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U.S. Naval War College (Editor)

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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.

III. We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter or amend these Our Letters Patent as to Us or them shall seem meet.

IV. The Governor shall cause these Our Letters Patent to be published in the Government Gazette of Our Colony of the Falkland Islands and the same shall thereupon come into force.⁵

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster the Twenty-eight day of March in the Seventh Year of Our Reign.

By Warrant under the King's Sign Manual.

SCHUSTER.

6. Great Britain: Ross Dependency

NOTE. The Byrd expeditions of 1928 and 1933 operated from a base within the area claimed as the Ross Dependency. In reply to a protest to various acts of the expedition, made by the British Ambassador in Washington, in a note of 29 January 1934, the Secretary of State of the United States reserved all rights which the United States or its citizens might have with respect to the matter, and said:

"It is understood that His Majesty's Government in New Zealand bases its claim of sovereignty on the discovery of a portion of the region in question. . . . In the light of long established principles of international law, . . . I cannot admit that sovereignty accrues from mere discovery unaccompanied by occupancy and use" (1 Hackworth, *Digest of International Law*, p. 457).

The British Ambassador in a reply of 27 December 1934 stated that the British claim to sovereignty was not based on discovery alone, and continued:

"The [Ross] Dependency was established and placed under New Zealand Administration by an Order in Council of 1923 in which the Dependency's geographical limits were precisely defined. Regulations have been made by the Governor General of New Zealand in respect to the Dependency and the British title has been kept up by the exercise in respect of the Dependency of administrative and governmental powers, e.g. as regards the issue of whaling licences and the appointment of a special officer to act as magistrate for the Dependency" [*ibid.*, p. 458].

Replying by a note of 7 February 1935, the United States again reserved the rights which it or its citizens might have [*ibid.*, p. 458].

⁵ These Letters Patent were published in the Falkland Islands Gazette of 2 July 1917.

ORDER IN COUNCIL, 30 JULY 1923

(Statutory Rules and Orders, 1923, p. 712.)

At the Court at Buckingham Palace, the 30th day of July, 1923.

PRESENT,

The King's Most Excellent Majesty.

Lord President.

Secretary Sir Samuel Hoare.

Lord Chamberlain.

Major George Tryon.

Whereas by the British Settlements Act, 1887, it is, amongst other things, enacted that it shall be lawful for His Majesty in Council from time to time to establish all such laws and institutions and constitute such courts and officers as may appear to His Majesty in Council to be necessary for the peace, order and good government of His Majesty's subjects and others within any British settlement:

And whereas the coasts of the Ross Sea, with the islands and territories adjacent thereto, between the 160th degree of East Longitude and the 150th degree of West Longitude, which are situated south of the 60th degree of South Latitude, are a British settlement within the meaning of the said Act:

And whereas it is expedient that provision should be made for the government thereof:

Now, therefore, His Majesty, by virtue and in exercise of the powers by the said Act, or otherwise, in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

I. From and after the publication of this Order in the Government Gazette of the Dominion of New Zealand ⁶ that part of His Majesty's Dominions in the Antarctic Seas, which comprises all the islands and territories between the 160th degree of East Longitude and the 150th degree of West Longitude which are situated south of the 60th degree of South Latitude shall be named the Ross Dependency.

II. From and after such publication as aforesaid the Governor-General and Commanders-in-Chief of the Dominion of New Zealand for the time being (hereinafter called the Governor) shall be the Governor of the Ross Dependency; and all the powers and authorities which by this Order are given and granted to the Governor for the time being of the Ross Dependency are hereby vested in him.

⁶ This Order in Council was published in the New Zealand Gazette of 16 August 1923.

III. In the event of the death or incapacity of the said Governor-General and Commander-in-Chief of the Dominion of New Zealand or in the event of his absence from the said Dominion, the Officer for the time being administering the government of the Dominion shall be Governor for the time being of the Ross Dependency.

IV. The said Governor is further authorised and empowered to make all such Rules and Regulations as may lawfully be made by His Majesty's authority for the peace, order and good government of the said Dependency, subject, nevertheless, to any instructions which he may from time to time receive from His Majesty or through a Secretary of State.

V. The Governor is authorised to make and execute, on His Majesty's behalf, grants and dispositions of any Lands which may lawfully be granted or disposed of by His Majesty within the said Dependency, in conformity with such Rules and Regulations as may from time to time be in force in the Dependency.

M. P. A. HANKEY.

7. Great Britain: Australian Antarctic Territory

Order in Council, 7 February 1933

(Statutory Rules and Orders, 1933, p. 2089.)

At the Court at Sandringham, the 7th day of February, 1933.

PRESENT,

The King's Most Excellent Majesty.

Lord President.

Mr. Chancellor of the

Earl Stanhope.

Duchy of Lancaster.

Whereas that part of the territory in the Antarctic Seas which comprises all the islands and territories other than Adélie Land 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 territory over which His Majesty has sovereign rights:

And whereas by the Commonwealth of Australia Constitution Act, it is provided that the Parliament of the Commonwealth of Australia may make laws for the government of any territory placed by the King under the authority of and accepted by the Commonwealth:

And whereas it is expedient that the said territory in the Antarctic Seas should be placed under the authority of the Commonwealth of Australia: