

**NORWAY “MUST REALLY DROP THEIR ABSURD
CLAIMS SUCH AS THAT TO THE OTTO SVERDRUP
ISLANDS.” BI-POLAR INTERNATIONAL DIPLOMACY:
THE SVERDRUP ISLANDS QUESTION, 1902-1930.**

by

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BA, Simon Fraser University 2004

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Til Mamma og Pappa

To Kimberly Dawn

*And a huge thanks to all my Canadian Friends whom
were neglected as I wrote these pages.*

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INTRODUCTION

“The best course would be to tell the Norwegian Government that we observed that they were apparently adopting the policy of staking out claims all over the world; that the last example of this policy was the annexation of Jan Mayen Island, that with regards to this Island there were certain grounds on which we could make trouble if we wanted to; we should prefer not to raise them but if we were not to do so they must really drop their absurd claims such as that to the Otto Sverdrup islands.”

Laurence Collier, 13 May 1929.

By Order-in-Council of 31 July 1880, “all British territories and possessions in North America, not already included within the Dominion.... and all islands adjacent to any such territories or possessions....with the exception of the Colony of Newfoundland and its dependencies....” were transferred to the Dominion of Canada.¹ Until 1895, little was done to consolidate or administer these vast northern territories; however, in that year a Dominion Order-in-Council created the four provincial districts of Ungava, Yukon, MacKenzie and Franklin. The last named was of ‘indefinite extent’ but included the Arctic Archipelago.² On paper, at least, Canada had by 1895 added a northern dimension to the development of the Dominion, which had hitherto been concerned with western expansion.

The Second Norwegian Polar Expedition of Otto Sverdrup from 1898 to 1902 would, however, demonstrate that these paper claims to Canadian sovereignty in the Arctic were utterly inadequate in protecting the territories for the Dominion. During his four years in the Arctic Sverdrup and his men

identified several islands previously unknown to Europeans, including Axel Heiberg Island, the two Ringnes Islands, and Prince Christian Island. As well, they mapped the entire western coast of Ellesmere Island, with

¹ Great Britain, Imperial Order-in-Council 31 July 1880, The Court at Osborne House, Isle of Wight, Shelagh D. Grant, *Sovereignty or Security? Government Policy in the Canadian North, 1936-1950* (Toronto: McClelland and Stewart, 1988), 5.

² Gordon W. Smith, *The Historical and Legal Background of Canada's Arctic Claims* (Ph. D. diss., Columbia University, 1952), 152.

the exception of Greely and Tanquary fiords. Overall they charted 2,800 km of coastline, in addition to scientific observations.³

In his book *New Land* (1904), Sverdrup claimed all the land discovered and mapped “in the name of the Norwegian King,” with the exception of the Ellesmere Island coastline, a total approximate area of one hundred thousand square miles.⁴

Although Norwegian occupation of the islands Sverdrup discovered never followed, his claim remained a serious problem for the growing Canadian initiatives to fend off foreign encroachments and to halt American and Danish attempts to undermine Canadian sovereignty in the Arctic from 1902 onwards. Not until 1930 did Norway officially acknowledge Canadian sovereignty over the Sverdrup Islands and this acknowledgement was only achieved after Canada awarded Otto Sverdrup a grant of \$67,000. In addition, Canada gave Norway assurances about the possibility of economic exploitation of the Islands’ resources and Britain acknowledged Norwegian title to Jan Mayen Island.

Between 1920 and 1930 the major outstanding questions of title in both the Arctic and Antarctica were addressed and solved mainly through diplomatic channels. Arctic and Antarctic policies were intrinsically connected as political moves in either of the continents could, and did, develop legal precedents in the wider bi-polar context. The Sverdrup Islands case, therefore, was not simply a separate bilateral issue between

³ Lyle Dick, *Muskox Land: Ellesmere Island in the Age of Contact* (Calgary: University of Calgary Press, 2002), 218.

⁴ T. C. Fairley ed., *Sverdrup’s Arctic Adventures: Adapted from “New Land: Four Years in the Arctic Regions” by Norwegian Explorer Otto Sverdrup* (London: Longmans, 1959), 261. See appendix four for a map of the Sverdrup Islands.

Norway and Canada. Rather, it was intertwined in the larger issues concerning British and Norwegian title in the polar regions.⁵

The polar regions played an important role in the perception of the national destiny of Canada, Norway and Britain between 1920 and 1930. The final agreement over the Sverdrup Islands reflected these national and imperial aspirations. More importantly, the agreement is best described as a solid compromise where the mutual self-interest of the involved parties worked to solidify the expansive policies in the polar regions undertaken by Canada, Norway and Britain during the years of polar imperialism from 1920-1930.

Norwegian acknowledgement of Canadian sovereignty over the Sverdrup Islands in 1930 served as a fundamental illustration of Canada's growth as an independent nation in the years between the Imperial Conference of 1926 and the passage of the Statute of Westminster in 1931. During the negotiations over the Sverdrup Islands, O. D. Skelton successfully opposed British attempts to make these Islands a pawn in the larger British process of thwarting Norwegian challenges to the British plan of adding the Antarctic continent to the Empire.

Skelton skilfully managed to conclude negotiations with both Sverdrup and Norway without challenging the understanding that the Sverdrup Islands had, in the 1920s, due to Norway's failure to occupy the islands, been definitely included within Canadian jurisdiction. Pivotal to this success was Skeleton's unwillingness to

⁵ The period between 1900 and 1930 saw what O. G. Skagestad refers to as "the various elements and facets of polar politics and policies viewed in the context of the dynamic process which concerns the establishing of orderly political and legal conditions – including, above all, regulations of sovereignty- and jurisdiction –status- in the formerly unregulated territories on the Earth's 'Frozen Frontiers'". Odd Gunnar Skagestad, *Norsk Polar Politikk: Hovedtrekk og Utviklingslinjer, 1905-1974* (Oslo: Dreyers Forlag, 1975), 298-301. For a chronological overview of some of these developments see appendix I. Although Skagestad is primarily concerned with the polar politics of Norway, he holds that "to a greater or lesser extent the occurrence of such 'developmental phases' is reflected in the politics and policies of all countries which have been politically involved in polar developments." 301. The term 'Frozen Frontier' is somewhat problematic in relation to Canadian expansion in the Arctic. The progress of Canadian jurisdiction in the Arctic was also a colonial enterprise resulting in the fact that Canada, in geographic terms, is the largest colonizing power in the contemporary world. "The Yukon, Northwest Territories and Nunavut are all colonies of the federal state, and even with recent important steps toward regional autonomy, they remain subject to Ottawa's control." Kerry Abel and Ken S. Coates, "Introduction" in Abel and Coates eds. *Northern Visions: New Perspectives on the North in Canadian History* (New York: Broadview Press, 2001), 10-11.

compromise on the Order-in-Council that had established the legal jurisdiction of the Arctic Islands Game Preserve in 1926.

The real *quid pro quo* for Norway was Britain's recognition of Norwegian sovereignty over Jan Mayen Island combined with a Canadian assurance of fishing and hunting rights on the Sverdrup Islands. While the latter had no practical importance, it served to satisfy public opinion and pressure groups in the Norwegian domestic context. For Britain, the Sverdrup Islands agreement served as the conclusive piece in a decade-long process to reach final agreements on the outstanding sovereignty questions between Norway and Britain in the bi-polar context. Having adequately satisfied the Norwegian need for expansion, Britain could work to solidify its Antarctic Empire.

As a result, the intricate compromise reached over the Sverdrup Islands in 1930 involved no transaction or sale of territory at any level of the agreement. Rather, it represented a solidification of already existing claims and policies in the bi-polar context that served to further the expansionist, colonial and imperial imperatives of the involved parties.

Foreign policy, according to B. J. C. McKercher and Lawrence Aronsen, is best understood "as a complex interplay between domestic politics and international developments-or as, some would have it, structural determinants." However, "it is still shaped and influenced by people."⁶ Although individuals predominantly shaped the Sverdrup Islands agreement, the process of reaching this agreement was dominated by the special place the polar regions commanded in the various perceptions of national imagination in Canada, Britain and Norway.⁷

In Canada, the ability to assert sovereignty over the Sverdrup Islands became reflective of Canada's determination to assert itself as an independent player in the North Atlantic Triangle. The Sverdrup Islands issue, therefore, became another illustration of how "during the post-war years the road of Canadian autonomy rose quickly from the

⁶ B. J. C. McKercher and Lawrence Aronsen, eds. "Introduction" in The North Atlantic Triangle in a Changing World: Anglo-American-Canadian Relations 1902-1956 (Toronto: University of Toronto Press, 1996), 4.

⁷ Benedict Anderson, Imagined Communities: Reflections on the origin and Spread of Nationalism 2nd ed., (New York: Verso, 1991) Nation states are seen by Anderson as imagined communities.

valley of colonialism.”⁸ For Britain, Antarctic exploration and expansionism “resonated in a society beset with anxieties about national decline.”⁹ To ardent imperialists the prospects of Imperial expansion in Antarctica functioned as an outlet to once again demonstrate the strength and virility of the British Empire. Norway, in the 1920s and 1930s, is best viewed as an example of what Aristotle A. Kallis describes as a latecomer. Only independent since 1905, the perception in Norway was that “they had started from a territorially underprivileged position” and therefore experienced “a growing domestic pressure for establishing a commanding role in the international system.”¹⁰ The bi-polar sphere of the international system provided Norway with a source of perceived or imagined national redemption after more than five hundred years under foreign rule.

The ability to reach a compromise over the Sverdrup Islands that linked the polar aspirations of Canada, Britain and Norway, was a manifestation of the idea that power is relative not absolute. As David Reynolds points out, the sources of power “are intangible as well as tangible. What matters is not abstract rankings of great powers but the complex balance of forces in each particular power relationship.”¹¹ The bi-polar sphere of international relations produced a situation where the greater power of Britain, and thus Canada, was dominant, not paramount. Thus, the interests of minor powers, most importantly Norway, were partially accommodated to safeguard wider British and Canadian economic and strategic interests.

⁸ Hugh L. Keenleyside “Introduction” in The Growth of Canadian Policies in External Affairs (London: Cambridge University Press, 1960), 8. This process can be seen through the separate Canadian signature of the peace treaty in 1919, the Canadian insistence on the abrogation of the Anglo-Japanese Alliance, the refusal to support Britain in the possible war against the Turks in 1922, the independent signature of the Halibut treaty with the U.S. in 1923, the refusal to be bound by the Locarno Treaty, the establishment of a Canadian diplomatic service in 1927-28, the Balfour Report and its implementation as the Statute of Westminster in 1931.

⁹ Max Jones, The Last Great Conquest: Captain Scott’s Antarctic Sacrifice (Oxford: Oxford University Press, 2003), 12.

¹⁰ Aristotle A. Kallis, “Expansionism in Italy and Germany between Unification and the First World War: On the Ideological and Political Origins of Fascist Expansionism.” European History Quarterly 28, no. 4 (October 1998), 440. Although Norway was not a fascist state in this period, the dynamic of Norway’s Polar expansionism fits within the framework of Kallis’ argument.

¹¹ David Reynolds, Britannia Overruled: British Policy and World Power in the 20th Century (London: Pearson Education, 2000), 5.

Max Jones has pointed out that British “historians have largely left the realms of ice to polar specialists.”¹² In Canada, historians have been “just as silent on the subject of northern territorial acquisition and administration.”¹³ There are, of course, notable exceptions and most recently, Lyle Dick’s Braudelian account of Ellesmere Island stands out as a monument to remind Canadians of the Arctic’s place in Canadian history.¹⁴ In Norway, the polar regions have been substantially more prominent in the historiography, and the polar dynamic of Norwegian foreign policy continues to receive attention.¹⁵

In the discipline of international history, the Sverdrup Islands have received only nominal attention.¹⁶ Gerald Kenney has most recently argued that Canada essentially purchased the Sverdrup Islands in a thinly disguised cash-for-land deal aimed at maintaining the appearance of unchallenged Canadian control over its northern frontier.¹⁷ In the beginning of the 1950s T. C. Fairley argued in similar terms that “Sverdrup’s territorial claim might have been a just one” and that the grant paid to Sverdrup was from

¹² Jones, The Last Great Conquest, 8. Among these polar specialists are political scientists who have developed a strong interest in the International Regime of Antarctica. A recent example of such work is Sanjay Chaturvedi, The Polar Regions: A Political Geography (New York: John Wiley & Sons, 1996) However, readers will search in vain for any substantive account of British Imperialism in Antarctica from 1900-1945. The post-war period and British policies towards Argentina with regards to the Falkland Islands Dependency has been covered by K. Dodds, Pink Ice: Britain and the South Atlantic Empire (London: IB Tauris, 2002)

¹³ Abel and Coates, “Introduction” in Northern Visions, 11.

¹⁴ Dick, Muskox Land, The northern dynamic of Canadian history has also been addressed in more general terms by Morris Zaslow in The Opening of the Canadian North: 1870-1914 (Toronto: McClelland and Stewart Ltd, 1971) and The Northward Expansion of Canada 1914-1967 (Toronto: McClelland and Stewart Ltd, 1988)

¹⁵ The Polar Regions in Norwegian political and economic history has been covered extensively in three major works. The most recent of these is the three volume study by Einar-Arne Drivenes and Harald Dag Jølle, Norsk Polar Historie (Oslo: Gyldendal Forlag, 2004) Of equal importance are Odd-Bjørn Fure, Norsk Utenrikspolitikks Historie, Mellomkrigstid: 1920-1940 (Oslo: Universitetsforlaget, 1996) and Skagestad, Norsk Polar Politikk. Because Norway pursued policies in both Antarctica and the Arctic in this period these works have to different degrees pointed out the immediate connections that identify the bi-polar context of international relations in this period. This thesis pioneers this perspective in relation to the historic development of Canadian sovereignty in the Arctic.

¹⁶ S. D. Grant offers a very useful thesis in relation to Canadian policies in the interwar years. Grant argues that Canadian government policy appeared “inconsistent: at times somewhat laissez-faire, but quite reactive when faced with possible challenges to sovereign authority,” Shelagh D. Grant, Sovereignty or Security?, 3. Arguably Grant underestimates the strategic value of the Arctic in relation to the larger process of manifesting Canadian autonomy in international relations in the inter-war period. Nancy Fogelson has covered the extensive role of modern aviation and exploration in the Arctic in this period, but her analysis has little reference to the specific issues concerning the Sverdrup Islands. Nancy Fogelson, Arctic Exploration and International Relations, 1900-1932 (Fairbanks: University of Alaska Press, 1992)

¹⁷ Gerard Kenney, “Canada and Norway Negotiate” in Ships of Wood and Men of Iron: A Norwegian-Canadian Saga of Exploration in the High Arctic (Regina: Canadian Plains Research Center, 2004), Chapter 13 and especially 125-128.

the Canadian point of view “a rather embarrassing duty.”¹⁸ More importantly, these arguments were constructed in an effort to induce further commitment by the Canadian Government in the Arctic.¹⁹

These conclusions cannot be deemed adequate. As early as 1952 Gordon W. Smith argued that the agreement over the Sverdrup Islands “did not involve a transfer of territory but rather express denial that Norway claimed the islands in question.” Further, the Canadian payment to Sverdrup “cannot either be considered to have involved any cession on Norway’s part.”²⁰ Smith’s argument, therefore, will have to be revisited. Canadian sovereignty over the Sverdrup Islands in the 1920s was much more secure and tangible than Kenney and Fairley conclude.

The Norwegian, Canadian and British sources used for this thesis have helped to situate the Sverdrup Islands case within the broader bi-polar context of international relations between 1900-1930.²¹ Thus, the importance of Jan Mayen, Antarctica and, indeed, Britain has been emphasised. These important elements have previously been ignored when the question of Canadian sovereignty over these Islands has been addressed. On several occasions, as this thesis will illustrate, Antarctic developments directly effected the negotiations over the Sverdrup Islands and had bearing on the legal standing of these Islands in the Arctic. Thus the solid compromise over the Sverdrup

¹⁸ T. C Fairley, Sverdrup’s Arctic Adventures, 291. Neither Fairley or Kenney mention the role of Jan Mayen or Britain in relation to the Sverdrup Islands question and these elements seems to have been completely overlooked in the historiography in general.

¹⁹ In the epilogue in Kenney’s book, George D. Hobson, former Director of the Polar Continental Shelf Project argues “[W]e all know that popular maxim, ‘use it or loose it.’ In its complacency this is what Canada has not yet learned. It would be dangerous not to pay attention to history. Effective occupation has to be demonstrated. Much has to be done to achieve effective use and occupation not only of the land, but also waters. This will take serious government commitment and involvement.” Kenney, Ships of Wood, 130. The recent Canadian military exercises and presence in the Arctic should be seen as an illustration of this idea.

²⁰ Smith, The Historical and Legal Background of Canada’s Arctic Claims, 289.

²¹ The documents concerning the Sverdrup Islands in the National Archives of Canada were restricted. Despite several attempts to get access to these permission was not granted in time for such research to be done. Nevertheless, Norwegian and British archives have provided sufficient material in order to proceed with confidence about primary sources needed in this thesis. As Canada had no diplomatic relations with Norway at this time, British and Norwegian sources have provided previously unpublished and important information on the concluding phases of the Sverdrup Islands negotiations which were conducted through the British Legation in Oslo. In addition, British documents from the Foreign Office and the Dominion Office has further illustrated the previously ignored connection between Imperial policies in Antarctica and the Sverdrup Islands question. The Norwegian sources on the Arctic and Antarctica used in this thesis have in general been well known to Norwegian historians; however, this thesis seems to offer the first written attempt to use these in conjunction with British and Canadian sources. In this thesis the titles of the Norwegian sources have not been translated but the author has translated all quotes from them.

Islands reached in 1930 cannot be understood if the agreement itself, or Canadian polar politics, are not seen within the context of the larger issues concerning British and Norwegian interests in the bi-polar context of the same period. By applying this wider perspective this thesis offers new and important insight on the historical development of Canadian sovereignty in the Arctic Archipelago.

CHAPTER ONE: THE ORIGINS AND PROGRESS OF CANADIAN SOVEREIGNTY OVER THE SVERDRUP ISLANDS, 1900-1930

Introduction:

The transfer of the British Arctic territories to Canada in 1880 provided for nothing more than symbolic Canadian jurisdiction over these indefinite Arctic territories. According to a Colonial Office official the original British motivation for this action was to “prevent the United States from claiming them, not from the likelihood of their proving of any value to Canada.”¹ The assumption was that there existed “an unchallenged British claim to Ellesmere Land and its dependencies, based on the original discovery of that territory by Commander Nares, who hoisted the British flag on it in four different places in 1876.”²

In the twenty-three years that followed the Order-in Council of 1880, not a single Canadian, at least officially, traveled farther north than the entrance to the Davis Strait.³ By the turn-of-the-century Canada had done nothing to solidify or secure the British claims for which it was administratively responsible. The passive Canadian attitude towards its most northern territories changed between 1902 and the beginning of the Great War due to the increasing activities of American hunters, whalers, sealers and explorers in the Arctic. More importantly, in light of the results of the two major Norwegian expeditions conducted by Amundsen and Sverdrup in the Arctic Archipelago,

¹ Gordon W. Smith, Territorial Sovereignty in the Canadian North: A Historical outline of the problem, (Ottawa: Northern Science Research Division, Department of Indian Affairs and Northern Development, 1971), 5. See also Grant, Sovereignty or Security?, 5.

² Laurence Collier, “Confidential Memorandum Respecting Territorial Claims in the Arctic to 1930.” Foreign Office, 10 February 1930, 10, National Archives, London [Henceforth, NA], FO 337/96, [Henceforth “Territorial Claims in the Arctic to 1930”]

³ T. C Fairley, Sverdrup’s Arctic Adventures, 275.

Canada was forced to address its lack of administration of the Arctic areas it was supposed to control.⁴

The assumption of an unchallenged British or Canadian claim to the high Arctic would serve as the main foundation of the Canadian attitudes towards the United States, Denmark and Norway in the following three decades of dispute concerning the international status of these territories. However, the Canadian claim would gradually be strengthened by the developing theory of the sector principle, exploration and increased activities of the North West Mounted Police (RCMP, from 1919 onwards) and finally the development of jurisdictions implemented to secure foreign compliance with the Canadian claims. As a result, by the late 1920s, the Canadian claim to the Sverdrup Islands was more solid than the Norwegian claim. Canada had apparently created an administrative system that seemed sufficient to halt other foreign encroachments in the region. This chapter therefore outlines the foundations of the Canadian policies and motivations that were manifested in the later negotiations over the title to the Sverdrup Islands.

International law and acquisition of polar territories 1900-1930

During the height of polar imperialism in the 1920s, diplomatic discussions on the legal validity of territorial acquisitions in these regions intensified. Internationally, no clear consensus existed: The academic debate on the subject was highly politicized as many of the governments involved commissioned academic research which, not surprisingly, seemed to support the policies of those who paid for it.⁵

Britain, the leading force in polar exploration in the nineteenth century, advocated a policy in which discovery of new land, and the subsequent claim to it, led to so-called

⁴ In 1906 Roald Amundsen completed the first navigation of the Northwest Passage and succeeded in the task the Royal Navy had failed to do in the two preceding centuries. Amundsen did not claim any land for Norway, but some of the unknown coast of Victoria Island was mapped on the way and his expedition was carried out with no regard for any considerations of Canadian sovereignty in the region. L. H. Neatby, Conquest of the Last Frontier (Toronto: Longmans, 1966), 295-321.

⁵ Examples of such work are, in Norway, Gustav Smedal, Acquisition of Sovereignty over Polar Areas (Oslo: Gyldendal Forlag, 1931); in the United States, David Hunter Miller, "Political Rights in the Arctic," Foreign Affairs no.4 (1925), 47-60, in the Soviet Union, W. Lakhtine, "Rights over the Arctic" The American Journal of International Law vol. 24, no 4 (1930), 703-717. Although a little later, V. K. Johnstone, "Canada's Title to the Arctic Islands," Canadian Historical Review, XIV (1933), 24-41, is a good summary of the Canadian position in the 1920s.

inchoate title. Over time, if this inchoate title was not challenged by other powers, these lands were seen as safely secured. Britain, therefore, emphasized the element of discovery in asserting rights over the polar regions. This is, of course, why Britain could transfer its Arctic 'territories' to Canada in 1880 and why members of the Royal Geographic Society in 1903 acknowledged that Otto Sverdrup had special rights attached to his discoveries in the Arctic Archipelago.

From the turn of the century, as international competition over polar lands and resources intensified, it became clear that the British system of paper claims was utterly insufficient in maintaining or claiming sovereignty in the polar regions. Serious disagreements emerged over how long inchoate title to a territory could be held before it lapsed. In order to avoid foreign encroachments a system of 'effective occupation' had to be initiated to create full title over the territories claimed. The international debate in the 1920s was predominantly concerned about defining what effective occupation in the polar regions entailed.

Britain continued to assert the importance of discovery, arguing that this gave 'special rights' in association with the claimed polar territories. But, from 1908 onwards Britain now also applied the sector principle in Antarctica. In 1931 Gustav Smedal defined

[T]he sector principle as a geographic feature that has the shape of an ordinary piece of a circular pie. A polar sector is a region of similar shape, with either the North Pole or the South Pole at the center of the circle, with two meridians of longitude forming the two radii, and usually with either a parallel of latitude or an irregular territorial coastline as the arc of the circle.⁶

Britain argued that the special meteorological and physical conditions in the polar regions made it impossible to effectively occupy the entirety of a polar claim. A sector claim, coupled with official annexation and the development of administrative jurisdictions creating a system of control of foreign activities such as Norwegian whaling within the claimed territory, was sufficient.⁷

⁶ Gustav Smedal, Acquisition of Sovereignty over Polar Areas (Oslo: Gyldendal Forlag, 1931), 94. See appendix three for examples of sector claims in Antarctica.

⁷ Collier, "Territorial Claims in the Arctic to 1930," 10 February 1930, 2, NA, FO 337/96. The Soviet Union's policy was similar to the British and in 1926 they claimed a sector in the Arctic.

In the 1920s the United States did not accept any sovereignty claims in Antarctica, asserted limits to claims in the Arctic and formulated a strict definition of the steps necessary to achieve sovereignty in the polar regions. Formalized in the Hughes Doctrine in 1924, this definition asserted that effective sovereignty in the polar regions was almost impossible to achieve. Effective occupation, and more importantly, the proper use of land in these regions was not feasible. The polar regions were frontiers and unless the land was effectively 'tamed,' no sovereignty could be achieved. In consequence, the United States rejected both the special rights associated with discovery and the legal validity of the sector principle.

Norway like the United States, opposed the sector principle, but did at the same time embrace special rights associated with discovery in the Antarctic context. In the Arctic, Norway usually asserted that occupation was necessary in order to claim sovereignty but inconsistently claimed the Sverdrup Islands based on discovery.

Canada had initially inherited the system of British paper claims based on discovery but when faced with American, Danish and Norwegian encroachments it was forced to apply a hybrid policy in the Arctic. Canada continued to claim special rights to the Arctic Archipelago based on the discoveries of the earlier British expeditions, but this policy was coupled with the application of the sector principle, administrative law and what was to become perhaps the most solid attempt at occupation in the Arctic context. Despite continuous American reservations and attempts to undermine Canadian sovereignty, Canada's policies became very effective throughout the 1920s.

The different strategies used in the assertion of sovereignty in the polar regions illustrated the importance attached to achieving international recognition of the lands claimed. Acknowledgement of sovereignty was, indeed, more cost effective than having to embark on expensive occupation policies to secure these territories. This element was integral to the compromise reached over the Sverdrup Islands.

From exploration to sovereignty in the Canadian Arctic

The development and outcome of the Alaska boundary dispute in 1903 raised serious concerns in Canada about American imperialism on the North American

continent.⁸ These were only reinforced by the repeated attempts of American explorer R. E. Peary to reach the North Pole in this period. Using Ellesmere Island as his base, Peary seemingly succeeded in 1909 and claimed the pole and the 'entire adjacent area' for the United States.⁹ Although Peary's claim never received any official support from the State Department, he never stopped seeing his exploration as part of the United States' "ultimate destiny to occupy that portion of the western hemisphere lying between the Panama Canal and the North Pole."¹⁰

Another major source of concern for the Canadian government was the uncontrolled and often lawless actions of American whalers in both Hudson Bay and the Beaufort Sea. Apart from the apparent free hand these Americans granted themselves in depleting Canadian natural resources, there was concern about "suspected debauchery and misuse of Eskimos in both areas."¹¹ The American presence in the Arctic was thus a major challenge to the idea of Canadian sovereignty over the Archipelago. The original motivation of the Colonial Office in 1880 to annex the Arctic Islands to Canada in order to 'prevent the United States from claiming them,' seemed in the first decade of the twentieth century to be in jeopardy.

The weakness of Canadian control was further illustrated in late April 1903 when Otto Sverdrup visited the Royal Geographical Society in London. At the meeting, Admiral Sir Leopold McClintock argued that after the Sverdrup Expedition Britain "no longer could look for any immediate increase to the British Empire" in these regions of the Arctic.¹² At a meeting in May 1903, the Society's President, Sir Clements Markham, commented on Sverdrup's expedition:

[T]he gap, which I had longed to see undertaken, has thus at length been filled up. On either side are the English discoveries with English names, while wedged between them are the Norse discoveries and the Norse

⁸ Margaret Conrad and Alvin Finkel, History of the Canadian Peoples Vol. I (Toronto: Copp Clarke, 2nd ed., 1998), 69.

⁹ Nancy Fogelson, "Robert E. Peary and American Exploration in the Arctic 1886-1910," Fram: The Journal of Polar Studies, Vol. 2, Part 1 (1985), 137.

¹⁰ New York Times, June 7, 1913. Also quoted in Nancy Fogelson, Arctic Exploration & International Relations, 39.

¹¹ Smith, Territorial Sovereignty in the Canadian North, 7. For impact of American whaling see also Grant, Sovereignty or Security?, 10-11.

¹² T. C Fairley, Sverdrup's Arctic Adventures, 263. McClintock made a name for himself when he discovered the fate of the Franklin Expedition on King William Island in 1858. Jones, The Last Great Conquest, 19.

names in the gap, names reminding us of the old West Bygd and East Bygd of Greenland. This interlacing of Norwegian and English discoveries, and of English and Norwegian names, is emblematic of kindred origins, and of the close ties of friendship uniting these two countries.¹³

Markham did not seem to oppose the idea of having Norway as a neighbor in the 'Canadian' Arctic. Sverdrup's claim thus appeared to have the potential, if it was officially sanctioned by the Swedish King, to be equal to if not stronger than the British-Canadian claims to the loosely-described and ill-defined Ellesmere Land.¹⁴ Sverdrup had conducted a thorough exploration of the group of Islands that would bear his name and on his return to Oslo in 1902 he began to work towards an official Norwegian annexation of them.¹⁵

The initial lack of interest by Norwegian authorities, in the years immediately following Sverdrup's discoveries, was not repeated in Canada. The "Canadian government increasingly realized that historical paper claims to land were a poor substitute for effective occupation."¹⁶ With the publication of Sverdrup's account and claim in 1904, the Toronto branch of the Navy League brought it to the attention of the Secretary of State in Ottawa.¹⁷ It was decided in Ottawa to take no official notice of Sverdrup's action in view of the absence of any formal claim by the Norwegian government. However it was decided to continue on the

¹³ Sir Clements R. Markham, "Address to the Royal Geographical Society, 1903," The Geographical Journal, No. 1, Vol. XXII, July 1903, 8. Markham was familiar with the Arctic as he had partaken in a Royal Navy expedition to the Arctic in 1850-1.

¹⁴ Until October 1905 Norway was in Royal and political union with Sweden.

¹⁵ For more on this personal struggle see: Per Egil Hegge, Otto Sverdrup Aldri Rådløs (Oslo: J. M. Stenersens Forlag A/S, 1996), 191-96. Sverdrup first notified King Oscar of Sweden and Norway about his claim in the fall of 1902. Sverdrup next approached the new Norwegian Foreign Ministry shortly after Norwegian independence in 1905 but this new and inexperienced government office did not have the capacity or interest to pursue the issue. As a result, Sverdrup would start a life long and personal campaign in order to gain official recognition of his claim by the Government of Norway.

¹⁶ D. Judd, "Canada's Northern Policy: Retrospect and Prospect," Polar Record Vol. 14, (1969), 593-602 and Peter Schledermann, "The Muskox Patrol: High Arctic Sovereignty Revisited" Arctic, vol. 56, no. 1, (March, 2003), 2. In 1903 police authority was established on Herschel Island in the western Arctic and in the spring of that year the *Neptune* expedition sailed north under the command of A. P. Low. These initial forays by the Canadian government did, of course, nothing to counter the Norwegian claims in the eastern or high Arctic and pressure was mounting on the Government to take action also in these regions. See G.W., Ross, "Canadian Sovereignty in the Arctic: The Neptune Expedition of 1903-04." Arctic Vol. 29, no. 2, (1976), 87-104.

¹⁷ Collier, "Territorial Claims in the Arctic to 1930," 10 February 1930, 10, NA, FO 337/96.

assumption of an unchallenged British claim to Ellesmere Land and its dependencies, based both on the original discovery of that territory by Commander Nares,..., and on the Order-in-Council of the 31st July, 1880, and meanwhile to extend Canadian occupation by visits of Government exploring parties and patrols of the North-West Police, until it became effective over the whole area.¹⁸

The problem of course with both the Order-in-Council of 1880 and the Dominion Order-in-Council of 1895 was that they did not specify the Sverdrup Islands as part of the dependencies of Ellesmere Land nor could it be said that the indefinite clause in relation to the Franklin district set out in 1895 would stand if the Norwegian government decided to follow up Sverdrup's claim.

