

Commonwealth Government. The areas in question are those mentioned in the Summary of Proceedings of the Imperial Conference of 1926, with the exception of the first, which it was contemplated would eventually be included within the Falkland Islands Dependencies. It was thought, however, that to issue letters patent claiming sovereign rights in these areas might only have the effect of drawing the attention of the Government of the United States to them, and might cause that Government to think that the letters had been issued for the express purpose of preventing the expedition from laying claim to any hitherto undiscovered territory. It has been necessary, therefore, to inform the Commonwealth Government that the present moment is not altogether opportune for the issue of letters patent.

"Though there are no grounds on which His Majesty's Governments concerned could object to this proposed aerial expedition to the South Pole, it nevertheless appears advisable to bring the rights and interests of those Governments in the areas which may be explored to the notice of the United States Government, in order to avoid any difficulties which might subsequently arise out of a claim made by the United States Government to the possession of any hitherto undiscovered land lying within the area which the Imperial Conference recommended should be brought ultimately under British sovereignty. Perhaps the most tactful method of doing this will be to make an offer to afford any desired help to the expedition while it is in the Ross Dependency and in the Falkland Islands Dependencies. For your own information, I would explain that no similar offer can be made in respect of the areas described in the preceding paragraph, since in their case, unlike those of the two dependencies just mentioned, which were annexed respectively by an Order in Council dated the 30th July, 1923, and by letters patent dated the 21st July, and modified on the 23rd March, 1917, no formal action by way of annexation has been taken. Notwithstanding that fact, it appears desirable, as already stated, to bring British rights and interests in those areas to the notice of the United States Government, as was done in the case of the Government of Norway in connexion with a recent Norwegian expedition."

48. On the 3rd October 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. In view of this and of a report from New Zealand to the effect that Admiral 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 Admiral 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 the 17th November, 1928, in the sense originally proposed, viz., merely calling their attention to the areas specified in the Imperial Conference Summary of Proceedings, and offering Admiral Byrd the assistance of the authorities in the Ross Dependency and the Falkland Islands Dependencies.

49. In February 1929 the New York "Times" published a message from the Byrd expedition reporting that Admiral Byrd had discovered and claimed for the United States new territory between the Ross Sea and Graham Land and outside the limits of the Ross Sea Dependency. Although it was not known here whether Admiral 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 Sea Dependency had not been respected, and there was, therefore, no reason to contest Admiral Byrd's claim as reported at the 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 Admiral Byrd's claims might impinge on the plateau and so overlap territory which is 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.

(7.) *The United States and the South Orkneys.*

45. In 1831, and again in 1854, the United States asserted their claim to certain fishing rights in these regions. It is unnecessary to go into the history of this old dispute at any length, but the upshot of the correspondence may be summarised as follows:—

(a.) *Fishery Rights.*—The British Government did not admit the United States claim, but they did not press the matter, believing it advisable to enforce the exclusive rights of the British Crown gradually.

(b.) *Sovereignty.*—Since the reoccupation of the islands by Great Britain in 1833, the United States have declined to become a party to the controversy between Great Britain and the Argentine. The United States have claimed no sovereign rights for themselves nor conceded any to any other Power. Nevertheless, in 1911, a United States citizen applied to His Majesty's Government, through the United States Embassy in London, for a licence to seal in the islands, and this fact seems to imply a *de facto* recognition of British rights.

(c.) *Monroe Doctrine.*—The United States Government have refused to apply the Monroe doctrine, invoked by the Argentine Government, to the action of Great Britain in asserting sovereign rights over the islands.

(8.) *Admiral Byrd's Expedition.*

46. In April 1928 His Majesty's Ambassador at Washington reported that Admiral Byrd, the well-known American aviator, was planning an expedition in the following autumn, 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 Sea barrier and to spend from three to fifteen months in the Antarctic laying down bases towards the South Pole and doing exploration work, probably east of the ice barrier and King Edward VII Land.

47. Later reports in the United States press indicated that the Byrd expedition might lay claim to territories which they discovered. In view of the fact that Sir E. Howard's report showed that most of the exploration work would be done in areas specified in the Imperial Conference Summary of Proceedings, it was decided to call the attention of the United States Government to the existence of the British claims in the areas in question in much the same way as was done in the case of the expedition of the "Norvegia" (see paragraph 18). A despatch was accordingly addressed on the 4th September, 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 Admiral Byrd every assistance in their power while the expedition was in the Ross Dependency and the Falkland Islands Dependencies. The despatch contained the following explanatory statement for the information of the Ambassador:—

"The report of the Committee of the Imperial Conference of 1926, which considered the question of British policy in the Antarctic, contains certain recommendations for (i) the extension of the Ross and Falkland Islands Dependencies eastward and westward respectively in such a manner as ultimately to include the whole section lying between the eastern boundary of the Ross Dependency and the western boundary of the Falkland Islands Dependencies; and (ii) the annexation of certain areas lying between the western boundary of the Ross Dependency and the eastern boundary of the Falkland Islands Dependencies. The report advised that this should be done first by despatching expeditions to these areas, and subsequently by issuing letters patent in respect of them.

"While it has so far not been found possible to carry out these recommendations, His Majesty's Government in the Commonwealth of Australia have lately proposed that, notwithstanding the failure hitherto to despatch an expedition, letters patent should be issued annexing certain areas in the Antarctic (which happen to be within the areas which may be explored by the Byrd expedition) and placing them under the administration of the

43. In the meantime, the Argentine Government had maintained the meteorological station, and in 1925 they added a wireless station to their observatory. His Majesty's Ambassador at Buenos Aires was instructed to inform the Argentine Government that they should make application for a licence and call-signal from the Governor of the Falkland Islands, and that a call-signal from the list of groups reserved for members of the British Empire would be allotted to them. In reply, the Argentine Government merely stated that, with regard to wireless stations constructed in Argentine territory, they would act in accordance with the provision of the International Radio-Telegraphic Convention, of which they were signatories. Sir Malcolm Robertson accordingly informed the Argentine Government, on the 14th April, 1926, that, while the precise meaning of their note was not clear, it was not interpreted by His Majesty's Government as an assertion of sovereignty over the islands, which were undoubtedly British on the grounds of discovery and formal taking of possession, and to which no Argentine Government appeared ever to have put forward a claim in any communication to His Majesty's Government. No answer was returned to this note.

44. In 1927 the wireless station began to work without having previously obtained a British licence or call-signal. Sir M. Robertson accordingly drew the attention of the Argentine Government once again, on the 8th September, 1927, to his previous note of the 14th April, 1926, and stated that His Majesty's Government, having heard nothing further on the subject from the Argentine Government, had assumed that their view was shared by the Argentine Government. The attitude of the Argentine Government implied an assumption of Argentine sovereignty over the islands—an assumption which, as the Argentine Government would readily understand, His Majesty's Government could not admit. In these circumstances he had to point out that the present position as regards the wireless station was quite irregular, and to express the hope that the matter might be placed on a proper footing at an early date by an application for a British licence. To this the Argentine Government replied that they could not admit the British position, and that they themselves laid claim to the South Orkneys, apart from other inalienable rights, on the ground of first effective occupation constantly maintained. This note was accompanied by an official memorandum from the Argentine Government suggesting that the negotiations for the exchange of the islands against a Legation site in Buenos Aires should be reopened. Sir M. Robertson urged that the negotiations for the exchange of the islands against a Legation site should be reopened in accordance with the Argentine suggestion. This project was rejected on the grounds: (1) That the whaling industry in the South Orkneys is valuable and ought not to be relinquished, and that, if these islands passed into other hands, they would serve as a base for competitive whalers whose operations would seriously affect the large and profitable whaling industry in the Falkland Islands Dependencies; (2) that any sign of weakness on our part in the South Orkneys would adversely affect our position in the Falkland Islands. The idea of an exchange was accordingly dropped, and it was decided to make no reply to the Argentine Government. Since that date the question has not been broached by either party.

(*Explanatory Note.*)—Continued from previous page.

Unless Sir R. Tower withheld such a vital piece of information, which is hardly imaginable, no objection of this sort was raised at all. A draft convention was submitted by Sir R. Tower, in which the word "cession" was used. The Argentine Government replied with a counter-draft in which they made use, without any comment, of the expression: "S.M. Británica dá por incorporadas al dominio argentino las Islas Orcadas." An amended draft was handed to Dr. Bosch by Sir R. Tower on the 10th January, 1914, and almost immediately afterwards there was a change of Government. In March 1914, in the absence of any reply to his note of the 10th January, His Majesty's Minister asked the new Foreign Secretary whether he might expect an expression of the views of the Argentine Government in this matter. He was informed in reply that "Dr. Plaza (Acting President) had given his opinion that the present was an inauspicious moment to put forward any suggestion entailing expenditure by the Argentine Government, and that he felt that the contemplated purchase of a site for a British Legation in Buenos Aires would prove onerous at a moment when every endeavour was being made towards effecting economies in all the Departments of State." The Foreign Secretary acquiesced, then, in Sir R. Tower's suggestion that perhaps, in the circumstances, it would be preferable to drop the question altogether.

