



REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA

DEPARTEMENT VAN BUITELANDSE SAKKE
DEPARTMENT OF FOREIGN AFFAIRS

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VOL 1

ONDERWERP • SUBJECT

PRINCE EDWARD AND MARION ISLANDS
ANNEXATION ETC.

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Relative files:

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naturally go on saying, as before, that they have no control over him. I think we may also assume that the decision about how far the Americans are prepared to go in making claims and contesting other claims has not yet been made. I think it will depend on the report which Admiral Byrd is now taking back with him, on the preliminary opinions of the experts about mineral possibilities and other matters such as flying conditions, and on their estimate of the probably extent and strength of opposition. After this gigantic operation they will certainly be in a better position than anyone else to estimate just how much it is worth risking trouble in the different areas outside the Falkland Islands Dependencies.

4. I am inclined to think that the Americans may have in mind a formal claim covering the whole sector from the western boundary of the Falkland Islands Dependencies (long. 80° W.), westwards to Adelic Land (long. 142° E.). Eastwards of this area Ronne's expedition may extend and consolidate this claim (despite all denials), and westwards their reports of occasional flights over Wilkes Land and Princess Elizabeth Land (where Ellsworth made a U.S. claim in 1939) suggest the acquiring of further bargaining counters. These latter flights appear to have been made despite Admiral Byrd's public statement that no visit to Australian territory was contemplated.

5. A claim over such a wide area would leave plenty of room for bargaining, but undoubtedly New Zealand would stand to lose most. Legally, it is indisputable that the Americans have acquired inchoate rights to the whole of the coastal area and much inland territory in the unclaimed Pacific sector. No country could contest this. The other areas are more disputable, but it might well be argued that any British inchoate or stronger rights acquired in them have lapsed.

6. Most of the American task force vessels will be back in the United States by early or mid April. The American press reports have several times made reference to the fact that on their return official claims will be put forward as a result of the discoveries made, and this is confirmed from other sources. We should, I think, expect some official American pronouncement about their attitude and claims sometime during the next month or two.

7. Meanwhile the "Times" of 1st March reports that on 28th February the Argentine Foreign Minister said in Montevideo that "Argentine and Chile proposed to issue a joint invitation to an international conference in Buenos Aires to decide the legal claims of various nations to lands in the Antarctic. The United Kingdom would be invited in virtue of her claims and the United States as an American country." This is nothing new, but it may precipitate matters, and it is in any event likely to hasten any American announcement.

(Sgd.) B.B. Roberts,
Foreign Office Research
Department.

6th March, 1947.

SECRET.

Annex to P(47) 14.

UNITED STATES EXPEDITIONS TO THE ANTARCTIC.

1. Whereas all the earlier official statements about operation "High Jump" (the American task force in the Antarctic) stressed that its object was primarily to test naval equipment and personnel in polar conditions, almost all the later press reports now emphasize that the first object is to "bolster" American claims and that the tests are only a secondary consideration. This is what we always suspected. The volume of comment to this effect in the American press is very considerable and is creating a situation from what it will be difficult for the State Department to withdraw, even in the unlikely event that they might wish to do so. So much stands out clearly. What they have actually done or where they have been is much more difficult to disentangle from the vague and contradictory reports.

2. A shore station has been established (and will evidently be occupied during the coming Antarctic winter) at "Little America" in the Ross Dependency. The ships are now preparing to sail north again. The area covered by flights appears to extend over the whole of the Ross Dependency (central group), James W. Ellsworth Land and Marie Byrd Land (eastern group), and the eastern sector of the Australian Antarctic Territory (western group). Aircraft from the latter group are reported to have flown over Wilkes Land and Princess Elizabeth Land in the Australian Antarctic Territory and over Princess Ragnhild Land in the Norwegian sector. In fact the only sector not visited is the Falkland Islands Dependencies. This is perhaps significant.

3. In deciding our own policy I think we need a "working hypothesis" of probable American policy. From a consideration of all the evidence, my guess is that the task force had instructions to keep out of the Falkland Islands Dependencies but to build up grounds for an official claim in other areas, arranged in the following order of priority:- (a) Pacific sector, (b) eastern Ross Dependency, (c) western Ross Dependency, (d) eastern sector of the Australian Antarctic Territory, (e) Wilkes Land and "American Highland" (hinterland of Princess Elizabeth Land) in the western sector of the Australian Antarctic Territory, (f) any other areas within flying distance of the aircraft carriers. Of these areas the Americans can be confident of getting (a) without much argument if they want it. They have a strong case for (b) and a comparatively weak one for the other areas, but all would be useful bargaining counters. It becomes increasingly evident that they decided to adopt different tactics for the Falkland Islands Dependencies, where they are aware of our activities and where there is the certainty of a clash of interests not only with us but also with the Argentines and Chileans. More and more evidence is filtering through to show that while Ronne's expedition is ostensibly privately sponsored (and can therefore be repudiated or supported as convenient) it has had very extensive assistance from several government departments - much more assistance in fact than any previous private American Antarctic expedition. I suspect that the State Department has either hinted at or instructed Ronne in the part he can play, which must depend on conditions as he finds them. If there is an "incident" of any kind they will

naturally

Mr. Sole (3).

TOP SECRET.

P(47) 14.

Previous Reference P(46) 20.

POLAR COMMITTEE
UNITED STATES EXPEDITIONS TO
THE ANTARCTIC

Annexed is a copy of a Note, prepared in the Foreign Office Research Department, on the probable outcome of the recent United States expeditions to the Antarctic.

The Chairman has suggested that the Note should be considered as Item 1 (a) on the Agenda for the next meeting of the Polar Committee, which is to be held on Thursday, March 13th.

(SIGNED) JOHN CHADWICK,

Secretary,

Polar Committee.

Dominions Office,

12th March, 1947.

Americans can be confident of getting (a) without much argument if they want it. They have a strong case for (b) and a comparatively weak one for the other areas, but all would be useful bargaining counters. It becomes increasingly evident that they decided to adopt different tactics for the Falkland Islands Dependencies, where they are aware of our activities and where there is the certainty of a clash of interests not only with us but also with the Argentines and Chileans. More and more evidence is filtering through to show that while Ronne's expedition is ostensibly privately sponsored (and can therefore be repudiated or supported as convenient) it has had very extensive assistance from several government departments - much more assistance in fact than any previous private American Antarctic expedition. I suspect that the State Department has either hinted at or instructed Ronne in the part he can play, which must depend on conditions as he finds them. If there is an "incident" of any kind they will naturally

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SECRET

P (47) 2.

Previous Ref: P (46) 1st Meeting.

POLAR COMMITTEE

PRINCE EDWARD ISLANDS AND HEARD
ISLAND.

Note by the Secretary.

At their meeting of the 14th November, 1945, the Polar Committee invited the Foreign Office and Colonial Office to examine the question whether it was not desirable that the Prince Edward Islands and Heard Island should be attached to a part of the British Commonwealth for administrative purposes.

