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The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. government, the U.S. Department of the Navy or the Naval War College.

B. ROYAL PROCLAMATION, 14 JANUARY 1939

(Translation from 34 American Journal of International Law,
Supplement, (1940), p. 83.)

[Translation]

We, Haakon, King of Norway, do hereby proclaim:

That part of the mainland coast in the Antarctic extending from the limits of the Falkland Islands Dependencies in the west (the boundary of Coats Land) to the limits of the Australian Antarctic Dependency in the east (45° E. Long.) with the land lying within this coast and the enviroing sea, shall be brought under Norwegian sovereignty.

Given at Oslo Palace on the 14th day of January, 1939.

Under Our Hand and the Seal of the Realm.

HAAKON

[L.S.]

JOHAN NYGAARDSVOLD

B. ROLSTED

12. United States of America

NOTE. The position consistently taken by the United States with respect to Antarctic claims was summed up in a statement by the Acting Secretary of State of 27 December 1946 (16 Department of State Bulletin, p. 30):

“The United States Government has not recognized any claims of any other nations in the Antarctic and has reserved all rights which it may have in those areas. On the other hand, the United States has never formally asserted any claims, but claims have been asserted in its behalf by American citizens.”

The reason for the United States' position is given in a statement of policy made by the Department of State on 10 November 1939 in connection with the third Antarctic expedition of Admiral Byrd (New York Times, 11 November 1939, p. 17). The statement quotes a note of Secretary of State Hughes to the Norwegian Minister of 2 April 1924, written in connection with a North Polar expedition of Captain Roald Amundsen, which reads in part as follows (Foreign Relations of the United States, 1924, II, p. 519):

“In my opinion rights similar to those which in earlier centuries were based upon the acts of a discoverer, followed by occupation or settlement consummated at long and uncertain periods thereafter, are not capable of being acquired at the present time. Today, if an explorer is able to ascertain the existence of lands still unknown to civilization, his act of so-called discovery, coupled with a formal taking of possession, would have no significance, save as he might herald the advent of the settler; and where for climatic or other reasons actual settlement would be an impossibility, as in the case of the Polar regions, such conduct on his part would afford frail support for a reasonable claim of sovereignty.

“I am therefore compelled to state, without adverting to other considerations; that this government cannot admit that such taking of possession as a discovery by Mr. Amundsen of areas explored by him could establish the basis of rights of sovereignty in the polar region.”

Disapproval of the sector principle has been expressed by official quarters in

the United States. In commenting in 1929 upon the proposal of a private citizen that the United States should suggest a partition of the Arctic into national sectors of five contiguous countries, the Secretary of the Navy stated that such a course of action

“(a) Is an effort arbitrarily to divide up a large part of the world’s area amongst several countries;

“(b) Contains no justification for claiming sovereignty over large areas of the world’s surface;

“(c) Violates the long recognized custom of establishing sovereignty over territory by right of discovery. . . .” (1 Hackworth, *Digest of International Law*, p. 464).

The areas to which nationals of the United States have asserted unofficial claims on behalf of the United States are: (1) Marie Byrd Land, comprising all the area to the east of 150° west longitude discovered or mapped by Admiral Byrd during his first two Antarctic expeditions of 1928–1929 and 1933–1934. (2) James W. Ellsworth Land, comprising the section between 80° and 120° west longitude, flown over by Lincoln Ellsworth in 1936; and (3) an area comprising about 80,000 square miles in the vicinity of 22° S. latitude, 79° E. longitude, in the sector claimed by Great Britain as the Australian Antarctic Territory, to which point Lincoln Ellsworth flew on 11 January 1939 and dropped a cylinder containing a written claim (1 Hackworth, *op. cit.*, p. 454; V. Stefansson, “Exploration and Discovery,” *Encyclopedia Britannica Yearbook*, 1940, pp. 271–272).

By an act of 16 June 1936 Congress voted to award a gold medal to Lincoln Ellsworth “for claiming on behalf of the United States approximately three hundred and fifty thousand square miles of land in Antarctica between the eightieth and one hundred and twentieth meridians west of Greenwich, representing the last unclaimed territory in the world” (49 Stat. 2324).

In July 1939 President Roosevelt created the United States Antarctic Service, headed by an executive committee composed of representatives of the State, Treasury, and Navy Departments and Admiral Byrd, which was to organize, direct, and coordinate the conduct of an investigation and survey of the natural resources of the land and sea areas of the Antarctic regions (1 Department of State Bulletin, p. 57). Congress made appropriations for Antarctic explorations in 1939, 1940, and 1941 (53 Stat. 986, 1321; 54 Stat. 643; 55 Stat. 360). By an act of 24 July 1946 (60 Stat. 655) Congress authorized the Secretary of the Navy to lend a naval vessel to the American Antarctic Association, Inc., for the purpose of carrying out an Antarctic expedition headed by Commander Finn Ronne, U. S. N. R.

In August 1948 the Department of State made informal proposals to other Governments with respect to the Antarctic; the text of these proposals has not yet been made public, but on 28 August 1948 the Department of State issued a press release concerning them. Press reports indicate that Chile and the Argentine Republic replied that they thought no agreement could be reached; Norway expected some difficulty; and Great Britain welcomed the suggestion. *London Times*, 28 December 1948, p. 3.

DEPARTMENT OF STATE PRESS RELEASE, 28 AUGUST 1948

(19 Department of State Bulletin, p. 301.)

The Department of State has approached the Governments of Argentina, Australia, Chile, France, New Zealand, Norway,

and the United Kingdom informally with a suggestion that a solution for the territorial problem of Antarctica be discussed. It is the viewpoint of the Department of State that the solution should be such as to promote scientific investigation and research in the area. The Department of State has suggested that this can perhaps be done most effectively and the problem of conflicting claims at the same time solved through agreement upon some form of internationalization. The Department of State expects that the question is one which will require an extended exchange of views, consideration of suggestions, and probably reconciliation of varying viewpoints. Until such exchange of views and necessary further study is completed, it is not believed that any useful purpose could be accomplished by a conference on the subject, and no such conference is contemplated at present.