

The world public and the press reacted to the Treaty in a very positive manner (Sullivan, December 1959). In the British House of Lords it was praised for its many precedent-setting provisions including Article VII on inspection and observation. The Earl of Lucan speaking for the majority stated that "the most remarkable Article of this treaty is the one on inspection and observers ... That seems to be the greatest advance that this Treaty marks" (U.K. Parliament, 1960). Amid this praise there was one negative note of portent - where it was stated by the Marquess of Lansdowne that Her Majesty's Government "would have preferred a more comprehensive system of administration, but it was not possible to achieve it at this conference" (U.K. Parliament, 1960). No doubt this remark was in reference to the multilateral inspection system that Great Britain favored during the treaty negotiations. Nevertheless, reaction to the Treaty was overwhelmingly in favor of ratification in the Lords and was so non-controversial that the Commons did not even debate it (Quigg, 1983, p.156). Great Britain was the first to ratify the Treaty on May 31, 1960.

As was mentioned previously (see Section 3.3), the French government favored the establishment of an Administrative Committee which would appoint and assign international observers. Overall reaction to the Treaty was positive, however, and the French ratified with the official reservation that Article VII did not affect their general support for international methods of disarmament control on a broader basis (Auburn, 1982, p.146).

Although Soviet delegates were supportive of unlimited, on-site inspections during the negotiation process, there was concern that the Praesidium might not support ratification. They had never agreed to

inspections in Soviet territory and had bluntly turned down on-site and 'open skies' aerial inspection proposals during other disarmament negotiations. To complicate matters the Russians shot down an American U-2 reconnaissance aircraft on an illegal aerial inspection flight over the Soviet Union on May 1, 1960 while they were deliberating the Antarctic Treaty (Wyden, 1969, p.11). Nikita Khrushchev used this incident to walk out of the Geneva disarmament negotiations and a shadow of concern was raised as to whether the Soviets would re-evaluate their position on inspections and refuse to ratify the Antarctic Treaty as a reinforcement of their position on inspections from a broader international perspective. Ratification with a reservation, such as the French had done would not have been surprising; however, the Soviet Union ratified the Treaty on November 2, 1960.

Although the United States had achieved their aims to have an unlimited, unilateral, on-site inspection clause as the heart of the Treaty, it was uncertain until the very end whether the U.S. Senate, constitutionally responsible for ratification of treaties, would be able to raise a two-thirds majority for approval. Opposition focused on the assertion that the Treaty was a giveaway of a heritage that had been established by Admiral Byrd and other Americans who had explored most of the continent. Fears were expressed from many that this was an accommodation with the USSR that would jeopardize Free World security particularly the sea lanes around Africa and South America should the Panama and Suez Canals be closed (U.S. Senate, 1960, hearings, p.1-5).

Herman Phleger, the U.S. Representative at the Antarctic Treaty Conference was most eloquent in the Treaty's presentation to the Senate Committee on Foreign Relations when it convened on June 14, 1961.

Instead of responding to the accusation that it was a sellout he focused his defense, positively, on the Treaty's inspection provisions. He stated:

The main objectives of our Government are ... to prevent the use of Antarctica for military purposes, and to assure that the continent should continue to remain an area where only peaceful activities are pursued. As regards this objective, Article I stipulates that Antarctica shall be used for peaceful purposes only and that all measures of a military nature are forbidden ... agreements prohibiting military activity ... must be ... complemented by some system of effective control to assure their observance. The provisions of Article VII which I have outlined establish sweeping, immediate, and unilateral rights of inspection pursuant to which U.S. observers may go anywhere throughout Antarctica at any time. In addition, there are established absolute, unrestricted rights of overflight for aerial observation.

He was forceful in insisting that the United States considered the inspection clause to be precedent-setting - that on-site inspections in Antarctica would dramatize the need for effective inspection clauses in other disarmament treaties. He emphasized:

The Treaty's provision on inspection ... will not only serve to protect the parties against any violation of the treaty, but should also prove a *valuable source of practical experience in the detailed process of international inspection*. As you know, the unwillingness of the Soviet Government to accept effective inspection arrangements has been a principal stumbling block to successful negotiations on ... general disarmament ... it is important that an agreement has been reached to conduct practical inspection operations in this area. This right of inspection includes the right to inspect ships, aircraft and stations and also the right of overflight, comparable to what President Eisenhower proposed earlier in his 'open skies' plan of inspection. In this connection, it would appear unfortunate if the U.S. Government should hesitate to ratify the first international agreement affording an unlimited right of inspection (U.S. Senate, 1960, hearings, p.41).