The task of securing Canadian sovereignty in the eastern Arctic would fall to perhaps the greatest of the Canadian mariners in the twentieth century, Captain J. E. Bernier, who led extensive expeditions in the Eastern Arctic in 1904-1905, 1906-1907, 1908-1909, 1910-1911 and finally in 1923-25.¹⁹ In contrast to former expeditions in the Arctic, Bernier's expeditions were of a purely political character and officially sanctioned by the Canadian government. During the 1906 expedition the official historian attached to the patrol declared:

This time the purpose of the expedition would be, at last, to take official possession, in the name of Canada, of that great heritage so graciously given to us by England more than twenty years ago, a territory which today is very much prized by foreign nations. Let us remember the boundaries of Main, the West and Alaska.²⁰

In the western Arctic the identical task was given to the later highly controversial explorer Vilhjamur Stefansson who between 1913 and 1917 set out on several expeditions. On 15 June 1916, he erected a cairn on Meighen Island and on 20 July Stefansson and his men became the first Canadians to officially reach the Sverdrup Islands when they landed on the southern tip of Ellef Ringnes Island.²¹ Although

¹⁸ Collier, "Territorial Claims in the Arctic to 1930," 10 February 1930, 10, NA, FO 337/96.

¹⁹ For an account of these expeditions see: Captain J. E. Bernier, Master Mariner and Arctic Explorer: A Narrative of Sixty years at Sea from the Logs and Yarns (Ottawa: Le Droit, 1939)

²⁰ Yolande Dorion-Robitaille, Captain J. E. Bernier's Contribution to Canadian Sovereignty in the Arctic (Ottawa: Indian and Northern Affairs, 1978), 46.

²¹ For an account of Stefansson's expeditions see: Richard J. Diubaldo, Stefansson and the Canadian Arctic (Montreal: McGill-Queen's University Press, 1978) also Peter Schlederermann, "The Muskox Patrol," 2.

Stefansson reached the most southern part of the Sverdrup Islands, neither he nor Bernier would reach the main component of the Sverdrup Islands, Axel Heiberg Island, during their numerous expeditions prior to 1920. The expeditions symbolized a credible Canadian presence in the Arctic; however, they did not constitute acts of occupation, which under international law were needed to gain a clear title to any territory. It was a beginning but the Canadian government was still faced with the problem of the deficiencies of the aged Orders-in-Councils in any attempt to counter the potential Norwegian claim to the Sverdrup Islands.

The sector principle

A possible answer to these deficiencies gradually developed in the form of the theoretical application of the sector principle. In February 1907 in a debate in the Canadian Senate, Senator Pascal Poirier proposed this principle as a source of justification for Canadian sovereignty over the Arctic Archipelago.²² Although the Senate did not adopt the principle officially at the time, it later “became official in virtually every respect except that it was not incorporated in statute.”²³

The first and most powerful illustration of this gradual process came during a ceremony on 1 July 1909, at Melville Island, when Captain Bernier claimed for Canada “all islands and territory within the degrees 141 and 60 west longitude, and as far north as 90 degrees, that is to say the North Pole.”²⁴ It was clear then that this claim was founded on rather shaky and purely theoretical grounds. However, Bernier and the Canadian

²² Dominion of Canada, Senate Debates (February 20, 1907), 266-73. For the geographical location of Ellef Ringnes Island see appendix four.

²³ Smith, The Historical and Legal Background of Canada's Arctic Claims, 337.

²⁴ J. E. Bernier, Master Mariner and Arctic Explorer, 343-4. On this day a ceremonial tablet was unveiled “proclaiming Canadian sovereignty over the whole archipelago on the sector principle.” Bernier’s claim followed the lines of Poirier’s proposal to the Senate in 1907. It is clear that Bernier and Poirier were good friends and allies in their joint effort to get the Canadian Government to adapt the sector principle in the Arctic. Although the Canadian Government at the time did not officially support Bernier’s sector claim, they did nothing to refute it. Zaslow, The opening of the Canadian North, 266. It is also clear that Canadian authorities were divided regarding the legitimacy of the sector principle. “Officials in the Department of the Interior favored the sector approach to sovereignty, according to which the planting of a flag in the region would enable a country to assert its rights to all lands lying in that geographical sector on a line to the North Pole. However, officials of the Departments of Justice and External Affairs took a contrary view that only through demonstrating effective occupation would Canada’s claim be upheld in international circles.” Dick, Muskox Land, 269. Canadian policy came to reflect this disagreement, and the end result was an official embrace of both policies after 1925.

government that gradually came to embrace Bernier's claim were not acting alone in the application of this theory. In 1908 Great Britain had claimed, by Letters Patent, a sector in the Antarctic, named the Falkland Island Dependencies, although non-British citizens had discovered part of the coast claimed.²⁵ When these claims were published on 1 September 1908, they did not appear to have evoked any protest from other powers.

The British sector in Antarctica was therefore similar to Bernier's in the Arctic in that they both contained land discovered by other nations. Norway did not officially protest against the British sector claim in Antarctica and therefore accepted the *claim de facto*, if not in *principle de jure*.²⁶ Bernier's claim in the Arctic did, however, result in a direct objection by Otto Sverdrup who wrote to the Norwegian Ministry of Foreign Affairs demanding to know "what was going to be done to save the Sverdrup Islands for Norway." Sverdrup added that he "found the Canadian action outlandish considering that the Canadian government only a short time after our maps were published, fully equips and finances an expedition, whose purpose it is to claim the very same land that Norwegians just recently have discovered, mapped and claimed for Norway."²⁷ Sverdrup received no official reply to his letter and the Norwegian government did not object to Bernier's actions. This was not a pressing issue since the Canadian Government did not, at the time, formalize Bernier's claim in any official statute. It should also be noted here that newly independent Norway was perhaps not too interested in forwarding claims that could instigate a possible conflict with Britain. At the time no clear Norwegian policy existed in relation to the polar regions and the Ministry of Foreign Affairs was a young

²⁵ Collier, "Territorial Claims in the Arctic to 1930." FO, February 10 1930, 1, NA, FO 337/96. British Royal Letters patent on 21 July, 1908, Britain claimed "all islands and territories whatsoever between 20 and 50 degrees west longitude, south of 50 degrees south latitude, and between 50 degrees and 80 degrees west longitude, south of 58 degrees south latitude." Chaturvedi, The Polar Regions: A Political Geography, 64. See appendix 3, (British claim).

²⁶ Skagestad, Norsk Polar Politikk, 43. The British decision to claim the Falkland Islands Dependency was triggered by the increased Norwegian whaling activities in the Antarctic. In 1904 Norwegian whaler C. A Larsen built a whaling station at Grytviken at South Georgia Island. After Norwegian independence in 1905 the newly appointed Norwegian charge d'affaires in London, J. Irgens, contacted the Foreign Office requesting information about the international status of the area between 45° and 65° s.b. and 35° and 80° v.l., the South Shetland Islands and the South Orkneys. A further Norwegian Note of 4 March 1907 concerning the same issues resulted in a British reply which stated that the areas were British based on discoveries dated in the first half of the 19th century and that the British Government did not see the necessity of notifying foreign governments about decisions to annex territory. However, to avoid further confusion Britain released the Letters Patent. Skagestad, Norsk Polar Politikk, 40-5.

²⁷ Fairley, Sverdrup's Arctic Adventures, 277; Hegge, Otto Sverdrup Aldri Rådløs, 192.

and inexperienced institution that was still predominantly concerned with establishing basic diplomatic ties for Norway independently of Sweden.²⁸

By the beginning of the 1920s the title to the Sverdrup Islands was uncertain. Sverdrup's claim based on discovery stood firm. Based on Stefansson's and Bernier's expeditions and the possible value of the sector principle, Canada could, at least on a theoretical level, challenge Sverdrup's claims. The problem was, however, that no Canadian had yet set foot on Axel Heiberg Island and it could not be confidently asserted that the activities of the NWMP, Bernier, Stefansson or the unofficial and theoretical application of the sector principle gave Canada the elements necessary to claim with any confidence that the High Arctic was effectively secured for Canada.²⁹

Canada and the Arctic Archipelago 1920-1930.

Canada's effort in the 1920s to consolidate its High Arctic claims was based on the combination of occupation, the further application and official embrace of the sector principle and the establishment of legal jurisdictions to strengthen the latter. Although the Canadian efforts were effective, they were not fully sufficient to erase doubt about the Canadian title in the High Arctic. Nevertheless, they effectively provided Canada with the means to halt increasing Norwegian and American encroachments.

The increased commitment of the Canadian government in this period was initially sparked by an appearance by Captain Comer before a Royal Commission in Ottawa in January 1920, where he "reported that he had seen 150 dried muskox skins at Knud Rassmussen's trading post at Thule," Greenland.³⁰ The muskox skins at Thule had been obtained by Inughuit from North Greenland, who had engaged in hunting trips on Ellesmere Island. These hunting trips were conducted in clear violation of the Canadian Northwest Territories Game Act that had been amended in 1917.³¹ Captain Comer's

²⁸ Iver B. Neumann and Halvard Leira, Aktiv of Aventure: Utenrikstjenestens Liv 1905-2005 (Oslo: Pax, 2005), 45-48.

²⁹ This does not mean that the Sverdrup Islands were not visited by the Inuit or Inughuit prior to or after Sverdrup's expedition.

³⁰ Schledermann, "The Muskox Patrol," 2. The American, Captain George Comer, was a member of Donald B. Macmillan's American Crocker Land Expedition from 1913-1917. Comer first reported about the Muskox skins in a letter to Stefansson in May 1919. Dick, Muskox Land, 273.

³¹ This amendment added a clause stating, "that killing muskoxen was prohibited except for Native inhabitants, and for them only to prevent starvation." Ibid, 273.

report resulted in a Canadian complaint. In response, Knud Rasmussen, with the support of the Danish government, declared that “the territory of the Polar Esquimaux (hence, to include Northern Ellesmere Island) falls within the region designated as ‘no man’s land’ and there is therefore no authority in the district except that which I exercise.”³² It was clear therefore that Canada had to address the Danish position since only full Canadian title to Ellesmere Island would suffice in order for Canada to sustain its claim to the dependencies of the latter.

Denmark’s reluctance to accept Ellesmere Island in its totality as Canadian territory resulted in a memo by Permanent Undersecretary of State, L. C. Christie, to the Prime Minister in October 1920, concerning the general problems related to Canadian title in the High Arctic. In this memo Christie argued:

[t]he position is that we have at various times asserted a claim of sovereignty broad enough to cover the islands north of Lancaster Sound; that is to say Ellesmere Island, Heiberg Island,... the Ringnes Islands.... In respect of some of them our case on grounds of discovery and exploration seems better than that of other nations, but that in respect of a number of them other nations could probably make a better case on these grounds than we could. But the important point is that mere discovery and exploration, even accompanied by a formal assertion of sovereignty, are not enough, without more, to create a permanent perfect title. At best such acts give rise only to what is described in international law as an inchoate or imperfect title. To complete this title action must be taken amounting to what is known as occupation.³³

Based on Christie’s recommendations Canada would, in the eleven years following 1922, send a small group of RCMP officers and their Inughuit assistants to counter the foreign claims in the High Arctic in an effort to further move Canada’s title in the direction of perfection. In 1922, 1923 and 1924 RCMP detachments were set up at various points on Baffin, Devon and Ellesmere Islands.³⁴ Apart from the importance of

³² Quoted in W. Barr, “Back From the Brink: The Road to Muskox Conservation in the Northwest Territories,” Komatic Series 3 (Calgary: The Arctic Institute of North America, 1991), 89.

³³ Canada, Department of External Affairs, “Secret Memorandum from Legal Adviser to Prime Minister: Exploration and Occupation of the Northern Arctic Islands,” 28 October 1920, Documents on Canadian External Relations, Vol. 3, 1919-1925[henceforth, DCFR] (Ottawa: Information Canada, 1970), 566.

³⁴ For a good account of the importance and work of these detachments see William R. Morrison, Showing the Flag: the Mounted Police and Canadian Sovereignty in the North 1894-1925 (Vancouver: University of British Columbia Press, 1985) See appendix IV for an illustration of the geographical location of the RCMP detachments on Ellesmere Island.

the detachments themselves, detachment duties included long sled patrols to ensure that Canada could claim that they had set foot in the very areas they claimed. In the spring of 1926 an RCMP Officer, A. H. Joy, led the first Canadian visit to Axel Heiberg Island. At last, as T. C. Fairley observes, “a Canadian had been there—twenty-four years after Sverdrup’s return. At last Ottawa could look Oslo in the face—or so Ottawa thought.”³⁵ The issue was, of course, not that simple but the RCMP detachments and patrols had undoubtedly strengthened the Canadian position and they signified a strong and consistent Canadian presence in the Arctic Archipelago.

The Canadian efforts to solidify its claims in the Arctic Archipelago were, however, interrupted by the rather embarrassing episode over Wrangel Island between 1921-24.³⁶ R. D. Diubaldo has pointed out that the affair not only “threatened the assumption of authority over the Arctic Archipelago, but involved the dominion briefly in an unpleasant international incident at a time when its government was anxious to gain recognition from the world community.”³⁷ The Mackenzie King administration had claimed Wrangel Island for Canada in 1922 after continuous and effective lobbying by Vilhjalmur Stefansson.³⁸

The Canadian claim to Wrangel Island was met with disbelief in the Soviet Union which considered the Island to be within its sphere of influence. And, more importantly, Washington considered the Canadian claim to be nothing more than a way for Britain to enhance its strategic position against the Soviet Union and, “by association that of her former ally, Japan.” By 1923 reports from the United States suggested that it was not unlikely that the Canadian action “might be followed by American occupation of some other islands to the North of the Canadian Dominions.”³⁹

As the affair was turning into a major controversy, the Canadian government looked to London for assistance. Despite further lobbying by Stefansson, the Foreign

³⁵ Fairley, *Sverdrup’s Arctic Adventures*, 285.

³⁶ Wrangel Island is located 110 miles due north of Siberia and is therefore geographically situated far outside the areas that were claimed within the Canadian sector. See Appendix three.

³⁷ Richard J. Diubaldo, “Wrangling over Wrangel Island,” *The Canadian Historical Review*, vol. XLVIII, no.3 (1967), 202.

³⁸ Mackenzie King stated in the House of Commons on 12 May 1922, “the Government certainly maintains the position that Wrangel Island is part of the property of this country.” Collier, “Territorial Claims in the Arctic to 1930.” 10 February 1930, 5, NA, FO 337/96.

³⁹ Diubaldo, “Wrangling over Wrangel Island,” 221.

Office decided “in view of the position elsewhere, and particularly of the position in the Canadian Arctic regions, it was not desirable to press the claim.” Accordingly, during the Anglo-Soviet negotiations in 1924 an opportunity was taken to declare that “His Majesty’s Government lay no claim to the Island of Wrangel.”⁴⁰

The rather embarrassing episode over Wrangel Island and the decision in Ottawa to look to London for assistance was a setback to the Canadian search for political autonomy. In addition, Canada had exposed its northern frontier to possible American retribution that could further undermine the idea of a Canada that was able to fend for itself in the world community. The Wrangel controversy therefore confirmed that Canadian efforts had to be concentrated in the Arctic Archipelago.

Increasingly during the 1920s the Arctic gained a special place in the growth of Canadian nationalism and search for autonomy. Stefansson continued in the 1920s to assert that the Arctic would become be “a polar Mediterranean from which Canada and the British Empire would derive renewed economic and strategic vigor,” and he indeed gained a significant audience for his assumptions.⁴¹ Although Stefansson’s claims were rather unrealistic, the rapid increase in aviation in the most northern parts of Canada throughout the 1920s resulted in “a popular belief that any territory in the Arctic region would be of considerable value to the Dominion,” because the air route between northern Europe and the American or Asiatic continents was “bound to follow a line passing through the Faeroe Islands, Iceland, and possibly a more northerly route.” By 1929, therefore, W. H. Clarke, the British High Commissioner in Ottawa, observed that public

⁴⁰ Collier, “Territorial Claims in the Arctic to 1930.” 10 February 1930, 5, NA, FO 337/96.

⁴¹ Diubaldo, “Wrangling over Wrangel Island,” 203. In a 1929 article in Maclean’s Magazine Stefansson argued that “the Canadian North has been much marginalized in Canadian textbooks.” It was important for Stefansson that tomorrow’s Canadians were properly educated about the Arctic as it would be of vital importance to the future of the country. As it was Stefansson argued, “Canadian school textbooks were giving an altogether false impression of the north.” It was not simply a frozen waste but a land of opportunity. Vilhjalmur Stefansson, “Our False Idea of the North,” Maclean’s Magazine, 15 November 1929, 3-4, 37. Stefansson had critics though and his assertions were countered by Evan Lloyd, “There Is a Frozen North: A forthright reply to Vilhjalmur Stefansson’s contention that the Canadian North has been much maligned by Canadian textbooks,” Maclean’s Magazine, 15 April 1930, 24-25, 34,48.

opinion in Canada “would not be disposed to acquiescence in any diminution of Canadian claims in the Arctic Regions.”⁴²

The MacMillan-Byrd expedition and its consequences

The consequences of the Wrangel Island episode in relation to Canadian title in the High Arctic were to be magnified by the MacMillan-Byrd incident in the summer of 1925. The American based MacMillan-Byrd expedition was set to launch an aerial assault on the Arctic in order to “chart by air the upper Arctic Islands and to find if possible any unknown land between Alaska and the Pole.”⁴³ This unknown land was at the time referred to as ‘Crocker Land’ and had seemingly been identified by Peary in 1906. It was later concluded that ‘Crocker Land’ was a fiction but its possible existence created enormous optimism in American press and public opinion. At the farewell dinner for the expedition on 19 June 1925, the Governor of Maine, R. O. Brewster, declared

[P]eary and MacMillan in their Arctic explorations have caught glimpses to the westward of what they believed to be a mountainous continent lying in a million square miles of the earth’s surface that still remains to be explored. History does not record, nor does any country claim, knowledge of the secrets hid in that great space. Macmillan has found oil oozing from the hills in the Far North. This may account for the sudden interest in the discoveries of the expedition that tomorrow sets its sail.⁴⁴

⁴² High Commissioner W. H. Clarke, Ottawa, to Lord Passfield, Secretary of State for Dominion Affairs, 12 December 1929, NA, FO 337/96. From 1925 onwards Maclean’s Magazine printed numerous articles about the future air route in the Arctic and its predicted value for Canada as a nation. In one of these articles Leslie Roberts asserted that “in the past two, or at most three, years the Canadian public has manifested great interest in man’s newest and most rapid fashion of transporting himself from point to point.” Leslie Roberts, “Empire Building by Air,” Maclean’s Magazine, 15 February 1930, 4-5, 36. In a 1926 article John Nelson saw the Arctic as a possible northern continuation of the westwards process of Canadian history that had shaped the Canadian nation since Confederation. Nelson asserted that “Canada’s material progress since Confederation has more than justified the courage and foresight of the men who in 1867, brought us into being as a nation.” The Arctic air route could contribute, in Nelson’s mind, to “see the full materialization of their spiritual vision.” John Nelson, “Fifty-nine Years of Nation Building,” Maclean’s Magazine, 1 July 1926, 3-4, 37.

⁴³ D. H. Dinwoodie, “Arctic Controversy: The 1925 Byrd-Macmillan Expedition Example.” Canadian Historical Review, Vol. LIII No. 1 (1972), 52. On 1 June the New York Times reported, “the planes of the Macmillan expedition are expected to cross Ellesmere Island repeatedly this summer in establishing an advanced base in Axel Heiberg Land.” Ellesmere Island was further referred to as a “lost land of the Arctic,” a statement that of course did nothing to satisfy Canadian sentiments on the topic. “Macmillan to Open Ellesmere Island,” New York Times, 1 June 1925.

⁴⁴ Governor of Maine, Ralph O. Brewster, “Wants Polar Lands Claimed for Maine,” New York Times, 20 June 1925.

A secondary objective of the expedition was to identify the “aerial Panama Canal of the future” that was believed to be of enormous importance for future military and commercial purposes.⁴⁵

A further problem for Canada was that the American Navy officially supported the expedition and that bases for the exploration was to be set up on Ellesmere and Axel Heiberg Islands. In addition, Governor Brewster had requested the MacMillan expedition to claim for the United States any territory they discovered in the region.⁴⁶ No attempt had been made by the expedition to make inquiries in Ottawa for permission to use Axel Heiberg and, as a result, a diplomatic scramble for the integrity of the Canadian claims in the Arctic began.

Fairley has suggested that Oslo might have been aware of the American plans and that the Americans might even have consulted Oslo about their planned base at Axel Heiberg Island.⁴⁷ No clear-cut evidence seems to support this suggestion. It is unlikely that the United States would ask a minor European power for permission to enter territory lying within the proscribed geographic areas of the Monroe Doctrine.

A 1925 article in Foreign Affairs, by the prominent American specialist in international law, David Hunter Miller, offers some strong indirect evidence to suggest that the United States indeed had not asked Norway for any permission in relation to the Byrd-Macmillan expedition.⁴⁸ The article was discussed at secret meetings of the Norwegian Storting on 18 January 1926 and 16 March 1928. Referring to the article, the Chairman of the Foreign Affairs Committee and leader of the Conservative Party, C. J. Hambro, stated in the latter meeting:

[M]iller in his article comes to the conclusion that if any European State should forward any claim to the Sverdrup Islands or adjacent islands, then the United States—and he is indeed very close to the Foreign Secretary,

⁴⁵ Governor of Maine, Ralph O. Brewster, “Wants Polar Lands Claimed for Maine,” New York Times, 20 June 1925.

⁴⁶ Brewster was somewhat of a loudmouth and his request did not reflect the official policy of the State Department. Brewster wanted Macmillan to claim land for the State of Maine and then Brewster declared, “it will then remain for the Federal Government to determine whether it will recognize and protect our rights.” Quoted in *Ibid*. It is unlikely that the United States officially would have forwarded claims in the Arctic in relation to Macmillan’s expedition. Official policy of the United States centered on the Hughes Doctrine, discussed below. However, a successful landing at Axel Heiberg Island would, as a political statement, illustrate the lack of control Canada had over these territories.

⁴⁷ Fairley ed., Sverdrup’s Arctic Adventures, 279.

⁴⁸ Miller, “Political Rights in the Arctic,” 47-60.

since he has been his most important advisor on international law, -- the United States would support Canada rather than seeing any European state stretch their hands across the Atlantic.⁴⁹

To further complicate matters, it was clear that the Americans strongly opposed the application of the sector principle and argued that it had no value under international law. Through what became known as the Hughes Doctrine, the United States provided a very narrow and strict definition of the necessary action needed to acquire title in the polar regions. In the case of the Arctic, the Secretary of State, Charles Hughes, formulated an example of this doctrine in a note to Norway on 2 April 1924, where he stated:

[I]n my opinion rights similar to those which in earlier centuries were based on acts of discoverer, followed by occupation or settlement consummated at long and uncertain periods thereafter, are not capable of being acquired at the present time. Today, if an explorer is able to ascertain the existence of lands still unknown to civilization, his act of so-called discovery, coupled with formal taking of possession, would have no significance, save as he might herald the advent of the settler, and where for climatic or other reasons actual settlement would be an impossibility, as in the case of the Polar regions, such conduct on his part would afford frail support for a reasonable claim of sovereignty.⁵⁰

The combination, therefore, of the statements of Miller and the Hughes Doctrines demonstrate that the United States neither accepted Canadian nor Norwegian title to the Sverdrup Islands.

Whether or not Washington had contacted Oslo, the Norwegians were well aware of the possible consequences of the Macmillan-Byrd expedition. The first contact between Norway and Canada concerning the matter occurred on 12 March 1925, when the Norwegian Consul-General in Montreal asked the Canadian Government "how far Canada regards the areas discovered during the 1898-1902 Sverdrup expedition as Canadian, and on what the Canadian Government based its claim."⁵¹ The Canadian government made no reply to this request. On 12 June 1925, C. J. Hambro let himself be

⁴⁹ Hambro to the Norwegian Parliament [Henceforth: Storting], 16 March 1928 and 18 January 1928, in *Møter for Lukkede Dører Stortinget 1925-1939*, Stortingsarkivet [Henceforth SA] (CD ROM), 2000.

⁵⁰ Quoted in Skagestad, *Norsk Polar Politikk*, 117-8. The note from Secretary Hughes to Norway was sent in relation to Roald Amundsen's forthcoming attempt to reach the North Pole by plane in 1924.

⁵¹ Skagestad, *Norsk Polar Politikk*, 279.

quoted in an unofficial interview with the New York Times. Hambro said “Norway claimed Axel Heiberg Land.” Then with reference to the possible American claims to ‘Crocker Land,’ he stated

[I]t is not vital in any way, but it is a matter of real interest to Norway to obtain recognition for its Polar possessions. The unknown continent-if there is an unknown continent-is Norway’s nearest neighbor on the north. No land lies between us and the unexplored region. It is close to home so to speak. Because of ancient tradition and because of proximity. Norway is somewhat anxious on this subject. On that account Canada has been asked to set forth the background for her reported claims.⁵²

Faced by the potentially threatening American activities and the demonstrable interest of Norway in the Sverdrup Islands, Charles Stewart, Minister of the Interior, proposed in the House of Commons on 1 and 3 June an amendment to the Northwest Territories Act.

[A]s the House well knows, explorers and traders are going into the northern waters, and we don’t appear to have authority to exact licenses from them, and thereby assert our sovereignty over that territory.... We are getting after men like Macmillan and Amundsen, men who are going in presumably for exploration purposes; but possibly there may arise a question as to the sovereignty over some land they may discover in the northern portion of Canada, and we claim all that portion.⁵³

During the parliamentary deliberations over Stewart’s proposal he was asked: Do we “claim right up to the North Pole?” “Yes, right up to the North Pole,” Stewart replied.⁵⁴ This was indeed the first official assertion on behalf of Canada of the sector principle. Although Stewart’s declaration did not lead to a formal implementation by statute of the sector principle, the understanding in Norway, Britain and the United States

⁵² C. J. Hambro, “Says Norway Claims Arctic Islands,” New York Times, 12 June 1925. Hambro was in the United States at the time in connection with the ‘Norse Centennial’ in Minnesota.

⁵³ Canada, House of Commons Debates, 1925, 3925-6. Also quoted in Smedal, Acquisition of Sovereignty over Polar Areas, 112-3, and, Fairley, Sverdrup’s Arctic Adventures, 280-281.

⁵⁴ Canada, House of Commons Debates, 1925, 3925-6. Also quoted in Smedal, Acquisition of Sovereignty over Polar Areas, 112-3 and Fairley, Sverdrup’s Arctic Adventures, 280-1.

was that Canada, on an official level, had now used and applied the principle in their efforts to secure full title in the High Arctic.⁵⁵

Meanwhile the MacMillan-Byrd Expedition was soon to be on its way and a rather intense and bitter diplomatic dialogue was opened between Ottawa and Washington. On 15 June, the first official note was sent from Ottawa to the U. S. Secretary of State, Frank B. Kellogg, concerning the expedition. It declared that Canada was ready to “furnish the expedition with the necessary permits for an exploring and scientific expedition entering Canadian northern territories...possibly desiring to fly over Baffin, Ellesmere and the adjoining islands within the boundaries of the dominion.”⁵⁶ In the same note Kellogg was informed about the various Canadian RCMP detachments in the North and that Captain Bernier again was on his way North on a Dominion government mission on the *S. S. Arctic*.

Kellogg’s quick reply to this note arrived in Ottawa on 19 June and offered little to meet the Canadian requests.⁵⁷ The Secretary of State left it up to the expedition leaders to decide whether they would ‘appreciate’ the need for permits. It is clear, however, that Commander Byrd was under “instructions from Washington to not accept a permit under any condition.”⁵⁸ The affair, therefore, had the potential to turn very ugly indeed but, happily for Canada, faced by enormous masses of ice, the Expedition was unsuccessful in reaching Axel Heiberg and consequently no base was set up there.⁵⁹

A much-discussed episode occurred at Etah on North-Greenland on 19 and 20 of August when the *S.S. Arctic*, with Captain Bernier, reached the American Expedition. In

⁵⁵ There are numerous references to the ‘Canadian Sector’ pre-dating 1925. However after Steward’s declaration reference to this administrative claim increase. In the theoretical debate over Polar sovereignty at the time there was no doubt that Canada was indeed one of the nations that advocated the application of the sector principle. For examples in primary sources see Collier, “Territorial Claims in the Arctic to 1930,” 10 February 1930, NA, FO 337/96; and Norwegian Prime Minister J. L. Mowinckel’s speech to the Norwegian Parliament 9 February 1929 in “Møter for Lukkede Dører 1925-1930,” SA (CD Rom) For the theoretical discussion of the time see: Smedal, Acquisition of Sovereignty over Polar Areas, 65, and Smith, The Historical and Legal Background of Canada’s Arctic Claims, 337.

⁵⁶ Charge d’ Affaires in United States, H. G. Shilton to Frank B. Kellogg, 15 June 1925, DCFR, vol. 3, no. 544.

⁵⁷ Kellogg to Shilton, 19 June 1925, DCFR, vol. 3 no. 545.

⁵⁸ “Secret summary of principal developments with regard to Canadian permits for United States citizens visiting the Arctic since Sir E. Howard’s despatches of the 25th February, 1926, to the Governor General of Canada and the Foreign Office,” 2. Enclosure in letter from the British High Commissioner in Ottawa to R. A Wiseman, Dominions Office, London, 3 January 1934, NA, DO 35/154/4.

⁵⁹ For a comprehensive summary of the expedition see John H. Bryant and Harold N. Cones, Dangerous Crossings: The First Modern Polar Expedition, 1925 (Annapolis: Naval Institute Press, 2000)

a subsequent conversation between Dr. R. M. Anderson, Chief of the Biology Division of the Canadian National Museum, and Commander MacMillan the latter explained the political conditions of the expedition and outlined the content of a meeting, on 19 August, between Commander Byrd and Mr. George P. Mackenzie, the officer in charge of the *Arctic*.

MacMillan revealed that the United States government had detailed planes and personnel under Commander Byrd to act with his expedition under orders from Washington. The naval party under Byrd was not under MacMillan's direct command. During the preparations for the expedition MacMillan had contacted the United States government and asked what should be done about any necessary permits from Canada to fly over and explore the territory of the High Arctic. Admiral Moffat, Chief of the Bureau of Aeronautics for the U. S. Navy, replied, "that no permits were needed. If they requested permits from Canada it would be acknowledging Canada's jurisdiction over the Arctic territory in question, and that the United States was not willing to do this."⁶⁰ MacMillan and Byrd thus ventured on their expedition knowing that it was a violation of Canadian jurisdiction.

In the evening of 19 August, when the two expedition's ships, the *Arctic* and the *Bowdoin* laid anchored side by side at Etah, Mackenzie invited Byrd for dinner on his ship and offered to supply him with a permit to fly across Canadian territory. MacMillan recalled: "Byrd told Mr. Mackenzie it was all right, that MacMillan had already secured the permits so the one from Mr. Mackenzie was not needed."⁶¹ This, of course, was a blatant lie.

