

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 and Arctic Institute of North America, 2014. Northern Lights Series No. 17. ISBN 978-1-55238-720-7. xx + 491 p., maps, b&w illus., notes, bib., index. Softbound. Cdn\$39.95; US\$45.95. Also available as an ePub and Open Access PDF file.

Anybody who has worked on sovereignty issues in the Canadian Arctic or the Arctic more generally has come across the name and published writings of Dr. Gordon Smith. It is also widely known that his publications represented the tip of the proverbial iceberg and that Smith had long been working on a more comprehensive account. This volume represents a first step in bringing Smith's unpublished work to the attention of a broader audience.

Smith (1918–2000) was a historian rather than a lawyer. He earned his PhD at Columbia in 1952 with a thesis titled *The Historical and Legal Background of Canada's Arctic Claims*. While he taught more broadly as a historian in different parts of the world, it seems that with his return to Canada in 1968 he also returned, and for the rest of his life, to the field of his thesis. His literary executors Tom and Nell Smith inform us in the Foreword (p. ix) that some of Smith's work was sponsored by grants and contracts from various departments of the Government of Canada, but from 1981 onwards, he labored as a private and self-funded scholar. In the Editor's Note (by Lackenbauer), we learn that Smith's overall project was to complete "a historical and legal study of sovereignty in the Canadian north and related Law of the Sea problems (p. xiv). His goal was to cover the period from 1870 through to the 1982 Convention on the Law of the Sea (p. ix). He was unable to publish this study within his lifetime, and thus it has fallen to others to carry through at least a part of that task. The current volume, the writing of which Smith completed in 1973, is confined to terrestrial sovereignty issues. It covers the period from 1870 to 1939, although an Epilogue also covers the voyage of the *St. Roch*, in 1940–42. The goal of the "Advisory Group" to the literary executors and the editor in publishing this volume is to present "Dr. Smith's main research findings, as he wrote them but with extensive editing to redact his material to manageable length," with a view to establishing Smith's "important place in the historiographical and policy landscape on Arctic sovereignty issues" (p. xiii). While there is no commitment, it is possible that "subsequent volumes on terrestrial and maritime sovereignty" (p. xiv) in the period following the Second World War may follow. In addition, we learn from the notes that some sections of Smith's manuscript perhaps deemed of less significance, specifically a chapter on the Labrador Boundary dispute and a more detailed treatment of the East Greenland Case, will be made available on a permanent website.

The current volume is divided into 15 chapters plus an epilogue covering not only the most significant issues in

Canada's claims to terrestrial sovereignty in the period up to World War II, but also related matters such as the decision of the Permanent Court of International Justice in relation to East Greenland (chapter 13) and its implications for Canada's claims. The highlights of the volume include the chapters on the transfer of Arctic territories from Great Britain to Canada in 1870 and 1880 (chapter 1), the Alaska Boundary Dispute (chapter 5), the (inflated) concerns about Danish ambitions in relation to Ellesmere Island (chapter 10), the bizarre and tragic Wrangel Island Affair (chapter 11), and the discussions with Norway to have that country release any possible claims to sovereignty to the Sverdrup Islands based on their discovery and exploration by Otto Sverdrup in 1900 (chapter 12). Other chapters are more thematic or cover broader periods. These include a chapter on the background to the sector principle (chapter 8) and a chapter on American explorers in the Arctic between 1918 and 1939, including Donald B. MacMillan, whose expeditions triggered concerns in Ottawa as to whether MacMillan's agenda included claiming parts of the Arctic islands for the United States (chapter 14). The volume makes it clear that sovereignty concerns loomed large in Ottawa and indeed that there was something of a paranoia shared by key advisers—a paranoia that was fed, whether deliberately or not, by Vilhjalmur Stefansson, who also dreamed up the counterproductive idea of claiming Wrangel Island for Canada.

Smith's method throughout is simple and effective: he demonstrates total familiarity with both the primary and the secondary sources (principally in English with some reference to French sources in the case of Bernier's career) and then provides a clear analytical exposition with forceful and authoritative conclusions. Smith gives primacy throughout to the primary sources, with lavish extracts that run to paragraphs and sometimes pages. In the hands of a less informed and less careful commentator this could easily become tedious, but Smith knew this material so well that he was able to make careful selections on what to reproduce verbatim and what to summarize. In doing so he earns the admiration and gratitude of the reader. A crucial advantage of this way of proceeding, which adds immeasurably to the value of the volume, is that the reader in the end can judge for himself or herself whether the sources support Smith's conclusions, especially where those conclusions may run contrary to received wisdom. For example, Smith does an excellent job of showing how far-fetched many of Canada's claims were on the Alaska Boundary Arbitration. His analysis makes it clear that Canada did not lose this arbitration because it was a pawn in a political power game between the United States and Great Britain or because of the alleged spinelessness of Lord Alverstone as the British chair of the arbitration. Canada may have been better served by more modest and grounded interpretations of the relevant documents and practice.

It is hard for the reader to tell how zealous the editor has been with Smith's original text, but the result is certainly a very effective and readable volume. Perhaps the only

exception to that is the very long chapter dealing with the spectre of Danish claims to Ellesmere Island (Chapter 10, Danish Sovereignty, Greenland and the Ellesmere Island Affair of 1919–21). Much of this chapter is taken up with the question of whether the government of the day would support an expedition by Stefansson to the area, a decision which was complicated by another proposed expedition, to be led by Ernest Shackleton, also vying for government financial support. The account of the negotiations between government officials and Stefansson did seem to this reader to be more detailed and blow-by-blow in nature than necessary. But this is more of a quibble. Overall, the author and his editor have achieved a delightful balance in their presentation of the primary sources. I am sure that the volume will become a standard reference and source for scholars working in this area, both lawyers and historians alike.

The volume is attractively produced with chapter titles in cursive script (I assume Smith's) and lavishly illustrated with photographs and maps. This reviewer hopes that the editor continues with the task of publishing the balance of Dr. Smith's valuable work. My one suggestion for the editor is that he consider providing "road maps" for some of the longer chapters in future volumes. There are no sub-headings in the text, and I think that chapter 10, for example, which comes in at over 50 pages of double-column text, would have benefited from a clearer statement at the outset as to how it would evolve. In any event, the editor and his eminent Advisory Group have gone a long way to establishing Smith's "important place in the historiographical and policy landscape on Arctic sovereignty issues."

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