Colonies in Conflict

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The History of the British Overseas Territories

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INTRODUCTION

This book records the history of Britain's remaining overseas possessions, today categorised as "British Overseas Territories" (BOTs). These remnants of empire, disparate mostly small territories scattered around the world, have been moulded in conflict. Many are still the subject of controversy, war and scandal. Their history is little known but deserves wider study to help understand the evolution of current problems and place them in their global context. Table 1 lists the BOTs with their approximate sizes and population levels.

The Path towards BOT Status

The "British Associated Territory" nomenclature has evolved slowly. As larger colonies and protectorates transitioned through self-government towards independence in the mid-20th century, a parallel process for smaller territories was considered problematic due to concerns about economic viability and their capacity to defend themselves[1]. Whether these concerns were justified will be discussed later but, whatever the debate's merits, successive UK Governments have struggled to achieve a satisfactory constitutional formula to define the relationship with the smallest colonies.

During the 19th and 20th centuries, British overseas possessions were categorised as Crown Colonies, enjoying varying degrees of local autonomy. As the pace towards independence gathered momentum, the number of remaining colonies steadily declined. By 1980, few British overseas possessions remained, and their relationship with Britain was redefined under the British Nationality Act 1981, which named them "British Dependent Territories" (BDTs)[2].

Table 1. British Overseas Territories, areas and populations

BOT	Location	Area (Km^2)	Population 1833[3]	Population 2013[4]
Anguilla	West Indies	90	3,360	16,000
Bermuda	North Atlantic	54	8,800	65,000
British Antarctic Territory	Southern Ocean	1,709,400[5]	0	0[6]
British Indian Ocean Territory	Indian Ocean	60	275[7]	0
Cayman Islands	West Indies	259	4,000	57,000
Falkland Islands	South Atlantic	12,170	30	2,955
Gibraltar	Europe	7	15,008[8]	29,000
Montserrat	West Indies	100	7,320	4,655
Pitcairn, Henderson, Ducie, Oeno Islands	South Pacific	45	170	48
St. Helena, Ascension, Tristan da Cunha	South Atlantic	410	5,250	5, 404
South Georgia, South Sandwich Islands	South Atlantic, Southern Ocean	4,066	0	0
Turks and Caicos Islands	West Indies	948	4,000	39,000
Virgin Islands	West Indies	153	7,500	23,000

In addition to the current BOTs, the 1981 Act also included:

- Hongkong (removed 1 July 1997 when British sovereignty ended[9]).
- St. Christopher [St. Kitts] and Nevis (removed 19 September 1983 on independence[10]).
- The Sovereign Base Areas in Cyprus, Akrotiri and Dhekelia (retained as military bases when Cyprus gained independence in 1960[11]). They constitute a fourteenth BOT, but have no history of colonial government. Their Administrator is the Commander of British Forces Cyprus, reporting to the Ministry of Defence. They are not discussed further in this book.

The 1981 Act's main purpose was redefining citizenship and nationality. BDT citizens, except in Gibraltar and the Falklands, were no longer automatically entitled to UK residence. Considering their mostly low population levels, the measure was draconian and greeted with dismay in many territories, particularly St. Helena. The reason was the inclusion of Hongkong, whose population far exceeded that of all other BDTs combined, and the Government's fear of mass migration of Hongkong citizens choosing the certainty of UK residence over an uncertain future with China. When the 1981 Act was passed, negotiations with China were already underway. They were concluded with the joint UK/PRC declaration on 19 December 1984, when the main objection to residence rights for other BDT citizens was removed, but many years elapsed before automatic citizenship was restored under the British Overseas Territories Act 2002, which renamed the BDTs as BOTs effective 21 May 2002[12].

Debate about the BOTs continues and the story is far from over. Between 1997 and 2008, different British Government departments and House of Commons committees produced nearly a dozen reports, dealing with issues such as citizenship, financial standards, good governance, and human rights in the BOTs[13]. It is unclear how BOT status may evolve in the future, or even whether the territories will continue under a single grouping. Whatever happens, this book highlights the importance of applying the lessons of history in formulating detailed status changes.

Relationship with the EU

The relationship between the BOTs and the European Union is defined under the European treaties. When the European Economic Community was founded in 1957, four of the original member states, Belgium, France, Italy and The Netherlands, had non-European overseas territories for which special provision was made. They were called "overseas countries and territories" (OCTs) which did not form part of EEC territory but benefited from associate status, including the progressive abolition of customs duties and agreements relating to free movement of workers[14]. When the UK joined in 1973, association was extended to its overseas territories[15]. As territories were granted independence, the number of UK OCTs declined and the present Treaty includes only the BOTs, except Gibraltar whose special status will be discussed shortly. The Treaty grants these territories the option to enter association agreements with the EU[16]. All the British OCTs have exercised this option[17], Bermuda joining on 1 January 2014 as the last signatory[18].

Gibraltar's status is different. Since 1973, it is within the EU linked to the UK's membership, constituting one of the "European Territories for whose relations a Member State is responsible"[19]. EU measures are implemented in Gibraltar through local legislation and the Gibraltarian electorate is represented in the European Parliament through an electoral region combined with South-West England. However, under the terms of UK membership, Gibraltar is excluded from the EU customs union, the VAT and Schengen areas, the Common Agricultural Policy and the Common Fisheries Policy.

Because all BOT citizens now have British citizenship, they are also EU citizens enjoying all the consequent rights of freedom of movement and establishment. Other EU member states also retain various overseas possessions which enjoy different degrees of association with the EU as shown in Appendix A.

