

**Forum:** Advisory Panel on the Question of Antarctica (APQA)

**Issue:** Territorial claims in the Antarctic Circle

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## Introduction

Antarctica is perhaps the only continent in the world that is in great part unoccupied and even partially unclaimed. Following WWII, the Antarctic Treaty system, which provided the legal foundation to administer the continent, began to take shape. In the 1950s, seven countries claimed territorial sovereignty over Antarctica: Argentina, Australia, Chile, France, New Zealand, Norway, and the United Kingdom. Several other countries were involved in exploration but had not made official territorial claims. More comprehensively, countries without claims, including the United States, China, India, Japan, Italy, the Russian Federation, South Africa, Poland, and Pakistan have built research facilities in territories claimed by other countries. Despite Antarctica's remoteness and difficult environment, the prospect of claiming such vast expanses of territory is tempting to nations. Several of the aforementioned territorial claims overlap, as is the situation on the Antarctic Peninsula, creating uncertainty. While Antarctica lacks an official government, it is administered through annual gatherings known as the Antarctic Treaty Consultative gatherings. These gatherings bring together a diverse range of stakeholders, including member nations and observer organizations.

The Antarctic Treaty prohibits mining in Antarctica, and no government currently exercises sovereignty on any part of Antarctica. Aside from a few thousand researchers and various research sites, the territorial claims in the region have had little impact (Routley).

Although no country currently exerts direct influence and sovereignty over any of Antarctica, the power dynamics are always subject to change. Considering that Antarctica is a rich bed of energy resources such as petroleum, coal, natural gas, and manganese and that resources around the world are being depleted rapidly, there is a strong possibility that an increasing number of states will start being stauncher and more demanding in their territorial claims on Antarctica. It is imperative that Member States handle the shift in power dynamics and the demands of nations prudently.

## Definition of Key Terms

**Antarctic Treaty System (ATS):** The treaty signed by 12 nations (Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, the Union of South Africa, The Union of Soviet Socialist Republics, the United Kingdom, and the USA) on 1959 with the central ideas of using Antarctica for peaceful purposes only, achieving the freedom of scientific investigation in Antarctica and cooperating

to that end, and setting aside territorial disputes (“The Antarctic Treaty”).

**Claimant States:** The seven Member States with territorial claims in Antarctica, which are Argentina, Australia, Chile, France, New Zealand, Norway, and the United Kingdom (“Antarctic Region - United States Department of State”)

**Resource Extraction:** the withdrawing of materials from the environment for human use, including fossil fuels (oil, gas, and coal), rocks and minerals, biomass via deforestation and fishing and hunting, and water (“Resource extraction”).

**Consultative Parties:** Since 1959, 44 other countries have acceded to the Treaty. They are entitled to participate in the Consultative Meetings provided that they demonstrate their interest in Antarctica by “conducting substantial research activity there”. Seventeen of the acceding countries have had their activities in Antarctica recognized according to this provision, and consequently, there are now twenty-nine Consultative Parties in all. The other 27 Non-Consultative Parties are invited to attend the Consultative Meetings but do not participate in the decision-making (“List of Parties”).

**Ice Shelf:** An ice shelf is a floating extension of land ice. The difference between sea ice and ice shelves is that sea ice is free-floating; the sea freezes and unfreezes each year, whereas ice shelves are firmly attached to the land (Davies).

**Global Commons:** Natural systems and resources (such as the atmosphere and the oceans) that do not belong to any one country (“Global commons”).

**Article IV of the Antarctic Treaty:** The article of the Antarctic Treaty that stipulates “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 creating 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.” (“The Antarctic Treaty”).

