

# 1900 – 1959

## Pin Pricks & Antarctic Pretensions

*“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.”<sup>1</sup>*



**1900** – at Stanley, William Harding is appointed Consul for both Chile and Italy. <sup>2</sup>

**July 29<sup>th</sup>**, Charles McLeod is shot dead by Joseph Jenkins in a dispute over racial taunts.

**October 2<sup>nd</sup>**, 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. <sup>3</sup>

In **October**, rumours are heard that Argentina intends to send a gunboat the South Shetland Islands.

*“No action was taken at Buenos Aires on this occasion, and correspondence with the Colonial Office, Admiralty and Board of Trade showed that there was little ground for moving in the matter. The Colonial Office were unaware of the extent to which British subjects resorted or were likely to resort to these islands for fishery or other purposes, ... The Admiralty were in no way interested in the control of the islands, which did not possess any navigational or strategical advantages. The Board of Trade were unable to ascertain that sealing and whaling vessels starting from the United Kingdom made use of these islands.”<sup>4</sup>*

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

**April 22<sup>nd</sup>**, the *Swedish Expedition* arrives at South Georgia.

*“Larsen, a Norwegian who had previously visited South Georgia during the a pioneer whaling voyage in the Jason in 1893-94. Larsen recognised the possibilities of the island as a whaling base.”<sup>5</sup>*

**May 14<sup>th</sup>**, Larsen takes *Antarctic* into a sheltered cove in Cumberland East Bay named *Grytviken*.

**May 28<sup>th</sup>**, Chile and Argentina sign the *Pactos de Mayo* – brokered by Britain's King. <sup>6</sup>

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1 Sir Malcolm Robertson November, 1928

2 *The London Gazette* No.27155 & No.27205

3 *The London Gazette* No.27304

4 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490 at para.20

5 *Ibid.* See also 1894 & 1896

6 There were actually 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

**1903 – January 6<sup>th</sup>**, the *Scottish National Antarctic Expedition*, led by Dr. William Spiers Bruce, arrives off the Falklands in *Scotia*; remaining until the 26<sup>th</sup>, before sailing for the South Orkney Islands. <sup>7</sup>

**February 12<sup>th</sup>**, *Antarctic* is crushed by sea ice, stranding Larsen and his crew.

**March 26<sup>th</sup>**, the *Scottish Expedition* arrives at Laurie Island (South Orkney Islands) where a pre-fabricated meteorological station is erected and named '*Ormond House*.'

In **August**, work on a Falklands depot and repair facilities ceases. Coal supplies are to be reduced.

“... when the existing stock of coal maintained by them at the Falkland Islands is used up no more will be kept for naval purposes.” <sup>8</sup>

“The appointment of Admiral Sir John Fisher as Second Sea Lord in June 1902 resulted in a naval revolution which greatly diminished the perceived military value of the Falklands. In August 1903 the Admiralty ceased work on the coaling depot ... The decision reflected Fisher's redistribution of the fleets to meet the threat from Europe. ... The South American station was disbanded and its area of responsibility absorbed into the South Atlantic station with its base at Freetown - 5,000 miles from the Falklands.” <sup>9</sup>

During **November**, after being rescued by an Argentine corvette, *Uruguay*, Carl Larsen arrives in Buenos Aires where he presents his ideas about a whaling venture to members of the local business community; “Thus began the activity of Argentina in Antarctica! ..., Captain Carl Anton Larsen asked why Argentina was not dedicated to hunt cetaceans in the vicinity of its coasts. From there was born the initiative to create a company...” <sup>10</sup>

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

**December 8<sup>th</sup>**, Dr. Bruce sails for Buenos Aires aboard *Orissa*.

**December 25<sup>th</sup>**, *Clarence S. Bement*, with its cargo of coal on fire, is wrecked off Fox Bay. <sup>11</sup>

**December 29<sup>th</sup>**, 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.” <sup>12</sup>

Minister Haggard writes to Argentina's Ministry of Foreign Affairs with Bruce's suggestion; “... on December 29<sup>th</sup>, 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...” <sup>13</sup>

“In passing on this offer Mr Haggard acted without instructions.” <sup>14</sup>

“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.

<sup>7</sup> Unusually, this expedition did not have the approval of the *Royal Geographical Society*

<sup>8</sup> Quoted in Ellerby 1990 pp.53-54

<sup>9</sup> Ellerby 1990 pp.53-54

<sup>10</sup> *Ocupacion de las Islas Georgias del Sur (San Pedro) y Sandwich del Sur* Alfredo Bruno Bologna 1982

<sup>11</sup> *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

<sup>12</sup> FO 371/4/456. My emphasis. cf. 1906

<sup>13</sup> *Harford to Bart February 14, 1906* in FO 371/4/454.

<sup>14</sup> *Robertson to Lord Cushendun November 9, 1928* in FO 371/12736/365

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...”<sup>15</sup>

**1904 – January 2<sup>nd</sup>**, 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.”<sup>16</sup>

“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.”<sup>17</sup>

“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.”<sup>18</sup>

“... (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.”<sup>19</sup>

**January 5<sup>th</sup>**, Minister Haggard in Buenos Aires reports his actions 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.”<sup>20</sup>

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

**February 22<sup>nd</sup>**, '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, ... 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

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15 Christie 1951 p.178

16 *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 time 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, currently subject to the *Antarctic Treaty*. cf. 1959

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

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

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

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

*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.”*<sup>21</sup>

*“... 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 ...”*<sup>22</sup>

*“(Señor Acuña arrived) ... fully accredited by the Argentine postal authorities as a postmaster.”*<sup>23</sup>

*“There was no ceremony of taking possession. One of the new staff came provided with a supply of Argentine postage stamps and a specially designed post mark. 'Orcas del Sud. Distrito Rio Gallegos', but this is believed to have been in the interests of philatelists. The first mail to Buenos Aires was taken north in the Scotia and posted from Cape Town... (fn) However, only two outside deliveries could have been effected by this post office, since neither the second nor any of the subsequent parties until 1941 included an accredited postmaster.”*<sup>24</sup>

**February 29<sup>th</sup>**, 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.”*<sup>25</sup>

**March 16<sup>th</sup>**, at Stanley, William Harding is further gazetted as German Consul.<sup>26</sup>

**March 26<sup>th</sup>**, responding to a request, the Admiralty gives its opinion with regard to the South Orkneys.

*“... relative to the suggestion made by the Argentine press that the Argentine Government 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...”*<sup>27</sup>

**April 16<sup>th</sup>**, the Colonial Office also provides its opinion.

*“... no importance should be attached to the possession of the group of islands in the South Atlantic known as the South Orkneys.”*<sup>28</sup>

**April 26<sup>th</sup>**, copies of the Admiralty and Colonial Office opinions are despatched to Haggard in Argentina; *“Lord Lansdowne ... 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.” ...”*<sup>29</sup>

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21 Brown, Mossman & Pirie 1906

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

23 *South African Philatelist* April, 1935.

24 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490. cf. 1935, 1947 & 1955

25 Kohen & Rodriguez 2016 p.260. Of no consequence for the issue of sovereignty. See below.

26 *The London Gazette* No.27660

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

28 *Ibid*

29 *Ibid*

**May 28<sup>th</sup>**, William Lamond Allardyce is appointed Governor of the Falklands. <sup>30</sup>

**June 6<sup>th</sup>**, an arbitration panel considers a sovereignty dispute between British Guiana and Brazil.

*“... 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 ...”* <sup>31</sup>

**November 16<sup>th</sup>**, Carl Larsen arrives at Grytviken, South Georgia with 3 ships, *Louise*, *Rolf* and *Fortuna*, together with enough material to build a factory. <sup>32</sup>

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

**1905 – January 15<sup>th</sup>**, Carl Larsen founds a meteorological station on South Georgia with equipment loaned by the *Servicio Meteorological Nacional* of Argentina. <sup>33</sup>

*“Argentina also installed a telegraph station and Argentine military crews conducted various relays on the island without ever being disturbed by any British authority.”* <sup>34</sup>

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

*“... that there were Argentine Navy ships in Grytviken is a proof of Argentina's interest in the islands.”* <sup>35</sup>

Robert Mossman, the last member of the *Scottish Expedition*, leaves Laurie Island and the South Orkneys.

*“... in Mossman they certainly had a Scotsman for their first governor.”* <sup>36</sup>

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30 *The London Gazette* No.27681. For a full biography see Tatham (ed.) 2008 pp.37-42

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

32 It has been suggested that Larsen's backers did not believe that the British would interfere. See *Pesca: the history of Compañía Argentina de Pesca – an account of the pioneer modern whaling and sealing company in the Antarctic I.* Hart, 2001. British permission, was requested by the *Compañía Argentina de Pesca* in November, 1905. Grytviken produced its first oil on December, 25, 1904.

33 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

34 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.

35 Destefani 1982

36 Brown, Mossman & Pirie 1906

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 to emphasise that the permission of the British Government would be required.<sup>37</sup>

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.<sup>38</sup>

“... 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.”<sup>39</sup>

**March 27<sup>th</sup>**, 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.' ...”<sup>40</sup>

“It seems at any rate to be clear from the Decree published in the Argentine 'Boletin Oficial' of the 27<sup>th</sup> March 1905 that the Argentine Government did not then regard the Island as Argentine territory.”<sup>41</sup>

Argentina publishes a map of its military regions.<sup>42</sup>

**July 16<sup>th</sup>**, fuel supplies are delivered to the Grytviken factory by the Argentine warship, *Guardia Nacional*.<sup>43</sup>

“Neither the company nor the Argentine Government vessel *Guardia Nacional* hoisted the Argentine flag on the island (though one of the four ships of the company flew it).”<sup>44</sup>

“Argentina continued to exercise acts of authority ... by the presence of their ships of war.”<sup>45</sup>

**July 24<sup>th</sup>**, 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.<sup>46</sup>

**July 27<sup>th</sup>**, a Danish barque, *Sixtus*, is wrecked at Volunteer Rocks.<sup>47</sup>

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

38 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.

39 Argentina's Minister of Finance Norberto Piniero, March 29, 1906 quoted in Bologna 1982

40 *Allardyce to Lyttelton November 28, 1905 FO 371/4/45*. My emphasis. A grant applied to all subsequent cargoes.

41 FO 371/4/156. See March, 1906

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

43 Bologna 1982. 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

44 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

45 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.

46 Headland 1989 and 1992. In the earlier book, Headland notes that the *South Georgia Exploration Company* was founded in Punta Arenas on 20<sup>th</sup> 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 work, 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 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 assisted by a Mr. Henry Velway. cf. FO 371/4

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

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

**August 22<sup>nd</sup>**, 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...”*<sup>48</sup>

**September 19<sup>th</sup>**, Kirkhill is wrecked on Wolf Rock.

**September 27<sup>th</sup>**, Swinhoe visits Grytviken once again to protest the unlicensed whaling operation.<sup>49</sup>

*“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.”*<sup>50</sup>

*“Their reception by the Norwegians was not cordial. On being shown the lease of the South Georgia Exploration Company, Captain Larsen disputed the authority of the Falkland Islands Government to grant it, and ordered the intruders off the island.”*<sup>51</sup>

**September 28<sup>th</sup>**, asked to provide something in writing, Swinhoe hands over a letter addressed to ‘Mr. Larsen, Cumberland Bay’.

*“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 2<sup>nd</sup>**, in Buenos Aires, Pedro Christophersen and Guillermo Núñez, both principle shareholders of the *Compañía Argentina de Pesca*, visit the British Legation.<sup>52</sup> Britain’s *charge d’affaires* reports the visit to Governor Allardyce.

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

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

50 *FO 371/4/50*

51 *Memorandum on the Falkland Islands Dependencies* 1947 in *LCO 2/490*

52 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.

*“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...”*<sup>53</sup>

**November 28<sup>th</sup>**, 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. Swinhow – 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 27<sup>th</sup> 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.”*<sup>54</sup>

**November 30<sup>th</sup>**, 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 to 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 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...”*<sup>55</sup>

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53 *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

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

55 Internal Foreign Office *memo* by H. Jones dated July 8<sup>th</sup>, 1930 *A 4733/1437/2/1930*. There being no evidence that the Argentines were claiming the South Orkney’s; no representation was made to them on this occasion.

*“His Majesty's Chargé d'Affaires at Buenos Aires, who had been instructed to make representations in this sense to the Argentine Government, pointed out that the Colonial Office seemed to be unaware that the Argentine Government had been officially invited, through His Majesty's Legation, to take over the observatory. In reminding the Colonial Office of this, it was suggested that the fact that the Argentine Government had taken over the observatory at the invitation of His Majesty's Government, made the British claim all the stronger...”*<sup>56</sup>

**December 11<sup>th</sup>**, the terms of a proposed lease for a plot of land at Grytviken is handed to the *Compañía Argentina de Pesca*. The company's President, Herman Schlieper, objects to *Clause 6* which requires that a share of the profits is paid to the Falklands Government.

**December 12<sup>th</sup>**, from Buenos Aires, *charge d'affaires* Harford informs Governor Allardyce of the difficulty.

*“... 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.”*<sup>57</sup>

**December 24<sup>th</sup>**, two whalers and a factory ship, *Admiralen*, arrive off New Island with a whaling licence from the Falklands Governor. *Admiralen* anchors for a month before moving off for the South Shetlands with 40 whales to process.<sup>58</sup>

*“In the seasons 1905-06 and 1906-07 the Governor of the Falkland Islands demanded royalties on all whales caught from (the Falklands and South Georgia), but not for operations in the South Shetlands, which, it is alleged, he stated to the Norwegian whalers in 1905 were not British possessions. The South Orkneys, South Shetland Islands and Graham Land were then regarded as terra nullius.”*<sup>59</sup>

**December 30<sup>th</sup>**, *charge d'affaires* Harford reports a further discussion in which Schlieper had emphasised his concern that; *“... the company might be deprived of their privilege of importing whale oil (into Argentina) free of duty in virtue of its being derived from whales caught on vessels under the Argentine flag.”*<sup>60</sup>

*“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, ...”*<sup>61</sup>

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56 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

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

58 *Admiralen* was commanded by Alexander Lange

59 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490. cf. 1908, 1917, 1947, 1955 & 1959

60 FO 371/4/79. My emphasis.

61 FO 371/4/76

**1906 – January 9<sup>th</sup>**, in London, the Colonial Office comments 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.”<sup>62</sup>

**January 11<sup>th</sup>**, Swinhow sends rock samples from South Georgia to London’s Imperial Institute for analysis.<sup>63</sup>

**January 31<sup>st</sup>**, HMS Sappho arrives at Grytviken; “Neither Mr. Swinhoe's nor Captain Hodges' reports mention that the Argentine flag was flying over the station.”<sup>64</sup>

**February 2<sup>nd</sup>**, 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.”<sup>65</sup>*

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.”<sup>66</sup>*

**February 3<sup>rd</sup>**, Larsen and Hodges visit Fortuna and Antarctic Bays; agreeing the locations for two beacons.

*“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.”<sup>67</sup>*

**February 5<sup>th</sup>**, after surveying King Edward Cove, HMS Sappho sails for Montevideo; “The main result of the visit of HMS Sappho was an ordinance of the Falkland Islands Government making it unlawful to take whales without a licence, and imposing royalties on each whale caught.”<sup>68</sup>

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62 FO 371/4/40

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

64 Ibid.

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

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

67 Headland 1992 pp.67-68

68 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

Swinhoe renews his lease for the *South Georgia Exploration Company* on South Georgia.<sup>69</sup>

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

**February 26<sup>th</sup>**, 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.”*<sup>70</sup>

**February 27<sup>th</sup>**, Norway’s *charge d’affaires* in London questions the Foreign Office as to the ownership of islands in the South Atlantic.<sup>71</sup>

**March 8<sup>th</sup>**, 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.”*<sup>72</sup>

**March 19<sup>th</sup>**, Britain’s Colonial Office considers the ramifications of the *Compañía Argentina* lease.

*“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’ affairs 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 ‘Boletin Oficial’ of the 27<sup>th</sup> 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*

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69 21 years at £100 *per annum*; later sold to Norwegian whaling company *Bryde & Dahl*.

70 FO 371/4/275

71 FO 371/4/269

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

*consideration that by installing themselves on South Georgia the Company had not installed themselves on Argentine territory.”*<sup>73</sup>

**March 29<sup>th</sup>**, Argentina’s Minister of Finance, Norberto Piniero, records; “... 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...”<sup>74</sup>

**April 2<sup>nd</sup>**, the Colonial Office considers the South Orkneys' situation; “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.”<sup>75</sup>

**May 7<sup>th</sup>**, the Colonial Office respond to Norway’s February request for information regarding sovereignty.

*“His Majesty’s Government have a claim to the following territories within the limits mentioned in Mr. Irgen’s note, viz: South Georgia, the South Shetlands, the South Orkneys, and Graham’s Land.”*<sup>76</sup>

**May 16<sup>th</sup>**, Norway is informed; “... 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...”<sup>77</sup>

*“Norwegian whaling companies should (therefore) apply to the Governor of the Falkland Islands for any facilities they might desire in those territories. The whale fishery was accordingly dealt with by law under FI Ordinance No.3 of 1906, which made it unlawful to take whales without a licence, and imposed royalties on each whale caught.”*<sup>78</sup>

*“The South Shetland Islands comprise a number (of islands), of which the most important are King George island, Livingstone Island and Deception Island... The Shetland Islands were also included in the letters Patent in 1908. A whaling licence was first granted by the Falkland Islands Government in 1907. Up to this time, approximately, the islands were we think *res nullius*.”*<sup>79</sup>

**June 20<sup>th</sup>**, Cassard, a French steel barque built in 1899, is wrecked on Driftwood Point, Bleaker Island.<sup>80</sup>

**July 12<sup>th</sup>**, Governor Allardyce raises the question of South Sandwich sovereignty; “In 1905 the Argentine Government developed plans for observatories in South Georgia, Booth (Wandel) Island, in the Palmer Archipelago, one of the South Sandwich Islands, and possibly also in West Falkland. That these plans did not come to fruition was principally due to the lack of trained meteorologists willing to undertake the work.”<sup>81</sup>

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73 FO 371/4/156

74 Quoted in Bologna 1982

75 FO 371/12736/371. cf. 1903, 1904 & 1906

76 FO 371/4/269

77 Field 1928 paras.269 & 270. cf. 1947, 1955 & 1959

78 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490. Licences cost £25. cf. 1947, 1955 & 1959

79 Opinion of the Law Officers 1947 in LCO 2/490. Original emphasis. cf. 1947

80 Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum. Cassard’s wreck was sold at public auction on the 29<sup>th</sup> for £355; her cargo of wheat for £20.

81 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

**August 2<sup>nd</sup>**, 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?”*<sup>82</sup>

**August 21<sup>st</sup>**, 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.”*<sup>83</sup>

**August 22<sup>nd</sup>**, the British Minister is instructed to affirm Britain's 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...”*<sup>84</sup>

*“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.”*<sup>85</sup>

**August 23<sup>rd</sup>**, Minister Haggard addresses a Note to the Argentine Foreign Ministry informing them that the South Orkneys are British territory; *“... and that the intervention of His Majesty's Government was based not less on British ownership than on the British status of the expedition which had originally established it.”*<sup>86</sup>

In **September**, the Falklands’ Governor is authorised to treat the South Sandwich Islands as a Dependency of the Falklands for the purposes of leases and licensing.<sup>87</sup>

*“In September 1906 the Governor of the Falkland Islands was authorised to include them as Dependencies of the Falkland Islands. In December of the same year, when the question of including this group in the Colonial Office list as a Dependency of the Falkland Islands arose, the Colonial Office were told that the British claim to these islands was very slender, but... there would be no objection to including them in the Colonial Office list, which, being an unofficial publication, would be no bar to the consideration of any duly authenticated claim should such be subsequently advanced in another quarter.”*<sup>88</sup>

*“This group of islands must, in our view, either be res nullius or British territory. There has been no effective claim made to them by any other power. They are practically speaking uninhabitable, affording so far as is known, no more than an anchorage where vessels may obtain shelter. Landing is difficult, and on some islands*

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82 FO 371/4/460

83 FO 371/4/469

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

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

86 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

87 Field 1928 para.275

88 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

practically impossible, and it is unlikely that any of the islands will become of any value.... If Great Britain has no title, the South Sandwich Islands are clearly still *terra nullius*.”<sup>89</sup>

“The Argentine Republic has a particular interest in the location of these islands of the South Atlantic, not only for strategic reasons, but especially the South Sandwich Islands which are located 2,400 km from the Argentine city of Ushuaia in Tierra del Fuego, they set the western boundary of the claim of the Argentinean Antarctic sector which extends from 25° to 74° west longitude...”<sup>90</sup>

**September 22<sup>nd</sup>**, Minister Haggard sends intelligence to 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.”<sup>91</sup>

“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.”<sup>92</sup>

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

**December 15<sup>th</sup>**, an Argentine *Decree* determines salaries for staff at the meteorological stations on Laurie Island and Booth (Wandel) Island, referring to them as - “*Stations in Southern Argentine lands*.”<sup>93</sup>

**1907 – January 4<sup>th</sup>**, 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...”<sup>94</sup>

“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.”<sup>95</sup>

“The Minister for Foreign Affairs, in replying to Mr. Townley's note, asked for time to consider the question, but in conversation he expresses his surprise that His Majesty's Government claimed this group. No further communication from the Argentine Government at this period is recorded.”<sup>96</sup>

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89 Opinion of the Law Officers 1947 in *LCO 2/490*. Original emphasis. *cf.* 1775 & 1947

90 Bologna 1982

91 *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

92 Argentine 4<sup>th</sup> Grade text book quoted in Garcia 2009

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

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

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

96 *Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490*

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 30<sup>th</sup>**, 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 7<sup>th</sup> January, 1829, landing at Cape Possession, Hoseason Island, and that Sir John Ross landed on Cockburn Island in the South Shetland group on the 6<sup>th</sup> 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 16<sup>th</sup> 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." <sup>97</sup>

"The Norwegian Government did not lodge any protest against the British claim." <sup>98</sup>

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.

**June 15<sup>th</sup>**, a second *Hague Conference* meets to expand upon the 1899 conventions and with the purpose of; "... obviating as far as possible recourse to force in the relations between States,..." <sup>99</sup>

**October 18<sup>th</sup>**, at the *Hague Conference*, the 1899 convention regarding the pacific settlement of disputes is extended. 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." <sup>100</sup>

**November 23<sup>rd</sup>**, *Baden Powell*, is wrecked on Elephant Jason. <sup>101</sup>

**December 12<sup>th</sup>**, 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.

Whaling licences are also granted by the Falklands' Governor for the South Shetland and South Orkney Islands.

*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.

"In 1908 a licence to take whales in South Shetland and Orkney waters was granted to the Newfoundland Steam Whaling Company. In the same year another company applied for a licence for the latter area and similar applications were received from various companies in each of the three following years." <sup>102</sup>

*HMS Sappho* visits Stanley. <sup>103</sup>

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97 Field 1928 paras.271 & 272

98 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

99 The two conventions – 1899 and 1907 – form the foundation of the, still operative, *Permanent Court of Arbitration*.

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

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

102 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

103 *The Wilds of Patagonia* Carl Skottsberg 1911

**February 5<sup>th</sup>**, 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 17<sup>th</sup>**, 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. <sup>104</sup>

Commander Hodges of *HMS Sappho* inspects the Volunteer Force which has a strength of 94, and; *“... recommended Falklanders participate in the annual Beasley Trophy competition and the Commonwealth Games to encourage shooting skills.”* <sup>105</sup>

**March 12<sup>th</sup>**, 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. <sup>106</sup>

**April 1<sup>st</sup>**, *Helene Blum* is wrecked on Seal Rock, Cape Pembroke. <sup>107</sup>

**July 21<sup>st</sup>**, in London, *Letters Patent* are issued with regard to 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.”* <sup>108</sup>

*I. 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.*

*II. And We do hereby further declare that from and after such publication as aforesaid the Governor and Commander-in-Chief of Our Colony of the Falkland Islands for the time being (herein-after called the Governor) shall be the Governor of South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the territory of Graham's Land (all of which are herein-after called the Dependencies); and We do hereby vest in him all such powers of government and legislation in and over the Dependencies as are from time to time vested in Our said Governor in and over Our Colony of the Falkland Islands, subject, nevertheless, to any instructions which may from time to time be hereafter given him under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, and to such laws as are now or shall here after be in force in the said Dependencies.”* <sup>109</sup>

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

105 Ellerby 1990 p.53

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

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

108 My emphasis.

109 *British and Foreign State Papers, 1907-08, Vol. 101 (London, 1912), pp. 76-77*

*“It had been the rising importance of the whaling industry that first directed attention to the question of political sovereignty in the Antarctic and it was in order to establish British control over whaling that the further deliberate annexation of the Falkland Islands Dependencies was carried out in 1908. ... Owing to the fact that the geographical co-ordinates mentioned in the Letters Patent of 1908 included a large section of the southern extremity of South America, the Letters Patent were erroneously interpreted in some quarters as meaning that His Majesty's Government claimed this section of the continent. ...”*<sup>110</sup>

*“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...”*<sup>111</sup>

*“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.”*<sup>112</sup>

*“British title to the Dependencies "does not derive from the Falkland Islands" and "these territories have been treated as Dependencies of the Falkland Islands only for reasons of administrative convenience." ... in Argentinian eyes, the express linking of the Dependencies with the Falkland Islands has no doubt been perceived as a way of legalistically bolstering what might otherwise be a weak claim...”*<sup>113</sup>

**September 1<sup>st</sup>**, the Letters Patent are published in the *Falkland Islands Gazette*.

*“The Letters Patent vested all powers of Government and legislation in the Governor of the Falkland Islands, and provided that “the Governor is, and shall be deemed always to have been, authorized and empowered to make and execute, in Our name and on Our behalf, grants and dispositions of any Lands which may lawfully be granted or disposed of by Us within the Dependencies.” ...”*<sup>114</sup>

*“... (the) question of title to the Falkland Island Dependencies is legally distinct from the question of title to the Falkland Islands themselves”, being based on different facts...”*<sup>115</sup>

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

*“The system of control of the whale fishery instituted in 1906 was by now considered unsuitable. Accordingly, the Ordinance was repealed and replaced by Ordinance No.5 of 1908, and amending Ordinances, and by separate regulations for South Georgia and the other Dependencies. The policy of 1908 aimed at limiting the extent to which pursuit of whales might be carried on and reducing the amount of waste involved ... To secure the first of these objectives it was decided to issue no further leases or licences... the shooting of whale calves, or of female whales accompanied by calves, was prohibited.”*<sup>116</sup>

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110 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

111 Christie 1951 p.240

112 Destefani 1982

113 *Who owns the Falkland Island Dependencies in International Law? An Analysis of Certain Recent British and Argentine Official Statements* C. R. Symmons 1984 citing discussions with the Secretary General of the United Nations during the Falklands War in 1982. *cf.* May, 1982

114 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

115 Symmons 1984 citing *Antarctic cases 1955. cf.* 1955

116 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

**November 13<sup>th</sup>**, Argentina's Foreign Minister asks to be informed as to the terms of the “*declaration*” of July.

*“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.”*<sup>117</sup>

*“No evidence can be found that either Argentina or Chile protested against an inclusion of their territory under British jurisdiction.”*<sup>118</sup>

**December 29<sup>th</sup>**, Allardyce reports his concerns regarding conservation of sealing stocks in the Falklands following; *“... a raid on the Fur Seal rookery at Volunteer Rocks, almost within sight of the seat of Government. On that occasion the rookery was depleted and the seal pups left to die.”*<sup>119</sup>

**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 for a sealing licence from *Compañía Argentina de Pesca*.<sup>120</sup>

**February 20<sup>th</sup>**, a copy of the 1908 *Letters Patent* is forwarded to Argentina's Foreign Ministry.

**March 18<sup>th</sup>**, Argentina's Foreign Minister, Victorino de la Plaza, acknowledges receipt of a copy of the 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...”*<sup>121</sup>

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

**July 22<sup>nd</sup>**, the *Compañía Argentina de Pesca* take on a further British lease for Jason Harbour.

**August 25<sup>th</sup>**, Governor Allardyce sails from Stanley to inspect the new *Salvesen* whaling factory at New Island.

