

CHAPTER XI

THE AUSTRALIAN ANTARCTIC TERRITORY AND
ADÉLIE LAND

DISCOVERY, EXPLORATION AND BRITISH CLAIMS

347. Geographical knowledge of this area was first obtained in 1831, when John Biscoe discovered Enderby Land. In 1833 Peter Kemp discovered Kemp Land, and in 1839 John Balleny sighted an "appearance of land" in what is now called Sabrina Coast. On each of these three occasions only a small portion of land was sighted and the isolated discoveries, which were all British, gave no hint of a continuous continental coastline.

348. In 1840, exploring expeditions of two nations, France and the United States, were engaged simultaneously in this part of the Antarctic. Vessels of the two squadrons, in fact, actually sighted each other, but did not communicate. The French expedition, under Commandant J. S. C. Dumont D'Urville, sighted and named "Adélie Land" on January 20th 1840.* D'Urville had no suspicion of the enormous extent of the Antarctic continent. He spent only five days in the locality, but succeeded in charting with reasonable accuracy a stretch of coastline about 120 miles in length, extending from lat. $66^{\circ} 30' S.$, long. $136^{\circ} 30' E.$ to lat. $67^{\circ} S.$, long. $142^{\circ} E.$ A landing was made on a small island on January 22nd and formal possession was taken for France (see p. 158). The United States Expedition, under Lieutenant Charles Wilkes, sighted, or thought it sighted, a long stretch of coast between about longs. $155^{\circ} E.$ and $95^{\circ} E.$, the easternmost portion having been reported on or about January 19th 1840. Wilkes, who made no landing, claimed the discovery of the whole length of this coast, including D'Urville's "Adélie Land," extending for upwards of 1,500 miles. He named this land "The Antarctic Continent," but from 1841 until about 1914 it came to be generally known as "Wilkes Land." It has been urged on many occasions, by American geographers, that as his easternmost discoveries (he ran from east to west) antedated those of D'Urville, the discovery of the Antarctic "continent" should be attributed to him. Doubt has been thrown, however, both by contemporary and later explorers, on the validity of Wilkes' discoveries, and it has been shown in almost every case that what he reported as land was in reality ice or clouds (see Appendix XII, pp. 182-184). Apart from Knox Coast, almost the only part of the land reported by Wilkes which undoubtedly exists is Adélie Land, which he sighted on January 28th, *i.e.*, eight days later than D'Urville.

349. In 1841 Captain James Ross discovered Victoria Land, sighting the Prince Albert Mountains which now form part of the eastern margin of the Australian Antarctic Territory. During the next 60 years no ship penetrated to this area. No new discoveries were made until the German Antarctic Expedition, under Professor E. von Drygalski, sighted and named Kaiser Wilhelm II Land in 1902. The *Gauss* was beset in the pack-ice some miles off shore, but during the winter the German scientists did valuable work on land in the vicinity of Gaussberg. Further east, in Victoria Land, Captain Scott's expedition of 1901-4 discovered the mountains to the west of the Ross Shelf Ice between Mulock and Shackleton Inlets, and a sledge party penetrated inland on to the plateau, to a point some 200 miles within the present Australian boundary. Sir Ernest (then Lieutenant) Shackleton's expedition of 1907-09 extended these discoveries to within 97 miles of the South Pole, and on January 9th 1909 Shackleton took formal possession of King Edward VII Plateau (see p. 159). On January 16th 1909 another party of this expedition reached the South Magnetic Pole area, 100 miles within the Australian boundary, where Professor Edgeworth David formally claimed possession for the British Empire (see p. 159). Captain

* For a discussion of this date see p. 184.

Ice; numerous flights considerably extended knowledge of Marie Byrd Land, and a flight was also made southwards to the Queen Maud Range. The political origin of the expedition led to marked animosity between the members of the two bases. Eventually most of those who were interested in scientific research went to West Base, and those who were interested in politics went to East Base* (paragraphs 277-280).

343. The outbreak of war necessitated heavy curtailment of the original plans. Public criticism of Admiral Byrd found expression when Congress refused to grant the necessary funds to continue the expedition, and both bases were evacuated early in 1941. Congress appropriated funds for preparing the reports of the scientific work for publication. The United States Antarctic Service still exists as an office in the Division of Territories and Island Reserves of the Department of the Interior, but almost the entire staff is now employed on war service elsewhere.

344. In conclusion, it may be noted that there are among United States Antarctic explorers who take an interest in political matters two broad schools of thought in connection with Antarctic claims: (1) Those who wish the United States to acquire as much territory as possible; and (2) those who take the view that the Antarctic, not being susceptible of possession, is not *terra nullius* but, like the oceans, is *res communis*. Therefore no title in favour of any State is good, for none has the adequate basis of effective possession. The entire area is in fact, or should be, essentially international, and its future international character should be clarified in international agreements. Neither of these views have gained more than temporary official support, and the vacillating policy, so conspicuous since 1928, seems likely to continue.

JAPANESE INTERESTS

345. A possible Japanese claim to territory in the Ross Dependency might be based on the activities of the expedition under Lieutenant Choku Shirase in 1911-12. This expedition was unable to reach the South Pole as planned, but in January 1912 a party sledged 160 miles south-eastwards across the Ross Shelf Ice from the Bay of Whales. At the most southerly point reached, lat. 80° 5' S., long. 156° 37' W., they raised a bamboo pole from the top of which the national Sun-flag was flown revolved by a red-painted triangular weather vane of tin. They paraded before the Sun-flag and raised a threefold *Banzai* for the Emperor. The region was named "Yamato Setsugen" (*i.e.*, Yamato Snowplain; Yamato being the poetical name for Japan). On January 23rd 1912 this expedition also made a landing in Biscoe Bay, King Edward VII Land. Two men walked 10 miles inland and erected a memorial board recording the visit. The Eastern Sledge Party of Captain Amundsen's expedition had claimed this area for Norway six weeks earlier (paragraph 298). The Japanese expedition made no new geographical discoveries.

346. Lieutenant Shirase failed to win recognition in Japan until 1939, when there was a considerable revival of Japanese interest in the Antarctic in connection with whaling developments. It was reported that Mr. S. Dokei, a member of the House of Representatives, intended to submit a resolution empowering the Government to assert Japanese sovereignty over the territory explored by Lieutenant Shirase in 1912. It was stated that if Japan did not assert a claim to a portion of Antarctic territory she might be deprived of land bases necessary for the operation of her whaling fleet. In 1933 the Nippon Polar Research Institute had been established at Sito-Shi, Japan, to promote knowledge of the Polar regions, and it appears that this organisation was to be charged with the planning of a new expedition in 1940. No further details are available. The expedition does not appear to have sailed.

Ivar Hamre :
Geog. Journal,
Vol. 82, 1933,
pp. 411-23.

Voce d'Italia,
Dec. 24th-25th
1939.

Japan Times
Weekly,
Nov. 16th 1939.

* Confidential information supplied verbally to the writer by members of both parties.

claim to the Pacific sector. Mr. Cumming said that not all of Admiral Byrd's statements were authoritative, since all but the main objectives of the expedition were still the subject of inter-departmental discussion. He confirmed, however, that the main base would almost certainly be at "Little America," which, as Mr. Cumming seemed a little surprised to find on turning to a map, lies within the Ross Dependency. The second base would probably not be in Palmer Land (*i.e.*, north Graham Land), as stated in the press, but more likely "at the base of the Antarctic Archipelago" (*i.e.*, within the Falkland Islands Dependencies). There might also be a third base between the two, but plans to revisit the area in the Australian Antarctic Territory flown over by Mr. Ellsworth in January 1939 (paragraph 402) had for the present been abandoned.

W 16147/13963/
50 of 1939.

340. On October 2nd 1939 it was reported in the press that "officials of the expedition" had indicated a desire to avoid laying claim to the territory already annexed by New Zealand, and that although the *North Star* (one of the expedition's ships) would go directly to "Little America," a permanent base would be established to the westward (*sic*) of it, between longs. 70° W. and 150° W. In contrast to the hint recorded in paragraph 339, to the effect that the United States might abandon its insistence on occupation as the sole valid basis for a claim, the press reports now suggested that by very reason of the attitude hitherto maintained the expedition had planned a three-to-four-year programme of meteorological studies, which would provide weather information for aeronautical and naval operations in the South Pacific. On the sailing of the *North Star* from Boston early in November, Admiral Byrd was reported in the press as saying that "it is hoped to make this a semi-permanent thing, depending on Congress' wishes. The idea would be to continue settlement on the ice for some years, possibly five or six. The present group would be relieved by others after 13 months." That the United States Government envisaged the necessity for some form of semi-permanent occupation was further indicated on November 10th, by the issue of a *Foreign Relations of the United States* volume for 1924 which contained the text of the doctrine laid down by Mr. Hughes with regard to the validity of polar claims (paragraph 517). At this time it was also announced that the expedition would bear the name "United States Antarctic Service," a title which carried with it the suggestion of continuity.

W 18241/13963/
50 of 1939.

W 18132/13963/
50 ;
W 18868/13963/
50 of 1939.

W 19273/13963/
50 of 1939.

341. After discussion with His Majesty's Governments in New Zealand and Australia and the Governor of the Falkland Islands, Lord Lothian was instructed to send two notes to the State Department (in November and December 1939) offering to afford the expedition all facilities to establish bases in the Ross Dependency and the Falkland Islands Dependencies, if this should be desired. In reply, Mr. Sumner Welles stated in a note of December 7th that "the interest shown by His Majesty's Government in New Zealand in this undertaking is appreciated, but it is not anticipated that Admiral Byrd will have need to call upon the New Zealand authorities for any special facilities beyond those incidental to his visit to Dunedin. Should it become necessary for Admiral Byrd to request facilities which, in the view of the United States Government, necessitate action by the New Zealand or the British authorities, I shall address a further communication to you."

Polar Record,
No. 22, 1941,
pp. 427-49.

