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SVALBARD
IN INTERNATIONAL POLITICS 1871—1925

THE SOLUTION OF A UNIQUE INTERNATIONAL PROBLEM

BY
TRYGVE MATHISEN



I KOMMISSJON HOS
BRØGGERS BOKTRYKKERIS FORLAG
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Foreword.

The Spitsbergen archipelago, which together with some minor islands, is now being called Svalbard, has a long and tangled history, of which some knowledge would be essential to an understanding of the situation obtaining today. But the events of the last two centuries have only been fragmentarily described in English, and the main purpose of this work is to remedy this shortcoming with regard to the part played by the archipelago in international politics. It may seem to be a rather specialized subject, but it should be remembered that not only population figures determine the international significance of a territory. The reader will soon become aware of the fact that a surprising number of states, including nearly all of the great powers, have at one time or another taken a keen interest in this matter, and the extensive rights accorded foreigners in the archipelago together with increasing strategic importance will probably prevent it from dropping entirely out of international politics in the near future.

I have considered it sufficient to outline the complicated history of the islands in the 17th century, since it has been thoroughly dealt with by Dr. Samuel Muller, Sir Martin Conway, and Dr. Arnold Ræstad. But the attempts to establish an international administration in the territory have been carefully treated. The political implications of the various plans have been evaluated, and the reasons why they failed to be adopted have been explained. The situation which led to Norway's acquisition of the archipelago has been described in detail, and an interpretation and appraisal of the final solution of the Svalbard problem have been attempted.

The method applied in this study is on the whole descriptive and empirical, though I have tried to analyze the problems and evaluate the situations in the widest perspectives possible. Throughout the work I have endeavored to place the subject properly into a wider context of world affairs, and efforts have been made to trace the motive forces and interests bearing upon the various Foreign Ministries.

Because of the nature of the subject I have had to examine sources from a considerable number of countries, and sometimes it has been a little difficult to determine the degree of reliability. Newspaper reports

and comments have been used to a considerable extent, but chiefly to indicate sentiments and opinions.

During my work on the history of Svalbard I have received assistance from several persons whose names I have given in the Norwegian thesis entitled *Svalbard i internasjonal politikk 1871—1925*. Among those to whom I am indebted for help with this volume I particularly want to mention Mr. Ragnar I. Christophersen, Lecturer in English at the University of Oslo, on whose linguistic competence I have relied. I also want to thank Mr. Carl F. Hovde, graduate student at Princeton University, for giving me valuable help with the manuscript.

Although I have endeavored to accomplish the task thoroughly there will surely be shortcomings. But I hope that the facts presented may help to eradicate possible misconceptions of crucial problems in the history of the archipelago. It would in any case be wholly in accordance with the purpose of this work if it may contribute to understanding and square dealings in these far northern regions.

Trygve Mathisen.

The Periods of Whaling and Trapping.

Who was the First to Discover Svalbard?

The conquest of the Arctic by the people of Europe coincides with the great periods of expansion in European history. In the Viking Period the Norsemen were probably the only European people who frequented northern waters to any real degree. Their boats were not particularly well suited for manoeuvring in ice, yet what we know of their voyages calls forth our admiration. From their settlements in Greenland — which about the middle of the thirteenth century became a Norwegian dependency, subject to Norwegian taxation¹ “as far North as the North Star” — they set out on hunting and sealing expeditions far north along the east and west coasts.² We have no accurate information as to how far east along the ice barrier they reached. They believed that there was a continent reaching from the south coast of Greenland to North Russia,³ a belief which it was quite reasonable for people to entertain in those days. They had very few possibilities of discovering what lay to the north of the ice barrier, and this region consequently became a land of myth. Northeastwards people from North Norway had already in the ninth century traveled as far as the regions round the White Sea.⁴

If we study the voyages of the Norsemen during the years from the ninth to the fourteenth century, we shall come to the conclusion that they most probably visited Svalbard as well;⁵ and we have sources which to a certain extent confirm this view. In most of the Icelandic Annals we find an entry for the year 1194 stating that “Svalbarðr” has been found.⁶ Moreover, in an Icelandic book, which appears to have been written a few years after the date given in the Annals for the discovery of Svalbard, we find information about the course and sailing time from Langanes in Iceland to “Svalbarðr, far north at the end of the sea”.⁷ On Icelandic maps from the seventeenth century⁸ the designation Svalbard is used for a territory which can only be the same as the one which the Dutchmen called Spitsbergen. The question is whether the Svalbard mentioned in the Icelandic Annals also is the group of islands to the north of Norway. Most experts believe that;⁹ and it is interesting to note that figures from the Norwegian sagas occur in Russian legends dealing with Svalbard.¹⁰ It is not surprising that the material available on this subject is scanty. As the culture and economy of the age made it impossible to settle in

the country, we cannot expect to find exhaustive material, even though the Norsemen may have visited the islands occasionally or hunted along their coasts.¹¹

In the Middle Ages the people of North Russia had considerably extended their seafaring activities. When English seamen began sailing to the White Sea about the middle of the sixteenth century, they noticed a great number of Russian smacks engaged in fishing and walrus hunting.¹² Some students of Russian history have maintained that the Russians were acquainted with Svalbard as early as the sixteenth century, if not earlier.¹³ They base their belief on the information that Russian trappers at that time were familiar with a country called Grumant, a name which was later used to denote Svalbard. There is, however, every indication that Grumant is a corruption of Greenland; and at that time Greenland was believed to border on North Russia.¹⁴ There can therefore hardly be any doubt that the Grumant referred to by Russian trappers must be *Novaya Zemlya*, and possibly also the country east of the Bay of Ob.

The old Norwegian conception of the geography of the Polar regions was not accepted by the explorers and geographers of the Age of Discovery. The possibility of finding a northern sea route to the Far East was already in the air. Dutch as well as English expeditions were sent out in the sixteenth century with the object of discovering a northeastern route to China, whose fabled wealth had stirred the imagination of the trader.

In the middle of May, 1596, two ships set sail from Vlieland near Amsterdam, with instructions to find the North East Passage. Willem Barents, who had already taken part in two earlier expeditions with the same object, accompanied this expedition, too, in the capacity of a sort of expert adviser. His ship reached a land which was called Spitsbergen, i. e. "sharp mountains".¹⁵ The Dutchmen thought they had discovered a part of Greenland. Barents landed probably at Fuglesangen, an island on the northwestern coast of Vestspitsbergen, where he set up a stake with the Dutch coat of arms attached to it; it remained till the year 1612, when it was removed by the English. But the States General never claimed that this was to be regarded as an occupation of the territory.

The Dutch expedition was a failure in so far as it was unsuccessful in discovering the North East Passage; Barents died at *Novaya Zemlya* where the crew of his ship was forced to spend the winter. It was left to later generations to assess the real value of this expedition, which consisted among other things in turning the spotlight of history on Svalbard.

The English Occupation.

When the explorer Henry Hudson returned to England in 1607 after a voyage which had brought him to Svalbard, he related that he had seen a great quantity of whale and walrus in those parts. Whaling, however, was a difficult occupation and one in which the English had little experience. It was not until four years later that the Muscovite Company, which had previously been engaged in walrus hunting at Bjørnøya, sent a few vessels north. For this expedition the company had secured the services of Biscayan harpooners who were the acknowledged whaling experts of that day. During the first few years it appeared that the English paid whaling dues to King Christian IV,¹ as Svalbard was believed to be part of Greenland and therefore belonging to the Danon-Norwegian dual monarchy.

The English whalers soon encountered fierce competition; and in the summer of 1613 there were sharp clashes between English and Dutch whalers.² As the result of this it appears that the Muscovite Company persuaded the King of England to attempt to annex the country in some way or other, so that the company might carry out its whaling undisturbed. James I applied to Christian IV for the right to purchase sovereignty³ over Greenland,⁴ a move which necessarily implied recognition of the Norwegian Crown's sovereignty over the territory. As no answer had been received from Christian IV by the start of the 1614 season, James I confirmed in a Royal decree of April of that year the sole rights of the Muscovite Company to carry out whaling at Svalbard, the right of its men to defend themselves and maintain the sovereignty of the King of England over the country.⁵

In the course of the following summer the captains of the company's ships proclaimed the formal occupation of parts of Svalbard. In Magdalenefjorden, for example, a cross was set up, on the top of which the Royal arms were fixed, while a dated lead plaque bearing the company's trade mark was fixed below. Robert Fotherby, master of one of the whaling ships, who carried out the formal act of occupation, then took a piece of earth with him on board his ship. This, he declared, was to serve as a symbol of the legal occupation of "King James' New Land", taken into possession by the Merchant Company called "Merchants of New Trades and Discoveries", for the use of their sovereign Lord King James, by the grace of God King of England, France and Ireland. His Royal arms were now set up so that his Royal prerogatives and title to the land and all its regions, might be clearly seen. "God save King James!" Fotherby called out in conclusion.⁶

This type of formal occupation which was used in the fifteenth and sixteenth centuries was based on the Pope's alleged right to apportion the world by Papal bulls in conformity with his claim to ownership of all

the "islands" of the earth which the Emperor Constantine was said to have transferred to Pope Sylvester, and with the theory maintained by Augustine, that the earth was God's property, only used by man. The Pope, God's representative, was, therefore, entitled to dispose of territories which were not occupied by Christian princes. Already in the middle of the fifteenth century, however, the humanist Lorenzo Valla had proved that the *Donatio Constantini* was a forgery. Moreover, from a purely logical point of view, it was difficult to apply the old feudal rights, based on the one supreme power, in dealing with acquisitions of no state's land. The publicists of the Renaissance and their successors, therefore, sought to find new rules based on Roman Law to solve the territorial problems which the new discoveries had created. Gradually the practice of placing chief emphasis on the discovery was adopted; but this alone was not sufficient: a formal occupation was still necessary in order to achieve sovereignty over no state's territory.⁷

On the basis of this conception the English occupation was inadequate. In order to have it recognized the English would also have to prove that they had discovered the islands; and they maintained that the explorer Sir Hugh Willoughby had discovered the archipelago on his voyage in 1553. This postulate was challenged by Dutch geographers, and subsequent investigations have proved that there was no real basis for the English claim.⁸ The English also pointed out that they were the first to start whaling in the fjords of Svalbard. Formally the acquisition was thus in accordance with legal requirements, as the English claimed the discovery, the occupation and the exploitation of the territory.

The occupation was, however, not recognized by England's rivals, and the English fleet was not strong enough to try conclusions with the Dutch.⁹ It was therefore necessary to attempt conciliation, and in 1618 representatives of the two countries met to discuss the matter in London. James I formally maintained his right to sovereignty, but agreed to let the Dutch continue whaling operations for another three years.¹⁰ When this period was over, it was insisted in London that the Dutch must now be prevented from continuing whaling any longer in Svalbard. No action, however, was taken, as the English were not in a position to drive their competitors away. Recriminatory demands for compensation put forward by the English and Dutch companies also proved ineffective. The Muscovy Company was compelled to limit its whaling monopoly to a relatively small stretch of coast, but apart from the Dutch, whom they were not in a position to dislodge, and a few Dano-Norwegian ships which were generally allowed to pass unmolested, the company's ships attempted to drive all other nations away from Svalbard. Nor were they particularly well disposed to whalers from Hull or other English towns who failed to respect the company's monopoly.

The whaling conflict at Svalbard and their rivalry in the East Indies resulted in a state of tension between Holland and England; but their hostility to Spain obliged them to postpone the issue and join hands against the common foe.

Towards the middle of the seventeenth century, the various English whaling companies agreed on a quota arrangement. At this time, however, English whaling was rapidly declining. Reduction in the stock of whales eventually resulted in the total cessation of whaling operations in the fjords. In the 1650's the whalers were forced to operate far off the coast. The English failed to reorganize their whaling industry to cope with this situation.¹¹ To a large extent the stagnation in the English whaling industry was due to internal conditions in England.¹² Toward the end of the seventeenth century it was rare for English whalers to visit Svalbard, and the English King's claim to sovereignty was not maintained. Apart from whaling, the islands were of no importance. When the English whaling industry once more recovered its pristine efficiency sometime well into the eighteenth century, it turned its attention to Greenland and the Davis Strait.

The Attitude of the Dutch Republic.

The Dutch, who were the leading seafarers and traders of Western Europe in the first half of the seventeenth century, were quick to challenge English supremacy in Svalbard whaling. The Dutch whaling industry, in accordance with the custom of the time, was also in the hands of monopolies, and it was originally allotted to the Noordsche Compagnie.

Competition to exploit the wealth of the sea was keen, not only among the various nations but also the various companies. It was a conflict carried on not only with the pen and between diplomats, but also with the accoutrements of war. The whaling fleets were often protected by naval vessels, and in some cases the whaling ships themselves were armed. Not infrequently, naval engagements would be fought, accompanied by acts of savage piracy.

The States General never recognized the English occupation. Negotiations on the Dutch side were led by Hugo Grotius.¹ The Dutch Republic, however, did not lay claim to the territory. The Noordsche Compagnie did in fact assert that the Dutch had the sole right to undertake whaling operations at Svalbard, which had first been discovered and occupied by them; but the States General expressly dissociated themselves from this view.²

At the beginning of the seventeenth century, the Dutch were heavily committed in the struggle for colonies and naval supremacy. In the East Indies the Portuguese tried to put an end to their trading with the natives,

while the English tried to prevent them from catching herring off the east coast of England, which was of vital importance to the Dutch economy.

At this time Hugo Grotius wrote *Mare Liberum*, in which he maintained, on the basis of Roman Law and Natural Law, that the Dutch could trade freely with all nations and could sail freely on all the seas. He challenged the Pope's right to decide which territories the various colonial powers should rule, as Alexander VI had done in his bulls, referring in support of his contention to the words of the Bible that the Kingdom of God is not of this earth.³

In these circumstances it was not to be expected that the Dutch Republic should claim sovereignty over Svalbard on the basis of Barents' discovery, with a view to excluding other nations; but in conformity with their general policy and on the basis of the principles of international law maintained by Hugo Grotius, the States General demanded that the Dutch be allowed to carry out unrestricted whaling operations along the coast of Svalbard. In their dealings with the English they also maintained that the country had been discovered by a Dutchman. If Willoughby had been there in 1553, then this event would not have been allowed to pass unchronicled.⁴ In their negotiations with Christian IV the States General declared that the Dutch carried out their whaling operations in accordance with ancient legal practice, and that they were unable to regard this as any infringement of the King's prerogative or in any way detrimental to his subjects.⁵ At any rate none of their rivals were strong enough to drive the Dutch away, even though their theories of international law were not yet accepted.

The whalers themselves, arrived at a sort of division of the coast; thus the English were to be allowed to operate from Bellsund and northwards as far as and including Magdalenefjorden, while the Dutch were to operate to the south and to the north.⁶ These boundaries were not entirely observed, but on the whole the Dutch kept to the north-west coast while fjord whaling was going on. They had their main station, Smeerenburg, on Amsterdamøya. Here they erected warehouses and blubber boilers. During the whaling season Smeerenburg had the appearance of a little town.⁷ When the whalers returned home at the end of the summer season they locked the buildings, leaving behind such tools and equipment as there was no point in taking with them. Occasionally they would find on their return that some of their belongings had been removed, but by and large this system seems to have worked well. In any case it was impossible to leave watchmen behind, as the difficulties involved in spending a winter in these latitudes had not yet been overcome. Partly with the object of deterring Dano-Norwegian whalers who had settled on Amsterdamøya close to the Dutch, and in part to protect the installations in Smeerenburg and the ships in the harbor against their

enemies in the Thirty Years War, the Dutch built a fort. This fortification was not, however, regarded as an occupation of the area. Smeerenburg only enjoyed a short existence. When fjord whaling ceased about the middle of the seventeenth century, it became impracticable to tow whales in to land, and the practice of flensing animals alongside the ship was adopted. To start with, the blubber was stowed in barrels and carried back to the home country, where the train oil was extracted.⁸ Later on rendering apparatus was installed on the whaling ships.

In the 1640's the whaling industry in the Netherlands was taken out of the hands of the monopolies. The monopoly system had created grave dissatisfaction; and there were so many people who circumvented it that the States General saw no reason to renew the privileges of the old companies. In contrast to the English whaling industry, Dutch whaling increased in the seventeenth century and came to play a really important rôle in the economy of the country. In time of war it was liable to grave interference by privateers and attacked by enemy naval forces, but it was rarely forced to close down entirely. After the Peace of Rijswijk, it extended considerably, apparently reaching its peak about the turn of the century with over 200 vessels engaged in a season. It was not until the days of the privateers and the blockade of the Napoleonic Wars that the Dutch whaling industry, as well as continental whaling generally, was ruined. After the middle of the seventeenth century, however, this whaling was little concerned with Svalbard, as land stations were no longer used, even though whaling often took place close to shore.⁹ Vessels now only put into harbor to seek shelter from storms, or when they wished to break off operations for some reason or other. It may well be that the whalers when on shore indulged in a little reindeer hunting, in order to supplement their supplies, or the vessels would put in to renew their supplies of fresh water, which were bound to run out after long periods at sea. In war time vessels would assemble in the fjords of Svalbard in order to sail home in convoy; and sometimes Dutch merchant ships on their return voyage from Archangel would call at Svalbard in order to join a convoy.¹⁰ As the eighteenth century advanced, however, stocks of whales were so seriously reduced in the waters off Svalbard that the whaling ships were forced to find other areas of operation.¹¹

The Dutch whaling captains acquired a good knowledge of large sections of the coast. It was mainly their maps and charts which were used, right up to the time when the Swedish scientific expeditions started exploring the archipelago in the second half of the nineteenth century.¹²

Norway's Sovereignty.

The third main actor in the drama of Svalbard was Denmark-Norway. Christian IV's claim to sovereignty, at first recognized, was based on the belief that Svalbard was part of the old Norwegian dependency of Greenland, and on Norway's claim to sovereignty over the "Northern Sea", i. e. the ocean between Norway, Iceland and Greenland. It was generally assumed that a continuous belt of land stretched from the southern coast of Greenland eastward as far as Northern Russia, and that Svalbard was a southern promontory of this land mass. Christian IV claimed Norwegian sovereignty over this area as far as the borders of Russia.¹ As the geographical facts were not known, there was naturally no very clear idea as to where this boundary ran.

The claim of the Norwegian Crown to the sovereignty of the "Northern Sea" was based on the medieval conception of sovereignty over tracts of sea, and as late as the end of the sixteenth century it was, to a certain extent, recognized by England, in as far as she paid a small sum in dues on ships sailing past the coast of Finmark to North Russia.² The sovereignty over the "Northern Sea" did not, from a legal point of view, automatically entail the right to ownership of all islands in this ocean. But if the Norwegian kings enjoyed sovereignty over the "Northern Sea" they could, as it seems, by virtue of this sovereignty contest the validity of any occupation of islands in this sea which occurred without their sanction.³ As the principle of the freedom of the seas gradually won recognition, this claim ceased to have any reality.

Christian IV's position was difficult, as the relations of the dual monarchy to England and the Netherlands were greatly influenced by increasing trade. The friendship between Christian IV and King James, which had commenced in the days when the latter was King of Scotland only, and which was strengthened by King James' marriage to Princess Anne of Denmark, was based on mutual political interests vis-à-vis England. It continued, however, after King James had ascended the throne of England, and was of reciprocal advantage. But conflicting interests in the "Northern Sea" imposed a severe strain on this friendship.

Christian IV recognized neither the English occupation of Svalbard nor the Dutch demand for the right to undertake whaling. He tried to maintain the sovereignty of the Norwegian Crown over the archipelago both by a show of force and by diplomatic activity. In 1650 he sent Admiral Gabriel Kruse north with a number of naval units to demand dues of all whalers who were unable to produce a pass issued by the Dano-Norwegian king, and to forbid them to undertake whaling in the future without a permit. If the whalers were unwilling to pay the tribute demanded, Kruse was empowered to use force.⁴ The opposition, however, proved too strong for him to be able to carry out his mission.

The next year Christian IV sent notes to the powers interested, forbidding all those who did not recognize his sovereignty the right to carry out whaling. James I of England rejected the demand, maintaining that the islands had been legally occupied on behalf of the English Crown. The States General did not strictly contest Christian IV's sovereignty, but insisted that Dutch whaling was perfectly legal.⁵ Christian IV submitted the answers to the Privy Council, which came to the conclusion that it would be best to leave things as they were. After notes had been sent to the interested powers, whaling by foreign expeditions took place as a *fait accompli* which could not prejudice the rights of the Norwegian Crown, and Dano-Norwegian whaling was not sufficiently extensive to make it worthwhile jeopardizing friendly relations with England and the Netherlands.⁶

It was, in fact, impossible to expel foreign whalers from Svalbard by sheer force. Christian IV also attempted to exploit the rivalry between England and the Netherlands, but without any result. After protracted negotiations he formally recognized the right of these two powers to undertake whaling, though without renouncing his claim to sovereignty over the territory; and he delivered a very sharp protest to the States General when the Dutch erected a fort on Amsteramøya. The States General answered to the effect that they knew nothing about the erection of a fort, but that gun emplacements had been dug for a battery which was to protect ships in the harbor against possible acts of aggression; and it was perfectly permissible, according to natural and international law, to defend oneself against attack. Furthermore, the States General undertook to instruct the Noordsche Compagnie to abstain from any act injurious to Christian IV or his subjects.⁷

Although both the English and the Dutch rejected Christian IV's claims, they accepted the fact that subjects of Denmark-Norway carried out whaling everywhere in the Svalbard waters, while other nations were turned away. In this respect it should be remembered, however, that Norwegian and Danish whaling was very limited compared with that of the other two nations mentioned.

In the case of weaker naval powers, such as the North German cities, Christian IV was able to enforce his demand that whaling at Svalbard might be undertaken only by those who procured a pass issued by himself.⁸ Possession of a Dano-Norwegian pass, however, availed them little, as the Dutch and English drove away all other nationals except those of Denmark-Norway, irrespective of whether they had a pass or not. In the first half of the seventeenth century other nations were consequently forced either to hunt the whale as interlopers or to fly the Dano-Norwegian flag.

After fjord whaling died out about the middle of the seventeenth century the question of sovereignty over the islands was no longer of

such prime importance. This did not mean that the Svalbard question disappeared entirely from the arena of international politics. Treaties from the second half of the seventeenth century prove that Denmark-Norway continued to claim sovereignty over this territory. This is apparent in the Trade Agreement of 1663 between Denmark-Norway and France,⁹ and in the Lund Treaty of 1679,¹⁰ in which French and Swedish citizens respectively were granted the right to unrestricted whaling in the waters of Greenland, including Svalbard. After protracted negotiations, Hamburg was granted the same rights in 1692.¹¹ Throughout the seventeenth century, therefore, the position seems to have been that Svalbard was regarded as belonging to Norway. We also find this conception expressed by contemporary geographers.¹² During the wars at the end of the seventeenth century Dano-Norwegian whaling enjoyed comparatively favorable conditions, and was intensified in the 1690's. Ships flying the Dano-Norwegian flag were as a rule allowed to pass unmolested by the belligerents.¹³

In the eighteenth century the islands played an unimportant rôle in international politics. Yet we find Denmark-Norway, in the course of a dispute with the Netherlands concerning fishing off Iceland, continuing to claim sovereignty over them.¹⁴ And in some geography books from the middle of the century we also find the territory recorded as belonging to Norway.¹⁵ In the second half of the eighteenth century the authorities in Copenhagen began to show increased interest in whaling and sealing in the Polar seas. A subsidy was given to all vessels equipped for catching whale and walrus in the Greenland Sea and off Svalbard.¹⁶ This provision was to hold good from 1784 and for the five subsequent years. When the trade monopoly in Finnmark, the most northern part of Norway, was abolished in 1787, and Tromsø, Hammerfest and Vardø were given the rights of trading towns, it was decided that the subsidies were to remain in force for a further ten years for ships which these towns equipped for whaling at Svalbard and on the Norwegian coast, and for seal and walrus hunting off Jan Mayen, Bjørnøya, and Hopen.¹⁷ The three new townships were, so to speak, given Arctic hunting rights as a birthday present. A few years later we find the people of Finnmark not only hunting walrus and seal in summer, but also beginning to spend the winter on Svalbard in order to trap fur-bearing animals. When Denmark-Norway was involved in the Napoleonic Wars, Arctic hunting was probably restricted. In any case we have only the scantiest reports of such activity during the war years, and it was not until the 1820's that it really got going again. But from now on the Norwegians operated on a large scale during the summer season, and considerable quantities of walrus were killed. About the middle of the century, however, stocks of walrus seemed

to have declined so markedly that hunting was hardly profitable. Many of the Norwegian vessels now turned to fish Greenland shark.

The measures initiated by the authorities in Copenhagen proved that Svalbard was not a forgotten country; and it is obvious from the geographers at the end of the eighteenth and the beginning of the nineteenth century that the islands were, in Norway and Denmark at least, regarded as a Norwegian possession,¹⁸ even though they were no longer considered part of Greenland. But Norwegian sovereignty was not expressly manifested. In the course of the seventeenth century the principle had developed that whaling and sealing off the islands were to be open to all nations; and as there was no permanent population, the rights and duties generally associated with the exercise of sovereignty over a territory did not apply in the case of Svalbard.¹⁹

The Treaty of Kiel does not mention the islands. Article 4, however, lays down that the Dano-Norwegian king shall cede the whole of Norway as well as all possessions belonging thereto except Greenland, the Faroes and Iceland. If Norway was to have any possession left after the three above-mentioned had been deducted, then it would have to be Svalbard. This interpretation of the wording of the Treaty will most likely hold good no matter what motive the negotiators in Kiel may have had in choosing it. The question was, however, never debated. The history of the islands was not investigated; and during the nineteenth century the general opinion gradually arose that Svalbard was a No Man's Land.

Russia's Relations to Svalbard in Ancient Times.

During the sixteenth century, people from the White Sea area went fishing and hunting along the coasts of Novaya Zemlya, Vaigach and Polyostrov Yamal. They probably also traded a little with the nomadic peoples of Western Siberia. On their voyages, in which they seem to have penetrated as far as the mouth of the Ob and the Yenisei rivers, they often had to spend the winter under severe and primitive conditions.

In the 1620's the Russian authorities placed a number of restrictions on these activities.¹ Control posts were established on Ostrov Matveev, on Yugorski Shar and on Yamal, where the fishermen, sealers and trappers had to pay dues to the Czar. This was probably the main reason why they turned west. At the beginning of the eighteenth century the Pomorians appeared in considerable numbers along the coast of North Norway.² From this period, too, dates the first really reliable information of Russian wintering on Svalbard.³ The Russians never participated in whaling. They were fully alive to the possibilities of this industry, and in the first half of the eighteenth century the Czar awarded a whaling monopoly to certain noblemen and merchants in turn, but none of these seemed to

have made anything out of it.⁴ The North Russian seafaring and hunting industries were of quite a different kind. The Russians continued to employ the methods which they had used from time immemorial on the coasts of Western Siberia and Novaya Zemlya.

In July they would sail off in their vessels, the so-called lodj, with crews in some cases numbering more than twenty men. These Russian smacks were bad sailers, but of considerable tonnage. On the trip to Svalbard, where they would remain until the ensuing summer, the Russians would usually stop at Vardø in Finnmark before setting off across the Barents Sea. When they reached their destination, the boats were hauled on land and large huts were erected which served as their main stations for the winter. In the vicinity, a number of smaller huts would be built where the crews could spend the night on their hunting trips. It sometimes happened that expeditions came back to the same spot several years in succession, but when the hunters noticed that stocks were decreasing in a particular region they would choose another ground next year. For this reason, in the first half of the nineteenth century and even later, the ruins or sites of abandoned huts could be found on a large number of spots along the coast, even though the number of expeditions per year can hardly have been more than three or four.⁵

The Russians hunted reindeer, walrus, seal, fox and bear, as well as collected eider-down. Their hunting was carried on only as wintering expeditions which were quite different from the summer expeditions that the Norwegians developed later on. They seem to have stood up comparatively well to the severe climatic conditions, though there were probably frequent cases of frostbite. Their great enemy was scurvy. The hunters came from various places, such as Mezen, Archangel, Onega, etc.⁶ For many years the Soloviet and Sish monasteries despatched expeditions to Svalbard; otherwise they were as a rule sent out by ship-owners and merchants. The crews were not paid a fixed sum, but had a share of the catch, a practice also common among the Norwegians.

The bulk of the Russian activities at Svalbard took place from about 1730 to 1830. The sources which have been investigated give no reliable informations as to the number of expeditions participating, or the economic results. It is, however, probable that the numerous ruins of Russian huts found at Svalbard have led people to believe that the industry was more extensive than was in fact the case.

The Russians probably did not visit Svalbard in the 1830's and 1840's; after some unprofitable attempts to resume operations in the 1850's their activities ceased altogether. The reason why they abandoned this industry may have been the great reduction in stocks of animals, especially in the case of the walrus, and the competition of the Norwegians.

In the nineteenth century people were ignorant about the political position of Svalbard. Some authors assumed that the country belonged to Russia. In Marie-Nicolas Bouillet's well-known *Dictionnaire Universelle d'Histoire et de Geographie*, which first appeared in 1842, Svalbard was described as Russian. But the large revised edition which appeared in 1864 stated that the islands were uninhabited and belonged geographically to Norway.

Certain business circles apparently demanded that Russia should annex this territory,⁷ but there is no indication that the Russian authorities ever seriously considered carrying out this suggestion.

Terra Nullius.

A Swedish Plan for Colonization.

The urge to colonize and explore in distant parts of the world, which characterized the second half of the nineteenth century made itself felt in the Arctic as well, where Svalbard above all attracted attention. From the historical point of view conditions remind us of the tremendous show of energy which took place in the sixteenth and at the beginning of the seventeenth century.

Voyages and expeditions undertaken to these inhospitable regions were not merely prompted by economic motives. Man's desire to explore the unknown and to acquaint himself with the mysterious forces of nature — his craving for adventure and action — inspired him to challenge the Arctic.

