



PREMIER 8/666

1947 SOUTH AFRICA

PREM

8

666

G. R.

South Africa



PRIME MINISTER

Below is a minute from the Minister of Defence in reply to your minute at flag 'X' about the transfer of the sovereignty of the Prince Edward Islands to South Africa.

As you know, General Smuts intimated that he is satisfied with views already expressed in ~~un~~official discussions between the Commonwealth Relations Office and South Africa House, and that he does not wish to discuss the matter further. You wished, however, to have a proper reply to your minute to the Minister of Defence.

M.S.

Pr. Jul.

26th November, 1947

our claim to these islands was necessary at present,
Strategic importance

4. The Chiefs of Staff have agreed* that it might be necessary to develop a more southerly air route between South Africa and Australasia, if at any time we were unable to maintain existing or alternative routes across the Indian Ocean.

* Meeting held 25th June under Chairmanship of Dominions Office Representative on Polar Committee.
/ J.P. (47) 42 (Final)

SECRET



MINISTRY OF DEFENCE

PRIME MINISTER

You asked me to look into Field Marshal Smuts' proposal to transfer the sovereignty of the Prince-Edward Islands to South Africa.

2. I attach a report (J.P.(47) 150 (Final)), concurred in by the Chiefs of Staff, examining the military factors.

3. Their conclusion, with which I agree, is that there is no military objection to the proposed transfer of sovereignty. I understand that the Commonwealth Secretary also sees no objection to the proposal.

4. I am sending a copy of this minute and report to the Commonwealth and Foreign Secretaries.

A.V.A.

26th November, 1947.

THIS DOCUMENT IS THE PROPERTY OF HIS BRITANNIC MAJESTY'S GOVERNMENT

The circulation of this paper has been strictly limited.

It is issued for the personal use of Prime Minister

TOP SECRET

Copy No. 43

Circulated for the consideration of the Chiefs of Staff

J.P.(47) 150 (FINAL)

24TH NOVEMBER, 1947.

CHIEFS OF STAFF COMMITTEE

JOINT PLANNING STAFF

PRINCE EDWARD ISLANDS - STRATEGIC IMPORTANCE

Report by the Joint Planning Staff

In anticipation of instructions we have examined the strategic importance of the Prince Edward Islands in connection with a proposal by Field Marshal Smuts that the sovereignty of these Islands should be transferred to South Africa.

2. We understand that Field Marshal Smuts has intimated that he would like to discuss this question with the Prime Minister. Accordingly, the Prime Minister has invited the Minister of Defence to obtain the views of the Chiefs of Staff from the strategic angle.

Background

3. The two islands of the Prince Edward Group (Marion and Prince Edward) lie some 1200 miles south-east of Capetown and some 3500 miles south-west of Freemantle. The islands were discovered in the late eighteenth century and have never been formally annexed to the United Kingdom, although licences were issued in 1908 and 1926 by the United Kingdom Government, the latter licence being terminated in 1934.

There appears to be some doubt whether H.M. Government possessed a good title to the islands prior to 1934. At a recent meeting* in the Commonwealth Relations Office, however, it was decided that no action to reassert our claim to these islands was necessary at present.

Strategic importance

4. The Chiefs of Staff have agreed[✓] that it might be necessary to develop a more southerly air route between South Africa and Australasia, if at any time we were unable to maintain existing or alternative routes across the Indian Ocean.

* Meeting held 25th June under Chairmanship of Dominions Office Representative on Polar Committee.

5. In such circumstances the Prince Edward Islands and Heard Island might assume strategic value.

6. In connection with the above, the Air Ministry has recently examined the possibility of making use of the islands as staging posts on this route.

They concluded that although the Prince Edward Islands were well situated for such a purpose, they possess many disadvantages. These were :-

- (a) Suitable sites for the construction of air strips are problematical.
- (b) The landing and transport of equipment would be difficult.
- (c) The weather which is bad along the whole route presents a major hazard.
- (d) Although the provision of a meteorological station and navigational aids might reduce this risk the setting up and maintenance of either would be difficult, though not impossible.

7. We have no naval requirements in these Islands except insofar as assistance may be required by the air authorities in maintaining facilities therein.