**November 30<sup>th</sup>**, James Innes Wilson arrives on South Georgia aboard a *Christian Salveson & Co* ship, *SS Coronda*, as the newly appointed Stipendiary Magistrate; *“... British administrative authority has been in continuous occupation ever since.”*<sup>122</sup>

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

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117 Internal FO memorandum in FO 371/12735 at 97

118 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

119 Palmer in Tatham (ed.) 2008 p.39

120 Field 1928 para.277

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

122 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

**1910 – January 1<sup>st</sup>**, *Les îles Malouines: nouvel exposé d'un vieux litige* is published by Paul Groussac.<sup>123</sup>

*“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.”*<sup>124</sup>

**January 16<sup>th</sup>**, Carl Anton Larsen applies to the South Georgia Magistrate for British citizenship.

*“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.”*<sup>125</sup>

Sealing licences are granted under the Falklands' *Ordinances* to the *Compañía Argentina de Pesca*; for South Georgia Island and the South Sandwich Islands.<sup>126</sup> A magistrate is sent to Deception Island for the summer season to oversee whaling operations.<sup>127</sup>

**February 4<sup>th</sup>**, an Argentine newspaper reports.

*“... 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....”*<sup>128</sup>

**April 7<sup>th</sup>**, Minister Townley writes from Buenos Aires to support a cession of the South Orkney's to Argentina, arguing, *inter alia*, that the meteorological site there allowed Argentine farmers to know if the season would be wet or dry six months ahead.<sup>129</sup> The views of the Falklands' Governor are requested.

*“... there can be no doubt that this colony would be a serious loser should Mr. Townley's recommendation be hereafter given effect to.”*<sup>130</sup>

**May 9<sup>th</sup>**, *Malvina*, carrying a cargo of wool, is wrecked on Saunders Island.<sup>131</sup>

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

**May 25<sup>th</sup>**, Argentina celebrates the centennial of the *Primera Junta* of 1810 with the publication of a map identifying the Falklands as Argentine territory; *“The British representative in Buenos Aires was instructed not to take notice of its existence.”*<sup>132</sup>

123 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.

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

125 Quoted in Headland 1984 & 1992

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

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

128 *FO 371/12735/55*

129 *Governor Allardyce to Mr. Harcourt December 24<sup>th</sup>, 1910* in *FO 371/1288*

130 *Ibid*

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

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

In **September**, the *American Department* of the Foreign Office requests an survey of historical correspondence regarding the Falklands' dispute. Gaston de Bernhardt, an assistant librarian is tasked with the research.<sup>133</sup>

**October 5<sup>th</sup>**, from Argentina, Minister Townley writes to the Foreign Office with regard to 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."*<sup>134</sup>

At the Falklands, Governor Allardyce issues 7 South Orkney whaling licences for the 1910/11 season.<sup>135</sup>

**November 11<sup>th</sup>**, an Foreign Office *memo* raises once again, 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."*<sup>136</sup>

*"... Allardyce became alarmed at a discussion which was taking place in the Colonial Office about appeasing Argentine claims to sovereignty. ... in reply to a secret despatch from London dated 11 November 1910 about a possible cession of the South Orkneys to the Argentine Republic, Allardyce strongly opposed the proposal..."*<sup>137</sup>

**December 7<sup>th</sup>**, Gaston de Bernhardt's research is circulated within the Foreign Office as *Memorandum Respecting the Falkland Islands*.<sup>138</sup>

**December 12<sup>th</sup>**, Gerald Spicer, a clerk at the Foreign Office adds his opinion to the *Memorandum*; *"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."*<sup>139</sup>

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133 The publication of Groussac's 1910 book would seem to have been the prime motivating factor behind the request.

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

135 *Governor Allardyce to Mr. Harcourt December 24, 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.

136 FO 371/12735/101

137 Palmer in Thatham (ed.) 2008 p.39

138 *Memorandum Respecting the Falkland Islands FO 881/9755* was presented after only 3 months and with limited access to Foreign Office correspondence (which de Bernhardt considered inadequate). The *Memorandum* would be 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. A copy of the *Memorandum* can be found here -

<https://falklandstimeline.files.wordpress.com/2012/02/memorandum-respecting-the-falkland-islands.pdf>

139 Quoted in Gough 1992

*“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.”*<sup>140</sup>

**December 24<sup>th</sup>**, responding to the question of ceding the South Orkneys, Governor Allardyce notes the potential financial consequences for the islanders together with the view that Argentina might take.

*“... 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.”*<sup>141</sup>

*“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...”*<sup>142</sup>

**1911** – Larsen introduces reindeer to South Georgia as a food source for the whalers.<sup>143</sup>

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.”*<sup>144</sup>

**March 30<sup>th</sup>**, Foreign Secretary Edward Grey provides a written answer in Parliament regarding the negotiation of arbitration agreements with other nations.<sup>145</sup>

*“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.”*

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 6<sup>th</sup>**, *Bayard* is wrecked in Ocean Harbour, South Georgia.

In **July**, FO Assistant-Secretary Robert Campbell gives an opinion after seeing de Bernhardt's *Memorandum*.

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140 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*

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

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

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

144 *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

145 These were as a result of the 2<sup>nd</sup> 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. See September 1911.

*“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.”*<sup>146</sup>

*“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. 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.”*<sup>147</sup>

Camana is scuttled at Husvik Harbour on South Georgia.<sup>148</sup>

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.”*<sup>149</sup>

**September 15<sup>th</sup>**, Colonial Secretary Harcourt also gives his view.

*“... 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.”*<sup>150</sup>

*“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...”*<sup>151</sup>

**September 27<sup>th</sup>**, 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.”*<sup>152</sup>

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146 Quoted in *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

147 Sir Ian Sinclair quoted in Charlton 1989 p.3. Sinclair was Legal Adviser to the Foreign Office 1976 to 1984.

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

149 FO 371/1288. This note, one of a series, is initialled R.S.

150 *Colonial Office to Foreign Office September 15<sup>th</sup>, 1911* in FO 371/1288

151 *Ibid*

152 FO 371/1288. My emphasis.

*“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.”*<sup>153</sup>

*“This clearly shows that the British Government was perfectly aware that Argentina still maintained its claim over the Falkland/Malvinas Islands in 1911.”*<sup>154</sup>

**October 21<sup>st</sup>**, Germany's Antarctic (Filchner) Expedition arrives at Grytviken in Deutschland.

**1912 – February 19<sup>th</sup>**, 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.<sup>155</sup> A house is built for the South Georgia magistrate at King Edwards Point. Grytviken is designated a 'port of entry' for South Georgia. A post office is also established.<sup>156</sup>

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.”*<sup>157</sup>

*“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.”*<sup>158</sup>

**September 28<sup>th</sup>**, 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.”*<sup>159</sup>

**October 21<sup>st</sup>**, the Hektor Whaling Company take out a 21 year lease for a shore station on Deception Island; issued by the Governor of the Falkland Islands Dependencies.<sup>160</sup> A seasonal post office is established on Deception Island when Port Foster is designated as a “port of entry” for shipping.

*“A post office was maintained by the stipendiary Magistrate from 1912 to 1928. Falkland Islands stamps were used, at first bearing an overprint 'Port Foster,' but from 1913 onwards this overprint was replaced by a rubber cancellation date stamp with the words 'Deception Island, South Shetlands.' ...”*<sup>161</sup>

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153 *Ibid* cf. 1914

154 Kohen & Rodríguez 2017 p.188. Being aware, and receiving formal protests, being rather different matters.

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

156 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

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

158 *The Times* August 12, 1928. cf. July, 1928

159 Christie 1951

160 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

161 *Ibid*.

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

*“By 1912-13 there were 12 factory ships and 32 catchers working in the South Shetlands area, all holding licences issued by the Falkland Islands Government.”*<sup>162</sup>

**1913 – March 14<sup>th</sup>**, 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 22<sup>nd</sup>**, workers at Grytviiken 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.”*<sup>163</sup>

*“... and, while there, acted as auctioneer for the sale of the wreck of the floating factory Tivga at the request of the Norwegian owners.”*<sup>164</sup>

**October 8<sup>th</sup>**, 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.”*<sup>165</sup>

**December 25<sup>th</sup>**, at Grytviiken, a Lutheran church is consecrated for the Norwegian sealers working there.

**1914 – January 10<sup>th</sup>**, the South Orkney’s draft-agreement is amended.

*“... the Minister of Foreign Affairs, Dr Ernesto Bosch, ... (found) it difficult to accept the phrase ‘the sovereignty is ceded.’”*<sup>166</sup>

*“Unless Sir R. Tower withheld such a vital piece of information, which is hardly imaginable, no objection of this sort was raised at all.”*<sup>167</sup>

**March 20<sup>th</sup>**, following a change of government in Argentina, the South Orkney draft-agreement is dropped.<sup>168</sup>

*“Both President Peña and Dr. Bosch were, I believe, genuinely desirous of giving effect to the exchange of courtesies with His Majesty's Government. That generation has passed away and the present Administration shows no favour to anything that will entail expense.”*<sup>169</sup>

*“... in the absence of any reply to his note of the 10<sup>th</sup> 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*

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162 *Ibid.*

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

164 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

165 *Ibid* footnote to para.23

166 FO 371/12735/109

167 Internal Foreign Office *memo* by H. Jones dated July 8<sup>th</sup>, 1930 A 4733/1437/2/1930 , footnote to para.23. This suggests that the amendment had been made locally in Buenos Aires, but was not notified to the UK.

168 FO 371/12735/102 *cf.* 1912 & 1927

169 Sir R. Towers despatch quoted in *Memorandum on the Falkland Islands Dependencies* 1947 p.42 (fn) in LCO 2/490

*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...”*<sup>170</sup>

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.”*<sup>171</sup>

Whaling Officer Spencer is sent to the South Orkneys to inspect the licensed whaling vessels operating there.

Further whaling licences are issued by the Falkland Islands Dependencies Government for the South Shetlands.

*“In 1914 licences were held by eight Norwegian companies, one British company and one Chilean company. All these licences, except that of the Hektor Whaling Company, were subject to annual renewal. Most of the factory ships were moored at Deception Island, but some used Admiralty Bay. ... A Norwegian maintenance party remained at Deception Island over the winter and a British Stipendiary Magistrate was resident on the island during each summer season from 1910 to 1930.”*<sup>172</sup>

**August 4<sup>th</sup>**, Britain declares war on Germany.<sup>173</sup>

*“During the 1914-18 War the Argentine authorities proved obstructive regarding wireless communication between the British Legation and the Governor of the Falkland Islands.”*<sup>174</sup>

**August 5<sup>th</sup>**, Governor Allardyce tells the Islanders that Britain is at war with Germany.

*“I formally promulgated the Proclamation at 11am on the 5<sup>th</sup> 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.”*<sup>175</sup>

*“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...”*<sup>176</sup>

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

**August 15<sup>th</sup>**, 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 14<sup>th</sup>**, 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.

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

171 Dag Ingemar Børresen, Sandefjordmuseene in "Sophus", a Larvik Museum publication, April 2004. Ocean won 9:2

172 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

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

174 Memorandum on the Falkland Islands 1947 in LCO 2/490

175 Quoted in Pascoe 2014

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

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

**October 7<sup>th</sup>**, Rear-Admiral Sir Christopher Cradock arrives in Stanley on *HMS Good Hope*.

Cradock informs the Governor that a German squadron under Admiral Graf Maximilian 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.<sup>177</sup>

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

**November 5<sup>th</sup>**, 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.*”<sup>178</sup>

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

**November 8<sup>th</sup>**, *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 12<sup>th</sup>**, Capt. Grant in *HMS Canopus* arrives back at Stanley with specific instructions from the to defend the Islands; “*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.*”<sup>179</sup> Grant sets up 4 manned shore-batteries and equips the 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 29<sup>th</sup>**, a memorial service is held in Stanley Cathedral for the officers and crews lost at Coronel.

**December 6<sup>th</sup>**, Admiral von Spee, informs the squadron of his decision to attack the station at Stanley.

*“If the harbour is clear of enemy ships, Nurnberg will reconnoitre 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.”*<sup>180</sup>

**December 7<sup>th</sup>**, 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 in the Sound.

177 Pascoe 2014

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

179 Quoted in Pascoe 2014

180 *Ibid*. 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 8<sup>th</sup>**, 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 ...”*<sup>181</sup>

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.<sup>182</sup>

*“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.”*<sup>183</sup>

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

**December 22<sup>nd</sup>**, the US *charge d'affaires* in Buenos Aires writes to his Secretary of State.

*“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.”*<sup>184</sup>

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

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

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

184 *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*

**December 23<sup>rd</sup>**, 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. <sup>185</sup>

**December 30<sup>th</sup>**, William Douglas Young is gazetted Governor.

*“Licences for whaling in the South Orkneys were held ... in the 1915-15 season by four companies, namely the othval and Thule, Hektor, Normanna, and Hausgesund Companies, all of which were Norwegian. This outburst of whaling activity came to an end with the 1914-15 season.”* <sup>186</sup>

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

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

**May 28<sup>th</sup>**, Captain Newnham is appointed Commandant, *Falkland Islands Volunteer Force*. <sup>187</sup>

Mr. Bennet, Britain's *Government Whaling Officer* spends 3 months on the South Orkney Islands. <sup>188</sup>

**August 29<sup>th</sup>**, the first message via an undersea telegraph cable link with Montevideo is sent by Gov. Young.

**November 21<sup>st</sup>**, *Endurance*, trapped in sea ice for 11 months, finally sinks.

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

**March 11<sup>th</sup>**, 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 10<sup>th</sup>**, Ernest Shackleton and five of his crew arrive in a small boat at King Haakon Bay, South Georgia.

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

**May 20<sup>th</sup>**, 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 23<sup>rd</sup>**, *Southern Sky* sails from South Georgia for Elephant Island.

**May 31<sup>st</sup>**, Shackleton, unable to get close to the marooned members of his expedition, returns to Port Stanley.

**June 3<sup>rd</sup>**, 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.”* <sup>189</sup>

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<sup>185</sup> Tower to the British Foreign Secretary, Sir Edward Grey, March 20<sup>th</sup>, 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 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.

<sup>186</sup> Memorandum on the Falkland Islands Dependencies 1947 p.43 in LCO 2/490

<sup>187</sup> The London Gazette No.29174

<sup>188</sup> 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 8, 1930.

<sup>189</sup> Falkland Islands Magazine & Church Paper July, 1916

**June 16<sup>th</sup>**, 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. <sup>190</sup>

**August 4<sup>th</sup>**, *Montebello* sinks in Ocean Harbour, South Georgia.

**August 11<sup>th</sup>**, the Antarctic relief ship *Discovery*, sails from Portsmouth heading to the Falkland Islands. <sup>191</sup>

**August 30<sup>th</sup>**, Shackleton succeeds in rescuing his expedition members; *“The stranded party was rescued by the Chilean Government ship Yelcho (Captain Luis Pardo), which on this occasion was commanded by Sir Ernest Shackleton, at whose insistence the expedition was organised.”* <sup>192</sup>

**December 24<sup>th</sup>**, *HMS Lancaster* arrives at Port Stanley.

**1917** – with glycerine required for the armaments industry, the Falkland Islands Governor bans all whale product exports from the Dependencies, other than to the UK. All licences are subject to review.

**January 19<sup>th</sup>**, Two 6 inch guns are positioned 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 28<sup>th</sup>**, *Letters Patent* clarify the area claimed by Britain in its 1908 *Letters Patent*.

*“Whereas doubts have arisen as to the limits of the groups, of islands known as South Georgia, the South Orkneys,; the South Shetlands, and the Sandwich Islands, and the territory of Graham Land otherwise known as Graham's Land; and whereas it is expedient that provision should be made for the government, not only of these islands and territory but also of certain other Our islands and territories adjacent thereto as Dependencies of Our Colony of the Falkland Islands:*

*I: 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 Dependencies of Our said Colony shall be deemed to include and to have included all islands and territories whatsoever between the 20th degree of West longitude and the 50th degree of West longitude which are situated south of the 50th parallel of South latitude; and all islands and territories whatsoever between the 50th degree- of West longitude and the 80th degree of West longitude which are situated south of the 58th parallel of South latitude.*

*II. And We do hereby vest in the Governor and Commander-in-Chief of Our Colony of the Falkland Islands all such powers and authorities in and over the lands hereby included in the Dependencies of Our said Colony as are exercised by him over the Dependencies in virtue of certain Letters Patent bearing date at Westminster the Twenty-first day of July, 1908.”*

*“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.”* <sup>193</sup>

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

191 *The New York Times* Aug 12, 1916

192 *Memorandum on the Falkland Islands Dependencies* 1947 p.43 in *LCO 2/490*. In 1940, Chile would claim that this rescue amounted to an 'act of sovereignty' over Antarctica.

193 Destefani 1982 p.101

*"In 1908, by Letters Patent, the five original territories comprising the Dependencies were set up: in 1917 amending Letters Patent were issued to clarify the extent of the claim to Graham Land. These "important State acts" appear not to have been protested against by Argentina at the time. They have, before and since, been supplemented by other administrative acts which are of importance in evidencing "effectiveness" of occupation in international law, in particular the Whaling Ordinance of 1906 which, together with amended subsequent versions, has in the past regulated the issue of whaling licences in the Dependencies' waters. These ordinances have in general been respected by the nationals of other States including those of the two claimants, Chile and Argentina."*<sup>194</sup>

**July 2<sup>nd</sup>**, Letters Patent are published in the *Falkland Islands Gazette*.

*"(The Falkland Islands Dependencies) ... shall be deemed to include and to have included all islands and territories whatsoever between the 20<sup>th</sup> degree of west longitude and the 50<sup>th</sup> degree of west longitude which are situated south of the 50<sup>th</sup> parallel of south latitude; and all islands and territories whatsoever between the 50<sup>th</sup> degree of west longitude and the 80<sup>th</sup> degree of west longitude which are situated south of the 58<sup>th</sup> parallel of south latitude."*<sup>195</sup>

Argentina does not protest.

**1918 – January 31<sup>st</sup>**, *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."<sup>196</sup>

*"German propagandists urged the Argentines to seize the opportunity to recover their rightful possession. The Argentine provincial press reported that annual protests against the British occupation were being made in London, but the Argentine Foreign Minister denied the truth of these reports; the last Argentine representation had been made in 1888. German propaganda continued, in 1916 and 1918, to support the Argentine claim to the Falkland group, with the offer to secure "restitution" in the peace negotiations."*<sup>197</sup>

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 – January 25<sup>th</sup>**, the *Paris Peace Conference* approves the creation of a council to be made up of representatives of all the countries in the world – the *League of Nations*.<sup>198</sup>

*"Art.12: Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or judicial settlement or to*

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194 Symmons 1984

195 *Falkland Islands Gazette*, July 2, 1917 quoted in *Memorandum on the Falkland Islands Dependencies* 1947 in *LCO* 2/490. Also *British & Foreign State Papers 1917-1918* 1921 vol.3 pp.16-17.

196 *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 propaganda newspapers.

197 *Memorandum on the Falkland Islands* 1947 in *LCO* 2/490

198 Also known as the *Versailles Peace Conference*; the talks opened on January 18, 1919. Contrary to assertions before the meetings commenced, there is no indication that Germany attempted to discuss the Falkland Islands.

*enquiry by the Council, ... Art.13: Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration or judicial settlement and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration or judicial settlement."*

**March 7<sup>th</sup>**, 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.*"<sup>199</sup>

In **June**, the Colonial Office initiates discussions between the Admiralty and the Foreign Office with regard to Britain's intentions towards Antarctica so that a definitive policy could be formulated.<sup>200</sup>

*"In 1919 the Secretary of State for Colonies, Viscount Milner, and his Under-Secretary of State, Leopold S. Amery, reassessed Britain's ad hoc Antarctic policy. Amery concluded that the Colonial Office lacked a clearly defined policy. In June he recommended that, ". . .we ought quietly to assert our claim to the whole continent." Amery believed that all land was potentially valuable. He was, therefore, interested in the "immense potential value" of Antarctica's fisheries and mineral resources."*<sup>201</sup>

**1920 – January 10<sup>th</sup>**, the *League of Nations* is formed with the objectives of preventing wars, promoting disarmament and the resolution of international disputes through negotiation and arbitration.<sup>202</sup> Also established is the Permanent Court of International Justice.<sup>203</sup> Both Britain and Argentina are founding members of the *League of Nations*; however, Argentine involvement is via a *Presidential Decree* which is not ratified by its Congress.<sup>204</sup>

*"Maintaining, as they have, their indisputable rights to the Falkland Islands, the Argentine Government have not pressed the submission of the case to arbitration, although the idea was mooted by the Argentine Foreign Minister, Dr. Ortiz, in 1884. The Argentine Government were not in a position to bring the case before the Hague Court of Justice because the acceptance of the optional clause of the statute of that Court by the British Government excluded disputes arising out of situations and facts prior to 1930. Nevertheless, the Argentine Government never brought the matter before the Council of the League of Nations, as being a dispute which, under Article XI or Article XV of the Covenant, would be likely to lead to a rupture or disturb peace."*<sup>205</sup>

In the Falklands, a *Reform League* is formed.

*"... through which the views of the general public on matters affecting local legislation could find expression."*

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

200 *The Foreign Office, Commerce and British Foreign Policy in the Twentieth Century* J. Fisher, E. Pedaliu & R. Smith (eds) 2016

201 Ellerby 1990 pp.67-68 citing P.J. Beck's 'British Antarctic Policy in the early 20th Century' in *Polar Record* 21 (Jan. 1982), 477.

202 The League of Nations was replaced in 1945 by the United Nations.

203 Also referred to as the *World Court*, this operated between 1922 and 1946 when the new United Nations replaced it with the *International Court of Justice* (ICJ)

204 Argentina withdrew after only 12 months; rejoining in 1833.

205 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*. The UK originally set 1920 as the date after which it would automatically recognise the jurisdiction of the *Permanent Court of International Justice*; a date reviewed every 10 years. Britain still follows the same procedure for the ICJ.

*Conifer, Sycamore, Alder and Mountain Ash* tree seedlings are planted on the Falklands' Mt. Low. <sup>206</sup>

**January 17<sup>th</sup>**, *HMS Dartmouth* arrives at South Georgia to assist the magistrate in restoring order after 50 whalers go on strike at Grytviken, and then riot. <sup>207</sup>

The Foreign Office, concluding the discussions commenced in June, 1919, decide that Britain's Antarctic policy should seek to include the whole of Antarctica within the British Empire.

“... while the time has not yet arrived that a claim to all the continental territories should be put forward publicly, a definite and consistent policy should be followed of extending and asserting British control with the object of ultimately making it complete.” <sup>208</sup>

“In January 1920, without Cabinet or Treasury approval, Britain adopted a policy of extending imperial control over the entire continent "without undue ostentation". The Foreign Office advised caution to avoid international opposition. The Admiralty reported that Britain had only 15 indisputable claims to Antarctic territory outside the Falkland Islands Dependencies based on discovery and 10 disputable claims.” <sup>209</sup>

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,...” <sup>210</sup>

**September 19<sup>th</sup>**, John Middleton is appointed Governor. <sup>211</sup>

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.

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

**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. <sup>212</sup>

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

Following an application for a South Orkney's lease by the *Tonsberg Whaling Company* for the purpose of erecting a whaling station, South Georgia's magistrate, William Barlas, sails to the South Orkney's to survey the proposed lease. <sup>213</sup>

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<sup>206</sup> *Bulletin of Miscellaneous Information* No.1 1927 Royal Botanical Gardens, Kew. None survived more than 3 years.

<sup>207</sup> 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

<sup>208</sup> *CO 532/160/1959*

<sup>209</sup> Ellerby 1990 p.68 citing P.J. Beck's 'British Antarctic Policy in the early 20th Century', *Polar Record* 21 (Jan. 1982), 477.

<sup>210</sup> Field 1928 para.249

<sup>211</sup> *The London Gazette*, No.32047

<sup>212</sup> *Final report on geological investigations in the Falkland Islands, 1920-1922* A. Baker 1924

<sup>213</sup> Internal Foreign Office memo by H. Jones dated July 8, 1930 *A 4733/1437/2/1930*

*“The site chosen was Borge Bay, Signy Island, and was 500 acres in extent. ... The lessee bound himself not to take other animals than whales in the South Orkney Islands, and the ownership of any mineral ore found in the leased territory was reserved to the Crown...”*<sup>214</sup>

*“In 1921 a magistrate from the Falkland Islands again made a visit, when a land whaling station was established on Signy Island under a Crown lease granted by the Falkland Islands Government. ... As to Signy island, we think Great Britain can establish a title.”*<sup>215</sup>

**December 18<sup>th</sup>**, 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*.

**1922 – January 5<sup>th</sup>**, Sir Ernest Shackleton dies on *Quest* whilst moored off South Georgia.<sup>216</sup>

Mr. Simon, appointed as a *Whaling Officer* by the Falkland Islands Government, spends 3 months at Signy Island ensuring that the terms of the *Tönsberg 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.”*<sup>217</sup>

**March 5<sup>th</sup>**, Shackleton is buried at Grytviken cemetery. A ceremonial escort is provided by Uruguay.

**May 1<sup>st</sup>**, 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.<sup>218</sup>

*“During the twentieth century the Argentine Government have pursued a policy of pin-pricks in connexion with their claim to the Falkland Islands... In 1922 the newly elected Argentine Government forbade their consuls to visa British passports of persons born in the Falkland Islands.”*<sup>219</sup>

*Afterglow* is employed as an armed patrol vessel for the Fur Seal rookeries.<sup>220</sup>

**1923 –** the Governor complains that Argentina is refusing to handle telegrams from the colony.<sup>221</sup>

*“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.”*<sup>222</sup>

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.”*

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214 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

215 Opinion of the Law Officers 1947 in LCO 2/490. cf. 1947 & 1959

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

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

218 Field 1928 para.189

219 *Memorandum on the Falkland Islands* 1947 in LCO 2/490

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

221 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.

222 Field 1928 para.192

**December 10<sup>th</sup>**, 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. <sup>223</sup>

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.

**January 30<sup>th</sup>**, Henry Gresham also becomes Consul for Chile at Port Stanley. <sup>224</sup>

**1925** – in **February**, Britain establishes a Marine Investigating Station on South Georgia. <sup>225</sup>

**March 7<sup>th</sup>**, *Swona* sinks off South Georgia.

**April 1<sup>st</sup>**, Britain erects a wireless station on South Georgia.

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

**June 23<sup>rd</sup>**, with regard to the Laurie Island wireless station, Britain's 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.*”<sup>226</sup>

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...*” <sup>227</sup>

“*The position with regard to the South Orkneys Islands is greatly complicated, in our view, by the meteorological established by the Argentine in Laurie Island and by the wireless station established there later on by the Argentine in 1925. ... The wireless station established in 1925 by the Argentine was not established pursuant to any permission in that behalf by HM Government.*” <sup>228</sup>

The *Tönsberg 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.*” <sup>229</sup>

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

**September 24<sup>th</sup>**, the first *Discovery Expedition* sails aboard *RSS Discovery*.

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

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<sup>223</sup> *The Island of South Georgia* Robert Headland 1992

<sup>224</sup> *The London Gazette* No.32905, No.32892 & No.32999. He also became the Consul for Uruguay later in 1924.

<sup>225</sup> Field 1928 para.232

<sup>226</sup> FO 371/12735/98

<sup>227</sup> *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490. cf. 1926

<sup>228</sup> Opinion of the Law Officers 1947 in LCO 2/490. cf. 1903, 1904 & 1947

<sup>229</sup> Internal Foreign Office memo by H. Jones dated July 8, 1930 A 4733/1437/2/1930

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. <sup>230</sup>

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

**April 14<sup>th</sup>**, 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.*” <sup>231</sup>

No immediate response is received from the Government in Buenos Aires. <sup>232</sup>

**April 26<sup>th</sup>**, *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.*” <sup>233</sup>

**August 14<sup>th</sup>**, Monsieur Beaudrier is appointed Vice-Consul of Belgium for the Falkland Islands.

Argentina’s Consul-General at Valparaiso grants a visa for a Falklander to enter Argentina - with a reservation.