The Norwegian geologist Baltazar Keilhau's voyage in 1827 is usually, though not correctly, regarded as the forerunner of the modern exploration of Svalbard.¹ He was, however, not followed by other Norwegian explorers; in the next decades it was left to Swedish scientists to make Svalbard their sphere of operation. They organized a number of expeditions and carried out a great deal of pioneering work, especially in the field of geology and cartography.²

Norway nevertheless made her contribution. Martin Conway has pointed out that polar expeditions have to a large extent taken the character of the industries or the special aptitudes peculiar to the countries organizing them. Arctic exploration in the nineteenth century was to a very large extent based on the experiences and the seamanship which North Norwegian sealers and hunters had evolved after many long years of activity in the Arctic. The first Swedish expeditions were undertaken by Norwegian vessels with Norwegian crews. The sealers of North Norway deserve the highest praise, not only for the assistance they gave to the scientists, but above all for the geographical discoveries which they made themselves.³

In the course of the nineteenth century sealing in the Arctic seas had become an industry of great importance to the population of Northern Norway. Summer expeditions to Svalbard to hunt and collect eggs and eider-down, were a thrilling occupation which provided a welcome addition to the meager earnings of the men of Finnmark and Troms.⁴ Even

up in the Arctic Ocean the effects of the increasing industrialization of Europe were not allowed to pass unheeded. In the 1850's and 1860's the price paid for the thick walrus skin, which was so admirably suited for making driving belts, increased considerably.⁵ New hunting grounds were discovered on the north coast and in the Hinlopen Strait. Arctic sealing and hunting, which had suffered a decline before the middle of the century, now enjoyed a boom period. On Svalbard the Norwegians were undisputed masters. But intensified hunting in a few years seriously reduced stocks of walrus.⁶

The sea voyage from the Norwegian coast and north to Svalbard was often a hazardous and laborious undertaking for the smallest or least suitable vessels, and the season was a short one. The crews must frequently have felt the need for a station or settlement to which they might put in for help, as accidents and cases of shipwreck were not infrequent. Some of them considered the possibility of settling on the islands, if only for a short period. In 1867 some families from the Norwegian town of Tromsø appealed to the King for a state grant for a boat and various items of equipment and provisions necessary for moving to Svalbard, where they intended to settle. They maintained that it would be of great advantage to the hunters and sealers if a colony was founded in the islands, to which they might turn for help in case of shipwreck or any other accident. And if they were given the necessary instructions in the methods of making observations, they might also be able to do work of importance to science. Above all, this venture would stimulate colonization of an area which, in the opinion of the applicants, would be capable of supporting a population of many thousands. If the King was unable to grant the necessary funds, they desired that the matter should be referred to the national assembly.⁷ But the application was turned down.⁸

The plan for establishing a Norwegian colony on Svalbard was, however, not abandoned. It had often been discussed by scientists and hunters. The importance of investigating the climatic conditions of the Arctic was being considered at that time, and the Geographical Association in Paris had mooted the idea of establishing a meteorological observatory in the archipelago. The scientist and explorer Adolf Erik Nordenskiöld was one of those who maintained that research into the climatology of the Polar Basin was necessary to create a permanent scientific foundation for knowledge of weather conditions in Europe, and above all in Scandinavia; but he thought it necessary to winter in the polar regions if research in this field was to produce further results; and if wintering was to be successfully undertaken it would, in his opinion, have to rely on a permanent settlement. This principle was to be practiced by the American expedition, under the leadership of Charles F. Hall, which was fitted out in the winter of 1870—1871. Nordenskiöld was acquainted with Captain Hall's project, and in Sweden some persons planned to establish

a colony in Svalbard. Amongst those who supported this plan, apart from Professor Nordenskiöld, may be mentioned the businessman, Oscar Dickson, from Gothenburg, who donated large sums to Swedish Polar exploration, and the naval officer, Frederik Wilhelm von Otter who subsequently became Prime Minister; Prince Oscar was also interested in the project.⁹

On his expedition in 1864, Professor Nordenskiöld had found coprolite deposits at Vestspitsbergen, which were later investigated with a view to economic exploitation.¹⁰ It was thought that the settlers could make a living by mining these deposits in addition to their hunting. There seem to have been several motives for establishing a colony. There was a chance of profitable production of phosphate, while with some persons scientific interests weighed most heavily. The plans for colonization must also be seen as a stage in the attempt to win Svalbard for Sweden or Norway, even though this might not have been the primary motive. In the eighteenth century the conception had gained ground that effective appropriation of an area was a condition for acquisition, i. e. that the occupation was to be effected by taking possession of, and establishing an administration over the territory in the name of, and for, the acquiring state. Later on in the nineteenth century this became general practice among the various nations.¹¹ If the islands remained uninhabited, it would be difficult to provide an acceptable reason for occupying them, nor would this be regarded as valid. Even though the intention might be to place Svalbard under Norwegian or Swedish sovereignty, after obtaining the consent of the various interested powers, a move of this nature ought, of course, to be motivated.

Already in the spring of 1870 the occupation of Svalbard was being deliberated in Stockholm.¹² The Swedish-Norwegian Minister in St. Petersburg was instructed to find out unofficially whether Russia claimed the islands, or whether the Russian Government considered that they belonged to some other power. After making certain inquiries the envoy got the impression that the latter was not the case.¹³ Professor Nordenskiöld now urged the King to place under his protection a settlement which he intended setting up to support scientific research. On the assumption that the King would agree to his request he applied at the same time for a concession of 40 square miles of land on the promontory Kapp Thorsen in Isfjorden. He would choose the colonists from among the population of North Norway.¹⁴

No attempt was made, either in the press or elsewhere, to solicit popular approval for this plan. There was possibly a desire to let the whole thing take place as quietly and as inconspicuously as possible. In the capitals of Europe attention was focussed on the Franco-Prussian War; there was a chance that little importance would be attached to the uninhabited group of islands in the Arctic, and that a Swedish or Nor-

wegian occupation would be accepted without any real objections. At the end of February, 1871, the matter was submitted to the Prince Regent in a Cabinet Council. It seems that the object was expressly to deal with the matter while the King was ill, as Prince Oscar did his best to reach a settlement before the King once more resumed his seat in the Council.¹⁵ The Foreign Minister, Count Carl Wachtmeister, gave an account of Professor Nordenskiöld's application, and stated that if the King decided to occupy Svalbard, it would be inadvisable to attach the islands to both kingdoms: it should belong either to Sweden or Norway. Geographically the territory belonged to Norway. From ancient times people from North Norway had visited these areas in order to hunt and fish. The Foreign Minister reminded the Council of the plans for colonization which people from Tromsø had submitted three years previously, and pointed out that it was from among people in this part of Norway that Nordenskiöld intended to choose his colonists. For these reasons he recommended that the islands should be placed under Norwegian territorial sovereignty. Before proceeding any further with this matter, however, he considered it necessary to inquire of the Governments in Berlin, Brussels, The Hague, Copenhagen, London, Paris and St. Petersburg, to find out if any of these laid claims to the islands. The various questions had been thoroughly discussed in advance, and the proposal was approved without soliciting any objections of note. The matter was now submitted to the Government in Oslo.¹⁶

The reasons adduced by the Foreign Minister for placing the islands under Norway seemed in themselves convincing. Some of the Swedish Cabinet Ministers were nevertheless of the opinion that Svalbard ought to become a part of Sweden owing to the contributions made by Swedes to scientific research. But this matter presented little difficulty, possibly because of its bearing upon the questions of Swedish-Norwegian relations. At this very time a proposition for a new Act of Union was to be dealt with by the Storting, and it is not improbable that it was considered in Stockholm that a gift such as Svalbard might have a favorable reaction. At any rate, it could be used as an argument. If, on the other hand, the islands were taken by Sweden, there was reason to believe that it would cause severe irritation in Norway.

The Government in Oslo showed no enthusiasm for the idea. It declared that it did not consider it especially important to Norway that the status quo should be altered. Norwegians had for many years caught walrus, seal and white whale, hunted polar bear and reindeer, and also collected eider-down, but these occupations did not really require any change in the political status of the islands; and Norwegian capital was not interested in Nordenskiöld's project. It was, moreover, possible that the acquisition of Svalbard would involve expense, and result in disputes with foreign powers. On the other hand, it would conflict with Norwegian

interests and be a blow to Norwegian national prestige, if Norwegians should be prevented from continuing these activities by any foreign sovereignty. If, therefore, Svalbard had to be occupied by any one state, then that state would have to be Norway; and this arrangement was perfectly natural also from a geographical point of view. Norway must, however, reserve the right to abandon an occupation at any time, should it entail any disadvantages.¹⁷

The Government made no reference whatever to Norwegian sovereignty over Svalbard in former times, though this might have been expected. Norway's claims had admittedly been disputed and it seemed to be more than a century and a half since it was asserted in negotiations with other powers, but it had never been formally abandoned. Nor had any claim been laid to the islands by any other power since England had done so in the first half of the seventeenth century. Even though one might assume that Norway's sovereignty had elapsed by dereliction,¹⁸ historical factors could certainly be exploited in Norway's favor, should she once more attempt to acquire the territory. But the Government took for granted that Svalbard was a no man's land, without bothering about its history or suspecting that conditions had previously been otherwise.

Despite the reservation of the Norwegian Government, it was decided at a Cabinet Council in Stockholm to make an application to the interested powers.¹⁹ In this application the intended action was motivated by Professor Nordenskiöld's request for protection of his colony, and it was pointed out that Swedish scientists had already carried out work of great importance in Svalbard. These islands, it was maintained, which by their nature and geographical position seemed to belong to the Norwegian mainland, whose inhabitants had fished in their waters since time immemorial, had never, as far as one had been able to find out, been considered as belonging to any power. But before the King committed himself to the occupation, he was desirous of assuring himself that no power had any objection.²⁰

The Foreign Ministry not only omitted the question of Norway's sovereignty over the islands in former days, but dismissed it entirely with the statement that the islands had never been considered as belonging to any power. It was perhaps to be expected that the Foreign Ministry would not mention this matter, in view of the fact that it had not been touched on by the Government in Oslo. But had Great Britain — the only power apart from Norway to claim sovereignty over the islands — tried to submit her former claim, the above-mentioned passage in the note might have proved unfortunate for Norway.

The Danish Government answered immediately that it had no objections to make; nor would the Dutch Government make any objections if no other power did. The French and the German Government also adopted a favorable attitude. They made it, however, a condition to their re-

cognition of the plan, that the commonly accepted practices in fishing and shipping in those territories should continue to hold good. The British reply was that, provided the Joint Kingdoms would conclude an agreement guaranteeing British fishermen the same right as they had previously enjoyed in pursuing their occupation along the coasts and in the fjords, they would not oppose the plan. An arrangement of this nature would, in the opinion of the British Government, be an advantage to those visiting the islands, and would be calculated to promote the exploitation of their natural resources. None of the Governments mentioned raised any objections to the arguments which had been put forward in the Swedish-Norwegian note as a basis for the intended acquisition.²¹

In Russia, however, the plan received a somewhat different reception. The first investigations made gave grounds for optimism; and when asked officially the Deputy Foreign Minister promised that the answer would be favorable, provided Russian subjects were allowed to retain their old hunting and fishing rights.²²

Events, however, now took a new turn. In Russian business circles interested in trade and shipping in the polar regions a campaign was set afoot which ran counter to Professor Nordenskiöld's project. Michail Sidorov, a zoologist with business interests in North Russia, delivered a lecture on the subject of Svalbard before the Geographical Society in St. Petersburg, in which he declared that it was a historical fact that the islands belonged to Russia, and that it would be a great loss for her to lose this territory.²³ At his request the association sent a petition to the Ministry of the Interior, demanding that Svalbard should not be ceded to any other power.²⁴

The Swedish-Norwegian Minister in St. Petersburg countered Sidorov's arguments in an article in the "Journal de St. Petersbourg", the organ of the Russian Academy of Sciences. But the campaign and the ensuing press publicity apparently combined to make the Russian Government reserved. In its answer, given after a committee had dealt with the matter, it stated that the legal facts which might provide a basis for an effective occupation of Svalbard, by one of the powers recognized as having participated in the discovery of the islands, or as having at various times tried to set up establishments there, were so vague, that it was very difficult to qualify them. In the opinion of the Russian Government it would be advisable to retain the arrangement which so far had been maintained by tacit agreement between the interested governments, viz. that the territory should be regarded as a no man's land, accessible to nationals of all powers anxious to exploit the natural resources of the islands. This arrangement established a sort of parity between the states whose nationals were in the habit of visiting the territory, which the Imperial Government could not renounce without offending Russian national feelings, in view of the fact that Russian subjects had from time

immemorial visited this territory, and at the end of the eighteenth and the beginning of the nineteenth century had set up establishments there. This had created a general impression amongst the Russian people that the Russians had just as uncontroversial rights as other nations there. The Russian Government saw no reason for changing the state of affairs which had been accepted for several centuries, especially as it seemed entirely compatible with the colonization plans which the Swedish Government wished to put into practice. By the arrangement which had in fact been created by mutual consent, every state whose nationals visited the islands and hunted and fished there freely, had an opportunity to establish a colony on the spot it considered most suitable. This situation would, however, be essentially changed by an exclusive appropriation of the entire area. The Russian Government had never maintained that the establishments which Russian citizens had formerly built on the islands, and of which traces could still be found, constituted a basis for a claim to sovereignty over the archipelago.

In deference to the desire of Sweden-Norway to protect the projected colony, while retaining the rights of other powers to set up similar establishments, the Russian Government considered it sufficient for the interested states to respect such colonies every time they were founded, and as long as they should continue to exist, without thereby prejudicing the right of nationals of other states to settle in other parts of the archipelago, or freely exploit the various resources which the country offered.

The Russian Government was willing to undertake an obligation of this nature, and was of the opinion that settlements founded under these conditions and guaranteed by mutual goodwill on the part of the interested states, would offer more effective and practical advantages in this inhospitable region — not only as far as scientific research was concerned, but also for commerce and industry — than any exclusive appropriation. The latter might, in time and under certain conditions, apart from the insolvable legal problems it would raise, result in a clash of interests.²⁵

Viewed against the background of the agitation which had been set afoot, the reply was possibly better than anticipated. It did at least contain an unequivocal denial of the untenable statement which appeared in the Russian press, to the effect that Svalbard had from ancient times been Russian territory.

The standpoint of the Russian Government may to some extent have been conditioned by events in Europe. The news of the rapid German victory had been received with amazement in many quarters, and the Russian press expressed the fear that the French war indemnity might be used to increase the German fleet, so that it would soon be in a position to control and bottle up the Baltic. The influential newspaper *Moskovskya Vjedomosti* wrote that under those circumstances Russia had

to consider expanding her own fleet, and to procure a port on the ocean seaboard. Varangerfjorden in North Norway was just the sort of territory Russia needed. England had always been opposed to any Russian expansion in this direction, but it was to be expected that Germany would be favorably disposed towards a Russian move of this nature; if not, little reliance could be placed on the German assurances of friendship. The paper maintained that Russia had been cheated of ice-free harbors at the frontier settlement of 1826, and went on to suggest that the Russian Government should submit claims for such harbors, before giving its consent to the Swedish-Norwegian colonization project in Svalbard.²⁶

These views had probably been considered in the Russian Foreign Ministry and it was reasonable to argue that if the German fleet was in a position to close or even control the Baltic, North Russian waters would have increased strategic importance. Under such circumstances there might be reasons for preventing the Joint Kingdoms from extending their influence in the North.

The Swedish-Norwegian Minister in yet another article in the "Journal de St. Petersbourg" countered the unfounded assertions which appeared in the Russian press regarding the history of Svalbard. He likewise opposed the statement that Russian interests had not been taken into account at the frontier settlement in 1826, and reminded his readers that the territory which had been given to Norway on that occasion was only a small part of a district which had formerly been common to both states. Russia had so much valuable territory in this area that she had no reason to be dissatisfied.²⁷

In view of the attitude of the Russian Government, it was decided at a Cabinet Council to abandon the plan of placing Svalbard under Norwegian sovereignty.²⁸ Instead the Foreign Minister submitted a proposal that the King should declare his willingness to take under his protection the establishments which Norwegian and Swedish nationals might ultimately set up in Svalbard, including the one projected by Professor Nordenskiöld, and that a request should be sent to the interested powers to recognize the colony. The King, who was now present in person, did not cherish the same interest in the proposed venture in the Arctic as had his brother. He considered it inadvisable to promise protection to any settlement, as long as the Joint Kingdoms lacked sufficient sea power to defend them. But it was agreed to submit the matter to the Government in Oslo.²⁹

In its statement, the Government in Oslo agreed that the plan to place Svalbard under Norwegian territorial sovereignty would have to be dropped — at any rate for the time being. With regard to the proposal that the King should take Nordenskiöld's colony under his protection, the Government was of the opinion that it might entail disadvantages which could not be clearly foreseen. If Svalbard was to continue to be

regarded as a no man's land, it seemed inconsistent for a monarch to take any installation or settlement in the islands under his protection. An action of this sort seemed to involve the question of sovereignty. The situation would be a very different one if a government under certain conditions deemed it expedient to protect its subjects, while they were staying in such an unclaimed territory. That would depend on the circumstances prevailing at the moment protection was to be given. But promises of protection might entail undesirable obligations. Should the King give a general promise of protection, the same would probably be done on the part of other sovereigns. Colonization, entailing a great number of difficult problems, might then be expected. For those reasons the Government thought it necessary to advise against the plan.³⁰

The main argument of the Norwegian Government was thus, that the King, by placing installations or colonies in Svalbard under his protection, would involve the monarchies in obligations, the consequences of which it was difficult to foresee. The Government in all probability also had another motive in advising against the adoption of this plan, and one that did not find expression in its recommendation; for at the end of its report the Government declared that it considered it superfluous to add that the right to hunt in Svalbard must not be restricted because of the installations there. It is a moot point whether this declaration touches upon the basic reason for the Government's reserved attitude. Only Norwegians at that time went hunting in Svalbard, and any colonization which resulted in occupation of part of the coast might well jeopardize Norwegian economic activities. Future events were to prove that the Government's fears were well founded.

After this it was agreed in Stockholm to drop the matter.³¹ The King himself feared, apparently, that the activity in Svalbard might lead to disputes with foreign powers, which might endanger the safety of the two countries or expose them to the mortification of an affront.

The colonization project, however, was not abandoned. The interested parties formed the limited liability company Isfjorden, the aims of which were to be partly economic, partly scientific. In fact it was merely the old plan of colonization which now assumed a more definite form. In April, 1872, the company requested the Government to acquaint foreign powers with the project, and to procure for the colony the protection of international law.

Already in the summer of that year the company sent an expedition north which proceeded to make preparations for exploiting the coprolite deposits. They proved, however, too scattered to be mined easily; and preparations were not sufficiently advanced to keep mining operations going through the winter. The bulk of the company's capital was used in covering the expenses of the first expedition. The following winter a regrettable accident occurred which subsequently reduced people's enthu-

siasm for wintering. In September, 1872, six Norwegian vessels were caught in the ice off the north coast of Vestspitsbergen. The crews made their way to Nordenskiöld's expedition, which was to spend the winter at Polhem in Mosselbukta. As the supplies would in any case prove insufficient to feed so many people for one winter, it was agreed that 17 men of the crews should try to cross the island and reach the company's house at Kapp Thordsen. They succeeded in reaching their destination, but in the course of the winter they all perished. In the summer of 1873 Isfjorden Company Limited was dissolved. Though the plan to exploit coprolite was not abandoned for good, no workings were started for many years.

The exchange of notes in 1871—72 had nevertheless clarified Svalbard's political position. It now had to be definitely assumed that the archipelago was to be regarded as a no man's land, accessible to subjects of any state anxious to exploit its natural resources. Norway and England, which had claimed sovereignty over the territory during the whaling period, did not restate their old claims. The West European powers adopted the attitude which the Netherlands had formerly maintained, viz. to demand the right to exploit freely the riches of the coastal waters. They evinced less interest in the land. This standpoint and practice were the result of a long development, and the economic and geographical reasons for this attitude seemed to be that the country had come to be regarded as practically uninhabitable and as offering no promise of economic gain. It was primarily the wealth of the sea for which men had striven in these inhospitable regions. During the first period of whaling the land stations had, of course, played an important rôle, but in time their significance, too, ceased. In the nineteenth century a certain amount of competition admittedly arose between Norwegian and Russian trappers, but it never resulted in any conflict of importance or involved diplomatic negotiations.

The Russians, who had never taken any part in whaling, now made their appearance for the first time in the diplomatic negotiations for the archipelago; but their activities, which had principally consisted of trapping and hunting in the eighteenth and nineteenth century, resulted in the Russians being more interested in the land than had the nations which had only participated in whaling. It is true that Russian hunters and trappers had ceased to operate in Svalbard, but the traditions already established led the Russian Government — encouraged by certain business circles — to regard it as a matter of national importance to secure unrestricted rights for Russian nationals to exploit the economic resources of the territory at any time in the future.

Light had also been thrown on another question. The installations at Kapp Thordsen, which had been accepted by all interested powers, created a precedent. It seemed to be established that private acquisition of minor

areas and colonization were permitted, but not all the problems which would arise under an arrangement of this kind had been foreseen.

As compared with the negotiations in the seventeenth century, several new factors had emerged: the geographical proximity of the archipelago to Norway, on which previously no emphasis had been laid; the activities of Norwegian and Russian trappers and hunters, and Swedish scientific research had become elements of the political situation.

The Norwegian Government had shown remarkably little interest in the idea of extending Norway's sovereignty to include Svalbard, fearing that this might involve the State in additional expenditure, and that it would sooner or later lead to disputes with other powers. For the time being Norwegian interests were best served, the Government reasoned, if these Arctic islands were to remain a no man's land. But should it prove impossible to maintain a situation of this kind, and imperative to place the islands under the sovereignty of one single state, then that state would have to be Norway.

It is not surprising that the Norwegian Government was reserved with regard to the question of partial colonization. It would probably be an advantage to the hunters and trappers if there were a small number of minor colonies, but if considerable areas of land were appropriated, the situation would be far different. That Nordenskiöld's colony was a Swedish undertaking, supported only by Swedish capital, may also help to explain the Norwegian point of view. Nevertheless, one is tempted to ask whether the attitude of the Norwegian Government was tenable. True enough, Norwegian economic interests in the Arctic were, for the time being, not threatened from any quarter; but the moment such a situation occurred it might be too late to incorporate Svalbard with Norway. In any case this would entail a greater risk of conflict. As things turned out, however, the reservation of the Government was not destined to have any importance.

Norway Adopts a More Active Policy.

When the stocks of walrus at Svalbard began to be seriously reduced, Norwegian vessels turned east towards Novaya Zemlya and West Siberia.¹ By degrees, sealing became the principal activity, and it was carried on along the ice rim between Svalbard and Novaya Zemlya and southwards off the Russian coast or in the "East Ice", as the sealers call it, and before the end of the century it was extended into the White Sea. In the second half of the nineteenth century sealers from North Norway also turned their attention to the Greenland Sea or the "West Ice", in the language of the sealers, where vessels from ports in South Norway had engaged in sealing from about the middle of the century. The sealing fleet increased in number and, as far as the town of Hammerfest was concerned, it reached peak figures at the end of the 1880's. Several

factors probably contributed to the change in Arctic hunting. Stocks of walrus were gradually becoming seriously depleted, and it was no longer possible to find new hunting grounds. Moreover, the price of walrus hide fell because balata was now being used for making driving belts. The increase in the use of rifles also played a certain rôle. When the walrus was on land, it could be killed fairly easily with a harpoon, while rifles were more essential for shooting seal along the edge of the ice. However, sealing and walrus hunting at Svalbard did not stop altogether, while egg and eider-down collecting and reindeer and bear hunting continued. For these pursuits smaller vessels, with a crew of three or four hands, were generally used.

At the beginning of the 1870's catching of the white whale — another form of activity — was considerably extended.² This small Arctic whale was hunted for its tough thick hide, well suited for making belts and other leather articles, though this hide is not quite as good as that of the walrus. This form of catching took place inside the fjords. It was undertaken partly by the regular sealers, carrying the necessary nets for catching the white whale, and partly by vessels which were equipped solely for this purpose. It is, however, difficult to arrive at a closer picture of the economic importance of these activities. It was certainly only carried on by Norwegians, but statistics of Arctic sealing and hunting do not give figures for the various fields of operation.³

In the middle of the 1870's an unusual cod fishery took place along the west coast. It was carried on in four fishing grounds, from Bellsund in the south to Raudfjorden in the north. To start with the fish appeared in dense shoals, frequently just off shore, in eight to ten fathoms of water. They followed the *limacina arctica* which floated about in great masses, and fishermen using only handlines were able to make considerable catches. After a few years the fish moved further off shore and had to be caught out on the banks, and in 1883 it suddenly disappeared. The vessels which sailed north were forced to return emptyhanded. This remarkable fishing must, however, have increased the knowledge of, and interest in, Svalbard among fishing experts all over Norway.

No other country had participated in the fisheries to any notable degree. Norwegians continued to predominate in the fishing grounds and sealing places of the far North. There were nevertheless signs that they would not enjoy this privilege for very long. The use of trawls had decisively changed fishing and increased catches considerably. North Sea fishing banks were so overfished that British and German trawlers soon had to look for new fishing grounds. The Norwegians' former rivals in the Arctic, the Russians, were not, however, particularly active. It seems that Russian authorities were not very interested in the Arctic regions, and this is confirmed by the fact that the naval base at Archangel was dismantled in 1887.

The scientific exploration of Svalbard continued, though somewhat reduced in scope. After Nordenskiöld's expedition of 1872—1873, Swedish polar exploration turned principally to the Kara Sea and the North East Passage. In the 1870's and 1880's few important scientific expeditions were sent north. On the other hand, several wealthy gentlemen visited the islands in their yachts, some of them carrying out valuable research.⁴

In the spring of 1892 the Norwegian Government took up anew the question of Svalbard's political position. In a confidential note to the Foreign Secretary, the Secretary of the Interior pointed out that the Norwegian Government had, in 1871, maintained that if the question of placing Svalbard under the sovereignty of a single state should be seriously considered, then that state would have to be Norway. Several European powers were now seeking to extend their possessions in distant parts of the world, and they seemed especially to be interested in the fishing grounds in the North. It was therefore unlikely that Svalbard's status as a no state's land could be maintained much longer. It would be of very real importance to the population of North Norway, who were increasingly engaged in hunting and fishing on the islands and in the adjoining seas, that the territory was not placed under foreign sovereignty, with consequent restrictions on the activities of Norwegian nationals. As there was reason to fear that some such move was afoot or was being privately fomented, the Kingdoms of Norway and Sweden should take steps to prevent an occurrence of this nature by an acquisition of the islands. The Secretary was, however, of the opinion that Russia was hardly considering taking possession of the archipelago, and in the event of another great power attempting to do so, it was not unlikely that the Russian Government would back up Norway and support a Norwegian claim in order to bar the way for a more dangerous rival.⁵ But the import of the Foreign Secretary's reply was that there was no evidence that the alternative mentioned actually existed, and that the situation had not noticeably changed since the question was dealt with in 1871—1872.⁶ The matter is explained by the eagerness of the Liberal Ministry of Johannes Steen, then in power, to further Norway's foreign interests. There might perhaps also have been some grounds for anxiety. The fact that the great powers occasionally sent naval vessels to the waters concerned could at any rate be taken as a sign of increased interest in the area.⁷ Several conferences which had been held in recent years to work out regulations for sealing might also tend to focus the attention of the powers on the Arctic.

In the 1890's tourist ships started to go north, and scientific expeditions to Svalbard became more frequent. Some of them were given great prominence in the press, thus contributing twofold to making the country known.

In the summer of 1895 the Norwegian papers contained a great deal of material calculated to call public attention to the Arctic. Andrée's attempt to reach the North Pole by balloon was eagerly followed. A Norwegian steamship company established a tourist station at Adventpynten in Isfjorden, and organized weekly tourist sailings between Tromsø and Svalbard, which proved a success. In the middle of August Fridtjof Nansen returned from his voyage in the "Fram" and received a splendid reception.

These considerations should largely explain why in September demands appeared in the press — especially in the Liberal press — that Norway should occupy Svalbard. The chief organ of the moderate Liberals suggested that the islands should become Norwegian territory, as they belonged geographically to Norway, and it might soon be necessary to provide them with police supervision. Foreign powers should, however, be allowed to hunt and fish along the shores and to set up hunting stations with the consent of the Norwegian Government. During the discussions which ensued, various opinions were expressed. Those who were opposed to a step of this nature declared that the expenses would be so considerable that what was "won on the swings" would be "lost on the roundabouts"; and there was a danger that the occupation of the islands might result in disputes with other powers, especially Russia. Nor were there any grounds to fear an occupation "sans phrase"; a power which considered taking a step of this nature, would in all probability make inquiries in advance among the interested states, and Norway would then be in a position to make a strong protest.

Those in favor of acquiring the islands maintained that the situation could change. There was no guarantee that Norwegian activities in Svalbard might not one fine day be forced to close down owing to foreign sovereignty; and one should not exaggerate the expenses that police supervision might involve. This could be organized in a cheap way. Besides, it should be borne in mind that protection would increase stocks of game and thus make hunting more profitable. It was especially important to preserve the reindeer stocks, as tourists were slaughtering them ruthlessly. It was also intimated that by acquiring the territory Norway would stand her ground as an independent state. If, on the other hand, another power was allowed to forestall her, it might have unfortunate national consequences. Now that Norway's contribution to polar exploration was generally recognized, with Nansen's voyage a household word, the time would be appropriate.⁸

A number of applications for government grants were received from people anxious to settle in the archipelago,⁹ but these were turned down, and for the time being the Norwegian state authorities allowed the question of Svalbard's political status to lapse; but the matter had been

given new attention by discussions in the press, and acquired a broader position in the national consciousness.