The meeting at Etah thus demonstrated that the U.S. government did not accept Canadian sovereignty in the High Arctic. It was made clear to Ottawa that the United States would not accept any title that did not correspond to the tightly formulated Hughes Doctrine and, that despite the intensification of Canadian activity in jurisdiction, occupation and exploration since 1920, Canada's title in the High Arctic was still in

⁶⁰ Note of Conversation between Dr. R. M. Anderson, Chief of the Biology Division of the Canadian National Museum and Commander Macmillan on 4 September 1928. Enclosure in: "Secret summary of principal developments with regard to Canadian permits for United States citizens visiting the Arctic since Sir E. Howard's despatches of the 25th February, 1926, to the Governor General of Canada and the Foreign Office," 2. Enclosure in letter from the British High Commissioner in Ottawa to R. A Wiseman, Dominions Office, London. 3 January 1934, NA, DO 35/154/4

⁶¹ Ibid.

jeopardy. Luckily, for Canada, the failure of the MacMillan-Byrd expedition, and in particular, the failure of Commander Byrd to reach Axel Heiberg Island, provided Canada with the time needed to further address the issues of their title in the High Arctic.⁶²

The Arctic Islands Game Preserve and Canadian autonomy

The immediate Canadian response to the Byrd-Macmillan episode was twofold. They continued with the RCMP patrols, one of which reached Axel Heiberg Island in 1926. In addition, and perhaps most importantly, by Order-in-Council of 31 July 1926, the Arctic Islands Game Preserve was established. The Preserve was intended to serve both to further administrative control in the cause of sovereignty and protect game for the Canadian Inuit population.⁶³ The outline of the Preserve's boundaries coincided closely with the land encompassed within the sector proposed by Charles Stewart a year earlier.⁶⁴ Because it covered both land and sea, the Preserve constituted the closest in theory Canada would come to a tacit formalization in statute of the sector principle. In practical terms it constituted just that.

Commenting on the new legislation, Permanent Undersecretary of State, O. D. Skelton argued: "Aside from its immediate purpose, this Preserve should prove of distinct value as an assertion of our sovereignty in the North, and it is all the more valuable because apparently arising as a normal active police administration."⁶⁵ From 1926, any activity by an explorer or hunter in the High Arctic required a permit issued by the Commissioner of the North West Territories and Yukon. Thus, any permit application

⁶² This element of luck was also emphasised by Collier in "Territorial Claims in the Arctic to 1930." 10 February 1930, 5. NA, FO 337/96. Collier stated that based on the request of the Governor of Maine to the Macmillan expedition "to claim for the United States any territory they might discover in this region it was fortunate for Canada that they discovered nothing."

⁶³ Dick, *Muskox Land*, 286.

⁶⁴ Marc Denhez, "Aboriginal Rights and the Sovereignty of Countries: Including a Case Study of the Canadian Arctic" *Inuit Tapirisat of Canada*, June 1982, 8.

[http://www.cwis.org/fwdp/Americas/abor_sov.txt, accessed 6 June 2005] To further illustrate the connection between the sector principle and the Arctic Island Game Preserve a statement by the Commissioner of the North West Territories and the Yukon, O. S. Finnie, in 1926 is helpful. Finnie commented: "The creation of this Preserve and its appearance on our maps also has a bearing on British Sovereignty in the North and serves to notify the world-at-large that an area between the 60th and 141st meridians of longitude, right up to the Pole, is owned and occupied by Canada. Ibid, 8.

⁶⁵ Ibid. 8.

would in practice constitute a formal acceptance of Canadian sovereignty within the area outlined by the Game Preserve.

The legislation also signaled a significant commitment on behalf of Canada to the final colonialization of its Arctic 'frontier.' Implied in the Preserve's provisions for the protection of game was that these territories were occupied and used by the Inuit. By virtue of this legislation Canada was now seemingly looking after Inuit interests. As Lyle Dick has pointed out, the idea of using the Inuit in the name of Canadian occupation was not a new idea in 1926. As early as 1921, J .B. Harkin, Dominion Commissioner of Parks, argued that the "government should transfer Eskimos [to Ellesmere Island] from other Canadian areas to establish small centers of population."⁶⁶ Although Inuit relocation was not carried out until the 1950s, the Inuit played, on paper at least, an important role as occupying subjects of Canada in the Arctic.⁶⁷

The Game Preserve also served as a powerful illustration of Canada's growing independence and the Arctic's symbolic place in this process. This element was illustrated in a series of discussions at the Royal Institute of International Affairs, Chatham House, in London from 1926 to 1930.

The debate originated in a question about Canada's legal right to make legislation concerning the access of foreign nationals to the Canadian Arctic and whether such legislation would also apply to other British subjects. Nancy Fogelson has pointed out that this debate was really about Canada's position "that it was an independent unit, rightfully capable of negotiating with other countries and pursuing its own national interests, especially in regard to relations with the United States."⁶⁸ It is clear that this topic was an essential element in the context of the Balfour Report that had been published as part of the official proceedings of the Imperial Conference in 1926.

At the time there was a popular belief in Britain that Canada was under the spell of her powerful neighbor to the south and that it was "growing more American every

⁶⁶ Dick, *Muskox Land*, 276. Denhez has also advanced the intriguing argument that the Arctic Islands Game Preserve actually manifested a tacit acceptance by the Canadian Government of Inuit land title in the Arctic. Denhez, "Aboriginal Rights and the Sovereignty of Countries," 9-12.

⁶⁷ On Inuit relocation see Shelagh D. Grant, "A Case of Compounded Error: The Inuit Resettlement Project, 1953, and the Government Response, 1990," *Northern Perspectives* (Canadian Arctic Recourses Committee), vol. 19, no. 1 (1991), 3-29.

⁶⁸ Fogelson, *Arctic Exploration*, 119.

day.”⁶⁹ The MacMillan-Byrd controversy fueled this belief and it was believed that as Canada was cutting its imperial ties to Britain, the United States was ready to take over. During the debates at Chatham House, J. W. Dafoe, the longtime influential editor of the Winnipeg Free Press, came with a powerful response to these assertions and provided a potent illustration of the growing Canadian nationalism of the period. Dafoe observed

that there has been in the past years a certain assumption that Canada was a sort of jelly, with no intelligence of its own, that could be put into any form or projected along any line, if the proper pressure was applied. It was feared that we should be profoundly influenced, to the denial of our own nationality, if we had associations or interests of one kind or another....It was very shortsighted and very uncomplimentary to Canada, for people, either here or elsewhere, to say that, if Canada followed the course which she thought profitable, the end would be her extinction and absorption in the United States....I think Canada is going to play a great role in the future development of the world. We are going to be a great nation, industrially, commercially, and financially. If you look at a globe you will see that we have precisely the same relationship to the world as Great Britain has ever had, and more; and Canadians are themselves a resourceful people. All the new northern lines of communication that unite the world will not be far from Canada....There is an air route from Winnipeg to London, almost in a direct line by way of Greenland and Iceland, in which there is not one place with more than 300 miles of open sea to cover.⁷⁰

Thus Canadian sovereignty in the Arctic was intrinsically linked with the glorious future of a fully independent Canadian nation as envisioned by Dafoe. Canada was a nation on its own and its future history was not necessarily determined by that of Britain or the United States.

The Balfour Report which concluded that the Dominions were independent nations responsible for their own foreign policy was, however, not given legal standing until 1931; therefore Canada was bound by the definition of Dominion treaty power sanctioned by the Imperial Conference in 1923. It was clear that Canada was free from imperial control at least in commercial treaty-making; however, there were limits as it

⁶⁹ Eric Clement Scott, "Is Canada 'Going U. S.?', " Maclean's Magazine, 1 March 1930. 8-9, 52.

⁷⁰ J. W. Dafoe, "Canada and the United States," Journal of the Royal Institute of International Affairs vol. 9, no. 6 (1930), 721-38. Some other good examples of this debate are L. S. Amery, "Some Aspects of the Imperial Conference," Journal of the Royal Institute of International Affairs vol. 6, no. 1 (1927), 2-24. And Robert Borden, "The Imperial Conference," Journal of the Royal Institute of International Affairs vol. 6, no. 4 (1927), 197-213.

was deemed “desirable that no treaty should be negotiated by any of the Governments of Empire without due consideration of its possible effect on other parts of Empire, or, if circumstances so demand, on the Empire as a whole.”⁷¹ Canada could, in other words, not conclude a treaty with a foreign power, or pass legislation, that had possible consequences for British interests elsewhere. In relation to the Sverdrup Islands case, this was a central issue.

American compliance with the Arctic Islands Game Preserve?

From 1926 until 1933, various independent American expeditions applied to Canada for, and were granted, permits to enter the North West Territories. Most notably on the occasion of the Rawson-Macmillan Sub-Arctic expedition of 1927-28, Commander MacMillan was granted seventeen permits. As a result “the Canadian Department concerned considered that Commander MacMillan apparently complied with all the Canadian requirements for explorers entering the Arctic territories.”⁷² From 1929 to 1931 further permits were issued to MacMillan who seemed at least, in person, to conduct his expeditions with respect for Canadian jurisdiction.⁷³ On the surface, therefore, it seemed apparent that the United States or at least Commander MacMillan had formally accepted Canadian title to the High Arctic.

T. C. Fairley argues that it was at the meeting at Etah on 19 August 1925, that the ultimate ownership of the Sverdrup Islands was decided. The subsequent acceptance of Canadian permits by American explorers illustrated that the American threat to Canadian title had lost momentum, if it was not abandoned all together.⁷⁴ Officially, based on the permits issued in the years from 1926-1933, the Canadian government would argue that since

legislation defined their Northwest Territories to include all land and water within a sector extending to the North Pole, applications by the United States citizens, under that legislation, for permission to explore or take game in the Northwest Territories were tacit admissions of Canadian

⁷¹ Quoted in Keenleyside “Introduction” in *The Growth of Canadian Policies*, 84.

⁷² Enclosure in letter from the British High Commissioner in Ottawa to R. A Wiseman, Dominions Office, London, 3 January 1934, 2. NA, DO 35/154/4.

⁷³ *Ibid.*, 2.

⁷⁴ Fairley ed., *Sverdrup’s Arctic Adventures*, 284-285.

sovereignty within the whole of the area so defined by the Canadian Government.⁷⁵

The problem with these arguments, however, was that they did imply that the United States had recognized Canadian title in the High Arctic based on the application of the sector principle. In other words, Fairley's later thesis and the official Canadian argument in the wake of the Macmillan-Byrd incident in 1925 implied that the United States had abandoned the strict definition and policy set out in the Hughes Doctrine. This was highly unlikely and it indeed did not happen.⁷⁶

Although after 1925 Canada issued permits to American explorers and the United States government allowed their nationals to ask for these, the United States did not fully acknowledge Canadian sovereignty.⁷⁷ These concessions did not extend to parts of the Arctic that under the provisions of the Hughes Doctrine, were not occupied by Canada. Nor was there an acceptance of the Canadian application of the sector principle. The Hughes Doctrine remained firm after 1925.

To illustrate this point, MacMillan did not during any of his expeditions subsequent to 1925 "with permits for the Northwest Territories," visit or propose to visit the northern part of Ellesmere Island or Axel Heiberg Island," which had been at the center of the political controversies of the Macmillan-Byrd expedition in 1925.⁷⁸ In a secret letter from the British High Commissioner in Ottawa to R. A. Wiseman at the Dominions Office in London early in 1934, it was noted:

⁷⁵ Letter from the British High Commissioner in Ottawa to R. A. Wiseman, Dominions Office London. 3 January 1934. 2. NA, DO 35/154/4.

⁷⁶ The United States also refrained, despite numerous expeditions by land and air, from annexing territory in Antarctica during the 1920s and 30s, as they remained faithful to the policy outlined in the Hughes Doctrine. Nor did they acknowledge any of the British or Norwegian claims in Antarctica. "Territorial Claims in the Antarctic from 1908 to the end of 1929," 31 July 1930, NA, FO 337/95.

⁷⁷ The Byrd-Macmillan expedition was the last American expedition to enter the Canadian Arctic Archipelago without a permit. However, this did not imply that there had occurred a change of policy in the State Department. Rather as "economic development slowed under the repercussions of the depression, government interest in the Arctic declined." When World War II, again brought the Arctic into focus "as an area of military activity and strategic value," concerns about American threats to Canadian sovereignty resurfaced with new vigour. Fogelson, *Security or Sovereignty*, 5. Concerns about the American attitudes towards Canada's sovereignty in the Arctic are still prominent in Canada and the United States has yet to acknowledge the Northwest Passage as internal Canadian waters.

⁷⁸ Letter from the British High Commissioner in Ottawa to R. A. Wiseman, Dominions Office, London, 3 January 1934, 1, NA, DO 35/154/4.

that in these circumstances it seems that Commander Macmillan's applications for permits in recent years should not be regarded as necessarily indicating the acceptance by the United States Government of Canadian rights in the doubtful areas (northern parts of Ellesmere Island and Axel Heiberg Island). In fact I understand that the External Affairs Department are of opinion that it is probable that the policy of the United States Government is neither to accept nor to reject Canadian claims to the disputable territories.⁷⁹

Although it was obvious that the Canadian title to Ellesmere Island had been strengthened, the title to Axel Heiberg and the rest of the Sverdrup Islands was still in question. At the heart of this question was the gap in the attitudes of Canada and the United States about what under international law constituted occupation and title in the Arctic Regions. It was only with good luck that the British-Canadian theory of the sector principle had not been seriously challenged by the possible consequences of a successful Macmillan-Byrd expedition. The American applications for permits represented nothing more than an acknowledgement of Canadian sovereignty in the specific areas that these later expeditions were concerned. This important distinction cannot be overlooked, as it seems evident that the willingness by Canada to enter into negotiations with Norway over the Sverdrup Islands was partially based on an attempt to further strengthen the Canadian position in the Arctic Archipelago in relation to the United States.

Norway's position in the wake of the MacMillan-Byrd expedition

The MacMillan-Byrd controversy also marked the beginning of the diplomatic process between Norway and Canada over the future destiny of the Sverdrup Islands. During the summer of 1925 the Norwegian Charge d' Affaires in the United States, S. Steen, called at the British Embassy in Washington on 31 July, and inquired whether any reliance could be placed upon reports which had "reached him through the Norwegian Consul in Montreal and the Associated Press that the Dominion Government had addressed an official communication to the United States Government" setting out their views as regards the sovereignty of territory "which might be traversed or discovered by

⁷⁹ Letter from the British High Commissioner in Ottawa to R. A. Wiseman, Dominions Office, London, 3 January 1934, 1, NA, DO 35/154/4.

the expedition in question.” In addition, Steen made attempts to follow up on the unanswered Norwegian note of 12 March.

In the discussions that transpired, Steen further noted that if Canada indeed claimed the islands in question “the Norwegian Government would be interested as the Island of Axel Heiberg had originally been discovered by Norwegian explorers.”⁸⁰ The British Resident Secretary misleadingly told Steen that “the question of sovereignty over these regions had not formed the subject of discussion between the Governments of Canada and of the United States.”⁸¹ It is clear that, despite the ‘diplomatic conduct’ of the Resident Secretary, there was no misunderstanding in Norway about the possible political consequences of the Macmillan-Byrd expedition.

In a secret meeting of the Norwegian Storting on 2 July 1925, Prime Minister Mowinckel commented on the situation in the Arctic and revealed that:

[N]orway has raised reservations with the Canadian Government in connection with the Islands in the High Arctic, which were discovered and mapped by the Sverdrup expedition. No answer has been received to these Norwegian reservations; however, it should be possible to conclude that the latest developments in Canadian politics concerning these regions are at least partly a result of our proven interest in the same region.⁸²

Hambro, in his reply to Mowinckel, expressed satisfaction with the fact that Norway had entered the field in light of what he referred to as the “recent American enquiries made to the Canadians on the matter of the High Arctic Islands. We too have a clear interest that needs to be followed up in these regions.”⁸³

Conclusion

Although Canada had made major progress towards establishing sovereignty in the Arctic between 1904-1930, by outright occupation by the RCMP and through the expansion of administrative jurisdiction in the Arctic Archipelago, its title to the Sverdrup Islands still remained uncertain in the wake of the Macmillan-Byrd expedition. By the end of the 1920s, despite the uncertainties concerning American policies a

⁸⁰ H. G Shilton to Deputy Governor General, 4 August 1925, DCFR, vol. 3, no. 547.

⁸¹ *Ibid.*

⁸² Mowinckel to the Norwegian Parliament Secret Meeting 2 July 1925, SA (CD Rom)

⁸³ Hambro to the Norwegian Parliament Secret Meeting 2 July 1925, SA (CD Rom)

settlement with Norway over the Sverdrup Islands could conclusively end the prospects of further foreign encroachments in the Canadian Arctic. In addition, the rather embarrassing closure of the Wrangel Island episode had forced Canada to focus its political capital on the Arctic Archipelago. The ability of Canada to fend off foreign encroachments in the Archipelago would increasingly be connected to its ability to conduct its national and foreign policies as an independent actor in the international community. Under these circumstances Canada could not afford to make any concessions to the Norwegian claim to the Sverdrup Islands. A Norwegian acknowledgement of Canadian sovereignty over these Islands that respected the legal administrative jurisdictions established in the Arctic Archipelago could, however, serve as an important illustration of a progressively independent Canada.

CHAPTER TWO: THE SVERDRUP ISLANDS AND THE BI-POLAR CONTEXT OF BRITISH AND NORWEGIAN EXPANSIONISM, 1920-1930.

Introduction

In 1930 Laurence Collier of the Northern Department in the British Foreign Office stated that the recent history of territorial claims in the Arctic “is really the history of the development of what is now known as the ‘Sector Principle,’ and of the opposition to that principle, at the present entirely Norwegian.”¹ As the discussion above has revealed, opposition to the sector principle was also prominent in the United States and Collier’s statement, therefore, was somewhat optimistic. Nevertheless, his observation was correct not only in the Arctic but also in relation to Antarctic developments of the same period. The international history of territorial claims in the polar regions between 1920 and 1930 was really the history of the development and application of the sector principle.²

Britain used the sector principle in an effort to carry out an imperial grab of the entire Antarctic continent. Motivated by the desire to control and limit the extensive international, especially Norwegian, whaling, Britain moved gradually in this period towards resolving questions of sovereignty on the continent. In addition to commercial considerations, previous British sacrifices in the Antarctic, and most notably that of Captain Robert F. Scott in 1913, had created a powerful consensus in Britain that the

¹ Collier “Territorial Claims in the Arctic to 1930.” 10 February 1930, 1, NA, FO 337/96.

² In 1926 by a sweeping claim motivated by Norwegian and Canadian encroachments in what were seen as Soviet “spheres of influence,” the Central Executive Committee of the U.S.S.R. incorporated the sector principle into its own national legislation. The Soviet sector in the Arctic contained all land from the east to west coast of the U.S.S.R. up to the North Pole and was by far the largest sector claim in the history of this principle. Diubaldo, “Wrangling over Wrangel Island,” 224. Although Britain was not especially happy with the Soviet sector, the claim was acknowledged as it was based on the same principle used by Canada in the Arctic and Britain in Antarctica. Collier “Territorial Claims in the Arctic to 1930.” 10 February 1930, 7, NA, FO 337/96. See also Leonid Timtchenko, “The Russian Arctic Sector Concept: Past and Present,” *Arctic*, vol. 50, no.1, (1997), 29-35.

continent belonged to the Empire. Max Jones argues that Scott's "Antarctic disaster furnished another dramatic episode in the rough island story, a tale of maritime exploration and expansion." To ardent imperialists Scott's fate and the prospects of imperial expansion in Antarctica functioned as an outlet to once again demonstrate the strength and virility of the British Empire.³

Faced with these developments in the bi-polar context, Norway embarked from 1919 to 1939 on expansive policies in both the Arctic and Antarctica. Norwegian interests in the Arctic were actively pursued in relation to Spitsbergen (Svalbard), Jan Mayen Island, Greenland (especially Eastern Greenland), Franz Josef Land, the Sverdrup Islands and the Polar Ocean generally. In Antarctica, Norway pursued interests most notably in the Antarctic Ocean, but also annexed Bouvet Island, Peter I Island and Queen Maud's Land on the Antarctic mainland.⁴

The principal motivation behind these expansionist policies was based on an effort to secure continued rights and access to ongoing commercial operations in the Polar Regions. Norwegian expansion was often reactionary in response to a feeling of exclusion produced by the growing adoption by other powers of the sector principle in both the Arctic and Antarctica.

As a minor power, however, Norway pursued an expansionist policy that was active but flexible. Retreat, combined with protest and negotiated agreements to secure the rights of Norwegian commercial interests, were often pursued rather than annexations of territory that would have dangerously tested the patience of the greater powers. The Norwegian annexations which did occur were conducted by governments balancing on a razor-sharp edge, trying to satisfy strong national pressure groups and public opinion fueled by nationalist sentiment on the one side, while trying to expand while operating within the constraints of a minor power in a complex international environment on the

³ Jones, 209. Chapter six in Jones' book, "For the Honour of our Country" discusses the importance of Scott's expedition and the experience of decline in Britain in the time period. The Great War did not prevent Scott's 'sacrifice' from turning into a mass spectacle in Britain and by the end of the 1920s there were more memorials for Scott than Lord Nelson in the British Isles. Scott and Antarctica therefore commanded a similar place in British imagination and imperial vernacular as Dr. Livingstone and Lord Nelson. The place of Antarctica in British life was strong and this did not change when Antarctica became subject to imperial competition after the conclusion of the Great War. Max Jones, The Last Great Quest, 194-226.

⁴ See appendixes one, two and three.

other. The growing interest Norway showed in the claim to the Sverdrup Islands between 1925 and 1930 thus has to be understood in the broader context of expansionist bi-polar Norwegian policies during the same period. The British annexation of Antarctica and the application of the sector principle by other powers were generally successful but encountered harsh opposition from Norway. This broader context was integral in the negotiations over the Sverdrup Islands and was also imbedded in the final agreement reached in 1930. This chapter thus explains the important context of Norwegian and British polar policies and identifies the previously ignored but pivotal importance of the Antarctic, and other Arctic developments that directly influenced the Sverdrup Islands agreement.

Economic considerations

Norway played the leading role in the expansion of commercial interests tied to whaling, sealing and fishing in the Arctic and Antarctica. Norwegian hunters had patrolled the Arctic for centuries; however, in the 1920s the Arctic riches became subject to a modern and more mechanized Norwegian industry that expanded its area of operations significantly.⁵ By the mid 1920s Norway was the leading expanding power in economic terms in the Arctic theatre but was faced with Canada, Denmark and the U.S.S.R. taking the lead in asserting sovereignty claims. The situation was similar in Antarctica where Norwegians played the leading role in economic exploitation of the southern whaling grounds while Britain was busy annexing these areas.

Norwegian economic interests in the Arctic were increasingly threatened and limited by other powers. In 1921 the U.S.S.R. expanded their three-mile zone to twelve miles and thus effectively blocked Norwegian hunters from some of the most prominent

⁵ In the mid 1920s Norwegian sealing in the Arctic represented 4-5% of the total output of the fisheries. Sealing operated as a subsidiary industry to the fisheries and was deemed an essential support for this industry. In 1925 Norway operated 160 ships with 1900 crew during the Arctic sealing season. In addition, the Norwegian fishing fleet had spread its area of operations to the west and east coast of Greenland and the Barents Sea. Drivenes og Jølle, Norsk Polar Historie III: Rikdommene; Fure, Norsk Utenrikspolitikks Historie, 113.

hunting grounds in the Eastern Arctic.⁶ The official application by the U.S.S.R. of the sector principle in 1926 also started a conflict with Norway over Franz Josef Land which, Norway claimed had the status of *terra nullius*.

In 1921 Denmark instituted a trade monopoly over the whole of Greenland. Greenland, with its adjacent islands, was therefore closed to Norwegian ships. While the Norwegian government could not deny Danish claims to sovereignty over the western coast of Greenland, they were not prepared to admit its extension to the whole Island, since that would involve the corresponding extension of the Danish State monopoly to the detriment of Norwegian hunting, fishing and trading rights on the east coast.⁷

The Norwegian protest against the monopoly resulted in the Danish-Norwegian Greenland Convention of July 1924 which established that there should be free access on the east coast for the ships of both parties, for hunting and fishing by the subjects of both parties and for the occupation of land by those subjects for their own use.⁸ Despite the agreement, the Norwegian fisheries on the west coast of Greenland were seriously hurt by the monopoly and the agreement did little to satisfy public opinion in Norway, which called for Norwegian annexations on the east coast of the Island.⁹

Although there were no traditional Norwegian economic interests in the Canadian Arctic Archipelago, the official use of the sector principle by Canada from 1925 onwards concerned Norway. The establishment and support of Danish sovereignty over Greenland, together with the existence of the Canadian and Soviet sectors created major

⁶ In the following years Soviet authorities arrested numerous Norwegian ships and their cargo was confiscated. The conflict was partially solved when a system of permits was set in place by 1925. However, from 1922-1932, the conflict dominated diplomatic relations between the U.S.S.R. and Norway and twice in this period Norway sent the Navy to protect Norwegian sealers that hunted within the twelve-mile zone. See Jan Gjertz and Berit Morkved, "Norwegian Arctic Expansionism, Victoria Island (Russia) and the Bratvaag expedition," *Arctic* Vol. 51 Dec., (1998), 330-336; Skagestad, *Norsk Polar Politikk*, 34. Victoria Island is the westernmost island of Franz Josef Land.

⁷ In an exchange of notes of the 6 September 1920, Britain accepted Danish sovereignty over the whole of Greenland. The decision to approve Danish sovereignty was made as a gesture in order for Denmark to accept Canadian sovereignty over the Arctic Archipelago. Although this was not explicitly stated in the notes there was a mutual consensus. Denmark officially announced its annexation of the whole of Greenland in April 1921 and inquired at the Ministry of Foreign Affairs about Norwegian acceptance of this claim. Norway replied with a clear protest, which stated that Norway could not accept Danish title on Eastern Greenland, and that Norwegian economic interests there would be protected. On Britain's acceptance of Danish Sovereignty see "Territorial Claims in the Antarctic from 1908 to the end of 1929," 31 July 1930, 7, NA, FO 337/95. On Norwegian-Danish exchanges of notes see Skagestad, *Norsk Polar Politikk*, 32.

⁸ "Territorial Claims in the Antarctic from 1908 to the end of 1929," 31 July 1930, 7, NA, FO 337/95.

⁹ Fure, *Norsk Utenrikspolitikks Historie*, 113.

anxiety in Norway as it became apparent that they were being squeezed out of traditional, and perceived historical, rights in the Arctic.

The publication of W. L. Lakhtine's proposal for the division of Arctic land and oceans in 1928 geographically illustrated the threatening scenario Norwegian interests were facing.¹⁰ In Lakhtine's pamphlet Norway was left with a miniscule Arctic sector that barely included Spitsbergen. Lakhtine's proposals and the Soviet Sector were discussed with intensity in the Norwegian Storting from 1926 to 1930; in one such discussion the representative Mellbye pointed out:

Considering the map enclosed in the paper, it is clear that the sector Norway has been awarded by Lakhtine is very small indeed. It will only compromise the latitudes between Copenhagen and Leningrad, while the Danes are given an area 4 times the size of Norway's and the Soviets are given an area 8 times the size of Norway's. It is not necessary for me to further explain what a possible realization of this proposal will mean for our economic interests in the Arctic.¹¹

Norwegian annexations and policies pursued between 1925 and 1933 were therefore substantially motivated by the growing encroachments on Norwegian economic rights in the Arctic and Antarctica.

Nationalism, public opinion and territorial expansion

The close connection between Arctic and Antarctic policies and national prestige was of significant importance in the initiatives Norway undertook in the polar regions. In some cases, perhaps most prominently in relation to Greenland, national prestige overshadowed economic considerations. The nationalistic importance of Norway's Polar policies were driven both by the right-wing Farmers Party and by public opinion often led by semi-official and private pressure groups. Nationalism was not, however, the sole prerogative of these groups. Both the leading politicians of the period, Mowinckel and

¹⁰ Lakhtine's arguments were published by the People's Commissariat for Foreign Affairs, with a foreword by Professor Sabatin-the legal adviser of the Commissariat. Lakhtine's pamphlet outlined the growing importance of the Arctic in relation to Soviet policy and a clearly foreshadowed Soviet intentions in the region. Lakhtine's article was reprinted in 1930, W. Lakhtine, "Rights over the Arctic," 703-17.

¹¹ MP Mellbye to the Norwegian Storting Secret Meeting 7 May 1929, SA (CD Rom) Mellbye was the leading politician in the Farmers Party whose policies were aggressively nationalistic. Neumann and Leira, Aktiv of Aventende, 50.

Hambro, were concerned with Norway's national prestige to a significant degree although not to the same extremes as the opposition.

In addition to the Farmers Party, popular pressure groups and prominent individuals like Gustav Smedal and Adolf Hoel, in conjunction with the Norwegian press, influenced public opinion and generated substantial pressure on the Government to pursue a semi-aggressive foreign policy in the polar regions that was both uncharacteristic and, at times, rather ambitious for a minor power. Smedal was the leader of the Norwegian Greenland League from 1927 and the Chairman of Norway's Svalbard and Arctic Ocean Research Survey (NSIU) from 1931 to 1933. The NSIU was established by the Norwegian parliament in 1928 as an advisory committee on Arctic and Antarctic affairs. It functioned in similar terms to the Interdepartmental Committee in Britain and the Northern Advisory Board in Canada.¹² From 1928 to 1931 Smedal's close friend, Adolf Hoel chaired the committee.¹³ The establishment of this committee illustrated the growing importance polar politics had achieved in the general perspective of Norway in this period. More importantly, the composition of this committee also lent

¹² The interdepartmental Northern Advisory Board was permanently set up on 23 April 1925. The timing of this was connected with the Byrd-Macmillan expedition. In contrast to the NSIU, the Canadian and British Committees were composed entirely of high-ranking civil servants and thus less directly influenced by public opinion and members that were directly tied to economic interests in the polar regions. Zaslow, The Northward Expansion of Canada, 201. On NSIU see below.

¹³ The NSIU had 10 members. Half were representatives from the Ministry of Foreign Affairs and other government institutions such as the Meteorological Institute, the University in Oslo and the Fisheries Directorate. The other five members, in addition to Hoel and Smedal, were all tied to Norwegian commercial interests in the polar regions and shared Smedal's and Hoel's interests in gaining new land for Norway in these regions. The Norwegian Greenland League worked in the 1920s and early 1930s to mobilize broad support in Norwegian public opinion for polar annexations in this period. Through a close cooperation with the Norwegian press and by the ability to draw on members in important governmental positions, the League gained substantial influence over Norwegian polar politics in the period. The Greenland League and the NSIU were both abolished after the humiliating rejection of Norway's claims to Eastern Greenland at The Hague in 1933. The Greenland League and the NSIU were both significant in the process that led to the annexation of both Bouvet Island and Jan Mayen Island and the League was also the driving force behind the private occupation of East Greenland in 1931. On NSIU see Gjertz and Morkved, "Norwegian Arctic Expansionism," 330-336. On Smedal and Hoel see Lars Øivind Øian, Norsk Ekspansjonspolitik i Arktis og Antarktis i Mellomkrigstiden: Beveggrunner for Annekteringen av Jan Mayen og Bouvetøya (Bergen: Hovedoppgave i Historie Historisk Institutt-Universitetet i Bergen, 1995) which covers the role of the national pressure groups and the connection between these and the Norwegian annexations of Jan Mayen and Bouvet Islands; Ida Blom, Kampen om Eirik Raudes Land: Pressgruppetilværelse i Gønlandsspørsmålet 1921-1931 (Oslo: Universitetsforlaget, 1973). On Hoel specifically see Einar Arne Drivenes, "Adolf Hoel: Polar Ideologue and Imperialist of the Polar Sea," Acta Borelia, (1994/1995), 1-9.

itself to particularly aggressive and often over-ambitious Norwegian policies in the period.