“... *the principle of Argentine nationality of these (islands) is maintained and they shall be included within the jurisdiction of the national territory.*” <sup>234</sup>

**October 19<sup>th</sup>**, in London, the seventh *Imperial Conference* opens; bringing together the Prime Ministers of the UK, Australia, Canada, India, Irish Free State, Newfoundland, New Zealand and South Africa. The final statement on November 22<sup>nd</sup>, confirmed that all the dominions were equal and; “... *autonomous communities within the British Empire.*” <sup>235</sup>

“*The 1926 Imperial Conference ratified that, “The whole of the Antarctic should ultimately be included within the British Empire ... a definite and consistent policy should be followed of extending and asserting British control with the object of ultimately making it complete.” ...*” <sup>236</sup>

**December 20<sup>th</sup>**, Argentina protests to the Government of Belgium regarding the inclusion of the Falkland Islands within the *Brussels Health Convention*. <sup>237</sup>

**December 22<sup>nd</sup>**, Arnold Wienholt Hodson is gazetted as Governor. <sup>238</sup>

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

231 *FO 371/12735/152*

232 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.25.  
Argentine never did answer this note.

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

234 Quoted in Field 1928 para.195

235 Known as the *Balfour Declaration*

236 Ellerby 1990 p.68 citing Beck *A Cold War 1, History Today 37 (June 1987), 18*

237 Kohen & Rodriguez 2016 p.247

238 *The London Gazette* No.33241

**1927 – January 17<sup>th</sup>**, at South Georgia, Leith Harbour and Stromness Bay are surveyed.

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

*“... the expanding Whaling industry induced A/S Tönsberg Hvalfangeri to send one of their catchers, the Busen VII under captain H. Hansen, to prospect for whales in South Sandwich waters... The expedition reported that whales were plentiful, and notwithstanding the lack of anchorages and fresh water, the Tönsberg Company applied for a licence to work round the islands.”* <sup>239</sup>

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.”* <sup>240</sup>

In **February**, *Discovery* visits Signy Island; meeting up with the Norwegian factory ship *Orwell*.

**March 22<sup>nd</sup>**, the Universal Postal Union (UPU) circulates a letter to all its members requesting details of their territorial jurisdictions. <sup>241</sup>

**April 6<sup>th</sup>**, 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, and that their notification to the Bureau was of such a nature as to imply an assumption of Argentine sovereignty over the islands...”* <sup>242</sup>

*“No application for a licence or a proper call signal had been made through the Governor of the Falkland Islands. The Admiralty and Colonial Office held that the matter could not be allowed to rest where it was, and pressed for further action at Buenos Aires.”* <sup>243</sup>

**June 8<sup>th</sup>**, the Falkland Islands new Governor arrives in Stanley.

**July 9<sup>th</sup>**, Britain’s mission to Argentina is raised to an Embassy with Malcolm Robertson as Ambassador.

**August 2<sup>nd</sup>**, Governor Hodson sails to South Georgia in *Fleurus*. <sup>244</sup>

**August 20<sup>th</sup>**, the *Falkland Islands Reform League* claim that Falkland Islands Company wages have; *“... been kept as low as possible to allow Owners of farms to live in luxury abroad.”* <sup>245</sup>

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239 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

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

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

242 Field 1928 paras.253/254

243 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

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

245 CO 78/207/25

*"The FIC was offended by the League's claim ... The Company's treatment of employees was a source of pride. For example the FIC established a Provident Fund and provided free housing, meat, fuel and milk, as well as a school and assembly hall in Darwin. Henniker-Heaton reported that the agricultural workers were uninterested in the League. However, he added that, "It is to be remembered that there are no trade unions in the Colony and the League is the only body which can claim to represent the working man in the political field."..."*<sup>246</sup>

**August 22<sup>nd</sup>**, Frederick Alison is appointed Magistrate at South Georgia.

**September 8<sup>th</sup>**, with regard to the Laurie Island wireless station, Britain formally protests Argentina's unilateral 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."*<sup>247</sup>

*"... 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."*<sup>248</sup>

In London, Britain's Foreign Office study a newly published book - *The Struggle for the Falkland Islands* - by American, Julius Goebel. Ambassador Robertson is asked to comment.

*"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."*<sup>249</sup>

*"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.'"*<sup>250</sup>

**September 9<sup>th</sup>**, 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."*<sup>251</sup>

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246 Ellerby 1990 p.37 citing *Henniker-Heaton to Ormsby-Gore February 10, 1938*.

247 *FO 371/12735/180*. Suggestions by the Colonial Office and Admiralty for a more robust protest were rejected. *cf.* January, 1928

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

249 *FO 371/12735/178*

250 *Memorandum* of Mr. V. A. L. Mallet April 2, 1928 *FO 371/12735/180*. There is little doubt that Goebel's work coloured the thinking of the British Foreign Office well into the 1940's and even later. It was still the primary work referenced in the Foreign Office's *Memorandum on the Falkland Islands* of 1947. It was only in the 1960's that Goebel's conclusions, and details of his research, were first subjected to academic scrutiny. Republished in 1982, Goebel's book had an introduction by Prof. Metford who clearly viewed the work with disdain. It is still much referred to in Argentina; whose case it favoured.

251 Field 1928 para.202

“... a despatch and a letter addressed to the Governor of the Falklands by the British Consulate-General in Buenos Aires were “returned by superior orders” in the one case, and refused in the other.” <sup>252</sup>

**September 14<sup>th</sup>**, Argentina's Director of Posts and Telegraphs responds to the UPU's request of March.

*“With reference to your circular letter number 2.122/53 of last 22 March concerning a request for information concerning the territorial jurisdiction of each administration of the Postal Union, I have the honor to request you to inform the various offices of the Postal Union that 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.”* <sup>253</sup>

*“What appears to have been the first claim of an official nature advanced by the Argentine Government to sovereignty over South Georgia was made in 1927, when the Argentine Postal Administration notified the International Postal Union that Argentine territorial jurisdiction extended de jure and de facto over the South Orkney Islands and South Georgia. By the words de facto it can only be assumed that the Argentine Government referred to the concession granted to the .., Argentina de Pesca, which still maintained its whaling and sealing operation at Grytviken,..”* <sup>254</sup>

*“His Majesty's Government determined not to overlook this further provocative action, especially as it was also rumoured that the Argentine Government intended to raise its claim to the Falkland Islands before the Pan-American Conference at Havana, with the alleged “unofficial” support of the Pan-American Union.”* <sup>255</sup>

*“Argentina views the Falklands dispute as intrinsically involving all the British-claimed islands,.. in Argentinian eyes, the express linking of the Dependencies with the Falkland Islands (by Britain) has no doubt been perceived as a way of legalistically bolstering what might otherwise be a weak claim...”* <sup>256</sup>

**September 18<sup>th</sup>**, Minister Robertson in Buenos Aires reminds the Argentine Foreign Ministry of his note of April 14, 1926; “... 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.” <sup>257</sup>

**October 5<sup>th</sup>**, 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...”* <sup>258</sup>

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252 Memorandum on the Falkland Islands 1947 in LCO 2/490

253 FO 371/12735/137

254 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

255 Memorandum on the Falkland Islands 1947 in LCO 2/490

256 Symmons 1984

257 FO 371/12736/360

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

**October 6<sup>th</sup>**, 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.”<sup>259</sup>

**October 14<sup>th</sup>**, the *Universal Postal Union* publishes declarations of jurisdictions supplied by its members.<sup>260</sup>

*“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].”*<sup>261</sup>

A *South Sandwich Islands Whaling Licence* is issued to the *Tonsberg Company* of Norway, by the Governor.<sup>262</sup>

**November 4<sup>th</sup>**, Governor Hodson responds to Robertson’s intelligence about Argentina’s postal policy.

*“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...”*<sup>263</sup>

Governor Hodson also refers to Argentina’s attitude as ‘ridiculous’ and ‘childish’.

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

**December 15<sup>th</sup>**, Argentina’s Foreign Ministry responds to the British protest of September 8<sup>th</sup>. The note states that Argentina’s claim to the South Orkneys; “... is derived apart from other inalienable rights, from first effective occupation, constantly maintained.”<sup>264</sup>

Displaying a dramatic reversal of opinion; Robertson answers Hodson’s November 4<sup>th</sup> 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 5<sup>th</sup> 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.”*<sup>265</sup>

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259 Field 1928 para.203

260 Declarations, not protests.

261 Quoted in Kohén & Rodríguez 2017 pp.188-189. See also Field 1928 para.209

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

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

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

265 (*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 become Ambassador.

**December 16<sup>th</sup>**, 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. <sup>266</sup>

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...*” <sup>267</sup>

**December 19<sup>th</sup>**, 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. <sup>268</sup>

*“In a circular dated the 14<sup>th</sup> 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 reports.

*“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 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.”* <sup>269</sup>

**December 27<sup>th</sup>**, Argentina's Minister for Foreign Affairs responds to Britain's Ambassador in a letter.

*“... I find myself having to ratify the statements contained in the Note addressed to Your Excellency from this Department on November 30<sup>th</sup>, 1925, which reaffirm the sovereignty of the Republic over those (South Orkney) islands. This Government therefore regrets that they are*

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266 Kohen & Rodriguez 2016 p.249

267 Field 1928 para.215 and *Memorandum on the Falkland Islands* 1947 in LCO 2/490. Also Pascoe & Pepper 2008 para.35. Kohen & Rodriguez (2016) question the veracity of this much reported conversation.

268 FO 371/127. The *aide-memoir* itself was dated the 17<sup>th</sup>.

269 *Ibid.*

*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.”*<sup>270</sup>

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 30<sup>th</sup>, 1925, ... my reply of April 14<sup>th</sup>, 1926... is completely ignored.”*<sup>271</sup>

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.<sup>272</sup>

*“... 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.”*<sup>273</sup>

**December 28<sup>th</sup>**, 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.”*<sup>274</sup>

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.<sup>275</sup>

**1928** – in **January**, South Georgia postal clerk Alfred Jones complains of shortages.

*“... 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 20<sup>th</sup>**, responding to Britain's protest of September 8, 1927 regarding the wireless station on Laurie Island, the Argentine Government states that; *“... they could not admit the British position, and that they themselves laid claim to the South Orkneys, ...”*<sup>276</sup>

**January 27<sup>th</sup>**, Argentina forwards a memorandum to the British Government.

*“.. acknowledging the receipt of the Pro-Memoire sent by the British Embassy on December 17<sup>th</sup> 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*

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270 FO 371/12735/107. Not received until the 27<sup>th</sup>, Argentina's Note was dated the 15<sup>th</sup>.

271 FO 371/12735/104

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

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

274 FO 371/12735/117

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

276 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490. cf. 1927

*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. ...*<sup>277</sup>

**January 30<sup>th</sup>**, the British Ambassador receives a notification from the superintendent of the Western Telegraph Company that it is to renew the telegraph service between Argentina 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.*<sup>278</sup>

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

**February 24<sup>th</sup>**, 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 2<sup>nd</sup>**, 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."*<sup>279</sup>

*"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."*<sup>280</sup>

**April 4<sup>th</sup>**, at the Haig, the Permanent Court of Arbitration declares its findings in the *Islas de Palmas* Case. Concerning sovereignty, the relevance of geography (contiguity) has been considered.

*"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). 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...."*<sup>281</sup>

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277 Copy in FO 371/12736/374

278 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.

279 FO 371/12735/138

280 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

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

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

The *Falkland Islands Sheep Owners Association* is formed.

**May 30<sup>th</sup>**, 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."* <sup>282</sup>

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.*" <sup>283</sup>

**July 27<sup>th</sup>**, an Argentine Decree authorises postal & telegraphic contact with the Falkland Islands whilst reserving the country's position with regard to sovereignty. <sup>284</sup>

**August 12<sup>th</sup>**, *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."* <sup>285</sup>

**September 4<sup>th</sup>**, 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.*" <sup>286</sup>

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282 FO 371/12735/174

283 FO 371/12737/208

284 Kohen & Rodriguez 2016 p.250

285 *The Times* August 12, 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.

286 Godwin 1936. See FO 371/122499

**September 6<sup>th</sup>**, 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.”*<sup>287</sup>

**November**, an airstrip is constructed on Deception Island by the *Hubert Wilkins Expedition*. Wilkins makes the first recorded flight in Antarctica, with the news transmitted via Port Stanley.

**November 3<sup>rd</sup>**, 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.”*<sup>288</sup>

Robertson goes further.

*“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.”*<sup>289</sup>

*“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.”*<sup>290</sup>

In London, an opinion is requested regarding any legal effect of not submitting a further protest to Argentina.

**November 9<sup>th</sup>**, Robertson writes to Lord Cushendun, appealing that the Foreign Office's note regarding the South Orkneys should not be presented to Argentina; *“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. ... 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.”*<sup>291</sup>

**November 21<sup>st</sup>**, Monsieur Maylin is appointed Vice-Consul for Belgium in the Falklands.<sup>292</sup>

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287 Quoted in FO 371/12737/296

288 Quoted in FO 371/12737 at 363. The date is given as the 9<sup>th</sup> in LCO 2/490

289 See Lanus 2010.

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

291 *Robertson to Lord Cushendun November 9, 1928* in FO 371/12736/369-370

292 *The London Gazette* No.33681

December 12<sup>th</sup>, a legal opinion on the issue of responding to Argentina's note of December, 1827 is given.

*"... 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."* <sup>293</sup>

1929 – January 31<sup>st</sup>, 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."* <sup>294</sup>

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."* <sup>295</sup>

*"Sir M. Robertson made it clear that he was averse from raising the question with the Argentine Government, in any form, officially or otherwise."* <sup>296</sup>

In February, Governor Hodson and Mr. Amedroz, Port Stanley's Harbour-master, sail for the South Orkneys.

*"Sir M. Robertson's deprecation of such a proceeding as likely to precipitate the question of the sovereignty of the islands when the Foreign Office were trying to avoid raising it was supported by the Colonial Office, and definite instructions were sent to the Governor that he should on no account visit these islands."* <sup>297</sup>

June 10<sup>th</sup>, in Buenos Aires, the far-right *Patriotic League of Argentina* meet to demand the return of the Falklands. Newspaper, *La Prensa* calls for the surrender of the Islands to Argentina.

*"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 British Navy took possession of the islands and obligated the Argentine colonists to abandon it ...."* <sup>298</sup>

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293 FO 371/12736/352. Original emphasis.

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

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

296 *Ibid* para.38

297 *Memorandum on the Falkland Islands Dependencies* 1947 p.46 in LCO 2/490. The way this is worded rather suggests that the Governor did, in fact, visit the South Orkneys. The document paragraph refers to 1939, but this is a typing error.

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

**1930 – February 26<sup>th</sup>**, 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...”*<sup>299</sup>

In London, the Foreign Office's 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 18<sup>th</sup> 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, .., 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. ...”*<sup>300</sup>

**July 16<sup>th</sup>**, Guatemala and Honduras agree to take their border dispute to international arbitration.<sup>301</sup>

*“It will be recalled that, in connexion with the dispute concerning British Honduras, the Attorney-General had occasion to deal with the doctrine *uti possidetis juris* and stated that according to this doctrine each new Latin American State acquired sovereignty over so much former Spanish territory in the new world as it in fact brought under its control.”*<sup>302</sup>

**September 6<sup>th</sup>**, in Argentina, President Hipolito Yrigoyen is replaced in a coup by General José Uriburu.

*“Argentine claims to South Georgia were put forward in press articles in 1930 and 1931.”*<sup>303</sup>

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

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299 *British Antarctic Survey Scientific Reports No.91*

300 Godwin 1936. Original in FO 371/122499 Annex 1

301 *Treaty of Arbitration between Guatemala and Honduras, signed at Washington, on July 16, 1930*

302 *Foreign Office Memorandum on the Falkland Islands 1947 in LCO 2/490*

303 *Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490.*

**1931 – January 28<sup>th</sup>**, 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.”*<sup>304</sup>

**April 30<sup>th</sup>**, 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 20<sup>th</sup>**, James O'Grady arrives at Stanley as the new Governor of the Falkland Islands.<sup>305</sup>

The *Hektor Whaling Company's* station on Deception Island is abandoned; “... and after that year the installations were allowed to become dilapidated. The Company went bankrupt in 1935 and left as bad debts £27,000 owing to the Inland Revenue and £10,700 to the Falkland Islands Government for export duty on whale oil. The Falklands debt was eventually written off.”<sup>306</sup>

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

**1933 – January 1<sup>st</sup>**, in *La Prensa*.

*“Our nation never forgets that a foreign flag waves over a portion of the Argentine soil which belongs to us geographically and historically.”*

**January 2<sup>nd</sup>**, in the Falklands, 100 years since the arrival of *HMS 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.*”<sup>307</sup>

Centenary celebrations also include a stock fair, horse racing and a radio message from the King. A celebratory set of 12 stamps with 1833-1933 on each stamp is issued.

*“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*

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

305 *Western Mail (Perth)* June 18, 1931. This appointment did not appear in *The London Gazette*. O'Grady died in post.

306 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490.

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

*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...*" <sup>308</sup>

**January 20<sup>th</sup>**, Governor O'Grady seeks advice from the Foreign Office on problems being experienced by Islanders travelling to Argentina.

*"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 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."* <sup>309</sup>

*"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."* <sup>310</sup>

**January 24<sup>th</sup>**, a child, Iorwerth Nelson Arnold Jones, is born on South Georgia.

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

In Argentina, a press campaign starts with newspapers calling on their Government to act over the issue of the "provocative" centenary stamps issued by the Falkland Islands.

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

From Buenos Aires, the Argentine Foreign Ministry circulates an instruction to its Consulates 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."* <sup>311</sup>

**March 11<sup>th</sup>**, an official announcement appears in Argentine newspapers; "... 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

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

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

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

311 Quoted in Foreign Office *memo* by H. Godwin dated February 3, 1936 at para.21

*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.*"<sup>312</sup>

Britain's Embassy in Buenos Aires notifies London.

*"... 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..."*<sup>313</sup>

**April 19<sup>th</sup>**, London's Foreign Office receives a message from its Consul at Riga in Latvia, that Argentina's Consul has had instructions to; *"... impound any Falkland Islands passports... with a request for an Argentine visa, and to issue in its place an Argentine passport."*<sup>314</sup>

**May 1<sup>st</sup>**, an *Additional Convention to the Treaty of Friendship, Commerce and Navigation 1825* (the *Roca-Runciman Treaty*) between the UK and the Government of the Argentine Republic is signed, aiming to improve trade and commerce between the two countries.

*"It can be said that Argentina is an integral economic part of the British Empire"*<sup>315</sup>

*"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 ... Propaganda of this kind made a deepening imprint on public opinion and helped sustain nationalist sentiments ..."*<sup>316</sup>

**September 5<sup>th</sup>**, a case at the Permanent Court of International Justice between Norway and Denmark over sovereignty of Eastern Greenland, accepts that the requirements for 'effective occupation' in cases of inhospitable regions are much lower than has otherwise been the accepted norm.

*"The Eastern Greenland case (1931-33) is the only territorial dispute in the polar regions ever to have been decided by an international court. ... The Permanent Court of International Justice (PCIJ) held that effective occupation in the polar regions requires relatively little actual exercise of sovereign rights... Since the 18th century, it has been a received principle in international law that settlement and extensive administrative acts by a state are required to establish its sovereignty over new lands. However, the PCIJ held that Denmark had sovereignty over all of Greenland even though Danish settlement and administration were confined to the southwestern coast of the island. The exacting requirements of international law were thus altered "to permit a flexible standard which depends upon the circumstances of the territory. The more isolated the territory and the fewer the inhabitants, the less stringent are the requirements of effective occupation."..."*<sup>317</sup>

**September 11<sup>th</sup>**, 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*.

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312 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 16, 1933.

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

314 Godwin 1936

315 Vice-President Roca speaking to the press. Apparently the treaty signed in 1825 was still considered as operative.

316 Rock 1987

317 *Historical Evidence and the Eastern Greenland Case* Janice Cavell 2008 citing Triggs 1986.

**October 25<sup>th</sup>**, 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...*” <sup>318</sup>

*“The advisability of taking any, and if so what, political action upon Sir H. Chilton's letter was very fully explored, but it was eventually decided to let “sleeping dogs lie.” ...”* <sup>319</sup>

US polar explorer, Lincoln Ellsworth, who is attempting a flight across the Antarctic continent, requests permission from the Falkland Islands Governor for the use of a harbour in the South Shetland Islands. Approval under Art.27(2) of the *Air Navigation (Colonies, Protectorates and Mandated Territories) Order 1927* is sent to Ellsworth. <sup>320</sup>

**November 13<sup>th</sup>**, 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. ...”* <sup>321</sup>

**December 12<sup>th</sup>**, 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 ...”* <sup>322</sup>

**December 20<sup>th</sup>**, at the Foreign Office, W. E. Beckett considers prescription.

*“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*

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318 *Memorandum on the Falkland Islands Dependencies 1947* in LCO 2/490

319 *Ibid.*

320 *Ibid*

321 FO 371/122499. *cf.* Godwin 1936. For acquisitive prescription see 1947. Also August, 1936.

322 FO 371/122499

*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.”

*“Article 3: 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: 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 most widely accepted formulation of the criteria of statehood in international law.”*<sup>323</sup>

*“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.”*<sup>324</sup>

**1934 – January 22<sup>nd</sup>**, Ambassador Macleay, back from Argentina, speaks to the Foreign Office upon the situation in Argentina.

*“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, ...”*<sup>325</sup>

In Argentina, a Nazi affiliated Argentine newspaper, *Crisol*, starts a nation-wide campaign under the banner - *The Malvinas are Ours*.

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323 *International Law* M. Shaw (6<sup>th</sup> ed.) 2008 p.198.

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

325 FO 371/20508

**February 17<sup>th</sup>**, Argentina distributes a circular to its Consulates world-wide.

*“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.”*<sup>326</sup>

**February 25<sup>th</sup>**, 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;..”<sup>327</sup>

*“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.”*<sup>328</sup>

*“In 1934 three cases occurred of Argentine refusal to accept Falkland Islands passports; in each case separate diplomatic representations had to be made to the Argentine Embassy in London in order that the Falkland islander in question might acquire an Argentine visa.”*<sup>329</sup>

**March 20<sup>th</sup>**, in Cairo, the British delegation to the Postal Conference include the Falkland Islands and Dependencies as British territory. Argentina makes no comment.<sup>330</sup>

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.”*<sup>331</sup>

**August 9<sup>th</sup>**, 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...”*<sup>332</sup>

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

327 *Ibid*

328 Godwin 1936 para.17

329 *Memorandum on the Falkland Islands 1947* in LCO 2/490

330 See 1938

331 Quoted in *The New York Times* June 23, 1934. Palacios wrote his own book in 1934 - '*Las Islas Malvinas: Archipiélago Argentino*'

332 FO 371/122499. cf. Godwin 1936

**August 19<sup>th</sup>**, 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 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."* <sup>333</sup>

*"... our policy in regard to the Falklands must be to maintain our rights while avoiding all incidents calculated to fan the always smouldering embers of Argentine resentment. There is absolutely no hope of our reaching any agreement on the question of principle involved, and our guiding principle must be to avoid dragging this century old controversy into the limelight..."* <sup>334</sup>

**September 26<sup>th</sup>**, a new law makes Groussac's 1910 book compulsory reading in Argentina's schools.

**December 29<sup>th</sup>**, Herbert Henniker-Heaton is appointed Governor of the Falkland Islands.

**1935 – January 23<sup>rd</sup>**, 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." <sup>335</sup>

**February 10<sup>th</sup>**, the new Governor arrives in the Falklands.

**February 22<sup>nd</sup>**, 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..." <sup>336</sup>

In **April**, during an exchange relating to the issue of licences to pilots of civil aircraft, the USA challenges British title to the South Shetland Islands; "The schedule of territories attached to your note includes the 'Falkland Islands and Dependencies.' It has come to my notice that the term 'dependencies' as used in this connection is considered by your Government to include South Georgia, the South Sandwich and South Shetland groups, and other islands, and also certain Antarctic territories extending to the South pole. In the circumstances, I desire to have it made a matter of record that the acceptance by the Government of the United States of the terms of the pilot arrangement, ... cannot in any way be implied to have any bearing on the question as to what country or countries may validly claim ownership of or title to the various territories embraced within the term 'dependencies'..." <sup>337</sup>

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333 Godwin 1936 para.23

334 Sir David Kelly quoted in *The Falkland Islands and their Adjacent Maritime Area* Patrick Armstrong and Vivian Forbes 1997 citing PRO A6065/1118/2

335 FO 371/18834

336 FO 371/20597

337 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490. No reply was sent to this note.

**July 24<sup>th</sup>**, in a further internal FCO *memo*, Vyvyan considers the possibility of arbitration.

*“... 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.”*<sup>338</sup>

**July 25<sup>th</sup>**, 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. ..”*<sup>339</sup>

*“.. 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 ..”*<sup>340</sup>

**September 25<sup>th</sup>**, 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.”*<sup>341</sup>

**December 6<sup>th</sup>**, 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.<sup>342</sup>

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 2<sup>nd</sup>**, the Foreign Office asks Gerald Fitzmaurice for a legal opinion regarding whether; *“... any international convention exists to prevent the issue of misleading stamps..”*

**February 3<sup>rd</sup>**, a memorandum entitled '*Falkland Islands and Dependencies*' is circulated within the FO.

*“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...”*<sup>343</sup>

**February 6<sup>th</sup>**, Gerald Fitzmaurice gives his legal opinion regarding postage stamps.

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338 Quoted in Laver 2001 p.263

339 *HC Deb 25.7.1935 vol.304 cc.2013 – 4*

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

341 Godwin 1936 para.24. Also Foreign Office *Memorandum on the Falkland Islands* 1947 in LCO 2/490

342 Henderson was transferred to Germany in 1937 where he became known as; *“Our Nazi Ambassador in Berlin.”*

343 *Falkland Islands and Dependencies* H. Godwin 1936 and FO 371/122499/9 quoted in Greig 1983. This was inaccurate, as the first suggestion of arbitration made to the UK by Argentina was not until the late 1880's.

*“... 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 strategic reasons we could never give up the islands. So it seems best to take a strong line. ...”<sup>344</sup>*

**February 11<sup>th</sup>**, Eden writes to Lord Apsley, who submitted a Parliamentary question regarding Argentina’s stamp on the 10<sup>th</sup>.

*“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. ... 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.”*

**February 13<sup>th</sup>**, 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.”<sup>345</sup>*

*“In February 1936 it was officially stated by the Argentine Under-Secretary of State for Foreign Affairs that his Government had reverted to the practice of granting Argentine visas on passports of Falkland Islanders, although the saving clause, which declared that the Argentine claim was not thereby prejudiced, was retained.”<sup>346</sup>*

**February 17<sup>th</sup>**, coal hulk, *Lady Elizabeth*, breaks her mooring lines and beaches in Whale Bone Cove.<sup>347</sup>

**April 6<sup>th</sup>**, after lodging a complaint with the Argentine Government with regard to the Argentine stamp set, 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.

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344 *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.

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

346 *Memorandum on the Falkland Islands 1947* in *LCO 2/490* citing *A 1527/889/2 of 1936*

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

**April 13<sup>th</sup>**, Ambassador Henderson sends a further recommendation from Buenos Aires suggesting; “... the cession to (Argentina) 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.”<sup>348</sup>

“(His)... view that British rights to the South Orkneys should be affirmed was endorsed, and he was informed that it was being arranged for the *Discovery II* to call at some port in the group for that purpose.”<sup>349</sup>

**April 22<sup>nd</sup>**, Argentina's Post Office responds to Henderson's complaint; “... the withdrawal of the stamp could lead to the belief that the Argentine Republic was backing off from its rights to the Malvinas Islands.”<sup>350</sup>

**August 28<sup>th</sup>**, Eden responds to Ambassador Henderson's letter of April 6th, noting; “... you should be aware that the legal basis of the (British) claim is far less weak than at one time supposed...”<sup>351</sup>

*“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 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.”<sup>352</sup>*

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348 FO 371/20597

349 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

350 Child 2008

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

352 Anthony Eden to Ambassador Henderson August 28, 1936 in FO 371/10763

“... the Argentine Government never brought the matter before the Council of the League of Nations, as being a dispute which, under Article XI or Article XV of the Covenant, would be likely to lead to a rupture or disturb peace.”<sup>353</sup>

“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<sup>354</sup>, when this or other detailed legal arguments have been formally advanced by HMG in relation to the Falkland Islands.”<sup>355</sup>

**November 20<sup>th</sup>**, 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.”<sup>356</sup>

**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.”*<sup>357</sup>

**February 6<sup>th</sup>**, RRS *Discovery II* visits the South Orkney group to emphasise British sovereignty; visiting Signy Island and the Argentine meteorological station on Laurie Island.