## General Overview

### Early explorations and colonial period

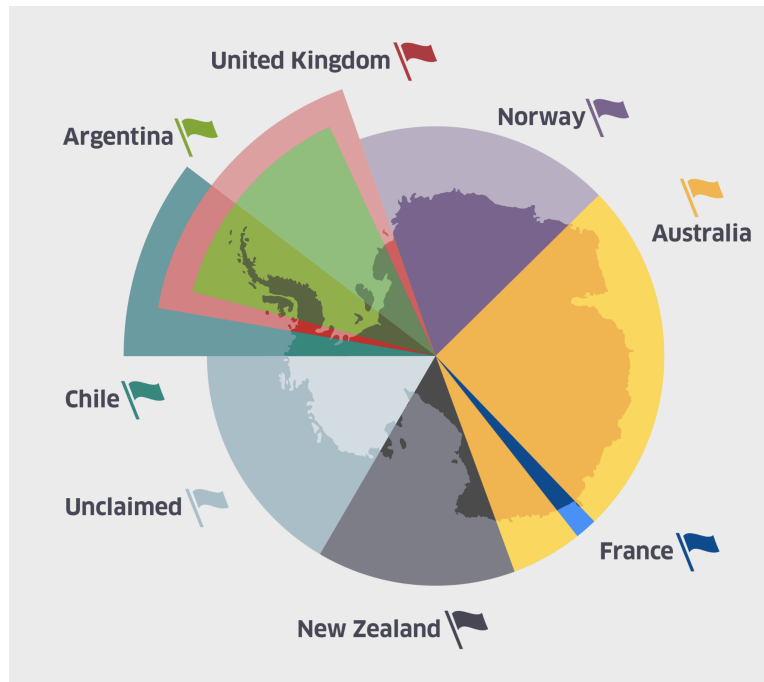
In the late 1700s, European explorers began to go into Earth's extreme southern regions with two primary goals in mind: commercial gain and mapping magnetic and topographical features. British and American citizens made up the majority of the early explorers, but by the middle of the 1800s, South Africans, Australians, New Zealanders, and the French had also joined the ranks (“Antarctica - History”). The islands nearest Antarctica were claimed by the nations of early Southern Ocean explorers, sealers, and whalers when they found them in the late 1700s and early 1800s. As soon as expeditions started exploring the Antarctic continent, they also claimed the areas they came across (“Making claims”).

Antarctica's colonial history began in the first part of the 20th century. Seven countries proclaimed sovereignty over pie-shaped regions of the continent between 1908 and 1942. Even while some of their exploring teams may have made claims, numerous countries—including the US, the USSR, Japan, Sweden, Belgium, and Germany—carried out Antarctic exploration without formally claiming parts of the region (“Antarctica - History”).

### **History of the territorial claims**

Many countries contributed to the discovery and early exploration of Antarctica, but it was not until 1908 that any government officially claimed any portion of the continent. At the time, Britain declared sovereignty over Graham Land and put the region under the jurisdiction of the Governor of the Falklands Islands Colony, the closest British possession. To this day, Argentina continues to contest British sovereignty over the Falkland Islands (Fiske). By the middle of the 1950s, a number of countries had significant commercial, scientific, but mostly political interests in the Antarctic. Australia's extensive territorial claim was based on the stations it built on the mainland coast of MacRobertson Land in 1954 and on Heard and Macquarie islands in 1947–1948. Additionally, France had set up a number of permanent bases. Argentina constructed a station on the Filchner Ice Shelf in 1955. At the time, there were many British, Chilean, and Argentine bases established so close to each other on the peninsula and adjacent islands that their main function appeared to be seeking intelligence rather than carrying out scientific research (“Antarctica - History”).

Because the earth's longitude meridians all converge at the Pole, individual nations' Antarctic territorial claims are often traced along the meridians and extend to the Pole. Hence, the continent resembles a pie with random slices carved into it. The 1908 British claim was the first of the wedge-shaped pieces cut from the Antarctic pie. About fifteen years later, New Zealand declared sovereignty over the Ross Dependency.



Picture 1: Territorial claims in the Antarctic Circle

### The Antarctic Treaty System (ATS)

The Antarctic Treaty was signed in Washington on December 1, 1959, by twelve countries whose scientists had worked in and around Antarctica during the International Geophysical Year (IGY) of 1957-58. It went into effect in 1961 and has since been ratified by numerous more nations. There are now 56 Parties to the Treaty (“The Antarctic Treaty”). The Antarctic Treaty, which sets aside the entire continent for peaceful uses and scientific study, was a historically significant milestone in political diplomacy. It declares the continent to be the first nuclear-weapon-free zone in history and addresses territorial disputes in a unique manner (“The Antarctic Treaty”). Several articles of the treaty are worth highlighting. **Article I** stipulates that “Antarctica shall be used for peaceful purposes only. There shall be prohibited 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. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purposes.” **Article II** stipulates that “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** stipulates that “information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy and efficiency of operations; scientific personnel shall be exchanged in Antarctica between expeditions and stations; scientific observations and results from Antarctica shall be exchanged and made freely available.” (“The Antarctic Treaty | NSF - U.S.”).