342. No further diplomatic exchanges took place, and no further information was received until it was learned, early in 1940, that the expedition had established two bases in the Antarctic, one at "Little America" (West Base) under the leadership of Dr. P. A. Siple, and the other at Neny Fjord in south-west Graham Land (East Base) under the leadership of Mr. R. B. Black. Admiral Byrd accompanied the expedition to the Antarctic, but returned to the United States after some exploratory flights in the Pacific sector (paragraph 432). Two ships were employed, the *Bear* and the *North Star*. The activities of the party at West Base were largely scientific; important research work was carried out on the eastern part of the Ross Shelf

season in which search and rescue would be possible. The *Discovery II* was then carrying out scientific investigations off the coast of Australia, and, at the suggestion of the Commonwealth Government, she was ordered to Melbourne, where two aeroplanes, provided by the Commonwealth Government, were shipped. It was agreed that the Commonwealth, New Zealand and United Kingdom Governments should share equally the other costs of the diversion of the ship from her normal work up to £2,000 each, and that the Commonwealth and United Kingdom Governments would share equally any excess over £6,000. The *Discovery II* reached the Bay of Whales on January 16th. Mr. Ellsworth and Mr. Hollick Kenyon were found there and taken on board. Both expressed their sincere thanks for all that had been done for them, and an official expression of the gratitude of the United States Government was received from the United States Chargé d'Affaires in London. The *Wyatt Earp* arrived three days after the *Discovery II*, but British administration of the Ross Dependency had been effectively emphasised by the action which His Majesty's Governments had taken in fulfilment of their moral responsibility for the safety of visitors to the region. The discoveries made during Mr. Ellsworth's trans-Antarctic flight all lie outside the Ross Dependency (paragraphs 168 and 430).

W 10380/697/50
of 1935.

W 435/270/50
of 1936.

W 2394/270/50
of 1936.

W 541/270/50 ;
W 1067/270/50
of 1936.

338. On April 19th 1939 the *New York Times* announced that the United States Government were considering a proposal to despatch an expedition to the Antarctic to make a survey of lands discovered by American citizens, with a view to deciding which, if any, of these areas should be claimed as permanent possessions. It was also reported that the State Department had been studying the matter for some time, with the ultimate aim of holding an international conference to settle all Antarctic claims. In the following July Congress approved an estimate for \$340,000 "for the purpose of making surveys and investigations of the natural resources of land and sea areas" in the Antarctic. Admiral Byrd was placed in command of the expedition, and was reported to have stated that its purpose was to establish "three permanent bases west of the 180th meridian (*sic*) in order to put the United States' earlier claims to that area beyond any question of international law." He later stated that two bases would be occupied—one at "Little America," and the other "in the vicinity of the western boundary of the Falkland Islands Dependencies," the exact location to be settled on the arrival of the expedition. In the absence of any official statement of plans, however, the American press speculated freely on the significance of the "permanent colonies" which Admiral Byrd had announced would be established in the Antarctic "to maintain United States sovereignty."

W 8476/431/50
of 1939.

W 11049/431/50
of 1939.

e.g. *New York Times*,
July 25th 1939.

339. On July 17th 1939 a member of the staff of the British Embassy called at the State Department and was given such information as could then be considered definite regarding Admiral Byrd's intentions. Mr. Cumming, the official in charge of these matters at the State Department, informed him that while the United States Government had as yet laid no official claims to any part of the Antarctic, neither had they recognised any claims made by other Powers; they considered that, as a result of the previous expeditions of Mr. Lincoln Ellsworth and Admiral Byrd, they possessed certain inchoate rights in the Pacific sector lying between the Ross Dependency and the Falkland Islands Dependencies; it was now intended to make further investigations in that area with a view to deciding whether or not any formal claim should be made to it. Mr. Cumming "half hinted that the United States Government might abandon the attitude which they have hitherto maintained regarding the validity of Antarctic claims in general in the sense that they would no longer insist that the test of actual occupation . . . should be applied to such areas as the Antarctic, which are for practical purposes incapable of permanent settlement." It was, of course, then becoming evident that the maintenance of such a doctrine might render the United States Government virtually incapable of establishing any valid

W 11098/431/50
of 1939.

"In the above circumstances, His Majesty's Government in New Zealand have no objection to the visit of Mr. Anderson. They must, however, place it on record that, had his mission appeared to them to be designed as an assertion of United States sovereignty therein, they would have been compelled to make a protest."

W 1675/697/50
of 1935.

333. The United States Government, in replying on February 7th 1935, noted that His Majesty's Government in New Zealand had no objection to the proposed visit of Mr. Anderson, and said that they considered that no useful purpose would be served by a discussion at that time of the questions raised in the British note. They went on to reaffirm the statement in their note of February 24th 1934, reserving all United States rights in the matter.

L. M. Gould :
Geog. Review,
Vol. 21, No. 2,
1931,
pp. 177-200.

W 1871/23/50
of 1934.
W 3167/697/50
of 1935.

W 4564/697/50
of 1935.

334. It was subsequently reported in the press that all the mail taken by the expedition to the Dependency was, after the cancellation there of the stamps, taken back to the United States and re-posted from there. Apart from a new map of the Queen Maud Range, the most important discoveries made by the expedition lay beyond the eastern limits of the Ross Dependency. Admiral Byrd himself, while in New Zealand, twice assured Lord Bledisloe, the Governor-General, that there could be no question of the expedition claiming any territory within the limits of the Ross Dependency. In a subsequent statement to the press, however, he did foreshadow a claim by the United States to the land discovered by the expedition to the east of long. 150° W.

W 13983/209/50;
W 14052/209/50
of 1933.

335. In the autumn of 1933, Mr. Lincoln Ellsworth, a United States citizen, announced his intention of taking an aeroplane to the Ross Dependency and attempting a flight across the continent to the Weddell Sea. No application for permission to fly over the Ross Dependency or over the Falkland Islands Dependencies was made by the expedition, and no information was available whether the expedition was proceeding under the official auspices of the United States Government. A message of goodwill with an offer of facilities while in the Dependency was sent to Mr. Ellsworth by the New Zealand Government on his departure from New Zealand on December 5th 1933. His Majesty's Ambassador, in his note to the United States Government of January 29th 1934, referred to in paragraph 326, pointed out that His Majesty's Government in New Zealand were not aware whether this expedition was proceeding under the auspices of the United States Government, but, if it were, they would wish to draw attention to the same points in connection with the operation of a wireless station and aeroplane flights as in the case of the Byrd expedition.

336. On arrival at the Ross Shelf Ice, the aeroplane was damaged by ice, so the flight could not be made. Mr. Ellsworth, however, took the aeroplane to north Graham Land in December 1934, hoping to make the same flight in the reverse direction, but owing to adverse conditions, he was unable to do so (paragraph 168). Mr. Ellsworth then decided to try again, and after two false starts, took off, on November 23rd 1935, from Dundee Island in the Falkland Islands Dependencies, in the hope of reaching the Bay of Whales in the Ross Dependency. The aeroplane was piloted by a Canadian pilot, Mr. Hollick Kenyon.

337. For eight hours regular wireless messages were received from the aeroplane by the base ship, the *Wyatt Earp*, but then ceased. The latest reported position of the aeroplane was lat. 75° S., long. 79° W., but it might have reached the Bay of Whales with a damaged transmitting set, though otherwise safe. It had been previously arranged that the *Wyatt Earp** should go from Dundee Island to the Bay of Whales to take off the airmen, but the voyage was expected to take some six weeks, and any delay meant losing the short navigable

* Sir Hubert Wilkins, who was in command of the *Wyatt Earp*, undoubtedly put out premature reports that Mr. Ellsworth was missing.

of Mr. Anderson to Little America "for the purpose of assuming charge of the handling of the mail at that place." The letter went on:—

"It is understood that His Majesty's Government in New Zealand base their claim to sovereignty on discovery of a portion of the region in question. While it is unnecessary to enter into any detailed discussion of the subject at the present time, nevertheless, in order to avoid misapprehension, it is proper for me to say, in the light of long established principles of international law, that I cannot admit that sovereignty accrues from mere discovery unaccompanied by occupancy and use."

331. It appeared undesirable to leave unanswered this definite challenge to British sovereignty in the Ross Dependency on top of the apparent intention to infringe British sovereign rights by the official recognition of a United States post office there. On the other hand, no useful purpose could be served by creating a diplomatic controversy with the United States about claims in the Antarctic, which would almost certainly become public, out of a relatively unimportant incident arising out of postage stamps. Means were therefore considered by which the handling of mail by Mr. Anderson in the Dependency could be reconciled with due recognition of British sovereignty. The alternatives considered were:—

(1) A formal written assurance by the United States Government that Mr. Anderson's visit was not intended as an official exercise of United States postal functions, but was arranged solely for reasons of philatelic interest; (2) the association of the New Zealand post office with the handling of the mail at the base, *e.g.*, by a New Zealand official accompanying Mr. Anderson or by the use of New Zealand stamps besides United States stamps on the mail; (3) an express request from the United States Government for the authorisation of the use in the Dependency of United States stamps. However, before any of these alternatives had been put to the United States Government, the New Zealand Government ascertained that technical difficulties might prevent the proposed use of a cancelling machine at the base; if so, it would be used either on the expedition's ship or even in New Zealand; moreover a somewhat similar procedure was understood to have been adopted by Admiral Byrd's previous expedition in 1928. It therefore seemed preferable to refrain from any objections which events might show to be ill-founded, and, while adhering to the proposal to answer the challenge to British sovereignty in the note of November 14th, to treat Mr. Anderson's visit as devoid of political significance.

332. On December 27th 1934 Sir Ronald Lindsay officially informed the United States Secretary of State, at the instance of His Majesty's Government in New Zealand, that the supposition that the British claim to sovereignty over the Ross Dependency is based on discovery alone, and, moreover, on the discovery of only a portion of the region, was based on a misapprehension of the facts. After reference to the Order in Council of 1923 and the Regulations issued under it in exercise of British title (paragraphs 303 and 305), the note continued:—

"His Majesty's Government in New Zealand recognise the absence of ordinary postal facilities in the Dependency and desire, therefore, to facilitate as far as possible the carriage of mail by United States authorities to and from the Byrd expedition. As regards Mr. Anderson's present mission, they understand that he is carrying letters to which are, or will be, affixed special stamps printed in the United States and that these stamps are to be cancelled and date stamped on board the expedition's vessel. They also understand that these stamps are intended to be commemorative of the Byrd expedition and have been issued as a matter of philatelic interest."

W 10059/23/50
of 1934.

W 10649/23/50
of 1934.

W 1675/697/50
of 1935.

to obtain a licence or formal permission he may have thought it unnecessary to do so on this occasion. His Majesty's Government in New Zealand are indeed willing to regard their offer of facilities as covering now, as on the previous expedition, permission both for the wireless station and for the flights over the Dependency, but they would nevertheless point out that they would have preferred prior application to have been made to the competent authority by or on behalf of the expedition in accordance with the relevant legislation applicable."

327. At the same time Sir Ronald Lindsay was instructed to present this note he was informed that its terms had been carefully drafted so as to place on record the attitude of the New Zealand Government but to avoid the necessity of the United States Government having to reply, and thus to diminish the risk of controversy. He therefore indicated this to the State Department and let it be known that His Majesty's Governments concerned would not be sorry if no answer were made. However, on February 24th 1934, the United States Secretary of State acknowledged the note of January 29th in a note which continued :—

"I desire to assure you that any facilities given to the expedition by the New Zealand authorities are greatly appreciated. It does not seem necessary at this time to enter into a discussion of the interesting questions which are set forth in your note. However, I reserve all rights which the United States or its citizens may have with respect to this matter."