The Russian Foreign Ministry had not failed to notice the articles and letters about Svalbard which had appeared in the Norwegian papers and were in some doubt as to how they could be interpreted. The Russian Legation in Stockholm was therefore requested to investigate the matter and to inform the Foreign Minister of the Joint Kingdoms that the Russian Government still maintained the attitude it had adopted in 1871, viz. that it considered it necessary to maintain the status of the archipelago as that of a no man's land.¹⁰ The Foreign Minister was, however, in a position to give a reassuring answer, and the Russian envoy was able to inform his Government that in Stockholm there was no confirmation of the rumor that the Norwegians intended to occupy Svalbard. But after Fridtjof Nansen's successful expedition many people in Norway were beginning to think that the Norwegians should take the lead in all matters relating to the polar territories. There was talk of setting up a permanent station in Svalbard to assist future expeditions, and of building a tourist hotel. But at the moment these were mere projects.¹¹

However, some of the plans were allowed to pass beyond the purely speculative stage. In the summer of 1897 the Norwegian Post Office established a branch post office in the archipelago, which catered particularly for tourists; it was situated in the tourist station at Adventpynten, where a sort of newspaper, the Spitsbergen Gazette, was issued the same year. That a Norwegian state institution such as the Post Office should extend its activity to the archipelago — though on a very modest scale — might have a certain significance, and could be interpreted as something like "penetration pacifique". But the attempt was not successful; after the end of the season the tourist station was abandoned, and the house was used in the winter of 1898—99 by a few families from North Norway, who wished to settle in the Archipelago. This was apparently the first attempt made to settle with women and children, but the colonists were forced to abandon their project and return to Norway after spending but one winter up there.¹²

A German-Russian Episode in the Arctic.

In the 1890's the Russians once more began to show increased interest in the Arctic, and a great deal was written in the press about an ice-free port in the North. In Archangel Governor A. Engelhardt did a lot to improve his province. He had the support of, amongst others, Count Sergej Witte who at that time played an important rôle in Russian politics. Of the military leaders, Admiral Stefan Makarov, commander of the Baltic fleet and subsequently commandant at Kronstadt, attached great importance to the northern regions. Alexander III had, at Witte's recommendation, decided to develop Yekatarina Port on the Murmansk coast,

as a naval base instead of Libau which had been suggested. The matter was, however, not settled before he died, and those in favor of the Libau project triumphed.¹

Nevertheless, the development of the North Russian territories proceeded. In 1895 the construction of a new harbor was started in the Kola fjord; a telegraphic cable was laid across Kem and Kandalakhska to Kola, and the work of extending the railway to Archangel was accelerated. A railway line was also proposed from St. Petersburg via Petrosavodsk and Kem to the Kola fjord, but this was turned down. In the Arctic a system of look-outs was established in order to keep Norwegian fishermen and sealers at a respectable distance from the Russian coast. From now on, the Russians also participated in the scientific exploration of Svalbard.

Interest in the Arctic regions was mainly due to the desire to establish a sea route north of Siberia. Those specially engaged on this problem were the well-known scientist Dimitri Mendeleev, at this time director of the Russian Institute of Weights and Measures, and Admiral Makarov. The latter had the powerful icebreaker "Jermak" built, chiefly with a view to open the planned northern sea route to the Far East.² The project was now arousing interest because of the Russian expansionist policy in the Far East. It was foreseen that this might lead to war with Japan, which would create unusually difficult transport problems.

In the summer of 1899 Alexandrovsk, the new ice-free harbor in the Kola fjord, was completed, and the formal opening ceremony took place in July, with the Grand Duke Vladimir and a number of other distinguished persons present. Norwegian authorities had also been invited and arrived in a naval vessel. The Baltic might be bottled up by Germany, the Black Sea by Turkey and Great Britain, Vladivostok by Japan, but now at last Russia was to have an ice-free harbor with access to the open sea, the Russian papers commented.³ But while preparations were being made for the inaugural ceremony disquieting news was reported.

The Germans were also turning their attention to Arctic waters; they were among the first to avail themselves of the tourist traffic to Svalbard, though their interests were not entirely confined to sight-seeing. The desire for a strong navy and for increased activity at sea generally helped to increase German interest in the fishing industry. As in Great Britain, a rapid modernization of the fishing fleet took place. The scientific investigations which were related to the fishing industry were conducted by the "Deutsche Seefischerei-Verein". This association did not restrict its activities only to the North Sea and the Baltic, but also explored the ocean outside the German colonies. The development of the German fisheries fitted in well with the attempt to make Germany a great sea-power,⁴ and there seemed to be a connection between the Sea Fisheries Association and the Naval Association which was formed in 1898. In the

Arctic Ocean, German sailors had certain traditions;⁵ and the Sea Fisheries Association investigated the possibilities of finding new German fishing grounds in these waters. In the summer of 1898 the naval vessel "Olga" undertook a cruise to the Arctic. At the instigation of the Sea Fisheries Association the ship was equipped to carry out extensive marine research which gave favorable results. In the same year a couple of German firms sent out an expedition commanded by a former journalist and reserve officer, Theodor Lerner, to Bjørnøya where the little bay called Sørdammen was occupied, with a view to set up a whaling station.

In the winter of 1899 both the Sea Fisheries Association and Lerner made preparations for a new expedition. The German press contained statements which caused the Norwegian Government some uneasiness.⁶ The Secretary of the Interior therefore requested the Foreign Secretary to investigate privately the aims of the expeditions.⁷ The answer he received was of such a nature that he saw no reason to proceed further.⁸ A few days later, however, the leading conservative paper, the *Kreuzzeitung*, wrote in its weekly survey that "we also regard the occupation of Bjørnøya between the North Cape and Spitsbergen as a shrewd and useful political act".⁹ In answer to the question of the Swedish-Norwegian Minister in Berlin as to whether it was Germany's intention to establish herself at Bjørnøya, or possibly to undertake a formal occupation, the Under Secretary of State in the German Foreign Ministry gave an evasive reply. The envoy declared that he would request more detailed information regarding the aims of the German Government, although there could hardly be any further doubt on this point.¹⁰ Nevertheless, in Oslo the matter was taken calmly, as the opinion was that in any case this was only a question of a partial occupation, which was permissible according to the views expressed during the exchange of notes in 1871—72; and it was assumed that the Russians would be on the alert.

The Sea Fisheries Association's expedition set out at the end of April, but it took two months to reach its destination. Its chief task was to ascertain whether it was possible to carry out whaling and fishing from stations on Bjørnøya; furthermore, to investigate whether the coal deposits could be used for coaling fishing vessels. The expedition was also to carry out hydrographical and meteorological investigations for Seewarte. Before the expedition set out from Germany its leader was instructed to avoid clashes with other nations, in so far as this was compatible with German national prestige.¹¹ Nordhamna on Bjørnøya had been chosen as the main station, and here they set about establishing a whaling station and installations for processing fish.

Lerner reached Bjørnøya at the end of May. He brought with him wire and stakes which he used for fencing in the most important coal-fields and harbor areas on the south and east coast, as a sign that they were occupied. Although there was no cooperation between the two ex-

peditions it seems nevertheless that different districts on the island had been deliberately chosen as spheres of operation.

German activity in the Arctic Ocean was followed with keen interest by the Russian Government. The Russian press published articles demanding that a German occupation of Bjørnøya be prevented. The "Novoye Vremya" wrote that Bjørnøya was very suitable as an Arctic observation post, which could likewise threaten the sea routes to North Russia. Besides, German trawl fishing would be a source of insecurity to the Pomorians, who would not be in a position to compete.¹² It was obvious that a German station in the Arctic would be looked at askance in Russia. The naval vessel "Svetlana", which had taken Grand Duke Vladimir to Alexandrovsk on the occasion of the inaugural ceremonies was accordingly sent north, with instructions to find out precisely what the Germans were doing, protest against Lerner's occupation, trace the remains of Russian property, and indicate claims to ownership thereof.¹³ The captain and some of the crew landed at a place called Russehamna, where they intended to hoist a flag over the remains of a Russian hunting station. Lerner protested against this on the grounds that the soil they were on was German national property. The "Svetlana's" captain satisfied himself on this occasion by protesting against Lerner's occupation. After this clash Lerner sent his ship, the "Terscheling", to Tromsø with some of the members of his expedition, to wire the Reichskanzler as to what had happened and ask for instructions. The Chancellor, however, answered that Lerner could not in the event of a unilateral show of force reckon with the support of the German Government.¹⁴

Two days later the Russians arrived at Nordhamna, where they were well received by the German expedition. On the site of a Russian house which had once stood on a spit of land, the Russians erected a wooden tablet with the inscription: "Belongs to Russia. Appartient à la Russie. Capitaine Abaza, Croiseur Svetlana." A little beyond they set up a mast flying the flag of the Russian Merchant Marine. In the evening the Germans were invited aboard the Russian ship, where there was a cordial atmosphere with toast to the Czar and to the senior admiral of the Russian fleet, Kaiser Wilhelm II.¹⁵ Next morning the "Svetlana" steamed away. Thus there was no question of an occupation of the island, either from the German or the Russian side, and rumors to this effect were, as far as the Germans were concerned, officially denied in the press.¹⁶

One might nevertheless ask what motives had prompted the German expedition. As far as the Sea Fisheries Association's expedition was concerned, economic and scientific motives may have been decisive. Lerner was little better than an adventurer, whom neither the authorities nor any respectable institution would acknowledge.¹⁷ But it might be a good thing to let an irresponsible person of this sort lead the way; a retreat would then entail no loss of prestige. If the harbors and coalfields

on Bjørnøya had been occupied by German nationals without incurring the objections of any other power, it is hard to tell what step the Germans would have taken next. Franco-Russian political and military cooperation had at that time been well established. Far-sighted German strategists might already then have foreseen conflict and would not disregard the importance of the Arctic in a war against Russia and France, especially if the Russians should succeed in opening a sea-route north of Siberia. In any case it was remarkable that this German move at Bjørnøya coincided with the Russian inauguration on an ice-free harbor on the Murmansk coast. The affair had no real bearing on the relations between the two powers. According to an official German press statement the matter was settled by an exchange of notes. The Germans declared that they did not wish to occupy the island, while the Russians on their side accepted private occupations of certain areas, on the line suggested by the Russian Government during the exchange of notes about Svalbard in 1871—1872.¹⁸ The press in the two countries nevertheless used rather strong language.¹⁹

The plan to use Bjørnøya as a base for German fishing and whaling operations was not implemented, as the attempts which were made did not produce any satisfactory results.²⁰ The Sea Fisheries Association did, in fact, send an expedition north the next year, but it did not stay long; after that, only Lerner continued for some years.

The events on Bjørnøya gave greater importance to the Svalbard problem. In Norway the history of the archipelago was investigated and short accounts given in the press, but there was little feeling in favor of renewing old Norwegian claims to sovereignty.²¹ A recognized authority told a correspondent that it had been, so to speak, settled that Svalbard should remain no man's land. This theory, that no one had any particular right to the Arctic islands, was based on the fact that they were unsuitable for permanent habitation by civilized people, and that the climate was too severe to permit a permanent occupation. Norway ought to keep her hands off. The government had been right in 1871 in refusing to undertake the considerable obligations and great responsibility which an occupation involved.²²

It is, however, clear that in Oslo at that time considerable importance was attached to developments in the Arctic. The Norwegians were wont to read of the struggle of the great powers for new possessions with all the smug security of outside spectators, wrote the liberal paper *Dagbladet*. Accustomed as they were to concentrate exclusively on their own domestic affairs, few of them, perhaps, had ever considered that their country had a sphere of interest, whose position was such that they could not tolerate any foreign power settling there willy-nilly. The paper suggested that by international agreement Svalbard should be declared a neutral no man's land, whose economic resources anyone might exploit

under the supervision and guarantee of all powers concerned.²³ This was a solution which was also favorably received in conservative quarters. It was in harmony with the idea of neutrality widely accepted in Norway.

In British papers it was suggested that Norway should occupy Svalbard, and it was hinted that this had practically already taken place, as far as the southern side of Isfjorden was concerned, where a Norwegian post office had been set up, and where a steamship company, subsidized by the Norwegian Government, had built a hotel and was running weekly steamship sailings in summer.²⁴ But the Norwegian press disassociated itself from these views. In the Swedish press — apparently for the first time — the suggestion was made that the islands should be placed under the supervision of Sweden, Norway and Russia, but continue to be a no man's land.²⁵ This solution was possibly primarily suggested by the Swedish-Russian scientific cooperation then going on in Svalbard. The proposal received no support in Norwegian quarters, where it was feared that Russia would be the dominating partner in a joint undertaking of this nature.²⁶ It seemed, moreover, to be the general opinion in Sweden that something must be done to secure the neutrality of the archipelago.²⁷

It is not quite clear how the problem was viewed in official quarters in Russia. Russian hunting on the archipelago had ceased half a century earlier. It is possible that some were in favor of pushing Norway's claims, in the event one of the great powers was interested in an occupation. If Russia herself did not at the moment seem it opportune to take possession of the archipelago, then it would be an advantage for her to let it pass to a weak power which was not in a position to threaten Russia from this quarter. Among those who shared these views was Governor A. Engelhardt in Archangel. He stated that, in his opinion, Norway was the only state which could be said to have a limited right to Svalbard. It is possible that the Grand Duke Vladimir Alexandrovitch held similar views, but they were hardly those generally entertained in the Russian capital.²⁸

After the Bjørnøya affair the Government in Oslo wished to review Norway's attitude with respect to Svalbard. It considered it unsafe to ignore the statement in the Russian press that the archipelago was situated within the Russian sphere of interest and should therefore belong to Russia. As far as Germany was concerned, one could not merely accept the fact that the German Government was unwilling to defend Lerner's occupation. Examples from other parts of the world showed that when German nationals had established themselves, the necessity for protecting them would soon arise. The attitude that rivalry between several great powers would guarantee the status quo was quite untenable; it might easily develop into a race, with one party seeking a quid pro quo to balance what the other had taken, to the detriment of Norway's interests.²⁹ The Norwegian Secretary of the Interior therefore suggested to the

Foreign Secretary that an international agreement be drawn up to prevent a conflict before any great power had committed itself too deeply. Apart from the material advantages involved, if foreign sovereignty was to exclude the Norwegians, no one should fail to appreciate that the Norwegian Government desired a clear definition of the Norwegian rights and duties in a territory which stood in such close relations to Norway. The Government considered it a disadvantage — if not a danger — that the political status of the islands in the Arctic should not have been settled on an internal basis, and it held the opinion that the best solution would be to declare the area international neutral territory.³⁰ The application was, however, not answered, presumably owing to the growing tension between the two kingdoms and the Foreign Minister's rather stiff attitude to Norway.³¹

The attitude adopted by the Norwegian Government in 1871 and 1892 was that, if the status quo could no longer be maintained, and the time had come to place Svalbard under the sovereignty of one individual state, then that state would have to be Norway. It was now feared in Oslo that one or other of the great powers might seize the territory. The expedient suggested to counter this was not, however, a Norwegian occupation but a third alternative, namely an international agreement which made Svalbard neutral common territory. In this way Norwegian economic interests would be secured, and a great power race for the islands, which might have unfortunate political consequences for Norway, would be prevented. In fact there was no great difference between the attitude adopted by the Government in 1871 and the one now adopted, but the situation was different; and as there was still no particular enthusiasm for the idea of a Norwegian occupation, this third solution, which aimed to preserve the status quo to the greatest extent possible, was adopted.

Thus we see that at the turn of the century various alternatives were being discussed in the press of the nations most closely concerned, with a view to settling Svalbard's political status. The solution which received the greatest support in the Norwegian press was to make the archipelago neutral common territory by international agreement. But there were also many who maintained that Svalbard, which was Norwegian territory in former days, should once more be placed under Norwegian sovereignty. This alternative received a certain measure of support in other states as well, especially in Great Britain. In Sweden the idea of placing the archipelago under joint Norwegian-Swedish-Russian supervision had been mooted, while a few Russian papers from time to time demanded that Russia should secure this territory. It is probable, however, that the rivalry and mutual distrust of the great powers would cause them to prefer a little nation like Norway acquiring the archipelago rather than letting it fall to one of themselves.

Norwegian-Swedish Rivalry.

A New Epoch in the History of the Archipelago.

After the turn of the century Svalbard acquired greater economic significance. Coal mining now started, and at the same time hunting increased. In several places Svalbard has surface coal deposits; some of the deposits were known to the whalers as early as at the beginning of the 17th century, and names from that period such as Coalhaven are a reminder of this. In the nineteenth century Norwegian crews brought some coal over to Norway from these open seam casts. Professor Keilhau pointed out that there were considerable deposits in the islands. Later on in the nineteenth century explorers discovered a great number of coal fields, but no regular workings were started.

In the summer of 1899 the Norwegian sealing skipper Søren Zachariassen sailed to Svalbard and brought home from the open seam casts a cargo of coal. This was the start of coal mining in Vestspitsbergen. Zachariassen's initiative attracted considerable interest, and in the following year several companies were formed in Norway for the purpose of starting mining operations in Svalbard.¹ Upon application to the Norwegian Government they were informed that only private occupations of land were allowed. Coal fields would have to be demarcated, and an exact definition of the area, together with a map, deposited with the Ministry of the Interior. Probably in imitation of the methods employed by the Germans on Bjørnøya, the expeditions which the companies sent north to prospect took with them wire, rope and iron stakes, which they used in some places to mark the boundaries of their areas, and they erected occupation placards bearing the names of the companies. A small amount of experimental working was done, but the Norwegians had no experience in this field, and it was difficult to raise the necessary capital. They found it impossible to develop what had been started, and the best coal fields were soon in the hands of British and American business interests. A Bergen firm sold its claims in 1903 to an English company, the Spitsbergen Coal and Trading Company. The following year the richest coal fields on Adventfjorden, where a Trondheim Company had started experimental workings, was sold to an American financier John M. Longyear, an international mining speculator who had visited the is-

lands in 1903 as a tourist. Together with Frederick Ayer from Boston, who had made a fortune from telephone companies, he formed the Arctic Coal Company with its head office in Boston. A seventh part of the share capital, which totalled 100,000 dollars, was in Norwegian hands.

The Spitsbergen Coal and Trading Company had its mines on the north side of Adventfjorden. The deposits here were not particularly good and harbor conditions were bad. After three years of experimental operation the company, which also had some difficulty with its workmen,² had to cease working. On the south side of the fjord, where the Arctic Coal Company had its mines, conditions were more suitable, and here mining was continued. But it took four years before any export of note was achieved, and it proved necessary to use a great amount of capital before working became profitable.

Most of the workmen in the British and American mines were Norwegians, though there were also a number of Swedes and Fins. Engineers and foremen were usually of the same nationality as the companies. In these inhospitable regions coal mining was faced with many problems: working conditions were bad, and many disputes tended to arise between the companies and their employees. In the unfavorable climatic conditions it was difficult to compete with British coal, and there were many who believed that coal mining in Svalbard would not survive for long. Transport costs to North Scandinavia and North Russia would, however, be lower for Svalbard coal than for the British product. These regions used considerable quantities, North Norway alone requiring 300,000 tons a year.

The mining aroused great interest, and many expeditions came prospecting. In seven or eight years most of the coal-bearing areas were occupied.³ Many new companies were formed, but only a very few got beyond the stage of experimental working, and some not even so far. Several interested parties approached the Norwegian Foreign Ministry with inquiries as to how they should proceed in order to acquire property rights to land. In reply the Ministry stated that no definite laws for acquiring rights in no man's land had been laid down.⁴ However, certain common laws developed.⁵ The procedure followed was that placards were erected bearing the companies' names and the date of occupation, as well as specifying the area claimed. These placards were often signed by attesting witnesses; but they might easily be removed, and the area occupied anew by people who sometimes acted in good faith. In time it was demanded that there should be working going on in the occupied area, or at any rate that the occupation should be renewed at certain intervals, i. e. one would write the word "renewed" on the occupation placard, give the date and year, and have it signed by attesting witnesses. In some places a sort of fencing would be used, especially in the first period, to mark the boundaries of the various coal fields. The occupation was registered with the Foreign Ministry in the country of the occupying

party. This arrangement, however, was not very satisfactory. As the number of companies increased, disputes would arise regarding the boundaries between the various coal fields, with several people claiming the same area. The need for statutes for the acquisition of land, and an authority to settle disputes and register and notify appropriations, soon arose.⁶

After the turn of the century the number of Norwegians wintering in the archipelago increased.⁷ Hunters started to make considerable use of strychnine. This unpleasant method of hunting was not easily stopped, even after the Norwegian Government had forbidden the sale of poison for use in Svalbard. Stocks of animals decreased, and hunters had to venture far afield in order to find game. They soon fell foul of the mining companies, who claimed large areas of land, where they banned hunting. The hunters appealed to the authorities, demanding that Norway take the initiative in putting these matters right. But this proved no easy task.

After a few years the tourist traffic also revived. It was now run mainly by Norwegian and German ships, though occasionally French and British ships also arrived. The tourists showed little regard for the fauna of the archipelago: a great number of reindeer were frequently shot merely for sport, the antlers being carried off as trophies and the carcass left to rot, to the annoyance of those who made a living by hunting.

Norwegians still continued — though admittedly to a far smaller extent than before — to undertake hunting expeditions in the summer. There is no doubt that they often acted in a manner detrimental to the fauna and consequently to their own livelihood. As there were no hunting restrictions, hunters and trappers could easily be led to believe that there was no point in showing consideration, as others were hardly likely to do so. But it became obvious that if things were to continue as before, there was a danger that stocks of game would be seriously reduced.

There were still a few Greenland whales left, and there were also certain species of whale in the Arctic Ocean which were too swift for the whalers to catch with the tackle used in the seventeenth and eighteenth centuries. When the harpoon came into use, considerable whaling activity developed off the coasts of Finnmark and Svalbard. In 1904 it was forbidden to shoot whale off the Norwegian coast. In the following years, whaling was therefore concentrated in the waters round Svalbard.⁸ Both floating factories and land-based stations were used. Sometimes disputes arose as to harbor areas, and the whalers were accused — as a rule with some justification — of indiscriminate hunting and egg gathering.

The results, then, were that as human activities increased, so did disputes and acts of encroachment, and urgent need arose for a set of laws and regulations for the little community which was growing up. It was not sufficient that the people in Svalbard all belonged to some legally constituted state or other, and could be held responsible when they infringed the laws of their home country.

Opportunity for Norwegian Occupation.

In view of the developments in Svalbard, one of the first tasks of the newly organized Norwegian Foreign Service was to deal with this question. During the autumn of 1906 an exchange of views occurred both in the Norwegian press and in that of other interested states, as to what ought to be done to put right the untenable legal situation prevailing in the archipelago. Now, as previously, there were many Norwegians who considered that a Norwegian occupation would be the best and simplest arrangement. Others — and they represented possibly a larger and more influential body of opinion — preferred some form of international solution. Those who were interested in hunting and fishing would willingly have acquiesced in a Norwegian occupation of the archipelago. But the whalers, who might possibly exercise a greater influence, wanted conditions to remain as they were. They feared, no doubt, that if Svalbard became Norwegian territory, their activity would be subject to regulations — or even banned — as had happened in Norway. Scientists who were familiar with the conditions prevailing, however, stressed the necessity of arriving at a settlement which would secure more ordered legal conditions and protect the fauna against ruthless exploitation; they recommended that a Norwegian occupation would be the best solution. There were probably also many people who adopted this attitude chiefly on patriotic grounds.¹ The sections of the press who represented business circles showed the greatest interest in the matter, which might suggest that it was primarily mining investments which caused the Svalbard question to be raised. This was indeed the case, and on this occasion the idea of a Norwegian occupation originated in Great Britain.²

The mining of coal in Svalbard was still only in the experimental stage. The difficult and confused conditions under which employers and employees alike were forced to work, could easily result in strikes and disturbances. The coal mining companies lacked the authority capable of preserving the peace in a reassuring manner, and of settling disputes between the companies and the employees. In the summer of 1906 strikes occurred at both the British and American mines. The Spitsbergen Coal and Trading Company appealed to the Foreign Office with the request that the British Government take under its protection the area occupied by the company. If this were done, the simplest solution would be to appoint the works manager a representative of the state endowed with police authority. But the Foreign Office replied that it was not in a position to accede to this request, as Svalbard was outside British jurisdiction. The company also applied to the Norwegian envoy in London, Fridtjof Nansen, to persuade him to get the Norwegian Government to undertake to preserve the peace in the archipelago, but without success.³ The British company was supported by the leading conservative paper, the Morning

Post, which wrote in an editorial that Svalbard was an anomaly capable of creating international complications. A glance at the map showed how natural it was that it should belong to Norway. Anarchy reigned on the archipelago, and it was quite natural for those who had economic interests there to wish to submit to the government of their Norwegian neighbor, seeing that this neighbor was a peaceful and well-organized state. There was considerable evidence to suggest that the archipelago was rich in useful minerals, and this should be reason enough for Norway to undertake this honorable burden, and to accede to a wish which was so general.⁴

It was not surprising that those circles in Great Britain which were interested in coal mining in Svalbard should prefer a Norwegian occupation to the conditions obtaining. Though the economic possibilities were considered favorable, there was every reason to think twice about investing capital in mining ventures, as long as the political status of the archipelago was so uncertain and law and order so insecure.

The Swedish press now disassociated itself, in marked contrast to its earlier attitude, from the idea that Svalbard should be placed under Norway. Attention was drawn to the great work which Swedish explorers had done in Svalbard, and it was stated that Sweden could not agree to the archipelago being occupied either by Norway or any other state. Some papers even went so far as to assert that Sweden, owing to her contributions in the field of exploration, was the only state entitled to lay claim to the territory.⁵

Viewed against the background of the unfavorable relations obtaining between the two countries after the dissolution of the union, it is not surprising that the Swedes were averse to the idea of Norway gaining any advantages in the realm of foreign politics. The union had just foundered on the rock of Norway's demands for her own foreign service. It is thus easy to imagine that there were people in Sweden who regarded it as a matter of prestige to make certain that Norway did not enjoy undue advantages in this field — least of all in questions affecting Swedish interests. Added to this was the fact that in circles connected with Swedish Arctic exploration, there was a very real interest in Svalbard, and a desire for the archipelago to continue as a no man's land, if it could not be allotted to Sweden, of which there was little or no possibility.

The Russian press, too, disassociated itself from the idea of any Norwegian occupation, but opposition appeared primarily to emanate from business circles, as was the case when the question was raised in 1871.⁶

Already several months before these views were aired in the press the Russian envoy in Oslo — admittedly only on his own initiative — raised the question of Svalbard. On the basis of reports that British and

American capital had been invested in mining in the archipelago, he wished to know what attitude the Norwegian Government adopted, now that Norway was conducting an independent foreign policy.⁷ The answer he received seems to have been more than sufficiently favorable. He was able to report to his Government that, "The Foreign Minister has the honor of assuring the Imperial Legation that the Norwegian Government has always considered itself bound by the interpretation contained in the notes exchanged in 1871 and 1872 on this subject, and that it will at all times continue to be bound by it".⁸

On the occasion of the exchange of opinion about Svalbard in the press, the Swedish Minister in Oslo inquired of the Norwegian Government what its attitude was in this question. But the Norwegian Government had not yet properly discussed the matter; and the Minister was informed that an occupation had no actuality; if that possibility were to arise the powers interested would be informed.⁹ The Norwegian envoy in Stockholm was also instructed to give the same information to the Swedish Foreign Minister.¹⁰

Foreign Minister Løvland seems to have been in some doubt as to how far the Government should deal with this matter. As it had acquired so much interest, he considered it nevertheless necessary to summon a number of experts, so as to ascertain clearly what material interests Norwegian nationals had in Svalbard. At this meeting it was agreed necessary to draw up suitable penal and police regulations, as well as rules guaranteeing civilian rights, and it was considered of particular importance to regulate hunting and land appropriations. The idea of setting up Norwegian police authority was mooted, but it was considered that this would be too expensive, and entail difficulties, owing to Svalbard's position in international law. The idea of an occupation was also discussed, but it was agreed that this solution was not advisable for Norway, since it might lead to disagreement with other powers and would be expensive. But Norway ought to take the initiative in establishing an international settlement which would lay down certain rules, especially for mining, hunting and the occupation of land. If a settlement of this nature were arrived at, it should also include Bjørnøya.¹¹

The Norwegian Government seems to have shared the opinion which was expressed at the meeting. In the middle of February, 1907, it approached the powers which had participated in the exchange of notes about Svalbard in 1871—1872, and maintained that the lack of an established system of law and order, both in civil and criminal matters, had resulted in complaints being lodged both by Norwegians and nationals of other states. In the opinion of the Norwegian Government, it would be an advantage to try to put right these unfortunate conditions by means of an international agreement; and it would like to hear the views of the other interested powers with regard to this question. It was expressly

stated that in making this approach Norway did not intend to raise the question of the position of the archipelago as terra nullius, accessible to nationals of all states.¹²

All the powers concerned, declared themselves willing to examine a proposal for an international settlement, and to cooperate in establishing it.¹³ The Swedish Government, however, made the reservation that any future system of control would have to be arranged internationally, so that no power acquired a paramount influence in the archipelago;¹⁴ and the Russian Government considered that it would be an advantage if the question could be postponed until the negotiations proceeding for Norway's integrity and neutrality had been concluded.¹⁵

During the summer of 1907 an event occurred which once more brought the question of occupation into the limelight. During the winter the British company had about sixty men, chiefly Norwegians, but also some Swedes, in the mines. The works manager was a former army officer who had difficulties in dealing with his workmen. Unfamiliar as he was with Scandinavian ways, he permitted the sale of beer and spirits at the plant, with the result that the workmen spent nearly all their earnings on drink. Quarrels and strikes ensued; the most important issue was the fare.¹⁶ When the works manager, in an attempt to re-establish law and order, threatened to use armed force, the result was that he had to take refuge in his own house.