Discussion at the hearings focused on inspections and how foolproof they really were. The consensus was that no inspection system was really foolproof and even less so if the right of inspection were not exercised. There was concern that the U.N. had the right by treaty agreement to

complete access to certain areas in North Korea, but that these had been denied by the Koreans: the implication being that the same thing could happen in Antarctica. Ambassador Phleger countered that "any treaty can be broken and the test of a treaty is not how it reads, but how it works" thereby committing the State Department to carry out inspections (U.S. Senate, 1960, hearings, p.41).

Hearings lasted but one day. The Committee on Foreign Relations reported out strongly favoring the Treaty and noted that the inspection article was "consistent with President Eisenhower's open skies proposal" (U.S. Senate, 1960, Executive Report, p.4). The debate on the floor of the Senate lasted three days. The vote was uncertain until the very end, but it was evident that had there been a weaker inspection clause than a unilateral, on-site one it would have failed ratification. As it was the Treaty was ratified with 66 in favor with 21 opposed with 13 absences and abstentions. This was an extremely narrow margin since 67 votes are required in a full Senate Chamber for ratification of Treaty measures.

Within a year nine nations had ratified and by June 23, 1961 the holdouts, Argentina, Chile and Australia, had deposited their instruments of ratification in Washington and the Treaty entered into force.

Chapter 4

ON-SITE INSPECTIONS IN ANTARCTICA

4.1 DECISION TO INSPECT

Ratification of the Antarctic Treaty by the 12 original signatories meant that for the first time in history a vehicle which authorized unlimited, unilateral, on-site inspections was now in effect. There were, however, no procedures established for conducting the inspections. Any type of inspection was possible including bilateral, unilateral, multi-lateral and joint inspections (see Section 4.4 for an explanation of these terms) which were all discussed during the Treaty negotiations. The right of inspection did not make inspections mandatory - each nation had to choose whether or not to inspect. All nations had to be prepared to receive inspection teams. Any nation choosing to inspect had to decide when and how to implement the inspection provisions, procedures for inspection and facilities and equipment to be inspected.

As the chief proponent of on-site unilateral inspections, the United States quickly gave notice that the other nations could anticipate visits from American inspection teams in the near future. At the first Antarctic Treaty Consultative Meeting in Canberra in July 1961, Ambassador William Sebald, leader of the American delegation, informed the other delegates that the United States expected that the exercise of the rights of inspection would be a normal activity under the Treaty and made the following points in order to create a favorable atmosphere for their conduct:

We (too) would not regard the exercise of these rights as necessarily indicating that there is suspicion of activities contrary to the Treaty. Indeed, the practice of inspection is the best way of assuring the absence of suspicion. The inspection system is a useful and practical feature which will contribute to the effectiveness of the Treaty and the realization of its basic objectives, which are peace and cooperation (ATCP, 1961, pp.36 and 37).

Despite this official advocacy of the provisions as a precedent, inspections were not conducted by any nation for two years after the Treaty went into effect. Many representatives of the international research community felt that inspections were unnecessary - they were not needed during the IGY and scientists who were being exchanged through bilateral arrangements under Article III of the Treaty could do a better job. These exchange scientists usually spent the entire austral summer with another nation's expedition and often stayed on through the winter; after six months to a year of intimate contact, proponents felt that they could better address compliance with the Treaty than could observers who only spent several hours on station. The exchange program had been instituted in 1955 and had been useful in promoting international understanding. Advocates of formal inspection, however, contended that there was a dichotomy of purpose between the conduct of peaceful scientific investigation and performance of official duties as a representative of a state conducting inspections. There was potential for undermining the value of research to be performed and potential to create misunderstandings and suspicion. In addition, inspectors under Article VII have unrestricted access to facilities where exchange representatives under Article III are not specifically provided with that right.