The dominant politician in this period was Mowinckel who, both as Prime Minister and Foreign Minister, was left with the task of balancing the strong pressure for Norwegian annexations in the polar regions with the inevitable limitations Norway faced as a relatively minor power. As will be seen in the example of Bouvet Island, he advocated a more careful Norwegian line but he did support the prospect of Norwegian annexations in general. In 1923, while commenting on the Danish claim to Eastern Greenland, Mowinckel illustrated the significance of the polar regions for Norway in what he referred to as a historic and national perspective

[T]he loss of the Norwegian kingdom's former territories-Iceland, the Faeroe Islands and Greenland in 1814 and especially the manner in which these territories were lost, has always produced pain and agony in the Norwegian spirit.... Norway has since always followed with compassionate interests the developments among our brothers in the lost territories. It is natural that the thought of redeeming these losses, especially in relation to our national culture, would surface again with regained and vigorous strength.¹⁴

In other words, national redemption was to be found in bi-polar expansion and through protection of Norwegian interests in those regions.

The strong nationalist nature of Norwegian polar politics was also drawn to the attention of Britain. Laurence Collier observed in 1930 that it was indeed important to realize that the

Norwegian attitude towards all Arctic claims is not based on logic at all, but on emotion engendered by that national exuberance and spirit of expansion which has been so prominent a feature in Norwegian life since the separation from Sweden in 1905, and, in particular, since the close of the Great War.¹⁵

Thus there was consequently a clear conflict between what Collier and Britain perceived as the prerogative of the Empire in Antarctica and the Norwegian attempts to seek national redemption and economic profit in the polar regions.

¹⁴ Quoted in Fure, *Norsk Utenrikspolitikk Historie*, 119-20.

¹⁵ Collier, "Territorial Claims in the Arctic to 1930." February 10, 1930. 8. NA, FO 337/96.

The Norwegian assault on the Arctic began when Spitsbergen was placed under Norwegian sovereignty through skillful Norwegian lobbying during the peace conference at Paris in 1919. Norway was obliged, however, to recognize a system where the special rights of foreign subjects were protected under the umbrella of Norwegian sovereignty.¹⁶

In the period from 1925 to 1933 Norway pursued its interests in Greenland, Franz Josef Land and the Sverdrup Islands. Only in the case of Jan Mayen Island did the political process end with Norwegian expansion and sovereignty. In this example, however, Norwegian sovereignty was accepted only after it relinquished its claim to the Sverdrup Islands. In order to fully understand the complex nature of the Sverdrup Islands agreement it is therefore necessary to first make reference to some of the other Norwegian initiatives in the Arctic and Antarctica during the same time period.

Norwegian and British expansion in Antarctica

Britain's annexation of the Falkland Islands Dependencies in 1908 had, as previously stated, been a British response to the growing importance of the whaling industry in Antarctica.¹⁷ Subsequent experience of the British annexation and the desire that the industry should be conducted as far as possible under British auspices became increasingly evident in the years following the closure of the Great War. Thus, in 1920, Australia and New Zealand were informed of the scope of British imperial ambitions:

His Majesty's Government in the United Kingdom had come to the conclusion that the whole of the Antarctic should ultimately be included within the British Empire, and that, while the time had not yet arrived when a claim to all the continental territories should be put forward, it

¹⁶ A treaty to this effect was signed in Paris in February 1920 on behalf of the British Empire, United States, France, Italy, Japan, Norway, Sweden, Denmark and the Netherlands. The Spitsbergen treaty differed from later annexations in the Arctic because it did take the form of an international regime. Drawn from Skagestad, *Norsk Polar Politikk*, 28-32, and Collier, "Territorial Claims in the Arctic to 1930." 10 February 1930, 8. NA, FO 337/96.

¹⁷ In the 1920s an average of 20,000 whales were killed annually with the Antarctic catch representing over 70% of the catch in all parts of the globe. From 1906 to 1927 a total of 6,475,000 barrels of oil was produced from Antarctic whales with a total value of 700,000,000 Norwegian Kroner. The Antarctic production of 1928-1929 was about 1,600,000 barrels, which exceeded by 200,000 barrels the entire world production of the previous season. In 1924-25 the prices of oil averaged £35 per ton (about 6 barrels); in 1926-1927, £27 and in 1928-29, £30. By 1929 it was said that the town of Sandefjord in Norway held the place that New Bedford had once held in the American industry as Norwegians controlled 85% of Antarctic whaling. See Gunnar Isachsen, "Modern Norwegian Whaling in the Antarctic" *Geographical Review*, vol. 19, no. 3 (1929), 387-403.

seemed desirable that a definite and consistent policy should be followed of extending and asserting British control.¹⁸

Again, the British policy of annexation was triggered by Norwegian initiatives. In 1922, a Norwegian whaling company wanted to expand its activities to the Ross Sea.¹⁹ The Norwegian Foreign Office did not have sufficient knowledge about the Ross Sea's political status and whether British claims existed in connection with this area on the Antarctic mainland adjacent to the new whaling grounds. To avoid any complications with Britain, the Norwegian Foreign Office recommended that the whalers apply for whaling licenses from Britain.²⁰ As a result of the Norwegian applications, which were sent to Britain in June 1922, the Foreign Office determined that the most important practical step at the time was the assertion of British sovereignty over the Ross Sea coasts and their hinterland. A license was issued to the Norwegian whalers in December 1922, "granting the use, in connection with the proposed whaling operations."²¹ Clearly Britain considered the Ross Sea to be British and, at this point, Norway was unwilling to challenge this position.

After consultation with the Australian and New Zealand Governments, it was decided in London that the two Dominions should have separate spheres of influence in Antarctica, and that the Ross Sea area should be placed under the control of New Zealand. In effect the Norwegian license applications resulted in the birth of the Ross Dependency which was officially established by Order-In-Council in July 1923.²²

With the creation of the Ross Dependency it was clear that the British policy in the polar regions took on a predictable pattern. Together with the Order-In-Council of 1880, which assigned the Arctic discoveries of Britain to Canada and the creation of the Falkland Islands Dependency in 1908, it was evident that Britain would continue to assert

¹⁸ Collier in "Territorial Claims in the Arctic to 1930," 10 February 1930, 2, NA, FO 337/96.

¹⁹ Fure, *Norsk Utenrikspolitikks Historie*, 135. See appendix III (New Zealand's claim)

²⁰ Skagestad, *Norsk Polar Politikk*, 43; Øian, *Norsk Ekspansjonspolitik i Arktis og Antarktis i Mellomkrigstiden*, 45.

²¹ "Territorial Claims in the Antarctic from 1908 to the end of 1929," 31 July 1930, 3, NA, FO 337/95.

²² The dependency was described in the Order as: "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." "Territorial Claims in the Antarctic from 1908 to the end of 1929," 31 July 1930, 2, NA, FO 337/95.

control in Antarctica, where there was still room for expansion, by placing these areas under the control of the sub-equatorial Dominion governments.

Faced with the prospect of a future Australian and perhaps even a South African sector in Antarctica, that would have the potential to seriously limit Norwegian whaling activities in the region, Norway decided to raise reservations about the British claims in the Ross Sea. The reservations raised in a note on 24 February 1924 did not amount to an official protest against the British claim. Having already instructed Norwegian whalers to apply for licenses, a protest would have been worthless. Norway rather asserted in a studied diplomatic innocence that they understood the British claim not to contain “such islands which may be situated within territorial waters of Victoria Land and Edward VII’s Land, the annexation is meant to comprise such islands only the existence of which is at the present known and which have been discovered by British citizens or by expeditions under the British flag.”²³ Norway thus asserted that discovery provided a more solid foundation for sovereignty claims than the sector principle.

As Norway was the only nation that, at least officially, had raised reservations about the Ross Sector, the application of the sector principle was thus relatively unchallenged in Antarctic context. The British response to the Norwegian note, not surprisingly, made no concessions to the Norwegian reservations.²⁴ Consequently, a further exchange of notes between Norway and Britain over the Ross Dependency continued until 1929.²⁵ The exchange did not lead to any agreement in principle and the Norwegian reservations to the annexation remained firm.

That said, the evidence that Norway accepted the British claim to the Ross Dependency *de facto* is undeniable. From 1923 to 1930 whaling, and especially

²³ A copy of the note enclosed in “Territorial Claims in the Antarctic from 1908 to the end of 1929,” 31 July 1930, 2, NA, FO 337/95. The note was discussed by Mowinckel in the Norwegian Storting Secret Meeting on 16 March, 1928 in SA, (CD Rom) Also quoted in Skagestad, Norsk Polar Politikk, 43; Fure, Norsk Utenrikspolitikk Historie, 136.

²⁴ Britain argued that there “existed no island or coastline within the Ross Dependency which was not indisputably British by discovery and it pointed out that the South Pole plateau had already been determined by Sir Ernest Shackleton who, in 1909, reached a point less than 100 miles from the Pole and took formal possession of the plateau for Great Britain.” The British note was sent to Norway on 3 November 1925. A summary of its content appeared in “Territorial Claims in the Antarctic from 1908 to the end of 1929,” 31 July 1930, 2, NA, FO 337/95, It was also discussed in length in a secret meeting in the Norwegian Storting a few years later, Mowinckel to the Norwegian Storting Secret Meeting 16 March, 1928 in SA, (CD Rom)

²⁵ Skagestad, Norsk Polar Politikk, 44 and Odd-Bjørn Fure, Norsk Utenrikspolitikk Historie, 136.

Norwegian whaling, increased exponentially in the Ross Sea. As these whalers continued to apply for licenses from the government of New Zealand, it became apparent that administrative control was being exercised within the boundaries of the Dependency.²⁶

In September 1925, the government of Australia pressed for the establishment of “British sovereignty with Australian control over the Antarctic regions from 160° E. to 90° E. longitude, the sector which His Majesty’s Governments of the United Kingdom, Australia and New Zealand had agreed should be the Australian sector.” Thus, the Australian sector would surround the French and limit any expansion of the latter or further encroachments by other powers, particularly Norwegian, in these areas.²⁷

Concerns produced by the increasing Norwegian activities in Antarctica were raised as a “central item of the agenda at the Imperial Conference” of 1926.²⁸ An inter-departmental committee composed of representatives of the Foreign Office, Dominions Office, Colonial Office and the Admiralty did the preparatory work for the conference regarding the questions of the British claims in Antarctica. During the deliberations of the conference the recommendations of the inter-departmental committee were generally approved. These recommendations included a detailed ‘wish list’ of territories, including their off lying islands, between the Falkland Islands Dependency and Ross Dependency that could based on previous British discoveries, reasonably be annexed. They recommended that action should be taken to assert British claims to these territories.²⁹

The final recommendation of the conference was that the desired territories should be subject to a gradual process of establishing of British domination in the Antarctic. A threefold policy was developed to meet these recommendations. Firstly, an

²⁶ The above is based on Skagestad, *Norsk Polar Politikk*, 118-26. The expansion of British claims in the Antarctic as manifested by the creation of the Ross Dependency in 1923 did not generate objections from nations other than Norway. France, however, had a claim to what they referred to as Adélie Land, which consisted of “150 miles between 66° and 67° south latitude and 136° and 147° east longitude” lying within the territories that were proposed to constitute the future Australian Sector in the Antarctic. Faced by the developing tendencies in the British expansionist policy, the French, by decree in 1924, asserted their claim to Adélie Land. The French claim was based on the discoveries made by Captain d’Urville of the French navy in the summer of 1840. The problem for Britain and indeed Australia was that Britain had implicitly recognized the French claim in an exchange of notes in 1913. Based on the earlier British recognition, it was clear that Britain would have to accept the French claim on the Antarctic continent; however, the extent of this was to be limited as much as possible. “Territorial Claims in the Antarctic from 1908 to the end of 1929,” 31 July 1930, 3, NA, FO 337/95.

²⁷ *Ibid*, 3.

²⁸ *Ibid*, 3.

²⁹ In total these areas constituted approximately a quadrupling of British Imperial claims in Antarctica or in total 2/3 of the Antarctic continent. *Ibid*, 4.

intimidation to the world at large should be published, “through the publication of the proceedings of the Imperial Conference of a reference to intention to perfect the title to the seven areas,” outlined in the wish list.³⁰ In the official publication the territories should only be mentioned by name. No limits by latitude and longitude should be given to avoid potential conflicts with other powers arising before the claim had been properly established. Secondly, there should be “formal local-taking possession” of the areas by the dispatch of an expedition to the Antarctic. And finally, there should be the issuing of letters of patents formally annexing the areas and making them subject to dominion administrative control under the umbrella of the Empire.³¹

The recommendations made at the Imperial Conference did not constitute a formal annexation of the territories that would be valid under international law. They did, however, have enormous importance as a policy statement that clarified the aspirations of British policy in Antarctica and greatly contributed to Norwegian anxieties about being cut off from the lucrative whaling grounds in the region.

Two substantial sectors were, however, left open by the Imperial Conference, as Britain at the time could not base any claim to these on discovery. However British aspirations were so extensive that they left little doubt in the international community that the end result would be a full annexation of Antarctica. Indeed, in a later Foreign Office report on the policy recommended by the Imperial Conference, it was acknowledged that the Imperial Conference had recommended “steps should be taken to bring the whole of the Antarctic, exempting those areas to which a good foreign title already existed, under British control.”³² Of the two sectors that were left open, or not yet subject to British claims, the most important was the territory between the Falkland Islands Dependency and the proposed Australian sector. This territory lay directly south of South Africa and could therefore potentially be subject to future South African administration under British control. By 1926 it was clear that Norway was leading the way in Antarctica in terms of economic interest tied to the whaling industry while Britain was leading the way in terms

³⁰ “Territorial Claims in the Antarctic from 1908 to the end of 1929,” 31 July 1930, 3, NA, FO 337/95. By leaving out the geographical limits, Britain certainly left open the possibility to expand the territory if desired at a later stage. The ‘intimidation to the world at large’ was first published in The Times. “British Policy in the Antarctic,” The Times, 18 November 1926.

³¹ “Territorial Claims in the Antarctic from 1908 to the end of 1929,” 31 July 1930, 4, NA, FO 337/95.

³² *Ibid*, 4-5.

of asserting sovereignty claims on the continent. Thus the ingredients for a conflict of interests between Norway and Britain were increasingly materializing.

The Norwegian annexation of Bouvet Island

The results of the Imperial Conference made it clear to Norway that it had become necessary to obtain footholds in Antarctica in order to sustain and protect Norwegian whaling interest in Antarctic waters. In 1927 the Norwegian whaling tycoon, Lars Christensen, commissioned a Norwegian expedition to Antarctica. Using the steamer *Norvegia* the expedition had asked the Norwegian government for permission to occupy for Norway any territory that it might discover. The government agreed as long as the expedition did not claim any territory that was already in the possession of foreign states.³³ On December 1 1927, the *Norvegia* reached Bouvet Island, made landfall, and subsequently claimed it for Norway.³⁴ Although Bouvet Island was situated outside of the geographical 'wish list' in the policy statement that came out of the Imperial Conference, the annexation created significant tension between Norway and Britain.

The Norwegian annexation was immediately complicated because the Norwegian whaling company Rasmussen & Co had, without consulting the Norwegian Foreign Office, applied for and was granted by the Colonial Office, special rights to conduct whaling operations with Bouvet Island as base. The fact that the Colonial Office had issued such a permit showed that Britain considered Bouvet to be British territory.³⁵

³³ Lars Christensen was a major owner in the Norwegian whaling fleet. In the 1920s and early 1930s he invested substantial resources in the exploration of Antarctica and its adjacent whaling grounds. The substantial mapping and scientific work conducted by the numerous expeditions he financed in Antarctica were of enormous importance to the later Norwegian annexations on, and around, the continent. Christensen also participated in four of the *Norvegia* expeditions under the command of officer, explorer and pilot Hjalmar Riiser Larsen. See Fure, *Norsk Utenrikspolitikk Historie*, 138-40.

³⁴ Bouvet Island is perhaps one of the most inhospitable islands on the earth. It is mostly covered by glaciers and has no natural harbour. Landing is very difficult and, except for a miniscule population of penguins, the Island itself has no economic value. The Norwegian annexation of the Island was therefore primarily undertaken for its symbolic value and the possibilities to pursue whaling in the Islands adjacent waters. Bouvet Island remains unhabited today. Ibid, 141; Drivenes and Harald Dag Jølle, *Norsk Polar Historie*, 121.

³⁵ The British claim to Bouvet Island rested on the landing of this Island by Captain Norris who had taken possession of what was believed to be Bouvet Island in 1825. No author, "Bouvet Island," *The Geographical Journal*, vol. 72, no. 6 (1928), 537-546.

News of Rasmussen's license reached the Norwegian government through the press on 18 January 1928.³⁶ On the following day, the Norwegian minister in London was ordered to declare to the Foreign Office that an official Norwegian occupation of Bouvet Island had occurred a month and a half earlier and that it had been the Norwegian government's intention to wait for the report from the captain of the *Norvegia* before an annexation by decree was to be undertaken.

Tensions increased when Britain replied that the Norwegian government must have known that they had occupied British territory.³⁷ Despite the British comments, the Norwegian government decided to formally annex Bouvet Island by Royal Decree on 23 January 1928.³⁸ The Norwegian move was a very bold one. In addition, the Norwegian government had broken with a central tradition in the then short history of Norwegian foreign policy by not putting out a colloquial feeler in London before a major political move was made.³⁹

The explanation for Norway's conduct lies in its fear of the future of the whaling industry but was also intertwined with the domestic political situation. In 1926 the Conservative Party in Norway had gained power with Ivar Lykke serving as both Prime Minister and Foreign Minister. Carl Joachim Hambro, a Conservative, who also served as the President of the Norwegian Storting's Foreign Affairs Committee from 1926 to 1933, heavily influenced the foreign policy of the Lykke government. Hambro, together with the Liberal Johan Ludvig Mowinckel who was also Prime Minister and Foreign Minister from 1924-26 and 1928-1931, were the most prominent makers of Norwegian foreign

³⁶ Fure, *Norsk Utenrikspolitikks Historie*, 138-141.

³⁷ These British views were also outlined in a note sent to the Norwegian government on 15 February 1928. "Territorial Claims in the Antarctic from 1908 to the end of 1929," 31 July 1930, 6, NA, FO 337/95.

³⁸ The Lykke Government went out of office on 28 January and the decision to annex Bouvet was done hastily because it was feared that Mowinckel, who was to take over the office of Prime and Foreign Minister, would give in to the British. See below for a discussion on the difference in policy between Mowinckel and Lykke. Fure, *Norsk Utenrikspolitikks Historie*, 140.

³⁹ Skagestad, *Norsk Polar Politikk*, 139.

policy in the interwar years.⁴⁰ Although these politicians agreed that it was a necessity for Norway to undertake annexations in both the Arctic and Antarctic, there was a serious disagreement over the manner and methods used in this process. In this debate disagreement over Norwegian policy towards Britain was a central theme.⁴¹

In a secret meeting in the Norwegian Storting on 16 March 1928 this disagreement was evident. Although Mowinckel and Hambro agreed that the timing and conduct of the Bouvet annexation was rather inappropriate, Hambro stated with confidence that

[I] have felt, and rather naturally so, great satisfaction to see the Norwegian flag hoisted on Bouvet Island. Norwegian explorers and whalers have been the pioneers in these regions; they have mapped and opened up these areas for commercial benefit and not until these commercial benefits have been realized has Britain annexed the territories and made Norwegian whaling subject to licenses. If there here is reason for irritation, Norway is the nation who has reason to be irritated....The English are more than any other nation ready to recognize the value of others brutality, and more than any other nation they lack the ability to respect those who always give in.⁴²

Tough and tainted with nationalistic prose, Hambro pointed out the undeniable fact that it was Norwegian whaling that provided Britain with the opportunity to exercise and expand control within its Antarctic claims. Norwegian pioneering in Antarctica was exploited by Britain. Thus, it was necessary to be firm and resolute in the process of gaining a foothold in Antarctica even though this might cause serious turbulence with Britain. Hambro's and Lykke's approach was also substantially supported by Norwegian public opinion. In a report to the Foreign Office, the British Minister in Oslo observed:

[I]n Norway this annexation of territory excited considerable enthusiasm, and the Norwegian press was filled with articles extolling the patriotism

⁴⁰ From 1918 to 1945 Norwegian politics was dominated by a series of minority governments that relied heavily on the support of Parliament and its sub-committees. The combination of weak governments and the Foreign Affairs Committee chairmanship of the vigorous Conservative leader Hambro "at times left the impression that the conduct of important foreign affairs lay in the hands of Hambro rather than in those of the ministry concerned." In Norway parliamentary influence, coupled with a close connection between scientists, publicists and Foreign Ministry officials, made foreign policy a difficult task for the minority governments that had to satisfy both the opposition and public opinion in important decision-making processes. Patrick Salmon, *Scandinavia and the Great Powers 1890-1940* (Cambridge: Cambridge University Press, 1997), 210-1.

⁴¹ Neumann and Leira, *Aktiv of Aventura: Utenrikstjenestens Liv 1905-2005*, 62-4.

⁴² Hambro to the Norwegian Storting Secret Meeting 16 March 1928, SA (CD Rom)

and enterprise of Mr. Christensen, who had fitted out *Norvegia*. Numerous interviews were given and people became quite lyrical in their patriotic enthusiasm.⁴³

Mowinckel, who had taken over the Prime Minister and Foreign Minister posts just after the Lykke Government had annexed Bouvet, argued that it was a serious mistake to have conducted the affair in such a way that it had provoked the British. Public opinion would, however, not accept a Norwegian retreat in the matter. Mowinckel saw the relations between Britain and Norway as vital to Norway's general security and therefore argued that it was necessary to maintain a modest profile in the areas where the two countries had conflicting interests.⁴⁴

The British response to the Norwegian conduct was more moderate and sensible than Mowinckel had feared. Internally in the Foreign Office it was admitted that the British claim to Bouvet was not a very strong one. Since Captain Norris' claim in 1825 no British citizen had set foot on Bouvet and the British title to the Island was therefore at the best inchoate. More importantly "account had to be taken of the effect which British attitude towards the Norwegian claim might have on our claims elsewhere in the Antarctic, some of which might be open to challenge."⁴⁵ In addition, it was the very presence of a Norwegian whaling industry in Antarctica that allowed Britain to exercise administrative control of their growing Antarctic empire. With no direct interest at stake, Britain was inclined to recognize Norwegian sovereignty over Bouvet Island if it could be met substantially on other questions in the Antarctic. A satisfactory agreement with Norway would be the best way to secure further progress on the agenda set out at the Imperial Conference in 1926.

The Sverdrup Islands as pawn in the Antarctic context

In October and November 1928 several meetings were held between high-ranking officials at the Foreign Office and the Norwegian Minister in London. During these

⁴³ Fure, *Norsk Utenrikspolitikks Historie*, 141. For a detailed survey of the role of lobby groups and popular opinion in relation to the Norwegian annexation of Bouvet Island see Øian, *Norsk Ekspansjonspolitik i Arktis og Antarktis i Mellomkrigstiden*.

⁴⁴ For more on Mowinckel's and Norway's general policy towards Britain and the relationship between these two nations in the interwar period see Salmon, *Scandinavia and the great powers*, 206-350.

⁴⁵ "Territorial Claims in the Antarctic from 1908 to the end of 1929," 31 July 1930, 7. NA, FO 337/95.

meetings a general *quid pro quo* agreement on Bouvet Island was hammered out, but only after a series of very heated discussions. Most importantly, in the process of reaching an agreement over Bouvet Island and other outstanding Antarctic issues, the Sverdrup Island case was brought to the table. It became clear that Britain could not maintain a claim to Bouvet without at the same time setting a precedent that would strengthen the Norwegian claim to the Sverdrup Islands.

In the discussions in the Norwegian Storting on 16 March 1928, Mowinckel had referred to the connection between the British attitude towards Bouvet and the possible consequences this had for the Norwegian claim to the Sverdrup Islands. He argued “if Bouvet Island is British, because Captain Norris in 1825 claimed this Island for Britain, without any British citizen visiting it since, then the Sverdrup Islands are Norwegian to a much more substantial extent indeed.”⁴⁶ Mowinckel therefore saw Antarctic issues in direct conjunction with Arctic ones.

The first meeting between Benjamin Vogt, the Norwegian Minister in London, and the Foreign Office was held on 4 October 1928 when the Permanent Under-Secretary of the Foreign Office, Sir Ronald Lindsay, received Vogt. Lindsay asserted that His Majesty’s government was anxious to approach the question in a reasonable spirit however;

wider issues were involved than relating to Bouvet Island alone, and that the two Governments were really approaching the discussion of the whole Antarctic question. Of this there were two aspects; the first was political and territorial. Considerations of geography and our efforts in exploration entitled Great Britain and the Dominions to a special position, and he must say frankly that it was the preference of the British Government, and even more of the Dominions, that the Empire should have no neighbors at all in the Antarctic or in its adjacent islands.⁴⁷

The arrogance of the British line was indisputable as it seems fair to suggest that Lindsay attempted to intimidate Norway from making future annexations in Antarctica.

Lindsay’s second point emphasized that the only governmental control over the whaling in southern waters was British and that this control always had been conducted

⁴⁶ Mowinckel to the Norwegian Storting, Secret Meeting, 16 March 1928, SA (CD Rom)

⁴⁷ “Territorial Claims in the Antarctic from 1908 to the end of 1929,” 31 July 1930, 7, NA, FO 337/95. See also Fure, *Norsk Utenrikspolitikks Historie*, 139-145 and Skagestad, *Norsk Polar Politikk* 46-47.

in an impartial manner between British and Norwegian interests. British control was necessary, as Norway, it seemed, could not be trusted to protect the whales from being completely exterminated. The British government was therefore anxious to come to an agreement with the Norwegian government to look after the future of the whaling industry.⁴⁸ In conclusion, Lindsay made it clear to the Norwegian Minister that Britain desired no further Norwegian annexations in the Antarctic. Vogt left the meeting with the assurance that Britain would show willingness to relinquish its claim to Bouvet Island if they were met substantially on the issues described above.

The meetings continued on 16 October, when the Acting Secretary of State for Foreign Affairs, Lord Cushendun, received Vogt who indicated that in regard to the question of whaling the Norwegian government would be able to meet the British requests.⁴⁹ In regard to the territorial question, however, Vogt said that this issue should be kept distinct from the issue of Bouvet Island since Bouvet was not part of the territories outlined at the Imperial Conference.

Lord Cushendun replied that if Britain relinquished its claim to Bouvet, Norway should refrain from pursuing other possible annexations in Antarctica. Not satisfied with the consequences of this proposal, Vogt changed his tactics. It was not desirable for the Norwegian government to commit to an agreement that would ultimately mean that Norway would refrain from making any future annexations in Antarctica. Other nations could explore and claim these areas and it was not in Norway's interest to limit itself to Bouvet Island.

Vogt then raised the argument about the Sverdrup Islands:

[I]f there was to be some quid-pro-quo for the renunciation of the British claim to Bouvet Island, such a one existed at the other end of the globe. There were certain regions in the Arctic (viz., the Otto Sverdrup Islands) which were indisputably Norwegian by priority of discovery-discovery much more recent than the British discovery of Bouvet Island-where the

⁴⁸ "Territorial Claims in the Antarctic from 1908 to the end of 1929," 31 July 1930, 8, NA, FO 337/95.

⁴⁹ In 1929 Norway complied with the British request and instituted a law that on a national level regulated the Norwegian whaling companies in the southern oceans. In 1934 this law was expanded as to give the Norwegian Government full control to regulate and decrease the annual tonnage caught in the same waters. Not until 1937, when an international conference was held in London on the issue of whaling in Antarctica, was a multilateral agreement achieved. The convention was, however, a disappointment, as it did not sufficiently decrease pressure on the southern ocean whales. Johan N. Tønnesen, "Norwegian Antarctic Whaling, 1905-68. An Historical Appraisal," The Polar Record, Vol. 15, No. 96, 1970, 283-90.

Canadian Government were exercising some sort of administrative authority.⁵⁰

This argument seemed to have been very effective. Not wanting to complicate matters by drawing Canada into the conflict and to risk a bi-polar struggle with Norway, Lord Cushendun ducked the question, modified his demands, and said that he was “confident that the Norwegian government, on reconsideration, would give the required assurances in regard to the areas mentioned in the Imperial Conference proceedings.”⁵¹ The British position was therefore modified so as not to completely exclude the possibility of future Norwegian annexations in Antarctica. The *quid pro quo* would lie in a British relinquishment of its claim to Bouvet Island and Norway would refrain from making any annexations within the territories outlined in the Imperial Conference proceedings.

On November 15 the Norwegian government complied with the modified British demands:

[T]he Norwegian Government have not sufficient knowledge of the basis upon which are founded the British claims to each one of the territories which the last Imperial Conference asserted to be British. The Norwegian Government, however, are prepared to express their willingness to refrain from occupying any land within these territories.⁵²

In return, Lindsay informed Vogt that Britain withdrew all claims to Bouvet Island and that they would raise no objection to its annexation by the Norwegian Government. On the surface this *quid pro quo* agreement seemed to solve the major issues of tension between Norway and Britain in Antarctica. The problem was that none of the territories mentioned in the proceedings of the Imperial Conference had been outlined in geographical terms. Deliberately, no limits by latitude and longitude had officially been published and as a result the agreement had a potential to cause future problems.⁵³

Most importantly, the negotiations between Norway and Britain in the fall of 1928 indicated that Norway was not willing to give up its rights to the Sverdrup Islands

⁵⁰ “Territorial Claims in the Antarctic from 1908 to the end of 1929,” 31 July 1930, 8, NA, FO 337/95.

⁵¹ Collier explicitly cited in *ibid* the desire not to involve Canada in the conflict as an integral element in the modification of the British policy.

⁵² *Ibid*.

⁵³ The discussion on the negotiations in London in October and November 1928 is based on “Territorial Claims in the Antarctic from 1908 to the end of 1929,” Foreign Office, 31 July 1930, 7-11, NA, FO 337/95. See also Skagestad, *Norsk Polar Politikk*, 46-47.

without some sort of compensation. In addition, Britain's firm adherence to its claim to Bouvet Island, based on discovery by Norris in 1825, had established a potential legal validity to the Norwegian claims to the Sverdrup Islands.⁵⁴ The evidence available make it clear that faced with the Norwegian argument over the Sverdrup Islands, Britain was forced to retreat on the issue of Bouvet and to subsequently modify its aspirations on the Antarctic continent. If Britain had remained firm over Bouvet, the Canadian sector could at least on a theoretical level be seriously compromised for by the same logic the Sverdrup Islands would have been Norwegian. Arctic and Antarctic policies were therefore intrinsically connected as political moves in either of the continents could, and did, develop legal precedents in the wider bi-polar context.