This proposal has now been considered by the departments concerned and it has been provisionally suggested that the following possibilities might be considered:-

- (a) The Islands might be attached to the Falkland Islands
- (b) The Prince Edward Islands might be annexed by the Union of South Africa and Heard Island by the Commonwealth of Australia.

It should be noted that the distances between the Falkland Islands and the Prince Edward Islands and Heard Island respectively are some 4,000 and 6,000 miles. The Prince Edward Islands lie some 1,200 miles distant from South Africa, and Heard Island some 2,500 miles from Australia.

As regards legal claim to the Islands it appears doubtful whether any but an inchoate British title now exists, and it is felt that even this might not now be recognized as subsisting. Should the Islands therefore be annexed as provisionally suggested at (a) and (b) above, the annexing power would have to arrange at least that they should be visited and to exercise some form of effective control, apart from the issue of the necessary Order-in-Council or Letters Patent.

The question also arises whether, with matters as they are at present in the Antarctic, the annexation of any Islands in or near the Antarctic zone would be liable to provoke international comment.

Members of the Committee may wish to have the above considerations in mind when this matter is brought forward for discussion at the forthcoming meeting of the Committee.

(Signed) JOHN CHADWICK
SECRETARY,
POLAR COMMITTEE.

Dominions Office,

11th March, 1947.

ensure the observance of the laws affecting the peace, order, and good government of the Dependency and to safeguard and preserve His Majesty's rights and sovereignty.

An administrator of the dependency was appointed with all the powers exercised in New Zealand by a stipendiary magistrate.

"New Zealand is not unaware that any title to the sovereignty of territories which title is solely of an inchoate nature is liable to be challenged in due course by other countries.

"The accepted principles of international law on this subject, however, can scarcely be said to apply to such territories as Antarctica where the impracticability of frequent visits and permanent settlement has in the past been widely appreciated.

"New Zealand is content therefore that its rights rest securely in the continued acts of administration to which I have referred.

Our Expedition Waived.

"When news was received of Admiral Byrd's proposed expedition to Antarctica the New Zealand Government saw no point in themselves promoting a similar expedition ahead of Admiral Byrd for any purpose of asserting our sovereign rights in the Ross Dependency.

"I stated in December that 'the Americans are as welcome in peacetime to enter and fly over New Zealand territory as they were in wartime. New Zealand would be glad to afford any possible facilities, and the New Zealand Government are quite sure that our rights in that area which has been under New Zealand jurisdiction and administration since 1923 will be respected by all those who might be engaged in an Antarctic expedition.' "

Extract from
"THE CHRISTIAN SCIENCE MONITOR"
dated
the 17th February, 1947.

New Zealand's Polar Policy Told by Premier in Interview.

By Hugh C. Jenkins
Special Correspondent of The Christian Science Monitor.

Wellington, New Zealand.

Following the expected return soon of the Byrd Antarctic exploration with the United States Navy Task Force - which is thought here to have precluded extensive United States claims over south polar wastes - keen interest has been aroused in the South Pacific regarding the permanency of various claims to regions there today.

The New Zealand Prime Minister, Peter Fraser, in an exclusive interview to The Christian Science Monitor, states the country's position on the polar question.

"New Zealand's geographical situation," he said, "naturally leads it to an interest in Antarctica which is no less active or keen than that of the countries in more northern latitudes.

Ross Dependency Mandate

"Accordingly in 1923 it accepted from the United Kingdom Government a mandate of administration of the Ross Dependency, being all the territory and seas to the south of latitude 60 degrees south which lies between longitudes 160 degrees east and 150 degrees west."

"The known history of the Ross Dependency is largely a history of British discovery and exploration. Sir James Clark Ross /who visited the territory in 1841 and formally annexed it to the British Crown/, Captain Scott and Sir Ernest Shackleton were men whose contribution to our knowledge of the Ross Sea area was outstanding.

"The inchoate British title to this area has been substantiated by various acts of government. The first postal system to operate on the Antarctic continent was that used by Sir Ernest Shackleton's expedition (1907-1909), Sir Ernest himself being sworn in as a postmaster before a New Zealand magistrate. From 1922 onward, Norwegian firms have applied to the New Zealand Government for whaling licenses.

Provisions of Transfer.

"The formal transfer of the administration of this territory to the New Zealand Government in 1923 provided that the Governor General of New Zealand for the time being should be the governor of the Ross Dependency and that he should be guided in the execution of his authority by the advice of the New Zealand Executive Council.

"Accordingly the laws and usages in force in New Zealand at that time were extended to the Ross Dependency. Similarly appropriate enactments of the New Zealand Legislature were to have effect as being enacted for the Dependency.

Application to Antarctica.

"Provision was made for the appointment of persons to

/ensure

P(47) 12.

Prev. Ref.P(47) 3.

POLAR COMMITTEE.

THE ROSS DEPENDENCY.

Annexed is a copy of an Extract from the "Christian Science Monitor", dated the 17th February, 1947, containing an account of a recent interview with Mr.P. Fraser on the subject of the Ross Dependency.

(Signed) John Chadwick.
Secretary
Polar Committee.

Dominions Office,
6th March, 1947.

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LETTER

From High Commissioner for Australia
To Secretary of State for Dominion Affairs.

18th February, 1947.

Would you please refer to my letter to you of 30th January.

I have now been acquainted with further developments in connection with Australian planning for the establishment and maintenance of at least one permanent base in the Antarctic. The preliminary intention is to use the WYATT EARP and at least one auxiliary vessel. Each ship would make annually one return voyage to the Antarctic.

For the first expedition at the beginning of the 1947/48 Antarctic summer the WYATT EARP would take an advance party and some stores. The second ship would bring the follow-up party and the remaining stores and equipment, including aircraft. The WYATT EARP could then be used for lightering if the ice conditions at the base were difficult for the second ship.

The auxiliary vessel would leave immediately after discharging, while the WYATT EARP would remain to take off the summer party, leaving a winter party behind. In subsequent years the process would be repeated with the outgoing auxiliary taking off the winter party.

These plans are based on the maintenance of the one permanent base. If more bases than one are to be established further shipping will be required. According to the preliminary planning outlined above, the minimum requirements would be the continuing use of the WYATT EARP and the availability of one auxiliary ship for a return voyage at the beginning of each Antarctic summer. It has been indicated that such an auxiliary should have a displacement of about 2,000 tons and a range of about 5,000 miles. It should have wide hatches and a good hold capacity and should mount derrick equipment capable of lifting aircraft.

It is very doubtful whether such a ship could be found in Australia. As the whole success of the expedition depends on the availability of an auxiliary, the Australian Government would be very grateful if the United Kingdom authorities would use every endeavour to provide such a ship and would inform them of the result at their earliest convenience.

Superficial survey of the WYATT EARP has indicated that the hull is in good condition, but this is being checked by docking. It is thought that the new engines which appear to be necessary will be available locally.

SECRET.

P. (47)11.

Previous reference P. (47)7.

POLAR COMMITTEE.

PROPOSED AUSTRALIAN EXPEDITION TO
THE ANTARCTIC.