Others in the science community were opposed to inspections in any form, whether by observers or exchange representatives (Dater, 1963

memorandum; Lear, 1963, p.44). If the United States and its allies had no fear of violation, why inspect? The scientists were joined by some diplomats who felt that Article VII in itself had set a needed precedent in an international context and that inspections created a potential for confrontation and could undermine broader goals (Auburn, 1982, p.111). Due to the controversy, inspections were delayed.

At this point, two external events influenced the decision to inspect. In September 1961 the Soviets announced that they were abrogating the Voluntary Ban on nuclear testing. In 1958 the Soviet Union had entered a 'gentlemen's agreement' with the western powers to halt all nuclear testing while the Comprehensive Test Ban was being negotiated. During the period from 1958 to 1961 they built up their nuclear test facilities, planned their tests and built up a stockpile of plutonium and enriched uranium - when they were prepared they pulled out of the test ban and the next day began atmospheric testing (Dr Frank Shelton*, personal interview, April 1989).

U-2 aircraft had not been flying over the Soviet Union since 1960 and since there had been no on-site inspections the Russian preparations to resume testing went unnoticed. In the meantime the western nations allowed their testing facilities to deteriorate, their personnel to drift into other professions and slowed down the production of weapons grade uranium. When the Soviets resumed testing in 1961 they had stolen a three-year march on the West.

The other event that influenced the decision to inspect was the Cuban Missile Crisis of October 1962. The Soviet Union began to install missile forces in Cuba in late 1961. Although the United States had ceased reconnaissance flights over the USSR after a U-2 was shot down in 1960,

* Dr Shelton directed the last atmospheric nuclear test program for the United States from 1962 to 1965.

they had regularly conducted observations over Cuba. When the U-2 photography revealed missile facilities being installed on Cuban soil it precipitated a crisis that resulted in their removal (Wyden, 1979, p.17; Barnet, 1965, p.148).

More importantly, these two events, one by which the West was surprised because it was unable to inspect for test ban compliance and the other where a *fait accompli* was averted by aerial inspection, caused the United States to re-evaluate its position on inspections. In the future there were to be no more disarmament treaties, voluntary or otherwise, without an adequate verification system and the right to verify would be exercised vigorously. At that time the only disarmament treaty that existed with an inspection clause was the Antarctic Treaty. In addition the U.S. Senate was considering the Limited Test Ban Treaty and the U.S. State Department felt it necessary to impress that its verifications would be vigorously pursued (Auburn, 1982, p.111).

Since the first inspection contained precedent-setting and controversial foreign policy implications, direct authorization from the President was necessary. In early September 1963 the Secretary of State sent a note to President Kennedy presenting the relevant background material on the Antarctic Treaty together with the rationale for conducting the inspection and recommended that the President authorize an inspection of Antarctica by a U.S. inspection team. On September 4, 1963, the President gave his formal approval of the proposed inspection plan (U.S. ACDA, 1970, manual).

4.2 IMPLEMENTATION OF INSPECTIONS

While dialogue was taking place on the pros and cons of inspections the United States began to draw up plans for implementation of the inspection provisions of the Antarctic Treaty. Early in 1963 Ambassador Paul Daniels, the chief U.S. Treaty negotiator was moved over to the U.S. Arms Control and Disarmament Agency (ACDA) charged with the formulation of an inspection plan and its execution when and if approval was granted (Cook, memorandum, 1963). An examination of these preparations gives some idea of the delicacy of the situation and how carefully that they were stage-managed in order to avoid establishing a confrontational relationship and undermining the Treaty.

From the very beginning the substance of the inspections, although important, took back seat to the inspection process and exercise of the right to inspect unilaterally. All those involved in the planning were cautioned:

There is no example of international harmony and cooperation anywhere in the contemporary world to compare with that presently prevailing in Antarctica. The Cold War has not intruded; the territorial claims and aspirations of the Antarctic powers have been placed in abeyance; and an extraordinary tradition of scientific cooperation has been established. The achievement of this condition of international harmony and cooperation ... and its *preservation remains a primary objective of the national policy of the United States*. Therefore it is necessary to conduct the inspection in a manner that will avoid *provocation or irritation* on the parts of the Governments whose bases are visited. The inspection will be on a *low-key*. While the military aspect of the inspection is important, it will not be over-emphasized or highlighted. The *objective is to promote confidence* among all the Governments that all activities in Antarctica are open and above-board and that the *inspection operation is a useful contribution* to this end (U.S. ACDA, Report No.1, 1963).

