sup>17</sup> Therefore New Zealand felt obliged to press for the endorsement of the treaty in the General Assembly.

The United States draft treaty's only mention of the United Nations was of the Secretary-General as depository power for the treaty. In order to secure General Assembly endorsement, New Zealand recognised that the best it might achieve would be some additional references to the United Nations. Towards this end, New Zealand wished to make more explicit the intention of developing close cooperation between treaty powers and United Nations specialised agencies.

New Zealand wanted territorial rivalries and quarrels over claims to be settled "in order to prevent the extension of the 'cold war' to Antarctica".<sup>18</sup> New Zealand and the United Kingdom were the only countries to have contemplated the surrender of national claims to achieve an international solution to Antarctic disputes. New Zealand was by far the strongest advocate of internationalisation, but this did not mean that New Zealand was willing to relinquish its rights and claims unilaterally.<sup>19</sup> To do so without guarantee of an adequate international scheme would only damage the New Zealand position, and "A unilateral declaration of internationalisation by New Zealand would renounce New Zealand's claim without any indication of acceptance by the other parties".<sup>20</sup> Freezing the status quo was accepted as the best New Zealand could hope for in the face of unanimous opposition to the surrender of claims. This solution would also protect the integrity of the New Zealand claim, and

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<sup>17</sup> "Relationship with the United Nations", New Zealand Brief, Washington Conference 1959, - EA W2619 208/5/4/2 (I) [MFAT].

<sup>18</sup> "Antarctic Conference - New Zealand Objectives", 6 August 1959 - EA W2619 208/5/1 (XV) [MFAT].

<sup>19</sup> "Question of Rights and Claims in Antarctica", New Zealand Brief, Washington Conference 1959, - EA W2619 208/5/4/2 (I) [MFAT].

<sup>20</sup> Auburn, *The Ross Dependency*, p. 81.

remove the burden of undertaking expensive activities in the Ross Dependency simply to retain a foothold in the territory.

The question of nuclear weapons testing, closely tied to the issue of the treaty's zone of application, had not featured significantly in the Working Group negotiations. New Zealand felt that it would be necessary to press for a specific reference to nuclear testing in the treaty, and wished to seek the prohibition of testing on the high seas within the treaty area - although great difficulties were foreseen on this point.<sup>21</sup> External Affairs felt that the zone of application was likely to be the most difficult issue at the conference, as it was the one article on which the United States and the Soviet Union held directly conflicting views. The Soviet Union supported the inclusion of the high seas in the treaty area, while the United States and the United Kingdom were opposed. New Zealand was placed in a difficult position, wanting to extend a nuclear ban over the high seas south of 60°S when its allies - particularly the United States - wanted to exclude that area of high sea from the treaty altogether. It did not help New Zealand's position that the Soviet Union was conducting a Cold War offensive designed to embarrass the United States and the United Kingdom.

Their present attitude fits in very well with the Soviet propaganda campaign against the use of the high seas for testing atomic weapons, or for military exercises. They may well see demilitarisation of the high seas in the Antarctic region as a precedent to be used against the United States in areas of greater strategic importance.<sup>22</sup>

New Zealand was prepared to argue for a nuclear-free zone south of 60°S on the grounds that it would be unlike proposals advanced by the Communist bloc in respect of the Balkans, Scandinavia and the Far East. There was no military power concentrated in the Antarctic, it had no inhabitants to defend, and there was "no overwhelming Communist conventional military superiority to which Western nuclear power is the only deterrent".<sup>23</sup> Simply supporting the Soviet opinion would meet

<sup>21</sup> "Ensuring the use of Antarctica for peaceful purposes only", New Zealand Brief, Washington Conference 1959, - EA W2619 208/5/4/2 (I) [MFAT].

<sup>22</sup> "Zone of Application of the Treaty", New Zealand Brief, Washington Conference 1959, - EA W2619 208/5/4/2 (I) [MFAT].

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<sup>21</sup> "Ensuring the use of Antarctica for peaceful purposes only", New Zealand Brief, Washington Conference 1959, - EA W2619 208/5/4/2 (I) [MFAT].

<sup>22</sup> "Zone of Application of the Treaty", New Zealand Brief, Washington Conference 1959, - EA W2619 208/5/4/2 (I) [MFAT].

