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A HISTORICAL OUTLINE OF THE PROBLEM**

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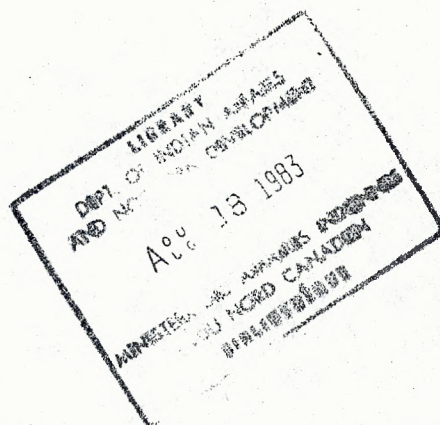
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PREFACE

This report is a slightly revised version of a paper delivered at the annual meeting of the Canadian Political Science Association in Quebec City on June 8, 1963.

TERRITORIAL SOVEREIGNTY IN THE CANADIAN NORTH:
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From time to time one reads reports in the press concerning the status of Canada's northern territories, perhaps with the added comment that measures have been taken, or must be taken, to safeguard our sovereignty there. Many Canadians, unconcerned about the North, do not realize that title to these territories has been acquired with a measure of difficulty. They are still less likely to appreciate that the issues involved have bedeviled responsible officials in Ottawa literally since Confederation, and have their roots much further back in history. This paper will attempt to sketch briefly the highlights of the problem as affecting land territory only.

International law recognizes a number of basic modes of acquiring territory. Lassa Oppenheim's classification, perhaps the best known, gives five -- cession, occupation, accretion, subjugation, and prescription.¹ In addition the supplementary doctrines of continuity, contiguity, the hinterland, and the watershed have sometimes been invoked in support of territorial claims, and may have weight. Papal grants, important in earlier times, have fallen into disuse; but discovery, although rather unlikely now on this planet, has been considered even by modern authorities to give an "inchoate" or temporary title, which must be perfected subsequently by other means. There is also that curious principle or theory of sectors, which has been put forward specifically for the polar regions. Without going into detail, it would appear that of the foregoing the ones most likely to be invoked in Canada's case, validly or otherwise, are cession, occupation, prescription, contiguity, discovery, and the sector principle.

One well-known authority on the subject says that acquisitions of new territory were based mainly upon papal grants up to the sixteenth century, upon priority of discovery for the next two hundred years, and thereafter upon effective possession. He adds that effective possession was first advocated in theory and later required in fact.² His division may be

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1. L. F. L. Oppenheim, International Law, ed. by H. Lauterpacht (8th ed.; London: Longmans, Green and Co., 1955), I, 546.
 2. A. S. Hershey, The Essentials of International Public Law and Organization (rev. ed.; New York: Macmillan Co., 1935), p. 285.

too categorical; another authority suggests that effective possession has always been important,³ and, as just noted, discovery may still give at least an inchoate title. Also, although effective possession was laid down as a requirement at the Berlin Conference on Africa in 1884 - 1885, for the acquisition of new territories in that continent,⁴ a series of later legal settlements would seem to have modified the requirement, at least where such modification has been warranted by the circumstances.

These few observations give a bare outline of the legal framework in which the history of the sovereignty problem may be discussed, in relation to Canada's arctic territories.

Canada's rights in these territories were initially derivative, being acquired from Great Britain through two great transfers in the second half of the nineteenth century. The former territories of the Hudson's Bay Company, comprising Rupert's Land and the old North-western Territory, were transferred in 1870. All other British territories or territorial rights in the Arctic, involving approximately or ostensibly the archipelago, were handed over in 1880. Whether these were cessions in the international sense is perhaps a moot point, since in each case one form of British sovereignty was substituted for another. It may be added that while the transfers were doubtless binding upon British subjects, they were not necessarily binding upon foreign states, which conceivably could have raised some awkward questions about them at the time. Fortunately for us, none did.

