

it in 1946 you must fulfil the requirements of the law of 1946.

Contiguity.

7. It has from time to time been suggested that sovereignty over uninhabited areas might be claimed on the basis of contiguity i.e. that a state can claim uninhabited territory on the ground that the uninhabited region lay nearer to it than it did to any other state.

Dr. Huber in the Palmas Island case says it is impossible to show that any rules of international law to this effect exist (l.c. page 406).

Contiguity is one of the grounds on which the Argentine claims the Falkland Islands. Further, contiguity, coupled with another geographical claim, namely that Graham Land and the adjacent islands are a continuation of the South American Continent, is the chief ground on which both the Argentine and Chile have claimed part of the Falkland Island Dependencies.

An American writer, by name Wright, who is quoted in Hackworth's Digest (page 408), refers to these claims and rejects them, concluding: "The present law would seem to justify no claims to territory beyond that effectively controlled," he then adds, but here I think there is little authority to support the addition, "although the adjacent state may justly claim the right of notification with an option to make good by actual occupation any constructive claim which it might be said to have by virtue of contiguity."

Conclusion

8. My deductions from the authorities are that to secure your sovereignty over Polar regions, it is necessary to have an effective possession and control and also continuously to maintain such effective possession and control.

Degree of Control relative to character of territory.

9. In conclusion, I now want to elucidate a little further the oracular answer "that it all depends upon the circumstances of the case exactly what may be required by way of effective control and possession."

As Dr. Huber says, it is neither possible nor necessary

/to

possibly bring forward against it.

"However, if the contestation is based on the fact that the other party has actually displayed sovereignty, it cannot be sufficient to establish the title by which territorial sovereignty was validly acquired at a certain moment: it must also be shown that the territorial sovereignty has continued to exist and did exist at the moment which for the decision of the dispute must be considered as critical. This demonstration consists in the actual display of state activities such as belongs only to territorial sovereignty."

In other words if Power "X" claims to be sovereign over a territory and Power "Y" has been displaying physical authority, "X" will not win the case merely by showing that some time ago "X" annexed and certainly acquired it. "X" must also show that it was actually exercising authority right up to the moment when "Y" came in.

It is also pointed out by the same Arbitrator in the same case (l.c. page 393) that if you wish to appreciate the effect of an act which is done in the Eighteenth Century you will do this by applying the international law of the Eighteenth Century, but if you wish to determine whether the consequences of the act which happened in the Eighteenth Century still validly continue in the Twentieth Century you apply the international law of the Twentieth Century to ascertain this.

I have said that the requirements of international law with regard to the effectiveness and continuity of physical control are becoming more onerous. I think that this change is quite perceptible in the last twenty years and from the practical point of view this means that even if in 1926 it was sufficient to acquire and maintain your sovereignty over a Polar region to have an annexation coupled with a momentary physical control and a paper administration, this may no longer be sufficient in 1946. You can acquire sovereignty in 1926 in accordance with the law of 1926 but if you wish to maintain

It is, in fact, not clear that mere discovery unaccompanied by annexation any longer creates even an inchoate right and whether it is in fact justifiable to refer to it apart from annexation. I think that it did so in the past but no longer does so. (Hackworth l.c. page 398).

It is, however, worthwhile noting that Norway when communicating with the United States Government in 1924 said that the discovery of territory by Amundson and the taking of possession by him thereof in the name of the King of Norway, only meant that Norway had a right to priority in acquiring, subsequently, the sovereignty by settlement or other procedure sanctioned by international law. Norway repeated the same statement later in 1929. (Hackworth l.c. pages 400 and 454). This was before Norway formally annexed the Norwegian area in 1939.

Developments of International Law requiring increased and more continuous effective control.

6. International law is not static and it is clear that certain developments in it have taken place which are relevant to the matter we are now discussing. The developments are (1) that little or no weight now attaches to discovery and (2) that the requirements of effectiveness of possession are now greater and (3) the necessity of continuity of effective possession is emerging almost as a new requirement. Thus Hackworth's Digest quotes Lindley: "New methods of acquisition have been introduced to meet the altered conditions. Some rules such as those connected with discovery have sunk into the background ... It is sufficient in this connection to refer here to the extended scope which has been given to the doctrine of effective occupation in modern times" (page 396).

So much for the first two developments.

Now as to the third:-

Dr. Huber in the Palmas Island Award says (l.c. p 394):
"If a dispute arises as to sovereignty over a portion of territory, it is customary to examine which of the states claim to possession of a title (by cession, conquest, occupation, etcetera) is superior to that which the other state might possibly

is that prescription requires the same two elements of animus and factum. The difference is that occupation is a method of acquiring a title to territory which is res nullius and prescription is a means of acquiring territory, which originally belonged to somebody else whose title is destroyed by the fact that the acquirer has successfully maintained possession. A further difference is that for prescription the position must last some time to create a new title and destroy an old one, whereas for occupation the title is acquired as soon as the two elements have been established.

Further, I think that the degree of administration and control required under the element of factum in the case of prescription is higher than would be required in the case of mere occupation.

In one view, which I hasten to say is not the only possible view, the British title to the Falkland Islands depends upon prescription because it may be that in 1833 the Argentine had a good title to the Islands and were unlawfully turned out, but the United Kingdom is now in possession under a perfectly valid title to the Islands because it has successfully and continuously remained in possession for over a century. I am not, however, to be taken to be saying that so long a period as a century is required for prescription nor am I attempting to say what period of time is required because I am afraid that is probably another instance where it all depends on the facts of the case.

5. I can put the matter in another way. It may be said that discovery gives an inchoate title which lasts for a short time but then lapses unless the next step is taken, which is annexation. Then annexation, even if accompanied by a momentary physical possession and coupled with paper measures for administration, again only creates an inchoate title which will disappear unless it is followed within a reasonable time by an effective physical possession and control.

Dr. Huber, the Arbitrator in the Palmas Island Case, a former President of the P.C.I.J., and undoubtedly one of the greatest international lawyers of our time, says, in part of his Award:

"It seems incompatible with this rule of positive law (effective occupation) that there should be regions which are neither under the effective sovereignty of a state nor yet without a master, but which are reserved for the exclusive influence of one state" (Hackworth page 393).

Dr. Huber is saying in a sense, that international law abhors a vacuum, or, that it does not permit the dog in the manger. If you do not maintain effective control over your territory, someone else may step in and establish physical possession there. It may be that even if you take up the matter at once with him and get the dispute before an international tribunal, it may even so be held that you had already lost your rights by not exercising them. But even though this is doubtful (and the Clipperton Island Award l.c. page 404, is against it), it is at any rate clear that, if your opponent succeeds in maintaining his physical possession for some time, he will acquire, by prescription, a title which will destroy the rights you formerly had. His mere physical possession continuously maintained will give him a good title against anyone who cannot prove a better one. You will be a plaintiff with the onus on you to prove that your previous title remains a better one and the plaintiff position is always a disadvantageous one. The longer he stays in physical possession, the weaker your position becomes and the stronger his and the legal effect of paper protests is not very clear.

Prescription as a reason for continuity of control. 4. Prescription is a means of obtaining a title to a territory under international law. It has considerable similarities with occupation. On the other hand it is really distinct from occupation though the distinction is not always clearly drawn in the books or authorities. The similarity /is

(Volume 1, page 39). The same communication refers to the "absence of permanent settlement" of parts of the Antarctic Continent explored by American, Belgian, British, French, steepers, and to the "absence of permanent population in the so-called Ross Dependency of New Zealand and in Graham Land being a portion of the so-called dependencies of the Falkland Islands" (P.C. page 452). This extract is followed by a quotation from Dr. Hyde, an earlier solicitor of the State Department, to the effect that "If on account of the rigour of climatic conditions in the Polar regions, there is to be a relaxation of the ordinary requirements of occupation as a mode of acquiring a right of sovereignty the relaxation should be confined to the waiving of settlement as a necessary condition for the perfecting of the right of sovereignty provided that a claimant state may establish that by some other process it is in a position to exercise control over what it claims as its own in the Antarctic regions no assumption of the requisite power shall be derived from the mere assignment of the claimed area to a particular dependency of the claimant. No bare notification of a claim shall be deemed to suffice to beget a right of sovereignty or be accepted as a substitute of proof of the requisite power to control."

