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South American claims in Antarctica: colonial, *malgré tout*

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ABSTRACT

Argentina and Chile, known in the world of Antarctic politics as the 'South American claimants', have shown themselves since the inception of their interests in the White Continent as standing alone and in opposition to the advances of the colonial powers of the North – especially the United Kingdom. As Shirley Scott has suggested, while the UK was busy staking claims over Antarctica and treating it as *terra nullius*, Argentina and Chile ascertained what they took to be their historical rights to the continent, inherited from the time when they were Spanish colonies. In this article, I support Argentina's and Chile's contention that the attitude and procedure followed by the other claimants to the continent was unequivocally colonial, but I reject their contention that theirs was not. I examine four sites where their colonial spirit is revealed: their use of the geographic doctrines of continuity and contiguity, and of the sector principle; the appeal to historic rights inherited from the time when they were Spanish colonies; their expansion to Antarctica through the establishment of military settlements, and their underlying economic and strategic interests, no different from their 'Northern' counterparts. I then point to some specific and general implications of reinterpreting their story in this light.

KEYWORDS

Antarctica; Argentina; Chile; colonialism; territorial claims

Chile has neither acquired Antarctica by treaty nor by conquest. It was given to it by nature, *uti possidetis*, polar possession and fishing. And it is ratified by Chile's honest and constant intention of full dominion.

Antonio Huneeus Gana, *Antártida*¹

... not until the organization of diverse international agreements among the powers interested in the Antarctic will Argentina recognise any claim over lands that History, Geography, Nature and Law justify as being its exclusive property.

Pedro Radío, *Soberanía Argentina en la Antártida*²

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¹Huneeus Gana, *Antártida*, 7. Hereinafter, all translations from Spanish are mine.

²Radío, "Soberanía argentina en la Antártida," 40.

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Introduction

Starting with Klaus Dodds's 2006 depiction of post-colonial Antarctica as 'an emerging engagement',³ the colonial and imperial underpinnings of Antarctic history have been well documented. Dodds himself notes in that article that, even though there were no indigenous peoples to be colonised in Antarctica, the continent serves as a point of departure for 'a critical evaluation of colonialism and associated practices such as mapping, surveying, and the subjugation of territory and non-human populations'.⁴ For Dodds, moreover, the Antarctic Treaty 'rewarded' colonial occupation and annexation through its Article IV, which made it possible for the seven territorial claimants to retain their claims while opening the possibility that others (the U.S. and Soviet Union) could make their own claims in the future.⁵ Adrian Howkins has suggested that Antarctica is a prime example of settler colonialism, epitomising 'the elitist, racist and exclusionary mentality of the settler colonial project ... brimming with potential economic wealth but also without the usual entanglements of empire' (i.e. the question of how to deal with the native populations).⁶ Ben Maddison has pointed out how the usual understandings and procedures of colonial possession were 'unsettled' (although not halted) in Antarctica, where there were no natives – except penguins – to dispossess.⁷ Shirley Scott has proposed to reinterpret Antarctic history as divided into three periods of imperialism: from Spain and Portugal's claims to the hypothetical *terra australis nondum cognita* in the fifteenth century, through the British acquisition of Antarctica as *terra nullius* from the end of the nineteenth century, to the U.S. post-war *imperium* by science.⁸ Sanjay Chaturvedi has argued that the process of penetration in the polar regions should be seen as part of a much larger process of colonialism and imperialism starting first in Europe and unfolding throughout the world,⁹ and Alan Hemmings has observed that 'the present Antarctic dispensation, including the treatment of territory, was arrived at prior to the existence of more than half of the world's present states, as a result of an imperial and colonial model now generally repudiated'.¹⁰

While most of the analyses so far have focused on the colonial and imperial actions of European powers (especially the United Kingdom¹¹), less has been written on the roles that Argentina and Chile specifically played as distinctly colonial actors in Antarctica during the first half of the 20th century. Klaus Dodds has suggested that, despite appealing to anti-colonial rhetoric to denounce the presence of the British in the Falkland Islands and the Antarctic Peninsula, Argentinian President Juan Domingo Perón nonetheless used colonial tactics to occupy the Argentine Antarctic Territory in the 1940s and 1950s.¹² Dodds and Collis, furthermore, have questioned the 'naturalization' of Antarctic territory by claimant states and have described Argentina's and Chile's presence in the continent as a case of settler colonialism which had as a key component the

³Dodds, "Post-colonial Antarctica."

⁴Ibid., 61.

⁵Ibid., 63.

⁶Howkins, "Appropriating Space," 31.

⁷Maddison, *Class and Colonialism*, 6 and 52.

⁸Scott, "Three Waves of Antarctic Imperialism," 37–49.

⁹Chaturvedi, *The Polar Regions*, 39.

¹⁰Hemmings, "Security beyond Claims," 77.

¹¹Dodds, *Pink Ice*.

¹²Dodds, "Post-colonial Antarctica," 61.

creation of Antarctic communities.¹³ The pioneering work of Jack Child could also be seen as pointing in this direction: without qualifying the positions of these countries as colonial, Child refers to Antarctica as a ‘frozen *lebensraum*’ that both Argentina and Chile considered as key to further their geopolitical ambitions.¹⁴

Beyond these analyses, the position of the South American claimants has usually been identified as anti-colonial and anti-imperial, advancing their political interests as new republics and founding their claims (at least initially) not on discovery and annexation, but on ‘natural’ (i.e. geographical and geological) and historic rights. Moreover, while it is easy today to find literature taking a critical stance towards claimants from the ‘North’, the same cannot be said when it comes to the claimants from the ‘South’.¹⁵ With some exceptions (like Carlos Escudé’s critique of Argentina’s expansionism towards the south¹⁶), this omission is especially notorious if one looks at academic articles and books written in Spanish for mainly Latin American audiences.¹⁷ There seems to be, thus, an unspoken premise that the claims of the ‘North’ were qualitatively different from the claims of the ‘South’ or, at least, different enough not to put them all together under the same post-colonial scrutiny.

In this article, I contest that premise, and suggest that the claims of Argentina and Chile should be examined more critically as distinctly colonial and colonising. By doing this, I aim to follow Dodds’s call to pay ‘a great deal more attention . . . to the histories and geographies of “benign settlement”’ – among which those of Argentina and Chile (as well as those of Australia and New Zealand) are exemplars.¹⁸

After reflecting on what made the claims of the Northern powers colonial (while acknowledging their different trajectories), I turn to the arguments offered by the South American claimants and show how they stand in continuation, rather than in opposition, to the former. I then point to some implications and conclude.