The Hudson's Bay Company had held Rupert's Land under charter from the Crown for almost exactly two hundred years prior to the transfer. The wording of the original charter indicates the Crown's evident intention that the Company should be sovereign in all respects whatsoever, save only the obligation of allegiance to the Crown itself. Nevertheless the Charter was continually under attack, from the French colony until 1763, from fur interests based on Montreal until 1821, and from the Canadas, separate or united, until Confederation. Strong support was usually forthcoming from London. As an eminent Canadian historian has put it:

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3. F. A. F. von der Heydte, "Discovery, Symbolic Annexation and Virtual Effectiveness in International Law," The American Journal of International Law, 29, No. 3 (July, 1935), 448 - 471.
 4. The American Journal of International Law, Supplement, III, No. 1 (Jan., 1909), 7 - 25.

Few documents have been challenged by such powerful interests or recognized at one time or another for two centuries, by such an array of official evidence-- by order-in-council, by act of parliament, by royal commission, by the opinion of law officers of the crown, by treaty, and by select parliamentary committee.⁵

When the surrender was being arranged after Confederation, British officials insisted to the stubborn Canadian delegates that since the Company had been lord-proprietor for two hundred years it would have to be treated as such for the purpose of the transfer. Thus, whatever its validity may or may not have been, the Charter was upheld by Imperial authority until the end.

Another doubtful matter was that of boundaries. The Company had adopted the view that Rupert's Land comprised all territories draining into Hudson Bay and Strait, an opinion firmly stated by Governor Simpson before a Select Committee of the British House of Commons in 1857.⁶ The Northwestern or Indian Territory, held under license, included all remaining British continental territories west of Hudson Bay except British Columbia. Two of the most sensitive boundaries, which were also international, were well established. These were the southern and northwestern, along the 49th parallel and the 141st meridian respectively. There was no authoritative delimitation of some of the other boundaries, however, notably those between the territories and on their north. Thus any challenge concerning the transfer of 1870 would presumably have attacked either the validity of the Company's prior title or the doubtful boundaries.

The circumstances of the transfer of 1880 were quite different.⁷ The islands in question were even less inhabited than the remoter parts of Rupert's Land, having no permanent white population and only a scattering of wandering Eskimos. The transfer was initiated by two requests for whaling and mining bases in Cumberland Sound, Baffin Island, in 1874, by a British citizen and an American. Investigation revealed that the Hudson's Bay Company had not considered this territory their property before 1870, and it was too remote to have been part of Canada before Confederation. On the other hand it had been claimed for the Crown on different occasions by British explorers. It seemed, in fact, that the activities of explorers, and to a lesser extent of

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5. Chester Martin, "The Royal Charter, " The Beaver, Outfit 276 (June, 1945), p. 26.
 6. Report from the Select Committee on the Hudson's Bay Company, with Proceedings, Minutes of Evidence, Appendix, and Index (July - August, 1857), p. 46.
 7. Gordon W. Smith, "The Transfer of Arctic Territories from Great Britain to Canada in 1880, and Some Related Matters, as Seen in Official Correspondence." Arctic. 14, No. 1 (March, 1961), 53 - 73.

whalers, provided the only basis upon which Britain could claim Baffin Island or, for that matter, any other island in the archipelago.

There had been much activity of this kind, for what it was worth, starting with Martin Frobisher's voyage of 1576 and his claim to what was christened "Meta Incognita" in Frobisher Bay.⁸ During the next three hundred years much of the archipelago was explored and claimed, mainly by a succession of British explorers from Frobisher to Nares. Some of the expeditions were official, some were private; some were authorized or directed to claim territory, some were not. A few claims were clearly invalid, such as Thomas Simpson's at Point Barrow on the Alaskan coast in 1837.⁹ This territory had been placed outside Britain's orbit by the British - Russian treaty of 1825, which established the 141st meridian as the common frontier.¹⁰ Apart from early French voyages in Hudson Bay, the only noteworthy non-British voyage in these waters prior to about 1850 was that of the Dane Jens Munk, who in 1619 explored the Hudson Bay region and claimed it for Denmark.¹¹ After 1850 foreign explorers, mainly American, joined in the search for the lost Franklin expedition and also in efforts to reach the rumoured open polar sea and the North Pole. Their interests were generally nonpolitical, however, and they made few outright claims to land.

