

1900 – 1959

Antarctic Pretensions



1900 – at Stanley, William Harding is appointed Consul for both Chile and Italy. ¹

July 29th, Charles McLeod is shot dead by Joseph Jenkins in a dispute over racial taunts.

October 2nd, a 'Mining and General Lease of South Georgia' is advertised in the *Falkland Islands Gazette*.

1901 – 2,043 people residents are noted in the Falklands census; the *Stanley Comet* newspaper is established and Hugo Schlottfeldt becomes German Consul. ²

Britain's Minister at Buenos Aires reports to London that he has heard a rumour that Argentina intends to send a gunboat to hoist their flag over the South Shetland Islands. ³

1902 – March 27th, Carl Anton Larsen, captain of *Antarctic*, arrives in the Falkland Islands with the *Swedish South Polar Expedition*.

April 22nd, the *Swedish Expedition* arrives at South Georgia.

May 14th, Larsen takes *Antarctic* into a sheltered cove in Cumberland East Bay which is named *Grytviken*.

May 28th, following an arms race connected with boundary disputes, Chile and Argentina sign the *Pactos de Mayo* – brokered by Britain's King. ⁴

1903 – January 6th, the *Scottish National Antarctic Expedition*, led by Dr. William Spiers Bruce, arrives off the Falklands in *Scotia*; remaining until the 26th, before sailing for the South Orkney Islands. ⁵

February 12th, *Antarctic* is crushed by sea ice.

March 26th, the *Scottish Expedition* arrives at Laurie Island where a pre-fabricated meteorological station is erected and named '*Ormond House*.'

In **November**, after being rescued by an Argentine vessel, Carl Larsen arrives in Buenos Aires. While there, Larsen presents his ideas about a whaling venture to members of the local business community.

December 2nd, after 9 months making weather observations, the *Scottish Expedition* returns to Port Stanley.

¹ *The London Gazette*, No.27155 & No.27205

² *The London Gazette*, No.27304

³ Field 1928 para.265. Nothing appears to have been done and there is no evidence that this rumour had any foundation.

⁴ There were 4 pacts: 1. Renouncement of interference with Chilean affairs in the Pacific; 2. A framework for the resolution of territorial controversies; 3. An arms control treaty; 4. Agreement requesting that King Edward VII of the UK head a demarcation arbitration panel. *cf.* 1977

⁵ Unusually, this expedition did not have the approval of the *Royal Geographical Society*

December 8th, Dr. Bruce sails for Buenos Aires aboard *Orissa*.

December 25th, *Clarence S. Bement*, with its cargo of coal on fire, is wrecked off Fox Bay. ⁶

December 29th, Dr. Bruce approaches the British Legation in Buenos Aires requesting that they; “... bring before the Argentine Authorities the suggestion that they should continue the work in the *ensuing year* of the observatory established in the South Orkney Islands.” ⁷ Minister Haggard writes to Argentina’s Ministry of Foreign Affairs with Bruce’s suggestion.

“... on December 29th, 1903, the Argentine Government were invited by this Legation to take over the meteorological Station established on Laurie Island in South Orkneys by Mr William Bruce. ... My impression is that Mr Bruce arranged all details previously with the meteorological Department, but that the Argentine Authorities requested him to make the offer officially...” ⁸

“In passing on this offer Mr Haggard acted without instructions.” ⁹

“The object of these conversations, in which Dr. Bruce took the initiative, was to arrange for the establishment of a permanent meteorological observatory on Laurie Island. As a result of the enthusiastic support of Mr. Walter G. Davis, the head of the Argentine Meteorological Service, it was agreed that the Argentine Government should take over the maintenance and staffing of the observatory, and that the Scottish Expedition would be responsible for transporting the observers and training them...” ¹⁰

1904 – January 2nd, Argentine Decree No. 3073 authorises the *Oficina Meteorologica Argentina* to maintain the station on Laurie Island.

“The plans Mr. Bruce had cherished of making at Ormond House, South Orkneys, a permanent meteorological station were now happily fulfilled. The Argentine Government, through its Meteorological Office, agreed to undertake the upkeep of the station *for the following year*... W. H. Haggard, C.B., the British Minister,.. gave all his weighty influence to the furtherance of the project.” ¹¹

“Argentina was left in no doubt by Great Britain that the transfer to the Argentine Meteorological Office, of the meteorological station previously established on Laurie Island in the South Orkneys by a British expedition, did not also involve the transfer to Argentina of the sovereignty either of the South Orkneys group or of Laurie Island itself.” ¹²

“... On that date the Argentine Republic established the first observatory in Antarctic territory, a real and uninterrupted occupation, before any (other) foreign establishment, it constitutes another “indisputable reasons to assert rights in this frozen geographical area.” ¹³

6 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

7 FO 371/4/456. My emphasis. cf. 1906

8 FO 371/4/454. *Harford to Bart February 14, 1906*

9 *Robertson to Lord Cushendun November 9, 1928* in FO 371/12736/365

10 Christie 1951 p.178

11 *The Voyage of the Scotia: being the Record of a Voyage of Exploration in antarctic Seas by Three of the Staff* R.N. Rudmore Brown, R.C.Mossman & J.H. Harvey Pirie 1906 p.193. My emphasis. The invitation was, on the face of it for a period of just one year. Argentina however would continue to maintain the Laurie Island Station after that period and without any further authority from the UK, laying the basis of its current and continuing claim to the South Orkneys. These Islands are, however, subject to the *Antarctic Treaty*. cf. 1959

12 *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.25

13 *Textos escolares: Las Malvinas y la Antártida para la “Nueva Argentina” de Perón* Amelia Beatriz Garcia 2009

*“... (of) the laws of major importance we must cite the decree of President Julio Argentino Roca 1904, by which the meteorological observatory is established in the Orkney Islands, with which our country began the permanent occupation in the white continent to this day.”*¹⁴

January 5th, Minister Haggard in Buenos Aires reports his actions regarding the South Orkney station to the Foreign Office in London.

*“Mr. Bruce seemed to me not to have made up his mind whether they (South Orkneys) were likely to be of any use whatever, or not, to Great Britain.”*¹⁵

January 21st, three Argentine scientists sail to the South Orkneys – L. H. Valette, H. Acuna and E. Szmula.

February 22nd, 'Ormond House' is handed over to the Argentines, who raise their flag. Robert Cockburn Mossman remains at the base to supervise their training; supported by one of the *Scotia's* crew, William Smith.

*“Often, among the various topics brought forward in the cabin in the long winter evenings, arose the question of the ownership of the South Orkneys. And after many long discussions we arrived at the pleasing conclusion that even in this age of imperialism the South Orkneys has escaped the grasp of any country, and that we enjoyed the privilege of living in No-man's Land. But I fear it is no longer so. Not that we claimed them for Britain, for even if we had been seized with desire to widen the confines of our empire, we could not lay claim to new territory in our country's name without having a Government mandate, and as for claiming them for Scotland, I fear that still less would have been recognised, though in Mossman they certainly had a Scotsman for their first governor. However, when the *Scotia* returned to the island in February 1904, with an Argentine staff to take over the meteorological observatory at Ormond House under the auspices of the Argentine Government, the Argentine naval flag was hoisted on the cairn where formerly the Scottish Lion flew; and I presume the South Orkneys are looked upon as a possession of that power; the nucleus of an empire, perhaps, they may even seem to ambitious Argentine expansionists.”*¹⁶

*“... in 1904 the Argentine flag replaced the Scottish Lion which the Bruce Expedition had flown. Nothing in the correspondence can be construed as a recognition either express or implied of Argentine sovereignty over the Islands.”*¹⁷

February 29th, in Buenos Aires, a new whaling company - *Compañía Argentina de Pesca* - is registered with its directors listed as P. Christopherson, the Norwegian Consul; E. Tornquist, a banker, and H. Schlieper, a businessman. Carl Larsen is appointed as manager.

*“... the first formal activity related to South Georgia was the establishment in Buenos Aires of the *Compañía Argentina de Pesca*, in 1904, ... organised under the laws of Argentina. ... (and) Argentine warships supplied fuel for the island for decades, without British reaction.”*¹⁸

March 16th, at Stanley, William Harding is further gazetted as German Consul.¹⁹

March 26th, responding to a request from the Marquess of Lansdowne, the Admiralty gives its view of the South Orkneys; *“... relative to the suggestion made by the Argentine press that the Argentine Government*

14 *La Cuestion del Atlantico Sur y la Antardida* Edith V. Fernandez 2012 p.16

15 Quoted in *Robertson to Lord Cushendun November 9, 1928* in FO 371/12736/365

16 Brown, Mossman & Pirie 1906

17 *Memorandum (A6503/128/2 ?)* in FO 371/12736/356

18 Kohen & Rodriguez 2016 p.260. That fuel supplies were transported by Argentine naval vessels is of no consequence for the issue of sovereignty; such deliveries being a purely commercial arrangement.

19 *The London Gazette*, No.27660

should take possession of the South Orkneys... (the Lord Commissioners) ... did not attach any importance to the possession of these islands from a naval point of view..."²⁰

April 16th, responding to a similar request, the Colonial Office writes that it; "... concurs in the view of the Lords Commissioners of the Admiralty that no importance should be attached to the possession of the group of islands in the South Atlantic known as the South Orkneys."²¹

April 26th, Lord Lansdown sends copies of the Admiralty and Colonial Office letters the Minister Haggard in Buenos Aires.

"Lord Lansdowne in his covering despatch, clearly referring to the suggestion by the Argentine press that the Argentine Government should take possession of the South Orkneys, stated that in view of the opinions expressed by the Admiralty and the Colonial Office, "it will be unnecessary for you to take any action in the matter."..."²²

May 28th, William Lamond Allardyce is appointed Governor of the Falklands.²³

June 6th, in deciding a dispute between British Guiana and Brazil, an arbitration panel overseen by the King of Italy, Victor Emmanuel, notes; "That the discovery of new channels of trade in regions not belonging to any State cannot by itself be held to confer an effective right to the acquisition of the sovereignty of the said regions by the State whose subjects the persons who in the private capacity make the discovery may happen to be; That to acquire the sovereignty of regions which are not in the dominion of any State, it is indispensable that the occupation be effected in the name of the State which intends to acquire the sovereignty of those regions; That the occupation cannot be held to be carried out except by effective, uninterrupted, and permanent possession being taken in the name of the State, and that a simple affirmation of rights of sovereignty or a manifest intention to render the occupation effective cannot suffice; That the effective possession of part of a region, although it may be held to confer a right to the acquisition of the sovereignty of the whole of a region which constitutes a single organic whole, cannot confer a right to the acquisition of the whole region which, either owing to its size or to its physical configuration, cannot be deemed to be a single organic whole ..."²⁴

November 16th, Carl Larsen arrives at Grytviken, South Georgia with 3 ships, *Louise*, *Rolf* and *Fortuna*, together with enough material to build a factory.

"Article 3, " His Majesty the King of the United Kingdom of Great Britain and Ireland engages further, that in all his dominions situated out of Europe, the inhabitants of the United Provinces of Rio de la Plata shall have the like liberty of commerce and navigation, stipulated for in the preceding Article, to the full extent to which the same is permitted at present, or shall be permitted hereafter, to any other nation."²⁵

December 25th, the Grytviken whaling station produces its first oil.

20 Quoted in Robertson to Lord Cushendun November 9, 1928 in FO 371/12736/367

21 *Ibid*

22 *Ibid*

23 *The London Gazette*, No.27681

24 *Reports of International Arbitral awards: The Guiana Boundary case (Brazil, Great Britain)* 6 June 1904 vol.11 pp.11-23

25 *Treaty of Amity, Commerce, and Navigation 1825*. It has been suggested that Larsen's backers did not believe that the British would interfere; an attitude that may be explained by the, oft forgotten, *Article 3* of the 1825 treaty between Britain and Buenos Aires. cf. *Pesca: the history of Compañia Argentina de Pesca – an account of the pioneer modern whaling and sealing company in the Antarctic* I. Hart, 2001. Specific permission, however, would be requested by the *Compañia Argentina de Pesca* in November, 1905.

December 31st, an Argentine gunboat, *Uruguay*, reaches the Laurie Island weather station with supplies.

1905 – January 15th, Carl Larsen founds a meteorological station on South Georgia with equipment loaned by the *Servicio Meteorological Nacional* of Argentina. ²⁶

“Argentina also installed a telegraph station and Argentine military crews conducted various relays on the island without ever being disturbed by any British authority.” ²⁷

February 1st, an Argentine navy transport ship, *Guardia Nacional*, arrives at Grytviken with supplies.

“The fact that there were Argentine Navy ships in Grytviken is a proof of Argentina's interest in the islands.” ²⁸

The last member of the *Scottish Expedition*, Robert Mossman, leaves Laurie Island.

Following rumours that a further meteorological station will be founded by Argentina on South Georgia, Commodore Sir A. Paget speaks to the head of the Argentine Meteorological Service, a Mr. Davis, to underline that the permission of the British Government would be required. ²⁹

In **March**, Grytviken's first cargo of whale oil arrives in Argentina. Initially taxed as an import, the *Compañía Argentina de Pesca* argue that the oil is an Argentine product. ³⁰

“... our vessels fish on the high seas under the aegis of the Argentina flag, and only use those islands, ... to shelter from the severe storms ... this island therefore (is only) a place of transit for our products.” ³¹

March 27th, bowing to the arguments, Argentina's Government announce that the 165 tons of whale oil belonging to the *Compañía Argentina de Pesca*, will be admitted duty free.

“This decision, so I understand from a copy of Mr. Haggard's despatch of 28 June last to the Marquis of Lansdown, 'is based on the ground that for this occasion only there is no objection to consider this consignment as the product of fishing in the high seas, and therefore for import purposes assimilated to national products. This wording is not perhaps devoid of significance.’ “ ³²

Argentina publishes a map of its military regions. ³³

26 Some Argentine commentators consider this to have been an act of sovereignty despite nothing being published or gazetted. In reality, the station was built and run by the *Compañía Argentina de Pesca* and not the Argentine Government. Carl Larsen took the readings until August, 1905, when the work was taken over by Eric Nordenhaag (Sweden) until 1907. These readings were sent to Buenos Aires and Stanley with the vessels that visited Grytviken. *cf.* 1950 & 1952

27 Kohen & Rodriguez 2016 p.260. As there is no record of a separate Argentine telegraph station on South Georgia this is likely to refer to the meteorological station which may have had telegraphic facilities after 1907. There is no evidence that the meteorological station was ever staffed by Argentine military personnel. Indeed, from 1907, the station appears to have been run by another whaling company licensed by the British government.

28 Destefani 1982

29 *FO 371/4/455*. It is unclear whether these rumours had any foundation.

30 The basis of the argument was that the whales were caught in international waters by Argentine flagged vessels and that only the processing took place on South Georgia.

31 Argentina's Minister of Finance Norberto Piniero, March 29, 1906 quoted in Bologna 1988

32 *Allardyce to Lyttelton November 28, 1905 FO 371/4/45*. My emphasis. The concession appears to have been applied for all subsequent cargos.

33 *Mapa de la Division del Territorio de la Republica en Regiones Militares* 1905. No Atlantic islands were included.

July 16th, fuel supplies are delivered to the Grytviken factory by the Argentine warship, *Guardia Nacional*.³⁴

*“Argentina continued to exercise acts of authority over South Georgia ... by the presence of their ships of war.”*³⁵

July 24th, the *South Georgia Exploration Company* is granted a licence for farming, mining and sealing at South Georgia by the Governor of the Falkland Islands following negotiations with Ernest Swinhoe.³⁶

July 27th, a Danish barque, *Sixtus*, is wrecked at Volunteer Rocks.³⁷

August 9th, Ernest Swinhoe lands 24 sheep and 4 horses at King Edward Cove before setting out to explore.

August 22nd, after an encounter with a whaling ship flying the Argentine flag, Swinhoe makes his way to the whaling factory at Grytviken; *“The men there are all from Norway or Sweden, thirty-two in all, and have signed a contract for three years before the Argentine Consul in Norway. The Manager is a brother of the Captain Larsen of the ‘Antarctic’ who was with the Swedish South Pole Expedition in 1905... I told him we had taken out a lease of the Islands from the Falkland Islands Government to prospect &c., for minerals or farming, also had leased the seal fishing of the Islands...”*³⁸

September 19th, *Kirkhill* is wrecked on Wolf Rock.

September 27th, Swinhoe visits Grytviken once again to protest the unlicensed whaling operation.³⁹

*“I read out our lease to him and did not see why we should pay for the Islands and let them reap the benefit and kill sea-elephants... I told them they would have to get out, but he is just the manager here and will have to consult his Company in Buenos Aires, so I put it on paper about our claims and said they would have to withdraw from here... We flew the English flag during our three months on the Islands, which is a British possession whereas the Company at present occupying the Islands have had the harbour surveyed by Argentine Officers from the transport ‘Guardia Nacional’ with the intention of flying the Argentine Flag after the period of one year, to end this November 1905, also having sign boards made to put up in all the bays or harbours around the Island for the purpose of renting to any other Company that may want to start whaling there.”*⁴⁰

34 *Ocupacion de las Islas Georgias del Sur (San Pedro) y Sandwich del Sur* Alfredo Bruno Bologna 1988. There were few commercial Argentine vessels capable of working in the southern Atlantic, so it was not unusual for ships from the Argentine navy to undertake such tasks for a fee. This was still the case nearly four decades later when Davidoff employed a naval vessel to get to South Georgia. cf. 1981 & 1982

35 Kohen & Rodriguez 2016 p.260. Other than the occasional delivery of fuel supplies, I am unable to confirm the presence of any Argentine naval vessels in South Georgia waters.

36 Headland 1989 and 1992. In the earlier book, Headland notes that the *South Georgia Exploration Company* was founded in Punta Arenas on 20th March, 1905 with a sheep farmer, Richard Lion, as its president and that it was Lion that visited the Falklands to negotiate a pastoral licence. In Headland’s 1992 book, however, it was Ernest Swinhoe that negotiated the licence and for more than just sheep grazing. Swinhoe was aboard *Consort* when she arrived at South Georgia in the August of 1905 and all the subsequent reports came from him. I can find no other references to Richard Lion. Later reports suggest that when Swinhoe negotiated the first lease he was accompanied by a Mr. Henry Velway. cf. FO 371/4

37 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

38 *Swinhoe Report to Allardyce November 14, 1905* FO 371/4/48

39 *The History of Modern Whaling* Johan N. Tonnessen 1982

40 FO 371/4/50

September 28th, asked to provide something in writing, Swinhoe hands over a letter addressed to ‘Mr. Larsen, Cumberland Bay’ stating; “Dear Sir, Having ‘leased’ from the Falkland Islands Government these Islands named South Georgia, which you at present occupy as a Whaling station, and, as we hold the Legal Rights for the same, issued to us by the above named Government, we wish to notify your Company to withdraw from these the South Georgia Islands.”

November 2nd, in Buenos Aires, Pedro Christophersen and Guillermo Núñez, both principle shareholders of the *Compañía Argentina de Pesca*, visit the British Legation. ⁴¹

Britain’s *Charge d’Affaires* reports to Governor Allardyce; “Captain Nunes explained that Captain Larsen,.. had been engaged in whaling in the South Atlantic since 1893, and ... he had been employed by the Argentine Fishing Company (*Compañía Argentina de Pesca*) for whaling. He had established a depot at South Georgia for boiling down the whale oil and had not thought it necessary to apply to anyone for permission, not realising that that uninhabited island was under your jurisdiction. ... Captain Nunes and Mr. Christophersen explained that the Fishery Company caught all their whales on the High Seas, and that all the Company wanted was a depot for boiling down the oil and for stores, etc. That would not, they said, interfere with any rights the Exploration Company had acquired under the lease from you to fish for seals in the territorial waters of the Island or to work minerals. ... I informed these gentlemen that I thought the proper course for the Company to pursue was to apply to you for a licence to establish a depot at South Georgia and it is their request that I now approach you for that purpose...” ⁴²

November 28th, informed by the British Legation, Gov. Allardyce requests *HMS Sappho* to investigate. He also reports the matter to London; “I do not know the status of Captain Nunes in the Office of the Ministry of Marine, but I presume that he is a high official of the Argentine Republic, and should this be so his action in coming forward to support Captain Larsen’s statement that he ‘had not thought it necessary to apply to anyone for permission not realizing that that uninhabited island was under your jurisdiction’ is all the more surprising as it is difficult to believe that he was not aware that the Argentine transport ‘Guardia Nacional’ had proceeded to South Georgia, that a survey of Cumberland Bay had been made by Argentine Officers from this vessel, and that sign boards – according to Mr. Swinhoe – were ‘made and put up in all the bays and harbours around the island.’ One is more particularly led to believe that Captain Nunes did know when one remembers that the Argentine ‘Official Gazette’ of the 27th of March last published a decree of the Argentine Minister of Finance admitting, free of duty, ‘165 tons of whale oil conveyed to Buenos Aires by the barque ‘Rolf’ belonging to the Argentine Fishing Company.’ ... had it not been for the appearance at South Georgia of the South Georgia Exploration Company Ltd., and the flying of our Flag during the three months the party was there, the Argentine Flag would have been hoisted in our Dependency with proportionate complications.” ⁴³

November 30th, Britain’s Legation in Buenos Aires, informs the Colonial Office that the Argentine Republic have retained a vessel to maintain contact with the meteorological station on the South Orkney Islands. The Colonial Office contacts the Foreign Office and suggest; “... that it should be intimated to the Argentine Government that the South Orkney’s were British territory; that His Majesty’s Government assumed that it was in ignorance of this fact that the Argentine meteorological station had been maintained there since

41 Captain Guillermo Núñez was, at that time, *Director of Armaments* for the Argentine Navy. Pedro (Peter) Christophersen was a Norwegian who had emigrated to Argentina in 1871; variously, Consul for Norway, landowner, successful businessman and, apparently, lottery winner.

42 *FO 371/4/56*. Larsen had been sufficiently aware of British sovereignty to enquire with the Royal Geographic Society about a lease at South Georgia in 1896. *cf.* Headland 1992 p.62

43 *Allardyce to Lyttelton November 28, 1905 FO 371/4/44*

February 1904 without any notification having been made to His Majesty's Government, but that it was hoped that the Argentine Government would not discontinue the use of the islands for this useful scientific purpose...⁴⁴

December 11th, the terms of a proposed lease for a plot of land at Grytviken is handed to the *Compañía Argentina de Pesca*. Immediate objections are raised to the need for a representative to travel to Port Stanley; and with *Clause 6* which requires that a share of the profits is paid to the Falklands Government.

December 12th, from Buenos Aires, *charge d'affaires* Harford tells Governor Allardyce that; "... to pay this share out of the profits would necessitate their applying to the Argentine Government for permission to alter their Statutes accordingly. This would give a publicity to the matter which was perhaps not desirable, and might lead to the withdrawal of their present privilege of importing whale oil free of duty into this country.... It would be a very serious matter if the Argentine Government adopted the system of a percentage of profits of English Companies working in the Argentine...

Mr. Schlieper said his company would be willing to buy the land in question, some 500 acres, if they could deal directly with your Government, ... He pointed out the advantages which were likely to accrue to His Majesty's Government from the Fishery Company's operation, viz: (1) a stock of coal and stores always available for ships, (2) the meteorological observations made, (3) the beacon lights they proposed to maintain on South Georgia, (4) the facilities for landing by means of the pier erected by them in Grytviken harbour, (5) the introduction of acclimatized cattle and sheep."⁴⁵

December 24th, two whalers and a factory ship, *Admiralen*, arrive off New Island with a licence from the Governor to catch whales. The factory ship anchors for a month before moving off with 40 whales to process.

December 30th, *charge d'affaires* Harford reports a further discussion with the Directors of *Compañía Argentina de Pesca*; "In the two conversations I had with the representatives of the Fishery Company, the right of His Majesty's Government to South Georgia was never questioned, ..." ⁴⁶

Herman Schlieper, President of *Compañía Argentina de Pesca*, emphasises his concern that there was a danger that; "... the company might be deprived of their privilege of importing whale oil free of duty in virtue of its being derived from whales caught on vessels under the Argentine flag." ⁴⁷

1906 – January 9th, in London, the Colonial Office comment on the Grytviken negotiations; "Lord Elgin would suggest that Mr. Harford should be instructed, as soon as a lease is granted to the Argentine Fishing Company, to inform the Argentine Government of the rumours which have reached him of the desire to establish a Meteorological Station in South Georgia, and to say that His Majesty's Government will be pleased to grant them facilities, on the understanding that copies of the reports will be communicated to them. This will be a convenient way of informing the Argentine Government that the Island is British Territory." ⁴⁸

January 11th, Swinhow sends rock samples from South Georgia to London's Imperial Institute for analysis.⁴⁹

44 Internal Foreign Office *memo* by H. Jones dated July 8th, 1930 A 4733/1437/2/1930. The Colonial Office had to be reminded that Argentina had initially taken over the meteorological station at the invitation of the British Government. There being no evidence that the Argentine Government was claiming the South Orkney's by this action, no representation was made to them on this occasion.

45 *Frederic Harford to Governor Allardyce December 12, 1905*. Copied to London.

46 FO 371/4/76

47 FO 371/4/79. My emphasis.

48 FO 371/4/40

49 FO 371/4/168. The samples were examined but found to have no commercial value.

January 31st, HMS Sappho arrives at Grytviken.

February 2nd, Captain Hodges RN inspects the whaling station, escorted by Carl Larsen; *“The station consists of Captain Larsen’s house which was brought from Norway in sections and put together here, some huts for the men, the Boiling factory, a slip fitted with powerful winches for heaving whales up on shore, blacksmith’s shop, etc; in fact everything is most complete and Captain Larsen has now brought down a dynamo, and the factory will soon be lit with Electric light.”*⁵⁰

Records produced to Hodges show that in the 12 months of operation, Larsen’s team have caught 189 Humpback whales, 22 Fin whales, 18 Blue whales and 7 Right whales resulting in 7434 barrels of oil. Larsen tells Sappho’s commander that when they were unable to hunt whales, they had taken a few Elephant Seals.

*“I will merely remark that the Directors of the Fishery Company told me that Captain Larsen had killed some Sea Elephants in winter, when he could not go out whaling, but they had long since given him orders not to kill any more until the Government of the Falklands gave them a licence to kill seals generally.”*⁵¹

February 3rd, Larsen and Hodges visit Fortuna and Antarctic Bays; also agreeing locations of two beacon lights.

*“Discussion certainly took place between Captain Hodges and Larsen concerning the licensing of Compañía Argentina de Pesca’s whaling station, which was then being arranged through the British Legation in Buenos Aires and the Government at Stanley. Some conflicting accounts describe this as difficult. These suggest that there was either a Norwegian or Argentine flag flying over Grytviken to which Hodges objected, that Hodges gave Larsen a time (said to be either 15 or 30 minutes) to remove the flag before Sappho’s guns, trained on the flag pole, would open fire to the same effect, and that Larsen lowered the offending flag. Neither the official account prepared by Captain Hodges nor the Norwegian histories refer to this and no supporting contemporary reports include it. ... All other accounts indicate that relations between Captains Hodges and Larsen were amicable and cooperative.”*⁵²

February 5th, after surveying King Edward Cove, HMS Sappho sails for Montevideo.

Swinhoe renews his lease; *“The lease of South Georgia held by the South Georgia Exploration Company was renewed, with somewhat different terms, in 1906.”*⁵³

February 14th, a Mr. M. Rothenborg, representing *Compañía Argentina de Pesca*, arrives in Port Stanley.

February 26th, Governor Allardyce writes to the Colonial Office; *“... the time has I think arrived when the question of the establishment of British Sovereignty over the Groups of Islands known as the South Shetlands and the South Orkney’s ... might very well be considered. As far as I have been able to ascertain these Islands are at present a sort of “no man’s land”, and the present juncture therefore offers a favourable opportunity in view of the valuable seal and whale fisheries which are known to exist in and around these archipelagos to consider the question before the adjacent South American Republics move, as they are pretty certain to do, in the same direction.”*⁵⁴

50 *Report on visit to South Georgia Island by HMS Sappho 11 February, 1906 FO 371/4/395*

51 Federic Harford note (Britain’s *charge d’affaires* in Buenos Aires) dated February 14, 1906 in *FO 371/4/405*

52 Headland 1992 pp.67-68

53 21 years at £100 *per annum*; later sold to Norwegian whaling company *Bryde & Dahl*.

54 *FO 371/4/275*

February 27th, Norway's *charge d'affaires* in London questions the Foreign Office as to the ownership of islands in the South Atlantic. ⁵⁵

March 8th, the lease for *Compañía Argentina de Pesca* is finally settled at £250 per annum and; “In addition to the main text of the agreement were two annexes: one specifying the boundaries of the lot (of) the lease with a sketch; the second mentioned restrictions by which the *Compañía Argentina de Pesca* could not take products and animals on the island and forced (the company) to build two lighthouses, maintain a permanent deposit of coal, provide assistance and supplies to the needy boats and keep a weather station.” ⁵⁶

March 19th, Britain's Colonial Office considers the ramifications of the lease granted to *Compañía Argentina de Pesca*; “Having regard to the fact that the Company have now taken out a British lease, with the certain knowledge of the Argentine Government, that Captain Nunes, a high official of that Government, was one of the gentlemen who waited upon the British Charge d'affaires to prefer, on behalf of the Company, a request for a British lease, that neither the Company nor the Argentine Government vessel “Guardia Nacional” hoisted the Argentine flag on the island, and that no protest has been received from the Argentine Government to the grant of the lease to the South Georgia Exploration Company or to their constant flying of the British flag on the Island, or to their request to the Argentine Fishing Company to desist from further operations, Lord Elgin thinks that His Majesty's Government may now definitely assume that the Argentine Government do not question the British title to the Island.

It seems at any rate to be clear from the Decree published in the Argentine ‘Boletín Oficial’ of the 27th March 1905 that the Argentine Government did not then regard the Island as Argentine territory. The Report which forms the Preamble to the Decree points out that the Company cannot be authorised to fish in the territorial waters of the Coasts and Islands of Patagonia or instal themselves on land while the law of 1880 is in force and the recommendation which it makes in favour of the free importation of the Company's consignment of whale-oil is based upon the consideration that the Company had not infringed that law, in other words upon the consideration that by installing themselves on South Georgia the Company had not installed themselves on Argentine territory.” ⁵⁷

March 29th, Argentina's Minister of Finance, Norberto Piniero, notes; “... recently, the company received a communication in which the British government demanded payment of a sum in respect of an annual lease for the right to hold a port on the island. As a result of this requirement the Company has agreed to pay a lease for use of the port and land, which lease must (be) submitted annually to the British government...” ⁵⁸

April 2nd, the Colonial Office notes; “Lord Elgin would suggest, should Sir E. Grey see no objection, that the Argentine Government should be informed that the South Orkneys are British territory and that His Majesty's Government assume that it was in ignorance of this fact that the Argentine Government have maintained a Meteorological Station there since February, 1904.” ⁵⁹

May 7th, the Colonial Office respond with regard to Norway's February request for information regarding sovereignty of islands in the South Atlantic; “... His Majesty's Government have a claim to the following

55 FO 371/4/269

56 Bologna 1988 p.46. Backdated to January 1st, 1906, the conditions embraced two *de facto* situations – the beacon lights and the weather station both of which were already *in situ* and operating.

57 FO 371/4/156

58 Quoted in Bologna 1982

59 FO 371/12736/371. The Colonial Office appear to have been unaware of the handover reported by Minister Haggard, to London, in his despatch of January 5, 1904.

territories within the limits mentioned in Mr. Irgen's note, viz: South Georgia, the South Shetlands, the South Orkneys, and Graham's Land." ⁶⁰

"Enquiries were made of His Majesty's Charge d'Affaires at Buenos Aires as to whether the assertion that the South Shetlands, together with South Georgia, the South Orkneys and Graham Land, were British possessions would be likely to arouse the criticism of the Argentine Government or raise afresh their claims to the Falkland Islands; and, the reply having been favourable, the Norwegian Minister was informed on the 16th May, 1906, that the South Shetland Islands were not international, as had been supposed by the Norwegian Government, but were British territory, that the other British possessions in the same region were South Georgia, the South Orkneys and Graham Land,..." ⁶¹

June 20th, Cassard, a French steel barque built in 1899, is wrecked on Driftwood Point, Bleaker Island. ⁶²

July 12th, Governor Allardyce raises the question of South Sandwich group sovereignty with the Colonial Office.

August 2nd, from Buenos Aires, charge d'affaires Harford telegrams Sir Edward Grey; "Local paper states that Argentine Government is about to inform Powers that they have established permanent Observatory on South Orkneys. Shall I inform Argentine Government they are British territory?" ⁶³

August 21st, the Colonial Office respond to the Foreign Office; "Lord Elgin would suggest that Mr. Harford might be instructed when making this intimation to explain to the Argentine Government that the intervention of His Majesty's Government in the matter of the transfer of the observatory was based not less on the British ownership of the Group than on the British status of the Expedition which originally established it." ⁶⁴

August 22nd, Britain's Minister to Argentina is instructed to affirm sovereignty over the South Orkneys; "It would appear that, although the establishment in question is the station erected by Scottish Expedition in 1903, and transferred to Argentine Government by His Majesty's Government in 1904, there is some danger of the possession of this station being made the basis of a claim to the South Orkney's. You should, therefore, inform Argentine Government that the group is British territory,..." ⁶⁵

"In 1906 certain administrative acts of the Argentine Government seemed to show that Argentina claimed sovereignty over the Islands, and in these circumstances His Majesty's Minister was instructed to present a note to affirm that the group was British territory." ⁶⁶

August 23rd, Minister Haggard addresses a Note to the Argentine Foreign Ministry informing them that the South Orkneys are British territory.

In **September**, the Falklands' Governor is authorised to treat the South Sandwich Islands as a Dependency. ⁶⁷

60 FO 371/4/269

61 Field 1928 paras.269 & 270

62 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*. Cassard's wreck was sold at public auction on the 29th for £355; her cargo of wheat for £20.

63 FO 371/4/460

64 FO 371/4/469

65 FO 371/4/470. To Mr. Haggard, No.4 Telegraphic, August 22, 1906

66 Memorandum (A6503/128/2 ?) in FO 371/12736/357

67 Field 1928 para.275

September 22nd, Minister Haggard informs London; *“I have lately heard, on what I conceive to be good authority that the Argentine Government entertain the project of “availing themselves at an opportune moment to lay claim to these (Orkney) islands,” and some colour is perhaps given to this statement by the fact that a month has passed without my having received any reply to that Note.”*⁶⁸

*“Argentina was the country that established the first permanent settlement in the area of Antarctica. ... it has never abandoned this valuable observatory, outpost of civilization in the inhospitable southern regions.”*⁶⁹

November 10th, Norwegian whaler, *Fridtjof Nansen*, is wrecked off South Georgia; as is *Lyn* belonging to the *Compañía Argentina de Pesca*.

December 15th, an Argentine *Decree* determines salaries for staff at the meteorological stations on Laurie Island and Booth Wandell Island, referring to them as - *“Stations in Southern Argentine lands.”*⁷⁰

In the Falklands, *Ordinance 3*, restricts whaling around the British Dependencies. Licences cost £25.

1907 – January 4th, a formal diplomatic note is presented to Argentina's Foreign Ministry emphasising that the South Orkney's are a British possession; *“... in order to remove any possible misconception as to the legal basis on which operation of the meteorological station on Laurie Island in the South Orkneys had been transferred to the Argentine Meteorological Office...”*⁷¹

*“Mr Townley, who had replied to the Minister,... asked, in reporting home the matter, that he might be furnished with further evidence in support of the claim. The Admiralty, of whom enquiry was made, pointed out that no Spaniard had ever explored or discovered anything in that region; that the land in question was far outside any territorial limits to which the Argentine Government could lay claim; and, further, that the South Orkney's had been formally taken possession of by British subjects long before the Argentine Government had ships to visit the locality.”*⁷²

At the Haig, the powers of the *Permanent Court of Arbitration* are extended by the 2nd *Peace Conference* with the purpose of; *“... obviating as far as possible recourse to force in the relations between States...”*

Signatories include Chile and Argentina. Chile immediately submits a proposal to Argentina that they negotiate an agreement as to a division of sovereignty over South Georgia, the South Sandwich Islands, the South Shetlands and the Antarctic lands, within the spirit of the *Treaty* of 1881. Argentina's Foreign Minister, Estanislao Zeballos, responds; *“Chile ought to know that England claimed all these lands.”*⁷³

In **March**, Norway's Minister to London requests further details regarding British territorial rights over the South Orkneys, the South Shetlands and Graham Land.

April 30th, the Norwegian Minister is informed; *“... that the British claim to the South Shetlands rested on the fact that Captain Foster of HMS Chanticleer took formal possession of the lands about the islands on the 7th January, 1829, landing at Cape Possession, Hoseason Island, and that Sir John Ross landed on Cockburn*

68 FO 371/4/472. Argentina would later argue that the August protest was, *“out of time,”* apparently a reference to the station having been operated for more than the twelve months stipulated in the original agreement for the takeover of Dr. Bruce's Laurie Island weather station. *cf.* 1904

69 Argentine 4th Grade text book quoted in Garcia 2009

70 Goodhart to Grey December 20, 1906 FO 371/4/488

71 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

72 Internal Foreign Office memo by H. Jones dated July 8th, 1930 A 4733/1437/2/1930

73 ICJ 1956. *Pleadings. Antarctica Cases, UK v. Argentina, UK v. Chile, 63*

Island in the South Shetland group on the 6th January, 1843, and took formal possession of this and contiguous lands, ... The Norwegian Minister was further informed that no question as to title had hitherto been raised by foreign Governments, that the only notification made in any quarter was that to himself on 16th May, 1906, and that it was not the practice of His Majesty's Government to notify foreign Governments additions to British territory made by annexation, occupation or otherwise.”⁷⁴

In **May**, a Chilean company, the *Sociedad Ballenera de Magallanes* of Punta Arenas, takes out a Falklands whaling licence for the South Shetlands and Graham Land.

November 23rd, *Baden Powell*, is wrecked on Elephant Jason.⁷⁵

December 12th, Joachim Peterson arrives at Grytviken as the commissioned policeman for South Georgia.

1908 – *Messrs. Salvesen & Co* of Leith, Scotland, obtain a lease for a whaling station on New Island.

Ordinance 3, is replaced by *Ordinance 5*, under which whaling licences may be renewed but no new ones granted. The killing of calves and females is prohibited. *HMS Sappho* visits Stanley.⁷⁶

February 5th, Under-Secretary of State for the Colonies, Mr. Winston Churchill, informs Parliament that; “*The proceeds of the sale of land in the Falkland Islands are invested separately, and form a capital asset of the Colony. The average receipts of the Sale of Lands Fund amounted to about £5,000 a year for the five years 1902–1906, the highest amount in any one year being £12,783.*”

February 17th, in Buenos Aires, Italy's Minister - in a communication regarding the *Rome Postal Union Convention* - includes the Falkland Islands among those British Colonies which had adhered to that *Convention* with regard to registered letters. Argentina's Minister for Foreign Affairs promptly protests to Italy.⁷⁷

March 12th, in London, aware of the Argentine protest to Italy, the British Government decide not to discuss the matter if a similar protest is received in the UK.⁷⁸

April 1st, *Helene Blum* is wrecked on Seal Rock, Cape Pembroke.⁷⁹

July 21st, in London, *Letters Patent* are issued with regard to the constitutional arrangements of British possessions in the South Atlantic; “*Whereas the group of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the territory known as Graham's Land, situated in the South Atlantic Ocean to the south of the 50th parallel of south latitude, and lying between the 20th and the 80th degrees of west longitude, are part of our Dominions, and it is expedient that provision should be made for their government as Dependencies of our Colony of the Falklands; 1. Now We do hereby declare that from and after the publication of these our Letters Patent in the Government “Gazette” of our Colony of the Falkland Islands the said group of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the said territory of Graham's Land shall become Dependencies of our said Colony of the Falkland Islands.*”⁸⁰

74 Field 1928 paras.271 & 272

75 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

76 *The Wilds of Patagonia* Carl Skottsberg 1911

77 *Townley Telegraphic No.4 February 25, 1908 6787/08*

78 *The Falkland Islands as an International Problem* Peter J. Beck 1987 p.90. No protest was received.

79 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

80 Published in the *Falkland Islands Gazette*, 1 September 1908; and in *British and Foreign State Papers, 1907-08, Vol. 101 (London, 1912), pp. 76-77*

*“In the period between their discovery and the issue of Letters Patent in 1908, no foreign national put forward a claim on behalf of his country to any part of the Falkland Islands Dependencies. Although numerous foreign expeditions, scientific, commercial and naval, visited the area during this period, none of them thought fit to challenge British sovereignty in any way whatsoever. It may therefore be fairly assumed that British sovereignty received tacit recognition from all the important maritime powers during the nineteenth century. No objection was put forward by any other power to the terms of the Letters Patent of 1908...”*⁸¹

*“The most extraordinary thing about this unprecedented declaration of sovereignty is that it covered an enormous area and it had been done so unscrupulously that it included part of our territories of Tierra del Fuego and Santa Cruz and the Chilean province of Magallanes.”*⁸²

September 1st, the Letters Patent are published in the *Falkland Islands Gazette*. Argentina requests a copy.

*“On the issue of the Letters Patent the Argentine press announced that His Majesty's Government had issued a declaration of sovereignty over the islands. The Argentine Minister for Foreign Affairs enquired of Mr. Russell (His Majesty's Charge d'Affaires at Buenos Aires) as to the terms of this declaration of sovereignty. Mr. Russell was instructed to supply him with a copy of the Gazette in which the Letters Patent had been published. He did so and the Argentine Government acknowledged the receipt of his note without comment.”*⁸³

A *South Orkneys Whaling Licence* is issued to the *Newfoundland Steam Whaling Company* by the Governor.

1909 – in **January**, the Governor is authorised to apply the *Falklands' Seal Fishery Ordinance* (No. 1 of 1899) to the South Sandwich Islands, and to consider an application from *Compañía Argentina de Pesca*.⁸⁴

February 20th, a copy of the 1908 *Letters Patent* are forwarded to Argentina's Foreign Ministry.

March 18th, Argentina's Foreign Minister, Victorino de la Plaza, acknowledges receipt; *“I have the pleasure of acknowledging the receipt of your Note dated the 20th of February last with which you were good enough to forward a publication called Falkland Islands Gazette containing a Decree by which the 'South Orkneys' are declared a dependency of the 'Falkland Islands.’”*

*“... it is to be concluded from the terms of their reply that in 1909 Argentina did not dispute the British title to South Georgia, the South Sandwich Islands, the South Shetlands and Graham Land, which territories were also covered by the communication sent to the Argentine Government...”*⁸⁵

On South Georgia, with British leases, new whaling stations are established at Leith Harbour and at Ocean Harbour (Lauritz Larsen).

July 22nd, the *Compañía Argentina de Pesca* take on a further lease for Jason Harbour.

November 30th, James Innes Wilson arrives on South Georgia aboard a *Christian Salvesson & Co* ship, *SS Coronda*, as the newly appointed Stipendiary Magistrate.