The analogy of Franz Josef Land

To further understand the Norwegian position in relation to the Sverdrup Islands it is necessary to also make reference to other Norwegian initiatives in the Arctic. Although Norway never officially claimed Franz Josef Land in the Russian sector of the Arctic, it continuously protested against the sweeping Soviet sector claim that incorporated the Islands. After a series of unofficial complaints an official protest was sent Moscow on 19 December 1928, asserting that the Norwegian government was unaware of other than Norwegian commercial interests on the Islands and their adjacent waters.⁵⁵

Regardless of the Norwegian protest, its continued activities on Franz Josef Land, and that it perhaps had the best foundations for a formal claim over the Islands it had

⁵⁴ In a note sent to the Foreign Office on 23 April 1928, Norway reserved all rights over the Sverdrup Islands coming to them under international law and thus officially claimed the Islands. Collier "Territorial Claims in the Arctic to 1930." 10 February 1930, 10, NA, FO 337/96. The note was also sent to Canada in March. Norwegian Consul General to Secretary of State for External Affairs, 26 March 1928, *DCFR*, Vol. 4, No. 902. The timing of this note should be kept in mind when looking at the negotiations over Bouvet Island in the fall of 1928. The fact that Norwegian note went to Canada ahead of the note to Britain can be seen as a Norwegian acceptance of Canada's growing independence in the international community. Under the circumstances of the Bouvet Island conflict, however, it seems more likely that Norway sent the note ahead to Canada in order to initially not directly antagonize Britain further.

⁵⁵ Above information on the Norwegian note is based on Mowinckel to the Norwegian Storting Secret Meeting, 7 May 1929, SA (CD Rom) Since 1860, 110 Norwegian hunting expeditions had wintered on Franz Josef Land. In the same period only 12 Russian expeditions had visited the Islands. Between 1903 and 1927, 69 of the expeditions that visited Franz Josef Land were Norwegian as opposed to only 9 Soviet expeditions. Norway continued to send expeditions in a clear protest against the Soviet application of the sector principle which encompassed Franz Josef Land and in 1928 they continued to dominate the economic exploitation of the Islands by sending 14 expeditions as opposed to 2 Soviet expeditions. Smedal, *Acquisition of Sovereignty over Polar Areas*, 119-21.

become clear by 1930 that Norway was fighting a losing battle. Aside from a rather curious incident of support by the Ministry of Foreign Affairs for a private annexation of Victoria Island in 1929, the Norwegian government felt that it would not be possible to pursue a Norwegian claim to Franz Josef Land against the much more powerful Soviet Union. To do so would compromise those rights that were granted Norwegian sealers in Russian waters by the 1925 bilateral trade agreement between Norway and the Soviet Union.⁵⁶

In a secret speech to the Norwegian Storting on 7 May 1929, Mowinckel reminded his audience about the agreement with the U.S.S.R and claimed that Norwegian sealing in Soviet waters was secured for many years to come and that the government would make sure that these rights would be expanded and continued. In regards to Franz Josef Land Mowinckel, asserted

[I]t is fundamentally important to remember the location of Franz Josef Land. I am as convinced as any other man who is involved in the conduct of Norwegian foreign policy that a small country like ours, has to make it's dispositions with care to avoid getting its fingers burned. We have therefore followed a policy in the Polar Regions where the more powerful nations have greater interest in such a way that we have focused on securing economic and political rights rather than engage in dangerous annexations.⁵⁷

Norway therefore refrained from acting on the secret claim to Victoria Island and deemed the bilateral agreement with the U.S.S.R sufficient under the circumstances. It's official protest had, however, illustrated Norway's reluctance to accept the sector principle as a valid approach under international law.

The focus on economic and political rights rather than vigorous pursuit of claims would also dominate the negotiations about the Sverdrup Islands which were conducted

⁵⁶ In 1929 the Ministry of Foreign Affairs gave permission for a secret private occupation of Victoria Island, the most westerly island of Franz Josef Land. This permission was given to satisfy the strong pressure the government had faced from the public and to secure a pawn if future negotiations were needed with the U.S.S.R in order to gain access to the sealing grounds in the Soviet sector. Adolf Hoel, the leader of NSIU, initiated the campaign for a private occupation of Victoria Island. The secret Norwegian occupation was conducted by the *Bratvaag* Expedition in August 1930. The expedition had signed a contract with the government to the effect that the private occupation would be transferred to the Norwegian government at any time in the future if the latter saw it fit. Gjertz and Morkved, "Norwegian Arctic Expansionism," 333-6.

⁵⁷ Mowinckel to the Norwegian Storting, Secret Meeting, 7 May 1929, SA (CD Rom)

at the same time as the Franz Josef Land controversy was unfolding. The importance here is to point out that these issues cannot be seen in isolation. A pattern in the Norwegian policies becomes apparent. Where annexation was not possible due to the relative position of Norway in international relations, the interest of Norwegian commercial operations was pursued and attempts made to protect them.

The Norwegian annexation of Jan Mayen and its relevance to the Sverdrup Islands issue

Jan Mayen Island remained the only successful Norwegian annexation in the Arctic after the Svalbard negotiations had been completed. The annexation was, however, directly intertwined in the diplomatic process that led to the relinquishment of the Norwegian claim to the Sverdrup Islands. The motivation for the Norwegian annexation was grounded in the general fear of a Norway about to being driven out of the Arctic. In the parliamentary proposal by the Lykke government to annex the Island of 1927 it was stated:

[I]f another power should annex Jan Mayen Island, the consequences would be undesirable for Norwegian interests in the Arctic. It would have disastrous effects on Norwegian hunting not only on the Island itself, but also around it, and finally this foreign power could limit the access of the Norwegian fishing fleet to Jan Mayen's adjacent waters.⁵⁸

Norway had laid the foundations of strong title to Jan Mayen through a process initiated in 1921 when the Norwegian Meteorological Institute established a wireless station on the island for the transmission of weather reports.⁵⁹ This was made official in 1922 and in 1926 when the Norwegian Government stated that the occupation had been enlarged to encompass the entire Island.

Due to the uncertain legal ramification of occupation based on a meteorological institution, Britain refrained from making any comments on the Norwegian action. It was

⁵⁸ Stortingsproposisjon, Ivar Lykke, Jan Mayen, 5 May 1927, SA. (CD Rom)

⁵⁹ Norwegian sealers and fur hunters had operated on the Island since 1860 and an expedition had wintered on the Island in 1906. Government involvement was, however, only initiated in 1921. Øian, Norsk Ekspansjonspolitik i Arktis og Antarktis i Mellomkrigstiden, 31.

also clear that the meteorological information and reports that came from the Norwegian station on Jan Mayen had, since 1922, been of great value to British meteorology.⁶⁰

The final Norwegian annexation of Jan Mayen by Royal Decree was delayed by the Norwegian-British conflict over Bouvet Island. It was feared that a simultaneous Norwegian annexation in the Arctic would limit all possibilities of favorable British treatment of Norway in the Antarctic.⁶¹ On 8 May 1929, however, based on the *quid pro quo* agreement in Antarctica, the Norwegian Storting ratified the proposal for an official annexation that had been presented by the Lykke government a year earlier.

This decision stirred a British reaction. The leading individuals on the Interdepartmental Committee on Antarctica, particularly Laurence Collier, were considerably aggravated by what they saw as 'illogical Norwegian encroachments' in British spheres of influence which had come to a head through the Bouvet Island affair.⁶² On 13 May, five days after the Norwegian annexation of Jan Mayen, the committee was summoned to discuss the latest developments in regards to the Norwegian annexation and general developments in Antarctica.

During the meeting Collier explained that there were undoubtedly good Norwegian claims to the Island. He then made the connection between Jan Mayen and the Sverdrup Islands. Norway, Collier asserted, had no regard for consistency. This

was shown by the fact that in this instance they claimed that occupation gave a better title than discovery, while in the case of the Otto Sverdrup Islands they were apparently contending that discovery gave a better title than occupation.... The best course would be to tell the Norwegian Government that we observed that they were apparently adopting the policy of staking out claims all over the world; that the last example of this policy was the annexation of Jan Mayen Island, that with regard to this

⁶⁰ A potential problem for Britain over the Norwegian occupation of Jan Mayen was that there existed a similar Argentine claim to South Orkney which was based on the continuing operation of an Argentine meteorological station there. A clear-cut British support of the Norwegian annexation would therefore have the potential to produce some stimulus to the Argentine claim to South Orkney.

Collier in Minutes of the 20th Meeting of the Interdepartmental Committee on the Antarctic, Monday 28 October 1929, chaired by Sir H. Batterbee. NA, DO 114/34, 18.

⁶¹ Synopsis of discussion in the Norwegian Storting Secret Meeting 9 February 1929, SA (CD Rom)

⁶² Sir Laurence Collier was the dominant British civil servant in the Sverdrup affair and he was the most active member of the Interdepartmental Committee on Antarctica. Collier was employed in the Northern Department from 1926-41 and "his career was especially notable in this connection." Collier was appointed minister to Oslo in 1939. But due to the war he could not start his service until 1945. He would stay in Oslo until 1950. Erik Goldstein, "Collier, Sir Laurence (1890-1976)," *Oxford Dictionary of National Biography*, Oxford University Press, 2004 (www.oxforddnb.com/view/article/64924, accessed 6 December 2005)

Island there were certain grounds on which we could make trouble if we wanted to; we should prefer not to raise them but if we were not to do so they must really drop their absurd claims such as that to the Otto Sverdrup Islands.

The Committee agreed in general with Collier's observations but it was decided to consult with Canada before any move was made over Norway's latest annexation. Leeper observed that the committee at the time had no information on the negotiations between Otto Sverdrup and Canada over the Sverdrup Islands and therefore concluded that "before definitely deciding to use or to recommend to Canada the use of the Jan Mayen case as a pawn in these negotiations," the present position of the negotiations would have to be exactly established.⁶³

The idea of linking the issues of Jan Mayen and the Sverdrup Islands together therefore seems to have been advanced by Laurence Collier and it was accepted as a suitable line of policy by the Interdepartmental Committee on 13 May 1929. A final settlement between Norway, Britain and Canada on their outstanding Arctic issues seemed to be possible along the lines of Collier's proposal.

Conclusion

The Norwegian claim to the Sverdrup Islands served as an important part of the more general Norwegian polar policies between 1920 and 1930. Norway's feeling of exclusion from its perceived historic rights in the Arctic, together with the increased application of the sector principle in the bi-polar context, shaped a foreign policy that focused on safeguarding commercial rights as well as the pursuit of outright expansion in the polar regions. When expansion was seriously opposed by greater powers, Norway actively worked to secure commercial rights in order to satisfy strong domestic pressure groups and public opinion. As much as the claim to the Sverdrup Islands functioned as a valuable pawn in the Antarctic context, it also served to undermine the Canadian application of the sector principle in the Arctic. Arctic and Antarctic policies were therefore intrinsically connected as political moves in either of the continents could, and did, develop legal precedents in the wider bi-polar context. Having secured agreements to

⁶³ Collier in Minutes of the 20th Meeting of the Interdepartmental Committee on the Antarctic, 13 May 1929, Chaired by Sir H. Batterbee. NA, DO 114/34, 31.

pursue commercial interests in Greenland and within the Soviet sector, it became clear that Norway might well seek to secure similar rights in the Sverdrup Islands before acknowledging Canadian sovereignty. The problem was, however, that in the Arctic context Norway had advocated occupation as the best foundation of sovereignty. When Norway annexed Jan Mayen in 1929, British officials quickly identified these inconsistencies and pointed to the fact that Norway claimed the Sverdrup Islands by the merit of discovery. As a result, the Norwegian claim to the Sverdrup Islands had been weakened and a favorable opportunity had occurred for Britain to reach a final agreement with Norway in the Arctic context. The sector theory had, on the other hand, gained prominence in bi-polar politics. Despite the Norwegian encroachments in Antarctica, the British and Dominion sectors outlined at the 1926 Imperial Conference, remained relatively unchallenged. The principle had also gained further support by the Soviet application of it in the Arctic. As a result of Britain's retreat over Bouvet and the growing support for the sector principle, Canada's claims to its Arctic sector had arguably been strengthened.

CHAPTER THREE: THE SVERDRUP ISLANDS AFFAIR

Introduction

After the closure of the MacMillan-Byrd controversy in August 1925, Norway continued to send Canada notes inquiring about the Canadian view of the international status of the Sverdrup Islands. From 1926 to 1928, for example, three Norwegian queries produced no Canadian written response.¹

The Canadian unwillingness to engage in any form of dialogue with Norway on the issue was based on the belief that any such discussion would have the potential to produce some sort of recognition of Norwegian title or rights to the Sverdrup Islands. During a meeting of the Interdepartmental Committee on Antarctica on 28 October 1929, the Canadian reasoning was outlined by Skelton:

[S]ince their discovery (of the Sverdrup Islands) the Norwegians had taken no steps, by occupation or otherwise, to consolidate any claim which discovery might have given them. On the other hand, there were strong Canadian claims on the ground both of contiguity and of administrative arrangements. The Canadian Government had organized a number of patrols of the North West Mounted Police in the Arctic, and these patrols had, in the last few years, been extended to the Otto Sverdrup Islands, which had thus been brought within the general range of Canadian administrative arrangements for the Eskimos. In fact, owing to Norway's failure to follow up her original discovery, the Islands have now been definitely included in the Canadian sector.²

¹ In the notes and conversations with Skelton, it was noted that in certain publications issued by Canadian government Authorities the Sverdrup Islands were referred to as Canadian. The Norwegian government therefore wanted to be informed whether the Dominion government contended that these Islands belonged to the Dominion, and, if so, on what basis such claim of sovereignty was founded. Collier, "Confidential Memorandum Respecting Territorial Claims in the Arctic to 1930," 10 February 1930, 10, NA, FO 337/96.

² O. D. Skelton in Minutes of the 21st Meeting of the Interdepartmental Committee on the Antarctic, 28 October 1929, chaired by Sir H. Batterbee. NA, DO 114/34, 31.

Any discussion on the international status of the Islands, Skelton therefore asserted, could not depart from the understanding that the Canadian title to the Sverdrup Islands was solid.

The dynamics of the Canadian attitude would also explain, as will be illustrated below, the later careful reluctance, while under British pressure, that O. D. Skelton showed in relation to the British idea of linking the Sverdrup issue with Jan Mayen Island. It was constantly feared in Ottawa that any negotiations by Britain on the issue of the Sverdrup Islands would create potential precedent which could threaten Canada's political control over the Arctic Archipelago or undermine the general administrative arrangements in the Arctic. Further, in the wake of the 1926 Imperial Conference and Canada's growing status as a fully independent nation the issue was linked, at least symbolically, to Canada's ability to independently exercise control over its Arctic territory.

Although Canada considered its title to the Sverdrup Islands practically secured, Ottawa was willing to enter negotiations with Sverdrup and subsequently Norway to obtain Norwegian acknowledgement of Canadian title. Such acknowledgement was deemed useful in solidifying the Canadian efforts to avoid further foreign, and especially, American encroachments the Arctic Archipelago. This chapter will outline the complex nature of the Norwegian-Canadian negotiations over the Sverdrup Islands. The importance of Jan Mayen, Antarctica and, indeed, Britain will be emphasised. On occasion, as this chapter will illustrate, other Arctic, and Antarctic developments directly effected the negotiations over the Sverdrup Islands and had undeviating bearing on the outcome of these.

The official Norwegian claim to the Sverdrup Islands

On 26 March 1928, Norwegian patience finally ran out and in a note to Skelton, Aubert, the Norwegian Consul General in Montreal, asserted: "I am now instructed by my Government to inform you that they reserve to Norway all rights coming to my

country under International Law in connection with the said areas.” This note thus represented the first formal embrace of Sverdrup’s claim by the Norwegian Government.³

The Norwegian claim should be seen in conjunction with continued pressure from Otto Sverdrup on the Ministry of Foreign Affairs to take action in respect to his overlooked claim to the Islands bearing his name. Sverdrup, who was now in his 70s, was determined to not see his life legacy lost for Norway. In a harsh and resolute letter to the Ministry of Foreign Affairs, dated 8 February 1928, Sverdrup observed that since his expedition

the Norwegian government has as far as I know not acted to secure the rights attached to my discoveries. This constitutes nothing more than a breach of duty on the behalf of the government....I am now asking the Norwegian Ministry of Foreign Affairs to contact the Canadian Government and to then irrefutably declare the Norwegian Government’s intention to follow up the rights of priority attached to my claim, which I generously transferred to the Norwegian Government in 1904.

Sverdrup asserted that the areas claimed had an indisputable value as fishing and hunting grounds and nobody, at the time, had any substantial idea of the future possibilities these Islands could offer Norwegian commercial interests. If the Ministry did not act, Sverdrup retained the right of personally seeking compensation for his expenses in relation to the expedition from the Canadian government and would subsequently relinquish all his rights in favor of Canada.⁴ Important as it was, Sverdrup’s letter seems to be secondary to the possible value such a claim could have as a pawn in the conflict with Britain over Bouvet Island.

The Norwegian Storting discussed the note to Canada in a secret meeting on 16 March 1928. This left little doubt that the major motivation behind it was to provide Norway with some bargaining power in relation to Britain over Bouvet Island.⁵ Indeed,

³ There is no question that this was interpreted as a claim to the Sverdrup Islands on behalf of Norway. In both British and Canadian sources references to the Norwegian claim are made throughout the negotiations between Norway, Britain and Canada. An example of this is found in Laurence Collier’s Confidential Memorandum Respecting Territorial Claims in the Arctic to 1930, where from pages 10-12, the Norwegian ‘claim’ to the Sverdrup Islands is assessed. Collier, “Territorial Claims in the Arctic to 1930,” 10 February 1930, 10-12, NA, FO 337/96.

⁴ Hegge, *Otto Sverdrup Aldri Rådløs*, 192-4.

⁵ The Norwegian Consul General in Montreal, Aubert, had been instructed to send the note to Ottawa prior to this meeting. The discussion of this day therefore took place between these instructions and the receipt of the note in Ottawa on 26 March 1928.

Norway deemed its claim to the Sverdrup Islands as having little practical importance and it was questioned whether it was even possible to follow the claim up. In addition, Mowinckel and Hambro both realized that Norway was possibly stretching its foreign political resources too far by simultaneously staking out claims that would perhaps lead to potential agitation with Britain, Canada and the Soviet Union.

Hambro pointed out the undeniable fact that, aside from the possible political turmoil such an action would cause, the geographical location of the Sverdrup Islands would make it very difficult for Norway to capitalize on its claim. "I think we have to admit," Hambro explained "that if we take a quick look at the map, one will promptly see that these Islands geographically belong to Canada and there is little we can do to change that."⁶ Hambro was not of the view that Norway should abandon its Arctic interests; he was only interested in contemplating such claims with a realistic view of the resources available, and the chances of success.

Mowinckel agreed with Hambro on the practical problems attached to the Norwegian claim over the Sverdrup Islands. He said that it was doubtful whether Norway could protest against Canada's assertion that the Sverdrup Islands were Canadian. They had since 1926 organized "some sort of police occupation" of Ellesmere Island, although it was uncertain if the authority of this occupation extended to the Sverdrup Islands. However, Mowinckel asserted:

we have with our note desired to underline the Norwegian interests on the Island, in order to possibly come to some agreement where these interests could be appreciated-if future commercial interests can potentially be realized on the Islands.... The importance of the Sverdrup Islands, aside from this, is that the question about the sovereignty over these Islands can be indirectly related to the question of sovereignty over Bouvet Island.⁷

Mowinckel thus made it clear that Canada would not have to deal with any Norwegian effort to occupy the Sverdrup Islands and an official annexation of the Islands was not imminent. The Norwegian note and the debate in the Storting demonstrated that the Sverdrup Islands would play a part on the political stage as a means of exerting Norwegian rights in Antarctica. As it turned out, this Norwegian tactic would not involve

⁶ Hambro to the Norwegian Storting, Secret Meeting, 16 March 1928, SA (CD Rom)

⁷ Mowinckel to the Norwegian Storting, Secret Meeting, 16 March 1928, SA (CD Rom)

the Sverdrup Islands in the final *quid pro quo* agreement over Bouvet Island, but Collier and his colleagues were by then aware that Norway was willing to relinquish whatever rights they had to the Sverdrup Islands if they were met on other more practically achievable claims in the bi-polar context.

It is clear that Ottawa was informed about the Norwegian willingness to draw the Sverdrup Islands into the negotiations over Bouvet Island.⁸ Canada did not, however, ever issue a reply to the Norwegian claim of 26 March, 1928; after the conclusion of the Bouvet Island controversy in the fall of 1928 the Sverdrup Island claim was left in a vacuum. The claim had outlived its initial role for Norway since it had not formed any part of the final agreement over Bouvet.

In the spring of 1929 the issue of the Sverdrup Islands was discussed at length in the Foreign Affairs Committee of the Storting. Based on the recommendations of this Committee, the Ministry of Foreign Affairs informed Otto Sverdrup on 15 April 1929 that he was free to enter negotiations with Canada over a relinquishment of his personal claim to the Islands. If Sverdrup felt that he was substantially accommodated by the Canadian government, Norway would be willing to relinquish its claim to the Islands. However any such relinquishment “would only be possible on the condition that if the Sverdrup Islands were opened for commercial activities, the rights of Norwegian citizens in such endeavors would have to be secured.”

This condition, which was not disclosed in the initial negotiations, would, of course, re-emerge as soon as Sverdrup was satisfied and would be addressed when the negotiations re-surfaced at the official level. It was not believed in Oslo that it would significantly complicate matters if Norway raised this condition at a time when Norway was to acknowledge Canadian title to the Islands. The Ministry also told Sverdrup that the Norwegian Minister in Paris, Mr. Wedel Jarlsberg, would be unofficially instructed to offer him assistance if such was needed.⁹ For the time being, the Norwegian government had therefore removed the Sverdrup issue from the official diplomatic sphere and it was

⁸ The Canadian government was informed about Norway's willingness to use the Sverdrup Islands as a pawn in a secret dispatch on November 21 1928. This dispatch was described in Lord Passfield to High Commissioner in Canada for H. M. government, W. H. Clarke, Secret Paraphrase Telegram No. 1, 1 January 1930, NA, FO 337/95.

⁹ Mowinckel to the Norwegian Storting Secret Meeting 15 February 1929, SA (CD Rom)

now up to Sverdrup and his personal advisor and agent, Eivind Bordewick, to relinquish Norway's claim to the Sverdrup Islands.

The motivation behind the Norwegian decision to let Sverdrup initiate negotiations with Canada is not exactly clear. However, Hambro had consistently pointed out that the Ministry of Foreign Affairs was under a heavy workload and as Norway was moving towards an annexation of Jan Mayen Island this seems to have been prioritized. Canada had yet to answer any of the Norwegian notes about the Sverdrup Islands and it was therefore cost effective for the Ministry of Foreign Affairs to have Sverdrup pursue the issue further. If Canada entered in talks with Sverdrup, Norway could determine later if the matter was worth pursuing further in a more official context. Such a solution could also take some pressure of the strained Anglo-Norwegian relations in the bi-polar context.

Sverdrup did not wait long to address the issue and on 22 April Sverdrup had a letter delivered to Prime Minister Mackenzie King through his agent Eivind Bordewick. In the letter Sverdrup reminded Mackenzie King that the Norwegian government had laid claim to the Islands, but Sverdrup informed the Prime Minister:

that as a result of negotiations with the Norwegian Government these rights will be definitely relinquished should I at any time so desire. As no claim in this connection can be made other than by myself it follows that Canada will enter into full and undisputed possession the moment my claim is dropped, in which case, I am precluded from seeking compensation from the Norwegian Government for my services rendered in connection with the expedition....I venture to hope that your Government will meet my wishes in connection with the cession of these lands to Canada, on the condition that a suitable compensation is paid to me.¹⁰

An official reply to Sverdrup's letter was not issued until 6 June. However in May Bordewick met with O.D. Skelton to discuss the proposal outlined in Sverdrup's letter. Bordewick asked in these conversations for the full reimbursement of the cost of the Sverdrup Expedition, which was equivalent to over \$200,000.¹¹ To this, Skelton replied

¹⁰ Otto Sverdrup to Prime Minister MacKenzie King, 22 April 1929, DCFR, Vol. 4, no. 905.

¹¹ The Sverdrup Expedition was originally paid for by the wealthy Norwegian business mogul Axel Heiberg and the Ringnes brothers who were the owners of Norway's biggest brewery. The Sverdrup Islands were named individually after these men to honour of their financial contribution to the expedition. Hegge, Otto Sverdrup Aldri Rådløs, 192-4.

that the Canadian government considered that the Sverdrup Islands “were already in its possession, and that any discussion on the matter would be without prejudice to that understanding.” At the time, Canada spent something in the neighborhood of \$100,000 annually on its Arctic enterprises and Skelton therefore deemed Bordewick’s demand as unreasonable.

The issue was also raised at meeting of the Northern Advisory Board, a committee which consisted of representatives of the Ministries of the Interior, Justice, External Affairs and the RCMP, in late May. The grandeur of Bordewick’s request and the possible legal consequences of the affair led to the decision that no action would be taken until the Northern Advisory Board had completed a report on the matter. Only after such preliminary enquiry would the Canadian government, “at the first convenient opportunity,” take up the matter. In the first instance Bordewick therefore left Ottawa on 5 June with no concrete answer to Sverdrup’s request.¹²

Britain enters the stage

In the meantime however, Britain had entered the stage. The recent Norwegian annexation of Jan Mayen Island had provided an opportunity, in the eyes of the Interdepartmental Committee and the Foreign Office, to “insist on an abandonment of extravagant Norwegian claims in other parts of the world.”¹³ In addition, it was clear that any Norwegian-Canadian negotiations over the Sverdrup Islands could have substantial effects on British and Norwegian claims in the bi-polar context. The Foreign Office was not inclined to let Canada embark, unsupervised, on any negotiations that could have any effect on the general British attempts to halt Norwegian encroachments in the polar regions. The Foreign Office therefore decided to act on the recommendations reached at the meeting of the Interdepartmental Committee on 13 May.

The position of the British government was laid out in a secret telegram from the Dominions and Colonial Secretary, L. S. Amery, to the British High Commissioner in Ottawa. Amery stated that although Britain was not necessarily disposed to raise

¹² Above paragraph based on O. D. Skelton to Prime Minister Mackenzie King, “Memorandum on Norwegian Proposal Regarding Arctic Islands,” 3 June 1929, DCFR, Vol. 4, No. 908.

¹³ L. S. Amery, Secretary of State for the Dominions, to High Commissioner in Canada for the United Kingdom, 29 May 1929, No. 53, NA, DO 114/34.

objections to the Norwegian annexation of Jan Mayen, it occurred to him that in return for Britain's acquiescence it might be possible to insist on the abandonment of the Norwegian claim to the Sverdrup Islands. Thus, before any action was to be taken in regards to this policy, Amery would prefer to be more certain of the situation in regards to the discussions between Norway and Canada on this matter. "We should, therefore," Amery continued,

be glad if without disclosing our motive you could ascertain from Canadian Government whether there has been any further correspondence on this matter subsequent to the note of 26th March 1928, from Norwegian Consul-General in Montreal and, if so, what is the present position of the discussions.¹⁴

The significance of this move by the Dominions and Colonial office was, of course, that the negotiations over the future fate of the Sverdrup Islands could possibly be integrated in to the greater equation of British aspirations in the bi-polar context. At the time, Skelton had only unofficial intimations, through Sverdrup and Bordewick, about the 'friendly attitude' which the Norwegian government was prepared to take in relation to the Sverdrup Islands. And it was assumed by Skelton that any negotiations between Sverdrup and Canada would primarily be concerned with the personal aspect of the deal without any 'prejudice to the understanding' that the Sverdrup Islands effectively were part of Canadian territory.¹⁵

By not disclosing their intent to Skelton and the Canadian government, Amery and the Dominions Office could determine if there was any likelihood that the original idea set out by Collier in early May could be realized. It was clear that Britain was interested in the prospect of a final settlement with Norway of any outstanding questions in relation to both the Arctic and Antarctica to avoid any further 'inconvenient Norwegian claims' in Antarctica.

On May 30 Amery's questions were forwarded to the Canadian government and a few days later Skelton informed the High Commissioner privately that unofficial

¹⁴ L. S. Amery to High Commissioner in Canada for the United Kingdom, 29 May 1929, No. 53, NA, DO 114/34. This note also reveals that Amery was aware that there had been movement on the issue but the nature of that movement was not clear.

¹⁵ O. D. Skelton to E. Bordewick, 6 June 1929, DCFR, Vol. 4. No. 912. The implication here of course is that if the Sverdrup Islands were part of Canadian territory, any discussion on the topic would be Canadian and there would be no need for involvement by Britain and the Foreign Office.

overtures had been made to Canadian government through Eivind Bordewick that suggested that the Norwegian government might be willing to give up its claim to the Sverdrup Islands if the Canadian government would be prepared to make a grant to Sverdrup.¹⁶

By the early summer of 1929, therefore, based on Skelton's information the British scheme seemed viable. However, the plan depended on a Canadian willingness to enter into negotiations with Sverdrup on the issue and for the time being the Northern Advisory Board continued their 'preliminary enquiries' on the matter. The fact that Skelton appeared content with the slow progress of the case, when taken together with his later conduct on the matter, illustrates that he was well aware of the dangers inherent in British involvement and that time was indeed on Canada's side. For Skelton it was Canadian, not imperial interests that were to be safeguarded in a final agreement with Norway.

During the summer, due in part to the change in the British government, the matter rested. In late August, based on continued British requests for information about the progress of the Norwegian-Canadian negotiations and the progress of the preliminary enquiries of the Northern Advisory Board, the process regained momentum. By the fall of 1929, Britain, more so than Canada, now seemed determined to reach a final agreement.

In order to speed up the process London decided to inform Ottawa about the British intention to integrate the Jan Mayen and Sverdrup Islands issues. The British High Commissioner, R. H. Hadow, approached Skelton on the issue on 11 September and suggested that Britain might be able to help Canada by insisting on the abandonment of the Norwegian claim to the Sverdrup Islands in return for "British acquiescence" in relation to Norway's claim to Jan Mayen. Skelton replied that the British proposition "would undoubtedly help Canada, which was disposed to pay a small sum to Sverdrup but not practically the whole cost of his expedition." Skelton refused to directly commit to the British proposal, but promised to "examine his files" and then discuss the matter further with Hadow. At the time, Skelton also reminded Hadow that the Canadian

¹⁶ Despatch from High Commissioner to Canadian government, 30 May 1929, No. 54, NA, DO 114/34. and Telegram from High Commissioner to Dominions Office 7 June 1929, No. 55, NA, DO 114/34.

government had yet to decide whether they would negotiate a deal with Sverdrup at all and, as a result, nothing could be done until the Canadian government committed to such negotiations.¹⁷ The Under-Secretary still therefore did not seem to be significantly concerned about the continued dawdling progress of the negotiations or his government's continuous inquiries on the matter.

O. D. Skelton at the 21st meeting of the Interdepartmental Committee

During the fall of 1929 Britain continued to pressure Skelton and Canada for a commitment to Collier's plan. When Skelton visited London in late October and November, he was summoned to a meeting of the Interdepartmental Committee. The Chairman, Sir Harry Batterbee, restated the British position and also mentioned that the British Minister in Oslo, Charles Wingfield,

had expressed some doubt whether recognition of the Norwegian claim to Jan Mayen Island would be a sufficient quid-pro-quo for the abandonment of the Norwegian claim to the Otto Sverdrup Islands, and it might be necessary, therefore, to consider whether we should not offer, as part of the bargain, to recognize also the Norwegian claim to Peter I Island.¹⁸

The prospect of extending the Sverdrup Issue to also include Peter I Island in Antarctica was a clear indication of the extent to which Britain was willing to go to reach final settlements with Norway in both the Arctic and Antarctica.¹⁹ The complexity of

¹⁷ R. H. Hadow, High Commissioner in Canada for the United Kingdom, 11 September 1929. Note of Conversation between Mr. H. Hadow and Dr. O. D. Skelton, Under-Secretary of State for External Affairs, Ottawa, on Wednesday, 11 September 1929, No. 57, NA, DO 114/34.