United Nations

The search for a solution for governing BOTs has been hindered by the position of the UN, especially General Assembly Resolution 1514 (XV) of 14 December 1960 whose preamble recognises that "the peoples of the world ardently desire the end of colonialism in all its manifestations" and proclaims "the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations"[20]. While this Resolution provides that "all peoples have the right to self-determination", it also records the incompatibility with the UN charter of "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country". These conflicting provisions affect Gibraltar (whose geographical contiguity with Spain could trigger "territorial integrity", while self-determination is denied for Gibraltarians) and the Falklands (although their geographical distance from the nearest continent renders the application of "territorial integrity" doubtful).

The UN has adopted a common model of "a full measure of self-government", defined either as "emergence as a sovereign independent state", "free association with an independent state" (as further defined), or "integration with an independent state"[21]. However, the BOTs demonstrate that a one-size-fits-all solution is inappropriate and that flexible results may be more suitable, if supported by all directly interested parties. A review of overseas possessions of other nations (Appendix A) demonstrates a wide possible range of outcomes.

The UN Special Committee on Decolonisation maintains a list of permanently inhabited Non-Self-Governing Territories, as defined under

these Resolutions, currently numbering 17. In addition to the ten inhabited BOTs, the list comprises American Samoa, Guam, the US Virgins, French Polynesia, New Caledonia, Tokelau, and the disputed territory of Western Sahara. The list demonstrates the UN's inconsistency of approach, as neither the UK's Crown Dependencies (see Appendix B) nor most of the territories discussed in Appendix A are included. In the latter cases, their respective mother-states have convinced the General Assembly that current arrangements satisfy the UN definition, although the precarity of this acceptance is demonstrated by the UN restoring French Polynesia to the list on 17 May 2013 after years of acceptance[22]. The list also illustrates the difficulty of applying the self-determination test, as territories like Tokelau and Bermuda are included despite voting in favour of present constitutional arrangements by referendum.

Why Study the History of the BOTs?

Many BOTs attract considerable political attention today, despite their insignificant size. Argentina claims the Falklands, British Antarctic Territory (BAT), and South Georgia, reinforcing international tension in the Southern Ocean, while Spain's stance on Gibraltar causes continual friction within the EU. The evacuation of residents from Diego Garcia, the main island in the British Indian Ocean Territory (BIOT), to build a US naval base in the late 1960s raised difficult human rights questions and has triggered complex high-profile litigation. The status of offshore financial centres like the Caymans and Virgin Islands is controversial in the present economic climate, while Montserrat has suffered considerable hardship following the 1995 volcanic eruption. Pitcairn and Turks & Caicos have attracted recent attention, for prosecution of sex offenders and alleged corruption respectively.

This book demonstrates that many of these problems are rooted in each territory's history. The Bermudian journalist Alvin Williams observed in 2004 that "the fate of a country is often hidden in its historic genes"[23]. This observation reflects a predominant theme of this book. Without entering into the philosophical question of history repeating itself[24], the thirteen BOTs provide relatively simple case-studies illustrating the proposition that past events and trends are fundamental in shaping current events. As we shall see, studying BOT history shows how frequently this simple lesson has been ignored.

It is apparent that superficial similarities between the BOTs conceal fundamental differences in their paths towards development, knowledge of which is crucial for successful future planning to secure sustainable

progress. This is illustrated by for example contrasting the different historical factors underlying the current prosperity of the Caymans and Virgin Islands, and comparing the different development paths of the isolated communities of Tristan da Cunha and Pitcairn Island which have helped the former avoid the difficulties experienced by the latter.

Studying the history of the BOTs is a fascinating exercise in itself. However, lessons learned from these territories can also be applied to more complex problems on the wider global stage. For example, encouraging universal suffrage in North African and West Asian nations, equating this to introducing democracy when their historical traditions and state organisations have pointed them in different directions, closely reflects the example of imposing unsuitable constitutions on the BOTs. Grouping together states in geographical regions to identify common solutions to their different problems will attract no more success in diverse continents like Africa or South America than it has in West Indies islands like Anguilla and Montserrat.

Influence of World Events

Despite their relative isolation, the BOTs demonstrate how far the influence of major events and global trends filters down to the most remote locations. With the possible exceptions of Pitcairn and Tristan da Cunha, BOT residents have rarely lived their lives in isolation. Over the course of this book, key events of worldwide importance will be noted reaching across the globe to touch the BOTs:

- the discovery of eight BOTs during the late 15th/early 16th century by Spanish and Portuguese explorers, opening European minds to the Americas and East Asia.
- Protestantism's emergence in the 16th century and the decline in Papal influence in western Europe, affecting the effectiveness of Spain's argument regarding the applicability of anachronistic pronouncements to its claim to sovereignty over the Falklands.
- rivalries and fluctuating alliances between European powers which triggered numerous dynastic wars in the 17th to 19th centuries, affecting many BOTs.
- developing world trade and commerce, which motivated the establishment of plantations in the West Indies and Bermuda.
- the slave trade, and its eventual abolition, directly affecting all BOTs except the Falklands and nearby Southern Ocean territories.

- the age of invention, scientific observation and discovery, including scientific visits to St. Helena and Ascension to make astronomical observations.
- the American War of Independence, which adversely impacted trading patterns and short-term prosperity in Bermuda and West Indies BOTs.
- the French Revolution, whose darker side was felt forcefully in Anguilla, and the Napoleonic wars which disrupted trade and economic prospects in the West Indies.
- the transition from sail to steam, which enabled the BIOT and the Falklands to develop coaling stations to supply trans-ocean vessels.
- conflicts between human greed and environmental protection, felt most obviously in the massacre of seals and whales off South Georgia.

Methodology and Sources

In researching this book, identifying and analysing primary source material has been emphasised. In respect of 15th and 16th century events, the numerous source compilations published in the late 16th/early 17th centuries by English writers and Spanish historians provide first-hand accounts of events. Early maps, many now available as facsimile reproductions on the internet, provide another useful source for reconstructing information relating to early discoveries.