Colonising Antarctica from the ‘North’

Definitions of colonialism and imperialism vary from author to author. Sometimes they are kept separate, sometimes they overlap, and sometimes the former is subsumed under the latter. In this article, I propose to understand colonialism as a practice of domination through political and/or economic control over a territory, which standardly included the creation of settlements that kept their political allegiance to the colonising power.¹⁹ It is worth noting that, contrary to a common understanding of colonialism, in this definition the existence of subjected people in the colonised territory is not a necessary condition.²⁰

¹³Dodds And Collis, “Post-colonial Antarctica,” 56.

¹⁴Child, “Antarctica and South American Geopolitics,” chapters 4 and 5.

¹⁵Hereinafter, I take Australia and New Zealand as belonging in the group of “Northern claimants”, insofar as both inherited their claims as former colonies of the United Kingdom.

¹⁶Escudé, “Argentine Territorial Nationalism.”

¹⁷One of the stated objectives of the Meeting of Latin American Antarctic Historians is ‘to consolidate their own, characteristic vision of Latin American Antarctic history’ – a vision (if I may add) that tends to be more celebrating than critical towards themselves. See <http://www.antarkos.org.uy/EHAL/> (accessed 12 April 2021).

¹⁸Dodds, “Post-colonial Antarctica,” 61.

¹⁹This definition is based on, but not identical to, that proposed by Kohn and Reddy, “Colonialism.”

²⁰Some definitions of colonialism that take the subjugation of one group of people over another as central can be found in Horvath, “A Definition of Colonialism”; Kennedy, *Decolonisation: A Very Short Introduction*, And Ypi, “What’s Wrong with Colonialism.”

Instead, what is necessary is the desire to conquer and appropriate land and natural resources through political and economic control.²¹ I think this definition is useful because it helps to understand that the wrongs of colonialism are not limited to the unjust treatment of human beings, even though this has been historically its most obvious feature. Colonialism, I suggest, is also wrong as a specific attitude and logic of relating to land and the natural world, which – absent humans to be subjugated – comes out clearest in the Antarctic case. By imperialism, meanwhile, I understand the practice of states of extending their political power and dominion through means like (but not exclusive to) territorial appropriation.²²

As said before, after Dodd's seminal (2006) article, it has become relatively uncontroversial that these definitions apply, intertwined, to the gradual appropriation of Antarctica from the second half of the nineteenth century to the 1930s. At least until the invention of factory ships by the Norwegians, economic control was required to exploit valuable marine resources, especially whale oil, which was key for industrial development at the time.²³ Political control, meanwhile, was required for securing present and future exploitation of these (and other, yet undiscovered) resources from potential competitors, as well as for strategically extending territory. As the Norwegian jurist, Gustav Smedal, put it: '... A craving for acquisition of land in these parts of the world [i.e. the polar regions] has arisen. A State securing land gives its subjects a safe basis for their hunting industry. In that way such a State will also frequently be able to control hunting operations and render them dependent upon licences and dues collected by itself. The British policy in Antarctic waters gives the best illustration of this'.²⁴

The methods used by states to appropriate the land (or rather, a combination of ice, rock, and water) and claim it for themselves, were also paradigmatically colonial. By discovering and annexing, mapping, and naming, the United Kingdom was the first to unilaterally claim territory all the way to the South Pole, getting inspiration from the sector principle, which had been recently used to divide claims to the Arctic. The original claim from 1908, however, was done in such haste that a slice of Chilean and Argentinian Tierra del Fuego were included within it. It took nine years to correct it and reissue it, in 1917. Like in other places around the globe, the British were above all concerned with regulating the extraction of the main economic resources, in this case, whales. They gave licences to hunters and established a Whale Ordinance in 1906, the observance of which was carried out by government officers appointed to some of the whaling stations during the summer season.²⁵

The other 'Northern' claimants followed a similar resource-territorial logic, although their presence in the continent had been even more tenuous than that of the British. From the discovery and further annexation of some islands and coastal spots, France projected its claims onto the Antarctic *hinterland* (or, more accurately, *hintereis*), all the

²¹I thus follow closely the definition that Adrian Howkins uses for "settler colonialism": Howkins, "Appropriating Space", 48 (footnote 6).

²²I use the general definition from political science: <https://www.britannica.com/search?query=imperialism> (accessed June 6, 2021).

²³Tønnessen and Johnsen, *The History of Modern Whaling*; Roberts, *The European Antarctic*, chapter 3.

²⁴Smedal, *Acquisition of Sovereignty over Polar Areas*, 6.

²⁵International Court of Justice, "Antarctica Cases," 16.

way to the South Pole. Norway, which had been the most active whaling country alongside the UK and the US, also based its claim upon its coastal presence, but was the only one to leave the southern limit towards the centre of Antarctica undefined.²⁶ New Zealand came into the picture by virtue of the Ross Dependency Boundaries and Government Order in Council 1923, which established that ‘His Majesty’s Dominions in the Antarctic seas which comprises all the islands and territories between the 160th degree of east longitude and the 150th degree of west longitude which are situated south of the 60th degree of south latitude shall be named the Ross Dependency’ and put in charge of the Governor-General and Commander-in-Chief of the Dominion of New Zealand”.²⁷ The Australian Antarctic Territory, finally, was ‘accepted by the Commonwealth as a Territory under the authority of the Commonwealth’.²⁸

It is telling that the Antarctic sectors claimed by the European powers plus Australia and New Zealand were and still are explicitly considered as part of their colonial dominions. For the United Kingdom, Antarctica was part of their Falkland islands Dependencies until the early 1960s; for France, it belonged to its Overseas Territories²⁹; for Norway, a special act from 1930 amended in 1957 stipulated that Bouvet Island, Peter I Island, and Dronning Maud Land were Norwegian Dependencies³⁰; for Australia, it became one of seven External Territories³¹; and for New Zealand, as mentioned above, it was a dependency.³²

Colonising Antarctica from the ‘South’

Shirley Scott has rejected the ‘homogeneous claims interpretation’ proposed by classic Antarctic Anglophone historiography, which treats all claims to Antarctica as equivalent. In this reading, the UK appears as the pioneer, with the other countries, especially Chile and Argentina, as latecomers in the claiming game. Defending instead the uniqueness of the South American claims, Scott affirms:

Argentina and Chile had since independence believed that their territory extended as far south as the South Pole. They had not been involved in nineteenth century African colonialism and did not approach Antarctica with the assumed need to ‘claim’ territory.³³

For Scott, the main issue for the two South American states was not to stake claims following the nineteenth-century colonial paradigm, but rather to agree on a boundary between their Antarctic territories – just like in Patagonia and Tierra

²⁶This changed in 2015, when Norway for the first time seemed to enlarge its Antarctic sector to the South Pole: Rapp, “Norge Utvider Dronning Maud Land helt frem til Sydpolen”. In 1939, when Norway made its claim, it was more to prevent the Germans from doing it first than to secure commerce: at that stage there was no need for land stations anymore.

²⁷“Ross Dependency Boundaries And Government Order in Council 1923 2021”, 2–3.