December 4th, a post office opens on South Georgia.

81 Christie 1951 p.240

82 Destefani 1982

83 Internal FO memorandum in FO 371/12735 at 97

84 Field 1928 para.277

85 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.23

December 31st, 720 people are recorded as living on South Georgia with 93% shown as 'Scandinavian.'

1910 – January 1st, *Les îles Malouines: nouvel exposé d'un vieux litige* is published by Paul Groussac. ⁸⁶

"This was a bitterly anti-British and one-sided book which misinterpreted some of the events of 1770 and 1771 – the Spanish seizure and restoration of Port Egmont. Groussac paid minimal attention to the American involvement in the events of 1831 to 1833, which in fact he knew all about. ... His book was written before the Vernet papers were donated to the Argentine archives and Groussac makes no mention of them or to Vernet's pro-British sentiments. Nor did he consult the British State papers." ⁸⁷

January 16th, Carl Anton Larsen applies for British citizenship to the South Georgia Magistrate; *"I have given up my Norwegian citizens rights and have resided here since I started whaling in this colony on 16 November 1904 and have no reason to be of any other citizenship than British, as I have had and intend to have my residence here still for a long time."* ⁸⁸

Sealing licences are granted under the Falklands' *Ordinances* to the *Compañía Argentina de Pesca*; for South Georgia Island and the South Sandwich Islands. ⁸⁹

A magistrate is sent to Deception Island for the summer season to oversee whaling operations. ⁹⁰

February 4th, an Argentine newspaper reports; *"... that correspondence recently brought back from the (South Orkney) islands had an Argentine stamp with a postmark placed on it by the official of the observatory charged with the correspondence, bearing the designation "Southern Argentine Territories, Orkneys Station... It was also argued that the maintenance of the observatory on the islands must in itself constitute in time an act of sovereignty which would entitle Argentina to claim possession of the islands by right of undisputed occupation..."* ⁹¹

April 7th, Minister Townley writes from Buenos Aires to support a cession of the South Orkney's to Argentina, arguing, *inter alia*, that a meteorological site there would allow Argentine farmers to know if the season would be wet or dry six months ahead. ⁹²

"... there can be no doubt that this colony would be a serious loser should Mr. Townley's recommendation be hereafter given effect to." ⁹³

May 9th, *Malvina*, carrying a cargo of wool, is wrecked on Saunders Island. ⁹⁴

An official *Naturalist* and a *Seal Fishery Officer* are employed by the Falkland Islands' Government.

86 Groussac was born in France but moved to Argentina in 1866 when he was 18. His book, published in French, became particularly influential after a version of it was made compulsory reading in Argentine schools in 1937.

87 Peter Pepper in Tatham (ed.) 2008 p.254

88 Headland 1984 & 1992

89 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956. *cf.* 1906

90 *Ibid p. 19.* A magistrate would be sent to the island every summer until 1930

91 *FO 371/12735/55*

92 *Governor Allardyce to Mr. Harcourt December 24th, 1910* in *FO 371/1288*

93 *Ibid*

94 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

May 25th, Argentina celebrates the centennial of the *Primera Junta* of 1810. Argentina's *Centenary Committee* publishes a map of Argentina which shows the Falklands as Argentine territory.

*"The British representative in Buenos Aires was instructed not to take notice of its existence."*⁹⁵

In **September**, the *American Department* of the Foreign Office requests a detailed historical study of the Falklands' dispute. Gaston de Bernhardt, an assistant librarian is tasked with the research.⁹⁶

At the Falklands, Governor Allardyce issues 7 South Orkney whaling licences for the 1910/11 season.⁹⁷

October 5th, Minister Townley writes to the Foreign Office on the subject of the South Orkneys; *"I would respectfully venture to submit that the disputed ownership of the barren rocks may possibly some day lead to an unpleasant incident. ... The possession of the Falkland Islands is always dragged in as to what Argentina will do when she has a large fleet and one hundred and fifty million inhabitants, but reasonable people have given up hope that Great Britain will ever consent to a discussion of this question."*⁹⁸

November 11th, an internal Foreign Office *memo* suggests the possibility of a cession of the South Orkneys.

*"... the proposal to cede the islands is not a new one. It originated with Mr. Townley, then Minister at Buenos Aires, who suggested in 1910 that they should be ceded in the form of a free gift as they were useless to us and valuable to Argentina on account of the observatory. The Admiralty had no objection to the proposal but the Colonial Office turned it down on the grounds that the islands were valuable as a base for the whaling industry in which many of the Falkland Islanders were interested, and that they provided a small but useful revenue for the Government of the Falkland Islands."*⁹⁹

December 12th, after seeing Bernhardt's *Memorandum*, Gerald Spicer, a clerk at the Foreign Office, *minutes*; *"For more than 60 years we have refused to discuss the question with the Argentine Gov., but from a perusal of this memo, it is difficult to avoid the conclusion that the Argentine Govt.'s attitude is not altogether unjustified and that our action has been somewhat high-handed. If the alleged secret understanding between the Spaniards and ourselves could be traced our claims would probably be found to be weaker than they are. ... the Argentine Govt. do not regard this question as closed."*¹⁰⁰

*"With a subject as complicated as the history of the Falkland Islands, it is inevitable that individual officers will have differing and in some cases conflicting views. This is natural, but it is also irrelevant."*¹⁰¹

"As to the question of doubts which may have been expressed by officials from time to time, it is inevitable in a matter such as this, involving consideration of complex historical and factual questions, that doubts may have been expressed from time to time by officials. It depends very much on the time at which they were expressed."

95 Kohen & Rodriguez 2016 p.246. Britain has never felt it necessary to complain about every minor affront.

96 This request seems to have arisen as a result of the publication of Groussac's book. *Memorandum Respecting the Falkland Islands FO 881/9755* was presented by Bernhardt on December 7th, after he'd been given only 3 months for his research and with limited access to Foreign Office correspondence (which he thought inadequate). The *Memorandum* was published for internal use by the Foreign Office in 1911. See also *The Anglo-Argentine Dispute Over Title to the Falkland Islands: Changing British Perceptions on Sovereignty since 1910* Peter J. Beck 1983 and *When the English doubted their rights* Juan A. Lanus 2010.

97 *Governor Allardyce to Mr. Harcourt December 24th, 1910 in FO 371/1288*. I am unable to find any Argentine protests with regard to the issue of such licences by the Governor of the Falklands; or any attempt to issue their own licences.

98 *Townley to Sir Edward Grey 5 October 1910 in Gough 1992*

99 *FO 371/12735/101*

100 Quoted in Gough 1992

101 Foreign Office submission to the Parliamentary Foreign Affairs Committee in 1983. *cf. The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984*

*The law has developed over the years. Anything, for example, prior to 1928 would not have taken account of a major arbitration in that year, bearing upon the question of 'acquisitive prescription' in the Palmas arbitration. Anything prior to that certainly has to be considered in that light."*¹⁰²

December 24th, responding to the question of ceding the South Orkneys, Governor Allardyce notes the potential financial consequences, and that any such action would; "... almost certain to be misunderstood in South America, and might hereafter form an unfortunate precedent for other demands, and be used to materially weaken our claim to possessing any territory in these seas."¹⁰³

*"The cession was proposed as a free gift, and appears to have been contemplated as a complimentary gesture on the occasion of the Argentine centenary celebrations. The Admiralty had no objections. The Board of Trade could not suggest a quid pro quo. The Colonial Office vetoed the proposal on the ground that the South Orkney's were valuable as a base for the whaling industry,..."*¹⁰⁴

1911 – Larsen introduces reindeer to South Georgia as a food source for the whalers.¹⁰⁵

In London, the US *charge d'affairs* approaches the British government to ask if there would be any objection to a US citizen, Capt. Cleveland, hunting sea-elephants at South Georgia.

*"... he was informed, in reply, that the Governor of the Falklands would be authorised to grant Captain Cleveland a licence to take a limited number of sea-elephants in South Georgia in the 1912 season."*¹⁰⁶

March 30th, in a written answer in Parliament regarding the negotiation of arbitration agreements with other nations, Foreign Secretary Edward Grey states; *"There are thirteen which have been concluded for a period of five years, most of which have been renewed for a further period of five years. In addition to the above, treaties have been signed with the Argentine Republic and Brazil which have not as yet been ratified by the King."*¹⁰⁷

A population census identifies 2,272 people present on the Falkland Islands.

In **May**, the South Georgia Magistrate reports that 5,521 whales have been caught, yielding 150,457 barrels of oil valued at £394,898. Governor Allardyce complains that the revenue to the Falkland Islands' Government is less than 1% of the value of the catch and recommends an export duty of 3d per barrel be imposed.

June 6th, *Bayard* is wrecked in Ocean Harbour, South Georgia.

In **July**, Foreign Office Assistant-Secretary Robert Campbell *minutes*; *"Who did have the best claim when we finally annexed the islands... I think undoubtedly the United Provinces of Buenos Aires. We cannot easily make out a good claim and we have wisely done everything to avoid discussing the subject."*¹⁰⁸

102 Sir Ian Sinclair quoted in Charlton 1989 p.3

103 *Governor Allardyce to Mr. Harcourt December 24th, 1910* in FO 371/1288. Also David Tatham (ed.) 2008 p.39

104 Internal Foreign Office *memo* by H. Jones dated July 8th, 1930 A 4733/1437/2/1930

105 Ironically, in 2013, it was Norway that was asked to employ its expertise at culling reindeer numbers.

106 *The United States and the Question of the Falkland Islands* A. F. Orchard Sept, 1928 in FO 371/12736/324. This *memorandum* appears to be an assessment from the Foreign Office library. *cf.* 1854, 1883, 1892 & 1899

107 These were as a result of the 2nd *Hague Convention*. *cf.* 1907. More than 70 arbitration treaties had been registered at the Hague by 1911. Having been negotiated, Britain's agreement with Argentina appears to have stalled following changes made to the negotiated agreement by the Argentine Senate.

108 *Notas sobre documentos del Foreign Office referentes al conflicto Malvinas* Enrique Ferre Vieyra quoted in *La política internacional, el derecho y el territorio nacional* 1999

Camana is scuttled at Husvik Harbour on South Georgia. ¹⁰⁹

In **September**, the internal debate within the Foreign Office on the issue of a cession of the South Orkney Islands to Argentina continues; “*Our title to the South Orkneys is much stronger than it is to the Falklands, but we should of course be much more unwilling to give up the latter. It seems probable that if we make any offer to the Argentine Govt., in connection with the South Orkneys they will be encouraged to raise the question of the Falklands.*” ¹¹⁰

September 15th, Colonial Secretary Harcourt’s view regarding the South Orkney is notified to the Foreign Office; “*... he regrets that he is unable to concur with the views of Secretary Sir E. Grey as to the policy of offering to cede the South Orkneys... even if it were possible to come to an understanding with the Argentine Government on the matter, it is to be feared that the Senate would be unwilling to accept the terms agreed upon or to consent to waive the claim of the Argentine Republic to the Falkland Islands.*” ¹¹¹

“*Mr Harcourt presumes that it is with a view to raising the question of the sovereignty of the Falkland Islands that the Argentine Senate has eliminated the clause restricting the scope of the proposed arbitration treaty...*” ¹¹²

September 27th, the Foreign Office responds to the Colonial Office; “*... Secretary Sir E. Grey ... observes that Mr. Harcourt’s objections to any offer to cede the South Orkneys to the Argentine Government are based mainly upon the assumption that such a step might fail to secure recognition of the British title to the Falkland Islands, and would weaken the British case if His Majesty’s Government were compelled to submit the matter to arbitration under a general treaty. I am to explain that Sir E. Grey does not propose to proceed with general arbitration treaties with any country pending the conclusion of the treaty recently under negotiation with the United States, nor does he propose the conclusion of a treaty with the Argentine Government until the British title to the Falkland Islands has been recognised.*” ¹¹³

“*The Colonial Office agreed to this proposal, and after informal enquiry of the Argentine Government as to whether the cession of the islands on the terms proposed would be agreeable to them, Sir R. Tower was instructed to arrange with them an ‘exchange of courtesies’ in the form of a convention under which the South Orkneys would be ceded in return for a suitable site for a Legation house.*” ¹¹⁴

“This clearly shows that the British Government was perfectly aware that Argentina still maintained its claim over the Falkland/Malvinas Islands in 1911.” ¹¹⁵

October 21st, Germany’s *Antarctic (Filchner) Expedition* arrives at Grytviken in *Deutschland*.

109 Headland 1984. As whaling became less profitable, old equipment was abandoned rather than maintained.

110 *FO 371/1288*. This note, one of a series, is initialed *R.S.*

111 *Colonial Office to Foreign Office September 15th, 1911* in *FO 371/1288*

112 *Ibid*

113 *FO 371/1288*

114 *Ibid* cf. 1914

115 Kohen & Rodrigues 2017 p.188. Being aware, and receiving regular formal protests, being two entirely separate matters.

1912 – February 19th, HMS Glasgow visits Stanley.

A geological survey of South Georgia is conducted by Davis Ferguson for *Christian Salvesen's*, while six Norwegian companies take out Dependencies licences for the South Sandwich Islands. ¹¹⁶

A seasonal post office is established at Port Foster on Deception Island.

In **June**, a typhus epidemic kills nine whalers at Grytviken.

A new wireless station is established at Hookers Point by Governor Allardyce; “... *without assistance from either the Home Government or the Admiralty.*” ¹¹⁷

“*In 1912 a wireless station was organised at Port Stanley. The Argentine Government was formally told of the fact; but some official pointed out that if the notification were acknowledged British occupation of the Malvinas would be recognised! So, instead of acknowledging receipt of the Note, all direct communications, by wire or post, with the islands, were deprecated.*” ¹¹⁸

September 28th, the 'Wild Animals and Birds (South Georgia) Ordinance' comes into effect, offering protection to reindeer, the Upland Goose, and other bird species. Kristen Loken becomes the first resident clergyman on South Georgia.

An American sealer, the brig *Daisy*, arrives off South Georgia; “... *and, to her captain's indignation, he was forced to take out a licence to hunt sea-elephants.*” ¹¹⁹

November 12th, *Oravia* is wrecked on Billy Rock - crew and cargo are saved. Postcards of the wreck are sold.

1913 – March 14th, the crippled iron barque, *Lady Elizabeth*, limps into Port Stanley in a poor condition after suffering damage at Cape Horn. She is condemned and turned into a coal hulk.

March 22nd, workers at Grytviken and Leith whaling station go on strike.

An officer is sent to the South Orkney Islands to supervise observance of the whaling laws; “*Mr. Moyes, Customs Officer to the Orkney Islands, spent over two months in the group in 1913.*” ¹²⁰

October 8th, Solveig Gunbjørg Jacobsen is born on South Georgia

In **September**, a draft agreement exchanging the South Orkney Islands for land in Buenos Aires is drawn up; “... *the sovereignty over the South Orkney Islands is ceded by His Britanic Majesty to the Argentine Government.*”

“*A draft convention was submitted by Sir R. Tower in which the word “cession” was used. The Argentine Government replied with a counter-draft in which they made use, without any comment, of the expression.*”¹²¹

December 25th, at Grytviken, a Lutheran church is consecrated for the Norwegian sealers working there.

116 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

117 *The Battle of the Falklands, 1914: A Falklands perspective* Graham Pascoe 2014

118 *The Times* August 12th, 1928. cf. July, 1928

119 Christie 1951

120 Internal Foreign Office memo by H. Jones dated July 8th, 1930 A 4733/1437/2/1930

121 *Ibid* footnote to para.23

1914 – January 10th, an amended draft of a South Orkney’s agreement is handed by Tower to Dr. Bosch.

“... the Minister of Foreign Affairs, Dr Ernesto Bosch, ... (found) it difficult to accept the phrase 'the sovereignty is ceded.'”¹²²

“Unless Sir R. Tower withheld such a vital piece of information, which is hardly imaginable, no objection of this sort was raised at all.”¹²³

March 20th, following a change of government in Argentina, the South Orkney agreement is dropped.¹²⁴

“... in the absence of any reply to his note of the 10th of January, His Majesty’s Minister asked the new Foreign Secretary whether he might expect an expression of the views of the Argentine Government on this matter. He was informed in reply that “Dr. Plaza (Acting President) had given his opinion that the present was an inauspicious moment to put forward any suggestion entailing expenditure by the Argentine Government, and that he felt that the contemplated purchase of a site for a British Legation house in Buenos Aires would prove onerous at a moment when every endeavour was being made towards effecting economies...”¹²⁵

A football match takes place on South Georgia between a team made up from the companies operating at Grytviken, and a team from A/S Ocean; *“The team from Grytviken consists of Englishmen, Danes, Swedes and Norwegians and an impressive Irish player in defence. The team from Ocean is made up of nine solid built boys from Larvik and two Swedes.”*¹²⁶

Mr. Spencer, appointed as a *Whaling Officer* is sent to the South Orkneys to inspect and police the licensed whaling vessels operating there.

August 4th, Britain declares war on Germany.¹²⁷

August 5th, Governor Allardyce tells the Islanders that Britain is at war with Germany; *“I formally promulgated the Proclamation at 11am on the 5th before the citizens of Stanley, and called upon all loyal Colonists to become Volunteers ... In reply to my wireless messages to London, I was informed that no assistance could be rendered and that I must do the best I could.”*¹²⁸

*“In 1914 Stanley was a rather run-down frontier town of eight stores, five pubs and three churches..... the majority of the inhabitants of Stanley were carpenters, storekeepers, mechanics, mariners, labourers and shipwrights; the population of the town was 905 which, because of a severe housing shortage, was crammed into 186 dwellings, most of which were of rusting corrugated iron in a poor state of repair...”*¹²⁹

The Falkland Islands donate 3 aircraft to the *Royal Flying Corps*.

August 15th, the newly completed Panama Canal has its official opening; reducing the necessity of navigating around Cape Horn to the detriment of the services available at Stanley.

September 14th, Rear-Admiral Sir Christopher Cradock, in command of the South American Station, is ordered to make the Falkland Islands the coaling base for his squadron.

122 FO 371/12735/109

123 Internal Foreign Office memo by H. Jones dated July 8th, 1930 A 4733/1437/2/1930 , footnote to para.23.

124 FO 371/12735/102 cf. 1912 & 1927

125 Internal Foreign Office memo by H. Jones dated July 8th, 1930 A 4733/1437/2/1930 , footnote to para.23.

126 Dag Ingemar Børresen, Sandefjordmuseene in “Sophus”, a Larvik Museum publication, April 2004. Ocean won 9:2

127 During the course of WWI, 36 Islanders enrolled in H.M. forces; ten losing their lives.

128 Quoted in Pascoe 2014

129 *The battles of Coronel and the Falklands in the making* Mensun Bound in *Penguin News August 2014*

October 1st, *HMS Glasgow* and *HMS Monmouth* take on coal at Port Edgar.

October 7th, Rear-Admiral Sir Christopher Cradock arrives in Stanley on *HMS Good Hope*. Cradock informs the Governor that a German squadron under Admiral von Spee has been reported near Cape Horn; the squadron consisting of *Scharnhorst*, *Gneisenau*, *Leipzig*, *Nurnberg* and *Dresden*. Governor Allardyce, believing that the colony may be attacked, orders the evacuation of the women and children to remote areas of the islands.¹³⁰

November 1st, Von Spee's squadron sinks *HMS Good Hope* and *HMS Monmouth* at the battle of Coronel. *HMS Glasgow* is damaged.

November 5th, Winston Churchill telegrams Governor Allardyce, warning; “*German cruiser raid may take place. All Admiralty colliers should be concealed in unfrequented harbours, Be ready to destroy supplies useful to enemy and hide codes effectively on enemy ships being sighted.*”¹³¹

Ernest Shackleton's *British Imperial Trans-Antarctic Expedition* arrives at South Georgia.

November 8th, *HMS Glasgow* and *HMS Canopus* arrive at the Falklands from Coronel to inform the colony of events before sailing, after just a few hours, for the River Plate. Allardyce notes; “*The Glasgow had a huge hole in her port side large enough to admit a large dining table also several smaller holes, and one right in the stern about a foot square.*”

November 12th, Capt. Grant in *HMS Canopus* arrives back at Port Stanley with specific instructions from the Admiralty to defend the Falklands; “*Canopus is to remain in Stanley Harbour. Moor ship so that your guns command the entrance. Extemporise mines outside the entrance. ... No objection to your grounding ship to obtain good berth.*”¹³²

Grant sets up 4 manned shore-batteries and equips the Falkland Islands Volunteer Force with a 12-pounder gun. Mines improvised from oil drums are strung across Port William from Yorke Point to Arrow Point.

November 29th, a memorial service is held in Stanley Cathedral for the officers and crews lost at Coronel.

December 6th, Admiral Graf Maximilian von Spee, announces his decision to attack the re-supply station at Stanley; “*If the harbour is clear of enemy ships, Nurnberg will reconnoiter northwards, including Berkeley Sound, while outside Port William Gneisenau will lower boats to sweep for mines in the entrance. Following those boats Nurnberg is to enter Port Stanley and carry out the work of procurement and destruction. Gneisenau is to follow as far as the connecting channel between Port William and Port Stanley, anchor there and send armed cutters, to be covered by Nurnberg, to the town side of the harbour under the command of Sub-Lieutenant Kotthaus, who is to hand the Governor an ultimatum and attempt to bring him on board.*”¹³³

December 7th, Admiral Sturdee's British squadron – *Invincible*, *Inflexible*, *Carnarvon*, *Cornwall* and *Kent* - arrive in Port William. *Glasgow* and *Bristol* enter Port Stanley while the armed merchantman *Macedonia* patrols outside Port. William.

130 Pascoe 2014

131 *The World Crisis 1911-1914* W. Churchill 1923 vol.1

132 Quoted in Pascoe 2014

133 Pascoe 2014. This was a raid, not an invasion; contrary to suggestions from German prisoners. The intention to capture the Governor was apparently in revenge for the seizing of a German Governor in Samoa.

December 8th, Germany's squadron approach the Islands. At 5am *Nurnberg* and *Gneisenau* break away to carry out their orders. Islander, Cristian Andreasen, on Sappers Hill sees the German ships and telephones *Canopus* which raises the alarm. Seeing smoke from the British ships, the Germans assume that the islanders have seen them and are burning the stores; *“One thing we are sure of, and that is that they never saw us - never knew we were there, till we fired, and what is absolutely certain is that they never knew the Fleet was here... or they would have kept thousands of miles away ...”*¹³⁴

Realising the danger, Spee tries to flee but is pursued. Engaged during the afternoon, the German squadron is virtually destroyed; *Scharnhorst*, *Gneisenau*, *Leipzig* and *Nurnberg* are sunk. There are few survivors. Admiral von Spee is dead.¹³⁵

*“The victory off the Falklands terminated the first phase of the Naval War by effecting a decisive clearance of the German flag from the oceans of the world..... when Admiral von Spee's powerful squadron, having been unsuccessfully though gallantly engaged off Coronel, was brought to action and destroyed on 8th December by Sir Doveton Sturdee. Only two small German cruisers and two armed merchantmen remain at large of all their formidable preparations for the attack on our trade routes, and these vessels are at present in hiding.... That is a very remarkable result to have been achieved after only a few months of war. I am sure, if we had been told before the War that such a result would be so soon achieved, and that our losses would be so small, we should not have believed it for a moment.”*¹³⁶

Ernest Shackleton's expedition arrives at the South Sandwich Islands.

December 22nd, the US Charge d'Affaires in Buenos Aires writes to his Secretary of States; *“The battle of the Falkland Islands has considerably improved the situation from the point of view of Argentine neutrality as there does not appear to be any further occasion at present for acts on the part of Germans which might infringe the country's neutrality. On the other hand that battle has once more brought to prominence the long drawn out question of the sovereignty over those islands.*

As the Department is probably aware, the Argentine Government at the end of every year has addressed a protest to the British Government against the occupation of the islands which are considered a part of Argentine territory. These annual protests have always been drafted in a formal manner and no replies or even acknowledgements to them have ever been received or were expected.

*It appears that the protest which will be made the last week of this year will be of a slightly different character and will ask that the British Government agree to compensate Argentina in case the German Government should demand an indemnity from this Government for allowing the British Fleet to violate the neutrality of its territory (Falkland Islands). It is stated in some quarters that the British Government will also be asked to return the islands to Argentina at the close of the war. I do not believe, however, that such a request is contemplated.”*¹³⁷

December 23rd, in Buenos Aires, British Minister Sir Reginald Tower, has a conversation with Argentina's Foreign Minister, Jose Murature, in which the Argentine Minister mentions that his country has not made any protest over the issue of the Falklands since 1888.¹³⁸

134 Midshipman Robert Dickson quoted in Pascoe 2014. p.33

135 More than 1900 men lost their lives during the battle although only 8 were British. cf. Pascoe 2014

136 First Lord of the Admiralty, Winston Churchill speaking in the Commons. *HC deb 15.2.1915 vol 69 Hansard*

137 *Papers Relating to the Foreign Relations of the United States, 1914, Supplement, The World War – The Charge d'Affaires (Lorillard) to the Secretary of State, American Legation, Buenos Aires, December 22, 1914*

138 *Tower to the British Foreign Secretary, Sir Edward Grey, March 20th, 1915 in British Documents on Foreign Affairs Part II* quoted in Pascoe & Pepper 2008. This conversation appears to have arisen as a result of a rumour circulating

December 30th, William Douglas Young is gazetted Governor.

1915 – January 18th, Shackleton's ship *Endurance* is trapped by sea ice.

In **May**, a new Governor, William Douglas Young, arrives at Stanley.

May 28th, Captain Newnham is appointed Commandant, *Falkland Islands Volunteer Force*.¹³⁹

Mr. Bennet, Britain's *Government Whaling Officer* spends 3 months on the South Orkney Islands.¹⁴⁰

August 29th, the first message via an undersea telegraph cable link with Montevideo is sent by Governor Young.

October 23rd, sea ice that has entrapped *Endurance* for 10 months starts to crush the ship.

November 21st, *Endurance* finally sinks.

1916 – New Island's whaling station moves to South Georgia.

March 11th, the floating whaling factory *Horatio*, catches fire at South Georgia with 1,820 tonnes of whale oil aboard. The vessel is towed out to sea and left to burn.

May 10th, Ernest Shackleton and five of his crew arrive in a small boat at King Haakon Bay, South Georgia.

May 14th, Carl Larsen's original whale catcher, *Fortuna*, sinks off Hope Point, South Georgia.

May 20th, Shackleton reaches Stromness whaling station where a whaling vessel, the *Southern Sky*, is fitted out for an attempt to rescue the other members of the expedition.

May 23rd, *Southern Sky* sails from South Georgia for Elephant Island.

May 31st, Shackleton, unable to get close to the marooned members of his expedition, returns to Port Stanley.

June 3rd, at Stanley Town Hall, Shackleton speaks to a large audience of Islanders giving details of his voyage and the travails that befell his expedition; “*At the end of his account, a simple and unvarnished story, Sir Ernest was heartily cheered in recognition of the pluck exhibited by him and his intrepid companions.*”¹⁴¹

June 16th, the Uruguayan fisheries vessel, *Instituto Pesca*, arrives at Port Stanley to pick up Shackleton for a further attempt to rescue his men from Elephant Island.¹⁴²

August 4th, *Montebello* sinks in Ocean Harbour, South Georgia.

August 11th, the Antarctic relief ship *Discovery*, sails from Portsmouth heading to the Falkland Islands.¹⁴³

Buenos Aires to the effect that Argentina had officially protested Britain's “*occupation*” of the Falkland Islands. There had been no such protest. A Panama newspaper reported this in March, 1915 and there was some suggestion that the source of the rumour was the German Legation in Buenos Aires.

139 *The London Gazette*, No.29174

140 *Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice*, May, 1955.

Also A 4733/1437/2/1930 Internal Foreign Office memo by H. Jones dated July 8th, 1930.

141 *Falkland Islands Magazine & Church Paper* July 1916

142 *Return of Shackleton from Weddell Sea* in the *Geographical Review* vol.2 no.1 July 1916 pp.55-57

143 *The New York Times* Aug 12th.

August 30th, Shackleton succeeds in rescuing his expedition members in the Chilean ship *Yelcho*.¹⁴⁴

December 24th, *HMS Lancaster* arrives at Port Stanley.

1917 – the Governor bans all whale product exports, other than to the UK. All licences are reviewed.¹⁴⁵

January 19th, *HMS Lancaster* places two 6 inch guns on Sapper Hill and Mount Lowe to protect Stanley's wireless station. “*HMS Lancaster landed two officers and five men for each gun. To complete the gun crews Captain Segrave requested twenty five men and two signallers from the Falkland Islands Volunteer Force ...*”

March 28th, *Letters Patent* clarify the area claimed by Britain in its 1908 *Letters Patent*; “... explicitly all islands and territories situated between longitudes 20° and 50° West, and south of latitude 50° South ; and all islands and territories situated between longitudes 50° and 80° West, and south of latitude 58° South.”¹⁴⁶

“Due to the astonishment and protests presented by Argentina and Chile, the British Government corrected the text in 1917 limiting the area... leaving out the Malvinas because they were already occupied, and the Argentine and Chilean mainland. Once again force prevailed over law.”¹⁴⁷

July 2nd, the *Letters Patent* are published in the *Falkland Islands Gazette*. Argentina does not protest.

1918 – January 31st, *La Nacion* reports that the German Chancellor has made a speech in Berlin in which he referred to the “restoration” of the Falkland Islands to Argentina. In Buenos Aires, German agents promote propaganda and public disorder; “*Deputy Foreign Minister Diego Molinari remained the highest Argentine official known to be on the German payroll.... In 1918, he started assisting a German committee that was preparing propaganda about the disputed Malvinas, or Falkland Islands. He worked closely with another German agent of influence named Tjarks.*”¹⁴⁸

In London, an *Interdepartmental Committee* is formed to consider; “... the preservation of the whaling industry and to the development of other industries in the Dependencies of the Falkland Islands.”

1919 – March 7th, in Buenos Aires, Foreign Minister Pueyrredon complains to Interior Minister Ramon Gomez about the issue of an identity card to Ines Willes de Boe; which identifies her place of birth and nationality as being; “*Islas Malvinas. Nacion: Inglaterra.*”¹⁴⁹

In **November**, Argentina considers not accepting radio-telegraphic messages for the Falklands.¹⁵⁰

144 In 1940, Chile would claim that this rescue amounted to an 'act of sovereignty' over Antarctica.

145 At this time, the glycerin in whale oil was needed for the armaments industry.

146 *Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice, May, 1955*

147 Destefani 1982 p.101

148 *The Intelligence War in Latin America, 1914-1922* Jamie Bisher 2016. Molinari would remain a political activist throughout his life, also becoming a revisionist historian. cf. 1801 Tjarks owned two newspapers which were used for propaganda purposes.

149 *Protestas Por Malvinas (1833-1946)* Alfredo Becerra 1998

150 Kohen & Rodrigues 2017 p.188.

1920 – January 17th, *HMS Dartmouth* arrives at South Georgia to assist the magistrate in restoring order after 50 whalers go on strike at Grytviken, and then riot. ¹⁵¹

During an experiment, *Conifer*, *Sycamore*, *Alder* and *Mountain Ash* tree seedlings are planted on Mt. Low. ¹⁵²

In **July**, the Head of Argentina's Meteorological Service informs Britain's Minister to Buenos Aires that, as no budget had been allocated for the upkeep of the meteorological station at Laurie Island, the station would have to close when the next relief ship went there; "A strong press agitation which took the line that the closing of the station would involve the loss of sovereignty over the South Orkneys proved too strong for the Argentine Government,..." ¹⁵³

September 19th, John Middleton is appointed Governor. ¹⁵⁴

The *Interdepartmental Committee on Research and Development in the Falkland Islands Dependencies* concludes its work and reports to Parliament; recommending further exploratory work in Antarctica.

A new whaling station is established at Signy Island, South Orkneys, by *A/S Tonsberg Hvalfangeri*, under a lease for 500 acres from the Governor and a *South Orkneys Whaling Licence*. William Barlas is posted to the South Orkney Islands as the British presence.

December 25th, Governor Middleton arrives in Stanley to a salute of Guns from *HMS Weymouth*.

A *Permanent Court of International Justice* (PCIJ) is founded by the League of Nations in addition to the *Permanent Court of Arbitration*. Both sit at the Hague.

1921 – in January, *HMS Weymouth* visits South Georgia.

In **February**, following a new allocation of funds for the meteorological station on Laurie Island, the Argentine sloop *Uruguay* sails for the South Orkney Islands with supplies. *Guvernoren*, a Norwegian whale factory ship, is wrecked at Cape Carysford. A population census identifies 2,094 people present on the Falkland Islands. An investigation into the potential for oil exploration around the archipelago takes place. ¹⁵⁵

September 17th, Shackleton sails from London in *Quest*, en-route to South Georgia and the Antarctic.

An application for a South Orkney's lease is made by the *Tonsberg Whaling Company* for the purpose of erecting a whaling station. South Georgia's magistrate, Mr. Barlas, sails to the South Orkney's to investigate the proposed lease; "The site chosen was at Bruce Bay, Signey Island and was 500 acres in extent... he contracted to conduct his operations with restrictions as to scope and in the manner laid down by the lessor, the Falkland Islands Government." ¹⁵⁶

December 18th, the *British Imperial Expedition* to Graham Land is relieved by the Falkland Islands' Dependencies Magistrate, A. G. Bennett on the factory ship *Svend Foyn I*.

¹⁵¹ The strikers were mostly dock workers recruited in Buenos Aires who were arrested and returned to the mainland. *cf.* Headland 1992. Other reports claim that 36 of the rioters were Russian Bolsheviks. *cf.* Tonnessen 1982

¹⁵² *Bulletin of Miscellaneous Information* No.1 1927 Royal Botanical Gardens, Kew. None survived more than 3 years.

¹⁵³ Field 1928 para.249

¹⁵⁴ *The London Gazette*, No.32047

¹⁵⁵ *Final report on geological investigations in the Falkland Islands, 1920-1922* A. Baker 1924

¹⁵⁶ Internal Foreign Office memo by H. Jones dated July 8th, 1930 A 4733/1437/2/1930

1922 – January 5th, Sir Ernest Shackleton dies on *Quest* whilst moored off South Georgia. ¹⁵⁷

Mr. Simon, appointed as a *Whaling Officer* by the Falkland Islands Government, spends 3 months at Signy Island ensuring that the terms of the *Tonsberg Hvalfangeri Company* lease are being complied with; “*He reported in favour of the construction of breakwaters, and an iron slipway, and as to the month (January) at which the land station came into use in the season.*” ¹⁵⁸

March 5th, Shackleton is buried at Grytviken cemetery. A ceremonial escort is provided by Uruguay.

May 1st, Britain’s Vice-Consul at Punta Arenas reports that a British subject, born in the Falklands, was refused a visa by the Argentine Consul on the grounds that he was *ipso facto*, an Argentine citizen. ¹⁵⁹

Afterglow is employed as an armed patrol vessel for the Fur Seal rookeries. ¹⁶⁰

1923 – the Governor complains that Argentina is refusing to handle telegrams from the colony. ¹⁶¹

“*Enquiries showed that the complaint was justified, and that the telegraphic administration not only refused to forward incoming telegrams but also to accept messages from places in the Republic directed to the islands. It was believed that the orders emanated from the Director of Posts and Telegraphs, and that they were unsupported by any official action or decree of the Government, although possibly the Director was acting in accordance with instructions, or at least hints given by his superiors in pursuance of a definite policy. The matter was brought to the notice of the Argentine Government, who promised to make enquiries.*” ¹⁶²

A *Discovery Committee* is appointed by the British Government, to be funded by whaling industry taxes; “*... to conduct research into the economic resources of the Antarctic and sub-Antarctic regions, with special reference to the Falkland Islands Dependencies.*”

December 10th, Henry Herbert Gresham is appointed Consul for Norway at Port Stanley.

1924 – a postal service is inaugurated between South Georgia, the Falkland Islands and Uruguay. ¹⁶³

January 30th, Henry Gresham also becomes Consul for Chile. ¹⁶⁴

During the year, construction of laboratories at King Edwards point, South Georgia, commence; the Irish yachtsman Conor O'Brien arrives at Stanley in *Saoirse* where he assists the colonial secretary, Herbert Henniker-Heaton, to design a new crest for the Falklands; and the USA's policy with regard to territorial claims in Antarctica is set out when Secretary Charles Hughes notes that the discovery of land; “*... does not support a valid claim of sovereignty unless the discovery is followed by an actual settlement of the discovered country.*”

¹⁵⁷ His embalmed body was taken to Montevideo, but then returned to South Georgia at his wife's request.

¹⁵⁸ Internal Foreign Office *memo* by H. Jones dated July 8th, 1930 *A 4733/1437/2/1930*

¹⁵⁹ Field 1928 para.189

¹⁶⁰ *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum.*

¹⁶¹ Laver (2001) states that an instruction was circulated in Argentina as early as 1919 but I am unable to confirm this.

Problems seem to have been intermittent, suggesting that there was no coordinated policy on the part of Argentina.

¹⁶² Field 1928 para.192

¹⁶³ *The Island of South Georgia* Robert Headland 1992

¹⁶⁴ *The London Gazette*, No.32905, No.32892 & No.32999. He also became the Consul for Uruguay later in 1924.

1925 – in **February**, Britain establishes a Marine Investigating Station on South Georgia. ¹⁶⁵

March 7th, *Swona* sinks off South Georgia.

April 1st, Britain erects a wireless station on South Georgia.

Argentina establishes a wireless station at the meteorological station on Laurie Island.

“As a result Sir B. Alston (then Minister at Buenos Aires) was instructed to inform them that the necessary licence would be granted but they should have applied for it beforehand, and that they must make application for a call-sign through the Governor of the Falkland Islands, whereupon a call-signal from the list of groups reserved for stations in the British Empire would be allotted.” ¹⁶⁶

Argentina's Foreign Ministry responds that; *“With regard to wireless stations constructed in Argentine territory the Republic would act in accordance with the provisions of the International Radiotelegraphic Conventions...”*

The *Tonsberg Hvalfangeri Company's* lease to 500 acres at Bruce Bay in the South Orkney Islands is renewed for a 5 year period by the Falkland Islands Government; *“The rent of the Tonsberg Company's lease is £250 per annum, the fee for an additional whale catcher is £100 per annum, and the dues are paid on barrelage at a rate which has fluctuated considerably, but at present is 2s 6d per barrel. The total revenue to the Government from last season's Orkney Islands whaling was £6,000 and during the last five years it totals £26,000.”* ¹⁶⁷

Aliens Ordinance 1925 prohibits any alien from owning land in the Falkland Islands without a licence.

July 29th, in a Parliamentary speech during a debate on *Navy Supplement Estimates*, Sir B. Falle says; *“Have we a single friend in the world? If we have, I say frankly that I do not know him. Have we any land, have we any island, have we any coaling station, that other nations do not covet? .. Have we nothing the great nation on the other side might covet from Jamaica to Bermuda, to the Bahamas, to Newfoundland, to Canada herself? Is there nobody coveting even the little Falkland Islands? You know they do.”* ¹⁶⁸

September 24th, the first *Discovery Expedition* sails aboard *RSS Discovery*.

October 1st, *Granat*, sinks at Ice Fjord, South Georgia. The crew are rescued by the whale catcher *Semla*.

Mr. Rumbold, appointed as a *Whaling Officer* by the Falkland Islands Government, spends 3 months at Signy Island ensuring that the terms of the *Tonsberg Hvalfangeri Company* lease are being complied with. ¹⁶⁹

1926 – a monument is erected in the Falklands to commemorate the Battle of the Falklands, 1914.

April 14th, a further *Note* is addressed to Argentina regarding the issue of telegraphic licences, and referring to the exchange of 1925; *“... we replied ... that, while the precise meaning of (Argentina's reply) was not clear, His Majesty's Government did not interpret it as an assertion of sovereignty over islands which were undoubtedly British on the grounds of discovery and formal taking of possession, and to which no Argentine Government appeared ever to have put forward a claim in any communication to His Majesty's Government.”* ¹⁷⁰

165 Field 1928 para.232

166 FO 371/12735/98

167 Internal Foreign Office *memo* by H. Jones dated July 8th, 1930 A 4733/1437/2/1930

168 *HC Deb 29.7.1925 vol 187 c533* Hansard

169 Internal Foreign Office *memo* by H. Jones dated July 8th, 1930 A 4733/1437/2/1930

170 FO 371/12735/152

No immediate response is received from the Government in Buenos Aires. ¹⁷¹

April 26th, RSS *Discovery* arrives at Stanley; “*The coming of the Discovery to Port Stanley was for them an event, as was indeed the coming of any ship, for practically the only vessels that called were those of the six-weekly mail service from South America and Europe. But the Discovery was a special event; we flew the Falkland islands flag. It was largely for the benefit of the Falkland Islands Government that we were investigating the whaling and the people took us to their hearts.*” ¹⁷²

August 14th, Monsieur Beaudrier is appointed Vice-Consul of Belgium for the Falkland Islands.

Argentina’s consul-general at Valparaiso grants a visa allowing a Falkland Islander to enter Argentina, but with a reservation; “... *that the principle of Argentine nationality of these (islands) is maintained and they shall be included within the jurisdiction of the national territory.*” ¹⁷³

December 20th, Argentina protests to the Government of Belgium regarding the inclusion of the Falkland Islands within the *Brussels Health Convention*. ¹⁷⁴

December 22nd, Arnold Wienholt Hodson is gazetted as Governor. ¹⁷⁵

Mr. Rumbold, appointed as a *Whaling Officer* by the Falkland Islands Government, spends 3 months at Signy Island ensuring that the terms of the *Tonsberg Hvalfangeri Company* lease are being complied with. ¹⁷⁶

1927 – January 17th, at South Georgia, Leith Harbour and Stromness Bay are surveyed.

A sealing licence for the South Sandwich Islands is taken out by the *Tonsberg Company*.

Britain attends the *Whaling Committee* of the *International Council for the Exploration of the Sea* to discuss whaling regulations in all waters. Argentina is absent; “*Not, in 1927, although she was a member of the League of Nations and had recently formulated pretensions to the South Orkneys and South Georgia, did Argentina take any part in the Whaling Conference convened at Geneva in that year, under the auspices of the League, which, if she had had sovereignty over these territories, she might be expected to have done. Nor did she voice any objection to the fact that the United Kingdom took a leading part in that conference in its capacity as the State responsible for the regulation of whaling in the Falkland Island Dependencies.*” ¹⁷⁷

March 22nd, the Universal Postal Union (UPU) circulates a letter to all its members requesting details of their territorial jurisdictions. ¹⁷⁸

April 6th, Britain’s *charge d’affaires* at Buenos Aires reports to London, that the Argentine wireless station on Laurie Island has begun to operate using the call sign – L.R.Z.

“*Enquiry was at once made of the International Telegraphic Bureau at Berne as to whether any notification respecting a call sign for the station had been made by the Argentine Government, and, if so, in what terms. The reply of the Bureau showed that the Argentine Government had applied for a call signal two years before,*

171 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.25.