From the 17th century, the descriptions of Caribbean British colonies made by Rochefort and Du Tertre provide useful French perspectives, while the series of Calendars of English government State Papers illustrate relations between the London colonial authorities and local administrators. Diaries and journals kept by early visitors give lively accounts of life in nascent small colonies. The early history of Bermuda and St. Helena is well illustrated by primary source collections published in the 19th century. Although little early statistical information has survived for the BOTs, 18th century censuses provide insights into life in Anguilla and Montserrat.

Early 19th century British Government reports reveal hardships in Anguilla, the Caymans, Turks & Caicos, and the Virgin Islands, and highlight problems resulting from slave emancipation. Diaries, first-hand accounts of visits, and Government papers are available to reconstruct the tortuous history of Pitcairn Island, while comparing contemporary reports prepared in Argentina at the time of Britain's second Falklands settlement

with earlier records explains misunderstandings relating to Argentina's current claim.

The amount of surviving archive material is limited before the mid-18th century and no doubt represents a fraction of original records lost through natural disasters and poor record-keeping. In some cases, the only reference to lost sources is included in 19th century works such as Edwards's *History of the West Indies*, Southey's *Chronological History of the West Indies* and Montgomery Martin's *History of the British Colonies*, all of which provide contemporary accounts of later events approaching primary source usefulness.

The Book's Framework

This book analyses the history of each BOT from first discovery to the present day. Five initial scene-setting chapters provide important background material common to all territories:

- voyages of discovery in the late 15th/early 16th centuries.
- intermittent visits by Europeans during the later 16th century.
- the first European settlements established in the early 17th century.
- problems of governance arising in early years.
- common problems experienced in the 17th century which persisted into the early 20th century.

These first five chapters are succeeded by thirteen chapters analysing each BOT in turn, from the first British settlements to the present day, and identifying historical trends which impact their current situations. The book's conclusion draws together the different threads, identifies common patterns and highlights differences, and discusses the implications for the future.

CHAPTER ONE

DISCOVERY

Most BOTs were discovered in the late 15th/early 16th centuries by Spanish and Portuguese navigators seeking improved trading connections with Asia, and accidentally discovering the American continents along the way. Table 2 shows the names and nationalities of explorers, the BOTs discovered by each, and their dates of discovery. Uncertain discoveries are shown in brackets. Gibraltar is not shown as it was known since antiquity.

Table 2. Explorers, BOTs & their dates of discovery

Explorer	Sponsor nation	Date	BOTs
Columbus	Spain	1493-1503	(Anguilla) Caymans Montserrat, Virgins
Bermúdez	Spain	[1501/09]	Bermuda
Vasco da Gama	Portugal	1501	St. Helena, (Tristan da Cunha)
Garcia de Noronha	Portugal	1511	(Chagos Islands, BIOT)
Ponce de León	Spain	1512	Turks & Caicos
(unknown)	(Portugal)	(unknown)	Ascension
Davis	England	1592	(Falklands)
Roché	Britain	1675	(South Georgia)
Carteret	Britain	1767	Pitcairn
Cook	Britain	1775	South Sandwich
Smith	Britain	1818	South Shetland, (BAT)
Palmer	USA	1822	South Orkney, BAT

By the late 15th century, discovery had gripped the world. Courageous individuals probed new trading routes tempted by adventure and profit. European monarchs sponsored voyages inspired by dreams of wealth, extending political influence and stealing a march on rivals, as well as spreading Christianity. At an early stage, the Pope attempted to reinforce and extend the temporal influence of the Catholic church by granting exclusive rights of conquest and trade in all newly discovered lands to Spain and Portugal, through the veneer of converting natives to

Christianity. Discovery often amounted to little more than a fleeting glimpse of a distant island through sea mists, poorly recorded in journals kept during the voyage or imprecisely reported in later quasi-hagiographic treatises. Using surviving documentary evidence to reconstruct the general routes taken by the better-known early navigators is relatively straightforward, but precisely identifying the moment of discovery of specific territories is open to considerable interpretation. The secrecy attached to discoveries and trade routes contributes to the difficulty. Contemporary journals described voyages in general terms because, as Bergreen observes in the context of Columbus's expeditions:

> "Columbus, like other explorers of his day, considered his routes and discoveries as trade secrets for which he daily risked his life, and he jealously guarded them from opportunists and rivals"[25].

St. Helena represents an extreme example of secrecy designed to avoid giving commercial advantage to other nations. First discovered by Portugal, the island evolved as a useful resupply point for vessels sailing to the Indies but its existence was only revealed in the late 1580s.

This chapter examines the 1493 Papal Bull which purported to divide world jurisdiction between Spain and Portugal. It explores difficulties associated with information relating to Columbus's voyages in the Caribbean. It then considers the discovery of St. Helena, Tristan da Cunha and Ascension by Portuguese traders, followed by the standalone cases of Bermuda, Turks & Caicos, and the BIOT islands. The chapter considers early cartographic evidence, particularly the confusion relating to the Falklands. It concludes by discussing how the concept of "discovery" has evolved over time. The 18th and 19th century discoveries of Pitcairn, South Georgia and the future BAT are discussed in the later chapters dealing with those territories.

Papal Bull, Treaty of Tordesillas

Columbus's report after his first voyage of discovery highlighted the potential for converting the indigenous populations of newly discovered territories to Christianity[26]. At that time, the Catholic Spanish rulers, Fernando II King of Aragon and his wife Isabel Queen of Castile, were keen to profit from the prestige derived in Christian circles from their recent capture of the kingdom of Granada, the last remaining Muslim outpost in the Iberian peninsula. The monarchs reported Columbus's discoveries to Pope Alexander VI, a member of the prominent Borja family from Valencia with whom they enjoyed close relations. The Pope

promptly issued a series of Bulls which purported to confirm the division of jurisdiction over all present and future overseas discoveries between Spain and Portugal.