²⁸“Australian Antarctic Territory Acceptance Act”, 1.

²⁹France, “Texte intégral de la Constitution du 4 octobre 1958 en vigueur,” articles 72–73.

³⁰This means they are under Norwegian sovereignty, but not formally considered part of the Kingdom of Norway. See Hovind Rognhaug, *Norway in the Antarctic*, 23.

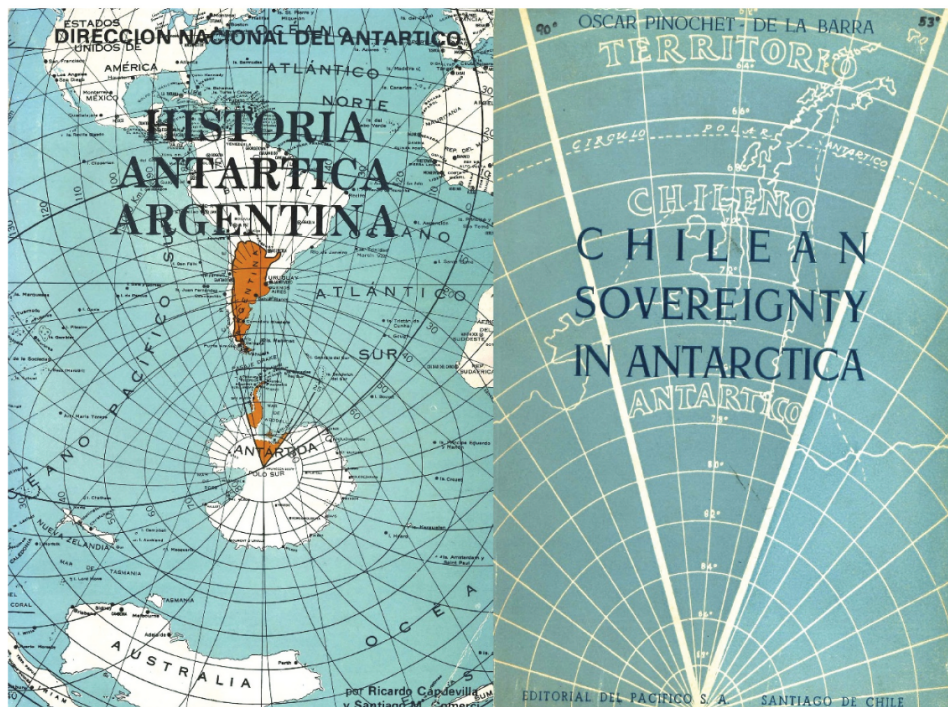
³¹<https://www.regional.gov.au/territories/> (accessed June 6, 2021).

³²“Ross Dependency Boundaries and Government Order in Council 1923.”

³³Scott, “Ingenious and Innocuous?,” 55.

del Fuego.³⁴ What she takes for granted, however, is a key, previous, question: how did they get those Antarctic territories in the first place (and, for that matter, not just them, but also their continental southern territories³⁵)?

In this section, I examine the claims of Argentina and Chile over Antarctica and suggest that they are colonial, *malgré tout*. I point to four specific features where the colonial logic manifests itself. First, like their Northern counterparts, both countries used the doctrines of continuity and contiguity, and the sector principle, to project their territories into the *hinterlands*. Second, they both uncritically invoked historic rights inherited from Spain, a colonial power par excellence. Third, they established military settlements to display and secure sovereignty over empty space. Fourth, despite their flowery appeals to unblemished nationalism to justify their claims, their motives for seeking control over Antarctica were economic and strategic like everyone else's and, in this sense, an example of resource colonialism.



Book covers of Ricardo Capdevila and Santiago M.Comerci, *Historia antártica argentina*. Buenos Aires: Dirección Nacional del Antártico (1983); and Oscar Pinochet de la Barra, *Chilean Sovereignty in Antarctica*, Santiago de Chile: Editorial del Pacífico, (1954), showing Argentina's and Chile's respective (and mostly overlapping) delimitations of their claimed Antarctic Territories.

Stretching effective occupation via continuity, contiguity, and the sector principle

In 1940, the Argentinian Antarctic sector was delimited between meridians 25° and 74° West of Greenwich, and south of 60° South all the way to the pole. Argentina's main argument for claiming Antarctic territory was based on its effective, continued

³⁴Ibid., 55.

³⁵See, for example, Dodds, "Geography, Identity and the Creation of the Argentine State", and Briones and Delrio, "La 'Conquista del Desierto'".

occupation of a meteorological station and postal office in the South Orkneys, since 1904. This is indeed the oldest permanent settlement in the Antarctic and was transferred to the Argentinian government by Scottish expeditioner William Bruce.³⁶ In a book from 1948, the Antarctic National Commission points out that ‘this leaves no doubt that already 44 years ago these lands and seas were considered as part of our nation’.³⁷ Later, they add a quote from a member of the Bruce expedition, Rudmose Brown, who recalls in his memoirs that ...

... when the Scotia returned to the islands in February 1904, with an Argentine staff to take over the meteorological observatory at Omond House under the auspices of the Argentine Government, the Argentine naval flag was hoisted on the cairn where formerly the Scottish Lion flew; and I presume the South Orkneys are looked upon as a possession of that power. The South Orkneys are certainly the only spot in the Antarctic regions that have been inhabited without a break for a period of over three years, and they bid to become a permanently inhabited meteorological observation-station of the Argentine Government; for that country has, for the present at least, agreed to keep a staff of six men there, to be relieved annually.³⁸

The Commission emphasises that this is ‘the opinion of a foreign expedition from a country that belongs to the United Kingdom, which forty years ago pointed to the Orkneys and Antarctic lands as indisputable Argentinian property’.³⁹ However, what they omit is perhaps the most telling sentence of the quote, which reflects Brown’s critical attitude towards Argentina and his fear that this small possession in the Orkneys would be seen perhaps by ‘ambitious Argentine expansionists’ as ‘the nucleus of an empire’.⁴⁰ Indeed, even if the rights of Argentina over the South Orkneys were undisputed, the question would remain: how is it that, by the mere presence of a meteorological station in an island, one may acquire territorial rights over a whopping area of 1,461,597 square kilometres beyond it, all the way into mostly uncharted and unknown space?⁴¹

The answer comes in the same book a few pages later: discussing the juridical rights of Argentina over its Antarctic sector, the Commission mentions both the sector principle applied in the Arctic, and the theses and doctrines of international law – in particular, continuity and contiguity:

When a state has permanently occupied a territory, it acquires rights to occupy other lands surrounding it. This has been called the ‘doctrine of continuity’. If a stretch of the coast were occupied, for example, the sovereignty of the state can be extended to the islands and lands close by, in which case the ‘doctrine of contiguity’ would be involved.⁴²

³⁶This transfer is generally referred to as a ‘donation’. However, the building of Omond House and the instruments for meteorological observation were sold for five thousand Argentinian pesos on one condition: ‘that the sale be not made public but figure as a donation by Bruce to the [Argentinian] government in retribution for the aid received by the national Navy in his trip to Buenos Aires’: Capdevila and Comerci, *Historia antártica Argentina*, 62. It is ironic that the only condition on what the sale was made was not respected by the beneficiaries: what was supposed to be kept secret publicly appeared in this book commissioned by the Dirección Nacional del Antártico.