Under such conditions it was impossible to get much work done. As the time approached when the company's ship was expected to sail north, the workers gave the works manager to understand that they would seize the ship and take everyone back to Norway, where they would charge him in a court of law with failure to pay their wages. The works manager, however, managed to send a letter to his American colleague, who delivered it on board to the directors of the British company when their ship arrived at the beginning of June. They immediately returned to Norway¹⁷ and requested the British envoy in Oslo to have a naval vessel sent north. But he was only in a position to inform the British Government of what had occurred. Through the British Consul at Tromsø the directors also appealed to the Norwegian Government to send troops or police to maintain order among the workers on the trip back to Norway. But it was found that there were no grounds for acceding to the company's request.

The company then approached the Foreign Office, but the British Government was in no case willing to do more than dispatch a naval vessel to take off British subjects. Foreign Secretary Grey discussed the question with Nansen, and suggested that Norway should send a naval vessel or troops north to re-establish law and order. Norway was, in his opinion, the right country to undertake a step of this nature, because it lay nearest geographically. Great Britain would if necessary

support Norway, should any state, e. g. Russia, make objections. Nansen says in his report: "The interpretation I was forced to put on Sir Edward Grey's words was that, if we were interested in linking Spitsbergen more closely to Norway, then this was an opportunity of which we might possibly take advantage, and one in which we could, in case of difficulty, rely on England's support. He repeated several times that England had no interest in claiming jurisdiction over Spitsbergen, and that Norway was geographically closest".¹⁸

The company meanwhile managed to transport its people to Norway, where the contracts had been entered into, and where the question of breach of contract could be decided. The Norwegian courts were, however, unable to decide the question of mutiny, as the incident had occurred outside Norwegian territory, and the dispute was between Norwegian, Swedish and British citizens.

The British reluctance to act was partly due to fear of provoking Russia. British foreign policy had in recent years aimed at coming to terms with Russia,¹⁹ and so much progress had now been made in this direction, that negotiations were going on for an agreement respecting Persia, Afghanistan and Tibet. It is possible that a British move in Svalbard at this time would have had unfortunate consequences, and it is not likely that the British Government would have gone far in its support of Norway, should a Norwegian occupation have led to a Russian protest.

No difficulties, however, were to be expected as far as Russia was concerned, and of this the Norwegian Government was informed. In the Russian Foreign Ministry it had been clearly stated that a Norwegian occupation of the archipelago would be the best and simplest solution. But in this event Norway would have to be a neutral country, in which case the archipelago would also be neutral territory. For that reason the Russian Foreign Ministry had suggested that Svalbard should be included in the neutrality negotiations. The Norwegian envoy in St. Petersburg, however, advised against this, giving as his reasons that it would complicate negotiations, and provide an opportunity for those parties, anxious to defeat their ends, to make objections.²⁰ The Russians acquiesced to this view, and as it was considered that the above-mentioned solution of the Svalbard question would be rendered easier if Norway's neutrality was a fact, the Russian Government suggested that the matter be postponed until the neutrality negotiations had been concluded.²¹ The Russian Minister in Oslo also made it clear to Foreign Secretary Løvland that his Government had no objection to Norway acquiring Svalbard.²²

The war with Japan and the domestic crisis which ensued had greatly weakened Russia. For that reason she was for the moment pursuing a cautious foreign policy, also in the Arctic. While at the same time conscious of their own weakness, the Russians seemed to fear that the investment of British and American capital in Svalbard might have

political consequences.²³ Viewed against this background the attitude of the Russian Government is understandable. Moreover, if the Russians were anxious to drive a wedge between Norway and Sweden it might be expedient to encourage an active Norwegian policy on the archipelago.

France followed Russia's lead in the Svalbard question,²⁴ and would most probably have adopted a similar attitude with regard to a Norwegian occupation.

If the Norwegian Government already at this juncture had kept the United States informed of the matter — which might have been reasonable, in view of the American mining activities — there is reason to believe that this country would also have recommended, or consented to, the archipelago being placed under Norway. In any case the American envoy in Oslo considered that this would be the best solution.²⁵ And if the American mining companies had been given certain guarantees for their working, they were not likely to raise serious objections.²⁶ With regard to the attitude of the Danish, Dutch and German Governments to a Norwegian occupation, there is little material on which to base an opinion, as there is no evidence that these Governments had given the question any consideration at this time. At best, Norway might have expected them to adopt an attitude similar to the one they had taken in 1871.

All things considered, Norway seems to have had a very good opportunity of acquiring the archipelago on this occasion, but this could only have been achieved at the cost of deterioration in her relations with Sweden. These had now become very strained in the course of the negotiations Norway was conducting with the European great powers for a treaty of neutrality and integrity, to which Sweden was opposed.

The Norwegian Government, however, did not wish to acquire the islands, partly in view of the expenses involved, partly in view of possible conflicts with other states. Foreign Minister Løvland planned to submit a proposal for an international settlement to the effect that each of the powers concerned was to enforce and maintain, as far as its own nationals was concerned, regulations agreed upon.²⁷ But he subscribed to the views, which had originally been expressed by the Norwegian envoy in St. Petersburg that the matter should be postponed until negotiations for a treaty of neutrality and integrity had been concluded.

Mining had created a new situation with an increased need for a system of law and order, and this was the first problem which faced the Norwegian Government. Otherwise it seemed to wish to continue the Arctic policy which Norway had adopted at the end of the 1890's, and, on the whole, it was hardly reasonable to expect a more active policy. It was still uncertain whether mining would prove profitable, and there were reasons to doubt whether Norway would enjoy any advantages in acquiring the archipelago. The Government had always feared that a Nor-

wegian regime in Svalbard might involve disputes with other states. This possibility would have to be given serious consideration at a time when a foreign policy had been adopted, which aimed to have the country's neutrality and integrity guaranteed, and subsequently to limit Norway's participation in international politics as much as possible, with a view to avoiding disputes with other powers and to prevent the country being used as a pawn in power politics.²⁸ If Norway at this juncture had laid claim to sovereignty over Svalbard, it would have conflicted with the main principles of the foreign policy which the Government had adopted. Yet Norway was interested in her nationals being allowed to retain their right to carry on their traditional occupations in the Arctic, as these played an important rôle, especially for the more northerly parts of the country. Norway was further interested in seeing that the Arctic islands should not become a bone of contention among the great powers. These possibilities had been considered by the Government in 1892 and 1899, and steps had been taken — admittedly of various kinds — to prevent their occurrence. Foreign Secretary Løvland also seems to have reckoned with the possibility of a great power attempting to occupy the archipelago, and he considered that Norway ought to protest if this ever occurred. By and large he maintained the traditional Norwegian attitude that either the status quo should be retained as far as possible, or that Svalbard should be allotted to Norway.²⁹ He did not seem to realize that a Norwegian protest would hardly carry much weight if one of the great powers decided to seize the archipelago. On the whole one is left with the impression that the Government had not weighed the problem very thoroughly.

Norwegian Proposal for International Arrangement.

In March, 1908, there was a change of government in Norway, and Consul-General Wilhelm Christophersen became Foreign Minister. He was a man with long experience in the Foreign Service. It is possible that he was not *persona grata* in Sweden, though as Foreign Minister, Sweden was the country with which he was to deal most. But there are no grounds for believing that he did not desire good relations and a measure of cooperation between the Nordic countries, provided this was done in a way that brought no dishonor to Norway.

A few months after the new Government had taken power it approached the other interested states suggesting that they should give their diplomatic representatives in Oslo instructions to discuss with the Norwegian Government the measures which should be taken in order to put right the unfavorable conditions in Svalbard, and to work out a proposal for an international agreement. This could then be submitted to the Government of the various countries. It believed that the conference would have to delimit the geographical area subject to the agreement, and

declare that area a no man's land open to nationals of all countries. It would further have to decide on civil law and rules of procedure; an arrangement for punishing crimes and misdemeanors and rules for police supervision would also have to be worked out, and finally regulations for covering the expenses of the administration must be agreed on.¹

All the states declared themselves willing to participate in a conference of this nature in Oslo.² In the Russian Foreign Ministry, however, it was felt that the program which the Norwegian Government had submitted was too general. In order to arrive at a solution of the problem mentioned, the Conference would probably have to sit for a long time, possibly for a whole year. Many problems would arise which the delegates would have to report to their own governments for clarification, before making a decision.³ And in its answer the Russian Government stated that the program was so complicated that it would require a detailed study. It desired, therefore, that the Norwegian Government should submit a more detailed program for the questions that were to be dealt with, and propose a solution. Not until this was done would the Russian Government be in a position to give its envoy in Oslo the necessary instructions.⁴ The German Government considered that the conferences should concentrate on an investigation into conditions in Svalbard, and then submit proposals as to what might be done to improve the situation. These could then be studied in detail by the respective governments.⁵ The Swedish Foreign Minister was not particularly interested in a conference, which in his opinion would be unable to achieve much.⁶ The Swedish answer otherwise contained points of view similar to those of the German reply, and in essence suggested that the conference should only be preliminary.⁷ In Oslo it was feared that the Swedish Government was working against the conference and trying to influence the German Government;⁸ and the possibility was entertained that these two governments had conferred with one another before replying to the Norwegian invitation.

At this juncture the United States also joined in the negotiations. The Norwegian Government had omitted to apply to Washington, despite the fact that the Americans were interested in mining in Svalbard, because it considered it most appropriate to approach the states which had formerly negotiated about the archipelago, and it regarded the Svalbard question a European problem which the American Government might not wish to become involved in.⁹ But the American Government would have appreciated being approached in this matter at the same time as the other interested powers,¹⁰ and at the instigation of the American company which mined coal in Svalbard, it made a request to Norway in the autumn of 1908 for participation in any conference that might be held. The attitude of the United States was expressed as follows: "The attitude of the United States towards the matter rests solely upon the apparent preponderance of actual American interests in the islands which

seem to justify its participation so far as to ensure equal respect for their interests on the same footing as the interests of any other nationality. Following its general precedent with regard to political and administrative questions of a non-American geographical character the Government of the United States could not be a party to any arrangement involving responsibility for the administration of the islands, and has no suggestion to make in that regard either as to the constitution of some scheme of local control or as to the delegation of supervision to a mandatory. In short the attitude of the United States rests upon the principle which so far appears to find favor with other governments, of treating the islands as logically and in fact *terra nullius*.¹¹

The Norwegian Government immediately approached the other interested powers to find out whether they had any objection to the United States being party to the negotiations, and when they had all given their consent,¹² Norway sent an official invitation to Washington. In its answer the American Government declared that it could only participate in negotiations on condition that the United States did not become a conventional signatory to any arrangement, made by European Governments, which would imply contributory participation in any obligation or responsibility for the enforcement of whatsoever scheme of administration of the islands. The sole object of the Government of the United States was the reservation and assurance of whatever legitimate rights possessed by American citizens in the Islands and the same opportunities therein for Americans as other nationals might enjoy.¹³

The Russian Minister in Oslo repeated to Foreign Minister Christophersen what he had previously said to Mr. Løvland, viz. that Russia would have no objection to Svalbard being placed under Norway. But the Knudsen Government, which was now in power, does not seem to have considered this possibility. Like its predecessor it continued to maintain that the archipelago should remain *terra nullius*, and the Russian Minister began to express himself with greater caution.¹⁴

The Norwegian Government was now faced with a choice between the procedure suggested by the Swedish and German Governments — viz. that the conference should only be of a preliminary nature — and compliance with the Russian request for a more detailed program for the negotiations. The latter alternative was chosen, thus keeping the initiative in Norway's hands.

It was soon apparent that the Norwegian Foreign Ministry had undertaken a very exacting task. Attempts were made to find models in the agreements for condominium which had been concluded in recent years,¹⁵ but there were few points which could be adapted to the peculiar conditions obtaining in Svalbard.

In the spring of 1909, however, a result had been achieved, and it was possible to issue a memoire on the subject. In this the questions which

the Norwegian Government had previously suggested as a basis for negotiations, had been subjected to a more detailed investigation. It was suggested that the geographical area to be dealt with should include all islands between 10° and 35° longitude East and 74° and 81° latitude North, and that in order to promote the economic exploitation of these islands, and out of humanitarian considerations for the people resident there, the interested powers should set up a system of law based on the presumption that the archipelago remained no man's land. This legal system should be based on the principle that subjects of all states should have the same right to stay in the islands, exploit their natural resources and carry out scientific research. In the opinion of the Norwegian Government one could not apply the laws of all the various states whose nationals frequented Svalbard. Nearly every single case might then have to be judged differently. On the other hand, there seemed little point in drawing up special laws for the area. The best solution would be to choose the laws of one single state, with the amendments and additions which might be rendered necessary by the special conditions obtaining in Svalbard.

With regard to judicial procedures two methods were suggested: The first was to use the law courts in the home country of the defendant, the second was to use the courts of one single state. These two alternatives were discussed in greater detail in the memoire, and the Norwegian Government reached the conclusion that it would be best to entrust judicial procedures to a single state.¹⁶

It was furthermore pointed out that it would be necessary to establish a police authority in the area. This, it was assumed, should be organized on an international basis. The memoire contained, in addition, detailed regulations for the acquiring of land;¹⁷ and the need for working out protective rules for game was emphasized as well as certain regulations with regard to health, working conditions, and postal service. The expense of an arrangement should be covered by taxes, dues and fines. Any sum thus not covered could be apportioned among the powers on an agreed scale.

By a detailed study of the case, the Norwegian Foreign Ministry came to the conclusion that an alternative, whereby the powers undertook jointly the organization of a legal system in Svalbard, would entail considerable difficulties. Nor would a solution of this nature be particularly satisfactory to Norway. As far as the Arctic expeditions were concerned, there was no need to create a legal system, as there were no grounds to fear that these expeditions would clash with other interests in the archipelago. The same could be said of the tourists who only stayed a short time in the area. It was primarily the circumstance that a number of people exploited Svalbard's natural resources, or lived there for economic purposes, which would be decisive in the deliberations of

the powers. In the previous 50 or 60 years only Norwegian nationals had made a livelihood by hunting in the territory, or had carried on fishing or whaling in the adjoining waters, with stations on land. Most of the mine-workers, too, were Norwegians, and North Norway was geographically closest to Svalbard. It could therefore be assumed that mainly Norwegians would make use of a legal system in the archipelago. The best code of laws for their purpose would be one which was based on the principles of Norwegian law, used their own language and was administered from Norway. In certain cases it would be an advantage for everyone staying in Svalbard to have access to the law courts in the state which was closest to the archipelago. In consideration of the above-mentioned circumstances, the Norwegian Government stated that it regarded it as its duty to declare itself willing to undertake the jurisdiction of the territory, if it should be agreed to entrust this task to one single state.¹⁸

Shortly after the Norwegian proposal had been handed to the interested powers, the Swedish Government protested against the clause in which Norway offered to undertake the jurisdiction, and referred to earlier correspondence in this matter. It was also a bad omen that the British envoy in Oslo requested the Norwegian Government not to fix any date for the conference for the time being.¹⁹

The Swedish Government Takes the Initiative.

Four years after the dissolution of the union there was apparently still some bitterness felt in Sweden, particularly among conservative circles in the upper classes, a bitterness which had been increased by the treaty of integrity which Norway had concluded, and the negotiations leading up to it. The press in the two countries, especially in Sweden, was not prepared to bury the hatchet and strike a more friendly note,¹ and it was not until 1909—10, under the impact of the threatening world situation, that a change for the better was discernible.²

In Norway there were many people who did not feel secure, even though the leading great powers had guaranteed the integrity of the country.³ In the spring of 1908 a pamphlet was published which emphasized the necessity for fortifying the west bank of the river Glomma, and this view aroused considerable attention. The pamphlet had been submitted to the General Staff and the Ministry of Defence before being published, and there is no doubt that it was sanctioned on Government level.⁴ Under the circumstances it was difficult to establish good collaboration between the two countries, even though many people realized that from the practical point of view this was both necessary and desirable.⁵

As far as the Svalbard negotiations were concerned, they were bound to be complicated by the number of participants. The international situation was marked to a great extent by an armaments race, and mutual distrust.⁶ No wonder that the international tension made itself felt in some form or another in this question too, even though none of the great powers, with the possible exception of Russia, was particularly interested in Svalbard. On the other hand it would appear that the great powers participating in the negotiations were anxious to give it as little prominence as possible, and it was soon evident that the greatest difficulty would be to achieve agreement between Norway and Sweden.

In 1871 it had been agreed that Svalbard should be given to Norway, because the archipelago geographically belonged to Norway, many of whose people were in the habit of frequenting the arctic regions, and had from time immemorial been engaged in fishing, hunting and sealing in Svalbard. Since those times Norwegian interests in the archipelago had increased, and for that reason the attitude which had been adopted in 1871 still seemed to hold good. It is easy, however, to understand that other points of view were given prominence in Sweden after the dissolution of the union. Swedish explorers had also done a good deal work in Svalbard in the years which had elapsed since the exchange of notes in 1871—72. But apart from a few men working in the mines, Swedish nationals had as yet no economic interests in the area, and there was no denying that, from a political and strategic point of view, Svalbard was more important to Norway than to Sweden. Sweden's interests in the archipelago were based first and foremost on the fact that no other nation had to date undertaken such extensive scientific research, and the Swedes naturally enough did not fail to emphasize this in newspapers and periodicals.⁷

When Arvid Lindman reconstructed his government in March, 1909, the Swedish envoy in Berlin, Count Arvid Taube, was appointed Foreign Minister. Taube was a man in the late 50's. Apart from his civilian profession, he had also undergone military training and held the rank of major. In his social and political views he was conservative. In foreign policy he was a germanophile, and was consequently eager to promote closer cooperation between Germany and Sweden; and while he was envoy in Berlin he became good friends with Foreign Minister Wilhelm von Schoen. Count Taube had not forgotten the events of 1905; they constituted a grave reduction of Sweden's might, and a great measure of compliance to Norway. In view of these circumstances, he considered it improper that the Norwegians set aside Swedish interests in the Arctic, by taking the lead in negotiations about Svalbard, where the Swedes, above all other nations, had made an outstanding contribution to scientific research — Svalbard, which was linked to the proudest traditions of

Swedish Polar exploration — no, that honor should and must belong to Sweden.⁸ As Foreign Minister, his immediate task was to ensure that the initiative passed into the hands of the Swedish Government; and he received some support, especially from certain scientific circles, in pursuing an energetic policy.⁹

The standpoint adopted by Foreign Minister Taube was in essence that it would be impossible for Swedish opinion to accept an arrangement whereby the jurisdiction of Svalbard was handed over to Norway. This was not merely an argument. It would have created a little irritation in Sweden, but it was after all only one of the two alternatives Norway had proposed. Perhaps Taube feared that if a conference were convened with the aim of reaching a settlement on the basis of the Norwegian proposal, then the majority of the representatives would find it most expedient to hand jurisdiction over to Norway. He suggested that Norway and Sweden should in advance agree on a proposal for a settlement. If they reached an agreement, the other states would not raise any objections to it. As far as Russia was concerned, King Gustaf could discuss the matter with the Czar when he paid a return visit to the Russian capital. This procedure would obviously give Sweden the greatest chance, because the Swedish Government would be able to make its influence felt more strongly in the negotiations with Norway alone, than at an international conference attended by several great powers. Moreover, Taube intended, according to his own statement, to exploit this matter so as to establish cooperation between Norway and Sweden in the field of foreign politics.¹⁰

The Swedish plan was submitted to or perhaps worked out in consultation with the British Minister in Stockholm, Sir Cecil Spring Rice, who tried to persuade his colleagues in Stockholm to suggest a similar procedure to their Governments. The British envoy was primarily concerned with the increasing tension between Great Britain and Germany. He believed that the Swedes were definitely germanophile, and at the same time he was inclined to attach considerable importance to their bitterness towards Norway.¹¹ In view of this, Spring Rice would be inclined to fear that, in the event of a world war, Sweden would side with Germany in order to strengthen her position. The most favorable alternative as far as Great Britain was concerned would then be to work toward effecting good cooperation between the Scandinavian countries, and as far as possible to seek to wean them from Germany, with a view to achieving Swedish neutrality in the event of a future conflict.

The Spitsbergen Coal and Trading Company, the only British company which had undertaken mining in Svalbard, stopped working in the autumn of 1908 and tried to sell its mines. Great Britain therefore had only negligible interests on the archipelago, and in these circumstances it was natural for the British Government to try to avoid a conference in Oslo, where the enmity between Norway and Sweden might be increased, and where Germany might possibly increase her prestige.¹² For similar

reasons Great Britain had declined to participate in a Balkan conference in the autumn of 1908. Moreover, it seemed that within the ranks of European diplomacy there was at that time little faith in conferences, if the question to be debated had not been more or less decided before the participants assembled. For this reason it is easy to understand why the British Government wanted the states most interested — Norway, Sweden and Russia — to reach an agreement before any conference was convened.

The attitude of the German Government to the actual question was, in essence, that the matter was of no particular importance to Germany. The German Foreign Ministry was apparently inclined to accept the Norwegian plan. It was hoped that the arrangement would be as simple as possible, and give rise to few difficulties, and that the costs should be kept down to a minimum. The German views coincided in this respect with the British. A rumor that Germany supported Sweden was denied by the German Minister in Oslo, who declared that his instructions were to remain neutral in any conflict which might arise between Norway and Sweden.¹³ At the Russian Legation in Oslo the Norwegian memoire was well received, but before it was studied in St. Petersburg an incident occurred which created annoyance in the Russian Foreign Ministry.

In order to manoeuvre the negotiations along the lines he wanted, Foreign Minister Taube suggested that Norway and Sweden should jointly request the British and German Governments to instruct the shipping companies which sent tourist ships to Svalbard to see to it that their passengers abstained from indiscriminate hunting. Before he approached the Norwegian Government he had made inquiries in London and Berlin, and had been informed that the plan would be favorably received.¹⁴ Taube motivated this move vis-à-vis the Norwegian Government by stating that it would in any case take some time before answers to the Norwegian memorandum could be expected. It would therefore be necessary to arrive at a temporary arrangement which would put an end to the indiscriminate slaughter of game of which the tourists were guilty, as many Swedish scientists were anxious to see something done to preserve the fauna of the archipelago.¹⁵

Even though Foreign Minister Christophersen had entertained suspicions that neither humanitarian regard for the fauna nor considerations of good neighborliness were Count Taube's main motives, the question was a delicate one, and a refusal might easily cause criticism of the Norwegian Government. On the other hand, Norway was on uncertain ground in thus forestalling one of the main problems to be discussed at the conference while the other states were studying the Norwegian memorandum. The Norwegian Government decided nevertheless to acquiesce in the Swedish suggestion, and at the same time gave instructions to Norwegian shipping lines that they were to see that tourists abstained from indiscriminate hunting. As expected, both the German and the British Government replied favorably. Foreign Secretary Grey seemed

in fact to be especially pleased, for he remarked when the Norwegian and the Swedish envoys came together to hand him their governments' notes: "I am very pleased to see both of you coming here together for the first time".¹⁶ Whether the Swedish envoy, Count Herman Wrangel, was equally pleased is another question. Sometime later, however, the British Government stated that the extermination of game was due to Norwegian trappers using poison. The Norwegian Government had already investigated these circumstances, and in the autumn of 1909 measures were enforced which prevented the sale of poison for hunting.

The Russian Government, however, felt that it had been neglected, and protested against the steps Norway and Sweden had taken.¹⁷ The Russian envoy in Oslo declared that Norway and Russia had agreed not to take any action in the Svalbard case without having discussed it between themselves in advance. But the Norwegian Government knew of no such agreement: a conversation had taken place between Foreign Minister Jørgen Løvland and Minister Anatol Kroupensky, in which the two gentlemen seem to have misunderstood one another.¹⁸ Kroupensky had moreover expressed himself so ambiguously on this matter to his Swedish colleague Baron Gustav Falkenberg, that in Stockholm, Norway was suspected of collusion with Russia behind Sweden's back, and it was believed that the two powers had jointly worked out the memorandum which the Norwegian Government had issued.¹⁹ This misunderstanding was now cleared up.

Foreign Minister Taube was anxious lest the Norwegian Government be disinclined for further cooperation, and suggested that Norway and Sweden should act openly, and inform one another of the steps they took. Foreign Minister Christophersen agreed to this; but he made the reservation that his statement must not be interpreted as an agreement to any form of collusion between Norway and Sweden. The Norwegian Government must remain loyal to all the interested powers, keep them all equally informed, and formally adopt the same attitude in its dealings with all of them.²⁰ Moreover, the procedure adopted by Foreign Minister Taube, first approaching Great Britain and then Norway in the question of protecting fauna, tended to show a certain disparity between theory and practice. Taube repeatedly stated that in this case it was not so much a question of the actual issue at stake, as the desire to initiate cooperation between the two countries,²¹ but he surely wanted to see Sweden as the leading partner.

The annoyance which had been felt in the Russian Foreign Ministry was assuaged when Norway and Sweden sent notes explaining the matter in greater detail. There is, nevertheless, reason to believe that Norway had been somewhat discredited for her demarche in Berlin and London. In the Russian Foreign Ministry the matter came under the Director of the Second Bureau, Alfred Bentkovsky, and he was decidedly less friendly after the affair, whatever the reason for this might have been.²²

A Diplomatic Tug-of-War.

In international politics it is perhaps more important than in any other sphere to distinguish between the actual motives for an action and those officially given. When expressions are toned down, and selfish motives are disguised so as to acquire a more acceptable form from the legal and the humanitarian point of view, it is possible initially to reconcile contraries. In this way one can win sympathy for one's cause and the support of public opinion, but when the real motives are revealed, a procedure of this nature is apt to create a mistrust that renders further collaboration more difficult. Diplomacy often proceeds by circuitous paths, and to a certain extent this also is true in this case.

The procedure of the Swedish Government seems to have been essentially conditioned by the fact that it was unwilling to grant Norway any special position as far as the jurisdiction and the administration of the archipelago was concerned. It was possibly also believed that, should the interested states once choose Norway as the administrator, then it would not be long before the archipelago became Norwegian territory. After Taube had become Foreign Minister, it was fairly soon clear that Sweden was endeavoring to take the lead in the negotiations, and was keen to have the conference held in Stockholm.¹ When the first steps in this direction were made with the demarche concerning the fauna, Taube decided to submit a Swedish proposal. But the game affair showed that it was necessary to include Russia.² The procedure would then be that Norway and Sweden should first agree, and afterwards approach Russia jointly. When these three states had reached an agreement about a proposal, this should be submitted to the other interested powers at a conference. Foreign Minister Taube's preparations were well laid. During the Czar's visit to Stockholm in the summer of 1909, he explained his views to Foreign Minister Alexander Izvolsky, who accompanied the monarch.³ As the Swedish suggestion appealed more to Russia than the Norwegian one did, it was not surprising that the Russian Foreign Minister preferred to support Sweden.

There was no opposition to be feared from the other interested parties — so much Taube had ascertained. He now informed Foreign Minister Christophersen that he would immediately submit a proposal which the Norwegian and Swedish Governments could discuss. At the same time he emphasized that his main concern in taking this step was to promote good relations between Norway and Sweden. Christophersen was incautious enough to declare that the Norwegian Government would deal with the Swedish proposal on the basis of a desire for good relations. This seems to have given Taube the impression that Norway was willing to allow Sweden to take the initiative in this matter. The Norwegian Government also remained inactive for some time, while the Swedes

prepared their case in London and Berlin, where the argument could be used that the Norwegian Government had already declared itself willing to accept the Swedish proposal.

In a memorandum to Norway, Sweden declared that it would admittedly be simplest for one state to assume and exercise jurisdiction, as though Svalbard were a part of its own territory, but that an arrangement of this nature was incompatible with the status of the archipelago as no man's land, while for practical purposes it was not necessary to establish a detailed organization. What was needed was a legal set-up which would guarantee protection for human life and property. In addition, hunting and fishing must be controlled. It should be possible to arrange these matters on an international basis. Norway, Sweden and Russia, on the grounds of their geographical position and their participation in the exploration and economic exploitation of the archipelago, would be most capable of working out an arrangement. The Swedish Government considered that the legal questions arising in the archipelago should as far as possible be settled according to the laws of the country of origin of the interested parties, and by their courts of law. Only in cases where this was not possible, should special laws be drawn up and a special court of law be set up for civil jurisdiction. To this end a court could be set up at the Norwegian town Tromsø with one Norwegian, one Swedish and one Russian member, who could meet in the summer, each member taking it in turn to preside over the court. One of the members would be entrusted with the task of registration. The tribunal should be competent in matters respecting the appropriation of land. The rules for this and also for hunting and fishing should be laid down on an international basis. Crimes should be tried by the courts in the country of origin of the accused, and minor offenses by a police authority on the spot, the latter to be appointed by the Svalbard tribunal and be an agency thereof. In this way the police would have an international character. The expenses incurred by the organization would be covered by dues and fines, if necessary by grants from Norway, Sweden and Russia. The economic administration would be placed under the Svalbard tribunal.⁴ Thus the reply of the Swedish Government to the Norwegian plan took the form of a counter-proposal.

