

International Law Studies – Volume 46

International Law Documents

U.S. Naval War College (Editor)

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and 142-degree meridians of longitude east of Greenwich are under French sovereignty.

ARTICLE 2. The Minister of Foreign Affairs and the Minister of Colonies are charged, each as to what concerns him, with the execution of the present decree, which will be published in the *Journal Officiel* of the French Republic, in the *Journal Officiel* of the Colony of Madagascar, and inserted in the *Bulletin Officiel* of the industry of colonies.

Paris, 1 April 1938.

ALBERT LEBRUN.

By the President of the Republic:

The Minister of Foreign Affairs,

PAUL-BONCOUR.

The Minister of Colonies,

MARIUS MOUTET.

5. Great Britain: Falkland Islands Dependencies³

A. LETTERS PATENT, 21 JULY 1908

(Statutory Rules and Orders, 1908, p. 1042.)

Edward the Seventh, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these Presents shall come, Greeting.

Whereas the groups 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 fiftieth parallel of south latitude, and lying between the twentieth and the eightieth 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 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 said groups of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the said territory of

³ Claims to South Georgia, to the South Orkneys, and to other polar territories included in the Falkland Island Dependencies, were advanced by the Argentine Republic in 1925 and 1927. Argentine Republic, *Memoria del Ministerio de Relaciones Exteriores y Culto*, 1927, pp. 83-88.

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 hereafter be in force in the said Dependencies.

III. In the event of the death or incapacity of the Governor, or in the event of his absence from Our Colony of the Falkland Islands otherwise than for the purpose of visiting the Dependencies, the Officer for the time being Administering the Government of Our said Colony shall be Governor for the time being of the Dependencies.

IV. There shall be an Executive Council for the Dependencies, and the said Council shall consist of such persons as shall from time to time constitute the Executive Council of Our Colony of the Falkland Islands; and the said Council shall exercise the same functions in regard to all matters arising in connexion with the Dependencies as are exercised by the Executive Council of Our Colony of the Falkland Islands in regard to matters arising in connexion with Our said Colony

V. It shall be, and shall be deemed always to have been, competent for the Governor, by and with the advice and consent of the Legislative Council of Our Colony of the Falkland Islands, to make laws for the peace, order, and good government of the Dependencies.

VI. The Governor is and shall be deemed always to have been authorised 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, either in conformity with Instructions under Our Sign Manual and Signet, or through one of Our Principal

Secretaries of State, or in conformity with such laws as may from time to time be in force in the Dependencies.

VII. We do hereby reserve to Us, 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.

VIII. 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.⁴

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, this Twenty-first day of July, in the Eighth year of Our Reign.

By Warrant under the King's Sign Manual.

MUIR MACKENZIE.

B. LETTERS PATENT, 28 MARCH 1917.

(Statutory Rules and Orders, 1917, p. 1135.)

George the Fifth by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these Presents shall come, Greeting.

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

⁴ These Letters Patent were published in the Falkland Islands Gazette of 1 September 1908.

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.

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.