<sup>23</sup> Ibid.

community - something it considered lacking in the “lifeless language of the actual articles themselves”.<sup>28</sup> In the Preamble, New Zealand hoped for an appropriate reference to the United Nations, recognition of the value of international cooperation in the spirit of the IGY, and mention of the desire for a broader framework within which this cooperation could be extended. It also wanted reference to permanent demilitarisation, and the importance of avoiding international tension and rivalry over the continent.

Because of the known New Zealand views of the desirability of a greater measure of internationalisation, we shall have to be careful not to give the impression of seeking indirectly a specific declaration of such broader objectives; our aim should be to secure agreement on a reasonably crisp and brief preamble, related to the actual contents of the present Treaty, but yet couched in sufficiently forward-looking language to suggest that the twelve signatories are conscious of wider responsibilities in concluding this Treaty.<sup>29</sup>

The Washington Conference began on 15 October 1959. While much of the proceedings involved the detailed drafting of provisions largely settled during the working group negotiations, there were still a number of areas of contention. The two issues that caused the most difficulty were accession, and the question of nuclear tests and explosions. The nuclear issue was perhaps the most critical at the Conference, as it directly engaged Cold War sensitivities, and threatened to disrupt all progress towards a treaty.

International opinion was well disposed towards the negotiation of nuclear disarmament and test ban agreements at this time. The United Nations Disarmament Commission had been established in 1952, and talks on banning nuclear weapons and reducing the size of conventional forces had been held between 1955 and 1957. At the time of the Conference, a de facto moratorium on nuclear testing had been adopted by the United States and the Soviet Union, improving the prospects for a test ban treaty.<sup>30</sup> Speaking to the United Nations General Assembly in October 1959, New

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<sup>28</sup> “Preamble”, New Zealand Brief, Washington Conference 1959, - EA W2619 208/5/4/2 (I) [MFAT].

<sup>29</sup> Ibid.

<sup>30</sup> Roderick Alley, “The Awesome Glow in the Sky: New Zealand and Disarmament” in NZIIA, *New Zealand in World Affairs, Vol II, 1957-1972*, (1991, Wellington), p. 68.

Zealand was able to comment that “The progress made at the Geneva Conference and the voluntary suspension of weapons testing by the three nuclear powers have contributed to a relaxation of international tensions”.<sup>31</sup>

In New Zealand, public concern over nuclear weapons testing had grown more vocal from 1957. New Zealand had co-sponsored a General Assembly resolution in 1958 with Australia, the United Kingdom, Canada and the United States, supporting a world-wide system of disarmament.<sup>32</sup> New Zealand continued to vote in opposition to nuclear testing even when the United Kingdom and the United States abstained. Nash was a strong advocate of disarmament, and in a statement to the First Committee of the United Nations in October 1959 displayed sentiments very similar to those he had expressed regarding Antarctica.

New Zealand has welcomed the establishment of the 10-power Committee not without a sense of regret that the disarmament dialogue must in large measure be pursued outside the UN...[but] we have consistently maintained that only in small bodies of this kind can the practical business of negotiation be effectively pursued.<sup>33</sup>

Against this background, Argentina proposed early in the Antarctic Conference the inclusion in the treaty of a prohibition on nuclear tests and explosions of any type, regardless of their purpose.<sup>34</sup> This immediately raised problems for the United States, which did not want to preclude the possible use of nuclear explosions for ‘peaceful purposes’, such as blasting harbours and runways in the ice. The United States was determined to defeat the Argentinian amendment, while the United Kingdom realised that an attempt to persuade Argentina to withdraw the item would result in suspicion of its own nuclear plans for the Antarctic. New Zealand feared that, if Argentina was ‘bought off’ by a United States concession on another article, and New Zealand had pledged its support for the nuclear prohibition proposal, it might be left as the only defender of a nuclear ban.<sup>35</sup> Yet the issue was sufficiently important to New Zealand

<sup>31</sup> *External Affairs Review*, vol IX:10, October 1959, p. 12-13.

<sup>32</sup> Alley, “The Awesome Glow in the Sky”, p. 75.

<sup>33</sup> *External Affairs Review*, vol IX:10, October 1959, p. 28.