Such was the background of the transfer of 1880. Colonial Office correspondence shows clearly that neither British nor Canadian officials could define precisely the limits of the territories to be transferred, nor were they certain that Britain's title was reliable. The correspondence also shows that Britain was anxious nonetheless to hand over to Canada all her remaining territories or rights in the region, and that her primary motive for so doing was to forestall any attempt by the United States to establish herself there. A revealing memo by a Colonial Office official reads as follows:

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8. Richard Hakluyt, The Principal Navigations, Voyages, Traffiques, and Discoveries of the English Nation (12 vols.; Glasgow: J. MacLehose and Sons, 1903 - 1905), VII, 282, 218, 326.
 9. Thomas Simpson, Narrative of the Discoveries on the North Coast of America...etc. (London: R. Bentley, 1843), pp. 8, 153.
 10. Treaties and Conventions Between Great Britain and Foreign Powers, III, 362 - 366.
 11. C.C.A. Gosch (ed.), Danish Arctic Expeditions 1605 to 1620 (2 vols.; London: Hakluyt Society, 1897), II, 15, 19, 23, 83.

The object in annexing these unexplored territories to Canada is, I apprehend, to prevent the United States from claiming them, and not from the likelihood of their proving of any value to Canada.¹²

The assumption apparently was that the United States would object less to Canadian than to British proprietorship in the islands, and that they could be looked after more easily from Ottawa than London.

It took six years to bring the matter to a conclusion, and the authorities finally abandoned all attempts at precise delimitation of the territories being transferred. The Imperial order in council accomplishing the transaction defines them in this wonderfully vague and all-inclusive fashion:

all British territories and possessions in North America, not already included within the Dominion of Canada, and all islands adjacent to any of such territories or possessions...with the exception of the Colony of Newfoundland and its dependencies....¹³

Taking the passage quite literally, one would be justified in concluding that it referred to British Honduras, Bermuda, and the British West Indies as much as to the islands of the arctic archipelago.

The most that can be said for the deal is that it was a voluntary gift of whatever arctic rights Britain possessed to Canada. As Judge Huber said in the Palmas Island Case, however, the transferring country could hardly give more rights than she herself possessed.¹⁴ What Britain's rights were, no one knew, and, I suppose, no one ever will know.

Thus, within a period of ten years, the young Dominion of Canada found itself responsible for virtually the northern half of the continent and adjacent islands, except Alaska and Greenland. Action was speedily taken in the more habitable, southerly parts of the West, and development there was rapid. But in the remoter northerly parts, especially the islands, little or nothing was done for fifteen years after 1880. The Dominion

12. Colonial Office Papers, Series No. 42, Vol. 759, p. 19 (Jan. 29, 1879).

13. Imperial Order in Council (July 31, 1880).

14. "The Island of Palmas Award," The American Journal of International Law, Vol. 22 (1928), p. 879.

government attempted to discover from the Hudson's Bay Company what action might be required in these territories, but could get little information, and so decided, in effect, to do nothing. An order in council dated September 23, 1882, recommended

that no steps be taken with the view of legislating for the good government of the country until some influx of population or other circumstance shall occur to make such provision more imperative than it would at present seem to be.¹⁵

Coincidentally, it was at this very time that the conference on Africa in Berlin was imposing the requirement of effective possession as a condition for full rights of sovereignty in the newly appropriated parts of Africa. If a foreign state had deliberately undertaken to establish a claim in the archipelago at this time, Canada's legal position would have been, to say the least, vulnerable.