A new whaling factory for Deception Island in the South Shetlands is proposed; “Between 1935 and 1939 there were various proposals for establishing a new factory at Deception Island, but none have materialised. In correspondence about one of these applications in 1937, the Governor of the Falkland Islands stated that he was influenced not so much by revenue considerations as by a certain feeling of uneasiness regarding the tenuous hold by the Falklands Government over the South Shetlands area. He submitted that no opportunity should be lost to display control in some wider form than that of leasing a disused whaling station.”<sup>358</sup>

**February 10<sup>th</sup>**, 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.”*<sup>359</sup>

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353 Memorandum on the Falkland Islands 1947 in LCO 2/490

354 See 1955

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

356 FO 371/20597

357 FO 371/20508

358 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

359 Governor Henniker Heaton to Secretary of State Ormsby Gore March 19, 1937 in FO 371/20597. See May, 1937

**March 10<sup>th</sup>**, in the House of Commons, a Parliamentary question concerning Laurie Island is answered.

*“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,...”*<sup>360</sup>

**March 12<sup>th</sup>**, Britain's Embassy in Buenos Aires reports the re-issue of a 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 impugn, whether by public or diplomatic statement. ... the reply of the Argentine Government would be a forgone conclusion...”*<sup>361</sup>

**March 15<sup>th</sup>**, plans by the Falkland Islands Government to produce a new edition of stamps to commemorate the Coronation provoke a discussion at the Foreign Office.

*“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.”*<sup>362</sup>

*“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.”*<sup>363</sup>

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

**May 24<sup>th</sup>**, 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.<sup>364</sup>

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*.<sup>365</sup>

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360 *HC Deb 10 March 1937 vol.321 cc1150-51*

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

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

363 *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.

364 *FO 371/20597*

365 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.

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..."*<sup>366</sup>

**May 25<sup>th</sup>**, during the 2<sup>nd</sup> plenary session of the conference, Argentina's Ambassador to London, Dr. Manuel Malbran, makes a statement to the assembled representatives.

*"... 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 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."*<sup>367</sup>

*"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..."*<sup>368</sup>

*"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 ..."*<sup>369</sup>

On the same day, G.E.J. Smith and W.J. Hutchinson, born Falkland Islanders, are refused visas to enter Argentina by its Consul-General at Montevideo. They are told to apply for Argentine passports.<sup>370</sup>

*"Passport difficulties occurred in 1922, 1932, 1936 and 1937 as a result of the Argentine attitude towards the Falklands. Argentine Consuls, acting on instructions, refused to visa passports of persons born in the Falkland islands and thus holding British passports. Such persons, it was claimed, were Argentine subjects, to be issued with Argentine passports – after their Falkland islands passports had been impounded."*<sup>371</sup>

**May 28<sup>th</sup>**, following representation by the British Legation in Montevideo, Smith and Hutchinson receive visas in their British Passports.<sup>372</sup>

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366 MAF 41/356

367 Ibid

368 FO 371/20597

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

370 FO 371/20597

371 Memorandum on the Falkland Islands 1947 in LCO 2/490

372 FO 371/20597

*“A further refusal of the Argentine consular authorities to grant visas on the passports of Falkland Islanders occurred in May 1937. The British Chargé d’Affaires and the Argentine Under-Secretary of State agreed, however, to avoid so far as was possible all publicity with regard to questions affecting passports.”* <sup>373</sup>

**June 1<sup>st</sup>**, in London, Argentine Ambassador Malbran threatens to withdraw from the *International Conference* unless Britain's Minister finds a form of words: *“... which would, while reserving our rights, at the same time enable him to remain at the Conference.”* <sup>374</sup>

**June 2<sup>nd</sup>**, at the opening of the 6<sup>th</sup> plenary session, Britain’s representative addresses 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.”* <sup>375</sup>

**June 23<sup>rd</sup>**, in Buenos Aires, Britain's *charge d’affaires*, 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 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...”* <sup>376</sup>

*“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’Affaires 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.”* <sup>377</sup>

**June 26<sup>th</sup>**, 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.”* <sup>378</sup>

**October 15<sup>th</sup>**, Britain's Ambassador to Argentina forwards a *minute* from *charge d’affaires*, 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.

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373 *Memorandum on the Falkland Islands* 1947 in LCO 2/490 citing *Confidential memorandum* 15978, para.3

374 *Ibid.*

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

376 FO 371/20597

377 CO 78/213/3

378 FO 371/20597 as quoted in Beck 1983

*“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 1<sup>st</sup> 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.”* <sup>379</sup>

**December 2<sup>nd</sup>**, the Foreign Office responds to the Dodd Minute; *“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 ... we had never protested against these acts or had only rarely done so, though well aware of them...”* <sup>380</sup>

**1938** – an Islander, Mr. J.F. Langdon is granted an Argentine passport. <sup>381</sup>

**February 2<sup>nd</sup>**, 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 14<sup>th</sup>**, 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. <sup>382</sup> Norway proposes an Antarctic conference to discuss a range of issues including sovereignty.

In **July**, the Governor estimates that 2,704,654 acres of Falklands land, out of a total acreage of 2,962,243 are in the hands of absentee landlords. <sup>383</sup>

In **September**, Argentina's Foreign Minister speaks to Britain's *charge d'affaires* in Buenos Aires, drawing attention to; *“... a statement that British troops for the Falkland Islands would touch at Buenos Aires en route. If this were true, then the Argentine Foreign Ministry deprecated it in the most friendly manner, for they feared a popular outcry over the Falkland Islands question. The report proved incorrect: the “troops” consisted of one British sergeant of marines, accompanied by his family, proceeding, as instructor, to the local militia.”* <sup>384</sup>

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379 FO 371/20597

380 *Ibid*

381 *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.

382 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 24<sup>th</sup>.

383 Ellerby 1990 p.30 citing *Henniker-Heaton to MacDonald, August 10, 1938* in CO78/210/8.

384 *Memorandum on the Falkland Islands 1947* in LCO 2/490 citing A 7297/916/2 of 1938

**September 22<sup>nd</sup>**, Argentina's President announces the ratification of postal conventions signed at Cairo in 1934. To these ratifications are 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." <sup>385</sup>

"... the possibility of some counter-declaration to the above-mentioned statement had been contemplated by the Foreign Office at the time, but that the conclusion had been reached that such action was unnecessary, since it was not the first time that a reservation of this kind had been made. The President's action ought accordingly to be treated as a matter of routine and ignored..." <sup>386</sup>

**October 17<sup>th</sup>**, the GPO is informed by the British Government that the Argentine reservation of 22<sup>nd</sup> September was not considered to have any practical effect; "His Majesty's Government took the view that no counter-statement was required." <sup>387</sup>

In **November**, Britain and the USA sign a trade agreement; "The attitude of the United States Government has been consistently that of desiring to avoid becoming a party to the controversy between the Argentine Republic and Great Britain. During negotiations for the Anglo-United States Trade Agreement of 1938, for example, United States negotiators refused to accept a list of British colonies in which the Falkland Islands appeared, on the ground that acceptance of this list might be interpreted as a United States acknowledgement of the British title; and this would create difficulties with the Argentine Government. Clearly, political considerations dictated this decision." <sup>388</sup>

**1939 – January 14<sup>th</sup>**, 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." <sup>389</sup>

**April 1<sup>st</sup>**, the 11<sup>th</sup> 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." <sup>390</sup>

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385 CO 78/213/3

386 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

387 Ibid.

388 Memorandum on the Falkland Islands 1947 in LCO 2/490

389 *Frozen Empires: A history of the Antarctic sovereignty dispute between Britain, Argentina, and Chile, 1939 – 1959*

Adrian John Howkins 2008

390 CO 78/213/3

“Apparently no incident occurred at the 1939 postal Congress, and when the matter of the Argentine reservation of 1938 was again raised in June 1939, His Majesty's Government determined once more to make no reservation, and the Colonial Office concurred in these views.”<sup>391</sup>

**April 15<sup>th</sup>**, Britain's Ambassador to the Argentine Republic forwards to the Foreign Office a recently published book *Nuestras Malvinas* by Juan Carlos Moreno.<sup>392</sup>

“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.”<sup>393</sup>

“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.”<sup>394</sup>

**June 20<sup>th</sup>**, 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 12<sup>th</sup>.<sup>395</sup>

**June 27<sup>th</sup>**, 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...”<sup>396</sup>

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 kilometres of the Antarctic.<sup>397</sup>

“It was stressed in numerous press articles that this opportunity would be taken to assert Argentine claims to sovereignty in the Antarctic.”<sup>398</sup>

**July 8<sup>th</sup>**, 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.”<sup>399</sup>

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391 *Memorandum on the Falkland Islands* 1947 in LCO 2/490 citing A 5018/3582/1 of 1939

392 The author had been granted a scholarship by the *Comisión Nacional de Cultura*, a semi-official Argentine body founded in 1933 and, via a 1935 law, funded by an annual Government grant of \$500,000.

393 CO 78/213/3

394 *Ibid*. Publication had been sponsored by the *Comisión Nacional de Cultura*.

395 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*.

396 FO 371/22714

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

398 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

399 CO 78/213/3

**July 15<sup>th</sup>**, 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.”

“Senor Galmarini, a member of the newly-appointed commission... had stated, in a newspaper interview, that the Bergen Congress must settle the political questions of sovereignty before any other business could receive attention.... These claims to polar territory received prominence in the whole Argentine press.”<sup>400</sup>

**July 24<sup>th</sup>**, Argentine newspaper *La Prensa* reports; “If Great Britain considers that by virtue of a geographical extension of the Falkland Islands she has juridical rights over the group of islands situated in the frozen Antarctic Ocean known under the name of South Georgia, South Orkneys, South Shetland and South Sandwich and the territory known under the name of Graham Land, it is obvious that Argentina, which has never recognised Great Britain's sovereignty over the Falkland Islands, reserves its rights in that region by virtue of the same theory as is propounded by the British Government.”

“On the following day the Buenos Aires Herald was more explicit, stating that Argentina claimed absolute sovereignty to the Antarctic Sector between longitudes 20°W and 68°W, and would strongly contest all British claims within this area ...”<sup>401</sup>

“Apart, then, from the spurious Argentinian claim to succession from Spain, what else might be adduced by Argentina as a basis of title in international law? Firstly, it seems that Argentina might have some tenuous grounds for alleging that its title to the Falkland Islands themselves (presupposing this is valid) could parasitically take in the Dependencies as well on the basis of the latter having been administratively included by the UK in its government of the Falklands, and that consequently the UK is estopped from denying that the Dependencies form part of a "greater Falklands" complex...”<sup>402</sup>

**August 16<sup>th</sup>**, 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...”<sup>403</sup>

**August 18<sup>th</sup>**, a pamphlet published by the *Alliance of Nationalist Youth* in Argentina celebrates the 1807 'reconquest' of Buenos Aires.<sup>404</sup>

“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.”*

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400 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490. The Bergen Conference was postponed due to the outbreak of war.

401 *Ibid.*

402 Symmons 1984

403 CO 78/213/3. 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 suggested that the group was associated with the anti-British/pro-Nazi newspaper *Crisol*.

404 CO 78/211/9. British diplomats at the time suspected some German influence.

In **September**, the United Kingdom declares war on Germany and establishes a volunteer defence force of 300 men 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.”*<sup>405</sup>

**September 7<sup>th</sup>**, Chile founds its own Antarctic Commission to study Chilean rights in Antarctic areas.

**September 21<sup>st</sup>**, 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 ...”<sup>406</sup>

**October 3<sup>rd</sup>**, the final, *Declaration of Panama* provides for a security zone around the Americas.

*“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.”*<sup>407</sup>

*“On the 3<sup>rd</sup> October, 1939, representatives of the Governments of the American Republics adopted the Declaration of Panama, whereby they claimed as of inherent right, the waters adjacent to the American continent in a zone 300 miles wide, with the exception of Canada and of the undisputed colonies and possessions of European countries, should be kept free of the commission of any hostile act by any non-American belligerent nation. An Argentine reservation was added, affirming that the Argentine Government did not recognize the existence of “colonies and possessions of European countries” in that portion of the zone which was adjacent to their shores;...”*<sup>408</sup>

*“The Republic of Argentina only returned to regular sovereignty protests after the outbreak of the Second World War in 1939.”*<sup>409</sup>

**October 21<sup>st</sup>**, Britain’s Minister in Argentina, informs London that; “... German propaganda had been active since the outbreak of the Second World War in trying to exploit the sense of grievance latent in Argentina over the retention of the Falklands group by Britain. A campaign, led by the scurrilous *Crisol* and the *National*

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405 *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

406 Cailliet-Bois (6<sup>th</sup> ed.) 1982 p.406

407 *La Maroma* October, 1939

408 *Memorandum on the Falkland Islands 1947* in LCO 2/490

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

*Youth Alliance, was possibly being aided and abetted by certain Germanophile sections of the Argentine army. But the British Minister concluded that the agitation would never be more than a nuisance value:..”*<sup>410</sup>

**October 23<sup>rd</sup>**, Argentine newspaper *La Prensa* outlines Argentina's claim to the Falkland Islands in a major article, but notes; “... *that the existing world crisis was the worst possible moment for any State to solicit support in order to obtain the triumph of justice over force.*”<sup>411</sup>

**October 25<sup>th</sup>**, at the Foreign Office, Perowne considers the implications of war.

*“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.”*<sup>412</sup>

*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.”<sup>413</sup>

*“The press of the other Latin American countries at the outbreak of the Second World War followed the line set by the Argentine press, namely that the Argentine claim to the Falkland Islands was a just one, but that it was inopportune to press that claim at a time when Britain was engaged in a life-and-death struggle..”*<sup>414</sup>

**October 26<sup>th</sup>**, 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.*”<sup>415</sup> 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*'.

*“The British Minister observed that Argentine opinion was opposed to any foreign meddling in this dispute, and, the more the campaign for the return of the Falklands was realized to be due to German backing, the less success it would be likely to achieve.”*<sup>416</sup>

**November 1<sup>st</sup>**, Britain's Colonial Office point out that the *Declaration of Panama* may be interpreted as a denial of the rights of Great Britain to use the Falkland Islands in its belligerent operations.

*“... the Foreign Office considered that it would be politic to ignore the Argentine declaration,..”*<sup>417</sup>

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410 *Memorandum on the Falkland Islands 1947* in LCO 2/490

411 *Ibid.*

412 FO 371/22714

413 PRO A/7425

414 *Memorandum on the Falkland Islands 1947* in LCO 2/490

415 CO 78/213/3

416 *Memorandum on the Falkland Islands 1947* in LCO 2/490

417 *Ibid*

**November 25<sup>th</sup>**, 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. <sup>418</sup>

*“... a political challenge to all nations claiming territory in the Antarctic region.”* <sup>419</sup>

**December 2<sup>nd</sup>**, *HMS Exeter* and *HMS Ajax* are at Port Stanley.

**December 13<sup>th</sup>**, *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 26<sup>th</sup>**, the cruiser *Cumberland*, arrives at Port Stanley with 107 German prisoners-of-war. <sup>420</sup>

**1940 – January 3<sup>rd</sup>**, the 'Junta de Recuperación de las Malvinas,' issues a *Manifiesto*.

*“... 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.”* <sup>421</sup>

*“Although German propaganda at this time had been allowed to die down in Buenos Aires, it was still active in outlying parts of the country, and was concentrating on inflaming the masses against British “commercial imperialism.”* <sup>422</sup>

**March 6<sup>th</sup>**, in Parliament a statement is made on Falklands defence.

*“... 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 30<sup>th</sup>**, Argentina's *National Antarctic Commission* becomes permanent under *Decree 61,852*.

*“Article 1. A National Commission of the Antarctic, which will centralize and take in charge the consideration of and giving of advice concerning all matters relative to the protection and development of Argentine interests in the Antarctic, shall be created with permanent character and shall be dependent upon the Ministry of Foreign Relations and Worship.*

*Article 2. The Commission will continue the studies of overall character which it has undertaken concerning the present state of the problems of the Antarctic and their connection with Argentine interests, and will propose to the Executive Power a plan of action which will include all aspects of this matter, both of an internal and international order.*

*Article 3. The Ministries and Dependencies and the competent Institutes will directly assist the National Commission of the Antarctic with the documentation and advice which it requests of them for the better fulfilment of its task...”*

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418 Howkins 2008

419 *Buenos Aires Herald* August 8, 1939

420 *The New York Times* December 28, 1939

421 Quoted in *CO 78/213/3*

422 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*

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 kilometres of the Antarctic. <sup>423</sup>

*"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."* <sup>424</sup>

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..." <sup>425</sup>

*"Dr. Milo, the Argentine delegate to the Havana Conference, subsequently claimed for Argentina "incontestable rights" to the Falkland Islands and their dependencies, rejecting all and any "stipulations or treaties between Europe or American Countries, because they (the Islands) constitute an integral part of the Argentine soil and only their sovereign, the Argentine people, has authority to make decisions regarding them." This was understood to be an indirect hint to the United States that Argentine nationalists were unwilling to allow, even to the United States, access to Britain's naval base in the South Atlantic (in the manner later arranged between the United States and British Governments)." <sup>426</sup>*

**August 8<sup>th</sup>**, 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 4<sup>th</sup>**, Argentine diplomats express concerns about reports 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."* <sup>427</sup>

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423 Escude 1992

424 Garcia 2009

425 Caillet-Bois (6<sup>th</sup> ed.) 1982

426 *Memorandum on the Falkland Islands* 1947 in LCO 2/490 citing A 4514/2382/2 of 1940

427 *Foreign Relations of the United States Diplomatic Papers, 1940, The American Republics, Volume V – Memorandum of*

**September 11<sup>th</sup>**, following receipt of an Australian map of Antarctica, Argentina's Foreign Ministry 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."* <sup>428</sup>

*"It was decided to ignore this suggestion, as it was not put forward in the form of an invitation."* <sup>429</sup>

**November 6<sup>th</sup>**, Chile's President issues a Decree.

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

*"The Chilean Government thus claimed a large area of British territory within the Falkland Islands Dependencies, including the whole of Graham Land and the South Shetland Islands, to which Argentina had also made a claim in July 1939. It is to be noted that no northern limit to the area is specified. In justification of this claim the Chilean Press argued that the Spanish conquerors of Chile gave to her undeniable rights rights to all land south of the continental territory..."* <sup>430</sup>

*"From 1940 onwards competing claims were put forward to the South Shetland Islands by other powers; Chile claimed the islands by a decree communicated to the Foreign Office on the 11<sup>th</sup> November 1940; Argentina also put forward claims, and from about that time the Shetland Islands became a disputed area. In our view, however, before these competing claims were put forward Great Britain did acquire a title which can be maintained to either a part, or the whole, of the South Shetland Islands. We think that Great Britain certainly acquired a title to Deception Island."* <sup>431</sup>

*"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..."* <sup>432</sup>

**November 12<sup>th</sup>**, Argentina protests to Chile.

*"The Argentine Republic has for a long time recognized the importance which must be attached to the problem of the Antarctic and to the national interests bound up with it, which have materialized for the present in the well-known occupation which this Republic has exercised within the zone for the past thirty seven years, by the maintenance of the Observatory of the [South] Orkneys. Thus, upon the creation on 15 July 1939 of the Antarctic Commission, which was given a permanent character by the Decree of 30 April 1940 "in order to give attention to matters which require the fostering and expediting of national interests in the Antarctic zone and continent," this Government could announce that—without taking account of divers*

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*Conversation, by the Assistant Secretary of State (Berle), Washington, September 4, 1940.*

428 *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*

429 *Memorandum on the Falkland Islands* 1947 in LCO 2/490

430 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

431 *Opinion of the Law Officers* 1947 in LCO 2/490. cf. 1819, 1829

432 Howkins 2008

*expeditions made by its navy—"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."*<sup>433</sup>

However Argentina accepts an invitation from Chile to discuss the matter.<sup>434</sup>

*"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."*<sup>435</sup>

**November 13<sup>th</sup>**, Britain's Minister to Chile informally hands to the Minister of Foreign Affairs an extract from the *Colonial Office List* showing the limits of the Falkland Islands Dependencies.

*"Senor Bianchi, who seemed ignorant of British claims in the region in question, took these observations in very good part."*<sup>436</sup>

**December 10<sup>th</sup>**, the USA rejects Chile's claim.

**December 11<sup>th</sup>**, 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.<sup>437</sup>

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

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433 *Julio A. Roca to His Excellency don Conrado Rios Gallardo, Ambassador of Chile November 12, 1940.* My emphasis.

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

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

436 *Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490*

437 Beck 1983 (2). Lord Willingdon was head of the *British Economic Mission* in Buenos Aires; while Pueyrredon was the Mayor of Buenos Aires. Nothing appears to have resulted from this.

**1941** – Allan Wolsey Cardinal is promoted from Colonial Secretary to the position of Governor. <sup>438</sup>

**January 3<sup>rd</sup>**, a ceremony at the tomb of Luis Vernet is held by the, '*Junta de Recuperación de las Malvinas*'.<sup>439</sup>

*“On this day we think of January the 3<sup>rd</sup> 1833, when a British warship by an act of force took possession of a piece of Argentine soil.”* <sup>440</sup>

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

**February 25<sup>th</sup>**, the UK rejects the Chile's territorial claims over British Antarctica. <sup>441</sup>

*“At the same time a copy of the full text of the Letters Patent of 28<sup>th</sup> March, 1917 was enclosed for the information of the Chilean Government. This note was acknowledged without comment.”* <sup>442</sup>

*“In February 1941 “Transocean” reported that a member of the Argentine Chamber of deputies had urged the Government to request the return of the Falkland Islands from England at the end of the War, by means of a Pact which would grant England naval and air bases at Port Stanley... He further proposed that Argentina should lease the Islands to England for 99 years, ... One Argentine newspaper described this suggestion as “monstrous,” as it would result in the existing illegal holding of the Islands becoming a legal one.”* <sup>443</sup>

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 5<sup>th</sup>**, 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.”* <sup>444</sup>

**March 14<sup>th</sup>**, diplomats from Argentina and Chile meet to discuss their respective claims in Antarctica. <sup>445</sup>

*“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 Palaeontological evidence of similar flora and fauna provided ‘proof’ that the Antarctic Peninsula was part of South America.”* <sup>446</sup>

**March 27<sup>th</sup>**, Buenos Aires newspapers publish accounts of discussions between Argentina and Chile suggesting an agreement between the two governments to pursue in common the; *“... undubitable (sic) sovereign rights of Chile and Argentina in the Antarctic zone...”* <sup>447</sup>

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

439 Reported by the German news agency *Transocean*, the following day.

440 Quoted in *Memorandum on the Falkland Islands* 1947 in LCO 2/490

441 No reply was received until January, 1946

442 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

443 *Memorandum on the Falkland Islands* 1947 in LCO 2/490. *Transocean* was a German news agency.

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

445 No agreement was reached.

446 Howkins 2008.

447 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

**May 28<sup>th</sup>**, 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.<sup>448</sup>

In **August**, the Argentine Government announce that naval wireless operators will, in future, man the station on Laurie Island because; "... *such an act would not normally be tolerated by another owner.*"<sup>449</sup>

Argentina informs the *International Postal Union* that they are opening a permanent, accredited, post office in the South Orkneys once their navy takes over the meteorological from the civilian staff.<sup>450</sup>

**August 14<sup>th</sup>**, Britain and the USA sign the *Atlantic Charter*.

*"In August 1941, Prime Minister Winston Churchill sailed across the Atlantic on the British battleship HMS Prince of Wales for a secret rendezvous in Placentia Bay, Newfoundland, with American warships carrying President Roosevelt. The United States had yet to enter the Second World War and it would have stuck in the throat of any properly conscientious American to form an alliance to protect the British Empire... Yet Churchill and Roosevelt managed to agree a statement, an Atlantic Charter, which laid out eight war aims. The very first of these stated that neither country was seeking any territorial gain from the conflict. The veteran of the battle of Omdurman may not have had his fingers crossed when he agreed to this. But he certainly had anxieties about the third principle to which the men signed up, which claimed that the two governments 'respect the right of all peoples to choose the form of Government under which they will live; and the wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them.' ... Churchill later blithely told the House of Commons that what he'd had in mind was merely self-determination for the peoples of Nazi occupied Europe."*<sup>451</sup>

Amid rumours of an attack by Japanese forces, Britain's *military attaché* 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.

In **September**, the issues surrounding greater local representation in the Falklands are raised both in England, and in Stanley; *"During the early 1940s the British Government sought to change the appearance of colonialism to win the support of American public opinion for the British war effort. Article III of the August 1941 Atlantic Charter, signed by President Roosevelt and Winston Churchill, stated that all peoples had the right to chose their own form of government. Churchill's failure to restrict the principle to Europe led to a review within the Government of the Empire's future. In September 1941 a Colonial Office memorandum submitted to Churchill referred specifically to the Falklands as a territory which could not be granted self-government, although the growth of local institutions might be a healthy development."*<sup>452</sup> ... the Reform League raised the question of electoral representation in a petition to the Governor. The Secretary of State's positive reply probably reflected the wider context of countering anti-colonial American sentiment. He stated that, *"It should be in accord with general policy and principle that a measure of representation through election of say half of the unofficial members of the Legislature should be introduced, unless there are strong reasons to the contrary ... This is a matter which should be considered now and . . . carried through even under war conditions."* ..."<sup>453</sup>

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448 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.

449 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

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

451 Paxman 2012 p.251

452 Ellerby 1990 p.38 citing *Imperialism at Bay, 1941-1945: The United States & the Decolonization of the British Empire* William Roger Louis 1977

453 *Ibid.* citing *Memorandum F.I.s Review of Constitutional Reform* in CO 78/242/8

**September 26<sup>th</sup>**, 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...”<sup>454</sup>

*“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... The hard part will be keeping it. Maintaining the islands against an attempt by the UK to recapture... So the operation was shelved.”*<sup>455</sup>

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

**November 14<sup>th</sup>**, London is informed that Argentina has established a Post Office on Laurie Island.

**December 7<sup>th</sup>**, Japanese forces attack Pearl Harbour, forcing the Americans to change their neutral stance; declaring war on Japan the following day, and war on Germany on December, 11<sup>th</sup>.

*“The U.S. entry into the war led to the South Atlantic becoming the defence responsibility of the American Atlantic Naval Command. The Chiefs of Staff invited the U.S. to garrison the Falklands, without consulting the Foreign and Colonial Offices or the War Cabinet on the political implications. The Foreign Office described the action as an “unthinking procedure” which could result in the loss of the Falklands. The British dilemma was to find, “... the best means of ensuring that the effect of additional defence of the Falkland Islands under the new conditions does not lead to any diminution of our actual or juridical control over the Islands.” The Foreign Office proposed a compromise whereby Britain remained responsible for the Colony's land defences while America gave maritime support.”*<sup>456</sup>

**December 16<sup>th</sup>**, Pampero claims that it is “inevitable” that Britain will transfer the Falkland to the USA; *“In 1941 an Argentine military service delegation to the U.S.A. stated that Argentina was willing to cooperate in a South Atlantic defence scheme on the condition that the Americans use their influence to persuade Britain to cede the Falklands.”*<sup>457</sup>

**December 26<sup>th</sup>**, the Admiralty send a message to the C-in-C of British forces in the South Atlantic; *“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.”*<sup>458</sup>

*“Japan was worried Argentina, then neutral, would host U.S. troops and threatened the country with reprisals, the files show.”*<sup>459</sup>

**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.”*<sup>460</sup>

*“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*

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

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

456 Ellerby 1990 p.55 citing *FO 371/25979*

457 *Ibid.* p.61 citing *Washington to Admiralty December 18, 1941* in *FO 371/25979*

458 Quoted in Britain's *The Telegraph* newspaper, December 10, 2014

459 *Japan Times* December 10, 2014

460 Howkins 2008 p.71 quoting *Ovey to Foreign Office December 12, 1941* in *ADM 116/5104*

*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.”*<sup>461</sup>

The USA resists Argentine demands while Argentina refuses to break off relations with the Axis powers; *“Two Argentine decrees were issued in Buenos Aires at this time. The first, by the Ministry of Finance, to the effect that Argentine income tax was to be paid by business men and other residents of the Falkland Islands “when it becomes possible for the Argentine Government to enforce its collection.” The second, by the Minister of Agriculture, to the effect that exporters were no longer required to obtain export certificates for agricultural produce exported to the Falklands, the Islands being considered an integral part of the Republic.”*<sup>462</sup>

**January 16<sup>th</sup>**, *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 6<sup>th</sup>**, at Deception Island, *Primero de Mayo* raises Argentina's flag over the old whaling station.

The British Foreign Office comments 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...”*<sup>463</sup>

From Stanley, the Governor proposes; *“... the construction of a £150,000 road across East Falkland, £3,000 per mile, with new townships either side of the Falkland Sound linked by a ferry.”*<sup>464</sup>

*“One cannot sub-divide, one cannot colonize, one cannot even improve the present very low standard of economy, unless one breaks down isolation, inaccessibility, the primitive pastoral use of land which ranching entails, and the general backwardness of the country.”*<sup>465</sup>

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

**April 1<sup>st</sup>**, in London, PM 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.”*<sup>466</sup>

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

**September 2<sup>nd</sup>**, in Buenos Aires, newly appointed 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).”*<sup>467</sup>

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461 ADM 116/5104

462 Memorandum on the Falkland Islands 1947 in LCO 2/490

463 CAB 121/510

464 Ellerby 1990 p.33

465 Ibid citing Cardinall to Cranborne February 22, 1942

466 Quoted in Britain's *The Telegraph* newspaper, December 10, 2014

467 ADM 116/4670

*“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...”*<sup>468</sup>

*“... he was authorised to defer presenting it for not more than two months. The Foreign Office legal advisers strongly emphasised their opinion that, if the present situation was allowed to continue, the British title to the South Orkneys would become progressively weaker... it was questionable whether the steps which his Majesty's Government had so far taken had done more than create an inchoate title to the Islands.”*<sup>469</sup>

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.”*<sup>470</sup>

**1943 – January 27<sup>th</sup>**, 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...”*<sup>471</sup>

*“.. 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.”*<sup>472</sup>

**January 30<sup>th</sup>**, 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.”*<sup>473</sup>

*“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.' ..”*<sup>474</sup>

**February 4<sup>th</sup>**, 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.”*<sup>475</sup>

**February 8<sup>th</sup>**, sailors from Carnarvon Castle erect flagstuffs carrying the Union Jack at Signy Island.<sup>476</sup>

**February 9<sup>th</sup>**, Carnarvon Castle arrives at Laurie Island.

*“The captain of the Carnarvon Castle had instructions not to make a demonstration of force if the Argentines showed any disposition to resist a landing, for His majesty's Ambassador at Buenos Aires had expressed the opinion that any armed clash would do serious lasting damage to Anglo-Argentine relations. The reception at*

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468 Howkins 2008 p.89

469 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

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

471 CAB 121/510

472 Howkins 2008 p.92

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

474 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 13<sup>th</sup> Meeting of Latin American Historians at the Antarctic Maritime Museum of Ushuaia, October 2013

475 Ibid p.75

476 See 1947

*Laurie Island, however, was most cordial, and no references were made to the subject of sovereignty. The Argentine flag was flying over the station.”*<sup>477</sup>

**February 11<sup>th</sup>**, in Buenos Aires, the bronze plate recovered from Deception Island is returned.

*“His Majesty's Ambassador informed the Argentine Foreign Minister of the visit of the Carnarvon Castle to Deception Island and assured him that His Majesty's Government had no intention of allowing their title to go by default or be challenged. To this the Argentine Foreign minister replies that the Argentine Government considered its claims, inherited from Spain, were absolutely justified...”*<sup>478</sup>

**February 15<sup>th</sup>**, 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.”*<sup>479</sup>

*“... 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.”*<sup>480</sup>

**February 18<sup>th</sup>**, 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.<sup>481</sup>

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.

*“... the Commander was unpleasantly surprised to discover that the Argentine flag which the crew of the transport had painted on her last visit had been obliterated and replaced by the British flag. The British emblems, therefore, were in turn removed and the Argentine flag was repainted. The ship left Deception Island on 11<sup>th</sup> March (1943): the Argentine Government have not yet (1947) seen fit to avow this act to His Majesty's Government. A full report of the activities of the *Primero de Mayo* was subsequently obtained confidentially from Captain Cordovez, the senior Chilean officer who accompanied the expedition.*

*This report provides evidence of unsuccessful attempts on the part of the Argentines to enroll Chile's co-operation in presenting a common front to Great Britain... On return of the expedition to Buenos Aires, the Argentine Government suppressed all public announcements regarding the removal of the Argentine emblems from Deception Island and their replacement by British emblems.”*<sup>482</sup>

**April 12<sup>th</sup>**, responding to Argentina's memorandum of February, the British Ambassador, Sir David Kelly, presents a UK memorandum reasserting its titles.<sup>483</sup>

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477 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

478 *Ibid.*

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

480 Christie 1951 p.269

481 *The Toponymy of the Falkland Islands as Recorded on Maps and in Gazetteers* Permanent Committee on Geographical Names 2006

482 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

483 The British document was dated April 7, 1943. A footnote to para.112 in *Memorandum on the Falkland Islands Dependencies* January 12, 1947 (Foreign Office) in LCO 2/490 states; *“A considerably stronger British case could have been made than is presented in this document.”*

“... while discussing the Falkland Islands Dependencies with the Argentine Foreign Minister, Dr. Guñazu, reminded him that, as far as the Falkland Islands were concerned the question of title was not purely one of first discovery but also of prolonged occupation.”<sup>484</sup>

**May 27<sup>th</sup>**, a decision is made in London to organise the occupation of the disputed Antarctic territories.

“After protracted discussions it was decided... to send parties of occupation to Deception Island, South Shetland, and to Signy Island, South Orkneys but not to Laurie Island. It was realised that the omission of the latter might result in its loss to the British Empire, but His Majesty's Government were not at that time prepared to remove the Argentines by force,.. The special position at South Georgia, which is permanently inhabited, necessitated separate instructions for the Officer Commanding the South Georgia Defence Force in the unlikely event of an Argentine party landing and attempting to perform acts of sovereignty there. At South Georgia it was considered that the local representatives of His Majesty's Government should use all the force at their disposal to uphold their authority over the island.”<sup>485</sup>

**June 4<sup>th</sup>**, a military coup in Buenos Aires ousts the government of Ramon Castillo.

In **October**, a trade union on the islands – the *Falkland Islands General Employees Union* – is founded.<sup>486</sup>

During **November**, the Foreign Office, alarmed at events in the Antarctic territories, compile a confidential dossier on the sovereignty issues entitled - “*Territorial Claims in the Antarctic.*”<sup>487</sup>

**December 16<sup>th</sup>**, members of shore parties for Britain's Antarctic territories leave the UK (*Operation Tabarin*).

“It was further decided that no communication should be made to the Governments of Argentina, Chile or the United States until the parties of occupation had reached the islands, and that the substance and timing of any communication which might then have to be made would depend upon developments.”<sup>488</sup>

**1944** – under pressure from the USA, Argentina breaks off diplomatic relations with Germany and Japan.

**January 28<sup>th</sup>**, the shore parties for Britain's Antarctic territories, arrive at port Stanley.

**January 29<sup>th</sup>**, *HMS William Scoresby* and *SS Fitzroy* sail from the Falklands with the *Tabarin* troops.

**February 3<sup>rd</sup>**, on Deception Island, a British base is constructed together with Post and Telegraph offices plus; “... a fully equipped meteorological station.”<sup>489</sup>

**February 11<sup>th</sup>**, a similar base is constructed at Port Lockroy near the Antarctic Peninsula with Capt. James Marr appointed Magistrate, Post Master and Harbour Master. An Argentine flag and bronze cylinder containing Argentina's claim, are removed. Magistrates<sup>490</sup> are also sworn in for Graham Land, the South Orkneys and South Shetland Islands.<sup>491</sup>

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484 Memorandum on the Falkland Islands 1947 in LCO 2/490 citing A /4225/25/2 of 1943

485 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

486 Affiliated with the *International Confederation of Free Trade Unions* from 1949

487 Howkins 2008 p.99. Written up by one Brian Roberts, this document is not available at the national archives.

488 Memorandum on the Falkland Islands Dependencies 1947 in LCO 2/490

489 *Ibid.*

490 Lieutenant-Commander J.W.S. Marr and Mr. W. R. Flett

491 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.29

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. <sup>492</sup>

**February 21<sup>st</sup>**, *Operation Tabarin* visits Signy Island. Britain's 'marks & signs' have not been disturbed.

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. <sup>493</sup>

**February 24<sup>th</sup>**, *Operation Tabarin* arrives at South Georgia.

**February 25<sup>th</sup>**, in Argentina, Edelmiro Farrell is appointed President. His VP is named as Juan Peron.

*"It had been agreed that, when the season was well advanced and the British bases firmly established, Sir D. Kelly should notify the Argentine Government of all these developments and protest against the activities of the Primero de Mayo in 1943. However, in view of the confused political situation in Argentina in March 1944, it seemed important that any publicity should be postponed until a decision should be reached regarding recognition or non-recognition of General Farrell's Administration."* <sup>494</sup>

**February 29<sup>th</sup>**, *Operation Tabarin* returns to Port Stanley.

**March 14<sup>th</sup>**, *HMS William Scoresby* sails from Port Stanley; *".. to convey further stores to the two bases established the previous February at deception island and Port Lockroy."* <sup>495</sup>

**April 17<sup>th</sup>**, in Stanley, the Town Hall is lost to a fire which also damages the Museum and Post Office. <sup>496</sup>

A special series of postage stamps are issued by the Falkland Islands Government; *"... overprinted with the names South Georgia, South Shetland Islands, South Orkney Islands and Graham Land. The Bureau of the International Postal Union at Berne was informed of the issue of these stamps, and... In accordance with the practice which had been followed since the German occupation of southern France, specimens were sent directly from the General Post Office in London, to the postal administrations of non-enemy countries, including Argentina and Chile..."* <sup>497</sup>

**April 24<sup>th</sup>**, a press release in Argentina announces that Britain has arranged for scientific and survey work to proceed in the Falkland Islands Dependencies; *"... that the personnel, which included administrative officials, had already arrived; that fully equipped bases had been established; and that the personnel were expected to remain in the Antarctic for a considerable period."* <sup>498</sup>

*"No information was received as to the reaction of the Argentine Government to this announcement. ... It is perhaps relevant that in June 1944 the Argentine Government suggested to the Chilean Government that they should endeavour to reach a settlement of their long outstanding boundary dispute relating to the Beagle Channel "as between two friendly countries" and without having recourse to the arbitration which they had agreed upon in 1938. The Argentine Government added that they wished only to insist on recognition of their sovereignty over Isla Nueva (New Island) south of Tierra del Fuego. In August 1944 the Chilean Government*

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492 Howkins 2008

493 Escude 1992

494 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

495 *Ibid*

496 Rebuilt in 1950.

497 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

498 *Ibid*.

*replied stating that they considered the arbitration should take place, since Chile could not, in any circumstances, agree to Argentina's proposal regarding Isla Nueva.”*<sup>499</sup>

In **July**, Argentina's Ministerio de Marina publishes a chart of Deception Island bearing the title '*República Argentina Océano glacial Antártico Isla Decepción.*'

*“.. this official document may be regarded as a further provocative measure by the Argentine Government.”*<sup>500</sup>

**August 21<sup>st</sup>**, 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.

**September 29<sup>th</sup>**, Señor Bianchi, Chile's Ambassador to London highlights that the stamps which had been issued for the Dependencies of Graham Land and the South Shetland Islands cover areas within Chile's territorial limits as defined by the Decree of November 6<sup>th</sup>, 1940, adding that; *“... he had been instructed to place on record that Chile reserved full rights in connection with Graham Land and the South Shetland Islands.”*<sup>501</sup>

Bianchi is referred to the British note of February 25<sup>th</sup>, 1941 and is given a copy of the Letters Patent 1917.

In **October**, the British Government announce their intention to send a second expedition to Antarctic territories claimed by the UK; *“Operation Tabarin did not boast a single high profile geographical objective such as the attainment of the South Pole or the crossing of Antarctica. Instead, ..., it was an expedition designed to reassert British interests in the region in the face of expanding Argentine claims. In addition, in an attempt to mitigate the risks of a diplomatic incident and the resulting potential for an interruption in the substantial wartime imports of Argentine beef, the War Cabinet decided to disguise the expedition as a campaign to prevent German U-boats and surface raiders from using Antarctic and sub-Antarctic harbours for refuelling and re-provisioning.”*<sup>502</sup>

**December 7<sup>th</sup>**, at a convention 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. ...”*<sup>503</sup>

At the end of the year, *Operation Tabarin* personnel erect new bases at Hope Bay and Sandefjord Bay although there are not enough staff available to occupy the latter base.

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499 *Ibid.* A further arbitration agreement was signed between the two nations in 1971 which led to arbitration proceedings commencing. The decision, in Chile's favour, was announced in 1977. Argentina rejected that, and subsequent, decisions before putting the last to a plebiscite of the Argentine people. *cf.* 1971, 1977, 1978, 1979, 1981, 1982 & 1984

500 *Ibid.*

501 *Ibid.*

502 *The 'Heroic' and 'Post-Heroic' Ages of British Antarctic Exploration: A Consideration of Differences and Continuity* Stephen Haddelsey 2014 (internet published PhD. thesis)

503 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.

**1945** – during *January* and *February*, Britain's Antarctic bases at Deception Island, Port Lockroy, Hope Bay and Sandefjord Bay on Coronation Island (South Orkneys) are resupplied by *Operation Tabarin*.

**February 11<sup>th</sup>**, following the *Yalta Conference*, Roosevelt, Churchill and Stalin declare their resolve to establish, “... a general international organization to maintain peace and security.”

**February 21<sup>st</sup>**, 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.<sup>504</sup>

**March 6<sup>th</sup>**, 20 of the attendees resolve a reciprocal assistance pact to be known as the *Act of Chapultepec*.<sup>505</sup>

**March 8<sup>th</sup>**, 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 27<sup>th</sup>**, Argentina declares war on Germany.

**March 29<sup>th</sup>**, Governor Cardinall writes to London.

*“This Colony is so hopelessly unlike any other Crown Colony in that it is entirely peopled by British, most of whom look to retiring to the homeland, that I am even toying with the idea, now air traffic is so speedy and certain, to put forward a suggestion that the Island be incorporated in the U.K.”*<sup>506</sup>

**April 25<sup>th</sup>**, 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, ...”*<sup>507</sup>

**May 8<sup>th</sup>**, the war in Europe ends with the unconditional surrender of Germany.

**May 23<sup>rd</sup>**, at the 25<sup>th</sup> 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.<sup>508</sup>

*“... the Argentine Delegation had raised the question of Argentine rights in the Falkland Islands.”*<sup>509</sup>

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504 *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.

505 This would become the *Inter-American Treaty of Reciprocal Assistance* (the Rio Treaty) in 1947.

506 Ellerby 1990 citing *Cardinall to Secretary of State March 29, 1945* in CO 78/221/2

507 *Self-Determination of Peoples: A Legal Reappraisal* Antonio Cassese 1998

508 Footnote to UN Doc A/RES/66(1)

509 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

June 24<sup>th</sup>, 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.”*<sup>510</sup>

June 26<sup>th</sup>, the *United Nations Charter*, the foundation document of the UN, is signed in San Francisco.<sup>511</sup>

*“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 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 ...”*

In relation to issues of decolonization, the Charter states.

*“Art. 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:*

*a. 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; b. 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; c. to further international peace and security; d. 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 e. 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*

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510 *The United States Position Respecting Argentine-British Claims to the Falkland Islands Research Project* No.55 p.8  
quoted in Perl 1983

511 The Charter is a multilateral treaty, enforceable in international law

*which they are respectively responsible other than those territories to which Chapters XII and XIII apply.*

*Art.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.”*

**July 9<sup>th</sup>**, 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. <sup>512</sup>

**July 17<sup>th</sup>**, *Operation Tabarin* is renamed the *Falkland Islands Dependencies Survey* (FIDS). Control of its four manned bases passes to the Colonial Office in London. <sup>513</sup>

Whaling processing restarts at South Georgia with shore stations at Grytviken, Husvik and Leith.

**September 11<sup>th</sup>**, in Buenos Aires, Britain's Ambassador presents a note to the Argentine Government regarding the question of the Falklands raised by their delegation at San Francisco in May. The British note relates; “... *the undisclosed activities of Argentina in the Dependencies in 1943 and the British counter-action; by calling into question the Argentine claim to Deception Island made on an official chart; by protesting against the maintenance of an illegal post office and wireless station on Laurie Island; by reciting the British administrative acts in the Dependencies; and concluded with a statement that His Majesty's Government would continue to take all necessary steps to conserve their sovereign rights over the Colony and the Dependencies.*” <sup>514</sup>

**October 12<sup>th</sup>**, 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. <sup>515</sup>

**October 24<sup>th</sup>**, the UN *Charter* comes into force following ratification by 29 of the original 50 signatories; including both the United Kingdom and Argentina.

**November 3<sup>rd</sup>**, 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; “... *is Malvinas, which is fully justified by numerous historical background vastly known, and it is not possible to distort or destroy.*”

**November 14<sup>th</sup>**, the UK's *Polar Committee* establishes a sub-committee to consider Antarctic place names.

In **December**, following comments at the UN, Britain protests Argentine pretensions in Antarctica. Foreign Minister Juan Cook responds that he has an obligation to safeguard his country's rights through the formulation of reservations. <sup>516</sup>

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512 *The New York Times* July 9 & July 22, 1940

513 See 1948

514 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

515 *Blue Book* 1946

516 Quoted in *Cook to Leeper* June 3, 1946

The *Colonial Development and Welfare Act 1945* makes available £120 million in funding to be spread over a ten year period.; “*Colonial submitted ten-year development plans to the Colonial Economic Development Council (C.E.D.C) which was inaugurated in October 1946 to advise the Secretary of State. Its membership included doctors, academics, and individuals with experience of British commerce and industry. The C.E.D.C. was initially concerned with identifying the fundamental needs of each territory and how to meet them,...*”<sup>517</sup>

**1946** – in **January**, the Argentine Government replies to Britain's note of September 1945, but the response does not touch directly upon the question of the Dependencies, being; “... *devoted to the Falkland Islands themselves.*”<sup>518</sup>

The United Nations founds its *International Court of Justice* (ICJ), as a replacement for the *Permanent Court of International Justice* which had operated under the League of Nations at the Hague from 1922.<sup>519</sup> The United Kingdom signs up to the automatic jurisdiction of the court, subject to time limits as had operated under the previous court.

*“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.”*<sup>520</sup>

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.<sup>521</sup>

**January 23<sup>rd</sup>**, Chile's Ambassador finally replies to the British note of February 25<sup>th</sup>, 1941: “... *while the Chilean Government had refrained from reverting to this Note during the war, he had now been instructed to reserve their rights once more to “regions always held to be Chilean, on geographical, juridical, historical, diplomatic and administrative grounds.” He added that the Chilean government had never been officially notified of the text of the Letters Patent of 28<sup>th</sup> March, 1917, defining the Falkland Islands Dependencies, and that the claims of his Government were in accord with Chile's geographical position, which gives her “indisputable sovereignty” over regions indicated in the 1940 Decree. Chile had regarded these regions as being incorporated within the national economy since the settlement of the Chilean-Argentine boundary dispute of 1902, through the arbitration of His majesty King Edward VII.*”<sup>522</sup>

**February 1<sup>st</sup>**, a base on Stonington Island in Nyen Fjord in south-west Graham Land is established by the *Falkland Islands Dependencies Survey*; “*During the southern summer of 1945-46 British relief parties were sent out... Three ships were employed: HMS William Scoresby, Fitzroy and Trespassey. The organisation was now termed the Falkland Islands Dependencies Survey, and its control was transferred from the admiralty to the Colonial Office. The existing bases were maintained, and new bases were set up ...*”<sup>523</sup>

On the same day, a set of Falkland Dependencies postage stamps are issued with a map of the Dependencies.<sup>524</sup>

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517 Ellerby 1990 p.80. *cf.* 1948

518 *Memorandum on the Falkland Islands Dependencies* 1947 in *LCO 2/490*

519 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.

520 *TNA LCO 2/4908*. Under the *Permanent Court*, the UK had set the date as that of its creation - 1920.

521 Headland 1989

522 *Memorandum on the Falkland Islands Dependencies* 1947 in *LCO 2/490*

523 *Ibid.*

524 *Ibid. cf.* June, 1946

From Washington, the USA sends out 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 ..." <sup>525</sup>

**February 4<sup>th</sup>**, *Trespassey* pays a visit to the meteorological station on Laurie Island; "The visit passed cordially and without mention of political matters. It was noticed that the station had been considerably enlarged and improved,... and that the staff had been increased from four to nine men." <sup>526</sup>

**February 9<sup>th</sup>**, 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 3<sup>rd</sup>**, in Buenos Aires, Ambassador Sir Reginald Leeper is summoned to the Foreign Ministry.

*"This Ministry has just been informed by its Embassy in London that the Government of Great Britain has issued a new series of postage stamps of the Malvinas Islands [Falklands] and their geographical dependencies, which have been ordered to be on sale beginning 5 April of this year. The Argentine press has also recently published a reproduction of these stamps, in the part of whose design which corresponds to the Antarctic sector, between the 20° and 80° meridians, the [South] Georgias, [South] Orkneys, [South] Shetlands and other islands appear to be joined to the Malvinas. Your Excellency's Government well knows that the Argentine Republic has never at any time surrendered the just right which supports its claim to a portion of territory of its own dominions - the Falkland Islands - by virtue of geographical, historic, and juridical rights which it would be superfluous to set out in detail. To this is added its indisputable right to the lands situated south of the 60th parallel between the meridians of 25° and 68°34' west longitude. ... it is my duty to inform Your Excellency that the Argentine Government has taken steps to inform the Universal Postal Union, as it did in 1943 on the occasion of the issue of British stamps commemorating the centenary of the occupation of the Malvinas, that correspondence coming to the Republic which bears these stamps will be considered as lacking postage, and the appropriate sanctions will be applied to it."* <sup>527</sup>

A similar message is sent to the *International Postal Union*. <sup>528</sup>

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*.

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525 *Blue Book* 1946

526 *Memorandum on the Falkland Islands Dependencies* 1947 in *LCO* 2/490

527 *International Law Documents 1948-49 Navpapers* 15031 vol.XLVI Washington 1950 citing *Argentine Republic, Boletín del Ministerio de Relaciones Exteriores y Culto, September 1946, pp. 16-18*

528 Chile registered its complaint regarding the new issue of postage stamps on July 2, 1946

**June 4<sup>th</sup>**, 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.”*<sup>529</sup>

**August 20<sup>th</sup>**, an Argentine Decree states that goods produced in the Falkland Islands are not to be subject of import duties; *“In August 1946 the Argentine Government reverted to its pin-pricking policy towards Great Britain on the question of the Falkland Islands. Falkland Island residents in Punta Arenas (Chilean territory in the Magellan Strait) who wished to travel to Argentina were compelled to provide themselves with Argentine passports. One of the passports so issued was endorsed with the following clause: “Valid only for travel to the Republic in order to regularize his military status.” ...”*<sup>530</sup>

**August 26<sup>th</sup>**, 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.”*<sup>531</sup>

**September 2<sup>nd</sup>**, 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.”*<sup>532</sup>

**September 30<sup>th</sup>**, Geoffrey Miles Clifford is gazetted as Governor and Commander-in-Chief of the Falklands.<sup>533</sup>

*“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.”*<sup>534</sup>

**October 11<sup>th</sup>**, President Peron issues Decree 14.708 entitled *Decree Concerning National Sovereignty Over the Epicontinental Sea and the Argentine Continental Shelf.*

*“Article 1. It is hereby declared that the Argentine Epicontinental Sea and Continental Shelf are subject to the sovereign power of the Nation:*

*Article 2. For purposes of free navigation, the character of the waters situated in the Argentine Epicontinental Sea and above the Argentine Continental Shelf, remains unaffected by the present Declaration.”*

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529 *Argentina's Partisan Past: Nationalism and the Politics of History* Michael Goebel 2014

530 *Memorandum on the Falkland Islands 1947* in LCO 2/490 citing AS 5141/311/2 of 1946

531 Fontana 2013 p.7

532 *Scott of the Antarctic (1948): Geopolitics, Film and Britain's Polar Empire* Klaus Dodds 2012

533 *The London Gazette* No.37747

534 Tatham (ed.) 2008 p.156

*“The full text of this Decree is not yet available and its meaning is not clear. It is evident, however, that the continental shelf of the Falkland Islands Dependencies was included.”*<sup>535</sup>

*“... the Argentine,..., was the first state to claim a right of sovereignty over both shelf and superjacent seas.”*<sup>536</sup>

*“In October 1946 the Argentine Government annexed the continental shelf which surrounded the Falklands without defining its limits. Argentina's additional claim to the fisheries above the continental shelf, although imitated by other Latin American states, was not widely accepted by the international community.”*<sup>537</sup>

**October 14<sup>th</sup>**, the Victory Bar opens in Stanley.

**October 17<sup>th</sup>**, an Argentine Decree prohibits the publication of maps of the Republic which are 'incomplete' in that they fail to show as Argentine any portion of the national territory; *“Although the Falkland Islands and their Dependencies are not specifically mentioned, it is clear that the Decree is intended to refer to them.”*<sup>538</sup>

**October 21<sup>st</sup>**, 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.'<sup>539</sup>

*“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...”*<sup>540</sup>

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.<sup>541</sup>

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535 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

536 *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 September, 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

537 Ellerby 1990 p.123 citing *Colonial Office Papers, Series 78, vol. 248/11, henceforth cited as C078/248/11: Carter to Clifford, 22 Nov. 1949 and Stevens to Leche, 6 Jan. 1948.*

538 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

539 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.

540 Kohen & Rodríguez 2017 p.192 citing *UN GAOR C4 p.156, UN Doc A/C 4/SR.25 (1946)*

541 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*.

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.<sup>542</sup>

**November 11<sup>th</sup>**, Britain responds to Chile's note of January 23<sup>rd</sup>, 1946.

*“His Majesty's Government could not share the view that Chilean claims to the Falkland Islands Dependencies were well founded, ... it is not the practice of His Majesty's Government to notify to friendly Governments the publication of Letters Patent which are, by their nature, open for all to see. ...”*

*“The Note rejected Chilean claims on “geographical, juridical, historical and administrative ground.” It also disclaimed relevance of British arbitration in the 1902 dispute, since no claim in respect of Antarctic territory was raised then...”*<sup>543</sup>

**December 14<sup>th</sup>**, UN Resolution 66(I) recognises 74 territories as 'non-self-governing.'

**December 21<sup>st</sup>**, within Britain's Foreign Office, there is an assumption that Argentina will raise the question of the Falklands before the United Nations; *“It was thought in July 1946 that Argentina might raise the question of the Falkland Islands before the General Assembly of UNO. Preparations were therefore made to undertake a more detailed investigation of the legal situation... The Argentine Delegation was, in fact, instructed early in December to make strong representations to the Assembly, but disregarded their instructions.”*<sup>544</sup>

**December 27<sup>th</sup>**, in Washington, Acting-Secretary of State Dean Acheson announces that the USA has not recognised any claims by other nations in the Antarctic and has reserved all rights which it might have there.

**December 31<sup>st</sup>**, an inquiry is addressed to the UK's Law Officers.<sup>545</sup>

*“For 113 years His Majesty has held the Falkland islands as a Colony. During the whole of this period the Argentine has claimed that the islands belong to her as of right. It is probable that the Argentine Government may raise this question in some manner in the United Nations. ... 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.”*

*A Memorandum on the Falkland Islands* is prepared to accompany the request.<sup>546</sup>

542 The South Sandwich Islands did not fall within the area described.

543 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

544 *Ibid.*

545 LCO 2/4908. Britain's Attorney General in 1947 was Sir Hartley Shawcross; the Solicitor General was Frank Soskice.

546 *Ibid.* Submitted on January 12, 1947. Authorship is not indicated, but at the top of the document it is noted '*Secret Copy No. 7*' and at the bottom are the numbers 13742 [32858]. Accompanying documents suggest that the *memorandum* was by Becket (Foreign Office) and Roberts-Wray (Legal Advisor). What becomes quickly apparent is the extent to which this document was reliant upon the work of Julius Goebel, twenty years after its publication in 1927. What is not clear, is why the British Foreign Office remained incapable of doing its own research which would quickly have thrown up the flaws in Goebel's pro-Argentine thesis. Any legal advice can only be as good as the information provided to the advisers, and this *Memorandum* was flawed by its omissions; e.g. there was no mention of a) the resistance of British

At the end of the year, Antarctic expeditions are in the process of planning and/or execution by the USA, the Argentina Republic and the Republic of Chile; *“In view of these foreign expeditions, the Colonial Office, in consultation with the Foreign Office, decided in December 1946 to establish, and to occupy, for the southern summer only, a British base at Admiralty Bay, in King George Island, South Shetlands, since this and Deception Island... are the only known localities in the Dependencies where a large fleet of naval vessels could anchor in comparative safety.”*<sup>547</sup>

**1947 – January 3<sup>rd</sup>**, 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.<sup>548</sup>

*“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, ...”*<sup>549</sup>

*“In January 1947,.. there are British occupation parties at Port Lockroy (Base A), Hope Bay (Base D), Stonington Island, Neny Fjord (Base E), Argentine Islands (Base F), all in Graham Land; at Deception Island (Base B) and Admiralty Bay, King George Island (Base G), both in the South Shetlands; and at Cape Geddes, Laurie Island (Base C), in the South Orkneys.”*<sup>550</sup>

**January 4<sup>th</sup>**, Argentine transport ships, *Patagonia* and *Chaco* sail from the Rio de la Plata with orders to visit the sub-Antarctic islands; *“.. 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.”*<sup>551</sup>

**January 21<sup>st</sup>**, two Chilean ice-breakers, *Angamos* and *Iquique*, sail for Antarctica. In Santiago, Chile's Foreign Minister Raul Juliet, informs 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 conquistadors 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.”*<sup>552</sup>

**January 28<sup>th</sup>**, the Law Officers report to the Foreign Office with regard to December's request for an opinion.

*“That, 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*

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captains to an extension of Spanish authority over the western islands; b) the limitations placed upon Spain in the 1790 Convention; c) the denial of French demands in 1802; d) Spain's claim to only one island in 1811; nor e) any information provided on the peace treaty of 1850.

547 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490

548 HC Deb 12 March 1947 vol.434 cc211-2W

549 HC Deb 19 June 1950 vol.476 cc857-8

550 *Memorandum on the Falkland Islands Dependencies* 1947 in LCO 2/490. It was noted that although a hut had been landed, there was, at the time this document was compiled, no occupation party at Base G.

551 *Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice, May, 1955*. 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 overflown and photographed British bases. cf. Fontana 2013

552 *Keesing's Record of World Events* vol.VI-VII, February, 1948

reasonably strong claim to have acquired the Falkland Islands by acquisitive prescription in the nature of usucaption consisting in its de facto possession and occupation of the Falkland Islands since the year 1833. ...<sup>553</sup> Between 1841 and 1849 there were spasmodic protests by the Argentine Government to Britain; protests were renewed from 1884 to 1888. From 1908 onwards there have been a series of protests. Since 1833, however, there has not been any manifestation at all of physical control by the Argentine over the Islands.

*The protests made by the Argentine can be described as paper protests in that they were never followed up by further positive action. Furthermore, they were punctuated by long periods of silence so far as Great Britain is concerned, during which the Argentine showed no animus either way. There was, for example, such a period of silence between 1849 and 1884 (35 years), and between 1884 and 1908 (24 years). ... no positive attempt was made by the Argentine to have the matter referred to any process on international arbitration (although it is true that Dr. Ortiz suggested arbitration in 1884), even after the establishment of the League of Nations the Argentine did not bring the matter before this body. ... Britain, on the other hand, from 1833, or at least from 1841, ... had had factual occupation of the Islands without physical disturbance of any sort and without adverse claim from any quarter, apart from the Argentine, until the present day. ... 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...*<sup>554</sup>

*“Britain's title to the Falklands was relatively stronger compared with the Dependencies. In March 1947 (sic) the Law Officers of the Crown concluded that Britain had only acquired a sustainable claim to the sovereignty of South Georgia, the South Shetlands, Signy Island and the actual areas of settlement in the Grahamland.”*<sup>555</sup>

**January 29<sup>th</sup>**, 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.<sup>556</sup>

*“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.”*<sup>557</sup>

**February 14<sup>th</sup>**, Governor Clifford informs the Secretary of State for the Colonies of the situation 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*

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553 My emphasis. Usucaption is “*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*” (FCO 76/1892 Annex 3 footnote to p.12.) These Law Officers considered the archipelago to have been *terra nullius* after 1811, but to support their argument regarding usucaption, that could not have been the position in 1833. Therefore they reluctantly concluded that Argentina had gained a title to East Falkland Island between 1829 and 1833.

554 Opinion of the Law Officers in LCO 2/490. See also FCO 76/1892. It seems that the Law Officers were not made aware of Lieut. Smith's arrival in the Islands, as Residential Officer, in 1834.

555 Ellerby 1990 p.139 citing Beck, *Memorandum, H. of C. Foreign Affairs Committee, Session 1982- 1983, Falkland. Minutes of Evidence (H.M.S.O., 13 Dec. 1982), p. 112.*

556 Christie 1951 p.272

557 Juan Perón in *Soberanía Argentina en la Antártida* Ministerio de Relaciones Exteriores y Culto 1947

*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 least by a representative 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.* <sup>558</sup>

*“... 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.”* <sup>559</sup>

**February 26<sup>th</sup>**, asked in the House of Commons regarding the progress towards a; *“... constitution which will give elective representation to the people of the Falkland Islands,”* a Government spokesman responds.

*“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.”* <sup>560</sup>

**February 28<sup>th</sup>**, 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 2<sup>nd</sup>**, 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.”* <sup>561</sup>

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.

**March 12<sup>th</sup>**, the Law Officers report their advice regarding the Dependencies for the attention of Cabinet. <sup>562</sup>

*“That the Argentine and Chilean claims are based on the ground (i) of their successors to Spain, and (ii) on geographical contiguity and the circumstance that, as they allege, the areas in dispute are extensions of the South American Continent. These claims, we think, can at the*

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558 FO 371/97376

559 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.

560 HC Deb 26 February 1947 vol.433 cc288-9W

561 Bologna 1988 p.48. There is no evidence that an inspection of any equipment at the Grytviken site was ever made.

562 FO 371/61290/1

outset be discarded as not maintainable. The partition by the Pope in 1493 and the subsequent treaty of Tordesillas in 1494 allotted to Spain only some of the territories, and in respect of these Spain never acquired any title independently of this partition. Even if Spain had acquired any title by the partition, we think that the areas subsequently undoubtedly became terra nullius, and that accordingly the requirements of the *uti possidetis* principle are not fulfilled.

With regard to the claim founded on the geographical situation of the areas in question, there is, we think, no authority which can be said to establish such a claim in international law. ... South Georgia can be treated as falling into a separate category. Virtually South Georgia consists of one compact island. It was annexed by Letters Patent in 1908; since 1909 there has been a resident magistrate; and since 1912 there were small Government buildings and a Post Office. Leases and Licences for whaling were granted from time to time. There has been a small settled population since 1905. These circumstances in our opinion are quite sufficient to establish a clear title in Great Britain to South Georgia. <sup>563</sup>

With regard to all the other territories, the question is a great deal more difficult and, to put the matter generally, we do not feel in a position to advise that Great Britain has a clear title to these territories. We feel, however, at the same time that with regard to the South Shetland Islands, part of the South Orkneys, and, possibly, to a somewhat lesser extent, to the South Sandwich Islands, Great Britain has an arguable case which can be said to come just within the requirements laid down in the Clipperton Island award and the Status of East Greenland award, ... <sup>564</sup>

In conclusion, therefore, we can advise with confidence only that Great Britain has acquired a title to South Georgia and to Deception Island in the South Shetlands. We feel fairly confident as to the British title to Signy Island. With considerably less confidence, we feel that Britain can establish a title to the rest of the (South) Shetland Islands and the South Sandwich Islands. As to Graham Land, we feel the British title is confined to the actual areas of the British settlements. <sup>565</sup>

May 16<sup>th</sup>, in Santiago, the Chilean Government rejects the protests made against it by Britain.

May 24<sup>th</sup>, 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 ... to protect and recover the territorial estate which legally belongs to the Republic..." <sup>566</sup>

"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." <sup>567</sup>

563 Under the Tordesillas agreement between Spain and Portugal, South Georgia would have fallen under the latter's control. For discovery, see 1494, 1675, 1756 & 1775

564 For the South Shetland Islands see 1819, 1829, 1843, 1893, 1901 & 1908 Consideration had been given to ceding the South Orkney Islands to Argentina in the early part of the 20<sup>th</sup> Century after Britain had claimed them in 1821. See 1821, 1903, 1904, 1905, 1906, 1907, 1908 & 1910. For the South Sandwich islands see 1775, 1819, 1906 & 1908

565 Opinion of the Law Officers 1947 in LCO 2/490. *cf.* 1775, 1906, 1959 (*Antarctic Treaty*) & 1966

566 Quoted in Note by B.B. Roberts August 27, 1952 *American Department A/15212 (FO 371/103153/15212/104)*. Some sources date this Decree to June 24, 1946.

567 *Ibid.*

In **June**, the Foreign Office propose an aerial survey of the Dependencies to determine their extent.

**July 27<sup>th</sup>**, Chile and Argentina announce a *Joint Declaration* on the Antarctic.

*“(Desiring) 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.”*

Despite extensive negotiations, no decisions as to the territory to be claimed by each has been reached. However, they remain; “... convinced as they are of the indisputable rights of sovereignty of the Argentine Republic and of Chile over the South American Antarctic,...”

*“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.”*<sup>568</sup>

**August 8<sup>th</sup>**, 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. ...”*<sup>569</sup>

**August 15<sup>th</sup>**, 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 26<sup>th</sup>**, 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.<sup>570</sup>

*“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.”*<sup>571</sup>

**September 2<sup>nd</sup>**, the *Rio Pact* is signed.

*“Art. 3: 1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations. ... 3. The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. ...”*

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568 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)*

569 Quoted in Howkins 2008 p.151

570 *Act of Chalpultepec (Rio Treaty) 1947*. At the time, Argentina considered this something of a diplomatic *coup*.

571 Howkins 2008 p.147

*Art. 4: The region to which this Treaty refers is bounded as follows: beginning at the North Pole; thence due south to a point 74 degrees north latitude, 10 degrees west longitude; thence by a rhumb line to a point 47 degrees 30 minutes north latitude, 50 degrees west longitude; thence by a rhumb line to a point 35 degrees north latitude, 60 degrees west longitude; thence due south to a point in 20 degrees north latitude; thence by a rhumb line to a point 5 degrees north latitude, 24 degrees west longitude; thence due south to the South Pole; thence due north to a point 30 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point on the Equator at 97 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 120 degrees west longitude; thence by a rhumb line to a point 50 degrees north latitude, 170 degrees east longitude; thence due north to a point in 54 degrees north latitude; thence by a rhumb line to a point 65 degrees 30 minutes north latitude, 168 degrees 58 minutes 5 seconds west longitude: thence due north to the North Pole.”*

The USA reserves its position regarding Antarctica, the Falkland Islands and the Dependencies.; *“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.”*<sup>572</sup>

Chile adds its own reservation.

*“... 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 ...”*

Meanwhile, Argentina's 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 Falklands) would not be included. ...”*<sup>573</sup>

*“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.”*<sup>574</sup>

Uruguay and Britain sign an agreement for flights between the Falkland Islands and Montevideo.<sup>575</sup>

**October 26<sup>th</sup>**, an Argentine minesweeper, *Bouchard*, anchors at Deception Island.<sup>576</sup>

*HMS Snipe* is posted to the Falklands to facilitate Governor Clifford's visits to the Dependencies.<sup>577</sup>

**November 12<sup>th</sup>**, an Argentine naval vessel arrives at Deception Island to erect a meteorological station opposite the British base.

**December 7<sup>th</sup>**, 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.<sup>578</sup>

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572 *Foreign Relations of the United States. Vol.1 General: The United Nations*

573 Caillet-Bois (6<sup>th</sup> ed.) 1982 p. 407

574 *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

575 *The New York Times* October 29, 1952

576 Fontana 2013 p.8

577 Christie 1951 p.258

578 *Keesing's Record of World Events* vols.6-7, February, 1948 p.9133

**December 8<sup>th</sup>**, Washington sends instructions to its Embassies in the UK, Chile and Argentina.

*“... 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. ...*

*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.”*<sup>579</sup>

**December 12<sup>th</sup>**, 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.<sup>580</sup>

**December 13<sup>th</sup>**, 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.<sup>581</sup>

**December 17<sup>th</sup>**, the UK invites Argentina to take its sovereignty claims to the Dependencies to the International Court of Justice (ICJ).<sup>582</sup>

*“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*

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579 *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)*

580 *Granville, King, Pampa, Charrúa, Ministro Ezcurra, Muratore and Esiv Brunt*

581 Fontana 2013 p.8

582 *HC Deb 02 July 1951 vol.489 cc1899-901*

*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. <sup>583</sup>

*“H.M. Ambassador in Santiago, Sir John Leche, had similarly protested to the Chilean Government on Dec. 17, 1947, against acts of trespass in the Falkland Dependencies during the summer of 1947; and in particular against the action of the Chilean Navy in setting up permanent post on Greenwich Island (South Shetlands), proposing, as in the Note to Argentina, that the matter be referred to the International Court.”* <sup>584</sup>

In Washington, Counsellor Hadow from the British Embassy, calls on Benjamin Hulley, Acting Chief of the Division of Northern European Affairs to discuss proposed British notes to the Argentine and Chilean Governments relative to claims in Antarctica. Hulley mentions an idea under consideration by the USA.

*“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...”* <sup>585</sup>

**December 23<sup>rd</sup>**, in Buenos Aires, Ambassador Leeper presents a further protest to Dr. Bramuglia expressing surprise at continued violations of British territory and territorial waters by Argentine vessels. <sup>586</sup>

**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.”* <sup>587</sup>

**January 25<sup>th</sup>**, an Argentine expedition establishes a new base on Deception Island. <sup>588</sup>

*“In January 1948 Argentina held naval manoeuvres close to the Falklands after Britain had announced that five battleships would be scrapped. The Admiralty despatched H.M.S. 'Sheffield' to "show the flag." ..”* <sup>589</sup>

**January 28<sup>th</sup>**, in Buenos Aires, Argentina's Government responds to Britain's December 7<sup>th</sup> invitation in a letter to the British Embassy.

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583 *Ibid.*

584 *Keesing's Record of World Events* vols.6-7, February, 1948 p.9133

585 *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*

586 *HC Deb 02 July 1951 vol.489 cc1899-901*

587 *HC Deb 12 February 1948 vol.447 c132W*

588 Headland 1989

589 Ellerby 1990 p.122 citing *P. Calvert, The Falklands Crisis (London, 1982), p. 23*

*“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.”*<sup>590</sup>

*“... 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.”*<sup>591</sup>

*“... 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.”*<sup>592</sup>

**January 31<sup>st</sup>**, Chile also 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;..”*<sup>593</sup>

**February 4<sup>th</sup>**, HMS Snipe arrives at Deception Island with the Governor aboard. A protest regarding “provocative behaviour” is lodged with the Argentine base.<sup>594</sup>

**February 11<sup>th</sup>**, the Overseas Resources Development Act establishes the Colonial Development Corporation; *“The CDC's purpose was to bridge the gap between the development activities of governments and the commercial operations of private enterprise for the benefit of colonial peoples... The Falkland Government had four sources of capital for development - the (Colonial Development & Welfare Act 1945) allocation of £150,000, the Colony's reserves, taxation and assistance from the CDC (Colonial Development Corporation) for suitable projects. Clifford appealed for the £150,000 allocation to be raised in line with Saint Helena, which was granted £200,000, The Colonial Office replied that Saint Helena had twice the population, a revenue of £14 per head and an allocation of £40 per head compared to the more prosperous Falklands which had £40 per head revenue and an allocation of £60 per head... Clifford was forced to trim his objectives by abandoning four plans. These included a road across East Falkland from Stanley to a suitable site for a ferry to Vest Falkland, a weaving project to produce woollens and high quality tweed, a fishing scheme and an Agricultural Institute to improve farming techniques.”*<sup>595</sup>

590 Copy in Christie 1951 Appendix C. Also *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.35

591 *Keesing's Record of World Events* vols.6-7, February, 1948 p.9133

592 Fontana 2013 p.9

593 *Don German Vergara to John Hurlleston Leche 31<sup>st</sup> January 1948*

594 Fontana 2013 p.9

595 Ellerby 1990 pp.79-81. cf. 1949

**February 14<sup>th</sup>**, *HMS Nigeria* is deployed from Cape Town to the Falklands with orders to patrol the Dependencies, and to investigate reports of Argentine landings. The USA expresses its reservations.

*"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."*<sup>596</sup>

**February 16<sup>th</sup>**, 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."*

Videla tells the press that 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."*<sup>597</sup>

In Britain's Parliament, Foreign Secretary McNeil is asked whether Argentina have now ceased their acts of trespass in the Dependencies.

*"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 18<sup>th</sup>**, 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..."*<sup>598</sup>

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

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596 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*

597 Howkins 2008 p.158

598 *HC Deb 23 February 1948 vol.447 cc1600-1*

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.”*<sup>599</sup>

**February 19<sup>th</sup>**, while Chile's President Gabriel Videla, inaugurates a base near Cape Legoupil, his Ambassador to the USA is told that the Americans do not consider the *Treaty of Reciprocal Assistance* to cover Antarctica.

**February 20<sup>th</sup>**, 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.<sup>600</sup>

**February 21<sup>st</sup>**, *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...”*<sup>601</sup>

**February 22<sup>nd</sup>**, Argentina's fleet, led by Vice-Admiral Juan M. Carranza arrives off Deception Island.<sup>602</sup>

**February 23<sup>rd</sup>**, the *Washington Post* criticises the Chilean misinterpretation of the *Rio Treaty* and complains that Argentina has yet to ratify it; *“Mr. Attlee, questioned in the House on Feb. 23 by Mr. Eden, gave an assurance that the British Government would not be “checked or chivied out of British territory anywhere in the world,” and added that the Nigeria, after her arrival at Port Stanley, would visit the Falkland Dependencies.”*<sup>603</sup>

**February 24<sup>th</sup>**, 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...”*

Chile's President accuses Britain of “aggression” in sending *Nigeria* to Antarctica, describing the act as a; *“.. threat against all the nations of the Americans.”*

**February 25<sup>th</sup>**, Foreign Secretary Ernest Bevin makes a statement in Parliament.<sup>604</sup>

*“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*

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599 Headland 1989 p.324

600 Christie 1951 p.260

601 *HC Deb 25 February 1948 vol.447 cc1931-3*

602 Fontana 2013 p.9

603 *Keesing's Record of World Events vols.6-7, February, 1948*

604 *HC Deb 25 February 1948 vol.447 cc1931-3*

*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. ....”*

**March 4<sup>th</sup>**, despite being unable to reach an agreement on demarcation, Chile and Argentina announce a further *Joint Declaration on the Antarctic*.

*“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.”*

On the same day, an Argentine mine-sweeper, *Parker*, warns a Norwegian fishing vessel, *Brategg*, that she requires Argentine permission to anchor at Deception Island; a warning written into the ships log. <sup>605</sup>

**March 7<sup>th</sup>**, *HMS Snipe* arrives at the Chilean base on Greenwich Island in the South Shetlands and issues a warning to the Chilean commander there. <sup>606</sup>

**March 10<sup>th</sup>**, US Ambassador Bruce in Buenos Aires telegrams 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*

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605 The warning was subsequently struck out by the Harbour Master at Whalers Bay as “illegal.”

606 Fontana 2013 p.9

*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 (to the) 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.”*<sup>607</sup>

**March 17<sup>th</sup>**, 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.”*<sup>608</sup>

**March 23<sup>rd</sup>**, Foreign Secretary Bevan informs Parliament as to the situation in the Dependencies.

*“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. ...”*<sup>609</sup>

**March 30<sup>th</sup>**, Argentina's delegation to the 9<sup>th</sup> *International Conference of American States* in Bogata complains that the local British Embassy has distributed a four page document outlining Britain's title to the Falklands.

**April 21<sup>st</sup>**, the head of the Chilean delegation proclaims that his nation's sovereignty rights over Antarctica go back to the Spanish colonial period.

**April 26<sup>th</sup>**, 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.

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607 Document 228 in *Foreign Relations of the United States 1948 vol. 1 pt.2 General: The United Nations*

608 *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*

609 *HC Deb 23 March 1949 vol.463 cc342-3*

*“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. ...”*<sup>610</sup>

*“.. 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.”*<sup>611</sup>

*“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.”*<sup>612</sup>

**April 27<sup>th</sup>**, 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;...”*<sup>613</sup>

**May 2<sup>nd</sup>**, 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-

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610 Quoted in *Argentine Sovereignty over Malvinas: 50 Years after the Ruda Statement* Argentine Foreign Ministry, September 2014

611 *Reuter's* correspondent William Hardcastle. Quite what talks were taking place is unclear.

612 *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*

613 *Ambassador Bruce in Buenos Aires to Secretary of State Washington April 28<sup>th</sup> No. 331 in Foreign Relations of the United States, 1948. The Western Hemisphere, vol.IX*

*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.”*<sup>614</sup>

**May 5<sup>th</sup>**, 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. ... ”*<sup>615</sup>

**May 6<sup>th</sup>**, in the Falklands, a meeting is held in Stanley to protest about Governor Clifford; “*A petition asking for his removal was unanimously agreed upon at a mass meeting here May 6, 1948. It charged there were too many highly paid officials, inefficiency, discrimination against Islanders, squandering of public funds on ill advised schemes and vacations for civil servants. It also said the administration has failed to provide any works of public benefit and asserted that increased taxation, to which the Governor is immune, chiefly affected the lower wage groups. The petition appealed for an increase in wages to cover the rising cost of living...*”<sup>616</sup>

*“Sir Geoffrey Miles Clifford, Governor from 1946 to 1954, was responsible for guiding post-war development in the Falklands. Clifford had no experience of settler colonies having served for sixteen years between 1921 and 1937 in Nigeria followed by several short appointments in Gibraltar and Cyprus. Clifford's development proposals were prepared within a framework of limited funds, the need to introduce modern social services (because the Colony had changed little since the nineteenth century), and the requirement to balance benefits between the scattered economically productive half of the population and Stanley's residents.”*<sup>617</sup>

**May 27<sup>th</sup>**, 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.”*<sup>618</sup>

**June 4<sup>th</sup>**, from Stanley, the petition started in May, and now with 1,200 signatures, is sent to London.

*“... a petition was sent to the Secretary of State signed, “.. by more than 1,200 Falkland Islanders (pop.2,300).” The petition demanded Clifford's removal from office and the appointment of a Royal Commission to investigate seven complaints. First, the administration was too expensive for the size of the population. Secondly, the development proposals were a, “. . . squandering of public funds on ill-advised schemes.” Thirdly,*

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614 UN Doc A/5800/Rev.1

615 ADM 1/21126. Quoted in Dodds 2002

616 *The Chicago Daily Tribune* July 7, 1949. Clifford had raised the maximum rate of income tax from 2/6d in the £ in 1947, to 3/6d in 1948. Taxation on wine, spirits and tobacco had also risen sharply.

617 Ellerby 1990 p.81

618 FO 371/97376 (A15212/1). Also Bologna 1988 p.48

native born civil servants were discriminated against. Fourthly, inflation had increased since 1939 by approximately 100 percent while wages had risen by only 15 percent. Fifthly, Clifford's higher tax rates were too severe. Sixthly, health care was inadequate. Finally, the Government was too dictatorial. The petitioners demanded the introduction of democracy, "It is significant 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." .." <sup>619</sup>

**June 9<sup>th</sup>**, 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."* <sup>620</sup>

**June 11<sup>th</sup>**, a US Department of State Policy Statement is circulated within the department.

*"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."* <sup>621</sup>

**June 16<sup>th</sup>**, Ernest Bevin, Secretary of State for Foreign Affairs, informs the House of Commons on the situation in the Falkland Islands Dependencies.

*"... 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."* <sup>622</sup>

**June 19<sup>th</sup>**, at the Colonial Office, a *minute* notes the Islanders' complaints.

*"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."* <sup>623</sup>

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619 Ellerby 1990 p.89. Also *The Inhabitants of the Falkland Islands* Juan Carlos Moreno in *La Nacion*, May 2, 1965. Translation in CO 1024/434

620 *The Condor and the Cows* 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

621 *Foreign Relations of the United States 1948 Western Europe: vol.3 - Dept. of State Policy Statement, June 11, 1948*

622 *HC Deb 16 June 1948 vol.452 cc403-4*

623 *PRO CO 78 24/1*

June 25<sup>th</sup>, 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.*

*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.”*<sup>624</sup>

July 3<sup>rd</sup>, 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; *“The Colonial Office remained loyal to Clifford and sympathized that he had, “... a thankless job to do governing this lonely, bad-weathered and bad-tempered Colony.”...”*<sup>625</sup>

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624 *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*

625 Ellerby 1990 p.90

On the same day, Britain responds to the US *aide-memoire* of June, 25<sup>th</sup>, accepting the initiative in principle but preferring an eight-power condominium rather than UN trusteeship. The USA agrees to reconsider its proposals.

**July 21<sup>st</sup>**, Argentina is handed a copy of the USA's June 25<sup>th</sup> proposals. The reaction is noted in a telegram to the Secretary of State in Washington.

*“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...”*<sup>626</sup>

Argentine maps are published showing 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.”<sup>627</sup>

**August 28<sup>th</sup>**, 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.”*<sup>628</sup>

During **September**, the USA circulates the idea of an 8-member condominium to consider Antarctica.<sup>629</sup>

In **October**, in Stanley, following continued bad relations between a majority of the islanders and Governor Clifford; it is proposed to reform the constitution of the *Legislative Council* to provide for a fairer mix of appointed and elected members.

*“It is distressing for loyal subjects to hear spoken openly, what was once whispered by the few, in public places 'Would we not be better off under the Argentines.’”*<sup>630</sup>

Control of the Falkland Islands Dependencies Survey passes to the Falkland Islands' Governor.

**October 6<sup>th</sup>**, unaware of the USA's change of tack, Argentina's Ambassador, M.R. Varela speaks to the UN's *Trusteeship Committee* which is visiting Paris.

*“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.”*<sup>631</sup>

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626 *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*

627 *Note by B. B. Roberts August 27, 1952 American Department A/15212 cf. FO 371/97376*

628 *Dept. State Bulletin, vol.19, no.479, September 5, 1948 p.301*

629 *Howkins 2008 p.172*

630 *Quoted in Ellerby 1990 p.90 citing Petitioners to Creech Jones 30 Sept. 1948 in CO 78/241*

631 *The New York Times October 7, 1948*

**October 7<sup>th</sup>**, Chile responds to the US proposals on a condominium for Antarctica by suggesting a “*lack of harmony*” with the Rio Treaty of 1947 in a *Note Verbale*.<sup>632</sup>

*“... 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.”*<sup>633</sup>

**October 13<sup>th</sup>**, 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.*”<sup>634</sup>

**October 20<sup>th</sup>**, Britain's naval attaché in Buenos Aires, Tony Lincoln, writes to the Foreign Office with regard to Argentine attitudes towards 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.<sup>635</sup>

**November 1<sup>st</sup>**, Argentina rejects the US proposals regarding Antarctica.

*“(The) 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.”*<sup>636</sup>

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632 *The Antarctic Treaty 1959* John Hanessian 1960 in *The International and Comparative Law Quarterly* vol.9, no.3 (Jul., 1960) pp.436-480

633 *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*

634 *Note by B. B. Roberts August 27, 1952 American Department A/15212. cf. FO 371/97376. Roberts added - “We also ignored this.”*

635 *CO 537/4023*

636 *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*

**November 4<sup>th</sup>**, 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. <sup>637</sup>

**November 7<sup>th</sup>**, 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. <sup>638</sup> 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.”*<sup>639</sup>

**November 19<sup>th</sup>**, 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 26<sup>th</sup>**, at a meeting of the Privy Council, King George VI approves the *Legislative Council (Elections) Ordinance No.16 1948*; introducing elections to the Falklands for the first time.