¹⁸ Sir H. Batterbee in Minutes of the 21st Meeting of the Interdepartmental Committee on the Antarctic, 28 October 1929, NA, DO 114/34, 31. Peter I Island was occupied by the *Norvegia* expedition on 2 February 1929. Lars Christensen reported to the Ministry of Foreign Affairs that large numbers of whales were spotted in the area. There existed at the time no good grounds for a British claim to the Island to be put forward although it lay within the limits of the proposed extension to the Falkland Islands Dependencies recommended by the Imperial Conference in 1926. Norway, of course, knew nothing about this recommendation since the proceedings of the Imperial Conference had been published without reference to the latitude and longitude of the proposed extensions. Peter I Island had also not been specifically mentioned in the proceedings of the Imperial Conference. On 8 May 1929 a dispatch was sent to the British Minister in Oslo informing him that he was not to volunteer any statement to the Norwegian government on the subject of the reported official occupation, but that if the Norwegian government mentioned the matter, he should reply that Britain made no claim to the island. "Territorial Claims in the Antarctic from 1908 to the end of 1929," 31 July 1930, 9, NA, FO 337/95.

Peter I Island was officially annexed by Norway by Royal Decree on 23, April 1931, without any British protest. Fure, *Norsk Utenrikspolitikks Historie*, 141.

¹⁹ For location of Peter I Island see appendix three.

such an arrangement could, however, move the final fate of the Sverdrup Islands, indirectly, out of Canadian hands. This was a prospect which for Skelton was not, at least in symbolic terms, very desirable for a Canada trying to establish its international independence. There was a clear difference between British assistance and British control over the events. For the remainder of the meeting largely through a dialogue between Skelton and Laurence Collier, this distinction was further clarified.

Skelton reminded the Committee that no action had yet been taken by the Canadian government with regard to the Norwegian proposal and underlined the possibility that Canada might “refrain from entering these negotiations at all.” The Islands were definitely included in the Canadian sector, “and no negotiations would be conducted that challenged that understanding.” The amount proposed by Sverdrup was out of the question, but it was quite possible, Skelton continued, that the Canadian government might be prepared to make a small grant to Sverdrup in return for the “definite and final abandonment of the Norwegian claim.” “Only in these circumstances,” Skelton asserted, “would an additional counter-weight, e.g., the recognition of the Norwegian claim to Jan Mayen Island, be very helpful.” It seemed clear, he continued,

that political concessions of this nature would not alone suffice to secure the abandonment of the claim to the Otto Sverdrup Islands. Sverdrup himself was now an old man, and it was necessary that some provision should be made for him. There were, therefore, financial considerations which the Norwegian Government would doubtless press.

Laurence Collier, in his response to Skelton, repeated his observations about the way in which the two cases balanced very well and that this balance should be pursued in order to speed up the process. Skelton politely agreed with Collier, but went on to suggest that he would take the matter up with his government and, if the latter approved, he would contact Otto Sverdrup with the Canadian offer of compensation. He added, that if the arrangement was successful, the Canadian government would “probably prefer not to make any formal announcement but to leave matters as they were. The arrangement would, in fact, represent the relinquishment of Norwegian title rather than acquisition of Canadian title.”²⁰

²⁰ Minutes of the 21st Meeting of the Interdepartmental Committee on the Antarctic, 28 October 1929, Chaired by Sir H. Batterbee, NA, DO 114/34, 45-47.

As a result of the polite but firm attitude with which Skelton met the British scheme, any action was suspended pending the approval of the Canadian government to enter into negotiations with Sverdrup and his advisors. Nevertheless, Skelton was, as the discussions in the committee meeting showed, inclined to pursue negotiations with Sverdrup and evaluate the possibility of success in them before calling Britain for 'assistance.' If Canada could obtain an acknowledgement of its sovereignty of the Sverdrup Islands on its own this would reflect the ability of Canada to control its Arctic islands and serve to illustrate Canada's growing independence in the international community.

During his stay in Britain Skelton kept in firm contact with Ottawa through the Canadian High Commission. On 30 October he reported to Mackenzie King on the meeting of the Interdepartmental Committee and asserted that he was still "of the opinion that it would be advisable in view of the important Canadian interests concerned to offer some compensation." He asked King to bring this to the attention of the Northern Advisory Board so that he could be advised on what amount should be considered. The opportunity to move forward now was convenient as Bordewick was in Europe and, if negotiations were instigated, Skelton could test the Canadian proposal.²¹ And perhaps close the deal without direct assistance from London.

Meanwhile, Skelton's and the Northern Advisory Board's ongoing 'preliminary enquiry' were seriously testing the patience of the Foreign Office and the Sverdrup camp. On 23 November, Skelton wrote to Mackenzie King that the British government wanted to take "definite action regarding Jan Mayen Island" and that he had promised to discuss the Sverdrup question with Bordewick before he returned to Canada.

In addition, Skelton notified King that Mowinckel had, in a speech on Norwegian policy in the polar regions, insisted on the special interests in connection with the Arctic and Antarctica and objected to the doctrine of the sector principle put forward by Canada, Britain and the Soviet Union.²² Skelton's telegrams to Ottawa were clearly marked by a growing sense of urgency as it became more and more unlikely that the Sverdrup affair

²¹ Skelton (London) to Secretary of State for External Affairs, 30 October 1929, DCFR, Vol. 4, No. 914.

²² Skelton (London) to Secretary of State for External Affairs, 23 November 1929, DCFR, Vol. 4, No. 916.

could remain in its ‘unofficial’ stage. If Canada was to close the deal with Norway and Sverdrup on its own, it appeared that time was pressing.

Adding to the urgency of the situation and more importantly, to British impatience, it seemed likely in late 1929 that Norway and Britain were entering into renewed confrontation in the Antarctic theater. The 1929-30 *Norvegia* expedition created significant tension in the Foreign Office as the expedition was reported to be operating within the proposed Australian sector between Enderby Land and the Ross Sea. In October a “series of articles in the *Daily News* strongly criticized Norwegian annexationist activities in the Antarctic... and aroused the greatest indignation in Norway.”²³ A secondary result of the massive press attention the *Norvegia* expedition received was a growing anti-Norwegian attitude in British public opinion.²⁴ These developments had the potential to threaten the Norwegian willingness to continue its ‘friendly action’ over the Sverdrup Islands and, in addition, the British desire to reach general settlements with Norway in the bi-polar context now increased exponentially.

Negotiations in Paris

On 30 November Skelton got permission from Ottawa to start negotiations with Bordewick. The Canadian government was prepared to consider compensation to Sverdrup amounting to \$25,000, a figure far below the expectations in the Sverdrup camp.²⁵ Subsequently negotiations attended by Skelton, Minister Lapointe, Otto Sverdrup and Bordewick took place in Paris on 5 and 6 December. During the first meeting, in an effort likely intended to close the deal in Paris in order to avoid further British involvement through the Jan Mayen scheme, Skelton claimed to have been advised by the Foreign Office that

²³ “Territorial Claims in the Antarctic from 1908 to the end of 1929,” 31 July 1930, 19. NA, FO 337/95.

²⁴ On the Norwegian indignation and anti-Norwegian attitudes in British public opinion see, Fure, *Norsk Utenrikspolitikks Historie*, 142-3.

²⁵ Secretary of State for External Affairs to High Commissioner, London, 30 November 1929, *DCFR*, Vol. 4, No. 916. The Northern Advisory Board’s decision to enter negotiations over the Sverdrup Islands was based on the belief that a Norwegian acknowledgement of Canadian sovereignty would formally “secure Canadian title” to the Arctic Archipelago. Although in practical terms Canada had secured its title prior to the negotiations over the Sverdrup Islands, such acknowledgement by Norway would illustrate the strength of the Canadian claims and send a signal to the international community about the Canadian position. Shelagh D. Grant, “A Case of Compounded Error: The Inuit Resettlement Project, 1953, and the Government Response, 1990,” 5. [www.carc.org/pubs/v19no1/2.htm, accessed September 12, 2005]

with regard to the question of the sovereign rights of Norway, the Norwegian minister in London had expressed before Lord Cushendun Norway's willingness to relinquish her rights as compensation for Bouvet Island. As a result, Commander Sverdrup's claim should be reduced to one for reward for personal services rendered.

Skelton then made an offer of \$2,400 per annum for life, or a lump sum payment of \$25,000. It was very important for Skelton not to enter negotiations that acknowledged any sort of compensation for territory that Canada claimed already was in its possession. Skelton's insistence on reducing Sverdrup's monetary claim to one of 'personal services' was an important technicality that clearly evaded the specific questions of sovereignty.

Sverdrup and his advisors were rather baffled by Skelton's line of argument as the instructions and information they had received from the Norwegian Ministry of Foreign Affairs did not at all correspond with Skelton's view of the Bouvet issue. Skelton's offer was therefore rejected based primarily on the inadequate amount offered but also because Skelton's arguments about Bouvet Island contradicted instructions the Sverdrup group had been issued from the Ministry and the Norwegian Minister in Paris, Mr. Wedel Jarlsberg.²⁶

Skelton's bold move had failed and the process was not likely to be concluded as quickly as he had wished. Most importantly, upon returning to Norway, Eivind Bordewick instantly reported on Skelton's line of argument to the Ministry of Foreign Affairs and, surprised by the developments, the Norwegian Minister in London was immediately instructed to call the Foreign Office to establish whether Skelton's arguments were based on official British policy.²⁷ During the phone conversation, the Norwegian Minister explained that Skelton had informed Sverdrup that "as a result of the arrangement in virtue of which H. M. Government in the United Kingdom had abandoned their claim to Bouvet Island the Norwegian claim to Sverdrup Islands fell to

²⁶ The instructions to the Sverdrup camp outlined that *quid pro quo* agreement reach over Bouvet Island in 1928 had been solved in the Antarctic context. Above based and quoted from E. Bordewick to Prime Minister, 30 December 1929, DCFR, Vol. 4, No. 917. It was also clear that Ottawa had been informed by the Dominions Office about the Norwegian attempt to use the Sverdrup Islands as a pawn in the negotiations over Bouvet Island. Much therefore could be said to the effect that Skelton was well aware that the matter had been solved within the Antarctic context and that during the negotiations in Paris he gambled that the Sverdrup camp had not been informed about this.

²⁷ Lord Passfield to High Commissioner in Canada for H. M. Government, W. H. Clarke, Secret Paraphrase Telegram No. 1, 1 January 1930, NA, FO 337/95.

the ground.” Although the Norwegian Minister had used the position of the Sverdrup Islands in the discussions with Lord Cushendun over Bouvet Island, the final agreement with regards to the latter had been purely Antarctic in character. Lindsay told the Norwegian Minister that his recollection of the Bouvet Island issue was similar, and more importantly, that he was not aware that Skelton had been instructed by the Foreign Office to put forward an argument in a matter had already been resolved in a very different context.²⁸ The implication here was that the Bouvet Island case had not diminished any of the possible rights that Norway or Sverdrup might have had to the Sverdrup Islands. Skelton had, without authorization from London, used the Bouvet issue in a clear attempt to weaken Sverdrup’s bargaining position.

As a result of Skelton’s conduct, High Commissioner Clarke was instructed to “communicate the substance of the discussion” between the Norwegian Minister and Lindsay, to Skelton, and to “continue to press for information as to the negotiations in Paris.” Despite repeated requests, the Dominions Office had not received any information from Ottawa about the negotiations with Sverdrup.²⁹ The message to Skelton was nothing less than a formal instruction not to attempt, in the future, to link Antarctic matters with the Sverdrup issue unless this was implicitly approved by the Foreign Office. Nevertheless, Skelton’s attempt to use the Bouvet Island case in relation to the questions of sovereignty over the Sverdrup Islands showed that also in Ottawa, Antarctic issues were seen in direct conjunction with Arctic ones.

In his next response to Bordewick, on 24 January 1930, Skelton therefore declared that “some misunderstanding exists as to London conversations about Bouvet Island. Our statement in Paris was merely that the question of linking the two matters was discussed by Norwegian minister and Lord Cushendun.”³⁰ Thus Skelton could no longer assert that the Bouvet issue had changed, in any way, the possible rights Norway or Sverdrup claimed to have over the Sverdrup Islands. His statement in this letter was

²⁸ Lord Passfield to High Commissioner in Canada for H. M. Government, W. H. Clarke, Secret Paraphrase Telegram No. 1,1 January 1930, NA, FO 337/95.

²⁹ Lord Passfield to High Commissioner in Canada for H. M. Government W. H. Clarke, Secret Paraphrase Telegram No. 1,1 January 1930, NA, FO 337/95. Clarke had made enquiries of Skelton on the 19 and 23 December, but the former had yet to provide such information to the Dominions Office.

³⁰ Skelton to E. Bordewick, 24 January 1930, DCFR, Vol. 4, No. 921.

suggestive of an attempt to neutralize the effects of his failed tactic; an agreement with Sverdrup would now require more flexibility on the Canadian side.

Confrontation in Antarctica and Britain's push for a general bi-polar settlement with Norway

In the fall of 1929 Britain and Australia made the necessary preparations for the formal annexation of the so-called 'Australian sector' in Antarctica. The second element of the threefold policy established at the Imperial Conference in 1926 was initiated by the launch of the *Discovery* expedition during the Antarctic season of 1929-30. The intention behind the expedition was outlined in a memorandum of 12 October to the Norwegian government.³¹ The memorandum was issued as a warning to the Norwegian government as the British felt that the prospect of the continuing exploration activities of *Norvegia* constituted a pressing problem in relation to the successful execution of the plans established at the Imperial Conference in 1926.

On 4 November 1929, the Norwegian Minister in London stated in a formal conversation with representatives for the Foreign Office that the *Norvegia* expedition was to continue its operations during the Antarctic season of 1929-30 and that:

by Royal decree, this expedition has been given a general authorization-as given to *Norvegia's* earlier expeditions in previous years-to take possession, in the name of His Majesty the King, of any new land which the expedition might discover and which previously had not been occupied in due for by the Government of any other country. The decree has been issued on the assumption that no land will be occupied which falls within the areas mentioned in the Summary of Proceedings for the Imperial Conference in London in 1926.³²

Britain issued no official reply to this conversation with the Norwegian Minister.

The Foreign Office decided that the best course to take in order to avoid "further

Norwegian encroachments in Antarctica" was to have Charles Wingfield, the newly

³¹ The Memo stated that the expedition was to "operate principally in the sector between Enderby Land and the Ross Sea, with a view to the completion of the geographical and scientific work previously carried out in this sector by Sir Douglas Mawson and by other British explorers and of the formal establishment of a British title to this sector, with the exception of the French territory of Adélie Land." Cited in "Territorial Claims in the Antarctic from 1908 to the end of 1929," 31 July 1930, 19, NA, FO 337/95.

³² Ibid.

appointed Minister to Oslo, “take an early opportunity of explaining, in the friendliest terms,” to Mowinckel that the British Government considered their right to the whole so-called Australian sector “unimpeachable.” The British feeling on this subject was very strong and there would be “no possibility of any withdrawal from this position.”³³

If Mowinckel replied that Britain was “attempting to annex the whole Antarctic continent and islands,” Wingfield was to declare that Britain had “no knowledge that any claim had ever been put forward to the sector between Enderby Land and Coats Land.” Mowinckel was also to be reminded that a large sector in Antarctica was still left open “and in all the remainder under British sovereignty, His Majesty’s Governments would welcome Norwegian scientific and economic co-operation.”³⁴ In effect, therefore, Wingfield was instructed to issue an invitation to Norway to proceed with exploration and/or annexations in this unclaimed part of Antarctica.

The continuing activities of the *Norvegia* expedition had gradually led to a modification of the British policy as originally outlined in the proceedings of the Imperial Conference. Britain would accept Norway as a neighbor in Antarctica if the major British claims, “which they had translated or were translating into concrete sovereign possessions,” were respected. Thus, a general settlement could be achieved that ultimately provided the British with the necessary stability required to consolidate their claims into sovereign possessions.³⁵

On 21 December 1929, Wingfield met with Mowinckel to explain the British position in relation to the Australian sector and to point out the ‘vacant sector’ to which Britain had laid no formal claims. Mowinckel made no comment directly about the extent of the British claims but stated “that Norway could not in principle accept the system of claiming sectors including enormous tracts off sea.” Although Norway did not approve, in principle, of the British plans, Mowinckel assured Wingfield that the *Norvegia* expedition “had been instructed to avoid the territories specified in the Imperial Conference Summary of Proceedings, and that, in any event, any acts of annexation

³³ “Territorial Claims in the Antarctic from 1908 to the end of 1929,” 31 July 1930, 20-21, NA, FO 337/95.

³⁴ Ibid. See also appendix III.

³⁵ Quotes from Ibid, 20-21.

performed by *Norvegia* would have to be referred to the Norwegian government for confirmation.” On the surface, therefore, the situation seemed to be under control.³⁶

However, on 31 December 1929 and 1 January 1930, newspapers in both London and Oslo reported “a strip of 100 kilometers of new land had been discovered by the *Norvegia* Expedition between Enderby Land and Kemp Land and had been taken possession of in the name of the King of Norway.”³⁷ The expedition had, despite the dialogue in the fall of 1929, now claimed land within the Australian sector. In Britain these developments were met with surprise and obvious irritation. On 31 December, Wingfield was instructed to request an immediate meeting with Mowinckel and the Antarctic Committee was to be specially summoned on January 8 to discuss the situation.

The Foreign Office was determined to reach final settlements with Norway in both Antarctica and in the Arctic. If necessary, Wingfield should bring maps to Mowinckel in order to leave no room for doubt as to the extent of the British claims.³⁸ At this juncture the unresolved territorial issues between Norway and Britain and Canada in both the Arctic and Antarctica were clearly intertwined, as Britain forced the issue of a final and general settlement with Norway in the bi-polar context.

Thus on 5 January Lord Passfield, the new Labour Secretary of State for the Dominions sent a secret telegram to the British High Commissioner in Ottawa, which declared that

[I]t is necessary owing to the recent developments in the Antarctic to make immediate plans for a general settlement with the Norwegian Government on outstanding questions. The interdepartmental Committee has been specially summoned to consider the situation in the afternoon of January 8th. If no answer is received before then to the questions put in my confidential telegram No. 267 of 19th December we may be compelled to proceed independently leaving the Otto Sverdrup question to be dealt with separately later. We feel sure that Skelton would agree that this would be

³⁶“Territorial Claims in the Antarctic from 1908 to the end of 1929,” 31 July 1930, 20-21, NA, FO 337/95.

³⁷ Minutes of the 23rd Meeting of the Antarctic Committee summoned to consider policy *vis-à-vis* Norway 8 January 1930, NA, DO 114.

³⁸ “Territorial Claims in the Antarctic from 1908 to the end of 1929,” 31 July 1930, 20-21, NA, FO 337/95 and Minutes of the 23rd Meeting of the Antarctic Committee summoned to consider policy *vis-à-vis* Norway, 8 January 1930, NA, DO 114.

very unsatisfactory both from the Canadian and the United Kingdom point of view. Please make appeal in this sense to him.³⁹

The tone of this note did not leave the Canadian government with much choice. The developments in Antarctica had provided Britain with a convenient excuse to directly pressure the Canadian government into a more rapid closure of the outstanding territorial questions in the Arctic. This was, of course, an outcome that British officials, and especially Laurence Collier, had desired since early May 1929. The ‘unofficial’ negotiations between Sverdrup and Canada would now definitely be supplemented by official deliberations between Norway and Britain on the Jan Mayen issue. As a result, Canada’s Arctic Archipelago was drawn in to the more complex bi-polar context of Anglo-Norwegian relations.

It soon became clear that the *Norvegia* annexations had created an embarrassing situation for the Norwegian government. Mowinckel was certainly aware that Britain considered their claims to the Australian sector as unimpeachable. On January 1 Charles Wingfield pointed out after a private conversation with Mowinckel on the subject that “the Norwegian Government would doubtless have been glad had the *Norvegia* rather selected some part of the sector between Enderby Land and Coats Land for hoisting the Norwegian flag.”⁴⁰

Indeed, by 8 January, after further conversations it became evident that Norway would not proceed to annex any of the newly discovered territories within the British sphere of interest. Mowinckel had “repeated his objections to the sector policy in the Antarctic, but the implication of his remarks was that the Norwegian government would not approve of the annexation of the territory referred to in the Press report.”⁴¹ In order to defuse the situation Mowinckel had ordered the *Norvegia*, on 6 January, to redirect its

³⁹ Lord Passfield to W. H. Clarke, Secret Paraphrase Telegram No. 7, 5 January 1930, NA, FO 337/95. The questions put in the Confidential telegram No.267 of 19 December were as follows:

“1. Does the Canadian Government agree to an early attempt being made to secure the abandonment of the Norwegian claims to the Sverdrup Islands in return for an acknowledgement of Norwegian sovereignty over Jan Mayen Island and consideration of an *ex gratia* pecuniary grant to Sverdrup:
2. If so what would be the amount of such an *ex gratia* payment?” These questions were restated in: R. H. Hadow, Office of British High Commissioner, to Skelton, urgent and confidential letter, 7 January 1930, *DCFR*, Vol. 4, No. 918.

⁴⁰ British Minister in Oslo, Charles Wingfield, to Arthur Henderson, 1 January 1930, NA, FO 337/95.

⁴¹ Minutes of the 23rd Meeting of the Antarctic Committee summoned to consider policy *vis-à-vis* Norway, 8 January 1930, NA, DO 114.

operations to the 'open' territories between Enderby Land and Coats Land. Mowinckel's reason for this decision was based on his continuing unwillingness to enter into prolonged and serious conflict with Britain. In a secret meeting of the Norwegian Storting on 15 February, Mowinckel outlined the position.

[S]ince we agreed to not make annexations within the spheres of British interest outlined in the Imperial Conference Proceedings, first in 1928 and then again in the fall of 1929, it would lead to a rather undesirable conflict if we officially proceeded to do so. Such a conflict with Britain would only harm our other bi-Polar interests. Territories in Antarctica outside the sphere of British interest, however, can be annexed if we please, without having to run the risk of ending up in difficulties with Britain.⁴²

In reality, Mowinckel was describing a final agreement between Britain and Norway on the partition of the Antarctic continent. Britain had effectively invited Norway to annex the sector between Enderby Land and Coats Land due south of South Africa. On 20 January Wingfield handed the Norwegian Prime Minister a memorandum, which stated that the British government were

highly gratified to learn, not only that on practical grounds the Norwegian Government did not attach importance to the territory in question, but that, as reported by the latest press messages, the Norvegia had moved to the west of Enderby Land and proposed to restrict her operations to unclaimed areas between Enderby Land and Coats Land.⁴³

This memorandum would mark the end of Norwegian-British tension in Antarctica, although Norway never officially acknowledged the British use of sectors. Until 1933 the *Norvegia* would confine its activities and only lay claim to the territories between Enderby and Coats Land. Britain subsequently accepted Norway's special interests in this

⁴² Mowinckel to the Norwegian Storting Secret Meeting 15 February, 1930 in *Møter for Lukkede Dører*, Stortingsarkivet, 9.

⁴³ Foreign Office Memorandum, Enclosure to Wingfield, 22 January 1930, NA, FO 337/95.

region.⁴⁴ In 1933, through a British Order-in-Council, the Australian Antarctic Territory formally annexed by Britain and subsequently put under Australian jurisdiction.⁴⁵ In the early months of 1930, therefore, the only unresolved Norwegian-British issue in the bi-Polar context was the Sverdrup Islands case.

Canadian compliance with Britain's scheme for settlement of outstanding questions in the Arctic.

Upon receiving the British note on 7 January 1930, Skelton immediately issued a reply. The Canadian note constituted a reluctant compliance with the British plan; it was evident that Skelton did not desire the prospect of losing direct control of what he perceived as a purely Canadian matter. "Canada", Skelton asserted,

while maintaining its claim to sovereignty over the whole of the Arctic Archipelago within the Canadian sector, and while not wishing to make any bargain which would involve an acknowledgement of Norwegian claims, is prepared to make *ex gratia* a pecuniary grant to Commander Sverdrup for his services to scientific research in the Arctic....It is agreed that such a solution would be further facilitated if simultaneously an acknowledgement were made of Norwegian sovereignty over Jan Mayen.

With regards to the second question, Skelton revealed that the Canadian government was now willing to offer Sverdrup a cash payment of \$25,000 together with a life annuity of \$2,400 per annum to begin on 1 April 1929. This would be Canada's final offer and further developments in the unofficial negotiations would therefore rely on

⁴⁴ To illustrate this point, in November 1930 the Antarctic Committee examined a proposal from South African Captain Mills Joyce who wanted to launch a purely South African expedition between Enderby Land and Coats Land in the hope that "the South African flag one day would be unfurled over those lands lying immediately south of her continent." The Antarctic Committee disapproved of Mills' plans in the view of the correspondence between Wingfield and Mowinckel in January 1930 and Joyce was consequently ordered to cancel his plans. The Antarctic Committee, Memorandum on Capt. E. E. Mills Joyce's scheme for a South African Expedition, 1930-1932. Enclosure in Secret letter from H. N. Tait to Secretary Office of the High Commissioner for the Union of South Africa, 11 November 1930, NA, FO 337/95.

⁴⁵ Norway issued no official protest or reaction to the British annexation. Britain was contacted in 1934 and invited to enter into a dialogue on the future of the continent with special reference to Antarctic sea boundaries. The dialogue came to nothing however. Upon hearing rumors about a possible German expedition to the territory between Enderby and Coats Land, Norway officially annexed by Royal Decree the territories now named Queen Maud's Land on 14 January 1939. The Norwegian annexation was recognized by Britain who was more than happy to avoid being the neighbor of Germany in Antarctica. The Norwegian annexation did, however, restrict itself to the coastline and its immediate hinterland in order to avoid any confusion as to the continued Norwegian opposition to the sector principle. See appendix three.

Sverdrup's agreement to this offer. Skelton proposed that London contact the Norwegian government with the Jan Mayen proposal simultaneously with Canada's final offer being transmitted to Sverdrup.

Finally Skelton made plain the reluctance with which the Canadian government took these steps and reasserted Canadian considerations:

[I]t is desired to make clear that in the view of the Canadian Government the circumstances in the present case are unique and that this grant would not in any way constitute a precedent for claims from other explorers. Under present conditions the exploration and scientific study of the Canadian Archipelago is carried on and will be carried on in the future by Canadian Government as incidental to its annual patrol and other administrative activities in this part of Canadian territory.⁴⁶

Skelton considered the Arctic Archipelago to be firmly under Canadian jurisdiction and clearly implied that the issues surrounding the sovereignty of the Sverdrup Islands and the Canadian Arctic Archipelago would in the future be only a matter of Canadian diplomatic and political concern. There was a real danger inherent in the British scheme. The grant paid to Sverdrup and the British acknowledgement of Norwegian sovereignty over Jan Mayen Island would further blur the already unclear distinction between the 'unofficial' and official negotiations over the Sverdrup Islands. If matters were not conducted with care, the whole process could give the impression that Canada and Britain acknowledged that Norway had special rights attached to Sverdrup's claim. This, of course, was a scenario Skelton had been determined to avoid since he first was introduced to Laurence Collier's plan in October 1929. As it had during the controversy over Wrangel Island, Canada still had to rely on London to arrive at a final settlement. The difference, this time, was that this was reluctantly done with regards to the Sverdrup Islands.

Canada then contacted Eivind Bordewick on 24 January with what was described as Canada's "final and sole offer." The Canadian government was prepared to make a "reasonable grant in recognition of Commander Sverdrup's contribution to scientific knowledge of the Canadian Arctic archipelago." The offer contained no reference to any acknowledgement of any 'personal claim' Sverdrup might have had. The offer amounted

⁴⁶ Skelton to R. H. Hadow, 7 January 1930, DCFR, Vol. 4, No. 919.

to \$25,000 cash and a life annuity of \$2,400 per annum which was to begin in April 1929. In this connection it was understood that Sverdrup would be prepared to “furnish any additional data not published and including original maps, notes, diaries, or other documents of service.”⁴⁷

On 11 February Bordewick’s reply was telegraphed to Mackenzie King asserting that a settlement could now be arranged provided that the life annuity was to be calculated according to Sverdrup’s and his family’s “exceptional high vital power” making a total of one final payment of \$67,000 in cash.⁴⁸ On 26 February Canada accepted this modification and it was now agreed that “the undertaking set forth in Commander Sverdrup’s letter of 22 April 1929,” would be carried out. The grant would have to be released by Parliament and payment was therefore dependent on this formality and the willingness of Norway to officially acknowledge Canada’s claim to the Sverdrup Islands.⁴⁹ The Canadian government would insist upon such a “recognition as part of the settlement” and informed the Dominions Office on 25 February that “they would not be satisfied with a mere relinquishment of the Norwegian claim.” In addition, Skelton wished, if possible, that the Islands would be referred by Norway “as falling within the Canadian sector of the Arctic,” but this view would not be pressed if it created difficulties.⁵⁰

Having concluded the negotiations with Sverdrup, the outstanding problem now remaining for Skelton was that the official negotiations with Norway were only in their initial phase and that the private agreement with Sverdrup could only be isolated with difficulty from the larger context of Anglo-Norwegian relations in the polar regions. Until the matter was formally closed in November 1930, the challenge for Skelton was to

⁴⁷ Mackenzie King to E. Bordewick, 24 January 1930, DCFR, Vol. 4, No. 921.

⁴⁸ E. Bordewick to Mackenzie King, 11 February 1930, DCFR, Vol. 4, No. 922.

⁴⁹ Mackenzie King to E. Bordewick, 26 February 1930, DCFR, Vol. 4, No. 923. The condition set out in Sverdrup’s letter of 22 April, 1929, was of course, that Norway would acknowledge the full and undisputed Canadian title to the Sverdrup Islands.

⁵⁰ W. H. Clarke to Foreign Office, Paraphrase Telegram, 25 February 1930, NA, FO 337/95. This latter Canadian condition was dropped by Laurence Collier as he “considered that it would be unwise to request the Norwegian Government to recognize that the Otto Sverdrup Islands fall within the Canadian ‘sector’ of the Arctic,” Collier accordingly informed the Dominions Office that Wingfield would not make any reference to the ‘sector’ principle in the further communications with Mowinckel. Norway’s reluctance to this principle’s use in the bi-Polar context was the obvious reason why this condition was dropped. Laurence Collier to Wingfield, Secret despatch, 6 March 1930, NA, FO 337/95.

conduct or influence the negotiations in such a way that the integrity of the Canadian sector was maintained with no acknowledgement of Norwegian claims.

Wingfield initiates talks with Norwegian Ministry of Foreign Affairs

On January 30 the British ambassador made his first approach to Mowinckel on the matter. He informed the Prime Minister that, as Britain was now anxious for a general settlement with the Norwegian government of questions concerning the Arctic, “they were now prepared to recognize the Norwegian claim to Jan Mayen Island,” provided, of course, that “Norway recognized the claim of Canada to the Sverdrup Islands.”⁵¹

Mowinckel was grateful for the British gesture over Jan Mayen Island but he would have to consult the other members of his government and also the Foreign Affairs Committee of the Storting. On 15 February, he addressed the Storting and after further deliberations with his Cabinet he met again with Wingfield on 12 March.⁵² Based on the agreement between the Canadian government and Sverdrup, Mowinckel informed Wingfield that “the Norwegian Government were prepared to recognize the claim of Canada to the Otto Sverdrup Islands, provided always however, that the islands should only be mentioned by name.” There could be “no recognition of any sector involved” and Norwegian subjects should “retain the right to fish or hunt on these islands and in the surrounding waters” while admitting

he thought the latter condition was probably more or less a formality, since no one did in fact hunt or fish there; but Norway possessed rights of hunting and fishing on the coasts of Greenland, and it might be of importance for Norwegian nationals to be able to pursue seal, whale, etc. in the adjacent region where the Otto Sverdrup Islands lay.⁵³

The problem, and a major one it was, with the Norwegian condition on fishing and hunting was that it would undermine the 1926 Order-in-Council that had established

⁵¹ Charles Wingfield to A. Henderson, Memorandum, 12 March 1930, NA, FO 337/95.