Annexed is a copy of a further letter from the High Commissioner for Australia, dated 18th February, 1947, asking that the United Kingdom authorities should use every endeavour to provide an auxiliary ship for an expedition in the 1947-8 Antarctic summer.

(Sgd.) John Chadwick.

Secretary

Polar Committee.

DOMINIONS OFFICE.

26th February, 1947.

Superficial survey of the WYATT EARP has indicated that the hull is in good condition, but this is being checked by docking. It is thought that the new engines which appear to be necessary will be available locally.

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ANTARCTICA (TRUSTESHIP)

8. Mr. Mikardo asked the Secretary of State for Foreign Affairs if he will take such action as lies within his power to have the Continent of Antarctica placed under the trusteeship of U.N.O.

Mr. McNeil: This question raises extensive issues on which my right hon. Friend is not in a position to express any definite point of view. My hon. Friend can rest assured that his suggestion will be borne in mind.

Superficial survey of the WYATT KEMP has shown the hull to be in good condition, but this is being checked by working. It is thought that the new engines which appear to be used, if will be available locally.

CONFIDENTIAL
ANNEX to P(47)9

Royal Norwegian Embassy,
London,

30th January, 1947.

Sir,

As you may be aware, plans have been under consideration for quite some time for a scientific expedition to the Antarctic with British, Norwegian and Swedish participation. The idea was originated by Professor H.W. Ahlmann of the Stockholm High School, and a scheme has since been drafted by him in consultation with the Norwegian Geographical Society and the Royal Geographical Society, London.

The Norwegian Geographical Society approached the Norwegian Government with a view to obtaining their support of the Expedition, and the Government have found it of importance to assist in realising the plans and will endeavour to have the Expedition subsidized, to the farthest possible extent, by the Norwegian State.

The Expedition should be ready by 1948, and its object is to undertake glaciological, climatological, meteorological, geological, topographical and biological research. It is understood that the Expedition will leave on a Norwegian ship under Norwegian flag.

According to the above, the Norwegian Government have decided to submit to the Norwegian Parliament the proposal that a certain amount be set aside as a contribution to the intended Expedition. Its realization will, however, also depend upon British and Swedish financial support to meet the expenses incurred by the British and Swedish participation and, having in mind the official contribution which the co-operating institutions in Great Britain and Sweden will need for the realization of the Expedition, it is thought desirable that the Governments of Great Britain and Sweden be informed of my Government's aforesaid attitude in the matter.

The Swedish Government has been informed accordingly.

I have, etc.

(Sgd.)

The Right Honourable,
Ernest Bevin, M.P.
etc. etc. etc.

CONFIDENTIAL
P(47)9
Prev. Ref. P(47)1

See P(47)23

POLAR COMMITTEE
PROPOSED NORWEGIAN ETC.
EXPEDITION

Circulated herewith is a copy of a Note presented to the Foreign Office on the 3rd February by the Counsellor of the Norwegian Embassy.

In a discussion arising out of the contents of the Note, the Counsellor confirmed that the scene of the Expedition's activities would be Queen Maude Land. The Counsellor also stated that whilst he was unaware of the source of any United Kingdom financial support for the Expedition he could say that the Norwegian Government did not intend to seek financial assistance from the United Kingdom Government.

The Note was presented solely for the information of His Majesty's Government.

(Sgd.) John Chadwick.

Secretary
Polar Committee

Dominions Office,
15th February, 1947.

Passed to Frankfort
CSJA
for INFORMATION

Date 16-2-47 initials dm

BRITISH AND SWEDISH GOVERNMENTS BE INFORMED OF THE
aforesaid attitude in the matter.

The Swedish Government has been informed accordingly.

I have, etc.

(Sgd.)

The Right Honourable,
Ernest Bevin, M.P.
etc. etc. etc.

a former President of the Court of International
Justice, expressly decided in this sense.

4. Note has been taken of the proposed Argentine action
in the matter of postage stamps, and His Majesty's
Government in the United Kingdom wish to make it clear that
they would regard such action as a breach of the Postal
Union Convention.

I avail myself of this opportunity, Monsieur
le Ministre to renew to Your Excellency the assurances of my
highest consideration.

(sgd) R.A. LEEPER.

His Excellency
Dr. Juan A. Bramuglia,
Minister for Foreign Affairs,
Palacio San Martin,
Buenos Aires.

SECRET

ANNEX TO P(47)8.

British Embassy,

Buenos Aires,

3rd January, 1947.

Monsieur le Ministre,

On the 3rd June, 1946, Dr. Juan I. Cooke, at that time Minister for Foreign Affairs, addressed to me a Note conveying the views of the Argentine Government on the recent issue by the United Kingdom authorities of a new series of postage stamps for the Falkland Islands and their dependencies. I have the honour to inform Your Excellency that I have been instructed by His Majesty's Principal Secretary of State for Foreign Affairs to communicate to you the following reply to the above Note.

2. The Falkland Islands have now for over a century remained continuously under effective British administration. It is true that throughout this century the Argentine Government have, from time to time, claimed that the Islands belonged to Argentina and have made reservations. During this same period His Majesty's Government in the United Kingdom on their part have on each occasion made it equally clear that they entertained no doubts as to the rights of the sovereignty of His Majesty over these Islands. In the circumstances His Majesty's Government in the United Kingdom do not think it necessary to do more than to repeat that they do not consider that the Argentine claim to the Falkland Islands is justified on any grounds whatever.

3. As regards the Falkland Islands Dependencies I am instructed to state that His Majesty's Government in the United Kingdom consider that the Argentine claims are unfounded and to add that in the case of most of the territories included in the Dependencies, there was an initial British right by virtue of discovery: that in regard to all of them His Majesty's Government in the United Kingdom were the first Government formally to annex them and provide for their administration and that this was done by Letters Patent of 28th March, 1917: that as the Argentine Government have been made aware in notes addressed to them in the past, His Majesty's Government in the United Kingdom have taken various steps to render their administration and occupation effective: that in addition the United Kingdom have been almost exclusively active in the detailed exploration of the different territories and the collection of scientific data in the interests of all nations: that the Argentine claim to annex territories were subsequent in date and has been based for the most part on the geographical grounds of contiguity and the contention that geologically the whole or part of the Falkland Islands Dependencies is an extension of the South American Continent. His Majesty's Government are advised that a claim based upon these geographical and geological grounds has no force whatever in international law and in the important international arbitration relating to the Palmas Island, the Arbitrator,

a former

In this last communication to Your Excellency's Embassy this Government stated that it was its constant desire to maintain unchanged with the Government of Great Britain the traditional relations of good friendship which have always existed between the two countries. But it is also this Government's inescapable duty, whenever the situation requires it, to safeguard indisputable rights over portions of its territorial patrimony, by entering the necessary reserves. And it is in these conditions and for this purpose that this Government repeats it now to Your Excellency in regard to the issue of the postage stamps referred to above.