On the same day, 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. <sup>640</sup>

**November 30<sup>th</sup>**, 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°. <sup>641</sup> Chile also signs up to this agreement. <sup>642</sup>

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. <sup>643</sup>

**December 1<sup>st</sup>**, 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.”* <sup>644</sup>

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637 *HC Deb 05 July 1950 vol.477 cc447-8*

638 *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*

639 Grade IV Argentine school book of 1953 quoted in Garcia 2009

640 Lynch was invested with the Albert Medal in 1951 and re-invested with the George Cross in 1973.

641 *CO 537/4940 Bennet to Dodds June 28, 1949*

642 This agreement would be renewed every year until 1959.

643 *Foreign Relations of the United States, 1948, General, The United Nations, vol.1, Part 2. Document 264*

644 *HL Deb 1.12.48 vol.159 c707 Hansard*

**December 13<sup>th</sup>**, 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. <sup>645</sup>

*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. <sup>646</sup>

The Dependencies remain legally distinct from the Falkland Islands but are administered from Stanley.

**December 24<sup>th</sup>**, 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 7<sup>th</sup>**, Governor Clifford, in a radio broadcast, speaks to the Islanders.

*“There has been,..., 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 18<sup>th</sup>**, 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...”* <sup>647</sup>

On the same day, South Georgia's weather station is given an international index number; *“... the International Meteorological Organisation (whose President was then an Argentine) allotted an Argentine index number to*

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645 *Falkland Islands (Legislative Council) Order 1948*

646 *Falkland Islands Letters Patent 1948*. Came into force on March 4, 1949

647 Quoted in Hanessian 1960 pp.436-480

*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 ...*"<sup>648</sup>

**February 10<sup>th</sup>**, in Leningrad, Russia's Geographical Society hears a report entitled, 'Russian Discoveries in the Antarctic and Present-Day Interest in that Area' from its President.

*"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. ... Russia, the geographers insisted, had never renounced her Antarctic rights or agreed to the disposal of Antarctic lands discovered by Russian navigators."*<sup>649</sup>

In the Falkland Islands, the first general election is held; *"The Legislative Council formerly consisted of the Governor, three official and five nominated members who were appointed for five years. It was henceforward composed of the Governor, three ex-officio, three nominated official, two nominated unofficial and four elected members. This constitutional reform was preceded by other changes and an extensive debate."*<sup>650</sup>

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.<sup>651</sup>

*"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."*<sup>652</sup>

**March 23<sup>rd</sup>**, in the 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."*<sup>653</sup>

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648 Note by B. B. Roberts 27 August, 1952 American Department A/15212 cf. FO 371/97376

649 *Russia and Antarctica* L. P. Kirwan in *The Spectator* February 18, 1949 p.8

650 Ellerby 1990 p.91

651 *Foreign Relations of the United States, 1949, National Security Affairs, Foreign Economic Policy, Vol.1 Document 313*

652 Hanessian 1960 pp.436-480

653 *HC Deb 23 March 1949 vol.463 cc342-3*

**March 31<sup>st</sup>**, 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. <sup>654</sup>

*“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.”* <sup>655</sup>

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...”* <sup>656</sup>

**June 29<sup>th</sup>**, concerned at rumours of an Argentine invasion, the Foreign Office urges the Ministry of Defence to send reinforcements for the Falklands' *Defence Force*. <sup>657</sup>

Britain's Embassy in Buenos Aires issues a bulletin outlining the history of the Falklands from 1764 to 1833.

*“There have been Argentine protests, it is true,.. but it should be noted that there were long periods – 35 years between 1849 and 1884, and 20 years between 1888 and 1908 – when no protests were made. Their early protests were all based on an alleged succession to the supposed title which Spain claimed, a claim which Britain has consistently rejected. In any case the Buenos Aires government was far from representing either territorially or politically the whole of the vice-royalty of La Plata within whose jurisdiction, even if the Spanish titles were admitted, the Falkland islands were claimed to come. It was not until 1884 that their protests put forward a doctrine of contiguity as a basis for their claims.”* <sup>658</sup>

**July 8<sup>th</sup>**, in *The Chicago Tribune*.

*“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. ...”* <sup>659</sup>

**August 8<sup>th</sup>**, in Washington, further proposals for Antarctica are considered at the US State Department.

*“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*

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654 *HC Deb 11 April 1949 vol.463 cc2453-4*

655 *Ibid.*

656 Action is limited to Europe and North America, and does not include a signatory's *Overseas Territories*

657 *CO 537/4940*

658 Quoted in *The Chicago Tribune* July 8, 1949

659 See 1832

*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.)”*<sup>660</sup>

**September 13<sup>th</sup>**, the latest proposals are passed to the British Embassy in Washington.<sup>661</sup>

In **October**, a confidential *Committee of Enquiry into the Constitutional Development in the Smaller Colonial Territories* is formed within Britain's Foreign and Commonwealth Office.

The committee is to look at the prospects of 21 dependencies including the Falkland Islands; “*Any hint which might reach the Colonies that such an enquiry was proceeding could only raise speculation and lead to political agitation.*”<sup>662</sup>

“*Sir Frederick Rees, the Principal of University College, Cardiff, was appointed Chairman. The Colonial Office was represented by a Deputy Under-Secretary of State and a legal adviser. Other members included the Deputy Chairman of the Local Government Boundary Commission, Miss Margery Perham, Professor Vincent Harlow and Conservative and Labour M.P.s with colonial experience.*”<sup>663</sup>

In Stanley, the Chilean Consulship falls vacant. Foreign Office advice is that the Colonial Office should find a suitable candidate amongst the Islanders; “*... by accepting an exequatur ... (Chile) to some extent officially recognise our sovereignty over the Falkland Islands.*”<sup>664</sup>

**November 18<sup>th</sup>**, Britain's agreement with Argentina not to send warships south of 60° S is renewed; “*... 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...*”<sup>665</sup>

**November 19<sup>th</sup>**, the effects of compromise in Antarctica and the South Atlantic are considered; “*The possibility of territorial compromise raised the question of which areas should be retained. Clifford saw the issue from a Falkland perspective. He recommended the incorporation of, “South Georgia and the excepted units, whichever they may be, as an integral part of the Falkland Islands administration; I want the whaling revenues for the latter for it would solve most of the Colony's material problems.” In 1949 the revenue of the Falkland Islands Dependencies Government was £218,917. The revenue of the Falkland Government was £6169,811.*”<sup>666</sup>

**December 2<sup>nd</sup>**, 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*.

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660 *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*

661 *Foreign Relations of the United States, 1949, National Security Affairs, Foreign Policy, Vol.1 Document 319*

662 Quoted in Ellerby 1990 p.113 citing *P.R.O., Cabinet Office Papers, 1949, Memorandum 62, henceforth cited as CP(49)62: ‘Constitutional Development in Smaller Colonial Territories’, 10 Mar. 1949.*

663 Ellerby 1990 p.113. *cf.* 1951

664 *Fordham to Bennett, November 25, 1949 in F0371/74758.*

665 *Foreign Relations of the United States, 1949, National Security Affairs, Foreign Policy, Vol.1 Document 320.* Chile had shown some reluctance and it was hoped the US statement would prod them into signing the agreement. It did.

666 Ellerby 1990 p.136 citing *Clifford to Bennett, 19 Nov. 1949, F0371/74757; Colonial Office Annual Reports, Falkland Islands and Dependencies. 1950/1951 (H.M.S.O., London), pp. 9-32.*

Work starts on a new freezer plant at Ajax bay; *“The final objective of Clifford's development plan was to diversify the economy. This was an unmitigated disaster due to mismanagement. ... The aim was to utilize the annual surplus of 40,000 sheep carcasses which could not be consumed locally. The C.D.C. (Colonial Development Corporation) agreed to fund the estimated cost of £242,000 because the project would diversify the economy, encourage pasture improvement and stock breeding, and increase meat supplies to Britain. Work began ... despite opposition from Islanders who were not consulted. The antagonism probably reflected a belief that the undertaking was too ambitious and had not taken local problems into account.”*<sup>667</sup>

**1950 – January 1<sup>st</sup>**, 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.”*<sup>668</sup>

*“... 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 ...”*<sup>669</sup>

*“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.”*<sup>670</sup>

**January 10<sup>th</sup>**, 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; sovereignty issues being set aside.<sup>671</sup>

In granting permission for a private visit by the Falkland's Governor to Punta Arenas, Chile's Foreign Minister notes to Britain's Ambassador that Argentina is going through; *“...a phase of pathological sensitiveness.”*<sup>672</sup>

In **May**, Governor Sir Miles Clifford visits the Falklands Dependencies in *HMS Veryan Bay*.

**June 8<sup>th</sup>**, 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 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.”*<sup>673</sup>

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667 *Ibid.* pp.84-85. It was hoped the plant could take advantage of the 40,000 sheep carcasses that were discarded every year by freezing and selling them on; however, the facility was not completed until 1953 and at a cost of £500,000.

Poorly designed and fitted out, it closed in 1956

668 FO 371/97376

669 Bologna 1988 p.48. It would be two years before Argentina protested. *cf.* 1952

670 Headland 1989 p.332. The requirement to maintain the station had been deleted from the company's lease in 1948

671 *Foreign Relations of the United States, 1950, National Security Affairs, Foreign Economic Policy, Vol.1 Document 328*

672 Jerram to Foreign Office February 28, 1950 in F0371/81326.

673 *Foreign Relations of the United States, 1950, Nat. Sec. Affairs, Foreign Economic Policy, Vol.1 Document 328.*

**June 9<sup>th</sup>**, 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*; “... *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.*”<sup>674</sup>

At the UN, Argentina argues that the name 'Malvinas' should be used on all documents referring to the Falklands; “... *a 1950 attempt by the New York Mission to insert the name 'Islas Malvinas' in all UN documents referring to the archipelago obtained no support.*”<sup>675</sup>

**July 19<sup>th</sup>**, 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; “... *a concession to Britain or a culpable oversight?*”<sup>676</sup>

*“Rosas is, for me – and I will prove it – the culprit of the situation of the Malvinas Islands; guilty by his actions and guilty by default.”*<sup>677</sup>

Rojas also calls for a law requiring the Argentine Government to consider an approach to the International Court of Justice demanding; “... *an interdict of dispossession with the purpose of recovering the possession of the Malvinas Islands, without admitting any discussion of the best right and applying by analogy the legal principles of private law in the matter of dispossession.*”<sup>678</sup>

**August 30<sup>th</sup>**, 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.*”<sup>679</sup>

“... (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.”<sup>680</sup>

**September 24<sup>th</sup>**, HMS *Austell Bay* visits Macquarie Island.

**October 16<sup>th</sup>**, *Ernesto Tornquist* sinks in a storm in the bay that now bears her name at South Georgia.

**November 6<sup>th</sup>**, Ernest Davies, representing the British Government, and in answer to a number of Parliamentary questions regarding the Falkland Islands Dependencies, speaks to the House of Commons.

*“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*

674 *HC Deb 19 June 1950 vol.476 cc857-8*

675 Gonzalez 2014 p.31. See also 1944.

676 *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. Quoted in Burnet-Merlín 1974.

677 *Rosas y las Malvinas* Absalón Rojas 1950 p.7

678 *Ibid.* Rojas argued that the dispossessed should be put back into possession before any discussion of right took place; ie. A return to the situation in the Falklands that existed in 1832.

679 *Foreign Relations of the United States, 1950, National Security Affairs, Foreign Economic Policy, Vol.1 Doc.335*

680 Hanessian 1960 pp.436-480. None of the other claimant states responded to the USSR's *Memo*; nor did the USA

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 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.”<sup>681</sup>

“I argue that we must go to that court. Not to discuss sovereignty, but to ask for the repair of dispossession, applying universal principles of private law; we would raise – technically speaking – an interdict. ... a judicial action on the fact of the dispossession, so that ... things are restored to their previous state.”<sup>682</sup>

**November 20<sup>th</sup>**, Britain's agreement with Chile and Argentina not to send warships south of 60° S is renewed.

**December 21<sup>st</sup>**, a British Order in Council extends the boundaries of the Falkland Islands' colony to include the adjacent continental shelf.<sup>683</sup>

“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 .. Islands.”<sup>684</sup>

“... 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.”<sup>685</sup>

“... 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.”<sup>686</sup>

“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.”<sup>687</sup>

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681 *HC Deb 06 November 1950 vol.80 cc598-600*

682 Rojas 1950 p.21

683 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*

684 *International Law Quarterly vol.4, no.2 (April, 1951) pp.245-252*

685 *HL Deb 17 June 1981 vol.421 cc630-1*

686 Destefani 1982 p.106

687 Freedman 2005 vol.1 p.68

**1951 – February 12<sup>th</sup>**, Argentina's 'First Scientific Expedition' sails to Antarctica in *Santa Micaela*.

*“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 un-disputable 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...”* <sup>688</sup>

*“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.”* <sup>689</sup>

**March 15<sup>th</sup>**, Kenelm Butler is appointed magistrate at King Edward Point.

**April 3<sup>rd</sup>**, following the establishment of a new Air Force base at Paradise Bay in the Palmer Peninsula, Britain protests; *“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.”* <sup>690</sup>

An Argentine Decree defines the regional organisation of the Argentine Air force, including South Georgia in the; *“6<sup>th</sup> air zone.”*

**April 27<sup>th</sup>**, 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. <sup>691</sup>

**April 30<sup>th</sup>**, 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. <sup>692</sup>

**May 1<sup>st</sup>**, President Juan Perón makes a speech to Argentina's 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.”* <sup>693</sup>

*“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.”* <sup>694</sup>

Perón also announces that; *“... for the first time the truth about the Falklands and “Argentine sovereignty over the Antarctic” was being taught in the schools.”* <sup>695</sup>

688 Peron quoted in *La Nacion*, February 13, 1951

689 US Embassy memo dated February 14, 1951

690 *HC Deb 18 April 1951 vol.486 cc1810-1*

691 Caillet-Bois (6<sup>th</sup> ed.) 1982 p.406

692 Bologna 1988 p.49. Also *HC Deb 11 June 1951 vol.488 cc161-2W*

693 *The New York Times* May 2, 1951

694 *The First Secretary of Embassy in Argentina (Pool) to the Secretary of States, May 3, 1951 in Foreign Relations of the United States, 1951, National Security; Foreign Economic Policy, Vol.1 Document 762*

695 *Ibid.*

*“All the Peronist textbooks contained maps of Argentina with all its provinces and “national territories,” accompanied by another little map of the Malvinas (Falkland) Islands and Antarctica, which according to the text, “were, are, and will be Argentine.”*<sup>696</sup>

**May 7<sup>th</sup>**, answering a question in the House of Commons, the Government spokesman informs the House that; *“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...”*<sup>697</sup>

**May 25<sup>th</sup>**, Chile answers the April 3<sup>rd</sup>, British protest.

*“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.”*<sup>698</sup>

**June 1<sup>st</sup>**, Argentina responds to the British Note of April 30<sup>th</sup>. The invitation to take the matter of the Dependencies to the ICJ is turned down; *“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.”*<sup>699</sup>

*“This is the earliest specific official communication to HMG of the Argentine claim to South Georgia. ... This also constituted the first official intimation that Argentina lays claim to the South Sandwich Islands. No rejoinder was sent to this.”*<sup>700</sup>

**June 13<sup>th</sup>**, 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.”*<sup>701</sup>

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696 *Politics and Education in Argentina, 1946 – 1962* Monica Rein 1998

697 *HC Deb 07 May 1951 vol.487 c179W*

698 *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*

699 *Note by B. B. Roberts August 27, 1952 American Department A/15212 cf. FO 371/97376*

700 *Ibid.* Mt emphasis. Previous claims had been sent to 3<sup>rd</sup> party organisations.

701 *HC Deb 13 June 1951 vol.488 cc2270-1*

**June 19<sup>th</sup>**, Governor Clifford notifies London that Argentina has established a base at Marguerite Bay.

**June 20<sup>th</sup>**, announced in the British House of Commons.

*“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,..”*<sup>702</sup>

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.”*<sup>703</sup>

**July 30<sup>th</sup>**, Britain protests regarding *Polar Maid*.

An Argentine court asserts that British income tax cannot be deducted from employees on South Georgia.<sup>704</sup>

In **August**, the FIDS begin ionospheric observations on Deception Island.<sup>705</sup>

The report of the *Committee of Enquiry into the Constitutional Development in the Smaller Colonial Territories* is submitted to the Secretary of State for the Colonies.

*“Its chief recommendation was to transform the Falklands and other small colonies into a new category of ‘Island States’ and ‘City States’ which would be granted internal autonomy. Municipal government would replace the trend towards the Westminster model, and representation in London would be through a central consultative ‘Council of Island and City States’ associated with the Privy Council. The State Council in each territory would be elected and carry out executive functions similar to a local authority. The Commonwealth Relations Office and the Colonial Office would be divided into three departments under a Minister for Commonwealth Affairs. The stress on ‘Commonwealth’ emphasized the end of colonial status. The Rees Report failed to offer a viable solution for the future of the Falklands because opinion in the Colonial and Commonwealth Relations Offices was unfavourable. The Report was not circulated in Cabinet. The most pertinent criticism was that a single solution was unsuitable for colonies composed of diverse cultures, races and economies.”*<sup>706</sup>

Elephant seals and the sealing industry are studied on South Georgia.<sup>707</sup>

**October 25<sup>th</sup>**, 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.<sup>708</sup>

**October 26<sup>th</sup>**, from Washington, the US Department of State issues a Policy Statement.

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702 *HC Deb 20 June 1951 vol.489 cc489-90*

703 *PRO FO 371/90453 1951 File 15225*

704 *PRO FO 371/90457 1951 File 15232*

705 Headland 1989

706 Ellerby 1990 pp.113-114 citing *D.J. Morgan, The Official History of Colonial Development (London, 1980)*.

707 *Ibid.*

708 Howkins 2008 p.197

*“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.”*<sup>709</sup>

**November 1<sup>st</sup>**, 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.<sup>710</sup>

**November 11<sup>th</sup>**, *Don Samuel* is wrecked outside Queen Maude Bay.

**November 19<sup>th</sup>**, 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.”*<sup>711</sup>

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 confirms to London that the FIDS intention to rebuild Hope Bay base is; *“common knowledge.”*

**December 31<sup>st</sup>**, in clear breach of the warships agreement, six armed Argentine Navy vessels arrive at Hope Bay where their crews commence construction of a base.<sup>712</sup>

During the austral summer, 5 British weather stations, established in the Dependencies, submit weather reports to Stanley which are analysed and the resulting forecasts' broadcast to whaling ship in the area.

*“A letter from Chancery, British Embassy Santaigo, dated 31 December 1952, enclosed a letter (17 December 1952) from the British Consul in Punta Arenas in southern Chile, referring to the day-to-day problems experienced. There was an appreciable Falkland Islander community in the Punta Arenas area, and “for some time” those wishing to go to Argentina had been required to hold Argentine passports and documents: “Generally speaking this is taken in good part, causing amusement more than anything else. There are no more patriotic people in the British Empire than the Falkland Island people.”*<sup>713</sup>

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709 *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*

710 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.

711 *HC Deb 03 December 1951 vol.494 cc2022-4*

712 There can be little doubt that they were aware of the intention of the FIDS to rebuild its Hope Bay base.

713 Armstrong & Forbes 1997

**1952** – in **January**, a group of FIDS scientists and workers, with building supplies, sail for Hope Bay.

**January 18<sup>th</sup>**, at the UN, *Resolution 567 (VI)* is adopted by the General Assembly identifying the - *factors to be taken into account in deciding if a territory is self-governing*.

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.”*<sup>714</sup>

*“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. ...”*

**January 29<sup>th</sup>**, in London, Argentina’s Embassy submits a memorandum to the Foreign Office regarding the British closure of the Grytviken meteorological station in 1950.<sup>715</sup>

*“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.”*

*“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”.*<sup>716</sup>

**January 31<sup>st</sup>**, 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. The Governor orders the civilian FIDS staff to continue with the task but to make a formal protest to the Argentine commander.

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714 See UN Yearbook 1951. My emphasis. In 1952 the United Nations recognised 5 official and 3 working languages; the latter being English, Spanish and French. The draft of resolution 567 was submitted to the General Assembly by a sub-Committee comprising Australia, Cuba, Denmark, France, Guatemala, Iraq, the United States and Venezuela with the term *people* used in English; *pueblo* in Spanish and *population* in French. It was voted through without opposition. The Falklands was listed as such a territory and this is conclusive recognition that the Islanders were seen as a people.

715 FO 371/103149/15212/3. It appears to have taken two years for Argentina to notice. cf. 1946, 1950 & November, 1952  
716 *Ibid*.

*"It looks very much as if the Argentines knowing our intention to re-establish the base at Hope Bay made sure to be there before the British party."*<sup>717</sup>

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."*<sup>718</sup>

*"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."*<sup>719</sup>

**February 1<sup>st</sup>**, 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."*<sup>720</sup>

*"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."*<sup>721</sup>

*"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."*<sup>722</sup>

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717 FO 371/97375

718 Mr. Eden to Sir H. Mack (Buenos Aires) January 31, 1952 in A 15212/1

719 Telegram MED 52/53/02 Governor of the Falklands to Sec. of State for the Colonies 14 June, 1952

720 Clifford to Sec. Of State for Colonies Feb 1, 1952. This remains the only military action recorded in Antarctica.

721 HC Deb 20 February 1952 vol.496 c21W

722 Argentine Approaches to the Falklands/Malvinas Guillermo A. Makin 1983

**February 2<sup>nd</sup>**, 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.”<sup>723</sup>

**February 4<sup>th</sup>**, 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.”*<sup>724</sup>

In London, Winston Churchill calls for a review of defence plans for the Falkland Islands.<sup>725</sup>

**February 27<sup>th</sup>**, 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.*”<sup>726</sup>

During **April**, an experimental return flight from Stanley to the UK is made by *Aquila Airways Ltd.*<sup>727</sup>

**April 19<sup>th</sup>**, Argentina responds to the British protest of July 30<sup>th</sup>, 1951, rejecting the assertion that South Georgia was British territory and reiterating their own claim to sovereignty.

**April 26<sup>th</sup>**, President Perón tells the Argentine press; “.. sovereignty will have to be re-stated every year...”<sup>728</sup>

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... Thanks to such efforts our sovereignty is now firmly established over the Antarctic sector*”<sup>729</sup>

Britain's Ambassador protests.

**May 22<sup>nd</sup>**, 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 27<sup>th</sup>**, in London, an internal Foreign Office 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*

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723 FO 371/97375

724 HC Deb 20 February 1952 vol.496 c21W

725 *Official History of the Falklands Campaign, Volume 1: The Origins of the Falklands War* Lawrence Freedman 2005

726 HC Deb 03 March 1952 vol.497 cc3-4W

727 Headland 1989. Nothing came of this.

728 *La Nacion* April 16, 1952

729 Quote from an Argentine Grade 5 School text book of 1953 in Garcia 2009

*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...”*<sup>730</sup>

**October 21<sup>st</sup>**, 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...”*<sup>731</sup>

*“In using the Falkland Islands as the basis for their protest they appear to have decided to brave the risk of ridicule inherent in raking up the terms of an agreement five years old; and in complaining about a consular appointment far older still.”*<sup>732</sup>

**October 28<sup>th</sup>**, Argentina bans her shipping from calling at Uruguay's ports.

**November 12<sup>th</sup>**, 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).”*<sup>733</sup>

**November 20<sup>th</sup>**, 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 ...”*<sup>734</sup>

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...”*

A certificate is provided for issue to foreign vessels.

*“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*

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730 G.H.S. Jackson to C.M.H. Harrison (Colonial Office) in FO 371/97376. The Colonial Office responded on October 13, 1952 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 28<sup>th</sup>.

731 *Formulo la Argentina una protesta Ante el Uruguay* in *Noticias Graficas* October 23, 1982.

732 *Allen to Eden, November 15, 1952* in F0371/97383.

733 *HC Deb 12 November 1952 vol.507 cc59-60W*

734 *ADM 1/27598*. These orders were seized in February, 1953 from the Argentine base on Deception Island.

*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. ...”*<sup>735</sup>

**November 28<sup>th</sup>**, 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...”*<sup>736</sup>

**December 10<sup>th</sup>**, Colonial Secretary Oliver Lyttleton announces the building of Antarctic military bases.<sup>737</sup>

**December 16<sup>th</sup>**, 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;...”*<sup>738</sup>

*“Since the war we have become more and more dependent on Argentina as a source of meat and the growth of nationalism all over the world and anti-colonial feeling has made it more desirable than ever that we should refrain from bringing disputes over colonial territories to a head with the likely consequence of suffering some setback or rebuff at the UN. There are therefore stronger reasons than ever for refusing to make an issue of the dispute.”*<sup>739</sup>

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.<sup>740</sup>

*“... we have started to do what should have been done fifty years ago.”*<sup>741</sup>

*“Argentinian and Chilean landings in Deception Island appear to be deliberately provocative, and ones we should not tolerate.”*<sup>742</sup>

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735 *Ibid*

736 *No. A 15212/3 in FO 371/97376*. This was addressed to the Argentine Embassy in London.

737 *The New York Times* December 11, 1952. Also *HC Deb 10.12.1952 vol.509 cc450-1*

738 *cf.* March, 2013

739 Foreign Office *Minute* quoted in Armstrong & Forbes 1997

740 Howkins 2008 p.210

741 Perón quoted in Garcia 2009

742 Colonial Office Telegram of January 30, 1953 quoted in Armstrong & Forbes 1997

**1953 – January 19<sup>th</sup>**, Acting-Governor Colin Campbell arrives at Deception Island and delivers a protest note to the Argentine party there.

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.<sup>743</sup>

*Southern Wave*, a whale catcher owned by *Christian Salvesen*, is scuttled off Stromness Bay.

**February 11<sup>th</sup>**, *HMS Superb*, Vice-Admiral Sir William Andrewes flagship, arrives at Port Stanley with instructions to assist in the removal of the Argentines from Deception Island. The flag-ship's marine contingent transfer to *HMS Snipe*.

**February 15<sup>th</sup>**, 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...”*<sup>744</sup>

*“Personal congratulations were sent to those involved in the arrest by Sir Anthony Eden, then the British Prime Minister. An attempt was made to hush the whole event up (with the connivance of the Argentinians and Chileans), but the matter leaked out. There was a very real fear at the time that there might be reprisals against other British bases in Antarctica or the Falkland Islands themselves.”*<sup>745</sup>

**February 16<sup>th</sup>**, Britain's Ambassador informs the Argentine Government of the arrests at Deception Island and registers a formal protest regarding their presence; *“... 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...”*<sup>746</sup>

**February 18<sup>th</sup>**, 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.”*<sup>747</sup>

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743 *The New York Times* January 7, 1953. Argentine tourism was an important part of Uruguay's GDP.

744 *HL Deb 23 February 1953 vol.180 cc609-11*

745 Armstrong & Forbes 1997

746 *HL Deb 23 February 1953 vol.180 cc609-11*

747 *Ibid*

**February 20<sup>th</sup>**, 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.<sup>748</sup> 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.*”<sup>749</sup>

**February 21<sup>st</sup>**, Britain deploys a Royal Marines detachment to Deception Island for 3 months.

**February 23<sup>rd</sup>**, in the House of Lords, the Marquess of Reading makes a statement.

*“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 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.”*<sup>750</sup>

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.*”<sup>751</sup>

*“Regretfully HM Government have no weapon ready to their hand with which they might enforce better treatment of the Falkland Islanders within Argentinian jurisdiction. Protests alone will do nothing. We shall merely elicit the flat assertion that the Falkland Islands are manifestly Argentinian territory, albeit under foreign occupation and that the inhabitants are Argentinian citizens. Retaliation offers no prospect of advantage.”*<sup>752</sup>

The regular population census identifies 2,230 people present in the Falklands.