Argentine never did answer this note.

172 *To the Ends of the Earth* Francis K. Pease 1935 p.29

173 Field 1928 para.195

174 Kohen & Rodriguez 2016 p.247

175 *The London Gazette*, No.33241

176 Internal Foreign Office *memo* by H. Jones dated July 8th, 1930 A 4733/1437/2/1930

177 *Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice*, May, 1955

178 *International Law Documents: 1948 – 1949* Naval War College, Rhode Island 1950 vol. XLVI

and that their notification to the Bureau was of such a nature as to imply an assumption of Argentine sovereignty over the islands,..”¹⁷⁹

June 8th, the Falkland Islands new Governor arrives in Stanley.

July 9th, Britain's mission to Argentina is raised to an Embassy with Malcolm Robertson as Ambassador.

August 2nd, Governor Hodson sails to South Georgia in *Fleurus*.¹⁸⁰

September 8th, with regard to the Laurie Island wireless station, Britain formally protests Argentina's application for a call-sign; “*The notification to the Berne Bureau appears, ... to imply the assumption of Argentine sovereignty over the islands an assumption which, as Your Excellency will readily understand, His Majesty’s Government could not admit though the meteorological station was, with their assent, handed over to the Argentine Government in 1904 by a British subject. I am, therefore, instructed by Sir Austen Chamberlain to point out to Your Excellency in the most friendly manner that the present position as regards the wireless station is quite irregular, and to express the hope that the matter may be placed upon a proper footing at an early date by application for a British Licence for the station.*”¹⁸¹

“... the Foreign Office decided that an official protest should be issued against the erection of an Argentine wireless station on Laurie Island. In this case the timing of the delivery of this protest was considered important. It was delayed until the Admiralty Director of Naval Intelligence advised that orders for the most valuable part of the Argentine naval programme would not be awarded to British companies either immediately or in the near future.”¹⁸²

London's Foreign Office study a new book entitled *The Struggle for the Falkland Islands* by American, Julius Goebel; “*This book looks like a thesis prepared by a young lawyer for some examination. It may, however, have been produced as a recreation in the intervals of strenuous duty as ‘legal adviser to the Legation of Switzerland in Washington.’*”¹⁸³ Ambassador Robertson notes; “*There does not appear to be anything new about the book which does not make our case any weaker than the Foreign Office Memorandum of 1910. ... The book has been quoted in the press here, but I abide by my view that we should take no notice. On-one seriously expects us to evacuate the islands.*”¹⁸⁴

September 9th, a circular issued by Argentina’s head of the Post Office, gives instructions that all postal relations with the Falkland Islands are suspended, “*by superior orders.*”¹⁸⁵

September 14th, Argentina's *Director of Posts and Telegraphs* responds to the UPU's request of March; “... *Argentine territorial jurisdiction extends de jure and de facto to the continental area, to the territorial sea and the islands situated along the maritime coast, to a part of the Island of Tierra del Fuego, to the archipelagos of Los Estados, Ario Nuevo, South Georgia, and South Orkneys, and to polar territories which have not been delimited. De jure, the Archipelago of the Malvinas also belongs to this jurisdiction, but it cannot be exercised de facto because of the occupation maintained by Great Britain.*”¹⁸⁶

179 Field 1928 paras.253/254

180 This was the first visit by a Governor to the Dependencies. Headland 1992

181 FO 371/12735/180. Suggestions by the Colonial Office and Admiralty for a more robust protest were rejected.

182 *The Role of the Royal Navy in South America, 1920-1970: Showing the Flag* Jon Wise 2014

183 *Memorandum of Mr. V.A.L.Mallet April 2nd*, 1928 FO 371/12735/180

184 FO 371/12735/178

185 Field 1928 para.202

186 FO 371/12735/137

September 18th, Minister Robertson in Buenos Aires reminds the Argentine Foreign Ministry of his note of April 14, 1926; ... and stated that His Majesty's Government, having heard nothing further on the subject from the Argentine Government, had assumed that their view was shared by the Argentine Government. ... he had to point out that the present position as regards the wireless station was quite irregular, and to express the hope that the matter might be placed on a proper footing at an early date by an application for a British licence.”¹⁸⁷

October 5th, Ambassador Robertson writes to Governor Hodson regarding the obstructive practices employed by Argentina's postal services; “.. most unfortunately, and to my mind, most foolishly the feeling of the Argentines on the subject of the Falkland islands is very strong, though they have not even a little toe on which to stand they maintain their claim... The whole position is most ridiculous. ... The Falkland Islands are to Argentine what Gibraltar is to Spain. One must not even mention them...”¹⁸⁸

October 6th, Robertson shows a copy of the September Post Office circular that he has obtained, to the Under-Secretary of Foreign Affairs who; “... at once said that the orders must have been issued by some over-zealous official and that he would have them withdrawn. He would shortly reply to that effect but putting in the phrase “without prejudice to Argentina's claim to the Falkland Islands.” He explained that, in view of public opinion in the country, no Argentine Government would ever dare formally to renounce that claim.”¹⁸⁹

October 14th, the Universal Postal Union publishes details of the jurisdictions supplied by its members.

“Included in these was a declaration by the Argentine Postal Administration that Argentine jurisdiction extended *de jure* and *de facto* over the South Orkney Islands and South Georgia, and *de jure* over the Falkland Islands, *de facto* jurisdiction over the latter being prevented by British occupation.”¹⁹⁰

“Argentina first claimed South Georgia in 1927.”¹⁹¹

“The relevant part of the Argentine note is absolutely clear: “Argentina's territorial jurisdiction extends, in law and in fact, over the land surface, the territorial sea, the islands situated on the coast, to a part of Tierra del Fuego and the archipelagos of Estados, Año Nuevo, South Georgia, South Orkney and the undelimited polar lands. Of right, being unable to exercise in fact because of the occupation held by Britain, the Malvinas archipelago also belongs [to Argentina].”¹⁹²

A South Sandwich Islands Whaling Licence is issued to the Tonsberg Company of Norway, by the Governor.¹⁹³

November 4th, Governor Hodson responds to Ambassador Robertson; “We could make ourselves extremely unpleasant if we wished to by stopping the mails going to them from this Colony and refusing to renew the whaling licence of any Argentine company operating in these waters. I hate being petty, but we shall be forced to do something to protect our own interests if they do not mend their ways...”¹⁹⁴

187 FO 371/12736/360

188 (Enclosure 2) Sir M. Robertson to Sir Austen Chamberlain December 19, 1927 in FO 371/1273

189 Field 1928 para.203

190 *Ibid* para.209

191 Brief No. A5 ALW 0420/325/1 (FCO 07-3801) 1980

192 Kohen & Rodrigues 2017 pp.188-189. This was a declaration addressed to the Postal Union, not a “*formal protest*” as claimed by these authors.

193 *Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice, May, 1955*

194 (Enclosure 3) Sir M. Robertson to Sir Austen Chamberlain December 19, 1927 in FO 371/1273

December 14th, Ambassador Robertson is instructed by the Foreign Office to demand that Buenos Aires withdraws its submission to the *Postal Union*.

December 15th, Argentina's Foreign Ministry responds to the British protest of September 8th. The note states that Argentina's claim to the South Orkneys; "... is derived apart from other inalienable rights, from first effective occupation, constantly maintained." ¹⁹⁵

Displaying a dramatic reversal of opinion; Robertson answers Hodson's November 4th letter; "... if you read with care the Foreign Office memorandum of 7 December 1910, you must surely have realised that the Argentine attitude is neither 'ridiculous' nor 'childish', as you describe it and I myself had thought it to be. I confess that, until I received that memorandum myself a few weeks ago, I had no idea of the strength of the Argentine case nor of the weakness of ours ... I freely admit that my attitude has changed since I wrote to you on 5th October. This has been caused by the Foreign Office memorandum. I had assumed that our right to the Falkland Islands was unassailable. This is very far from being the case." ¹⁹⁶

December 16th, British Foreign Secretary Sir Austin Chamberlain meets with Argentina's Foreign Minister, Angel Gallardo. On the issue of the Falklands, Chamberlain tells the Minister that Britain; "... did not want to embarrass the Argentine government (by) forcing an embarrassing recantation of its claim," and requested that Argentina desist from further provocative actions. ¹⁹⁷

Chamberlain also raises a circulating rumour that; "... some question of the matter (would be) raised at the Pan-American Conference to be held at Havana..."

"Dr. Gallardo said that he had recently been looking into the question of the Falkland Islands, and had come to the conclusion that the British position and claim there were exceedingly strong. He was sure that there was no question of raising the matter at the Pan-American Conference,..." ¹⁹⁸

December 19th, Britain protests Argentina's pretensions made to the Universal Postal Union in a diplomatic aide-memoire delivered by Britain's Ambassador to Dr. Sagarna, Argentina's Acting-Foreign Minister.

"In a circular dated the 14th October last, the International Bureau of the International Postal Union circulated observations furnished by a number of participating Governments in regard to the extent of territories over which they claimed jurisdiction. His Britannic Majesty's Government note with surprise and sincere regret that among these observations was a formal declaration by the Argentine Postal Administration that Argentine territorial jurisdiction extends de jure and de facto over the South Orkney Islands and South Georgia and de jure over the Falkland Islands, de facto jurisdiction over the latter being prevented by British occupation. It appears, therefore, that Argentine authorities have now gone out of the way to assert ... a formal claim to the above islands, which have been in uninterrupted British occupation for a century...."

Robertson notes; "As I had anticipated, Dr. Sagarna did not have much to say, as he is not very familiar with foreign affairs. He ... stated that Argentina felt she had a good claim to the islands. I replied that we were fully aware of that, and that the Argentine Government were constantly maintaining their claim to us in writing. This was, however, a wholly different matter from allowing their Postal Administration to go out of its way to

195 Note by T. M. Snow, dated December 5, 1928 in FO 371/12736/350

196 (*Enclosure 4*) *Ibid* in FO 371/12735. Quoted in Beck 1983. Robertson had been the envoy at Buenos Aires from 1925 until his promotion, but it appears that he was only given access to the Bernhardt's 1910 Memorandum in October, 1927, after he became Ambassador.

197 Kohen & Rodriguez 2016 p.249

198 Field 1928 para.215. Also Pascoe & Pepper 2008 para.35. Kohen & Rodriguez (2016) question the veracity of this reported conversation.

assert the claim to an international body. The Argentine Government must surely realise that His Majesty's Government had not the smallest intention of evacuating the islands, and it seemed a pity that a Government Department should take action that could not but stir up ill-feeling... I told him that we should be compelled to reply to the circular if it were not withdrawn.”¹⁹⁹

December 27th, a Note from the Argentine Minister for Foreign Affairs, to Robertson, states; “... I find myself having to ratify the statements contained in the Note addressed to Your Excellency from this Department on November 30th, 1925, which reaffirm the sovereignty of the Republic over those (South Orkney) islands. This Government therefore regrets that they are unable to share the opinion of His Britannic Majesty's Government since all the antecedents of the case confirm the legal position of the Government regarding sovereignty, which is derived, apart from other inalienable rights, from first effective occupation, constantly maintained.”²⁰⁰

Robertson reports; “This is the first time, to my knowledge, that such a definite claim has been put forward, and you may think it worth while that I should enquire when the “first effective occupation” took place. Though reference is made to the very vague Note from the Ministry... of November 30th, 1925, ... my reply of April 14th, 1926... is completely ignored.”²⁰¹

“As regards the South Orkneys the Argentine Government stated that all the antecedents confirmed the legal position of the Argentine Republic in the sovereignty over those islands, which she derived from other inalienable rights, from first effective occupation, constantly maintained...”²⁰²

Accompanying the Argentine Note is a suggestion that negotiations for a Legation site in exchange for the South Orkney Islands should be resumed provided that use of the word 'cession' can be avoided.²⁰³

“... At the same time, however, the Argentine Government in an accompanying memorandum showed itself conscious of the weakness of its position by suggesting the reopening of the negotiations for the exchange of the islands against the grant of a Legation site in Buenos Aires.”²⁰⁴

December 28th, Ambassador Robertson informs London that Argentina intends to resume the interrupted postal service to the Falklands; “... provided the Ministry of the Interior makes a previous declaration that such fact does not lessen in the slightest degree the previously expressed right of Argentine sovereignty and that it cannot be invoked by any country to the detriment of such right.”²⁰⁵

A whaling factory ship, *Anglo-Norse*, works the islands of the South Sandwich group under a British licence and with a *Discovery* biologist aboard. The islands of Bristol, Montagu and Thule are visited. Mr. Rumbold, appointed as a *Whaling Officer* by the Falkland Islands Government, spends 3 months at Signy Island ensuring that the terms of the *Tonsberg Hvalfangeri Company* lease are being complied with.²⁰⁶

199 FO 371/127. The *aide-memoir* itself was dated the 17th.

200 FO 371/12735/107. Not received until the 27th, Argentina's *Note* was dated the 15th.

201 FO 371/12735/104

202 *The Falkland Islands and Dependencies* H. Godwin, *PRO. FO 371/122499* 1936

203 FO 371/12735/105. Robertson referred to this document as an '*unofficial suggestion*.' cf. 1914

204 *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.25

205 FO 371/12735/117

206 Internal Foreign Office *memo* by H. Jones dated July 8th, 1930 *A 4733/1437/2/1930*

1928 – in **January**, South Georgia postal clerk Alfred Jones complains of a shortage; “... *the two and a halfpenny denomination is the postage for letter rate to Norway and we have about 2,000 Norwegians engaged in the whaling industry, more or less 2,000 more Norwegians than two and a halfpenny stamps.*”

January 27th, Argentina forwards a *memorandum* to the British Government.

“.. *acknowledging the receipt of the Pro-Memoire sent by the British Embassy on December 17th last, regarding the declaration made by the Argentine Postal Administration concerning the territorial jurisdiction of the Argentine Republic over the Falkland Islands, the South Orkneys and South Georgia. With regard to the Falkland Islands, this Chancery must state, ... that if it is true that from 1833 those islands have been under British occupation, it is not the less true that from that date and on various occasions the Argentine Government protested against such occupation and against the act which gave rise to it. As regards the South Orkney Islands it re-affirms its statement contained in its note of December 15th last,... as all the antecedents confirmed the legal position of the Argentine Republic as to that sovereignty,...*” ²⁰⁷

January 30th, the British Ambassador receives a notification from the superintendent of the Western Telegraph Company that it has been decided to renew the telegraph service between the Argentine Republic and the Falkland Islands.

Compania Argentina de Pesca's Grytviken lease is renewed for a further 21 years. Under clause 4(c) the company is required to keep a record of meteorological observations taken at the weather station.²⁰⁸

February 2nd, Governor Hodson sails from the Falklands on *SS Flearus* to visit the Dependencies.

February 24th, at South Georgia, Hodson unveils a granite memorial to Sir Ernest Shackleton purchased by public subscription - inscribed; “*I hold that a man should strive to the uttermost for his life's set prize.*”

The Governor also inaugurates the first South Georgia sports meeting and opens a rifle range at Hope Point before leaving to visit the Signy Islands in the South Orkney group.

March 2nd, an internal Foreign Office *memorandum* notes that; “*Sir Austen Chamberlain feels that the failure of the Argentine Government to comply with the request for the withdrawal of the notification made at Berne leaves HMG with no alternative but to take corrective action at Berne.*” ²⁰⁹

“*As the Argentine authorities had gone out of their way to assert ... a formal claim to these islands, it was felt that this further provocative action on their part could not be overlooked.*” ²¹⁰

April 4th, at the Haig, the Permanent Court of Arbitration declares its findings in the *Islas de Palmas* Case. Concerning sovereignty, the relevance of geography (contiguity) is considered; “... *there remains to be considered title arising out of contiguity. Although states have in certain circumstances maintained that islands relatively close to their shores belonged to them in virtue of their geographical situation, it is impossible to show the existence of a rule of positive international law to the effect that islands situated outside territorial waters should belong to a state from the mere fact that its territory forms the terra firma (nearest continent or island of considerable size).*”

207 Copy in FO 371/12736/374

208 A weather station was required to be maintained within the ground area of the lease, however it was actually situated at King Edward Point, about half a mile away. Nothing appears to have been done about this.

209 FO 371/12735/138

210 FO 371/18634 quoted in *Research Problems in Studying Britain's Latin American Past: The Case of the Falklands Dispute 1920-1950* Peter J. Beck 1983

Not only would it seem that there are no precedents sufficiently frequent and sufficiently precise in their bearing to establish such a rule of international law, but the alleged principle itself is by its very nature so uncertain and contested that even governments of the same state have on different occasions maintained contradictory opinions as to its soundness.

The principle of contiguity, in regard to islands, may not be out-of-place when it is a question of allotting them to one state rather than another, either by agreement between the parties, or by a decision not necessarily based on law; but as a rule establishing ipso jure the presumption of sovereignty in favour of a particular state, this principle would be in conflict with what has been said as to territorial sovereignty ... Nor is this principle of contiguity admissible as a legal method of deciding questions of territorial sovereignty; for it is wholly lacking in precision and would in its application lead to arbitrary results...." 211

Dr. Alfredo Palacios, an Argentine socialist politician, visits the Falklands Islands.

The *Falkland Islands Sheep Owners Association* is formed.

May 30th, Britain's Postmaster-General writes to the International Bureau of the Postal Union; *"I am now to inform you that the jurisdiction of (the Falkland Islands) extends to the dependencies of the Falkland Islands among which are included South Georgia and the South Orkney Islands. All these territories are and remain under British jurisdiction and the title of the Postmaster General to represent them in Postal Union matters cannot be regarded as qualified in any way."* 212

In **June**, Ambassador Robertson again protests Argentina's claims to the South Orkney's and questions the assertion that Argentina bases its claim upon *"first effective occupation."* Robertson points out that; *"... the observatory in question was first established by a British subject, Mr. Bruce, and that His Majesty's Government cannot admit that the subsequent transfer through the intermediary of His Majesty's Legation at Buenos Aires, of the ownership of the observatory from Mr. Bruce to the Argentine Government can in any way be regarded as affecting the territorial status of the South Orkney Islands."* 213

July 27th, an Argentine Decree authorises postal & telegraphic contact with the Falkland Islands whilst reserving the country's position with regard to sovereignty. 214

The Times newspaper reports; *"... Argentina claims the islands as her own by right of succession. For Argentina these possessions are the Malvinas, which are, like Gibraltar, "temporarily in the power of England." This claim of Argentina has just been put forward again. In 1912 a wireless station was organised at Port Stanley. The Argentine Government was formally told of the fact; but some official pointed out that is the notification were acknowledged British occupation of the Malvinas would be recognised! So, instead of acknowledging receipt of the Note, all direct communications, by wire or post, with the islands, were deprecated. Until the end of July it was not legal for any Argentine to communicate direct with an inhabitant of the Falklands. The Government has just issued a decree authorising communications between the Malvinas and the mainland... The official isolation has been broken after 16 years."* 215

211 *US v. Netherlands 2R. Int'l Arb. Awards 829 (1928)*

212 *FO 371/12735/174*

213 *FO 371/12737/208*

214 Kohen & Rodriguez 2016 p.250

215 *The Times* August 12th, 1928. Following the appearance of similar reports in French and American newspapers, the source of this story was revealed to be the Argentine Ambassador to Paris. My emphasis. Rather closer to 6 years than 16, this still suggests that some government policy lay behind the obstructiveness. With Montevideo acting as the hub for telegraphic and postal communication, the effects of this, whilst annoying, appear to have been muted.

September 4th, the Governor reports that; “... *he had been informed on credible authority that the Government of the Argentine continued to do everything in its power to impede the freedom of trade between Argentina and the Falkland Islands and that, although it professed to regard the Colony as part of such territory, it enforced, nevertheless, payment of the export tax on goods shipped for the Falkland Islands as for other foreign countries without differentiation of treatment.*”²¹⁶

September 6th, San Salvador’s *Diario Latino* reports; “*Uneasiness continues to be felt in the Foreign Office due to the insistence of the Argentine, already manifested energetically on previous occasion in her claim to incorporate the famous Falkland Islands in Argentine territory, alleging that they belonged to her until England took possession of them by force in 1833. It appears that the opinion of the Foreign Office is inclined towards the return of the islands, agreeing to their becoming again Argentine property, on condition that a naval base be left for England in the locality mentioned. The matter presents features which lead to the belief that it will be difficult to settle.*”²¹⁷

November, an airstrip is constructed on Deception Island by the *Hubert Wilkins Expedition*. Wilkins makes the first recorded flight in Antarctica, with the news radioed from a home-made set and transmitted via Port Stanley.

November 3rd, from Buenos Aires, Minister Robertson objects to the Foreign Office plan to submit a further complaint to Buenos Aires regarding the South Orkneys; “*I do not want to make mountains out of molehills, but I have no hesitation in saying that, if I am to carry out my present instructions, we are going to raise a hornets’ nest about our ears in this part of the world and even lead to serious trouble with the United States.*”²¹⁸

“*Sir Malcolm Robertson in effect asks if it is worth jeopardizing our strong position in Argentina for the sake of reiterating our frequently expressed claim to a few inhospitable rocks, the sole actual and potential value of which is a small revenue derived from whaling, and where we in any case commit acts of sovereignty by issuing whaling licences without objection from Argentina.. I think there is much to be said for this view.*”²¹⁹

Robertson adds; “*As regards the Falkland Islands, I have always considered, ever since reading the Bernhardt’s Foreign Office memorandum of December, 1910, that our claim to the islands was very weak indeed. In point of fact, it is based upon force and upon very little else. ... I do not think that the Argentine Government will seriously raise the question unless we force their hands by taking umbrage at their periodical pin pricks, and their periodical reassertions of their claim.*”²²⁰

A legal opinion is requested regarding the effect of not submitting a further protest to Argentina.

November 9th, Robertson writes to Lord Cushendun, appealing that the Foreign Office’s not regarding the South Orkneys should not be presented to the Argentine Government.

“*Our claim to the islands was, clearly, an afterthought and due merely to the fact that they promised to prove a source of revenue to the Falkland Islands.... To insist yet again and in the face of a definite Argentine refusal for an application for a wireless licence, can but precipitate a crisis.*”²²¹

216 Godwin 1936. FO 371/122499

217 FO 371/12737/296

218 *Ibid* at 363

219 *Minute by Makins November 9, 1828* in FO 371/12736/350

220 Argentine sources for this letter quote a reference of *PRO FO 371/12737*, which is that of Bernhardt's memorandum.

Robertson's letter does not appear in the British archives. *cf.* Lanus 2010.

221 *Robertson to Lord Cushendun November 9, 1928* in FO 371/12736/369

The Minister also notes that; “As a result of the publication of official correspondence... the Press has taken a renewed interest in the question. Hostile comments appear almost daily in the leading newspapers.”²²²

November 21st, Monsieur Maylin is appointed Vice-Consul for Belgium in the Falklands.²²³

December 12th, a legal opinion on the issue of not responding to Argentina’s note of December, 1827 is provided to the FO.

“... there is not very much more to be said on the legal aspects of this case ... It need only be added that the failure to answer the last note of the Argentine Minister for Foreign Affairs must, *pro tanto*, diminish the effectiveness of the advocacy of the British claim, although the merits of that claim may remain as they were.”²²⁴

1929 – January 31st, Ambassador Robertson notes in his annual report; “... We take refuge in silence. Argentina safeguards its claim by reaffirming at intervals. I suggest that our most intelligent course would be to allow this state of affairs continue. ... If we take excessive notice of small periodic incidents, as seems to be the desire of the government of the islands, we may force the Argentine government to take a categorical and unpleasant action, such as insisting that the whole question be submitted to arbitration ... My strong recommendation is that we should remain in silence.”²²⁵

At an inter-departmental conference held the same day, between the Colonial and Foreign Offices, a decision is made that, with regard to the issue of a British licence for Argentina’s South Orkney’s wireless station; “... that the matter should not be pursued by replying officially to the Argentine Government’s notes, but that Sir M. Robertson should enter orally a ‘caveat’ in regard to the Argentine claims.”²²⁶

“... Sir M. Robertson made it clear that he was averse from raising the question with the Argentine Government, in any form, officially or otherwise.”²²⁷

In **February**, Governor Hodson and Mr. Amedroz, Port Stanley’s Harbour-master, inspect the Sth Orkneys.

June 10th, the far-right *Patriotic League of Argentina* meet to demand the return of the Falklands.

Newspaper, *La Prensa* calls for the surrender of the Falklands to Argentina; “The Monroe Doctrine, according to which there was not in America any land for colonization, although it had just recently been proclaimed, did not function. It remained unrecognized by the State Department of Washington, and at that price it refused satisfaction and the indemnity it should have given for the injury to the sovereignty of Argentina and the destruction of Vernet’s colony carried out by the captain of the gunboat *Lexington*. Before the English could take possession of the islands, the Argentine Government decided that it was necessary to repopulate them. On Sept 10, 1832, since Commandante Vernet, by reason of health, could not return to re-establish Soledad, Major Mestivier was named in his stead; he proceeded to the Malvinas in the bark *Sarandi* and took possession in the name of the Argentine Republic on Oct. 10. But England had now decided upon the occupation of the islands by force, seeing that the United States had thrown over the Monroe Doctrine because it did not suit her to do police work on behalf of Argentina and to apply the Doctrine to the Malvinas.... the

222 *Ibid* at 370

223 *The London Gazette*, No.33681

224 FO 371/12736/352

225 Quoted in Kohen & Roidriguez 2016 p.251 citing CO 78 183/6 108880. This Colonial Office reference number does not accord with the system at the British archives.

226 Internal Foreign Office *memo* by H. Jones dated July 8th, 1930 A 4733/1437/2/1930

227 *Ibid* para.38

British Navy took possession of the islands and obligated the Argentine colonists to abandon it since that time the Argentine Republic has not ceased and will not cease to demand the restitution of that part of its territory usurped by British occupation” ²²⁸

1930 – February 26th, RRS *Discovery II* arrives off Zavodovski Island in the South Sandwich group.

“From that date until 17 March the ship worked constantly about the islands, circumnavigating them close inshore, making running surveys of the coasts, sounding in the adjacent waters, and obtaining numerous photographs, sketches and notes... it is unfortunate that only one landing, on Thule Island, could be made in this period...” ²²⁹

At the Foreign Office, a legal adviser, Gerald Fitzmaurice, circulates a memorandum regarding the South Orkney Islands; *“The question of the South Orkneys is to a considerable extent bound up with that of the Falkland Islands, to which the Argentine Government also lay claim. The connexion between the two questions is, however, a political and not a legal one. The history of the Falkland Islands question is too involved for consideration in this statement. It will be sufficient to say that, after a variety of different occupations during the last half of the 18th century, British, Spanish and French, the islands were finally taken possession of, on behalf of the Crown, in 1832, and have been in effective British occupation ever since, a period close on 100 years. During this period the Argentine Government have consistently maintained a claim to the islands, and have from time to time presented His Majesty's Government with a reasoned statement of it. The last occasion on which a detailed statement was put forward was in 1888, and in reply His Majesty's Government contented themselves with declining to enter into any further discussion of the matter. Since that date the Argentine Government have, on more than one occasion, been told in the most unequivocal terms that His Majesty's Government would never in any circumstances contemplate renouncing any rights over or abandoning their possession of the Falkland Islands, but they have, nevertheless, persisted in their claim ... It should be mentioned that, from the purely legal point of view, the Argentine claim to the Falkland Islands is probably less weak, or at any rate more plausible, than their claim to the South Orkneys. ... Since, however, His Majesty's Government in the United Kingdom cannot, for reasons to be stated later, contemplate renouncing any of their rights over the Falkland Islands or even going to arbitration on the matter, no direct solution of that question appears possible so long as the Argentine Government maintain their present attitude. ...”* ²³⁰

September 6th, in Argentina, President Hipolito Yrigoyen is replaced in a coup by General José Uriburu.

December 30th, *Discovery II* completes her survey of the South Sandwich Islands.

1931 – January 28th, an arbitration panel headed by King Victor Emmanuel of Italy, announces its decision regarding sovereignty over Clipperton Island; *It is beyond doubt that by immemorial usage having the force of law, ..., the actual, and not the nominal, taking of possession is a necessary condition of occupation. This taking of possession consists in the act, or series of acts, by which the occupying state reduces to its possession the territory in question and takes steps to exercise exclusive authority there. ... Thus, if a territory, by virtue of the fact that it was completely uninhabited, is, from the first moment when the occupying state makes its appearance there, at the absolute and undisputed disposition of that state, from that moment the taking of possession must be considered as accomplished, and the occupation is thereby completed.”* ²³¹

²²⁸ *La Prensa* quoted in the *The New York Times*, Aug 25th 1929. cf. March 18th, 1886 Bayard to Quesada

²²⁹ *British Antarctic Survey Scientific Reports No.91*

²³⁰ Godwin 1936. PRO. FO 371/122499 Annex 1

²³¹ *France v. Mexico (1931) 2 R.I.A.A. 1105*

April 30th, in Stanley, Leonard William Hamilton Young is appointed Consul for Norway.

A population census reveals that 2,392 people are on the Falklands; including 18 Chileans, 16 Norwegians, 6 Argentines, 4 Danes, 3 Germans, 2 Swedes and 2 Uruguayans.

June 20th, James O'Grady arrives at Stanley as the new Governor of the Falkland Islands. ²³²

1932 – postal clerk, Alfred Nelson Jones and Vera Riches are married on South Georgia before Deputy Registrar William Barlas.

1933 – January 1st, an article in *La Prensa* states; “*Our nation never forgets that a foreign flag waves over a portion of the Argentine soil which belongs to us geographically and historically.*”

January 2nd, 100 years since the arrival of *Clio* is commemorated by the construction of a Whalebone Arch outside the Cathedral in Stanley, made from the jawbones of two blue whales; “*The celebrations of the Falklands Centenary in 1933 began with a tribute to the memory of Matthew Brisbane. The Lafonia carrying the Governor and 123 other passengers sailed from Stanley to Port Louis and a wreath was laid at Brisbane's grave where the weather beaten wooden marker was replaced with a new marble gravestone.*” ²³³

In the Falklands, a centenary set of 12 stamps with 1833-1933 on each stamp is issued.

“... even though the Argentines have made the most blatant use of postage stamps as propaganda, it was the British who started the chain of events with this 1933 issue. The 1933 stamps were a remarkable departure from the previous classical period, which featured only the monarch's portrait... There were twelve stamps in the 1933 series with twelve very different designs, including a sheep, an iceberg, a whaling ship, a whale, a penguin, views of the Port Louis settlement, South Georgia, Government House, the Port Stanley World War I Battle Memorial, a map of the islands and the colony's coat of arms. The occasion and the centennial dates were bad enough in Argentine eyes, but the map stamp, the portrayal of the early British settlement at Port Louis, and the inclusion of South Georgia made it very clear that this was a pointed reminder of British possession...” ²³⁴

Centenary celebrations also include a stock fair, horse racing and a radio message from the King.

Statements start to appear in Argentine newspapers calling for their Government to act on the issue of the “provocative” centenary stamps issued by the Falkland Islands.

“... the issue of the centenary stamps had undoubtedly taken place at an unfortunate moment in Anglo-Argentine relations, as it was bound to cause unfavourable comment and to reopen in the Argentine press the whole question of the sovereignty of the islands at a time when it was important that it should be forgotten...” ²³⁵

January 20th, Governor O'Grady seeks advice from the Foreign Office; “*They will not recognise our passports and insist upon our people when they arrive in the Argentine, taking out another passport. There are some other acts of theirs that while irritating need not be commented upon but the last of their pretensions – the matter of our Centenary Stamps – seems to be about the limit. Our stamps are declared to be invalid when the Falkland islands' people write to their friends in the Argentine; they are surcharged and a fine is imposed*

232 *Western Mail (Perth) June 18th*. This appointment did not appear in *The London Gazette*. O'Grady died in post.

233 Diana Giles in Tatham (ed.) 2008 p.401

234 *Miniature Messages: the semiotics and politics of Latin American postage stamps* Jack Child 2008 p.128

235 *Ambassador Robert Macleay to Foreign Office March 17th, 1933. FO 371/122499. cf. Godwin 1936*

before delivery can be effected. Further than that, they have written to the International Postal Bureau at Berne informing them that in view of Argentina's 'Sovereignty Rights' they are to take notice that the Falkland Islands stamps are invalid. Incidentally, from the philatelists' point of view the stamps will become much more valuable as a result of this extraordinary attitude of the Argentine.”²³⁶

“Sir J. O’Grady continued that he could but feel that the position of his Government was, at the moment, somewhat ambiguous, and he asked for enlightenment, both as regards the passport question and that of general policy.”²³⁷

January 24th, a child, Iorwerth Nelson Arnold Jones, is born on South Georgia.

In **February**, the Islands are visited by *HMS Durban* and *HMS Discovery*.

February 17th, a cruise ship, *Reina del Pacifico*, arrives at Port Stanley.

From Buenos Aires, the Foreign Ministry circulates an instruction to its Embassies world-wide; “On various occasions this Department has been consulted regarding the attitude to be adopted in the cases of persons born in the Falkland Islands who apply for visas for passports issued by the British Authorities. With a view to adopting a uniform procedure and by reason of the fact that persons born in the Falkland Islands are of Argentine nationality, Your Excellency should inform the officers under your jurisdiction that, as it is impossible to visa this class of passport, Argentine passports should be issued to such applicants.”²³⁸

March 11th, an official announcement appears in the Argentine press; “... to the effect that the Argentine Government had been considering the matter for some time previous to the press campaign calling upon them to take action, and that a communication had, in fact, been sent to the Argentine Legation in Berne to notify the International Postal Union that the Argentine Post Office would refuse to recognise the franking power of the stamps. The result of this action would be that recipients in Argentina of letters bearing the stamps would be called upon to pay the postage plus the usual fine.”²³⁹

April 19th, information is received from the British consul at Riga that Argentina has circulated instructions to its consulates to; “... impound any Falkland Islands passports... with a request for an Argentine visa, and to issue in its place an Argentine passport.”²⁴⁰

May 1st, an *Additional Convention to the Treaty of Friendship, Commerce and Navigation 1825* is signed in London between the UK and the Government of the Argentine Republic, aiming to facilitate trade and commerce between the two countries. Known as the *Roca-Runciman Treaty*, Vice-President Roca states that now; “It can be said that Argentina is an integral economic part of the British Empire”²⁴¹

“After the Roca-Runciman treaty, a profusion of new nationalist writers and factions began to appear. For a time the nationalist movement was largely dominated by historians who sought to fuel the campaign against the British. These historical “revisionists” began to re-examine the 19th century .. Britain's imperialist encroachments: the British invasions of 1806-1807, Britain's role in the foundation of Uruguay in the late 1820s, its seizure of the Falkland Islands in 1833, the blockades under Rosas ...

236 In 2006, a set of twelve stamps was valued at \$4,508. cf. Child 2008

237 Internal Foreign Office *memo* by H. Jones dated July 8th, 1930 A 4733/1437/2/1930

238 Godwin 1936 para.21

239 FO 371/122499. cf. Godwin 1936 and Hope 1983. Also *Protestas por Malvinas 1833 – 1946* Alfredo Becerra 1998.

Argentina’s declaration to the International Postal Union was dated March 16th, 1933.

240 Foreign Office *memo* by H. Godwin dated February 3rd, 1936

241 Confirmation that the treaty signed in 1825 was still operative.

*Propaganda of this kind made a deepening imprint on public opinion and helped sustain nationalist sentiments ...”*²⁴²

September 5th, the East Greenland Case heard at the Permanent Court of International Justice reduces the legal requirements for 'effective occupation' in the case of the Polar regions. The court holds that a few permanent bases may be sufficient for a claim of sovereignty.

September 11th, Britain's Postmaster-General informs the Universal Postal Union in Berne that, by their refusal to recognise the Falklands centenary stamps, Argentina was in breach of the Postal Union Convention.

October 25th, Sir Henry Chilton, now Ambassador in Buenos Aires, suggests to London that; “.. *the moment was propitious for a settlement, following the ratification of the new Anglo-Argentine Convention, and the conviction that would seem to exist on both sides that the close economic co-operation, not to mention closer cultural relations, would be to the mutual advantage of both countries. He also revived for consideration, the idea to exchange the South Orkneys for an Embassy House site in Buenos Aires...*”

November 13th, the Foreign Office respond to the Governor's January request for directions; “*He was informed that His Majesty's Government fully appreciated the position and were anxious to relieve his Government from its embarrassments. They could not leave out of account the feeling which had been aroused in Argentina by the Falkland Islands Centenary Celebrations, and particularly by the commemorative issue of postage stamps. The latter measure had given rise to a communication by the Argentine Postal Administration to the International Bureau of the Universal Postal Union. It was thought unnecessary at that stage to discuss in any detail the question of the validity of His Majesty's title to the Falkland Islands.*

The matter had formed the subject of discussion and correspondence for many years past. His Majesty's Government were advised that that title, while unquestionably strong, is based mainly upon the right of prescription and that the British thesis could not be considered as necessarily bound to succeed if the question were submitted to international arbitration. The relations between the United Kingdom and Argentina, which had recently been strengthened by the conclusion of a commercial convention, were normally of a sufficiently cordial character to enable the Argentine Government to restrain those sections of the press and of public opinion in the republic, which might otherwise be disposed to ventilate the Argentine claim to the Falkland Islands.

*In those circumstances His Majesty's Government thought it important, on general grounds of policy, to maintain an attitude of such scrupulous correctness that no excuse would be offered for a revival of agitation over the Argentine claim, or for the Argentine Government to associate itself with popular opinion on the subject, with consequential prejudicial effects on the relations between the two Governments. The Governor would clearly understand that His Majesty's Government do not admit any question whatever as to the validity of His Majesty's title to the islands. On that point they could make no concession to Argentine opinion, and would submit to no diminution of their material rights and interests. Nevertheless, it appeared to them prudent, in matters likely to excite comment in Argentina, .., to avoid any unnecessary controversy with the Argentine Government or people.”*²⁴³

242 *Argentina, 1516-1987: From Spanish Colonialism to Alfonsín* David Rock 1987

243 *FO 371/122499. cf. Godwin 1936.* The question of 'prescription' featured regularly in the internal correspondence of the Foreign Office in the first half of the 20th Century but was never put forward as an argument to the Argentines. *cf. August 1936.*

December 12th, Britain's consular officials in Argentina are instructed; “... to watch for any further instances of a refusal on the part of the Argentine postal authorities to recognise Falkland Islands stamps ...” ²⁴⁴

December 20th, at the Foreign Office, W. E. Beckett writes; “The object of this minute is to submit some observations with regard to the South Orkneys, showing that the position with regard to them is not so clear as it is in regard to the Falkland Islands. In the case of the Falkland Islands, we not only have our long-established claim to sovereignty, but a century old physical occupation, which is so complete as to render it impossible for the Argentines to introduce any change in the situation....”

In Montevideo, the *Seventh International Conference of American States* defines a State, in international law, as possessing; “(a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.”

“... the most widely accepted formulation of the criteria of statehood in international law.” ²⁴⁵

Article 3 states; “The political existence of the state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts.”

Article 11 states; “The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force whether this consists in the employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily.”

“The Montevideo Convention was interesting in not directly mentioning the concept of sovereignty, which is also considered to be an essential feature of statehood. This is because the Latin American governments drafting the Convention did not want to endorse the existing patterns of sovereignty. They affirmed the declarative theory of statehood that the “political existence of the state is independent of recognition by the other states”, (Article 3). Such an approach is attractive to anti-colonial governments, as it allows claims to statehood to be made by rebels against colonial empires, before they are in full control of the colonised territory and before they have been recognised. The alternative legal approach, the constitutive theory of statehood, asserts states do not exist until they are recognised by other states. Whatever position is taken on this controversy, it is necessary to go beyond the Convention and note that control over territory is the goal of those seeking recognition. Currently, international lawyers expand the criteria of the existence of a government to there being an effective government.” ²⁴⁶

1934 – January 22nd, Ambassador Macleay, back from Argentina, tells the Foreign Office; “.. There is no genuine irredentist movement for the recovery of the Falkland group, as all sensible Argentines realise that the islands would be useless to them ... The question is really more than anything else a hobby-horse for a certain type of politician and jingle, which the Ministry of Foreign Affairs, both on principle and for internal political reasons, are unable to ignore altogether; ... It is therefore unlikely to become a serious political issue, ...” ²⁴⁷

244 *Ibid*

245 *International Law* M. Shaw 6th ed 2008 p.198.

246 *Distributed Sovereignty and the Falkland Islands (Malvinas) Dispute* Peter Willetts 2012 p.3

247 FO 371/20508

A Nazi affiliated Argentine newspaper, *Crisol*, starts a campaign under the banner - *The Malvinas are Ours*.

February 17th, an Argentine circular to its Consulates world-wide states; "... *With a view to adopting a uniform procedure and by reason of the fact that persons born in the Falkland Islands are of Argentine nationality, your Excellency should inform the officers under your jurisdiction that, as it is impossible to visa this class of passport, Argentine passports should be issued to such applicants.*" ²⁴⁸

February 25th, rumours circulate in the press that a decision has been made to fortify the Falklands. *La Prensa* reports that such; "... *would constitute a new affirmation of English pretensions never admitted by Argentina.*"

A. L. Blake, manager of the *San Julian Sheep Farming Company*; an islander by birth and holder of a British Passport, applies for an Argentine visa at the Argentine Consulate in London. He is told that; "... *under a recent Decree British subjects born in the Falkland Islands had to apply for an Argentine passport before being permitted to enter Argentina;*..." ²⁴⁹

"*Mr. Blake then saw (Ambassador) Dr. Malbran personally. His Excellency, while personally sympathetic, confirmed entirely what the consul-general had said. Dr. Malbran added that, if Mr. Blake were prepared to take out an Argentine passport, he would give him at the same time an official document saying that Mr. Blake had only accepted an Argentine passport under protest and with full reservation of his rights as a British subject. Mr. Blake requested Foreign Office advice as to what he should do.*" ²⁵⁰

March 20th, in Cairo, the British delegation to the Postal Conference include the Falkland Islands and Dependencies as British territory. Argentina makes no comment. ²⁵¹

In **June**, Dr. Palacios, urges Argentina's Congress to pass a law requiring all Secondary schools to be supplied with a history of the Falklands based on *Les Isles Malouines*, the 1910 book by Paul Groussac; "*It being necessary that all inhabitants of the Republic should know that the Falkland Islands are Argentine and that Great Britain, without any title of sovereignty, took possession of them by force.*" ²⁵²

August 9th, Britain's Ambassador is instructed to raise the issue of Blake's visa; "*The Argentine Government had now... seen fit to introduce and rigorously enforce departmental regulations which amounted, in practice, to the complete exclusion of British subjects born in the Falkland Islands from Argentina. His Majesty's Government could only express the view that such an action on the part of the Argentine Government was in no way consonant with the friendly feelings which that Government had always professed...*" ²⁵³

August 19th, Ambassador Chiltern telegrams London to inform them that Buenos Aires has agreed to visa Blake's passport; "... *with the proviso that it did not prejudice the claim of the Argentina's government...*"

"*A similar procedure was followed in the case of Mr. F. G. Langdon, after Sir V. Wellesley had made further representations to the Argentine Ambassador, and again in the case of Mr. W. M. Dean. In fact a situation has arisen in which a separate diplomatic note has to be sent to the Argentine Ambassador in London every time a Falkland islander requires an Argentine visa. ...this case particularly... threw up in rather an acute form the*

248 FO 371/122499. The Falklands' Governor had first complained of such incidents in January, 1933.

249 *Ibid*

250 Godwin 1936 para.17

251 *cf.* 1938

252 *The New York Times June 23rd*. Palacios authored his own book in 1934 - '*Las Islas Malvinas: Archipiélago Argentino*'

253 FO 371/122499. *cf.* Godwin 1936

major question of sovereignty over the islands. It was agreed, however, after much consideration in all quarters, that the risk of provoking a serious dispute with the Argentine Government on these matters should not be run." ²⁵⁴

September 26th, a new law makes Groussac's 1910 book compulsory reading in Argentina's schools.

