Casey and the Negotiation of the Antarctic Treaty

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INTRODUCTION
On December 1, 1959, the Antarctic Treaty was signed in Washington, DC, by representatives from twelve countries — Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the Soviet Union, the United Kingdom and the United States. Eighteen months later, by which time all twelve contracting parties had deposited their instruments of ratification with the depositary government (the USA), US President John F. Kennedy expressed his ‘profound satisfaction’ on the Treaty’s entry into force. In a press statement released on June 23, 1961, he concluded that:

...the Antarctic Treaty represents a positive step in the direction of world-wide peace and [I] am genuinely gratified to announce its entry into force today.²

During the forty years since its entry into force, the Antarctic Treaty has fulfilled Kennedy’s assessment. The first in a complex set of conventions and measures – collectively known as the Antarctic Treaty System – the Antarctic Treaty is the cornerstone of an international regime that has effectively governed the behaviour of parties in a hitherto contentious region of the world.

Essentially, the Antarctic Treaty has five major provisions:

- it provides that parties to it are required to use Antarctica for peaceful purposes only;
- it promotes international cooperation in scientific investigation in Antarctica;
- it prohibits nuclear explosions and the disposal of radio-active waste material in the region;

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¹ Primary sources used in the preparation of this conference paper have been drawn from archival material collected at Australian Archives, Canberra; the US National Archives and the Library of Congress, Washington, DC; the Eisenhower Library, Abilene, Kansas; the Truman Library, Independence, Missouri; and the Public Record Office, London. All have been cited in the author's doctoral dissertation: H. Robert Hall, International Regime Formation and Leadership: The Origins of the Antarctic Treaty (Ph.D. diss. University of Tasmania, 1994).  

• it “freezes” the political situation in regard to the status of territorial claims and rights in the region as it was in 1959, with some parties having asserted claims there, while others have asserted rights;

• it establishes rights of inspection to promote the objectives of the Treaty and to ensure the observance of its provisions.

In many accounts of the negotiations that led to the signing of the Antarctic Treaty, the then Australian Minister for External Affairs – Richard Gardiner Casey – is often credited with having played a prominent role. For example, Shapley credits Casey for first urging US Secretary of State, John Foster Dulles, ‘to do something’ about Antarctica’s contentious political situation. Millar writes that Casey ‘took a leading part in the diplomacy that led to the Antarctic Conference and Treaty’. Hudson, Casey’s biographer, is somewhat more circumspect about Casey’s role:

The Conference [on Antarctica] was for Casey a kind environment...Casey was in his element simply practicing diplomacy, sometimes firm and sometimes conciliatory, calling informal meetings of delegation heads to sort out difficulties, soothing Latin American sensitivities, courting the USSR.

More recently, Bowden comments that ‘International recognition of Richard Casey’s role in the successful resolution of the Antarctic Treaty was marked by the selection of Canberra for the first scheduled Antarctic Treaty Consultative Meeting.’

The purpose of this paper is to survey, briefly, Casey’s role in the formation of the Antarctic Treaty and to assess its significance. Before turning to this task, however, it is necessary to explain why the Antarctic Treaty was negotiated.

THE ANTARCTIC PROBLEM

During the 1940s there emerged a situation concerning Antarctica that became known as the Antarctic Problem. The Antarctic Treaty was negotiated to solve this problem, the nature of which can be summarised in the following way:

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by the 1940s, seven countries had asserted sovereignty claims to Antarctic territory – Britain (1908, amended 1917), New Zealand (1923); France (1924); Australia (1933); Norway (1939); Chile (1940); Argentina (1943, amended 1946);

the United States did not recognise these claims and had reserved its rights in the region;

increasing tension in the late 1940s between Britain, Argentina and Chile due to the overlapping nature of their respective claims;

the floating of several proposals to solve the Antarctic Problem — most notably the idea of (i) an eight-power condominium or a United Nations international trusteeship (both developed by the United States) and (ii) a “standstill’ agreement which would involve Antarctic claims and rights being “frozen” for a specific period of time and scientific cooperation encouraged (suggested by Chile);

the desire on the part of Western countries involved to exclude the Soviet Union from participating in Antarctic affairs, This, in turn, led the Soviet Union to state that any solution developed without their participation would not be considered legitimate and would constitute an infringement of Soviet rights.

By 1950, the Antarctic Problem still persisted with US-led attempts to solve it failing to gather momentum. US energy to address the Problem subsequently waned, replaced by more pressing concerns after the outbreak of the Korean War in June of that year. The search for a solution revived several years later, however, prompted by events associated with the Antarctic program of the International Geophysical Year (IGY) of 1957-8.