328. Meanwhile, the expedition had sailed from New Zealand, and almost immediately His Majesty's Government were called upon to fulfil their offer of facilities. In February 1934, at the urgent request of Admiral Byrd, *Discovery II* arranged a rendezvous with the *Bear* in the Ross Sea to convey a new doctor and additional stores to the expedition and to take back the original doctor who was ill. Without this assistance the expedition would undoubtedly have been in a serious predicament.

329. On October 27th 1934 the United States Post Office Department officially announced that, in order to provide an even better philatelic service than previously accorded to stamp collectors at the Little America post office, the Postmaster-General had designated Charles F. Anderson, cancellation expert of the Post Office Department, to proceed to Little America on November 7th 1934, the date on which all philatelic mail addressed to the expedition would be despatched from Washington post office. The *Washington Evening Star* of the same date published a long article under the heading, "The most remote P.O. ever established under the U.S. flag will be set up on Antarctic ice at Little America." It seemed desirable to indicate to the United States Government, before Mr. Anderson sailed, that the communiqué had not escaped notice. Sir Ronald Lindsay was therefore authorised unofficially to ask for an explanation, in the light of his note of January 29th, of what appeared to be the official recognition of the establishment of a United States post office in British territory under New Zealand administration. Sir Ronald Lindsay did so on November 7th, observing that the United States authorities were now taking action which might be construed as an assertion of sovereignty and that he did not think that His Majesty's Government in New Zealand could allow this to pass unnoticed. Sir Ronald Lindsay's own impression was that the United States Government, while desirous of avoiding express recognition of the British claim to the Dependency, did not wish to assert United States sovereignty, and that their activities in connection with the special stamp and special post office were only undertaken in the imagined interests of philately.

330. On November 14th 1934 the United States Secretary of State sent a semi-official letter to Sir Ronald Lindsay, referring to his enquiry, and saying that the only action taken by the United States Government since the earlier correspondence was the despatch

W 1437/23/50
of 1934.

W 2424/23/50
of 1934.

W 1478/23/50
of 1934.

W 9861/23/50
of 1934.

W 9871/23/50
of 1934.

W 10253/23/50
of 1934.

contesting British sovereignty over the Ross Dependency, but, on the other hand, neither had recognised it by communicating to His Majesty's Government in New Zealand the plans of the expedition for visiting it, or by asking any permission in connection with the aeroplanes, the wireless station, or the post office. It was therefore decided, both as a matter of courtesy and as a means of again bringing British sovereignty over the Dependency to the notice of the expedition, to send a message of goodwill and an offer of any assistance in the Dependency within the power of the authorities. This was done by the New Zealand Government. The offer of facilities was not made, as in 1928, to the United States Government, because of two complications in connection with the proposed post office at Little America, which there was not time to consider before the expedition left New Zealand.

325. The two complications were: (1) the issue by the United States Government of a special 3 cent postage stamp inscribed "Byrd Antarctic Expedition II" and "U.S. Postage," representing a globe with Admiral Byrd's routes and Little America prominently marked, and (2) the administration of the oath, in the presence of the United States Postmaster-General, to two members of the expedition, before their departure from the United States, to empower them to act as postal officials at the proposed post office. It was thought that, although Admiral Byrd himself might not intend to infringe British territorial rights in the Ross Dependency, the action of the United States Government might infringe it, and, in view of the publicity which the matter had received in the press, that it should not be allowed to pass without comment.

W 14227/209/50
of 1933.

W 13642/209/50
of 1933.

326. Accordingly, on January 29th 1934, His Majesty's Ambassador at Washington addressed a note to the United States Government, at the instance of His Majesty's Government in New Zealand, recalling their offer of all necessary facilities for the Byrd expedition while in the territory under New Zealand administration, and continuing as follows:—

W 2424/23/50
of 1934.

"His Majesty's Government in New Zealand understand that the expedition has the official backing of the United States Government and in these circumstances they feel it necessary to state that their attention has been drawn to articles in certain newspapers reporting that it is intended to establish a post office at Admiral Byrd's base in Ross Dependency and that certain members of the expedition were, before leaving the United States, formally sworn in before the Postmaster-General of the United States with the object of acting as postmasters at this post office. It is also understood that special stamps in connection with the expedition have been issued by the United States Government, and it has been reported that these will be used to frank letters posted at the expedition's base. While His Majesty's Government in New Zealand recognise that some allowance must be made for the absence of ordinary postal facilities in Ross Dependency, they would point out that if a United States post office were to be officially established in the Dependency, or if the United States Government were to sanction the use of United States postage stamps there without permission from the Sovereign Power, such acts could not be regarded otherwise than as infringing British sovereignty and New Zealand administrative rights in the Dependency as well as the laws there in force.

"Although it is understood that the expedition is operating a wireless station in Ross Dependency, no licence for such a station was applied for, and similarly although it is understood that United States aircraft are being imported into the Dependency for the purpose of making flights in or over its territory the competent authorities received no application for permission for such flights. Since on his previous expedition Admiral Byrd established a wireless station at his base and carried aircraft to the Dependency and was not then required

Sea was called, and that American names, such as "Rockefeller" and "Charles Bob" Mountains and "Marie Byrd Land," had been placed on the map, and that the South Pole had been flown over for the first time in the course of a seventeen hours' flight on November 28th 1929, led a considerable part of the American public to regard these territories as theirs. On July 1st 1930 Senator Tydings of Maryland introduced in the Senate the following resolution, which attracted a great deal of publicity:—

W 7147/1/50
of 1930.

"Whereas certain hitherto unknown areas of land in the South Polar region have been discovered and explored by Rear-Admiral Richard E. Byrd;

"Whereas the British Government has notified the Department of State that various areas in the Antarctic, which comprise almost the entire South Polar cap, are claimed as British territory;

"Whereas the regions claimed by Great Britain include two areas originally discovered by American naval officers as early as 1820 and 1840;

"Whereas the Department of State has not defined a policy for the United States regarding the American discoveries and explorations in the Antarctic, but has declared that, 'in the absence of an Act of Congress, it would be reluctant to declare that the United States possessed a right of sovereignty over that territory'; therefore, be it

"Resolved, that the Senate of the United States does hereby authorise and direct the President to lay claim to all areas in the Antarctic which have been discovered or explored by American citizens."

W 7147/1/50
of 1930.

322. On July 2nd 1930 the State Department issued to the press an analysis of the various national claims to sovereignty in the Antarctic, which was, on the whole, quite comprehensive and impartial, and in which the minor expeditions of Palmer and Wilkes compared unfavourably with the work of many British explorers. As regards Rear-Admiral Byrd's discoveries, the following quotation is of interest:—

"Closely associated with the results of the discoveries in their purely physical aspects are political consequences bearing upon the distribution of national interests within the whole Antarctic area. For example, Marie Byrd Land, previously claimed for the United States, but complicated because of the assumption that it was without access except through territory claimed by the British Government, it has been found, as a matter of fact, does possess an independent coastal access outside the British area and east of the 150th meridian."

In regard to Senator Tydings' resolution, the Secretary of State, Mr. Stimson, was reported in the press to have said that he "could not understand Congressmen, who are anxious to abandon the Philippines, which are well peopled and with rich natural resources, turning next minute to push forward a United States claim to barren and unpopulated territory."

W 10948/209/50
of 1933.
Secret E(37) 6
of 1937.

323. In September 1933 Admiral Byrd published his plans for a second Antarctic expedition which would again use his old base at "Little America" in the Ross Dependency. He was reported to have received from President Roosevelt an assurance of the full support of the United States Government. In view of the action taken in connection with the first expedition (paragraphs 315-319), and of the Order in Council of February 7th 1933 asserting British sovereignty over the Australian Antarctic Territory (paragraph 356), it did not seem necessary again to bring British interests in those regions to the notice of the United States Government.

W 12283/209/50
of 1933.
W 12771/209/50
of 1933.

324. The expedition was, however, taking aeroplanes to Little America, and was proposing to operate a wireless station there and, according to some reports, to set up a post office. Neither Admiral Byrd nor the United States Government showed any intention of

Sea and Graham Land and outside the limits of the Ross Dependency. Although it was not known here whether Commander Byrd had official authority to claim territory on behalf of the United States, there appeared no ground for supposing that the limits of the Ross Dependency had not been respected, and there was, therefore, no reason to contest Commander Byrd's claim as reported at that time. On the other hand, Sir E. Shackleton had taken possession of the Central Polar Plateau on behalf of His Majesty in 1909, and it was possible that Commander Byrd's claims might impinge on the plateau and so overlap territory which was considered to be British. It was therefore considered desirable to instruct His Majesty's Ambassador at Washington to acquaint the United States Government with the facts, in the event of their raising the matter.

318. In April 1929 Sir E. Howard reported that the United States press was displaying considerable excitement over a note which the State Department was believed to be about to despatch in reply to the British note of November 17th 1928, which was described as amounting to a British claim to hegemony over the whole Antarctic. According to the press the United States Government intended to claim that all Wilkes Land was American by discovery and to make a counter claim respecting the Falkland Islands Dependencies, in which area lies Graham Land, which was said to have been first discovered by Captain Palmer, "of the United States Navy," in 1820. The State Department was also said to be contemplating suggesting an exchange of the British claim to Wilkes Land for the American claim in the Falkland Islands Dependencies. Sir E. Howard said that he proposed to make no communication to the United States Government until he received the threatened note from the State Department. The note was never received, and reports from Washington justified the inference that there were two parties in the State Department, the first in favour of pushing American claims and the second advocating a more prudent policy. From what has since occurred it appears that the second party was then in the ascendant.

W 3169/98/50
of 1929.

319. On November 15th 1929, the State Department addressed a note to His Majesty's Chargé d'Affaires at Washington expressing regret that, through an oversight, no reply had been made to the British note of November 17th 1928, and conveying the appreciation of the United States Government of the interest of His Majesty's Government in Commander Byrd's expedition. The note went on to say:—

W 11298/98/50
of 1929.

"The reference in the Ambassador's note to the Summary of Proceedings of the Imperial Conference of 1926 containing an account of discussions concerning certain regions of the Antarctic has been noted, but since it is assumed that this was merely brought to the Department's attention for its information, no comment by the Department would seem to be called for at this time."

320. The substance of the British note of November 17th 1928, and of the United States reply, was given to the United States press. The latter generally took the line that the reply of the State Department, whilst deferring the possibility of any controversy, was designed to leave the door open for further discussions. These, it was thought, would be initiated sooner or later in view of possible United States claims to Wilkes and Graham Lands and to the territories discovered by Commander Byrd. The question of the possible application of the Monroe doctrine was also stated to be receiving consideration at the State Department.