December 29th, Herbert Henniker-Heaton is appointed Governor of the Falkland Islands.

1935 – January 23rd, a minute by John Vyvyan of the Foreign Office's *American Department* notes; *"It is our settled policy to avoid any discussion of the Falkland Islands question."* ²⁵⁵

February 10th, the new Governor arrives in the Falklands.

February 22nd, in Buenos Aires, Argentina's Minister of the Interior cancels a police identification certificate issued to Falklands' born Francis Lewis, as the ID stated that Lewis was a *'British subject.'*

In **March**, Argentina's Consul-General to Montevideo stops issuing permits for Falkland Island passport holders to enter Argentina; *"... alleging that all persons born in the Falkland Islands are Argentine citizens and, as such, must travel on Argentine passports. Dr. Viñes wrote for instructions from Buenos Aires, and received a reply supporting him..."* ²⁵⁶

July 24th, Vyvyan, in a further internal FCO memo, says; *"... we can have no confidence in our claim to the Falklands succeeding in the event of it being submitted to arbitration and we do not therefore wish to press the question to extremes since this might lead Argentina to appeal to third party arbitration such as the International Court."* ²⁵⁷

July 25th, in Parliament, Foreign Secretary Anthony Eden is asked whether Britain will make representations to Argentina about Francis Lewis. Eden responds that the British Ambassador had; *".. raised the matter with the Argentine Ministry for Foreign Affairs at the time, and was informed that the Argentine authorities considered themselves entitled to revoke, for whatever reason, identity cards issued by themselves. .."* ²⁵⁸

".. this decision of the Argentine Government unfortunately appeared to offer further evidence of their intention to pursue a policy of pin-pricks in connexion with the dispute .." ²⁵⁹

September 25th, in an Argentine ministerial resolution, income earned in the Falkland Islands is to be considered for income tax purposes as accruing within Argentina.

"... it was considered that Sir. N. Henderson should not approach the Argentine Government officially in connexion with the ministerial resolution, unless and until an attempt was actually made to tax a British subject, on the basis of the resolution. At the same time Sir Nevile, if he saw no objection, was to take an opportunity of bringing the question informally to the attention of the Minister for Foreign Affairs." ²⁶⁰

254 Godwin 1936 para.23

255 FO 371/18834

256 FO 371/20597

257 Quoted in Laver 2001 p.263

258 *HC Deb 25.7.1935 vol 304 cc2013 – 4*, Hansard

259 Dispatch to the Embassy in Buenos Aires, dated December 10th, 1935

260 Godwin 1936 para.24

December 6th, from Buenos Aires, Ambassador Sir Neville Henderson writes to Sir Robert Craigie to suggest that Britain should perhaps recognise Argentina's "legal" claim to the Falklands in return for Great Britain's undisturbed occupation thereof. ²⁶¹

Argentina issues a set of 10 stamps, one of which purports to show the country's borders. Chile, Peru and Britain all make official protests. The stamp is reprinted but still shows the Falkland Islands as Argentine territory.

1936 – February 2nd, the Foreign Office asks Gerald Fitzmaurice for a legal opinion regarding whether; "... any international convention exists to prevent the issue of misleading stamps.."

February 3rd, a memorandum entitled 'Falkland Islands and Dependencies' is circulated within the FO, noting; "So far back as 1844 the Argentine Government made a request for arbitration in the case of the Falkland Islands which was categorically refused for the reason that His Majesty's Government are not in any circumstances prepared to envisage the possibility of such an arbitration going against them. The Falkland Islands have been in effective British occupation for nearly a century and have a considerable British population together with extensive British fishing and whaling interests. From the naval point of view the islands are also of considerable strategic importance..." ²⁶²

February 6th, Gerald Fitzmaurice responds; "... there is no general rule of international law which would prevent a country from issuing stamps of this nature if they consider they have a good claim to the territory concerned. The United States did something of the same sort not long ago ... We can of course argue with the Argentine Government for issuing the stamps on the ground that they have no valid claim to the Falkland Islands, but in the last resort the only way in which we could prevent them from issuing the stamps ... would be by going to arbitration and obtaining a decision that their claim was bad in law. But in point of fact we are not particularly anxious to go to arbitration,* and I think our correct policy is to sit tight in the Falkland Islands and to refuse to discuss the matter, beyond intimating from time to time that we do not admit the Argentine claim and resent their continued insistence on it. ..

*Our case has certain weaknesses. But we have been in effective (...) occupation for over a century; and for strategical reasons we could never give up the islands. So it seems best to take a strong line. ... ²⁶³

February 11th, Eden writes to Lord Apsley, who submitted a Parliamentary question regarding Argentina's stamp on the 10th; "In so far as the issue by the Argentine Government of the stamp in question is based on the assertion of an Argentine claim to the Falkland Islands, I welcome the opportunity of stating that His Majesty's Government cannot admit any such claim to the Islands, which are British territory. The Argentine Government are already well aware of the views of His Majesty's Government on this subject; but His Majesty's Ambassador at Buenos Aires has been instructed once more to draw the attention of the Argentine Government to the fact that no useful purpose can be served by such actions as the issue of the stamp in question, which can only be detrimental to good relations between the two countries."

261 Henderson was transferred to Germany in 1937 where he became known as; "Our Nazi Ambassador in Berlin."

262 *Falkland Islands and Dependencies* H. Godwin 1936 and *FO 371/122499/9* quoted in Greig 1983. The first suggestion of arbitration by Argentina was not until the late 1880's.

263 *FO 371/19763* quoted in Beck 1983 (2). The note appertaining to the asterisk was penned in the margin of Fitzmaurice's typed response. Laver (2001 p.263) misquotes this.

February 13th, in Buenos Aires, Mr. Leche, counsellor at the British Embassy, speaks to Sr. Garcia, Under-Secretary of State for Foreign Affairs on the issue of the Falklands. Garcia tells Leche that; “... *in his opinion, too much importance had been attached to the recent issue of Argentine stamps, ... and blamed public opinion in his country for stirring up agitation on this vexed question.*” ²⁶⁴

February 17th, coal hulk, *Lady Elizabeth*, breaks her mooring lines and beaches in Whale Bone Cove. ²⁶⁵

April 6th, after lodging a complaint with the Argentine Government, Ambassador Henderson writes to Anthony Eden repeating his suggestion that Britain should recognise Argentina's claim to the Falklands in exchange for an undisturbed occupation.

April 13th, Ambassador Henderson writes from Buenos Aires to recommend; “... *in view of the growing irredentism in Argentina, the cession to her of the single island of the South Orkney group on which a meteorological station is situated, and the recognition by His Majesty's Government of her legal right to the Falklands in return for Great Britain's actual undisturbed occupation thereof. He further proposed a formal reassertion of the British title to the South Orkneys.*” ²⁶⁶

April 22nd, Argentina's Post Office responds; “*The withdrawal of the stamp could lead to the belief that the Argentine Republic was backing off from its rights to the Malvinas Islands.*” ²⁶⁷

August 28th, Eden writes to Ambassador Henderson, noting; “... *you should be aware that the legal basis of the (British) claim is far less weak than at one time supposed...*” ²⁶⁸

“In the first place, 100 years possession, whether disputed or not, should found a perfectly sound title to sovereignty over the islands in international law, and there should be very little danger of such a title failing of recognition by the Permanent Court of International Justice or an international tribunal. Meanwhile, each year that passes, and in addition the celebration of the centenary of British occupation, strengthen His Majesty's Government's case. At the same time there is reason to doubt whether, in fact, Argentina ever had any grounds of claim to the islands at all. In the diplomatic exchanges of 1833 the case would seem to have been argued upon the wrong grounds by both sides.

It would seem that the events in the 18th century were irrelevant, that the islands had become completely unoccupied in 1811, and that they had to be considered at that time as ‘res nullius’ open to the occupation of any State. Further, unless the occupation of the privateer Vernet, whom the Argentine Government tried rather unsuccessfully to clothe with their authority, can be considered to have been an Argentine occupation, the islands were ‘res nullius’ at the time of the British reoccupation in 1832. To sum up, His Majesty's Government's case may be considered to rest upon two alternative grounds - (i) The islands were res nullius at the time at the time of the British occupation in 1832, and therefore it was possible for Great Britain (as for any other State) to obtain a sovereignty there by occupation, which it did. (ii) If (i) is wrong, and if, in 1832, Argentina had possessed sovereignty, Great Britain has been in peaceable, though not undisputed, possession for 100 years, and has therefore acquired a title by prescription. ...

The only other method of solution that suggests itself is arbitration. Here too, however, I consider that the risk involved, slight though it may be, would not be justified, since an adverse decision would cost His Majesty's

264 A 335/192/2. Foreign Office memo by A. Cairncross dated January 12, 1937

265 During the Falklands War of 1982, an SAS reconnaissance team managed to hide inside the vessel.

266 FO 371/20597

267 Child 2008

268 Foreign Office Despatch No.354 quoted in *Pink Ice: Britain and the South Atlantic Empire* Klaus Dodds 2002.

*Government no less than their whole strategic position in the south Atlantic. ... The Argentine Government could, of course, bring the matter before the League of Nations, but there is no indication that any such action is likely, nor is it probable that it would be effective even were it to be taken. All they can do, therefore, is to continue creating minor incidents, against which protest can be made as and when necessary, but otherwise there seems to be nothing to prevent the indefinite British occupation of the islands.”*²⁶⁹

*“Prescription is a well-recognised concept in international law, deriving initially from principles of Roman Law. There has been no occasion, comparable to that of the making of the unilateral Application to the ICJ concerning the Dependencies, when this or other detailed legal arguments have been formally advanced by HMG in relation to the Falkland Islands.”*²⁷⁰

November 20th, James Willison Miller, born in the Falkland Islands and the holder of a British passport, is refused a visa by the Argentine Consul at Magallanes who issues him with an Argentine passport; *“... stating that applicant was born in the Falkland Islands, Argentine Republic.”*²⁷¹

Whale catcher *Septa* sinks in Stromness Bay.

1937 – January, Ambassador Henderson writes to Eden; *“The Under-Secretary for Foreign Affairs informed the counsellor to the Embassy that the Ministry for Foreign Affairs had no desire whatever to make an issue of the Falkland Islands question, but that their position was awkward when politicians or the press brought it to the fore, and when Government departments or the judiciary referred to them matters connected with it, they could not avoid taking official notice. They desired, however, as far as possible, to keep the matter in the background, and as a proof of their goodwill they had erased from the forthcoming presidential message to Congress all reference to contentious questions connected with the Falkland Islands.”*²⁷²

February 6th, *RRS Discovery II* visits the South Orkney to emphasise British sovereignty.

February 10th, an Islander, W. G. Gleadell, on presenting his Falkland Islands passport to the Argentine Consul in Magallanes for a visa to enter Argentina, is supplied with an Argentine passport; *“Mr. Gleadell as an ex-soldier is particularly bitter in his resentment at Argentine nationality being ascribed to him.”*²⁷³

March 10th, in answer to a Parliamentary question concerning Laurie Island; *“His Majesty's Government ... do not regard the Argentine maintenance of the observatory as constituting any claim to sovereignty over either the South Orkneys or the Falkland Islands, ...”*²⁷⁴

March 12th, Britain's Embassy in Buenos Aires reports the re-issue of the 1 peso stamp; *“The former edition by its shading represented not only the Falkland islands but also territory belonging to Chile in Tierra del Fuego and elsewhere in the south. In the present edition the shading has been removed from the Chilean territory, whose Chilean sovereignty is thereby recognised; but it has been left just as it was in respect of the Falkland Islands, which thus continue to appear as Argentine...”*

I do not know whether you will take the view that this new edition of the stamp constitutes in international law a fresh claim on the part of the Argentine to sovereignty over the Falkland Islands which it is important to

269 Anthony Eden to Ambassador Henderson August 28th PRO FO 371/10763

270 Foreign Office submission to the Parliamentary Foreign Affairs Committee in 1983. *cf. The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984*

271 FO 371/20597

272 PRO FO 371/20508

273 Governor Henniker Heaton to Secretary of State for the Colonies Ormsby Gore March 19, 1937 in FO 371/20597

274 HC Deb 10 March 1937 vol 321 cc1150-51

impugn, whether by public or diplomatic statement. The only result in the former case would be to revive public interest in the controversy here, while the reply of the Argentine Government would be a forgone conclusion..." ²⁷⁵

March 15th, the plans of the Falkland Islands Government to produce a new edition of stamps to commemorate the Coronation provokes further discussion at the Foreign Office; *This question of stamps in connection with the Falkland islands is a great nuisance. We began it by our issue of a special series of Falkland Islands stamps in 1933 ... That occasioned considerable and unfortunate comment in Argentina where the matter was regarded as a provocative act and one which could not be ignored. ... If special Coronation stamps are to be issued to all our colonies, we cannot very well object to one being issued for the Falkland Islands, but it seems most desirable that it should be of as little provocative a nature as possible, and should not embody a map of the Islands.*" ²⁷⁶

"Unless... every fresh issue of stamps in respect of the Falkland Islands is to be considered as giving the Argentine Government ground for provocation, I do not see anything in the forthcoming issue which could give any special ground for offence. It is desirable that the Foreign Office should deprecate anything unduly provocative; but on the other hand we can hardly take the line that the Falkland Islands should be precluded from doing those things any normal government is entitled to do merely because it might remind the Argentine Government that they have a theoretical claim to the islands." ²⁷⁷

April 12th, the wreck of the SS *Great Britain* is beached in Sparrow Cove.

May 24th, Britain's charge d'affaires is instructed to take up the matter of visas and the attitude of the Argentine Consul at Magallanes with the Foreign Ministry in Buenos Aires. ²⁷⁸

The *International Conference for the Regulation of Whaling* opens in London to discuss preservation of species and catch limits. In the information provided by each delegation, Argentina includes the catches for the *Compañía Argentina de Pesca*. ²⁷⁹

During the opening speeches, Britain's Minister of Agriculture and Fisheries provides a brief history of whaling in the south Atlantic; *"In a short time a prosperous industry was established, based on land stations in the Falkland Islands and their dependencies..."* ²⁸⁰

May 25th, during the 2nd plenary session of the conference, Argentina's Ambassador to London, Dr. Manuel Malbran, makes a statement; *"... I should like to make a reservation, which is very important. The Minister of Agriculture, in his opening speech, mentioned in regard to the powers that have been given to the Government for the Falkland Islands, a jurisdiction in all adjacent islands. His Majesty's Government is well aware that my country has always firmly sustained its right of jurisdiction over those Islands. That is a question that has nothing to do with this Conference, but as I believe the speech of the Minister of Agriculture will be recorded in*

²⁷⁵ *Henderson to Eden March 12, 1937 in FO 371/20597.* On April 22nd, and with an Anglo-Argentine trade agreement awaiting ratification by Buenos Aires, London instructed the Embassy not to protest.

²⁷⁶ *Troutbeck to Fitzmaurice March 15, 1937 in FO 371/20597*

²⁷⁷ *Troutbeck April 5, 1937 in FO 371/20597.* This discussion appears to have been based upon either misinformation or a misunderstanding as all the colonies were expected to use the same set of Coronation Stamps, none of which contained a map. There had been, however, a plan for the Falklands to issue its own permanent series of stamps and one of the designs for these included a map. That design was not subsequently approved.

²⁷⁸ *FO 371/20597*

²⁷⁹ Which was not unreasonable considering that the whales had been caught on the high seas, by vessels flying the Argentine flag. It was only processing that took place at Grytviken.

²⁸⁰ *MAF 41/356*

*the Minutes of the Conference, I consider it right and I cannot see any objection to recording it in the Minutes, the statement that I made on behalf of my Government that any agreement reached, or any document signed, or any duty to be paid by the companies working in territorial water should not be considered. My Government will not consider in any way anything prejudicial to the rights firmly sustained by my country. That is the reservation that I should like to make, and I ask you Mr. Chairman, if the speech of the Minister of Agriculture is recorded, that the statement I have made should be recorded also.”*²⁸¹

*“The Ambassador had felt that it behoved him at the next meeting to enter a reservation on behalf of his Government to the effect that no document to which the Argentine Government might subscribe as a result of the Conference would in any way prejudice the rights claimed by them to the Falklands and other islands...”*²⁸²

*“It was only in 1937 that Argentina first participated in an international whaling conference and contested the United Kingdom's right to represent the whaling interests of the Dependencies. ... Notwithstanding the United Kingdom's open assumption, and long-standing and peaceful exercise of sovereignty over the territories concerned, and the clear and precise delimitation of the Falkland Islands Dependencies in the... Letters Patent, the Government of the Republic of Argentina formulated pretensions in ... or about 1937 to all the territories of the Falkland Islands Dependencies.... the dispute crystallised when Argentina first asserted her claims ...”*²⁸³

On the same day, two Falkland Islanders, G.E.J. Smith and W.J. Hutchinson, are refused visas to enter Argentina by the Argentine Consul-General at Montevideo who tells them that they must apply for Argentine passports and surrender their British ones.²⁸⁴

May 28th, following representation by the British Legation in Montevideo, Smith and Hutchinson receive visas in their British passports.²⁸⁵

June 1st, Malbran threatens to withdraw from the Conference unless Britain's Minister uses a form of words: *“... which would, while reserving our rights, at the same time enable him to remain at the Conference.”*²⁸⁶

June 2nd, at the opening of the 6th plenary session of the whaling conference, Britain's representative addresses the delegates; *“... there is one thing that I have to say, which is particularly for the benefit of His Excellency, the Argentine Ambassador, who raised certain points in our second session about the Falkland Islands. I am asked on behalf of His Majesty's Government to state that the reservation made by the Argentine Delegate concerning the Falkland Islands and recorded in the minutes of the second session, has been noted. His Majesty's Government consider that the character and the purpose of this Conference are such that it has nothing to do with any question of jurisdiction. Nevertheless His Majesty's Government must declare in their turn that the reservation made by the Argentine delegate cannot in any way affect the British right to the Falkland Islands and their Dependencies. Equally, I think it will make no difference to the friendship between this country and the Argentine.”*²⁸⁷

June 23rd, in Buenos Aires, Britain's *charge d'affairs*, Charles Dodd, speaks to Dr. Ibarra Garcia, Under-Secretary of Foreign Affairs, regarding the problems with the issue of visas; ... *Garcia explained to me that the instructions issued to Argentine Consular Officers abroad were to the effect that the applications for visas*

281 *Ibid*

282 FO 371/20597

283 *Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice, May, 1955*

284 FO 371/20597

285 *Ibid*

286 FO 371/20597

287 This being the form of words suggested by Dr. Malbran

received from persons born in the Falkland Islands presenting British passports were to be referred in each case by telegraph to the Argentine Government. He added that the Consular Officers would be given immediate authority to grant the visa, which would, however, be accompanied by the reserve, written on the passport, regarding the claim of the Argentine Government to sovereignty..."²⁸⁸

"Dodd stated that Dr. Garcia had remarked to him that the Argentine public had a bee in their bonnet about the sovereignty of the Falkland Islands to which it was unprofitable to supply food gratuitously. His Majesty's Charge d'Affairs and the Argentine Under-Secretary of State were in agreement that it was desirable so far as possible to avoid all publicity with regard to questions affecting passports."²⁸⁹

June 26th, Dodd writes to Anthony Eden; "For Argentina the question involves her national pride ... in 200 years, when the Argentine nation had become the greatest nation in the world, the question of the Falkland Islands would find its solution."²⁹⁰

Governor Miles Clifford tours the Dependencies in *HMS Ajax*.

October 15th, Britain's Ambassador to Argentina forwards a *Minute* from *charge d'affairs*, Charles Dodd to the Foreign Office which complains about the demands from London for constant protests to the Argentine Foreign Ministry with regard to the issues of visas, passports and Argentine identity documents; "... We cannot expect the Argentine Government to act as if their claim to the islands were invalid. And the F.O. Seem inclined to be unable to see the matter from the Argentine Government's point of view. The chief concern of H.M.G., is to maintain *de facto* and if possible *de jure* possession of the strategic base consisting in the Islands. I wonder whether it would not be a more practical method to overlook any individual cases, such as are brought to our notice, and on January 1st of each year, instead, to address a formal note to the Argentine Government, in spite of any individual acts during the year which may or may not have come to the notice of H.M.G., the Islands are under the sovereignty of H.M."²⁹¹

December 2nd, the Foreign Office respond to the Dodd *Minute*.

"In the first place, he says that the chief concern of HMG is to maintain *de facto* and *de jure* their possession of the Islands and that the juridical status of the individual Islander in Argentina is a secondary consideration. Up to a point this is true, but it overlooks the real reason for making representations in these cases of individual Islanders. The reason for doing so is simply that, in so far as the Argentine dealings in regard to these islanders are based on the Argentine claim to the Falkland Islands, failure by us to protest against these dealings might amount to an implied admission of the validity of the Argentine claim... there can be no doubt that if the matter ever came before a court, and we can by no means exclude the possibility that it some day may, it would be of considerable assistance to the Argentine case if they could show that they had over a period of years consistently performed acts valid and understandable only on the supposition that the Falkland Islands was (sic) Argentine territory, and that we had never protested against these acts or had only rarely done so, though well aware of them...

Then Dodd says that we cannot expect the Argentine Government to act as if their claim was invalid and that the FO seem unable to see the matter from the Argentine point of view. I am afraid we must dispute this. I think on the contrary, the FO have shown a very great disposition to realise that the Argentine Government cannot be expected to give up their claim. That we have always known. But what one can reasonably expect of

288 FO 371/20597

289 CO 78/213/3

290 FO 371/20597 as quoted in Beck 1983

291 FO 371/20597

*the Argentines is that, while not giving it up, they will not in the circumstances go out of their way to assert it and to perform acts of a nature which we are unable to overlook.”*²⁹²

1938 – an Islander, Mr. J.F. Langdon is granted an Argentine passport.²⁹³

February 2nd, Argentina declares that all people born in the Falklands are to be considered as its citizens.

Aerial surveys of South Georgia are made from *HMS Exeter* using *Walrus* aircraft.

June 14th, a 10 day international whaling conference opens in London. Statistics are provided by the delegations with regard to their nation’s whaling catches. Data from South Georgia’s *Compañía Argentina de Pesca* is submitted by both Britain and Argentina.²⁹⁴ Norway proposes an Antarctic conference to discuss a range of issues including sovereignty.

September 22nd, Argentina’s President; “... when promulgating the ratification of the various postal conventions signed at Cairo on the 20th March, 1934, added an express categorical reserve reasserting the Argentine claim to the Falkland Islands and their Dependencies, which were described as belonging to the Argentine nation by inalienable right. At the same time the President sent a message to Congress explaining that this reservation had been made, not as a modification of the law, but as a partial rectification of the convention which prejudiced, as a matter of principle, rights of sovereignty which had always been invoked and would ever be maintained. This rectification, it was pointed out by the Argentine press, related to the action of the British Delegation to the Cairo Postal Conference, who had included the Falkland Islands and their Dependencies as British possessions at the time of signature.”²⁹⁵

October 17th, the GPO is informed by the British Government that the Argentine reservation of September was not considered to have any practical effect.

1939 – January 14th, Norway claims a section of Antarctica; “Upon hearing of the Norwegian claim, the Government of Chile expressly reserved “all and any right that the government of Chile might have upon the Antarctic territories in question.”²⁹⁶

April 1st, the 11th Postal Conference is held in Buenos Aires; “... in order to avoid the possibility of any unfortunate incident arising at the Postal Congress at Buenos Aires, when the British Delegation came to sign the convention negotiated thereat, a declaration concerning the colonies should not be appended as had been done at Cairo in 1934, but should be made at the time of ratification. In these circumstances, the Argentine Delegation would have no occasion to present any observations... it would appear that the above procedure was adhered to, and that there was no incident.”²⁹⁷

292 *Ibid*

293 *Evening Standard* newspaper. *PRO A 916/916/2*. An F.G. Langdon had previously been refused an Argentine visa until representations were made by the British Ambassador.

294 The periods were for 1934/5 and 1937/8. During the course of the discussions, Argentina rejected any limitations on “land stations” but did not identify any belonging to Argentina. No issues of sovereignty were raised during the conference. Argentina signed the resulting agreements on June 24th.

295 *CO 78/213/3*

296 *Frozen Empires: A history of the Antarctic sovereignty dispute between Britain, Argentina, and Chile, 1939 – 1959*
Adrian John Howkins 2008

297 *CO 78/213/3*

April 15th, Britain's Ambassador to the Argentine Republic forwards to the Foreign Office a recently published book *Nuestras Malvinas* by Juan Carlos Moreno; *"The preface contained an account, written from the extreme Argentine nationalist standpoint of the Argentine-British claims on the islands... In the final chapter, the author suggested the employment of economic sanctions i.e., the confiscation of British property in the Argentine,.. The idea of arbitration was, however, rejected as the Argentine rights were described as being indisputable."*²⁹⁸

*"In the opinion of the embassy, the publication of Senor Moreno's book was all part of an official campaign to keep the Argentine claim to sovereignty over the islands constantly before the public eye."*²⁹⁹

June 20th, in Buenos Aires, the *National Committee of Homage and Remembrance to the Heroes of the Reconquest in Defence of Buenos Aires* appeal to King George VI to "return" the Falkland Islands on the anniversary date of August 12th.³⁰⁰

June 27th, J.V. Perowne of the Foreign Office's *American Department*, notes; *"... our consistent policy has been to avoid a clash with the Argentine government over this question and we have consistently shown great forbearance in dealing with various provocative actions..."*³⁰¹

In **July**, the Government of Agustín Pedro Justo Rolón, announces that it will attend the *Bergen Conference* to assert its sovereignty over Antarctica. Dagnino Pastore, a popular writer of geography texts for Argentine schools, refers to Britain's 'possession' of more than 8 million square kilometers of the Antarctic.³⁰²

July 8th, following concerns expressed by the Colonial Office with regard to Argentina's attitude over the Postal conventions, the Foreign Office tells them that it has been; *"... the consistent policy of His Majesty's Government to avoid an open controversy with the Argentine Government over this matter. The greatest care had therefore always been shown in the face of the various provocations in which the Argentine Government had seen fit to indulge in the past in connexion with their claim. The Foreign Office saw no advantage in departing from the above mentioned policy. ... Representations would not lead to any withdrawal of the Argentine claim, but were more likely to afford the Argentine Government an opportunity they would otherwise lack to formulate in some definitive manner a claim which it would be embarrassing for His Majesty's Government to receive."*³⁰³

July 15th, in Buenos Aires, a 'Commission' is created to ensure; *"... an adequate participation of the Republic in the International Polar Exposition and in the Congress of Arctic Explorers convoked by the Government of Norway for October of this year."*

August 16th, reports from Buenos Aires inform the Foreign Office of an anti-British poster by the *Nationalist Youth Alliance* stating that the British are attempting to; *"... seize the Antarctic regions which were under Argentine sovereignty..."*³⁰⁴

298 *Ibid*

299 *Ibid*. Publication had been sponsored by the *Comission Nacional de Cultura*, a semi-official body founded in 1933 and, via a 1935 law, funded by an annual Government grant of \$500,000.

300 *CO 78/213/3*. This organisation, formed in 1938, commemorated annually the events of 1806 and 1807; and was itself associated with a small clique of army officers with fascist sympathies and the pro-Nazi newspaper *Crisol*.

301 *FO 371/22714*

302 *Education, political culture, and foreign policy: the case of Argentina* Carlos Escude 1992 *cf.* 1940, 1946 & 1947

303 *CO 78/213/3*

304 *Ibid*. Following a complaint by the British Embassy, Argentina's Foreign Ministry reported that no such youth organisation existed and that no importance should be attached to the poster. Private inquiries by the Embassy however

August 18th, a pamphlet published by the *Alliance of Nationalist Youth* in Argentina celebrates the 1807 'reconquest' of Buenos Aires; "132 years ago the native people of this country made the ENGLISH invaders bite the dust of defeat in the streets of Buenos Aires. Today the vanquished of 1806 and 1807 dominate our *Islas Malvinas* of which they deprived us by violence thus doing honour to their well established fame as PIRATES And now they are endeavouring to take possession of Antarctic Regions under Argentine sovereignty. At the same time they control the essential factors which govern our economic life, and while they wax rich as a result of our Railways, our Urban Transport Systems and our Frigoríficos, the native population of the country suffers hunger and misery. This is why we now proclaim the necessity for ANOTHER RECONQUEST." ³⁰⁵

In **September**, the United Kingdom declares war on Germany and a volunteer defence force of 300 men is established on the Falkland Islands; "The Islands are claimed by a foreign government, which might, if unfriendly to Great Britain, be tempted to profit by our temporary embarrassment in other parts of the world to throw its lot in with the enemy in order to endeavour to assert its alleged rights." ³⁰⁶

Chile founds its own *Antarctic Commission* to study Chilean rights in Antarctic areas.

September 21st, at the *Panama Conference*, Argentina's delegation declare that the Argentine Republic; "... in the waters adjacent to the American continent,... does not recognize the existence of colonies or possessions of European countries, and especially reserves and maintains intact the legitimate rights of Argentina in the Falkland islands, as well to any other Argentine lands in such waters ..." ³⁰⁷

October 3rd, the final *Declaration of Panama* provides for a security zone around the Americas to keep WWII at a distance; "As a measure of continental self-protection, the American Republics, so long as they maintain their neutrality, are as of inherent right entitled to have those waters adjacent to the American continent, which they regard as of primary concern and direct utility in their relations, free from the commission of any hostile act by any non-American belligerent nation, whether such hostile act be attempted or made from land, sea or air."

At Argentina's insistence, the Falklands are included within the zone, while South Georgia remains outside it.

"The Malvinas should be ours, although they produce nothing. Their value is strategic ... We shall always be dominated by the foreign country that controls them. Today that is Britain, the only country capable of bringing armies to South America and providing them with a powerful base of operations." ³⁰⁸

"The Republic of Argentina only returned to regular sovereignty protests after the outbreak of the Second World War in 1939." ³⁰⁹

October 25th, at the Foreign Office, Perowne notes; "In normal times the Argentine Government probably do not regard the satisfaction of their claims to the Falkland islands and their dependencies as a matter of practical politics, but Now we are at war their hopes of acquiring our possessions in the South Atlantic are probably a good deal higher." ³¹⁰

suggested that the group was associated with the anti-British/pro-Nazi newspaper *Crisol*.

305 *TNA CO 78/211/9*. British diplomats at the time suspected some German influence.

306 *Falkland Islands Defence Scheme 1939* p.6 CAB 120/516. Many of the volunteers were drawn from Argentina's British community, causing some consternation in Buenos Aires. cf. Howkins 2008

307 Caillet-Bois 6th ed. 1982 p.406

308 *La Maroma* October 1939

309 *UN Doc A/66/677 Permanent Representative of the UK (Mark Lyall Grant) to the United Nations 27 January 2012*

310 *FO 371/22714*

Noticias Graficas publishes an interview with Foreign Minister Honorio Pueyrredón, in which he says that the Argentine claim to the Falklands is “undeniable”, but, in the circumstances, action now would be, “inopportune and unchivalrous.”³¹¹

October 26th, in Britain, the *Overseas Defence Committee* convenes to consider the protection of the oil stores on the Falkland Islands and South Georgia.

A pressure group calling itself, '*Junta de Recuperación de las Malvinas*,' is formed by a group of nationalists following a meeting at the home of Dr. Palacios; “*Senor Palacios has said that the fact that the Democracies were fighting the battle for liberty and justice and, consequently, had the support of most Argentines was no reason for the latter to be silent about England’s “theft” and that England cannot fight for international law without applying it to her relations with other Powers.*”³¹²

A member of this *Junta*, Carlos Obligado, writes the lyrics of a patriotic song asserting Argentine sovereignty over the Falklands. Subsequently put to music by Jose Tieri the song is entitled, '*Marcha de las Malvinas*'.

November 25th, US President, Franklin D. Roosevelt, sends instructions to Admiral Richard Byrd regarding the expedition that is about to leave for Antarctica. Byrd, the expedition's leader, is instructed to establish bases in Antarctica and prepare a case for a US claim to sovereignty.³¹³

“... a political challenge to all nations claiming territory in the Antarctic region.”³¹⁴

December 2nd, *HMS Exeter* and *HMS Ajax* are at Port Stanley.

December 13th, *HMS Exeter* is damaged in a battle with the German pocket battleship *Graf Spee*, and is ordered to make its way back to the Falkland Islands for emergency repairs.

December 26th, the cruiser *Cumberland*, arrives at Port Stanley with 107 German prisoners-of-war.³¹⁵

1940 – January 3rd, the '*Junta de Recuperación de las Malvinas*,' issues a *Manifiesto* reaffirming; “... the uncompromising nature of the Argentine claim to the islands and announces that the Junta’s purpose is to arouse the collective conscience of the Argentine people, and especially of the youth of the country, to protest not only against this particular case of aggression but also against the domination of Argentina’s economic life by foreign interests.”³¹⁶

March 6th, in Parliament, the Falklands are mentioned; “... the Colony is finding this year a sum of nearly £21,000 for defence purposes which is equivalent to about 30 per cent. of the pre-war revenue. Towards this expenditure fresh taxation which is estimated to provide some £14,000 additional revenue has been imposed. ... these figures reflect credit on this small Colony whose total population is less than 3,000 persons.”

April 30th, Argentina's *National Antarctic Commission* becomes permanent under *Decree 61,852*; responsible for; “.. all matters relative to the protection and development of Argentine interests in the Antarctic.”

311 *PRO A 7425*

312 *CO 78/213/3*

313 Howkins 2008

314 *Buenos Aires Herald* August 8th, 1939

315 *The New York Times* December 28th

316 *CO 78/213/3*

In **May**, Argentina's *Antarctic Commission* concludes that it should claim a sector of Antarctica between 25° and 68° 34' West, south of 60° South. Dagnino Pastore changes the content of his school geography text of 1939; taking out the word 'possess'. The text now suggests that Britain 'attributes to itself' eight million square kilometers of the Antarctic.³¹⁷

*"The thing to note is the use of the word "Falklands" to refer to the Malvinas in texts before 1940. Only after this decade and especially 1945 is the issue of (the) territorial claim over the Falkland Islands introduced into the (education) manuals and reading books, adding (the) disputes over the Antarctic sector."*³¹⁸

In **July**, at the *Havana Conference* concerns are raised that European colonies may fall under Axis control. Delegates from Argentina, Brazil, Chile, Peru, Uruguay, and the USA, agree that there should be collective trusteeship of any territory in danger; and that such territories should eventually have the right to determine their own futures. Argentina submits a reservation asserting that it; "... does not include the Falkland islands as these do not constitute a Colony or possession of any European nation, being part of (Argentina's) territory and included within its domain and sovereignty..."³¹⁹

August 8th, Chile's *Antarctic Commission* outlines an Antarctic claim based on proximity and a geological assertion that the Antarctic Peninsula is an extension of the Andes mountain range. The rescue of Shackleton's crew in 1917 is cited as an 'act of sovereignty.' Based on this, the *Commission* suggests that Chile has rights to Antarctic territory between 60° and 80° West.

September 11th, Argentina proposes a conference to consider the 'juridical-political' status of Antarctica.

*"... the Argentine Government understands that the situation created by the unilateral claims to zones of the Antarctic made by various States, to which Chilean claims are now added, can be satisfactorily settled from an international point of view only by means of a conference of the interested States and through an agreement among them on the basis of their just claims and rights."*³²⁰

Argentine diplomats express concerns about a report in the *Washington Post* that the US has obtained a naval base in the Falklands from Britain. The reports are denied.

*"The Argentine Ambassador came in today to exchange views on the state of affairs generally. He seemed to think that the British-American agreement regarding naval bases would be well received. In this connection he noted that one newspaper, the Washington Herald, had editorially wondered why we did not include a base in the Falkland Islands; and feared that that might lead to some repercussion in the Argentine press. I said at once that we had recognized throughout the peculiar relationship of the Argentine Government to the Falkland Islands, and that to me it seemed preposterous that under existing circumstances we should endeavor to acquire a base there except after full discussion with Argentina. However, the question was purely hypothetical; the Falkland Islands, so far as I was aware, had not entered into the discussion at any time."*³²¹

317 Escude 1992

318 Garcia 2009

319 Caillet-Bois 6th ed. 1982

320 *Foreign Relations of the United States Diplomatic Papers, 1940, General and Europe vol.II – The Ambassador in Argentina (Armour) to the Secretary of State, Buenos Aires, November 15, 1940*

321 *Foreign Relations of the United States Diplomatic Papers, 1940, The American Republics, Volume V – Memorandum of Conversation, by the Assistant Secretary of State (Berle), Washington, September 4, 1940.*

November 6th, a Chilean Presidential Decree claims; "*the Chilean Antarctic... to be all lands, islands, islets, reefs, glaciers (pack-ice), already known or to be discovered, and their respective territorial waters... (between longitudes) 53 degrees and 90 degrees west...*" ³²²

"*The limits set by the Decree were almost twice those proposed by Cordovez less than three months earlier. ... On the same day that the Chilean Decree was passed the Chilean Ministry of Foreign relations issued a verbal note to the Argentina Government inviting them to send a delegation... in order to discuss the question...*" ³²³

November 12th, Argentina protests to Chile, noting; "*Argentina is the only country in the world which maintains a permanent observatory in the antarctic regions, and the work of this observatory, which has augmented for more than thirty years, has come to be of inestimable value in the field of universal science.*" *By reason of this effective and continuous occupation which has gone on since 1904, the inhabited place which is nearest to the South Pole is Argentine, and our country is the only one "which has lived there for 37 years and the only one, consequently, which maintains in real form the rule of its sovereignty in the lands of the Antarctic."*

Argentine rights, moreover, are not solely dependent upon the principal fact of this occupation. They are also justified under the subsidiary systems admitted for the attribution of those zones. By reason of the geographical propinquity of both the continental territory of Argentina and of the archipelago of the Malvinas [Falklands] which is also part of the national soil, it would be difficult for another nation to take the place of Argentina on the ground that it had better rights with respect to the attribution of the ownership of this zone. Argentina's title also could scarcely be disputed if the question is to be solved on the basis of the sector which is a prolongation of the American continent." ³²⁴

However Argentina accepts an invitation from Chile to discuss the matter. ³²⁵

"... *It will be observed from the note that Argentina bases its claim to the Antarctic areas in question on - 1) continuous occupation through maintenance of an observatory in the South Orkneys established 37 years ago; 2) certain expeditions made by its Navy, and 3) the geographic proximity of the area to the archipelago of the Falkland Islands, which it asserts, "is also a part of our national territory."* ³²⁶

December 10th, the USA rejects Chile's claim.

December 11th, Dr. Pueyrredon, in a conversation with Lord Willingdon, suggest that in exchange for UK recognition of Argentine sovereignty of the Falklands, the archipelago would be '*leased-back*' to Britain for a *pepper-corn* rent of between one and five pesos per annum for 100 years. ³²⁷

December 19th, Chile's Ambassador in London is instructed to search the British archives for evidence in support of Chile's Antarctic claim.

322 Chile based its claim to the Antarctic Peninsula on the 1493 *Inter caetera*; Spain proclaiming a governor in 1593; the *uti possidetis juris* principle assuming an inheritance of Spanish territory by Chile on its independence; and contiguity (geography). Chile also added an assertion that the Peninsula, being a continuation of the Andes mountain range, was therefore a; "... *natural extension of Chile.*"

323 Howkins 2008

324 *Julio A. Roca to His Excellency don Conrado Rios Gallardo, Ambassador of Chile*

325 Nothing substantial emerged until 1947 and, even today, no formal agreement has been reached.

326 *US Ambassador in Buenos Aires to Secretary of State No. 1543 November 15th 1940*

327 Beck 1983 (2). Lord Willingdon was head of the *British Economic Mission* in Buenos Aires.

1941 – Allan Wolsey Cardinal is promoted from Colonial Secretary to the position of Governor. ³²⁸

January 3rd, a ceremony at the tomb of Luis Vernet is held by the, '*Junta de Recuperación de las Malvinas.*'

January 22nd, *Queen of Bermuda*, an armed merchant cruiser, arrives at South Georgia.

February 25th, the UK rejects the Chile's territorial claims over British Antarctica.

Argentina informs the *International Postal Union* that they are opening a permanent post office in the South Orkneys after their navy takes over the meteorological station on Laurie Islands from the civilian staff. ³²⁹

In **March**, representatives from Chile and Argentina meet to discuss their mutual interests in Antarctica. The two countries agree to present a combined title, whilst still maintaining their individual claims.

March 5th, at Deception Island, *Queen of Bermuda* destroys the fuel supplies left by the *Hektor Whaling Company*, to prevent them falling into German hands. Gun batteries are established on South Georgia.

"This measure, which was taken to deny the use of the oil tanks and fuel stocks to Axis raiders, constituted a most significant display and exercise of British sovereignty over the South Shetlands." ³³⁰

March 14th, diplomats from Argentina and Chile meet to discuss their respective claims in Antarctica. ³³¹

"The idea of a South American Antarctica... emerged out of the Escudero-Ruiz Moreno negotiations ... Implicit in the idea of a South American Antarctica was the sense that the Antarctic Peninsula region belonged to Argentina and Chile, not just legally and historically, but also environmentally and geographically. Geological continuity, shared weather systems, and Paleontological evidence of similar flora and fauna provided 'proof' that the Antarctic Peninsula was part of South America." ³³²

May 28th, in Buenos Aires, President Roberto María Ortiz, mentions Argentina's claim to the Falklands in his *Message to Congress*; the first time in the 92 years since 1849. ³³³

August 14th, Britain and the USA sign the *Atlantic Charter*; including an agreement that; *"all people have a right to self-determination."*

Amid rumours of an attack by Japanese forces, Britain's *military attache* in Buenos Aires urges London's *War Office* to send troops to the Falklands to bolster defences. London declines, arguing that Japan is too far away.

September 26th, in Buenos Aires, Capt. Ernesto Villanueva of the Argentine Navy, presents a plan to invade the Falkland Islands while the UK is *".. occupied in other world theatres..."* ³³⁴

"The mission was to "restore the sovereignty of the archipelago to its rightful owner whose strategic location is of vital importance to the maritime defence of the nation... (the) joint operation was criticized by an Army Officer, Lieutenant Colonel Benjamine Rattenbach who said in a report: "as regard the coup de main.. my opinion is that it will not offer major difficulties..."