If actual permanent settlement is not required, at any rate effective control is.

Necessity 3. In order to secure sovereignty over a Polar region it is, of main-
taining however, not enough to annex it and, at the time of annexation, continuous control. to establish effective control. It is necessary to maintain that control continuously.

In Hockworth's Digest (L.C. 396) there is quoted from Lindley an enumeration of what he calls "areas which are terra nullius and open to acquisition by occupation." The third and fourth items thus enumerated are:

(3) "Lands which have been abandoned by their former occupants" and (4) "Lands which have been forfeited because they have not been occupied effectively."

/Dr. Huber

Annex to P(46) Second Meeting. - Item 3.

Statement by Foreign Office Legal Adviser
on the necessity of physical occupation as
a means of securing sovereignty in the
Polar Regions.

What is
required
to acquire
sovereignty
by
occupation.

1. We begin from the position that land in the Polar Regions is, or was, terra nullius and that sovereignty is acquired, initially by occupation. Further, as is well known, occupation consists of two elements which are described by two Latin words "animus" and "factum".

Under the heading "animus" the requirement is an official, unambiguous expression of the intention of the occupying power to the effect that it has acquired the territory as its own and intends to hold it. In other words it is the annexation of the territory and this has been effected in the case of British territories in the Antarctic by Orders in Council and Letters Patent.

The other element "factum" consists in effective taking possession and the establishment of an administration. The emphasis is on the word "effective" and the first answer to the question what amount of control and administration will be regarded as effective for this purpose, is, as so often, that "it all depends on the circumstances of the case". While I will leave this important question with this oracular answer for the moment, I will return to it later and try to be less oracular.

Is settle-
ment
necessary.

2. It is sometimes contended that there must be settlement to create a title by occupation. Thus Hackworth's Digest of International Law (Mr. Hackworth was a solicitor of the State Department and is now a Judge of the International Court of Justice) quotes a communication from the United States Secretary of State of 1924: "It is the opinion of the Department that the discovery of lands unknown to civilisation, even when coupled with a formal taking of possession does not support a valid claim of sovereignty unless the discovery is followed by an actual settlement of the discovered country"

- (b) Claim by virtue of formal act of annexation, again giving inchoate right, effective only for limited period to perfect a claim by administration.
- (c) Completed claim by occupation, i.e. by setting up and maintenance of necessary administration.

In this connection standard of what constitutes effective occupation and control must vary with material conditions of territory concerned. Legal Adviser further pointed out that since 1943, His Majesty's Government in United Kingdom have been drawn to conclusion that it is no longer sufficient merely to legislate for territory (e.g. Falkland Islands Dependencies) or to issue Whaling or other licences; to arrange occasional visits; appoint magistrates or generally to exercise functions of sovereignty. In other words little or no weight now attaches to discovery; requirements of effectiveness of possession are now greater; and necessity of continuity of effective possession is now emerging almost as new requirement of international law.

5. Above statement of sovereignty question as outlined by Foreign Office Legal Adviser, and care which has been taken by former United States expeditions to refrain from any recognition of Australian and New Zealand sovereignty in Australian Antarctic Territory and Ross Dependency lead us to the view that Commonwealth and New Zealand Governments would be well advised as a matter of urgency to consider what steps should now be taken with a view to strengthening their claims in sectors with which they are concerned. Further reason for early action is that we shall in the near future almost certainly be forced by events to give some publicity to United Kingdom activities in Falkland Islands Dependencies. This in itself can serve only to emphasise present comparative weakness of Australian and New Zealand claims.

6. In view of circumstances described we earnestly hope that Commonwealth and New Zealand Governments will now feel able to review their policy generally in relation to Antarctic and that they will agree with us that early steps should be taken towards establishment of permanent base site or sites in their respective sectors. We for our part should of course be very ready to lend any assistance which may prove possible should this be desired.

7. We should much appreciate an early expression of Commonwealth and New Zealand Governments' views on the subject as a whole. We should also welcome any comments Canadian and Union Governments may wish to offer.

probable that as all the most suitable base sites in the Dependencies are already occupied, Ronne (who is believed to have been offered vessel by United States Navy Department) may possibly make for Ross Dependency, Pacific Sector or elsewhere in Antarctic. Ellsworth, as to whose activities no reliable information has yet been received, might also try to reach Ross Dependency and/or Australian Antarctic territory. Either expedition might be expected to leave United States during course of next month.

(3) Norwegian Expedition.

Following tentative discussion of plans between Norwegian and Swedish geographical and scientific organisations, Norwegian Government have now expressed confidentially to Swedish sponsor their willingness to ask Storting for grant of 650,000 kroner to cover cost of ship which they hope would be able to leave for New Schwabenland in 1948. Norwegian and Swedish authorities concerned have expressed desire for United Kingdom co-operation in expedition.

(4) United Kingdom Activities in Falkland Islands Dependencies.

In view of continuing Argentine and Chilean claims in this area Cabinet decided in 1943 to strengthen British titles in that area and to send out parties to effect more or less continuous occupation of bases. In 1945 Relief Parties were despatched in order to maintain policy of occupation and new bases were established. Further Relief Party is now about to proceed to Falkland Islands Dependencies and a small aircraft is to be used for supply and survey work.

(5) Argentine Activities.

Argentine Director of Meteorological Service recently informed His Majesty's Embassy at Buenos Aires that his Government proposed to send a party to occupy a "suitable island in Marguerite Bay" - (base at which is of course already occupied by United Kingdom Party) - and that five Argentine Naval vessels were to be employed during 1947 on Antarctic Research work. Further clarification of above reports is still awaited.

3. With exception of (1) and (5) above, activities referred to were discussed at recent meeting of Polar Committee on which Dominion Governments are represented. (We understand that your Representative on Committee will already have forwarded to you copies of the relevant minutes). During course of discussion view was expressed that in light of forthcoming United States expeditions to Antarctic, Commonwealth and New Zealand Governments would be well advised to take early steps to strengthen their claims to Australian Antarctic Territory and to Ross Dependency respectively and that this could only be effectively achieved by establishment of at least one permanent base in each sector.

4. Necessity of physical occupation as a means of securing sovereignty was explained to Committee by Foreign Office Legal Adviser and a copy of his statement follows by first available air mail. You should know in advance, however, that main points emphasised by Legal Adviser were briefly as follows:-

In first place types of claim to territorial sovereignty may be divided into three categories, viz:

- (a) Claim by virtue of discovery which gives inchoate right of short duration.

(b)/

OUTWARD TELEGRAM

CYPHER (TYPEX)

FROM: D.O.

TO: AUSTRALIA (GOVT.)
NEW ZEALAND "

RPTD: CANADA "
SOUTH AFRICA "

*Return to me
O.D.
K.P.*

(Sent 9.30 p.m., 21st Nov., 1946.)

*19/88/2.
F.
free*

IMPORTANT
D.No. 1064 TOP SECRET GUARD

Addressed to Commonwealth of Australia and New Zealand, repeated to Canada and Union of South Africa for information.
Top Secret.

1. Recent important developments in Antarctic have led us to reconsider our previous policy in relation to general British Commonwealth territorial claims in that area.

2. As you will doubtless be aware from recent articles in United Kingdom and United States press following activities in Antarctic are now either impending or in actual progress:

- (1) United States Navy Department Expedition.
- (2) One or two privately organised United States Expeditions.
- (3) Norwegian Expedition to New Schwabenland.
- (4) United Kingdom Survey Party activities in Falkland Islands Dependencies.
- (5) Argentine Naval Expedition to Falkland Islands Dependencies.

Background to above expeditions is briefly as follows:-

(1) United States Navy Department Expedition.

Following reports in United States press that large scale expedition had been planned to explore "Sub-continental South Pole" from base at Little America in Ross Dependency, Embassy in Washington asked State Department for clarification and were informed confidentially that expedition was in fact a Fleet Exercise which had been transferred from Arctic to Little America area of Antarctic in order not to offend Soviet susceptibilities. Scientific exploration would remain incidental to main purpose of Fleet activities. Admiral Byrd has since given press interview on purposes and composition of expedition, and summary of his remarks is contained in my immediately following telegram.

(2) Private United States Expeditions.