No answers were received from the other powers. The British Government announced that it did not intend to submit a reply, and demanded unconditionally that the three states most interested should reach an arrangement before a conference was convened, otherwise no results would be achieved by a conference. It would only lead to increased tension among the powers.⁵ There might also be another reason for the British attitude. It appears as if some Swedes suspected the British of pursuing a policy vis-à-vis Norway which had been unfavorable to Swedish interests. In this respect it might be sufficient to recall the atti-

tude of the Swedish press — especially the Conservative press⁶ — to Great Britain during the negotiations on Norway's Treaty of Integrity. It is possible therefore that the British Government wished to some extent to put this right by supporting Sweden against Norway in the impending case.⁷ Moreover, if negotiations between Sweden, Norway and Russia did produce a favorable result, this cooperation might contribute to creating better understanding between the three states, and this might in turn influence Sweden's attitude to Russia.⁸

The Norwegian envoy in Berlin got the impression that Foreign Minister von Schoen was not particularly enthusiastic about the Swedish proposal, even though he had accepted it at the urgent request of the Swedish Government. It is improbable that Germany favored Russian participation in the administration of Svalbard, or foresaw any advantage in Scandinavian-Russian cooperation. On the whole the German Government showed less interest in the matter than did the British. But in Berlin, too, it was possible to view Norwegian-Swedish cooperation with approval. Taube's desire for close political cooperation between Sweden and Germany was well-known; and there was the possibility that Sweden, in the event of Scandinavian cooperation, might be able to draw Norway in the same direction. Foreign Minister von Schoen stated on several occasions that his Government was anxious to avoid offending anyone, and merely wished to assist in solving the problem, as Germany had little interest in Svalbard. Personally he was of the opinion that Sweden was being unduly insistent, and he believed that there was some dissatisfaction in Stockholm at the lead Norway had taken in this matter.⁹

The Russian Government agreed with the Swedish proposal; the Norwegian Government could not expect any support for its own proposal in those quarters. In view of the strong position which Russia as a great power would have on the Svalbard tribunal, she might, in fact, derive the greatest advantage from the Swedish proposal.¹⁰

Belgium, Denmark and Holland adopted apparently a passive and neutral attitude. So did France, as long as this could be done without antagonizing Russia.¹¹

Foreign Minister Taube's emphatic statement, that he wished above all to promote good relations between Norway and Sweden, won approval both in London and Berlin, because it appeared that both Great Britain and Germany, probably from differing evaluations and reasons, were anxious for good relations between Norway and Sweden. It would therefore be unfortunate if the Norwegian Government acted in a way that might suggest stubbornness.

Besides, as the smaller powers, in view of the increasing international tension, had every reason to stick together, it was neither in Norway's nor in Sweden's interest to preserve a stiff attitude to one another, and cooperation with Norway was an old idea in Swedish policy.

In the impending situation, Sweden would thus with greater confidence be able to face the situation in the east, where the Åland problem was still unsolved; and in some quarters it was believed that Russia would not view with displeasure a cleavage between Norway and Sweden.¹² There is therefore little reason to doubt that Foreign Minister Taube really desired better relations between the two countries. But whether that was the primary motive for the energy he displayed in this matter, may be questioned. From a Norwegian point of view, there was reason to examine how a cooperation of the kind envisaged by Count Taube would work — whether it would take into consideration who had the greatest material interests in Svalbard, and be based on equality and mutual respect, or whether it would reflect the difference in size of population and strength between the two countries.

In the Norwegian Foreign Ministry there seems to have been a certain inclination to give a favorable reply to the Swedish proposal.¹³ But objections could be raised to this step. The idea of letting the Swedish Government take the initiative out of the hands of the Norwegian Government at this stage of the negotiations had little to recommend it. On the other hand it was clear that the alternative proposed — that Norway should occupy the more prominent position in the administration and jurisdiction of the islands — could not be realized now against Sweden's wishes. The choice lay between an arrangement with Norway, Sweden and Russia as participating states, and a more international solution, in which several interested powers were represented. To put into effect the latter alternative would entail certain difficulties, but it might offer the advantage that no great power would be in a position to play a dominating rôle.

In reply to the Swedish proposal it might be pointed out that, as Norway was the only one of the three states economically committed in Svalbard, Russia and Sweden would be able to make decisions which ran counter to Norwegian interests. From a political point of view, too, there were certain objections to two small states such as Norway and Sweden cooperating with Russia in this matter. Quite naturally cooperation in a commission of this nature would be conditioned by the intentions of the participating powers. If Russia, in view of the international situation or otherwise, desired good relations with the two Scandinavian states, the commission would be the means of creating better contact, but if on the contrary Russia were inspired by unfriendly feelings, then the commission would be a means of creating strife and a pretext for aggressive action.

The advantage of accepting the Swedish proposal was prospects of settling conditions in Svalbard fairly quickly. Norway was particularly interested in this. To turn down the proposal was also undesirable from the point of view of the relations between the two countries.

The Norwegian Minister in Stockholm strongly advised the Government to adopt a positive attitude. The Minister in Berlin, von Ditten, who had the definite impression that the German Government was not particularly in favor of the Swedish proposal, held the opposite opinion. He came to Oslo to discuss the question with the Foreign Minister, and the views which found expression in the Norwegian answer were to a marked degree representative of these two. The attitude which the Norwegian Government chose to adopt was in essence that there were other powers besides Norway, Russian and Sweden with interests in Svalbard, which could regard themselves as entitled to participate in the working out of an administration. The Swedish Government had formerly stated that any control should be arranged on an international basis, so that no power would acquire greater influence than any other. It also seemed most appropriate to let all powers participate in the negotiations from the very first, so that the organization which was created — if it were to be international — could really express the opinion of, and represent all the interested powers. At the conference one could decide whether, in order to accelerate the solution, it might be useful to entrust a committee of representatives from certain countries with the task of working out a draft. This could then be discussed by representatives of all the powers jointly. The Norwegian Government therefore felt bound to adhere to the opinion that the first step necessary to arrive at a settlement should be to convene representatives of all the powers concerned.¹⁴ Foreign Minister Taube was very annoyed at the Norwegian refusal, and declared that it would affect the future relations between the two countries. His proposal, he said, had been intended as a proffered hand, and his chief concern had been to achieve cooperation between Sweden and Norway.¹⁵

In London, too, the rejection caused disappointment, and the Norwegian Government was clearly given to understand this. "I wish to express the regret of His Majesty's Government that the Norwegian Government should have apparently, by refusing to come to a preliminary agreement, closed the door to further discussion between the powers more nearly interested, and to express the hope that means still may be found to proceed on lines of such discussion."¹⁶ These were the words the British Chargé d'Affaires in Oslo used in this matter. At the Foreign Office there was no doubt agreement with the Norwegian suggestion that all powers interested should be allowed to express themselves before the question was discussed by a smaller committee. It was also admitted that Russia and Sweden at the moment had no material interests in Svalbard. Yet Great Britain, it was stated, could not undertake to refute such assertions from Sweden and Russia. The British Government was in practice prepared to accept any settlement to which the three countries might agree.¹⁷ During his visit to London King Haakon had an opportunity of

discussing the question with Sir Charles Hardinge, the Permanent Under-Secretary, but the latter could only confirm that the Foreign Office did not consider it possible to change its attitude.¹⁸

The only power that backed the Norwegian proposal was the United States. In 1906 the Arctic Coal Company had submitted details of its claims in the archipelago to the Department of States which was subsequently kept informed of its activities through annual reports and through the company's lawyer in Washington. From the autumn of 1908 it was the only one to continue mining; and it was very concerned with the outcome of the negotiations about the islands. The company was anxious that an authority be established capable of maintaining law and order, and of creating settled conditions with regard to the acquisition of land. But on the other hand it considered itself as being the only tax payer, and it was keen to prevent the establishment of a set-up which would impose unreasonable taxes and restrictions. This was made clear to the State Department.¹⁹

In the autumn of 1909 the American envoy in Oslo returned to Washington where the Svalbard question was discussed, and the attitude to be adopted by the American Government clarified. The position of the United States was essentially different from that of the other powers. American nationals had, together with the Norwegians, the greatest economic interests in Svalbard. These the State Department felt it had a right and a duty to protect. On the other hand the American Government, by reason of its traditional policy of non-intervention in European affairs, could not easily undertake any obligations or responsibility for the administration of the archipelago.²⁰ In fact it was a somewhat complicated problem, and it is a question whether the American Government strictly adhered to the Monroe Doctrine as it had been conceived and practiced.²¹ It regarded Svalbard — no doubt quite rightly — as a European territory.²² Nevertheless, it made certain claims with regard to the political status of this area, viz. that it should remain a no man's land. And even if the American Government was not prepared to undertake political obligations or sign a convention regarding Svalbard, thus in theory pursuing a policy of non-intervention, it acted not only as an adviser or arbiter but as an interested party intervening in the question of the government of the archipelago.

From the American point of view, the Swedish proposal had little to commend it, and a conference at which the United States would from the very first have an opportunity of protecting its interests, would be preferable. For that reason the Norwegian proposal was supported in Washington and the Swedish one rejected, on the grounds that the date for a conference was so close at hand, that any proposals Sweden might wish to make ought rather to be submitted to the conference.²³

The attitude which the American Government decided to adopt was bound to be essentially dictated by American interests in Svalbard coal mining. It maintained as the basic principle that the archipelago should remain terra nullius. This term was defined as follows: Svalbard should not belong to any state, or be placed under any state's jurisdiction and should be open to nationals of all states. Next it required that the property rights of American nationals to the land they had claimed in Svalbard, and registered with the State Department, should be recognized. A set of laws for the appropriation and possession of landed and other property should be worked out. In addition, simple rules were required for the relations between employer and employee. A criminal code was also necessary to prevent misdemeanors being committed in the archipelago, as well as regulations for applying these rules. The American Government also admitted the need for rules protecting the fauna, but would abstain from making suggestions with respect to these. As far as the ownership of property and working conditions were concerned, a new system of simple laws should be worked out, rather than adapting and using those of any one state, as in Svalbard there was a new community where the same complicated conditions as in densely populated areas did not obtain. Besides, the laws of older societies were more or less complicated, owing to modifications arising out of changed conditions. With regard to penal laws and the exercise of penal law, the American Government was of the opinion that a police court, with competency to try misdemeanors and to arrest and send accused persons to their country of origin, would be sufficient. The Swedish Government was informed of these views in the middle of December 1909.²⁴ The British Government supported Sweden in Washington,²⁵ but the American Government was not willing to change its standpoint, although some efforts were made to persuade it to agree to a postponement of the conference.²⁶

Negotiations had now reached an unfortunate phase. On the one side stood Norway, supported by the United States, and on the other Sweden, which appeared to have all the other more or less interested great powers on her side. But there was activity behind the scene, and certain rumors current in the Swedish press were among the indications of this.²⁷

When Norway rejected the Swedish proposal, the door was not altogether closed to further discussion. Foreign Minister Christophersen declared in a conversation with the Swedish Chargé d'Affaires in Oslo that the Government which was about to retire could not adopt a new attitude in the matter and thus commit its successors. But there was a possibility that the new government would find a solution.

In Norway there were signs of disapproval at the way the Foreign Minister had conducted the matter, though it was not easy to put one's finger on any essential mistake. When the Government took up the ques-

tion in 1907 it did so primarily to comply with the demands of people with economic interests in Svalbard. Even though it might have been possible on that occasion to pursue a more active Norwegian policy, it preferred an international solution in which all more or less interested parties were given an opportunity of expressing their opinions. This procedure was in all probability right, once the government had let slip the opportunity of a Norwegian occupation. What the outcome would have been, if Norway had initiated confidential negotiations with Sweden — as seems to have been expected in Stockholm — the outcome of the game affair should indicate.

As the matter dragged on, however, Norway's position weakened as compared with that of Sweden. The tense international situation caused Great Britain and Germany to place increasing emphasis on their relations with Sweden and on the mutual relations existing between the Scandinavian countries, which overshadowed the real problem involved. The fact that English mining in Svalbard ceased in 1908 had a parallel effect, in that British interests in the archipelago became insignificant.

Looking back one might say that it would have been prudent had the Norwegian Government refused to agree to Russia's request for a detailed proposal before all the interested powers had agreed on the main principles for a settlement. The Norwegian plan, moreover, was probably too comprehensive and too complicated. To what extent the Norwegian Government should have been more modest, and refrained from offering to take over the jurisdiction, seems to be a matter of opinion. From Count Taube's point of view the Norwegian plan was unacceptable to Sweden; but he left the Norwegian Government no chance of making an honorable retreat. Handing over the initiative to Sweden at this stage of negotiations was an obvious humiliation. When the Norwegian Government raised the question, it wanted the interested parties to make suggestions for a settlement, but the Swedish Government merely stated that any control should be international, so that no power would acquire more influence than another; and it declared itself willing to participate in a conference in Oslo.

Although there was a desire both on the Norwegian and on the Swedish side to promote harmonious cooperation, in view of the fact that this would be an advantage to both states, it was not only a question of good or ill will, but also a question of the conception and appreciation of several factors. And the parties were reluctant to concede any advantages in this question simply in order to achieve cooperation. Possibly neither Taube nor Christophersen was the right man, and maybe it was too soon after 1905 for good results to be achieved. Count Taube may have desired cooperation. But he repeated it so often, and emphasized it so strongly, that it almost appeared hypocritical in view of his actions; and the cooperation he desired would have to take place on his terms

and conditions. His attitude was hardly realistic, and he seems to have imagined that the formal dissolution of the union should not prevent relations between Norway and Sweden in many spheres continuing more or less along the old lines — at any rate the two countries ought, in his opinion, to be able to steer the same course in their foreign policy. Otherwise, Taube was inclined to practise the methods of secret diplomacy, although he strongly recommended frankness and honesty, at least to the Norwegian Government. He was a calculating diplomat, but some doubt might exist as to whether he was a man of foresight — whether he was not a little too heavy-handed, if his main object was to achieve some measure of coordination in the foreign policy of the two countries. His predecessor had, however, been criticized for being too complacent to the Norwegians during the negotiations leading up to the treaty of integrity, and when Taube was made Foreign Minister he was perhaps expected to adopt a less conciliatory policy.

His Norwegian colleague, Mr. Christophersen, was an old man, and this may explain why he appeared rather rigid, in fact almost bureaucratic. He gave the impression of treading warily, yet always acting correctly and conscientiously. He was reluctant to enter into separate negotiations with any single one of the interested powers. In his opinion the Norwegian Government ought to adopt the same attitude to all parties, otherwise one might risk offending someone. He seemed to overlook the fact that not all parties had equally great interests in Svalbard. After the unfortunate outcome of the game protection affair, he was even less inclined to commit himself to separate negotiations. Possibly, he feared that Count Taube's motives were not always honorable and that he would like to compromise those responsible for Norway's foreign policy, as the Russian envoy in Oslo had hinted with regard to the game matter.

When the union was dissolved there were many people in Sweden, who hoped for continued cooperation in matters of defense and foreign policy between the two countries. One of the main objectives of the union had in fact been considerations of defense. The optimists were disappointed when Norway concluded a treaty of integrity.²⁸ This was one of the reasons for the disfavor it encountered in Sweden;²⁹ but it seems that some people had still not given up hope for a certain measure of cooperation in matters of foreign policy. Taube was one of these. With British support the germanophile Swedish Foreign Minister tried to use the Svalbard affair to initiate Norwegian-Swedish cooperation in the field of foreign policy — the first attempt made after the dissolution of the union. This ostensibly selfcontradictory fact invested the Svalbard question with an interest far beyond anything it deserved in itself alone. But whatever the reasons may have been, it had as yet not resulted in cooperation, but a diplomatic tug-of-war, with prestige factors playing an ever larger and more unfortunate rôle.

American Occupation Contemplated.

In the middle of the last century the American Congress passed an Act aimed at protecting American guano collectors in the Chincha Islands off Peru, because the Peruvian Government subjected them to a heavy export duty. It was called the Guano Islands Act, and establishes that when an American national discovers guano deposits on an island, atoll or reef which does not legally belong to any other state, or has not been occupied in advance by the nationals of any other state, then such land may at the discretion of the President be regarded as belonging to the United States, and the President can use the armed forces of the United States to protect the rights of the discoverer. When the guano deposits have been removed, the occupation may cease.¹ In respect of this law a number of islands were temporarily occupied by the United States, and in the course of a few decades all important guano islands in the West Indies and the Western Pacific were exploited. In 1909 there were only a couple of islands left which were still occupied.

When Longyear heard about the guano deposits at bird cliffs in Vestspitsbergen he remembered the Guano Island Act, and wondered whether it might be applied to Svalbard. He conferred with the American Minister in Oslo, and came to the conclusion that it might be worth trying to have the act extended to include coal deposits. When Longyear returned to the United States in the autumn of 1909, he referred the matter to Senator Henry Cabot Lodge from Massachusetts, then serving on the Senate Foreign Relations Committee. He submitted a proposal that the act should be extended to apply to cases where American nationals discovered phosphates, coal or other minerals on land of the above-mentioned kind — and particularly important in this connection was the addition of the phrase: or on parts of an island, atoll or reef of this nature. The bill was immediately passed by the Senate,² and was sent to the House Committee on Foreign Affairs,³ which demanded the opinion of the State Department. The essence of the State Department's reply was that, in the case of the islands which the United States had already occupied in respect of the Guano Island Act, the proposal did not present any serious difficulties, and it was moreover doubtful whether one could expect to discover new islands. The addition "or on parts of an island, atoll or reef" had, in the nature of things, no particular interest as far as the guano islands were concerned, as these could not be made the objects of partial occupation, and an attempt to apply the clauses of the act to parts of islands which by international agreement were regarded as neutral common territory, would create difficult problems which could only be solved by international compact.⁴ It was incontrovertible that the above-mentioned phrase applied to Svalbard, but the State Department had to make another statement in which the archipelago was expressly

mentioned. "As this Government", it declared, "is pledged by its declaration to all the North Sea Powers to the position that Spitsbergen is a no-man's land, in the welfare of which all the interested nations are concerned, but over which no one power can claim territorial control, it would not seem practicable to advance any claim on the part of the United States under the provisions of the proposed Amendment."⁵ The House Committee on Foreign Affairs shared this view, and the matter was dropped on the grounds that the Guano Islands Act could not be applied to coal deposits in Svalbard, because these were not recent discoveries. Furthermore, the American Government had already recognized Svalbard's status as no man's land, and lastly it was unwilling to risk reducing the Government's chance of reaching a *modus vivendi* at the coming conference.⁶

Longyear went in person to Washington to confer with the politicians involved in the case, Edwin Denby, who was the chairman of the committee dealing with the matter, and Senator Lodge. But they made it clear to him that even if the proposal was accepted it would not be possible to apply the Guano Islands Act to Svalbard. Moreover, further attempts to force it through Congress might impair rather than promote American interests in the archipelago. It is nevertheless possible that the matter was of advantage to Longyear. The State authorities had now acquired greater knowledge of, and possibly greater interest in, his enterprise.

The proposed bill was discussed in the American press, where it was not only subject to praise. In Europe it seems to have been best known through an announcement in the "Petermanns Geographische Mittheilungen", which was regarded as very reliable. The Oslo paper, "Aftenposten", interviewed the American Minister in Oslo, but he was able to make the reassuring statement that he knew nothing about any bill which aimed at an occupation of Svalbard, and he referred to the President's message to Congress. "From well informed circles, in close touch with the American Coal Mining Company" the same article gave a detailed account of the standpoint of the company and of the American authorities, concluding with the President's message which made no reference to an occupation,⁷ but the proposed Bill was not mentioned. The following day, however, the same paper was in a position to state that the Senate had accepted the proposal to amend the Guano Island Act, and that all American papers which mentioned it had declared that the intention was the occupation of Svalbard. "Aftenposten" reproduced an article from the "Buffalo Express", in which it was stated that the United States, in taking such a step, would get into a diplomatic mess, and that other methods of guaranteeing American interest would have to be found.⁸

The diplomatic representative of the interested powers in Washington naturally followed the matter and inquired in the State Department

about its development. This was bound to give the American Government — if indeed it had had any doubts — a clear impression that any attempt to apply the Guano Islands Act to Svalbard would prove a highly complicated business. In answer to the inquiry from the Norwegian Minister whether the American authorities were considering a step such as that mentioned in the press, Secretary of State Philander Knox replied that it would not be a very easy matter to carry through. “Everybody seems to have a finger in the pie”, he said, and related that the German Ambassador and the Swedish Minister had recently come to the State Department to inquire about the attitude of the United States. The Secretary of State on the whole gave the Norwegian envoy a completely satisfactory explanation. “I have absolutely dismissed the thing from my mind”, he declared, “When we speak about it here in the Department it is always in the form of a joke”, and he assured him that the Government of the United States would stand by the attitude which it had formerly acknowledged.⁹

Whether or not the affair was unfortunate for Norway, as far as the tug-of-war with Sweden was concerned, is another question. The fact that the United States — the only country which actively supported Norway — now showed an alarming pushfulness, might easily lead to Russia giving more active support to the Swedish proposal. It was in fact clear that in the Russian Foreign Ministry there was a certain amount of irritation at the turn the matter had taken, and it was hinted that Norway had complicated a solution of the Svalbard problem by implicating too many parties.

Out of the Deadlock.

Johannes Irgens, Foreign Minister in the new Norwegian Government which took office in February 1910, was also a diplomat, and had been Norwegian envoy in London. Unlike his predecessor he was exceptionally young, being 40 years old. He was rather energetic, perhaps a little too rapid in making decisions. From the Norwegian side negotiations were now carried on with greater initiative than previously.

Hardly any of the interested parties were satisfied with the situation which had arisen after the Norwegian Government had rejected the Swedish proposal. In the British Foreign Office, at any rate, one was not averse to proceedings getting under way. It was admitted that there might be certain points in the Swedish proposal, which were not entirely agreeable to Norway,¹ but in London there seemed to be little interest in the actual facts of the case. The main thing was to prevent relations between the various states developing in a way which might be unfavorable to British foreign policy. So far, the British had more or less advised Norway to show compliance to Sweden, but after the American

Government had supported the Norwegian standpoint the matter had become still more complicated, for it was not advisable to adopt an attitude which might provoke the United States.

Immediately after Irgens had become Foreign Minister, there was a discussion of the Svalbard question between him and the British Minister in Oslo. The latter submitted a "private" memorandum, the essence of which was that individuals who had committed crimes in Svalbard should be sent to their country of origin for trial. In the event of disputes about land each of the parties should choose an arbiter of his own nationality; these should then choose a third arbiter and their decision should be final. An international commission of e. g. three members could be sent to Svalbard to register all claims which were not disputed.² In the Norwegian Foreign Ministry the proposal was altered so that Sweden, too, was accorded a special position,³ and Foreign Minister Irgens went to London to discuss it with Sir Edward Grey and Sir Charles Hardinge, neither of whom had any particular remarks to make.⁴

The Norwegian Government was dealt another good card. The American Minister in Oslo forwarded a note in which the standpoint of the United States was set forth. It concluded with the hope that the intended conference would be held as soon as possible. The Arctic Coal Company wished to extend its working, but before taking this step it was anxious to know what sort of administration and laws were to apply on the archipelago.⁵ This gave the Norwegian Government the opportunity of accelerating the matter, and it decided to invite the powers to a conference in Oslo, where the new proposal could be made the basis for discussion.

In Stockholm much time had been spent in working out a detailed proposal, based on the main principles which the Swedish Government had previously set forth, and Foreign Minister Taube again took up the question of preliminary discussions between Norway, Sweden and Russia. He referred to Foreign Minister Christophersen's statement to the effect that his government was not in a position to change its attitude in this matter, thus committing the new government which was about to take office.⁶ It is of course possible that Taube had got wind of the plan which was being worked out in Oslo, and that he was eager to prevent the Norwegian Government taking a new step which might thwart him. He gave the impression of being very conciliatory, and admitted that he had been wrong in first approaching the great powers in the game protection case. If the Norwegians would negotiate with Sweden, he could assure them of compliance. Once Norway and Sweden had removed the stumbling block between them, it would not be difficult to reach agreement with Russia, he declared. Should Norway on the other hand adopt an altogether uncompromising attitude, he would be forced to start co-

operation with Russia, and he strongly emphasized the political consequences which non-acceptance would entail.⁷ The Norwegian Minister in Stockholm, Benjamin Vogt, appealed to the Government to accede to the Swedes. "There are some Norwegians", he wrote, "who find the fruits of Norwegian political victory especially sweet if it is the result of a Swedish defeat. For four years I have been forced to accept daily Sweden's misunderstanding, bitterness, at times even hatred in various forms. It has, at the time, but not in the long run, blinded me to the real value to us of reasonable relations with Sweden."⁸ The Government, however, came to the conclusion that it would have to stick to its decision. If one were to accede to the Swedish wish, the plan of submitting a new proposal would have to be abandoned. Foreign Minister Irgens was unwilling to do this, now that he felt he had the support of the British Government. In addition there was the United States to consider. To give prominence to American interests in a European concern was not without its risks, but at any rate the United States supported Norway. Above all it was considered important for Norway to retain the initiative. The Government had probably never conferred with the Storting on the matter, and now too it made its decision on its own. Sweden was informed that time was so short that, if anything was to be achieved in the course of the coming summer, the conference would have to be convened as soon as possible. Furthermore, it was emphasized that negotiations had previously been undertaken with all the interested powers at once, and if the Norwegian Government now committed itself to separate negotiations, the United States would certainly object. The opportunity was not lost in pointing out that, according to the terms of the Norwegian proposal, Sweden would enjoy a special position beside Norway, both with regard to the composition of the registration commission and the arbitration court.⁹

At the same time as invitations were sent to the powers to meet for a conference in Oslo, Foreign Minister Irgens informed Count Taube that he was willing to participate in private preliminary discussions before the conference was convened. When he received the message Count Taube cabled to the Swedish Minister in Oslo, instructing him to get Irgens to confirm his offer. Taube's intention is not quite clear. There was a danger here that the Norwegian Foreign Minister might compromise himself vis-à-vis Russia, and the result would be a parallel to the game affair. Irgens, however, took things calmly and made a similar offer to the Russian envoy. It now appeared that Count Taube — as might be expected — was indignant at the step the Norwegian Government had taken, and he was by no means willing to agree to preliminary discussions on these terms. The Norwegian procedure was interpreted as an attempt to face Sweden with a *fait accompli*. Taube now approached the Russian Government with the suggestion that Sweden and Russia should jointly reject the Norwegian invitation, and demand that his plan for preliminary

discussions should be put into operation. In his attitude to the Norwegian Minister in Stockholm he was rather arrogant, and took no pains to conceal that he intended to exploit the fact that Sweden's friendship meant more to the rival great powers than Norway's.¹⁰

In the Russian Foreign Ministry two conceptions of the affair seem to have made themselves felt. The Deputy Foreign Minister, Sergei Sazonov, was apparently in favor of a general conference immediately, in order to restrict any further uncontrolled land claiming in the archipelago. The Foreign Minister, on the other hand, preferred the Swedish proposal, and it gradually became apparent that his policy would be pursued.¹¹ In Berlin, London and Paris they were favorably inclined and ready to assist, but the Norwegian Government received no real support.¹² Foreign Minister Irgens admitted that he had hoped for support in London for the proposal which had been submitted as a result of British initiative. The point was, however, that even though the British Government had made a compromise proposal, in order to rescue the negotiations from the backwater, it had no intention of incurring the displeasure of Russia or Sweden by supporting Norway. The Danish Government, anxious to remain neutral in this Norwegian-Swedish discord, declared that it would abstain from making any pronouncement as to what should be done as Denmark had no interests in Svalbard. Only the United States, the Netherlands and Belgium accepted the invitation to the conference.¹³

At the suggestion of the German Foreign Minister, Irgens offered to pay a visit to Stockholm, and thus prove the Norwegian Government's desire to cooperate with Sweden. To start with, Count Taube showed a certain interest in this suggestion, and proposed Gothenburg as a meeting place. Later, however, he abandoned his suggestion.¹⁴ He wanted the Norwegian Government to send delegates immediately to Stockholm, in order to go through the detailed proposal which the Swedish Foreign Ministry had worked out.¹⁵ The Norwegian Government rejected this resolutely, and it now seemed that negotiations would once more reach a deadlock. But the Russian Government was also unwilling to concede a more prominent position to Sweden than to Norway and Russia, and it submitted a compromise proposal for preliminary discussions in Oslo,¹⁶ which saved the situation. At the recommendation of the British,¹⁷ the Norwegian Government decided to accept this. The United States now also agreed to a preliminary three-power conference, but still maintained that it would be best to discuss all proposals and plans at a conference between all the interested parties.¹⁸ Foreign Minister Taube, however, did not give up. It seemed as though he was willing to go to any lengths in an effort to prevent preliminary discussion being held in Oslo. As a last resort he suggested sending experts to Oslo and St. Petersburg, in order to acquaint the Governments there with the Swedish proposal. But at this juncture came a reminder that inability to arrive at a Norwegian-Swedish understanding might easily result in both parties losing

ground, for Leningrad was now being suggested as a venue for the conference. Faced with this situation Count Taube chose the lesser of two evils. He eventually agreed to meet in Oslo, and Norway informed the other states that "the major conference" would have to be postponed indefinitely.

Looking back at the dogged tug-of-war that had been going on between Norway and Sweden, one clearly sees how greatly it was influenced by narrow considerations of prestige, and it is difficult to understand the matter unless one takes into account the relations obtaining between the two countries in the years immediately following the dissolution of the union. Added to this was the rivalry of the great powers; some of them had repeatedly declared that they were inspired by the desire for impartial arbitration, but nevertheless they were bent on exploiting the situation to their own advantage. The results was a compromise. Internationally, as well as nationally, political settlements usually seem to be a compromise between more or less conflicting interests, or to be a dictate by the stronger party. If one of the parties is unable to promote its own interest, the result arrived at may easily be merely a temporary solution. The weakness of the arrangement arrived at, as far as the procedure for solving the Svalbard question was concerned, was obvious. It becomes apparent if one asks what interests in Svalbard were to be represented at the conference which was now about to take place in Oslo. The interests of the Norwegian mine workers and trappers and Norwegian capital interests would be taken care of by the Norwegian Government, which also had an opportunity of protecting any strategic and political interests Norway might have. Any economic interests which Russia felt she might have, were also represented. Sweden had apparently neither strategic nor economic interests to maintain. All three states had so-called historical interests, i. e. by virtue of the activities undertaken by their nationals in Svalbard — the part they had played in discovery, exploration and industry — they considered they had a special right to a share in determining the fate of the archipelago. However, there were several other powers which had similar historical interests, especially the Netherlands and Great Britain. The West European powers had admittedly declared that their interests were so negligible that they were prepared to leave it to Norway, Russia and Sweden to work out a suggestion for the government of the archipelago. One might therefore hope to avoid difficulties in that quarter, but this could not be unconditionally assumed. Even though they had shown a certain acquiescence, out of regard to their relations with Sweden or else did not, for the time being, wish to attend an international conference, they had not had their last say in the matter. The decisive weakness in the method of procedure chosen was, however, that the Americans, who had the greatest capital interests in the islands were not even represented.