328 Not gazetted. However, the award of a Knighthood in 1943 refers to him as Governor. *The London Gazette*, No.35841

329 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.30

330 *Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice*, May, 1955

331 No agreement was reached.

332 Howkins 2008.

333 Ortiz appears to be a common link joining the South Georgia claim in 1927 (Minister of Public Works), the South Sandwich Islands claim in 1938 and the resurrected Falklands' claim of 1941, while he was President.

334 *Army and Navy Co-operation: Occupation of the Malvinas Islands* E. Villanueva 1941

*The hard part will be keeping it. Maintaining the islands against an attempt by the UK to recapture... So the operation was shelved.”*³³⁵

In **October**, Argentina's *Instituto Geografico Militar* publish maps showing sovereignty over Antarctica.

November 14th, London is informed that Argentina has established a Post Office on Laurie Island.

December 7th, Japanese forces attack Pearl Harbour, forcing the Americans to change their neutral stance.

December 16th, Pampero claims that it is “*inevitable*” that Britain will transfer the Falkland to the USA.

December 26th, the Admiralty send a coded message to the commander in chief of British forces in the South Atlantic warning that; *"The Japanese have given out that they will shortly be running a convoy to Argentina and that they will capture the Falkland Islands and present them to the Argentinians."*³³⁶

*"Japan was worried Argentina, then neutral, would host U.S. troops and threatened the country with reprisals, the files show."*³³⁷

1942 – in **January**, a Pan-American conference of Foreign Ministers is held in Rio de Janeiro to discuss the implications of the Japanese attack on Pearl Harbour. Argentina demands responsibility for the protection of the Falkland Islands; *"... which the Japanese had promised them in the event of a successful invasion."*³³⁸

*"These blackmail tactics are what might have been expected of the Government of acting President Castillo and Sr. Ruíz Guiñazu [Foreign Minister]. Either way they have something to gain. If they do not get the Falklands they have an admirable excuse for staying out of the war; if they do get them they at once become national heroes instead of being disliked and despised by 90% of the Argentine public."*³³⁹

The USA resists Argentine demands while Argentina refuses to break off relations with the Axis powers. Chile also declines to condemn Japan, Italy or Germany.

January 16th, *Primero de Mayo* sails from Buenos Aires with orders to raise the Argentine flag over Deception Island and Graham Land; inscribed bronze plates are also to be put in place asserting Argentina's claim to all lands lying between 25° and 68° 34' West and south of latitude 60° South.

February 6th, at Deception Island, *Primero de Mayo* raises Argentina's flag over the old whaling station.

The British Foreign Office comment on Argentina's new Post Office in the South Orkney Islands; *"...(the) Argentine Government are obviously seeking to build up a claim by occupation to sovereignty over the South Orkneys and... there is some danger that unless we take counter-measures they may establish a claim which it would be difficult to contest. It is desirable to take action..."*³⁴⁰

March 3rd, Chile protests the publication of Argentina's *Instituto Geografico Militar* maps of October, 1941.

335 *El plan para recuperar Malvinas de 1941* Omar Poxequi in Taringa! October 4, 2016

336 Quoted in the *Telegraph* newspaper, 10th December 2014

337 *Japan Times* December 10th, 2014

338 Howkins 2008 p.71 quoting Ovey to Foreign Office December 12th 1941 ADM 116/5104

339 ADM 116/5104

340 CAB 121/510

April 1st, in London, Prime Minister Churchill orders General Ismay to find sufficient troops to garrison the Falklands; *"It would be a very serious thing to lose the Falkland Islands to the Japanese and no comfort to say that it would hurt the United States more than ourselves... They would certainly have to be retaken."* ³⁴¹

In **August**, 1,700 men from the 11th Battalion, West Yorkshire Regiment, arrive to garrison the Falklands.

October, in Buenos Aires, Ambassador David Kelly, instructed to protest the *Primero de Mayo* expedition, refuses; *"... this is one political question on which all Argentines are agreed and if (which of course may be untrue) the Minister for Foreign Affairs is really pro-German ... we might be sending him a heaven sent opportunity (to break off relations)."* ³⁴²

"He justified his insubordination by resorting to the specter of Nazism in Argentina ... and he clearly regarded the maintenance of good relations as being more important than legal wrangling..." ³⁴³

During **December**, *HMS Carnarvon Castle* is sent on patrol in the south Atlantic; *"... to examine the anchorages in those territories for any signs of use by enemy raiders, and to investigate Press reports of purported acts of sovereignty at Deception Island by the Argentine naval transport Primero de Mayo."* ³⁴⁴

1943 – January 8th, troops from *Carnarvon Castle* land at Deception Island and; *"... obliterated from the walls of the Hektor Whaling Company's factory the national colours of Argentina, which appeared to have been painted on them recently by the Primero de Mayo, and also removed the Argentine notice of claim. ... A writ was at the same time affixed to the building proclaiming that the company's lease had lapsed and that the building was the property of the British Government."* ³⁴⁵

"HMS Carnarvon Castle,... collected the bronze tubes deposited by the Argentine and put in place a wooden board with the British flag painted (on) and three (more) with the caption: "Land of the British Crown."" ³⁴⁶

January 27th, the War Cabinet are informed of a; *"... situation created by Argentine encroachments against certain Antarctic Dependencies of the Falkland Islands Colony. As a result the War Cabinet decided that all possible steps should be taken to strengthen our title to these possessions..."* ³⁴⁷

".. British officials ... spent the rest of 1943 making preparations for the expedition. These officials... became so accustomed to working through the night that the expedition became known as Operation Tabarin, after a famous Parisian nightclub." ³⁴⁸

February 4th, *Primero de Mayo* sails again with three Chilean naval officers aboard; *"... with the aim of affirming – without making new claims – the sovereign rights of both countries in South American Antarctica."* ³⁴⁹

341 Quoted in the *Telegraph* newspaper, 10th December 2014

342 ADM 116/4670

343 Howkins 2008 p.89

344 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.28

345 *Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice, May, 1955*

346 *The Third Reich and the Antarctic dispute between Great Britain and Argentina during the Second World War and the postwar period* Pablo Fontana 2013 (p.6) presented to the 13th Meeting of Latin American Historians at the Antarctic Maritime Museum of Ushuaia, October 2013

347 CAB 121/510

348 Howkins 2008 p.92

349 *Ibid* p.75

February 8th, sailors from *Carnarvon Castle* erect flagstaffs carrying the Union Jack at Signy Island.

February 9th, on *Carnarvon Castle's* arrival at Laurie Island, no flag is seen flying over the Argentine base.

February 11th, in Buenos Aires, the bronze plate recovered from Deception Island is returned to the Foreign Ministry with a message that; “... *the United Kingdom Government had no intention of allowing the British title to the island to be usurped by Argentina.*”

February 15th, in a diplomatic memorandum Argentina; “... *defined her pretensions in the area south of latitude 60' South as covering all Antarctic lands and dependencies between longitudes 25° and 68° 34' West. It also purported to “protest” against jurisdictional acts carried out by British officials.*”³⁵⁰

Argentina adds that its claims have been; “*inherited from Spain.*”

“... *it was the first occasion on which a formal claim to sovereignty over territory in the Antarctic had been put forward by any Argentine Government.*”³⁵¹

February 18th, Argentina's post office, in a note sent to the *International Postal Union*, contests Britain's right to regulate the movement of mail through the Falkland Islands.

In Stanley, Governor Cardinall establishes a *Naming Committee* to assist in the preparation of accurate maps of the Falklands by the Royal Engineers.³⁵²

Argentina's warship, *Primero de Mayo*, accompanied by two transport vessels, *Pampa* and *Patagonia*, arrives back at Deception Island where members of the crew re-erect the Argentine flag, replace the bronze plate and repaint Argentine colours onto the walls of the old whaling factory.

“*Once on Deception Island Argentine sailors removed the British emblems, repainted the Argentina flag and performed various acts of sovereignty, both on the island and in Puerto Lockroy.*”³⁵³

April 7th, the United Kingdom sends a *memorandum* to Argentina reasserting its British titles.

June 4th, a military coup in Buenos Aires ousts the government of Ramon Castillo.

During **November**, the Foreign Office, alarmed at events in the Antarctic territories, compile a confidential dossier on the sovereignty issues.³⁵⁴

1944 – in **January**, the small *Operation Tabarin* force arrives at Port Stanley with instructions to establish British bases in the Falkland Islands Dependencies.

Under pressure from the USA, Argentina breaks off diplomatic relations with Germany and Japan.

January 29th, *HMS William Scoresby* and *SS Fitzroy* sail from the Falklands with the *Tabarin* troops.

February 3rd, on Deception Island, a British base is constructed together with Post and Telegraph offices.

350 *Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice, May, 1955*

351 Christie 1951 p.269

352 *The Toponymy of the Falkland Islands as Recorded on Maps and in Gazetteers* Permanent Committee on Geographical Names 2006

353 Fontana 2013 p.6

354 Howkins 2008. Written up by one Brian Roberts, this document remains closed to public scrutiny.

A similar base is constructed at Port Lockroy near the Antarctic Peninsula with Capt. James Marr appointed Magistrate, Post Master and Harbour Master. Magistrates are also sworn in for the South Orkneys and South Shetland Islands. ³⁵⁵

Exploration and mapping work commences together with scientific research in the areas of meteorology, biology, glaciology and geology. When this is made public, the Chilean Foreign Ministry notes that the British are intent on securing their sovereignty. ³⁵⁶

In Argentina, Dagnino Pastore amends the content of his school geography text yet again; replacing the section on the Antarctic to claim '*unquestionable rights*' for Argentina over a vast Antarctic sector. ³⁵⁷

February 25th, in Argentina, Brigadier-General Edelmiro Farrell is appointed as President. His vice-President is named as Juan Peron.

April 17th, in Stanley, the Town Hall is lost to a fire which also damages the Museum and Post Office. ³⁵⁸

August 21st, a secret conference commences at Dumbarton Oaks in Washington DC. Delegates from China, the UK, the USA and the USSR consider proposals for an international body to preserve peace and security.

In **October**, the British Government announce their intention to send a second expedition to Antarctic territories claimed by the UK.

At the end of the year, *Operation Tabarin* erects new bases at Hope Bay and Sandefjord Bay although there are not enough personnel available to occupy the latter base.

December 7th, at the *Convention on International Civil Aviation* in Chicago, agreement is reached between nations on the regulation of international air travel and the establishment of an *International Civil Aviation Organisation* (ICAO).

"Article 1: Every State has complete and exclusive sovereignty over airspace above its territory. ... Article 5: The aircraft of States, other than scheduled international air services, have the right to make flights across a State's territories and to make stops without obtaining prior permission. However, the State may require the aircraft to make a landing. Article 6: (Scheduled air services) No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State. ... " ³⁵⁹

1945 – February 11th, following the *Yalta Conference*, Roosevelt, Churchill and Stalin declare their resolve to establish, "*a general international organization to maintain peace and security*".

February 21st, 21 American states attend the *Inter-American Conference on Problems of War and Peace* in Mexico to consider, *inter alia*, the proposals for an international organisation, human rights and the isolation of Argentina which is not invited by the hosts. ³⁶⁰

³⁵⁵ *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.29

³⁵⁶ Howkins 2008

³⁵⁷ Escude 1992

³⁵⁸ Rebuilt in 1950.

³⁵⁹ Argentina submitted its acceptance on June 4, 1946. Flights to and from the Falklands would become an issue in the years after 1966; continuing to be a political football to this day.

³⁶⁰ *Blue Book on Argentina: Consultation among the American Republics with respect to the Argentine Situation*. US memo February 1946. The US Government considered Argentina to have been an active collaborator with Nazi Germany. Argentine delegates were present before the end of the conference however.

March 6th, 20 of the attendees resolve a reciprocal assistance pact to be known as the *Act of Chapultepec*.³⁶¹

March 8th, at the end of the conference, Argentina agrees to abide by the *Final Act* in order to be eligible to attend the San Francisco discussions scheduled for April.

March 27th, Argentina declares war on Germany.

April 25th, delegates from 50 nations meet in San Francisco for the *United Nations Conference on International Organization*. A *Charter* is drawn up – including the concept of *self-determination*.

*“The Committee responsible for the drafting of the relevant provision agreed on four points. First, ‘this principle corresponded closely to the will and desires of peoples everywhere and should be clearly enunciated in the Chapter [of the UN Charter].’ Second, ‘the principle conformed to the purposes of the Charter only insofar as it implied the right of self-government of peoples and not the right of secession.’ Third, it was agreed that the principle of self-determination ‘as one whole extends as a general basic conception to a possible amalgamation of nationalities if they so freely choose.’ Fourth, it was agreed that ‘an essential element of the principle [of self-determination] is free and genuine expression of the will of the people, ...”*³⁶²

May 8th, the war in Europe ends with the unconditional surrender of Germany.

May 23rd, at the 25th Meeting of the *Fourth Committee on Decolonisation*, Argentina makes a reservation to the effect that they do not recognise British sovereignty in the Falkland Islands. The United Kingdom's delegation then makes a parallel reservation, not recognising Argentine sovereignty.³⁶³

June 24th, in Washington, the *State Department* summarises US policy towards the Falklands; *“(a) The United States accepts and works with the de facto situation; (b) It accepts tacitly but by unmistakable implication the de jure sovereignty of the United Kingdom over the Islands, although there has been a tendency even in intra-departmental statements to avoid clear cut, categorical recognition of British sovereignty; (c) It seeks to avoid exacerbating Argentine sensibilities by refraining so far as possible from public explicit commitment on the dispute.”*³⁶⁴

June 26th, the *United Nations Charter*, the foundation document of the UN, is signed in San Francisco.³⁶⁵

Art. 1: “The Purposes of the United Nations are: 1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace; 2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace; 3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in

361 This would become the *Inter-American Treaty of Reciprocal Assistance* (the Rio Treaty) in 1947.

362 *Self-Determination of Peoples: A Legal Reappraisal* Antonio Cassese 1998

363 Footnote to UN Doc A/RES/66(1). According to Howkins 2008 p.99, the Foreign Office had prepared a 300 page handbook entitled *“Territorial Claims in the Antarctic”* summarising the legal and political issues surrounding sovereignty. This book is not currently available from the British archives.

364 *The United States Position Respecting Argentine-British Claims to the Falkland Islands Research Project* No.55 p.8 quoted in Perl 1983

365 The *Charter* is a multilateral *Treaty* enforceable in international law

promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and 4. To be a center for harmonizing the actions of nations ..."

July 9th, a proposal to send senior German military officers, in small groups, to live in remote British colonies such as the Falklands, is considered by senior staff officers of the Allied armies. ³⁶⁶

July 17th, *Operation Tabarin* is renamed the *Falkland Islands Dependencies Survey* (FIDS). Control of its four manned bases passes to the Colonial Office in London. ³⁶⁷

Whaling processing restarts at South Georgia with shore stations at Grytviken, Husvik and Leith.

In **September**, Governor Cardinall writes of the Falklands; “*This colony is so hopelessly unlike any other Crown Colony in that it is entirely peopled by the British, ... that I am even toying with the idea, now that air traffic is so speedy and certain, to put forward a suggestion that the Island is incorporated in the UK.*” ³⁶⁸

October 12th, construction of new UK bases in the South Orkney Islands and at Marguerite Bay are ordered.

The USA declines to sign a military assistance treaty with Argentina saying that it does not trust the regime. ³⁶⁹

October 24th, the UN *Charter* comes into force following ratification by 29 of the original 50 signatories; including both the United Kingdom and Argentina. *Articles 73* and *74* of the *Charter* deal specifically with the relationship between *Non-Self Governing Territories* (NSGT) and what had been the colonial power. ³⁷⁰

Article 73.

'Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- 1. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;*
- 2. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;*
- 3. to further international peace and security;*
- 4. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and*

366 *The New York Times* July 9th & July 22nd

367 *cf.* 1948

368 Dodds. 2002 p119

369 *Blue Book* 1946

370 The focus at this time was on *self-government* rather than independence

5. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.'

Article 74

"Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters."

November 3rd, at the UN, Argentina's representative makes a statement denying his country's acceptance of the Britain's occupation of the Falkland Islands which, he claims, belong to Argentina by; "... *unquestionable historical, legal and geographical rights, and the continued exercise of its sovereignty, established through the first effective occupation and constantly maintained. .. Argentina also records that the correct name of the islands mentioned with the name Falkland in the reports of the United Kingdom, is Malvinas, which is fully justified by numerous historical background vastly known, and it is not possible to distort or destroy.*"

November 14th, the UK's *Polar Committee* establishes a sub-committee to consider Antarctic place names.

In **December**, following comments by an Argentine delegate in San Francisco; the British Government protests Argentine pretensions in Antarctica. Responding to Britain's Ambassador, Foreign Minister Juan Cook notes that his country; "... *has an inescapable obligation to safeguard, whenever the situation requires, indisputable rights over portions of its territorial patrimony, by formulating the appropriate reservations.*"³⁷¹

During the austral summer, 93 whale catchers operate in the waters of South Atlantic and Antarctic, feeding 9 factory ships and 3 South Georgia shore stations (Grytviken, Husvik, and Leith). 13,387 whales are taken.³⁷²

FIDS relieve the three manned British bases. A new base at Cape Geddes on Laurie Island is established.

1946 – the UN founds the *International Court of Justice* (ICJ), as a replacement for the *Permanent Court of International Justice* which had operated at the Hague from 1922 until its dissolution in 1945.³⁷³

"*The general acceptance of the jurisdiction of the Permanent Court of International Justice by His Majesty's Government's Declaration of 1946 excluded disputes arising out of facts or situations prior to 1930.*"³⁷⁴

In **February**, a base on Stonington Island is established by the *Falkland Islands Dependencies Survey*.

371 Cook to Leeper June 3rd, 1946

372 Headland 1989

373 This Court is the principle judicial organ of the UN and has two roles; firstly the settlement of disputes submitted to it by members States and, secondly, to provide advisory opinions on questions referred to it by duly authorised international organs and agencies – most specifically the UN itself. Only States may be a party to cases before the ICJ.

374 TNA LCO 2/4908

The USA provides a *consultation* document to the other American Republics questioning Argentina's fitness to be a part of the proposed Rio meeting which is to discuss a treaty of reciprocal assistance; *"The question is whether the military regime, or any Argentine government controlled by the same elements, can merit the confidence and trust which is expressed in a treaty ..."*³⁷⁵

February 9th, at the UN, the General Assembly adopts *Resolution 9(I)* regarding *Non-Self Governing Peoples* bringing into immediate effect *Articles 73* and *74* concerning the provision of information.

A population census identifies 2,239 people present on the Falkland Islands.

In **May**, from London, Argentina's Embassy informs Buenos Aires of the issue of a new set of Falklands' stamps. One series is surcharged '*South Orkneys Dependency of the Falkland Islands*,' while others show South Georgia, the South Shetlands and Graham Land.

June 3rd, in Buenos Aires, Ambassador Sir Reginald Leeper is summoned and told that Argentina will not recognise Falkland Islands stamps as valid. A similar message is sent to the *International Postal Union*.

The Secretary-General of the United Nations writes to all the members asking for their interpretation of the term '*non-self governing territory*' and whether or not they consider themselves as administering such a territory. Countries that administer such territories are also asked to submit a list and indicate what information they will provide under *Art.73* of the *Charter*.

June 4th, Juan Domingo Perón becomes President of Argentina.

*"The clearest example of a type of nationalism ... on which Perón drew ... was that of irredentism in relation to the Falkland Islands, or Malvinas. The Argentine claim to the islands was based not on the ethno-cultural traits of the Falklands' population (which wanted to remain within the jurisdiction of the United Kingdom), but on the historical argument that they had first been colonised by Spain, so that Argentina had rightly inherited them as the successor state to the Viceroyalty of the River Plate, before they were illegitimately occupied by the British in 1833. The 'Peronist march' (the party anthem) laid claim to the Malvinas ... But even though nacionalismo may have contributed to the escalation and militarisation of the Falklands problem, it was not a campaign issue of their making ...and Perón did less to escalate the conflict than is commonly believed."*³⁷⁶

August 26th, *Operation Highjump*, an expedition to keep US sovereignty claims alive, sails for Antarctica.

*"This expedition, part of the Cold War, was organized by Byrd and consisted of 4,700 men and 13 ships, including three aircraft carriers and a submarine."*³⁷⁷

September 2nd, Argentina's Antarctic claims are extended to longitude 74° west and Law 8,944 prohibits the publication of school maps that do not show the full extent of the claim.

*"Under the leadership of Juan Domingo Peron, Argentine public education was increasingly committed to producing a new series of geography textbooks celebrating the fact the Argentine Republic now encompassed the Argentine Antarctic sector. School children were expected to memorize the size of the country and accurately draw Argentina including its South Atlantic and Antarctic Territories."*³⁷⁸

375 *Blue Book* 1946

376 *Argentina's Partisan Past: Nationalism and the Politics of History* Michael Goebel 2014

377 Fontana 2013 p.7

378 *Scott of the Antarctic (1948): Geopolitics, Film and Britain's Polar Empire* Klause Dodds 2012

September 30th, Geoffrey Miles Clifford is gazetted as Governor and Commander-in-Chief of the Falklands. ³⁷⁹

“His first acts were to bring two unofficial members on to the Legislative Council and to establish a Stanley Town Council... The Town Council comprised six elected members and three nominated by government.” ³⁸⁰

October 11th, President Peron issues Decree 14.708 entitled *Decree Concerning National Sovereignty Over the Epicontinental Sea and the Argentine Continental Shelf* claiming jurisdiction over a huge maritime area.

“... the Argentine, in 1946, was the first state to claim a right of sovereignty over both shelf and superjacent seas.” ³⁸¹

October 14th, the *Victory Bar* opens in Stanley.

October 21st, Britain responds to the Secretary-General's request: *“.. regarding the factors to be taken into account in determining which territories are to be included within the scope of Chapter XI. In the view of H.M.G. it would be difficult to define in detail principles capable of general application, bearing in mind the great variety of conditions in the territories referred to in this Article and the number of different members of the United Nations who have responsibilities for such territories. The terms of Article 73 (e) appear to provide a sufficient and satisfactory guide in practice, and His Majesty's Government feel that the purposes of this Article can be adequately fulfilled without the necessity of any further interpretation.”*

Britain's list includes the Falkland Islands, but not South Georgia, the South Sandwich Islands or any of the sub-Antarctic islands, or British Antarctica, as these have no “people” who can be brought to 'self-government.' ³⁸²

“In 1946, Argentina made a formal reservation based on its territorial claim when the United Kingdom registered the Falkland/Malvinas islands on a list of Non-self Governing Territories...” ³⁸³

An *ad hoc* sub-committee of the *Fourth Committee* is constituted by the General Assembly for the purpose of reviewing the information provided: the *Ad hoc Committee on Information from Non-Self Governing Territories* is made up of all those countries which had provided lists, plus an equal number of other Nations. ³⁸⁴

In **November**, Argentina's *Instituto Geografico Militar* publishes a map which includes the Falkland Islands and South Georgia as Argentine territory. It also claims an Antarctic sector lying between the meridians 25° and 74° West; bounded in the north by the 60° parallel. ³⁸⁵

379 *The London Gazette*, No.37747

380 Tatham (ed.) 2008 p.156

381 *The Continental Shelf 1910 – 1945* Edwin J. Cosford in *McGill Law Journal* 1958 vol.4 p.245. Argentine interest in the continental shelf can be traced back to 1916/1918 when two jurists, Storni and Suarez, recommended that adjoining states protect their fisheries by asserting jurisdiction over the waters above the shelf. The USA had declared its own rights to the “resources of the sub-soil and sea-bed of the continental shelf” in 1945 but Argentina's *Decree* went further, leading Washington to complain in a *Note* of July 2, 1948 that Argentina's position was at “variance with the generally accepted principles of international law.” *cf.* 2016

382 Only eight countries (Australia, Belgium, Denmark, France, Great Britain, the Netherlands, New Zealand and the USA) responded to recognise themselves as *Administering Powers*; identifying 74 non-self governing territories. Notably absent from the list were territories under the control of China and Russia which did not view themselves as colonial powers, despite all the evidence to the contrary.

383 Kohen & Rodrigues 2017 p.192 citing *UN GAOR C4 p.156, UN Doc A/C 4/SR.25 (1946)*

384 At this time, every member of the UN was represented on the *Fourth Committee*. The *Ad hoc Committee* was only supposed to last for 12 months, but had its life extended in 1947 when it became the *Special Committee*.

385 The South Sandwich Islands did not fall within the area described.

December 14th, UN Resolution 66(I) recognises 74 territories as 'non-self-governing.'

December 21st, acting upon an assumption that Argentina will raise the question of the Falklands before the United Nations an inquiry is addressed to the UK's Law Officers.

*"... In that event, it would be necessary for the Cabinet to take an important decision on the policy to be adopted. Mr. Secretary Bevin and Mr. Secretary Creech-Jones consider that the Cabinet will desire to be informed of the strength in law of the British title to the Falkland Islands... the Cabinet would wish to know in the case of the Falkland Islands whether... if His Majesty's Government consented to let the Argentine claim to the Falkland Islands go before the International Court, there would be any risk of the Court declaring that His Majesty had no valid title to the Islands. We are, therefore, directed to lay the enclosed papers before you and to request that you would be so good as to furnish your opinion upon this matter."*³⁸⁶

1947 – January 3rd, following newspaper reports of a forthcoming expedition, Britain formally rejects all Argentine claims in a formal *Note* to the Ministry of Foreign Affairs in Buenos Aires.³⁸⁷

*"New meteorological station established on Gamma Island, Melchior Islands ('Melchior'), 31 March 1947; Laurie Island meteorological station, South Orkney Islands, relieved; Deception Island and Admiralty Bay in the South Shetland Islands, Port Lockroy, Argentine Islands and Stonington Island in west Antarctic Peninsula visited. On this and subsequent expeditions, aircraft were used locally for ice reconnaissance and air photography."*³⁸⁸

January 4th, Argentine transport ships, *Patagonia* and *Chaco* sail from the Rio de la Plata with orders to visit the sub-Antarctic islands.³⁸⁹

*".. some three years after the renewal of the British programme of bases, the Argentine Government began a course of systematic encroachment on the British territories of the South Shetlands and Graham Land."*³⁹⁰

January 21st, two Chilean ice-breakers, *Angamos* and *Iquique*, sail for Antarctica. In Santiago, Chile's Foreign Minister Raul Juliet, tells the Senate of Chile's historical, geographical, juridical, diplomatic and administrative antecedents to sovereignty rights in Antarctica; *"Citing historical works of the period, he affirmed that since 1555 all successive Governors of Chile considered their jurisdiction to extend southward from the Magellan Straits to the South Pole; quoted documents issued by the Emperor Charles V to the conquistadores to show that that monarch considered his sovereignty to extend over "all the lands on the other side of the Magellan Straits," and contended that Chile when she attained her independence of Spain, was the natural inheritor of the frontiers of the Mother Country and automatically came into possession of territory "comprising the natural prolongation of her lands in the direction of the South Pole"*³⁹¹

386 LCO 2/4908. Also FCO 76/1892. Attorney General in 1947 was Sir Hartley Shawcross; Solicitor General was Frank Soskice.

387 HC Deb 12 March 1947 vol 434 cc211-2W

388 Headland 1989 p.312

389 At Ushuaia, these were joined by a tanker, *Minister Ezcurra*, and a whaling ship, *Don Ernesto*. This expedition appears to have visited Deception Island, Port Lockroy, Stonington, Winter Island and Melchior Island; and to have overflowed and photographed British bases. cf. Fontana 2013

390 *Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice, May, 1955*

391 *Keesing's Record of World Events* vol VI-VII, February, 1948

January 28th, the UK's Law Officers respond to the December request; *"In our view, whilst it is not easy to express views with confidence in the unsettled state of International Law in relation to acquisition and loss of territory, Great Britain has a reasonably strong claim to have acquired the Falkland Islands by acquisitive prescription in the nature of usucaption* (*The acquisition and possession, undisturbed and uninterrupted of a territory which was formerly under another State's sovereignty or occupation ie., which was not terra nullius) consisting in its de facto possession and occupation of the Falkland Islands since the year 1833... In our view, by international law Britain has acquired a prescriptive title to the Falkland Islands, and we accordingly think that, if the matter were adjudicated upon, Britain would be successful in establishing her case on these lines."*³⁹²

January 29th, Capt. Luis Miguel Garcia, in command of a fleet of 7 ships out of Ushuaia and with orders to construct permanent bases, arrives at Deception Island to find two vessels from the *Falkland Islands Dependencies Survey* already there. After protesting, his armada retires.³⁹³

*"The grand matter of Antarctica has one directive: to defend the sovereignty of the Republic and prove to the world, the inalienable rights of the disputed area."*³⁹⁴

February 14th, Governor Clifford informs the Secretary of State for the Colonies that, with regard to the Grytviken weather station; *"... it appears that the house belongs to the company and that they supply fuel, &ct., but that the instruments are the property of the Argentine Government or Meteorological Department in Buenos Aires. The Company also provides the Observer, although it is understood that part of his salary is paid by the Argentine Government. The stamp of the Director of Meteorology of the Argentine has for many years appeared on the Meteorological Returns furnished by Pesca in accordance with the terms of the lease... It is understood that the Station has been inspected on one occasion at lease by a representation of the Meteorological Department at Buenos Aires... It is unlikely that a better exposed site can be found within reasonable distance of Grytviken, and for the present I propose to leave things as they are."*³⁹⁵

*"...the keeping of meteorological records formed part of the terms of the lease. I originally raised this question in 1946 because the company had been extraordinary slack about carrying out the terms of their lease in this respect (When I was in South Georgia before the war the meteorological officer appointed by the Company was almost continuously drunk and made up most of his records without the use of his instruments!) It seemed by 1946 that we must either take over the meteorological station, or enforce the terms of the lease, or expect the Argentine Government to use it as the thin end of their South Georgia wedge."*³⁹⁶

February 26th, asked in the House of Commons regarding the progress towards a; *"... constitution which will give elective representation to the people of the Falkland Islands,"* the Government spokesman says; *"I await the report of the new Governor, who has recently arrived in the Colony. Meanwhile two Unofficial Members have recently been added to the Executive Council."*³⁹⁷

392 FCO 76/1892. Although often the subject of internal discussion, I am unable to identify the principle of *acquisitive prescription* ever being presented as an argument to Argentina by the UK.

393 Christie 1951 p.272

394 Juan Perón in *Soberanía Argentina en la Antártida* Ministerio de Relaciones Exteriores y Culto 1947

395 FO 371/97376

396 Note signed B.B. Roberts, August 27, 1952 in FO 371/103153/15212/104. The author of this note referred to an internal FO publication entitled 'Territorial Claims in the Antarctic.' This may be FO 371/44744/1 which remains closed/retained until 2025. For the take-over of Grytviken meteorological station see 1950.

397 HC Deb 26 February 1947 vol 433 cc288-9W

February 28th, in the *Nottingham Evening Post*; “Argentina's claims to the Falkland Islands and an Antarctic area are reaffirmed in a Note from Dr. Bramuglia, Argentine Foreign Minister, to Sir Reginald Leeper, British ambassador in Buenos Aires, in reply to a note from the Ambassador pointing out that the islands have been administered under Britain for 100 years. Sir Reginald offered British aid for Argentine expeditions to the Antarctic. Dr. Bramuglia declines the proposed aid for Antarctic expeditions as “the terms employed do not correspond with the clear position of Argentina on the questions mentioned.” Rejecting the British case as one-sided, he claims that the Argentine was “the first effective occupant of the Antarctic zone.”

March 2nd, the Foreign Minister of Chile and Argentina meet to discuss the future of their Antarctic claims.

Argentina's Ministry of Finance appoints an Inspector to verify the presence of distillation equipment at Grytviken and to affix the appropriate customs tags as South Georgia is a; “... *territory over which the Argentine Republic has legal jurisdiction.*”³⁹⁸

The Governor tours the Dependencies handing out formal protests to the officers he finds in charge of Argentine posts on Laurie Island and Gamma Island; and to the Chilean commander of a base on Greenwich Island.

In London, the *Cabinet* consider the situation in the Falkland Island Dependencies and considers the legal advice.³⁹⁹

“As forecast, the Law Officers confirm the Opinion given by their predecessors in 1947 and say in effect that the British legal title to the Falkland Islands is strong enough to justify referring the issue of sovereignty to the International Court if it seemed politically desirable to do so and if Argentine Government would agree.”⁴⁰⁰

May 16th, in Santiago, the Chilean Government rejects the protests made against it by Britain.

May 24th, Argentine Decree No. 14 062, creates a sub-committee of the National Antarctic Committee charged with studying all the nation's records; “... “regarding Argentina's irrevocable rights over the Falkland and South Georgia” and “to protect and recover the territorial estate which legally belongs to the Republic”. In this Decree, South Georgia was for the first time separated by the Argentine Government from the other Dependencies and grouped with the Falkland Islands. The implication appears to be that South Georgia, like the Falklands, is regarded as Argentine territory under *de facto* British occupation; and as such differs from the other territories in the Dependencies which they regard as Argentine both *de jure* and *de facto*. We made no protest about this at the time.”⁴⁰¹

In **June**, the Foreign Office propose an aerial survey of the Dependencies to determine their extent.

July 27th, Chile and Argentina announce a *Joint Declaration* on the Antarctic. Despite extensive negotiations, no decisions as to the territory to be claimed by each has been reached, although they remain; “... *convinced as they are of the indisputable rights of sovereignty of the Argentine Republic and of Chile over the South American Antarctic...*” The Declaration notes that; “... *it is their desire to arrive as soon as possible at the conclusion of a Treaty between Argentina and Chile, regarding the demarcation of boundaries in the South American Antarctic.*”

398 Bologna 1988 p.48. There is no evidence that an inspection of any equipment at the Grytviken site was ever made.

399 FO 371/61290/1. The record of this meeting, and the legal advice provided to the Cabinet was closed for 70 years; being due for review in January, 2018. The record notes the reason as: *International relations – prejudice*. However, some references to the legal opinion appear elsewhere (inc. FO 76/1892). cf. December, 1966 & December, 1981

400 J. S. Bennet December 2nd, 1966 in CO 1024/585 19661202

401 Note by B.B. Roberts 27 August, 1952 American Department A/15212 (FO 371/103153/15212/104). Some sources date this Decree to June 24, 1946.

“Department’s impression is that Argentina and Chile, regarding Antarctic problem as matter of prestige, are prepared to go to great lengths to defend their claims and probably would not accept reference of their claims to an international court for settlement. Department’s impression coincides with British view that the Argentine-Chilean accord on the subject is more apparent than real. However, it seems probable that the accord would be firm against Britain.” ⁴⁰²

August 8th, during a meeting of the British *Cabinet*, the Foreign Office recommend that Argentina and Chile be informed of the UK's intention to maintain its sovereignty claims throughout the Dependencies and of Britain's willingness to take the issues to the ICJ.

“... foreign Governments were encroaching on certain territories to which we had long laid claim. If we did nothing to check this tendency our claim to the territories in question could go by default. ..” ⁴⁰³

August 15th, in Rio de Janeiro, the *Inter-American Conference* brings together the Foreign Ministers of the American states to discuss issues of security amid concerns regarding communism.

August 26th, at the *Conference*, a decision is made to define a 'security zone' around the Americas, identifying the geographical areas to which any agreements will apply. At the insistence of Argentina's delegation, led by Dr. Pascual La Rosa, the Falkland Islands, South Georgia, the South Sandwich Islands and the Antarctic areas claimed by his country, are included within the southern section of the zone. ⁴⁰⁴

“Theoretically this would make any British military action in the Falkland Islands Dependencies an act of aggression against the American continent, and would consequently require a combined response from all the countries in the Western Hemisphere, including the United States.” ⁴⁰⁵

August 27th, a treaty of reciprocal assistance is agreed, whereby an attack on one of the signatories is to be considered an attack on all, although the USA reserves its position regarding Antarctica, the Falkland Islands and the Dependencies. Argentine delegate Dr. Atilio Bramuglia tells a press conference that; *“.. the Treaty does not imply recognition of sovereignty to anyone, but it is understood that (a claim) exists, otherwise (the islands) would not be included. ..”* ⁴⁰⁶

Chile also makes a statement; *“The Chilean delegation declare that inside the adjacent waters to the South American continent ... the existence of colonies or possession of European countries is not recognised and that we especially reserve and maintain intact the legitimate titles and rights of the Republic of Chile in the lands included inside the Chilean Antarctic Sector ...”*

The US Delegation inserts into the record a statement that the; *“ Inter-American Treaty of Reciprocal Assistance had no effect upon the sovereignty or national or international status of any territories in the hemisphere defense area defined in the Treaty.”* ⁴⁰⁷

Uruguay and Britain sign an agreement for flights between the Falkland Islands and Montevideo. ⁴⁰⁸

402 *Memorandum by the Acting Chief of the Division of Northern European Affairs (Hulley) December 16, 1947 in Foreign Relations of the United States. Vol.1 General: The United Nations (Document 536)*

403 Howkins 2008 p.151

404 *Act of Chalpultepec (Rio Treaty) 1947*. At the time, Argentina considered this something of a diplomatic *coup*.

405 Howkins 2008 p.147

406 Caillet-Bois 6th ed. 1982 p. 407

407 *Foreign Relations of the United States. Vol.1 General: The United Nations (Document 534)*.

408 *The New York Times Oct. 29th 1952*

October 26th, an Argentine minesweeper, *Bouchard*, anchors at Deception Island. ⁴⁰⁹

HMS Snipe is posted to the Falklands to facilitate Governor Clifford's visits to the Dependencies. ⁴¹⁰

November 12th, an Argentine naval vessel arrives at Deception Island to erect a meteorological station opposite the British base.

December 7th, in Buenos Aires, Britain's Ambassador, Reginald Leeper, presents a *Note* expressing “anxiety” at Argentina's activities in Antarctica and requests that Argentine nationals evacuate bases on Deception and Gamma islands. ⁴¹¹

December 8th, Washington instructs its Embassies in the UK, Chile and Argentina regarding Antarctica; “... it is not impossible that during the coming Antarctic season, Argentine and Chilean expeditions might establish temporary bases in UK territory and if called upon to depart or recognize UK sovereignty their governments might claim this was British intervention in the Western Hemisphere. 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 defense 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 were limited to reiterating to them that in the British view they are in British territory. It is the Department's view 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... The Department has no information that would indicate directly the possible Chilean reaction to a British proposal to submit their conflicting Antarctic claims to an international court. However, in view of the general situation it is not illogical to suppose that Chile would be very reluctant to do so.

As previously indicated (Department's A-865, September 8, 1947), the Department believes that Argentina would go to great lengths to avoid such a proposal. The American Government has not altered its position with regard to Antarctica, but in view of increasing British, Argentine and Chilean interest and tension, 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 suggested in the Department's cable No. 4090 of September 22, 1947 to the Embassy. The Falkland Islands may be made the subject of a separate instruction, should any useful information become available. However, at this time the Department sees no advantage to be gained by including the Falkland Islands in the Antarctic problem. On the contrary, such inclusion would appear calculated to complicate greatly and unnecessarily both problems. “ ⁴¹²

“The United States as a potential claimant in Antarctica and being especially desirous of cooperating with Britain as well as with Chile and Argentina will avoid a position which could be interpreted as favoring any claimant.” ⁴¹³

409 Fontana 2013 p.8

410 Christie 1951 p.258

411 *Keesing's Record of World Events* vol VI-VII, February, 1948 p.9133

412 *The Acting Secretary of State to the Embassy in the United Kingdom* December 8, 1947 in *Foreign Relations of the United States. Vol.1 General: The United Nations (Document 534)*

413 *Memorandum by the Acting Chief of the Division of Northern European Affairs (Hulley)* December 16, 1947 in *Foreign Relations of the United States. Vol.1 General: The United Nations* p.1057

December 12th, five vessels of the Argentine Navy anchor at Deception Island with sufficient stores and material to set up a permanent base next to the British building. ⁴¹⁴

December 13th, a C-54 airplane of the Argentine air force overflies British bases on Deception Island and the Melchior Islands group dropping papers claiming those territories as Argentine. ⁴¹⁵

December 17th, the UK invites Argentina to take its sovereignty claims to the ICJ; *“If.. the Argentine Government are unwilling to admit the validity of His majesty's Government's title to Gamma Island or any other region included in the Falkland Islands Dependencies and consider that their own title is a good one, it is suggested that their correct course is not to maintain without the consent of His Majesty's Government an occupied post in a territory to which His Majesty's Government's claim of title is universally known and which His Majesty's Government have for long actively administered; but, to invoke the jurisdiction of the International Court of Justice at The Hague. ..”*

Britain's Ambassador in Santiago extends a similar invitation to Chile.

In Washington, Counselor Hadow from the British Embassy, calls on Benjamin Hulley, Acting Chief of the Division of Northern European Affairs; *“... to discuss the proposed British notes to the Argentine and Chilean Governments relative to claims in Antarctica ... I mentioned that one idea we were studying is the possibility of establishing a special United Nations trusteeship. He took strong exception to this thought, asking how it would be possible to keep the Soviet Union from being one of the trustees since the Soviets have a claim based on the voyage of a Russian ship to the area over a hundred years ago. He expressed his personal opinion as being absolutely opposed to a trusteeship. Among other objections, he mentioned the strategic value to us of control of passage around Cape Horn in the event that the Panama Canal proved vulnerable...”* ⁴¹⁶

December 23rd, in Buenos Aires, Ambassador Leeper presents a further *Note* expressing surprise at continued violations of British territory and territorial waters by Argentine vessels.

1948 – during **January**, Argentine seamen build a small base on King George Island in the South Shetlands; naming it *Refugio Ensenada Martel*.