<sup>34</sup> Telegram, Totara to External, 19 October 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>35</sup> Telegram, Totara to External, 20 October 1959 - EA W2619 208/5/1 (XVI) [MFAT].

that support was given to the inclusion of an article along the lines of the Argentinian proposal. An important motivation in this decision was New Zealand public opinion. A statement had been made at the Conference “stressing grave public concern...about possible effects of any kind of nuclear experimentation” for New Zealand<sup>36</sup>. Also, the support of Nash for a nuclear ban, and possible ‘political disadvantages’ should nuclear testing be condoned<sup>37</sup> were further pressures.

New Zealand was not alone in its wish for a nuclear ban, and was now aligned with all southern hemisphere nations at the conference, against the nuclear powers of the north - the United States, the Soviet Union and the United Kingdom. Japan supported these powers in considering the discussion of non-military explosions ‘inappropriate’ for the present negotiations.<sup>38</sup> However, the issue, once raised, was not going to be put aside by the nations closest to the continent and directly concerned with the environmental consequences of any nuclear explosions in Antarctica. In a compromise on the nuclear issue, New Zealand and Australia pressed for some consultative procedure requiring prior notification of any nuclear explosions in the Antarctic.<sup>39</sup> This consultation proposal seems to have provoked a significant alteration in the Soviet position, creating opposition and tension between the two superpowers and placing the progress of the whole conference at risk.

The Soviet Union decided that a complete ban on all explosions was preferable to consultation, which it believed could undermine the ‘peaceful purposes’ objective of Article I, through nuclear experimentation under the guise of peaceful activities. For New Zealand, it seemed clear that the Soviet Union was pressing the propaganda advantage of isolating the United States on this issue.<sup>40</sup> The United States was likely to accept a ban on nuclear weapons, to cover explosions for testing and experimental purposes, but would not accept any limitation on ‘developmental’ explosions. The Soviet Union felt that the purpose of explosions could not be satisfactorily

<sup>36</sup> Telegram (2), Totara to External, 20 October 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>37</sup> Telegram, Totara to External, 20 October 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>38</sup> Telegram (2), Totara to External, 20 October 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>39</sup> Brief Resume of Antarctic Conference so far (for Prime Minister), 31 October 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>40</sup> Telegram, Totara to External, 4 November 1959 - EA W2619 208/5/1 (XVI) [MFAT].

distinguished in practice, and that a complete ban on all nuclear explosions was the only solution,<sup>41</sup> unless and until a wider international agreement came into being. New Zealand speculated that the Soviet Union might intend to swap the nuclear issue for a favourable United States decision on accession. Another possibility was that the Soviet Union was acting on concerns quite separate from the Antarctic Conference, perhaps to secure some tactical advantage in the Geneva arms control talks.<sup>42</sup>

At this point in the conference, New Zealand was aware that the heightened tensions and inertia that had developed posed a serious risk to the conclusion of the treaty. Despite the fact that it was the United States standing obstinately alone on a contentious issue that was holding up the talks, New Zealand felt that it was the Soviet Union that was running the real risk of breaking up the conference.<sup>43</sup>

The Soviet move also meant that New Zealand, having compromised on its initial support of a complete nuclear ban, was left in an awkward position mid-way between its original ideal and the unpopular position of an important ally. It was likely that the other participants in the conference would fall in with the Soviet position, which was perhaps the most conscientious option, and closest to the original desires of the southern hemisphere nations. This would place the United States in a potentially embarrassing position, “appearing to be the intransigent country wrecking [the] treaty”.<sup>44</sup> Accordingly, the New Zealand delegate in Washington wished to refrain from making any statement accepting the Soviet formula until the United States indicated whether or not it would acquiesce. External Affairs concurred, but clearly felt that this was an issue where New Zealand had little room to manoeuvre.

We would not want to make any statement which impaired further American efforts to breakdown Soviet opposition to unanimously-approved peaceful explosions. If however the Russians still refuse to budge, Prime Minister’s statement and public opinion here leave no choice but to accept a complete ban on nuclear explosions and to risk offending American sensitivities.<sup>45</sup>

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<sup>41</sup> Telegram, Totara to External, 11 November 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>42</sup> Telegram, Totara to External, 17 November 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>43</sup> Ibid.