W 11330/98/50 ;
W 11852/98/50
of 1929.

321. Meanwhile, news was received from Washington of the great public interest aroused by the reports of Commander Byrd's successful flight to the South Pole. A suitable message of congratulation was sent to the United States Government by the Secretary of State for Air. The fact that the American flag had been hoisted in the Antarctic over "Little America," as the base in the Ross

W 2460/1/50
of 1930.

W 3819/1/50
of 1930.

Plateau, King Edward VII Land and Queen Maud Range, they considered the discoveries of Captain Amundsen's expedition a valid basis for a claim to these areas. In a statement to the Norwegian press at this time, Herr Esmarch, the Secretary-General of the Ministry of Foreign Affairs, is reported to have explained that "the Norwegian Government have made certain reservations with regard to the route followed by Amundsen and his men on the way to and from the South Pole." It thus appears that in 1930, while the Norwegian government did not wish to pursue their claims in the Ross Dependency, public opinion in Norway was sufficiently strong to preclude the Norwegian Government from recognising British or United States claims in this area. The question has not been raised since that time.

UNITED STATES INTERESTS

W 3951/3951/50
of 1928.

314. In April 1928 His Majesty's Ambassador at Washington reported that Commander Richard E. Byrd was planning an expedition which would attempt to reach the South Pole by aeroplane. Sir E. Howard added that there was no indication that the expedition was otherwise than of a purely scientific character. The intention was to sail for the Ross Shelf Ice and to spend up to fifteen months in the Antarctic laying depots towards the South Pole and exploring, probably east of the shelf ice and King Edward VII Land.

W 7966/3951/50
of 1928.

315. Later reports in the United States press indicated that the expedition might lay claim to territories which they discovered. In view of the fact that the reports indicated that most of the exploration work would be done in areas specified in the *Summary of Proceedings* of the Imperial Conference of 1926 (paragraph 93), it was decided to call the attention of the United States Government to the existence of the British rights and interests in the areas in question in much the same way as was done in the case of the *Norvegia* expedition (paragraph 374). A despatch was accordingly addressed on September 4th 1928 to His Majesty's Ambassador at Washington instructing him to call the attention of the United States Government to the Imperial Conference *Summary of Proceedings*, and to state that, if the United States Government so desired, instructions would be issued to the appropriate authorities to afford Commander Byrd every assistance in their power while the expedition was in the Ross Dependency and the Falkland Islands Dependencies.

W 9798/3951/50
of 1928.

316. On October 3rd 1928 His Majesty's Chargé d'Affaires at Washington enquired by telegraph whether it was desired that British interests in the sector between the Ross Sea and the Falkland Islands Dependencies should be brought to the notice of the United States Government as well as the sector in which the Government of the Commonwealth of Australia were interested. He was informed, in reply, that Sir H. Wilkins had been authorised to assert British interests in the former sector by taking formal possession in the name of His Majesty of any land which he might discover (paragraph 102). In view of this and of a report from New Zealand to the effect that Commander Byrd had publicly stated that his intentions were purely scientific, it seemed clearly desirable to make to the United States Government no further communication of a nature which might incite them to give instructions to Commander Byrd to assert United States rights, a proceeding which they had apparently hitherto not contemplated. His Majesty's Ambassador at Washington accordingly addressed a note to the State Department on November 17th 1928, in the sense originally proposed, viz., merely calling their attention to the areas specified in the Imperial Conference *Summary of Proceedings*, and offering Commander Byrd the assistance of the authorities in the Ross Dependency and the Falkland Islands Dependencies.

W 11397/532/50
of 1928.

W 1561/98/50
of 1929.

317. In February 1929 the *New York Times* published a message from the expedition reporting that Commander Byrd had discovered and claimed for the United States new territory between the Ross

Moreover, the "exploration" on which the Norwegian Government base their claim was confined to a short and hurried journey by a party of three men for a distance of about 150 miles from their base and the traversing of about 25 miles of the ice-covered surface of the land in question; the so-called "occupation" was no more than a fortnight's camping, followed by an immediate return to the base, which could not be regarded as occupation in any sense of the word and could not possibly have the effect of overriding the claim of His Majesty's Government based on prior discovery; and, finally, there was no indication in the English translation of Lieutenant Prestrud's narrative that he took possession of the land or had authority from Captain Amundsen to do so.

(c) The Norwegian note presumably did not purport to question the fact that Sir E. Shackleton reached and discovered the South Pole Plateau, traversed the greater part of its extent between the point where he first reached it and the South Pole and took formal possession of the plateau in the name of His Majesty the King. Captain Amundsen's discoveries could not (with the exception of his "appearance of land" in about lat. 81°-82° S.*) be regarded as other than an extension of those made by Sir E. Shackleton, with which from a geographical standpoint they are indissolubly connected. In view of the fact that Sir E. Shackleton had the prior claim, both by discovery and by formal taking of possession, His Majesty's Government were unable to see on what grounds a Norwegian claim could be substantiated.

311. Once more the Norwegian Government waited a long time before pursuing the controversy, and it was not until November 8th 1929 that a reply was received from the Norwegian Minister. The note merely stated that the Norwegian Government, after careful consideration, were obliged to maintain the contentions set out in the Norwegian notes of February 28th 1925 and of May 13th 1927. As regards the statement that the English translation of Lieutenant Prestrud's account did not show that he formally took possession of King Edward VII Land, the Norwegian Government desired to point out that the Norwegian edition of Captain Amundsen's book contained this information (*see p. 160*).

W 10752/98/50
of 1929.

312. The fact that the Norwegian government had waited for two years before replying to the last British note rendered it unnecessary to pursue the controversy immediately. His Majesty's Government accordingly took no further action in the matter, and the question was not raised again during the subsequent discussions with the Norwegian Government relating to Bouvet Island, Peter I Island, the Australian Antarctic Territory and Queen Maud Land. Should any further discussions on the subject be initiated, it is of some interest to note that neither the Norwegian nor the English edition of Captain Amundsen's narrative record that he took formal possession of the Polar Plateau for Norway, and that no evidence on this point has yet been produced except the description of hoisting the Norwegian flag at the South Pole and the name "Kong Haakon VII's Vidde," which was then given to the Polar Plateau (*see p. .*). With regard to the discussions about sovereignty over the Ross Shelf Ice, the researches of the United States expedition of 1939-41 have since greatly increased knowledge of the areas of ice which are afloat or grounded on islands (*see p. 174*).

313. Following the publication of Commander Byrd's statements about American claims in the Antarctic in 1929 (paragraph 317), the Norwegian Government addressed a note to the State Department protesting against any claim which the United States Government might make to the territory around the South Pole as a result of Commander Byrd's explorations. The note also stated that while the Norwegian Government did not lay claim to King Haakon VII

W 1743/23/50
of 1934.

* The existence of this "appearance of land" was disproved by Commander Byrd's expedition of 1928-30.

southern boundary of the Ross Dependency was specified in the Order in Council because the western and eastern boundaries mentioned in the Order meet at a point at the South Pole. In conclusion, His Majesty's Government declined to admit the Norwegian claim based on Captain Amundsen's discoveries, and pointed out that the South Polar plateau had already been determined by Sir Ernest Shackleton, who, in 1909, reached a point on it less than 100 miles from the Pole and took formal possession of the plateau for Great Britain.

W 4425/130/50
of 1927.

309. No reply to this communication was received until May 13th 1927, when the Norwegian Minister stated :—

(a) That his Government took it for granted that the Ross Shelf Ice, which does not rest on land but on water, was not meant to be included in the area defined as the Ross Dependency in the Order in Council of July 30th 1923.

(b) The inclusion of King Edward VII Land in the Ross Dependency was not justified. The fact that Captain Scott sighted part of King Edward VII Land from the sea in 1902 was not a sufficient ground for claiming British sovereignty over this area. The only man who actually visited the territory was Lieutenant Prestrud, of Captain Amundsen's expedition, who made a sledge journey there with some companions and formally took possession of it in the name of the King of Norway on December 8th* 1911.

(c) As regards the conclusion of the British note, the Norwegian Government could not agree that the fact that Sir E. Shackleton reached a point as far south as lat. 88° 23' S. in 1909, and from there determined the plateau on which the South Pole is situated, constituted a basis for claiming British sovereignty to this plateau, which in 1911 was actually reached by Captain Amundsen and formally taken possession of by him on behalf of the King of Norway. The Norwegian Government considered that these facts entitled Norway to claim sovereignty over the South Pole Plateau within the 89th degree of southern latitude; they also considered Norway to have a priority to any claim to the territories on both sides of Captain Amundsen's route to the South Pole, and they would define these territories as embracing a sector from longs. 120° W. to 175° E., south of lat. 85° S.

W 8114/130/50
of 1927.

310. On December 9th 1927, a reply was sent from the Foreign Office to the three points raised in the note as follows :—

(a) According to the available information, there appeared little doubt that at certain points even at the seaward edge the Ross Shelf Ice rests on land which possibly rises above sea-level, and it seems not improbable that the same might be true in respect to other parts of the shelf ice; in any event, the suggestion that the shelf ice was afloat must depend on inference owing to the impossibility of taking soundings through the ice. In general, the British and New Zealand governments considered that in the case of an area of shelf ice which is to all intents and purposes a permanent extension of the land proper, there is good reason for treating it as though it were *terra firma* (see Appendix V, p. 173).

(b) Whilst His Majesty's Government recognised that prior to Lieutenant Prestrud's visit, no one, so far as is known, had set foot on King Edward VII Land, there can be no doubt of the reality of Captain Scott's discovery of that territory nearly ten years earlier and of the accuracy of his charting, which is fully confirmed by Lieutenant Prestrud's own account of his journey. He not only refers to Captain Scott as "our respected precursor," but uses his names and gives to the only actual land which he himself saw the name of "Scotts Nunatakker."

* In reality December 7th, see p. 160.

jurisdiction in Antarctic waters, and in 1929 it became necessary to inform the Norwegian Government that the revised Ross Sea Whaling Regulations were only applicable to operations undertaken in the territorial waters of the Dependency. New Zealand government revenue from whaling licences issued for the Ross Sea and from royalties paid on whale oil between 1926 and 1937 totalled £34,815, but the bulk of this sum was taken before 1932, and nearly half of it in the season 1928-29. It was not until 1929 that any Norwegian company protested against the Regulations. In that year the Rosshavet Company stated that they had been advised that under the terms of the licence granted to them they were under no legal obligation to pay royalties on whale oil which was the product of whales taken outside territorial waters. The company protested that they were experiencing competition from other companies which did not pay any export duty on the oil they produced. In this connection the Crown Law Officer gave his opinion that "it would have been competent for the Crown as a condition of granting a licence to fish in territorial waters to impose a condition that royalty should be payable on the whole of the catch whether in territorial waters or elsewhere; but this was not done."

