

APPENDIX B:

Presidential Memorandum Regarding Antarctica, February 5, 1982

Subject: United States Antarctic Policy and Programs

Memorandum 6646

The White House Washington

For:

Secretary of State
Secretary of the
Treasury
Secretary of Defense
Secretary of the
Interior
Secretary of
Commerce
Secretary of
Transportation
Secretary of Energy
Director, Office of
Management and
Budget
Director of Central
Intelligence
Chairman, Joint Chiefs
of Staff
Director, Arms Control
and Disarmament
Agency
Director, Office
of Science and
Technology Policy
Administrator,
Environmental
Protection Agency
Director, National
Science Foundation

I have reviewed the Antarctic Policy Group's study of United States interests in Antarctica and related policy and program considerations, as forwarded by the Department of State on November 13, 1981, and have decided that:

- The United States Antarctic Program shall be maintained at a level providing an active and influential presence in Antarctica designed to support the range of US antarctic interests.
- This presence shall include the conduct of scientific activities in major disciplines; year-round occupation of the South Pole and two coastal stations; and availability of related necessary logistics support.
- Every effort shall be made to manage the program in a manner that maximizes cost effectiveness and return on investment.

I have also decided that the National Science Foundation shall continue to:

- budget for and manage the entire United States national program in Antarctica, including logistic support activities so that the program may be managed as a single package;
- fund university research and federal agency programs related to Antarctica;
- draw upon logistic support capabilities of government agencies on a cost reimbursable basis; and
- use commercial support and management facilities where these are determined to be cost effective and will not, in the view of the Group, be detrimental to the national interest.

Other agencies, may, however, fund and undertake directed short-term programs of scientific activity related to Antarctica upon the recommendation of the Antarctic Policy Group and subject to the budgetary review process. Such activities shall be coordinated within the framework of the National Science Foundation logistics support.

The expenditures and commitment of resources necessary to maintain an active and influential presence in antarctica, including the scientific activities and stations in the Antarctic, shall be reviewed and determined as part of the normal budget process. To ensure that the United States Antarctic Program is not funded at the expense of other National Science Foundation programs, the OMB will provide specific budgetary guidance for the antarctic program.

To ensure that the United States has the necessary flexibility and operational reach in the area, the Departments of Defense and Transportation shall continue to provide, on a reimbursable basis, the logistic support requested by the National Science Foundation and to develop, in collaboration with the Foundation, logistic arrangements and cost structure required for effective and responsive program support at minimum cost.

With respect to the upcoming negotiations on a regime covering antarctic mineral resources, the Antarctic Policy Group shall prepare a detailed US position and instructions. These should be forwarded for my consideration by May 15, 1982.

Ronald Reagan

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
[territorial claims]

1. Nothing contained in the present Treaty shall be interpreted as:
 - (a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;
 - (b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;
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. No new claim, or enlargement of an existing claim, to territorial sovereignty shall be asserted while the present Treaty is in force.

Article V
[nuclear explosions prohibited]

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste materials 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
[area covered by Treaty]

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
[free access for observation and inspection]

1. In order to promote the objectives and ensure the observation 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 the 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 of 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
[personnel under jurisdiction of their own states]

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 to 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

[Treaty states to meet periodically]

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 date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty including measures regarding:
 - (a) use of Antarctica for peaceful purposes only;
 - (b) facilitation of scientific research in Antarctica;
 - (c) facilitation of international scientific 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 the 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

[discourages activities contrary to Treaty]

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

[settlement of disputes]

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.
2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

Article XII

[review of Treaty possible after 30 years]

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 provision 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 communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

Article XIII **[ratification and accession]**

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of

the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.
3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.
4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.
5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instrument of accession.
6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

Article XIV **[United States is repository]**

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 transit duly certified copies thereof to the Governments of the signatory and acceding States.

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

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

For Argentina:
Adolfo Seilingo
F. Bello

For Australia:
Howard Beale

For Belgium:
Obert de Thieusies

For Chile:
Marcial Mora M.
L. Gajardo V.
Julio Escudero

For the French Republic:
Pierre Charpentier

For Japan:
Koichiro Asakai
T. Shimoda

For New Zealand:
G.D.L. White

For Norway:
Paul Koht

For the Union of South Africa:
Wentzel C. du Plessis

For the Union of Soviet Socialist Republics:
V. Kuznetsov

For the United Kingdom of Great Britain and Northern Ireland:
Harold Caccia

For the United States America:
Herman Phleger
Paul C. Daniels