<sup>44</sup> Telegram, Totara to External, 23 November 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>45</sup> Telegram, External to Totara, 25 November 1959 - EA W2619 208/5/1 (XVI) [MFAT].

These concerns became unnecessary when, on 24 November, the United States reluctantly yielded to Soviet views on nuclear explosions and accession, in order that the treaty be signed.<sup>46</sup> New Zealand was relieved of the possibility of damaging relations with the United States, while gaining a treaty article very close to its original wishes.

The issue of accession had seemed close to settlement when New Zealand submitted its draft provision during the Working Group negotiations. Well into the conference, an article along the line of this draft seemed likely to be acceptable to all parties.<sup>47</sup> Participation in the 'Consultative Committee', the administering body of active Antarctic powers, was to be limited to the original signatories, plus any acceding state which "demonstrates its interest in Antarctica by conducting substantial scientific research activity there, whether by means of the establishment of a scientific station or the dispatch of a scientific expedition or otherwise".<sup>48</sup> Accession was to be open to any member of the United Nations or specialised agencies.

However, late in the negotiations, the Soviet Union tabled a proposal for accession "open to any member of the United Nations and to any state invited (unanimously) by parties of Consultative Committee",<sup>49</sup> excluding 'specialised agencies' from the provision. The Soviet Union explained this change was because the original 'cold war formula' would discriminate unfairly against socialist countries, which had been illegally deprived of membership of the specialised agencies while nations allied with the West had been permitted to join. New Zealand joined the United Kingdom in opposing this proposal, which "would simply appear to be giving the twelve monopolistic power to control admission to [an] exclusive club".<sup>50</sup> New Zealand had long been concerned that any Antarctic agreement not be open to accusations of

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<sup>46</sup> Telegram, Totara to External, 24 November 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>47</sup> Telegram, Totara to External, 2 November 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>48</sup> Ibid.

<sup>49</sup> Telegram, Totara to External, 13 November 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>50</sup> Ibid.

exclusiveness, as it considered favourable world opinion important for the success of a treaty.

There were concerns that in this move, the Soviet Union might want to leave the way open for a future trade off - swapping the accession of West Germany and other non-communist countries for the accession of Communist China.<sup>51</sup> New Zealand also felt that this cold war manoeuvring by the Soviet Union might be designed to use the Antarctic Treaty as the “first opportunity to break down [the] United Nations and specialised agencies formula”.<sup>52</sup> However, External Affairs was understanding of the Soviet attempt to find an alternative to what it accepted as a cold war device. “The United Nations and Specialist Agencies formula...was proposed in this case in deference to our friends who could not tolerate Chinese accession...”.<sup>53</sup> Looking forward to the possibility of a world-wide disarmament agreement - necessarily including Communist China, External Affairs felt that “a precedent set outside the United Nations could have its advantages”.<sup>54</sup>

Ultimately, New Zealand would be prepared to accept the Soviet proposal, but because of probable United States objections it was decided to “play the issue quietly” and not disclose the New Zealand position until all other alternatives had been tested. As has already been mentioned, the United States eventually conceded to the Soviet view on this issue at the same time as it did on the question of nuclear explosions. New Zealand was saved from publicly supporting the Soviet Union against the United States, and it did not have to deviate from its self-proclaimed position as the ‘main champion’<sup>55</sup> of a wide accession provision.

United States concession on the issues of nuclear explosions and accession effectively concluded the Antarctic Treaty. The remainder of the completed Treaty largely met New Zealand’s initial objectives for the agreement. The neutralisation of the

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<sup>51</sup> In 1958, China had used military force against Nationalist occupied islands in the Taiwan Straits, and in 1959 had overrun Tibet and forced the exile of the Dalai Lama. Consequently, New Zealand feelings with regard to China were cool at this time.

<sup>52</sup> Telegram, Totara to External, 13 November 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>53</sup> Telegram, External to Totara, 16 November 1959 - EA W2619 208/5/1 (XVI) [MFAT].

<sup>54</sup> Ibid.