These Papal Bulls, cloaked in assertions of the urgent need to protect the souls of native populations through speedy conversion to Christianity, represent a blatant attempt by the Pope to assert supreme worldwide temporal jurisdiction and uncontrolled power to delegate that jurisdiction according to his discretion. Throughout medieval Europe, the Pope was absolute in religious matters as chief executive of the Catholic hierarchy on earth. Blurring the lines between the ecclesiastical and temporal, the Pope also enjoyed considerable influence in lay affairs particularly because the potential sanctioning of disobedience by excommunication constituted a momentous threat to medieval rulers. However, by the late 15th century cracks were appearing in the edifice of Papal influence. In Italy, the rise of powerful noble families like the Medici bankers in Florence resulted in jostling for temporal power in the Pope's backyard, while northern European powers like England had long ceased seeking Papal endorsement for changes of dynasty. The age of discovery presented the Pope with a unique chance of reinforcing and extending his position by issuing strong statements of authority over Europe and all other continents.

Spain received the lion's share of the new discoveries under the Papal Bull "Inter Cætera" dated 4 May 1493:

> "all islands and mainlands...discovered and to be discovered towards the west and south, by drawing...a line from the Arctic pole to the Antarctic pole...distant 100 leagues towards the west and south...from...the Azores and Cape Verde"[27].

The Bull forbade "all [non-Spanish] persons...to go for the purpose of trade or any other reason to [those] islands or mainlands". The Bull's preamble specifically referred to the recovery of Granada and indicated that the grant was made in recognition of Spain's achievement. Portugal was granted jurisdiction over all territories outside Europe which lay east of the demarcation line.

Significantly from the perspective of other European rulers, the Bull added the important proviso: "should any of said islands have been found by [Spanish] envoys and captains". Columbus's discoveries during his first voyage were limited to the northern shores of Cuba and Hispaniola, and islands to the north. The proviso therefore left the field open for other nations to participate in the New World land grab and within a few years the English King Henry VII promoted John Cabot's voyage to

Newfoundland, while in the 1520s Giovanni da Verrazzano's French expedition explored the eastern seaboard of the future United States.

Under the Treaty of Tordesillas on 7 June 1494, João II King of Portugal obtained Spanish agreement to move the Papal demarcation line westwards to "370 leagues west of the Cape Verde islands"[28]. The change permitted greater freedom of manoeuvre around the Azores and Cape Verde Islands, Portugal's claims to which were unchallenged by Spain. At the time the precise extent of the South American continent was not known, but it later turned out that the Treaty enabled Portugal to acquire the eastern part of Brazil. Interestingly, in describing the line of demarcation, the Treaty made no reference to the Papal Bull, presumably to avoid overt reference to the Pope's temporal jurisdiction, although the document did request Papal endorsement for moving the line.

Longer term, the Pope's attempt to impose jurisdiction worldwide was bound to fail. By the mid-16th century, the Reformation was well-established in northern Europe and by the late 17th century even France was freeing itself from Papal influence in pursuing foreign and domestic policy. Before many years, the Papal Bull was largely ignored by all European powers except Spain, although as will be seen in Chapters 3 and 11, it was dusted off several times by the Spanish (and even the Argentinians) to justify their position in disputes involving Bermuda and the Falklands.

Nowadays a litigant claiming the continuing applicability of the Papal Bull would face considerable difficulties in proving:

- that the Pope "owned" the world in 1493 and therefore was empowered to grant exclusive rights over defined areas.
- that any residual jurisdiction still persisted today, considering that the Pope's temporal power is now restricted to the Vatican City.
- the equivalence of Papal Bulls to international treaties, which would enable Public International Law jurisprudence to be considered.
- continuous objection by Spain or Portugal to breaches of the Bull, which have enabled competing nations to establish settlements which developed into modern nations such as the US.

Claiming the continuing legal effect of pre-Reformation Papal Bulls ignores the changed realities of the modern world where the exorbitant powers exercised by Popes in the distant past have no more weight than pronouncements placing the earth at the centre of the universe.

As between Spain and Portugal, the Treaty of Tordesillas was never revoked. However, like all treaties it had no binding effect on third parties and so has limited relevance to present-day conditions. In any case, each party has acted on numerous occasions in breach of the Treaty (for example Spain establishing its colonies in Africa, and Portugal extending control of Brazil westwards of the demarcation line) which renders present-day reliance on its terms in other contexts of little validity.

Caribbean Islands

Columbus's Caribbean discoveries included the Cayman Islands, Montserrat, the Virgin Islands, and probably Anguilla. The early sources relating to his voyages of discovery include his own report after the first voyage, the journal of the second voyage compiled by the fleet's physician Diego Álvarez Chanca, and the later *Historia del Almirante Don Cristóbal Colón*, attributed to Columbus's son Fernando, which provides full details of all four voyages. Although the body of secondary sources interpreting the significance of the voyages and placing them in their historical context is immense, pinpointing specific discoveries is difficult. The *Historia*, first published in Venice in 1571[29], provides the greatest amount of information but its reliability is difficult to judge. If correctly attributed to Fernando, it was written in the late 1530s towards the end of his life, several decades after his father's voyages, although the narrative includes precise dates which suggests the use of earlier journals which no longer survive. In addition, Fernando accompanied his father on the fourth voyage and directly witnessed events, although he was only aged 13 at the time.

Looking first at Anguilla, the island was probably sighted by Columbus in 1493. Chanca's journal indicates that the fleet sailed past the northern Leeward islands, although the descriptions are too imprecise to identify each island which they passed with certainty[30]. The *Historia* describes how, after sailing from Guadeloupe on 5 November, the fleet passed Antigua (date not specified) and

> "following [their] journey north-westwards, numerous islands were seen on the northern side, spreading towards the north-west and south-east, all very high and with extensive forests of trees; they anchored at one of these which they named Saint-Martin...on Thursday 14 November they arrived at an island to which they sent to fetch some Indian to know where they were"[31].