"8. However, owing to their proximity to South Africa and to our ocean trade routes between South Africa and Australia, we would not wish these Islands to fall into the hands of a potentially hostile power."

Transfer of sovereignty

9. Although in spite of its defects the southerly air route might in the future be valuable as an alternative to more northerly lines of communication, it would only be of value to us provided we had the co-operation of the South African Union. Moreover, the comparative proximity of the Islands to South Africa gives the latter a definite strategic interest in them. Since, therefore, the Islands are of no strategic value to us without the co-operation of the Union but have an inherent value to South Africa, we should have no military objection to the transfer of the Prince Edward Islands to the Union of South Africa.

Recommendation

10. We recommend that a copy of this paper be sent to the Minister of Defence as an expression of the views of the Chiefs of Staff.

(Signed) J.F. STEVENS.
J.H.N. POETT.
G.H. MILLS.

Ministry of Defence, S.W. 1.

24TH NOVEMBER, 1947.



Commonwealth Relations Office,
Downing Street, S.W.1.

Secret.

25th November, 1947.

Prime Minister

25.11.47

My dear Pumphrey,

You will remember sending me, on the 21st November, a copy of your letter to Henniker, on the subject of the Prince Edward Islands.

This question has been discussed with General Smuts, and I understand that he is satisfied with ~~his~~ ^{the} recent letter from the Polar Committee, copy of which I enclose, and that he will not wish to discuss the matter further.

I am sending copies of this letter to Henniker, D. M. Smith, and ~~Wilson~~ R. Wood.

Yours sincerely,

Fr Cunningham Bruce

J. L. Pumphrey, Esq.

*M Wood sending a letter
not today. Jul 26/47*

*I shall like
page 179 to my
mind for the
minded defence
25.11.47*

2876/10.

Commonwealth Relations Office,

SECRET IMMEDIATE
BY HAND

Downing Street,

21st November, 1947.

My dear Hewitson,

Would you please refer to your letter No.19/88/2 of the 21st August about the Prince Edward Islands? I am sorry that our reply to the points which you raised should have been so long delayed.

We were most interested to learn of the consideration which the Union Departments concerned are giving to these Islands, and we hope that we may be kept as closely informed as possible of the outcome of their examination of the problems involved.

The result of our own interdepartmental discussions here is briefly that we should see no objection in principle to the transfer of the Prince Edward Islands to South Africa (or of Heard Island and with it the McDonald Islands to Australia) As regards the present Title to the Prince Edward Islands, we have consulted our Legal Adviser and, for your secret information, his views may be summarised as follows:-

(a) Occupation as a means of obtaining Title to a territory consists of two elements (a) an intention to exercise sovereignty (animus; and (b) actual occupation(Factum).

(b) The evidence of animus is very thin. The mere granting of licences is by itself of little value. The Islands appear not to have been formally annexed to His Majesty's Dominions, nor it seems is there anything before 1926 upon which we could rely to establish factum. Any advantage which we might have obtained from the settlement established in 1909 in the Prince Edward Islands would appear to have been lost by the warning to the South Sealing Company that their operations would be carried out entirely at their own risk. The result appears to be that any occupation of the Islands would be regarded as a private venture and not on behalf of the Crown.

(c) The strongest claim would, seem to rest on the Leases granted in 1936 by the United Kingdom Government and subsequent occupation by the Lessees. Recent authorities, however, require, to establish the necessary factum, not only actual occupation, but something in the nature of administration. The Leases may have contained some provision authorising the Company to perform acts of administration. Even so, however, mere occupation for 4 years (up to 1930) by a Lessee Company under a Lease terminated at the request of the Lessees in 1934 and not followed by any further display of sovereignty would not be likely to impress the International Court.

(d) It is necessary to add that if we could establish

G. Hewitson, Esq.,
Africa House

/.....

a claim to Title by occupation there does not appear to be any sufficient evidence of intention to give up our sovereignty to support the claim that we have abandoned the Islands, though the cancellation of the lease in 1934 might be quoted against us.