The most significant article of the Antarctic Treaty for this agenda item is **Article IV**, which is an article regarding **territorial claims**. It stipulates that “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. No new claim, or enlargement of an existing claim, to territorial sovereignty shall be asserted while the present Treaty is in force.” (“The Antarctic Treaty | NSF - U.S.”). This entails the protection of existing claims while obstructing new ones.

There is an obligation to notify the other parties that military personnel will be deployed on the continent. **Thus, in essence, the treaty does not resolve any of the continent's conflicts but rather freezes all disputes.** The treaty effectively works as a stabilizing instrument. It maintains the status quo for all existing Antarctic powers. Moreover, it protects all relevant rights while also providing the groundwork for an efficient international cooperation system. As a result, if a state wishes to assert a claim within the duration of a treaty, it must do so simply by withdrawing from the treaty (Vassiliou).

### Contemporary questions

Today, it is widely recognized that the Antarctic has significant strategic potential, especially in relation to countries in the Southern Hemisphere. The strategic potential of the Antarctic will increase and compel political and economic changes as these countries' economic and political prominence continues to rise. Mineral resources might always be discovered in sufficient amounts to justify exploitation, and the continent is a source of scientific knowledge that could be valuable to all of humanity. These facts have led to a reconsideration of Antarctica's potential, especially in light of the development of atomic energy, which is altering a great deal of our conceptions. Because of this, the southernmost continent is currently experiencing a new and unparalleled importance in global politics (Fiske).

Sovereignty concerns have already emerged as scientific research stations administer national law on their grounds. This could imply that when additional research bases are created on the continent, the relevant government gains de facto sovereignty over the territory. In turn, when combined with open access to the continent for scientific research, a state with significant economic power may overlook the demands of other countries. Any state with a current territorial claim to the continent that falls behind such economic expansions might find itself in a challenge, resulting in a vacuum that could be filled by an emergent power. While the technical capacity for mineral extraction is still many years away, nations have already set their sights on the continent's resources, and it is only a matter of time before exploitation begins. States believe such minerals to be critical to the continued growth of their economies. As a result, the ATS may serve as a short-term stabilizing influence. In the long run, it may fail, as developing powers see Antarctica as an essential component of their long-term economic and strategic aspirations. Therefore, trust and cooperation will be necessary for long-term stability. If a state decides to break away from the status quo, the entire system may suffer as there is no enforcement mechanism in place within the ATS (Vassiliou).

### Major Parties Involved and Their Views

**The United Kingdom:** The Antarctic Treaty was signed by 12 countries, including Britain. The oldest territorial claim to a portion of the continent is the British Antarctic Territory (BAT). It encompasses all of the countries and islands inside a wedge that stretches between longitudes 20° W and 80° W, from the South Pole to 60° S latitude. Under the supervision of employees in the Foreign, Commonwealth, and Development Office's (FCDO) Polar Regions Department in London, the BAT is a UK overseas territory according to the UK. The Territory's government is governed by a set of laws. **Argentina** and **Chile** have overlapping claims to this territory, despite the United Kingdom's claim of sovereignty ("Britain in Antarctica").

**Norway:** Norway, another country with territorial claims, is a consultative party with voting rights that can make decisions about Antarctica. It was among the first countries to join the Antarctic Treaty in 1960. It was made plain by the Norwegian government that they would not sign any contracts requiring them to "renounce exclusive sovereignty." Because Norwegian sovereignty "had a solid foundation in international law," according to the administration, Norway could not give up "that which is Norwegian territory" for "national and political reasons." Whaling used to be essential to Norwegian Antarctic policy. After successfully annexing land in the north pole, including Svalbard, Norwegian polar enthusiasts were keen to claim sections of Antarctica for their country (Jølle).

**Australia:** Including sovereign rights over nearby offshore areas, Australia has territorial claims covering **more than 42%** of the continent. An extra \$2.2 billion is being spent by the government to safeguard Australia's substantial Antarctic interests. Australia is one of the most significant signatories to the Antarctic Treaty. It stipulates that it will lessen the possibility of geopolitical competition with Australia's southern region and "preserve Antarctica as a region devoted to peace and science." The Australian Antarctic Strategy and 20 Year Action Plan outline Australia's ambitious plans for the continent, including speeding research, enhancing aircraft access, and upholding the permanent prohibition on mining and oil drilling (*Foreign Policy*).