W 10676/51/50;
W 10925/51/50
of 1929.

W 9883/51/50;
W 10260/51/50
of 1929.

306. It was contended at this time that the Ross Sea Whaling Regulations were invalid, and that they could not be enforced in the courts of New Zealand. No attempt has, in fact, been made to enforce the Regulations, and, in the absence of shore stations within the Dependency, control over pelagic whaling can now only be exercised by international agreement (see Appendix XIV, pp. 188-190). The position with regard to whaling licences and the collection of royalties on whale oil in the Ross Dependency is thus very different from that in the Falkland Islands Dependencies (paragraphs 180-186).

A. H. Chateris:
*Journal
Comparative
Legislation and
International
Law*, 3rd Series,
Vol. XI, Part 4,
1929, pp. 228-32

NORWEGIAN CLAIMS

307. The Order in Council of July 30th 1923 (paragraph 302) evoked no comment from any foreign government except the Norwegian, which enquired in 1925 whether they could assume that:—

W 115/1/50
of 1930.

"(1) Apart from such islands which may be situated within territorial waters of Victoria Land and Edward VII's Land, the annexation is meant to comprise such islands only the existence of which is at present known and which have been discovered by British citizens or by expeditions under the British flag.

"(2) The southern boundaries of the Dependency—of which nothing is said in the Order in Council—and its eastern boundaries south of Edward VII's Land, are meant to be drawn in such a way as not to make the annexation comprise any part of the territory immediately circumjacent to the South Pole, which, as will be known, was taken possession of in the name of the King of Norway by Captain Roald Amundsen in December 1911, under the name of Haakon VII's Plateau, nor to comprise the territories on both sides of Captain Amundsen's route to the South Pole south of the said Edward VII's Land and including, *i.e.*, Queen Maud's Range."

The note added that, though the Norwegian Government did not propose at the time to claim sovereignty over the territory referred to under point 2, they considered that the discovery and annexation referred to constituted a valid basis for a claim of priority to acquire such territories whenever the requirements of international law as to effective occupation of a new territory should have been fulfilled.

308. A reply was sent on November 3rd 1925, that as regards point 1, there was no coast or island known to exist within the Dependency which was not indisputably a British discovery and that, except possibly in the region immediately northward of King Edward VII Land, there seemed to be no likelihood of any fresh discoveries of islands within the limits of the Dependency. As regards point 2, no

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London Gazette,
July 31st, 1923;
*New Zealand
Gazette*,
Aug. 16th, 1923;
*British and
Foreign State
Papers*, 1923,
Part 1, Vol. 117,
1926, pp. 91-92.

for the Government of the area. The licence was issued on December 21st 1922 and the Order in Council on July 30th 1923. The area was named the Ross Dependency, and is described in the Order in Council in the following terms:—

“That part of 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.”

W 11255/8949/
17 of 1924.

It was laid down in the Order in Council that the Governor-General of New Zealand for the time being should be the Governor of the Ross Dependency, and instructions were conveyed, by a despatch of August 9th 1923, to the effect that the Governor of the Ross Dependency should be guided by the advice of the New Zealand Executive Council in the execution of the powers and authorities vested in him by the Order.

W 11056/23/50
of 1934.

*New Zealand
Gazette*
Nov. 15th 1923,
p. 2815.

303. Regulations were accordingly issued on November 14th 1923:—laws and usages in force in New Zealand at that date were extended to the Ross Dependency except in so far as they might be inapplicable to the conditions there; all laws thereafter enacted by the Dominion Legislature, so far as applicable, were to have effect as if enacted for the Dependency; persons might be appointed to ensure the observance of the laws, the peace, order and good government of the Dependency, and to safeguard and preserve His Majesty’s rights and sovereignty over the Dependency. On November 14th 1923 Captain G. S. Hooper was appointed as Administrator of the Dependency, with all the powers exercised in New Zealand by a stipendiary magistrate. Mr. W. W. Stuart was similarly appointed on October 11th 1929.

BRITISH CONTROL OF WHALING IN THE ROSS DEPENDENCY

304. In 1922 the Norwegian Rosshavet Company (Magnus Konow and C. A. Larsen) was granted a five-year licence to operate with two floating factories and ten catchers in the Ross Sea. The first expedition (1923-24) was accompanied by Captain Hooper in his official capacity as Nautical Adviser to the New Zealand Government and Administrator of the Dependency. In 1923-24 Rosshavet’s factory ship *Sir James Clark Ross* made use of Discovery Inlet in the Ross Shelf Ice, since it proved impossible to fense whales alongside in the open sea. In the following season the first factory ship with a slipway was constructed; the rapid development of this technique made anchorages unnecessary, and it does not appear that any of the Ross Sea anchorages have been used by whalers since 1929. A representative of the New Zealand Government again accompanied the fleet in 1926-27, but not, apparently, in any other season. Several new companies operating outside territorial waters in the Ross Sea did so without licences.

*New Zealand
Gazette*,
Nov. 4th 1926,
p. 3139;
Oct. 31st 1929,
p. 2747.
W 11107/51/50
of 1929.
W 1379/1/50
of 1930

305. Whaling in the Dependency is controlled by the Ross Dependency Whaling Regulations of November 1st 1926* ; revised on October 24th 1929. These Regulations required a licence fee for each factory ship operating in the Dependency and also imposed an export duty (royalties) on whale oil. The regulations of both 1926 and 1929 were, of course, only applicable to whaling operations undertaken in the territorial waters of the Dependency, and did not purport to have any application to operations conducted outside territorial waters. During the early stages of pelagic whaling, however, two Norwegian companies still continued to pay royalties on whale oil taken outside territorial waters in the Dependency. It was evident that this was due to uncertainty about the extent of British territorial

* Before November 1926, the laws and usages in force in New Zealand were made applicable to the Ross Dependency—*New Zealand Gazette*, November 15th 1923, p. 2815.

scientific work. On January 9th 1909 Sir Ernest (then Lieutenant) Shackleton took possession of the Polar Plateau (see p. 159). During the same expedition, Professor David renewed the declaration of possession of Victoria Land at Cape Bernacchi on October 17th 1908 (see p. 159). On December 7th 1911 Lieutenant Prestrud, of the Norwegian *Fram* expedition, took possession of King Edward VII Land, which had been discovered, but not landed upon or claimed, by Captain Scott in 1902 (see p. 160). In the same year Captain Amundsen is reported to have taken possession of the area round the South Pole on December 14th (see p. 160). None of these formal acts, either British or Norwegian, had been previously authorised by the Governments concerned.

299. The first government action connected with territorial rights in the Ross Sea area was the issue, by the New Zealand Government, of a special postage stamp for Sir Ernest Shackleton's Expedition of 1907-09. Previous to his departure for the Antarctic Sir Ernest was sworn in as a postmaster before a New Zealand magistrate, and was handed a supply of 1d. New Zealand stamps, over-printed "King Edward VII Land," together with all the necessary date stamps and other equipment required for the proper business of a post office. The expedition had intended to establish its base in King Edward VII Land, but was unable to land there owing to unfavourable ice conditions. The Post Office was therefore opened on board the *Nimrod* "in the territorial waters of King Edward VII Land," off the Ross Shelf Ice near the Bay of Whales, where Captain Amundsen subsequently wintered, and a "branch office" was later opened at the expedition's base at Cape Royds on Ross Island. King Edward VII Land stamps were used for all the expedition's mail, the first batch of letters bearing them being sent home on January 15th, 1908, by the steamer *Koonya*, which had towed the *Nimrod* to the Ross Sea. These were the first postage stamps to be issued for use on the Antarctic continent, and 448 of them were distributed among offices of the International Postal Union. Similar postage stamps overprinted "Victoria Land" were subsequently issued by the New Zealand Government for the use of Captain Scott's expedition of 1910-13, which established a post office at Cape Evans on Ross Island.

A. J. Séfi :
King Edward VII Land, a History of the Special Postage Stamp issued for use in the Antarctic Regions. (London, 1912).

300. In 1911 the Colonial Office received applications for the grant of whaling licences in respect of Wilkes Land, Enderby Island (*sic*), South Victoria Land and the Ross Sea. With the exception of Wilkes Land, to which a French claim had been put forward in 1840 (paragraph 348), no correspondence dealing with the sovereignty of these areas could be traced in the Foreign Office or Admiralty archives. The Colonial Office were therefore informed that it was considered undesirable to issue whaling licences in respect of Wilkes Land, but that there appeared to be no objection to the grant of licences for the other areas mentioned.

F 17834 of 1911.

301. At this time the rapid development of the whaling industry in the Falkland Islands Dependencies led His Majesty's Government to consider the whole question of the future control of Antarctic lands and neighbouring waters, and in 1919 they came to the conclusion that it was desirable to follow a definite and consistent policy which would ultimately include the whole of the Antarctic within the British Empire (paragraph 87). As an immediate step it was proposed to define British control over the Ross Sea coasts, to which His Majesty's Government already possessed an inchoate title by virtue of discovery.

Dominions
No. 78,
Secret of 1921.

302. In June 1922 a Norwegian firm applied for a whaling licence for the Ross Sea. After consultation with His Majesty's Government in New Zealand (the Australian Government being kept informed), it was decided to grant a whaling licence and to issue an Order in Council under the British Settlements Act, 1887, providing

W 11255/8949/
17 of 1924.

SWEDISH INTERESTS

295. Swedish claims in this sector could be based on the explorations of the Swedish Antarctic Expedition of 1902-04, led by Dr. Otto Nordenskjöld. No such claims have at any time been advanced, and they would in any case be disputable, since the work of the expedition was confined to the more detailed scientific exploration and survey of lands previously discovered by Bransfield, Palmer, D'Urville and Ross in the northern part of Graham Land. As already stated in paragraph 291, a possible basis for a Swedish claim may also exist in the discoveries of Captain C. A. Larsen in 1893.

JAPANESE INTERESTS

295A. On November 13th 1940 the Japanese Legation at Santiago presented a "verbal note" to the Chilean Government referring to the Chilean Decree of November 6th, 1940. Japan expressly reserved her rights within the area then claimed by Chile (paragraph 435A). The text of this note constitutes the only evidence that Japan has interests within the Falkland Islands Dependencies. It is possible that the Japanese reservation referred only to the western part of the Chilean claim, which lies in the Pacific Sector.

THE SETTLEMENT OF GERMAN CLAIMS

296. Any German claims that might be based on the discoveries of Eduard Dallmann in the Palmer Archipelago (1873-74) or of W. Filchner at the southern end of the Weddell Sea (1910-12) were renounced under the general terms of Article 118 of the Treaty of Versailles.