⁵² Mowinckel to the Norwegian Storting Secret Meeting 15 February 1930, SA (CD ROM). After the discussions in the Storting Mowinckel promised to make efforts to secure Norwegian fishing and hunting rights on the Sverdrup Islands as part of the agreement. This, he said, had been the original intent since the beginning of the negotiations and since Norway enjoyed such rights on Greenland and in Russian waters it was necessary in light of the demands of public opinion to press for the opportunity to conduct similar activities on the Sverdrup Islands.

⁵³ Wingfield to A. Henderson, Memorandum, 12 March 1930, NA, FO 337/95.

the Arctic Islands Game Preserve. It would be quite impossible for Canada to compromise legislation that not only served as the most fundamental tool of administrative control in the Arctic Archipelago, but also had been fundamental in the process of resisting further American encroachments within the same territories.

On the other hand, Mowinckel had since February 1928 asserted that any relinquishment of Norwegian title to the Sverdrup Islands “would only be possible on the condition that if the Sverdrup Islands were opened for commercial activities, and the rights of Norwegian citizens in such endeavors would have to be secured.”⁵⁴ This, of course, had, for tactical reasons, been left out of the negotiations until Sverdrup had reached a conclusive agreement with Canada.

On 1 April Hadow was instructed to ascertain the Canadian view on the conditions stipulated by the Norwegian Prime Minister. Passfield had, in his instructions to Hadow, assumed that the Canadian government would be prepared to accept the first Norwegian condition. Considering, however, the inherent difficulties imbedded in the second condition, Hadow was to inform Skelton that while

we appreciate the desirability of arriving at a settlement of this long standing question we ourselves see no sufficient justification for such discrimination in favor of Norwegian subjects and we shall be prepared to support the Canadian Government in resisting it, should they so desire.⁵⁵

It was made quite clear, therefore, that London was content to have the considerations for the Arctic Islands Game Preserve dictate the further progress of the negotiations.⁵⁶

Hadow presented the Norwegian conditions and Skelton was told personally about Lord Passfield’s willingness to support Canada in resisting the second condition. Indeed, it was not clear whether Norway would put much weight behind this condition as they considered it to be a formality as it knew of “no fishing or hunting in the vicinity of the Sverdrup Islands.”⁵⁷ Nevertheless, the Canadian parliament had yet to agree to the payment to Sverdrup and until then the matter would rest in Ottawa. Only on 22 May,

⁵⁴ Mowinckel to the Norwegian Storting, Secret Meeting, 15 February 1928, SA (CD ROM)

⁵⁵ Lord Passfield to Hadow, Secret Telegram, 1 April 1930, NA, FO 337/95.

⁵⁶ In relation to the debate in the Royal Institute of International Affairs at the same time, this support for the Arctic Islands Game Preserve, by Lord Passfield, is very interesting indeed. Passfield’s support amounted to nothing less than a tacit acceptance that Canada had the right to implement such jurisdictions.

⁵⁷ Office of British High Commissioner to Department of External Affairs, Memorandum, 2 April 1930, DCFR, Vol. 4, No. 923. Hadow to Lord Passfield, Paraphrase Telegram, 22 May 1930, NA, FO 337/95.

was an official reply issued about the Norwegian conditions. Skelton, who undoubtedly had been informed about the Anglo-Norwegian settlement in Antarctica, seemed to be working to regain direct control over the further progress over the negotiations.

The reply, composed by Skelton, stated that Canada would be quite “prepared to acquiesce in the suggestion of the Norwegian Prime Minister that specific mention be made of the Islands and no recognition of any sector be implied.” Canada, however, did not consider it desirable to accept the Norwegian aspirations for special rights on the Sverdrup Islands.

[T]his condition, which is now suggested for the first time, does not appear to be practicable or necessary. The fishing rights in this area are not likely to be of any particular value, while on the other hand the establishing of a servitude of this nature would greatly complicate the situation. The Norwegian Government may be assured that if in the future individual instances arise of Norwegian subjects desiring to share in the fishing rights or the right to land on the Islands, the Canadian Government will be prepared, in view of the friendliness shown by the Norwegian Government in this connection to deal with such cases with every possible consideration.⁵⁸

Needless to say, Skelton was not impressed by either the timing or the content of the Norwegian condition. In his view Norway had to modify its second condition and agree to compliance with the Order-in-Council which had established the Arctic Islands Game Preserve. For Norway the purpose of the second condition was not necessarily its practical applicability, but rather its usefulness as a tool in satisfying nationalist public opinion at a moment of retreat.

Initial agreement in principle

After further communication between London and Ottawa, Collier transmitted instructions to Wingfield from both the Dominions and Foreign Office to proceed with the negotiations along the lines suggested by Skelton. Passfield presumed that it would be necessary to proceed with a formal exchange of notes and this was a scenario the Norwegian Minister in London had supported in recent unofficial conversations with the Foreign Office. Two sets of notes would, according to Passfield, be appropriate so the

⁵⁸ Skelton to Hadow, 22 May 1930, DCFR, Vol. 4, No. 925.

exchange dealt “separately with the Otto Sverdrup Islands and Jan Mayen Island. The British note in the former case being expressed as written at the instance of His Majesty’s Government in Canada.” In the case of Jan Mayen Island it would “presumably be sufficient to write on behalf of His Majesty’s Government in the United Kingdom.” The intended purpose of this separate exchange was officially not to link the issues as this might give room for “undesirable misunderstandings.”⁵⁹

On 11 June Wingfield met with the Secretary General of the Norwegian Ministry of Foreign Affairs, August Esmarch, in place of the absent Mowinckel. Wingfield advised that it was “impossible for the Canadian government to agree to the retention by Norwegian subjects of special hunting and fishing rights in the Otto Sverdrup Islands.” The British Minister observed that the Secretary General “did not seem to attach much importance to this stipulation as originally put forward by Herr Mowinckel.”

With regard to the exchange of notes, Esmarch said that he did not wish “our understanding to appear as a bargain, since other nations, who were ready to recognize Norwegian claims to Jan Mayen Island without compensation might be encouraged to attach conditions to their consent.” An agreement with respect to Passfield’s idea of two exchanges of notes was thus reached. Esmarch then concluded by stating that there could be an interval between these notes, “so that they should not appear to be closely connected, and he was prepared for the Norwegian note recognizing the Canadian claim to the Otto Sverdrup Islands to be sent in first.”⁶⁰ An agreement in principle seemed to have been reached between Norway and Britain on the matter although nothing had yet been put in writing.

Following the meeting in Oslo, Ottawa was immediately informed about its results and, on 13 June, Skelton sent a lengthy reply to Hadow. He revealed that Parliament had authorized the appropriation and formal release of the payment to Sverdrup. Although satisfied with the conversations in Oslo, Canada, he reiterated yet again, had from the very beginning taken the view that nothing should be done which would in any way involve an acknowledgement of Norwegian claims. As a result, the payment to Sverdrup was “conditional on a recognition that the Islands form part of

⁵⁹ Laurence Collier, Foreign Office, to Wingfield, 5 June 1930, NA, FO 337/95.

⁶⁰ Wingfield to Henderson, Confidential Memorandum, 11 June 1930, NA, FO 337/95.

Canadian territory.” As for the Norwegian desire for an exchange of notes he saw “no objection to this course,” but it was necessary, “if this course was to be followed,” to agree on what the “notes exchanged should contain and it was natural that all parties concerned should beforehand come to an understanding in this regard.”

It was important for the Canadian government to make a clear distinction between the willingness of the British government to acknowledge the Norwegian claim to Jan Mayen Island and the issues concerned with the Sverdrup Islands. Skelton did not see “that the two matters could consistently be linked up together.” More importantly, he argued that it was not desirable

that a reference to this attitude of His Majesty’s Government in the United Kingdom as a condition should form part of the notes to be exchanged between His Majesty’s Minister at Oslo acting in respect of Canada and the Norwegian Minister for Foreign Affairs, as this might imply acknowledging to some extent the Norwegian claim to the Sverdrup Islands...These considerations of course would not in any way tell against a simultaneous exchange of notes between the Governments of the United Kingdom and of Norway regarding Jan Mayen Island.⁶¹

Since a conclusion now seemed imminent, Skelton could now work to distance Canada from the Jan Mayen pawn that had served as the impetus for Britain to enter the negotiations. Moreover, Skelton’s views complemented those of Esmarch and Passfield and were, in general, in accord with the agreement in principle reached in Oslo.

Resurgence of second Norwegian stipulation

Several events in the summer of 1930 delayed the conclusion of the Sverdrup Islands case. Mowinckel and Esmarch went on lengthy summer holidays and Mowinckel also suffered from a serious attack of gout that kept him in bed for most of July and August.⁶² There was a change of government in the first week of August in Canada and

⁶¹ Skelton to Office of British High Commissioner, Ottawa, 13 June 1930, DCFR, Vol. 4, No. 926.

⁶² Wingfield made comments on Mowinckel’s illness and Esmarch’s holidays repeatedly in his reports to London. See, for example, Wingfield to Henderson, 5 August 1930, NA, FO 337/95.

despite repeated attempts to speed up the process, Mackenzie King did not control the conclusion of the process that he had initiated.⁶³

Most importantly, however, was a rumor in the North American and Norwegian press, that a movement in Canada was underway for the purchase of Greenland from Denmark.⁶⁴ The role of Greenland in Norwegian public opinion was pivotal and highly sensitive and the possibility of the further exclusion of Norway from its perceived historical rights in the Arctic forced the Norwegian government to remain firm on pursuing fishing and hunting rights on the Sverdrup Islands.⁶⁵

Not until the end of July was any attempt made by either of the parties to reach a final settlement on the matter. The Foreign Office had, however, in the meantime discussed the matter of procedure with the Dominions Office and thus with the Canadian government. Initially the Norwegian Minister in London should provide a note

recognizing the sovereignty of His Britannic Majesty over the Otto Sverdrup Islands, and that he be sent a formal acknowledgement in reply. Then, after a suitable interval, you would hand the Norwegian Minister for Foreign Affairs a note recognizing Norwegian sovereignty over Jan

⁶³ Mackenzie King lost the election of 28 July, 1930 to R. B. Bennett and the Conservative Party with its promises of a cure for Canada's economic malaise. The official change of government occurred on August 7.

⁶⁴ The rumour seems to have derived from the launch of the British Arctic Air Route Expedition on Greenland in the summer of 1930. The expedition was a collaboration between Canada and Britain and its purpose was to undertake meteorological investigations in addition to identify possible landing facilities for airplanes. No author, "The British Arctic Route Expedition," The Geographical Journal, vol. 76, no. 1, (July 1930) 67-68.

⁶⁵ On 11 June *Aftenposten*, Norway's biggest newspaper, printed one of many articles on the issue which stated that Canada showed "a dangerous interest in this ancient Norwegian land." Other Norwegian papers focused on the possible impact this would have on Norwegian hunting rights both on Greenland and in all Arctic waters. *Aftenposten* also speculated that the result of a sale of Greenland would be that "practically all the Arctic regions would be divided between Canada and Russia." Wingfield to Henderson, 14 June 1930, NA, FO 337/95. Otto Sverdrup, who was following the situation with great interest, now felt that his commitment to Canada superseded that he had to Norway and in a long letter to MacKenzie King on July 2, he ventured to offer his services "as a confidential agent for your Government for acquisition of Greenland." Sverdrup argued that Canada had honoured him with the condition that he had to be available for consultation "at any time as to statement regarding the Sverdrup Islands." Sverdrup now felt that "on the account of this reservation by your Government I find myself called upon to offer my services also for other purposes." O. Sverdrup to Prime Minister, 2 July 1930, DCFR, Vol. 4, No. 927. It is not clear if King replied to Sverdrup. By late July the Canadian government began to offer statements to the Canadian press in order to diffuse the rumours. On 12 August 1930 Skelton wrote to Hadow, commenting on the rumours that this was an "interesting example of the way in which a newspaper yarn sent out in one country continues to be bandied back and forth across the ocean, changing its direction and its content in each period. Perhaps at some future time Canada might be interested in Greenland, but at the present the Government has enough matters nearer home to absorb its attention." Skelton to Hadow, 12 August 1930, DCFR, Vol. 4, No. 929.

Mayen Island, in reply to which you will also receive a formal acknowledgement.

As to how Sverdrup was to be paid, the Dominions Office suggested to the Canadian government that they should “pay Sverdrup or his agents direct, or that, if they preferred it,” the payment could be made through the British Minister in Oslo. The idea was, of course, was to make “the affair look as little like a bargain as possible.” If payment was facilitated through the Norwegian Ministry of Foreign Affairs, the process would have “the effect of accentuating the connection between the payment to Captain Sverdrup and the recognition by Norway of Canadian sovereignty over the islands.”⁶⁶

On 2 August Wingfield was instructed by Henderson to proceed along the lines described above as the government in Canada was “anxious that the matter should be taken in hand at once in order that it may be completed before change of Government takes place within the next few days.” It was further desired, though Henderson realized that this would be very difficult, “to receive the Norwegian note by August 5th.”⁶⁷

Mowinckel’s illness and Esmarch’s vacation meant that Wingfield was only able to meet Esmarch August 4 when he “begged him to do anything possible” to ensure that Norwegian Legation in London should address the Foreign Office with the desired note “recognizing British Sovereignty” over the Sverdrup Islands. Esmarch promised to do his best, but he would have to consult Mowinckel who was not due back to Oslo until the next day.

Esmarch also noted in his conversations with Wingfield, that although he personally saw no objection to the early publication of the Norwegian note, he hoped that

no reference would be made to the payment to be made by the Canadian Government to Captain Sverdrup, since that would produce the false impression that the Norwegian recognition had been obtained in return for this payment, whereas the agreements between the Canadian Government and Captain Sverdrup were quite independent of those between the two Governments, and the Norwegian Government were not officially concerned with them.

Such concerns coincided exactly with the already agreed British-Canadian approach.

⁶⁶ Collier to Wingfield, Private Report on Discussions in London, 31 July 1930, NA, FO 337/96.

⁶⁷ Henderson to Wingfield, Urgent Telegram, 2 August 1930, NA, FO 337/96.

On the morning of the 5 of August Esmarch phoned Wingfield and told him that, Mowinckel could not return to “Oslo until the 8th” instant, so it would be impossible to send the desired instructions before that day. It was clear, therefore, that Mackenzie King would not be in office while the Sverdrup Islands case was to finally be completed.⁶⁸

Despite further delays because of his gout, Mowinckel returned to Oslo on 7 August and the Sverdrup matter was dealt with in a government conference immediately after his return. Telegraphic instructions to compose two notes respecting “Canadian sovereignty over the so-called Sverdrup Islands, had been transmitted to the Norwegian Minister in London from the Ministry of Foreign Affairs in Oslo.” A copy of these instructions was submitted in a communiqué to Wingfield in the evening of 7 August and transmitted to the Foreign Office on 9 August. Whereas the first was unproblematic, the second appeared to be problematic and was seen to run contrary to the established Canadian policies in the Arctic.⁶⁹

The text of the first note echoed the agreement in principle on 11 June and the subsequent British-Norwegian talks in early July. In the note the Norwegian Minister in London, Daniel Steen, stated that

[A]cting on instructions from my Government I have the honor to request to be good enough to inform His Majesty’s Government in Canada that the Norwegian Government, who do not as far as they are concerned claim sovereignty over the Sverdrup Islands, formally recognize the sovereignty of His Britannic Majesty over these Islands. At the same time my Government is anxious to emphasize that their recognition of the sovereignty of His Britannic Majesty over these islands is in no way based on any sanction whatever of what is named “the sector principle”⁷⁰

⁶⁸ Wingfield to Henderson, Memorandum, 5 August 1930, NA, FO 337/96. Despite the end of Mackenzie King’s Administration, O. D. Skelton continued as the Permanent Undersecretary of State under R. B. Bennett. As Skelton had been the central figure on the Canadian side during the Sverdrup Islands case, continuity was maintained. Skelton was, however, not sure that he would be able to remain in office as King, in 1923, removed Loring Christie from External Affairs on the grounds that he was too close to the Tories. Bennett might thus have forced Skelton to leave. J. L. Granatstein, The Ottawa Men: The Civil Service Mandarins 1935-1957 (Toronto: Oxford University Press, 1982), 43.

⁶⁹ Collier to Wingfield, Private Note, 26 August 1930, NA, FO 337/96.

⁷⁰ Dominion of Canada, Exchange of Notes (8 August, 1930 and 5 November, 1930) regarding the Recognition by the Norwegian Government of the Sovereignty of His Majesty over the Sverdrup Islands. Treaty Series, 1930 No. 17 (Ottawa: F. A. Acland, 1931), 2. See also Esmarch to Norwegian Legation in London, 7 August 1930, enclosure in Wingfield to Henderson, Confidential Despatch, 8 August 1930, NA, FO 337/96.

While this initial note reiterated the consistent Norwegian opposition to the sector principle, its wording regarding the recognition of Canadian sovereignty did not challenge Skelton's insistence on the agreement being concluded without prejudice to the understanding that the Sverdrup Islands, indeed, were Canadian.

The second note, however, produced a rather surprising contradiction to the 'friendly' intent imbedded in the first. Steen wrote

[I] have the honor, under instructions from my Government, to inform you that the said note has been dispatched on the assumption on the part of the Norwegian Government that His Britannic Majesty's Government in Canada will declare themselves willing not to interpose any obstacles to Norwegian fishing, hunting or industrial and trading activities in the areas which the recognition comprises.⁷¹

Not only did this note run contrary to the initial agreement reached on June 11, its stipulation would serve to undermine the very sovereignty Norway claimed it recognized in the first note. If Canada accepted this stipulation, it would compromise the provision of the important Arctic Islands Game Preserve and hence the most important legal foundation for Canada's ability to assert its sovereignty over this very region.

According to Wingfield the explanation for the apparent turn in Norwegian policy was that Mowinckel's colleagues probably had "once more pressed for the insertion of this condition, after discussions with them and the Storting."⁷² It was also clear that members of NSIU, and the institution's leader, Adolf Hoel, had been present at the government conference on 7 August.⁷³ The influence of this committee cannot be underestimated in this connection especially considering the rumors of a Canadian purchase of Greenland that had circulated for the entire summer. The prospect of a possible takeover of much of the Arctic lands and oceans by Canada and the Soviet Union was clearly seen as a grave danger to Norwegian interests in these regions.

The Norwegian demand was discussed at the Dominions Office and following on 13 August it was decided to propose to Ottawa that they were inclined "to endeavor to induce the Norwegian government to accept offer of most favored nation treatment."

⁷¹Esmarch to Norwegian Legation in London, 7 August 1930, enclosure in Wingfield to Henderson, Confidential Despatch, 8 August 1930, NA, FO 337/96.

⁷²Wingfield to Henderson, Confidential Despatch, 8 August 1930, NA, FO 337/96.

⁷³Ibid.

From the perspective of the Dominions Office a solution now had to be found in a compromise between the Norwegian and Canadian positions.⁷⁴

This was not acceptable in Ottawa as a settlement ending in most favored nation treatment would constitute nothing more than an indirect compromise of the Order-in-Council which had established the Arctic Islands Game Preserve.⁷⁵ A final agreement to the negotiations was therefore not to be expected if Norway remained firm on the second stipulation.

By the beginning of September, however, reports of Sverdrup's deteriorating health became more and more urgent. The negotiations had to be concluded before Sverdrup died as the whole scheme relied on reimbursement for his services to the Canadian Government. As Norway and Canada appeared to be in a deadlock over Norway's second stipulation and the Arctic Islands Game Preserve, Otto Sverdrup and his agents applied the necessary pressure on the Norwegian Government to reach a compromise.

Britain's and Otto Sverdrup's push for a compromise: towards a final agreement

Skelton's refusal to comply with the second Norwegian stipulation and his further unwillingness to grant Norway most favored nation treatment in relation to the Sverdrup Islands was received with sympathy in London. Skelton also equipped the Dominions Office with a copy of the 1926 Order-in-Council to more effectively illustrate the Canadian position. The wording of the Order in Council illustrated the difficulty any compliance with the Norwegian demands would cause. A final agreement could not be achieved if it contradicted or compromised established Canadian policy.⁷⁶

⁷⁴ Passfield to Hadow, Secret Telegram, 13 August 1930, NA, FO 337/96

⁷⁵ In his reply to the Dominions Office Skelton asserted "A declaration such as is suggested, that the Canadian Government will not interpose any obstacles to Norwegian fishing, hunting, industrial or trading activities in the areas concerned, would in any case be difficult to make, in view of the indefinite terms of the suggested declaration and the doubt which might be implied as to the complete sovereignty of His Britannic Majesty....The considered and established policy of the Canadian Government, for the protection of the natives of the Arctic regions, is clearly set out in the Order-in-Council." Skelton to Office of the British High Commissioner, 21 August 1930, DCFR, Vol. 4, No. 931.

⁷⁶ Skelton to Office of the British High Commissioner, 21 August 1930, DCFR, Vol. 4, No. 931.

Having received the Order-in-Council, the new Secretary of State for the Colonies, J. H. Thomas, concluded after “semi-official consultations” with “representatives of the Foreign Office” that in

these circumstances it would appear that the conditions stipulated by the second note from the Norwegian Minister would not only run counter to the considered policy of the Canadian Government, but would also involve the extension to Norwegian subjects of treatment more favorable than accorded to British subjects (other than Indians and Eskimos).⁷⁷

Thomas thus informed Skelton in a secret telegram on 29 August, that the Dominions Office “fully appreciated the position of the Canadian government in this matter” and that he would proceed to do his best to “secure the withdrawal of the second Norwegian note.” It was proposed that the best way of reaching a final settlement was for the British Minister in Oslo to be authorized while negotiating with the Norwegian government,

to give them at his discretion in return for the withdrawal of their second note a written assurance which they could publish later if they wished to the effect that so far as might be compatible with their general policy as evidenced by the Order-in Council of the 19th July 1926, His Majesty’s Government in Canada would be ready at all times to give utmost consideration to any Norwegian application for fishing or landing facilities on the Islands.⁷⁸

This written assurance would simply represent a re-statement of Skelton’s first reply to the second Norwegian stipulation outlined in his note to R. H. Hadow on 22 May and thus the assurance first presented to the Norwegians on 11 June during the discussions in Oslo between Wingfield and Esmarch. The British proposition was a nominal attempt at reaching a possible compromise with Norway on the second stipulation. The assurance would not be worth much as long as the Order-in-Council was

⁷⁷ C. W. Dixon, Dominions Office, to Sir Robert Vansittart, Permanent Under Secretary of State for Foreign Affairs, Memorandum, 4 September 1930, NA, FO 337/96. A copy of the Order-in-Council was also enclosed in this memorandum to be laid before Henderson. Commenting on the Order-in-Council, Dixon observed that “the effect of the Order-in-Council is to prohibit persons other than native-born Indians, or half-breeds living the life of Indians, or native born Eskimos, or half-breeds living the life of Eskimos, from hunting, trapping, trading or trafficking in certain Preserves except with the permission of the Commissioner of the Northwest Territories, and that the Otto Sverdrup Islands fall within the boundaries of one of these Preserves, namely the Arctic Islands Preserve.”

⁷⁸ Thomas to Hadow, Secret Telegram, 29 August 1930, NA, FO 337/96.

in effect, but it could present a viable way for the Norwegian government to, on the surface, acknowledge Canadian sovereignty over the Sverdrup Islands with some promise of positive future considerations. Such a compromise could help to satisfy public opinion and pressure groups in Norway.⁷⁹

On 2 September Skelton reluctantly concurred to the British proposal. He asserted that the Canadian government would prefer that no assurance be issued or published, “even in the modified form suggested” in the British proposal. In light of Sverdrup’s illness, Canada would, if the Norwegian government still pressed for some statement, “be prepared, in view of the desirability of an early termination of the negotiations and of the assurance previously conveyed on the basis of the letter of the 22nd May, to agree to a statement in the terms proposed.”⁸⁰

Skelton was not alone in his anxiousness to secure the agreement as soon as possible. Sverdrup’s health had also become a major concern to his agents. By the first week of September it is clear that Eivind Bordewick had made contact with the Ministry of Foreign Affairs in Oslo in an attempt to make the government move on the issue. On 3 September the Canadian government received a telegram from Bordewick stating that he had “been given an assurance by the Norwegian Department of Foreign Affairs that request for fishing and hunting rights would not be pressed if immediate representations are made.”⁸¹ Whatever the validity of this assertion, it was evident in the first week of September that a solution to the negotiations rested on the willingness of Norway to accept the assurance proposed by Britain. Such a solution was now desired not only by Britain, but also desired by Canada and the Sverdrup camp.

On 6 September Wingfield was instructed to present Mowinckel with the Order-in-Council and to explain the “full details as to the policy of protecting the aborigines

⁷⁹ In his reply to Thomas, Skelton observed that “So long as the general policy evidenced by the 1926 Order-in Council is in force and there is no indication of any desire to change it—such an assurance would, as a matter of fact, amount to nothing.” Skelton to Office of the British High Commissioner, 2 September 1930, DCFR, Vol. 4, No. 933.

⁸⁰ Skelton to Office of the British High Commissioner, 2 September 1930, DCFR, Vol. 4, No. 933.

⁸¹ Office of the British High Commissioner in Canada to Thomas, Dominions Office, 4 September 1930, NA, FO 337/96. It is not entirely clear whether Bordewick actually gained such a guarantee from the Ministry of Foreign Affairs in Norway. Of course, in light of his desire to arrive at an early closure of the affair he might have telegraphed Ottawa for tactical reasons to achieve this. Despite the still long-lasting process, the attitude of the Ministry in Oslo gradually came to reflect that presented in Bordewick’s statement to the Canadian government.

which the Canadian government has adopted in the Arctic.” The Foreign Office hoped that, faced with the Arctic Island Game Preserve issue, the Norwegian government would “agree to withdraw the second note all together” and thus reach a final agreement along the lines suggested by Skelton.⁸²

As Mowinckel was again absent, Wingfield finally met with Esmarch on 12 September. Esmarch said that the Norwegian Government had previously been unaware of the existence of the Order-in Council but emphasized that there was “an active public opinion in Norway interested in polar hunting and fishing.” Given this, he could not agree to the withdrawal of the second Norwegian note. The Secretary General did however suggest that

[H]is Majesty’s Government should reply to the effect that owing to the Order-in Council, they cannot give assurance asked for, but pointing out that Norwegians will be in the same position as British subjects and all other persons except Eskimos and Indians, and stating that any applications by them for licenses would be considered in a friendly spirit.

Esmarch concluded that he, of course, would have to consult the Norwegian government before committing to the above “officially.” He did, however, feel sure that this solution “would satisfy them.”⁸³

A report on the substance of the discussion in Oslo was sent to Ottawa on 15 September and on 23 September Skelton responded with what would be the conclusive statement by Canada on the matter of special Norwegian rights on the Sverdrup Islands. Skelton insisted that, on further consideration, the Canadian government would be prepared to issue a reply to the two Norwegian notes. This rather lengthy Canadian reply would state that

[H]is Majesty’s Government in Canada has noted the desire on the part of the Norwegian Government that no obstacles should be interposed to Norwegian fishing, hunting, or industrial and trading activities in the area which the recognition compromises, and wishes to assure the Norwegian Government that it would have the pleasure in according any possible facilities.

⁸² Henderson to Wingfield, Telegram, 6 September 1930, NA, FO 337/96.

⁸³ Wingfield to Henderson, Telegram, 12 September 1930, NA, FO 337/96.

Following this paragraph was a lengthy summary of the Order-in-Council's legal ramifications and regulations. The reply then concluded with the assurance that

should, however, the regulations be altered at any time in the future His Majesty's Government in Canada would treat with the most friendly consideration any application by Norwegians to share in any fishing, hunting, industrial, or activities in the areas which the recognition compromises.⁸⁴

This assurance, although seemingly accommodating on the surface, did, as Skelton had pointed out, amount to nothing. In legal terms the Order-in-Council would have to be altered, and this was not likely. For Norway, of course, these practical considerations were quite beside the point as such a Canadian assurance would function as an important indicator about Norway's willingness to pursue its economic interests in the polar regions.

Wingfield was authorized on 3 October "to reach a definite agreement with the Norwegian Government," on the lines proposed by Skelton in his note to Hadow.⁸⁵ After some delay and further discussions between Mowinckel and his cabinet, Wingfield telegraphed London on 15 October and reported that the Norwegian government "agreed to the terms of reply proposed by the Canadian Government."⁸⁶ Finally, therefore, there was agreement about the manner in which Norway was to recognize Canadian sovereignty over the Sverdrup Islands.

The agreement was a solid compromise between the Canadian interests of maintaining the legal integrity of the Arctic Islands Game Preserve and the Norwegian desire to officially remain opposed to the sector principle and to sustain, in appearance at least, its economic interests in the polar regions. Both the Norwegian notes of 8 August would remain integral parts of the final agreement. However, as demonstrated in this

⁸⁴ Skelton to Hadow, 23 September 1930, DCFR, Vol. 4. No. 934. The content of this note was also used in the official Canadian reply to the two Norwegian notes in the final agreement in the first week of November. See Dominion of Canada, Exchange of Notes (8 August, 1930 and 5 November, 1930) regarding the Recognition by the Norwegian Government of the Sovereignty of His Majesty over the Sverdrup Islands. Treaty Series, 1930 No. 17 (Ottawa: F. A. Acland, 1931), 4.

⁸⁵ Henderson to Wingfield, Telegram, 3 October 1930, NA, FO 337/96.

⁸⁶ Thomas to Hadow, Telegram, 18 October 1930, 1930. NA, FO 337/96.

chapter the second Norwegian stipulation would be thwarted by the Canadian response outlining the legal ramifications of the Arctic Islands Game Preserve.

This settlement was, of course, only an integral part of the larger agreement involving both the payment to Sverdrup and the British recognition of Norwegian sovereignty over Jan Mayen Island. However, the Norwegian acknowledgement of Canadian sovereignty over the Sverdrup Islands was the necessary prerequisite for the completion of the wider agreement. In September and October, therefore, the question of procedure dominated the discussions between London and Ottawa. Having secured Norway's recognition of Canadian sovereignty over the Sverdrup Islands, the overall concern was to conclude the arrangement without creating the undesired effect of creating an official acknowledgement that the payment to Sverdrup, the Norwegian acknowledgement of Canadian sovereignty over the Sverdrup Islands and the British recognition of Norwegian sovereignty over Jan Mayen were all connected.

Formal closure: Why Canada did not buy the Sverdrup Islands.

Gerald Kenney has asserted that the Sverdrup Islands were in fact bought by Canada from Norway in the fall of 1930.⁸⁷ This argument implies that the final agreement constituted a cash-for-land deal. The real *quid pro quo* for Canada was in other words that it gained, not solidified or strengthened, sovereignty over the Sverdrup Islands.