I have at the same time to inform Your Excellency that the Argentine Government has caused the Universal Postal Union to be informed, as it did in 1943 on the occasion of the issue of British stamps commemorating the centenary of the occupation of the Islas Malvinas (Falkland Islands) that correspondence reaching the Republic and bearing the said stamps will be regarded as unstamped and subject to the appropriate penalties.

I accordingly renew to Your Excellency the assurance of my most distinguished consideration.

(sgd) JUAN I. COOKE.

SECRET

ANNEX TO R(47)8.

TRANSLATION.

Ministry of Foreign Affairs.

Buenos Aires.

3rd June, 1946.

Monsieur l'Ambassadeur,

This Ministry has just learnt from its Embassy in London that the Government of Great Britain has issued a new series of postage stamps for the Islas Malvinas (sic.) (Falkland Islands) and their geographic dependencies, which were put on sale from the 5th April of this year. The Argentine press has also recently published reproductions of these stamps, in whose vignette, corresponding to the Antarctic sector between the meridians 20° and 80° , there appear, together with those islands, the Georgia, Orcadas, Shetland and other islands.

Your Excellency's Government is well aware that the Argentine Republic has never at any time abandoned the just right which enables it to claim a portion of territory of its own domain, the Islas Malvinas (Falkland Islands) referred to above, by virtue of geographic, historic and juridical title, which it would be otiose here to set out in detail. In addition to this, there is the Argentine Republic's indisputable right to the lands situated to the south of latitude 60° between meridians 25° and $68^{\circ}34'$ west longitude. In this respect it is desired to draw special attention to the following among the arguments put forward: the formal reserve in general terms contained in the note of September 1940 to your Embassy in connection with the publication by the Commonwealth of Australia of a map of the Antarctic; the reserves entered personally in February 1943, and confirmed in a written memorandum of the same month, by the then Minister for Foreign Affairs to Your Excellency's predecessor in connection with acts of possession carried out in these territories by English authorities; and, finally the most recent reserve entered by the undersigned on the 29th December 1945, on account of a note from your Embassy occasioned by the declarations of the Argentine delegate at the San Francisco Conference. On each of these occasions the Argentine Government knew how to face the situation created and to preserve in full an indefeasible right.

In

SECRET

ANNEX TO P(47)8.

British Embassy,
Buenos Aires.

6th June, 1946.

Sir,

With reference to my telegram No.586 of the 4th June, I have the honour to enclose a translation of the note addressed to me by the Minister for Foreign Affairs on the subject of the recent issue of stamps bearing a map of the Falkland Islands.

2. When I met the Minister for Foreign Affairs in the course of the celebrations of the President's inauguration, I told him that I assumed that this note was in the nature of a formality. Although not quite prepared to admit this, he agreed that it was not a matter of great urgency. I doubt, in fact, whether the present Argentine Government have any real interest in the Falkland Islands question; certainly President Peron has not so much as mentioned it in his conversations with myself, with the Counsellor of this Embassy and with various British business men. The opposition are, however, making some play with these Argentine claims and the present note which is politely worded, is probably designed to enable the Government to reply to questions in Congress with the statement that they have already taken the matter up through the diplomatic channel.

3. I have sent no reply whatever to the enclosed communication and I should be grateful if I might be instructed in due course what answer, if any, you would wish me to return to it.

4. I am sending a copy of this despatch to His Majesty's Ambassador at Washington.

I have etc.

(sgd) R.K.LEEPER.

The Right Honourable
Ernest Bevin, M.P.
etc. etc. etc.
Foreign Office, London.

SECRET

P(47)8

Prev. Ref. P(47)6

POLAR COMMITTEE

ARGENTINE ANTARCTIC CLAIM

Circulated herewith for the information of members of the Committee are copies of:-

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- (a) A despatch, dated the 6th June, 1946 from His Majesty's Ambassador, Buenos Aires transmitting
- (b) a Note, dated the 3rd June, 1946, from the Argentine Minister of Foreign Affairs. e
- (c) A Note, dated the 3rd January, 1947 from His Majesty's Ambassador to the Argentine Mission of Foreign Affairs. he n

(Signed) John Chadwick s s

Secretary
Polar Committee. ly
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Dominions Office,
15th February, 1947. sed
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I have etc.

(sgd) R.K. LEEPER.

The Right Honourable
Ernest Bevin, M.P.
etc. etc. etc.
Foreign Office, London.

Occupation is the only basis on which a firm claim to sovereignty can be founded. Nevertheless other courses of action, such as periodic visits by ship or aircraft would strengthen an inchoate claim considerably. If, therefore, the Union is seriously interested, it might be advisable to investigate the possibility of one of our whalers or one of our frigates making a cruise to the islands.

It may also be possible to do as the Australian Air Force have done and arrange a meteorological reconnaissance flight.

In the meanwhile the British authorities will explore the position further and let us have their comments at the next meeting of the Polar Committee.

P (47) 14. United States Expeditions to the Antarctic.

This note deals with the probable outcome of recent United States expeditions to the Antarctic. Your attention is specially directed to paragraphs 4 and 5, which should be read in conjunction with reference to the map. The Foreign Office representative explained that, according to the State Department, the American Administration does not attach high priority to the holding of international discussions on the future of Antarctica but while this may be perfectly genuine, on the other hand the Navy Department may have ideas very different from those of the State Department. All the indications are that the recent American expeditions have not been just a nautical manoeuvre undertaken for scientific purposes, and it is noteworthy that the private expedition led by Finn Ronne has received much support and assistance from American governmental authorities. The present American position is that while they have never put forward any formal claims they have been equally consistent in refusing to recognise claims put forward by other nations. As far as the British Commonwealth is concerned, we are certainly at the height of our power in the Antarctic, and Britain, Australia and New Zealand will all be hard put to it to maintain effectively the areas which they have placed under their sovereignty. New Zealand has hitherto lagged behind in establishing an effective title to the area it claims and the Foreign Office Legal Adviser issued a grave warning to the New Zealand representative that unless the New Zealand Government took the necessary steps in the near future to consolidate their position, they might cut a sorry figure in any dispute brought before the International Court or other arbitrating body.

D. Roble
Political Secretary.

P.S. Since the above was dictated the minutes of the meeting have come to hand and are enclosed.

As regards the record of the discussion on the Prince Edward Islands, this is a little misleading. What I did say under this head was that I doubted whether the Union Government would wish to solve the problem of the future of these islands on the basis of annexation by South Africa, but that we would certainly be concerned in the maintaining of the British Commonwealth title to these territories.

It be released as it was at present engaged on vital Trinity House work.

r(47)12. Noss Dependency.

This paper gives a report on a recent interview with Mr. Peter Fraser on the subject of the Noss Dependency.

r(47)13. Prince Edward Islands and Heard Island.

This paper raises the question of the desirability of attaching the Prince Edward Islands to the union of South Africa and Heard Island to the Commonwealth of Australia.

A detailed history of British claims to Prince Edward Islands is given in paragraphs 459 to 468 of Foreign Office report dated May 1st, 1945 Territorial claims in the Antarctic. A copy of this report is in your possession. You will note that these islands may become of importance as a staging point in a new air route of great strategic value to the British Empire (see paragraph 61) and that they may also be important as a site of a strategic meteorological station.