**France:** Among the first countries to sign the Antarctic Treaty was France. The first person to set foot on West Antarctica was the French admiral Jules Dumont d'Urville, who claimed Adélie Land for his country in 1840. France constructed a number of stations in Adélie Land between 1950 and 1956, one of which being the Dumont d'Urville Station, which is still in use today. France is still a major participant in the Consultative Meetings for the Antarctic Treaty (ATCM) ("Antarctica - Ministry for Europe and Foreign Affairs").

**New Zealand:** As one of the founding signatories to the Antarctic Treaty, New Zealand achieved several notable firsts in the region, including the first landing on the continent in 1895 and the first land bridge built between 1955 and 1958. Ten years after Great Britain gave up the Ross Dependency, which is now the territorial claim of New Zealand, the New Zealand Antarctic Society was established in 1933. The Ross Sea Committee was formed by the New Zealand government following ten years of lobbying. As a result, New Zealand established the scientific research station Scott Base and took part in the International Geophysical Year (IGY) 1957–1958 ("New Zealand's Antarctic links").

**Chile:** Chile is another original signatory to the Antarctic Treaty that also has overlapping territorial claims with **the UK and Argentina**. Chile began to exercise sovereignty over the Antarctic continent in 1947, when it established the Sovereignty Base, presently known as Arturo Prat. The next year, Chilean President Gabriel Gonzalez Videla established the General Bernardo O'Higgins Riquelme Base in order to settle Chilean claims. On May 4, 1955, **the United Kingdom filed two lawsuits against Argentina and Chile** before the International Court of Justice, seeking to invalidate the two countries' claims to sovereignty in the Antarctic and sub-Antarctic zones, respectively. On July 15, 1955, the Chilean government denied the Court's jurisdiction in that matter, and on August 1, the Argentine government did the same (Lin).

**Argentina:** Argentina, an original signatory to the Antarctic Treaty, has been a major player in Antarctica since the Antarctic Treaty was signed, and it has a territorial claim to the Argentine Antarctic Sector. Argentina's Antarctic strategy changed after the Antarctic Treaty was signed in 1959. The goal of strengthening its sovereignty on the continent was combined with the desire to be a major player in the Antarctic Treaty System and exert influence there. Among other things, the Foreign Ministry of Argentina is in charge of developing the country's policy on Antarctica as well as organizing its scientific and technological initiatives and deployment there. These initiatives are outlined in the Annual Antarctic Plan of Argentina ("Antarctica and the Argentine Ministry of Foreign Affairs | Ministerio de Relaciones Exteriores, Comercio Internacional y Culto").

**United States:** The US played a major role in negotiating the Antarctic Treaty, also being an original signatory. The American program in the Antarctic region is administered by the National Science Foundation (NSF). The US is an active participant in the Antarctic Treaty Consultative Meetings ("Antarctic Region - United States Department of State"). The United States' objectives in the Antarctic are virtually unchanged from 80 years ago, with the goal of preventing the region from becoming militarized and keeping the continent as a hub for scientific study. Preventing militarization is critical for both ensuring the passage of ships and aircraft through the Drake Passage and preventing the continent from being used to deploy monitoring stations and even potential weapons emplacements that could be used to attack the United States and its allies. Presently, emerging technologies, growing competition between countries, and an increasingly multipolar globe are currently developing trends that may disrupt the decades-long consensus around the Antarctic between the US and other powers (Runde and Ziemer).

**Russian Federation:** While Russia's Antarctic strategy has not been as explicit as China's, it has remained committed to developing Antarctic natural resources and implementing dual-use infrastructure at its outposts on the continent. Russia's 2021 Antarctic Action Plan prioritized increased maritime presence and research activity around the continent. However, **Russia's military presence in the Antarctic** is even more visible than China's, with the Russian Navy conducting hydrographic studies in the area that might be used for submarine navigation. Russian stations in the vicinity also carry out space research for the Russian state-owned business Roscosmos. There are several satellite relays and ground-based Navigation Satellite System installations in Antarctica.



These facilities may be used to track missiles and improve command and control capabilities. Analysts have focused on the recently reopened Russkaya Station, which has the potential to serve as a dual-use electronic and anti-satellite warfare facility (Runde and Ziemer).