The Oslo Conferences.

Working Out a Unique Constitution.

As the dissolution of the union receded into the distance, the relations between Norway and Sweden acquired a more amicable character, though only the slightest provocation was still necessary to set a press campaign going. However, in the early summer of 1910 the papers were even discussing the possibility of a Norwegian-Swedish defence pact. It seemed, therefore, that there was a chance of the projected three-power conference being held in a comparatively cordial political atmosphere; but an incident now occurred which ruffled tempers on the Swedish side of the border.

Parallel with the main negotiations, Norway and the United States had also carried on discussions to find a solution for land disputes between Norwegian and American nationals at Svalbard. The Norwegian Government had for this purpose worked out a proposal for a separate agreement between the two powers, the essence of which was that the magistrate at Tromsø was to settle disputes.¹ When this was known, it caused dissatisfaction in both Sweden and Russia, because it was considered that the Norwegian Government had thus anticipated events. Swedish press commentaries were especially severe,² and in fact more importance was attached to the affair than it deserved. At this time there was a change of Minister at the Norwegian Legation in Stockholm. When the new envoy was received in audience in order to hand over his credentials, it appeared that King Gustaf was visibly irritated at the Norwegian Government's procedure, which he characterized as not very gentleman-like.³ It was even suggested that the separate Norwegian-American transactions might lead to the postponement of the Oslo conference; but the result was not as serious as that, and in July the conference was opened in the Nobel Hall in Oslo. Though this prelude to the conference was not promising, the choice of delegates offered the best possible guarantee that the negotiations would be marked by expert knowledge, attention to essentials, and goodwill. Sweden sent as chief delegate, County Governor Hjalmar Hammarskjöld, a noted legal expert and politician, and as second delegate her Minister in Oslo Gustav Falkenberg. On the Russian side negotiations were in the hands of Anatol Kroupensky, Russian Minister in Oslo, and Professor Boris Nolde. The latter was

legal adviser to the Russian Foreign Ministry. Norway was represented by former Prime Minister Francis Hagerup, who was probably regarded as the leading legal expert in the country. There was a certain similarity between him and Hammarskjöld, both with regard to theoretical knowledge, experience and political attitude, while both of them were protagonists of Scandinavian cooperation. Hagerup was elected Chairman of the conference. Norway's second delegate was her Minister in Washington, Helmer Bryn.

Each of the three countries submitted a draft convention. These were, however, so similar that there seemed a very good prospect of reaching agreement. The Swedish draft⁴ embodied, in its main outlines, the principles which the Swedish Government had previously submitted, including however the amendment that the international tribunal should have its seat in Stockholm, and not in Tromsø as previously suggested. Instead of a tribunal of this nature, the Russian Government suggested, as supreme authority for Svalbard, a commission consisting of one Norwegian, one Russian and one Swedish member, chosen for a period of six years. This commission would have certain administrative, legislative and judicial functions.⁵ The difference between the Swedish and the Russian draft was, however, not very marked, as the tribunal suggested by the Swedish Government was also to have certain administrative and legislative functions.

The instructions of the Russian delegates were in essence that Svalbard was to be declared a neutral no man's land. Administration and legal procedure were to be based on the principles of equality with regard to the rights and obligations of the three powers, and measures should be instituted to prevent the indiscriminate claiming of land in the archipelago.⁶

The draft⁷ submitted by the Norwegian Government also contained proposal for a three-power commission as the supreme authority. This would, however, have a less permanent character than the institutions suggested in the two other drafts. It was envisaged that the commission should meet at the request of the chairman, as cases came up for settlement. The reason given for this was that, once the first set of rules had been worked out and the local machinery set in motion, not many cases would occur. Moreover, the arrangement should prove inexpensive.⁸

In other respects the Norwegian draft differed from the others on two essential points. According to all the proposals a police commissioner and a judge should be appointed for Svalbard. The Norwegian draft suggested that these officials should be appointed by the Norwegian Government, while the Russian draft proposed that they should be appointed by the international commission.⁹ The Norwegian point of view was based on the argument that officials appointed by an international commission would not be subject to any disciplinary or penal

authority. The commission could dismiss them, but that might be either too severe or too lenient a punishment. In the event of their being appointed by the Norwegian Government, there would be a greater guarantee that they would discharge their duties in a conscientious manner.¹⁰

The other decisive point in which the Norwegian draft differed from the other two was with regard to the court of appeal. According to the Russian and the Swedish draft, decisions pronounced by the police commissioner and the magistrate could be appealed respectively to the three-power commission and the Permanent Court of Arbitration at the Hague. The commission suggested in the Norwegian draft would, however, not be vested with judicial powers. The decisions of the police commissioner and the judge would be subject to appeal to Norwegian courts or to an arbitration tribunal. The reason given for this was that it was not general practice to give the same institution judicial and legislative authority. Besides, if the commission, as suggested in the Norwegian draft, were not intended to be a permanent institution, it should not be entrusted with too many tasks.¹¹ These arguments, which were used to back up the Norwegian proposals were also motivated by a long-felt desire to have the police and judicial authority in Svalbard entrusted to Norwegians, and executed in accordance with Norwegian legal principles, as the great majority of the workers in the islands were Norwegians whose interests must be protected, and demands had been raised in the Storting to this effect.¹² For that reason the Norwegian draft also contained an appendix with regulations governing the relations between employee and employers. The three drafts differed otherwise on a number of points, but these differences were not sufficiently political in character to impede an agreement.

As far as declaring the archipelago a neutral no man's land was concerned, there was in fact agreement in advance. In this matter the Russian wording, with a few minor alterations, was chosen.¹³

With regard to the character and competence of the supreme authority the Norwegian Government had to abandon its claim. The conference decided to establish an international commission as the supreme agency for the administration and exercise of justice, and to make the other authorities in the archipelago immediately responsible to it. The commission was to consist of a representative with a substitute, from each of the three countries. The members were to assume the chairmanship in turn. The commission should have its seat in the chairman's country of origin, and meet at least once a year. By giving it an amulatory character one avoided the difficult question of where to place it, a question that would have had to be solved if it had been decided to give the commission a permanent seat. On the other hand, the proposed arrangement would entail certain difficulties with regard to archives, etc. Apart from verdicts, the decisions of the commission should be unani-

mous. In this way one would avoid measures being instituted, which conflicted with the essential interests of one of the member states. But that would, of course, make the commission less effective, i. e. it would not have the same facility for settling certain matters as it would were its decisions based on a majority vote. No regulations were drawn up to cover the eventuality of the commission not reaching an agreement. The commission was to frame the necessary regulations for preserving law and order in the territory and other regulations to be laid down according to the convention.¹⁴

As the police was to be an agency of the Three-Power Commission, the latter would choose the police commissioner and his deputy. But as there were at the time practically only Norwegians in the archipelago, there would not be much point in choosing a police commissioner who was not Norwegian. The Russian and Swedish negotiators therefore agreed to rule that the police commissioner should belong to the state which had the greatest number of nationals in Svalbard. The result of this rule was that, to begin with at any rate, he would be a Norwegian.¹⁵ If the proportion of nationals in the archipelago changed, it would be possible to get a police commissioner of another nationality as he was to be nominated for a period of six years at a time, in common with the members of the commission.

With regard to the administration of justice, it was decided as a general rule that persons residing in the archipelago should come under the jurisdiction of their own national courts.¹⁶ In order to satisfy immediate requirements, however, it was necessary to make a couple of essential exceptions to this rule. Infringement of police regulations would be dealt with by the police commissioner.¹⁷ But it was also necessary to arrange for an easy settlement of the most frequent kinds of dispute. In this respect the Russian draft contained a suggestion that the international commission should appoint a magistrate for Svalbard, while the Norwegian and Swedish drafts suggested that the magistrate at Tromsø should decide minor disputes. On this point, as on the question of the police commissioner, a compromise was reached. It was considered that it would be inconvenient for the judge to reside in Svalbard. It was therefore agreed that the commission should appoint a magistrate and decide for a period of six years at a time in which town he should have his seat. In its choice of town the commission should take the geographical situation and communications with Svalbard into consideration. The magistrate should be a national of the state to which his seat was assigned.¹⁸ These regulations would entail that the magistrate would be a Norwegian and that his seat was Tromsø or Hammerfest in Norway. The Norwegian-Russian disagreement with regard to choice of police commissioner and judge was thus solved by Norway giving way in form and Russia in fact.

The decisions of the magistrate and the police commissioner could be appealed to the Three-Power Commission.

In their decisions the Svalbard authorities, while taking into consideration the basic principles of private international law, should apply the regulations of the convention and any prescript which might be issued in connection therewith. If these proved insufficient, the principles of law and equity should be applied.¹⁹

The rules of legal procedure for the Svalbard authorities should be laid down by the Three-Power Commission.²⁰ The execution in Svalbard of judgements, verdicts and decisions made by the commission or the magistrate, should be put into operation by the magistrate. The rules for this should be worked out by the commission.²¹

Public institutions would only be organized by the Three-Power Commission or under its supervision. An exception was made to this rule in that the postal service which Norway had already established could continue as long as no objection was made to it. In addition each individual state would be able to minister to the spiritual welfare of its citizens, and establish public institutions of a humanitarian or scientific character.²²

The conditions which the draft convention aimed especially to settle, and for which it in part provided rules and in part left to the commission to settle, were the claiming and transfer of land. Cases of this kind should be registered by the magistrate, who would also decide in case of land disputes. At Russia's request it was decided that no one could acquire property rights, only "claimers'" and "user's" land rights. Areas claimed must not be unreasonably large, and if they were allowed to remain unused for more than six years the right of user would lapse.²³ The Russian Government aimed in this way to prevent anyone acquiring large areas of land by means of fictitious claims.²⁴ States and nationals of non-contracting powers could not, according to the draft convention, claim land in Svalbard,²⁵ and a number of other restrictions were placed on the right of claiming.²⁶

Employers were enjoined to draw up a contract with each of the workers they appointed, which was to be written in a language the worker understood. The employer should be obliged to look after sick workers until such time as they had recovered or could be sent home. The cost of sending the worker home was to be borne by the employer. If a worker was the victim of an accident, for which he was not responsible, he should be entitled to damages from the employer. The amount of this compensation should be fixed according to rules drawn up by the Three-Power Commission.²⁷ Labor disputes were to be settled by the magistrate who as we have seen would be a Norwegian. These rules were of special significance to Norway and the United States. As long as Longyear had

operated in Svalbard, there had been disputes regarding his obligations to his workers in the event of illness or accidents which occurred at work.²⁸ Another point in the draft which primarily affected the Norwegians, dealt with the regulations for hunting and fishing,²⁹ and rules were also set up which aimed to make exploration easier.

The expenses of the set-up envisaged were to be covered by registration fees and taxes on occupied plots of land. The dues of this nature, however, should only be levied on the agreement of all the signatory powers. It was envisaged that any default could be shared among the powers, apart from the expenses of the Three-Power Commission, which were to be borne only by Norway, Russia and Sweden.³⁰ Any disputes arising out of the interpretation or application of the convention should be settled by the Permanent Court of Arbitration at the Hague, when circumstances permitted. The convention was to apply for 18 years at a time, and all states which so desired could join.³¹

The draft convention was an unusual document, both from a purely political point of view and from that of jurisprudence. It attempted to regulate a sort of pioneer community on an Arctic archipelago, where geographical conditions made it difficult to establish an effective exercise of authority — a community which neither constituted a state nor belonged to one or more states. It existed in a territory which was characterized as a no man's land. Executive, legislative and judicial authority, for certain sections of community life, was placed in the hands of an international commission, while a good many of the functions exercised by a modern state in its territory were entrusted to the individual states to which the people on the islands belonged. In reality Norway, Russia and Sweden claimed a sort of condominium, and in the preamble to the draft convention based their reasons for taking this step on their economic interests, the share they had had in the discovery and the scientific exploration of the archipelago, and the fact that their territories were situated nearest to Svalbard.

The press campaign which seemed to be a necessary corollary of any diplomatic conference in those days, was not entirely lacking. An anonymous article in the leading Conservative Oslo paper "Morgenbladet",³² entitled "Norway's Historical Rights to Spitsbergen", aroused the greatest attention. The author maintained that it was an undisputable historical fact that Svalbard had been Norwegian from olden times, and that it was a mistake for the Norwegian Government to invite other powers to discuss the political status of the archipelago. The ideas he set forth were commented on in the press, but they seemed to be too extreme for anyone to accept, although part of the writer's historical review was really intelligent. The Prime Minister regretted in an interview that such arguments were allowed to appear in the leading paper of the party in power. The press also contained sensational reports about

the state of tension between Norway and Russia, caused by disagreement at the Conference. The only kernel of truth which these rumors contained was that the Norwegian and Russian negotiators had, to begin with, maintained different views on the appointment of Svalbard's police commissioner and magistrate.

In Government quarters in Oslo there was, on the whole, satisfaction with the result of the negotiations, and the same seems to have been true in Stockholm. At any rate Foreign Minister Taube was pleased. He admitted now that Svalbard had no particular significance to Sweden. But owing to the scientific work Swedish explorers had carried out, it had become "une question d'amour-propre" for Sweden to take part in negotiations as one of the leading states.³³ In London it was expected that relations between Norway and Sweden would improve now that agreement had been reached in this matter.³⁴ In Russia the draft convention was subject to considerable criticism, but it is possible that this emanated from circles which had little influence.³⁵ At any rate it appeared that the state of agreement reached between the three countries would last. The first distance along the chosen road had thus been covered. Now they could proceed to the next stage, and get the other interested powers to consent to the draft.

Criticism and Revision of the Draft Convention.

After agreement had been reached between Norway, Sweden and Russia, the matter entered on a new phase. Negotiations now became more cumbersome. To a certain extent the Norwegian Government still maintained the initiative, but it had to confer with the Swedish and the Russian Governments in every little step it took. The various powers also conferred directly with Norway, Sweden and Russia at the same time. In this way misunderstanding and confusion could easily arise.

As long as the three above-mentioned states, especially Sweden and Norway, were at odds, the attitude of the European powers had been characterized more by this circumstance than by the actual facts of the case. There were now grounds for believing that the states which had worked out the draft convention would combine to have it put into effect. As long as France, Great Britain and Germany stuck to their statement that they only had negligible interests in Svalbard, and that they would, in practice, accept any proposal which the three most interested states agreed on, there was a chance of a speedy solution.

A new factor, however, appeared. The negotiations which had been going on between Norway and the United States to solve the land disputes between Norwegian and American nationals in Svalbard had not produced any result. There might have been a chance of settling the matter by arbitration, but the American Government demanded, as a con-

dition for agreeing to a settlement by arbitration, that the rules, according to which a verdict would be given, should be laid down in advance. The Norwegian Government desired that the tribunal should be free to make its decision on the basis of the accepted principles of justice and equity.¹ Before this Norwegian-American difference had been settled there was little prospect of the American Government agreeing to the draft convention, and there was reason to believe that the West European powers would not take any steps which did not suit the United States.

On the whole the state of agreement existing between the three powers which had worked out the draft convention was only skin-deep. In Russia there were a number of changes in the foreign service. Alexander Izvolsky was appointed Ambassador to Paris and Sergei Sazanov came in as Foreign Minister.² He was reserved in his attitude to the draft, but there appeared to be little danger of the Russian Government repudiating it, even though only the final protocol dealing with the subsequent method of procedure had been signed with binding effect by the delegates.³ The Foreign Minister's caution might be due partly to the criticism which the draft had incurred in Russia, and partly to the desire to pursue a considerate policy in all dealings with the United States. The well-known American financier, John H. Hammond, came to Russia in the autumn of 1910 to investigate the possibilities of investing American capital, and it appeared that relations between the two powers, which previously had not been too good, had now improved.⁴ Those hopes, however, were short-lived. Relations deteriorated once more owing to the Russian authorities' treatment of American Jews, and negotiations were started with respect to the interpretation of the Russo-American agreement of 1832, and subsequent Russian rules establishing the rights of American nationals in Russia.⁵ But these negotiations dragged on, and there were prominent politicians in Washington who recommended that the United States revoke its trade agreement with Russia, unless the latter adopted a more conciliatory attitude.

In Berlin dissatisfaction was soon expressed with the draft convention. It was stated that there were objections to German nationals being judged by non-German judges, and to the fact that the judge and the Svalbard Commission had unduly great powers.⁶ In the summer of 1910 there was a change of Foreign Minister in Berlin. Wilhelm von Schoen was appointed Ambassador in Paris, and was succeeded as Foreign Minister by Alfred von Kiderlen-Waechter; it was possible that this change might entail a stiffer German attitude to the Arctic question.

In the Foreign Office in London, where it had been repeatedly stated that the British Government would accept practically any proposal to which Norway, Sweden and Russia might agree, there was also a good deal of reservation, and it was hinted that the jurists had a number of objections to make.⁷

It was not surprising that Foreign Minister Taube should be pessimistic. He had all the time maintained, and probably believed as well, on the basis of the information he had received in Berlin and in London, that if only Norway and Sweden could reach an agreement the rest would be plain sailing. He had apparently reckoned with the possibility that there would be no need for any major conference in Oslo — that it was only a question of the other powers appending their signatures, once they had given their consent to the draft agreement. Now he feared that the apple-cart would be upset owing to German objections, lack of enthusiasm in Russia, American difficulties, and British procrastination, as he expressed it.⁸

The American financiers who were interested in mining in Svalbard disapproved thoroughly of the draft convention,⁹ and they could reckon on the sympathy of Congress. When the House of Representatives had to abandon the project to amend the Guano Islands Act, the chairman of the committee dealing with the matter had promised Longyear his support, should it prove necessary in the future. Furthermore, faced with an election, which many people considered would turn out to the advantage of the democrats, it might be expected that Senator Lodge would be anxious to do his electors a service.

In the State Department it was felt that the matter was now growing unpleasant. It was difficult to reconcile the claims submitted by the American companies, supported by the powerful Senator Lodge, with traditional American foreign policy.¹⁰ And the observations on the draft convention which the American Government sent to the Norwegian Government were fairly extreme. It was maintained that as the United States and Norway could not find any basis for arbitration in the disputed land claims, the American Government could not give its consent to any convention which did not recognize the validity of American nationals' claims to land as registered in the State Department. The draft convention was, moreover, too complicated and too extensive, and did not take sufficient account of the United States' interests. American industry in the islands was the only industry which could form a basis for the taxation to cover expenses. The only community of any size, and the only permanent one, it was stated, was on land which American nationals had acquired. The United States therefore considered that they should be entitled to a share in the working out of the convention. The American Government repeated in its note its assurance that it merely desired to secure the interests of American nationals, and to preserve the character of the archipelago as a no man's land, and it was stated that even though the State Department could not accept the convention in its present form, the United States was not averse to a system of administration for Svalbard, provided that "the rightful ownership of the land acquired by its citizens as recorded

in the Department of State was recognized” and the archipelago’s status as a no man’s land was retained. “But the Government of the United States could not admit the right of exercise of authority conveyed by any convention to which it should not be a party or an adherent upon the territory of its citizens as specified above.”¹¹ The views here expressed seemed opposed to the statement previously made by the American Government. It was in fact stated that the American Government would not permit the exercise of any authority on American property in Svalbard, as laid down in a convention of which the United States was not a signatory — which in itself was quite reasonable. But there were only two possibilities left. Either one would have to abandon the attempt to create a system of administration for the archipelago — and this did not seem to be the wish of the American Government — or else the United States would have to join the convention. Despite previous statements to the contrary, the note could only be taken to mean that the United States chose the latter alternative. It was also clearly stated that the United States demanded the right to participate in the working out of the projected agreement. One could notice once more the difficulty the State Department had in steering a middle course between its traditional foreign policy and a desire to safeguard the economic interests of American nationals.

The attitude of the American Government apparently had considerable influence on that of the West European powers. After making inquiries in Washington, the British Government replied that it was unable to accept the draft convention, principally owing to the difficulties involved in the suggested jurisdiction. But as the United States had already announced that they were unable to accept the draft for weightier reasons, the British Government found it unnecessary to make specific objections. At the Foreign Office the wish was now expressed that Norway should reach an agreement with the United States before further steps were taken.¹²

The French Government abstained from making any official pronouncements. And it was clearly stated that one would not annoy the United States.¹³ The Norwegian Government was privately forwarded a commentary¹⁴ on the draft, which was the work of Louis Renault, the legal adviser of the French Foreign Ministry. The Belgian Government, too, found no reasons to make any observations.¹⁵

The Dutch Government objected to Norway, Russia and Sweden stating in the preamble to the draft convention the part they had played in the discovery of the archipelago, and pointed out that this was not historically correct. At the Hague the only discovery of Svalbard which was recognized was Barents’ in 1596. It was further observed in the Dutch note that the statement that territorial waters were to extend to the eight nautical mile line must be a misprint. This was, however,

not the case: it was in fact a compromise; the Russians would have liked to have made it even greater. The Dutch Government, moreover, wanted compulsory arbitration in disputes arising out of the interpretation and application of the convention, whereas the draft only proposed arbitration when circumstances permitted.¹⁶

The Danish observations only concerned the method of covering expenses, as it was feared that Denmark, which in reality had no interests in Svalbard, should be forced to pay a disproportionately large amount of the costs of the suggested arrangement.¹⁷

The German observations, on the contrary, were quite far-reaching. In the opinion of the German Government, it was doubtful whether the suggested international jurisdiction of Svalbard would work satisfactorily. There were particular reasons for investigating whether the laws which were to be applied, and which according to the draft were largely to be worked out by the Svalbard commission, ought to be laid down in the convention itself. Furthermore, one ought to examine whether it might not be necessary to provide a more effective guarantee for the independence of the Svalbard legal authorities. The German Government also made objections to the regulations dealing with the legality of former claims, and against the competence of the magistrate and the Svalbard commission to settle disputes about such claims. It proposed that in cases of this nature the decision should either be made by an institution in which nationals of all the interested states were represented, or by an absolutely neutral body. The German Government also found it difficult to accept the rules of the draft convention to the effect that the contracting powers should see to it that judgments and verdicts pronounced by the Svalbard legal authorities be executed in their territory.¹⁸ All things considered, the answers which were received could hardly be regarded as encouraging. The German and, above all, the American Government had made far-reaching objections, while the British and the French Governments had abstained from making detailed observations at all. As a result, there was not much hope of being able to reach a speedy solution to the problem. Foreign Minister Taube, who in October 1911 was replaced by the Minister in Washington, Count Albert Ehrensvärd, could not look back on any great progress in the Svalbard policy for whose main outline, more than anyone else, he was responsible.

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After the somewhat cool reception the draft convention had received, the governments of Norway, Sweden and Russia were in doubt as to how they should proceed. It was, however, clear that if progress were to be made, new proposals regarding rules for the validity of old claims and the settling of land disputes, must be worked out. This would have to be the first and most important task; and it was agreed to meet in

January, 1912, in Oslo, to discuss the observations on the draft convention. The Norwegian proposed amendments¹⁹ were made the basis for discussions, and the draft convention was rapidly gone through. A very amicable tone prevailed, and all parties did their best not to jeopardize the unity which had been achieved between the three states.

As far as the Svalbard Commission was concerned, a proviso was added that members should be legal experts and should enjoy the highest moral reputation, and that voting should be by secret ballot.²⁰

In the rules for legal procedure in cases to be decided by the police commissioner, the amendment was made that the accused should be entitled to have a defending counsel appointed by his government.²¹ And the regulations laying down the competency of the magistrate were more clearly framed.²² It was further agreed to include in the convention a clause to the effect that the signatory powers should establish competent jurisdiction for cases arising on Svalbard and which, according to the convention, should be settled by the national courts.²³

As the American and German objections were primarily aimed at the regulations in the draft convention dealing with the right to use land in Svalbard, and against the way in which land disputes should be settled, the conference dealt chiefly with these questions.

With regard to the former question, the Norwegian delegates proposed as an amendment other rules for land occupied before the convention came into force than those which were to apply to land claimed subsequently. They were of the opinion that the rules for delimitation of the area, and the obligation to exploit the land, should not apply to older claims. The Russians had at that time no claims in Svalbard, but it was they who at the previous conference had proposed these restrictions, and they would not depart from the main principles which had been agreed on with regard to this point.²⁴ Instead they suggested that the question as to what rights were enjoyed by those who had claimed land in Svalbard before the convention came into force, should be decided by an arbitration tribunal. It was envisaged that this could consist of a representative from each of the Three-Power Conference States, and in addition the United States, Great Britain and Germany could have a representative each, while the president of the court should belong to a non-interested power.

With regard to the latter question, dissatisfaction was felt primarily with the regulations which laid down that disputes about land claimed before the convention came into force should also be decided by the Svalbard magistrate — who would be a Norwegian — with a right to appeal to the Svalbard commission, where only Norway, Russia and Sweden were represented. The other states, with some justification, maintained that this method of procedure did not altogether guarantee an impartial decision. Either all interested parties would have to be represented in the court, or else the decision would have to be in the hands of a neu-

tral court. To put this right, it was agreed to let the above-mentioned arbitration court also decide disputes of this nature.²⁵

The British Government eventually decided to submit its observations, which concerned primarily the question of jurisdiction. According to British legal procedure the law courts in Great Britain could not deal with disputes which had arisen between British nationals in Svalbard, without making a legal amendment which it was doubtful whether Parliament would accept. It might be possible to find a solution by establishing extraterritorial jurisdiction in Svalbard, according to the terms of the Foreign Jurisdiction Act. But the British Government considered that it would be more advisable, with the consent of all the interested powers, to organize a suitable legal set-up in the islands with law courts arriving at their decisions according to recognized European principles of law.

Similar difficulties arose with regard to the draft convention's regulation that criminal cases be tried by the courts of the defendant's country of origin. Without a change in the existing laws being made, the British Government would not be able to fetch home persons who had committed crimes in Svalbard in order to have them tried by British courts of law, except in the case of murder and manslaughter.

The British Government further considered that the rule that the commission should always sit in the country to which the president belonged, and not in Svalbard, would result in practical difficulties. It was also pointed out that the draft contained no regulation for the contingency that the members of the commission were unable to reach agreement and that it did not take sufficient account of British interests. An international commission in which the plaintiff's nationality was represented would be preferable to the proposed arrangement with one magistrate. Finally objections were raised to the clause that territorial waters should extend to eight nautical miles.²⁶

The information that Great Britain, according to current legal practice, was not in a position to fetch home people who were guilty of crimes in Svalbard and try them before British courts, caused considerable surprise in the Norwegian Foreign Ministry. This very method of procedure had been proposed in the memorandum which the British envoy in Oslo had handed to Foreign Minister Irgens. But when the Norwegian envoy in London pointed this out, the British Government answered in a note that Sir Arthur Herbert's suggestion was quite private, and that he had made this clear to Foreign Minister Irgens. The Foreign Office did not share the views set forth in the memorandum.²⁷ Foreign Minister Irgens had, however, always been under the impression that the suggestion came from the Foreign Office, even though Sir Arthur had described it as private. This method might have been chosen so that the British Government could have its hands free. The episode might perhaps be taken as proof that in 1910 the Foreign Office had not studied the

facts of the case in any great detail, but had chiefly been concerned with promoting unity between Norway and Sweden.

It was agreed to publish the draft simultaneously in Norway, Russia and Sweden. The Norwegian press was cautious in its commentary, but it was clear that there was not complete satisfaction with the result. Some papers expressed their dissatisfaction that Norway had not been given a greater say. The leading papers otherwise reflected considerable skepticism with regard to Russo-Scandinavian cooperation. It was feared that it would entail disadvantages for the weakest members of the triumvirate.²⁸ In Sweden greater satisfaction seemed to reign. It was pointed out that only a short while ago Norway had claimed the archipelago, and in view of this, it was felt that the result was not at all bad.²⁹ The press in the other European countries did little more than announce the draft convention without offering any comments. A single British paper, referring to the annexation of 1614, deplored that Great Britain had not played a more active part.³⁰ But as the observations which the states had previously made were only partly complied with, the same objections were, by and large, repeated by the Foreign Ministries.³¹

The American Plan for an International Administration.

In the summer of 1911 the Arctic Coal Company had some trouble with its workers, in the course of which the manager, John Gibson, was assaulted. The trouble seems to have been caused by a few Swedes, who were immediately transported to Norway and charged with insubordination,¹ but the Norwegian courts of justice considered the case to be outside their competency. The company contacted the American Minister in Oslo in order to have the workers transferred to Sweden. The Norwegian-Swedish extradition clauses could not, however, be applied, as the offences had been committed outside Norwegian territory, and the indictment had to be shelved.² One result of this incident was that the company in its annual report to the State Department strongly emphasized the need for a police and judicial authority in Svalbard, although it still considered a comprehensive administrative and judicial organisation superfluous.

As there seemed no immediate prospect of a solution to the claims disputes, Longyear appealed anew to the State Department for protection for what he alleged to be his property.³ The American Government, therefore, demanded as a condition for attending the projected conference in Oslo that a settlement should have been reached in these disputes, thus putting some pressure on the Norwegian Government, which having obtained a few minor concessions from the American Government, had to abandon its demands with regard to the litigation procedure contemplated.⁴

The State Department, faced with a demand from the Arctic Coal Company for an authority capable of maintaining law and order in Svalbard, and moreover finding the draft convention unacceptable, set out, in the winter of 1912, to prepare a convention of its own, calculated to meet the needs of the American interests in the archipelago. Its main principles were laid down by the New York lawyer, Robert Lansing who on various occasions had acted as adviser to the State Department. It proved no easy task to work out a simplified set-up, despite repeated demands from the Arctic Coal Company's lawyer that the arrangement should be made as inexpensive as possible.⁵ In the meantime, Longyear produced a highly ingenious scheme, based on the principle that the forthcoming conference should entrust the government of Svalbard to a limited liability company with a joint-stock capital of 10 million dollars.⁶ The State Department, however, considered that this arrangement smacked altogether too much of business; besides, what would happen if the Russians acquired the majority of the shares?

