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THE UNITED STATES POSITION
ON ANTARCTICA

David A. Colson†

The topic of my presentation is the United States position on Antarctica. My purpose is to elaborate the position with some specificity, to illustrate the consistency in the United States position over many years, and to discuss the challenges before the United States in light of current events surrounding Antarctica.

I. THE UNITED STATES ANTARCTICA POSITION

The general position of the United States regarding Antarctica is likely to be well known to many of you. Perhaps, however, an examination of that position will assist in understanding the factors that may motivate the United States as it considers Antarctica's future. The United States position concerning Antarctica rests on an articulation of United States interests there. These interests include three interrelated categories: political and security interests, environmental and scientific interests, and resource interests. They may be summarized as follows:¹

A. POLITICAL AND SECURITY INTERESTS

— to reserve Antarctica for activities that serve peaceful purposes only;
— to prevent Antarctica from becoming the scene or object of international discord;
— to continue the peaceful and cooperative relationships regarding Antarctica among those States active there;

† Assistant Legal Advisor, Department of State. “The International Legal Regime for Antarctica,” a symposium held at the Regional Meeting of the American Society of International Law, School of Law, Cornell University, October 7-8, 1985. The views expressed are those of the Author and do not necessarily represent the views of the United States Government.

—to preserve United States access to all areas of Antarctica and surrounding marine areas for peaceful purposes, regardless of territorial or other claims; and
— to preserve any basis for a United States claim to territorial sovereignty in Antarctica that existed prior to the entry into force of the Antarctic Treaty.

B. ENVIRONMENTAL AND SCIENTIFIC INTERESTS

—to protect and maintain the Antarctic environment, including the ecological systems of the continent and southern ocean;
— to increase understanding of the role natural processes play in Antarctic phenomena of global significance, including biological, geological, geophysical, meteorological, and oceanographic processes;
— to increase scientific understanding of global processes that can be better understood as a result of evidence available in Antarctica (e.g., worldwide dispersal patterns of man-introduced pollutants and upper atmosphere physics);
— to increase baseline data and information on marine and terrestrial areas within the Antarctic Treaty area; and
— to maintain the freedom of scientific research in Antarctica and the cooperative sharing of data gathered in accordance with the Antarctic Treaty.

C. RESOURCE INTERESTS

—to increase knowledge of the living resources in Antarctica and their ecological systems;
—to conserve the living resources of Antarctica and the southern ocean ensuring the health of individual populations and their ecological systems;
—to participate in the development and implementation of management mechanisms for conserving the living resources of Antarctica;
—to provide access for United States nationals to harvest living resources, in accordance with agreed conservation objectives and measures, should such harvesting interests develop;
—to increase knowledge of the non-living resource potential of Antarctica and of the environment in which such resources may be located;
—to ensure that any mineral resource activities are environmentally acceptable;
—to facilitate an increase in the global supply of mineral resources through:
(a) defining rights to Antarctic mineral resources; and
(b) ensuring reasonable conditions of investment consistent with United States interests; and
—to provide non-discriminatory access for the United States to all areas of Antarctica in which mineral resource activities may be determined acceptable.

It would be fruitless to prioritize these interests because, depending on whom one asked, one would likely receive a different ordering of their importance. But near the top of any authoritative United States list, to prevent Antarctica from becoming the scene or object of international discord would be prominent as a fundamental interest and objective of the United States. It is not lost upon us that our other interests will be difficult, if not impossible, to pursue if this fundamental objective is not carefully nurtured and constantly fulfilled. The pursuit of scientific knowledge or the quest for Antarctica’s resource wealth must always be considered in this context.

In pursuit of United States interests, it is the policy of the United States to maintain an active and influential presence in Antarctica. President Reagan affirmed this objective in early 1982 and again in 1984 upon the 25th Anniversary of the Antarctic Treaty signing. The press statement describing his 1982 decision stated in part:

The United States has significant political, security, economic, environmental, and scientific interests in Antarctica. These are reflected in the Antarctic Treaty of 1959. The system established by that treaty has permitted its parties, who maintain different positions concerning claims to territorial sovereignty in Antarctica, to work together to further scientific research and to ensure that Antarctica does not become the scene or object of international discord.... President Reagan has affirmed the United States commitment to a leadership role in Antarctica, both in the conduct of scientific research on and around the continent and in the system of international cooperation established pursuant to the Antarctic Treaty.2

Thus, the vehicle through which the United States pursues its Antarctic interests is the Antarctic Treaty of 1959 and the system of supplementary measures and agreements which has evolved under the Treaty. Accordingly, the most basic element of the United States position regarding Antarctica is to ensure the maintenance and effective functioning of the Antarctic Treaty System—for, we are convinced, that it is only within that System that all United States interests can be protected and pursued.