The *Historia* then records the journey westwards past the Virgin Islands towards Puerto Rico, suggesting that the quoted passage refers to the

vicinity of Anguilla. Considering the wording carefully, Anguilla (an especially low island with little vegetation) was not one of the "very high [islands] with extensive forests". The island off which Columbus anchored could have been today's Saint-Martin/Sint Maarten, directly north-west of Antigua along the route towards the Virgins. If that is correct, Columbus could not have missed Anguilla which lies off its northern coast. However, the dates present a problem. It is a fair assumption that "San-Martín" was named from the saint's day (11 November) on which it was observed. Columbus would not then have taken three days to reach Anguilla on 14 November, although Bergreen suggests that "Columbus's San Martín surrendered its name to an island lying to the northwest"[32]. He does not explain the basis for his assertion but, if correct, the 14 November island could have been Anguilla.

It is unlikely that Anguilla was seen during Columbus's fourth voyage when he skirted the northern islands in the Leewards. The *Historia* is too imprecise to track the exact route after leaving Martinique, where they arrived on 15 June 1502. Colón describes the onward voyage to Dominica, St. Croix, and Puerto Rico[33]. If his description is accurate, the direct route from the northern Leeward Islands to St. Croix would not have passed Anguilla.

The first sighting of Montserrat is more easily ascertained. Colón's *Historia* states that on his second voyage Columbus left Guadeloupe on 5 November 1493 and "arrived at the island of Montserrat which he so named because of its height"[34]. The name was given because of its resemblance to the mountain of the monastery of Montserrat in Catalonia. The narrative suggests that Columbus did not land but sailed onwards after observing from a distance.

The case of the Virgin Islands is also straight-forward. The *Historia*, after tracing the second voyage through the Leeward chain, says that Columbus sailed past "more than 50 islands...to the north and named the largest Santa Ursula; and the others 11,000 Virgins" before arriving at Puerto Rico[35]. The fourth voyage, as described in the *Historia*, by-passed the Virgin islands north of St. Croix as noted earlier[36].

Turning to the Cayman Islands, Colón's account of the fourth voyage says that on 1 May 1503 the fleet sailed northwards (from Central America) and on Wednesday 10 May "sighted two very small and low islands, full of turtles and with which they were surrounded, so that they seemed like reefs, and for that reason we called these islands Tortugas"[37]. Their identification as the Caymans is confirmed because the *Historia* records the expedition proceeding northwards towards Los Jardines de la Reina "a very large number of small islands" off Cuba.

An anonymous Portuguese world map known as the "Cantino Planisphere"[38] suggests that islands in the same approximate location as the Caymans were already known before Columbus's fourth voyage. The map, smuggled from Portugal in 1502 by Alberto Cantino (agent of the duke of Ferrara), records on its reverse its purpose "for navigating the islands recently discovered in the parts of the Indies"[39]. It shows five (not three) small unnamed islands lying between Jamaica and an archipelago corresponding to the Jardines de la Reina group. The Cantino Planisphere does inspire confidence as it provides surprisingly recognisable representations of Africa, the northern coast of South America, and the islands of Cuba, Puerto Rico and Jamaica. The map compares favourably, for example, with Anghiera's extremely approximate 1511 chart which purports to pinpoint Bermuda (see below). Looking at Columbus's earlier voyages, the conjectured route of the second voyage shows that, after leaving western Cuba, he sailed southwards out to sea towards Cape Cruz[40]. Although the precise route is not described[41], it is possible that Columbus skirted the Caymans on that occasion and that the Cantino Planisphere reflected that earlier visit.

St. Helena, Ascension, Tristan Da Cunha

While Columbus was exploring the Caribbean, the Portuguese, profiting from their allocation of territories east of the Papal demarcation line, increased their visits to Asia. During these voyages, the three South Atlantic islands of St. Helena, Ascension and Tristan da Cunha were first sighted, although there are doubts about who discovered which island and when.

The difficulty in identifying their first discoverers revolves around apparent contradictions between the 16th century documentary sources and the actual navigational routes followed by early Portuguese navigators southwards across the South Atlantic. Detailed navigational information, originally kept secret by Portugal so probably unknown to authors in the 16th century, was first published in 1595 by the Dutch navigator Jan Huyghen van Linschoten who had studied Portuguese charts when secretary to the archbishop of Goa in India[42]. On the outward journey from Europe, the fleets sailed towards Brazil, followed the Brazil Current further south to pass the Doldrums, then turned sharp to port when the Westerlies helped cross the Atlantic eastwards along the latitude leading to the Cape of Good Hope. This route would have avoided both Ascension and St. Helena, but passed near Tristan da Cunha on the last leg. On the

return journey, after rounding the Cape, ships headed north-west with the prevailing winds, first passing St. Helena and then Ascension.

Looking first at St. Helena, its discovery is attributed to Juan de Nova, a Galician explorer serving the Portuguese king. On his return voyage from India, he recorded seeing an island on 21 May 1502, the Orthodox feast-day of the Byzantine St. Helena (mother of Emperor Constantine the Great)[43]. João de Barros, in his history published in 1552, wrote that de Nova, after passing the Cape of Good Hope, had "more good fortune in finding a very small island which he called St. Helena"[44]. This discovery is consistent with the Portuguese navigational route.

Two other possibilities have been proposed for the first discoverer of St. Helena. Firstly, Barros, in his record of Vasco da Gama's first voyage in 1501, said that "the first land which they found before arriving at the Cape of Good Hope was the bay which is called St. Helena, five months after they left Lisbon"[45]. As this sighting occurred on an outward journey, the island was more probably Tristan da Cunha. Secondly, it has been suggested recently that Estevão da Gama, squadron leader in the fleet of his more famous cousin, was the first to visit St. Helena on 30 July 1503[46], although this post-dated de Nova's visit.