The final paragraph of Sir R. Tower's despatch reporting the above conversation does not support the suggestion made by the Argentine Government in 1928. He says: "Both President Peña and Dr. Bosch were, I believe, genuinely desirous of giving effect to the exchange of courtesies with His Majesty's Government. That generation has passed away and the present Administration shows no favour to anything which will entail expense."

(6.) *The Argentine Claim to the South Orkneys.*

37. The South Orkneys lie some 400 miles south-east of the Falkland Islands, and are included in the Falkland Islands Dependencies created by letters patent in 1908 (see paragraph 1). There are two principal islands, Laurie Island, 26 miles long and between half a mile and 11 miles broad, and Coronation Island, 30 miles long and 11 miles broad. The strategic importance of the group is negligible, but the Falkland Islands Administration derive an increasing revenue from the islands through the grant of whaling licences.

38. The meridian of partition fixed by the Pope in 1494 between the Spanish and Portuguese possessions would place the islands under Portuguese rule, but there is no record of any visit to the islands until 1821, when Captain George Powell, of His Majesty's sloop "Dove," took possession of the islands in the name of King George IV, and carried out a partial survey. He is said to have left a bottle recording the fact of his visit.

39. There is no trace of another visit having been paid to these islands for eighty-two years. In 1903 Dr. Bruce, a British subject and head of a Scottish expedition to the Antarctic, established a meteorological station on Laurie Island. Dr. Bruce left members of his expedition to carry on the work of the station, and during a visit to Buenos Aires he offered the meteorological station to the Argentine Government through Mr. Haggard, the British Minister in Buenos Aires, after a similar offer to this country had been rejected. The Argentine Government accepted the offer, and in July 1904 the Argentine flag replaced the Scottish Lion which the Bruce Expedition had flown, but nothing in the correspondence which passed on that occasion can be construed as a recognition, either express or implied, of Argentine sovereignty over the islands.

40. In 1906 certain administrative acts of the Argentine Government seemed to show that Argentina claimed sovereignty over the islands, and in these circumstances His Majesty's Minister at Buenos Aires was instructed to present a note to affirm that the group was British territory. Similar administrative acts on the part of the Argentine Government led to a reaffirmation of the British title in 1907.

41. In 1908 the Falkland Islands Dependencies were established by letters patent, and a copy of the letters patent was sent to the Argentine Government, who acknowledged its receipt without comment. From this year onwards Great Britain has committed acts of sovereignty by issuing whaling licences and by despatching an administrative officer to the islands during the whaling season.

42. In 1910 a proposal was mooted here to cede the South Orkney Islands to the Argentine without conditions. The proposal was modified in 1911 into a suggestion that the South Orkneys might be ceded in return for the recognition by the Argentine of the British claim to the Falkland Islands. This proposal was opposed by the Colonial Office, who maintained that any offer to cede the South Orkneys might be interpreted by the Argentine as an admission of the weakness of our position in the Falkland Islands. Sir R. Tower, having by then succeeded as His Majesty's Minister at Buenos Aires, suggested in October 1911 that the South Orkneys should be ceded in exchange for a site for a Legation. The Colonial Office eventually agreed to this proposal, and, after making informal enquiries of the Argentine Government as to whether the cession of the islands on the terms would be agreeable to them, Sir R. Tower was instructed to arrange with them an "exchange of courtesies" in the form of a convention, under which the South Orkneys would be ceded to Argentina in return for a suitable site for a British Legation house. In the draft convention provision was made for safeguarding the rights of British subjects interested in the whaling industry. The text of the convention had been agreed upon by His Majesty's Government and the Argentine when, in 1914, a new Argentine Government came into office, who were unwilling to go to the expense which their part of the bargain would have involved. This question was not raised again until 1928.

(Explanatory Note.)

When the Argentine Government in a memorandum of the 15th December, 1927, attempted to reopen these negotiations they implied, without stating in so many words, that the original negotiations had broken down because Dr. Bosch had found it difficult to accept the word "cession" in regard to the South Orkneys, and Sir M. Robertson, in transmitting the memorandum, appears to have accepted this as a true statement of the position without any reference to the early correspondence.

as Peter I Island. Later Sir F. Lindley reported that, according to a reliable informant, the Norwegian Government were unlikely to proceed to further annexations. In the circumstances it was decided that it would be wiser to say nothing for the moment at Oslo.

31. In February 1929 the news was received of the annexation of Peter I Island. The same report stated that the "Norvegia" at the time engaged on searching for Dougherty Island. In view of this information, His Majesty's Minister at Oslo was instructed, on the 8th May, 1929, to take an opportunity of drawing the attention of the Norwegian Government to—

(a.) The circumstances attending the lease of Dougherty Island to Norwegians in 1913.

(b.) The fact that in 1926 M. Christensen, the owner of the "Norvegia," himself applied to His Majesty's Government in the United Kingdom for a whaling licence in respect of Dougherty Island, and that the Norwegian naval attaché in London personally assisted M. Christensen in putting forward his application.

32. Sir F. Lindley carried out these instructions without delay at an interview with the Norwegian Prime Minister. The latter took careful note of what was said to him, but did not go further than to state that Dougherty Island would not be annexed by the Norwegian Government without further communication with His Majesty's Government.

(5.) *The French Government and the Falkland Islands Dependencies.*

33. On the 10th May, 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 in 1904-5 and 1908-10 (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 the 15th December, 1923. In reply the counsellor was merely supplied with a copy of the letters patent of the 28th March, 1917, defining the extent of the Falkland Islands Dependency, and he was informed that no notice or proclamation on the subject had been published since the publication of the letters patent on the 2nd July, 1917, in the Falkland Islands "Gazette."

34. On the 9th June, 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.

35. The facts in regard to the French discoveries are these: As stated in paragraph 1 of this memorandum, the Falkland Islands Dependencies were first established by letters patent in 1908, but the limits of the dependencies were not defined. In 1910 Charcot, a French explorer, discovered land within the area which His Majesty's Government regarded as belonging to the dependencies. So far as is known, Charcot did not claim his discoveries for France at the time, although no British explorer had ever visited the territories which he explored. The letters patent of 1917, defining the limits of the Falkland Islands Dependencies, were intended to make clear our attitude, viz., that we laid claim to all the land lying between certain parallels, even though some of it had never been seen by British explorers. The Falkland Islands "Gazette" was probably not widely read in France, particularly during the war, and so it was that the issue of the letters patent in 1917, with all its implications, must have wholly escaped the notice of the French Government.

36. It was considered undesirable to go into the question with the French Ambassador, and he was merely informed, in a note of the 11th July, 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 the 28th March, 1917, as constituting the Falkland Islands Dependencies." From the fact that no reply has ever been received to this intimation, it would appear that, for the moment at all events, the French Government are not prepared to dispute the British claim.

25. In spite of the distance at which it was surveyed by Bellingshausen, and the unfavourable weather conditions experienced by Charcot, the existence and position of this island may be regarded as quite definitely established. According to Bellingshausen's observations, the island is situated in approximately 69° S, $90\frac{1}{2}^{\circ}$ W. Its coastline is generally precipitous, and with the exception of these cliffs and the higher slopes of the mountain it was observed to be covered with snow. It appears to rise steeply from the ocean-bed, since Charcot obtained a sounding of 765 fathoms, no bottom, less than 3 miles northward of it. No landing has been made on this island and, from the clifty character of its shores, it would seem that such would be difficult to effect. Owing to its inaccessibility and lack of any natural advantages, it appears to be almost inconceivable that it could ever prove of the slightest utility as a whaling station. As regards its ownership, it is believed never to have been formally claimed by any Power. By discovery, it is incontestably Russian.

26. In August 1928 information was received here as to the intentions of the further expedition which the "Norvegia" was about to make in the Antarctic. The general steps taken by His Majesty's Government, in the light of this information, to safeguard British rights are described elsewhere in this memorandum. It suffices to say here that, according to our reports, one of the objects of the expedition was to ascertain if Peter I Island actually existed, and, if so, to plant the Norwegian flag there. In view of the fact that there was no good ground on which a British claim to the island could be put forward, although the island lay within the limits of the extension to the Falkland Islands Dependencies recommended by the Imperial Conference, it was decided to say nothing to the Norwegian Government on the subject.