II. THE CONTINUITY OF THE UNITED STATES POSITION

United States interests in Antarctica have remained consistent since the birth of the Antarctic Treaty System. While those interests may have grown as man's knowledge of Antarctica has increased, they

2. Id. at 8.
have not changed in any fundamental sense. Our devotion to the Antarctic Treaty System is, perhaps, a natural outgrowth of the fact that the Treaty was in large measure a United States proposal. On the other hand, this support may more naturally arise from the continuing conviction in the United States that only through cooperation in the Antarctic Treaty System can United States interests be promoted.

In this connection, it is interesting to remind ourselves of what the United States said in 1958 when it proposed negotiations toward an Antarctic Treaty. There is nothing anachronistic about those United States policy statements. The interrelationship between the issues in Antarctica which were identified then, remain with us today. Their conclusions remain valid. As President Eisenhower said:

The United States is dedicated to the principle that the vast uninhabited wastes of Antarctica shall be used only for peaceful purposes. We do not want Antarctica to become an object of political conflict. Accordingly, the United States has invited 11 other countries, including the Soviet Union, to confer with us to seek an effective joint means of achieving this objective.

We propose that Antarctica shall be open to all nations to conduct scientific or other peaceful activities there. We also propose that joint administrative arrangements be worked out to ensure the successful accomplishment of these and other peaceful purposes.

The countries which have been invited to confer are those which have engaged in scientific activities in Antarctica over the past 9 months in connection with the International Geophysical Year. I know of no instance in which international cooperation has been more successfully demonstrated. However, the International Geophysical Year terminates on December 31, 1958. Our proposal is directed at insuring that this same kind of cooperation for the benefit of all mankind shall be perpetuated after that date. I am confident that our proposal will win the wholehearted support of the peoples of all the nations directly concerned, and indeed of all other peoples of the world.

The United States elaborated its position more fully in a diplomatic note of May 2, 1958, to what became the other eleven original Consultative Parties, inviting them to treaty negotiations. That note carefully formulated the United States position and identified the proposed Antarctic Treaty as a means by which the goals of the United States, and the goals of other States, might be realized.

3. See infra text accompanying note 4.
5. Id. at 23-25. The diplomatic note stated in part:
   Among the various portions of the globe where these cooperative scientific endeavors are being carried on with singular success and with a sincere consciousness of the high ideals of mankind to which they are dedicated is the vast and relatively remote continent of Antarctica. The scientific research being conducted in that continent by the cooperative efforts of distinguished scientists from many countries is producing information of practical as well as theoretical value for all mankind.
The Antarctic Treaty has succeeded remarkably. The peace has been kept in this remote region despite the very fundamental political

The International Geophysical Year comes to a close at the end of 1958. The need for coordinated scientific research in Antarctica, however, will continue for many more years into the future. Accordingly, it would appear desirable for those countries participating in the Antarctic program of the International Geophysical Year to reach agreement among themselves on a program to assure the continuation of the fruitful scientific cooperation referred to above. Such an arrangement could have the additional advantage of preventing unnecessary and undesirably political rivalries in that continent, the uneconomic expenditure of funds to defend individual national interests, and the recurrent possibility of international misunderstanding. It would appear that if harmonious agreement can be reached among the countries directly concerned in regard to friendly cooperation in Antarctica, there would be advantages not only to those countries but to all other countries as well.

The present situation in Antarctica is characterized by diverse legal, political, and administrative concepts which render friendly cooperation difficult in the absence of an understanding among the countries involved. Seven countries have asserted claims of sovereignty to portions of Antarctica, some of which overlap and give rise to occasional frictions. Other countries have a direct interest in that continent based on past discovery and exploration, geographic proximity, sea and air transportation routes, and other considerations.

The United States for many years has had, and at the present time continues to have, direct and substantial rights and interests in Antarctica. Throughout a period of many years, commencing in the early eighteen-hundreds, many areas of the Antarctic region have been discovered, sighted, explored, and claimed on behalf of the United States by nationals of the United States and by expeditions carrying the flag of the United States. During this period, the Government of the United States and its nationals have engaged in well-known and extensive activities in Antarctica.

In view of the activities of the United States and its nationals referred to above, my Government reserves all of the rights of the United States with respect to the Antarctic region, including the right to assert a territorial claim or claims. It is the opinion of my Government, however, that the interests of mankind would best be served, in consonance with the high ideals of the Charter of the United Nations, if the countries which have a direct interest in Antarctica were to join together in the conclusion of a treaty which would have the following peaceful purposes:

A. Freedom of scientific investigation throughout Antarctica by citizens, organizations, and governments of all countries; and a continuation of the international scientific cooperation which is being carried out so successfully during the current International Geophysical Year.

