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**Critical Literature Review  
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***Title [Possibility of Japanese Antarctica Sovereignty?]***

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Abstract (ca. 200 words):

[Unlike the Arctic, the Antarctica is a 5<sup>th</sup> largest continent and no indigenous people on ice. Therefore the sovereignty issue has been controversial and inevitable among some states. In general, people might recognize that there is no sovereignty in Antarctica but it is actually frozen by the treaty. The main purpose of the Antarctica Treaty was both promoting international scientific cooperation and securing the scientific purpose only. Yet the significant factor is that the Article 4 imposed the concept of frozen territorial sovereignty on Antarctica. My question is what are the reasons to give 7 claimant states to insist their sovereignty in Antarctica? What if the discovery variable supported the sovereignty, how about Japanese historical expedition and their claims?

First, the existence of Japanese territorial sovereignty is important. The 'Treaty of Peace with Japan signed at San Francisco, 1951' exactly illustrated the renunciation of Japanese territory. And the Article II section (e) clearly mentioned that the Japan's renunciation of all claims related to Antarctica. Next, the historical record of first Japanese Antarctica journey is important. The first Japanese Antarctica expedition was led by Lieutenant Shirase Nobu and it was privately supported. There are several books and documents to verify his journey to Antarctica but only few of them illustrated the Japan Antarctica territory.

I will critically review the book 'Open Antarctica'(Kim, 2015) and an article 'One Man's Dream Japan's Antarctic History'(Wouters, 1999) to question about Japanese Antarctica territory comparing with reasons of 7 claimant states and international law]

## **Possibility of Japanese Antarctica Sovereignty?**

### **Introduction**

About 'Heroic age of Antarctica exploration, people might immediately think about the renowned story, which is the competition between Scott expedition and Amundsen expedition toward South Pole. In world history, mostly European history was main stream and unfortunately Asian histories were easily neglected. In the same context, Shirase's expedition was not well known as much as Amundsen and Scott. Actually, Shirase had done his journey to Antarctica in same period time with Scott and Amundsen and he considered them as rivals around the South Pole. It is interesting to compare of three early pathfinders from heroic age. Scott and Amundsen are European and Shirase is Asian. Amundsen successfully conquered the South Pole meanwhile Scott only reached to it but could not come back. How about Shirase's expedition? Because of insufficient fund and time, Shirase already recognized that he could not be the first person to step upon the South Pole. Instead of that, he decided to change his goal to focus on scientific research. Comparing with other Asian from that period of time, his idea was relatively flexible and somewhat adventurous. This essay is consists of three parts. First part would briefly illustrate why and how Shirase would like to be an Antarctic explorer. Second point is explaining two significant aspects to learn from his expedition. Lastly the paper will show the definition of state and sovereignty in general and explain how the discovery and occupation in Antarctica related to the sovereignty. Actually, my essay topic is originated from one question that is there a Japanese claimed territories on Antarctica. Due to San Francisco treaty in 1951, USA recognized that there were Japanese territories in Antarctica and enforced Japan to renounce the interest and right related to

Antarctica. Thus, my chief concern is that Japan could be 8 claimants' states if only there isn't any sentence related Antarctica on the treaty.

### **Childhood of Shirase**

Nobu Shirase was born as the first child of Jerenji temple's Buddhist monk in 1861. Although his family tree was actually originated from the honorable guard Samurai for Shogun, his ancestor, who later, settled down at Konoura in Akita Prefecture as a Buddhist monk. After settlement, his family had continuously taken care of the temple for generations. At that time, it was natural for the eldest son of a monk to follow the same path as his father. However, Shirase did not want to be a monk but pursued to conquer the Arctic pole from the age of eleven. What had influenced him to pursue his dream to conquer the Arctic became his inspiration to be an Antarctica explorer at the end.

According to 'Open Antarctica' (Kim, 2015), Kim illustrated two points which deeply affected Shirase's life from his childhood. One was the natural environment of his hometown and another was his westernized school teacher who inspired him to explore the Arctic. Today, Konoura is the most renowned port city in Akita Prefecture but it was a small isolated fishing village when Shirase was eight years old. According to his autobiography, he vividly illustrated his hometown as a rough and harsh environment that possibly provoked his adventurous spirit. Those quiet seaside, broad plain, and mountains were the perfect places for young people to have an adventure. In 1867, Meiji Restoration had revolutionized all of Japan including his isolated fishing village. The frontier spirit evoked people to develop rural side which facilitated Konoura to develop into a city with a hub port. The gigantic occidental style sailboat excited young generations to wonder about unknown worlds. In his autobiography, Shirase mentioned that the main purpose of adventure is to set his own feet on unmanned or untrodden lands. To leave my footprints on the place was his aim of life. His documents show

the extent to which his passion to explore unknown lands which had never been reached by human beings.