These are understood to be under control of Lincoln Ellsworth and Finn Ronne. The latter expedition is sponsored by American Geographical Society and United States authorities have already expressed their anxiety not to embarrass us in our own activities in Falkland Islands Dependencies, where Ronne was apparently intending to establish his base, and it now seems

probable/

(j) Any effect of Byrd expedition on balance of conflicting Antarctic territorial claims would be merely incidental the Admiral said adding that United States does not recognize any claims down there and has made no claims.

(k) Expedition would be highly mechanized and would prospect for minerals including uranium with sensitive electronic anti-submarine devices. It would include physicists but no atomic physicists. Much coal had been discovered within 1,500 miles of South Pole.

(l) Expedition is to leave early in December and arrive in January at its destination. Sigs.

Return to me please
A.

OUTWARD TELEGRAM

W111/9
CODE

O.D.

FROM: D.O.
TO: CANADA (GOVT.)
AUSTRALIA "
NEW ZEALAND "
SOUTH AFRICA "

(Sent 6.10 p.m., 21st Nov., 1946.)

19/88/2
F.

IMPORTANT
D.No. 1065

Following is summary of interview given to press by Admiral Byrd as reported in New York Times edition of 12th November, Begins.

- (a) Admiral Byrd will be in charge of large expedition to renew United States stake and aspirations in rich Antarctic continent.
- (b) He and Admiral Sherman Deputy Chief of Naval operations announced expedition at News Conference. They said operation involved 4,000 officers and enlisted men and more than dozen vessels designed to train personnel in frigid zones.
- (c) Expedition would consolidate and develop results of American expedition of 1939-41 and amplify scientific data.
- (d) From reliable sources it was learned that aims were to determine whether southern Polar area had value to national defence and long term United States economy and to strengthen this country's claims never formally asserted to Antarctic areas.
- (e) Admiral denied that expedition which he said had been prepared for months was our entry into race for hegemony of Antarctic.
- (f) He acknowledged however that British had sent an expedition since 1942 to his old base at Marguerite Bay that Russians had announced an expedition and that Norwegians were also headed south.
- (g) He refused to answer why British had sent an expedition in wartime to remotest part of earth. Enquiry in other quarters established that answer would have had international implications of a disturbing nature. It was then learnt that British had established what was regarded as at least token colonisation apparently round Marguerite Bay.
- (h) Asked whether British had ever taken over Marguerite Bay, Byrd replied that new expedition did not involve that part of his former bases. It was headed for Little American base 1,500 miles west. He explained that about two years ago British went down there and put down three or four bases. He did not know whether British were still occupying his old base but if they want to they do so.
- (i) American expedition would co-operate with British if encountered. This co-operation also extends to other expedition fostered by American Antarctic association under Finn Ronne.

(j)/

(c) Subject to (a) and (b) above to co-operate in friendly spirit with any visiting parties.

(5) We should be glad to learn whether Governments concerned have arrived at any general conclusions on policy matters referred to in my telegram D. No. 1064.

transport aircraft early in January.

(2) Argentine Expedition.

It was announced recently in the Argentine press that the expedition would sail this month, accompanied by Chilean officers. According to reliable source Argentine Naval Authorities intend also to despatch vessel to establish meteorological post in Argentine Islands (about 180 miles from Marguerite Bay) and if possible to leave party there in permanent occupation.

(3) Proposed Chilean Expedition.

It was announced from Santiago in November that frigate would be sent to Antarctic in January or February 1947 and that Argentine officers would be invited to take part in expedition.

(4) Private United States Expeditions.

No further information is available regarding the progress of Ellesworth Expedition. Finn Ronne appears to have decided, however, despite warning that base at Marguerite Bay is now occupied by Falkland Islands Dependencies Survey, that he cannot alter his original plans which contemplate establishment of base in that locality. In view of difficulties which may possibly arise both with Ronne and with prospective Argentine and Chilean Expeditions, we are urgently considering what further instructions if any, should be given to leader of Survey. Our preliminary feeling is that he should be told:

(a) to inform United States or any other visiting expeditions that Marguerite Bay is under British sovereignty.

(b) to maintain his position as civil representative of Governor of Falkland Islands Dependencies, and in event of difficulties to yield only to superior force.

(c)/

GUARD

(This is an unparaphrased version of a Secret cypher message and unless it is marked O.T.P. (One Time Pad) the text must first be paraphrased if it is essential to communicate it to persons outside British and United States Government Services.)

OUTWARD TELEGRAM

CYPHER (TYPEX)

O.D.

FROM: D.O.
TO: CANADA (GOVT.)
AUSTRALIA "
NEW ZEALAND "
SOUTH AFRICA "

(Sent 12.50 p.m. 14th Dec., 1946.)

IMMEDIATE.

D. No. 1169 TOP SECRET GUARD.

My telegram D. No. 1064. Antarctic.

19/88/2
F.

Following are latest developments:

(1) Byrd Expedition

As was recently announced in press, expedition sailed on 2nd December from east and west coast United States ports. According to "Times" correspondent in New York, fleet on arrival in Antarctic will divide into three sections, eastern group proceeding to Peter I Island and thence eastwards; western group heading for point south east of New Zealand, thence following edge of Antarctic westwards; central group sailing for Scott Island with ultimate intention of entering Bay of Whales and establishing air base on Ross Ice Shelf near Little America. It is thought that air base would be ready to receive transport aircraft early in January.

(2) Argentine Expedition.

It was announced recently in the Argentine press that the expedition would sail this month, accompanied by Chilean officers. According to reliable source Argentine Naval Authorities intend also to despatch vessel to establish meteorological post in Argentine Islands (about 180 miles from Marguerite Bay) and if possible to leave party there in permanent occupation.

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(a) to inform United States or any other visiting expeditions that Marguerite Bay is under British sovereignty.

(b) to maintain his position as civil representative of Governor of Falkland Islands Dependencies, and in event of difficulties to yield only to superior force.

(c)/

(The text of this telegram may not be communicated OUTSIDE ANY UNITED KINGDOM DEPARTMENT without first being paraphrased.)

TYPE X (SECRET)

11267

MINISTER
CABLEGRAM FROM: ~~XXXXXXXXXX~~/FOR EXTERNAL AFFAIRS, PRETORIA.

DATED: 27th December, 1946 (Recd 28.12.46).

No. 1877. Top Secret. Following for Secretary of State with reference to his D. 1064, 1169 and 1171. Begins:
The Union Government are grateful for the information contained in the telegrams under reference and find themselves in agreement with the views expressed therein. They would be grateful to learn whether His Majesty's Government in the United Kingdom would see any advantage in the Union Government staking a claim in that portion of Antarctic lying immediately south of the Cape of Good Hope. The views of the United Kingdom regarding the best means by which this could be achieved were this step decided upon would be appreciated. Ends.

MW.

despite warning that base at Marguerite Bay is now occupied by Falkland Islands Dependencies Survey, that he cannot alter his original plans which contemplate establishment of base in that locality. In view of difficulties which may possibly arise both with Ronne and with prospective Argentine and Chilean Expeditions, we are urgently considering what further instructions if any, should be given to leader of Survey. Our preliminary feeling is that he should be told:

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(b) to maintain his position as civil representative of Governor of Falkland Islands Dependencies, and in event of difficulties to yield only to superior force.

(c)/

File

19/88/2

28th December, 1946.

My dear Secretary of State,

With reference to your Circular Telegrams D.1064, 1169 and 1171, I have been asked by my Government to convey to you their thanks for the information contained in the above-mentioned telegrams. They find themselves in agreement with the views expressed therein and would be grateful to learn whether the United Kingdom Government would see any advantage in the Union Government staking a claim in that portion of the Antarctic lying immediately south of the Cape of Good Hope.

The views of the United Kingdom Government regarding the best means by which this could be achieved, were this step decided upon, would also be appreciated.

Yours sincerely,

BERNARD MONTGOMERY

The Rt. Hon. Viscount Addison,
Secretary of State for Dominion Affairs,
Dominions Office,
Downing Street, S.W.1.