Turning to Tristan da Cunha, the same undated manuscript says that the Portuguese explorer Tristão da Cunha, leaving Portugal in 1506 with Afonso de Albuquerque, discovered the island which bears his name[47]. The name is clearly indicative, although as noted above the island which later acquired this name was probably first sighted by Vasco da Gama.

The case of Ascension Island, where contradictions between the navigational route and the written record are extreme, is the most difficult. Its precise geographical location is 7°56's 14°22´W, which is relevant for the discussion which follows. It is usually said that Ascension was discovered by de Nova on his outward journey from Europe in 1501 and that he named it "Conception Island", maybe after sighting it on the feast of the Immaculate Conception (8 December). The undated British Museum manuscript records, in a marginal comment next to the passage describing St. Helena, "another account" noting that de Nova discovered an island at "8 degrees south latitude" which he named "Conceição" on his outbound journey[48]. Barros also says that "João de Nova...after passing eight degrees...south of the Equator came across an island which he named Conception"[49]. Another sighting is recorded by Giovanni da Empoli, who in 1503 accompanied Afonso de Albuquerque on his first voyage eastwards, who says that on their outbound voyage after 28 days they saw "land which had already been found by others he presumes, although this is not certain, called Ascension Island"[50]. In all these cases, the reference

to observations on the outward voyages raises doubt in light of the navigational route.

The island seen by de Nova and Empoli was probably not the British island known as Ascension. The Brazilian geographer Manoel Moreira de Azevedo in 1898 identified their discovery as the island today called Trindade[51], at latitude 20°31's longitude 29°19´W, one of five islands 1,200 kilometres east of the Brazilian coast further south than St. Helena's latitude. Trindade is smaller than Ascension, about 10 square kilometres, although of similar shape. It is characterised by rugged volcanic terrain, but has more vegetation than Ascension[52]. The clue about the possible confusion lies in a charter dated 22 August 1539 under which João III King of Portugal granted the "Ilha de Ascensão" to Belchior Camacho[53]. Despite the name, it is improbable that this related to British Ascension, especially as Camacho was appointed "Commander of Trindade", one of the hereditary commanders administering Brazil. Moreira states that this "Ilha de Ascensão" was later renamed Trindade, without even mentioning the possibility that the charter might refer to Ascension[54].

Moreira's hypothesis is consistent with the Portuguese navigational route described earlier. The discrepancy between the latitude reported by Barros and the actual geographical coordinates of Trindade was highlighted at a conference on 18 July 1918 by the Brazilian Professor Bruno Lobo, who concluded that the island discovered by Juan de Nova must have been British Ascension[55]. However, Lobo did not discuss the implications of the navigational route. The most likely explanation is that Barros inserted "eight degrees south" into his narrative on his own initiative, as by then the location of Ascension was known, assuming that it was the same island seen by de Nova. If that is correct, the identity of the first discoverer of Ascension is unknown.

Bermuda

The exact date when the Spanish navigator Juan Bermúdez discovered Bermuda is unknown. No direct record of the voyage has survived, but it is reported by Gonzalo Fernández de Oviedo in his *Historia general* published in 1535. Oviedo said he personally observed the island from the sea and judged it uninhabited[56]. Some historians have suggested that Bermúdez and Oviedo sailed on the same ship[57], but the *Historia* does not mention this. Oviedo's visit is dated to shortly after October 1515[58], whereas other evidence indicates that Bermuda was discovered earlier.

Cartographic indications helps pinpoint the date of Bermuda's discovery. An island named "La Bermuda" is shown north-west of

Hispaniola in a map included in a book published by Anghiera in 1511[59]. The genuineness of the map is placed beyond doubt because, as Greene noted, the text of the book continues on the reverse side of the map[60], although this cannot be confirmed from the facsimile reproduction which only shows the obverse. Bermúdez's voyage therefore probably took place between 1501 (when Spanish voyages were undertaken more frequently) and 1509 (giving sufficient time for news to arrive in Europe before the map was published). The documentary evidence is insufficient to date the year more precisely, although the five hundredth anniversary was celebrated in Bermuda in November 2005, as reported in Bermuda's *The Royal Gazette*[61]. No evidence has been found indicating that this was the correct date, which was probably chosen arbitrarily as falling within the right date range.

Some further confusion is introduced by another early map. Maxwell Greene said that the *Mappa Mundi*, published by Sebastian Cabot in 1544, shows Bermuda as "Ya [Isla] de demonios"[62]. A facsimile of the relevant parts[63] shows two sets of islands: "Ya de demonios", lying off the more northerly part of the North American coast, and "La Bermuda" off the southern part of North America. The map bears little relation to reality and it is unclear which island "Ya de demonios" was intended to represent. In 1612, Henry Earl of Northampton, informing King James I of the safe arrival of the first settlers in Bermuda, said that "the Spaniards, dismayed at the frequency of hurricanes, durst not adventure there but call it *Dæmoniorum insulam*"[64]. Given the uncertainties regarding Cabot's map, Northampton's comment probably reflected confusion about the *Mappa Mundi* which suggests that the Spanish never used this name for Bermuda.

Turks & Caicos Islands

The Caicos Islands were discovered by the Spanish explorer Juan Ponce de León in 1512, on the early part of his voyage to Florida. The journey is recorded by the Spanish historian Antonio Herrera, in his *Historia General* published in 1601. This recounts that León sailed from "la Isla Jueves" on 3 March, passed by "[el] Aguada", and on 8 March arrived at "el Viejo" at 21°30´, the next day finding a small island "in the Lucayos [=the Bahamas], called Caicos". On 14 March, the journal records arriving at "Guanahani...first discovered by...Columbus on his first voyage"[65].

Pinpointing the first discovery of the Turks Islands presents greater difficulty. Columbus, in his 1492 journal, recorded arriving "at a small island in the Lucayos...called Guanahani in the language of the Indians"[66].