27. In February 1929 news was received that the "Norvegia" had formally annexed Peter I Island on the 2nd February, 1929. For the reason indicated above it was decided to raise no objection, and on the 8th May, 1929, a despatch was addressed to His Majesty's Minister at Oslo informing him that he was not to volunteer any statement to the Norwegian Government on the subject of the reported official occupation of Peter I Island by the "Norvegia," but that, if the Norwegian Government mentioned the matter, he should reply that His Majesty's Government in the United Kingdom make no claim to the island.

(4.) *Norway and Dougherty Island.*

28. This island, alleged to be situated in 59° S., 119° W., is generally regarded as British by right of discovery, having been reported by Captain Dougherty in 1841. This claim is disputable, however, since, if the island exists (its existence has often been called in question by the failure of explorers to find it and by the fact that soundings of more than 2,000 fathoms have been taken in its vicinity), it is undoubtedly identical with the island reported by the American Captain Swain in 1800 and Captain Macy, also an American, in about 1806. No recorded landing has ever been made upon it.

29. In 1913 His Majesty's Government in the United Kingdom leased the island to two Norwegians for £25 a year, but the licensees did not even attempt to locate the island and the lease terminated in 1920. In 1926 M. Christensen, the owner of the "Norvegia," applied to His Majesty's Government in the United Kingdom for a licence to use the island as a whaling base. The Antarctic Committee of the Imperial Conference of 1926 expressed the opinion that the issue of a licence would constitute a useful assertion of authority in the area, and that it might be desirable that the issue of the licence might be followed by action involving the eastward extension of the Ross Dependency and the westward extension of the Falkland Islands Dependencies. A provisional draft licence was sent to M. Christensen early in 1927 pending the issue of the licence in its final form by the New Zealand Government. M. Christensen asked that the question of the licence should be shelved until he knew the result of an expedition which he was then sending to explore the area, and he did not subsequently bring up the question.

30. As stated above in paragraph 26, we received information in August 1928 of the intentions of the further expedition to be undertaken by the "Norvegia." The report stated that the expedition hoped to find and annex Dougherty Island, as well

satisfaction. As regards the territorial question, whilst the Norwegian Government fully appreciated the special interest of Great Britain, nevertheless they felt that the issues involved should be kept quite distinct from that of Bouvet Island, with which it had no connexion whatever. Lord Cushendun replied that, whilst His Majesty's Government did not wish to establish any direct connexion between the two questions, they felt that, in view of the readiness to relinquish all claims to Bouvet Island, they were entitled to expect, more or less simultaneously, some such assurance as would set their mind at rest on the other matter. The Minister then changed his tactics and developed a new argument. If, he said, there was to be some *quid pro quo* for the renunciation of the British claim to Bouvet Island, such a one existed at the other end of the globe. There were certain regions in the Arctic (*viz.*, the Otto Sverdrup Islands) which were indisputably Norwegian by priority of discovery—discovery much more recent than the British discovery of Bouvet Island—where the Canadian Government were exercising some sort of administrative authority. Lord Cushendun replied that this was a matter quite outside the scope of the present discussion, and that he was confident that the Norwegian Government, on reconsideration, would give the required assurances in regard to the areas mentioned in the Imperial Conference proceedings. The Minister undertook to consult further with his Government and promised to resume the discussion at a later date.

23. On the 15th November, 1928, the Norwegian Minister called once more on Sir R. Lindsay and read two memoranda. The first was to the effect that the Norwegian Government would always be glad to discuss with His Majesty's Government questions of common interest such as the protection of whales and seals in Polar regions, and in this matter they sincerely desired to meet the wishes of His Majesty's Government as far as possible. The second memorandum was in the following terms:—

“The Norwegian Government have not sufficient knowledge of the basis upon which are founded the British claims to each one of the territories which the last Imperial Conference asserted to be British. The Norwegian Government, however, are prepared to express their willingness to refrain from occupying any land within these territories.”

Sir R. Lindsay then informed the Minister that His Majesty's Government withdrew all claim to Bouvet Island and would raise no objection to its annexation by the Norwegian Government. No more formal notification was ever made to the Norwegian Government of the renunciation of the British claim to Bouvet Island, but the decision of His Majesty's Government was made public in the form of answers to questions in Parliament. The substance of the two memoranda read by the Norwegian Minister at his last interview was not made public either in this country or in Norway.

On the 14th January, 1930, a Bill was introduced into the Norwegian Parliament proposing that Norwegian municipal law, criminal law and laws on judicial procedure should be applied to the new Norwegian possessions of Bouvet and Jan Mayen (Arctic) Islands. This law was adopted unanimously on the 14th February and received Royal assent on the 27th February, Jan Mayen Island becoming under the terms of the law an integral part of the Kingdom of Norway and therefore inalienable, while Bouvet Island was to be considered as a Norwegian “possession” only and therefore not untransferable.

(3.) *The Norwegian Claim to Peter I Island.*

24. This island was discovered by the Russian Antarctic Expedition under Captain F. G. von Bellingshausen on the 21st January, 1821. He had it in sight for two days, but was unable to approach nearer to it than about 20 miles on account of extensive pack-ice. In 1898 the “*Belgica*,” of the Belgian Antarctic Expedition, under De Garlache, passed, while locked in the pack-ice and drifting, about 90 miles southward of the island, thus showing that it could not form part of the Antarctic Continent. Bellingshausen had not circumnavigated it, but passed to the northward, running from west to east. The island, which was the first land to be discovered within the Antarctic Circle, was again sighted, for the first and only time since its discovery, by Charcot, in “*Pourquoi Pas?*” on the 15th January, 1910. He passed about 2½ miles northward of it in foggy weather.

send a reply to the Norwegian Government simply informing them of the existence of a prior British claim and reserving our rights. A note in these terms was addressed to the Norwegian Minister on the 15th February, 1928.

18. At the same time it was considered desirable to give the Norwegian Government timely warning of British claims in the Antarctic, in order, if possible, to forestall any further annexations by the "Norvegia" expedition. A despatch was accordingly addressed to His Majesty's Minister at Oslo instructing him to state that His Majesty's Government had learnt from the Norwegian Minister in London that the master of the "Norvegia" was authorised to hoist the Norwegian flag on any lands which belonged to no other Power, and that, consequently, it seemed desirable to remind the Norwegian Government of the discussions at the Imperial Conference of 1926 in connexion with those regions contained in the published Summary of Proceedings. Sir Francis Lindley was to add that the motive of his communication was merely the desire to avoid the risk of complications arising from any acts which might be performed by the expedition in ignorance of the existence of a British title to the areas referred to in the Imperial Conference report.

19. On the 23rd April, 1928, the Norwegian Minister replied at great length to the British note of the 15th February, 1928. His principal points were:—

(a.) Bouvet is not included in the areas specified in the Imperial Conference Summary of Proceedings.

(b.) The Norwegian Government were not aware of a British title to Bouvet, and no reference to such a title can be found in any ordinary reference book.

(c.) It is doubtful whether the island discovered by Captain Norris was in effect Bouvet. In any event, the British title cannot be regarded as valid as nothing was done for over 100 years to follow up the discovery or to make a public claim to the island.

(d.) The Norwegian Government on these grounds maintain their claim.

20. It was decided to send no written reply to the Norwegian Minister, but to endeavour to reach a compromise on certain lines to be discussed in conversations. On the 4th October, 1928, Sir R. Lindsay received the Norwegian Minister and said that whilst His Majesty's Government were anxious to approach the question in a reasonable spirit, wider issues were involved than that relating to Bouvet Island alone, and that the two Governments were really approaching the discussion of the whole Antarctic question. Of this there were two aspects; the first was political and territorial. Considerations of geography and our efforts in exploration entitled Great Britain and the Dominions to a special position, and he must say frankly that it was the preference of the British Government, and even more of the Dominions, that the Empire should have no neighbours at all in the Antarctic or in its adjacent islands. As regards the second aspect, which was commercial, the only governmental control over the whaling industry in southern waters was British. This control had always been exercised in an impartial manner between British and Norwegian interests, and, if whales were not to be exterminated, it was indispensable that control should continue. His Majesty's Government had no desire to exclude Norwegians from the industry, and they were anxious to come to an agreement with the Norwegian Government as to the best means of securing further and even more efficient protection for the whaling industry. To sum up, there were three elements to be considered:—

(a.) The desire of His Majesty's Government that no further annexations should be made by other Powers in the Antarctic.

(b.) Their desire to reach a satisfactory agreement with Norway in regard to the whaling industry.

(c.) The possession of Bouvet Island, a question which might be regarded as separate from the wider issues.

21. Without intending to drive a bargain, he was authorised to say that His Majesty's Government would have no hesitation in recognising Norwegian sovereignty over Bouvet Island if they could be met substantially on the other questions. The Norwegian Minister undertook to obtain the instructions of his Government on the suggestion which had been thrown out.