The first real attempt to legislate for the northernmost territories was made in 1895. In that year a Dominion order in council was passed creating the four provisional districts of Ungava, Yukon, Mackenzie, and Franklin, the last-named of "indefinite extent," but including the archipelago.¹⁶ Other measures soon followed, their obvious purpose being to demonstrate that the regions marked out by the order in council were under the control of the Canadian government. The reason or reasons for the change in policy are not entirely clear, but it is apparent that involvements with other countries and their nationals in the North, during roughly the two decades preceding World War I, provide much of the answer.

These years saw the development of the Alaska boundary dispute, the outcome of which, in 1903, did little to relieve Canadian anxiety over territorial problems with the United States.¹⁷ The rush to the Klondike, beginning in 1896, immediately dumped in the lap of the Canadian government

15. Dominion Order in Council, P.C. No. 1839 (Sept. 23, 1882).

16. Dominion Order in Council, P.C. No. 2640 (Oct. 2, 1895). See also the later order in council, P.C. No. 3388 (Dec. 18, 1897), which was designed to include certain islands off the arctic coast which seemed to have been left out by the 1895 order. The two orders, and other relevant matters, are discussed in considerable detail in W.F. King, Report upon the Title of Canada to the Islands North of the Mainland of Canada (Ottawa: Government Printing Bureau, 1905).

17. Alaska Boundary Tribunal: Protocols, Arguments, Award, etc. (London, 1903).

the immense problem of maintaining law and order among the hordes of mostly foreign gold hunters.¹⁸ The American explorer Peary was making repeated attempts to reach the North Pole, and in 1909, using Ellesmere Island as his base, he finally succeeded in planting the American flag at or near the pole and claiming "the entire region and adjacent" for the United States.¹⁹ Another explorer, the Norwegian Otto Sverdrup, discovered the so-called Sverdrup Islands (Axel Heiberg and the Ringnes Islands) during his expedition of 1898 - 1902, and claimed them for Norway.²⁰ His countryman Roald Amundsen took a ship through the Northwest Passage for the first time in 1903 - 1906, and explored some unknown coast in Victoria Island on the way.²¹ And the uninhibited and sometimes lawless behaviour of American whalers in both Hudson Bay and the Beaufort Sea was a continuing source of concern to the Canadian government, especially because they were suspected of debauching and misusing the Eskimos in both areas.²² On the whole, then, the Canadian authorities had some reason to fret over the situation in the territories where they had recently assumed responsibility.

As stated the order in council of 1895 was the first of a number of measures between that date and World War I designed to bring the northern territories under effective control. A series of federal statutes separated the Yukon from the rest of the territories,²³ created the provinces

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18. Pierre Berton, Klondike: The Life and Death of the Last Great Gold Rush (Toronto: McClelland and Stewart Ltd., 1958).
 19. Robert E. Peary, The North Pole (New York: F.A. Stokes Co., 1910), p. 297.
 20. Otto Sverdrup, New Land: Four Years in the Arctic Regions (2 vols.; London: Longmans, Green, and Co., 1904), II, 449 - 450.
 21. Roald Amundsen, The North West Passage (2 vols.; London: A. Constable and Co., Ltd., 1908).
 22. E.g. see Report of N.W.M.P. Commissioner for 1903, in Sessional Papers, Vol. XXXVIII, No. 11, Paper No. 28.
 23. Statutes of Canada, 61 Vict., c. 6 (June 13, 1898); 1 Edw. VII, c. 41 (May 23, 1901).