Columbus's biographer Navarrete thought that "Guanahani" was Grand Turk, northernmost of the Turks Islands[67]. However, Washington Irving indicated in 1868 that it was "San Salvador...called by the English Cat Island" (in the Bahamas)[68].

In 1871, the question was thought to have been resolved by Major who compared Columbus's journal with physical descriptions of the islands and confirmed that Guanahani was Watling Island (renamed San Salvador in 1925)[69]. More recently, Josiah Marvel, a Turks & Caicos resident, reopened the question. He quotes an account written by Juan Rodríguez Bermejo de Triana, the watch on board Columbus's *Pinta*, who observed first sighting land on 12 October 1492 "as the moon became clear, I saw a white head of sand, I raised my eyes and I saw the land", after which the ships closed up together "about five miles offshore and waited...until dawn"[70]. Marvel says that Grand Turk is the only island in the area where patches of white sand bottom can be seen among dark rock and turtle grass at 75 feet in faint moonlight, when the observer is five miles offshore to the east. He comments that the water is much deeper around the other islands.

Marvel's view is not unanimously accepted. Nigel Sadler has commented that "there is no clear argument for Columbus first landing on Grand Turk, or even any information that Columbus ever visited the Turks & Caicos Islands"[71]. He reviews the "quite strong" archaeological evidence which opposes Marvel's theory. He also cites the early "Juan de la Cosa" map[72], although because of the general unreliability of early cartographic evidence this document is unlikely to be conclusive. In light of these difficulties, the safest conclusion is that the first discovery of the Turks Islands remains open.

British Indian Ocean Territory

Turning to the Indian Ocean islands, the identity of the first discoverer of the Chagos Islands (at present the only BIOT islands), and its principle island Diego Garcia, is also open to debate. In modern secondary sources, different unverified statements assert that they were discovered by either Vasco da Gama, Pedro de Mascarenhas, or a shadowy "Diego Garcia". The evidence which supports each possible candidate is considered in turn.

No surviving written record supports the candidacy of Vasco da Gama. The account of his three voyages written by Gaspar Correa (probably the earliest surviving record of Vasco's expeditions) includes no reference to sighting islands in the right geographical location[73], not does Barros in his later account of the voyages include any other details which could be

interpreted as indicating the Chagos Islands[74]. Although reconstructing the precise routes from the written descriptions is difficult, Vasco's outbound voyages probably took him along the African coast northwards from Malindi towards Socotra and then past the Kuria Maria islands off Oman before heading towards India. The prevailing Indian ocean winds suggest that Vasco started his homebound voyages by sailing southwards in the rough direction of Chagos before turning west to Mauritius, but the documentary sources are silent on whether he observed the Chagos Islands.

Turning to Pedro de Mascarenhas, an undated British Museum manuscript provides evidence that he crossed the Indian Ocean in 1511/12, stating that "Dom Garcia de Noronha, captain-in-chief of six ships, left 25 March, captains...Pedro Mascarenhas...of these six ships three arrived in India"[75]. Mascarenhas's voyage across the Indian Ocean is confirmed by the *Commentaries of the Great Afonso Dalboquerque*, which record the arrival in India on 20 August 1512 of "D. Garcia de Noronha, who had set out in the preceding year with six ships, and wintered at Mozambique"[76]. The islands of Reunion, Mauritius and Rodrigues have been called collectively the "Mascarene Islands", presumably after this explorer which does suggest that he sailed close enough to observe them if not land. No documentary evidence indicates whether his route skirted Chagos.

Concerning "Diego Garcia", this name is linked to three different Spanish adventurers: Diego García de Paredes senior, his son of the same name, and Diego García de Moguer. The first named (nicknamed "El Sansón de Extremadura") enjoyed an illustrious career serving in turn the Borja family in Spain, the Pope, and Emperor Karl V, but no indication has been found that he sailed to India. His son distinguished himself during expeditions to South America, but no contact with the Indian Ocean is indicated. A reference has been found to Diego García de Moguer having undertaken an expedition across the Indian Ocean in 1554, during the course of which he died, but no primary source has been identified which records this voyage or confirms whether his route passed Chagos[77].

A 1570 map appears to provide the missing clue to the discovery of the island of Diego Garcia. The *Theatrum orbis terrarum*, a world atlas published by Ortelius in 1570, shows an island named "Don Garçia" in the approximately correct position of Diego Garcia[78]. The name recalls Dom Garcia de Noronha, leader of the fleet in which Mascarenhas sailed. Use of the Portuguese honorific "Dom" ("Don" in Spanish) with his first name, instead of the family name, reflected the respect due to his relationship with the Portuguese royal family. Early maps may have abbreviated this to "D. Garcia", in line with the practice adopted both in Portugal and Spain

as shown by Alfonso Dalboquerque's extract quoted earlier. At some stage, the name may have been incorrectly extended to "Diego Garcia", possibly by someone who knew about Diego García de Moguer and jumped to the conclusion that "D" stood for "Diego" not "Dom/Don".

The derivation of the name "Chagos" is uncertain. The islands may originally have been called "Bassas de Chagas", derived from a reference to Christ's wounds on the cross ("chaga" meaning wound in Portuguese)[79]. Over time, "Chagas" evolved into "Chagos". The primary source which confirms the original naming of the island group has not been identified.

Falkland Islands

As already indicated, early maps provide important clues to the discoveries of Bermuda, the Caymans, and Chagos Islands. However, maps can confuse rather than confirm the situation, as shown by diverse cartographical indications relating to the Falklands. Martin Waldseemüller's 1507 world map, based partly on data gathered during Vespucci's 1502 expedition, was the first to show an outline of North and South America as well as several isolated islands in the extreme south, including a group labelled "Insule delle Pulzelle"[80]. All these islands are shown too far east of South America to have been based on information from Vespucci, whose own account suggests that he explored no further south than the river Plate[81]. The mid-18th century French explorer Louis de Bougainville did suggest that Vespucci sailed along the northern Falkland coast[82], but this is uncorroborated by other sources. Bearing in mind the frequency with which islands were misplaced (and magnified in size) in early maps, Waldseemüller's islands could have been further north, maybe even Trindade which was mistaken for Ascension.