From the political point of view the establishment of a proper government for Svalbard was extremely difficult as long as the archipelago remained a no man's land. Any exercise of authority or government, in the sense here dealt with, would apparently have to be based on the state principle or the state idea. The question of the ultimate source of sovereignty being, however, irrelevant, the main problem to be tackled was how state authority could be exercised in a no man's land. The question which had not been dealt with by the Oslo Conference was tackled by Robert Lansing who reasoned as follows: "In order to approach the subject intelligently it was necessary at the outset to lay down a few premises which were more or less axiomatic. First: Sovereignty is, stated in general terms, the power to do all things without accountability. Second: Sovereignty in its exercise finds expression in the direction and limitation of human action in its relation to persons and things; and this direction and limitation may be restricted by a spatial sphere or by the particular persons, whose actions are directed and limited. Third: Government is an exercise of sovereignty and is, therefore, dependent for its existence on the existence of sovereignty. Admitting the correctness of these two general forms of sovereign authority, namely the exercise of direction and limitation of human action within a defined area without regard to the persons affected, which furnishes the concept of territorial sovereignty (*dominium*) and the exercise of direction and control of the actions of particular persons without regard to the place of exercise, which furnishes the concept of political sovereignty (*imperium*),"⁷ Lansing supposed that the signatory powers might delegate the latter form, political sovereignty, to the Svalbard Government, which would thus have a theoretical basis for the exercise of authority over the

persons residing in the archipelago, provided they belonged to the powers which were party to the convention.⁸ And as the American draft convention was based on the principle that the archipelago should remain a no state's land it did not recognize property rights to land, only user's rights.⁹

The legislative authority should be entrusted to an international commission subject to the unanimous consent and approval of the contracting powers and to the preliminary declarations and provisions of the convention. This commission should consist of three members, Norway, Russia and Sweden appointing one each, subject to the approval of the signatory powers.¹⁰ The last mentioned clause viz. that the appointment should be subject to the approval of the signatory powers, was rather far-reaching. By means of this veto system, however, the United States intended to acquire control of the projected government of Svalbard. The United States Government reasoned that the bodies and persons exercising authority in the archipelago did so on behalf of the signatory powers, and should consequently be placed under control of the latter.

The executive power should be placed in the hands of administrative officers consisting of a commissioner-general and a police commissioner appointed by ordinances of the international commission subject to summary removal by the commission which might exercise such power at will, and should exercise such power at the request of any two of the contracting powers. The commissioner-general should act as chief administrative officer, fiscal officer and land officer of Svalbard. The commissioner-general should reside at the principle settlement in the archipelago for a fixed period, and for the remainder of the year in Tromsø, and the police commissioner should reside permanently at the principle settlement in Svalbard.¹¹

Judicial power should be vested in the commissioner-general, who should in his judicial capacity sit as judge of an international court in Svalbard, in the Court of First Instance at Tromsø, in the criminal courts of the contracting powers, and in the Permanent Court of Arbitration at the Hague. The respective jurisdictions of the various courts were specified in the draft.¹² The draft, moreover, contained rules for the claiming and use of land, personal contracts made in Svalbard, licenses, hunting, fishing, public property, etc.¹³ The expenses involved in the proposed administration should be covered by fees, legal costs, fines and public charges. Should the moneys derived from the above-mentioned sources prove insufficient, the deficiency should be covered by the signatory powers contributing in equal shares.¹⁴ Taxes on coal production were not mentioned in the draft.

Any power might adhere to the convention, and any signatory or adherent might, at one year's notice to the Norwegian Foreign Minister withdraw from the agreement, which should remain in force as long as four powers remained parties thereto.¹⁵

Several motives were reflected in the American draft convention. The United States, owing to its traditional foreign policy of non-intervention in European affairs, felt that it could not participate in the government of Svalbard. Consequently it tried to achieve a measure of control over this government by means of a veto arrangement. Moreover, it was obvious that the draft aimed at favoring Norway, the weakest of the powers with a seat on the Svalbard commission, by providing that the president and the secretary should be Norwegian. For obvious reasons it was felt in the State Department that giving a great power like Russia so strong a position in the Svalbard commission as the three-power proposal did, might entail considerable disadvantages. In the financing of the proposed administration the American draft, as might be expected, tried to favor the American mining companies, which had repeatedly expressed their fear of having to pay all the sums required for the suggested administration and were therefore anxious to reduce the amount to a minimum. The United States was also careful to include a clause which allowed it to withdraw from the convention at a year's notice.

The United States had objected to the three-power draft as being too expensive and too complicated. It was, however, open to debate whether the American draft contained any real improvement in this respect, though to a certain extent it was better fitted to satisfy immediate needs. The United States Government tried to get Great Britain and Germany to agree to the draft, and the latter power seems to have adopted a favorable attitude.¹⁶ The matter was probably somewhat more involved as far as Great Britain was concerned, as she was anxious to avoid offending Russia.

Negotiating while the Great Powers Mobilize.

The diplomatic negotiations and the publicity they received increased public interest in the archipelago, and it seemed as if some nations were keen to emphasize their achievements in the polar regions in order to back up their claims. In the summer of 1910 Arctic exhibitions were arranged in Russia and in Sweden. The exhibition in Stockholm aimed particularly to give visitors to the International Geological Congress, then being held there, an impression of what Swedish exploration in Svalbard had accomplished. Delegates to the Congress were also invited on a trip to the archipelago. In Archangel the Society for the Exploration of the Arctic Areas of Russia held a polar exhibition to stimulate interest in the northern regions. The Russian press repeated its old demands for a more enterprising Arctic policy, and complaints were raised that the Norwegians were too aggressive, and even tried to establish themselves on Novaya Zemlya; and the Russian authorities decided to send an expedition with colonists to the islands. The caution which had been a

feature of Russian foreign policy after the defeat at the hands of Japan was gradually disappearing. This was noticeable not only in the Balkans and in Persia, but to some extent in the Arctic as well.

Russians and Swedes now began to take part in the economic exploitation of Svalbard, more or less at the instigation of the state authorities, or with the help of state institutions. In the summer of 1910 a Swedish expedition was sent north to investigate the possibilities of coal mining. It was particularly the iron industry which wanted to cover its demands, but representatives of the Swedish railways were also interested in the project. A company was formed to develop the fields which were claimed, but in the years immediately following only a little experimental working was started.

North Russia had a considerable coal consumption, which was covered by imports from Great Britain, and it was an obvious thing for the Russians to try to meet these demands by coal from Svalbard. In 1912 they fitted out an expedition which undertook some prospecting, and in the following years the Russians did a little experimental working.¹

Several British companies reported claims in Svalbard to the Foreign Office. One of them, the Northern Exploration Company, was later to play an important rôle. Together the British companies had large areas at their disposal, and they started experimental working in a number of fields. But satisfactory results were not achieved, and in addition a serious land dispute arose between an English and a Swedish company. The Swedish Government suggested arbitration, but at the desire of the British the case was postponed in expectation of a general settlement for Svalbard.

On the expedition of Prince Heinrich of Prussia and Count Ferdinand Zeppelin, in 1910, a few minor areas were claimed. Somewhat later the Hamburg America Line and the Norddeutscher Lloyd, which used to send tourist ships to Svalbard, claimed several small tracts of land, chiefly for the purpose of building tourist stations.² A German geologist visited the archipelago and investigated the possibilities of exploiting oil bearing shale, but this produced no positive results. And the Germans did not succeed in participating in the mining industry of Vestspitsbergen.

Though considerable capital and a lot of expert knowledge were available to exploit the Svalbard coalfields, it was nevertheless difficult to make any profit. In the entire pre-war period it was only the American and a couple of Norwegian companies which had any production, but the whole output never exceeded 50,000 tons a year, of which the Americans produced about $\frac{4}{5}$.

Fishing, sealing and hunting decreased during these years. After 1909 it proved unprofitable for hunters to spend the winter in the archipelago, and fewer and fewer expeditions were sent out. An occasional vessel from North Norway continued to carry on a little sealing and hunt-

ing during the summer, but the results were never encouraging. In 1912 the two last whaling companies had to cease operations, as there was hardly any whales left. Norwegian ships still carried on some tourist traffic, and a few companies specialized in organizing hunting trips for wealthy individuals, particularly Germans. On the whole the economic activities in the archipelago were by no means in proportion to the political activities which the interested powers displayed.

Communications between Svalbard and the mainland were considerably improved. The Norwegian Telegraph Service had long considered building a strong wireless station which could serve the northern coastal area and part of the Barents Sea. The question acquired immediacy when the American company wished to establish wireless communication between its plant in Svalbard and the continental telegraph system. It requested the Norwegian Telegraph Service either to build a station or grant the company a concession to do so, or else to cooperate in carrying out the plan. The Storting decided forthwith that Norway should undertake to construct the necessary wireless stations, and the Telegraph Service made a contract with the Arctic Coal Company whereby it undertook to build one wireless station in Svalbard and one in Northern Norway, and to transmit the company's correspondence for a period of 15 years. The Arctic Coal Company would undertake to build one or several smaller stations in communication with the Telegraph Service, but they were not to be so powerful that they could establish radio contact with the mainland; this practice was later followed by other companies. The postal service was also improved. A post office was established in the archipelago, and a service, which made two trips a month, was maintained during the summer at the expense of the Norwegian Post Office.

The Norwegians had now taken the lead in exploration. From 1909 expeditions were sent out annually from Norway. They carried out comprehensive work, especially in the fields of cartography and geology, but also in other fields.³ In the first two years the expeditions were led by Captain Gunnar Isachsen, later by the geologist Adolf Hoel and Captain Arve Staxrud. Several expeditions from other countries visited the archipelago during these years. The expedition of Prince Heinrich of Prussia and Count Zeppelin which was organized on a grand scale, aroused widespread attention. Its object was said to be preliminary investigations for an expedition to the North Pole by airship. The party included a large staff of scientists, and a meteorological and wireless station was set up. A number of experiments with balloons were made, apparently with good results. And although the projected flight to the Pole was not attempted, princes and airships were apt to stir people's imagination and make the Arctic islands headline news.

During the years when negotiations had been proceeding, the powers had taken increasing interest in the archipelago, and in view of the international tension its strategic importance was undoubtedly considered by the naval staffs. Diplomats had succeeded in partly bridging the gaps, but new difficulties had arisen, which might make themselves strongly felt when the projected conference was finally convened.

Owing to change of government in Norway and the unrest in South-East Europe consideration of the Svalbard question was not resumed until the autumn of 1913. After preliminary discussion with Russia and Sweden Norway invited the powers to send their delegates to Oslo in June 1914, and on this occasion all the powers except Belgium were willing to attend on the proposed date. A few weeks later the United States sent its draft convention to the Three-Power Conference States, and requested Norway to send a copy to each of the other interested powers. In view of the great divergence between the American draft and that of the three powers, it was not easy to arrive at a compromise. After considering several ways of proceeding, the Three-Power Conference States agreed to submit the American draft to the conference, though this would have to be based on their own draft.

After many difficulties and objections, Norway, Sweden and Russia eventually agreed to bring their delegates together twelve days before the conference, in order to work out amendments to their draft, on the basis of the observations of the various states and the American draft. Norway was represented by the same delegates as previously; while the other two states sent new representatives. In February 1914 there had been a political crisis in Sweden on the question of defense, and County Governor Hjalmar Hammarskjöld had formed a new Government. He was replaced as Sweden's first delegate by former Foreign Minister Eric Trolle; the Swedish Minister in Oslo, Baron Fredrik Ramel, was second delegate. Russia was represented by Director in the Foreign Ministry, Alfred Bentkovsky, and her envoy to Oslo, Sergei Arsenyev.

On this occasion the three states went considerably farther, in their attempt to meet the wishes of the other powers, than at the 1912 conference. It was agreed to propose that the preamble to the draft convention be amended, so that it became more readily apparent that the three states had undertaken to work out a government for Svalbard on behalf of all the interested powers, i. e. that they were acting, as it were, in the rôle of mandatories. Furthermore, they acceded to the Dutch request to omit the reference to their participation in the discovery of the archipelago.⁴ Out of deference to the United States' desire that the signatory powers should exercise an effective control over the Svalbard Commission, it was agreed to propose that the ordinances worked out by the Commission should be submitted to the signatory powers and accepted by them on the basis of a majority voting.⁵ To meet the demand for still

more neutral juridical proceedings, it was agreed to abolish the Svalbard Commission as an appeal court for the decisions of the magistrate and the police commissioner. In its place an international tribunal was envisaged. The Svalbard Commission could decide where this was to be situated, and appoint the president of the court from among the subjects of a state which had no economic interest in the archipelago; the other members could be appointed by the governments of the parties concerned.⁶ It was considered advisable, at the same time, to increase the powers of the Svalbard magistrate.⁷ As several states had objected to the draft convention not containing clear rules on which the Svalbard legal authorities could base their decisions, it was agreed to propose the use of the Swiss Federal Code of Obligation of 1911, and the Swiss Federal Code of Civil Law of 1907, with the modifications which the Svalbard Commission, with the approval of the signatory powers, considered necessary.⁸

In order to remove the most serious British objections to jurisdiction, an arrangement was suggested, the essence of which being that the states which did not consider it possible to set up a competent jurisdiction for crimes committed in Svalbard, could transfer jurisdiction over their nationals to another of the signatory powers.⁹ With regard to the expenses of the Svalbard government, it was agreed to recommend the Danish proposal to divide the powers into three categories. A state in the first category should pay five units, a state in the second category two units and a state in the third category one unit. In other words a state in the first category would have to pay five times as much as one in the third category.¹⁰ Furthermore, it was decided to accept the French suggestion of compulsory arbitration in all disputes regarding the interpretation of the convention, when circumstances permitted.¹¹ Cases might easily occur, however, in which questions of the interpretation of the convention and its application were closely related to one another.

When the representatives of the powers were finally able to meet, seven years after the matter had been raised, the political situation in Europe had become fraught with tension. In the spring of 1914, Germany was seething with reports of an Anglo-Russian naval agreement, and British denials were incapable of allaying German suspicion.¹² In the course of the summer there were rumors of military activity which boded ill. The arrogance of the great powers seemed to grow with the increase in their armed preparations. Though it had been possible by long and careful deliberations on the Svalbard question to remove a great number of stumbling blocks, serious new difficulties had arisen in their place. Under the circumstances it was a far from easy problem which confronted the delegates to the conference.

The United States was represented by the envoy in Oslo, Albert G. Schmedeman, former Minister in Madrid William M. Collier and legal

adviser to the State Department Fred K. Nielsen. Collier was taken ill during the conference and was replaced by Assistant Secretary of State Alvey A. Adee, who happened to be in Europe at the time. The other great powers were represented by their envoys in Oslo and a legal expert: France by Minister Abel Chevalley and Professor Elie Chevalley; Great Britain by Minister Mansfeldt de Cardonnel Findlay and the lawyer H. W. Malkin; and Germany by Minister Count Alfred von Oberndorff and Dr. Walter Simons, legal adviser to the German Foreign Ministry; Denmark and Holland were only represented by their envoys in Oslo, Minister Otto Krag and Minister Count Johan van Limburg Stirum, respectively. The Norwegian Government's chief delegate, Dr. Francis Hagerup, was elected President of the Conference.

Several representatives of the coal mining industry in the archipelago also gathered in Oslo to follow the discussions at close range. Longyear invited the conference delegates on a trip to Svalbard, so that they could study conditions at first hand. Fortunately for Longyear the invitation was declined.¹³ The 20 odd diplomats would hardly have been particularly comfortable on board the old whaler at the disposal of the Arctic Coal Company.

At the first meeting, the amended draft of the three states was submitted, together with an explanatory report from Dr. Hagerup. Thereupon the conference was adjourned for a week in order that the delegates should be given a further opportunity to acquaint themselves with the new proposals. As the need arose committees were appointed. One was entrusted with the task of investigating questions on which the conference was unable to agree, another was to discuss the regulations for covering the expenses of the projected arrangement, and an editorial committee was set up to deal with the articles on which the conference agreed.

It soon became apparent what were the decisive points of disagreement, but no clear grouping took place. To a certain extent Norway, Sweden and Russia were obliged to defend jointly the points of view set forth in the three-power draft, with Russia making the final pronouncement on behalf of the three. The Danish, French, Dutch and British delegates adopted on the whole a cautious attitude. The greatest differences of opinion arose between the American and German delegates on the one hand, with their demands for far-reaching amendments to the three-power draft, and the Russian delegates on the other hand, who declined to agree to the German and American demands.

When the American delegates arrived in Oslo, they assumed that the draft convention which the State Department had worked out, would be submitted to the conference as an alternative to the three-power draft. The conference, however, was not in a position to deal with the American draft, as it was written in English and was based entirely on Anglo-American legal principles. The other nations had to use the three-power

draft as a basis for their investigations into the matter; in any case it would have to be translated into French. This would take time, and the State Department agreed that the American delegates should only use their draft as a basis for the demands they submitted to the conference.¹⁴ As the chief aim of the American Government was to secure effective control of administration and legislation its delegates persisted in their attempts for a veto with respect to the choice of the members of the Three-Power Commission, and the rules agreed on by the Commission. The Russian delegates were prepared to go as far as accepting the veto in the case of the rules drawn up by the Svalbard Commission,¹⁵ but they would under no circumstances agree to the signatory powers' veto with regard to the election of members of the Three-Power Commission, or other officials. It was considered a slight that other states should have the right to intervene in the Russian Government's choice of its own subjects for official duties in the Svalbard administration,¹⁶ and the American delegates, anxious not to create a deadlock, agreed to drop their demand for a veto regarding election to offices, provided the conference agreed on the other points in the draft convention.¹⁷ There was, however, little chance of this being done.

In the course of the years during which the Svalbard negotiations had been proceeding, the German Government had completely altered its point of view. In the earlier stages repeated assertions had been made in the German Foreign Ministry that Germany was only interested in finding a solution; but after the first Three-Power Conference, it was stated that correspondence with the Hanseatic towns had clearly shown that German interests in the islands were quite considerable. This volte-face in the German Foreign Ministry must be seen in connection with the expedition of Prince Heinrich and Count Zeppelin. And now, in 1914, it was stated that large firms and shipping companies and even a prominent person had interests in the archipelago.¹⁸ Germany's interests in Svalbard were undoubtedly greater than those of Norway, Russia and Sweden combined, and therefore the German Government could not accept the proposal that the government of the territory should be handed over to a commission on which only these three states were represented. This would become a sort of condominium.¹⁹ Instead the German Government sought to persuade some of the other interested powers to agree to an arrangement whereby the Svalbard Commission should have a permanent seat — Oslo, Copenhagen or the Hague were all possibilities — and consist of one representative of the state where the Commission was situated and of the diplomatic representatives in that country of the other interested states, assisted by legal experts.²⁰ This proposal was submitted to the conference. The German delegates admittedly also declared themselves satisfied with an unlimited veto,²¹ but this seems to have been a manoeuvre in order to achieve a measure of cooperation with the

Americans. In the German Foreign Ministry the opinion was that the American proposal, based on the veto principle, was quite impracticable. If any state at any time could reverse any decision, the whole legal set-up would become an illusion and cease to exist, the head of the legal section declared.²² It was quite clear that what the German Government really desired was to get a member on the Svalbard Commission, irrespective of what form it was finally given, and it looked as though it were prepared to upset the conference on this issue. It feared that the Russian delegates would propose putting the decisions of the conference to a vote. The German delegates had therefore been instructed to oppose any such procedure.²³

The American Government had repeatedly emphasized that it had no political interests in Svalbard, but merely desired to protect the economic rights of its nationals. The instructions of its delegates were in essence that "it was not deemed to be for the best interests of the Government or to be consistent with its established politics either to contribute to the expenses of maintaining a government in Spitsbergen or to share in the responsibility of its administration".²⁴ The German Government meanwhile had made energetic attempts in Washington to get the American Government to consent to being represented in the Svalbard administration. It maintained that a step of this kind did not conflict with the Monroe Doctrine as in this case it was a no man's land which was to be administered jointly by the powers. It appears that, to a certain extent, this view had been accepted in the State Department, for in the instructions issued to the American delegates it was furthermore stated that, if it should prove impossible to get the veto rules accepted, they could agree to an arrangement which more or less corresponded with the German proposals. But before they suggested or discussed a plan of this sort, they were to submit a report to the State Department stating the reasons which, in their opinion, made it necessary to take this step. Before the American Government had received a report, considered it, and sent special instructions to its delegates, they were not to discuss an arrangement of this kind.²⁵ The delegation therefore consistently maintained that the United States did not wish to be represented in the administration of the territory,²⁶ since the veto arrangement had just as much chance of being accepted as the German proposal.

The Norwegian delegates were willing to agree to the German claim, because they believed that the veto system would hamper the administration more than if all the interested states were represented.²⁷ The Swedish delegates adopted a similar attitude.²⁸ The British delegates agreed to accept the German proposals on two conditions: that the British Government should not be forced to be represented on a Svalbard commission, and that the proposal was accepted by the three states most interested, Norway, Russia and Sweden.²⁹ In this way it was possible to

avoid running counter to Russian interests. The French delegates adopted a similar attitude, and openly declared that they could only accept a proposal which Russia was able to accept.³⁰ The Danish and Dutch delegates attempted to be as neutral as possible and abstained from any definite standpoint.

While the conference was sitting the international situation became increasingly acute. At the end of June came the report of the murder of Archduke Franz Ferdinand and Duchess Sophie von Hohenberg, which was a great shock to the delegates.³¹ In the course of July the troops of the great powers were taking up their positions on the frontiers of Europe.³² It was now fairly clear that war was inevitable. At a time of such nervous tensions it would be exceedingly difficult for an international conference, where both the Entente and the Central Powers were represented, to reach agreement. Nevertheless, energetic attempts were made to achieve practical results. The draft convention was twice discussed in detail, but it was impossible to reconcile the German and Russian points of view.³³ The German Government demanded the right to be represented in the administration of the archipelago; the Russian Government would not agree to this in any form. After the delegates had been assembled throughout the month of July there was no further course left but to postpone the discussions. It was agreed that the conference should convene again in February of the ensuing year, but before the delegates had reached their own countries war had already broken out.

Since negotiations had started seven years earlier, an interesting series of proposals had been submitted and many attempts had been made to find a solution. Norway had proposed two alternatives: a sort of joint administration by all the interested powers, and an arrangement whereby Norway assumed jurisdiction. On the initiative of Sweden energetic attempts had been made to set up a form of joint Norwegian-Russian-Swedish administration. The United States had proposed that this three-power administration should be made dependent on a veto system, which would enable every one of the signatory powers to exercise effective control; and finally Germany had proposed a joint administration of all interested powers, based partly on ideas touched on by the Norwegian Government at the commencement of negotiations. But it had been impossible to agree on any of these alternatives.

Although the conference had convened at an exceptionally difficult time, the unsatisfactory outcome was not only due to trifles or ruffled tempers. The clarification of the situation which the conference had produced was in effect calculated to create profound pessimism. To a certain extent the result which had been achieved by laborious discussions over a period of many years were nullified. The very principle on which discussions had formerly been based, viz. that the administration of Svalbard should be in the hands of a few powers, was upset. What the Ger-

man Government unconditionally demanded was that this principle should be rejected and replaced by another based on the participation of all interested states in the government of the territory. It is easy to understand why it was impossible for the conference to carry out such a complete change of course.

The motive adduced by the German Government to support its claim for participation in the administration of the archipelago was not quite convincing. German interests in the islands were not large; but the Germans were apparently inclined to attach some strategic importance to the Arctic in view of the grouping of powers obtaining, and for obvious reasons they were not in favor of Scandinavian-Russian cooperation. However, one gets the impression that their attitude was above all dictated by considerations of prestige and the desire for parity with Russia. Antagonism had now reached the point where it was hard to make the slightest concession. When the conference assembled, war was probably regarded as something of a foregone conclusion in Berlin, and under these circumstances Germany was naturally reluctant to grant any advantage to her opponent.

As far as the Russians were concerned the matter was clear enough. They had always been on their guard against German expansion in the Arctic, and they would acquire a stronger position in serving on a joint commission with the two small Scandinavian states, than they would if some other great powers were also represented on it. Moreover, they could be certain of British and French support; and in the circumstances they found no reason to accede to the German claims. As far as Sweden and Norway were concerned, the matter was an entirely different one.

In fact, the point at issue was not very large, and it seems surprising that it should prove impossible to arrive at a practical solution. But the problem actually appeared to make unduly large claims on the ability of the powers to cooperate, or on their goodwill in conceding a slight advantage to one or more of the parties, even though this might entail an amelioration of conditions in the archipelago which would prove of benefit to all the states interested.

The Paris Settlement.

The Bulk of the Mining is Taken over by Norwegian Interests.

Though the strategic importance of Svalbard had been stressed by the press of many countries, the archipelago did not become a battleground in the first World War. North Russia admittedly played an important rôle, and already at an early stage of the war, German U-boats operated in the Arctic, but newspaper reports¹ to the effect that they used Svalbard as a base have not been confirmed.

The belligerents abandoned their activities on the archipelago. The personnel from the German base at Krossfjorden returned home to Germany in the autumn of 1914, and there was no subsequent work undertaken at the station. The Germans, however, had their eyes fixed on the islands. In 1916 the German Admiralty issued a comprehensive description of the waters.² The Germans still intended to play an important part in the Arctic, and when they dictated their peace terms to the Russians at Brest-Litovsk in 1918, a clause was added whereby the two parties agreed to work for an international administration for Svalbard where Germany and Russia would enjoy parity. With this in view they would request Norway, as soon as possible after the general conclusion of peace, to summon a new conference.³ The fact that Germany had included clauses about Svalbard in the Treaty of Brest-Litovsk aroused widespread attention, and in the allied press it was stated that the Germans had far-reaching plans. Both the British and the French Minister in Oslo inquired of the Norwegian Government what it intended to do in the matter, and were told in reply that Norway held the same view with regard to the settling of the Svalbard question as she had done in 1914.⁴ The affair was hardly as important as some press announcements tried to make it. The treaty clauses really implied little more than that the Germans demanded the right to participate in the administration of the territory,⁵ a claim which the Russians had firmly refused in 1914. The whole thing assumed the proportions of a mere episode when Germany had lost the war, and the Soviet Russian Government declared in November 1918 that it did not recognize the validity of the Treaty of Brest-Litovsk.

In 1914 a new company was formed with Russian capital. It was, however, taken over by a Norwegian, and only small quantities of coal were mined during the war. The other Russian company, the Grumant

Mining Company, did not continue working, but the Russian authorities planned to increase the production of Svalbard coal as soon as conditions permitted. Just before the revolution five million roubles were voted for this purpose.⁶ In 1917 the railway was completed as far as Murmansk, thus increasing the strategic importance of the Arctic Ocean, and it was to be expected that the Russians would devote more attention to these waters than they had ever done before.

The British held aloof, but in some quarters there was considerable interest in the archipelago, and the authorities were requested to lay claim to it. In the spring of 1918, the Northern Exploration Company, with the assistance of the Foreign Office and the Admiralty, fitted out an expedition to Svalbard. It was organized by Sir Ernest Shackleton, though he was forced to leave it at Tromsø in order to take over an important post in the British expeditionary corps to Murmansk. The object of the expedition was to start experimental working, to lodge a protest with the Norwegians who were said to have appropriated British land, and to seize German property. The British flag was hoisted on the German station at Ebeltoftthamna.⁷ This gave rise to rumors that Great Britain had occupied Svalbard, rumors which were generally accepted until they were denied in the press.

During the war the Scandinavian countries soon noticed the great disadvantage of being dependent on foreign coal. In Norway consumption fell from approximately 3 million tons in 1915 to about a million tons in 1917, and the shortage was severely felt in industry. This acted as a spur to increased investment in coal mining in Svalbard. The price of coal was high, so that here were possibilities of mining at a profit, and there was plenty of capital available in this boom period.

The Swedes made great efforts to increase their production, and new fields were purchased. There were plans to reach an output of close on a million tons a year, but to start with, only small progress was made, in the last war year the export being but four thousand tons. A new Swedish attempt was also made to exploit phosphate deposits.

It was the Norwegians, however, who achieved the most favorable results. John M. Longyear had never thought of running the mines in Svalbard himself; he had only looked for a good investment. But when his nephew, William D. Munroe, who ran the undertaking in its first few years, died, Longyear was forced to take a more immediate share in the work of running the mines at a profit.⁸ For this reason he had considered the possibility of selling out as early as 1909, and just before the war negotiations were pending with German banks,⁹ but it was not until 1915 that the question achieved real actuality. There were several reasons for this. That year the ice conditions were unusually bad, and the cooperation with the Norwegian authorities, which Longyear had never considered quite satisfactory, was rendered more difficult by the war.¹⁰ The shortage

of mining equipment and means of transport was felt acutely. It was also difficult to procure the necessary provisions, and the sending of letters and telegrams was hampered. Even though coal prices were good, the company felt obliged to give up working in the autumn of 1915.¹¹ Negotiations were started with Russian, Swedish and Norwegian representatives with a view to effecting a sale.¹² Encouraged by the state authorities, several banks, led by the Bank of Norway, combined to form a syndicate with the idea of purchasing the property of the Arctic Coal Company. Shipowners, industrial undertakings and businessmen joined hands in this venture. Negotiations with the Americans were led by Bank Director Nicolay Kielland-Torkildsen, and in the spring of 1916 the deal was put through. The coalfields of three Norwegian companies abutting on the Arctic Coal Company's areas were also purchased. In this way the long protracted boundary disputes were made up. The syndicate was converted into a joint stock company, called the Store Norske Spitsbergen Kulkompani.