In order to test foreign reactions to their inspection plans, in April 1963, the United States informed all of the other Treaty signatories that they were planning for an inspection of Antarctica during the 1963-64 season under Article VII of the Antarctic Treaty (Tyree, 1963, memorandum). The substance of the communique was that the United States had "no suspicion of any Treaty violations" and thus viewed the time as opportune to begin the "routine of inspection" to ensure a "continuation of mutual confidence which characterizes Antarctica". They were also told that the United States "considered the inspection provision a valuable part of the Treaty" which they did not wish to "atrophy from disuse". It emphasized that all other governments were informed as a "friendly gesture and not because of any obligation to do so" and stated that the U.S. would welcome inspection of any of its bases. All of the Treaty parties were also told that the U.S. viewed inspection as a routine matter not related to activities outside of Antarctica. As a caveat, in case of adverse reaction, the note stated that the effort was at the planning stage and that the U.S. was "not irrevocably committed to carrying out inspections" (U.S. ACDA, Report No.2, 1963).

The British reaction was that the plan might be a "bombshell" for the Soviet Union and expressed their opinion that the Antarctic Treaty was very delicate and that it was necessary to "nurse it along" in its early years. They believed that inspection might be initiated simply by giving the official Treaty designation of "observer" to the representatives routinely exchanged between expeditions of countries in Antarctica. They also suggested that inspections could be tabled for discussions at the working meeting of Antarctic Treaty countries, in Brussels, scheduled for July 1963 in order to give other nations a sense of participation. The

U.S., however, felt that an effective precedent should be established for the first inspection by unilaterally naming observers and that group participation in Brussels would involve multilateral discussions. The United States preferred to have discussion postponed until the Third Antarctic Treaty Consultative Meeting scheduled for the summer of 1964, after the first inspections had taken place (U.S. ACDA, Report No.2, 1963).

Australia was caught by surprise, since they had understood that the U.S. would delay inspections longer, but it constructively questioned the American procedures and offered advice on the inspection process. After the Americans the Australians were the most anxious to have a viable system of inspection and observation implemented - two Soviet bases were established in the 'Australian sector' during the International Geophysical Year, Vostok and Mirnyy, and construction of another, Molodezhnaya, had begun in January 1963. The fact that the Russians announced their intention to remain permanently on the continent exacerbated the Australian concerns. In 1962 the Australians had already complained that they had not received adequate information in compliance with Article VII(5) of the Treaty and that they could not ascertain what activities that the Soviets were up to (Mooney, 1962, memorandum).

All of the Antarctic Treaty nations tacitly understood that the main target of American inspections was to be the stations of the Soviet Union. Arms control negotiations were currently being conducted in other arenas and the majority of the disagreement in these talks was over inspections. The response of the Russians to the U.S. note was encouraging: they saw no need for an inspection, but if another nation wanted to make one they would be welcome (Lear, 1963, p.44).

Japan replied affirmatively and requested that the Americans provide transportation to McMurdo, on a cost reimbursable basis, so that they could inspect the bases there. (The U.S. responded favorably to this request; however, the Japanese did not follow-up and, to date, Japan has not conducted an inspection). None of the other nations indicated any objection to the American inspection plan.

The U.S. also hoped to use the inspection process to defuse tense relations between Chile, Argentina and Great Britain in the Antarctic Peninsula area. All three governments had overlapping claims in the region and were distrustful of one another's activities. At the time, inspection of one another's facilities was certain to have negative repercussions because of nationalistic sensitivities. The United States, after consulting with all three countries, elected to inspect stations of each of these nations. Since the results of the inspections were to be made available to all of the Treaty nations in compliance with Article IX(3), it was hoped that this would break down some of the suspicions harbored against one another (U.S. ACDA, Report No.2, 1963).