A Town Council for Stanley is established; *“... consisting of six members elected by popular vote and three members (two of whom are officials and one a nonofficial) appointed by the Governor.”* ⁴¹⁷

January 25th, an Argentine expedition establishes a new base on Deception Island. ⁴¹⁸

January 28th, in Buenos Aires, Argentina's Government responds to Britain's December 7th invitation in a letter to the British Embassy; *“... Were Argentina, which exercises sovereignty de jure and de facto over its Antarctic sector, to petition the International Court, she could appear in the position of a state requesting something which belonged to her but over which she did not exercise effective possession. And the situation is otherwise, as is shown by the permanent installations which consolidate our rights.”* ⁴¹⁹

414 *Granville, King, Pampa, Charrúa, Ministro Ezcurra, Muratore and Esiv Brunt*

415 Fontana 2013 p.8

416 *Memorandum of Conversation, by the Acting Chief of the Division of Northern European Affairs (Hulley) December 17, 1947 in Foreign Relations of the United States. Vol.1 General: The United Nations Document 538*

417 *HC Deb 12 February 1948 vol 447 c132W*

418 Headland 1989

419 Copy in Christie 1951 Appendix C. Also *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile International Court of Justice 1956 p.35*

*“... the Argentine Government had replied to the effect that both the Falkland Islands and the Falkland Dependencies were considered Argentine national territory by right, no formal declaration of annexation being considered necessary; had rejected the British request for the evacuation of Deception and Gamma Islands; and had likewise rejected the proposal to refer the matter to the International Court, suggesting instead that the political status of the territories concerned should be discussed at an international conference in Buenos Aires by Argentine, Chilean, and British representatives.”*⁴²⁰

*“... in Buenos Aires Argentine Foreign Minister Atilio Bramuglia sent to the British embassy an extensive note in which (he) considered British sovereignty over the Falkland Islands and the Argentine Antarctic sector illegitimate. ... (he) proposed an international conference to identify the legal and political status of the region.”*⁴²¹

January 31st, Chile declines to submit a case to the ICJ; *“While we have always maintained the principle that controversies of a juridical nature which may arise between states should be subject to international jurisdiction ... I cannot in this case share the point of view of Your Excellency's Government since, in the first place, there would be no logical justification in Chile having to approach the International Court of Justice, before effecting acts of sovereignty, within a territory over which she holds irrefutable juridical, political, historical, geographic, diplomatic and administrative titles;..”*⁴²²

February 4th, HMS Snipe arrives at Deception Island with the Governor aboard. A protest regarding *“provocative behaviour”* is lodged with the Argentine base.⁴²³

February 14th, HMS Nigeria is deployed from Cape Town to the Falklands with orders to patrol the Dependencies, and to investigate reports of Argentine landings.

*“I told Lord Inverchapel that speaking off the record, I had been somewhat puzzled at the action of the British Government in sending a cruiser to the area and that I had been wondering just what the cruiser would do when it got there. In view of spectacular action, of Chilean President and dramatic departure of so-called Argentine fleet, I wondered if the British cruiser decision did not put them in an undignified position. I stressed the fact that in saying this I was speaking entirely as an individual and not as Secretary of State.”*⁴²⁴

February 16th, Chilean President Gabriel Videla visits Chile's base on Greenwich Island, one of Britain's South Shetland Islands to announce a Decree renaming Graham Land as Tierra de O'Higgins; *“We would deny our glorious history, we would deny our past, if we were to renounce a single piece of our territory, only because there are those who believe that acts of imperialism today constitute a title of sovereignty.”*

*“The British Empire's active assertion of sovereignty ... was in direct contravention of the terms of the recently signed Pan-American Treaty of Reciprocal Assistance, the boundaries of which stretched all the way to the South Pole. He called upon the other republics of America to assist against this external aggression, conveniently forgetting that Chilean claims also conflicted directly with those of neighbouring Argentina.”*⁴²⁵

420 *Keesing's Record of World Events* vol VI-VII, February, 1948 p.9133

421 Fontana 2013 p.9

422 *Don German Vergara to John Hurlston Leche 31st January 1948*

423 Fontana 2013 p.9

424 George C. Marshall to the British Ambassador in *Foreign Relations of the United States, 1948, general; The United Nations, Vol.1, part 2 – Memorandum of Conversation, by the Secretary of State, Washington, February 18, 1948*

425 Howkins 2008 p.158

In Parliament, Foreign Secretary McNeil is asked whether Argentina have now ceased their acts of trespass in the Dependencies. He responds; “ *No, Sir. Argentine and Chilean naval forces are at present operating in British waters in the Falkland Island Dependencies, with the declared object of enforcing claims to sovereignty in this area. They have also landed parties, and purport to have set up military commands in British Territory. His Majesty's Government consider the British title to the Falkland Islands Dependencies to be well founded, and have been willing that it should stand the test of international arbitration. In the protests which we made to the Argentine and Chilean Governments in December last, we made it plain that we would accept the decision of the International Court. This offer has been rejected by both Governments, and we can only regard this as evidence that they have no confidence in their ability to dispute our legal title...*”

February 18th, Australia's Prime Minister Ben Chifley, states during an interview that, if asked, he would consider sending a cruiser in support of British sovereignty over the Falklands.

“As things are, His Majesty's Government in the United Kingdom do not, however, see any necessity to ask the Australian Government to send a cruiser to the Falkland Islands. H.M.S. "Nigeria" is now due to arrive at the Falkland Islands very shortly and will then visit the Dependencies in company with H.M.S. "Snipe.” ⁴²⁶

On the same day, an Argentine naval squadron consisting of *Almirante Brown*, *Veinticinco de Mayo* and the destroyers *Entre Rios*, *San Luis*, *Misiones*, *Santa Cruz*, *Mendoza*, and *Cervantes*, left Ushuaia, for manoeuvres in British Antarctic waters.

“Operated around the South Shetland Islands in February; conducted some hydrographic survey, made an aerial photographic survey of Deception Island, and visited some Argentine Antarctic stations.” ⁴²⁷

Chile's President Gabriel Videla, inaugurates a base near Cape Legoupil.

February 19th, Chile's Ambassador to the USA informs Santiago that the Americans have told him that they do not consider the *Treaty of Reciprocal Assistance* to cover Antarctica.

February 20th, Marshall of the Royal Air Force, Lord Tedder, speaking in Glasgow, refers to jackals which, if the lion appeared to be weakening, would come; “... *yapping and snapping round his flanks.*”

President Videla takes the remarks personally. ⁴²⁸

February 21st, *HMS Nigeria* arrives in the South Atlantic ready to confront an Argentine task force consisting of cruisers, *Almirante Brown* and *Veinticinco de Mayo*, accompanied by 6 destroyers and other small craft; reported to be on 'manoeuvres' near Deception Island; “*The Argentine fleet carrying five Admirals is now, I understand, off Deception Island. His Majesty's representative in Buenos Aires has been assured by the Argentine Minister for Foreign Affairs that these vessels have been sent with no intention of asserting any rights or taking possession of any territory but merely to carry out routine exercises in that area...*” ⁴²⁹

February 22nd, Argentina's fleet, led by Vice-Admiral Juan M. Carranza arrives off Deception Island. ⁴³⁰

February 23rd, the *Washington Post* criticises the Chilean misinterpretation of the *Rio Treaty* and complains that Argentina has yet to ratify it.

426 *HC Deb 23 February 1948 vol 447 cc1600-1*

427 Headland 1989 p.324

428 Christie 1951 p.260

429 *HC Deb 25 February 1948 vol 447 cc1931-3*

430 Fontana 2013 p.9

February 24th, published in the *Edmonton Journal*; “Reports from Argentina indicate that public opinion is aroused to something approaching hysteria, and it seems that the same is true of Chile. Newspapers demand that the inter-American treaty be enforced to protect the southern part of the hemisphere against British intruders. Secretary of State George C. Marshall, however, has declared at a press conference that the United States is “interested in the controversy” but did not believe that the treaty could be applied...”

February 25th, Foreign Secretary Ernest Bevin, tells Parliament that; “The policy of His Majesty's Government is that the question of rival claims in the Falkland Islands Dependencies should, in the first instance, be brought before the International Court of Justice. This is based on our belief that international discussions could scarcely be profitable until the question of title has been subjected to international legal examination. This, of course, in no way precludes the possibility of discussions at a later stage.

It has been suggested from the Chilean side that our offer to accept the opinion of the Court was not a fair one because we were asking the other parties to appear as plaintiffs. I wish to point out that the sole reason for presenting the matter in this form was that neither Argentina nor Chile had accepted the Optional Clause of the Statute of the International Court of Justice and that consequently it is impossible at present for His Majesty's Government to bring this dispute before the Court by themselves proceeding as plaintiffs.

His Majesty's Government desire, however, to reaffirm that if the Argentine and Chilean Governments are willing to make an agreement with us under which the Court shall pronounce upon the title to these territories, we shall be glad to collaborate in the negotiation of such an agreement..... “⁴³¹

March 3rd, the song, 'Marcha de las Malvinas', is premiered by the Argentine National Symphony Orchestra.

In Santiago, Chile's President accuses Britain of “aggression” in sending *Nigeria* to the Antarctic, and describes the act as a; “.. *threat against all the nations of the Americans.*”

March 4th, an Argentine mine-sweeper, *Parker*, warns a Norwegian fishing vessel, *Brategg*, that she requires Argentine permission to anchor at Deception Island. The warning is written into the ships log. ⁴³²

Chile and Argentina announce a further *Joint Declaration on the Antarctic*. Still without a decision on demarcation, this states; “.. *Until a friendly agreement is concluded concerning the common boundary line of the Antarctic territories of Chile and the Argentine Republic, in the names of their respective Governments - Senores Vergara Donoso and La Rosa declare: First: That both Governments will act in common accord in the juridical protection and defense of their rights in the South American Antarctic, which is included between the 25th and 90th meridians of longitude west of Greenwich, and in these territories Chile and the Argentine Republic mutually recognize indisputable rights of sovereignty. Second: That they are in agreement to continue their action of administration, exploitation, supervision, and development in the undefined frontier region of their respective Antarctic zones, in a spirit of reciprocal cooperation. Third: That as soon as possible and in any event in the course of the present year they will carry on negotiations until they arrive at agreement on a Chilean- Argentine treaty of demarcation of boundaries in the South American Antarctic.*”

March 7th, *HMS Snipe* arrives at the Chilean base on Greenwich Island in the South Shetlands and issues a warning to the Chilean commander there. ⁴³³

431 *HC Deb 25 February 1948 vol 447 cc1931-3*

432 The warning was subsequently struck out by the Harbour Master at Whalers Bay as “illegal.”

433 Fontana 2013 p.9

March 10th, in a telegram, US Ambassador Bruce in Buenos Aires informs Washington; “*Foreign Minister Bramuglia told us yesterday Argentina would have to bring up at Bogotá question European colonies in America with specific reference to Falkland Islands. We explained Department’s position and Bramuglia said it was what he expected Bramuglia said Argentine claim Falkland Islands perfectly valid; British have no reason other than pride for wanting islands; costing British money and British unable defend them. Bramuglia said he and Perón convinced war with Russia probably near future inevitable and Argentine possession Falkland Islands indispensable since Argentina would join with the United States on first day of war and Falklands would be only base on which Russia could direct operations against Argentina, one of food supplying centers world. He said Argentina considers Falkland question entirely separate Antarctic region; Argentina is prepared argue Antarctic question but matter real importance is Falkland Islands. He assumed relations England–Argentina would not reach state violence but emphasized Argentine determination. Bramuglia dwelt considerable length on his hope United States would give Argentina some support. Remarked England is in such sad state today, run by Socialist Government, contrary to all our principles, dependent for existence on generosity United States Government, and word from United States would determine final British position. It seems to us that Argentine arguments make considerable sense and we urge Department give them every possible consideration.*”⁴³⁴

March 17th, in an *aide-mémoire* from the British Embassy in Washington to the Department of State, it is suggested that the USA host a four-power round-table discussion on the conflicting claims to sovereignty in the Falkland Islands Dependencies.

“As result talks with Brit. Emb. this week, we decided, pending further consideration of subject, to postpone inquiry to other interested Govts as to their willingness to enter diplomatic discussion on possibility of Antarctic solution. Brit. Emb. on its side agreed Brit would not now issue invitation to UK US Chile Argentine round table on area of Brit Antarctic claims. We feel we could not assume responsibility in such round table to participate in discussing division of sovereignties.

*If it dealt with Antarctic Continent as distinct from islands north of Palmer Peninsula all eight interested countries should be included and whole area considered. We would not be averse to Brit Arg Chilean settlement of overlapping claims in islands on mutually satisfactory basis which would safeguard essential points of Brit interest. We informed Brit we do not object their proposal tell Arg Chile informally Brit will confer with them on Antarctic Islands after Bogotá if they do not press matter at Bogotá.”*⁴³⁵

March 23rd, Foreign Secretary Bevan tells Parliament; “*Occupied posts have been established, in defiance of our protests, by the Argentines on Laurie Island in the South Orkneys group, on Gamma Island in the Palmer Archipelago, and on Deception Island in the South Shetlands group; and by the Chileans on Greenwich Island in the South Shetlands group and on South Graham Land. ...*”⁴³⁶

March 30th, Argentina's delegation at the 9th *International Conference of American States* in Bogota complains that the local British Embassy has distributed a four page document outlining Britain's title to the Falklands.

434 Document 228 in *Foreign Relations of the United States 1948 vol. 1 pt.2 General: The United Nations*

435 *Foreign Relations of the United States Diplomatic Papers, 1940, General; The United Nations, vol.1 part 2 – The Secretary of State to the Embassy in the United Kingdom March 25, 1948*

436 *HC Deb 23 March 1949 vol 463 cc342-3*

*“When the Argentine Foreign Minister asked the US to support the Argentine claim at the Bogota conference of 1948, we informed him that the US did not support either the British or the Argentine claims and that in the opinion of the US the dispute should be settled by peaceful means under the recognized procedures of international law. While Argentina did bring up the Falklands at Bogota in connection with its support of a general resolution regarding colonies and occupied territories, it is believed that Argentina made less of an issue of the question at Bogota as a result of our pre-conference talks with the Foreign Minister.”*⁴³⁷

*“... a few months before this conference, US Secretary of State George C. Marshall urged both parties to settle the dispute peacefully and stated that the United States would not favor the outcome to the advantage of either party. This signified a departure from a tacitly pro-UK stance to one of neutrality.”*⁴³⁸

April 21st, during the Conference, the head of the Chilean delegation proclaims that Chile's sovereignty rights to Antarctica go back to the Spanish colonial period.

Argentina's Foreign Minister, Atilio Bramuglia, calls on the other American countries for support in ending colonialism or “*de facto occupation*” by foreign nations over territory in the Americas; “*..With regard to the Malvinas Islands, there is no need for me to outline all the historical facts. It is sufficient to say that the Malvinas Islands were discovered by the Spanish in 1520; that they were held first by the French, then by the British, and lastly by the Spanish. And it is from the Spanish, Mr. President, that we inherited them, only to be violently divested of them by Great Britain in 1833; that is to say, force prevailing over law. ... this is not a problem of colonies. It is a problem that is related to de facto possession, to illegal possession exacted violently. And we hold that Great Britain must return our Malvinas Islands. ... In consequence, Mr. President, we came to this Conference to call for American solidarity. ...*

⁴³⁹

April 26th, Minister Bramuglia tells a press conference that; “*.. he was confident the dispute over the Falkland Islands could be settled. “the British are gentlemen. I think it will be settled in that spirit.” He hoped that a “mutually satisfactory agreement” would emerge from the talks now taking place with Britain in Buenos Aires, but insisted that Argentina's right to the territories would not be submitted to an international court or conference. “The Falkland islands are no possible use to Britain, but they are of the very greatest strategic and moral importance to us.” He repeated that Argentina supported the Guatemala resolution now before the Pan-American conference, calling for an end to all European colonial possessions in the Western hemisphere. Dr. Bramuglia said Argentina's policy favoured a process of self-determination for other colonies, such as British Honduras and the Guianas, by means of plebiscites.*”⁴⁴⁰

April 27th, in Buenos Aires, President Peron talks to the US Ambassador: “*... He blamed the British for provoking the recent disagreements over the Falkland Islands and the Antarctic regions. He said that the naval maneuvers which had drawn British ire were nothing new but were maneuvers which Argentina had engaged in before for many years. He said the British, were to blame for making too much out of these routine maneuvers ... He described the Falkland Islands question as being a matter of “life and death” for Argentina and said that British possession of the Falkland Islands might be described as a fish-bone in the throat of every Argentine and the irritation would not be removed until the fish-bone was disgorged;...*”⁴⁴¹

⁴³⁷ *Foreign Relations of the United States, 1951, The United Nations, The Western Hemisphere: vol.II2 – Policy Statement Prepared in the Department of State October 26, 1951*

⁴³⁸ *The United States role in the Origins and Development of the Malvinas Dispute: Implications for the 1982 Conflict* David Lewis Feldman in *Peace Research* vol.19 No.1 (January 1987) pp 37 – 48

⁴³⁹ *Argentine Sovereignty over Malvinas: 50 Years after the Ruda Statement* Argentine Foreign Ministry, September 2014

⁴⁴⁰ *Reuter's* correspondent William Hardcastle. Quite what talks were taking place is unclear.

⁴⁴¹ *Ambassador Bruce in Buenos Aires to Secretary of State Washington April 28th No. 331 in Foreign Relations of the United States, 1948. The Western Hemisphere, vol.IX*

May 2nd, at the conclusion of the *Conference of American States* in Bogota, *Resolution XXXIII* declares that it is the aspiration of the American Republics that colonialism and the occupation of American territories by “extra-continental countries” should be ended – listed as Belize, the Falkland Islands, the South Sandwich Islands, South Georgia and what is described as the “*American zone of Antarctica*.”

“.. perhaps for the first time, that the principle of the absolute and unconditional exercise of self-determination might in certain cases yield to another not less important principle, the principle of territorial integrity.” ⁴⁴²

May 5th, Vice-Admiral Sir William Tennant writes to the First Sea Lord, Sir John Cunningham; “.. I would hold onto the Falkland Islands and South Georgia at all costs, even to the extent of going to war. But for the rest, would it not be a good idea to form an Antarctic club of those countries interested ... and discuss the question of nationalising the whole of the Antarctic. ...” ⁴⁴³

May 27th, the *Compañía Argentina de Pesca*, based at Grytviken on South Georgia, negotiates a 21 year lease over 500 acres of the island at £250 per annum.

“(c) Will equip and maintain a meteorological station and a trained observer who shall take and record such meteorological observations and submit to the Governor such meteorological reports and returns as the latter may from time to time require and shall not, without the Governor’s consent first obtained, submit such or any similar meteorological reports or returns to any third party whatsoever and the lessees shall at any time on demand surrender the said meteorological station together with its records and such equipment as may be the property of HMG to the Governor for operation and maintenance by his own agents.” ⁴⁴⁴

June 4th, from Stanley, a petition is sent to London complaining that; “.. after 115 years the Colony is still without representative government and it is evident that under the present administration elected representation on the Executive Council is a necessary preliminary to self-administration.” ⁴⁴⁵

“In 1948 the inhabitants sent a petition to London asking that Governor Clifford be recalled on the grounds that “they had no right to vote, no social services, nor old age pensions; education is completely neglected, there are no roads in good condition, and in general the situation is very bad.”... “ ⁴⁴⁶

June 9th, Argentine Decree 17,040 establishes the *División Antártida y Malvinas*, to deal with matters pertinent to the Falkland Islands, South Georgia and the British Antarctic territories.

“Peron’s chief propaganda drive is directed against Great Britain .. It centers on the Antarctic ... and also includes the Falklands and their dependent islands ... Recently, the Peronist press has been full of demands that the Malvinas and a part of Antarctica shall be recognised as Argentinean territory. In this demand, Argentina has allied itself with Chile, which is also to get its slice.

At present, however, it seems very doubtful that Peron really wants the Malvinas, much less the Antarctic. He is simply whipping up nationalist sentiment and making an inexpensive bid for Chilean friendship.” ⁴⁴⁷

442 UN Doc A/5800/Rev.1

443 PRO ADM 1/21126. Quoted in Dodds 2002

444 FO 371/97376 (A15212/1). Also Bologna 1988 p.48

445 Signed by 740 residents, the petition was not made public. cf. Dodds 2002 p118

446 *The Inhabitants of the Falkland Islands* Juan Carlos Moreno in *La Nacion*, May 2, 1965. Translation in CO 1024/434

447 ‘*The Condor and the Cows*’ by C. Isherwood 1949. It became an offence in Argentina to produce any maps that did not include Argentina’s claims to the Falklands and the Antarctic Territories. cf. *Geopolitical Traditions: Critical Histories of a century of geopolitical thought* Klaus Dodds 2000

June 11th, a US Department of State Policy Statement says; “With regard to the Falkland Islands, the US, while not questioning British possession, has in recent years avoided such public references to the subject as might be offensive to Argentine sensibilities. The British Antarctic claim is related to the general problem of an Antarctic settlement. The British have suggested to Chile and Argentina that their conflicting claims be submitted to the International Court of Justice, which proposal has been refused. We are now formulating a proposal for a trusteeship arrangement for the continent, which we plan to discuss with the British.”⁴⁴⁸

June 16th, in answering questions on the Falkland Islands Dependencies in the House of Commons, Ernest Bevin, Secretary of State for Foreign Affairs, tells the House; “... my information is that there is an Argentine base on Gamma Island, consisting of one officer, one doctor, one meteorologist, and seven naval ratings. There is a precisely similar base at Deception Island, but I have reason to believe that a smaller detachment at Admiralty Bay was evacuated before the ice closed. There is a Chilean base at Greenwich Island, consisting of one officer and five men, but Trinity Peninsula is now believed to be unoccupied.”⁴⁴⁹

June 19th, referring to the Islanders' complaint, a Colonial Office minute notes; “The people are virtually of UK stock, and it is easy to understand their desire for that measure of control over their own affairs which they would enjoy in the UK itself through urban district councils or county councils.”⁴⁵⁰

June 25th, in Washington, an aide-memoire is handed to British Minister, Sir John Balfour; “The following considerations, in briefest outline, have led us to the conclusion that the establishment of an international status for the Antarctic area is the most practicable and preferable method of solving the problem of conflicting and potentially conflicting claims in that area. In view of the engagement in the area of the prestige of various nations; in view of the very difficult problems which would be posed, should a division among the various national sovereignties be sought through the International Court; in view of the fact that the foreseeable values of Antarctica are scientific rather than strategic or economic; and because an international regime would be well calculated to promote the exploitation of these scientific values: internationalization appears to present the best possibility of removing the area from the field of present or potential future contention, at the same, time preserving to the most interested nations control over the strategic use and possible economic value of the area.

Strategic Significance. Strategic interest in the area centers on the Drake Passage between Tierra del Fuego on the north and the South Shetland Islands on the south. In the event of the closing of the Panama Canal, this Passage would become an important sea route and hostile naval or air units based on either side of it could interfere with passage of naval or commercial shipping. Chile and Argentina are the recognized sovereigns over Tierra del Fuego and islands adjacent thereto. Whatever the attitude of Argentina and Chile under war conditions, it is hardly likely that they would voluntarily give up control of their territories to the north of the Drake Passage. Exclusive control of the Drake Passage by Argentina and/or Chile would be prevented if Great Britain, Argentina and Chile share control of the South Shetland Islands or, preferably, if those islands were made part of an international area administered jointly by the several interested powers, including the United States and Great Britain. It will be noted that under the proposal, no additional nations could be included without the consent of all the original signatories.

448 *Foreign Relations of the United States, 1948. Western Europe: vol.3 – Department of State Policy Statement, June 11, 1948*

449 *HC Deb 16 June 1948 vol 452 cc403-4*

450 *PRO CO 78 24/1*

Need for a Settlement. The conflict of interests, the friction and disagreement generated by the conflict of claims, and the unsettled status of Antarctica perturbs otherwise amicable relations and is susceptible of exploitation by the USSR to the disadvantage of the interested nations.

Values of a Settlement. An international administration for the Antarctic continent and sub-Antarctic islands would promote the further systematic scientific exploration and investigation of Antarctic phenomena. It would facilitate the correlation of meteorological observations of practical significance in long range weather forecast, particularly for countries of the Southern Hemisphere.”⁴⁵¹

July 3rd, Governor Clifford telegrams London regarding the petition; “The root of the present discontent .. is the absence of popular representation and, as such, I must say at once that it has my entire sympathy.” The Colonial Office acknowledges the Islanders' concerns and asks the Governor to address the issue of democratic reform with the local population.⁴⁵²

On the same day, Britain responds to the US *aide-memoire* of June, 25th, accepting the initiative in principle but preferring an eight-power condominium rather than UN trusteeship. The USA agrees to amend its proposals.

July 13th, in Washington, a *National Security Council* report proposes that the USA promote a trusteeship system by the UN to cover Antarctica; “While the trusteeship system of the United Nations was established primarily “for the development of peoples, not penguins” there is nothing in the Charter excluding the application of a trusteeship to uninhabited areas...”

July 21st, Argentina is handed a copy of the USA's June 25th proposals; “Larosa emphatic and voluble in personal conviction that internationalization totally unacceptable as basis discussion: question is one of national sovereignty on which Argentina, Chile and US could easily agree. However, it is utterly inadmissible that countries outside western hemisphere should be given voice within American quadrant. If US would cease backing illegal British retention of Falklands (about which Argentine feelings profound), Antarctic problem would be easy. US should not make mistake of considering Argentina too lightly in the general picture...”⁴⁵³

August 28th, the US Department of State issues a press statement on the subject of Antarctica; “It is the viewpoint of the Department of State that the solution should be such as to promote scientific investigation and research on the area. The Department of State has suggested that this can perhaps be done most effectively and the problems of conflicting claims at the same time solved through agreement upon some form of internationalisation.”⁴⁵⁴

During **September**, the USA circulates the idea of an 8-member condominium to consider Antarctica.⁴⁵⁵

Argentine maps show South Georgia as Argentine territory; “Until 1948, official Argentine maps usually made lat. 60°S the northern limit of their claims. None showed a claim to South Georgia. From that year all official Argentine maps started to show South Georgia (in lat. 54°S) as Argentine. We have ignored this.”⁴⁵⁶

451 *The Department of State to the British Embassy, June 25, 1948 in Foreign Relations of the United States, 1948, General, The United Nations, vol.1, Part 2. Document 240*

452 Dodds 2002 p.121

453 *The Chargé in Argentina (Ray) to the Secretary of State, July 21, 1948 in Foreign Relations of the United States, 1948, General, The United Nations, vol.1, Part 2. Document 248*

454 *Dept. State Bulletin*, vol.19, no.479, September 5, 1948 p.301

455 Howkins 2008 p.172

456 *Note by B.B.Roberts 27 August, 1952 American Department A/15212 cf. FO 371/97376*

In **October**, in Stanley, Governor Clifford proposes reforms to the constitution of the *Legislative Council* that would provide for a fairer mix of appointed and elected members.

Control of the Falkland Islands Dependencies Survey passes to the Falkland Islands' Governor.

October 6th, in Paris, speaking to the UN's *Trusteeship Committee*, Argentina's Ambassador, M.R. Varela; “Argentina cannot agree that the Falkland Islands can be anything but Argentine. We cannot take into consideration this report, which includes the islands among the non-self-governing territories.”⁴⁵⁷

October 7th, Chile responds to the US proposals on Antarctica by pointing out a “lack of harmony” with the Rio Treaty of 1947 in a *Note Verbale*.⁴⁵⁸

“... Office note rejects US Antarctic proposal as unacceptable on basis Chilean supreme decree November 6, 1940 and Article 4 inter-American Treaty Reciprocal Assistance, signed Rio September 3, 1947. Cites Spitsbergen as example failure condominium’ pointing out its relationship to Norway (to which Spitsbergen finally ceded) same as that of South American Antarctic to Chile. Chile suggests agreement whereby interested nations will exchange scientific data and believes first step in avoiding international friction would be issuance declaration that establishment bases expeditions, etc., in area south of parallel 6th, would not constitute basis strengthen future claims. Agreement to last five or more years would provide opportunity give careful study to final solution and embody advantages of US proposal without its disadvantages. In handing me Chilean note, Riesco said Chileans are positive as to their claims which no Chilean government abandon without serious collision with public opinion. At same time said Chile not eager push matter as is Argentina, and believes Chile’s plan leaving settlement until after world crises is over is, in best interest all concerned. He again said Chile not at all interested in Argentina’s claim to Falkland.”⁴⁵⁹

October 13th, in Buenos Aires, *Decree 31.813* declares a “flame of the Argentine spirit” which is to be lit in Ushuaia for transport to the Falklands archipelago when the time is right, and; “... defines a new extension of Argentine ‘security zones’ to include (among other Antarctic territories) South Georgia and the South Sandwich Islands.”⁴⁶⁰

October 20th, Britain's *naval attaché* in Buenos Aires, Tony Lincoln, writes to the Foreign Office noting with regard to the Falkland Islands, “.. a belief in the justice of their claims is one conviction common to all Argentines; irrespective of class and party; it is perhaps the only reliable key to national unity.”

Reporting rumours of a, “general mobilization in the middle of December to coincide with the occupation of the Falkland Islands,” he adds that he does not believe a ‘*coup de main*’ is likely unless the UK is otherwise occupied in a distant war, although a symbolic act is likely. Lincoln advises that *HMS Sparrow* should be warned.⁴⁶¹

457 *The New York Times* Oct. 7th

458 *The Antarctic Treaty* 1959 John Hanessian in *The International and Comparative Law Quarterly* vol.9, no.3 (Jul., 1960) pp.436-480

459 *The Ambassador in Chile (Bowers) to Secretary of State* October 8, 1948 in *Foreign Relations of the United States, 1948, General, The United Nations, vol.1, Part 2. Document 259*

460 Note by B.B. Roberts 27 August, 1952 *American Department A/15212* cf. FO 371/97376. Roberts added - “We also ignored this.”

461 CO 537/4023

November 1st, Argentina rejects the US proposals regarding Antarctica; “... *Government rejects proposals advanced even as basis discussion. Reason given is national territory such as Argentine Antarctic could in no case be incorporated into international regime. Adds that Government desirous collaborating solution general problem and will omit no effort assist definitive friendly settlement.*”⁴⁶²

November 4th, Britain's Postmaster-General lodges a complaint with the Director of the International Bureau of the Universal Postal Union with regard to the surcharging by the Argentine Government of correspondence bearing stamps of the Falkland Islands.⁴⁶³

November 7th, Argentina's Foreign Minister Bramuglia arrives in London for talks on economic relations. Minister Ernest Bevan proposes that both countries should avoid “*naval displays*” in waters south of 60° south latitude.⁴⁶⁴ Bramuglia reaffirms his country's claim to the Falkland Islands.

“*Our leaders have sent letters of protest to Britain to assert our rights. The last presented in 1948 and 1949, are bright summaries of solid grounds on which our claims are based. We hope that the traditional friendship Argentina with the British (will) allow one day soon (for us to) again raise our flag in the Falkland Islands.*”⁴⁶⁵

November 19th, in the *Falkland Islands Weekly News*; “*The Falkland Islands and the Dependencies have been in the news of late, owing to the action of Argentina in advancing yet another claim for their possession. This 'claim' is of true comic opera pattern. The 'argument' is that, because Spain was once in possession of all South American territories, therefore Argentina, having assisted in expelling the Spaniards from the continent, the Falkland Islands are now the property of Argentina!*”

November 26th, Joseph Lynch, a member of *HMS Nigeria*'s crew, rescues leading seaman Hughes who falls overboard in Stanley harbour while disembarking from a ship's cutter.⁴⁶⁶

November 30th, Foreign Secretary Bevin warns Minister Bramuglia that any attempt by Argentina against the Falklands would result in “*hostilities.*” Agreement is reached between Bevin and Bramuglia with regard to the avoidance of naval encounters during the forthcoming austral summer by reducing the number of warships, from both nations, sailing south of 60°. ⁴⁶⁷ Chile also signs up to this agreement.⁴⁶⁸

On the same day, the UK informs the USA that it is prepared to accept, in principle, US proposals for Antarctica as a basis for further discussions.⁴⁶⁹

December 1st, in a speech to the House of Lords, the Earl of Perth refers to the claims of Chile and Argentina; “.. *Clearly, cases of this kind ought to be referred to the International Court of Justice at The Hague, as His Majesty's Government have expressed their willingness to refer them, for a decision on legal ownership. The claimants, however, are showing themselves reluctant to adopt this procedure, and I cannot but deduce from their hesitation that in fact the claims are not legally sound.*”⁴⁷⁰

462 *The Ambassador in Argentina (Bruce) to the Secretary of State November 1, 1948 in Foreign Relations of the United States, 1948, General, The United Nations, vol.1, Part 2. Document 261*

463 *HC Deb 05 July 1950 vol 477 cc447-8*

464 *The Ambassador in the United Kingdom (Douglas) to the Secretary of State, November 24, 1948 in Foreign Relations of the United States, 1948, General, The United Nations, vol.1, Part 2. Document 263*

465 Grade IV Argentine school book of 1953 quoted in Garcia 2009

466 Lynch was invested with the Albert Medal in 1951 and re-invested with the George Cross in 1973.

467 *CO 537/4940 Bennet to Dodds June 28th 1949*

468 This agreement would be renewed every year until 1959.

469 *Foreign Relations of the United States, 1948, General, The United Nations, vol.1, Part 2. Document 264*

470 *HL Deb 1.12.48 vol 159 c707 Hansard*

December 13th, in Stanley, a new *Legislative Council* is constituted consisting of the Governor, two *ex-officio* officers (the Chief Secretary and the Financial Secretary) and elected members.⁴⁷¹ *Royal Instructions* provide for the constitution of an *Executive Council* consisting of two *ex-officio* members (the Chief Secretary and the Financial Secretary), two unofficial members appointed by the Governor and two elected members of the *Legislative Council*. The Governor is required to consult the *Executive Council* before making decisions. Although not obliged to take their advice, if he does not do so then the Governor must report the reasons to Foreign Secretary in London. The Governor retains the power - (a) to make laws for the peace, order and good government of the Dependencies, (b) to appoint judges and other officers, (c) to dismiss any person holding public office, (d) to make grants and dispositions of land within the Colony.⁴⁷²

The Dependencies remain legally distinct from the Falkland Islands but are administered from Stanley.

December 24th, the Falkland Islands Air Service commences operations from Port Stanley in a *de Havilland Canada* float plane, offering medical and mail services to the outlying communities.

1949 – January 7th, Governor Clifford, in a radio broadcast, tells the Islanders; “*There has been, I understand, a certain measure of idle but quite natural speculation locally as to the possibility of an attack upon us by a certain neighbour... For myself I will say only that it is a possibility which need not cause us the loss of 5 minutes sleep at present. I repeat, at present.*”

January 18th, the agreement not to send warships below 60° S is confirmed in the *Tripartite Naval Declarations* between Chile, Argentina and the UK.

“*Being anxious to avoid any misunderstanding in Antarctica which might upset the friendly relations between the United Kingdom, Argentina and Chile, the governments of these three countries have informed each other that in present circumstances they foresee no need to send warships south of latitude 60° during the 1948-49 Antarctic season...*”

The USA welcomes the statement, and adds that it too is “*not contemplating sending any vessels to Antarctica.*”

Britain's Foreign Office responds to the US initiative on Antarctica in a press statement; “*In August last, the United States Government made proposals to the seven governments claiming Antarctic territory which were designed to settle conflicting claims to sovereignty by the establishment of a limited form of international regime. These proposals have been accepted in principle by His Majesty's Government in the United Kingdom but most of the other governments to which they were addressed have not felt able to return equally favourable replies to the United States Department of State...*”⁴⁷³

On the same day, South Georgia's weather station is given an international index number; “*In 1949, the International Meteorological Organisation (whose President was then an Argentine) allotted an Argentine index number to this South Georgia station, thus implying international recognition that it was an integral part of Argentina. It was agreed inter-departmentally in London that this constituted an infringement of British sovereignty and that a formal protest should be made, but for various reasons it appears that nothing was done ...*”⁴⁷⁴

471 *Falkland Islands (Legislative Council) Order 1948*

472 *Falkland Islands Letters Patent 1948*. Came into force on March 4, 1949

473 Quoted in *The Antarctic Treaty 1959* John Hanessian in *The International and Comparative Law Quarterly* vol.9, no.3 (Jul., 1960) pp.436-480

474 Note by B.B.Roberts 27 August, 1952 *American Department A/15212 cf. FO 371/97376*

February 10th, Russia's Geographical Society (Vsesoyuznoye Geograficheskoye Obshchestvo) hears a report from its President entitled, '*Russian Discoveries in the Antarctic and Present-Day Interest in that Area.*'

"To judge from recent Moscow broadcasts of the proceedings of the All-Union Geographical Society in Leningrad, Russia looks like joining the band of nations claiming a voice, if not a share, in the partition of the last continent. According to the Tass report the Russian geographers, led by their president, academician Leo Berg, and supported by a number of distinguished polar scientists, notably Professor V. V. Vise of the Arctic Institute, have made an "insistent appeal" to the Soviet Government to see to it that no decisions about the future of Antarctica are made without the participation of the Soviet Union. The Soviet Union, they claim, has — quite apart from her whaling interests—an historical right to take part in any conference about Antarctica and to be consulted about any proposals such as those recently put forward by the United States for an eight-nation trusteeship over the Antarctic Continent under the aegis of the United Nations. Russia, the geographers insisted, had " never renounced her Antarctic rights or agreed to the disposal of Antarctic lands discovered by Russian navigators." ⁴⁷⁵

During **March**, in Washington, America's State Department reviews the responses from foreign governments with regard to its proposals for Antarctica, circulated in September, 1948. ⁴⁷⁶

"By late March all the replies had been received. Argentina categorically rejected the proposal on the grounds of her "uncontestable sovereignty" over Antarctic territory, Chile,... asserted strong objections to any attempt at internationalisation on similar grounds of national sovereignty. France and Australia, although welcoming the US proposal for scientific co-operation, saw no need to include the question of sovereignty. New Zealand alone stated that it was not adverse to the US plans, though Norway indicated that it might be persuaded to agree. Thus, the US reluctantly concluded that their plan was not likely to be accepted." ⁴⁷⁷

March 23rd, in the House of Commons, Mr. Mayhew, Secretary of State for Foreign Affairs, is asked; "... how many aliens have established posts on British territory in the Falkland Islands or their dependencies." Mayhew responds; "Occupied posts have been established, in defiance of our protests, by the Argentines on Laurie Island in the South Orkneys group, on Gamma Island in the Palmer Archipelago, and on Deception Island in the South Shetlands group; and by the Chileans on Greenwich Island in the South Shetlands group and on South Graham Land. The House will be aware that His Majesty's Government have, on more than one occasion, offered to refer this question to the International Court of Justice at The Hague, but the Argentine and Chilean Governments have not seen fit to avail themselves of this offer." ⁴⁷⁸

March 24th, in Havana, Argentina asserts that it has; "... unquestioned rights to the Falklands, to the South Georgia Islands, to the South Sandwich Islands and to the Argentine Antarctic; Argentina's ownership is established by incontrovertible rights — historic, juridical and geographical."

March 31st, in Argentina, Judge Robert Palmieri rules that children born in the Falkland Islands can be listed in Argentina's public records as if they are Argentine. Following this ruling, Argentina refuses to recognise the validity of birth certificates issued in the Falkland Islands. ⁴⁷⁹

475 *Russia and Antarctica* L. P. Kirwan in *The Spectator* February 18, 1949 p.8

476 *Foreign Relations of the United States, 1949, National Security Affairs, Foreign Economic Policy, Vol. I Document 313*

477 *The Antarctic Treaty 1959* John Hanessian in *The International and Comparative Law Quarterly* vol.9, no.3 (Jul., 1960) pp.436-480

478 *HC Deb 23 March 1949 vol 463 cc342-3*

479 *HC Deb 11 April 1949 vol 463 cc2453-4*

*“The refusal of the Argentine authorities to recognise the validity of documents issued in the Falkland Islands is believed to be based on the Argentine Government's claim to sovereignty over these islands. The Falkland Islands are, and have been for over 100 years, governed by the United Kingdom and the Argentine claim has no foundation. Our position has been made clear to the Argentine Government in numerous diplomatic notes. The action of the Argentine authorities can affect neither the British title to the islands nor the position of the persons concerned as citizens of the United Kingdom and Colonies, and it is therefore not proposed to take further diplomatic action.”*⁴⁸⁰

In **April**, the North Atlantic Treaty Organisation (NATO) is founded. Article 5 of the Treaty states; *“The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all...”*⁴⁸¹

June 29th, concerned at rumours of an Argentine invasion, the Foreign Office urges the Ministry of Defence to send reinforcements for the Falklands' *Defence Force*.⁴⁸²

July 8th, an article in *The Chicago Tribune* announces; *“Argentina will reconquer the Falkland Islands and all Antarctic dependencies currently held by Great Britain as soon as the next war breaks out. This action will be taken, ... because the Argentine government is convinced that the British will not return the Falklands thru diplomatic negotiation or arbitration. It is understood that Foreign Minister Juan Bramuglia so informed former Secretary of State Marshall at the Rio and Bogata conferences. ...”*

The United States is still blamed here for Argentina's loss of the Falklands more than a century ago. Pending in the foreign office is a claim for nearly 300,000 pesos for damages caused in 1831 when Comdr. Silas Duncan of the sloop Lexington wiped out the Argentine colony on the islands. ...”

August 8th, in Washington, at a State Department meeting, further proposals for Antarctica are considered; *“A year ago the US proposed to the Antarctic claimant countries that a solution for the Antarctic territorial problem be discussed on the basis of internationalization. This proposal was unacceptable to the majority of the claimant countries. It is, therefore, now recommended that we accept the substance of the Chilean proposal for a modus vivendi, amending it so far as possible to bring it into harmony with our views on the desirable eventual solution. As we would seek to amend it, the modus vivendi would be a declaration or agreement by the eight claimants to freeze the status quo with respect to territorial rights as between the signatories for a period of 5, 10 or more years; to promote scientific investigation; and to cooperate for the advancement of their common interests. (It is far from certain that this proposal will be accepted by Argentina, which has taken an extreme nationalistic position.)”*⁴⁸³

September 13th, at the US State Department, the British Embassy are given a copy of the USA's latest proposals on Antarctica; *“... embodying the Chilean suggestion for a modus vivendi as modified by us.”*⁴⁸⁴

480 *Ibid.*

481 Action is limited to Europe and North America, and does not include a signatory's *Overseas Territories*

482 CO 537/4940

483 *Memorandum by the Assistant Secretary of State for European Affairs (Perkins) to the Under Secretary of State (Webb) August 22, 1949 in Foreign Relations of the United States, 1949, National Security Affairs, Foreign Policy, Vol.1 Document 317*

484 *Foreign Relations of the United States, 1949, National Security Affairs, Foreign Policy, Vol.1 document 319*

November 18th, Britain's agreement with Chile and Argentina not to send warships south of 60° S is renewed.

*“Cecil, assistant head South American Department, Foreign Office, told Embassy assistant officer that UK would be pleased if US would, “do the same as last year”, and issue statement welcoming Chilean-UK-Argentine understanding re naval demonstration in Antarctica... Cecil added as background information that about month ago UK approached Argentina and Chile concerning renewal of understanding with view to evolving less cumbersome procedure than was followed last year. It is UK view that understanding could be renewed in informal manner since understanding is not an agreement and simply “declaration of intent”. Argentina had replied promptly agreeing with UK view, but Chile appeared to be not quite sure that deviation from last year’s procedure constitutionally possible. Cecil did not feel that Chile was dragging its feet but thought Chileans were perhaps slightly apprehensive lest government seem to be by-passing Chilean Congress.”*⁴⁸⁵

December 2nd, the UN decides in Resolution 334 (IV) that only the General Assembly can express an opinion as to which territories are subject to the information requirements of Art.73.

