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V. DECLARATIONS CONCERNING ANTARCTIC TERRITORIES

NOTE. Since 1908, several States have claimed sovereignty over parts of the Antarctic Continent, on the basis of discovery, of exploration, of propinquity, or of the sector principle. For a discussion of the legal problems involved, see Naval War College, *International Law Situations*, 1937, pp. 67-131; Naval War College, *Jurisdiction over Polar Areas* (1937). The United States has made no such claims; it has not recognized the claims made by other States, and as occasion has arisen it has reserved its rights. The only area in Antarctica to which no official claim has yet been made is the sector between 90° and 150° west longitude; this sector has been explored by American nationals, who have made unofficial claims on behalf of the United States.

In addition to the States whose declarations are set out below, other States have shown interest in Antarctica; mention may be made of the Belgian expedition in 1898-99, the Swedish expedition in 1902, and the German expeditions in 1901-03 and 1938-39. The later German expedition made an unofficial claim to approximately 230,000 square miles of territory lying within the area previously claimed by Norway (V. Stefansson, "Exploration and Discovery," *Encyclopedia Britannica Yearbook*, 1940, p. 272). A resolution of the All-Union Geographical Society of the Soviet Union of 11 February 1949 alluded to the expedition of Fabian von Bellingshausen, a Russian who circumnavigated Antarctica in 1819-1920, and stated that the Soviet Union has an incontrovertible right to participate in the settlement of Antarctic questions (*New York Times*, 12 February 1949, p. 7).

1. Argentine Republic

NOTE. In 1904 the Argentine Republic took control of a meteorological observatory in the South Orkneys, within the area claimed by Great Britain as the Falkland Islands Dependencies. In 1925 the Argentine Government built a wireless station in the South Orkneys, and notified the International Bureau of the Telegraphic Union of its establishment; protests were made by the British Ambassador at Buenos Aires in notes of 24 July 1925 and 8 September 1927. Replies by the Argentine Ministry of Foreign Relations and Worship of 30 November 1925 and 15 December 1927 asserted Argentine sovereignty over the Islands, based on continuous and effective occupation. Argentine Republic, *Memoria del Ministerio de Relaciones Exteriores y Culto*, 1927, pp. 83-85.

By a note of 14 September 1927, translated below, the Argentine General Director of Posts and Telegraphs notified the Director of the Universal Postal Union that Argentine territorial sovereignty extended to "the archipelagos of Los Estados, Año Nuevo, South Georgia, and the South Orkneys, and to polar territories which have not been delimited." Protest was made by the British Government on 17 December 1927. Argentine Republic *Memoria del Ministerio de Relaciones Exteriores y Culto*, 1927, pp. 85-88. Unofficial Argentine sources have claimed the sector between 20° and 68° west longitude (V. Stefansson, "Exploration and Discovery," *Encyclopedia Britannica Yearbook*, 1940, p. 271).

A National Commission of the Antarctic, created by a presidential decree of 15 July 1939, was given a permanent character by a presidential decree of 30 April 1940. On 5 June 1940 the Commission submitted to the Minister of Foreign Relations an extensive report dealing with explorations of the Antarctic region, its geological, geographical, and economic aspects, Argentine rights there, and a program to be carried out by the national authorities. Argentine Republic, *Memoria del Ministerio de Relaciones Exteriores y Culto*, 1939-1940, I, p. 482.

Apparently the first definite official Argentine pronouncement on the boundaries of its claim was in a note of 3 June 1946 to the Government of the United Kingdom, translated below, which referred to the Argentine Republic's "indisputable right to the lands situated south of the 60th parallel between the meridians of 25° and 68°34' of west longitude." On 12 March 1947 the National Commission of the Antarctic issued a publication in which the Argentine sector is described as "that situated between the 25th and 74th meridians of longitude west of Greenwich, to the south of 60° south latitude" (Argentine Republic, *Boletín del Ministerio de Relaciones Exteriores y Culto*, March 1947, p. 103). An official map published by the Military Geographic Institute in 1947 also shows the sector south of 60° south latitude between 25° and 74° west longitude as Argentine (*ibid.*, January 1948, p. 155; Argentine News, January-February-March 1947.)

A Chilean decree of 6 November 1940 proclaiming sovereignty over the Antarctic led to negotiations between the Argentine Republic and Chile.

A. THE DIRECTOR OF ARGENTINE POSTS AND TELEGRAPHS
TO THE DIRECTOR OF THE UNIVERSAL POSTAL UNION, 14
SEPTEMBER 1927

(Argentine Republic, *Memoria del Ministerio de Relaciones
Exteriores y Culto*, 1927, p. 88.)

[Translation]

BUENOS AIRES, 14 September 1927.

MR. DIRECTOR: 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, Año Nuevo,¹ South Georgia, and South Orkneys, and to polar territories which have not been delimited.

De jure, the Archipelago of the Malvinas [Falklands] also belongs to this jurisdiction, but it cannot be exercised *de facto* because of the occupation maintained by Great Britain.

Please accept, Mr. Director, the assurances of my high consideration.

¹ These islands lie off the coast of Tierra del Fuego. [Ed.]

For the Director General, the Chief of the International Service:

LUIS M. CAMUSI.

B. PRESIDENTIAL DECREE, 30 APRIL 1940

(Decree No. 61.852, *Boletín Oficial*, 8 November 1941, p. 2.)