22. On the 16th October, 1928, Lord Cushendun, then Acting Secretary of State for Foreign Affairs, received the Norwegian Minister, who said that, in regard to the question of whaling, he was sure that his Government could give us full

claim, both by discovery and by formal taking of possession, His Majesty's Government are unable to see on what grounds a Norwegian claim could be substantiated.

12. Once more the Norwegian Government waited a long time before pursuing the controversy, and it was not until the 8th November, 1929, that a reply was received from the Norwegian Minister. The note merely states that the Norwegian Government, after careful consideration, are obliged to maintain the contentions set out in the Norwegian notes of the 28th February, 1925, and of the 13th May, 1927. As regards the statement that the English translation of Lieutenant Prestrud's account does not show that he formally took possession of King Edward VII Land, the Norwegian Government desire to point out that in the Norwegian edition of Captain Amundsen's book there is an account by Lieutenant Prestrud of his expedition in which he records having taken possession of the territory. A translation of the relevant passage reads as follows: "Before we left the summit (viz., one of the summits which later on was christened 'Scott's Nunatakker'), the Norwegian flag was hoisted, and I took possession of the land in the name of His Majesty the King. A cairn of stones was built and a report of our visit was deposited there."

13. The reference in the Norwegian note to the Norwegian text of the relevant passage of Captain Amundsen's book has been checked and found correct, but no decision has yet been reached as to the terms of the reply of His Majesty's Government. The fact that the Norwegian Government waited for two years before replying to the last British note renders it unnecessary to pursue the controversy immediately, and a little delay may be of assistance in finding a solution.

(2.) *The Norwegian Claim to Bouvet Island.*

14. Bouvet Island lies well north of the Antarctic Circle in latitude $54^{\circ} 26' S.$ and longitude $3^{\circ} 24' E.$ It was first sighted by a Frenchman in 1739, and has been several times rediscovered, namely, by Lindsay (British) in 1809, Morrell (American) in 1822 and Norris (British) in 1825, as well as by several American sealers in the period between 1878-93. Formal possession was taken of the island by Captain Norris in 1825, when he effected a landing, hoisted the British flag and took possession in the name of King George IV.

15. On the 19th January, 1928, the Norwegian Minister stated in a note that a Norwegian expedition to the Southern Atlantic in the steamship "Norvegia" had been authorised to take possession for Norway of any new land which might be found, and that the master of the "Norvegia" had occupied Bouvet Island on the 1st December, 1927, established a depot there and hoisted the Norwegian flag.

16. The British claim to the island was admittedly not a very strong one. The general view taken by writers on international law is that discovery confers only an inchoate title which, if it is to be perfected, must be followed by occupation. This thesis must be modified in some degree in the case of regions which are difficult of access and where occupation in the ordinary sense of the term is physically difficult or even impossible. In such cases it may be argued that some continuous show of interest will suffice, such as the paying of periodical visits and the establishment of some sort of control. Unfortunately, no such visits have ever been carried out in the case of Bouvet Island by British expeditions, although an attempt was made in 1926 by the "Discovery," which sighted the island but was unable to approach. On the other hand, there had been an undoubted exercise of sovereignty in that in 1927, some months before Bouvet Island was occupied by the Norwegian expedition, a whaling licence in respect of Bouvet and Thompson Islands had been granted by the Colonial Office to Messrs. Rasmussen and Co., of Norway.

17. So much for the legal aspect. From the practical point of view it was generally recognised that possession of the island is worth nothing to this country apart from its possible value as a whaling centre. On the other hand, account had to be taken of the effect which our attitude towards the Norwegian claim might have on our claims elsewhere in the Antarctic, some of which might be open to challenge. Whilst the possibility of an eventual compromise was not excluded, it was therefore decided that in the first instance it would be a mistake to do anything which might encourage the Norwegian Government to make claims elsewhere or to dispute British claims in other areas. It was accordingly decided that the best course would be to

(1.) *Norwegian Claims in the Ross Dependency.*

10. In 1927 the Norwegian Government returned to the charge and replied to the British note of the 3rd November, 1925. In a note dated the 13th May, 1927, the Norwegian Minister stated :—

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

(b.) The inclusion of King Edward VII Land in the Ross Dependency is not justified. The fact that Captain Scott in 1902 sighted part of King Edward VII Land in 1902 from the sea is not a sufficient ground for claiming British sovereignty over this area. The only man who actually visited the territory was Lieutenant Prestrud, of the Amundsen 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 the 8th December, 1911.

(c.) As regards the conclusion of the British note, the Norwegian Government cannot agree that the fact that Sir E. Shackleton reached a point as far south as 88 degrees, 23 minutes in 1909, and from there determined the plateau on which the South Pole is situated, constitutes 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 consider that these facts entitle Norway to claim sovereignty over the South Pole Plateau within the 89th degree of southern latitude; they also consider 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 longitude 120° west to 175° west, south of the 85th degree.

11. On the 9th December, 1927, His Majesty's Government in the United Kingdom, after obtaining the concurrence of His Majesty's Government in New Zealand, replied to the three points raised in the note as follows :—

(a.) According to the available information, there appears little doubt that at certain points even at the seaward edge the barrier rests on land which possibly rises above sea-level, and it seems not improbable that the same may be true as regards other parts of the barrier; in any event, the suggestion that the barrier is afloat must depend on inference owing to the impossibility of taking soundings through the ice. In general, the British and New Zealand Governments consider that in the case of an ice barrier 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*.

(b.) Whilst His Majesty's Government recognise 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 "Scott's Nunataks." 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 glaciated 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 cannot be regarded as occupation in any sense of the word and cannot possibly have the effect of overriding the claim of His Majesty's Government based on prior discovery; and, finally, there is 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 does 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 cannot (with the exception of his "appearance of land" in or about latitude 81°-82° south) 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 has the prior

in which, after reviewing the position, they made the following definite recommendations:—

"We recommend that the gradual process of establishing British domination in the Antarctic area should be divided into three stages.

"The first should be an intimation to the world at large, through the publication in the proceedings of the Imperial Conference of a reference to the intention to perfect the title to the seven areas mentioned above. All these areas may be treated as British by discovery, and such discovery should be regarded as having conferred an inchoate British title.

"The second should be a formal local-taking possession, by an officer authorised for the purpose, of such of these areas as are not known to have been so taken possession of at the time of discovery.

"The third should be the issue of letters patent annexing the area and making provision for its Government.

"In the first stage, *i.e.*, the public intimation of the intention to appropriate, the territories should be mentioned only by name; no limits by latitude and longitude should be given. In the case of No. 5, named 'Wilkes Land' by the Australian Antarctic Expedition, it should be described as lying to the west of the territory of Adélie Land without specifying the limits of that land. Any attempt at the present stage to dispute the French title to Adélie Land or to question the extent of that territory given in the Embassy note of the 29th March, 1913, would provoke controversy with the French at a moment when controversy should be avoided.

"The second stage will render desirable the despatch of an expedition to the Antarctic. How soon such an expedition may be feasible, and what areas it should visit, are questions for future consideration and arrangement.

"The third stage, the issue of letters patent, will give an opportunity of enlarging the areas to be annexed in the light of the discoveries made by the expedition to be sent out to visit them, and will also give an opportunity of fixing boundaries to the areas annexed by meridians converging at the South Pole."

8. The discussion at the Imperial Conference of the Antarctic question was recorded in the following statement, which was embodied in the published Summary of Proceedings of the Imperial Conference:—

"The question of Antarctic exploration was discussed between representatives of the Governments interested. There are certain areas in these regions to which a British title already exists by virtue of discovery. These areas include:—

- "(i.) The outlying part of Coats Land, *viz.*, the portion not comprised within the Falkland Islands Dependencies.
- "(ii.) Enderby Land.
- "(iii.) Kemp Land.
- "(iv.) Queen Mary Land.
- "(v.) The area which lies to the west of Adélie Land and which, on its discovery by the Australian Antarctic Expedition in 1912, was denominated Wilkes Land.
- "(vi.) King George V Land.
- "(vii.) Oates Land.

"The representatives of the Governments concerned studied the information available concerning these areas with special reference to their possible utilisation for further developing exploration and scientific research in the Antarctic regions."

III.—FROM THE IMPERIAL CONFERENCE TO 1930.