³⁷Comisión Nacional del Antártico, *Soberanía argentina en la Antártida*, 46.

³⁸Brown, Mossman, and Harvey Pirie, *The Voyage of the ‘Scotia’*.

³⁹Comisión Nacional del Antártico, *Soberanía argentina en la Antártida*, 53.

⁴⁰The sentence in full reads: ‘I presume that the South Orkneys are looked upon as a possession of that power – the nucleus of an empire, perhaps, they may even seem to ambitious Argentine expansionists’: Brown, Mossman, and Harvey Pirie, *The Voyage of the “Scotia,”* 79.

⁴¹The Argentinian Antarctic Territory is slightly bigger than Peru.

⁴²Comisión Nacional del Antártico, *Soberanía argentina en la Antártida*, 65.

While there is no attempt in the above text to question or reflect upon the use of these eminently colonial doctrines in Antarctica, the Chilean author and diplomat Oscar Pinochet de la Barra exerts himself to show how the rationale of applying the notions of polar effective occupation, continuity and contiguity, and the sector principle to Antarctica makes sense insofar as it secures state ownership and sovereignty. Pinochet relies on a few iconic international disputes and on the opinion of some international legal scholars who considered the question of what should count as effective occupation in the polar regions. His main point is that effective occupation should not be considered as a static, rigid notion, but adapt to the circumstances of the territory. His examples are the arbitrary awards in the Island of Palmas Case (1829), the Clipperton islands Case (1931), and the Eastern Greenland Case (1933), in none of which a permanent settlement was required to prove effective occupation. Quoting the Russian legal scholar Lakhtine, Pinochet continues, ‘the application of the rules for terrestrial territory to polar territory “must be recognized as absolutely irrational”’.⁴³ Consequently, some hunting regulations and the granting of fishing, commercial and industrial licences by the Chilean state in some sub-Antarctic islands and to the south of them are for Pinochet good enough signs of effective occupation. (It is interesting to note that the establishment of companies to secure states’ rights in a cheaper and easier manner was one of the favourite methods used by imperial powers⁴⁴).

To explain how tenuous signs of occupation in a few specific spots can expand and end up covering the 1,250,000 square kilometres claimed by Chile in 1940, the author invokes the sector principle.⁴⁵ He gives four reasons why its application makes sense in the Chilean case:

- (1) The presumption or belief that a country adjacent to an Antarctic territory has therein exercised, in permanent or almost permanent form, acts of dominion, with more frequency and political intention than another that is non-adjacent.
- (2) The necessity for an adjacent country of possessing the Antarctic sector facing it, because of its national defence, the establishment of meteorological observatories for the development of its aviation, of its agriculture, etc.
- (3) The possibility of exploiting its natural resources more properly.

⁴³Pinochet de la Barra, *Chilean Sovereignty in Antarctica*, 32.

⁴⁴Koskenniemi, *The Gentle Civiliser of Nations*, 175. Pinochet de la Barra mentions that, in 1892, the Chilean government passed a resolution setting rules for the catching of fur seals and elephant seals in the southern regions. In 1902, the first concession was made to Pedro Pablo Benavides, who was authorised to catch fish and seals between Tierra del Fuego and Antarctica, indicating that he ‘may work south indefinitely’. In 1906, the concession Fabry and de Toro Herrera was granted to exploit the animal and mineral wealth in ‘the Shetland and the lands situated further to the south’, on the condition that the grantees ‘exercise the administrative acts that the Government of Chile considers necessary to safeguard its interest in said regions’: Pinochet de la Barra, 35–36. Pinochet compares this last concession to the Tayler concession granted by Denmark over Eastern Greenland, which the International Court of Justice deemed sufficient to establish Danish sovereignty in that area between 1814 and 1915.

⁴⁵In 1940, President Pedro Aguirre Cerda signed a Decree establishing the Chilean Antarctic Territory between 53° and 90° West of Greenwich, all the way to the pole (Chilean and Argentinian territories thus overlap between 25° and 53° West of Greenwich). As Jack Child notes, the claim has no northern limit, an omission that ‘can be interpreted as a deliberate emphasis of the idea of a seamless continuity between mainland and Antarctic Chile’: Child, *Antarctica and South American Geopolitics*, 117. Chile’s Antarctic Territory is nearly the size of Peru.

- (4) The impossibility of delimiting rights over an immense, unoccupied, inaccessible continent, except by meridians that form a triangle with its vertex at the Pole – the occupation of certain accessible points along the coast being sufficient.⁴⁶

Points 1 and 2 reveal a clear attempt to block ‘saltwater’ colonialist attempts in Antarctica, namely, long-distance attempts to control it by European powers, particularly the United Kingdom. Instead, these points favour what might be called Chile’s ‘adjacent’ colonialism, naturalised in legal and geopolitical discourse and practice. As Robert L. Nelson points out, ‘adjacent’ colonialism is a surprisingly undertheorised topic, compared to the default, ‘saltwater’ version. While in the ‘saltwater’ version for something to count as colonialism the metropole and the periphery must be separated by an ocean (at least), ‘adjacent’ colonialism includes cases where a state extends its dominance over its neighbours – regardless of whether there is saltwater between them or not.⁴⁷ What is remarkable is that, in strict theory, all claims to Antarctica are ‘saltwater’ claims. And yet, Pinochet does not regard Chile’s claim as falling in that category because of geographical, strategic, and economic considerations. These considerations can only withhold scrutiny against the tacit assumptions made in points 3 and 4; namely, that more efficient exploiters have a better claim to territory than less efficient ones (and that those located closer to the resource will necessarily be more efficient exploiters), and that it is unthinkable to leave possessable territory unpossessed (*horror vacui* being a recurrent theme in the history of colonialism).⁴⁸ Furthermore, it is strange to claim that a country has rights over certain resources because it will be able to exploit them more properly, to then add that those resources are mostly inaccessible thus far. Finally, once again, the issue of delimitation comes to the fore: for, even if establishing meteorological stations is necessary for the country’s aviation and agriculture, why is it that more than a shred of territory is needed to fulfil this purpose?

To sum up, by endorsing the doctrines of continuity, contiguity, and the sector principle, what Argentina and Chile effectively did was to condone essentially colonial methodologies developed to extend the areas of influence of colonial powers towards *hinterländer*. This gave them almost no international recognition, but at the domestic level it helped to further cement the view that their respective claims were legitimate.