At this point a race seems to have developed as to which nation would be the first to carry out inspections in Antarctica. This honor fell to New Zealand. The original proposal for the need of on-site inspections had been raised by New Zealand in 1958. They were anxious to demonstrate their support for Article VII of the Treaty by exercising their right of inspection and they were anxious to officially inspect the three stations of the United States located in the Ross Dependency, New Zealand's claim in Antarctica. Two observers were sent south from Christchurch in November 1963 to conduct an inspection of the American station in McMurdo Sound. Afterwards the United States flew the New Zealand observers to

South Pole and Byrd Stations in order for them to conduct inspections there. Activities observed were judged to be in full conformity with the provisions of the Antarctic Treaty. No violations were noted (Hanevold, 1971, p.108).

Two weeks later a joint British/Australian observer team inspected both Scott Base and McMurdo Station. These observers were dual hatted as Exchange Representatives with the American program under Article III of the Treaty and for the period of the inspection were designated as observers under Article VII. As exchange representatives they were given access to ride American ships at sea, but were denied access while they were wearing their observer hats - the United States taking account of Article VI of the Treaty did not want to set a precedent by allowing for the inspection of U.S. Flag vessels while upon the high seas, an activity for which the Treaty did not provide (Dater, messages, November 1, 19 and 21, 1963). Both observers were afforded access to ships unloading cargo and permitted to board aircraft at the McMurdo Airfield and were flown by helicopter to numerous field camps in the region. Afterwards the United States flew both parties to South Pole and Byrd Stations to accommodate their inspections there (Australian and U.K., Inspection Reports, 1964).

All three of these inspections suited the purposes of the United States; it did not want to be the initiator of inspections and could claim to have been inspected first and thus claim to have set the tenor as a host nation for foreign observers. Hopefully the American style reception would be emulated by others. Indeed the United States bent over backward to accommodate travel arrangements for these inspections, noting that there was "no Treaty obligation on the part of the United States Government to provide transportation for Article VII Observers of any

other government ... notwithstanding the foregoing, it is the policy of the United States to afford reasonable transportation to the Observers" (Dater, message, October 23, 1963).

The first American inspection was of the New Zealand's Scott Base at McMurdo Sound on January 9, 1964; the second was an aerial inspection of the French station Dumont d'Urville on 10 January. Next would be the Soviet stations of Vostok and Mirnyy. The situation was very delicate - the Soviets could refuse to permit observers to inspect their stations and the Antarctic Treaty would, at that point, be a useless scrap of paper. The Russians, to the relief of all, proved to be helpful and congenial hosts and their stations were not only wide open for inspection, but the station personnel eager to show off their base. The first inspection was completed on 12 January and the second, Vostok, on January 15, 1964 without incident. The Antarctic Treaty had withstood its severest crisis since ratification. Perhaps it was that the common bond of shared experiences was stronger than political divisions outside Antarctica.

A second observer team in the Antarctic Peninsula area inspected two stations each of Argentina, Chile and the United Kingdom. All stations hosted the American Observer team well and gave them access to inspect all facilities. No arms control violations were noted.

In writing up the observation report, the U.S. team noted that there was no evidence that Antarctica was being used for other than peaceful purposes and that all other provisions of the Antarctic Treaty were being complied with. They stated: "The atmosphere of cooperation which has characterized the relationship of all parties to the Antarctic Treaty in respect to matters affecting the Antarctic Continent continued to be

evident during the conduct of these inspections" (U.S. DOS, Inspection Report, 1964).

The observers' reports of this initial series of Antarctic inspections were circulated at the third Antarctic Treaty Consultative Meeting at Brussels in July 1964. Several nations commented that the inspections had been carried out and a milestone had been achieved in the implementation of Article VII. In his opening remarks the Chairman of the New Zealand Delegation, Mr M.J.C. Templeton, noted that he was impressed by the smooth way in which, for the first time in history, the inspection provisions were implemented. He further stated that "New Zealand does feel strongly that agreements on demilitarization or disarmament should incorporate appropriate measures to ensure their observance if confidence is to be maintained. For this reason we considered it desirable to demonstrate the importance which we attach to the relevant portions of the Treaty" (ATCP, Meeting, 1964).