BGF/AG

despite warning that base at Marguerite Bay is now occupied by Falkland Islands Dependencies Survey, that he cannot alter his original plans which contemplate establishment of base in that locality. In view of difficulties which may possibly arise both with Ronne and with prospective Argentine and Chilean Expeditions, we are urgently considering what further instructions if any, should be given to leader of Survey. Our preliminary feeling is that he should be told:

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(c)/



Handwritten signature and initials: "H. Heaton Nicholls" and "3/2"

Dominions Office,
Downing Street.

30th December, 1946.

Handwritten circled date: "19/12/2?"

Dear Mr. Fourie,

Would you please let Mr. Heaton Nicholls know that Lord Addison has received his letter of December 28th enquiring whether the U.K. Government would see any advantage in the Union Government staking a claim in that portion of the Antarctic lying immediately south of the Cape of Good Hope.

Yours sincerely,
Hughes

B.G. Fourie, Esq.

despite warning that base at Marguerite Bay is now occupied by Falkland Islands Dependencies Survey, that he cannot alter his original plans which contemplate establishment of base in that locality. In view of difficulties which may possibly arise both with Ronne and with prospective Argentine and Chilean Expeditions, we are urgently considering what further instructions if any, should be given to leader of Survey. Our preliminary feeling is that he should be told:

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(c)/



DUPLICATE

19/8/47
some ppc
sent
30.1.47

~~10/19~~
some ppc
sent

UNION OF SOUTH AFRICA

Dominions Office,

Circular despatch D. No. 121

Downing Street.

4 December, 1946.

Sir,

With reference to my despatch D. No. 113 of the 15th November on the subject of Chilean Antarctic claims, I have the honour to inform you that according to reliable information received by His Majesty's Embassy in Santiago, the Chilean authorities have recently given urgent instructions for the printing of special postage stamps in connection with the Chilean claim.

2. It is understood that these stamps, which it is hoped to issue by February 1947, will be of two denominations: namely, one of 40 cents for other countries within the Pan American Postage Union, and one of 2.50 pesos for countries not within the South American Postage Union.

I have the honour to be,

Sir,
Your most obedient,
humble servant,

(Signed) ADDISON

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

copy on 10/9/47

despite warning that base at Marguerite Bay is now occupied by Falkland Islands Dependencies Survey, that he cannot alter his original plans which contemplate establishment of base in that locality. In view of difficulties which may possibly arise both with Ronne and with prospective Argentine and Chilean Expeditions, we are urgently considering what further instructions if any, should be given to leader of Survey. Our preliminary feeling is that he should be told:

(a) to inform United States or any other visiting expeditions that Marguerite Bay is under British sovereignty.

(b) to maintain his position as civil representative of Governor of Falkland Islands Dependencies, and in event of difficulties to yield only to superior force.

(c)/

19/88/2.

SPRINGBOX:

27th January, 1947.

Dear Jooste,

South African claims in the Antarctic.

I was to-day reading through our file in preparation for a forthcoming meeting of the Polar Committee when I came across a telegram - No. 1877 of 27th December - from Primus sent while I was in New York, asking whether the United Kingdom Government would see any advantage in the Union Government staking a claim in that portion of the Antarctic lying immediately South of the Cape of Good Hope. This enquiry was duly transmitted to the Dominions Secretary but no reply has been received.

It appears to me that the enquiry was made without looking at the map. The area in question - Queen Maud Land - was surveyed by Norwegian explorers and has been placed under Norwegian sovereignty. No one is likely to question the Norwegian claims which have been recognised by the United Kingdom, Australian and New Zealand Governments. The circumstances are set out in Chapter XII of a Foreign Office publication, "Territorial Claims in the Antarctic" issued May 1st, 1945, copies of which were sent to you under cover of Dominions Office circular despatch D. 158 of 10th October, 1945.

I am afraid, therefore, there is no chance of our being able to annex a slice of Antarctica in compensation for our rebuff over South West.

Yours sincerely,

D. E. S. 3

G.P. Jooste Esq.,
Department of External Affairs,
Cape Town.

despite warning that base at Marguerite Bay is now occupied by Falkland Islands Dependencies Survey, that he cannot alter his original plans which contemplate establishment of base in that locality. In view of difficulties which may possibly arise both with Ronne and with prospective Argentine and Chilean Expeditions, we are urgently considering what further instructions if any, should be given to leader of Survey. Our preliminary feeling is that he should be told:

(a) to inform United States or any other visiting expeditions that Marguerite Bay is under British sovereignty.

(b) to maintain his position as civil representative of Governor of Falkland Islands Dependencies, and in event of difficulties to yield only to superior force.

(c)/

Ref: 19/88/2.

20th March, 1947. ry, 1947.

Dear Chadwick,

I return herewith Copy
No. 74 of the Territorial Claims in
the Antarctic for which I am most
grateful.

Yours sincerely,

D. E. SOLE

J. Chadwick Esq.,
The Dominions Office,
London, S. W. 1.

acknowledged in compensation for our report over
South West.

Yours sincerely,

D. E. SOLE

G.P. Jooste Esq.,
Department of External Affairs,
Cape Town.

despite warning that base at Marguerite Bay is now occupied by Falkland
Islands Dependencies Survey, that he cannot alter his original plans,
which contemplate establishment of base in that locality. In view of
difficulties which may possibly arise both with Ronne and with
prospective Argentine and Chilean Expeditions, we are urgently
considering what further instructions if any, should be given to
leader of Survey. Our preliminary feeling is that he should be told:

(a) to inform United States or any other visiting expeditions
that Marguerite Bay is under British sovereignty.

(b) to maintain his position as civil representative of Governor
of Falkland Islands Dependencies, and in event of difficulties to
yield only to superior force.

(c)/

Mr. Sole.

Dominions Office Reference No. W.111/1.
with the Compliments of Mr. CHADWICK
Date 18-3-1947
Reference _____

March, 1947. February, 1947.

Enclosure. *Secret.*
With Receipt Form. *pre return*
unclassified
Chadwick
SS

SECRET.

Yours sincerely,

D. E. SOLE

J. Chadwick Esq.,
The Dominions Office,
London,
S. W. 1.

Antarctica in compensation for our
South West.

Yours sincerely,

D. E. SOLE

G.P. Jooste Esq.,
Department of External Affairs,
Cape Town.

despite warning that base at Marguerite Bay is now occupied by Falkland Islands Dependencies Survey, that he cannot alter his original plans which contemplate establishment of base in that locality. In view of difficulties which may possibly arise both with Ronne and with prospective Argentine and Chilean Expeditions, we are urgently considering what further instructions if any, should be given to leader of Survey. Our preliminary feeling is that he should be told:

- (a) to inform United States or any other visiting expeditions that Marguerite Bay is under British sovereignty.
- (b) to maintain his position as civil representative of Governor of Falkland Islands Dependencies, and in event of difficulties to yield only to superior force.

(c)/

Telegraph.

F. in Polar Air

OPERATION ANTARCTICA IS ON

UNLOCKING THE SECRETS OF A CONTINENT

THE Antarctic Continent is Nature's last great territorial redoubt against Man's conquest of her treasures and her secrets.

It might almost have been designed as such. The 6,000,000 square-mile land mass, centred on the South Pole, is moated by a 600-mile wide belt of the deepest and stormiest ocean in the world.

Grim mountains and lofty plateaux give it an average height twice that of the next highest continent. Winds of an average velocity of 50 m.p.h. sweep round it and across it. Average temperatures are 5deg F. lower than in the Arctic.

The Arctic Circle contains land rich in forests and animals, supporting a population of over 1,000,000. In Antarctica there is not a single tree and no land creature larger than an insect.

Since the end of the war, however, it has become evident that the real assault against Antarctica is on a new kind of planned, scientific, long-term assault, carried out with the resources and backing of Governments. The days of the heroic dash to the Pole by an Amundsen or a Scott are past.

Instead we now have an increasing number of permanently occupied research bases, pushing farther and farther south, manned by scientists of many kinds sending a steady stream of data for further study by experts at home.

This will be supplemented from time to time by expeditions of the type—but perhaps not on the scale—of that recently completed by Adm. Byrd, with his combined-operations task force of 4,000 men, an aircraft-carrier, with squadrons of landplanes and seaplanes, and a fleet of 13 ships.

It is natural to ask at this point why there is this sudden growth of international interest in the Antarctic. I put this question to a number of scientists and Antarctic experts, and got the following replies.