B. International agreement to ensure that Antarctica be used for peaceful purposes only.

C. Any other peaceful purposes not inconsistent with the Charter of the United Nations.

The Government of the United States is prepared to discuss jointly with the Governments of the other countries having a direct interest in Antarctica the possibility of concluding an agreement, which would be in the form of a treaty, for the purpose of giving legal effect to these high principles. It is believed that such a treaty can be concluded without requiring any participating nation to renounce whatever basic historic rights it may have asserted. It could be specifically provided that such basic rights and such claims would remain unaffected while the treaty is in force, and that no new rights would be acquired and no new claims made by any country during the duration of the treaty. In other words, the legal status quo in Antarctica would be frozen for the duration of the treaty, permitting cooperation in scientific and administrative matters to be carried out in a constructive manner without being hampered or affected in any way by political considerations.
and legal differences among the States active there. No greater difference may exist between States than that associated with sovereignty—ownership; and such differences underlie all issues in Antarctica. Yet the Antarctic Treaty System has succeeded in allaying such differences for nearly thirty years; it has the capacity to continue to do so. The United States identified the Treaty System as the only peaceful way to address Antarctic issues in the 1950's, and the United States retains that same view today. The continued reliance upon and support for the Antarctic Treaty System by the United States in the 1980's marks a consistent and principled approach to foreign policy. There are no good alternatives.

III. CHALLENGES BEFORE THE UNITED STATES ANTARCTIC POSITION

Two major challenges are before the Antarctic Treaty System today. Thus, there are two major challenges before the United States Antarctic position. The first concerns the growing interest in mineral resources in Antarctica; the second concerns United Nations involvement in this matter. In large measure, the question of Antarctic mineral resources has stimulated United Nations interest in Antarctica.

A. MINERALS

It is fair to say that those who negotiated the Antarctic Treaty did not conceive that, less than thirty years later, States would be positioning themselves for possible mineral exploration and exploitation in Antarctica. That possibility, however, is occurring, and it poses a serious challenge to the Treaty System. In addition, the economic and political visability of any proposed mineral activity distinguishes this challenge from those that have preceded it. In this sense, the interest in exploitation of krill a few years ago, which resulted in the Convention on the Conservation of Antarctic Marine Living Resources, created a much less difficult political problem.

At the Eleventh Antarctic Treaty Consultative Meeting in Buenos Aires in 1981, the Consultative Parties agreed that a regime for Antarctic mineral resources should be developed "as a matter of urgency." In this context, the term regime is understood as an international system for making decisions about possible mineral resource activities in Antarctica. The recommendation adopted in Buenos Aires, and which the United States has formally accepted, stated that the objective of the regime is to provide a means for:

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7. See Antarctica Hearings, supra note 1, at 12.
(a) assessing the possible impact upon the Antarctic environment of Antarctic mineral resource activities;
(b) determining whether such activities are acceptable;
(c) governing the environmental, technological, political, legal, and economic aspects of such activities as may be found to be acceptable;
(d) establishing rules for the protection of the Antarctic environment; and
(e) ensuring that any Antarctic mineral resource activities undertaken are in strict conformity with such rules.\(^8\)

Whether there are deposits of mineral resources in Antarctica whose development would be economically feasible is not known. Nonetheless, the Consultative Parties believe that it is important to the maintenance and functioning of the Antarctic Treaty System to have an effective mechanism in place for making decisions about possible mineral resource activities before any specific interest in those activities may develop. Thus, negotiations toward a minerals regime are not a concerted effort to open Antarctica to mineral exploration and exploitation, but a process necessary to create an environment in which any such mineral resource activities will not undermine the basic understandings and political compromises at the heart of the Antarctic Treaty System. In other words, the Consultative Parties share a commitment to ensure that mineral resource activities do not disrupt the Antarctic Treaty System. Accordingly, agreement to develop such a regime reflects the determination that interest in Antarctic mineral resource activities, should it develop, does not become a source of international discord or conflict.