Later cartographers presumably copied Waldseemüller's data. For example, the *Circulus Antarcticus*, drawn by the Portuguese cartographer Pedro Reinel and dated to [1522], shows unnamed islands in the approximate position of the Falklands[83]. No record has been found of other voyages in the area whose journals could have provided the basis for new information, apart from Magellan's expedition the survivors from which only returned to Spain in September 1522. The most likely explanation is that Reinel but simply repositioned the "Insule delle Pulzelle".

Returning to Magellan, the French explorer André Thevet, in *Le grand insulaire et pilotage* (started in 1586 but never completed), described the "Isles des Géants...[ou] de Sansom" and stated that "the first to set foot on these islands were Portuguese who accompanied Ferdinand Magellan on his voyage"[84]. Thevet attached a large scale map which shows islands

whose outline could, with imagination, be interpreted as resembling the Falklands. However, no indication has been found in the earliest account of Magellan's voyage that Thevet's suggestion is correct. The Venetian Antonio Pigafetta, who accompanied Magellan, recorded their journey southwards along South America. He narrated their encounter with "Canibali who eat human flesh...one of them in stature almost a giant" at 34°20´ (the River Plate's latitude). Pigafetta records that the expedition continued southwards "on the same course toward the Antarctic Pole" as far as 49°30´ where they met a giant people called "Patagoni". Part of the fleet then mutinied. Pigafetta says that the ring-leaders were killed or put ashore in Patagonia before the fleet sailed into the Pacific[85]. No part of his narrative indicates that any of Magellan's ships sailed eastwards towards the Falklands, or that any mutineers escaped with a ship which passed the islands on its way back to Europe.

Thevet's "Iles de Sanson" or "Iles des Géants" appeared on various maps from 1529[86]. A more precise indication of their location is provided by another book by Thevet, his 1558 *Les Singularitez de la France Antarctique* which refers to exploration in 1534 of "the region named after the Giants...between the river Plate and the straits of Magellan"[87]. Thevet commented that "the inhabitants are very strong, named Patagonians in their language, Giant because of their height and build". His reference to giants in continental Patagonia suggests confusion with the islands on earlier maps. If that is correct, it may be coincidence that the positioning of the "Iles des Géants" reflected the actual position of the Falklands.

A further interesting point is raised by the name "Iles de Sanson". At first sight, this appears to refer to the biblical strongman ("giant"?), but Albert Markham (in 1880) suggested that the name was "evidently [an] abbreviation of Ascension" which is recorded "in the third volume of Hakluyt (1600 edition)"[88]. Hakluyt's heading reads: "A ruttier or course to be kept for him that will sayle from Cabo Verde to the coast of Brasil and along the coast of Brasil unto the River of Plate". He says that "and between Cabo Blanco and this harbour are the Islands of Ascension and they be eight"[89]. This brings us back to the confusion with Trindade and provides a further indication that Waldseemüller's islands were the misplaced Trindade group. The most likely conclusion is that no early maps recorded the Falklands, which were first sighted in the late 16th century as discussed in Chapter 11.

Changing Attitudes towards Discovery

A full discussion of the legal Doctrine of Discovery, developed in US jurisprudence in the early 19th century[90], is beyond the scope of this book. Judicial pronouncements traced the Doctrine's origins to the 1493 Papal Bull and its predecessors, an argument which ignored the dubious legal authority of the Bulls as discussed earlier. In addition, the Doctrine assumed that the first discovery of a territory was easily ascertainable, which the present review shows was clearly not always the case. In practice, the Doctrine has been applied by US courts mainly in cases involving the rights of indigenous peoples, which is largely irrelevant for the BOTs as in most cases there is little trace of earlier habitation as will be discussed in Chapter 2. Nevertheless, the development of the Doctrine demonstrates how attitudes towards discovery changed over the centuries.

Placing ourselves in the mind-set of the early 17th century, the scramble to colonise overseas territories generally ignored the nationality of the first discoverer, even if identifiable, other than when Spain raised the Papal Bull. As far as future BOTs were concerned, it was first-come-first-served, as will be seen in Chapter 3, and in the decades following the first plantations they were considered fair game for capture by competing powers, as the examples of Montserrat and the Virgin Islands show.

With the passage of time, the network of different national overseas settlements was tacitly acknowledged by other nations except in times of war, providing a legal foundation for their establishment based on precedent and general acceptance which proved more solid than first discovery. The process by which these overseas territories developed closely mirrored the evolution of modern nation states in Europe, gradually emerging from the patchwork of medieval territories without reference to anachronistic Papal pronouncements or arguments about first discovery.

The importance of identifying the first discoverer acquired greater significance as competition between European powers intensified in the 18th century, even when conclusive identification was impossible. The arguments raised by Spain, France and Britain in their struggle over the Falklands were flawed because of the impossibility of definitively pinpointing the islands' discovery. In other cases, the first discoverer was ignored throughout the territories' subsequent history, for example the Chagos Islands, disputed by the British and French (see Chapter 9) although discovered by the Portuguese.

Some supposed discoverers attracted hero status, with monuments erected to their memory. A prominently displayed plaque on Grand Turk

proclaims Columbus's landfall, despite the doubts concerning any link with the island. Supposed dates of discovery acquired new symbolism and a reason for celebrations which had little basis in fact, as illustrated by Bermuda's commemoration in 2005. In fact, little attention was paid to these newly discovered small territories or their discoverers in the years following their discovery, as shown in the next chapter.