<sup>55</sup> Telegram, Totara to External, 7 November 1959 - EA W2619 208/5/1 (XVI) [MFAT].

continent was provided for in Article I, and the complete ban on nuclear explosions in Article V met New Zealand's original objective. The inspection provisions of Article VII were unique in their scope, and New Zealand had no doubt that Treaty observance would be effectively monitored. Freedom of scientific investigation and the exchange of scientific plans, personnel and data were ensured in Articles II and III. This manner of cooperation had always been important to New Zealand, as it was unable to undertake substantial research in Antarctica without collaboration with other nations. Reference to the United Nations had been a particular objective of New Zealand in the negotiations. The Treaty contained three significant references to the United Nations, in the Preamble, Article III and Article X. The Treaty invoked the spirit of the United Nations Charter, and called for 'cooperative working relationships' with United Nations Specialised Agencies. However, it did not establish an authoritative position for the United Nations within the Antarctic Treaty system, which had originally been New Zealand's wish. Article IV, which 'froze' the legal situation of claimant and non-claimant nations in Antarctica, was not the relinquishment of territorial sovereignty in favour of full internationalisation, as advocated by Nash. The call for the abandonment of sovereignty, however, had been recognised as futile, and had been discarded prior to the Washington Conference. Thus Article IV did conform to New Zealand's best, and most realistic, option for territorial settlement.

The Antarctic Treaty was signed by all twelve participating nations on 1 December 1959. The report of the New Zealand Washington Conference delegation reflects the centrality of United States and Soviet relationships to the success of the Treaty. While it was "impossible to ignore at any stage the implications of the Treaty for the general state of Soviet/American relationships...On the whole, however, the Conference was singularly free of political polemic of any description".<sup>56</sup> The success of the conference was attributed largely to the fact that the fundamental interests of the superpowers were so similar; and that in the face of United States-Soviet Union cooperation, other dissenting nations were clearly unwilling to thwart "the joint will of the major powers".<sup>57</sup>

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<sup>56</sup> Introduction, Report of the New Zealand Delegation, 10 December 1959 - EA W2619 208/5/4/5 (I) [MFAT].

<sup>57</sup> Ibid.

New Zealand recognised that ratification could not be taken for granted, particularly on the part of Chile and Argentina, which had raised numerous, though short-lived, objections.

The treaty is also open to the criticism that its successful implementation would depend entirely on the maintenance of the same cooperative spirit among the twelve signatories as brought them to sign it.<sup>58</sup>

It seems that the Treaty was not considered by New Zealand as a definite or final solution to the problems in Antarctica. It had the potential to cause future controversy, and the agreement reached rested only on a “rather delicate balance of political interests”.<sup>59</sup> However, New Zealand felt that the Treaty did contain “valuable provisions which demonstrate that the countries concerned have been prepared to subordinate national interests to the wider interests of science and increased understanding between nations”.<sup>60</sup>

In order to ratify the Antarctic Treaty, New Zealand had to enact legislation regarding criminal legal jurisdiction in the Ross Dependency. Prior to the Washington Conference, External Affairs had been aware of “a serious gap in New Zealand law...[there was] no way of dealing with crimes committed in the Dependency”.<sup>61</sup> The 1960 Antarctica Act provided for the prosecution of crimes committed within the Dependency by New Zealand nationals, and also for other legal questions, such as jurisdiction over exchanged personnel and criminal acts in unclaimed territory. When debating the Antarctica Bill in the Parliament, most participants simply took the opportunity to tell of their recent trips to ‘the ice’. Both the Government and the Opposition gave their backing to the Bill and the Treaty, describing them as “splendid examples of cooperation for peaceful purposes”<sup>62</sup> and good for New Zealand, for the Commonwealth and for the world.<sup>63</sup> However, a certain discontent with the Treaty

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<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> *AJHR*, 1960, A 19, p. 4.

<sup>61</sup> “Jurisdiction over persons and offences in Antarctica”, New Zealand Brief, Washington Conference 1959 - EA W2619 208/5/4/2 (I) [MFAT].

<sup>62</sup> *NZPD*, 12 October 1960, Holyoake, p. 2985.