Therefore, the United States believes the basic purpose of a minerals regime is to determine the acceptability of mineral resource activity in Antarctica and to govern any such activities determined to be acceptable. In the United States view, an acceptable minerals resource regime must be consistent with the United States position on the legal and political status of Antarctica and must provide:\(^9\)

—that mineral resource activities not pose unacceptable risks to the Antarctic environment, including large-scale irreversible changes in that environment, and that activities are consistent with the standards of the Convention on the Conservation of Antarctic Marine Living Resources;

—for assurance of non-discriminatory access to all areas of Antarctica in which mineral resource activities are determined acceptable;

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8. Id.
9. The following summary is taken from the Antarctica Hearings, supra note 1.
—a stable and predictable legal framework for governing mineral resource activities;
—a system for defining rights to Antarctic mineral resources so as to create the security necessary for a stable and reasonable investment climate;
—for the establishment of reasonable terms and conditions to govern specific mineral resource activities;
—that decisions about possible activities be based upon information sufficient to judge the possible impacts of those activities; and
—that technology and operational practices exist and are employed to ensure safety of mineral resource activities.

Negotiations toward a minerals regime have been taking place since 1982 in a multi-sessioned, special Consultative Meeting on Antarctic Mineral Resources. As a result of the discussions to date, Ambassador Chris Beeby of New Zealand, who served as Chairman of the sessions, has developed and revised an informal text. The Chairman's text provides a focal point around which to structure specific consideration of the elements of the regime. The text is consistent with the United States approach in important elements, though it poses a number of difficulties for us in other areas. As recognized by the negotiations, the regime must address internal accommodations between claimant and non-claimant States within the Treaty System, and external accommodations between the Treaty System and non-participating States.

The negotiations to date have reflected good progress. The recent session addressed such issues as liability, compensation, and dispute settlement. These and other important issues lie ahead, particularly those concerning the distribution of powers and functions among the institutions of the regime and the manner in which decisions would be made. All States participating in the negotiations have hard choices before them and, doubtlessly, concessions to make. Conclusion of a minerals regime would contribute greatly to the continued maintenance and effective functioning of the Antarctic Treaty System. With this overriding consideration before them, the States active in Antarctica are quite aware of the cost of failure. On the basis of progress achieved to date and the business-like fashion in which the negotiations are taking place, the United States is confident that every effort will be made to conclude this task successfully.

B. Antarctica in the United Nations

As a result of an initiative taken by the Government of Malaysia, an item on Antarctica was included on the agenda of the United Nations General Assembly in 1983. Malaysian representatives indicated that they wanted the United Nations to consider whether the Antarctic Treaty might require modification or replacement.

After informal discussions at the General Assembly in 1983, a consensus resolution was adopted calling for a study of Antarctica by the U.N. Secretary General. The United States and the other Antarctic Treaty Consultative Parties were able to participate in that consensus because the resolution was neutrally worded and required that the study of Antarctica be "comprehensive, factual, and objective." The U.N. Secretary General reported on the study at last fall's U.N. General Assembly, which as a procedural issue deferred further substantive discussion on the matter to this fall's U.N. General Assembly.

Debate on Antarctica prior to the 40th U.N. General Assembly intensified this year when the Organization of African Unity Summit declared, inter alia, that Antarctica should be the "common heritage of mankind." However, Malaysia was unsuccessful in advancing this line, which aimed at the heart of the Antarctic Treaty, at the recently concluded Non-Aligned Meeting (NAM). The NAM did call for continued U.N. consideration of Antarctica. While the final result of this year's Assembly cannot be predicted, it may be expected that the Treaty parties will make every effort to avoid confrontation while at the same time preserving the Treaty from those whose action would alter it.

The United Nations, of course, has a legitimate interest in Antarctica. For its part, the United States, in response to the U.N. Secretary General's request to members for Antarctica related information, has provided extensive material on scientific activities in Antarctica and the operation of the Antarctic Treaty System. Nevertheless, the United States views further United Nations involvement and consideration of this matter with some trepidation; particularly as it sees the ultimate objective of those advocating U.N. involvement as being

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inimical not only to United States interests, but to the interests of the members of the United Nations as a whole.

IV. CONCLUSION

The Antarctic Treaty represents an outstanding and unequalled example of the practical realization of the principles and purposes of the United Nations Charter. In a troubled world, it represents a major contribution to international peace and security. It is a glowing example of how States with differing political, economic, and social systems can promote peaceful cooperation, despite major differences over sovereignty claims. Further, the Treaty System is dynamic and open. It has grown from twelve parties to thirty-two. It has seen the number of Consultative Parties grow from the original twelve to sixteen, with two applicants in the wings. In addition, regular consultative meetings, as well as the mineral negotiations, have been opened to the Non-Consultative Parties as observers. And consideration is also being given to provide for the participation of certain international organizations as observers.