[Translation]

Whereas this Government on last 15 July issued Decree No. 53.821, creating a Commission composed of representatives of the Ministries of Foreign Relations and Worship, of the Navy, and of Agriculture, with the object of assuring 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; and

Whereas later the inviting Government made it known that the aforesaid meetings had been postponed *sine die*, and

CONSIDERING:

That the work done by the Commission has clearly shown it to be desirable that an organization of permanent activity, with members of a stable character, should centralize and take into its charge the consideration of the giving of advice concerning all matters which require the protection and development of national interests in the Antarctic Zone and the Antarctic Continent, and

With attention to the information communicated by the Department of Foreign Relations and Worship, of the Navy, and of Agriculture,

The President of the Argentine Nation, in a General Accord of Ministers

DECREES:

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 fulfillment of its task. . . .

ORTIZ.—José María Cantilio.—Diógenes Taboada.—Pedro Groppo.—Carlos D. Márques.—León L. Scasso.—Jorge E. Coll.—Luis A. Barberis.—Cosme Massini Ezcurra.

C. THE ARGENTINE MINISTER OF FOREIGN RELATIONS
TO THE CHILEAN AMBASSADOR, 12 NOVEMBER 1940

(Argentine Republic, *Memoria del Ministerio de Relaciones Exteriores y Culto*, 1940–1941, p. 407; Chile, *Memoria del Ministerio de Relaciones Exteriores y Comercio*, 1940, p. 443.)

[Translation]

Buenos Aires, 12 November 1940.

MR. AMBASSADOR: This Ministry has taken cognizance, through the communication of its Chargé d’Affaires in Santiago, of the note verbale of the Ministry of Foreign Relations of Chile, dated the 6th instant, which contains information of the Decree of Your Excellency’s Government of the same date, which determines the limits of Chilean territory in the Antarctic.

In thanking you for this communication, which has been the object of careful study, I wish to express to Your Excellency the satisfaction with which, at the same time, this Government learned, from the proposals formulated by the Minister of Foreign Relations of Chile to the Argentine representative contemplating the revision of these boundaries by means of a common examination of the question by both countries, that in establishing them there was no intention to violate Argentine rights.

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 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.

This same criterion was the basis of the observations made by the Argentine Government to the Government of His Britannic Majesty last September 11th, when this Government, by reason of a map of the Antarctic published by the Government of Australia, suggested the calling of an international conference for the determination of the legal and political status of that region. Moreover, on the occasion of a plan of collaboration suggested by the Government of the United States with respect to the voyage of Rear Admiral Byrd to the Antarctic zone, the Argentine Chancellery informed that Government by a note of last March 9th of the rights which our country claims in those regions.

As has already been made clear on the above-mentioned occasion, it is the opinion of the Argentine Government that the situation created by unilateral attributions of sectors in the Antarctic made by various States, among which Chile must now be ranked, can only reach a satisfactory international solution through the calling of a conference of the interested States and the agreement of all of them on the basis of their just rights and titles. In view of all the antecedents which support its own rights and titles, the Argentine Government could without doubt have justly issued a declaration of the same class, did it

not think that because such a declaration would be unilateral it would not have improved such rights and titles in any way. By this same criterion, the Argentine Government cannot witness the declaration which the Government of Chile has just formulated without making reservations, but certainly does not intend to deny the right of that friendly country to invoke rights over a sector of the zone in question.

Happily the suggestion with which the Chancellery of Chile followed its communication of its declaration, to the effect that the competent organs of the two countries should enter into contact to agree on a solution which would be agreeable to the aspirations of both, allows us, in accordance with the best tradition of our relations, to revise and fix by common accord the line which will separate our just claims. The Argentine Government accepts, therefore, the friendly suggestion of the Government of Chile, in the hope that the agreement which will be reached will also serve to strengthen the rights of the two countries against other competing nations.

Accept, Excellency, the expression of my highest and most distinguished consideration.

JULIO A. ROCA.

To His Excellency don Conrado Ríos Gallardo, Ambassador of Chile.

D. THE ARGENTINE MINISTER OF FOREIGN RELATIONS
TO THE BRITISH AMBASSADOR, 3 JUNE 1946

(Argentine Republic, *Boletín del Ministerio de Relaciones Exteriores y Culto*, September 1946, pp. 16-18.)

[Translation]

BUENOS AIRES, 3 June 1946.

MR. AMBASSADOR: 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 especially fitting to recall, in this connection, among the representations which have been made, the formal reservation made in general terms by a note of September 1940 addressed to your diplomatic mission, with regard to the publication by the Commonwealth of Australia of a map of the Antarctic; the reservations made personally, in February 1943—confirmed by a written memorandum of the same month—by the then Minister of Foreign Relations to Your Excellency's predecessor, with respect to acts of possession carried out in these lands by British authorities; and finally the most recent reservation, made on 29 December 1945 by the undersigned, with respect to a note of your Embassy evoked by the declarations of an Argentine delegate in the San Francisco Conference. On each of these occasions the Argentine Government was able to take action appropriate to the situation which had been created and to protect fully its imprescriptible right.

In this last communication to Your Excellency's mission this Government stated that its permanent desire was to maintain unalterably with the Government of Great Britain the traditional good relations of friendship which have always existed between the two countries. But it also has an inescapable obligation to safeguard, whenever the situation requires, indisputable rights over portions of its territorial patrimony, by formulating the appropriate reservations. And under these circumstances and within these limits I now repeat this statement to Your Excellency with reference to the issue of the above-mentioned postage stamps.

At the same time 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.

I repeat to Your Excellency in this regard the assurances of my most distinguished consideration.

JUAN I. COOKE.

To His Excellency the Ambassador Extraordinary and Plenipotentiary of Great Britain, Sir Reginald Leeper.