First, as a result of technical and scientific progress during the war, Governments have come to realise that anything worth having in the Antarctic can be got out.

Transport by Air

Everything depends, of course, on the value of the product in relation to its weight, and whether it is found near the coast—otherwise transportation would have to be by aircraft.

It is evident, however, that jet-propulsion, possible use of atomic energy, improved equipment for cold-weather living open up entirely new vistas. Fresh discoveries, lending themselves in various ways to the opening up of the Antarctic, seem to be a reasonable probability over the next few years or decades.

The next question is: What can we expect to find in Antarctica? Rumours that vast quantities of uranium have been found or are anticipated are completely discounted. None has been found, nor are there any indications of its existence.

It is known that great quantities of coal exist, but it is of such poor quality as to be of little or no interest. There are traces of copper, but lack of information makes it impossible to form any picture of the mineral resources of the continent.

All that the experts can say is that it is inconceivable that a great

By R. H. C. STEED

continent, as large as Australia and Europe combined, should contain nothing of value. When as much was known about Canada as we know now about the Antarctic, Voltaire called it "a few acres of useless snow."

The American purchase of Alaska from Russia in 1867 for \$7,200,000 was thought by many to be folly. Since then Alaska has produced \$250,000,000 worth of minerals alone.

It is significant of the present age that as much importance is attached to the scientific information to be obtained from the Antarctic as to the possibilities of mineral discoveries.



Scientific research in the Antarctic is concerned not merely with such obvious matters as meteorology—especially the phenomena of Antarctic depressions—and various branches of radio. Data may be obtained leading to increased knowledge of fundamental physical laws.

One scientist put it this way: "Science may be compared to an immense jig-saw puzzle. How can you expect to complete the whole picture when you have only the bits from the tropical and temperate zones, but not those from the Polar regions?"

Claims to Sovereignty

Now that the Antarctic has become a long-term preoccupation of a number of Governments, the question of claims to sovereignty in the area is gradually coming to the fore.

The British possessions are the Falkland Islands Dependencies, comprising the South Orkneys, South Shetlands, Sandwich Islands, South Georgia, Graham Land and Coats Land.

Other claims recognised by Britain are: Ross Dependency (New Zealand, 1923); Australian Antarctic Territory (1933); Adèle Land (France, 1938); and Queen Maud Land (Norway, 1939).

The above claims are in conformity with international law, under which there are, broadly speaking, three stages in the establishment of claims to new territory.

The first step is discovery, which can include sighting from a ship or aircraft. Discovery confers an "inchoate right," which lapses unless the second step, "commencement of occupation," is duly taken. For this it is necessary to enter the territory and execute the formal act of claiming it.

This right is also inchoate, and will lapse unless in due course the claim is perfected by the final step of "completed acquisition by occupation," which involves setting up an administration for the territory appropriate to the conditions existing there.

Britain annexed the Falkland

Islands Dependencies by Letters Patent issued in 1906 and 1917, and duly set up a central administration of them to the extent necessary in view of their nature. The scientific and survey work there was taken over by the Colonial Office after the war. Existing survey stations were extended and made into permanent bases.

There are now seven such bases, each manned the whole year round by staffs of about eight men. They are Port Lockroy, Deception Islands, Signy Island, Hope Bay, Marguerite Bay, Argentine Islands and Admiralty Bay.

The last two were established this year. All have magistratures and post offices, using special Falkland Island Dependencies postage stamps. The Dependencies Survey possesses three ships for provisioning, reliefs, mail, &c.

British possession of the Falkland Islands and the Dependencies is disputed by the Argentine, which claims territory in the sector 25deg W. to 68deg 30min W.

There are also Chilean claims, formally made in a decree published in 1940, to the Dependencies lying between 53deg W. and 90deg W.

The United States policy in the Antarctic, as recently defined by the State Department, is that no claims are made, no claims are recognised, and complete freedom of action is reserved. The State Department treats the matter as one of no urgency.

There is little doubt that the main object of Adm. Byrd's latest expedition was combined-operations training for a big task force under Polar conditions. At the same time he took the fullest advantage of unique opportunities for survey and discovery.

The results of the expedition—which, it must be remembered, was in the Antarctic only two months—cannot yet be assessed. It has been reported that 125,000 square miles of coastal area were mapped, and that the discoveries included four large bays, 15 moderate-sized islands, and hundreds of mountains of between 16,000 and 20,000 feet.

Ice-free Lakes

The most interesting discoveries so far revealed are the two ice-free lakes, although such lakes have been found before in Antarctica, much of which is volcanic. Everything depends on the precision of the surveying, most of which was by aircraft.

Another American expedition is that commanded by Cmdr. Finn Ronne, which has established itself on Stonington Island, Marguerite Bay. Two Chilean cruising expeditions called there in February, and there are also two Argentine expeditions. Australia is sending an expedition at the end of the year, and there are also plans for a joint expedition by Norwegians, British and Swedes.

Britain has a record second to none in Antarctic exploration. It was Capt. Cook who, in 1773, first crossed the Antarctic Circle. Of 168 expeditions between 1502 and 1943, 75 were British, 29 Norwegian, 24 United States and 19 French.

In a methodical, unspectacular way the scientists manning the British bases in the Antarctic the whole year round are carrying on the work of those early sea captains and pioneers, whose names are recorded on our present fragmentary map of the Frozen South.

ary, 1947.

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CABLEGRAM TO: PRIMESEC: CAPE TOWN.

DESPATCHED 16th February 1948.

(The text of this telegram may not be
communicated outside the UNITED KINGDOM
DEPARTMENT WITHOUT THE PERMISSION OF THE SECRETARY.)

TOP SECRET

No. 103. In my minute No. 19/88/2 of 13th February I reported to you tentative and informal suggestion which State Department had made to United Kingdom Government for United Nations trusteeship arrangements in Antarctic area. London newspapers to-day carry reports from Cape Town of departure of cruiser "Nigeria" with suggestion that she was bound for Falkland Island Dependencies. At meeting of C.R.O. to-day we were informed that the ship is in fact sailing for this area (where she will receive further orders) as counter-demonstration to arrival of strong Argentine naval force. At the same time United Kingdom authorities consider it urgently necessary to discuss whole question of Antarctic policy with United States Government with a view to establishing if possible a common policy. United Kingdom Government are particularly opposed to talk of international trusteeship in an area adjoining important strategic route round Cape Horn; and they do not wish to give Soviet Union through her membership of United Nations opportunity for intervention in this question. They hope to persuade United States Government to agree with this view but question is, of course, extremely delicate in view of its implications for western hemispheric issues. It was explained that departure of "Nigeria" was purposely delayed until after initialling of economic agreement with Argentine.

We understand that C.R.O. are telegraphing you on the subject.

DEBIT:E.A.

/EC

ANTARCTICA

NOTE OF UNITED STATES VIEWS.

The United States Government has not altered its position with regard to Antarctica, but in view of the increasing British, Argentine, and Chilean interest, has come to the conclusion that a change in policy may be necessary and has initiated a study of the situation which may lead to an altered position within the course of the next few months, possibly along the lines of some arrangement, possibly a special UN trusteeship, which would remove Antarctic problem as a whole from the area of international dispute, promote international scientific development and at the same time safeguard the special interests of certain countries by giving them permanent control of the trustee administration.

With regard to the "Hemisphere Defence Area", the position of the United States is clearly that the sovereignty or the national or international status of any territory is not affected by its inclusion in the hemisphere defence area, and thus that the status of the British, Argentine and Chilean claims in Antarctica are not affected by the inclusion of portions of Antarctica in that area. The American Government would be pleased, in the event that Argentine and Chilean expeditions visit territory claimed by Britain in Antarctica in the coming season, if any British action were limited to reiterating to them that in the British view they are in British territory. It is the view of the Department of State that, until such time as a course calculated to bring about a full settlement of the Antarctic problem is determined, more decisive action might serve only to inflame the issue without affording any compensating advantage.

SECRET.

22
Argentina

3. As regards our reaction to the Australian and Chilean activities in the Falkland Islands Dependencies, your Government will have seen our telegram D. No. 973 of 27th December, 1947, and D. No. 1 Saving of 1st January, 1948.

yours sincerely,
Godfrey Hain

(G. F. H. Hain)

Commonwealth Relations Office,
Downing Street.