9. After the Imperial Conference a period followed in which His Majesty's Governments in the United Kingdom, the Commonwealth of Australia and New Zealand were actively engaged both in carrying out the policy laid down at the conference and in dealing with the claims of foreign countries. The questions involved had often to be considered concurrently, but for the purpose of this memorandum it will be convenient to deal with each question separately.

action to establish British sovereignty with Australian control over the Antarctic regions from 160° E. to 90° E. longitude (the sector which His Majesty's Governments in the United Kingdom, Australia and New Zealand had agreed should be the Australian sector). In September 1925 the Commonwealth Government stated their views at length. They may be summarised as follows:—

(a.) Any efforts made by France to extend her control over regions to which she cannot adduce good title should be strongly resisted.

(b.) Control and administration of Antarctic lands should be in the hands of countries whose territories are situated nearest to them.

(c.) If the French Government consented to apply this principle to the Australian sector, they might agree to surrender Adélie Land in return for control of a certain portion of the Antarctic mainland south of Kerguelen Island, the Crozetts and Madagascar.

(d.) The general object of Australia was to prevent the establishment by any other country of a considerable enclave in the Australian sector.

II.—THE IMPERIAL CONFERENCE OF 1926.

6. In 1926, when the Imperial Conference met, the question of the British claims in the Antarctic was one of the items on the agenda. The preparatory work was done by an inter-departmental committee composed of representatives of the Foreign Office, Dominions Office, Colonial Office and Admiralty. The committee considered the Australian statement summarised above, and came to the conclusion that the British note to the French Government in 1913 greatly exaggerated the extent of the land which France could claim. Whilst the French Government naturally did not correct the exaggeration, they never advanced any such far-reaching claim themselves, and their claim should not be allowed to extend beyond the area actually sighted and charted by Captain d'Urville in 1840, viz., the area between 136½° E. and 142° E. Within these limits the French claim was indisputable. As regards the proposal for an exchange, the committee doubted whether the French Government would agree. In any event, if the principle advocated by Australia were admitted and applied, it would give an opening to the Argentine, which has never abandoned her claim to the Falkland Islands themselves, and has of recent years indicated that this claim extends to the islands dependencies. The committee therefore took the view that a French enclave in the Australian sector is inevitable. On the assumption that the French claim to Adélie Land is confined to the area 136½° E.—142° E., the committee considered that the following territories, with their off-lying islands, between the Falkland Islands and Ross Dependencies could reasonably be annexed, and they recommended that action should be taken to assert a British claim to these territories:—

- (1.) The north-eastern part of Coats Land, namely, that lying between longitude 20° W. (the eastern limit of the Falkland Islands Dependencies) and longitude 16½° W.
- (2.) Enderby Land, lying between longitude 45° E. and longitude 53° E.
- (3.) Kemp Land, lying between longitude 58½° E. and longitude 60° E.
- (4.) Queen Mary Land, lying between longitude 86° E. and longitude 101° E.
- (5.) Wilkes Land, lying between longitude 131° E. and longitude 135½° E.

(NOTE.—This stretch of coast was so named by the Mawson Expedition of 1911–14, which discovered and charted it.)

- (6.) King George V Land, lying between longitude 142° E. and longitude 153° E.
- (7.) Oates Land, lying between longitude 157° E. and longitude 159° E.

In addition, the committee recommended that, as in the cases of the Falklands Islands and the Ross Dependencies, the British claims should be defined so as to include the whole of the land lying within the various prescribed meridians and between the coast and the South Pole, and that the French claim to Adélie Land should be regarded as having the same extension to the South Pole.

7. The views and recommendations of the inter-departmental committee were generally approved by the committee set up by the Imperial Conference to consider the question of British policy in the Antarctic. This committee issued a report,

3. In July 1923 an Order in Council was issued establishing the Ross Dependency and placing it under the Government of New Zealand. The dependency was described in the Order as:—

“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.”

The whole coast of the Ross Dependency was British by discovery, and the Order in Council aroused no comment from any foreign Government except the Norwegian Government, who enquired in 1925 whether they could assume that:—

“(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.a.*, 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 shall have been fulfilled. His Majesty's Government in the United Kingdom replied on the 3rd November, 1925, that as regards point 1, they desired to observe that there is no coast or island known to exist within the dependency which is not indisputably a British discovery and that, except possibly in the region immediately northward of King Edward VII's Land, there seems to be no likelihood of any fresh discoveries of islands within the limits of the dependency. As regards point 2, no 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 Pole 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.

4. In 1924 the French Government took steps to assert their claim to Adélie Land by the issue of formal decrees, but the decrees did not define the boundaries of the area claimed. The French claim to this territory is based on a landing made in 1840 by Captain d'Urville of the French navy. In 1911 His Majesty's Government received an application for the grant of a whaling licence in various parts of the Antarctic, including the territory known as Adélie Land or Wilkes Land. They thereupon enquired of the French Government whether they claimed “that portion of the Antarctic Continent known as Wilkes Land.” The French Government replied to the effect that the part of the Antarctic Continent known as Adélie Land or Wilkes Land had been taken possession of on behalf of France by Captain d'Urville in 1840. This claim was implicitly recognised by this country in 1913, when it was decided to give the name of King George V Land to a tract discovered by Dr. Mawson. It was then considered desirable to inform the French Government of our intention, and the note stated that His Majesty's Government were aware of the claim of the French Government to Adélie Land, and that since it was understood that the extent of the land named by Captain d'Urville was about 150 miles between 66° and 67° south latitude and 136° and 147° east longitude, the new district to be named would not touch on French claims. The French Government did not reply to this note.

5. The issue of the French decree in 1924 asserting a claim to Adélie Land led the Government of the Commonwealth of Australia to raise the question of taking

ANNEX.

MEMORANDUM RESPECTING TERRITORIAL CLAIMS IN
THE ANTARCTIC FROM 1908 TO 1930.

[WITH MAP.]

I.—THE PERIOD BEFORE THE IMPERIAL CONFERENCE OF 1926.

II.—THE IMPERIAL CONFERENCE OF 1926.

III.—FROM THE IMPERIAL CONFERENCE TO 1930.

- (1.) Norwegian claims in the Ross Dependency.
- (2.) The Norwegian claim to Bouvet Island.
- (3.) The Norwegian claim to Peter I Island.
- (4.) The Norwegian claim to Dougherty Island.
- (5.) France and the Falkland Islands Dependencies.
- (6.) Argentina and the South Orkneys.
- (7.) The United States and the South Orkneys.
- (8.) Admiral Byrd's expedition.
- (9.) Sir Douglas Mawson's expedition.
- (10.) Sir Hubert Wilkins's expedition.
- (11.) Steps taken to prevent Norwegian encroachments in the Antarctic.

I.—THE PERIOD BEFORE THE IMPERIAL CONFERENCE OF 1926.

THE first step taken to assert British control over any part of the Antarctic mainland was the creation by letters patent in 1908 of the Falkland Islands Dependencies. These letters patent, which were published on the 1st September, 1908, do not appear to have evoked any protest from other Powers, although part of the coast claimed had been discovered by foreign explorers. In 1917 amending letters patent were issued in which the definition of the dependencies was modified into its present form.

2. The annexation of the Falkland Islands Dependencies was effected owing to the importance of the whaling industry. Subsequent experience confirmed the opinions held as to the value of the whaling industry and as to the desirability of ensuring that it should be as far as possible conducted under British auspices. Further consideration was accordingly given in 1919 to the question of extending British control over the Antarctic regions. In 1920 the Commonwealth of Australia and New Zealand were informed that His Majesty's Government in the United Kingdom had come to the conclusion that the whole of the Antarctic should ultimately be included within the British Empire, and that, while the time had not yet arrived when a claim to all the continental territories should be put forward, it seemed desirable that a definite and consistent policy should be followed of extending and asserting British control. It was considered that the most important practical step at the time was the assertion of British sovereignty over the Ross Sea coasts and their hinterland. After discussion with the Commonwealth and New Zealand Governments it was decided that the two Dominions should have separate spheres of control in the Antarctic, and that the Ross Sea area should be placed under New Zealand. In June 1922 a Norwegian firm applied for a whaling licence for the Ross Sea, and, after consultation with the New Zealand Government, a licence was issued in December 1922, granting the use, in connexion with the proposed whaling operations, of the territorial waters in the Ross Sea and Antarctic Ocean between longitude 160 E. and longitude 150 W.

inaccessible by sea, it seemed almost certain that they would choose the former. While it was the case that no claim to this sector or to any part of it had been advanced by any Power, it was felt that the sector, by reason of its geographical situation, was one in which His Majesty's Government in the Union of South Africa might conceivably be interested. The position was therefore explained to the Union Government, who concurred in the view that, in the event of the Norwegian expedition which was then in Antarctic waters proceeding to explore the sector, and claim territory in it for the Norwegian Crown, no grounds existed on which objection could be taken. Shortly afterwards, the Norwegian expedition turned its attention to this sector, and succeeded in discovering two new stretches of territory, of which, it is understood, formal possession was taken. No communication has so far been received from the Norwegian Government with regard to their discoveries, but it is to be anticipated that the claims made by the expedition will be formally confirmed.