At this point, supporters of the Argentinian and Chilean claims might object that this critique is unfair and anachronic: for, how could they have done otherwise if what they were seeking was to have their claims recognised by other states? While, today, it has become accepted that the genealogy of international law is inextricably linked to colonialism and imperialism, and that its rules were mostly written by the powerful, this was not the case 80 years ago. It was thus only by appealing to the rules shaped by their contenders that they had a chance to convince the rest of the world of the validity of their claims. In short, they had to speak the language of their opponents to be understood.

⁴⁶Pinochet de la Barra, *Chilean Sovereignty in Antarctica*, 46–47.

⁴⁷See, respectively, Nelson, “Introduction: Colonialism in Europe? ”, 1–9; and Fur, “Colonialism and Swedish History: Unthinkable Connections? ”, 17–36.

⁴⁸The Spanish version of point 3 is clearer than Pinochet’s own translation: “la posibilidad de explotar mejor sus riquezas” (literally, “the possibility to better exploit its riches”). In Pinochet de la Barra, *La Antártica chilena*, 74.

Indeed, following the dicta of international law was the only way to legitimise their claims vis-à-vis those of their counterparts. But what this shows, in my view, is that being a country on the southern side of the ‘development Equator’ is no impediment from behaving in a colonial manner. The procedures of these two new republics to expand their territories towards the south of the South American continent (and all the way to Polynesian Easter Island, in the case of Chile) were arguably as questionable as those used by European powers in their overseas colonies.⁴⁹ Because they met no indigenous populations, the case was easier to make, but the logic was the same.⁵⁰ Disregarding this fact and romanticising these claimants as engaging in a purer and nobler mission in Antarctica is thus unhelpful and distorting.

Embracing the colonial inheritance

As mentioned before, what Chile and Argentina call their historic rights over Antarctica were purportedly inherited from the time when they were Spanish colonies, respectively, the General Captaincy of Chile and the Viceroyalty of Río de la Plata. In fact, both countries start their Antarctic chronologies in the 1490s and nurture these chronologies with every thread of evidence to be found of Spanish ships nearing the area, Spanish shipwrecks as evidence of early presence and, most importantly, Spanish official documents signalling that Antarctica was always considered as part of its dominion in the Americas, even when unbeknown.⁵¹ This follows the principle of *uti possidetis iuris*, by virtue of which the newly independent Latin American countries maintained the administrative borders established by Spain.

In the Bull *Inter caetera* from 1493, Spanish Pope Alexander VI granted the monarchs of Castile and Aragon, Ferdinand and Isabella, rights over all lands discovered and to be discovered to the West of a meridian running 100 leagues west of the Azores and Cape Verde Islands. The following year, in the Treaty of Tordesillas, Portugal and Spain agreed on a new demarcation line running from pole-to-pole 370 leagues west of the Cape Verde Islands. For the Chilean legal scholar, José Berguño Barnes, the Bull ‘fully conformed to the public law of its time’, while in the words of the Argentinian ambassador, Pedro Radío, ‘the Decree issued by the Pope was universally recognised, in his role of supreme authority of Christendom’.⁵² As for the Treaty, Berguño states that it ‘incorporated the bull as positive international law between the two kingdoms’. In short, it was a legal act with universal juridical effects.⁵³

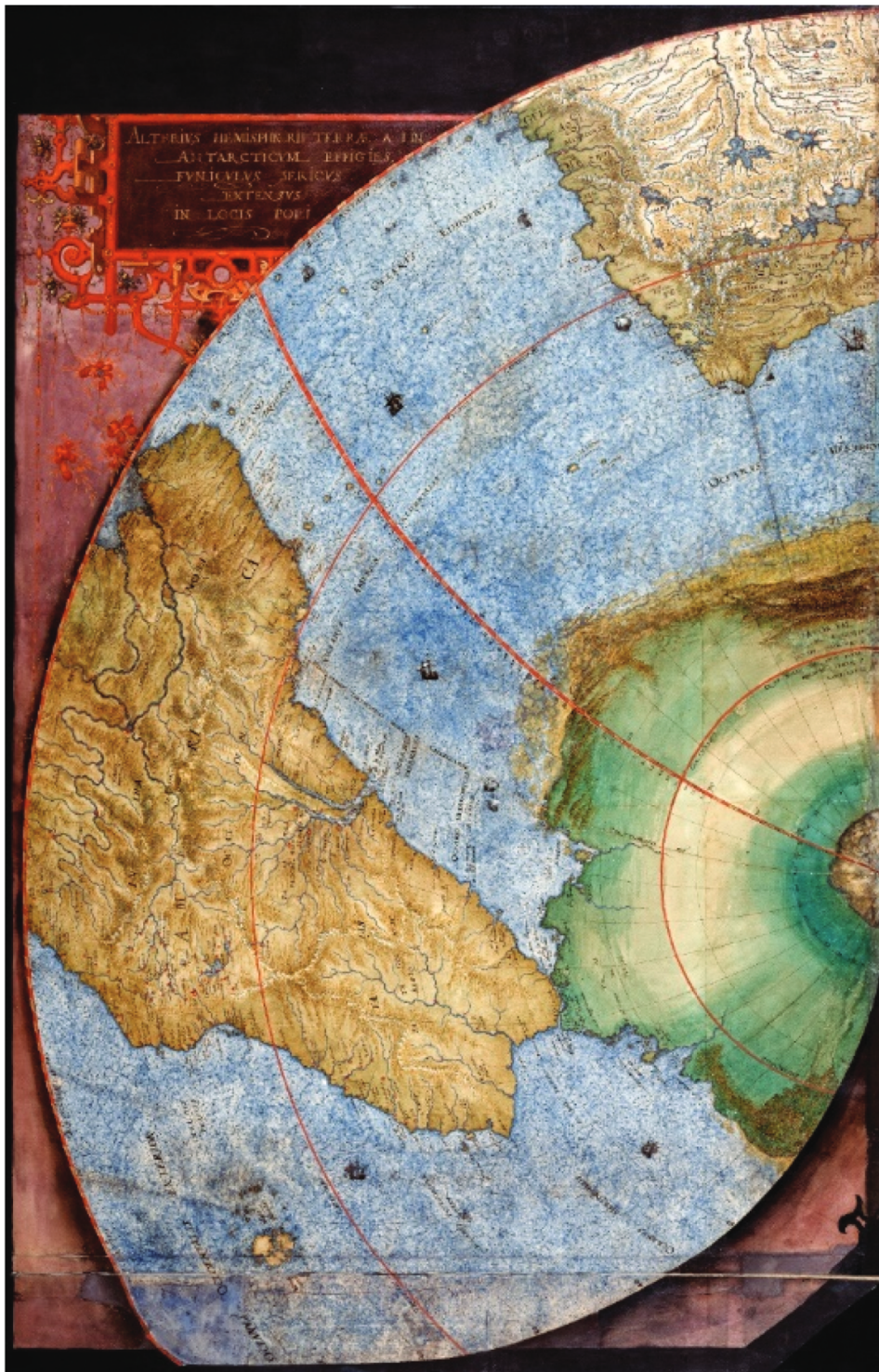
⁴⁹On how the Chilean and Argentinian states expanded their territories through systematic violence against the indigenous inhabitants, see, among others, Vergara and Mellado, “La Violencia política estatal”; Bartolomé, “Los Pobladores del ‘Desierto’”; Schulz, “Territorial Sovereignty,” and Foerster, *Rapa Nui*.