The Sverdrup Islands were not bought by Canada in 1930. Of course, the payment to Sverdrup was conditional on Norwegian acknowledgment of Canadian sovereignty over the Islands, which was further induced by the British recognition of Norwegian sovereignty over Jan Mayen Island. The composition of the final agreement could therefore, without careful interpretation, give credibility to the somewhat mistaken conclusion that a transaction involving sovereignty rights had occurred. But neither the transaction with Sverdrup nor the British recognition significantly challenged the fact that Canada solidified, rather than achieved, its sovereignty over the Sverdrup Islands in the fall of 1930. The payment to Sverdrup, the acknowledgment of Canadian sovereignty over the Sverdrup Islands and the British recognition of Norwegian sovereignty over Jan Mayen were all connected; however, this connection did not imply that transfer of

⁸⁷ Kenney, *Ships of Wood and Men of Iron*, 125-8.

sovereignty occurred at any level of the agreement. O. D. Skelton did, in fact, manage to close the deal without prejudice to the understanding that the Sverdrup Islands were already under Canadian sovereignty.

Towards the end of September when it seemed like a final agreement was imminent, O. D. Skelton prepared the draft that would be handed to Sverdrup. On 23 September, the draft was sent via the *Mauritania* to the British Legation in Oslo. Simultaneously, Skelton telegraphed Wingfield with instructions as to the procedure for the delivery of the draft.

[P]ayment is in fact conditional on conclusion of satisfactory agreement on title though formally not related. We assume negotiations will soon be concluded and upon receipt of information through the High Commissioner's Office which will warrant the release of draft, we shall cable you further.⁸⁸

The draft, accompanied with a formal note of instructions to Wingfield, arrived in Oslo on 3 October. The instructions stated that

[I]n view of the probable early conclusion of the negotiations, we desire to arrange for payment as early as possible to Commander Sverdrup of the Grant of \$67,000 made by the Canadian Parliament, conditionally on the reaching of a satisfactory agreement as to the title to the islands.⁸⁹

If the above instructions are taken out of context they can certainly lend support to the argument that the Sverdrup Islands were sold to Canada. However, it is important here to note that what Skelton meant by 'satisfactory agreement as to the title to the islands' did not imply an agreement on a transaction or change of title. An agreement as to the title would imply a Norwegian recognition of Canadian sovereignty, not a relinquishment of Norwegian title in favor of Canadian title. In other words, what was to be agreed upon was that the Islands formed part of Canadian territory. The money was not to be handed to Sverdrup before such an acknowledgement had been issued by Norway.

The above discussion does not, of course, remove the argument that if Canada did not buy the islands from Norway, it certainly compensated Sverdrup for any personal

⁸⁸ Skelton to Wingfield, Telegram, 23 September 1930, FO, NA 337/96.

⁸⁹ Skelton to Wingfield, Note with enclosed draft, 23 September 1930, NA, FO 337/96. This is the note used by Kenney to prove that the Islands were sold by Norway to Canada.

claim he might have had to these territories. However, the effort by Sverdrup to get reimbursed for his personal claim as originally stated in his first letter to Mackenzie King on 22 April, 1929 was quickly countered by O. D. Skelton, who had continuously asserted that the negotiations with Sverdrup would not be conducted with any prejudice to the understanding that the Sverdrup Islands formed part of Canadian territory. The agreement was thus reduced to a reasonable grant in 'recognition of Commander Sverdrup's contribution to scientific knowledge of the Canadian Arctic archipelago.'

Skelton also composed the text of the receipt that Sverdrup was to sign upon receipt of his grant. The content of this receipt left no doubt that the grant to be paid to Sverdrup was not a payment for a specified territory. The receipt read as follows

[I] hereby acknowledge receipt of draft for £13,767 2s 1d. from the Government of Canada in recognition of my contributions to the knowledge of the Arctic Archipelago in the Sverdrup Islands area, and in full payment for maps, notes and other material bearing on the said region, which I have delivered for transmission to the Government of Canada. I am prepared to offer my services to the Government of Canada for consultation in regard to this region at any time that may be desired.⁹⁰

It is also important to note that neither the Norwegian notes of August 8, which were part of the final agreement, nor Sverdrup's receipt made reference to the Sverdrup Islands in any defined geographical manner. This is an essential point as a sale of a territory would have had to be specified geographically to avoid confusion. Canada, therefore, did not buy the Sverdrup Islands from either Norway or Otto Sverdrup.

Final agreement

When it was clear that Norway was willing to acknowledge Canadian sovereignty over the Sverdrup Islands on 15 October, the Foreign Office and Dominions Office discussed with Ottawa the matter of procedure.⁹¹ Meanwhile it had become clear that Sverdrup was seriously sick and, in a note that crossed with the official instructions from London, Kenneth Johnstone at the British Legation in Oslo reported that Sverdrup's

⁹⁰ Receipt to be signed by Otto Sverdrup, enclosed in R. H. Hadow to Wingfield, 13 October 1930, NA, FO 337/96.

⁹¹ Secretary Thomas to Hadow, Telegram, October 18 1930, NA, FO 337/96. And Hadow to Thomas, Telegram, 24 October 1930, NA, FO 337/96.

condition was “dangerous” and that he was not “expected to live more than three or four days.”⁹² On 21 October Wingfield reported that due to his condition, Sverdrup had equipped his legal representative, Alex Nansen, with a “power-of-attorney authorizing him to sign for himself.” If Sverdrup was unable to sign, the power-of-attorney would accompany the receipt that originally was planned to be signed by Sverdrup.⁹³

On 5 November, acting on instructions from Henderson, the settlement of the Otto Sverdrup Islands question was carried out by Johnstone in Oslo. Esmarch welcomed Johnstone to the Ministry of Foreign Affairs and there the British representative received a concurring reply to the Canadian assurance.⁹⁴ Upon receiving Esmarch’s note, Johnstone then informed Sverdrup’s representative “Advokat Alex Nansen, who came at once to His Majesty’s Legation, where he signed the prescribed receipt and was handed the draft for thirteen thousand, seven hundred and sixty seven pounds, two shillings and one penny.”

Otto Sverdrup himself was too sick to partake in the formal closure of the questions concerning the Islands that bear his name. On 6 November, Johnstone sent “seven copies of charts and sketches and thirteen private diaries for transmission to His Majesty’s Government in Canada.”⁹⁵ Enclosed was also the receipt signed by Nansen on Sverdrup’s behalf.⁹⁶ On the morning of 26 November, Otto Sverdrup died in his home in Oslo.⁹⁷ On that day the Norwegian government published, in the morning newspapers, the notes containing the British acknowledgement of Norwegian sovereignty over Jan

⁹² Johnstone to Henderson, 30 October 1930, NA, FO 337/96.

⁹³ Wingfield to Collier, 21 October 1930, NA, FO 337/96. Alexander Nansen was the brother of the famous Arctic explorer, diplomat and Nobel Peace Prize recipient, Fridtjof Nansen.

⁹⁴ In the note Esmarch summarised the content in the Canadian assurance and stated “I beg to inform you that in these circumstances the Norwegian Government find themselves able to concur in this reply to the notes of 8th August last.” Johnstone to Henderson, 5 November 1930, NA, FO 337/96. This note was also published as part of the official agreement in Dominion of Canada, Exchange of Notes (8 August, 1930 and 5 November, 1930) regarding the Recognition by the Norwegian Government of the Sovereignty of His Majesty over the Sverdrup Islands. Treaty Series, 1930 No. 17 (Ottawa: F. A. Acland, 1931), 6.

⁹⁵ Johnstone to Mowinckel, 18 November 1930, NA, FO 337/96.

⁹⁶ The Canadian and Norwegian press were notified about the agreement on 11 November. In Canada the press release noted, “sovereignty over the Sverdrup Islands duly recognised” and that now the “one possible ground of dispute to Canada’s title in the Arctic sector north of the mainland is removed.” Quoted in Fairley, 289. The agreement was described in length in New York Times, Toronto Star and the Globe and Mail on 12 November. The Toronto Star asserted, “With the recognition by Norway of the Dominion’s control of the Sverdrup group of islands, a clear title has been established to the entire Arctic sector lying north of Canada.” No mention of Jan Mayen was made in any of the articles.

⁹⁷ Hegge, Otto Sverdrup Aldri Rådløs, 194.

Mayen Islands.⁹⁸ As Sverdrup was dying, the Norwegians learned about the confirmation of Norwegian sovereignty over Jan Mayen while remaining ignorant of the fact that this would not perhaps have occurred at this time had it not been for Otto Sverdrup's expedition in the Canadian Arctic some twenty-eight years earlier.

Conclusion

The Norwegian acknowledgement of Canadian sovereignty over the Sverdrup Islands in November 1930 was an important illustration of the strengthened Canadian position in the Arctic Archipelago. Despite American and Norwegian attempts to challenge Canadian administrative jurisdictions, and most importantly the Order-in-Council establishing the Arctic Islands Game Preserve, O. D. Skelton had skillfully defended Canadian interests. Throughout the negotiations with Norway the Canadian insistence that the Sverdrup Islands were Canadian was not really challenged. In addition, Skelton had managed to conclude the arrangement in such a manner that Canadian interests had not been significantly subordinated to wider British and Imperial considerations in the bi-polar context.

The final agreement did not involve a transfer or sale of territory, but rather functioned as a well-balanced compromise that satisfied Canadian, Norwegian and British interests in the polar regions. Canada received an important acknowledgement of its sovereignty in the Arctic Archipelago, symbolic of the success of the increased Canadian commitment to these territories in the 1920s. Norway gained a politically valuable British acknowledgement of its sovereignty over Jan Mayen Island, in addition to an assurance by Canada that apparently secured for Norway possible commercial interests on the Sverdrup Islands. Britain gained a final agreement with Norway on all outstanding polar questions and could move, undisturbed, to consolidate its imperial plans in Antarctica as set out at the Imperial Conference in 1926.

⁹⁸ The recognition was taken by hand to the Ministry of Foreign Affairs on November 19 1930. Johnstone to Mowinkel, 18 November 1930, NA, FO 337/96.

CONCLUSION

From the publication of Otto Sverdrup's claim in 1904 to the beginning of the 1920s, Canada worked increasingly hard to address the weakness of its inherited paper claims to the Arctic Archipelago. As international competition intensified in the polar regions from 1920 onwards, Canada established effective legal administrative jurisdictions as well as a system of occupation in the Arctic. This would prove sufficient in checking Danish encroachments on Ellesmere Island in addition to American and Norwegian efforts to undermine Canadian sovereignty over the Sverdrup Islands.

Throughout the entire period the Canadian claim to the Sverdrup Islands rested on an increasingly official embrace and use of the sector principle. Although the United States and Norway refused to acknowledge the validity of this principle, Britain and the Soviet Union provided it with some value internationally as they asserted control in both the Arctic and Antarctica. In the latter area Norway, in continuing to apply for British whaling licenses, reluctantly accepted British sector claims *de facto*, if not *de jure*.

Despite the embarrassing outcome of the Wrangel Island affair in 1924 and the American attempts at illustrating the deficiencies of Canadian control in the Arctic through the MacMillan-Byrd expedition in 1925, Canada responded well to these experiences. The ability of Canada to control and fend off foreign encroachments in the Arctic Archipelago became illustrative of the growing position Canada had as an independent power in the international community. O. D. Skelton would, with significant success, work to isolate Canadian policies and issues in the Arctic from the wider imperial initiatives and desires in London. By 1926, therefore, the combination of the Order-in-Council establishing the Arctic Islands Game Preserve, RCMP detachments and the sector principle provided Canada with an effective basis for its claim of sovereignty to the Arctic Archipelago, including the Sverdrup Islands.

From March 1925, however, Norway increasingly asserted its special rights attached to Sverdrup's discoveries. The Norwegian decision to claim the Sverdrup

Islands in 1928 was deeply embedded in the bi-polar context of Norwegian-British relations at the time. Although the Norwegian claim to the Sverdrup Islands was impractical and increasingly weak compared to Canada's, it functioned as an integral part of Norway's wider polar policies. As Norway faced increased encroachments on the nations' commercial interests in the polar regions, public opinion and a broad political consensus produced increasing pressure for Norwegian annexations in the polar regions from 1920 to 1939.

In the Arctic Norwegian sealing and fishing were restricted by Danish and Soviet regulations and in Antarctica the extensive Norwegian whaling industry came under pressure by the British attempt to annex the entire Antarctic continent for the Empire. Norway's response to the administrative and territorial expansion of other powers in the polar regions was to adopt a policy of threatened and actual annexation and demands to secure Norwegian commercial interests. Such initiatives antagonized the greater powers, most importantly Britain. Norway refused to recognize the sector principle and continued to raise objections to the application of this principle in both the Arctic and Antarctic.

As Norway pursued a claim to Bouvet Island in 1928, the Sverdrup Islands surfaced in the Antarctic context. For consistency Britain had to accept Norwegian sovereignty over this Island to avoid creating a dangerous precedent which could threaten the Canadian claim to the Sverdrup Islands. Having secured British acknowledgement of Norwegian interests at Bouvet, the Norwegian claim to the Sverdrup Islands lost some of its political capital. Despite the consequences of the application of the sector principle, the claim continued to be instrumental as a political tool to underline Norwegian interests in the polar regions.

The Bouvet Island affair produced an increasing desire in Britain to reach a final settlement with Norway over all outstanding sovereignty questions in the polar regions. When the Foreign Office learned of the negotiations between Otto Sverdrup and Canada in May 1928, Britain saw the opportunity to reach such a final settlement in the Arctic. The Norwegian claim to Jan Mayen Island, based on occupation, balanced well in the mind of Laurence Collier with the Sverdrup Islands case as Norway here claimed these islands by discovery. If Norway could be satisfied in the polar regions, Britain could

move undisturbed to capitalize on the policies set out at the Imperial Conference in 1926. Britain, did therefore, have a vested interest in a constructive solution to the Sverdrup negotiations from 1928.

Canada, on the other hand, approached Otto Sverdrup's and Norway's initiative to reach an agreement over the Sverdrup Islands with considerable caution. A similar attitude was adopted towards Collier's idea of involving Jan Mayen in the negotiations. O. D. Skelton was adamant from the very beginning that Canada would not enter into any negotiations that could signal *de facto* acceptance of the Norwegian claim. Nevertheless, a Norwegian acknowledgement of Canadian sovereignty would function as a valuable illustration of Canada's ability to control its northern frontier and negotiations were therefore pursued.

As British-Norwegian tensions increased during the Antarctic season of 1929-30, the prospect of a continuing friendly stance by Norway over the Sverdrup Islands came into question. And, more importantly, Britain started to apply direct pressure on Skelton to finalize negotiations with Sverdrup in order to reach final settlement on all polar questions. By early January 1930 Britain pushed vigorously for a settlement over the Sverdrup Islands and coerced Canada to accept the Jan Mayen scheme. The justification for this was that the Sverdrup Islands question as Lord Passfield argued, could not be solved independently of wider Imperial concerns. In January 1930, therefore, Imperial considerations superseded Skelton's idea of resolving the Sverdrup Islands case independently of London.

From this point forward, however, Skelton skillfully pressed Canadian interests. As Britain and Norway reached a final agreement in Antarctica in late January 1930, he worked to gradually distance Canada's position away from the Jan Mayen component in the final agreement over the Sverdrup Islands. This was done to avoid undesirable connections being made between Norway's acknowledgement of Canadian sovereignty over the Sverdrup Islands and the British acknowledgement of Norwegian sovereignty over Jan Mayen Island.

In addition, Skelton successfully managed to conclude the separate negotiations with Sverdrup without having created the impression that Canada tacitly accepted either

Sverdrup's or Norway's claim the Sverdrup Islands. Sverdrup was awarded a pecuniary grant in recognition for his services to Canada and not compensated in a cash-for-land deal.

The most important component of the Sverdrup Islands negotiations was, however, Skelton's refusal to make any compromise with regards to the legal standing Arctic Islands Game Preserve. If Norway was given an assurance of a right to pursue commercial interests on the Sverdrup Islands, this would have paved the way for the conclusion that Canada recognized special rights in association with Sverdrup's discoveries. More importantly, if the Game Preserve was compromised by such assurances, this would weaken the ability of Canada to avoid further foreign, and especially American, attempts to undermine Canadian sovereignty.

Skelton's resolve over this point was further illustrated when Britain, in order to break the stalemate in the early fall of 1930, suggested that Canada should grant Norway most favored nation treatment in the Sverdrup Islands. Skelton refused this suggestion and rather provided the Dominions Office and the Ministry of Foreign Affairs in Oslo with the full text and legal basis of the Preserve. Confronted with these documents, Britain abandoned further efforts to reach a compromise that would require an amendment of the Order-in-Council.

When Norway finally accepted a worthless assurance on commercial interests on the Sverdrup Islands in mid October, the provisions of the Arctic Islands Game Preserve remained intact. In addition, Britain's support of Canada to protect the Preserve also symbolized a tacit acceptance of Canada's legal right to establish jurisdictions that had consequences for British subjects in general. The Norwegian acknowledgement of Canadian sovereignty over the Sverdrup Islands in November 1930 therefore not only illustrated the strength of the Canadian position in the Arctic Archipelago but it also reflected the growing independence of Canada in the international system. The Sverdrup Islands affair represented an important step in Canada's developing stature as a self-governing country.

As a result, the intricate compromise reached over the Sverdrup Islands in 1930 involved no transaction or sale of territory at any level. Rather it represented a

solidification of already existing claims and policies in the bi-polar context that served to further the expansionist, colonial and imperial objectives of the involved parties.

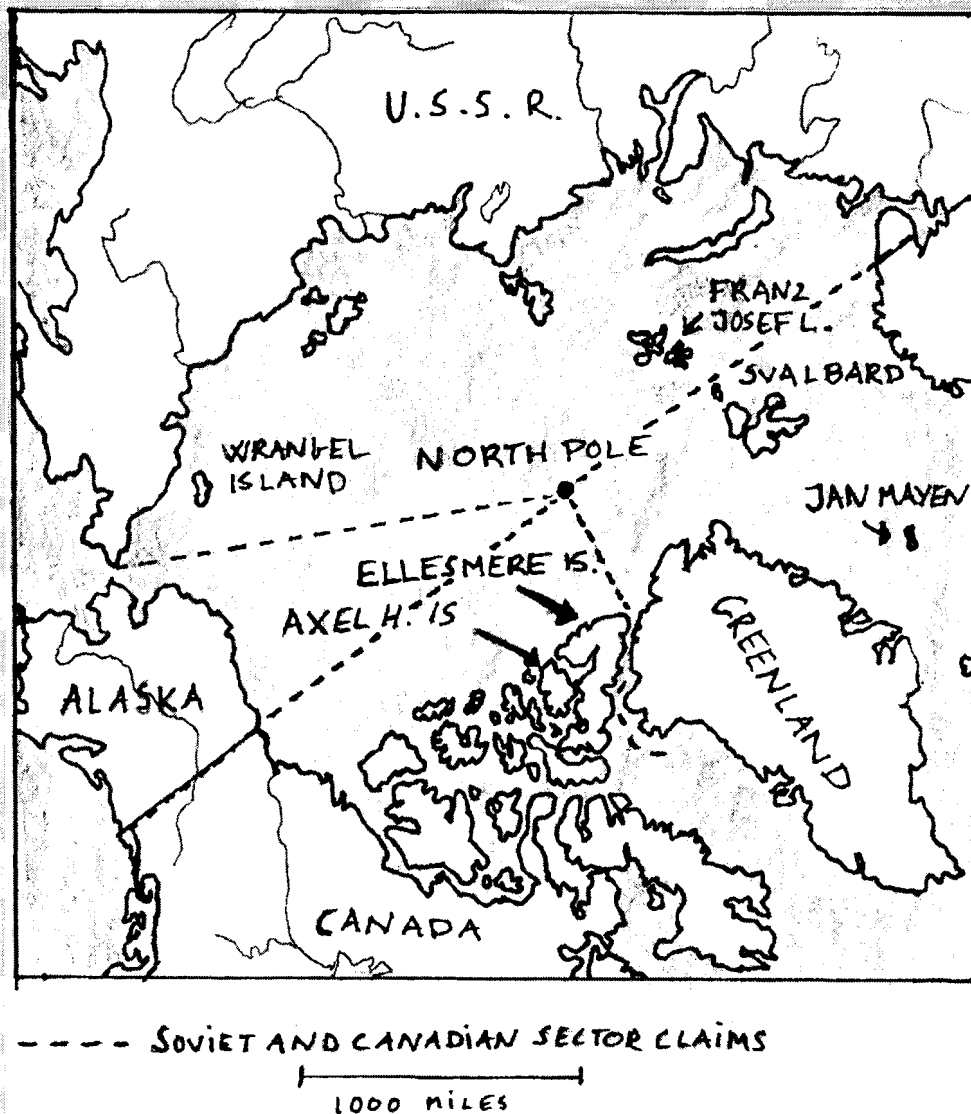
The real *quid pro quo* for Norway was the British recognition of Norwegian sovereignty of Jan Mayen Island combined with a Canadian assurance of fishing and hunting rights on the Sverdrup Islands that, despite having no practical importance, served to satisfy public opinion and pressure groups in the Norwegian domestic context. For Britain, the Sverdrup Islands agreement served as the conclusive piece in a decade long process to reach final agreements on the outstanding sovereignty questions between Norway and Britain in the bi-polar context. Having satisfied the Norwegian need for expansion, Britain could work to solidify its Antarctic Empire.

APPENDICES

Appendix 1: Chronology of major events in the bi-polar context, 1902-1930.

| Date | Arctic | Antarctica |
|-----------------|--|--|
| 1904 | Sverdrup's claim official | |
| 1907 | Poirier proposes Canadian sector | |
| 1908 | | Britain annexes F. Islands Dependencies |
| 1909 | Bernier's sector claim | |
| 1916 | Stefansson at Ellef Ringnes Island | |
| 1920 | Spitsbergen Treaty signed | |
| 1920 | Danish claim Ellesmere Island to be <i>Terra Nullius</i> | |
| 1921 | Danish trade monopoly in Greenland | |
| 1921 | U.S.S.R expands sea-boundary to 12 miles | |
| 1922 | The start of Canadian RCMP Detachments | |
| 1922 | Canada claims Wrangel Island | Ross Dependency annexed |
| 1924 | Danish-Norwegian Greenland Convention | |
| 1924 | Britain relinquishes Canada's Claim to Wrangel Is. | French Annexation of Adele Land |
| 1925 | Soviet-Norwegian Trade Agreement | |
| 1925 | Byrd-Macmillan Expedition | |
| 1925 | Canada's sector claim official | |
| 1925 | Norway unofficially claims Sverdrup Is. | |
| 1926 | RCMP Patrol at Axel Heiberg Island | |
| 1926 | U.S.S.R claims Arctic Sector | |
| 1926 | Order-in-Council est. Arctic Island Game Preserve | Imperial Conference |
| 1928 | Norway claims Sverdrup Is. | |
| 1928 | Sverdrup I. pawn in Bouvet Is. conflict | Norway annexes Bouvet Island |
| February 2 1929 | | <i>Norvegia</i> 'occupies' Peter I Island |
| April 15 1929 | Sverdrup free to enter negotiations with Canada | |
| April 22 1929 | Sverdrup's letter to McKenzie King | |
| May 8 1929 | Norwegian Annexation of Jan Mayen Island | |
| May 13 1929 | Meeting of Interdepartmental Committee | |
| Oct. 1929 | Skelton at meeting with Interdepartmental Committee | |
| Dec. 5, 6. 1929 | Skelton and Sverdrup negotiate in Paris | |
| Dec. 31 1929 | | <i>Norvegia</i> claims "British" territories |
| Jan. 5 1930 | Britain orders Canada to comply with Jan Mayen plan | |
| Jan. 20 1930 | | Anglo-Norwegian Agreement |
| Nov 5. 1930 | Norway acknowledges Canadian title to Sverdrup Is. | |
| Nov. 19 1930 | Britain acknowledges Norwegian title to Jan Mayen | |

Appendix 2: Political map of the Arctic, 1920-1930.

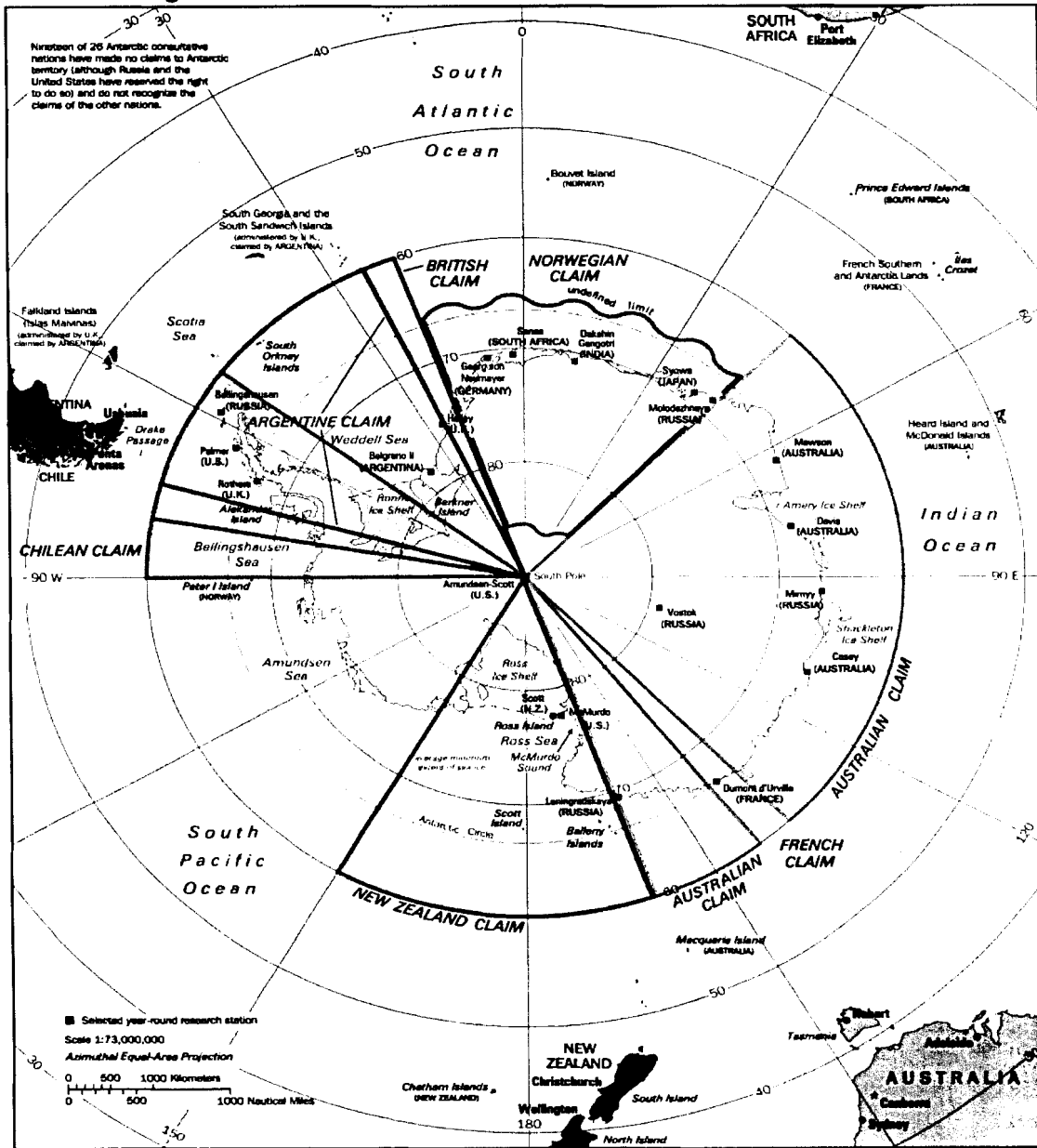


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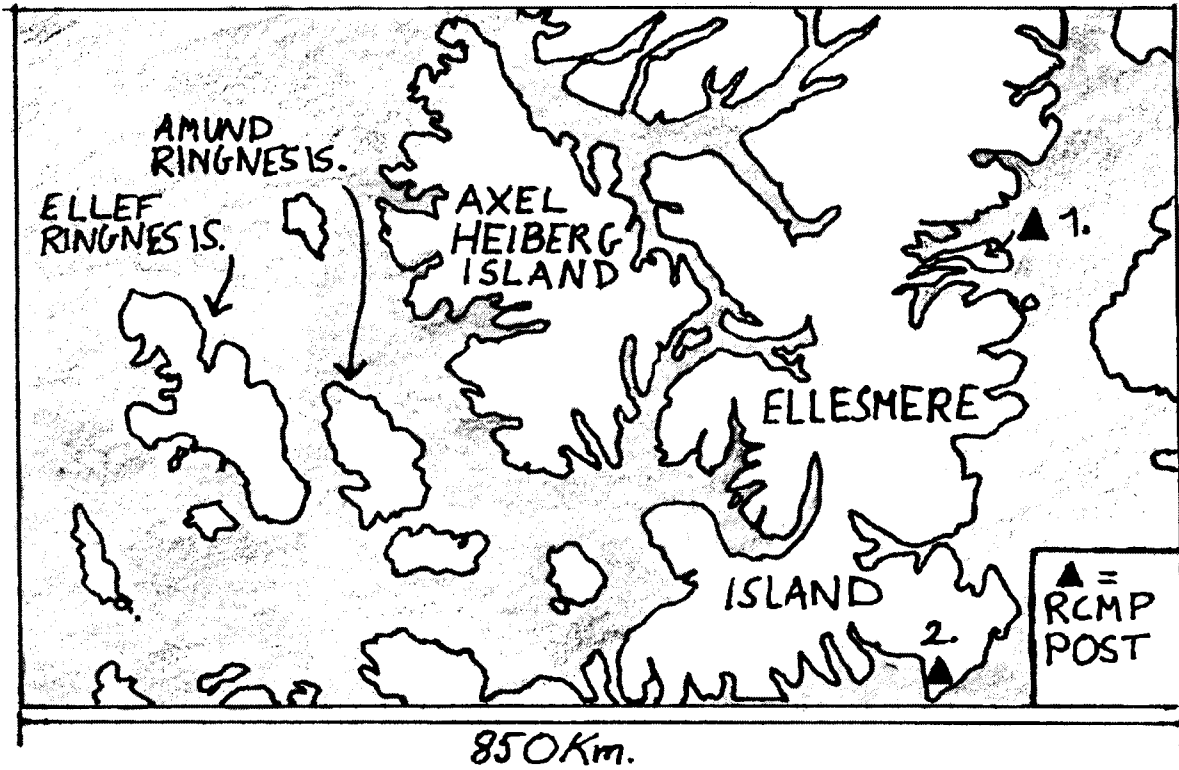
Appendix 3: Political map of Antarctica

Antarctic Region



Courtesy of the University of Texas Libraries, The University of Texas at Austin.

Appendix 4: Map of the Sverdrup Islands



1. BACHE PENINSULA (1926-33)
2. CRAIG HARBOUR (1922-25; 1933-40)

© Thorleif Tobias Thorleifsson, 2006.

Based on Daniel Francis, *Discovery of the North: The exploration of Canada's Arctic*, Edmonton: Hertz Publishers, 1986. Lyle Dick, *Muskox Land: Ellesmere Island in the Age of Contact*, Calgary: University of Calgary Press, 2001. And, William R. Morrison, *Showing the Flag: the Mounted Police and Canadian Sovereignty in the North*, Vancouver: University of British Columbia Press, 1985.

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