It may be mentioned in passing that, while precise particulars of the territories discovered by the Norwegian expedition are not yet available, it would not appear from the reports so far received that these discoveries will in any way prejudice the British claim to the whole of Coats Land. Public assertion of title to that portion of Coats Land which lies outside the boundaries of the Falkland Islands Dependencies (in addition to the six areas mentioned above) was made in the Summary of Proceedings of the Imperial Conference, 1926, and, though it has not yet been found possible to organise an expedition to take formal possession of the territory, precautions have been taken, so far as possible, to avoid encroachments by foreign Powers. While, therefore, it is to be regretted that the Norwegian penetration into this sector has interfered with the completion of the full programme for the extension of British control recommended by the Imperial Conference of 1926, it must be recognised that this was inevitable in the circumstances, and some consolation may be derived from the fact that all existing British claims have been maintained intact.

As regards the remaining sector, viz., that between the Falkland Islands Dependencies and the Ross Sea, it was hoped that, as a result of Sir Hubert Wilkins's two expeditions in 1928-29 and 1929-30 (of which details are given within), new territory might have been discovered and claimed for the Crown. Unfortunately, however, owing to adverse weather conditions, Sir H. Wilkins was forced to confine himself almost entirely to territory admittedly within the existing boundaries of the Falkland Islands Dependencies, and, though he made one notable flight outside the boundaries of the Dependencies and actually succeeded in penetrating as far south as 73°, he failed to reach the mainland of the Antarctic Continent.

Meanwhile, attention had been paid to the eastern portion of this sector by the United States expedition under the leadership of Rear-Admiral Byrd, and the latest reports indicate that two new territories (comprising Marie Byrd Land and the hinterland south of it) adjoining the western boundary of the Ross Dependency were discovered and claimed for the United States. The traditional attitude of the United States Government has been to hold themselves aloof from territorial claims in the Antarctic; whether the pressure that has been brought to bear on them as a result of the public interest roused by the Byrd expedition will lead to a departure from this attitude remains to be seen, but there is in any case no reason to suppose that they will fail to respect the boundaries of the Ross Dependency with the same scrupulous care which Rear-Admiral Byrd himself appears to have exhibited.

Even, however, when every allowance is made for possible claims by Norway and the United States, there still remains a vast stretch of coastline lying between longitude 80° W. and 140° W. which has never been explored, either from the sea or from the air. It is to be hoped that when the work of Sir Douglas Mawson's expedition is complete and the proposed Commonwealth sector has been formally constituted a Dependency of the Commonwealth of Australia, opportunity will arise for the exploration on behalf of the Empire of this hitherto unexplored territory.

Mr J. Bollice
Printed for the Imperial Conference. September 1930.

SECRET.

Copy No. 131

E. (30) 20.

IMPERIAL CONFERENCE, 1930.

POLICY IN THE ANTARCTIC.

MEMORANDUM PREPARED BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM.

IT will be recalled that at the Imperial Conference, 1926, it was recommended that the policy of His Majesty's Governments should be, in effect, that of the gradual establishment of British control over the whole of the Antarctic Continent, apart from those areas to which a good foreign title already existed.

This policy has been actively pursued during the last four years by His Majesty's Governments in the United Kingdom, the Commonwealth of Australia and New Zealand, who have throughout acted in the closest collaboration. A memorandum explaining the present position, from the point of view of territorial claims, is attached, together with a map showing the areas so far explored (Annex).

It will be seen that, while it is still true that only two sectors of the Antarctic Continent have so far been brought within the limits of the Empire by formal instruments, good progress has been made towards the addition of a third, namely, the sector between Enderby Land and the Ross Dependency (apart from the French territory of Adélie Land). An assertion of title to six areas in this sector was made in the published Summary of Proceedings of the Imperial Conference, 1926, and this was followed up in 1929 by the despatch to the sector of a scientific and exploratory expedition organised by His Majesty's Government in the Commonwealth of Australia and led by Sir Douglas Mawson, who was empowered to take possession in the name of His Majesty both of the six areas mentioned and of any other territory that might be discovered. The work accomplished by this expedition in the Antarctic season 1929-30, particulars of which are given in the attached memorandum, included the recharting of the coast line of Enderby Land and Kemp Land and the discovery of new territory, named MacRobertson Land, adjoining Kemp Land. Formal possession was taken of these territories in the name of His Majesty by Sir Douglas Mawson. It has been decided by the Commonwealth Government that the work of the expedition should be continued during the Antarctic season 1930-31, and it is hoped that by the end of the season the expedition will have succeeded in visiting the remainder of the sector, and that the way will then be clear for the control of the whole sector (apart from Adélie Land) to be formally vested in His Majesty's Government in the Commonwealth of Australia.

If this should be the case, there would remain only two sectors of the Antarctic Continent outside the Empire—

- (1) the sector between Enderby Land and the Falkland Islands Dependencies;
- (2) the sector between the Falkland Islands Dependencies and the Ross Dependency.

With regard to the former sector, the position has changed since the last Imperial Conference, since it has now become a focus of Norwegian activity. The Norwegians have of late years been taking an increasing interest in the Antarctic, and it became necessary during the last Antarctic season to warn them against encroachment on the proposed Commonwealth sector. It was recognised, however, that this would leave only two unclaimed sectors, viz., those mentioned above, to which their activities might be directed, and as the latter was reported to be virtually

"spite of the vast tracts of ocean and the apparently enormous numbers of whales, produce in the course of some years the same results as in all other waters, namely a decreasing stock of whales from year to year". Mr. S. Risting, Secretary of the Norwegian Association of Whaling Companies and the Editor of the Norwegian Whaling Gazette, a journal produced in the interests of the Norwegian whaling community, from articles published by him in that journal evidently shares the apprehensions expressed above.

The concensus of informed opinion with regard to future prospects is thus moving rapidly towards the view that the intense whaling of the present day is a grave menace to the industry. The "Discovery" Committee are unanimously of opinion that the matter is one of great urgency and that no effort should be spared to explore the possibility of imposing some limit upon whaling operations.

been successfully carried on in the past, the same results have followed. An initial period of great prosperity has been succeeded, after a certain number of years, by a decline in the catch; and in one locality after another whaling has ceased to be profitable and the industry has collapsed. There is no reason to doubt that what has happened elsewhere, in all cases, will happen in the Antarctic area unless steps can be taken in time to adopt remedial measures.

Having for several years devoted continuous attention to the position in regard to Antarctic Whaling, the "Discovery" Committee have reached the conviction that the near future of the whaling industry is gravely menaced by the rapid growth of catching power now in progress. Dr. Kemp, Director of the Committee's Scientific Investigations states that "it is the confirmed opinion of all who have attempted to study the question on scientific lines that hunting at the present rate cannot continue much longer. This also is the opinion of all the more sober-minded members of the whaling community, among whom speculation as to the number of years that the industry can last is a favourite topic of conversation".

Anxiety on the subject is not confined to biologists. Mr. A. Ingebrigtsen, an experienced whaler, has recently published his own opinion on the subject (Conseil permanent International pour l'Exploration de la Mer, Rapports et Procès-Verbaux, Vol lvi, 1929, pp.25, 26). After giving instances of the decline of the whaling industry in various localities, he concludes as follows :- "The great extension of whaling in the Antarctic will undoubtedly, in

A P P E N D I X (B).

MEMORANDA PREPARED BY THE "DISCOVERY" COMMITTEE.

I. WARNING AS TO THE EFFECT OF THE GROWTH OF ANTARCTIC WHALING
ON THE FUTURE OF THE WHALING INDUSTRY.

The "Discovery" Committee are seriously concerned with regard to the alarming increase in the magnitude of whaling operations in the Antarctic area. In the season 1925-26 the production of whale-oil, in this region, was about 780,000 barrels. In 1928-29 it had increased to some 1,600,000 barrels; and in 1929-30 to more than 2,500,000 barrels. There is unfortunately no reason to believe that the upward movement has yet reached its maximum.

The growth of the industry has been intimately related with that of the fleet of "pelagic" whalers, particularly during the seasons after 1927-28. Until then the greater part of the catch had been made by Companies working under lease or licence from shore-stations or harbours, where they were subject to certain restrictions. The operations are now conducted, for the most part, by vessels of large size (up to 25,000 tons displacement), equipped as complete floating factories, capable of carrying out all the processes necessary for the production of the oil on board. These "pelagic" whalers, with their attendant "whale-catchers", pursue the whales in the high seas, where the catching power employed is subject to no restriction.