10th February, 1948.

SECRET.

Dear Hamilton,

ANTARCTIC.

I think that you should see the enclosed note of some U.S. Government views about future arrangements in the Antarctic, which were communicated semi-officially to the Foreign Office by the U.S. Embassy, about Christmas 1947. After throwing out the idea that the Antarctic might be placed under trusteeship, the communication suggested that any British action against Argentine or Chilean expeditions this season should be limited to paper protests.

2. The Departments concerned here are now studying the implications of the suggestion that Antarctica should be placed under trusteeship, and, when some conclusions have been reached, it might be useful to exchange views. For the present we are not in a position to say anything officially to your Government. Moreover, the Embassy approach was very informal. Accordingly, although I am writing to you about it, because of your Government's interest in Polar matters, we should be glad if you would refrain from disclosing to the U.S. Embassy or any U.S. authority that this information has gone beyond U.K. Government Departments.

3.

A. HAMILTON, ESQ.

SOUTH AFRICA HOUSE.

19/88/2.

1018 February, 1948.

TOP SECRET.

SECRET SPRINGBOK:

13th February, 1948.

Dear Hamilton
THE SECRETARY FOR EXTERNAL AFFAIRS:

Antarctic.

..... We received from the Commonwealth Relations Office on the 11th February the enclosed note of some United States Government views about future arrangements in the Antarctic, which were communicated semi-officially to the Foreign Office by the American Embassy about Christmas, 1947. After tentatively suggesting the idea that the Antarctic might be placed under trusteeship, the note suggested that British action against Argentine or Chilean expeditions this season should be limited to protests on paper reiterating the view that the expeditions were in British territory.

2. The Departments concerned in London are now studying the implications of the suggestion about trusteeship and the Commonwealth Relations Office believes that when some conclusions have been reached it might be useful to have an exchange of views between the interested British Commonwealth Governments. The C.R.O. emphasises that for the present they are unable to take up the question officially with us. The approach from the American Embassy was very informal; and for this reason, although we are now being informed about the suggestion because of our interest in the Antarctic area, we have been specially asked to refrain from disclosing to any United States authority that the information about the American approach has gone beyond any United Kingdom government authority.

3. In regard to the British reaction to the Argentinian and Chilean activities in the Falkland Islands Dependencies, you will have seen telegrams D. No. 993 of 27th December and D. No. 1. Saving of 1st January.

4. The Prince Edward Islands, which the Union Government have now occupied, are in the strict sense not part of the Antarctic area, but they are only slightly north of the 50° parallel which includes the territories now in dispute with Argentina and Chile. The United States attitude, therefore, towards the future control of this area may very well be of interest to us in the future. For the present the Embassy's suggestion to the United Kingdom authorities is significant^{as}/showing that the United States government have not departed from their frequently-expressed refusal to commit themselves by admitting any territorial claims in the Antarctic.

A. M. HAMILTON

AMH/JH.

Political Secretary

- (a) Whether there is any likelihood of United States claims to territorial sovereignty in Antarctic being put forward in immediate future.
- (b) What line State Department are likely to instruct their Delegation to take at Bogota, should question of Falkland Islands Dependencies be raised.
- (c) Reactions of United States Government to Argentine proposal for an Antarctic Conference.
- (d) Attitude of United States Government towards Argentine and Chilean naval expeditions to F.I.D. in light of State Department's advice to His Majesty's Government to confine their action to diplomatic protests.

7. If other British Commonwealth Government to whom this message is being sent have any comments, we should be grateful if they could be telegraphed as soon as possible, and if they could be repeated to Washington for communication to our Ambassador who is being asked to keep in touch with your representatives there.

both strategically and politically, to United States, have avoided taking any action against Argentina in present dispute over F.I.D. without first informing State Department. He will go on to point out that United Kingdom Government are now faced with even more aggressive Argentine and Chilean naval incursions, including apparently, setting up of military commands by both countries, and to inform State Department of dangerous potentialities of present situation. He will add that he has been instructed to discuss with them which steps might be taken in interest of both powers to resolve it.

- (3) He will also say that forthcoming meeting at Bogota of states of Pan-American Union makes it important that agreement should be reached between United Kingdom and United States Governments before end of March as to future of F.I.D. Question is essentially one which should be considered by United States Government on broad strategic grounds rather than in atmosphere of a Pan-American Conference where immediate political arguments are likely to prevail over longer term considerations.
- (4) Ambassador is to avoid any impression of intransigence on our part as regards question of sovereignty, though, in case of those areas such as South Shetlands where our legal title is incontrovertible and our strategic interests vital, we must naturally reserve our position. He will also stress our willingness to continue to allow fullest possible facilities to all foreign powers to explore and develop territory under our control in Antarctic and to co-operate closely with any scientific expeditions sent to F.I.D. for research or exploration.
- (5) He will then suggest that best method of achieving necessary agreement might well be by means of conference of states concerned in Antarctic, on lines suggested by Argentine Government, though in view of recent Argentine naval incursions we could not agree to attend a conference under Argentine auspices.
- (6) Ambassador is to make clear that he is not empowered to speak on behalf of Australian and New Zealand Governments.

6. Ambassador is being advised that suggested interview with Mr. Marshall would be in nature of a preliminary review; main object would be to bring our point of view to notice of United States Government and to prepare way for early discussions with United States State Department as well as Commonwealth Governments concerned. He is however to attempt to obtain immediate information on following points -

(a)✓

then, and some of those Powers would probably be minded to make difficulties.

- (b) There are objections on strategic grounds.
- (c) It is unlikely that this solution would lead to abandonment of Argentine and Chilean claims.
- (d) A dangerous precedent might be created which would have implications for other parts of the Empire which are inhabited or sparsely inhabited.
- (e) International trusteeship might make it difficult to ensure effective executive control for co-ordination of whaling and exploration.

4. We have hitherto considered that best way of maintaining our interests would be to secure reference of our differences with Argentina and Chile to International Court of Justice. Failing United States support for such a solution, we should be prepared to consider any alternative proposal not (repeat not) involving reference to United Nations which would safeguard our strategic interests and would be acceptable to other British Commonwealth Governments concerned, particularly Australia and New Zealand, as Governments responsible for areas in Antarctic.

5. In circumstances, His Majesty's United Kingdom Ambassador, Washington, is being instructed to take early opportunity of bringing position in F.I.D. to notice of United States Secretary of State, with a view ultimately to securing Anglo-United States agreement on common policy for terminating present dangerous situation in F.I.D. and for protecting vital British and United States strategic interests in this area. Ambassador is to speak in following sense:-

- (1) He will explain advantages seen by His Majesty's Government in United Kingdom to a solution of territorial dispute in F.I.D. by reference to International Court of Justice, and dangers which we foresee in any scheme, such as that at present believed to be under consideration in State Department, for submission of problem to United Nations.
- (2) He is to point out that United Kingdom Government, realizing that this question is of vital importance,

both/

✓ U

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This is an unparaphrased version of a Secret cypher (typex) message and the text must first be paraphrased if it is essential to communicate it to persons outside British and United States Government Services.

Outward Telegram from Commonwealth Relations Office

F.A. & U.N. DEPT.
F.2870/
CYPHER (TYPEX)

TOP SECRET

D.I.

TO: CANADA (GOVT.)
AUSTRALIA "
NEW ZEALAND "
SOUTH AFRICA "

(Sent 11.30 p.m., 16th Feb., 1948.)

19/88/2
F

IMMEDIATE

D.No. 97 TOP SECRET

ANTARCTIC

We have reason to think that United States State Department may be considering a more forward policy in Antarctic and may be minded to put forward, possibly at a very early date, a proposal for some kind of international trusteeship of interested countries over whole Antarctic continent under auspices of United Nations.

2. In light of this and of increasing Argentine and Chilean encroachments in Falkland Islands Dependencies we feel that it is essential, before any public announcement of policy is made by United States Government, that, as a preliminary step, our own position in Falkland Islands Dependencies should be made clear to State Department (see my despatch 5th June 1947 D.No. 42). Delay in taking this step may lead to our being confronted with proposals which would be embarrassing to us, whilst an early approach to United States Government may enable us to influence their conclusions in a favourable sense.