There was very little discussion of the substance of the reports - all delegates who spoke about them were positive and pleased that no arms control violations had been reported. Chile tabled a draft recommendation on the conduct of inspections that included a proposal that required consultations on "measures intended to facilitate the exercise of inspection rights". However, there was little interest and the conference moved on to discuss a weightier subject, a recommendation on the Protection of Antarctic Fauna and Flora (ATCP, Meeting, 1964). This reflected the general attitude of the conference - neither the inspection process in itself nor the substance of the inspections were of pressing interest to the Treaty Parties. Inspections had been carried out, they were acceptable to the parties in the field and the reports were

acceptable at the conference table. Inspections were established as part of the routine for doing business on the Antarctic Continent.

4.3 RIGHT OF INSPECTION

After the first series of on-site visits during the austral summer of 1963-64, with the exception of the United States, enthusiasm waned. Through 1985 the U.S. conducted eight of 13 national inspections and made 57 of 70 on-site inspections (see Fig. No.2). In this manner the United States government has proved important to giving life to Article VII of the Treaty. According to Tucker Scully, the leader of the U.S. inspection team in 1980, the "regular exercise of the right of inspection is an important element of United States Antarctic policy" (Scully, 1980, p.221). This view has proved a function of the belief held by American policy makers that exercise of inspection rights are particularly important for making any treaty work - particularly arms control treaties. Continuance of Antarctic inspections is felt necessary lest the right atrophy and the verification article become dormant.

A further element of U.S. policy was, and is, to keep the inspections from becoming confrontational and thus undermining the exercise of the right to inspect. The tenor for this was set by the U.S. Secretary of State, Dean Rusk in briefing the first inspection before making their 1964 on-site visit:

While performing inspections, you should constantly bear in mind that all states active in Antarctica have been both friendly and cooperative with the United States in matters relating to the continent and it is the policy of the United States to preserve and enhance this situation. You should conduct yourself in compliance with this policy (U.S. DOS, Bulletin 591, 1963).

In a separate directive Secretary Rusk emphasized:

The inspection is not based on any anticipation that there have been treaty violations. Indeed, the United States believes that any inspection conducted under the treaty, whether by the U.S. or any other signatory power will in fact reinforce the basis of mutual confidence that prevails in Antarctica. In this respect the United States has informed other signatory powers that it will welcome inspection of its stations (U.S. DOS, Bulletin 513, 1963).

This emphasis has been the main focus for the conduct of U.S. inspections ever since - the manner in which the inspections were to be conducted and the substance of the inspections were subordinated to protection of the right to inspect. Inspections were to be used to build up the mutual confidence of all the parties of the Antarctic Treaty. They were not to be used as a tool for finding something wrong. Inspections with the object of making a big discovery convey the wrong attitude, suspicion towards international questions. The main objective is being able to state that nothing is wrong (Hanevold, 1971, p.113).

Despite this emphasis on bridge building the inspections have nevertheless verified compliance with the provisions of the Treaty as well as agreed recommendations developed pursuant to Article IX(1) of the Treaty (see Section 4.4). If inspections ignored verification while concentrating on good relations the inspection right would soon be worthless. Inspectors are expected to inspect and they do comment when something is out of order (U.S. ACDA, Manual, 1982; Tennant*, personal interview, 1989).

The United States has also been proactive in encouraging other nations to exercise their rights to inspect, but with the exception of Argentina, until 1986, they were reluctant to do so. Economics and lack of logistic ability were cited as reasons to defer inspections - resources were devoted to research and any diversion such as inspection, rescue,

* Cdr Tennant was the leader of the 1988/89 American Inspection team.

medical evacuation, etc., detracted from scientific programs (Beck, 1986, p.78).