⁵⁰Dodds, “Post-colonial Antarctica.”

⁵¹See, respectively, the Ibero-Argentinian Antarctic Chronology in Capdevila and Comerç, *Historia antártica argentina*, 98–117; and Pinochet de la Barra, *La Antártica chilena*, 47–74.

⁵²Berguño Barnes, “Historia intelectual del Tratado Antártico”, 2; Radío, “Soberanía argentina en la Antártida,” 43.

⁵³*Ibid.*, 2.



Orbis terrestris descriptio by Christian Sgrooten (sixteenth century). The red meridian line shows the demarcation of the Treaty of Tordesillas all the way to the South Pole. Copyright: Biblioteca Nacional de España.

This is not, however, how the other European powers saw it at the time or later. Although the Treaty of Tordesillas was generally respected by the two signing parties,⁵⁴ neither Protestant nor Catholic powers ever acknowledged it. The Dutch theorist Hugo Grotius explicitly questioned the legitimacy of the Bull, arguing against the Portuguese monopoly over the trading routes in the East Indies.⁵⁵ And as the French legal scholar, Paul Fauchille, recalls: ‘Catholic princes who had not been favoured with papal gifts were discontented. The King of France, Francis I, requested to be shown the will of Adam which deprived him of the right to acquire land in the New World’.⁵⁶

With a detective eye, Pinochet de la Barra shows that in later centuries there were several treaties signed between Spain and the United Kingdom to distribute their possessions in the Americas: ‘By means of the Treaty of Madrid dated the 18th day of July 1670 ... Spain recognised the English rights in America and the West Indies, but, only in those territories “that the said King of Great Britain and his subjects may have or possess at the present time. However, neither on account of this Treaty nor for any other reason, may or shall Great Britain ever claim anything else, nor raise any future demands (Art.7)”’.⁵⁷ Another treaty from 1713, the Treaty of Utrecht, between these two countries confirmed again, according to Pinochet, the exclusive rights of the Spanish to the Southern Sea and to its American and Antarctic coast, although the rule was constantly violated by English vessels. The decisive treaty, for Pinochet, was the Nootka Sound Convention from 1790, which re-established the *status quo ante* and determined that ‘neither the English may acquire any rights over the unoccupied regions (discovered or not), whether they be American, islands adjoining America or situated along the coasts bathed by the Southern Sea, or the Spanish improve their right of priority over them by establishing settlements ... A secret article established the only exception, providing that the agreement not to occupy said territories “will not come into effect until the subjects of another power establish settlements in said places”’.⁵⁸

Putting to the side whether the Bull and the subsequent Treaty were recognised by third parties and putting to the side whether the British acknowledged Spanish sovereignty over the Southern Sea and the *terra australis nondum cognita*, what appears obvious is that both the Bull and these Treaties were essentially colonial devices created to allow for the appropriation of new territories by European powers on a scale and at a speed never seen before. By relying on *uti possidetis* to justify their Antarctic claims, what Argentina and Chile did was to condone Spanish colonisation and its methods. Furthermore, while one could argue that, pragmatically speaking, respecting the colonial borders over already inhabited areas in Latin America at the time of independence was a sensible path to follow, it is a stretch to extend *uti possidetis* to lands that were only speculation at the time. Here the principle would not be about maintaining the existing colonial borders, but rather about creating inchoate title over yet-to-be-discovered areas, purely based on Spain’s *animus occupandi*. As the Chilean lawyer, Antonio Huneeus Gana, candidly admits:

⁵⁴But see the conflict over the Moluccas Islands between the Spanish and the Portuguese. Waldock, “Disputed Sovereignty,” 322.

⁵⁵... If they will use the division of Pope Alexander the Sixth, above all that is specially to be considered whether the Pope would only decide the controversies of Portugals and Spaniards, which surely he might do as a chosen arbitrator between them as the kings themselves had made certain covenants between them concerning that matter, and if it be so when the thing was done between others, it appertaineth not to the rest of the nations ...”. Grotius, *The Free Sea*, 15–16.

⁵⁶Quoted in Smedal, *Acquisition of Sovereignty over Polar Areas*, 14.

⁵⁷Pinochet de la Barra, *Chilean Sovereignty in Antarctica*, 20.

⁵⁸*Ibid.*, 23–24.

In the desert and hard to inhabit Antarctic lands, the will to master, well-founded and sincere, as it was Spain's, replaces the natural insufficiencies of apprehension and tenure. The former is right conscience, the latter is extremely difficult and arduous and even impossible, to the point that it gives way to force majeure.⁵⁹

What Huneeus does not explain is why the difficulty and near impossibility of apprehending Antarctic territory make *animus occupandi* good enough for justifying actual possession. Unless one stipulates – in colonial mode – that the earth is there for North and South to bring under our full dominion – it would be just as plausible to claim that territories that do not lend themselves to being occupied should be left beyond any state's jurisdiction.

To sum up, leaving aside the moral and legal problems of relying on a 500-year-old contract signed by two European kingdoms and never acknowledged by third parties,⁶⁰ appealing to the Treaty of Tordesillas makes the South American claims colonial by inheritance. Thus, while the treaties later signed between the United Kingdom and Spain may well serve as a reason to contest any privilege of the British over their Southernmost 'dependencies', this comes at the cost of recognising that South American rights over Antarctica appeal to the same colonial logic – the inheritance of which these new republics were paradoxically trying to shake off as much as possible in other domains. One could again object that this criticism is unfair, as they were 'born' into that structure and had no other instruments available. If that is the case, however, a candid acknowledgement of this fact would be in order. For one thing, this acknowledgement might help to enrich the growing debate in both countries about the post-independence process of colonisation of the south. While this debate has so far remained limited to the continental territories, there is no reason why the incorporation of Antarctica into the Argentinian and Chilean maps should not be part of it.