of Alberta and Saskatchewan,²⁴ and enlarged Manitoba, Ontario, and Quebec,²⁵ thus leaving the Northwest Territories by 1912 in approximately the form familiar to us in recent years. The Northwest Mounted Police were sent to the Yukon, the Beaufort Sea region, and Hudson Bay, with salutary results in each case. Government expeditions commanded by William Wakeham in 1897,²⁶ A.P. Low in 1903 - 1904,²⁷ Major Moodie of the Mounted Police in 1904 - 1905,²⁸ and J.E. Bernier in 1906 - 1907,²⁹ 1908 - 1909,³⁰ and 1910 - 1911³¹ were dispatched to patrol the waters of Hudson Bay and the eastern arctic islands and assert Canadian sovereignty there. Under government instructions they took note of all activities at the places visited, imposed licenses upon Scottish and American whalers, collected customs duties upon goods brought into the region, and generally impressed upon both Eskimos and whites that henceforth they would be expected to obey the laws of Canada. Scientists of various kinds were regularly included to attempt to bring back more knowledge of the region. Ceremonies of taking possession were performed by Wakeham, Low, and Bernier at a number of places, with government authorization or approval, culminating with Bernier's sweeping claim on Melville Island, July 1, 1909, to the entire archipelago -- "all islands and territory within the degrees 141 and 60 west longitude."³² This proclamation was in line with the sector principle enunciated by Senator Poirier in 1907,³³ which, although not adopted at the time, later became official in virtually every respect except that it was not incorporated in a statute. An amendment to the Fisheries

24. Ibid., 4 - 5 Edw. VII, c. 3 and c. 42 (July 20, 1905).

25. Ibid., 2 Geo. V, c. 32, c. 40, c. 45 (April 1, 1912).

26. William Wakeham, Report of the Expedition to Hudson Bay and Cumberland Gulf in the Steamship "Diana" (Ottawa: Queen's Printer, 1898).

27. A.P. Low, The Cruise of the Neptune 1903 - 04 (Ottawa: Government Printing Bureau, 1906.)

28. Report of the Royal North-West Mounted Police 1905, Part IV.

29. J.E. Bernier, Cruise of the "Arctic" 1906 - 7 (Ottawa: King's Printer, 1909).

30. _____, Cruise of the Arctic 1908 - 9 (Ottawa: Government Printing Bureau, 1910).

31. W.W. Stumbles et al, The Arctic Expedition 1910 (Ottawa: Department of Marine and Fisheries, n.d.).

32. Bernier, Cruise of the Arctic 1908 - 9, p. 192 (supra).

33. Canada, Senate Debates (Feb. 20, 1907), pp. 266-273.

Act in 1906 declared that Hudson Bay "is wholly territorial water of Canada."³⁴ Little outright resistance to these measures was encountered, and during the decade or so before World War I it could fairly be said that the Far North, or at least the part of it frequented by white men, was being brought under Canadian jurisdiction.

During the war and immediately afterwards there was a general lapse of activity in the North, no doubt attributable to the exigencies of the war effort. A conspicuous exception was the Canadian Arctic Expedition under Vilhjalmur Stefansson, which operated in the western Arctic from 1913 to 1918.³⁵ Stefansson took possession of several islands he discovered for Canada, as he was directed to do,³⁶ but it does not appear that he used his authority to investigate whaling and collect customs.

Not long after the war was over government activity in the north was resumed, on a larger scale than before, and since that time it has been continuous and expanding. The immediate reason for the resumption of activity was the flat denial of Canadian sovereignty in Ellesmere Island by the Danish explorer and government official Knud Rasmussen, and the endorsement of his denial by the Danish government.³⁷ It seems probable that the course of action adopted was at least partly the result of Stefansson's urging that if Canada did not occupy the northern islands she might lose them. Stefansson, who was full of projects at this stage, wanted to organize an expedition for this purpose in 1919, but according to his own account the Canadian cabinet split on the issue of whether Stefansson or Shackleton should lead it, and the expedition did not materialize.³⁸ Stefansson also undertook to appropriate Wrangel Island, north of Siberia, largely to dramatize the unreliability of the sector principle;³⁹ but the Canadian

34. Statutes of Canada, 6 Edw. VII, c. 13 (July 13, 1906).

35. Vilhjalmur Stefansson, The Friendly Arctic (New York: Macmillan Co., 1943).

36. Dominion Order in Council, P.C. No. 406 (Feb. 22, 1913).

37. "Report of Advisory Technical Board" in folder Arctic Islands Sovereignty, Public Archives, Ottawa.