**China:** China began exploring the Antarctic in 1983, in collaboration with Australia. China now has four Antarctic research stations, two of which are active year-round, and is in the midst of building a fifth in the Ross Sea. China is interested in the Antarctic as it offers climate data, fishery stocks, and possible natural gas and mineral deposits. President Xi Jinping has asserted that China aspires to be a "**polar great power**," and every five-year plan since 2011 has identified Antarctica as a "new strategic frontier." Polar research is a source of great pride for Chinese official media. For the US, growing Chinese influence in the Antarctic brings security concerns (Runde and Ziemer).

### Timeline of Events

<b>16 August 1923</b>	The UK establishes the Ross Dependency
<b>1933</b>	The UK transfers its claim on Enderby Land to Australia, which has become the largest territorial claim of any nation in Antarctica
<b>1943</b>	Chile and Argentina assert their territorial claims
<b>May 4, 1955</b>	The UK files a lawsuit to the ICJ over Argentina and Chile's overlapping territorial claims, with the latter ignoring the decision later
<b>1 July 1957 - 31 December 1958</b>	The International Geophysical Year (IGY) takes place
<b>1 December 1959</b>	The Antarctic Treaty is signed in Washington
<b>23 June 1961</b>	The Antarctic Treaty enters into force
<b>2009</b>	Norway formally claims Dronning Maud Land in Antarctica



## UN Involvement

There hasn't been active UN involvement in Antarctica regarding the territorial claims. The UN's involvement has been more visible in areas concerning the continent's resources and the preservation of its marine ecosystem. Nevertheless, in 1955, the International Court of Justice was involved to some degree amidst the United Kingdom's institution of proceedings before the ICJ against Chile and Argentina concerning territorial disputes as to the sovereignty over certain lands and islands in the Antarctic. However, the Court determined that neither Chile nor Argentina had acknowledged its jurisdiction to deal with the matters, and Orders were issued on March 16, 1956, to remove them from its List ("Antarctica (United Kingdom v. Chile)").

## Treaties and Events

### The Antarctic Treaty

The Antarctic Treaty, also known as the Antarctic Treaty System (ATS), is the main treaty addressing the territorial claims in Antarctica. All countries that currently assert territorial claims in the Antarctic Region are original signatories, in addition to the US and the Soviet Union. As mentioned in a detailed account in the General Overview section, the treaty effectively freezes all disputes rather than resolving any of the continent's concerns.

[https://documents.ats.aq/ats/treaty\\_original.pdf](https://documents.ats.aq/ats/treaty_original.pdf)

## Evaluation of Previous Attempts to Resolve the Issue

The ATS effectively freezes all territorial claims and obstructs new ones from being asserted. Thus, it does not render an effective resolution to the issue. It is simply a neutral tool that preserves the status quo. Regardless, in the Antarctic Treaty Consultative Meeting (ATCM), every year, the original twelve Parties to the Treaty and those Parties that demonstrate their interest in Antarctica by conducting substantial research activity there, together called the Consultative Parties, meet "for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating, considering, and recommending to their governments measures in furtherance of the principles and objectives of the Treaty." Although being a neutral ground that maintains a healthy environment for discussion, the ATCM also in effect fails to add to the territorial dispute discussion as it almost solely seeks to find means of properly managing the ATS and acts as a ground for discussion ("ATCM and Other Meetings").

## Possible Solutions

Experts may opt to preserve the current status quo per what the ATS does. However, it is important to note that the ATS entered into force 63 years ago. Throughout that time, the world saw a shift in power dynamics, a rapid change in industrialization, and an increasing depletion of resources. Therefore, Antarctica is rapidly evolving into an arena of foreign interest. To claim that the current status quo would be sustained in the long term would be unrealistic and unfeasible. Hence, experts could propose to reform the structure of the ATCM to involve disputes or to create a new framework to hold negotiations regarding territorial disputes. This could consist of possible compromises by Member States, forming joint-governed areas to carry out research, etc. Member States also ought to be transparent in their actions involving the use of the continent regarding scientific research or other operations. Experts should also encourage Member States to respect the concept of Global Commons, which entails preserving Antarctica's vulnerable habitat and resources for future generations. In a more ground-breaking proposal, experts could even propose to transform Antarctica into an absolute international territory both de jure and de facto, and establish an international governing body to protect its sovereignty and territorial integrity.