3. From our own point of view we see following disadvantages in international trusteeship:-

- (a) Any arrangement under United Nations auspices would bring in to Antarctic matters a large number of Powers not (repeat not) at present concerned with them/

Chris L.
Mr Dezer, of Canada House
Mr P. Heydon, Australia -
Sir Cecil Day, h.3.
Mh.
2072

CABLEGRAM FROM: SECRETARY TO THE PRIME MINISTER, CAPE TOWN.

DATED 19th February 1948 (recd. 20.2.48.)

Letter to Mr Dezer for C.D.
 (The text of this telegram may not be
 disseminated outside the
 DEPARTMENT without first being paraphrased)

IMMEDIATE

TOP SECRET

Addressed High Commissioner London No. 114*,

repeated External Ottawa No. 8, Canberra No. 13, Wellington No. 14,

(?S.A.)
 S.S. Legation Washington No. 36. (Saleg please inform British
 Embassy). Secros circular D No. 97.

ANTARCTIC, the Union Government take note of the proposals of
 the U.K. Government and approve the contemplated approach to the
 United States Government.

As regards British claims to the Falkland dependences
 they are sufficiently well founded to place them before the
 International Court of Justice or similar judicial tribunal.

With regard to the rest of Antarctic the Union
 Government consider the International Trusteeship idea inadvisable.
 It may bring undesirable parties on the scene and in any case
 create confusion and put whole area into the melting pot. It may
 open up prospect of similar action in the North Polar Regions
 and North Pole itself and raise issues of far reaching importance
 for the future security of the West. Both North and South Polar
 Regions should be kept out of reach of the Security Council as at
 present constituted and their control postponed until the International
 situation has been stabilised on a more satisfactory foundation
 than present U.N.O. basis. /EC *mutilated word

United States Government may enable us to influence their conclusions
 in a favourable sense.

3. From our own point of view we see following disadvantages
 in international trusteeship:-

- (a) Any arrangement under United Nations auspices would
 bring in to Antarctic matters a large number of
 Powers not (repeat not) at present concerned with
 them/

19/08/2

20th February, 1948.

TOP SECRET

Sir,

I am directed by the High Commissioner to inform you that the Union Government have taken note of the proposals of the United Kingdom Government communicated to them in telegram D. No. 97 of the 16th February in regard to arrangements in the Antarctic, and are in favour of the contemplated approach to the United States Government.

As regards the British claims to the Falkland Islands Dependencies it is considered that they are sufficiently well-founded to be placed before the International Court of Justice or a similar judicial tribunal.

In regard to the remainder of the Antarctic the Union Government agree that the proposals for international trusteeship are inadvisable. A regime of this kind might bring undesirable parties on the scene and in any case create confusion and subject the whole area to discussion. The idea of trusteeship might, moreover, open up the prospect of similar action in the north polar regions and the north pole itself and raise issues of far-reaching importance for the future security of the West. The Union Government believe that both the north and south polar regions should be kept out of the reach of the Security Council as at present constituted and the question of their control postponed until the international situation has been stabilised on a more satisfactory foundation than the present United Nations basis.

I have the honour to be,
Sir,
Your obedient servant,

A. M. HAMILTON

The Under Secretary of State,
Commonwealth Relations Office,
Downing Street, S.W.1.

Political Secretary.

AMH/AG

United States Government may enable us to influence their conclusions in a favourable sense.

3. From our own point of view we see following disadvantages in international trusteeship:-

- (a) Any arrangement under United Nations auspices would bring in to Antarctic matters a large number of Powers not (repeat not) at present concerned with them/

8. We realise that by internationalisation we do not avoid but merely transfer to a different forum a struggle of interests which could cause trouble but we think it preferable that this struggle takes place on the basis of renunciation of claims of individual Governments and within the international organs of control rather than in the form of an overt scramble for possession. Moreover is it not possible that Chile and the Argentine as the most active scramblers may yet succeed in securing to themselves under the influences of American solidarity the acquiescence and even (should we reject the reported American proposals for internationalisation) the support of the United States of America for their claims both in the Falkland Islands Dependencies and in the Antarctic proper. This would surely be a situation of great danger to us. We might avoid it by adopting the dual proposal of internationalisation of the Antarctic proper and objective settlement by the International Court of non Antarctic Islands. Ends.

receive a more detailed statement of your views

- (a) we consider the Antarctic regions are perhaps more susceptible of control by the United Nations than many other areas which are populated.
- (b) We are not on the evidence we have fully convinced that strategic reasons are sufficiently cogent in relation to the Antarctic Continent area to warrant exclusion of international control as the desirable method of settling the position.
- (c) We consider that with a clear delimitation of the boundaries of the Antarctic Continent under United Nations control and objective settlement by the International Court of disputed claims to islands of the Falkland Islands Dependencies a generally satisfactory settlement might be effective.
- (d) We are not clear which are those other more sparsely inhabited parts of the Empire to which you refer.
- (e) We appreciate there may be difficulties but do not believe the United Nations cannot exercise effective executive control for the co-ordination of whaling and exploration. Moreover we do recognise that some problems may arise because all members of United Nations will be concerned but we would hope by sound organisation that they could be met. Though also we see the obvious legal difficulties in investing the United Nations with control over the area we think these difficulties could be overcome.

4. As to the Antarctic Continent itself however we have for some time thought that a natural delimitation of the boundaries of the Continent could be made which would exclude the major part of the Falkland Islands Dependencies and certain other islands which all have possibilities and a history of occupation and use. We are inclined to the view that serious consideration should be given to placing of this area under the control of the United Nations as international territory. This would involve the surrender of all national claims in that area and the establishment of a subsidiary organ of the United Nations to control and administer it to promote and co-ordinate scientific investigation, exploration and regulate whaling and exploitation of resources for the general benefit.

5. Clearly international trusteeship which according to your paragraph 1 is the term used by the U.S.A. is not appropriate to an area devoid of population and to which the principles of trusteeship can have no application but our thoughts on the subject would seem to harmonise with the general nature of the American proposal.

6. We are anxious to forestall while there is still time the probability of increased international discord in the Ross Sea area. There seems little doubt that if internationalisation is rejected the U.S.A. and other countries not even excluding Russia will press claims for territory in the Antarctic and we would prefer to avoid the dispute which would inevitably arise. A further consideration in our view in favour of this proposal is that the area is not by nature suited for permanent and settled occupation.

7. As to the disadvantages outlined in your paragraph 3 we would offer the following comments but would be glad to receive/

Any telegraphic retransmission of this secret cypher (publex)
telegram must be prepaid in a one-time system.

19/88/2
F

COMMONWEALTH RELATIONS

INWARD TELEGRAM TO DOMINIONS OFFICE

ALLOTTED TO F... & U.N. DEPT.

CYPHER (PUBLEX)

D.II

FROM: NEW ZEALAND (GOVT.)
RPTD: AUSTRALIA (GOVT.)
CANADA "
SOUTH AFRICA "
WASHINGTON (N.Z. DELEGATION)

D. Wellington 5th Mar., 1948. 10.05 p.m.
R. 5th " " 2.15 p.m.

IMMEDIATE

No. 35 TOP SECRET

Addressed to Secretary of State for Commonwealth
Relations London No. 35 Top Secret repeated to External Canberra
No. 29 External Ottawa No. 4 Primus Pretoria No. 14 Totara
Washington No. 96.

ANTARCTIC.

Your telegram D.No. 97.

We have for some time been considering the general
question of Antarctic claims on the basis of a distinction between
the Antarctic Continent proper on the one hand and the Falkland
Islands Dependencies and certain other detached islands on the
other.

2. We fully agree with your action in the case of the
Falkland Islands Dependencies. Your proposal to ask the
International Court of Justice to pronounce upon the claims in
dispute between yourself and the Argentine and Chilean Governments
and the measures you are taking to preserve the British position
pending agreement on future course of action has our whole hearted
support.

3. We doubt whether an international conference to decide
disputed claims offers the best prospects of success as political
considerations would tend to dominate the conference.