CHAPTER X

THE ROSS DEPENDENCY

DISCOVERY, EXPLORATION AND BRITISH CLAIMS

297. The exploration of the Ross Dependency has, for the most part, been carried out by British explorers. The following are the most important expeditions that have contributed to geographical knowledge of this area: *Erebus and Terror*, British (1839-43); *Southern Cross*, British (1898-1900); *Discovery*, British (1901-04); *Nimrod*, British (1907-09); *Fram*, Norwegian (1910-12); *Terra Nova*, British (1910-13); *City of New York* and *Eleanor Bolling*, United States (1928-30); *Bear of Oakland* and *Jacob Ruppert*, United States (1933-35); *North Star* and *Bear*, United States (1939-41). Of these nine expeditions the five British ones were responsible for all that is known of the west coast of the Ross Sea and Ross Shelf Ice as far south as the Beardmore Glacier. The Norwegian *Fram* expedition discovered the Queen Maud Range to the south-east of the Beardmore Glacier, and also made some small additions to the map of King Edward VII Land. The three United States expeditions were responsible for all that is known of the east side of the Ross Shelf Ice (except for the discovery of King Edward VII Land by Captain Scott during the *Discovery* Expedition in 1902), and greatly extended the previous Norwegian surveys of the Queen Maud Range and King Edward VII Land.

298. Sir James Ross landed on Possession Island and took possession of Victoria Land on January 12th 1841 (see p. 158). He also took possession of Franklin Island on January 27th 1841 (see p. 159). The first landing on the mainland was made in 1895, at Cape Adare, by a Norwegian expedition in the *Antarctic* under Leonard Kristensen. This expedition, however, was a commercial enterprise and did not take possession of the land or carry out any survey or

other Portuguese discoveries in the Antarctic, and at no time has the Portuguese Government shown any disposition to make territorial claims there.

NORWEGIAN INTERESTS

291. The only Norwegian discoveries within the Falkland Islands Dependencies were those of Captain C. A. Larsen in December 1893. His discoveries consisted of Svend Foyn and King Oscar II Coasts, Wetter and Robertson Islands, and the Seal Nunataks. The later explorations of Nordenskjöld showed that Larsen's positions, obtained by dead reckoning, were not very accurate, and that the extent of his discoveries was not so great as he imagined. It may, however, be argued that he was the first discoverer of the east coast of Graham Land. On December 4th 1893, Larsen made a landing on Seymour Island, where he hoisted the Norwegian flag, but he made no territorial claims. The nationality to which Larsen's discoveries should be attributed is slightly doubtful. They have here been called Norwegian, on account of Larsen's nationality, but in 1893 the Crowns of Norway and Sweden were still united, and it is not known whether any relevant stipulations were made at the time they were divided in 1905. The *Jason*, Larsen's ship, flew the Norwegian flag, but was owned by the A/S Oceana of Hamburg.

292. When, in 1905, the first Norwegian floating factory, the *Admiralen*, reached Port Stanley, the only possessions claimed by Great Britain in these waters were South Georgia and the Falkland Islands. In the seasons 1905-06 and 1906-07 the Governor of the Falkland Islands demanded royalties on all whales caught from these two centres, but not for operations in the South Shetlands, which, it is alleged, he stated in 1905 were not British possessions. The South Orkneys, South Sandwich Islands and Graham Land were then regarded as *terra nullius*. In 1905 the Norwegian Minister in London enquired at the Foreign Office as to the ownership of the territories in the area between longs. 35° W. and 80° W. and lats. 45° S. and 65° S. (paragraph 128). On May 16th 1906 he was informed that South Georgia, the South Orkneys, the South Shetlands and Graham Land were British territory, and that Norwegian whaling companies should apply to the Governor of the Falkland Islands for any facilities they might desire in those territories. On April 30th 1907 the Norwegian Minister was provided with further information respecting British territorial rights in these waters (paragraph 130). The Norwegian Government did not lodge any protest against the British claim either at this time or in 1908, when the Letters Patent were issued creating the Falkland Islands Dependencies (paragraph 131).

16617
(F 6793/1906).

293. The Norwegian Government has never formally recognised the British title to any of the Falkland Islands Dependencies. However, the repeated applications of Norwegian companies for whaling leases and licences in all of the Dependencies may be regarded as tacit recognition of British sovereignty. It may be noted that when the western boundary of Queen Maud Land was recognised by His Majesty's Government in 1939 (paragraph 415) there was no mention in the correspondence of Norwegian recognition of the co-incident eastern boundary of the Falkland Islands Dependencies.

294. There has undoubtedly been some resentment among Norwegians against the British control which has been exercised over their Antarctic whaling industry, but this has been directed mainly against those regulations which affect pelagic whaling outside territorial waters (paragraph 183). At South Georgia, where the population is so largely Norwegian, the whaling stations are run by the managers on behalf of the companies who own them. Relations between the Norwegians and the British Magistrate and staff have, with a few unimportant exceptions, always been most cordial.

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from the report that it was the intention of the expedition to establish its main base within the boundaries of the Falkland Islands Dependencies, an enquiry was made at Moscow about the truth of this report. The Soviet authorities stated that it should not be taken as being in any way an official announcement, and, further, that if the Soviet Government decided to organise any such expedition and if it were proposed that the expedition should establish its base within the Dependencies of a British Colony, they would not fail to approach His Majesty's Government in the first place with a view to obtaining the necessary permission.

BELGIAN INTERESTS

288. Belgian claims in this sector could be based only on the explorations of the Belgian Antarctic Expedition of 1897-99, led by Lieutenant A. de Gerlache. The work of this expedition was mainly confined to the examination of land which had been discovered previously. The principal discovery of the expedition was the strait now called de Gerlache Strait, separating Anvers and Brabant Islands (previously discovered by Biscoe and Palmer) from the Danco Coast, a part of the mainland of Graham Land not previously explored, but continuous with the portions previously sighted by Biscoe to the southward and by Hoseason, Palmer and Bransfield to the northward. It was reported in 1939 that the Société Royale Belge de Géographie had requested the Belgian Government to base a claim on these discoveries, but it does not appear that any action was taken.

*National
Geographic
Magazine,
Vol. 76, No. 1,
1939, p. 132.*

SPANISH INTERESTS

289. The meridian of partition fixed by the Pope in 1493 between the Spanish and Portuguese possessions, and the subsequent treaty of Tordesillas in 1494, which both specifically extended to the South Pole, gave all lands discovered or to be discovered west of this line to Spain, and those east of it to Portugal. The line was defined as 370 leagues west of the Cape Verde Islands, a meridian whose precise longitude has been the subject of much dispute. Even the most favourable Spanish interpretation of this treaty would exclude South Georgia and the South Sandwich Islands from their sphere of interest, but might perhaps be taken to cover the South Orkneys and the whole Antarctic area to the west. It might perhaps be argued that Spain acquired inchoate rights to South Georgia, by reason of the discovery of that island (then named "Isla de San Pedro") by the Spanish ship *Léon* in 1756. That the *Léon* sighted South Georgia is undisputed, but the island was probably sighted earlier from a Portuguese ship in 1502 and from a British one in 1675. The Shag Rocks, 180 miles west of South Georgia, were discovered in 1790 by Manuel de Oyarvido, who was almost certainly a Spaniard. The only other Spanish expedition to the Antarctic about which information has survived was that of the *San Telmo*, a man-of-war which was wrecked, without survivors, on Livingston Island in the South Shetlands in 1819, and possibly ante-dated the discoveries of William Smith in that year.* Spain has never advanced any territorial claims in the Antarctic, and these matters are only of interest in view of the Argentine claim to inheritance of title from Spain (paragraph 238).

PORTUGUESE INTERESTS

290. There is only very slight basis for Portuguese claims in the Antarctic. Following the Treaty of Tordesillas (paragraph 289), which might subsequently have been used as the basis for a claim to South Georgia and the South Sandwich Islands, there is evidence that South Georgia may have been discovered in 1502 by Amerigo Vespucci, whose ship had been dispatched on a voyage of exploration by King Emmanuel of Portugal. Since that date there have been no

* It is still occasionally asserted, although quite incorrectly, that Dirk Gerritsz discovered the South Shetlands in 1599. His ship did not cross lat. 60° S. There is, however, some evidence that in March 1603 one of his shipmates, Laurens Claesz, was aboard a Spanish vessel which reached 64° S., without sighting any land.

the west coast of Graham Land, and could perhaps be made the basis of a claim to a much wider area including Loubet Land, Fallières Land and the inner islands of the Biscoe Archipelago. Charcot himself never made any formal claims as a result of his discoveries, and always regarded his work in Graham Land as having extended the earlier discoveries of Biscoe. He strongly resented any suggestions that his work should be made the basis of French territorial claims in Graham Land.

283. Joinville Island and D'Urville Island were first sighted and charted by Commandant D'Urville on February 27th 1838, although he considered them to be one land mass. No landing was made upon either island. Any French claim to D'Urville Island is disputable, since the north coast was discovered by Bransfield in March 1820. Bransfield, however, probably did not see any portion of Joinville Island. Astrolabe Island was discovered by Commandant D'Urville on March 1st-2nd 1838. No landing was made. It is unlikely that this island, situated in the centre of operations of the British and American sealers, could have escaped discovery between 1820 and 1838, but no prior account of its discovery appears to have been recorded.

284. No formal claims to any of these areas have been advanced by the French Government. On May 10th 1928 the Counsellor of the French Embassy left at the Foreign Office a despatch from the Quai d'Orsay instructing him to obtain at once the texts under which the British Government had recently annexed to the "Falkland Islands and Dependencies" Louis-Philippe Land, Joinville Island, together with the territories discovered by Dr. Charcot (Loubet, Fallières and Charcot Lands). The despatch added that a decree on the subject was believed to have appeared in the *Falkland Islands Gazette* of December 15th 1923. In reply the Counsellor was merely supplied with a copy of the Letters Patent of March 28th 1917, defining the extent of the Falkland Islands Dependencies, and he was informed that no notice or proclamation on the subject had been published since the publication of the Letters Patent on July 2nd 1917, in the *Falkland Islands Gazette*.

W 4485/532/50
of 1928.

W 4760/532/50
of 1928.

284. On June 9th 1928 the French Ambassador asked in an official note whether His Majesty's Government had annexed the territories mentioned by the Counsellor of the French Embassy a month before. If so, the French Government would be glad to know the date of the annexation and to have the text of the instrument under which the annexation was effected.

W 5540/532/50
of 1928.

285. It appeared that the issue of the Letters Patent in 1917, with all its implications, must have wholly escaped the notice of the French Government. It was considered undesirable to go into the question with the French Ambassador, and he was merely informed, in a note of July 11th 1928, that "Louis-Philippe Land, Joinville Island, Loubet Land, Fallières Land and Charcot Land lie within the area which was defined by Letters Patent issued on March 28th 1917 as constituting the Falkland Islands Dependencies." From the fact that no reply has ever been received to this intimation, it would appear that the French Government were not prepared to dispute the British claim.

