

## **A Historical and Legal Study of Sovereignty in the Canadian North: Terrestrial Sovereignty, 1870–1939**

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Source: Arctic, Antarctic, and Alpine Research, 47(3) : 591-592

Published By: Institute of Arctic and Alpine Research (INSTAAR),  
University of Colorado

URL: <https://doi.org/10.1657/AAAR0047-3-book2>

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## Book Reviews

A HISTORICAL AND LEGAL STUDY OF SOVEREIGNTY IN THE CANADIAN NORTH: TERRESTRIAL SOVEREIGNTY, 1870–1939. By Gordon W. Smith, edited by P. Whitney Lackenbauer. Calgary: University of Calgary Press, 2014. 512 pp. \$CAN 39.95, \$US 45.95 (softcover). ISBN: 978-1-55238-720-7.

Gordon Smith devoted much of his life to documenting the background and claims for Canadian sovereignty of its northern lands and waterways. This volume is a testimony to his tireless efforts to provide a historical and legal context to this question. The

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problem became a matter of considerable concern in Canada when in 1969 the United States' SS *Manhattan* sailed through the famed Northwest Passage without seeking approval from the Canadian Government. Under present-day (post-2000) climatic conditions, with the rapid reduction in area and volume of arctic sea ice, the issue of sovereignty over the Canadian High Arctic channels and islands is potentially a "hot" topic.

Gordon W. Smith was born in 1918 in Alberta to homesteader parents and died in 2000. The forward by Smith's nephew and niece provides a succinct and interesting history of the man and his mission. Briefly, he obtained a Ph.D. in history from Columbia University with a dissertation titled *THE HISTORICAL AND LEGAL BACKGROUND OF CANADA'S ARCTIC CLAIMS*. He was a history professor at a military college in Quebec (1953–1962) and in the following years worked on contracts for the Arctic Institute of North America and the Canadian Government. Smith's relatives brought together an advisory group that together compiled, edited, and wrote up his "...meticulous and massive research..." (p. x). An editor's note by P. W. Lackenbauer provides a useful summary of the volume's organization, which he notes was initially completed in 1973.

The volume consists of an Introduction and 16 chapters that are largely arranged in a chronological sequence. There is a 10 page bibliography and 5 pages of additional readings. From a scholar's perspective most noteworthy might be the impressive volume of notes (pp. 379–466) that serve to document the data and evidence amassed by Smith. Smith notes (p. 1) that International Law accepts a number of modes for claiming territory, and these are listed as: cession, occupation, accretion, subjection, and prescription. There is also the sector principal, which is critical in the polar regions. This review is not intended as a comprehensive analysis, being outside the reviewer's competence, but lying well within my interest in the Canadian Arctic.

Much of the early exploration of the Canadian Arctic (prior to 1870 when the Arctic Territories were transferred from Britain in 1870 and 1880) was undertaken by the British, but there are

interesting exceptions. For example, Jens Munk (Danish) entered Hudson Bay in 1619 and claimed the land for Denmark. Although searching for Sir John Franklin, Hall raised the American flag in Frobisher Bay in 1861. However, in the years prior to the recognition of the Dominion of Canada, the Hudson Bay Company was the de facto authority, and for many conversant with the history of exploration of the Canadian Arctic, the names of Frobisher, Davis, Hudson, and Baffin are familiar and are recognized by major geographical features.

The history of the transfer of sovereignty in 1870 is especially interesting. Confederation took place in 1867 but, relative to today's map of Canada, this smaller version excluded several existing provinces, and the Canadian North was still within the domain of the Hudson Bay Company. The politics of the move and issues of sovereignty are outlined in a series of dispatches, and already in 1874 a request for territory in Cumberland Gulf (Cumberland Sound?) for a "mining industry" from a U.S. Navy lieutenant was causing some concern about this "Yankee adventurer" (p. 10).

Chapters 2 to 16 progress chronologically, and thoroughly document specific questions that deal with the issue of sovereignty, including potential territorial claims from Denmark and Norway, and the principals behind Canada's Sector claim. A figure that appears in several chapters (e.g., Chapters 9 and 11) is V. Stefannsson, the American/Canadian explorer.

In conclusion, this volume is a testament to the scholarship of Gordon W. Smith. It is highly recommended to anyone with an interest in the 19th and early to mid-20th century history of exploration of the Canadian Arctic, and the question of Canadian sovereignty of the Canadian Arctic islands and channels.

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