Second aspect was a school teacher who inspired his adventurous spirit. As previously mentioned, he did not want to become a monk after learning about the existence of Arctic pole. When Shirase was eight years old, he attended the private classes which were equivalent to today's elementary school. Peculiarly, his teacher was deeply influenced by the western cultures and taught his students about them. Often he told his students about adventure stories of Christopher Columbus, Ferdinand Magellan and John Franklin who were British Arctic explorers and went missing in 1847 on the Arctic expedition. When Shirase was eleven years old, his teacher taught students about the western states of affairs and as his teacher discussed about the Westerners, it changed Shirase's life completely. His teacher mentioned that Westerners could resist the coldness in the Arctic because of their better physical ability and tolerance. Therefore, to explore the Arctic by Japanese was nearly impossible. Even if Shirase was only eleven years old, he enthusiastically asked his teacher how to be an Arctic explorer. The teacher provided five rules to restrict to obtain.

1. Never drink any types of Alcohol beverage
2. Do not smoke
3. Do not drink hot or warm tea
4. Do not drink hot or warm water
5. Avoid charcoal brazier, old type of heater in Asia.

In 1879, Shirase was eighteen years old and went to Sensoji Temple in Asakusa to be a monk. But his willingness to explore the Arctic made him to quit school and joined the army school to be a noncommissioned officer. Surprisingly he did not join the navy at the end, which could had facilitated his dream to reach the Arctic (Wouters, 1999). However, in 1883, Shirase had a chance to join a navy expedition to Tsushima Islands. In June 1883, he and his

team successfully landed in Northeast Island but unexpectedly stayed there for two winter periods. Three of them died from scurvy and the remaining survivors were rescued on 21<sup>st</sup> August 1995. This expedition was significant for Shirase to have an indirect experience for the future Arctic expedition. In 1909, he was surprised by news that Robert Peary successfully reached the North Pole. Therefore, he altered his goal for the Antarctica.

### **Antarctic expedition of Shirase & its significant points**

In January 1910, Shirase initially presented a petition to request financial support for an Antarctic expedition to Japanese parliament. Indeed, the Lower House approved for 100,000 yen (currently converted into 1.5 million NZD) but later the Upper House reduced the portion to 30,000 yen (about 0.48 million NZD in current value). Despite the insufficient fund, Shirase was excited to initiate his Antarctic expedition. However, as like an idiom saying ‘misfortune never comes singly,’ the government delayed to pay the grant until 1911. Shirase illustrated his lamentation against the apathetic attitude of government in his autobiography. He said that it is meaningless to request financial support from government and the whole conversation with the government officers was like talking to a brick wall. After all, the obvious fact was that he did not get a penny from government. In July 1910 a meeting of supporters was held and those supporters formed an association referred as ‘The Antarctic Expedition Supporters’ (Wouters, 1999). Unlike other European Antarctic explorers, Shirase’s expedition was funded privately through donation. Asahi newspaper, located at Tokyo, advertised the Antarctic expedition fund collection and was able to raise around 5,000 yen (about 75,000 NZD in current value). Some students also held campaigns to collect money and military officers voluntarily provided remaining supplies and food from the Russo-Japanese War (1904-05). Overall, Shirase had to deal with both government and public ridicule but successfully raised 120,000 yen (about 1.75 million NZD in current value).

The money was still insufficient to buy a large ship and to remodel it for the Antarctic expedition. At first, Shirase wanted to borrow a navy vessel but they asked for 100,000 yen for the maintenance fee. Fortunately, Count Okuma, the former Premier of Japan, helped to acquire a small fisherman's sailboat with three-masts which was named as 'Kainan Maru' (Kim, 2015). On 1<sup>st</sup> December 1910, Japan's first Antarctic expedition was started from Tokyo and safely arrived at Port Nicholson, Wellington on 8<sup>th</sup> February, 1911. In Wellington, his team was able to buy some water, vegetables, tinned food, meat and some fuel. After the re-supply from Wellington, Kainan Maru left the port on 11<sup>st</sup> February, 1911. Few weeks later, they reached the 7<sup>th</sup> continent, 'Antarctica.' In 12<sup>th</sup> March 1911, Shirase reached 74°16' but the Antarctica did not allow him to step on her. The frozen Ross Sea made them to return to Sydney, Australia. To raise the additional fund for 2<sup>nd</sup> attempt, Nomura, the captain of the ship, and several crew members returned to Japan. Unexpectedly spending 7 months on Sydney, Shirase decided to change the task of the Antarctic expedition from traverse of Antarctic to a scientific research and exploration at King Edward VII Land (Wouters, 1999). In 10<sup>th</sup> January 1912 his team finally reached to Rose ice shelf and a week later, they were able to find a bay to anchor the ship for a short term and named the place as 'Kainan Bay' located at latitude 78°15'. Also Richard Byrd, USA navy admiral, recorded the Kainan Bay on his journey. On January 20 1912, Shirase started to dash towards the South Pole spending 9 days for traveling about 280 km. His team planted their national flag on the ice and buried their journey into a copper case at latitude 80°05' and named the snow field as 'Yamato Yukihara,' or Japanese snowfield. Even though the vast area of the Rose Ice Shelf was claimed as Japanese territory by Shirase, his claim was never been considered seriously, even by Japanese (Rubin, 1996). Furthermore, Japan officially renounced the interests and rights related to the Antarctica by San Francisco Treaty in 1951 and all the Japanese names of Antarctica territories were vanished.