W 6428/532/50
of 1928.

SOVIET INTERESTS

286. Russian claims in this sector could be based on the discoveries of Thaddeus von Bellingshausen in 1820-21. This expedition discovered the Traverse group in the South Sandwich Islands, Peter I Island and Alexander I Land. The priority of these discoveries is indisputable, but Bellingshausen himself made no territorial claims and the Russian Government at no time advanced any claims in the Antarctic.

287. In 1938 the attention of His Majesty's Government in the United Kingdom was drawn to a press report from Moscow relating to a proposed Soviet expedition to the Antarctic. As it appeared

W 5784/1084/50
of 1938.

*New York
Herald Tribune,*
May 6th, 1941.

*Christian
Science
Monitor,*
April 16th, 1941.

278. The United States Antarctic Service was recalled early in 1941 when Congress refused to grant the necessary funds to continue the expedition (paragraph 343), and, owing to adverse ice conditions in Marguerite Bay, the Nyen Island base had to be evacuated by air on March 22nd 1941. On the return of the two parties to the United States, Admiral Byrd was reported in the press as having stated that 1,000 miles of new coastline had been charted and that the United States had claims to 1,000,000 square miles of territory. He further stated that the settlement of these claims would be deferred pending conferences with Chile and Argentina, each of which had been represented on the expedition by two naval officers. Admiral Byrd was also reported to have stated that bituminous coal* was available near Deception Bay (*sic*) and that he thought oil* was also there, and he stressed the advantages of establishing a United States naval base on Trinity Peninsula.

279. It was subsequently confirmed that this expedition was largely political in origin, and that it had as a primary object the occupation of territories to which the United States Government might wish to lay claim. Important new discoveries were made (paragraph 171), and territorial "claim sheets" were deposited in at least three localities in south Graham Land, notably at the north end of the Eternity Range, and at two places in King George VI Sound (*see* p. 166). Numerous articles by members of the expedition leave no doubt as to their intentions. A typical example, by a member of "East Base," may be quoted:—

E. T. Clarke :
*Explorers'
Journal*, Vol. 22,
No. 1, 1944,
p. 6.

"Two outstanding purposes were to be accomplished by sending men to occupy several bases along the Antarctic coast. The first of these, proposed by the State Department, was that of simple occupation of the territories in order to justify our claims to land according to the principles enunciated by that Department. We recognise territorial claims only when those lands are occupied; the Antarctic Service was to be established to provide men and material for continuous occupation of the camps. The second aim was to further scientific knowledge . . ."

280. No official intimation of these United States claims within the Falkland Islands Dependencies has yet been made. Moreover, the United States Government has attempted to maintain secrecy in the matter, and even went to the length of trying to take possession of all diaries, scientific journals and photographs of members of the expedition.†

A 1350/480/G
of 1943.

A 10963/480/G
of 1943.

281. Since the United States entered the war every effort has been made, both in this country and in the United States, to postpone disputes relating to the Antarctic. When H.M.S. *Carnarvon Castle* was sent to Deception Island in February 1943 (paragraph 237) the State Department was informed of the movements of the ship and it was explained that, while forced by increasing Argentine encroachments to take this action to assert the British title to the South Shetland Islands, His Majesty's Government had endeavoured to reduce international complications to a minimum. By a War Cabinet decision the State Department was not provided with any further details of subsequent events in the Falkland Islands Dependencies.

FRENCH INTERESTS

282. French claims in this sector could be based on the discoveries of Commandant J. S. C. Dumont D'Urville in 1838 and of Dr. J. B. Charcot in 1904-05 and 1909-10. The only area for which it could be argued that an indisputable French inchoate title exists by reason of discovery is Charcot Land, which was first sighted from the *Pourquoi Pas?* on January 11th 1910. No landing was made. Dr. Charcot's expeditions, however, did valuable work in mapping

* Neither of these statements was correct.

† This order was made after the expedition had left the United States but before they reached the Antarctic. It caused great discontent and is doubtless partly responsible for the leakage of information which has since occurred.

ice and weather conditions, however, Mr. Ellsworth had to abandon his proposed flight across the continent, and only succeeded in making one short reconnaissance flight over north Graham Land. Early in 1935 it appeared probable that his ship, the *Wyatt Earp*, would be beset for the winter in the pack ice. Mr. Ellsworth sent a wireless message asking for assistance from *Discovery II*. This assistance was immediately offered, but conditions improved and the *Wyatt Earp* was able to proceed northwards.

W 1103/697/50
of 1935.

274. On April 30th 1935 the United States Secretary of State, in a note referring to an exchange of notes with His Majesty's Ambassador constituting an agreement about the issue of licences to pilots of civil aircraft, wrote:—

A 7602/112/45
of 1935.

"The schedule of territories attached to your note includes the 'Falkland Islands and Dependencies.' It has come to my notice that the term 'dependencies' as used in this connection is considered by your Government to include South Georgia, the South Sandwich and South Shetland groups, and other islands, and also certain Antarctic territories extending to the South Pole. In the circumstances, I desire to have it made a matter of record that the acceptance by the Government of the United States of the terms of the pilot arrangement, with the Falkland Islands 'and Dependencies' listed in the schedule attached to your note, cannot in any way be implied to have any bearing on the question as to what country or countries may validly claim ownership of or title to the various territories embraced within the term 'dependencies' as used by your Government in this schedule."

No reply was sent to this note.

275. In the autumn of 1935 Mr. Ellsworth decided to make another attempt to fly across the Antarctic. This time he did not communicate with the British authorities before entering the Falkland Islands Dependencies. He took off from Dundee Island (north Graham Land) on November 23rd 1935, and eventually reached the Ross Sea (paragraphs 336-337). In the southern part of Graham Land he sighted much new territory for the first time, including King George VI Sound, but he did not in any way contribute to accurate geographical knowledge and there has since been some dispute as to priority of discoveries in this region (paragraph 168).

276. When it was learned in December 1939 that the United States Antarctic Service planned to establish a second base somewhere in south Graham Land, His Majesty's Ambassador (Lord Lothian) was instructed to send a note to the State Department offering all facilities (paragraph 341). In a reply dated December 26th 1939, an official of the State Department expressed appreciation for this offer and continued: "I desire also to assure you that should the United States Antarctic Service be in need of facilities which, in the view of the Government of the United States, require action by the British Government, I shall of course communicate with the appropriate authorities."

A 2469/2382/2
of 1940.

277. The plans of the United States Antarctic Service remained obscure (paragraphs 339-342), and it was not until May 1940 that information was received in England that "East Base" had been established and the United States flag hoisted on Neny Island in Marguerite Bay on March 3rd 1940. It was then too late to provide the expedition with large-scale unpublished maps or any other information about the area, which was only a few miles from the southern base occupied in 1936-37 by the British Graham Land Expedition. In December 1940 it was decided to instruct His Majesty's Ambassador at Washington to approach the appropriate authority informally and to indicate that His Majesty's Government assumed that no significance was to be attached to the action of hoisting the United States flag. No record that any such informal discussion took place can be traced.

A 4933/2382/2
of 1940.

undertook not to provide such a vessel without first ensuring that the Chilean Government had no ulterior motive, and the British Admiralty Delegation have been requested to inform the Foreign Office before any such action is taken.

AS 5161/5161/9
of 1944

269. In a note dated September 29th 1944, the Chilean Ambassador (Señor Bianchi) drew attention to the British postage stamps which had been issued for the Dependencies of Graham Land and the South Shetland Islands early in 1944 (paragraph 251). He pointed out that these areas were situated within Chilean territorial limits as defined by the Decree of November 6th 1940 (paragraph 260), and added that he had been instructed to place on record that Chile reserved full rights in connection with Graham Land and the South Shetland Islands. In reply, the Ambassador's attention was invited to the terms of the note sent to him on February 25th 1941 (paragraph 261), and a further copy of the Letters Patent of March 28th 1917 was enclosed for convenience of reference.

Diario
Ilustrado,
Feb 21st 1940

270. Finally, it should be noted that Chilean Antarctic claims not only conflict with British and Argentine claims, but also they advance a title to land discovered by Mr. Lincoln Ellsworth outside the boundaries of the Falkland Islands Dependencies and claimed by him for the United States on November 23rd 1935 (Appendix II, p. 165). They also conflict with claims made within the Falkland Islands Dependencies by the United States Antarctic Service in November-December 1940 (Appendix II, p. 166). The attitude of the United States Government to Latin American aspirations in the Antarctic has throughout been one of reserve. It is of interest, in this connection, that when the *North Star* of the United States Antarctic Service sailed for Graham Land in February 1940, she had on board two Chilean and two Argentine naval officers who were invited to participate in the ship's programme, although not to remain with the shore party.

UNITED STATES INTERESTS

W 6266/1365/50
of 1937

271. In 1831 and 1854 the United States Government asserted a claim to certain fishing rights in the region of the South Orkneys, but they have declined to be a party to the controversy with Argentina, and have not invoked the Monroe Doctrine in support of any Antarctic claims. Since 1854 they have not officially reasserted any rights in this area, but they have consistently refused to recognise the British title. In the press and in private publications, however, United States title has been asserted to the South Orkneys, the South Shetlands and Graham Land, based on the explorations and discoveries of American sealers, who were undoubtedly active in these regions between 1820 and 1830 (see Appendix X, pp. 181-182; and Appendix XI, p. 182). The claims of Captain Nathaniel B. Palmer to have discovered Graham Land and the South Orkneys have been, in particular, canvassed with a partisan vigour.

W 9377/23/50
of 1934

272. In 1929 it was reported in the American press that United States claims to Graham Land would be advanced by the State Department in a note to the British Government (paragraph 318). It is evident that at this time such a note was under serious consideration, but it was never sent. Whilst not specifically contesting any British Antarctic claims, the United States Government reserved their own rights, or those of United States citizens, in notes of February 24th 1934 (paragraph 327), November 14th 1934 (paragraph 330), and February 7th 1935 (paragraph 333).

W 7815/23/50
of 1934.

273. In the season 1934-35 Mr. Lincoln Ellsworth attempted to make a flight across the Antarctic continent from Graham Land to the Ross Sea (paragraph 336). Mr. Ellsworth requested permission from the Governor of the Falkland Islands to use a harbour in the South Shetland Islands, and was authorised to do so under Article 27 (2) of the Air Navigation (Colonies, Protectorates and Mandated Territories) Order of 1927. The authorisation was telegraphed to him in a form which clearly indicated that it was issued for a flight over the Dependencies as well as for the use of the harbour. Owing to adverse

study of Antarctic problems and to endeavour in a friendly spirit to reconcile any conflicting points of view.