There were also political motives involved. The French registered a reservation in favor of a multilateral inspection system appointed by an administrative committee over the unilateral way of inspecting that the U.S. is practising. To date they have not conducted an inspection (see Section 3.3). Until the 1988/89 austral summer the Russians did not conduct inspections in order not to undermine their position in opposition to unilateral on-site inspections on the soil of the Soviet Union in arms control negotiations with the western nations. (The United States, on the other hand, did not overlook the value of conducting Antarctic inspections during these disarmament negotiations). Their position changed when Secretary Gorbachev and President Reagan signed the INF Treaty on December 8, 1987. The INF includes a complex protocol which authorizes reciprocal on-site inspections in the Soviet Union and the United States by one another (Treaty, 1987). The Soviet Union was free to conduct on-site inspections in Antarctica without undermining their foreign policy.

Observations on inspections can be opinionated and thus a source of friction. The United States did not want to be perceived as a kind of self-appointed police force in Antarctica (Hanevold, 1971, p.110). It raised the issue of on-site inspections at the Thirteenth Antarctic Treaty Consultative Meeting in Brussels in October 1985 (ATCP, 1986). This was the first substantive discussion on inspections since 1964 (ATCP, 1964). It drew attention to the importance of the rights of inspection provided for in Article VII of the Antarctic Treaty and strongly urged others to conduct inspections. The following is a partial text of the discussion:

At a time when there is growth both in the level and types of activity in Antarctica, these inspection provisions take

added significance. It was stressed that exercise of the rights of inspection is important in maintaining the confidence of Parties to the Antarctic Treaty and others asserting an interest in Antarctica, that the principles and purposes of the Treaty as well as the provisions and related recommendations are being fully realized (ATCP, 1986)

Renewed interest was apparently kindled for Australia and Chile both conducted inspection visits - the Australians modestly undertook an inspection of Dumont d'Urville in 1986 and Mirny in 1987 (Australia, 1986 and 1987). The Chileans made a comprehensive inspection of ten stations in the Antarctic Peninsula area in 1987 - their first inspection (Republica de Chile, 1987).

Chile, Australia and the U.S. all presented papers on inspection at the Fourteenth Antarctic Treaty Consultative Meeting in 1987 precipitating an in-depth discussion on the usefulness of inspections and exchange of information procedures. During the discussions the delegate of the Soviet Union, Dr A. Chilingarov, in a reflection of a new Soviet attitude noted:

The value of the existence of the inspection system under the Treaty, which could be used, where appropriate, as a precedent for other non-militarization and disarmament instruments (ATCP, 1987).

No inspections were conducted in 1988, but in 1989 New Zealand, the United Kingdom, the USSR, and the United States all exercised their inspection rights and collectively conducted 46 on-site visits of Antarctic stations. In addition the Russians inspected their own stations as thoroughly as they inspected others. Their lead inspector, Arthur Chilingarov, noted that he found no violations of arms control or nuclear provisions (Novosti Press, 1989).

The Russians flew from Vostok to McMurdo to conduct their first inspections of the American and New Zealand stations and the Americans

flew their observers to South Pole Station to enable them to conduct inspections there. The Americans hosted the visit warmly and the social interaction between station personnel, observers and Soviet and American flight crews was conducted in the spirit that has continually characterized international relations under the Antarctic Treaty. A precedent-setting reciprocal visit to conduct on-site inspections, 26 years in the making, was complete.

4.4 CONDUCT OF INSPECTIONS

Article VII is the basic inspection article of the Treaty. It outlines the responsibilities for both observers and those being inspected. The Antarctic Treaty as a whole, however, is synonymous with inspections. Inspections in practice signal that the Treaty exists - that the nation conducting the inspection intends to abide by the Treaty and the host nation, by its reception of observers, also intends to abide by its provisions. Compliance with all other provisions of the Treaty in Antarctica are subject to the inspection process.

To understand that process and what can and can not be inspected it is necessary to examine the provisions of the Treaty and the agreed measures in the light of inspections.