The Air Ministry representative at the meeting stressed that they are on the direct route from South Africa to Australia and Dr. Roberts, the British expert who knows the Antarctic better than any other representative on the Polar Committee, added that it will be possible to lay down a landing strip on one of the islands. The Admiralty representative expressed the opinion that the islands had no strategic importance whatever from the point of view of the Navy. They were of no use either as bases or even for shelter. A British submarine had visited Prince Edward Island during the recent war but as far as he knew nobody had ever landed.

There is no doubt that, should the Union evince interest, the United Kingdom Government would be only too willing to assist in strengthening the British Commonwealth title to these islands. As you will observe, the British claim to the islands is at present an extremely doubtful one. On the other hand there is little doubt that the race for Antarctic bases has begun. It would seem, therefore, to be worth while that the appropriate authorities in the Union be requested to explore South Africa's interests in the future of these islands:-

- Transfer. — (a) in the field of meteorology.
- Cap. — (b) in the field of strategy and security.
- Transfer. — (c) in respect of the possibility of direct air service to Australia (bearing in mind the potentialities of the jet engine).

It will not have escaped your notice that a large Soviet whaling fleet is at present in the Antarctic and there is at present nothing to stop a unit of this fleet calling at the islands and planting the Soviet flag.

Mr. Beckett, the Foreign Office legal expert, who addressed the Committee on the problem of establishing effective title in international law, emphasized that in all these cases

.../ maintaining of the British Commonwealth title to these territories.

Telegrams Address: "OPPOSITE, TRAFALGAR SQUARE, LONDON."

Reference No. 19/88/2.



P.M. 10 2/2
Copy for n/196/1
SOUTH AFRICA HOUSE,
TRAFALGAR SQUARE,
LONDON, W. C. 2.

20th March, 1947.

SECRET.

The Secretary for External Affairs,
CAPE TOWN.

A meeting of the Polar Committee took place on Thursday, March 13th, at which the following papers (copies of which are enclosed) were considered: -

P(47) 8. Argentine Antarctic Claim.

The Committee took note of the latest correspondence, which is reproduced in the paper, concerning the Argentine claim to the Falkland Islands Dependencies, with special reference to the recent issue of stamps bearing a map of this area.

P(47)9. Proposed Norwegian Expedition.

The paper gives the contents of a note presented to the Foreign Office on the 3rd. February by the Norwegian Embassy. The United Kingdom Government are prepared to assist this expedition so far as their own commitments and commitments of Dominion Governments permit. The Air Ministry have been asked to provide a crew and possibly a plane as well.

P(47)10. Proposed Trusteeship of the Antarctic.

This paper gives the text of the Parliamentary question and reply dealing with the possibility of placing the Antarctic continent under United Nations trusteeship. You will recall that this has been mentioned in the press from time to time, and reports show that Mr. Peter Fraser of New Zealand is inclined to favour international action.

P(47)11. Proposed Australian Expedition.

The Australian representative gave a review of further developments which had taken place since the last meeting and mentioned that the Royal Australian Air Force had conducted a series of meteorological and reconnaissance flights with Lincoln bombers in preparation for the expedition. As regards the request in Document P(47)11 for an auxiliary vessel to accompany the Wyatt Earp, the Dominions Office Chairman stated that an approach to the Admiralty had drawn a blank and that the Ministry of Transport were finding it very difficult to lay their hands on a suitable vessel. Attempts to find one would continue. The Discovery II could

not .../

In the meanwhile the British authorities will explore the position further and let us have their comments at the next meeting of the Polar Committee.

P(47) 14. United States Expeditions to the Antarctic.

This note deals with the probable outcome of recent United States expeditions to the Antarctic. Your attention is specially directed to paragraphs 4 and 5, which should be read in conjunction with reference to the map. The Foreign Office representative explained that, according to the State Department, the American Administration does not attach high priority to the holding of international discussions on the future of Antarctica but while this may be perfectly genuine, on the other hand the Navy Department may have ideas very different from those of the State Department. All the indications are that the recent American expeditions have not been just a nautical manoeuvre undertaken for scientific purposes, and it is noteworthy that the private expedition led by Finn Ronne has received much support and assistance from American governmental authorities. The present American position is that while they have never put forward any formal claims they have been equally consistent in refusing to recognise claims put forward by other nations. As far as the British Commonwealth is concerned, we are certainly at the height of our power in the Antarctic, and Britain, Australia and New Zealand will all be hard put to it to maintain effectively the areas which they have placed under their sovereignty. New Zealand has hitherto lagged behind in establishing an effective title to the area it claims and the Foreign Office Legal Adviser issued a grave warning to the New Zealand Representative that unless the New Zealand Government took the necessary steps in the near future to consolidate their position, they might cut a sorry figure in any dispute brought before the International Court or other arbitrating body.

(Sgd.) D.B. Sole.

A/Political Secretary.

P.S. Since the above was dictated the minutes of the meeting have come to hand and are enclosed.

As regards the record of the discussion on the Prince Edward Islands, this is a little misleading. What I did say under this head was that I doubted whether the Union Government would wish to solve the problem of the future of these islands on the basis of annexation by South Africa, but that we would certainly be concerned in the maintaining of the British Commonwealth title to these territories.

P(47)13. Prince Edward Islands and Heard Island.

This paper raises the question of the desirability of attaching the Prince Edward Islands to the Union of South Africa and Heard Island to the Commonwealth of Australia.

A detailed history of British claims to Prince Edward Islands is given in paragraphs 459 to 468 of Foreign Office report dated May 1st, 1945 Territorial claims in the Antarctic. A copy of this report is in your possession. You will note that these islands may become of importance as a staging point in a new air route of great strategic value to the British Empire (see paragraph 61) and that they may also be important as a site of a strategic meteorological station.

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- (a) in the field of meteorology.
- (b) in the field of strategy and security.
- (c) in respect of the possibility of direct air service to Australia (bearing in mind the potentialities of the jet engine).

It will not have escaped your notice that a large Soviet whaling fleet is at present in the Antarctic and there is at present nothing to stop a unit of this fleet calling at the islands and planting the Soviet flag.

Mr. Beckett, the Foreign Office legal expert, who addressed the Committee on the problem of establishing effective title in international law, emphasized that in all these cases effective occupation is the only basis on which a firm claim to sovereignty can be founded. Nevertheless other courses of action, such as periodic visits by ship or aircraft would strengthen an inchoate claim considerably. If, therefore, the Union is seriously interested, it might be advisable to investigate the possibility of one of our whalers or one of our frigates making a cruise to the islands.

It may also be possible to do as the Australian Air Force have done and arrange a meteorological reconnaissance flight.

In /....

No. 19/88/2.

20th March, 1947.

SECRET.The Secretary for External Affairs,
CAPE TOWN.