Establishing military settlements

Into the 1940s, and in the face of the increased interest shown by the UK, it became clear for the South American claimants that their actual presence in Antarctica would be necessary to cement their freshly made formal claims. A Chilean author expressed it openly:

If in 1906 the Foreign Affairs Ministry projected an expedition frustrated by the earthquake in Valparaíso, it is hard to understand why, from then until 1947, the Navy did not send at least a ship to see a territory considered ours, what it looked like and what was going on there ... It is good that our country is neither imperialist nor expansionist, but it is not so good to leave a part of its territory at the mercy of others.⁶¹

At the other side of the Andes, President Perón's Antarctic emissary, Hernán Pujato, emphasised 'the need for a permanent occupation of this part of Argentina's territory and wanted to bring women and children to the station [Base San

⁵⁹Huneeus Gana, *Antártida*, 27.

⁶⁰For the moral limits of Antarctic claims based on historic rights, see Mancilla, "The Moral Limits," 339–60.

⁶¹Reyes, *El continente de los hombres solos*, 24–25.

Martín, established in 1951] as a part of a plan for a genuine colonisation. He believed that Argentine children born in Antarctica would be “the greatest titles of our rights”.⁶²

Although it took nearly three decades for Pujato’s dream to become true (the first Antarctic Argentinian, Emilio Marcos Palma, was born in 1978 at Esperanza Base), in the 1940s and early 1950s the Argentinians and Chileans established military outposts across the territory to secure and display possession. In 1942, an Argentinian expedition visited Deception Island. They made an inventory of what was left in its deserted whaling facilities, erected a flagstaff, hoisted their flag, installed a plaque with details of the visit, and a bronze tube with a document inside asserting Argentinian rights over the island.⁶³ They repeated the visit in 1943, with three invited Chilean officers on board – a display of South American unity against British advances. In 1947 and 1948, two new settlements were established: respectively, Destacamento Naval Melchior, and Destacamento Naval Decepción. In 1951, the military base General San Martín was built in the Antarctic Peninsula.⁶⁴

In 1947, the first Chilean Naval Base (creatively named *Sovereignty*), was established in Greenwich Island, in the Southern Shetlands. One year later, the O’Higgins Military Base was built in Puerto Covadonga, to the north of the Peninsula. This base was inaugurated by the first Head of State ever to travel to Antarctica, Chilean President Gabriel González Videla.⁶⁵

The reports coming from these incipient settlements reveal that these men thought of themselves as the avant-garde of the state in inhospitable territory that would eventually be tamed by human will. Lieutenant Hugo Schmidt Prado, who lived a year in Antarctica as head of the O’Higgins Military Base, recalls in his memoirs how Professor Longerich, a scientist who came to visit during the summer expedition, ‘took care of the nursery with Fueguian plants ... He would spread them through the plains thus initiating the biological and acclimatization experiments by the Antarctic Department’.⁶⁶ Apart from the nursery, at O’Higgins there were sheep, hens, and dogs (the latter fed by around 250 seals a year, hunted by the military personnel).⁶⁷ There was a settler colonial impulse to domesticate Antarctica and convert it into something more familiar. If not exactly Lockean, their occupation was as agricultural as it could get, considering their location near 64 degrees South.

Adrian Howkins, who has studied in detail the ‘Antarctic problem’, namely, the conflict between the two South American claimants and the UK, presents these acts as an anti-colonial and anti-imperial response that was part of the ‘wider anticolonial *zeitgeist*’ of the time.⁶⁸ My suggestion, instead, is that Argentina and Chile were fighting the British insofar as they interfered with their own colonialist

⁶²Howkins, *Frozen Empires*, 119.

⁶³Comisión Nacional del Antártico, *Soberanía argentina en La Antártida*, 71.

⁶⁴Capdevila and Comerci, *Historia antártica Argentina*, 109–10.

⁶⁵The competition between Argentina and Chile when it came to displaying their presence in Antarctica did not prevent them from presenting a common front against the British. For a detailed account, see Howkins, *Frozen Empires*.

⁶⁶Schmidt Prado, *¡Base O’Higgins sin novedad!*, 38–39.

⁶⁷Reyes, *El continente de los hombres solos*, 92.

⁶⁸Howkins, *Frozen Empires*, 61.

aims. This is why they did not question the deeper logic either of colonialism or imperialism. As mentioned before, their own tactics to gain control over their continental territories were arguably as brutal as those used by ‘saltwater’ colonisers. In this regard, while disagreeing with E.W. Hunter Christie’s overall diagnosis of the Antarctic problem, I think his interpretation of Argentina’s and Chile’s goal in Antarctica is crude, but accurate. Latin American opinion, he says, is ‘highly unfriendly to Britain over colonial questions, having a vested interest in abolishing British rule in her South American colonies The natural consequence of this interpretation was that the South American republics with British colonial possessions as their neighbours were determined to have their share of the spoil’.⁶⁹ In short: what they were after was not to question the spoil, but to demand a slice of it – just like Malaysia did when raising the Question of Antarctica in the United Nations, in the early 1980s.

The motives of resource colonialism

There has been no lack of lyricism when it comes to underscoring the purported Antarctic destiny of the South American claimants. Already in the 1940s, Pujato ‘believed that the continent offered quasi-mystical possibilities for the regeneration of the Argentine nation’,⁷⁰ while decades later Argentinian ambassador, Alberto Daverede, waxed eloquent that . . .

*[Argentina] is a country with an Antarctic vocation. A vocation is something which has an origin, a genesis, that later becomes embodied in the individual and also in the people, and which necessarily leads to its externalisation A vocation recognizes causes and has objectives. It imposes urgent needs and frustrates those who possess it and cannot manifest it.*⁷¹

Perhaps the most glaring attempt to dress Antarctic interests in noble ideals comes from the controversial Chilean writer, Miguel Serrano. Serrano was ambassador in India between 1953 and 1963, when this country raised the possibility of internationalising Antarctica. In a memoir, he recalls addressing Nehru about this issue, saying:

India has presented again the Antarctic case in the United Nations, which means its internationalisation and, for Chile, the loss of its sacred rights in that mythical world region, logic and natural continuation of my long and narrow homeland. We are a very small country, Your Excellence, compared to the whole continent that is India. And a small country, to survive in this world, has only one thing to preserve: its Honour and the Dream of an Ideal. If we lose that, we have lost everything and anyone can tramp over us. Antarctica for Chile is its Honour, its dream, Your Excellence! You understand. Withdraw India’s motion. Do it for Chile!’ Serrano proceeds: [Nehru’s] smile, which he first only insinuated, was open and beautiful: ‘Ambassador, go in peace and inform your government that India will take into account Chile’s honour and dream.’⁷²

⁶⁹Christie, *The Antarctic Problem*, 296.

⁷⁰Howkins, *Frozen Empires*, 115.

⁷¹Daverede, “Política y actividades antárticas de la República Argentina.”

⁷²Serrano, *Memorias de él y yo*, 239.