<sup>63</sup> *NZPD*, 12 October 1960, Nash, p. 2981.

appeared to underlie much of the affirmation and support that it received. For Nash, the Treaty was not as wide as he had wished, as he had advocated at the Washington Conference.<sup>64</sup> He had hoped for the full internationalisation of the continent, but this idea had never been seriously entertained by the other participating nations. From the Opposition there were indications of dissatisfaction with the Treaty and the manner in which New Zealand had approached the negotiations. RM Algie MP for Remuera, perhaps referring to the substantial influence of Nash in New Zealand's Antarctic policy, said: "I wish the Prime Minister well with his Treaty".<sup>65</sup> Keith Holyoake, the Leader of the Opposition, mentioned some "small reservations" over what had been done by the Government regarding the Treaty.<sup>66</sup> It is likely that Holyoake was referring to Nash's willingness to relinquish territorial sovereignty over the Ross Dependency, as he had earlier stated: "...we have our responsibilities, and I do not think this is the time to be yielding them up".<sup>67</sup>

Maintaining the integrity of the Ross Dependency did remain a concern for New Zealand until the Antarctic Treaty finally entered into force on 23 June 1961. In May External Affairs became aware that United States authorities had begun to register the radio frequencies used by United States transmitting stations in the Dependency. In the international registration of these frequencies, they were shown as being used by stations located in United States territory. External Affairs felt that "This result is clearly prejudicial to New Zealand's long-standing claim to the Dependency, and some action should be taken to counteract the effect of the registration on this claim".<sup>68</sup> Because of the impending ratification of the Antarctic Treaty and the importance of relations with the United States, New Zealand did not want to initiate public contention on the question of sovereignty over the Ross Dependency. It was decided that New Zealand's position would be sufficiently safeguarded by a note to the United States Embassy recording the fact that "New Zealand's acceptance of the United States registration does not signify any acceptance of any United States

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<sup>64</sup> *NZPD*, 12 October 1960, Nash, p. 2980.

<sup>65</sup> *NZPD*, 12 October 1960, Algie, p. 2989.

<sup>66</sup> *NZPD*, 12 October 1960, Holyoake, p. 2985.

<sup>67</sup> *Ibid.*

<sup>68</sup> Note, Sec External Affairs to Minister External Affairs, 11 May 1961 - EA W2619 208/9/1 (III) [NA].

territorial claim or basis of claim to areas in the Dependency”.<sup>69</sup> As the Antarctic Treaty provided that no actions taken while it was in force would contribute to the support of a claim, New Zealand took this last opportunity to assert its sovereignty and perhaps add to the validity of its Ross Dependency claim.

New Zealand had entered the Washington negotiations with very clear ideas on the manner of treaty it preferred. The most important aspects were those protecting New Zealand security, such as the neutralisation of Antarctica, the prohibition of nuclear explosions, the creation of effective inspection provisions, and the settlement of potentially belligerent territorial disputes. Other objectives for New Zealand had involved scientific concerns, regarding freedom of access to the continent; political concerns, regarding accession and New Zealand’s status as a Consultative Party; and international concerns, regarding the United Nations, world opinion and cold war rivalries. The Antarctic Treaty, when concluded, embodied the majority of New Zealand’s objectives, with the exception of those issues where New Zealand held particularly uncommon views, most notably internationalisation. While this success was largely the result of the fact that New Zealand tailored its Antarctic policy according to the policies of its allies and the unfolding of the negotiations, these interests were those of New Zealand, and the Antarctic Treaty did provide a genuine framework within which to protect those interests.

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<sup>69</sup> Ibid.

## Conclusion

Through the examination of New Zealand's Antarctic policies and practices in the period leading up to the Antarctic Treaty, this thesis has shown the diversity of New Zealand's interests in Antarctica, and the complexity of motivation that lay behind New Zealand Antarctic policy in the 1940s and 1950s. New Zealand was a small nation determined to continue to play a role in Antarctica despite a number of inhibiting factors. First and foremost, New Zealand's territorial claim to the Ross Dependency was dubious and unsupported by evidence of 'effective occupation'. Financial constraints and lack of resources meant that New Zealand could not stage large-scale expeditions to defend its interests or assert its sovereignty in Antarctica and, accordingly, it was dependent on cooperation with other nations to retain a stake in the Antarctic. Despite these constraints, New Zealand did have at least nominal possession of two essential access points in the Antarctic, McMurdo Sound and the Bay of Whales. It also had a certain status as an original claimant nation, with that claim being recognised by other major Antarctic nations. Combined with the fact of New Zealand's historical connection to the discovery and exploration of the continent, and its record of cooperation with United States Antarctic activities, it was inevitable that New Zealand would be a key player in international Antarctic politics.