The result of Shirase's expedition was officially renounced by Japanese government and there were two significant points affected by his Antarctic journey. The cognizance of Westerners towards Asians was modified. In early 1910s, racism and discrimination were common. The Caucasian was considered as a superior race over other races. But Shirase's expedition was successful while the Scott's team failed in the Antarctic expedition. Secondly, his privately supported expedition later inspired some Korean explorers to challenge the Antarctica. As with the case of Shirase's expedition, some Koreans raised fund from public without government financial supports and were later able to reach the Antarctica. In brief, his journey not just surprised Westerners but also provoked other Asian's adventurous spirit to challenge Antarctica.

### **State, Sovereignty, Discovery in Antarctica**

Unlike Arctic, the Antarctica is the 5th largest continent without inhabited human being. Therefore, it is possible to encroach on the territory without resistance. Several states have claimed their sovereignty over Antarctica with various reasons but, not a single state managed to earn a recognition so far. First of all, what is the definition of a state? And what is sovereignty? People commonly used 'The Montevideo Convention on Rights and Duties of States' to define a state. It consists of four requirements of the statehood such as permanent population, territory, governmental institution, and the capacity to deal with other states on international arena (Conte, 2006). Applying such to Antarctica case, none of the seven claimant states (Argentina, Australia, Chile, France, New Zealand, Norway and the United Kingdom) would be matched with those requirements. Second, sovereignty often insists dual meanings such as independent and territorial. Particularly, territorial sovereignty is a concept that within a specific area, the prescription and enforcement of legal rules are vested in the certain government that claims the territory (Joyner, 2005). In terms of territorial sovereignty, Antarctica poses a unique and complex political and legal concerns since it is the least

inhabited area and does not have permanent residents (Bernhardt, 1975). Moreover, *Terra nullius*, the Latin term of “land belonging to no one, indicates the possible condition of territory to acquire. In the early developmental stage for ‘common law,’ the interpretation of *Terra nullius* does not include the land occupied by indigenous people without certain government structure. After application of the International Court of justice system, the meaning of *Terra nullius* is the land truly uninhabited. Thus, the status of Antarctica is perfectly matched to it due to its extremely harsh weather and isolated location. What would be the most common reaction to declare the territory?

Planting a flag has been used as a recognition for temporary inchoate title to the territory. Indeed, the inchoate directly means the beginning or initiation. It is also translated as partial or unfinished stage. Therefore, ‘inchoate title’ can be considered as an entitlement of territory acquisition incompletely. The inchoate title is commonly used in discovery and occupation cases. Yet the discovery alone is impossible to support territorial sovereignty in Antarctica. “Acts of discovery provide a major legal argument for Antarctic claimants – except in the case of Argentina and Chile – and for those countries (the United States and the Soviet Union) which reserve a right to make claims in the future”(Auburn, 1982). Doubtlessly, the discovery and occupation are major factors to be used by Australia, France, New Zealand, Norway and the United Kingdom. Clearly it illustrated the perspective of *terra nullius* into Antarctica.

As previously mentioned, Shirases’ expedition was occurred in 1910 and his team could actually arrive on the ice shelf in 1912. Because of unexpected staying in Sydney, Australia, he altered his task to scientific research on Antarctica and his team successfully collected Antarctic biodiversity, ecology, and climate data. Also Shirase planted Japanese flags on the ice shelf and named some of places in Japanese. Comparing with United Kingdom case, Japan had similar period of scientific research and occupation but didn’t claim

the sovereignty over the Antarctica. It is because of the San Francisco treaty in 1952. Article II is about territorial point and section (e) clearly mentioned that “Japan renounces all claim to any right or title to or interest in connection with any part of the Antarctic area...”(United Nation, 1952). To consider of *terra nullius* perspective and discovery and occupation, Japan could already claim the sovereignty if they didn't sign the San Francisco treaty.

### **Conclusion**

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