Without using the language of hegemony and subalterns, what Serrano is effectively telling Nehru is not to back off because he is wrong, but because his position would affect the interests of Chile – a subaltern country to which India (as another subaltern country) should show solidarity. And he is assuming that it is only by behaving in an expansionist manner that honour and ideals can be preserved.

Behind the veil of nationalist ideals, South American claimants were no different in regarding Antarctica as a treasure trove of resources. Salvador Reyes, one of the civilians invited to chronicle the 1954–55 campaign, is explicit about it: 'Chile must get ready to fulfil its mission during the "Pacific era", where dominion of its Antarctic Territory will be indispensable, because that territory forms with continental Chile one geographic system of perfectly defined strategic and economic importance'.⁷³ At the other side of the Andes, prefacing the book 'Argentinian Sovereignty in Antarctica' (from the National Antarctic Commission), President Perón refers to the 'major Antarctic issue, with the strategic and economic possibilities that it offers'.⁷⁴

Thus, even though the extraction of those resources lay in the faraway future, it was used to justify the colonising effort.⁷⁵

Moving towards decolonisation

Although colonialism has been standardly associated with the subjection of native peoples by foreign powers, its wrongs do not end there, but extend to the logic and attitude of resource colonialism, where land and nature (reduced to 'natural resources') are assumed to be up for grabs by humans. Moreover, although colonialism has been standardly denounced in its 'saltwater' version, it is questionable that colonial attitudes and procedures require an ocean to be triggered; 'adjacent' colonialism suggest just this.

In this article, I have motivated the idea that, just like their 'Northern' counterparts, Argentina and Chile behaved in a colonial manner and utilised colonial procedures to justify their Antarctic claims. Consistent with resource colonialism, economic interests were important drivers of their claims, even when dressed up with an appeal to the mystical. Moreover, consistent with adjacent colonialism (or, to be more precise in this case, 'contiguous' colonialism⁷⁶), both countries emphasised their strategic needs when looking towards the South Pole as a site for expansion. A sustained emphasis on the nationalist and anti-imperialist character of the South American claims to Antarctica has obscured, in my view, the fact that what they were fighting was an extra-continental power from appropriating what they took to be *their* territories. The colonial logic of appropriating and taking, however, was itself never questioned. In sum, while in discourse they might have tried to separate their aims and motivations as much as possible from those of their common contender, the United Kingdom, in practice Argentina and Chile were engaged in the same game: to secure as much land (or rock, water and ice) and natural resources for themselves as possible.

⁷³Reyes, *El Continente de los hombres solos*, 23.

⁷⁴Perón, "La Antártida argentina," 10.

⁷⁵An analogy could be made with the "Northern Vision" proposed in the 1950s by Canadian Prime Minister, John Diefenbaker, when the Northern hinterland was compared to the West of the nineteenth century: the place the incorporation of which would make the country great. I thank Peder Roberts for pointing this out.

⁷⁶If contiguity may be invoked for territories lying over 1000 kilometers apart.

An acknowledgement that their discourse regarding Antarctica was no less problematic than the discourse used to incorporate huge swathes of continental land (via the displacement and systematic killing of people) into their respective states, might be a welcome step forward both at the domestic and the international level. At the domestic level, Chileans and Argentinians are still taught from elementary school that their respective countries own a slice of Antarctica, and they get feisty when the other makes claims that seem to threaten their own – something that has happened repeatedly apropos their respective claims to the continental shelf between South America and Antarctica.⁷⁷ As Carlos Escudé once noted:

In the unlikely event that an Argentine government should ever acquire effective sovereignty rights over a part of this territory (and it is quite impossible for it to acquire the whole of it, if only because the overlap with Chile, whose claim is about as reasonable as Argentina's, makes a compromise inevitable), this achievement will not be perceived as a gain—which it certainly would be—but instead as a loss, and worse than that, by many, a sell-out.⁷⁸

The same could be said for their neighbours, and this will remain the case for as long as they insist that they both have exclusive rights over overlapping territory. If, so far, the Chilean and Argentinian Antarctic territories have been presented as 'natural' continuations of both countries into the South Pole, it is high time to reckon that there is nothing 'natural' about them. Pace Serrano, their agenda has been less about honour and ideals and more about territorial expansion as the end goal. Leaving this agenda behind would take away one source of potential conflict and may even be the first step for a stronger collaboration in Antarctic matters – and maybe even beyond. As mentioned before, such an acknowledgement might also help to understand the histories of appropriation of the south of the American continent and Antarctica as belonging to the same rather than to different logics.⁷⁹

At the international level, 60 years after the Antarctic Treaty's entry into force, an open recognition of the colonial spirit of these original claims could arguably trigger a new era for this international arrangement. As Alan Hemmings has suggested, since it is highly unlikely that the territorial claims in Antarctica will ever be vindicated, it might be better 'to anticipate reality, and have some prospect of influencing the future, than to hold on to obsolete ideas and find oneself overtaken by events'.⁸⁰ In this spirit, Argentina and Chile could become pioneers among 'the original seven', shaking the Antarctic Treaty System after 30 years of relative immobility and stagnation, and giving it renewed force, by encouraging the other claimants to leave the language of sovereignty behind once and for all.⁸¹ Some might point out here that, examined from a *Realpolitik* perspective, what I am suggesting is naïve: in a complex geopolitical scenario where Western consultative parties fear an ambitious China and a revanchist Russia, and where Argentina and Chile are as adamant as any other claimant when it comes to vindicating their rights, what would be

⁷⁷See, for example, <https://cnnespanol.cnn.com/2021/09/02/chile-argentina-plataforma-continental-orix-perspectivas-buenos-aires/> (accessed February 14, 2022).

⁷⁸Escudé, "Argentine Territorial Nationalism," 160.

⁷⁹I leave out the question of whether this should also issue in a greater Indigenous presence in the countries' respective Antarctic politics, as a way of decolonising the continent. There are interesting parallels to be made here with the case of the Māori in New Zealand and their engagement with Antarctica (Wehi et al., "Transforming Antarctic Management"), and how the state has, not unproblematically, "brought" the Māori to Antarctica through place-naming in the Ross Dependency with Māori names (Dodds and Yusoff, "Settlement and Unsettlement").

⁸⁰Hemmings, "Security beyond Claims," 84.

⁸¹Mancilla, "Decolonising Antarctica," 49–61.

the incentives to make such a move? Granting that this is speculative, one answer could be that, confronted with the challenges of climate change and the depletion of marine life, states – maybe pushed by their own civil societies – may finally see the need to shift the focus from the hope of potential economic and political aggrandisement to more cooperation and environmental protection.

More generally, if the twentieth century marked the liberation of some colonial peoples, the twenty-first could thus mark the global liberation from the colonial framework that made possible the appropriation and exploitation of most of the earth's land surface and now also, increasingly, its oceans and seabed. For this to happen, however, it is necessary that those engaged in the game recognise themselves as players rather than victims.

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