4. As/

8. We realise that by internationalisation we do not avoid but merely transfer to a different forum a struggle of interests which could cause trouble but we think it preferable that this struggle takes place on the basis of renunciation of claims of individual Governments and within the international organs of control rather than in the form of an overt scramble for possession. Moreover is it not possible that Chile and the Argentine as the most active scramblers may yet succeed in securing to themselves under the influences of American solidarity the acquiescence and even (should we reject the reported American proposals for internationalisation) the support of the United States of America for their claims both in the Falkland Islands Dependencies and in the Antarctic proper. This would surely be a situation of great danger to us. We might avoid it by adopting the dual proposal of internationalisation of the Antarctic proper and objective settlement by the International Court of non Antarctic Islands. Ends.

receive a more detailed statement of your views

- (a) we consider the Antarctic regions are perhaps more susceptible of control by the United Nations than many other areas which are populated.
- (b) We are not on the evidence we have fully convinced that strategic reasons are sufficiently cogent in relation to the Antarctic Continent area to warrant exclusion of international control as the desirable method of settling the position.
- (c) We consider that with a clear delimitation of the boundaries of the Antarctic Continent under United Nations control and objective settlement by the International Court of disputed claims to islands of the Falkland Islands Dependencies a generally satisfactory settlement might be effective.
- (d) We are not clear which are those other more sparsely inhabited parts of the Empire to which you refer.
- (e) We appreciate there may be difficulties but do not believe the United Nations cannot exercise effective executive control for the co-ordination of whaling and exploration. Moreover we do recognise that some problems may arise because all members of United Nations will be concerned but we would hope by sound organisation that they could be met. Though also we see the obvious legal difficulties in investing the United Nations with control over the area we think these difficulties could be overcome.

4. As to the Antarctic Continent itself however we have for some time thought that a natural delimitation of the boundaries of the Continent could be made which would exclude the major part of the Falkland Islands Dependencies and certain other islands which all have possibilities and a history of occupation and use. We are inclined to the view that serious consideration should be given to placing of this area under the control of the United Nations as international territory. This would involve the surrender of all national claims in that area and the establishment of a subsidiary ^{origin} of the United Nations to control and administer it to promote and co-ordinate scientific investigation, exploration and regulate whaling and exploitation of resources for the general benefit.

5. Clearly international trusteeship which according to your paragraph 1 is the term used by the U.S... is not appropriate to an area devoid of population and to which the principles of trusteeship can have no application but our thoughts on the subject would seem to harmonise with the general nature of the American proposal.

6. We are anxious to forestall while there is still time the probability of increased international discord in the Ross Sea area. There seems little doubt that if internationalisation is rejected the U.S.A. and other countries not even excluding Russia will press claims for territory in the Antarctic and we would prefer to avoid the dispute which would inevitably arise. A further consideration in our view in favour of this proposal is that the area is not by nature suited for permanent and settled occupation.

7. As to the disadvantages outlined in your paragraph 3 we would offer the following comments but would be glad to receive/

MAR 1948

Any telegraphic retransmission of this secret cypher (publex)
telegram must be prepaid in a one-time system.

19/88/2
F

COMMONWEALTH RELATIONS
INWARD TELEGRAM TO DOMINIONS OFFICE

ALLOTTED TO F.A.A. & U.N. DEPT.

CYPHER (PUBLEX)

D.II

FROM: NEW ZEALAND (GOVT.)
RPTD: AUSTRALIA (GOVT.)
CANADA "
SOUTH AFRICA "
WASHINGTON (N.Z. DELEGATION)

D. Wellington 5th Mar., 1948. 10.05 p.m.
R. 5th " " 2.15 p.m.

IMMEDIATE
No. 35 TOP SECRET

TOP SECRET

Addressed to Secretary of State for Commonwealth
Relations London No. 35 Top Secret repeated to External Canberra
No. 29 External Ottawa No. 4 Primus Pretoria No. 14 Totara
Washington No. 96.

ANTARCTIC.

Your telegram D.No. 97.

We have for some time been considering the general
question of Antarctic claims on the basis of a distinction between
the Antarctic Continent proper on the one hand and the Falkland
Islands Dependencies and certain other detached islands on the
other.

2. We fully agree with your action in the case of the
Falkland Islands Dependencies. Your proposal to ask the
International Court of Justice to pronounce upon the claims in
dispute between yourself and the Argentine and Chilean Governments
and the measures you are taking to preserve the British position
pending agreement on future course of action has our whole hearted
support.

3. We doubt whether an international conference to decide
disputed claims offers the best prospects of success as political
considerations would tend to dominate the conference.

4. As/

have been put to His Majesty's Embassy by the State Department for a possible solution of the Antarctic question along the lines of a condominium, and that we shall be prepared to study its implications.

He will, however, appreciate that we must have time for this study and that before we can formulate any views on the proposal we must not only clear our own minds but also consult the other British Commonwealth Governments concerned.

I earnestly hope that United States Government will not make any proposals either publicly or to the other Governments until we have been able to do this."

9. Ambassador was at his discretion to add that proposal for condominium as put forward by United States officials, seemed to leave great many essential points undecided, of which most important was geographical scope of arrangement. We could not repeat not in any case agree to discuss Falkland Islands themselves or South Georgia in this connection, since they are inhabited territory.

10. We are urgently studying position as it now stands in light of report from Washington summarized in this telegram and comments on my telegram D No.97 which have reached us from Australian, New Zealand, and South African Governments and further telegram will be sent when this further study is completed. If meanwhile other British Commonwealth Governments to whom this telegram is addressed have any further comments, we should be grateful if they could be telegraphed as soon as possible and if they could be repeated to Washington as before for communication to United Kingdom Ambassador.

scheme;

(b) That there were urgent and compelling reasons why United Kingdom case for submission of Falkland Islands Dependencies case to International Court should receive United States support.

4. As to (a) United States officials asserted that War and Navy Departments did not repeat not consider Antarctic to be of any strategic value. Arguments to contrary from United Kingdom side based on experience of last two wars made little impression on them.

5. As to (b) United Kingdom views met with little response, United States officials declaring that they must very shortly begin discussion of their proposals with other interested parties, in particular Argentina and Chile. On this they would not commit themselves to delay. In further support of their arguments they claimed that internationalisation of Antarctic had been advocated by President Roosevelt in 1938, and that proposal had only been shelved because of war.

6. Finally, when asked whether their views were authoritative, United States officials replied that they represented "departmental thinking". They claimed to have discussed matter with War and Navy Departments, but in view of United Kingdom Embassy it is difficult to say at how high a level these discussions have taken place.

7. In view of this new United States approach to Antarctic question and in order to avoid any precipitate action on their part which would prejudice our position in Falkland Islands Dependencies to advantage of Argentine and Chilean Governments, we have felt it necessary to make some preliminary comments to United States Government without delay.

8. United Kingdom Ambassador has therefore been instructed to inform Mr. Marshall that "I am interested in the suggestion which

/have

This is an unparaphrased version of a Secret cypher (typex) message and the text must first be paraphrased if it is essential to communicate it to persons outside British and United States Government Services.

Outward Telegram from Commonwealth Relations Office

F.A. & U.N DEPT
F.2870/-
CYPHER (TYPEX)

DIST II

TO : CANADA (GOVT)
AUSTRALIA "
NEW ZEALAND "
SOUTH AFRICA "

(Sent 3.p.m. 6th March, 1948)

19/88/2
F

IMMEDIATE
D No.117 TOP SECRET

My telegram D No.97.

ANTARCTIC

1. At meeting in Washington on 2nd March between officials of United Kingdom Embassy and State Department, United States representatives, opened discussion by stating that United States Government desired to see whole Antarctic problem settled without reference to questions of sovereignty.
2. Discussion followed on creation of an international trusteeship over Antarctica, as result of which United States officials disclosed that they virtually discarded this solution. They then went on to declare that these should be a condominium of whole area, composed of the eight interested states viz:-
(1) United Kingdom (2) Australia (3) New Zealand (4) France
(5) Norway (6) Argentina (7) Chile (8) U.S.A. They laid stress on need for regulation of scientific research (as to which United Kingdom representatives reiterated that full facilities would as heretofore be afforded in areas under our control) but seemed to have little idea of the practical administrative problems involved in any such proposal.
3. United Kingdom officials then pointed out:-
(a) That it would be difficult to exclude U.S.S.R. from this ..

/scheme