It has long been known to biologists that operations on even a much less extensive scale are likely to have most serious results. In all parts of the world where whaling has

The idea of cession might present greater attractions if there were reason to suppose that in return for the South Orkneys the Argentine Government would be prepared to renounce their claim to the Falkland Islands. The indications are, however, that no Argentine Government could be expected to agree to such a compromise. It has also been suggested that a solution might be found in the cession to the Argentine Government not of the South Orkneys as a whole, but of the small island on which the meteorological observatory maintained by them is situated. It seems unlikely that the Argentine Government would agree to surrender their claim to the group as a whole in return for one island, but the suggestion will be borne in mind for future examination.

Such are the general considerations likely to arise, if and when the question of the South Orkneys again becomes acute. It need only be added that His Majesty's Government in the United Kingdom, while anxious to maintain the friendliest relations with the Argentine, in view of their very extensive commercial interests in that country, fully recognise that any decision of policy in the case of the South Orkneys must depend not only on the particular circumstances prevailing at the time when the question is raised, and on the attitude of the Argentine Government concerning their claim to the Falkland Islands, but also on general considerations of Imperial policy in the Antarctic. It is for this reason that they are anxious that the Committee should be informed of their pre-occupations.

a considerable British population, are of high strategic value and are associated with extensive British fishing and whaling interests, it has been generally recognised that the risks involved in arbitration would be such as could not be justified. If, however, it should be agreed to arbitrate the question of the South Orkneys, it might be difficult to refuse to arbitrate the question of the Falkland Islands. On the other hand, arbitration of the South Orkneys question by itself would not be likely to result in an improvement of relations with the Argentine. If the Argentine Government lost their case, popular resentment might redouble the pressure for the recognition of their claim to the Falkland Islands. If they won, they might only be encouraged to press for arbitration of the Falkland Islands question.

A still more serious objection to arbitration is the effect which the decision of the tribunal might have on British claims elsewhere. The tribunal could scarcely fail, in giving its decision, to enunciate principles of far-reaching importance and the decision itself would tend to become a precedent which might be highly embarrassing.

For these reasons, it has been suggested that voluntary cession should be preferred to arbitration. This suggestion, however, also raises serious difficulties. In the first place it is opposed to the present policy of His Majesty's Governments, agreed upon at the last Imperial Conference and assiduously prosecuted since, to extend and consolidate British influence in the Antarctic. Secondly, it would result in loss of revenue. Thirdly, it would lead to the establishment of an enclave in the whaling area, which would not only run counter to the whole system of British licences, but would introduce many complications into whaling policy and administration.

APPENDIX (A).

THE ARGENTINE CLAIM TO THE SOUTH ORKNEY ISLANDS.

STATEMENT MADE TO THE COMMITTEE BY MR. A. W. A. LEEFER, ON BEHALF
OF THE UNITED KINGDOM.

I have been asked, in passing, to draw the attention of the Committee to the question of the Argentine claim to the South Orkneys which is dealt with in section 6 of the United Kingdom memorandum on the Antarctic. The question is dormant at the moment and we have no doubt that the best policy is to let it remain so as long as possible. Experience has shown, however, that just as the Argentine claim to the Falkland Islands has been cherished and kept alive for close on a hundred years, so the claim to the South Orkneys is unlikely to be abandoned. While, therefore, no immediate decision is required, it may only be a question of time before the issue is once more raised in an acute form.

Various methods suggest themselves for dealing with the South Orkneys question if and when it should become a source of embarrassment in our relations with the Argentine. The first of these is arbitration. There seems to be no doubt that the Argentine Government have a poor legal case and that the chances of success if the question were submitted to arbitration would be in our favour. On the other hand, arbitration presents serious difficulties. In the first place, it must be recognised that politically the question of the South Orkneys is bound up with that of the Falkland Islands. It has always been held that the question of the Falkland Islands should on no account be submitted to arbitration, since in view of the fact that the Islands have been in British possession for nearly a hundred years, support

whereby each vessel should carry a ^{Governmental} police officer on board. Experiments in this direction had already been made in some areas, notably in the Ross Dependency. Other difficulties, both administrative and political, would inevitably arise, but the Committee felt that these must be faced and that in the interests of preserving the whaling industry no opportunity should be lost of urging the imperative necessity for protective action.

21. The Committee were informed that the procedure contemplated by His Majesty's Government in the United Kingdom was that the alternative measures proposed by the "Discovery" Committee should, after further examination, ~~be~~ ^{approved by the} be communicated informally to the Norwegian Government with the suggestion that they should be discussed at a conference between representatives of the two countries with a view to determining how far protective action was practicable. The Committee were in entire agreement as to the desirability of approaching the Norwegian Government at the earliest convenient date and expressed their earnest hope that it might be possible, by means of such a conference as that proposed, to bring home to Norwegian opinion the gravity of the present situation and so to prepare the way for the early introduction of remedial measures.

for observations. They observed, however, that while the draft convention was to be welcomed as marking the first stage in the awakening of international interest, and as providing a foundation on which an effective system of control might gradually be built, it could not be regarded as making any substantial contribution to the pressing problem of the limitation of whaling and so fell far short of the urgent requirements of the situation.

19. The Committee agreed, therefore, that no effort should be spared to explore the possibility of imposing some limit upon whaling operations by whatever means may appear most practicable and expeditious. They were unanimously of opinion that the further measures suggested by the "Discovery" Committee merited the closest consideration, and there was general agreement among the Dominion members of the Committee that their Governments would be likely to give full support to any measure for conserving the stock of whales which would commend itself to the Norwegian Government and to His Majesty's Government in the United Kingdom.

20. The Committee appreciated that none of the suggested measures was free from practical difficulties. Moreover, ~~any arrangement with the Norwegian Government alone might be represented as a useless sacrifice~~ so long as other maritime countries were free to engage in whaling without ^{an agreement between such countries} limitation. The ease with which ships could be transferred from one flag to another was another consideration which it would be necessary to take into account. Furthermore, there remained the problem of how restrictive measures could be enforced. There could of course be no question of policing the Antarctic seas by special vessels, but it might be possible to arrange for the general adoption of a system

However in a matter - - - - -

III. WHALING.

15. The Committee had before them two documents prepared by the "Discovery" Committee, the first entitled "Warning as to the effect of the growth of Antarctic Whaling on the future of the whaling industry", and the second "Note as to possible measures for the preservation of the whaling industry". Copies of these documents are annexed. (Appendix B).

16. The Committee, after full discussion, found themselves unanimously in agreement with the view expressed by the "Discovery" Committee that the increase in the magnitude of whaling operations in the Antarctic area was such as gravely to menace the future of the whaling industry and that protective measures were urgently required.

17. On the other hand, the Committee recognised that, since whaling was now largely pelagic, i.e. was conducted by floating factories on the high seas without recourse to shore stations, effective measures of protection could only be introduced by international action. They further recognised that, in view of the fact that Norway had by far the greatest share of the whaling industry and supplied all the skilled personnel, the adherence of the Norwegian Government was essential to the successful prosecution of any proposal for international action.

18. The Committee noted that a draft convention for the international regulation of whaling had recently been prepared under the auspices of the Economic Committee of the League of Nations, and had now, by direction of the Council of the League, been circulated to Governments

opportunity that might arise later for the exploration of this hitherto unexplored sector on behalf of the Empire.

13. The Committee observed that the Argentine claim to the South Orkney Islands, though at present dormant, ^{had not been} ~~was unlikely to be~~ abandoned. They took note of a statement made on behalf of His Majesty's Government in the United Kingdom (Appendix ~~A~~ ^B) which indicated the general considerations likely to arise if the Argentine claim should again be raised in an acute form, and expressed the hope that His Majesty's Government in the United Kingdom would be able to prevent the question from being seriously pursued by the Argentine Government.

*Appendix B
Should not
be published
first*

14. Finally, the Committee decided to associate themselves in their Report with the views expressed by the Committee of the Imperial Conference, 1926, which considered British policy in the Antarctic, that discovery ^{to the effect} ~~and annexation~~, ^{formal acts} ~~while assisting a claim~~, did not by themselves constitute a valid title ^{must be} ~~and should be~~ followed by occupation; that the important element in establishing ^{to the effect} ~~a title by occupation~~ ^{is the control which can be exercised} ~~in the areas~~; that such control need ^{not be} ~~be~~ continuous ^{in the South Polar regions} ~~(which in the South Polar regions would be impossible)~~ but may be intermittent or periodical, provided however that it attains such effectiveness as is reasonably possible along the coasts of the areas ^{are the subject} ~~to which it is desired to~~ ^{of a claim} ~~secure title~~, whether those coasts consist of land or of frozen sea.

the main activities of the Expedition, including Admiral Byrd's flight to the Pole, had been carried out within the limits of the Dependency; but that a considerable amount of new territory had been discovered by Admiral Byrd in his flights outside the eastern boundary of the Dependency.* They observed with satisfaction that Admiral Byrd appeared throughout to have been careful to avoid any infringement of New Zealand rights and that there was no reason to suppose that the United States Government, if they decided to advance territorial claims based on Admiral Byrd's discoveries, would fail to respect with the same care the boundaries of the Ross Dependency.