THE IGY AND ANTARCTICA

The idea of the IGY originated in April 1950, when the eminent American scientist, Dr Lloyd Berkner, suggested that a 3rd Polar Year be held in 1957. There were three major reasons supporting the notion. Firstly, existing data from the 2nd Polar Year (held in 1932) was largely exploited. Secondly, there was a need for new data, especially data relating to the development of new communication systems, rocketry and air travel at supersonic speeds. Thirdly, 1957 was predicted to be a period of unusual solar activity that would be useful in terms of scientific study.

Picking up the suggestion, the International Council of Scientific Unions (ICSU) commenced planning and in 1953 expanded the scope from polar to
global - hence the name change to IGY - with special emphasis on the geophysical nature of two regions: outer space and Antarctica. Delegates to the Antarctic program sub-committee subsequently adopted a version of the “standstill” proposal (freezing the status of claims and rights for the duration of the program). This so-called “gentlemen’s agreement” was proposed by the Chilean and Argentine delegations and, although it was not binding on participating countries, it did facilitate the lessening of concern among claimants.

What did cause concern, however, was the announcement in 1954 by the Soviet Union that its scientists would participate in the IGY. This statement was followed up in 1955 when the Soviets announced that they proposed to establish several research stations in Antarctica – three of which were to be located on Antarctic territory claimed by Australia.

CASEY’S FIRST INVOLVEMENT

As mentioned above, Shapley gives credit to Casey for first pressing the need to do something about ‘Antarctica’s political situation’ in the wake of the Soviet announcement. This, however, was not the case. The United States needed no urging from Casey or any other Australian to do “something”. In mid-1954, the Eisenhower Administration in the US had ordered a review of US policy in Antarctica but no action was taken at this time. On September 8, 1955, in the wake of the aforementioned Soviet intention to penetrate Antarctica, US Antarctic policy was reassessed on an order from the US National Security Council following a suggestion by the State Department which was strongly supported by the Central Intelligence Agency (CIA).

On September 14, 1955, Casey was in the US and had heard of the US policy reassessment. He asked to and was briefed about it, but no mention was made of the Soviet intention. Casey was, it appears, unaware of it at this time. He indicated that Australia wanted the status quo in Antarctica and saw no reason for any international action.

Just a week later, his position changed. On September 24, 1955, Casey’s attention was drawn to the Soviet Union’s intentions in Antarctica and at an Australia, New Zealand and United States (ANZUS) Treaty meeting held in Washington, he expressed the hope that the US, New Zealand, Britain and Australia could get together to concert their positions with regard to Antarctica. Shapley’s account is clearly wrong – a major review of US policy was already under way and the immediate impetus for it, and the subsequent Antarctic Treaty, was not Casey.
GETTING TO THE TABLE

Attempts to concert positions did proceed. Between September, 1955, and June, 1958, a series of extensive discussions took place – especially between the United States, Britain, Australia and New Zealand – the object of which was the solve the Antarctic Problem in terms favourable to their interests. Progress toward this goal was slow. By mid-July, 1957, however, ideas started to develop. The United States floated the idea of a limited condominium between the US, Australia and New Zealand with the aim of squeezing the Soviet Union out of Antarctica. But this idea was not supported by the Australian Cabinet that still felt at this time that any international control of Antarctica was premature and that what Australia needed to do was to work to sustain its claim.

At the same time, Britain was reviewing its Antarctic policy and the British Foreign Office expressed a preference for an Antarctic regime that included the Soviet Union. The initial US response to this proposal was negative, but within a few months the US attitude changed. This shift came about following an ICSU meeting held in September 1957 concerning post-IGY Antarctic plans. Addressing this meeting, the Soviet delegate indicated the Soviet intention to retain its presence in Antarctica. This announcement surprised the Australian government although both the US CIA and the British Foreign Office had anticipated the development.

Hitherto, the US had been the only country with a strong desire to continue its Antarctic program in the post-IGY period. Most of the delegates from the other participating countries had expressed negative sentiments toward the continuation of their Antarctic programs, the financial burden of which being considered prohibitive.

It is clear that this Soviet announcement changed the situation. Within two weeks, ICSU decided to establish a Special Committee on Antarctic Research (SCAR), the primary task of which was the planning for the scientific exploration of Antarctica after the IGY.