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The Australian Representative gave a review of further developments which had taken place since the last meeting and mentioned that the Royal Australian Air Force had conducted a series of meteorological and reconnaissance flights with Lincoln bombers in preparation for the expedition. As regards the request in Document P(4)11 for an auxiliary vessel to accompany the Wyatt Earp, the Dominions Office Chairman stated that an approach to the Admiralty had drawn a blank and that the Ministry of Transport were finding it very difficult to lay their hands on a suitable vessel. Attempts to find one would continue. The Discovery II could not be released as it was at present engaged on vital Trinity House Work.

P(47)12. Ross Dependency.

This paper gives a report on a recent interview with Mr. Peter Fraser on the subject of the Ross Dependency.

P(47)13. /....

In this regard there is attached a copy of a letter dated 7th September, 1943, submitted by the Superintendent, Government guano islands, relative to an application for sealing on the Islands which was previously submitted by Mr. Clare-Burt. From that letter it would appear that on the information then furnished Mr. Clare-Burt's proposal is hardly worthy of serious consideration.

APPLICATION BY Mr. L.H. CLARE-BURT FOR A
SEALING LICENCE IN THE PRINCE EDWARD ISLANDS.

On the 25th July Mr. L.H. Clare-Burt,
c/o Dent and Goodwin (Cape)(Pty) Ltd., P.O. Box 1446,
Cape Town, addressed an application to the Under-
Secretary of State for the Colonies, London, for a
five year concession for sealing on the Marion and
Prince Edward Island group.

In the application it was stated that he had
several good seaworthy boats at his disposal as well
as financial resources to undertake the venture. He
is a British Subject, born of British parents, in
Auckland, New Zealand. His war service is stated to
include contracting to the Royal Navy and the South
African Naval Force in regard to repairs to vessels, etc.

In view of the discussions which have been
proceeding between the United Kingdom and Union
Governments, the British High Commissioner's Office
in Pretoria has replied to Mr. Clare-Burt stating that
his application is being considered. At the request
of the Department of External Affairs the High Commissioner's
Office has agreed to temporize until a decision has been
taken regarding the Union's acquisition of the Prince
Edward Islands.

It is now incumbent upon the Union Government
to inform the United Kingdom Government as to the nature
of the reply they would like returned to Mr. Clare-Burt's
application. It is suggested that the Union Government
should ask the United Kingdom Government to reply that
for the time being, they are unable to approve the
application.

In/...

agreed

information of Parliament on the lines of P.E.C.2 but omitting reference to the strategic importance of the Islands;

(d) legislation should be drafted to provide for the administration of the Islands under a Department of State.

LEGAL STEPS TO BE TAKEN TO ESTABLISH
SOUTH AFRICAN SOVEREIGNTY OVER THE
PRINCE EDWARD ISLANDS.

It will be observed from the Aide Memoire to be handed to the United Kingdom by the Prime Minister (P.E.C. 3) that the United Kingdom authorities are being asked to take the steps they consider necessary to cede to the Union Government such title or claim to ownership as they may at present possess. In these circumstances it would seem that the procedure to be followed is primarily dependent on the views of the United Kingdom Government. The Union Law Advisers have suggested ^{the} means of effecting the contemplated transfer:

- (a) a cession by means of a formal treaty;
- (b) abandonment of the Islands by the United Kingdom Government, followed by a formal notification to that effect to the Union Government and occupation by the latter.

It is doubtful whether it would be useful to discuss these two alternatives until the views of the United Kingdom Government are to hand. There are, however, certain questions which might usefully be considered.

(a) It appears to be desirable that the formal steps to effect the establishment of South African sovereignty should be completed before the end of the forthcoming session of Parliament;

(b) to this end a decision must be taken as to which Department of State should be responsible for the administration of the Islands;

(c) a White Paper should be prepared for the

information/.

- (a) legislation will have to be drafted to provide for the administration of the Islands under a Department of State.
- (b) a decision must be taken as to which Department of State should be responsible for such administration.
- (c) a White Paper should be prepared for the information of Parliament on the lines of P.E.C. 2, but omitting reference to the strategic importance of the islands, and bringing the story of developments up to date as far as possible.

In considering these aspects the importance should be borne in mind of ensuring that there is no delay in obtaining such Parliamentary sanction as may be required for the steps ~~to~~ taken to 'acquire' sovereignty.

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information/.

expenditure as the reconnaissance could be undertaken as part of normal service duties. In the case of other departmental representatives specific Treasury approval may have to be obtained. The question arises whether a Governor-General's Warrant should be secured to cover all the special expenditure involved.

Question of publicity.

It will no doubt become necessary to issue an announcement to the Press regarding the despatch of the expedition. It seems unlikely that legal questions relating to transfer of ^{sovereignty} ~~possession~~ from the United Kingdom to the Union of South Africa will have been finalised before the expedition sails. In these circumstances it seems desirable that the ^{initial} Press announcement should be confined to a statement that the expedition will investigate the possibility of establishing a permanent or temporary meteorological station on the Islands. A reference to exploration of the possibility of establishing a sealing centre could also be included if this is considered advisable.

Detailed arrangements to be made for the Expedition.

It is suggested that these detailed arrangements should be the primary responsibility of the Chief of the General Staff. In the light of the information which he will be able to furnish, the meeting might decide on the approximate date of departure and the probable length of absence of the expedition.

Representation of other Departments.

The meeting should consider what other departmental representatives or technical experts should be attached to the expedition. Consideration should be given to the inclusion of:

- (a) one or more meteorologists (Department of Transport);
- (b) one or more experts to investigate sealing possibilities (Department of Commerce and Industries)
- (c) one or more surveyors (Director of Trigonometrical Survey);
- (d) a geologist (Department of Mines);
- (e) a representative of the Department of External Affairs and the Prime Minister;
- (f) a representative of the United Kingdom Government.

It may be of interest to note in this connection that an Australian expedition to Heard Island (which has certain similarities to the Prince Edward Islands) will consist of 3 meteorologists, 3 wireless operators, 2 surveyors, a geologist, 2 cosmic ray experts, a diesel engineer, a Doctor and a cook. The party will live in 5 pre-fabricated huts. (Rand Daily Mail press report).

Question of expenditure.

As far as the services under the jurisdiction of the Chief of the General Staff are concerned, it would not be necessary to secure authority for special expenditure/..

PROPOSAL FOR COMBINED AIR-SEA RECONNAISSANCE
OF THE PRINCE EDWARD ISLANDS.

The Chief of the General Staff has recommended that a combined Air-Sea Reconnaissance be undertaken as soon as possible by the South African Air Force and South African Naval Forces. Both the South African Air Force and the South African Naval Forces are able to undertake the reconnaissance almost immediately but it is emphasized that summer weather conditions are essential to the success of the venture. It is, therefore, recommended that the reconnaissance expedition should be despatched in the course of the present summer.

Objects of the Expedition.

It is suggested that the expedition should have the following objectives:

- (i) To establish proofs of occupation. This would involve hoisting of flags, building of beacons, erection of huts and establishment of food stores;
- (ii) to explore the possibilities of establishing a temporary or permanent meteorological station;
- (iii) to explore the possibilities of establishing a temporary or permanent sealing centre;
- (iv) to ascertain whether it would be feasible to lay down a landing strip should the need arise;
- (v) to establish the possibility of maintaining regular communications with the Islands and despatching periodic expeditions there, should it be decided that it is not feasible to establish permanent occupation.

