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U.S. Naval War College (Editor)

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Now, therefore, His Majesty, by virtue and in exercise of the power in that behalf in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. That part of His Majesty's dominions in the Antarctic Seas which comprises all the islands and territories other than Adélie Land which are situated south of the 60th degree of South Latitude and lying between the 160th degree of East Longitude and the 45th degree of East Longitude is hereby placed under the authority of the Commonwealth of Australia.

2. This Order shall come into operation on such date, after legislation shall have been passed by the Parliament of the Commonwealth of Australia providing for the acceptance of the said territory and the government thereof, as may be fixed by Proclamation by the Governor-General of the Commonwealth of Australia.<sup>7</sup>

M. P. A. HANKEY.

## 8. Great Britain: Other Antarctic Claims<sup>8</sup>

### SUMMARY OF PROCEEDINGS OF THE IMPERIAL CONFERENCE, 1926 (EXCERPT)

(Summary of Proceedings, Cmd. 2768, p. 33.)

#### XI. BRITISH POLICY IN THE ANTARCTIC

The question of Antarctic exploration was discussed between representatives of the Governments interested. There are certain areas in these regions to which a British title already exists by virtue of discovery. These areas include:

(i) The outlying part of Coats Land, viz., the portion not comprised within the Falkland Islands Dependencies.

(ii) Enderby Land.

(iii) Kemp Land.

(iv) Queen Mary Land.

(v) The area which lies to the west of Adélie Land and which on its discovery by the Australian Antarctic Expedition in 1912 was denominated Wilkes Land.

<sup>7</sup> The Australian Parliament on 13 June 1933 passed an act providing for the acceptance of the territory [Australia, Commonwealth Acts (1933), p. 12], and the Order in Council was brought into force on 24 August 1936 by a Proclamation of the Governor-General of that date [Australia, Commonwealth Statutory Rules (1936), p. 599].

<sup>8</sup> Of the areas herein claimed, only the outlying parts of Coats Land is not included in the scope of the letters patent and orders in council herein reproduced.

(vi) King George V Land.

(vii) Oates Land.

The representatives of the Governments concerned studied the information available concerning these areas with special reference to their possible utilisation for further developing exploration and scientific research in the Antarctic regions.

### 9. Norway: Bouvet Island

NOTE. In 1911 Captain Roald Amundsen, the first explorer to reach the South Pole purported to take possession of the area in the name of the King of Norway, but this claim has not been followed by any official action on the part of the Norwegian Government.

The first official Norwegian assertion of sovereignty with respect to lands in the far South was a royal decree of 23 January 1928 concerning Bouvet Island, (3°24' E. long., 54°26' S. lat.), sanctioning a proposal by the Ministry of Foreign Affairs of the same date which requested

"1. That Your Majesty will confirm and approve that Bouvet Island in the Island in the Southern Atlantic Ocean has been taken into formal possession in Your Majesty's name and that the Island is thus laid under Norwegian Sovereignty.

"2 That the Ministry of Justice be authorized to issue regulations regarding the police authority on the Island" (Norway Collection of Laws & c., 1926-1930, p. 343).

The British Government when informed of this decree at first took the position that a valid British title to Bouvet Island existed as the result of a landing and taking of possession in 1825 by the captain of a British sealer, but finally waived its claim in favor of Norway (1 Hackworth, Digest of International Law, pp. 469-470).

By a note of 12 December 1928 the Norwegian Minister in Washington informed the United States Secretary of State that Bouvet Island had been placed under Norwegian sovereignty. The Secretary of War and the Secretary of the Navy, when consulted by the Secretary of State, said they knew of no American interest that would be jeopardized by a recognition of Norway's action, and consequently the Secretary of State acknowledged receipt of the Norwegian note without making any reservation of the rights of the United States (Foreign Relations of the United States, 1929, III, pp. 716-718).

#### LAW CONCERNING BOUVET ISLAND, 27 FEBRUARY 1930

(Translation from Norway, Collection of Laws & c., 1926-30, p. 685.)

[Translation]

§ 1. The Bouvet Island is placed under Norwegian Sovereignty.

§ 2. Norwegian Common Law and Penal Law as well as the Norwegian legislation concerning judicial proceedings apply to Bouvet Island. The King decides to what extent other laws shall be applied. The King may amend such laws as well as the legislation concerning judicial proceedings, when the local conditions demand amendments.