While this turn of events was occurring, the United States also made a significant initiative. In mid-September, 1957, the US Secretary of State, John Forster Dulles, appointed retired Ambassador Paul Daniels to act as his Department’s Special Adviser on Antarctica.\(^7\)

By mid-November, Daniels became impressed by the logic of the British argument in favour of an international regime that, from the outset, would include membership of the Soviet Union. Between this time and May 1958, intensive and often very secret discussions led by Daniels took place with

\(^7\) Daniels has subsequently been acknowledged as one the principal architects of the Antarctic Treaty.
representatives from all eleven other countries whose scientists had participated in the Antarctic program of the IGY.

These discussions culminated with US President Eisenhower inviting these countries to participate with the US in a Conference on Antarctica, the aim of which was to conclude a multilateral treaty. In early June 1958, all eleven countries had accepted Eisenhower’s invitation and the stage was set for the negotiation process to follow.

AT THE NEGOTIATING TABLE

The formal negotiation of the Antarctic Treaty lasted for 18 months and took two forms. Firstly, representatives of the twelve participating countries met in a series of 60 Preparatory Meetings held in Washington, DC, between June, 1958, and October, 1959, to set up procedural arrangements and a framework for discussion. Secondly, a full-scale diplomatic conference, the Conference on Antarctica, began on October 15, 1959, and concluded with the signing of the Antarctic Treaty on December 1, 1959.

Casey did not attend the Preparatory Meetings where Australia was represented mostly by Malcolm Booker, a senior officer at the Australian Embassy in Washington. Nor was Casey keen to attend the conference. He suggested to Australian Prime Minister Menzies that the Attorney-General, Garfield Barwick, should lead the delegation. But Menzies wanted Casey to go and he got his way.

In the days prior to the Conference on Antarctica, Casey was active – in his own words, ‘rolling the pitch’ for what was to follow. But Casey headed the Australian Delegation for only the first 23 days of the 48-day conference. He departed early, on November 6, replaced as Head of Delegation by Howard Beale, Australian Ambassador in Washington. While the documentary evidence shows that Casey was a polished performer in this diplomatic setting, there is no evidence to suggest that he played a significant role in shaping the provisions of the treaty or in overcoming the obstacles on the path toward agreement in the way that Daniels (Alternative Representative of the US Delegation), Tunkin (Head of the Soviet Delegation) and Fitzmaurice (Senior Legal Adviser of the British Foreign Office and Principal Adviser of the British Delegation) did.

So whence comes Casey’s reputation as a significant player? The answer to this question lies not in Washington at the conference but in Broadbeach, Queensland, where in March 1959, Casey attended an international conference of the Economic Commission for Asia and the Far East. At this particular time, the Preparatory Meetings in Washington had reached a serious impasse.
A major sticking point had arisen over draft article IV of the proposed treaty dealing with the disputed Antarctic claims and rights. The draft article provided for the “freezing” of the legal status quo – a provision seen to be at the very core of the treaty. This appeared at this time to be acceptable to eleven of the twelve countries participating, but the Soviet Union was implacably opposed to it.

At the Broadbeach conference, Casey had a private conversation with the leader of the Soviet delegation, Deputy Foreign Minister Nicolai Firubin. The discussion between them was mainly about the mutual reinstatement of their countries’ embassies in Moscow and Canberra following the suspension of formal diplomatic relations over the alleged Petrov spy affair in Australia during 1954. Casey also raised the difficulty over draft article IV at the Antarctic Preparatory Meetings. He was informed that the Soviet Union wanted the claims issue dealt with separately, perhaps as a later conference. In an ensuing lengthy discussion (and in a following letter) Casey set out to convince Firubin of the value of the draft provision and the folly of the Soviet Union’s position.

By the end of April 1958 it was clear at the Preparatory Meetings in Washington that Casey had succeeded in his quest. He had persuaded the Soviet government to re-examine its stance on draft article IV and to change its position. This was later confirmed in a letter from Firubin to Casey that was received in early June. With this impasse breached, Soviet participation at the Preparatory Meetings became active and flexible, in stark contrast to its earlier perceived intransigence.

CONCLUSION

In sum, then, Casey’s general contribution to the negotiation of the Antarctic Treaty was constructive but limited – particularly in regard to his role at the formal Conference on Antarctica. His role in persuading the Soviet Union about the merit of draft article IV was, however, clearly very important. Indeed, the substance of the draft provision remains as the “keystone” of the Antarctic Treaty. But this breakthrough did not happen at the negotiations in Washington at the Preparatory Meetings or at the Conference, but half-way around the world from there at Broadbeach, Queensland, when Casey met the Soviet Deputy Foreign Minister Firubin.