Article VII is the focus of this essay. It is the article which contains provisions designed to ensure that the peaceful intent of the Treaty is being carried out. Paragraph VII(1) authorizes *unilateral inspections* (inspections by a single government) in its most liberal interpretation. These are the type of inspections most common in Antarctica. *Multilateral* (more than two governments), *bilateral* (reciprocal

inspections between two parties) and *joint* (two or more governments conducting national inspections together) inspections are also feasible (Webster's, 1984). The British and Australians conducted a joint inspection of American stations in 1963 and the British and New Zealanders conducted joint inspections of stations in the Antarctic Peninsula in 1988-89. There is no provision for a commission to control a multilateral inspection group. Paragraph VII(2) authorizes *on-site* inspections anywhere in Antarctica. Host nations have no obligation to provide support or transportation of observer teams; however, in practice they have done so. Paragraph VII(3) states that all areas of Antarctica shall be open at all times to inspection - the number and duration of inspections is *unlimited*. In practice the length of inspections has been limited from several hours to several days and the time between national visits has been several years. Paragraph VII(4) authorizes unlimited, unilateral, aerial inspection.

Specified subjects for inspection include all stations, equipment, installations and ships and aircraft at points of discharge or embarkation in Antarctica. In order to facilitate this, Article VII(5) requires each nation, party to the Treaty, to give notice to the others of all Antarctic expeditions on the part of its nationals or those expeditions proceeding from its territory, all stations occupied by its nationals in Antarctica, and all military personnel or equipment introduced into Antarctica. This broad principle is further amplified by Agreed Recommendations negotiated at the Antarctic Treaty Consultative Meetings (ATCP, Handbook, 1987) (see last paragraph of this section). Article VII(5) is the trust mechanism of the Treaty. It says: here is what we are going to do. You are welcome to come and inspect us to see for yourselves that that is what we are doing.

The above tacitly raises the question of what can not be inspected. Are there any restrictions? The Americans had detailed discussions on the subject in 1963 while preparing for the first inspection - what to ask to inspect while inspecting and what to deny to observers while being inspected? Restrictions were not spelled out in the Treaty, but by omission some were implied. A disagreement in the field could be confrontational and undermine the process. Only one area was agreed upon - personnel could not be inspected since they were not specifically mentioned in the Treaty. It was also agreed that the United States would not ask to inspect documents because the potential for disagreement was apparent although policy as to whether U.S. documents could be examined, if requested by a foreign observer, was left undecided (Lewis, memorandum, 1963).

Berman and Maggs shed some light on the subject, albeit after the first inspections. They point out that improper disclosure of certain documents is illegal under Soviet law and that a request for disclosure would put a Soviet station leader in a position where he could be prosecuted. Interrogation of officials on certain matters would also create a conflict since "Soviet secrecy laws bar Soviet officials from revealing many types of information that an inspector might need" (Berman and Maggs, 1967). Long-range Soviet plans for Antarctica may fall into this category since Agreed Recommendation I-VI only specifies notification a year in advance. Direct investigation of private property can not be authorized as well as direct search of a person or his personal belongings (i.e. coat pockets). In practice, these laws make sense and there are undoubtedly similar laws that apply to officials from other countries. The above is reflected in practice during Antarctic inspections - personnel and documents have been off limits.

Article I states that 'Antarctica shall be used for peaceful purposes only'. The right of inspection gives added assurance that this fundamental commitment - the spirit and intent of the Treaty - is being observed. Military prohibitions are specified as subjects for inspection and a peaceful military rôle is outlined, also the subject of observer scrutiny.

Freedom of scientific investigation in Antarctica is provided for in Article II. If observers should discover any unwarranted restriction on this freedom guaranteed by the Treaty, they would be expected to report it (U.S. ACDA, 1982, Manual).

Similarly, any deviation from scientific programs as announced by the various governments in accordance with Article III and actual operations being carried out at the stations should be reported by an observation team. The concern here is that governments could classify this basic research and the possibility that it could be used for cover of some military activity. Latitude must be given, however, to allow researchers time to catalogue their data and publish their analyses - this is done in practice.

Nuclear explosions and disposal of radioactive waste material are prohibited by Article V. Observance of these prohibitions falls within the scope of inspection activity. Again, good judgement is necessary since trace radio-isotopes are used in scientific research and have to be temporarily stored both before and after use.

The provisions of Article VI define the area of application of the Treaty, and hence the area for inspections, as being the area south of 60°S., including all ice shelves, but not the high seas which are governed by international law with regard to the high seas. Treaty observers can insist on being able to inspect in an area as large as Europe and the