38. Stefansson, The Friendly Arctic, pp. 688-692 (supra).

39. V. Stefansson, The Adventure of Wrangel Island (London: J. Cape, 1926); also D.M. LeBourdais, Northward on the New Frontier (Ottawa: Graphic Publishers, 1931).

government, at first willing to accept the gain although not the expense, backed off with red faces after one expedition had come to disaster and a second had been forcibly removed by the Russians. Prime Minister King's statement to the Commons in 1922: "The Government certainly maintains the position that Wrangel Island is part of the property of this country"⁴⁰ had by 1925 been replaced by Minister of the Interior Stewart's protest to the same body: "We have no interest in Wrangel Island."⁴¹

Canada replied to the Danish challenge in Ellesmere Island with a strong protest that the entire island was Canadian territory.⁴² In 1922 the ship patrol of the eastern Arctic was reconstituted in the Low - Bernier tradition, but now on an annual, permanent basis, under the Department of the Interior.⁴³ Again the Mounted Police accompanied the patrol, and now a number of permanent and semi-permanent police posts were established in the islands, starting in 1922 with Craig Harbour in Ellesmere Island and Pond Inlet in Baffin Island.⁴⁴ A number of post offices were opened, although in some cases the Mounties, who doubled as postmasters, were the only ones present to send or receive mail. A Northwest Territories Council, provided for in 1905,⁴⁵ was finally appointed in 1921,⁴⁶ and functioned continuously thereafter. Its ordinances, along with federal statutes and orders in council, left little activity in the Territories outside regulation. Some of the more important were those licensing scientists and explorers,⁴⁷ regulating exportation of furs,⁴⁸ and protecting Eskimo

40. Canada, House of Commons Debates (May 12, 1922), III, 1751.

41. Ibid., (June 1, 1925), IV, 3773.

42. "Report of Advisory Technical Board," in folder Arctic Islands Sovereignty (supra).

43. Canada's Arctic Islands: Canadian Expeditions 1922-23-24-25-26 (Ottawa: Department of the Interior, 1927).

44. Ibid., also H. P. Lee, Policing the Top of the World (London: John Lane The Bodley Head Ltd., 1928).

45. Statutes of Canada, 4-5 Edw. VII, c. 27 (July 20, 1905).

46. Dominion Orders in Council, P.C. No. 1328 (April 20, 1921), and P.C. No. 2033 (June 16, 1921).

47. Ordinance of the Northwest Territories Council (June 23, 1926).

48. Ibid., (May 7, 1929).

archeological ruins.⁴⁹ A federal order in council created the Arctic Islands Game Preserve in 1926, with boundaries following the lines of Canada's sector claim right up to the North Pole.⁵⁰ Another order in council, one year earlier, created the Northern Advisory Board, whose particular concern was the matter of sovereignty.⁵¹ Very little publicity was given to its proceedings.

While the Canadian government was thus endeavouring to solidify its northern claims, other countries were losing interest. Denmark evidently let the issue of Ellesmere Island drop, and, at least tacitly, accepted Canadian sovereignty there. Russia made no attempt to retaliate for Canada's bad manners in the Wrangel Island affair, and stayed on her own side of the North Pole, as indeed she was logically bound to do after she had promulgated her own sector decree in 1926.⁵² Norway formally recognized Canadian sovereignty over the Sverdrup Islands in 1930, at the same time, however, stressing that this recognition was in no way based upon sanction of the sector principle.⁵³ And in the United States, where newspapermen and international lawyers had for years been asking embarrassing questions about various aspects of Canada's sovereignty in the North, there was evidently little official disposition to contest Canadian claims, at least to land territory. When the American explorer MacMillan omitted getting the requisite permits before entering the archipelago in 1925, the Canadian authorities insisted that their requirements be fulfilled,⁵⁴ and MacMillan complied for his expeditions of 1926, 1927, and 1928.⁵⁵