New Zealand developed strong interests in Antarctica after the Second World War, parallel to the increase in international attention that the continent was receiving. These interests centred around the security of New Zealand, international relations, territorial integrity, scientific endeavour, economic potential and national prestige. Security was of prime importance to New Zealand because of the proximity of the continent, and the fact that both superpowers were interested, and eventually active, in Antarctica. The potential for conflict, involving the United Kingdom, over the South American sector was a particular concern for New Zealand, which retained strong security links with the United Kingdom and, for many years, regarded the Ross Dependency as British territory. Removing the potential for military conflict from an area so close to New Zealand was a key interest for the nation, and an international agreement that demilitarised the continent was considered the best option.

New Zealand did not want dissension on Antarctic issues to harm its relations with other nations, in particular the United States and the United Kingdom. Nor did New Zealand want to engage adverse world opinion by concluding an agreement unacceptable to the United Nations General Assembly. Antarctica was not sufficiently significant, in the wider context of foreign affairs, to risk seriously offending important allies and international bodies. Even proposals notoriously unpopular with other nations, such as the renunciation of territorial sovereignty, tended to be withdrawn or adapted if it appeared that relations could be damaged.

Territorial concerns were marred by the doubtful nature of the Ross Dependency claim, and the fact that little had been done since 1923 to rectify the situation. New Zealand hoped to avoid revealing the inadequacy of its Antarctic activities, and to find a bilateral or, preferably, a multinational solution that would preclude the need to assert its sovereignty in Antarctica. Although the concept of yielding sovereignty to an international authority, as advanced by Walter Nash, was not particularly well favoured by External Affairs, it was one means of resolving New Zealand's territorial difficulties. The adoption of this proposal in the Treaty negotiations by the Department of External Affairs reflected the character of New Zealand's claim.

While political concerns seem to have dominated thinking over Antarctica, scientific research was still a substantial interest for New Zealand. Scientific considerations did not carry the political weight to initiate early government-sponsored expeditions to the continent, but New Zealand remained aware of the importance of meteorology, ionospheric research, geology and other sciences relevant in the Antarctic. Scientific investigation was particularly vital because of the desire to ascertain the extent and nature of mineral deposits and other exploitable resources in Antarctica. Economic potential was always a consideration in Antarctic policy, but the lack of any verifiable opportunities in the continent meant that it carried as little political weight as science.

National prestige was an interest that was woven into all New Zealand's other interests and, although difficult to isolate, was a consistent factor in policy

considerations. New Zealand's consistent desire to retain a voice in any forum dealing with Antarctica, its wish to be recognised as an Antarctic player, and its hope for a favourable world response to any Antarctic settlement, were all motivated to some extent by concerns for New Zealand's international standing. Securing title to the Ross Dependency, or achieving some acceptable alternative to individual territorial sovereignty, was the foremost factor in New Zealand's prestige considerations.

Contained within New Zealand's Antarctic interests, and the manner in which those interests were pursued, evidence exists of wider trends in New Zealand's Antarctic policy. Throughout the period preceding the Antarctic Treaty, New Zealand's approach to Antarctic issues was largely coloured by caution and hesitancy. External Affairs' concern to avoid any controversy or undue attention regarding the Ross Dependency was a recurrent theme in policy decisions. The Government repeatedly delayed sending a New Zealand expedition to the continent, and continued to display a reluctance to commit to a course of action in Antarctica well into planning for the International Geophysical Year. This hesitancy was particularly apparent in negotiations towards the Antarctic Treaty, where New Zealand held back from deciding its position in various issues until it was assured of the likely support its position would receive.

To varying degrees, internationalisation was a constant theme in New Zealand Antarctic policy, from Peter Fraser's enthusiasm for United Nations trusteeship to Walter Nash's advocacy of relinquishing sovereignty to an international authority. The National Government of 1949-57 was wary of an international regime, and of the motives of certain nations, particularly the Soviet Union, in desiring open participation in Antarctic affairs. Nevertheless, Holland's government still recognised the importance of international cooperation in Antarctica, and valued highly New Zealand's record of collaboration with the United States. International control of Antarctica, in one form or another, was an option particularly well suited to New Zealand's position. It provided for New Zealand's need for joint expeditions and

research projects, it guaranteed the security of the continent, and it relieved New Zealand of the need continuously to assert its claim.