1950 – January 1st, a FIDS Meteorological Service is established at Stanley; and the observatory on South Georgia is taken over; *“The C.O. have confirmed that the Governor of the Falkland Islands invoked his rights under the terms of the renewed lease of 1948 to demand the surrender of the station by the Pesca Whaling Company. The Governor has been operating the station with FIDS personnel since January 1950.”*⁴⁸⁶

*“... on 1 January 1950 England took a (further) step to claim the islands by seizing the Argentina weather station. The old instruments (were taken) to Montevideo aboard the steamship Ernesto Tornquist ...”*⁴⁸⁷

*“Falkland Islands and Dependencies Meteorological Service established as an integral part of the Falkland Islands Dependencies Survey, with headquarters at Stanley, Falkland Islands, to provide forecasting services for the whaling fleets, local forecasts in the Falkland islands, and collective broadcasts (FICOLS) for interception in other parts of the Southern Hemisphere. The meteorological station at King Edward Point, South Georgia, was transferred to the Service, 1 January, from the Compania Argentina de Pesca; Daniel Borland became senior meteorologist. (The requirement to maintain the station had been deleted from the company's lease in 1948).”*⁴⁸⁸

January 10th, still pursuing its aim of reaching some settlement over Antarctica, the US State Department forward a proposal to the Chilean Embassy which envisages the formation of an international scientific committee with representation from all the claimants; with sovereignty issues set aside.⁴⁸⁹

In **May**, Governor Sir Miles Clifford visits the Falklands Dependencies in *HMS Veryan Bay*.

June 8th, the Soviet Union demands to be included in any Antarctic talks.

“The Government of the USSR cannot agree that such a question as that of the regime of the Antarctic be decided without its participation. In this connection the Soviet Government considers it necessary to call to memory the outstanding contributions of Russian seamen in the discovery of Antarctica. It is a generally recognized fact that the Russian seamen Bellingshausen and Lazarev at the beginning of the 19th century, first

485 *Ibid Document 320*

486 *FO 371/97376*

487 Bologna 1988 p.48. It would be two years before Argentina protested. *cf.* 1952

488 Headland 1989 p.332

489 *Foreign Relations of the United States, 1950, National Security Affairs, Foreign Economic Policy, Vol.1 Document 328*

reached the coasts of Antarctica, circumnavigated this continent and thus showed the falsity of the widely held view of that time that there was no land at the south polar circle.”⁴⁹⁰

June 9th, Argentina's Postmaster General serves notice that any mail arriving in the country bearing a Falkland Islands, or Dependencies, stamp, will be treated as *unfranked*.

*“In a Note of 3rd January, 1947, His Majesty's Ambassador at Buenos Aires once more rejected Argentina's claim to sovereignty over the Falkland Islands, on which is based their action in surcharging correspondence bearing stamps of the Falkland Islands. In the same Note it was also stated that they regarded such action as a breach of the Universal Postal Convention. Subsequently, the Postmaster-General registered a protest with the Director of the International Bureau of the Universal Postal Union. ... there is no international convention which forbids the issue of stamps designed to promote territorial claims and, while His Majesty's Government deplore this practice, we do not wish to exaggerate its importance by making a diplomatic protest.”*⁴⁹¹

July 19th, in Argentina's Chamber of Deputies, Deputy Absalón Rojas accuses General Rosas of losing sovereignty over the Falklands by failing to make any reference to the Islands in the 1850 treaty with Britain.⁴⁹²

August 30th, Argentina publishes a rejection of Russia's note; *“The Argentine note asserted that the “Argentine Antarctic” and neighboring archipelagos were Argentine national territory not subject to any general regime which might be set up for the Antarctic continent, that the “Argentine Antarctic” forms part of the “South American Antarctic” which belongs exclusively to the jurisdiction of Argentina and Chile, and that the claim of the USSR was unacceptable.”*⁴⁹³

*“... (Chile and Argentina) categorically rejected any “right” of the USSR to claim territory or to participate in a discussion of Antarctic problems, and reaffirmed the validity of their own territorial claims.”*⁴⁹⁴

September 24th, HMS *Austell Bay* visits Macquarie Island.

October 16th, *Ernesto Tornquist* sinks in a storm in the bay that now bears her name at South Georgia.

November 6th, answering a number of questions regarding the Falkland Islands Dependencies, Ernest Davies, representing the Government, says; *“The position as regards Argentine and Chilean posts on British territory in the Falkland Islands Dependencies has not changed since the statement made in the House on 23rd March, 1949, by the then Under-Secretary, of which I am sending the hon. Member a copy.*

The Argentine base at Laurie Island was founded in 1904, that on Gamma Island was founded on 31st March, 1947, and that on Deception Island on 27th January, 1948; the Chilean base on Greenwich Island was established on 22nd February, 1947, and that on Cape Legoupil in Grahamland on 18th February, 1948. It is known that Service personnel are employed at some of these posts, but I have no information to show whether all foreign parties are armed. His Majesty's Government have on various occasions protested through the diplomatic channel against the establishment of these posts and have rejected Argentine and Chilean claims to

490 *Foreign Relations of the United States, 1950, National Security Affairs, Foreign Economic Policy, Vol.1 Document 328.* My emphasis.

491 *HC Deb 19 June 1950 vol 476 cc857-8*

492 *Diario de Sesiones de la Cámara de Diputados, Año del Libertador General San Martín, 1950, Tomo II, Período Ordinario, 6 de julio-10 y 11 de agosto,* Buenos Aires 1951 pp. 1095-1096

493 *Foreign Relations of the United States, 1950, National Security Affairs, Foreign Economic Policy, Vol.1 Document 335*

494 *The Antarctic Treaty 1959* John Hanessian in *The International and Comparative Law Quarterly* vol.9, no.3 (Jul., 1960) pp.436-480. None of the other claimant states responded to the USSR's *Memorandum*; nor did the USA

sovereignty over any part of the Falkland Islands Dependencies. The last Note on this subject was communicated to the Argentine Government on 23rd December, 1947, and to the Chilean Government on 1st March, 1948. In addition, local protests have been delivered by the leaders of British parties to intruders in British Antarctic territory. The most recent protests of this nature were made during the 1949–50 Antarctic season. Furthermore, His Majesty's Government have signified their willingness to accept the decision of the International Court, but Argentina and Chile have not availed themselves of this offer. None the less, His Majesty's Government are convinced that the problem can be solved by peaceful settlement and will let slip no opportunity which may lead to that end.”⁴⁹⁵

November 20th, Britain's agreement with Chile and Argentina not to send warships south of 60° S is renewed.

December 21st, a British Order in Council extends the boundaries of the Falkland Islands' colony to include the adjacent continental shelf.⁴⁹⁶

*“The boundaries of the colony of the Falkland Islands are hereby extended to include the area of the continental shelf being seabed and its subsoil contiguous to the coasts of the Falkland Islands.”*⁴⁹⁷

*“... under the terms of the Continental Shelf Convention of 1958 and the applicable rules of international law, the United Kingdom has exclusive jurisdiction over the exploration and exploitation of the continental shelf areas adjacent to the Falkland Islands. Certain powers to licence exploration and exploitation are conferred on the Governor of the Falkland Islands under the Falkland Islands (Continental Shelf) Order in Council 1950 and the Falkland Islands Mining (Mineral Oil) Regulations of 1964.”*⁴⁹⁸

*“... it stated that an area of 85,000 square kilometers covered by the islands and the continental shelf were declared British and taken away from our sovereignty.”*⁴⁹⁹

*“The Falkland islands and Argentina are situated on the same continental shelf. Argentina claimed all of this. A 1950 Order of Council extended the 'boundaries' of the Falkland Islands to include an area of continental shelf bounded by the 100 fathom line. This did not cover the Dependencies where the UK had not claimed continental shelf rights. At that time the Islands' territorial sea was only three miles, sufficient for inshore fishing and the development of an alginate industry from seaweed.”*⁵⁰⁰

1951 – February 12th, Argentina's 'First Scientific Expedition' sails to Antarctica in Santa Micaela. Peron is quoted as saying; *“Time offers the best form of justice. We must, therefore, confidently wait because, if at this point what justly belongs to us is not acknowledged as ours, the progressively greater power of Argentina and time will form the undisputable basis of our rights. Some day, probably, if justice does not prevail, we shall make Argentine rights prevail, if necessary by the use of force. ... Argentine scientific expeditions, which will successively and progressively occupy the Antarctic, will be the only force we will use, for the time being...”*⁵⁰¹

*“.. The difference between this expedition and such disinterested scientific expeditions as have visited the poles for the purpose of meteorological and other research ... was thus clearly established.”*⁵⁰²

495 HC Deb 06 November 1950 vol 480 cc598-600

496 Headland 1989 p.333. *The Falkland Islands (Continental Shelf) Order in Council 1950, No. 2100, 21 December, 1950, Statutory Instruments 1950, Vol.1, H.M. Stat. Off., London, 1951. cf. 1958 & 2016*

497 *International Law Quarterly* vol.4, no.2 (April., 1951) pp 245-252

498 HL Deb 17 June 1981 vol 421 cc630-1

499 Destefani 1982 p.106

500 Freedman 2005 vol.1 p.68

501 *La Nacion* February 13th, 1951

502 US Embassy memo dated February 14th, 1951

March 15th, Kenelm Butler is appointed magistrate at King Edward Point.

April 3rd, following the establishment of a new Air Force base at Paradise Bay in the Palmer Peninsula, Britain protests; *“His Majesty's Ambassador at Santiago has delivered a formal protest to the Chilean Government against this act of trespass on British territory in the Falkland Islands Dependencies.”*⁵⁰³

*“There are an Argentine and a Chilean post on two islands in this harbour. Protests at these actions of trespass on British territory have been delivered locally to the leaders of both parties... The protests were delivered by the "John Briscoe," when it was relieving British posts in the Dependencies. The Chileans have been there rather longer than the Argentinians. The Chileans set up their post during the Antarctic season, which is just ending.”*⁵⁰⁴

*“The fundamental Chilean thesis is that installation of the new base is nothing more than an act of the Chilean Government in the exercise of its sovereignty within the jurisdictional limits of the Republic of Chile. The note declares specifically that the site of the base—Isla Pingüino, Puerto Paraíso, en la Costa de Danco, en la Tierra de O'Higgins—lies in what it calls the “Chilean Antarctic”. With regard to the British suggestion that the problem be referred to the International Court of Justice, the Chileans state that they could not participate in such action because it would signify a surrender of sovereignty on Chile's part, since the disputed act (i.e., establishment of the base) occurred within the borders of the Republic. Furthermore, the Chileans continue, such a procedure could not lead to a satisfactory resolution of the Antarctic “pretensions” of other countries, however much merit they might contain.”*⁵⁰⁵

An Argentine Decree defines the regional organisation of the Argentine Air force, including South Georgia in the; *“6th air zone.”*

April 27th, the National Court of La Plata orders the seizure of all copies of the Italian Touring Club's *International Atlas* as it shows that Argentina does not exercise sovereignty over the Falkland Islands.⁵⁰⁶

April 30th, following the establishment of two further Argentine bases in British Antarctica, the UK again offers to take the dispute over the Dependencies to the ICJ.⁵⁰⁷

May 1st, President Juan Perón, in his annual speech, tells Congress; *“The Argentine Republic wants to maintain solidarity with all the nations of America, but demands that America show solidarity too, at least with respect to our true, inalienable right.”*⁵⁰⁸

*“Perón went on to add that Argentina does not favor fighting in far away lands, but will defend her own frontiers to the death. Her policy is oriented on the basis of collaboration with the American States in a spirit of solidarity. But solidarity is a two-way street, and the Americas should begin by remembering that Argentina has some unredeemed territory (Falkland Islands) still in the hands of a non-American power, and they should show some solidarity with her by helping her get it back. (In another section of the speech Perón stated that for the first time the truth about the Falklands and “Argentine sovereignty over the Antarctic” was being taught in the schools.)”*⁵⁰⁹

503 *HC Deb 04 April 1951 vol 486 cc187-8*

504 *HC Deb 18 April 1951 vol 486 cc1810-1*

505 *The Ambassador to Chile (Bowers) to the Secretary of State May 25, 1951 in Foreign Relations of the United States, 1950, National Security Affairs, Foreign Economic Policy, Vol.1 Doc. 763*

506 Caillet-Bois 6th ed. 1982 p.406

507 Bologna 1988 p.49. Also *HC Deb 11 June 1951 vol 488 cc161-2W*

508 *The New York Times May 2nd*

509 *The First Secretary of Embassy in Argentina (Pool) to the Secretary of States, May 3, 1951 in Foreign Relations of*

May 7th, answering a question in the House of Commons, the Government spokesman says; *“There are five Argentine and three Chilean posts in the Falkland Island Dependencies. I do not know whether all these are manned by armed forces... His Majesty's Government have protested to the Argentine Government against the establishment of the Argentine bases at present maintained on British Antarctic territories.”*⁵¹⁰

June 1st, Argentina responds to the British Note of April 30th, declining the invitation to take the matter of the Dependencies to the ICJ, adding; *“The islands of South Georgia, the South Sandwich Islands and the Argentine sector of Antarctica are subject to our authority ... My government regard as acts violating their sovereignty the unauthorised British administration, establishments, scientific and exploratory expeditions in the Falkland Islands, South Georgia, the South Sandwich Islands and the Argentine sector of Antarctica.”*⁵¹¹

*“This is the earliest specific official communication to HMG of the Argentine claim to South Georgia. It illustrates their technique well, for the mention of South Georgia is hidden amongst a mass of other details, This also constituted the first official intimation that Argentina lays claim to the South Sandwich Islands. No rejoinder was sent to this.”*⁵¹²

June 13th, asked for information about the strength of the Argentine and Chilean bases inside British territory, the Government publishes a report; *“Chilean parties: Greenwich Island (South Shetland Group)—six men. Cape Legoupil (north-west tip of Grahamland)—six. Paradise Harbour (west coast of Grahamland)—personnel not yet installed at time of visit; likely estimate ten to twelve. Argentine parties: Laurie Island (South Orkney group)—eleven. Deception Island (South Shetland group)—ten. Paradise Harbour (west coast of Grahamland)—four. Melchior Islands (Palmer Archipelago, off west coast of Grahamland)—uncertain. Marguerite Bay (west coast of Grahamland)—the establishment of this party was announced by the Argentine Government late last Antarctic summer; independent confirmation is not yet available.”*⁵¹³

*“There are at present four permanently manned British posts in the Dependencies, in addition to South Georgia, which is permanently inhabited and administered territory. Plans for the coming season will involve an increased scale of activity in these territories,..”*⁵¹⁴

June 19th, Governor Clifford notifies London that Argentina has established a base at Marguerite Bay.

A British registered ship, *Polar Maid*, drops a cargo off at South Georgia before sailing to Argentina.

*“The ‘Polar Maid’ incident of 1951 is the worst example of slow Argentine infiltration. Having discharged a cargo in South Georgia, this British-owned vessel went direct to an Argentine port. The Argentine Government claimed payment of import duty and Inland Revenue tax on the cargo discharged in South Georgia.”*⁵¹⁵

July 30th, Britain protests regarding *Polar Maid*.

An Argentine court asserts that British income tax cannot be deducted from employees on South Georgia.⁵¹⁶

the United States, 1951, National Security; Foreign Economic Policy, Vol.1 Document 762

510 *HC Deb 07 May 1951 vol 487 c179W*

511 *Note by B.B.Roberts 27 August, 1952 American Department A/15212 cf. FO 371/97376*

512 *Ibid*

513 *HC Deb 13 June 1951 vol 488 cc2270-1*

514 *HC Deb 20 June 1951 vol 489 cc489-90*

515 *PRO FO 371/90453 1951 File 15225*

516 *PRO FO 371/90457 1951 File 15232*

In **August**, the FIDS begin ionospheric observations on Deception Island. ⁵¹⁷

Elephant seals and the sealing industry are studied on South Georgia. ⁵¹⁸

October 25th, Winston Churchill returns to Downing Street, confirming his predecessor's commitment to expand activities in the Dependencies. Alan Lenox Boyd is appointed Colonial Secretary and immediately raises the question about more forceful measures against Argentine and Chilean encroachments. ⁵¹⁹

October 26th, a US Department of State Policy Statement says; *“Argentina claims sovereignty over the Falkland Islands which have been held and administered by the British since 1833. The question of determining to whom the islands legally belong is at best a difficult one. The US is in no way a party to this dispute. However, we have used our influence to prevent the problem from being made an issue which would create friction on the question of European possessions in the western hemisphere at a time when solidarity among the world’s anti-communist forces is sorely needed.”* ⁵²⁰

November 1st, a survey party, led by Verner Duncan Carse, and sponsored jointly by *The Royal Geographical Society* and the *Scott Polar Research Institute*, lands on South Georgia. ⁵²¹

November 11th, *Don Samuel* is wrecked outside Queen Maude Bay.

November 19th, Britain's agreement with Chile and Argentina not to send warships south of 60° S is renewed.

“Being anxious to avoid any misunderstanding in Antarctica which may affect the friendly relations between the United Kingdom, Argentina and Chile, the Governments of these three countries have informed each other that, in present circumstances, they foresee no need to send warships south of latitude 60 degrees during the 1951 to 1952 Antarctic season, apart, of course, from movements such as have been customary for a number of years.” ⁵²²

Following discussions between the Colonial Office, the Admiralty and the Cabinet, it is decided to rebuild the Hope Bay base which had burnt down in 1948.

In **December**, Britain's Embassy in Buenos Aires inform London that the FIDS intention to rebuild Hope Bay base is; *“... common knowledge ...”*

December 31st, in clear breach of the warships agreement, six armed Argentine Navy vessels arrive at Hope Bay where their crews commence construction of a base. ⁵²³

During the austral summer, 5 British weather stations, established in the Dependencies, submit weather reports to Stanley which are analyzed and the resulting forecasts' broadcast to whaling ship in the area.

517 Headland 1989

518 *Ibid.*

519 Howkins 2008 p.197

520 *Foreign Relations of the United States, 1951, The United Nations, The Western Hemisphere: vol.II2 – Policy Statement Prepared in the Department of State October 26, 1951*

521 This was the first of four survey expeditions between 1951 and 1957. Carse was better known as the voice of *Special Agent Dick Barton* for BBC Radio from 1949.

522 *HC Deb 03 December 1951 vol 494 cc2022-4*

523 There can be little doubt that they were aware of the intention of the FIDS to rebuild its Hope Bay base.

1952 – in **January**, a group of FIDS scientists and workers sail for Hope Bay to rebuild the British base.

January 18th, UN Resolution 567 (VI) adopts the factors to be taken into consideration in deciding whether; “... any territory is, or is not, a territory whose people have not yet attained a full measure of self-government.”

The Annex to the Resolution lists these factors and states; “*The territories which are covered by Chapter XI of the Charter are those territories whose people have not yet attained a full measure of self-government.*”

“The condition under which the provisions of Chapter XI of the Charter cease to apply will be that the inhabitants of the territory have attained, through political advancement, a full measure of self-government. The fulfilment of this condition may be achieved by various means, involving in all cases the expression of the free will of the people. The two principle means are (a) the attainment of independence and (b) the union of the territory on a footing of equal status with other component parts of the metropolitan or other country or its association on the same conditions with the metropolitan or other country or countries. ...”

*“On the surface it sounded reasonable: let the people decide. In fact it was ridiculous because the people cannot decide until somebody decides who are the people.”*⁵²⁴

January 29th, in London, Argentina’s Embassy submits a memorandum to the Foreign Office regarding the British closure of the Grytviken meteorological station in 1950.⁵²⁵

*“The Embassy of the Argentine Republic has the pleasure to address itself to the Foreign Office in connection with the measure adopted by the British Government, by virtue of which it was disposed that the meteorological observatory installed at Port Grytviken, Cumberland Bay, Islands of South Georgia, should cease to operate. In this connection, the Argentine Embassy points out that the said observatory, maintained by the Directorate General of the National Meteorological Service through a company established in Argentina, kept up a connection of a scientific and informative character with the Argentine official technical organizations. As the said activity constitutes an expression of the sovereignty which the Argentine Nation exercises over the Islands of South Georgia, the measure adopted in this respect signifies, beside the interruption of a technico-scientific task of general interest, a disregard for the legitimate titles of the Republic over the Archipelago referred to, facts which move the Argentine Government to present through the medium of this Embassy, the most formal reserve of their rights over the said Islands, which are an integral part of Argentina’s territorial patrimony.”*⁵²⁶

*“As regards our title to South Georgia in general, Argentine policy has been to “infiltrate” so gradually that we should not react violently or make any specific protest; but we have repeatedly protested in general terms about Argentine encroachments in the “Falkland Islands Dependencies”.*⁵²⁷

January 31st, Governor Clifford receives a radio message to the effect that the Hope Bay party have arrived to find Argentine sailors some 400 yards from the site of the British base.

⁵²⁴ *The approach to self-government* Ivor Jennings 1956 in *Self-determination and the Falklands* Denzil Dunnett 1983

⁵²⁵ It appears to have taken two years for Argentina to notice. *cf.* 1946 & 1950

⁵²⁶ FO 371/103149/15212/3. *cf.* November, 1952

⁵²⁷ *Ibid.*

The Governor orders the civilian FIDS staff to continue with the task but to make a formal protest to the Argentine commander; *“It looks very much as if the Argentines knowing our intention to reestablish the base at Hope Bay made sure to be there before the British party.”*⁵²⁸

On the same day, in London, Argentina’s Ambassador Hogan hands the Foreign Secretary Anthony Eden a memorandum protesting the Falklands Governor’s take-over of the South Georgia weather station in 1950; *“The Embassy of the Argentina Republic has the pleasure to address itself to the Foreign Office in connection with the measure adopted by the British Government, by virtue of which it was disposed that the meteorological observatory installed at Port Grytviken, Cumberland Bay, Islands of South Georgia should cease to operate. In this connection the Argentine Embassy points out that the said observatory, maintained by the Directorate General of the National Meteorological Service through a company established in Argentina, kept up a connection of a scientific and informative character with the Argentine technical organizations. As the said activity constitutes an expression of sovereignty which the Argentine Nation exercises over the Islands of South Georgia, the measure in this respect signifies, besides the interruption of a technico-scientific task of general interest, a disregard for the legitimate titles of the Republic over the Archipelago referred to, facts which move the Argentine Government to present through the medium of this Embassy, the most formal reserve of their rights over the said Islands, which are an integral part of Argentina’s territory.”*⁵²⁹

Passing the memorandum on, Eden notes; *“Senor Hogan emphasised that his approach by no means implied a protest, but merely recorded Argentine reservations within the framework of international discussions which had continued over many years. His Excellency agreed that I might assume that it was his Government’s wish that these international discussions should continue rather than be cut short.”*⁵³⁰

*“The meteorological station was erected and maintained by an Argentine Company, Compania Argentina de Pesca, and not the Argentine Government, solely because they were required to do so by the terms of their lease, and similar requirements were imposed on other whaling companies.”*⁵³¹

February 1st, while unloading stores for the erection of the new building, Argentine sailors from the *Buen Suceso* fire over the heads of the unarmed British FIDS.

Notified by radio, the Governor seeks instructions from London; *“At noon a few bursts of machine gun fire were fired over our shore party’s heads and Argentines, armed with rifles, commenced surrounding base party. At 1400, armed Argentines closed our party and ordered us into their launch, which came to our landing beach. Our party obeyed Argentine officer’s cocked pistol and are now all on board. Have now received official protest that any further attempt at landing stores will be fired on. Request instructions .. this presumably constitutes an act of war.”*⁵³²

*“On 1st February the Falkland Islands Dependencies Survey vessel “John Biscoe” landed a civilian party with stores at Hope Bay in order to re-establish the British base there. An Argentine party already on shore forced them to re-embark. The Argentine Ministry of Foreign Affairs immediately informed Her Majesty’s Embassy at Buenos Aires of the incident and explained that the Argentine commander had acted in error and that his instructions had been rectified.”*⁵³³

528 FO 371/97375

529 FO 371/97376

530 Mr. Eden to Sir H. Mack (Buenos Aires) January 31st, 1952 in A 15212/1

531 Telegram MED 52/53/02 Governor of the Falklands to Sec. of State for the Colonies 14 June, 1952

532 Clifford to Sec. Of State for Colonies Feb 1st 1952. This remains the only military action recorded in Antarctica.

533 HC Deb 20 February 1952 vol 496 c21W

*“Captain Diaz recalls ... it was clear that a base of some sort was about to be built, given the material being unloaded. Diaz ordered that the captain of the John Biscoe should be informed that he was on Argentine territory and that the new installation would not be tolerated. For two days work came to a halt; Diaz speculates that this was probably while instructions were being sought. Then work resumed and consequently Diaz resolved to inform the British, through an officer, that unless building was stopped, force would be used. Captain Diaz-who, having been on five Antarctic expeditions, one with Admiral Byrd, was no newcomer to the area-ordered some of his men on shore, and, once again, had an officer request the termination of building activities. Only then, remembers Diaz, were shots fired, and these were well above the heads of the British men; the latter then withdrew, leaving the Union Jack flying. Diaz says he had it brought down and returned to the British ship.”*⁵³⁴

February 2nd, in Buenos Aires, Argentina tells the British Embassy that the action; “.. was taken in error and due to an over-literal interpretation by the Commander of his instructions..” and that they; “.. had not anticipated the landing of civilian personal from a British vessel.” They add that their explanation; “.. should not be regarded as modifying in any way their attitude with respect to to sovereignty over these territories.”⁵³⁵

February 4th, Governor Clifford sets out for Hope Bay in *HMS Burghead Bay* to investigate the incident.

*“On 4th February Her Majesty's Embassy at Buenos Aires, acting under instructions from my right hon. Friend, handed a Note of protest to the Argentine Minister for Foreign Affairs.”*⁵³⁶

In London, Winston Churchill calls for a review of defence plans for the Falkland Islands.⁵³⁷

February 27th, Argentina responds to the protest regarding the Hope Bay incident; *“Her Majesty's Embassy at Buenos Aires received a reply on 27th February. I have not yet received the full text but I understand that the Argentine Note, while re-asserting Argentine claims to sovereignty over the Falkland Islands and the Dependencies, confirms that fresh instructions have been given to the Argentine commander. The Argentine Government say that they are making inquiries in order to decide whether further measures are required. But they have expressed their conviction that there will be no recurrence of the incident.”*⁵³⁸

During **April**, an experimental return flight from Stanley to the UK is made by *Aquila Airways Ltd.*⁵³⁹

April 19th, Argentina responds to the British protest of July 30th, 1951, rejecting the assertion that South Georgia was British territory and reiterating their own claim to sovereignty.

April 26th, President Perón says; “.. sovereignty will have to be re-stated every year with a new effort.”⁵⁴⁰

In **May**, on their return to Buenos Aires, the men from the *Buen Suceso* are feted by President Peron; *“Soldiers and sailors when they are carrying out so sacred a duty as that of serving their country are permitted to err through displaying too much energy, but they are never permitted to err by displaying too much weakness. For this reason the attitude of these sailors of Hope Bay can be an example for every Argentine ..”*

534 *Argentine Approaches to the Falklands/Malvinas* Guillermo A. Makin 1983

535 FO 371/97375

536 HC Deb 20 February 1952 vol 496 c21W

537 *Official History of the Falklands Campaign, Volume 1: The Origins of the Falklands War* Lawrence Freedman 2005

538 HC Deb 03 March 1952 vol 497 cc3-4W

539 Headland 1989. Nothing came of this.

540 *La Nacion* April 16th, 1952

*"Thanks to such efforts our sovereignty is now firmly established over the Antarctic sector"*⁵⁴¹

Britain's Ambassador protests.

May 22nd, Perón is reported in *La Nacion*; *"We defend our rights and time will confirm them. We must therefore wait with confidence and launch generations of Argentines towards the Antarctic..."*

September 27th, an internal FO memo notes; *"The question whether we should reply to the Argentine protest of last January has been considered carefully in light of the Government's recommendation. It is the view of our legal team that a reply should be made for the record. Except incidentally in our note of protest over the Polar Maid incident in July 1951, HMG have never made their position clear about the status of South Georgia as part of the Falkland Island Dependencies in a communication to the Argentines. Conversely several administrative actions of the Argentine Govt. in the last four years implying a separate status for South Georgia from that of the rest of the FID have been allowed to pass without comment. The present occasion therefore gives us an opportunity for a general refutation of Argentine claims..."*⁵⁴²

October 21st, Argentina protests Uruguay's 1947 agreement to form an air-link with the Falklands; and the 1924 appointment of a consular agent at Stanley.

*"... I present the most formal protest to the Government of Uruguay against the disregard for Argentine sovereignty in the Malvinas Islands implied by the agreement on aviation signed with the government of the United Kingdom of Great Britain and Northern Ireland, and against the violation of that sovereignty involved in the appointment of a consular official to act within those territories..."*⁵⁴³

October 28th, Argentina bans her shipping from calling at Uruguay's ports.

November 12th, to a question in the House of Commons, Britain's Government responds; *"(a) Argentine parties are established at the following localities: (I) Laurie Island (South Orkney Group); (ii) Deception Island (South Shetland group); (iii) Hope Bay (Trinity Peninsula); (iv) Paradise Harbour (West coast of Graham Land); (v) Gamma Island (Palmer Archipelago); (vi) Marguerite Bay (West coast of Graham Land). (b) Chilean parties are established at the following localities: (I) Greenwich Island (South Shetland group); (ii) Cape Legoupil (Trinity Peninsula); (iii) Paradise Harbour (West coast of Graham Land)."* ⁵⁴⁴

November 20th, secret orders are issued to Task Force 8, led by the commander of the *Bahia Buen Suceso*, Silvio Casinelli, identifying the purposes of the force, including; *"To relieve and provision detachments, to install detachments and services, to give support to other Forces, and to carry out hydrographic and scientific work ..."*⁵⁴⁵

Specifically, the Task Force is to; *"... transport relief personnel and supplies for the detachments; it will occupy (Bahia Luna and Dundee Island), will construct two new detachments at (Bahia Luna and Mikkelsen Island), and a new dwelling-house at Esperanza; it will set up a forecast station at Melchior, will occupy temporary positions and will make scientific observations..."*

541 Quote from an Argentine Grade 5 School text book of 1953 in Garcia 2009

542 *G.H.S. Jackson to C.M.H. Harrison (Colonial Office)* in FO 371/97376. The Colonial Office responded on October 13th, that they had no objection to a response to Argentina. Following a delay, a *Note Verbale* was passed to the Argentina Foreign Ministry on November 28th.

543 *Formulo la Argentina una protesta Ante el Uruguay* in *Noticias Graficas* October 23, 1982.

544 *HC Deb 12 November 1952 vol 507 cc59-60W*

545 *ADM 1/27598*. These orders were seized in February, 1953 from the Argentine base on Deception Island.

A certificate is provided for issue to foreign vessels stating; *“To the highest ranking person on It is my duty to inform that you, together with all the personnel under your command, are in waters which belong to the territorial domain of the Argentine Republic. The nation recognises no rights except those of her own dominion in this territory. No foreign country can issue permits or authorisations of any nature whatsoever... The presence of foreign personnel who state that they have official representation in this territory, the erection of installations of any type and the carrying out of any activities whatsoever, amount to an illicit act not permitted by the principles and fundamental regulations of International Law. I accordingly reject and consider as not having been received any verbal or written statements which you may make as regards your ignorance of the unquestionable rights of dominion held by the Republic in these territories and territorial waters and in which the operations carried out by the Argentine Navy constitute jurisdiction acts which admit of no discretion. ...”*⁵⁴⁶

November 28th, Britain responds to Argentina’s protest regarding the Grytviken weather station; *“The observatory referred to was maintained until January 1950 by the Compania Argentina de Pesca, in its capacity as a private company, because it was required to do so, under the terms of the lease from the Government of the Falkland Islands.... Mr. Eden therefore wishes to place on record Her Majesty’s Government’s formal refutation of the pretensions of the Argentine Government...”*⁵⁴⁷

December 10th, Colonial Secretary Oliver Lyttleton announces the building of Antarctic military bases.⁵⁴⁸

December 16th, at the UN, Resolution 637 (VII) A states *inter alia*.

*“... The Member States of the United Nations shall recognize and promote the realization of this right of self-determination of the peoples of Non-Self-Governing and Trust Territories who are under their administration and shall facilitate the exercise of this right by the peoples of such Territories according to the principles and spirit of the Charter of the United Nations in regard to each Territory and to the freely expressed wishes of the peoples concerned, the wishes of the people being ascertained through plebiscites or other recognised democratic means, preferably under the auspices of the United Nations;...”*⁵⁴⁹

Argentina and Chile erect new base stations on Deception Island. Provocatively, both site their building next to the British runway which had been constructed in 1928.⁵⁵⁰

*“... we have started to do what should have been done fifty years ago.”*⁵⁵¹

1953 – January, in a further reprisal for Uruguay’s *de facto* recognition of the British administration in the Falklands, Argentina restricts the number of its citizens allowed to travel to its neighbour.⁵⁵²

Southern Wave, a whale catcher owned by *Christian Salvesen*, is scuttled off Stromness Bay.

February 11th, *HMS Superb* arrives at the Falklands where its marine contingent transfer to *HMS Snipe*.

546 *Ibid*

547 *No. A 15212/3 in FO 371/97376*. This was addressed to the Argentine Embassy in London.

548 *The New York Times December 11th* also *HC Deb 10.12.1952 vol 509 cc450-1*

549 *cf.* March, 2013

550 Howkins 2008 p. 210

551 Perón quoted in Garcia 2009

552 *The New York Times January 7th*. Argentine tourism was an important part of Uruguay's GDP.

February 15th, on Deception Island, a magistrate and constables from the Falkland Islands Police, assisted by marines from *HMS Snipe*, detain two Argentine soldiers. Both Argentine and Chilean buildings are demolished.

*“At the beginning of this month Her Majesty's Government were informed that Argentina and Chile had established naval parties on the airstrip adjoining the British base at Port Foster, Deception Island, which is British territory, and that permanent buildings had been erected. These encroachments represented not merely an infringement of our sovereignty on the Island, but a nuisance and an obstruction to those who were maintaining our base. Instructions were accordingly given to the Acting Governor of the Falkland Islands to dismantle the buildings which had been erected and to arrest and deport under the Falkland Islands Aliens Ordinance any occupants found in them. These instructions were carried out on February 15, by the British magistrate, assisted by constables of the Falkland Islands police. The party travelled to Deception Island in Her Majesty's Frigate "Snipe," and Royal Marines were available, if needed, in support of the civil power. Two occupants of the Argentine hut were arrested, without resistance, and the Argentine and Chilean huts were dismantled. The Chilean hut was unoccupied...”*⁵⁵³

February 16th, Britain's Ambassador informs the Argentine Government of the action at Deception Island and registers formal protests; *“... the Government have been concerned to dispel any doubt about their attitude to encroachments of this type on British territory. At the same time they have repeated the offer made to both countries by the late Government to refer the conflicting claims to territory in the Antarctic to the International Court of Justice...”*⁵⁵⁴

February 18th, the two Argentines detained at Deception Island are; *“... handed over at South Georgia on ... to the master of an Argentine vessel bound for Buenos Aires.”*⁵⁵⁵

February 20th, Chile and Argentina reassert their conflicting claims to Deception Island. Chile mobilizes its navy, and threatens to take its case to the *Organisation of American States* (OAS). Argentina demands that Britain rebuild the huts and issue a formal apology. Both also threaten to invoke the *Rio Treaty* and demand reciprocal assistance from other American States.⁵⁵⁶ With regards to the British offer to take the question to the ICJ; *“... I am sorry to say that both countries, in their Notes, have seen fit once more to reject this offer.”*⁵⁵⁷

February 21st, Britain deploys a Royal Marines detachment to Deception Island for 3 months.

February 23rd, in a Government statement to the House of Lords, the Marquess of Reading says; *“... At the beginning of this month Her Majesty's Government were informed that Argentina and Chile had established naval parties on the airstrip adjoining the British base at Port Foster, Deception Island, which is British territory, and that permanent buildings had been erected. These encroachments represented not merely an infringement of our sovereignty on the Island, but a nuisance and an obstruction to those who were maintaining our base. Instructions were accordingly given to the Acting Governor of the Falkland Islands to dismantle the buildings which had been erected and to arrest and deport under the Falkland Islands Aliens Ordinance any occupants found in them. ... Two occupants of the Argentine hut were arrested, without resistance, and the Argentine and Chilean huts were dismantled. The Chilean hut was unoccupied. ... In taking the steps I have described, the Government have been concerned to dispel any doubt about their attitude to encroachments of this type on British territory. At the same time they have repeated the offer made to both*

553 *HL Deb 23 February 1953 vol 180 cc609-11*

554 *Ibid*

555 *Ibid*

556 Howkins 2008

557 *HL Deb 23 February 1953 vol 180 cc609-11*

countries by the late Government to refer the conflicting claims to territory in the Antarctic to the International Court of Justice. I am sorry to say that both countries, in their Notes, have seen fit once more to reject this offer.”⁵⁵⁸ Asked whether Argentina has given any reasons for the rejection, the Marquess replies; “No, my Lords, no reason has been given. So far as I recollect the terms of the replies, they are a bare refusal to contemplate that particular form of procedure.”⁵⁵⁹

The regular population census identifies 2,230 people present in the Falklands.

March 23rd, in deciding what action to take against the British, the Chilean Government decides not to cooperate with Buenos Aires, as the Argentines have; “no rights to sovereignty in Deception Island.”⁵⁶⁰

March 24th, Chile again demands that the UK restore their hut on Deception Island, destroyed in February.

*“It is the natural wish of Her Majesty's Government that the Chilean Government's action at Deception Island in January should not impair the generally friendly relations between the two countries. They cannot, however, regard the Chilean memorandum as holding out a prospect of a mutually satisfactory solution, and the Chilean Government are being so informed.”*⁵⁶¹

March 31st, Chile's Foreign Minister threatens to boycott the forthcoming *Coronation* in London and erroneously claims that a “fully munitioned” fleet is en-route to Deception Island to rebuild its base there.

April 1st, Britain's Embassy in Santiago sends a letter to the Foreign Ministry described as “stiff.” The Foreign Minister is dismissed; “The threat that Chile might “declare war” on Great Britain lingered for a couple of weeks after the dismissal of Olivarria, but the Chilean government was gradually able to let its public threat to raise the matter at the OAS drop quietly without losing face.”⁵⁶²

June 2nd, in England for the coronation of Queen Elizabeth II, Argentina's representative, Admiral Alberto Teisaire, tells the British Government that Argentina is prepared to buy the Falklands. The offer is rejected.⁵⁶³

*“... it was inconceivable that such a sale should be considered because there would at once be a tremendous outcry from the public and the government would certainly be overthrown.”*⁵⁶⁴

August 20th, Sir Oswald Raynor Arthur is gazetted Governor.⁵⁶⁵

In **October**, another British survey expedition led by Verner Duncan Carse lands on South Georgia.

October 25th, Chile's *Antarctic Commission* meet to decide upon what future action they should take regarding Deception Island. Their decision is to quietly rebuild their base in a less provocative location.

November 17th, at the Hague, the ICJ consider the *Minquiers and Ecrehos* case concerning sovereignty over islets lying between the British Channel Islands and France; “Judge Alvarez, .. made a declaration expressing regret that the Parties had attributed excessive importance to mediæval evidence and had not sufficiently taken into account the state of international law or its present tendencies in regard to territorial sovereignty.”

558 *HL Deb 23 February 1953 vol 180 cc609-11609*. Also *HC Deb 23 February 1953 vol 511 cc1729-31*

559 *Ibid*

560 *US Embassy to State Department March 23rd 1953 USNA 702.022/3-2353*

561 Selwyn Lloyd in the Commons - *HC Deb 01 April 1953 vol 513 cc1195-6*

562 Howkins 2008 p.217

563 Revealed in the Spanish Newspaper, *El Pais*, January 30, 1984

564 Foreign Office under-secretary Lord Reading quoted in *The New York Times* Jan 3rd 1984

565 *The London Gazette*, No.40090

November 26th, Chile, Britain and Argentina renew their agreement regarding warships in Antarctic waters.

November 27th, UN *Resolution 742 (VIII)* identifies the factors to be taken into account in deciding whether a territory is, or is not, a territory whose people have not yet attained a full measure of self-government.

In **December**, it is reported that Argentina intends to establish an air base on Dundee Island; *“On inquiry by H.M. Ambassador, the Argentine Government categorically denied that they had any intention of establishing such a base at Dundee Island. H.M. frigate "Nereide" paid a routine visit to the Dependencies at that time, and the Royal Research Ship "John Biscoe" landed a party on Dundee Island. The only intruders found were three Argentine personnel, to whom a protest was handed at their unauthorised presence there.”*⁵⁶⁶

Falkland Dependencies Governor Miles Clifford inspects the dependent islands on board *HMS Nereide*.⁵⁶⁷

1954 – February 5th, with regard to Britain's invitations to Chile and Argentina to go to the ICJ, the US Embassy in London reports; *“A decision by the International Court ... would be saleable to Commons and the press. The Foreign Office believe that this would be true regardless of whether a defeat might be suffered at the hands of the Court on a number of British claims, and the Foreign Office in fact recognise the possibility of adverse decisions on some points.”*⁵⁶⁸

In **March**, *HMS St. Austell Bay* escorts the Argentine Minister of Marine, on *Les Eclaireurs*, throughout his voyage to visit Argentine Antarctic stations.⁵⁶⁹

April 8th, Argentina's President Perón announces that he intends to increase Argentine activities in Antarctica until his country's 'sector' is *“saturated”* with Argentines.⁵⁷⁰

April 20th, Robert Spivey appointed magistrate at King Edward point.

April 28th, Secretary of State for the Colonies, Henry Hopkinson, is asked to make a statement to the House of Commons regarding the *“present position in the Falkland Islands Dependencies.”* He responds; *“At the settlement and whaling station in South Georgia, a number of improvements have been made to buildings and communications. In other parts of the Dependencies, work has continued at the six established scientific bases on an extensive programme of scientific and meteorological work planned by the Falkland Islands Dependencies Survey. The Royal Research ship "John Biscoe" is just completing her annual relief of these bases. The number of unauthorised foreign settlements is eleven.”*⁵⁷¹

Southern Shore, a whale catcher owned by *Christian Salvesen*, is scuttled off Stromness Bay. South Sandwich Islands are visited by the FIDS.⁵⁷²

July 15th, at a meeting in Washington attended, amongst others, by President Dwight D. Eisenhower, the Vice-President and Secretary of State, the USA's approach to a claim of territory in Antarctica is considered.

“Mr. Allen Dulles said... We ought, he believed, in the first instance to talk to the Governments of Chile and Argentina at the time we asserted our claims, to see if it were not possible to reach an amicable agreement

566 *HC Deb 20 January 1954 vol 522 cc166-7W*

567 Headland 1989

568 *Zimmerman to State Dept. Feb 5th 1954 USNA 702.022/2-554*

569 Headland 1989 p.347

570 *Ibid.*

571 *HC Deb 28 April 1954 vol 526 cc1600-1*

572 Headland 1989

with these two Latin American states. Secretary Smith said that he was strongly opposed to this course of action because of the fact that a British claim conflicted with the claims of Chile and Argentina in this area. He much preferred the President's suggestion that we simply reassert our rights in Antarctica. The President said that he would rather offend the British than our Latin American friends regarding issues in Antarctica." ⁵⁷³

A decision is made that, at an "appropriate time," the USA will reassert its rights; "... which have been ours as the inherent results of discovery and exploration, and unofficial claims made in behalf of the U.S." ⁵⁷⁴

August 25th, Argentina passes; "... a law which implied that the Falkland Islands and Falkland Islands Dependencies are under Argentine jurisdiction." ⁵⁷⁵

"... an Argentine Law was promulgated on August 25, 1954, which gave to certain parts of the Argentine Republic together with what were described as "the Antarctic sector and the Islands of the South Atlantic" the status of "National Territories." ⁵⁷⁶

In **September**, the International Council of Scientific Union plan an International Geophysical Year to commemorate the 25th years since the last Polar Year of research in 1932/33.