**March 23<sup>rd</sup>**, 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.*”<sup>753</sup>

**March 24<sup>th</sup>**, Chile again demands that the UK restore their hut on Deception Island, destroyed in February.

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748 Howkins 2008

749 *HL Deb 23 February 1953 vol.180 cc609-11*

750 *HL Deb 23 February 1953 vol.180 cc609-11609*. Also *HC Deb 23 February 1953 vol.511 cc1729-31*

751 *Ibid*

752 A minute to Anthony Nutting, Parliamentary Under-secretary at the Foreign Office dated March 14, 1953 quoted in Armstrong & Forbes 1997

753 *US Embassy to State Department March 23, 1953 USNA 702.022/3-2353*

*"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."*<sup>754</sup>

**March 31<sup>st</sup>**, 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 1<sup>st</sup>**, Britain's Embassy in Santiago sends a letter to the Foreign Ministry described as "stiff." Chile's Government promptly dismiss their Foreign Minister: *"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."*<sup>755</sup>

**June 2<sup>nd</sup>**, 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.<sup>756</sup>

*"... 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."*<sup>757</sup>

Argentina's schools promote the country's Falklands pretensions to its children.

*"... the recovery of the Malvinas Islands, as the dream of the whole country, inculcated especially in formal education, especially in early childhood. Take for example the text Obreritos, a second grade reading book used in the year 1953: "The Malvinas are Argentines, they always were. They are part of our territory. Below the sea they continue naturally with our soil. In 1833, however, English troops were installed by force in that part of our territory. Today and always, the children of the New Argentina must say: The Falklands are ours! And it will be a day of joy for all when the blue and white flag flutters over them! "..."*<sup>758</sup>

**August 20<sup>th</sup>**, Sir Oswald Raynor Arthur, Clifford's replacement, is gazetted Governor.<sup>759</sup>

*"The most outstanding achievement of Clifford's governorship was perhaps the improvement of social services. The public works were concentrated in Stanley. They included a new Town Hall, electric power station, hospital extension, a broadcasting transmitter and studio. New services included local teacher training courses, Queen's Nurses being posted on East and West Falkland and a travelling cinema for the Camp. Clifford justified this concentration on social amenities by claiming that they were a prerequisite for economic growth. ... Clifford is possibly unique as a Governor who was accused by a colonial population of being a spendthrift. Islanders considered the Falklands' economy could not finance further expenditure on development."*<sup>760</sup>

In **October**, another British survey expedition led by Verner Duncan Carse lands on South Georgia.

**October 25<sup>th</sup>**, 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.

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754 Selwyn Lloyd in the Commons - *HC Deb 01 April 1953 vol.513 cc1195-6*

755 Howkins 2008 p.217

756 Revealed in the Spanish Newspaper, *El Pais*, January 30, 1984. See also August, 1993 & May/June 1995

757 Foreign Office under-secretary Lord Reading quoted in *The New York Times* January 3, 1984

758 *Malvinas, los muertos que (no) tenemos* Alejandra Diaz Biglia 2015

759 *The London Gazette* No.40090

760 Ellerby 1990 pp.82 & 89

**November 17<sup>th</sup>**, 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.”*

**November 26<sup>th</sup>**, Chile, Britain and Argentina renew their agreement regarding warships in Antarctic waters.

**November 27<sup>th</sup>**, 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.

*“3. Recommends that the annexed list of factors should be used by the General assembly and the Administering Members as a guide in determining whether any Territory, due to changes in its constitutional status, is or is no longer within the scope of Chapter XI of the Charter,..*

*4. Reasserts that each concrete case should be considered and decided upon in light of the particular circumstances of that case and taking into account the right of self-determination of peoples;..*

*6. Considers that the manner in which Territories referred to in Chapter XI of the Charter can become fully self-governing is primarily through the attainment of independence...”*

In **December**, it is reported that Argentina intends to establish an air base on Dundee Island.

Before his departure for England, Falkland Dependencies Governor Miles Clifford inspects the dependent islands on board *HMS Nereide*.<sup>761</sup>

**1954 – January 20<sup>th</sup>**, the rumour that Argentina intends to set up an air base on Dundee Island is mentioned in the Commons.

*“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.”*<sup>762</sup>

**February 5<sup>th</sup>**, the US Embassy in London considers Britain's ICJ invitations to Chile and Argentina.

*“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.”*<sup>763</sup>

In **March**, *HMS St. Austell Bay* shadows Argentina's *Les Eclaireurs*, throughout the Minister of Marine's voyage to visit Argentine Antarctic stations.<sup>764</sup>

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761 Headland 1989

762 *HC Deb 20 January 1954 vol.522 cc166-7W*

763 *Zimmerman to State Dept. Feb 5, 1954 USNA 702.022/2-554*

764 Headland 1989 p.347

**April 8<sup>th</sup>**, Argentina's President Perón announces that he intends to increase Argentine activities in Antarctica until his country's 'sector' is “saturated” with Argentines. <sup>765</sup>

**April 20<sup>th</sup>**, Robert Spivey appointed magistrate at King Edward point.

**April 28<sup>th</sup>**, in London, 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.*”

*“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.”* <sup>766</sup>

*Southern Shore*, a whale catcher owned by *Christian Salvesen*, is scuttled off Stromness Bay. South Sandwich Islands are visited by the FIDS. <sup>767</sup>

**July 15<sup>th</sup>**, 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 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.”* <sup>768</sup>

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.*” <sup>769</sup>

**August 25<sup>th</sup>**, Argentina announces a new law to identify the Falklands and other British sovereign territories as part of its national provinces; “*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." ...*” <sup>770</sup>

In **September**, the *International Council of Scientific Union* plan an *International Geophysical Year* to commemorate the 25<sup>th</sup> 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.”* <sup>771</sup>

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765 *Ibid.*

766 *HC Deb 28 April 1954 vol.526 cc1600-1*

767 *Headland 1989*

768 *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, vol.1, part 2 Doc.304*

769 *Ibid*

770 *HL Deb 20 July 1955 vol.193 cc909-10* . This became an Argentine law on June 15, 1955.

771 *Howkins 2008 p.253*

November 22<sup>nd</sup>, the United Nations adopts Resolution 850(IX).<sup>772</sup>

*“2. Considers that, 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.”*

November 24<sup>th</sup>, HMG registers an official protest regarding the Argentine law of August.<sup>773</sup>

In December, at the end of the winter, Britain reoccupies six of its bases on the Antarctic Peninsula.

December 15<sup>th</sup>, Argentina rejects Britain's protest; *“.. neither directly nor indirectly can British occupation of the Malvinas be considered lawful because it derived from an act of force.”*<sup>774</sup>

December 21<sup>st</sup>, the UK again invites Argentina and Chile to refer the disputes for adjudication.

*“Her Majesty's Government believe that the most satisfactory way of settling the dispute concerning the sovereignty over the Falkland Islands Dependencies would be for Her Majesty's Government and the Government of Argentina together with the Government of Chile to refer the question to judicial settlement and they have many times invited the Argentine Government to submit their claims to the adjudication of the International Court of Justice.*

*Her Majesty's Government regret that the Argentine Government have taken up this position and they wish to enquire whether as an alternative to adjudication by the International Court of Justice, the Argentine Government would be prepared, jointly with the Government of the United Kingdom, to submit to an independent ad hoc arbitral tribunal the adjudication of their respective rights under International Law in the territory designated the Falkland Islands Dependencies by Letters Patent of 1908 and 1917.*

*Her Majesty's Government trust that the above proposal will meet with an early and favourable response from the Argentine Government. If, however, this is not the case, Her Majesty's Government will consider themselves free to avail themselves of any means that may be open to them to seek a determination of their legal rights by the International Court of Justice.”*<sup>775</sup>

*“On 21st December last Her Majesty's Government repeated this offer in identical Notes addressed to the Argentine and Chilean Governments...”*<sup>776</sup>

*“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...”*<sup>777</sup>

<sup>772</sup> Titled - *Consideration of communications relating to the cessation of the transmission of information under Article 73e of the Charter*. This resolution is often misquoted by Argentina as prohibiting visits to NSGTs subject of a dispute.

<sup>773</sup> HC Deb 20 December 1954 vol.535 c211W

<sup>774</sup> *The New York Times* December 16, 1954.

<sup>775</sup> Attached to Foreign Service Despatch Am Embassy Buenos Aires to Department of State May 17, 1955 in CIA-RDP08CO1297R000800090016-0 Declassified and Approved for Release 2012/10/03

<sup>776</sup> HC Deb 06 May 1955 vol.540 cc178-80W. Also Bologna 1988 p.49

<sup>777</sup> *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.36. My emphasis. Art. 40(1) states: *“Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.”*

“... 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.”<sup>778</sup>

“... 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.”<sup>779</sup>

**1955 – January 25<sup>th</sup>**, 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.<sup>780</sup>

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.*”<sup>781</sup>

The Falklands' Dependencies Governor tours the British islands in *HMS Veryan Bay*. *HMS Burghead Bay* visits the South Shetland Islands and the South Orkneys.

**March 29<sup>th</sup>**, 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...*”<sup>782</sup>

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778 Foreign Secretary Ernest Bevin speaking to the House of Commons, February 25, 1948 in *HC Deb 25 February 1948 vol.447 cc1931-3*. My emphasis. Britain had signed the 'optional clause' recognising automatic ICJ jurisdiction in 1946 albeit for cases arising after 1930; the issue of the Antarctic territories being deemed such a case. See 1920 & 1946

779 Howkins 2008 p.230

780 The station was closed 12 months later following an eruption on nearby Bristol Island.

781 *HC Deb 02 March 1955 vol.537 cc2033-4*

782 *Staff Study prepared by the Operations Coordinating Board, March 29, 1955 in Foreign Relations of the United States,*

**April 16<sup>th</sup>**, the US Embassy in Buenos Aires reports upon the attitudes within Argentina.

*“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 30<sup>th</sup>**, without a reply, the UK makes the decision to approach the ICJ.

*“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 the Antarctic to be firmly rooted in international law.”*<sup>783</sup>

*“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,...”*<sup>784</sup>

*“It is not clear what the British Government hopes to accomplish by its application to the International Court of Justice. It can have no illusions about the acceptance of the jurisdiction of the Court by either Argentina or Chile. ... The British would seem to have no prospect of achieving anything more than a tactical and propaganda result,..”*<sup>785</sup>

**May 4<sup>th</sup>**, Britain presents its case to the International Court of Justice (ICJ) concerning the Dependencies.

*“Differences have existed between the Governments of the United Kingdom and of the Republic of Argentina for a number of years, concerning pretensions advanced by the Republic in 1925, and at various dates thereafter, to the sovereignty of certain Antarctic and sub-Antarctic territories which belong to the United Kingdom under prior, long-standing, and well-established legal titles, dating from, at latest, the period 1775-1843. The territories in dispute between the two countries form part of the Falkland Islands Dependencies,..”*

*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*

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1955–1957, *United Nations and General International Matters*, vol.11, Doc.299. The proposal regarding negotiations of a US claim appear not to have been adopted, although the exact date that the decision was made is not clear from the documents.

783 Foreign Secretary Harold Macmillan to the House of Commons quoted in *HC Deb 06 May 1955 vol.540 cc178-80W*

784 *HC Deb 06 May 1955 vol.540 cc178-80W*. The case had been prepared by Sir Humphrey Waldock

785 *Foreign Service Despatch AmEmbassy Buenos Aires to Department of State May 17, 1955* in CIA-RDP08CO1297R000800090016-0 Declassified and Approved for Release 2012/10/03

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 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 ...”<sup>786</sup>

On the same day, Argentina's Foreign Minister sends a note to the British Embassy in Buenos Aires.

“... 2. The Letters Patent of 1908 and 1917, on which the British Government rely so much to support the rights which they invoke are, from the point of view of international law, acts or measures totally ineffective as a basis of sovereignty because they were exclusively unilateral and did not in any way have the concurrence of the Argentine Government.

3. Furthermore the foundation of the said documents is absolutely false because the territories which they mention and declare to be British are under the sovereignty of the Republic. The Falkland Islands are Argentine as are the lands which fall within out Antarctic Sector, as well as the South Georgia and Sandwich Islands. This, as Her Majesty's Government will know, rests upon unquestionable legal bases. Known historical reasons and geographical factors also support and give evidence to this. These apart from forming the incontrovertible basis for its material and permanent condition, are beyond all possibility of being invoked by Great Britain.

Nevertheless, Her Majesty's Government avoid the fundamental question and, as though everything were reduced to one factor alone, mention as the only problem requiring solution, that which refers to the Antarctic territories to which they presume and which they class as dependencies of the Falkland Islands. On the other hand, nothing is said about the fundamental problem of sovereignty regarding the latter. ...”<sup>787</sup>

6. In consequence, while the question referred to above is not settled in the sense indicated, it is not suitable to propose, as has Great Britain, the submission of the matter to the International Court of Justice at The Hague or to any ad hoc arbitral tribunal.

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<sup>786</sup> *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.37. The application against Chile stipulated that case only concerned the South Shetlands and Graham Land. It is worthy of note, that an Argentine Judge, Lucio Manuel Moreno Quintana, was a member of the panel at this time.

<sup>787</sup> There appears to be nothing to have stopped the Argentine Government submitting its own unilateral case to the ICJ and including the Falkland Islands.

7. ... *No judicial or moral principle forces States to submit to the decision of external powers or entities their territorial rights based on legitimate titles such as are those which underlie the unquestionable sovereignty of the Republic over the Antarctic sector and adjacent islands...*<sup>788</sup>

Argentina's rejection goes on to claim that acceptance of the British invitation to the ICJ is also excluded by the, "*Treaty of Mutual Assistance of Rio de Janeiro*", and would be; "... *incompatible with the aspirations of the peoples and Governments of this Continent who have confirmed in the Tenth Inter-American Conference at Caracas their desire finally to eliminate colonialism and who have confirmed their solidarity with the just claims to territories occupied by extra-continental countries.*"<sup>789</sup>

"*It was a foregone conclusion that the Argentine Government would reject any proposal which in any way involved an admission of British sovereignty over the Islas Malvinas (Falkland Islands). Such a recognition was implicit in the British proposition to arbitrate the conflicting Antarctic claims in the form of an adjudication of rights to the "Falkland Islands Dependencies."*..."<sup>790</sup>

"*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.*"<sup>791</sup>

**May 6<sup>th</sup>**, Harold Macmillan makes a statement to the House of Commons.<sup>792</sup>

"*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 judgement. ... 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 judgement of that Court.*"

**May 13<sup>th</sup>**, a Foreign Office spokesman is reported in the Argentine press as saying that the ICJ, under its rules, now have no option but to formally ask if Argentina and Chile are willing to accept its jurisdiction.

**May 27<sup>th</sup>**, Chile agrees to participate in the *International Geophysical Year*.

**June 15<sup>th</sup>**, in Argentina, the proposal promulgated in August, 1854 to designate the Falkland Islands and the Dependencies as a part of one of its Provinces is passed by the senate.

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788 Attached to *Foreign Service Despatch Am Embassy Buenos Aires to Department of State May 17, 1955* in CIA-RDP08CO1297R000800090016-0 Declassified and Approved for Release 2012/10/03

789 *Ibid.* Chile would repeat the same arguments. See *US Embassy, Santiago to State Dept. May 16, 1955 USNA 702.022/5-1655*

790 *Ibid.*

791 Howkins 2008 p.232

792 *HC Deb 06 May 1955 vol.540 cc178-80W*

*"The Bill ... raises such "National Territories" to the status of provinces. It has now become law."*<sup>793</sup>

**June 17<sup>th</sup>**, a similar law in Chile identifies the Chilean Antarctic Territories as falling under the provincial government of Magellanes.<sup>794</sup>

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."*<sup>795</sup>

**July 12<sup>th</sup>**, Britain protests against Argentina's law of June 15<sup>th</sup>.

**July 15<sup>th</sup>**, Chile formally responds to the ICJ with a refusal to recognise its jurisdiction.

**August 1<sup>st</sup>**, Argentina also formally refuses to accept the jurisdiction of the International Court of Justice.

*"... the Argentine Government has several times had occasion to indicate in notes addressed to Her Britannic Majesty's Embassy in Buenos Aires 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."*<sup>796</sup>

In its letter of rejection; *"... 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."*<sup>797</sup>

**August 31<sup>st</sup>**, informed as to Argentina's rejection of ICJ jurisdiction; *"... the Agent for the Government of the United Kingdom stated that it regarded the letter of August 1st, 1955, from the [p14] Argentine Ambassador to the Netherlands as amounting to a rejection of the jurisdiction of the International Court of Justice for the purposes of the present case;.."*<sup>798</sup>

In **September**, a military coup in Argentina forces Juan Perón from power.

**October 6<sup>th</sup>**, 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*.

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793 *HL Deb 20 July 1955 vol.193 cc909-10*

794 Both Chile and Argentina passing the almost identical laws within a day of each other could not be a coincidence.

795 Howkins 2008 p.257

796 *Antarctica Case (United Kingdom v. Argentina) Order of March 16, 1956*

797 Bologna 1988 p.50

798 *Antarctica Case (United Kingdom v. Argentina) Order of March 16, 1956*

**1956 – January 12<sup>th</sup>**, 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.*” <sup>799</sup>

**January 26<sup>th</sup>**, Argentina's Antarctic Institute is established by Presidential Decree. <sup>800</sup>

**February 17<sup>th</sup>**, at the UN, India's envoy 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.*” <sup>801</sup>

**February 22<sup>nd</sup>**, Britain considers India's proposal; “*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...*”

Chilean newspaper, the *La Union* reports; “*Chile would not accept the Indian proposition.*”

**February 27<sup>th</sup>**, Chile formally protests to the Indian Government. France and Norway also raise objections.

**February 29<sup>th</sup>**, in the *Latin American Caucus* both Chile and Argentina seek support against India's proposals.

**March 16<sup>th</sup>**, the ICJ removes the *Antarctica* cases from its list; “... *the Court finds that it has not before it any acceptance by the Government of Argentina of the jurisdiction of the Court to deal with the dispute which is the subject of the Application submitted to it by the United Kingdom Government and that therefore it can take no further steps upon this Application;..*” <sup>802</sup>

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. <sup>803</sup>

“*Attempts have been made to create a legend about courageous gauchos who attacked and defeated the British, but this is just imagination.*” <sup>804</sup>

“*Sprung from the imagination of a jingoistic writer, a cowardly thief and murderer who went by the name of Rivero and who was endowed with the undeserved virtues of a gaucho, rose to the Hall of Heroes.*” <sup>805</sup>

**March 22<sup>nd</sup>**, Chile protests the establishment of British bases in its Antarctic Territory; rejected by Britain. <sup>806</sup>

HRH Prince Phillip tours the south Atlantic in *HMY Britannia*.

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799 *Foreign Relations of the United States, 1955–1957, United Nations & General International Matters, vol.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 had been 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.*”

800 Headland 1989

801 *FO 371/119835*

802 *Antarctica Case (United Kingdom v. Argentina) Order of March 16, 1956.* A similar decision was made in the case against Chile, for exactly the same reasons, but the response of the ICJ regarding Chile is not currently available. The UN's digital library merely notes that the record has been deleted.

803 Pascoe & Pepper 2012 p.6

804 Destefani 1982

805 Peña & Peña 2018

806 *Antarctica in International Law* Ben Saul & Tim Stephens (eds) 2015

**June 1<sup>st</sup>**, in Buenos Aires, distribution of the United Nations magazine 'World Communications' is banned because it lists the Falkland Islands as a British possession.

**November 5<sup>th</sup>**, 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 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.”*<sup>807</sup>

Busen 8, another whale catcher owned by Tonsbergs Hvalfangeri, is scuttled off Stromness Bay.

**November 14<sup>th</sup>**, 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.”*<sup>808</sup>

*“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.”*<sup>809</sup>

**November 21<sup>st</sup>**, Argentina, Chile and the UK renew the agreement not to send warships into Antarctic waters.

**1957 – January 7<sup>th</sup>**, Prince Philip, Duke of Edinburgh, arrives at Stanley for an official visit.

Edwin Porter Arrowsmith becomes Governor.<sup>810</sup>

In **February**, Anthony Hurd a Conservative MP and a Director of the *Falkland Islands Company*, meets with the British Foreign Secretary to discuss an expansion of the Company's activities.

*“Hurd reminded the Foreign Secretary of the restrictions on Falklanders visiting Argentina. He then said that, “If relations with Argentina were normal the Falkland Islands Company would probably re-route their monthly steamship service to Argentina. In addition, they would welcome an extension of the (Argentine) Patagonian air service to the Falkland Islands (it was not an economic proposition for the Company to run an air service to Montevideo). ... He asked for consideration of an “outright solution” whereby, “... the Argentine claim to sovereignty could be recognized by us in return for an Argentine undertaking to accept the permanence and legality of our administration of the Islands.” ...”*<sup>811</sup>

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807 *Foreign Relations of the United States, 1955–1957, United Nations & General International Matters, vol.11, Doc. 315*

808 *Ibid. Doc 317*

809 Howkins 2008 p.275

810 Not gazetted, but Arrowsmith is referred to as Governor on his Knighthood. *cf. The London Gazette No.41727*

811 Ellerby 1990 pp.102-103 citing *FO 371/126165*. My emphasis.

**February 28<sup>th</sup>**, under Decree 2.191 Argentina establishes the *National Territory of Tierra del Fuego, Antarctica and South Atlantic Islands*.<sup>812</sup>

*“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 4<sup>th</sup>**, 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, 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.”*<sup>813</sup>

At the start of the *International Geophysical Year*, scientific projects are initiated by twelve countries.<sup>814</sup>

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 22<sup>nd</sup>**, 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*

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812 *Who Owns the Falkland Island Dependencies in International Law? An Analysis of Certain Recent British and Argentinian Official Statements* C. R. Symmons in *International and Comparative Law Quarterly*, Vol.33, No.3 (Jul., 1984), pp.726-736

813 *Future Constitutional Development in the Colonies* CAB 134/1551

814 Britain, USA, Australia, France, Norway, New Zealand, Russia, Chile, Argentina, Belgium, Japan and South Africa.

*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.”*<sup>815</sup>

**June 26<sup>th</sup>**, the US National Security Council rejects the proposal that the USA assert any formal claim.<sup>816</sup>

**October 4<sup>th</sup>**, 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.”

*“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.”*<sup>817</sup>

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 Antarctic continent as a basis for discussion.

The USA repeats its suggestion of an 8-power *condominium*.<sup>818</sup>

*“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.”*<sup>819</sup>

**December 31<sup>st</sup>**, whale catcher *Southern Hunter* is wrecked at Deception Island whilst attempting to avoid an Argentine naval vessel entering the harbour at Neptune's Bellows.<sup>820</sup>

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815 *Foreign Relations of the United States, 1955–1957, UN & General International Matters, volume 11, Doc.330*

816 *Ibid. Doc.332*

817 Howkins 2008 p.298

818 Not so secret as, on October 3<sup>rd</sup>, 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.

819 *Foreign Relations of the United States, 1955–1957, UN & General International Matters, volume 11, Doc.333*

820 Headland 1989

**1958 – January 3<sup>rd</sup>**, in the House of Commons, Mr. Ian Harvey, speaking on behalf of the Government, reports on the situation in the South Atlantic.

*“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.”*<sup>821</sup>

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 16<sup>th</sup>**, 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 18<sup>th</sup>**, Chile's Foreign Minister, Alfredo Sepulveda Contreras, tell the press that, *“there is an American Antarctic,”* and that Chile, *“holds the oldest rights of sovereignty on this territory.”*<sup>822</sup>

**March 10<sup>th</sup>**, a further secret *“conversation”* takes place at New Zealand's Embassy in Washington.

*“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.” ...”*<sup>823</sup>

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821 *HC Deb 03 February 1958 vol.581 cc137-8W*

822 *Hanessian 1960 pp.436*

823 *Foreign Relations of the United States, 1958-1960, United Nations and General International Matters, vol.2 Doc.270*

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.”<sup>824</sup>

**March 24<sup>th</sup>**, Washington seeks the views of the IGY countries in respect of the political future of Antarctica.<sup>825</sup>

**April 29<sup>th</sup>**, following two months of debate, a UN conference opens for signature a *Convention on the Territorial Sea and the Contiguous Zone (CTS)*; a *Convention on the High Seas (CHS)*; a *Convention on Fishing and Conservation of the Living Resources of the High Seas (CFCLR)*; a *Convention on the Continental Shelf (CCS)*; and a *Optional Protocol of Signature concerning the Compulsory Settlement of Disputes (OPSD)*.<sup>826</sup> The *Convention on the Continental Shelf* considers islands:

“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 204 metres 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.”<sup>827</sup>

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.”<sup>828</sup>

“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. 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.”<sup>829</sup>

824 Howkins 2008 p.307

825 In the form of an *aide-memoire* 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*

826 *CTS* entered into force on 10 September 1964; the *CHS* on 30 September 1962; the *CFCLR* on 20 March 1966; the *CCS* on 10 June 1964; and the *OPSD* on 30 September 1962

827 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.

828 Britain ratified this Convention in May, 1964; a month before it was due to come into force.

829 *Islands* Andrew J. Jacovides in *Peaceful Order in the World's Oceans: Essays in Honor of Satya N. Nandan* Michael

*“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 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.”*<sup>830</sup>

**May 2<sup>nd</sup>**, the USA organises a conference on Antarctica for the IGY nations. Chile accepts the invitation whilst claiming that its own position was distinct from other nations with “colonial” possessions.

**May 3<sup>rd</sup>**, in Washington, US President Eisenhower makes an announcement on Antarctica.

*“...the United States is 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.”*<sup>831</sup>

**June 2<sup>nd</sup>**, the USSR informs the USA of its general agreement with the Antarctic proposals.

**June 13<sup>th</sup>**, informal discussions regarding the proposed Antarctic conference are held in Washington.

*“... 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.*

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Lodge & Myron Nordquist (eds) 2014. My emphasis.

830 González 2014 p.109

831 *Department of State Bulletin*, vol.38, no.988, pp.910-912

*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.”<sup>832</sup>*

*“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...”<sup>833</sup>*

**August 30<sup>th</sup>**, 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 the Argentine government.<sup>834</sup>

**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.”<sup>835</sup>*

Falkland Governor, Sir Oswald Arthur, inspects the Dependencies aboard *HMS Protector*.<sup>836</sup>

**1959 – January 20<sup>th</sup>**, an internal US, Department of State memorandum records progress so far,

*“... 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*

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832 *Foreign Relations of the United States, 1958-1960, United Nations and General International Matters, vol.2*

833 Howkins 2008 p.322

834 FO371/131892; *Colonial Office Records; Public Record Office*, October 17, 1958

835 Hanessian 1960 pp.436-480

836 Headland 1989

*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."*<sup>837</sup>

*Compañía Argentina de Pesca* closes. *Busen 10*, a whale catcher owned by Tonsbergs Hvalfangeri, is scuttled off Stromness Bay.

**June 26<sup>th</sup>**, Dennis Joseph Coleman is appointed magistrate at King Edward Point.

**October 15<sup>th</sup>**, 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; "... (Argentina & Chile) made themselves thoroughly unpopular by obstructive practices and long speeches."<sup>838</sup>

"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,"..."<sup>839</sup>

Britain's representative, Sir Esler Denning, speaks to delegates.

*"... 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 area of the Antarctic."*<sup>840</sup>

**October 20<sup>th</sup>**, 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."<sup>841</sup>

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837 *Foreign Relations of the United States, 1958-1960, United Nations and General International Matters, vol.2 Doc.281*

838 Britain's Brian Roberts quoted in Howkins 2008 p.329

839 Hanessian 1960 pp.436-480

840 Quoted in Hanessian 1960 pp.436-480

841 *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*

**November 20<sup>th</sup>**, 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. ...*”<sup>842</sup>

**November 30<sup>th</sup>**, 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 ...”*<sup>843</sup>

**December 1<sup>st</sup>**, an *Antarctic Treaty* is signed, covering the area south of latitude 60°S and affecting the status of some Falkland Islands' Dependencies.<sup>844</sup> *Article 1* deals with the limitation on the presence of armed forces within the Antarctic region.

*“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”*<sup>845</sup>

*“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.”*<sup>846</sup>



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842 *Foreign Relations of the United States, 1958-1960, United Nations and General International Matters vol.2 Doc.319*

843 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.

844 The Treaty came into force on June 23, 1961.

845 Hanessian 1960 pp.436-480

846 John Heap quoted in *The Polar Regions and the Development of International Law* Donald Rothwell 1996