The Treaty System has also displayed proven capacity to meet new circumstances and absorb new interests. The Antarctic Treaty foresees significant working relationships between components of the U.N. system and the Antarctic Treaty System. This type of functional cooperation provides for a procedure and mutually beneficial cooperation between these institutions. Efforts to establish a competing political forum for Antarctica within the United Nations would serve no purpose, and would undoubtedly destabilize the Antarctic Treaty System, which plays such an important role in environmental protection and world peace.

Therefore, the United States, like the other members of the Antarctic Treaty System, is not prepared to accept the presumption that the Antarctic Treaty requires modification or replacement, and will oppose any effort to undermine or unravel the delicate and essential compromises that underlie it. It is on the basis of this attitude, combined with a commitment to ensure the open and effective operation of the Antarctic Treaty System, that the United States approaches any further United Nations treatment of the subject.
THE ANTARCTIC TREATY*

Signed at Washington December 1, 1959; Ratification advised by the Senate August 10, 1960; Ratified by the President August 18, 1960; Ratification deposited at Washington August 18, 1960; Proclaimed by the President June 23, 1961; Entered into force June 23, 1961.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Antarctic Treaty was signed at Washington on December 1, 1959 by the respective plenipotentiaries of the United States of America, Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland;

WHEREAS the text of the said Treaty, in the English, * * * languages, is word for word as follows:

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 cooperation in scientific investigation in Antarctica;

Convinced that the establishment of a firm foundation for the continuation and development of such cooperation 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;

* Citation: 12 UST 794: TIAS 4780.

States which are parties: Argentina, Australia, Belgium, Brazil, Bulgaria, China, Chile, Cuba, Czechoslovakia, Denmark, the Federal Republic of Germany, Finland, France, the German Democratic Republic, Hungary, India, Italy, Japan, the Netherlands (including Netherlands Antilles), New Zealand, Norway, Papua New Guinea, Peru, Poland, Romania, Spain, South Africa, Sweden, Uruguay, the U.S.S.R., the United Kingdom, and the United States.
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 States;[1]

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 maneuvers, 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 cooperation 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 cooperation 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 cooperative 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:

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1 TS 993; 59 Stat. 1031.
(a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty of 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 subparagraph 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 subparagraph 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 there-
after at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:

(a) use of Antarctica for peaceful purposes only;
(b) facilitation of scientific research in Antarctica;
(c) facilitation of international scientific cooperation in Antarctica;
(d) facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;
(e) questions relating to the exercise of jurisdiction in Antarctica;
(f) preservation and conservation of living resources in Antarctica.

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 dispatch 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, media-
tion, 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 is received within a period of two years from the date of entry into force of the modification 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 subparagraph 1(a) of this Article within a period of two years after the date of its communica-
tion 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 with-
drawal 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 signa-
tory 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 meet-
ings 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 ratifica-
tion 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 signa-
tory States, the present Treaty shall enter into force for those States
and for States which have deposited instruments of accession. There-
after 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 Gov-
ernment 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 Gov-
ernments of the signatory and acceding States.

* * * *

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly
authorized, have signed the present Treaty.

DONE at Washington this first day of December, one thousand
nine hundred and fifty-nine.
WHEREAS the Senate of the United States of America by their resolution of August 10, 1960, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Treaty;

WHEREAS the said Treaty was duly ratified by the President of the United States of America on August 18, 1960, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article XIII of the said Treaty that upon the deposit of instruments of ratification by all the signatory States, the said Treaty shall enter into force for those States and for States which have deposited instruments of accession;

WHEREAS instruments of ratification were deposited with the Government of the United States of America on May 31, 1960 by the United Kingdom of Great Britain and Northern Ireland; on June 21, 1960 by the Union of South Africa; on July 26, 1960 by Belgium; on August 4, 1960 by Japan; on August 18, 1960 by the United States of America; on August 24, 1960 by Norway; on September 16, 1960 by the French Republic; on November 1, 1960 by New Zealand; on November 2, 1960 by the Union of Soviet Socialist Republics; and on June 23, 1961 by Argentina, Australia, and Chile; and an instrument of accession was deposited with the Government of the United States of America on June 8, 1961 by the Polish People’s Republic;

AND WHEREAS, pursuant to the aforesaid provision of Article XIII of the said Treaty, the Treaty entered into force on June 23, 1961;

NOW, THEREFORE, be it known that I, John F. Kennedy, President of the United States of America, do hereby proclaim and make public the Antarctic Treaty to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after June 23, 1961 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be hereunto affixed.

DONE at the city of Washington this twenty-third day of June in the year of our Lord one thousand nine hundred sixty-one and of the independence of the United States of America the one hundred eighty-fifth.

JOHN F. KENNEDY.

By the President:

DEAN RUSK

Secretary of State