Detailed/...

From time to time doubts have been expressed as to the validity of the United Kingdom title to the Islands and it is apparent that this title will diminish with the passage of time unless it is strengthened by acts of occupation and administration. The geographical position of the Islands makes effective administration by the Government of the United Kingdom difficult to envisage for the Islands are 4,000 miles distant from the Falkland Islands.

The Union Government believe that the Government of the United Kingdom would welcome the establishment of Union sovereignty over the Islands, a move which would place the Islands under the control of the Member of the British Commonwealth whose metropolitan territory lies nearest to the Islands and which is best able to exercise jurisdiction over the Islands effectively. The Union Government believe also that the United Kingdom Government appreciate that the Union of South Africa has specific strategic, meteorological and economic interests in the Islands, which materially strengthen the desirability of the Union Government establishing an effective claim to sovereignty.

Accordingly, the Union Government would be glad to learn whether the United Kingdom are now willing to take the steps they consider necessary to cede to the Union Government such title or claim to ownership as they may at present possess. In this event the Union Government would welcome any suggestions the United Kingdom Government might care to offer regarding the further action to be taken by the Union Government to establish their claim to sovereignty.

SECRET

A I D E - M E M O I R E.

The Government of the Union of South Africa wish to establish the sovereignty of the Union over the Prince Edward Islands, a group of two islands, Marion and Prince Edward, situated 1,200 miles south east of Cape Town at latitude $46^{\circ} 45'$ South and longitude $37^{\circ} 50'$ East in the Southern Ocean.

It is understood that the Government of the United Kingdom have contemplated and would welcome the assumption of sovereignty over the Islands by a member of the British Commonwealth but before they take steps to establish their sovereignty the Union Government wish to assure themselves that any rights or title which the United Kingdom may have in the Islands are ceded to them.

It will be recalled that on 14th November, 1945, at a meeting of the Polar Committee, the suggestion was made by a United Kingdom representative that the South African meteorological services might wish to establish a meteorological station on Marion Island and at the same meeting attention was drawn to the desirability of attaching the Islands to a British Dependency or to a Member of the Commonwealth. At a meeting of the Polar Committee held in London on 13th March, 1947, the Secretary of the Committee submitted a report in which it was suggested that the Islands should be either annexed by the Union of South Africa or attached to the Falkland Islands Dependencies.

From/...

Recommendations.

19. As a first step towards establishment of South African sovereignty it is desirable that the United Kingdom Government should now take such action as may be necessary to transfer to the Union Government such title or claims to ownership as they may possess. No communication has yet been made to the United Kingdom Government in this regard. The Prime Minister could perhaps address the necessary request to the United Kingdom authorities in the course of his forthcoming visit to London.

20. In the meantime the Union authorities will explore what further action is practicable and necessary to establish South African claim to sovereignty.

market provided there is effective control to prevent indiscriminate slaughtering of seals. If sealing for the fur trade should prove a profitable venture, arrangements could no doubt be made to collect seal oil at the same time.

15. The President of the Council for Scientific and Industrial Research who has considered the various aspects of the matter, agrees with the general consensus of opinion that steps should be taken to establish South African sovereignty over the islands.

16. The opinions expressed in paragraphs 11 - 15 above are the views of the South African Departments concerned.

Proposal to cede the Islands to the Union of South Africa.

17. As a result of the wartime and post-war revival of interest in the Antarctic and the importance attached by the United Kingdom Government to strengthening its inchoate claims in that area, the Polar Committee in November 1945 invited the Foreign Office and the Colonial Office to examine the question whether it was not desirable that the Prince Edward Islands should be attached to a part of the British Commonwealth for administrative purposes. As a result of comments received it was suggested that the islands might either be attached to the Falkland Island Dependencies or ceded to the Union of South Africa. It should be noted, however, in connection with the first alternative, that the distance between the Prince Edward Islands and the Falkland Islands is some 4,000 miles as compared with 1,200 miles from South Africa.

18. The United Kingdom Government subsequently intimated that there would be no objection to the Union Government "acquiring" the Prince Edward Islands should they wish to do so and they are examining the legal steps which would be needed before the transfer or cession (if such it can be called) would take place.

13. Meteorological Importance.

In the event of an air route being established between the Union and Australia, when the islands will be required for direction finding, regular and frequent weather reports from the islands will be essential in order to secure adequate meteorological protection. It is estimated that an amount of approximately £15,000 would be required to establish a meteorological station equipped with adequate wireless facilities and that an amount of approximately £8,000 including £2,000 for transport would be necessary yearly to maintain the station. Whether or not the outlay would benefit the services in the Union by a corresponding amount is a question which can only be answered by actual trial. There are certainly large possibilities particularly in regard to medium range forecasts (four to five days) for which in the southern hemisphere there is at present too little regular information available particularly from the Antarctic and bordering regions. Professor Spilhaus who recently surveyed the Union's meteorological services considered that the establishment of temporary meteorological stations on islands towards the Antarctic is desirable in order to determine the value of such stations for routine use in the future.

Economic Importance.

14. Experience prior to 1939 seems to have shown that the islands were of little or no economic importance. In 1942, however, it was reported that considerable quantities of guano were deposited and the Department of Commerce and Industries now considers that it should be possible to obtain a considerable amount of guano annually, provided it is collected before the rainy season starts. Mr. G.D. Irvin of Irvin and Johnson considers that there are favourable sealing possibilities from the point of view of the fur market/...

development of the route but it is a contingency which must now be studied with much more serious attention, in view of the present situation and possible developments in India and the Middle East.

11. In the opinion of the South African Chief of General Staff, modern long range weapons, the fact that accurate weather forecasting is of the greatest importance in warfare, and the present uncertain position in the Indian ocean make these islands of the greatest strategic importance to the Union. From the short term view the islands would undoubtedly be a liability to the Union and at the most would provide a meteorological station which might considerably improve the forecasting of South African weather conditions. In the long view, however, the question arises that if South Africa does not lay claim to the islands now and the United Kingdom allows such claim as it has to lapse, there is the possibility that they may be claimed by some other country that may not be friendly disposed towards the Union. For the proper defence of the Union, therefore, the islands must remain at least in friendly hands. It is felt that the only way to ensure this is for South African sovereignty to be established as soon as possible.

12. Provided costs are not a major consideration it should be possible to lay down a landing strip and to construct a small harbour but until a proper reconnaissance is made, it is impossible to give even a rough estimate of the capital cost. The South African Air Force and the South African Naval Force are in a position to undertake a combined air and sea reconnaissance almost immediately, but to ensure success such reconnaissance should be made during the present summer weather conditions.

13./.....

- (c) Completed claim by occupation, i.e., by the establishment and maintenance of the necessary administration.