The manner in which New Zealand dealt with other Antarctic nations was indicative of the loyalties and shifts in alliances that were apparent in all aspects of external relations during the period under consideration. From a traditional imperial alliance with the United Kingdom, New Zealand moved to a position of 'dual dependency' - with the old ties of Empire and Commonwealth being offset by new relations with the United States. New Zealand recognised the United States as a powerful player in Antarctica and, because of its predominance in the Ross Dependency, worked to maintain close and amicable associations with the United States in the Antarctic. As New Zealand's alliances shifted, Commonwealth solidarity, initially a primary concern in policy formation, remained equally as important as maintaining the magnanimity of the United States. Many of New Zealand's decisions regarding Antarctica, particularly in the forum of the Treaty negotiations, were made with close regard to the positions held by the United States and the United Kingdom, and the impact that any decision would have on New Zealand's relations with those nations.

The Antarctic Treaty in 1961 was an untested document based on a singular situation of political consensus. While not living up to the high expectations of Nash, the Treaty did effectively incorporate and protect all of New Zealand's major interests in the continent. These interests had developed and adapted over time as the Treaty came into being, responding to changes in New Zealand's own position, and in the international dynamics of Antarctica. New Zealand's tendency to adjust its position in order to accommodate trends in Antarctic negotiations and the policies of its allies meant that New Zealand was well placed to have its objectives realised by the Treaty. For New Zealand the Antarctic Treaty was the best and perhaps the only viable mechanism to secure its interests, and those of its allies and associates in Antarctica, in the international political climate of the time.

# Appendix

## THE ANTARCTIC TREATY

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Recognizing that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Acknowledging the substantial contributions to scientific knowledge resulting from international co-operation in scientific investigation in Antarctica;

Convinced that the establishment of a firm foundation for the continuation and development of such co-operation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the Charter of the United Nations;

Have agreed as follows:

### ARTICLE I

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, *inter alia*, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any type of weapons.

2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

### ARTICLE II

Freedom of scientific investigation in Antarctica and co-operation toward that end, as applied during the International Geophysical year, shall continue, subject to the provisions of the present Treaty.

### ARTICLE III

1. In order to promote international co-operation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable:

- (a) information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy and efficiency of operations;
- (b) scientific personnel shall be exchanged in Antarctica between expeditions and stations;
- (c) scientific observations and results from Antarctica shall be exchanged and made freely available.

2. In implementing this Article, every encouragement shall be given to the establishment of co-operative working relations with those Specialized Agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica.

### ARTICLE IV

1. Nothing contained in the present Treaty shall be interpreted as:

- (a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;
- (b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;
- (c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.

2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

### ARTICLE V

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.

2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

## ARTICLE VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

## ARTICLE VII

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.

3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

5. Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

- (a) all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory ;
- (b) all stations in Antarctica occupied by its nationals ; and
- (c) any military personnel or equipment intended to be introduced by it into Antarctica subject to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

## ARTICLE VIII

1. In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel exchanged under sub-paragraph 1 (b) of

Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

2. Without prejudice to the provisions of paragraph 1 of this Article, and pending the adoption of measures in pursuance of sub-paragraph 1 (e) of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antarctica shall immediately consult together with a view to reaching a mutually acceptable solution.

## ARTICLE IX

1. Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after the 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 co-operation 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.

2. Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition.

3. Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the Contracting Parties participating in the meetings referred to in paragraph 1 of the present Article.

4. The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

5. Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

## ARTICLE X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

## ARTICLE XI

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement ; but failure to reach agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

## ARTICLE XII

1. (a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

(b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification has been received within a period of two years from the date of entry into force of the modifications or amendment in accordance with the provisions of subparagraph 1 (a) of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2. (a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

(b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary

Government to all the Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

(c) If any such modification or amendment has not entered into force in accordance with the provisions of sub-paragraph 1 (a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

### ARTICLE XIII

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instrument of accession.

6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

### ARTICLE XIV

The present Treaty, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

In witness whereof, the undersigned Plenipotentiaries, duly authorised, have signed the present Treaty.

Done at Washington this first day of December, one thousand nine hundred and fifty-nine.

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