## Bibliography

*Foreign Policy White Paper*, Australian Government,

<https://www.dfat.gov.au/sites/default/files/minisite/static/4ca0813c-585e-4fe1-86eb-de665e65001a/fpwhitepaper/foreign-policy-white-paper/chapter-six-global-cooperation/climate-change/antarctica.html>.

"Antarctica and the Argentine Ministry of Foreign Affairs | Ministerio de Relaciones Exteriores,

Comercio Internacional y Culto." *Ministerio de Relaciones Exteriores, Comercio Internacional y Culto* |,

<https://www.cancilleria.gob.ar/en/news/newsletter/antarctica-and-argentine-ministry-foreign-affairs>. Accessed 1 March 2024.

"Antarctica - History." *Britannica*, <https://www.britannica.com/place/Antarctica/History>.

"Antarctica - Ministry for Europe and Foreign Affairs." *France Diplomatie*,

<https://www.diplomatie.gouv.fr/en/country-files/antarctica/antarctica/>.

"Antarctica (United Kingdom v. Chile)." *International Court of Justice*, <https://www.icj-cij.org/case/27>.

"Antarctic Region - United States Department of State." *State Department*,

<https://www.state.gov/key-topics-office-of-ocean-and-polar-affairs/antarctic/>.

"Antarctic Region - United States Department of State." *State Department*,

<https://www.state.gov/key-topics-office-of-ocean-and-polar-affairs/antarctic/>.

"The Antarctic Treaty." *British Antarctic Survey*,

<https://www.bas.ac.uk/about/antarctica/the-antarctic-treaty/>.

“The Antarctic Treaty.” *Antarctic Treaty*, <https://www.ats.aq/e/antarctictreaty.html>.

“The Antarctic Treaty | NSF - U.S.” *National Science Foundation*,

<https://www.nsf.gov/geo/opp/antarct/antrtry.jsp>.

“ATCM and Other Meetings.” *Antarctic Treaty*, <https://www.ats.aq/e/atcm.html>.

“Britain in Antarctica.” *British Antarctic Survey*,

<https://www.bas.ac.uk/about/antarctica/britain-in-antarctica/>.

Davies, Bethan. “Ice shelves, icebergs and sea ice in Antarctica.” *Antarctic Glaciers*,

<https://www.antarcticglaciers.org/glacier-processes/glacier-types/ice-shelves-sea-ice-icebergs/>.

Fiske, Clarence O. “Territorial Claims In The Antarctic | Proceedings - January 1959 Vol. 85/1/671.”

*U.S. Naval Institute*,

<https://www.usni.org/magazines/proceedings/1959/january/territorial-claims-antarctic>.

“Global commons.” *Oxford Reference*,

<https://www.oxfordreference.com/display/10.1093/oi/authority.20110803095855190>.

Jølle, Harald Dag. “Norway's path to the Antarctic Treaty.” *Framsenteret*,

<https://framsenteret.no/norways-path-to-the-antarctic-treaty/>.

Lin, Camille. “Chile, Antarctica and the new constitution.” *Polar Journal*, 24 August 2023,

<https://polarjournal.ch/en/2023/08/24/chile-antarctica-and-the-new-constitution/>.

“List of Parties.” *Antarctic Treaty*, <https://www.ats.aq/devAS/Parties?lang=e>.

“Making claims.” *Discovering Antarctica*,

<https://discoveringantarctica.org.uk/how-is-antarctica-governed/the-antarctic-treaty/making-claims/>.

“New Zealand's Antarctic links.” *New Zealand Antarctic Society*,

<https://antarcticsociety.org.nz/about-us/antarctic-links/>.

“Resource extraction.” *Understanding Global Change*,

<https://ugc.berkeley.edu/background-content/resource-extraction/>.

Routley, Nick. “Mapped: Visualizing Territorial Claims in Antarctica.” *Visual Capitalist*, 20 February 2021,

[https://www.visualcapitalist.com/mapping-territorial-claims-in-antactica/#google\\_vignette](https://www.visualcapitalist.com/mapping-territorial-claims-in-antactica/#google_vignette).

Runde, Daniel F., and Henry Ziemer. "Great Power Competition Comes for the South Pole." *CSIS*, 16

February 2023, <https://www.csis.org/analysis/great-power-competition-comes-south-pole>.

Vassiliou, Aris. "Antarctica – Future Conflict Zone?" *Finabel*, 7 May 2021,

<https://finabel.org/antarctica-future-conflict-zone/>.