264. The Argentine reply to the Chilean approach was contained in a note addressed to the Chilean Ambassador at Buenos Aires on November 12th 1940. The note pointed out that Argentina's claims in the Antarctic rested not only upon geographical propinquity but also upon the fact that Argentina was the only country to have uninterruptedly occupied a section of Antarctic territory, by virtue of the maintenance of a meteorological station in the South Orkneys for the last thirty-seven years. It was in order to substantiate these claims and develop her interests in the Polar regions that she had set up a permanent Antarctic Committee in Buenos Aires. As the Argentine Government had recently informed His Majesty's Government, Argentina was ready to uphold her claims at any time before an International Conference. The Argentine view was that the situation created by the existence of several unilateral claims, including the Chilean, to sovereignty over parts of the Antarctic continent could only be dealt with by such a conference. The Argentine Government, therefore, while formulating the necessary reserves to the Chilean declaration, were glad to observe that the Chilean Government were eager to enter into discussions with them, and they willingly accepted this friendly proposal, in the hope that any agreement that they might reach would serve to strengthen the rights of the two countries against all claims by third parties.

La Nación,
Argentina,
Nov. 13th 1940.

265. According to the press, the Argentine attitude caused an excellent impression in Chile, and shortly afterwards an Argentine technical commission (under Señor Isidoro Moreno) did in fact engage in conversations with a Chilean commission (under Professor Julio Escudero) at Santiago (paragraph 228). In March 1941 the press announced that a satisfactory exchange of views had taken place, but it appears that the conversations were then allowed to lapse.

New York Times, March
15th and 27th
1941.

266. In January 1943 two Chilean officers and one civilian were invited by the Argentine Government to accompany the *Primero de Mayo* on her Antarctic voyage (paragraphs 240-241). From the report of this expedition privately made to the Chilean Government by Capitán Córdovez, one of the Chilean officials who accompanied it, it is obvious that Argentine claims have caused considerable anxiety in Chile and that the activities of the *Primero de Mayo* were a source of annoyance. Indeed, Capitán Córdovez was of opinion that Chile should emulate the policy of Antarctic penetration which he conceived Argentina to have adopted, before conversations with her on Antarctic claims should be renewed.

A 1765/25/2 of
1943.

A 8239/25/2 of
1943.

267. On February 8th 1943 Sir C. Orde called on the Chilean Minister for Foreign Affairs with a view to obtaining information about Chilean participation in the *Primero de Mayo* expedition. The Minister deprecated altogether any idea of Chile indulging in joint action with Argentina to press their Antarctic claims. He stated that originally a joint expedition had been suggested by the Argentine authorities, but that the Chilean Government had preferred merely to send observers with the Argentine expedition. The Minister recalled that the Argentine claim to Deception Island (paragraphs 231 and 240) had forced Chile to protest, and added that he felt the rival claims ought to be adjusted after the war. This discussion confirmed the earlier impression that Chile resented the Argentine activities in the Antarctic and that the Chilean Decree of 1940 was designed to give her a *locus standi* for resisting Argentine expansion.

A 1577/25/2 of
1943.

268. In December 1943 the British Admiralty Delegation at Washington reported that Argentina and Chile had agreed to send a joint expedition to the Antarctic in alternate years with relief personnel (presumably for the meteorological station on Laurie Island) and for the purpose of making hydrographic surveys and inspecting lighthouses (*sic*). The Chilean Government had no suitable ship available in 1943 and requested the United States Government to supply one. The United States Government, however,

A 10963/480/G
of 1943.

New York Times, October 4th 1939.

Chilean Decree No. 1747 of Nov. 6th 1940.

A 320/320/9 of 1941.

Julio Escudero, to examine Chilean claims in the Antarctic. Following the deliberations of this Commission, a Presidential Decree of November 6th 1940 declared that :—

“ All lands, islands, islets, reefs of rocks, glaciers (pack-ice), already known, or to be discovered, and their respective territorial waters, in the sector between longitudes 53° and 90° West, constitute the Chilean Antarctic or Chilean Antarctic Territory.”

La Prensa (Argentina), Nov. 7th 1940.

The Chilean Government thus claimed a large area of British territory within the Falkland Islands Dependencies, including the whole of Graham Land and the South Shetland Islands, to which Argentina had also made a claim in July 1939 (paragraph 224). It is to be noted that no northern limit to the area is specified. In justification of this claim the Chilean Press argued that the Spanish conquerors of Chile gave to her undeniable rights to all lands south of the continental territory, that the Andean range submerges in Drake Passage to reappear in Antarctica, and that Chilean territory is the nearest to the Antarctic islands and mainland. It referred also to the activities of Chilean whalers in this area (paragraph 259) and emphasised the supposed existence of huge stocks of coal.* Further details of the Chilean case are given in Appendix IX, p. 178-180.

A 3758/1/51 of 1940.

260A. At the Havana Conference in July 1940 the Chilean delegation added to their signature of the Act of Havana an express reservation of the rights of Chile in Antarctica.

A 320/320/9 of 1941.

261. On November 11th 1940 the Chilean Ambassador in London communicated the text of this Decree to the Foreign Office. Two days later His Majesty's Ambassador in Santiago called on Señor Bianchi, the newly-appointed Chilean Minister for Foreign Affairs, and told him that although he had no instructions he thought it desirable to let him know informally that His Majesty's Government claimed territory which fell within the limits specified in the Chilean Decree. On this occasion Sir C. Orde left as a reminder an extract from the *Colonial Office List* showing the limits of the Falkland Islands Dependencies, and explained that this was not an official statement but merely an indication of British interest in the matter. Señor Bianchi, who seemed ignorant of British claims in the region in question, took these observations in very good part. Subsequently, in a note of February 25th 1941, His Majesty's Government informed the Chilean Government that they could not recognise the Decree of November 6th 1940 as conferring any title on Chile to any parts of Antarctic territory within the boundaries of the Falkland Islands Dependencies. At the same time a copy of the full text of the Letters Patent of March 28th 1917 (paragraph 133) were enclosed for the information of the Chilean Government. This note was acknowledged without comment.

A 5175/320/9 ;
A 6156/320/9
of 1941.

262. A further exchange of notes was caused by a typing error in the text of the Chilean Decree as communicated to the Foreign Office. In this document one of the limits of the Chilean Antarctic Territory was incorrectly given as long. 53° E., instead of long. 53° W. It was not until after a protest had been made on behalf of His Majesty's Government in Australia that it was confirmed that the Chilean Government had no wish to claim any part of the Australian Antarctic Territory or of Queen Maud Land.

*La Prensa ;
La Nación*,
Nov. 8th 1940
and following
days.

A 320/320/9 of 1941.

263. Meanwhile, the publication of the Chilean Decree had raised a violent press campaign in Argentina. According to the Buenos Aires press the Chilean Minister for Foreign Affairs, in handing to the Argentine Chargé d'Affaires at Santiago a memorandum containing the text of the Decree, expressed the hope that the Argentine Government would not hesitate to formulate their own views on the question of sovereignty, and suggested that the two Governments might appoint technical commissions to make a joint

* Presumably a reference to the small stock of imported coal which the Sociedad Ballenera de Magallanes held for some years at Deception Island.

Island (B), South Orkneys (C), Hope Bay (D). During 1945 the shore staff is distributed as follows: Base A, four men; Base B, four men; Base D, thirteen men.

256. In conclusion, it may be noted that an occupation lasting one or two years will definitely not achieve the objects for which this enterprise has been undertaken. In the view of the Foreign Office it is essential to arrange for continuous occupation, summer and winter, or, at least, for a continuous service of occupying parties every summer. To abandon this project after two or three years would only re-open the way for other countries to establish similar rights. At an inter-departmental meeting held in the Colonial Office on February 14th 1945, it was decided that if suitable fresh personnel can be provided to relieve the members of the existing shore parties who are due to return to the United Kingdom at the end of 1945, and if a suitable ship can be made available during the 1945-46 Antarctic summer, the occupation programme will be continued throughout 1946. A sub-committee was appointed to consider the arrangements that will be necessary to carry out this decision. It appears probable, however, that there will be serious difficulty in providing a suitable ship, and that more definite information on this point is unlikely to be forthcoming until June 1945.

AS 5018/258/G
of 1944.

AS 1076/453/G
of 1945.

CHILEAN CLAIMS

257. If a title to Antarctic lands based on geographical proximity and geological connection has the slightest validity, Argentina is not the only South American Power which can invoke it. Argentines may argue that Graham Land is simply a prolongation of the coast of Patagonia, but the fact is undeniable that the most southerly part of Tierra del Fuego and Cape Horn itself are in Chilean, not Argentine hands; and in fact Chilean Antarctic claims conflict in essential particulars with Argentine claims.

La Mañana,
Uruguay,
Nov 9th 1940.

258. In 1906 the Chilean Ministry of Foreign Affairs publicly declared that the delimitation of Chilean territorial limits was the subject of preliminary investigations which had not yet been completed. At that time it was becoming evident that the vague terms of the Chile-Argentina Boundary treaty of 1881 required clarification, especially as regards the delimitation of the boundary in the islands to the south of Tierra del Fuego. In 1907 the Chilean Government offered to sign a complementary treaty which would divide between the two countries "the islands and American Antarctic Continents". Long. 68° W. was to serve as the dividing line. The Argentine Government, however, refused to take any action in the matter (see Appendix VIII, p. 178), and the subject was not raised again until 1939.

Chilean Decree
of Nov. 6th
1940 in
A 320/320/9 of
1941.

AS 586/586/51
of 1945.

259. Apart from the abortive expedition in 1905 of the South Georgia Exploration Company (paragraph 139), the only Chilean expedition to the Antarctic was that of the *Yelcho*, a vessel which was despatched at the expense of the Chilean Government in 1916 to rescue the crew of the *Endurance* from Elephant Island in the South Shetlands. On this occasion the *Yelcho* (Captain Luis Pardo) was commanded by Sir Ernest Shackleton, at whose instance the expedition was organised. In 1907 a licence to take whales in the territorial waters of the South Shetlands and Graham Land for the period of one year was granted to the Sociedad Ballenera de Magallanes, of Punta Arenas. For some years this Chilean company* had one floating factory and three whale catchers working under British licence in the South Shetlands; but these activities ceased after 1913.

Cmd. 657 of
1920.

C.O. Gov.
Dispatch,
No. 67 of 1913.

260. As a result of the increasing interest shown by several countries in Antarctic matters in 1939, the Chilean Government appointed, on September 7th, a Special Commission, under Professor

Chilean Decree
No. 1541 of
Sept. 7th, 1939.

* This company was formed with British capital but operated under the Chilean flag.