49. Ibid., (Feb. 5, 1930).

50. Dominion Order in Council, P.C. No. 1146 (July 19, 1926), also P.C. No. 807 (May 15, 1929).

51. Ibid., P.C. No. 603 (April 23, 1925).

52. British and Foreign State Papers, CXXIV (1926), 1064-1065; T.A. Taracouzio, Soviets in the Arctic (New York: Macmillan Co., 1938), p. 381.

53. Dominion of Canada, Treaty Series 1-18(1930), No. 17.

54. Canada, House of Commons Debates (June 1, 1925), IV, 3773; (June 10, 1925), IV, 4069; Richard Finnie, "First Short-Wave in the Arctic - II," The Beaver, Outfit 281 (March, 1951), p. 23.

55. A.E. Millward, Southern Baffin Island (Ottawa: Department of the Interior, 1930), pp. 100-101.

Writing in The Canadian Historical Review in March, 1933, V. Kenneth Johnston argued that by this time foreign claims in the archipelago had disappeared, and that Canada's own claim had been established.⁵⁶ The first statement appears to be true; if there were any doubts about the second they were probably removed by an event of decisive importance soon afterwards. This was the decision of the Permanent Court of International Justice in the dispute between Norway and Denmark over the ownership of East Greenland.⁵⁷ Already a trend or tendency in international law had appeared, modifying the requirements for sovereignty over remote, or inaccessible, or thinly settled, or even uninhabited territories--a trend clearly evident in the cases of Bouvet Island in 1928,⁵⁸ Palmas Island in 1928,⁵⁹ and Clipperton Island in 1931.⁶⁰ The East Greenland Case, decided in April 1933, reinforced the trend, since the court recognized Denmark's title not merely to east Greenland but to all Greenland, even though it is more than nine-tenths uninhabited. If at any subsequent time Canada's title to the archipelago had been formally challenged, the precedent of the East Greenland Case would, I think, have been sufficient to decide the case in her favour. On the other hand any resort to the sector principle would probably have been of dubious value, to say the least. Canada could still lose her rights, conceivably, either through dereliction on her own part or the application of force by a stronger power; but in the first case she would deserve to lose them and in the second the issue would obviously be decided by might rather than right.

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56. V. Kenneth Johnston, "Canada's Title to the Arctic Islands," The Canadian Historical Review, XIV, No. 1 (March, 1933), 24-41.
57. Permanent Court of International Justice, Series A/B, Judgments, Orders, and Advisory Opinions, Fascicule No. 53, "Legal Status of Eastern Greenland," (April 5, 1933).
58. Green H. Hackworth, Digest of International Law (8 vols.; Washington: Government Printing Office, 1940), I, 468-470.
59. "The Island of Palmas Award," (supra).
60. British and Foreign State Papers, CXXXIV (1931), 842-846.

In this paper I have not touched upon any developments since the early 1930's, in the belief that Canada's legal position has been relatively secure since that time, at least with respect to land. Nor have I made any attempt to discuss other relevant problems, such as those involving territorial waters, floating ice, the continental shelf, submarine passages, and airspace, some of which are still open.

In sum, it is apparent that between Confederation and the 1930's Canada experienced three periods of interest in the North (before 1880, from 1895 to World War I, and after 1920), with periods of indifference in between. It is equally clear that each period of activity was prompted largely by concern over issues of sovereignty. This concern may have been at times exaggerated and misguided, but it was real. Canadians might be a little less complacent about the vast northern spaces shown in bright red on Mercator's familiar projection if they appreciated fully the tribulations that accompanied the acquisition of them, and if they understood that with a little more ineptitude or a little less luck on our part, or a little more aggressive competition from some other state or states, they might not have become ours.