"In contrast to the United States and Great Britain, Argentina and Chile were less enthusiastic about IGY research in Antarctica. The proposals for open scientific access to all parts of the continent appeared to undermine their sovereignty claims." ⁵⁷⁷

November 22nd, UN Resolution 850(IX) states; ".. in order to evaluate as fully as possible the opinion of the population as to the status or change in status which they desire, a mission, if the General Assembly deems it desirable, should, in agreement with the Administering Member, visit the Non-Self-Governing Territory before or during the time when the population is called upon to decide on its future status or change in status." ⁵⁷⁸

November 24th, HMG registers an official protest regarding the Argentine law of August. ⁵⁷⁹

In **December**, Britain reoccupies six of its bases on the Antarctic Peninsula.

December 15th, Argentina rejects Britain's protest and reasserts its claims; ".. neither directly nor indirectly can British occupation of the Malvinas be considered lawful because it derived from an act of force." ⁵⁸⁰

December 21st, the UK once again invites Argentina and Chile to refer the Antarctic disputes to the ICJ.

"On 21st December last Her Majesty's Government repeated this offer in identical Notes addressed to the Argentine and Chilean Governments and stated that, if the two Governments still felt unable to accept our invitation, we should, as an alternative to adjudication by the Court, be prepared to consider reference of the dispute to international arbitration." ⁵⁸¹

573 Memorandum of Discussion at the 206th Meeting of the National Security Council on Thursday, July 15, 1954 in *Foreign Relations of the United States, 1952-1954, General: Economic and Political matters, volume 1, part 2 Doc. 304*

574 *Ibid*

575 *HC Deb 20 December 1954 vol 535 c211W*

576 *HL Deb 20 July 1955 vol 193 cc909-10*

577 Howkins 2008 p.253

578 *Resolution 850 (IX) 2 1954* Often misquoted by Argentina as prohibiting visits to NSGTs subject of a dispute.

579 *HC Deb 20 December 1954 vol 535 c211W*

580 *The New York Times December 16th*

581 *HC Deb 06 May 1955 vol 540 cc178-80W*. Also Bologna 1988 p.49

Argentina and Chile are warned that, should they fail to accept, the UK; “... reserved the right to take such steps as might be open to it to obtain adjudication of its legal rights. One of the steps open to the United Kingdom is to bring the dispute before the Court by a Unilateral Application under Article 40 (1) of the Statute and Article 32 (2) of the Rules, and, as indicated ... it is this procedure which the United Kingdom has elected to adopt.”⁵⁸²

“... the International Court of Justice seemed to offer a way to end, one way or the other, the unwanted dispute in the Falkland Islands Dependencies. An unfavorable decision could not be portrayed as an imperial “cave in,” but rather a demonstration that Great Britain upheld the principle of international law, while a favorable decision would settle the question of sovereignty once and for all in the eyes of the international community. The prospect .. appealed much less to the two South American countries than it did to Great Britain.”⁵⁸³

1955 – January 21st, the US Embassy in London reports that the UK has decided to unilaterally submit a case to the ICJ; the case to be prepared by Professor Waldock, an eminent international lawyer.

January 25th, in order to reinforce its claims to the South Sandwich Islands, Argentina establishes a summer station named *Teniente Esquivel* at Furguson Bay on Thule (aka. Morrell) Island, and staffs it with a midshipman and two radio operators.⁵⁸⁴

Chile sets up another base at Pendulum Cove on Deception Island.

*“The new settlement, which consists of a hut occupied by a small party of Chilean naval personnel, is being kept under close observation by the British authorities at Deception Island. Her Majesty's Charge d'Affaires in Santiago has protested to the Chilean Government at this infringement of British sovereignty.”*⁵⁸⁵

The Falklands' Dependencies Governor tours the dependent islands in *HMS Veryan Bay*. *HMS Burghead Bay* visits the South Shetland Islands and the South Orkneys.

March 29th, the USA again considers its position in relation to Antarctic claims; “... 4. The U.S. is the only country of the eight primarily interested in the Antarctic which does not have an official claim dating back one or more decades. In any controversy over the significance of an early statement of claims, the seven friendly claimants would tend to be arrayed against the U.S. (and the USSR, if it should make a claim). 5. It has thus far been considered impossible, from a foreign relations and psychological viewpoint, to announce a U.S. claim extensive enough to include all existing U.S. rights. Such rights virtually circle the continent and undoubtedly will be extended by future U.S. expeditions; it may, however, be doubted whether we will ever find it desirable to announce a claim to all. 6. Irrespective of prospects for an official U.S. claim, the relative strength of all existing U.S. rights can be maintained only by matching the Antarctic activities of each of the seven countries with which we presently compete for Antarctic rights... 12. The Department of State proposes to enter into bilateral negotiations with the seven Antarctic claimant countries (Argentina, Chile, the U.K., Australia, New Zealand, Norway and France) to obtain their recognition of superior U.S. rights in certain areas (indicated on the map attached to this report) in return for U.S. agreement not to contest their individual claims in the remaining areas...”⁵⁸⁶

582 *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.36

583 Howkins 2008 p.230

584 The station was closed 12 months later following an eruption on nearby Bristol Island.

585 *HC Deb 02 March 1955 vol 537 cc2033-4*

586 *Staff Study prepared by the Operations Coordinating Board, March 29, 1955* in *Foreign Relations of the United States, 1955–1957, United Nations and General International Matters, volume 11, Doc. 299*. The proposal regarding negotiations of a US claim appear not to have been adopted, although the exact date that this decision was made is not clear from the documents.

April 16th, the American Embassy in Buenos Aires notes; *“The idea of Argentine sovereignty in the special piece of pie Argentines have claimed for themselves in the Antarctic is upheld by all political parties. Moreover, the people have been so indoctrinated with the idea that they believe it as a matter of natural right ...”*

April 21st, the *Democracia* newspaper reports; *“The years of imperialism which did not need further justification than its own interest and its power had already passed or is at least near its end ... and sooner or later the Malvinas will return to the fold of the patria.”*

April 30th, with no reply forthcoming from Argentina or Chile regarding Britain's December invitation to submit the questions to the ICJ; the UK makes the final decision to submit a unilateral case; *“... Her Majesty's Government therefore decided to make a direct application to the International Court and lay their case before it. They prepared two documents relating to encroachments by Argentina and Chile, respectively,...”*⁵⁸⁷

*“In Argentina, the southern continent mattered more to President Peron as an anti-imperialist “irrendenta” ... Peron believed that Argentina was winning the contest for Antarctic sovereignty, and saw no reason why the glory should be taken away at the stroke of a judge's pen. ... In Chile there was a genuine fear that their country would lose a case at the International Court of Justice. While most officials believed that Chile had excellent historical and geographical claims to the Antarctic Peninsula region, they realized that their efforts to “effectively occupy” the region had been less successful than those of Great Britain and Argentina.”*⁵⁸⁸

May 4th, Britain presents its case to the ICJ; *“The Government of the United Kingdom, in submitting this application to the Court, accordingly contends :- (1) that by reason of historic British discoveries of certain territories in the Antarctic and sub-Antarctic; by reason of the long-continued and peaceful display of British sovereignty from the date of those discoveries onwards in, and in regard to, the territories concerned; by reason of the incorporation of these territories in the dominions of the British Crown; by virtue of their formal constitution in the Royal Letters Patent of 1908 and 1917 as the British Possession called the Falkland Islands Dependencies: the United Kingdom possesses, and at all material dates has possessed, the sovereignty over the territories of the Falkland Islands Dependencies, and in particular the South Sandwich Islands, South Georgia, the South Orkneys, South Shetlands, Graham Land and Coats Land; (2) that the legal titles of the United Kingdom to the Falkland Islands Dependencies, and in particular to the South Sandwich Islands, South Georgia, the South Orkneys, South Shetlands, Graham Land and Coats Land, are, and at all material dates have been, superior to the claims of any other State, .. (3) that, in consequence, the pretensions of the Republic of Argentina to the South Sandwich Islands, South Georgia, the South Orkneys, South Shetlands, Graham Land and Coats Land, and her encroachments and pretended acts of sovereignty in those territories are, under international law, illegal and invalid.*

The Government of the United Kingdom therefore, asks the Court to declare - (1) that the United Kingdom, as against the Republic of Argentina, possesses, and at all material dates has possessed, valid and subsisting legal titles to the sovereignty over all the territories comprised in the Falkland Islands Dependencies, and in particular South Sandwich Islands, South Georgia, the South Orkneys, South Shetlands, Graham Land and Coats Land; (2) that the pretensions of the Republic of Argentina to the territories comprised in the Falkland Islands Dependencies, and in particular South Sandwich Islands, South Georgia, the South Orkneys, South Shetlands, Graham Land and Coats Land, and her encroachments and pretended acts of sovereignty in or relative to any of those territories are, under international law, illegal and invalid; (3) that the Republic of

587 *HC Deb 06 May 1955 vol 540 cc178-80W*
588 Howkins 2008 p.232

*Argentina is bound to respect the United Kingdom's sovereignty over the territories comprised in the Falkland Islands Dependencies, and in particular South Sandwich Islands, South Georgia, the South Orkneys, South Shetlands, Graham Land and Coats Land, to cease her pretensions to exercise sovereignty in or relative to those territories ..”*⁵⁸⁹

On the same day, Argentina's Foreign Minister sends a note to the British Embassy in Buenos Aires.

*“... (it is) not possible to produce a correct description of the question to which the Embassy of Her Britannic Majesty refers, without mentioning the occupation of the Malvinas Islands by the United Kingdom. As long as this aggression and the resulting usurped possession has not been remedied through the restitution of this archipelago to the Argentine Republic, the Argentine Government cannot conceive nor accept as either friendly or legal any proposition which has as its base the continuation of this usurpation. Even less could it admit that one could pretend to base said usurpation on titles of sovereignty over other Argentine territories, which would lead to the result that the latter would be affected by the consequences of the aggression to which the Malvinas Islands were subjected. No rights in favour of Great Britain could result from this situation.”*⁵⁹⁰

*“... Her Majesty's Government exercises the bottom issue, as if all could be reduced to a single aspect, mentioning as the sole problem that needs solution the one referring to the Antarctic territories it demands and those that qualifies as dependencies of the Malvinas Islands (...) The Argentine Government cannot nor accept as friendly nor juridical a proposal that has as its heart to sustain that usurpation (...). Consequently, while there is no resolution in the indicated direction on the pre-existing issue that has just been mentioned, it is not correct to propose, as Great Britain does, the subject of the issue to the International Court of Justice in Hague or an ad-hoc arbitration tribunal.”*⁵⁹¹

May 6th, Mr. H. Macmillan tells the House of Commons; *“Our Ambassadors at Buenos Aires and Santiago have since been informed by the Argentine and Chilean Governments that they reject the offer of arbitration which we made last December. The Ambassadors have been instructed to express to the two Governments our disappointment at their replies and our hope that, in the light of the action which we have taken before the International Court, they will reconsider their attitude and accept the jurisdiction of the Court. If they do this the Court will be enabled to hear the case and give judgment.*

*If the two Governments do not see fit to accompany us to the Court, we shall at least have acquainted the Court of the facts of the case, and have placed on record before the Court and world opinion generally the grounds on which we consider our title to the United Kingdom sector of Antarctica to be firmly rooted in international law. I hope that Argentina and Chile will accept the jurisdiction of the International Court of Justice and that this issue, which has impaired our relations with two countries with whom we desire to be on terms of friendship, may be resolved by a judgment of that Court.”*⁵⁹²

May 16th, Argentina and Chile assert that they are unable to accept arbitration as they would be in breach of the Rio Treaty provisions regarding reciprocal assistance.⁵⁹³

589 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.37. An Argentine Judge, Lucio Manuel Moreno Quintana, was a member of the panel at this time.

590 Quoted in Greig 1983. There appears to be nothing to have stopped the Argentine Government submitting its own unilateral case to the ICJ and including the Falkland Islands.

591 Quoted in Kohen & Rodrigues 2017 pp.201-202

592 *HC Deb 06 May 1955 vol 540 cc178-80W*

593 *US Embassy, Santiago to State Dept. May 16th, 1955 USNA 702.022/5-1655*

Argentina adds; *"The acceptance of the course proposed by the British would be incompatible with the aspirations of the peoples and governments of this Continent who have confirmed in the 10th Inter-American Conference at Caracas their desire finally to eliminate colonialism."*

May 27th, Chile agrees to participate in the *International Geophysical Year*.

June 15th, Argentina's senate passes a Bill which, *inter alia*, designates the Falkland Islands and the Falkland Islands Dependencies as a part of one of its Provinces; *"The Bill to which the noble Lord refers raises such "National Territories" to the status of provinces. It has now become law. The Falkland Islands and the Falkland Islands Dependencies are not specifically designated in the new Law, but are implicitly included in one of these provinces under the heading of "the islands of the South Atlantic and the Argentine Antarctic Sector."... My Lords, one has to distinguish the two territories. We have never agreed that there was any possible controversy about our title to the Falkland Islands themselves."*⁵⁹⁴

June 17th, a Chilean law identifies the administration of the Chilean Antarctic Territories as falling under the provincial government of Magellanes.

In **July**, representatives of 12 nations meet in Paris to discuss the IGY; *"Throughout the meeting ..., the Chilean delegation, along with that of Argentina, sought to establish a clear distinction between IGY scientific research and politics in Antarctica. ... The meeting therefore established a "Gentleman's Agreement" by which none of the research and activity of the IGY would have any bearing on the question of Antarctic sovereignty."*⁵⁹⁵

July 12th, Britain protests against Argentina's law of June 15th.

July 15th, Chile formally refuses to recognise ICJ jurisdiction regarding the UK's submission.

August 1st, Argentina also formally refuses to recognise ICJ jurisdiction. Argentina's Foreign Minister writes; *"... The Argentine Government has several times had occasion to indicate in notes addressed to Her Britannic Majesty's Embassy in Buenos Aries that it cannot consent to the question of sovereignty over the Antarctic Territories of Argentina which it is sought to raise being referred for decision to any International Court of Justice or Arbitration Tribunal. By this present note, my Government reaffirms its refusal in the most express way with regard to the jurisdiction of this Court and with regard to any possibility that it should be seized as such to deal with this case."*

Argentina also refers to a *'.. fundamental principle in accordance with which territorial sovereignty cannot be submitted for discussion ..'* and that the matter is too *"... self-evident to require judicial determination.."*

*"... Argentina rejected the British suggestion to bring the dispute to the International Court of Justice in accordance with (the) fundamental principle that territorial sovereignty could not be subject to discussion or put into question."*⁵⁹⁶

In **September**, a military coup in Argentina forces Juan Perón from power.

October 6th, at the meeting of the UN's *Trusteeship Committee*, Argentina's representative protests Britain's transmission of information regarding the Falklands, as required under Article 73 of the *Charter*.

594 *HL Deb 20 July 1955 vol 193 cc909-10*

595 Howkins 2008 p.257

596 Bologna 1988 p.50

1956 – January 12th, at a meeting of the USA's National Security Council, it is decided that US Antarctic policy would; “... *Seek to reach an agreement among the U.S. and free world claimants to Antarctic territory which will (1) reserve their respective rights pending future solution of the territorial problems, (2) reduce international friction among them, and (3) permit freedom of exploration and scientific investigation in the Antarctic by free world nationals and maximum interchange of Antarctic mapping and scientific data.*”⁵⁹⁷

January 26th, Argentina's Antarctic Institute is established by Presidential Decree.⁵⁹⁸

February 17th, at the UN, India's representative asks that the issue of Antarctica be raised as a provisional item at the next session of the General Assembly so that some form of *trusteeship* can be discussed.

“*This is quite a good selection since it will cause the maximum amount of irritation to the largest possible number of countries.*”⁵⁹⁹

February 22nd, a Foreign Office *minute* notes; “*HMG has steadfastly refused for several years to accept the idea that territories over which they have sovereign rights should be submitted to UN control...*”

The Chilean newspaper *La Union* announces; “*Chile would not accept the Indian proposition.*”

February 27th, Chile formally protests to the Indian Government. France and Norway also raise objections.

February 29th, in the *Latin American Caucus* both Chile and Argentina seek support against India's proposals.

March 16th, unrecognised by Argentina and Chile, the ICJ removes the *Antarctica* case from its list.⁶⁰⁰

Martiniano Leguizamon Pondal, in his book *‘Toponimia Criolla en las Islas Malvinas’*, creates the legend of Antonio Rivero as a *'revolutionary hero'* who resisted British rule in the Falklands in 1833.⁶⁰¹

“*Attempts have been made to create a legend about courageous gauchos who attacked and defeated the British, but this is just imagination.*”⁶⁰²

March 22nd, Chile protests the establishment of British bases in their Antarctic Territory; rejected by Britain.⁶⁰³

HRH Prince Phillip tours the south Atlantic in *HMY Britannia*.

June 1st, in Buenos Aires, distribution of the United Nations magazine *'World Communications'* is banned because it lists the Falkland Islands as a British possession.

November 5th, at the UN, US delegates also oppose India's request for a discussion regarding Antarctica.

“*While we have not undertaken formulate detailed comments on Indian memo we would like to make certain general observations at this time. We can see no need to raise Antarctica in UN at this juncture and believe it*

597 *Foreign Relations of the United States, 1955–1957, United Nations & General International Matters, volume 11, Doc. 313*. This discussion had considered the USA making its own claim to parts of Antarctica; but the proposal had foundered on the unknown nature of any advantage to be gained – political or financial. The President was very concerned as to costs; telling the meeting that; “*.. before he bought a horse he wanted to know what he was going to do with him besides feed him.*”

598 Headland 1989

599 FO 371/119835

600 *Antarctica Case (United Kingdom v. Argentina) Order of March 16th, 1956*

601 Pascoe & Pepper 2012 p.6

602 Destefani 1982

603 *Antarctica in International Law* Ben Saul (ed), Tim Stephens (ed) 2015

politically unwise to do so. While GOI apparently wished avoid raising question territorial claims we doubt if this can be avoided entirely. This could lead to exacerbation existing rivalries among countries having claimed Antarctic territory making even more difficult an eventual solution problem.

Moreover, we doubt whether any constructive result likely be obtained. There is freedom of exploration and scientific investigation in Antarctica as evidenced by extent of voluntary cooperation by countries currently participating IGY activities there.

We fail see legitimate basis for what we understand to be Indian concern over possible use Antarctic region for nuclear testing.”⁶⁰⁴

Busen 8, another whale catcher owned by Tonsbergs Hvalfangeri, is scuttled off Stromness Bay.

November 14th, India abandons its UN proposals; “In withdrawing the item Mr. Krishna Menon explained that his Government was doing so in order to have time to prepare the item better and to persuade other governments of its importance. It may be assumed, therefore, that the Indians may well re-introduce the subject at a subsequent meeting of the General Assembly.”⁶⁰⁵

“The fact that the “Antarctic Question” was not raised at the United Nations General Assembly in 1956 had other important implications for the future of Antarctica. It is difficult to imagine that the members of the United Nations would have allowed twelve countries to sign the Antarctic Treaty of 1959 and form an “exclusive club,” if they had already had experience of debating Antarctica.”⁶⁰⁶

November 21st, Argentina, Chile and the UK renew the agreement not to send warships into Antarctic waters.

1957 – January 7th, Prince Philip, Duke of Edinburgh, arrives at Stanley for an official visit.

Edwin Porter Arrowsmith becomes Governor.⁶⁰⁷

February 28th, under Decree 2.191 Argentina establishes the National Territory of Tierra del Fuego, Antarctica and South Atlantic Islands.⁶⁰⁸

“Art. 2. The National Territory of Tierra del Fuego, Antarctica and South Atlantic Islands includes: The eastern part of the Isla Grande and other Islands of the archipelago of Tierra del Fuego and Islas de la Estados and Año Nuevo, according to the limits set by the Treaty of July 23, 1881, the Islands Malvinas, South Georgia Islands, the South Sandwich Islands and the Argentine Antarctic sector between the meridians 25° West and 74° West and the parallel 60° South”

April 4th, John Matthew appointed as magistrate at King Edward Point.

In **May**, Britain's Foreign Office produce an internal report of the future of its colonies. This suggests that the Falkland Islands can be given an independent government with no loss to British prestige, although the danger from Argentina is recognised; “Provided withdrawal of UK jurisdiction did not also involve withdrawal of UK protection, there would be no vacuum to be filled by an outsider. If however, protection were also withdrawn,

604 *Foreign Relations of the United States, 1955–1957, United Nations & General International Matters, volume 11, Doc. 315*

605 *Ibid. Doc 317*

606 Howkins 2008 p.275

607 Not gazetted, but Arrowsmith is referred to as Governor on his Knighthood. cf. *The London Gazette, No.41727*

608 *Who Owns the Falkland Island Dependencies in International Law? An Analysis of Certain Recent British and Argentinian Official Statements* C. R. Symmons in *The International and Comparative Law Quarterly, Vol. 33, No. 3 (Jul., 1984), pp. 726-736*

*the Falkland Islands would be in danger of occupation by Argentina, and the abandonment of a racially British population to such a fate would be discreditable and severely damaging to prestige.”*⁶⁰⁹

At the start of the *International Geophysical Year*, scientific projects are initiated by twelve countries.⁶¹⁰

British scientists are specifically tasked to consider the economic worth of the UK's claims in the Antarctic Peninsula so that the advantages, or otherwise, of holding onto sovereignty can be assessed.

May 22nd, in Washington, the Director of the National Security Council submits a *memorandum* to the National Security Council Planning Board; *“The existing U.S. policy on Antarctica, adopted in July, 1954 and amended in January, 1956, provided that the United States would not make a formal claim to any Antarctic territory, but would reserve and at an appropriate later time reassert all its rights therein. At that time, and in subsequent reconsideration of the policy by the National Security Council in 1956, the major emphasis of U.S. programs in Antarctica was placed upon scientific activities in support of the International Geophysical Year. ... In 1948, the United States explored unsuccessfully with the claimant powers the possibility of placing the Antarctic under some form of international administration. The United States has neither reaffirmed nor rejected, publicly or to the present claimant powers, the position it took publicly in 1948 favoring the establishment of an international regime in Antarctica. Conversations with the other friendly governments who have advanced claims to portions of Antarctica have produced no agreement. Argentina and Chile take a pronounced nationalistic and emotional attitude toward their prospective and sometimes conflicting claims, which cover the Drake Straits and the Palmer Peninsula, and from a purely strategic point of view constitute most important areas in Antarctica. Argentina and Chile contest the claims of the United Kingdom to the same area, and their quarrel with Great Britain is exacerbated by Argentine sensitivity over the Falkland Islands dispute. ... it would seem desirable, on balance, that the United States, .., make a formal claim to portions of Antarctica and be prepared to recognize claims by friendly Free World claimants. ... It is recommended that, keeping in mind the need for action before or on the tentative target date of January 1, 1959 for putting forth a U.S. claim to Antarctica, and having due regard for the possibilities analyzed in the preceding paragraph, the United States commence forthwith diplomatic conversations among the seven Free World claimant powers.”*⁶¹¹

June 26th, in the USA, a meeting of the National Security Council again rejects the proposal that the USA assert a formal claim to territory in Antarctica.⁶¹²

*“The two superpowers had a very similar approach to Antarctic sovereignty: both refused to recognise any existing claims and reserved their own rights over the entire continent. But throughout the IGY, there was constant speculation that one or both of the superpowers would make formal sovereignty claims.”*⁶¹³

October 4th, officially listed as part of its contribution to the IGY, Russia launches *Sputnik* into space forcing the USA to bring forward its own plans to send up satellites; starting the “*space-race*.”

In late **October**, representatives from Britain, the USA, Australia and New Zealand meet secretly in Washington to discuss the future of mutual co-operation in Antarctica. Britain proposes the internationalization of the

609 *Future Constitutional Development in the Colonies CAB 134/1551*

610 Britain, USA, Australia, France, Norway, New Zealand, Russia, Chile, Argentina, Belgium, Japan and South Africa.

611 *Foreign Relations of the United States, 1955–1957, United Nations & General International Matters, volume 11, Doc. 330*

612 *Ibid. Doc. 332*

613 Howkins 2008 p.298

Antarctic continent as a basis for discussion while the USA repeats its suggestion of an 8-power condominium.⁶¹⁴

*“A condominium could be established whereby claims over all or part of the Antarctic would be merged, provided the United States and all or certain of the other friendly claimant powers were to agree on the advisability and desirability of taking such action. To the extent disputed area is involved, such an international administration would obviate the necessity of negotiating out rival claims as between the claimant powers. The United States, as one of the joint sovereigns over areas in which the Soviets are located, would have a better basis for opposing objectionable Soviet activities or claims in those areas. It is expected, however, that both Argentina and Chile would strenuously resist the concept of a condominium.”*⁶¹⁵

December 31st, whale catcher *Southern Hunter* is wrecked at Deception Island whilst attempting to avoid an Argentine naval vessel entering the harbour at Neptune's Bellows.⁶¹⁶

1958 – January 3rd, in the House of Commons, Mr. Ian Harvey, speaking on behalf of the Government, informs the House that; *“Argentina now occupies eight and Chile five posts in the Falkland Island Dependencies. Only one of these, the Chilean station on Trinity Peninsula, has been established since 1956. Both Governments have also erected navigational beacons and refuge huts in the area. Her Majesty's Government have made formal protests when each installation was set up, the last being in March, 1957, at the end of the 1956–57 Antarctic season. The International Geophysical Year opened on 1st July, 1957. Her Majesty's Government welcome scientific exploration in the Falkland Island Dependencies during this period and do not regard this as affecting sovereignty in any way. All the above-mentioned Argentine and Chilean posts are participating in the scientific programme of the International Geophysical Year. In the case of activities which are not connected with the International Geophysical Year such as the Argentine tourist cruise to Deception Island in January, Her Majesty's Government have made their attitude on the question of sovereignty clear to the Governments concerned.”*⁶¹⁷

The USA proposes a limited international regime for Antarctica.

Falklands Dependencies Governor, Sir Oswald Arthur visits the dependent islands aboard *RRS Shackleton*.

Argentine tourists aboard *Les Eclaireurs*, sail to the South Shetland Islands.

February 12th, visiting Canberra, Britain's Prime Minister, Harold Macmillan, makes a press statement calling for Antarctica to be a; *“free zone of scientific collaboration.”*

February 16th, an editorial in Chile's *El Mercurio* notes that Chile cannot consent to any discussion of internationalisation of Antarctica and rejects Macmillan's suggestion.

February 18th, Chile's Foreign Minister, Alfredo Sepulveda Contreras, states that *“there is an American Antarctic”* and that Chile *“holds the oldest rights of sovereignty on this territory.”*⁶¹⁸

614 Not so secret as, on October 3rd, South Africa requested to be included. In the first instance, it had not been the USA's intention to invite Britain either, owing to the dispute with Argentina over sovereignty of the Falkland Islands.

615 *Foreign Relations of the United States, 1955–1957, United Nations & General International Matters, volume 11, Doc. 333*

616 Headland 1989

617 *HC Deb 03 February 1958 vol 581 cc137-8W*

618 *The Antarctic Treaty 1959* John Hanessian in *The International and Comparative Law Quarterly* vol.9, no.3 (Jul., 1960) pp.436-480

March 10th, a further secret “conversation” takes place at New Zealand's Embassy in Washington to discuss US proposals; “Representatives of the United Kingdom, Australia, New Zealand, and the United States, as indicated above, met informally at the New Zealand Embassy to discuss the present status of developments in regard to Antarctica. Ambassador Daniels stated that the United States had had talks with the Governments of Chile and Argentina and their reaction to proposals for an international solution to the Antarctic problem was as anticipated. Both countries, he stated, though opposed to any solution involving sacrifice of claims, seemed to be interested in the concepts of scientific cooperation and peaceful uses of Antarctica.

Ambassador Daniels also stated that the United States is planning to make an approach soon to all claimant powers in order to determine whether or not there is a generally agreed basis for going ahead with plans for Antarctica. Lord Hood ... stated that the United Kingdom favored bringing in the widest range of countries in the general agreement, at the same time was interested in limiting the number of countries involved in the actual administration. He felt that the whole arrangement would be open to less criticism in the UN if we went ahead “full steam” taking into consideration all the factors which might cause question or opposition in the UN. An effective, well-rounded program would impress members of the UN and the UN would then be more likely to leave “hands off.” ...”⁶¹⁹

It is agreed that the USA are better positioned to initiate discussions with other interested nations.

“... there was a gradual realisation that Antarctica would not prove to be the frozen El Dorado of popular imagination... (which) contributed to Britain's growing desire to resolve the question of sovereignty in Antarctica. .. The advantages of maintaining exclusive sovereignty in the Falkland Islands Dependencies increasingly seemed to justify neither the diplomatic headaches it caused, nor the expense it incurred.”⁶²⁰

March 24th, Washington seeks the views of the IGY countries in respect of the political future of Antarctica in a *aide-mémoire*.⁶²¹

April 29th, in Geneva, the *Convention on the Territorial Sea and the Contiguous Zone* is agreed; to come into force on September 10th, 1964.

“An island was defined in Article 10 as 'a naturally-formed area of land, surrounded by water, which is above water at high tide'. Islands generate their own territorial sea and continental shelf. Furthermore, the principle that islands should be treated as any other land territory for the purpose of delimiting the territorial sea, contiguous zone and continental shelf was expressly recognised in Article 10(1) of the 1958 Convention on the Territorial Sea and the Contiguous Zone, and Article 1 of the 1958 Convention on the Continental Shelf.”⁶²²

May 2nd, the USA organises a conference on Antarctica for the IGY nations. Chile accepts the invitation whilst maintaining that its own position was distinct from other nations which claimed “colonial” possessions.

May 3rd, in Washington, the White House announces a call for a conference on Antarctica.

619 *Foreign Relations of the United States, 1958-1960, United Nations and General International Matters, vol.2 Doc.270*
620 Howkins 2008 p.307

621 Handed to representatives from the Embassies of Argentina, Australia, Belgium, Chile, France, Japan, Norway, New Zealand, the Union of South Africa, the Soviet Union, and the United Kingdom. The inclusion of the USSR was a controversial decision within the US Government; also raising some objections from the other western powers. Copy of the *aide-mémoire* in *Foreign Relations of the United States, 1958-1960, United Nations and General International Matters, vol.2 Doc.271*

622 *Islands* Andrew J. Jacovides in *Peaceful Order in the World's Oceans: Essays in Honor of Satya N. Nandan* Michael Lodge & Myron Nordquist (eds) 2014

The US President announces that; “...the United States us dedicated to the principle that .. Antarctica... shall be used for peaceful purposes,” adding; “The United States for many years has had, and at the present time continues to have, direct and substantial rights and interest in Antarctica... my Government reserves all of the rights of the United States with respect to the Antarctic region, including the right to assert a territorial claim or claims... the interests of mankind would be best served, in consonance with the high ideals of the Charter of the United Nations if the countries which have a direct interest in Antarctica were to join together in the conclusion of a treaty which would have the following peaceful purposes:

A. Freedom of scientific investigation throughout Antarctica... B. International agreement to ensure that Antarctica be used for peaceful purposes only. C. Any other peaceful purposes not consistent with the Charter of the United Nations.”⁶²³

June 2nd, the USSR informs the USA of its general agreement with the Antarctic proposals.

June 10th, a Convention on the Continental Shelf is agreed in Geneva.

“Article 1: For the purpose of these articles, the term " continental shelf " is used as referring (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 204metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands. ⁶²⁴

Article 2: 1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

Article 6: 1. Where the same continental shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the continental shelf appertaining to such States shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.”

The Convention states that islands have their own continental shelves and limits the rights of coastal States to exploration and the exploitation of natural resources. ⁶²⁵

“In 1950 Britain approved the Falkland Islands (Continental Shelf) Order in Council, which established full sovereignty over the seabed and subsoil contiguous to the colony's coasts. Even more worrying from Buenos Aires' perspective was the ominous turn taken by the Geneva negotiations. When the Philippines' proposal to grant an explicit continental shelf status to islands was accepted and included in the 1958 Convention, the Falklands Order in Council suddenly acquired a firmer standing in international law and a more dangerous meaning for Argentine pretensions. Now Britain... could claim that, as the sole UN-recognised administering power of the South Atlantic Islands, it had a legitimate title to the rights prescribed by the conventions. Moreover, in its Article 6 the convention outlined the process whereby a continental shelf adjacent to two or

623 Department of State Bulletin, vol.38, no.988, pp 910-912

624 My emphasis. This was adopted following a suggestion from the Philippines; effectively giving islands their own continental shelf for the purposes of international law. Argentina declined to sign.

625 Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and People 1964 UN Doc A/5800/Rev.1 p.448. Britain ratified this Convention in May, 1964; a month before it was due to come into force.

more states could be divided between them and provided that, in the absence of an agreement, the boundary would be the median. This last proviso suggested that the convention applied even to those states, like Argentina, which had refrained from signing it.”⁶²⁶

“In so far as the continental shelf is concerned, the Convention on the Continental Shelf 1958, at Article 1(b) provided that the term 'continental shelf' is used as referring inter alia 'to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands'. Any insular formation, which is above water at high tide, therefore possesses a territorial sea and a continental shelf.”⁶²⁷

June 13th, informal discussions regarding the proposed Antarctic conference are held in Washington.

“... informal informal meetings have been held once or twice a week, for the most part in the Board Room of the National Academy of Sciences building, among representatives of the Embassies in Washington of the eleven countries and the U.S. to reach mutual agreement on time and place of the conference and on other procedural matters. It was the hope of most of the representatives, except the Soviet, that in these meetings preliminary agreement could be reached on some of the substantive questions pertaining to the treaty. The Soviet representative has consistently refused to discuss substantive matters except in the conference itself. He has also insisted at every occasion that all other countries which desire to do so be invited to participate in the conference. This position is opposed by all the other countries invited by the U.S. The group has tentatively agreed upon Washington as the site of the Conference. Efforts to agree upon a date, however, have been unsuccessful mainly because of Australian insistence that more preparatory work must first be accomplished before a conference date can be set. Both the U.K. and Australia also insist that an understanding must first be reached with the USSR that participation be limited to the 12 invited by the U.S. Both fear that if the Conference convenes during the U.N. General Assembly the USSR will walk out of the Conference and immediately bring up the question of participation before that assembly. (India has already placed the subject of Antarctica on the provisional agenda of the General Assembly but later indicated it would not press for inclusion of the item in the agenda.) The Chilean and Argentine representatives have insisted that if the informal working group now meeting does not agree on an early date for the Conference (October 23 has been proposed) this failure will surely cause the General Assembly to take up the question. Chile and Argentina, which would both consider U.N. discussion of Antarctica as interference in their domestic affairs, would likely refuse to participate in any U.N. discussion of Antarctica.”

“Early in the meeting, the Chilean and Argentine delegations set out their positions with long diatribes on their right to the southern continent. ... Enrique Gajardo, the Chilean representative, made it clear that Chile considered Antarctica part of its metropolitan territory... adding once again that the Antarctic Peninsula was a geological extension of Chilean territory...”⁶²⁸

August 30th, Argentina voices its opposition to any internationalization of the Antarctic.

In Britain, the *Scientific Committee on Antarctic Research* (SCAR) is founded and established at the Scott Polar Research Institute in Cambridge to continue the co-operation of the IGY.

Proposals to transfer the assets of the *Compañía Argentina de Pesca*, following its sale to the British based *Albion Star*, are vehemently opposed by Argentina.⁶²⁹

626 González 2014 p.109

627 *Islands* Andrew J. Jacovides in Lodge & Nordquist (eds) 2014

628 Howkins 2008 p.322

629 FO371/131892; *Colonial Office Records; Public Record Office*, October 17th 1958

November, the USA produce a series of informal working papers on Antarctica for discussion.

*“Despite the differences emerging during the preliminary conversations, considerable optimism prevailed among the participants, and on May 28, 1959, the Department of State announced that the Antarctic Treaty Conference would be held in Washington commencing on October 15.”*⁶³⁰

Falkland Dependencies governor Sir Oswald Arthur inspects the dependent islands aboard *HMS Protector*.⁶³¹

1959 – January 20th, an internal US, Department of State memorandum notes; *“... thirty-one meetings of preparatory talks on Antarctica have been held, attended by representatives of the United States and of the Embassies in Washington of the eleven countries to whom our note of May 2, 1958, was addressed. It has been agreed that the conference should be held in Washington but no announcement of this will be made until there is a decision on the date of the conference... Except for differences as to formulation there is general agreement for the provisions that Antarctica be used for peaceful purposes only and that there be freedom of, and continued international cooperation in, scientific research in Antarctica. The differences as to formulation are related in most cases to other points which have either not yet been discussed as fully or on which agreement will be difficult.*

The problems on which there may be difficulty in reaching agreement include: (1) The inclusion of a provision setting aside the question of rights and claims (“freezing the legal status quo”). The U.S.S.R. has expressed opposition to the inclusion of this provision and France, for other reasons, has also expressed a difference of view regarding its formulation. (2) There is a difference of opinion as to whether high seas should be included in the area of application of the treaty. (3) The U.S.S.R. and Australia have opposed a provision which would expressly reserve the right to use military personnel and equipment for peaceful scientific uses. (4) Provisions for an adequate inspection or observation system in order to assure compliance with the principle of peaceful use remain to be discussed among all twelve. (5) For some time now the Soviet representative has not repeated his suggestion that participation in the conference be broadened, which all of the other eleven oppose.

*Beyond this, the question of the relationship of the treaty to states other than signatories has not been threshed out as yet among the twelve.”*⁶³²

Compañía Argentina de Pesca closes. *Busen 10*, a whale catcher owned by Tonsbergs Hvalfangeri, is scuttled off Stromness Bay.

June 26th, Dennis Joseph Coleman is appointed magistrate at King Edward Point.

October 15th, the Washington Conference on Antarctica convenes in a formal session with the US representative elected as conference chairman. Two committees are formed to consider the various substantive proposals that have arisen from the informal “conversations.”

Argentina, Chile and France remain particularly sensitive to any suggestion of a dilution of their territorial claims in Antarctica.⁶³³

630 *The Antarctic Treaty 1959* John Hanessian 1960 in *The International and Comparative Law Quarterly* vol.9, no.3 (Jul., 1960) pp.436-480

631 Headland 1989

632 *Foreign Relations of the United States, 1958-1960, United Nations and General International Matters, vol.2 Doc.281*

633 Dodds 2002 p.88

*“Argentine Ambassador Adolfo Scilingo emphasised that the Conference had been called primarily to provide for the “exclusive peaceful use of Antarctica” and for the development of “scientific co-operation” in the region, and did not neglect to refer to Argentina’s strong feelings regarding the maintenance of the status quo.... The Chilean Delegate reaffirmed that “Chilean Antarctic Territory does not have the character of a colonial possession, but is part of its metropolitan territory and forms part of its southernmost province,”...”*⁶³⁴

*“.. (Argentina & Chile) made themselves thoroughly unpopular by obstructive practices and long speeches.”*⁶³⁵

Britain's representative, Sir Esler Dening, tells delegates that; *“... recognising the need to ensure that knowledge of the Antarctic and freedom of access to it should not be limited by political considerations, and while fully maintaining the indisputable rights to sovereignty to which the United Kingdom is entitled, we are nevertheless prepared to subscribe to a clause in the Treaty which will maintain the legal status quo throughout the are of the Antarctic.”*⁶³⁶

October 20th, demanding a closed session at the Washington conference, Argentina explains; *“... that any obligation stronger than an agreement to cooperate would not be acceptable to Argentina and, if insisted upon, would force Argentina to withdraw. Various language formulations were suggested in an attempt to meet the Argentine position but were not acceptable.”*⁶³⁷

November 20th, in Washington, some issues that delegates had thought resolved, return to the table; *“... there had been a misunderstanding when Article IV was approved. The French, Belgian and Argentine delegates believed that the French version had been approved, whereas the U.S., Soviet, UK, Australian and other delegations had believed that the English text was what was approved. All agreed that the fundamental purpose of the Article was to preserve everybody’s positions regarding the recognition or non-recognition of claims and that the treaty under no circumstances would be interpreted as prejudicing any party’s position on this question. ...”*⁶³⁸

November 30th, the final conference meeting agrees on the outstanding issue of nuclear testing in Antarctica, leaving the way open for a treaty.

*“Right until the end of November, it remained uncertain whether any agreement could be reached. ... In the nature of all compromises not everybody was happy ...”*⁶³⁹

December 1st, the *Antarctic Treaty* is signed, covering the area south of latitude 60°S and affecting the status of some Falkland Islands' Dependencies.⁶⁴⁰

634 *The Antarctic Treaty 1959* John Hanessian 1960 in *The International and Comparative Law Quarterly* vol.9, no.3 (Jul., 1960) pp.436-480

635 Britain's Brian Roberts quoted in Howkins 2008 p.329

636 *The Antarctic Treaty 1959* John Hanessian in *The International and Comparative Law Quarterly* vol.9, no.3 (Jul., 1960) pp.436-480

637 *Memorandum From the Head of the U.S. Delegation to the Conference on Antarctica (Phleger) to the Secretary of State, October 20, 1959* in *Foreign Relations of the United States, 1958-1960, United Nations and General International Matters, vol.2 Doc.296*

638 *Foreign Relations of the United States, 1958-1960, United Nations and General International Matters, vol.2 Doc.319*

639 Howkins 2008 p.337. Much of the last weeks of the conference focused upon the issue of nuclear testing and the rights of accession by other nations not invited to the Washington conference.

640 The Treaty came into force on June 23, 1961 following unanimous ratification; it now has 46 signatories of which 28 have voting status

Article 1 deals with the limitation on the presence of armed forces within the Antarctic region, and states -

1. *Antarctica shall be used for peaceful purposes only. There shall be prohibited, inter alia, any measure of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any type of weapon.*
2. *The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.*

Article IV (2) deals with sovereignty claims; "No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force."

*"The Treaty revives the principle of unanimity in that it requires unanimous ratification and cannot be amended unless all parties consent... As no termination date is given, the Treaty remains in force indefinitely"*⁶⁴¹

*"The Antarctic Treaty did not, as is frequently asserted, solve the Antarctic territorial question. It provided only for a modus vivendi as between the players."*⁶⁴²



641 *The Antarctic Treaty 1959* John Hanessian in *The International and Comparative Law Quarterly* vol.9, no.3 (Jul., 1960) pp.436-480

642 John Heap quoted in *The Polar Regions and the Development of International Law* Donald Rothwell 1996