So far as the actual occupation of the Prince Edward Islands by the South African Government is concerned, if this were proposed, all that would seem necessary in the first place would be for the South African Government to establish a Title to the Islands by effective occupation. Any action on these lines could perhaps be supported as perfecting the inchoate or doubtful title already vested in His Majesty as a result of the previous action referred to in paragraph 3 (c) above.

I hope that this information will be of assistance to your Government. If, however, there are any further points on which you require guidance from us we should naturally be only too happy to give you what further assistance we can.

I am writing on similar lines to Heydon at Australia House regarding Heard Island and the McDonald Islands.

Yours sincerely,

(Sgd) John Chadwick.



MINISTRY OF DEFENCE,
GREAT GEORGE STREET,
S.W.1

Tel. No. : Whitehall 7000

24th November, 1947

Dear Pumphrey,

With reference to the Prime Minister's minute of 19th November about Prince Edward Island, I think I should let you know that I heard on Saturday from the Commonwealth Relations Office that they had recently sent to the High Commissioner for South Africa a full statement of H.M.G.'s view in regard to the sovereignty of these islands. The High Commissioner has indicated, I gather, that in view of this statement it is unlikely that Field Marshal Smuts will, in fact, raise the question.

If the Field Marshal should in fact raise the question with the Prime Minister, it is, I am advised, safe to say, from the defence point of view, that we have no strong views on this question of sovereignty. The essential point is that the islands should be under Commonwealth control, and, as South

H.L. Pumphrey, Esq.

Africa has obviously a more immediate interest in the islands than the U.K., we should be well content if they took steps to establish sovereignty over the islands.

I have sent a copy of this letter to Edmonds and Cumming-Bruce.

Yours sincerely,

Richard F. Stone

B.F. 25.11.47

B7F 24/11

South Africa

AE

Mr. Pumphrey

21st November, 1947.

Is it too soon
to expect a reply to the
Prime Minister's Personal
Minute, A.400/47, please?

copy of a minute which the
addressed to the Minister
subject of the Prince

Bf. Tues. p.m.

24/11/47

Minister thinks that the
the Secretary of State
for Commonwealth Relations and the Colonial
Secretary may wish to consider the point
raised by General Smuts, in consultation
with the Minister of Defence.

✓ I am sending a copy of this letter
✓ and of its enclosure to Cumming-Bruce and
D.M. Smith.

Yours ever

Laurie Pumphrey.

J.P.E.C. Henniker, Esq., M.C.,
Foreign Office.

orb

871- 24/11

Stk. office

JE

21st November, 1947.

My dear John

... ✓ I enclose a copy of a minute which the Prime Minister has addressed to the Minister of Defence on the subject of the Prince Edward Islands.

The Prime Minister thinks that the Foreign Secretary, the Secretary of State for Commonwealth Relations and the Colonial Secretary may wish to consider the point raised by General Smuts, in consultation with the Minister of Defence.

✓ I am sending a copy of this letter
✓ and of its enclosure to Cumming-Bruce and D.M. Smith.

Yours ever

Laurie Pumphrey.

J.P.E.C. Henniker, Esq., M.C.,
Foreign Office.

orl

CNF

PRIME MINISTER

Field Marshal Smuts' s point about the Prince Edward Islands seems to raise the question of sovereignty as well as strategy. I wonder whether you would like to send copies of your Minute to the Minister of Defence to the Secretary of State for Commonwealth Relations and the Colonial Secretary, and perhaps also to the Foreign Secretary?

Yes ah 3
J.P.

CNF

20x147

20th November, 1947.

B. F. 22.1147.

South Africa

19th November, 1947

PRIME MINISTER'S
PERSONAL MINUTE

TOP SECRET

SERIAL No. M. 400/47

MINISTER OF DEFENCE

In course of conversation with Field Marshal Smuts this evening, he mentioned a matter which he would like to discuss.

The Prince Edward Island group of islands which lie some 800 miles south east of the Cape are unoccupied, but are he thinks, claimed by us. He would like South Africa to take them over as he thinks that they would be useful as an air station on the route from South Africa to Australia, while if they were in other hands they are in dangerous proximity to South Africa.

Will you, please, look into this with a view to meeting the Field Marshal one day next week.

CRA

HC

19th November, 1947