11. The Committee noted that certain Norwegian claims in the Ross Dependency were still the subject of intermittent diplomatic correspondence. In view, however, of the opinion expressed in paragraph 13 of the United Kingdom memorandum (E (30) 20) that delay might be of assistance in finding a solution, they considered it unnecessary to enter into the details of these claims.

12. With regard to the two Expeditions undertaken by Sir Hubert Wilkins in 1928-29 and 1929-30 from a base in the Falkland Islands Dependencies, the Committee noted that, though much good work had been accomplished no new territory had been discovered outside the limits of the Dependencies. They observed that there appeared to be no likelihood in the immediate future of a further attempt ^{made under the auspices of any of his Majesty's ports} being made to explore the sector between the Falkland Islands Dependencies and the Ross Dependency, but they hoped that advantage would be taken of any

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E (30) 10, Memorandum prepared by His Majesty's Government in the Commonwealth of Australia, and

E (30) 20, Memorandum on Policy in the Antarctic prepared by His Majesty's Government in the United Kingdom.

8. The Committee learned with satisfaction of the work accomplished by the Antarctic Expedition under the leadership of Sir Douglas Mawson during the season of 1929-30 and expressed their gratification at the announcement that the work of the Expedition was to be continued during the season of 1930-31. They desired to congratulate His Majesty's Government in the Commonwealth of Australia on the success achieved by the Expedition, and expressed the hope that the combined results of the two seasons' work would be such as to enable the control of the whole of the sector between Enderby Land and the Ross Dependency (apart from the French territory of Adélie Land) to be formally vested in the Commonwealth Government.

9. In this connection the Committee considered it desirable that the published summary of Proceedings of the Imperial Conference should contain a reaffirmation of British interest in the areas specified in Chapter XI of the Summary of Proceedings of the Imperial Conference, 1926 (six of which fall within the proposed Commonwealth sector).

10. The Committee noted that the base of the recent United States Expedition under the leadership of Rear Admiral Byrd was situated in the Ross Dependency; that

a system of police patrols covering all the islands north of the Canadian mainland was such that the title to these islands now rested not only on the theoretical application of the "sector principle" but also on the solid ground of effective occupation.

5. The Committee were informed that His Majesty's Government in Canada expected shortly to arrive at an agreement with the Norwegian Government for the formal recognition by the latter of the Canadian claim to the Otto Sverdrup Islands. They observed with satisfaction that this settlement would remove from the sphere of controversy the only area in the Arctic where Norwegian interests clash with those of any of His Majesty's Governments.

6. The Committee took note of the fact that renewed interest may be taken in the Arctic regions as a result of the development of aviation. They were glad to learn of the investigations now being undertaken with a view to the exploration of the possibilities of an air route from Europe to Canada via the Farøe Islands, Iceland and Greenland and noted that the Canadian Department of National Defence was in direct touch with the Air Ministry in London with regard to the collection of the necessary data.

II. SITUATION IN THE ANTARCTIC.

7. The Committee reviewed the situation in the Antarctic, with particular reference to the developments which had taken place since the Imperial Conference, 1926. They had before them the following documents which had been circulated to the Conference:-

DRAFT REPORT.

1. At its opening meeting on the 1st October, 1930, the Imperial Conference appointed a Committee to consider Polar Questions.
2. The Committee submit the following report, which, for convenience, is divided into three sections, I. Situation in the Arctic, II. Situation in the Antarctic, III. Whaling.

I. SITUATION IN THE ARCTIC.

3. The Committee, in considering the situation in the Arctic, had before them a memorandum on policy in the Arctic (E. (39) 19) which had been prepared by His Majesty's Government in the United Kingdom and circulated to the Conference.
4. The Committee noted that the spheres of sovereignty of the countries bordering the Arctic Circle are generally well-defined, and that the "sector principle" is now in a fair way to securing general acceptance. They agreed, however, that while this might be a matter for private satisfaction, so far as Arctic questions were concerned, public reference to the "sector principle" was to be deprecated as likely not only to irritate Norwegian opinion, which was still hostile to the principle, but also to give rise to inconvenient claims in the Antarctic. If, for instance, the "sector principle", as applied in the Arctic, were to be applied to the Antarctic, a large portion of the Antarctic continent including the greater part of the Falkland Islands Dependencies would fall within the sphere of sovereignty of Chile and Argentina. The Committee noted in this connection that the progress made by His Majesty's Government in Canada in organizing

*Mr. Callie
Could this be
shown to the Ministers
interested in it? Show only as
copy left to hand reference.*

Mr. Hedden

*Seen by Miss
B*

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

S E C R E T.

E(P)(30)3.

COPY NO. 22

IMPERIAL CONFERENCE, 1930.

COMMITTEE ON POLAR QUESTIONS.

The attached draft Report is circulated for consideration by direction of the Chairman. A meeting of the Committee will be held on or about Thursday next, the 30th October, at which it is hoped that the report of the Committee will be finally approved.

In the meantime the Chairman has specially asked that members of the Committee may be good enough to communicate any comments or suggestions on the attached draft to the Secretary of the Committee, at the Dominions Office.

(Signed) P.A. CLUTTERBUCK,
Secretary to the Committee.

2, Whitehall Gardens, S.W.1.

25th October, 1930.



Telephone: REGENT 6760.
Telegraphic Address:—"OPPOSITELY, WESTRAND, LONDON."

South African Delegation
to the Imperial Conference,
Hotel Metropole,

SOUTH AFRICA HOUSE,
78.-STRAND,

LONDON, W.C. 2.

3rd November, 1930.

ALL COMMUNICATIONS SHOULD BE ADDRESSED—
THE SECRETARY,
OFFICE OF THE HIGH COMMISSIONER FOR THE
UNION OF SOUTH AFRICA,
and the following Number quoted:

Dear Andrews,

The H.C.
I learn from Mr Colthe that the Joyce proposition was not discussed by the Polar Committee although he was advised by Dominion Office that if further reference to my letter relative any annexation policy in the Antarctic, I now forward for the might lead to embarrassment of the Dominion Office information of the High Commissioner -

Please see marked portion of Popo 1 & 2 of document E(30) 20.
I think our best course is to await the formal reply from Dominion Office to (a) A secret memorandum prepared by His Majesty's government in the United Kingdom, E.(30) 20; (b) Memorandum prepared by the "Discovery" Committee as a warning as to the effect of the growth of Antarctic whaling on the future of the whaling industry; (c) A note as to the possible measures for the preservation of the whaling industry. (d) A copy of the draft report of the Committee on Polar questions.

Our written representations are to be submitted to our Govt for deliberation to our Govt for their attitude on policy.
The final report is in practically identical terms to the draft report. You will observe that at the present time these documents are Secret and Confidential and I may add that it is very probable that the Conference will decide that none of them will be published.

Yours sincerely,

Heal

H. Andrews, Esq.,
South Africa House,
73, Strand.

Agreed

"The Regulation of Whaling", and which is intended to act as a warning as to the effect of the growth of Antarctic whaling on the future of the whaling industry. This is a matter of considerable importance to South Africa seeing that such a number of whalers are operating from Union harbours.

The question now arises, whether any steps should be taken by the Union Government to establish a claim to any portion of the Antarctic. The Norwegian Government has always refused to recognize claims by Britain on the sector basis and the Imperial Conference of 1926 decided that it would be preferable to base the claims on effective occupation or discovery, rather than to attempt to maintain the sector basis against the rest of the world. The value of any land discovered in the Antarctic region at the present time may be negligible but in view of the great advance that is being made in aviation, it is possible that land which is now valueless may at no great distant time be of considerable importance.

To establish a sound claim to any land between Enderby Land and Coats Land would involve an expedition. In this connection I attach a file, No. 12/1125, entitled "Proposed South African Antarctic Expedition, 1930-32", which contains a number of letters to the High Commissioner from Capt. E. Mills Joyce. Mr. de Water spoke to me about this correspondence the other day and suggested that I should obtain the file as it might have a bearing upon the discussions in the Imperial Conference on Polar questions. It appears that Capt. Joyce's proposals emanate entirely from himself and that he desires to secure the support of Sir Abe Bailey towards the financing of the expedition. He hopes that if he can secure the active support of Lady Bailey it will be easily possible to obtain the requisite funds from people associated with South Africa. He points out that mechanical transport will
not ...