In this connection the standard of what constitutes effective occupation and control must vary with the material conditions of the territory concerned. It is no longer sufficient merely to legislate for the territory, to issue whaling or other licences, to arrange occasional visits, to appoint Magistrates or generally exercise the functions of sovereignty. In other words little or no weight now attached to discovery; the requirements of effectiveness of possession are now greater and the necessity of continuity of effective possession is now emerging almost as a new requirement of international law".

9. On the basis of the above opinion the Polar Committee in London decided that it was extremely doubtful whether any but an inchoate British title now exists and that should the islands be formally annexed, the annexing power would have to arrange at least that they should be visited and to exercise some form of effective control.

Strategic Importance of the Islands.

10. In May 1944 the United Kingdom Air Ministry considered the situation in the Antarctic from the point of view of air transport. The Air Staff concluded that "the Antarctic if suitably developed might make possible an air route from the United Kingdom to Australia and the Pacific via South Africa. This would probably require the establishment of staging points on the Prince Edward Islands and Macquarie Island, as well as at several points on the Antarctic continent. Such a route could indeed be of first rate importance if the main Empire route to the East was broken by enemy occupation or domination of India or of some other essential link". As this contingency was at the time a remote one the Air Staff did not recommend development of the route but it is a contingency which must

6. In 1926 the islands were leased by the United Kingdom Government for ten years to the "Kerguelen Sealing and Oiling Company of Cape Town." This British Company, a subsidiary of Irvin and Johnson (S.A.) Ltd., was granted exclusive whaling, sealing, guano and mineral rights. The terms of the lease included permission to display the British flag as occasion might require in proof of occupation and the obligation to erect a navigational beacon. By request of the Company the lease was terminated in 1934, the Company stating that they had not exercised their rights under the lease since 1930 and that conditions had developed which prohibited use being made of these rights; no minerals or guano had been found and the price of oil made elephant sealing unprofitable.

The question of legal title to the Islands.

7. There appears to be some doubt whether the United Kingdom Government possessed a good title to the islands in 1934 (the date when the last lease was terminated). Even if it is considered that this existed in 1934 there remains a doubt whether the islands may not now be regarded as having been abandoned and as having reverted to the situation of terra nullius.

8. The legal aspect of territorial sovereignty has been summarised by the Legal Adviser to the Foreign Office as follows: "Claim to territorial sovereignty may be divided into three categories:

- (a) Claim by virtue of discovery, which gives inchoate right of short duration.
- (b) Claim by virtue of formal act of annexation, again giving inchoate right, effective only for a limited period to perfect a claim by administration.

(c)/.....

in the opinion of their Legal Advisers, "the granting of a lease and the hoisting of a British flag by the occupier were tantamount to annexation". Consequently the islands were never formally annexed before the lease was granted. Dr. Newton, however, never hoisted the British flag nor did he occupy the islands or make any other use of his concession.

3. In 1909 the Southern Sealing Company of Cape Town advised the Acting High Commissioner for South Africa that they had established a settlement of twenty men on Marion Island for the purpose of collecting elephant seal oil and skins and that they owned a small steamer which was being used to maintain communication with Cape Town. The Governor of the Cape Colony informed the Foreign Office of these developments and was instructed that in view of the licence granted to Dr. Newton in 1908 the islands "must be considered as already under British sovereignty".

4. In 1910 it was pointed out that the Legal Advisers' opinion was based on erroneous premises, that the action granting a lease had not been made effective by sufficient acts of occupation, and that the island had never ceased to be terra nullius.

5. In 1910 in reply to an enquiry whether the islands were British territory the Norwegian Government were informed that a licence had been granted to Dr. Newton and that the United Kingdom Government were not prepared to grant a licence to more than one applicant. In reply to a similar enquiry from the French Government in the same year it was stated that the islands had been annexed and were under British sovereignty. In reply to an enquiry from the German Government in 1928 it was stated that the islands had been annexed in 1908 and that a 21 year licence had been granted to Dr. Newton.

ESTABLISHMENT OF SOUTH AFRICAN SOVEREIGNTY
OVER PRINCE EDWARD ISLANDS.

Geography and History.

1. The two islands of this group, Marion and Prince Edward, are situated 1,200 miles south east of the Union. (lat. $46^{\circ} 45'$ S, long. $37^{\circ} 50'$ E.) They were discovered by the Frenchman Marion-Dufresne in January, 1772. In 1776 Captain Cook sailed between the two islands and gave them their present names. From 1802 onwards the group was visited by American and British sealers, but very little definite information about their visits has survived. During the nineteenth century soundings off shore were made by British and French vessels. In 1873 a party from a British naval vessel landed on Marion Island for a few hours. In 1910 the "Wakefield" which had been chartered by the Government of Victoria to search for the missing "Waratah" made a thorough search of both islands. Further visits were made in 1929, 1935 by the "Discovery II", 1939 by the French sloop "Bougainville" and in 1940 by H.M.S. "Neptune" but none of these expeditions succeeded in landing.

2. In 1906 Dr. W.B. Newton, a British subject, applied to the Colonial Office for a concession to work the guano deposits then thought to exist on the Prince Edward Islands. Nothing could be found in the Foreign Office or Admiralty Archives to show that the islands had ever been claimed by any Government. Enquiry of the French Government in 1907 elicited the reply that operations on these islands would be a matter of indifference to them. Dr. Newton was granted a lease for 21 years from February 1908. At the time the Colonial Office informed the Foreign Office that

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SECRET

Received 4.6.1947.

ESTABLISHMENT OF SOUTH AFRICAN SOVEREIGNTY
OVER TELEGRAPH WARD ISLANDS.

FROM: High Commissioner, London.
TO : Secretary for External Affairs, Pretoria.

Geography and History

3rd June, 1947.

1. The two islands of this group, Marion and Prince Edward, are situated in the southern part of the Union.

No. 558 SECRET (DOM)

Polar Committee meeting taking place June 17th. Would be grateful for your comments before that date on matters of South African interest arising out of enclosures to my despatch dated 20th March 1947.

argued
Mr Jordan
has got into this - it is new to me!
From 1802 onwards the group was visited by British sealers, but very little definite information about the islands has survived.

P.P.P.
1873
In the late 18th century soundings off shore were made by British and French vessels. A British naval vessel landed on Marion Island for a few hours in 1910 the "Wakefield" which had been chartered by the Government of Victoria to search for the missing "Waratah" made a thorough search of both islands. Further visits were made in 1929, 1935 by the "Discovery II", 1939 by the French sloop "Bougainville" and in 1940 by H.M.S. "Neptune" but none of these expeditions succeeded in landing.

2. In 1906 Dr. W.B. Newton, a British subject, applied to the Colonial Office for a concession to work the guano deposits then thought to exist on the Prince Edward Islands. Nothing could be found in the Foreign Office or Admiralty Archives to show that the islands had ever been claimed by any Government. Enquiry of the French Government in 1907 elicited the reply that operations on these islands would be a matter of indifference to them. Dr. Newton was granted a lease for 21 years from February 1908. At the time the Colonial Office informed the Foreign Office that

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