The new company did not get off to a particularly good start. It was difficult to procure the necessary equipment; working conditions and wages were to start with unsatisfactory, and Svalbard too was to feel the effects of the great ferment which permeated the working class towards the end of the war. A serious strike broke out in the mines of the company and a naval vessel was sent north with the Tromsø magistrate, who was given the task of arbitrating. As this proved unsuccessful the workers were shipped home. After this, longshoremen in Norway refused to unload ships carrying coal from the company's mines. A settlement was reached, however, so that new workers could be sent north before the season ended. Despite the fact that there was no public administration of justice on the spot, one managed fairly successfully with no intervention from the authorities in Norway. A "code" of penal laws had gradually developed, based on the principle of fines — a punch on the nose rated so much, a box on the ear less, and a fight was "priced" according to what it was worth.¹³

Other smaller Norwegian companies were also formed, and a few of the older ones increased their share capital and started experimental working. A couple of them, De Norske Kulfelter Spitsbergen and Kings Bay Kul Company employed a considerable number of workers. The latter company was engaged in a dispute with the Northern Exploration Company over the coalfields. A company started working on Bjørnøya, not only mining coal, but also taking up production of phosphates and asbestos. No little stir was caused when the Arctic Oil Company was formed to start drilling for oil at Grønfjorden.¹⁴ The undertaking, however, proved completely unsuccessful. A company which aimed to deliver guano had better luck. Altogether in the summer of 1918 there were 700 men working in Norwegian concerns, 100 in the Swedish and 50 in the British.

In 1915 a law was passed in Norway dealing with the state supervision of wintering expeditions to Arctic regions. It imposed very severe standards as to equipment and provisions, which were to be controlled by a commission before departure. The law also stipulated that all expeditions should include vessels available for bringing personnel home, or failing this there should be some other guarantee that they be called for at a specific time. The object was to save hunters from having to spend an additional Arctic winter in their miserable huts, short of provisions, and an easy prey to scurvy. As mining developed, the conditions in which wintering hunters worked changed too. They were now able to buy provisions from the mining companies, and in this way they could evade the law. Their catch could be sent home with the coal ships. A special "class" of hunters grew up, who spent several years running in the archipelago. Now and again there would be men of other nationalities than Norwegians, but this was exceptional. The hunters also developed their own system of justice. Rumors were occasionally current that some crimes had been committed, but these were never confirmed.

The war did not put a stop to exploration. Every year expeditions led by Assistant Professor Adolf Hoel and Commander Sverre Røvig, were sent out from Norway, and carried out a great deal of work.¹⁵ In 1918 a meteorological station was set up on Bjørnøya. Much was also expected of a geophysical station at Vestspitsbergen which was to be ready in 1920. From a political point of view, however, the decisive change that had occurred during the war was that the greater part of the mining had been taken over by Norwegians.

Post-War Attitude toward Svalbard.

The great change wrought by the war was to have a decisive bearing on the Svalbard question. The economic interests of the various powers in the archipelago had been radically altered, while the relative strength of the European great powers now presented an entirely new picture. Pre-war negotiations had been marked by growing tension between the two European blocs. One of these was now hors de combat, leaving the other free and unhampered. Moreover, one of the powers most interested in Svalbard, Russia, was in the throes of a civil war, and did not for the moment take any regular share in international politics.

Previously, the British Government had not shown any particular interest in the archipelago or regarded it as of much importance. The first feelers put out by the Norwegian Government suggested that the British would not raise any post-war demands to the territory, or place any obstacle in the way of Norway's aspirations.¹ Events, however, took a change which was not entirely favorable to Norway.

Already before the war, the British companies which had occupied land in Svalbard and a number of explorers had demanded that Great Britain should appropriate the archipelago and cite the occupation of 1614 as her reason for doing so, or at any rate undertake a formal occupation of the areas claimed by British companies. During the war these active elements doubled their efforts. In 1916 the companies sent a joint request to the Foreign Office to undertake a "re-annexation". The following year the Geographical Society in London decided to send an appeal to the Government to secure what was called Great Britain's political, economic and strategic interests in the archipelago by occupying it. The Government replied, however, that the Svalbard question could only be solved by negotiations between all interested states, and that for the time being it was not practicable to initiate such discussions.² Several times the demand was also made in Parliament that Great Britain should maintain James I's occupation.³ The agitation in favor of re-annexation was supported by the Northcliffe Press, though it was not until after the autumn of 1918, when the Northern Exploration Company's expedition had returned, that it gathered momentum. The members of the expedition declared that the archipelago not only contained immense wealth, but was also of great strategic importance. The prime mover in this campaign was the Northern Exploration Company, which published several pamphlets in which the possibilities of mining iron ore were emphasized.⁴ Others too were of the same opinion. Herbert G. Ponting, a journalist, who had been attached to the above-mentioned expedition in the capacity of Foreign Office observer, wrote a series of articles in the "Financier", in which he asserted that the iron ore deposits in Svalbard were considerably larger than those of North Sweden.⁵ The real object of these exaggerated reports appears to have been to create interest in a British appropriation of the archipelago among business circles who could in turn bring pressure to bear upon the authorities. "Certain neutral states" were accused of appropriating British property during the war — a reference to the alleged seizure by the Norwegians of some of the Northern Exploration Company's buildings, a matter which was being investigated by the Norwegian Attorney General. It was also alleged that the Norwegians had occupied some of the company's land. This really only involved one of many disputed occupations on the archipelago, though there was much that suggested that the British company was in the right. The British claims were also reflected in the comments of the Dominion press.⁶

Among the members of the Geographical Society in London Sir Martin Conway, an authority on the history of Svalbard, was the most tireless advocate of an active British policy. It was on his initiative that a request was sent to Foreign Office.⁷ At a meeting in December, 1918,

he gave a lecture on the history of the archipelago. In summing up, he declared himself very sceptical with regard to an international arrangement of the kind envisaged before the war, and was of the opinion that it would be best if one single state were entrusted with the task of protecting the resources of the territory, whether mineral wealth or fauna. In his opinion Great Britain had the greatest right to the islands because her claims to sovereignty were of longer standing and more sustained than those of any other state, and it was the duty of the British Government to maintain this right. In the debate that ensued a very bright picture was painted of the mineral wealth of the archipelago. After the meeting, however, the Director of the Geological Survey, Sir Aubert Strahan, sent a letter to the Society in which he pointed out that according to a report issued by the Department of Scientific and Industrial Research, there was no reason to believe that there were workable deposits of iron ore in Svalbard. Several of the debators attacked the Norwegians with considerable acrimony for their action, and the Norwegian Minister in London was forced to protest to the President of the Society against what he called "unwarrantable attacks on a friendly nation". There were, however, a number of points made in Norway's favor, while the President, Sir Thomas Holdich, drew attention to the archipelago's geographical connection with Norway, and pointed out that the Norwegians had not said their last word in this matter.⁸

The strategic considerations mentioned in the press seemed somewhat untenable. It was even stated that Great Britain ought to develop Svalbard as an Arctic Gibraltar, and the highly unfavorable climatic conditions were almost ignored. The more realistic view was that Great Britain was interested in controlling the archipelago, in order to protect the timber trade between North Russian and British ports.⁹ Some experts, especially in naval circles, considered that Svalbard's greatest strategic importance, from the British point of view, lay in the fact that Norway might become independent of British coal, the need for which had enabled the Allies during the war to exercise effective control of Norway's Merchant Marine.¹⁰

At the end of the year the "Financier" gave a survey of Britain's claims. According to this paper, the claims were based on the fact that the British had explored the area as far back as 1607. James I's occupation comprised the whole archipelago, apart from the northwest corner which the Dutch occupied. This occupation was recognized through the 17th century, and had never been formally renounced. At the beginning of this century British prospectors had pioneered in exploring and surveying coal fields, and eighty percent of the workable mineral deposits were in British hands. The paper had scant praise for the Norwegians' contribution.¹¹

Some people even went so far as to maintain that the archipelago was British territory. This view, based on the assumption that James I's occupation of 1614 was still valid, or that Svalbard had been formally occupied by the British expedition which visited the archipelago in the summer of 1918, cannot have been altogether exceptional, for we find Whittaker's Almanac for 1919 giving Svalbard as British territory.¹²

The British Government, however, maintained its attitude, and this was stated on several occasions in Parliament. In the spring of 1919, after the Foreign Office had made a statement in which Svalbard was declared terra nullius, a Member of Parliament asked whether Henry Hudson had hoisted the British flag in Svalbard in 1607, whether the country had been formally occupied by England as King James' New Land in 1614, whether British sovereignty had been abolished, and if not, whether the Government intended to maintain it for the advantage of present or future settlers. The Parliamentary Under-Secretary of State, Cecil Harmsworth, declared on behalf of the Government that, while it was aware of Hudson having visited Svalbard in 1607, there was no proof that he had hoisted the British flag. It appeared that the English claim to Svalbard was periodically recognized by the Dutch interests concerned. There was, however, no proof that it had at any time been formally recognized, and even if English sovereignty had been established at the time, it would be difficult to base any present claims on it, as Great Britain had had nothing to do with the archipelago for the last 200 years. Apart from this, all interested powers, including Great Britain, had recognized Svalbard as no man's land at the Oslo Conference in 1914. Great Britain was therefore not in a position to act on her own. The whole question would have to be the subject of international negotiations.¹³ Thus the Government's attitude admitted of no doubts, but those in favor of British acquisition of the archipelago had influential spokesmen in Parliament, amongst them Sir Martin Conway, Conservative M. P. for the English Universities, and Sir Harry Brittain. The latter was an energetic individual who held various important official posts.

Even those who were most vociferous in their demands for British acquisition were naturally aware that Norway held a number of trump cards. The director of the Northern Exploration Company, F. W. Salisbury-Jones, a clever and energetic, but perhaps somewhat cynical individual, was in favor of Norway and Great Britain — as the states most interested — deciding the matter between them.¹⁴ He offered to organize a meeting in London, at which his own company, one Norwegian, one Swedish and one Scottish company were to be represented. The idea would be to discuss the administrative set-up, the police force and in fact all the questions which had arisen in connection with the development of Svalbard. A suggestion of this nature might be criticized, especially when

noted that only one Norwegian company had been invited. The others were not even mentioned, whereas the Scottish company to be invited had, as yet, undertaken no production. Moreover, the English and the Swedish companies mentioned were linked up by an exchange of shares. Quite naturally, the Norwegians exercised caution; they agreed nevertheless to the suggestion, though refusing to discuss questions relating to the political status of the archipelago, on the grounds that this was a matter for the authorities in the various countries, but expressed willingness to participate in a conference in Oslo and to invite the various companies working in Svalbard to negotiate on a number of other questions, such as health conditions, working conditions, survey, and navigation.¹⁵

The chief objection to Norway's taking over the archipelago — an alternative which was regarded with some favor not only in the Foreign Office — was that Norwegian mining legislation would prove an obstacle to British companies. The Norwegians, however, declared that they were willing to settle this question by a special agreement.¹⁶ In the British Foreign Office this was regarded as a satisfactory agreement. To start with, little importance was attached to the campaign for Great Britain to acquire Svalbard, though in time it reached such proportions that it inevitably influenced the Foreign Office's attitude. Already in the beginning of January, 1919, the Norwegian Minister in London was given to understand that, even if the archipelago were not given the status of Norwegian territory, it might nevertheless be possible to entrust Norway with its administration.¹⁷

In recent years, the Swedes had not undertaken much exploration in Svalbard, though this did not mean that their interest in the archipelago had in any way diminished. Considerable attention was still devoted to the coal fields; some experts maintained that the possibilities for profitable working were good, and that the state ought to support the Swedish company, since it was possible to cover a very real part of Sweden's fuel needs with Svalbard coal.¹⁸ In Sweden, too, it was realized that Svalbard's political status might be decided at the Peace Conference, and in diplomatic quarters there were suggestions for Norwegian-Swedish cooperation; there was talk of dividing the archipelago between the two states or of a Norwegian-Swedish condominium;¹⁹ but these alternatives were never discussed between the Governments of the two countries. Hope for Scandinavian cooperation was also expressed in the Swedish press.²⁰

While demands were made in the Norwegian and British press that the respective countries should attempt to acquire sovereignty over Svalbard at the Peace Conference, the Swedish Government announced through its diplomatic representatives accredited to the great powers interested, that it still maintained that the archipelago should remain

terra nullius.²¹ On this basis a Norwegian paper carried a report that Sweden had protested against Norway's aspirations. This allegation was only partially correct; the Swedish Government had not yet been informed that Norway intended to submit a request for sovereignty over Svalbard, apart from what had been stated in the press; and for that reason the Swedish Government was unable to lodge a formal protest. Otherwise there were reasons for believing that the Swedish demarche was just as much due to demands in the British, as in the Norwegian press;²² and it seems that this factor was overlooked in Norway. The ensuing press campaign therefore got off to a somewhat false start and adopted an unduly acrid tone. The announcement of Sweden's protest was immediately denied by the Swedish Minister in Oslo, who protested to the Norwegian Government against the attacks on Sweden in the Oslo press. At the same time he recalled that all interested powers had agreed to regard Svalbard as terra nullius.²³ In answer to the Swedish Minister's question, as to the attitude of the Norwegian Government, the Norwegian Foreign Minister replied that, should the question arise at the Peace Conference, Norway would maintain that the only satisfactory solution, as far as Norwegian interests were concerned, would be that the archipelago be recognized as Norwegian territory.

Some of the leading Swedish papers, particularly the liberal press, were, however, moderate in their attitude. It was pointed out that the recent discussion had finally made it clear that Norway's claim to Svalbard was supported by the unanimous opinion of her population. If this had been made known before, the agitated debate in the Norwegian papers would have been unnecessary. Swedish interests would be just as secure if the archipelago were handed over to Norway as they would be under an international form of government, and it was therefore unnecessary to frame a Norwegian-Swedish quarrel for that reason. Scandinavian cooperation should not be jeopardized merely for the sake of Svalbard, as the archipelago was not worth it. On the occasion of a conference of Nordic editors in Stockholm at this time a leading paper discussed the relations between the Scandinavian countries among themselves and with the world at large, and recommended that Sweden should support Norway's claims to Svalbard. It appears, however, that this statement was made rather too much on the spur of the moment, or else the editor was criticized for making it; whatever the reason, a few days later the paper dealt afresh with the question, and adopted a more reserved attitude.²⁴

The Government, however, maintained the plan of 1914, and made this known through the press. It seemed to be a matter of prestige to the Swedish Foreign Office to achieve international administration in Svalbard. There were repeated references to the work which Swedish explorers and scientists had done, but the Swedish companies which had economic interests in the archipelago adopted a conciliatory attitude

and made no attempt to influence public opinion against Norway's aspirations.²⁵

The Dutch had taken no noteworthy share in exploration and mining in Svalbard in the 19th and 20th centuries. They joined in, however, in the autumn of 1919, when a shipowner from Wassenaer, Hendrik H. Dresselhuys, acquired a majority holding in a small Norwegian company. But it was not until the 1920's that they started fairly large scale mining. On the other hand, the archipelago loomed large in Dutch history, and people had not forgotten the contribution made by Dutch sailors in days long past. In 1878 the frigate "Willem Barentsz" had been sent north to erect a memorial at Smeerenburg, and tend the graves of Dutch whalers.

During the negotiations which had taken place before the war, the Dutch Government had not displayed any particular interest in the archipelago, but now, it seemed, a change had taken place. In the press it was declared that Holland could justly claim at any rate certain portions of the archipelago,²⁶ and it was clear that at the Peace Conference the Netherlands would place on record the contribution Dutchmen had made in former times. It was also announced that, with the economic support of the Foreign Ministry and the Dutch Geographical Society, a major work was being written on the voyages of discovery and mapping undertaken by the Dutch in Svalbard.²⁷ To a certain extent Holland's position was similar to that of Sweden, and quite naturally the governments of the two countries consulted one another in this matter. In the Norwegian papers it was announced that the Netherlands had already protested in London against Norway's aspirations. On that occasion, the Dutch Minister in Stockholm told the press that his Government was unaware of any plans for handing Svalbard over to Norway, and for that reason it could not have lodged any such protest. But the Netherlands, he continued, reserved the right to participate in an international conference on Svalbard, as it had done previously.²⁸

In a way, Denmark was in a special position. She was interested in having the Arctic regions dealt with at the Peace Conference; for a long time the idea of extending Denmark's sovereignty to cover the whole of Greenland had been mooted. When the Danish islands in the West Indies were finally transferred to the United States, after lengthy negotiations, by an agreement of August 4, 1916, an annexure was added to the treaty to the effect that the United States would not oppose any move to extend Denmark's political and economic interests over the whole of Greenland.²⁹ Denmark was now anxious to get the other states, primarily Norway, to agree to this. Should Norway persuade the Peace Conference to deal with the Svalbard question, there was a certain chance that Denmark could at the same time have the Greenland question settled, and it was envisaged that if the Norwegian Government went all out to achieve

a favorable settlement of the Svalbard question, it would not pay so much attention to an extension of Denmark's sovereignty over East Greenland. It seems that from the very first there had been hopes of being able to strike a diplomatic bargain with Norway;³⁰ at any rate the Norwegian plan was immediately approved by the Danish Government. It should, however, be mentioned that apart from their whaling in times past the Danes had taken no interest in Svalbard, and consequently they had no real reason to oppose Norway's wishes. Shortly after the Peace Conference had assembled, the Danish Foreign Minister, Erik Scavenius, requested the Danish Minister in Paris to be on the look-out for a chance of having Denmark's sovereignty over East Greenland recognized on some occasion during the ensuing discussion. The Minister was instructed to proceed cautiously, so as to prevent any suggestion being made for using Greenland as a bargaining lever during the negotiations about the Danish section of Slesvig.³¹

After the Norwegians had taken over the fields of the Arctic Coal Company the attitude of the United States toward Svalbard had undergone a considerable change. In so far as economic interests were at stake, these should militate in Norway's favor, as American capital was invested in the largest Norwegian company working in the archipelago. During the period when the Americans were engaged in mining, they had depended on the Norwegians to work their mines, and those who were acquainted with the situation realized how natural it would be to place the archipelago under Norwegian rule. Robert Lansing, who had composed the American draft convention for the Oslo Conference, now became Secretary of State; during his work on this case he had realized how difficult it would be to achieve a satisfactory international administration, and he had come to the conclusion that the best solution would be to hand Svalbard over to Norway, even though he had previously been unable to countenance a solution of this nature. The sale of the Arctic Coal Company's properties had changed the situation, and already in May, 1917, the Norwegian Government was informed that a Norwegian claim would be supported by the State Department.³² In September, 1918, Lansing drew up a promemoria containing the territorial disputes which, in his opinion, should be settled at the Peace Conference; in it he stated that Norway ought to be given sovereignty over Svalbard.³³ And in Washington, too, a Government publication on the Svalbard problem was being prepared.

As far as Russia was concerned, the situation was both difficult and nebulous. Russian trapping in Svalbard had long since ceased, nor had the archipelago at any time been an important arena for Russian Polar exploration. There were other areas which it had been more natural to tackle first. But, if Great Britain out of consideration for the sea route to North Russia was interested in preventing any great power acquiring

control over Svalbard, then this applied to an even greater extent to Russia. The Russian Government had, for that reason, always been on its guard, lest Germany should get a footing in the area, as it was obvious that in a Russian-German war the strategic importance of the northern waters was considerable. After the Murmansk railway had been completed these considerations weighed even more heavily. Moreover, the railway was built on the assumption that it would use coal from Svalbard.³⁴ On the other hand, there was reason to believe that the Soviet Russian Government would have its hands fully occupied for some years yet, in consolidating its position within Russia's own borders; and even if it should retain the reins of government it was clear that a number of years would elapse before it could play any real rôle in international politics. Unless the old regime returned to power, it would not be possible for some time to continue negotiations on the subject of Svalbard along the lines followed before the war. At the moment there was general uncertainty on most points; the decisive question was whether the Bolsheviks would be able to retain power, and, if they succeeded, whether they would adopt the same attitude as the Czarist authorities had done, i. e. whether Russia's Arctic policy would continue as before. Nothing was known about this; the Bolsheviks were busy with more important things, and for the time being did not seem to give this question any attention.

German investments in Svalbard were small, but the Germans had displayed considerable activity in the Arctic; and the fact that they included the archipelago in the Treaty of Brest-Litovsk proved that they attributed some importance to it. But, in any case, German interests were not so great that there was any particular reason to expect serious difficulty from the German side, provided the other interested powers were willing to accede to Norway's wishes. And even if Germany for the moment was unable to take part in the negotiations about the archipelago, relations with her were not as difficult as with Russia. The Norwegian Government could from the very first find out what was the attitude in Berlin; but under the circumstances it was natural that neither the authorities nor the German press paid much attention to this matter.

The French had participated in whaling in the past, as well as in exploration, but interest in the archipelago was not great. Only negligible French capital had been invested in mining; there were no private interests capable of thwarting Norway's plans, and the authorities were definitely favorably disposed to Norway's aspirations.³⁵ Even amongst the victorious great powers, rivalry was so strong that the French in all probability would rather favor the archipelago being handed over to Norway than to one of the great powers, if this alternative was raised.

From time to time during the war the Norwegian press had voiced a demand that Norway should try to acquire Svalbard; in the autumn 1918 a veritable campaign was initiated, demanding the return of

the old Norwegian land of Svalbard, and the Government was requested to submit the claim to the Peace Conference.³⁶ Shortly afterwards came the news of the meeting, already referred to, of the Geographical Society in London. This unleashed a wave of sharp criticism in the Norwegian press both against the campaign in Great Britain, and against the Svalbard policy Norway had so far pursued.³⁷ The reasons adduced by the press for Norway's right to demand the archipelago were many: Svalbard belonged geographically to Norway, and was ancient Norwegian territory discovered by Norwegians. During the years of national decline, however, the communications with the archipelago were severed. The name Svalbard had lived on in the saga, and deserved to be revived. All the nations which had previously shared in exploiting the natural resources of the archipelago had abandoned it, only Norwegian trappers and sealers had remained. When the Norwegians were accused of exterminating stocks of game it should be remembered that no one had pursued a more ruthless destruction of the fauna than the British and Dutch in the 17th century.

Norwegian trappers had collected much material for the scientists, and organized research work had been undertaken on a large scale. Since 1909 Norwegians had, with state support, undertaken exploration in the archipelago every summer. The Norwegian State had maintained postal and telegraph communications, and Norwegians had the largest share in exploiting the resources of the country. They had the experience and the ability to achieve good results in these far northern regions, and all foreign companies employed Norwegians. Coal was carried in Norwegian bottoms and principally used in Norway. And Norwegian communities had now grown up in the territory which could not be placed under the government of any other state without infringing the principle of nationality.

If the archipelago was to be effectively exploited, it would be necessary to establish an administrative set-up; one single power should take over the administration, but the necessary regard should be exercised for interests or justifiable claims of other nations; and no power had a better right to assume this administration than Norway. Compensation for losses incurred during the war could hardly be expected, since Germany had no means of paying, and therefore Norway should resume her sovereignty over this ancient Norwegian land as a sort of compensation. At a time when so many territorial claims were being met, when there was talk of freedom and justice, Norway should claim the archipelago; there was no doubt about the justice of her claim. Though Norway had not ventured to push her claims before the war, the situation was now so fundamentally altered that the Norwegian authorities were in duty bound to proceed in this matter.

Some papers pointed out that there was no desire on Norway's part to exclude other powers from the archipelago. Should Norway be entrusted with the task of administering it, an open door policy would have to be practiced. The Norwegian attitude to the problem revealed the old traditional features — not a desire to exclude others, but the fear of being expelled by one of the great powers.³⁸

During the debate in the Storting on the King's Speech in the middle of December 1918, the Foreign Minister declared that the Svalbard question might be raised at the Peace Conference. The Government would follow the course of events carefully, and press Norway's rightful claims. Some of the party leaders, particularly the left wing liberal Johan Castberg, spoke in favor of a more active policy, and maintained that it would be to the benefit of all interested powers if Norway was extended control of the archipelago.³⁹

The Government organ, however, adopted a careful attitude, and wrote that, if it were internationally advisable for Norway to assume control over Svalbard, then this arrangement was preferable. But there was no reason for cherishing any ambitions in this direction; it was not vital for Norway to acquire Svalbard. The main thing was to establish an administrative arrangement, capable of providing law and order. If Norway was placed on an equal footing with other states, there was reason to believe that the Norwegians, by virtue of their competence, would be able to exploit the resources of the territory just as effectively as if the archipelago were handed over to Norway — and this applied all over the world. What we want, wrote the paper, is not territorial acquisition, but the same right to trade as all other nations all over the world. In a world united in a real League of Nations, it would be of subordinate interest whether an island or a piece of land formally belonged to one power or another, for under such circumstances everyone could truthfully state: "The world is my oyster". But during the winter of 1919 the paper changed its view and advocated Norwegian acquisition.⁴⁰

At the end of February, 1919, Svalbard once more became the subject of a fierce newspaper campaign, occasioned by the report that the Swedish Government had protested in London against Norway's aspirations. The whole thing developed more or less into a discussion on Scandinavian cooperation, which had made such good progress during the war; and some doubts were now cast on the chances of continuing this good work, unless there were mutual interests involved.⁴¹ At regular intervals Svalbard was a major newspaper topic during the winter and summer of 1919, and strong language was often used to describe the conduct of Norway's rivals.⁴² No literature, however, was published on the subject; though a survey of Norwegian exploration in the archipelago was being prepared; it did not appear until the Peace Conference had made its decision.

Beyond her frontiers, Norway's claim was also supported by unofficial representatives. Both through the medium of the press, and by means of their contacts with politicians and officials, they were able to carry out work of unquestionable value.⁴³ The organ of the Norwegian Chamber of Commerce in London, the Anglo-Norwegian Trade Journal, expounded the Norwegian point of view to the British business world. In an article in January 1919, the journal deplored the campaign in the British press, and pointed out that the choice of Oslo as the seat of the pre-war Svalbard conferences could only be interpreted as an admission that Norway's interests were predominant. The British and American companies, continued the journal, had been dependent on Norwegian foremen, miners and sailors in their work in the archipelago; moreover, most of the mining interests were now in the hands of Norwegians.

The campaign set afoot by the Northern Exploration Company aroused some anxiety in Norway. It was feared that it might also have repercussions outside Great Britain, and a private committee with Professor Fredrik Stang as chairman was set up to decide what could be done to counter the English company; in addition it was to be an agency capable of representing Norwegian economic interests and of investigating the legal implications of a change in Svalbard's constitutional position.⁴⁴

There were some influential men who considered that Norway should not lay claim to Svalbard, or who maintained a very reserved attitude. One of these was Dr. Francis Hagerup, who had presided at the Oslo Conferences. In common with a number of others, he held the opinion that powers with economic interests in the archipelago would find occasion to interfere in the Norwegian administration, because the geographic conditions would make it impossible to create entirely settled conditions. He maintained, furthermore, that Norway had recognized Svalbard as *terra nullius*, and this standpoint could not be abandoned without the agreement of all the powers Norway had invited to the pre-war conferences. Nor did he consider that the question could rightly be solved by the parties now assembled in Paris. But if it was considered internationally expedient that Svalbard were handed over to Norway, this solution might be preferred.⁴⁵

Norway Submits the Case to the Paris Peace Conference.

In March 1917 the French specialist on international law, Professor Louis Renault, had discussed Svalbard in a lecture, and concluded that the best arrangement would be to entrust the administration of the archipelago to one single state, and that this state should be Norway. There were reasons for attaching some importance to Professor Renault's statement. He was a recognized expert on international law, and as an adviser

to the French Foreign Ministry he could influence the attitude of the Government in many questions. The Norwegian Legation in Paris therefore immediately reported Renault's statement.¹ The reaction of the Norwegian Foreign Ministry might well seem surprising. The very day the report was received from Paris, the Legation in Stockholm was requested to announce that Norway did not intend to accept any request to take over the administration of Svalbard. The Norwegian Government adhered to the principles which had formed the basis of the Oslo Conference in the summer of 1914.² In view of the fact that the Swedish Government had not requested any statement, this relatively important declaration might seem unnecessary and ill-advised. Much might change after the war. The statement, however, must be regarded in relation to the good political cooperation between the Scandinavian countries which had developed during the war.

In the course of the autumn of 1918, the military situation on the various fronts changed rapidly. In September, Bulgaria signed an armistice, without first conferring with its allies. Shortly afterwards, Germany reacted favorably to the peace proposals which President Wilson had set forth already in January of the same year. The Allied and Associated Powers now began to discuss in Paris the main principles for an armistice.³ It was obvious that peace would involve territorial changes also in the north. During the war Finland had won independence, and this new state would have its boundaries officially recognized. This brought the political status of the Åland Islands once more into the limelight. Both Sweden and Finland were claimants to these islands. The Swedish Government hoped to settle the matter at the Peace Conference, and Denmark intended to have the South Jutland question solved in a satisfactory manner. Norway had suffered rather heavily during the war, and in the American press as well as in that of the Entente, sympathy was expressed for the losses she had incurred, both in men and ships as a result of the German U-boat campaign.⁴ Under these circumstances it would be natural for Norway to try to get the Peace Conference to find some settlement for Svalbard, which had increased in economic importance to her during the war. For that reason former Foreign Secretary Irgens, who was now Norwegian envoy to Copenhagen, suggested to his Government that joint claims should be made at the Peace Conference, Denmark claiming South Jutland, Sweden the Åland Islands, and Norway Svalbard. If this plan should be rejected in Stockholm and Copenhagen, Norway should try through diplomatic channels to prepare a claim for Svalbard independently of the other two states.⁵

Fredrik Wedel Jarlsberg had been Norwegian Minister in Paris ever since the Norwegian Foreign Service was organized in 1906.⁶ During his years of service he had made many influential friends in the French capital.⁷ This was probably due in part to the fact that he had a Danish

Baron title which was not without its value in the international society of Paris, but probably more to his generosity and his money. By his initiative and self-confidence he was on occasions able to achieve considerable results. He understood the French temper, and got on very well with the French, whom he greatly admired. His patriotism was unswerving, and might sometimes appear almost chauvinistic. Now and again he would appear incredibly arrogant, almost comical. At times he could be extremely far-sighted, at others, his political views were utterly superficial; but all things considered Norway could hardly have had a better man to represent her in the French capital, where the most far-reaching international questions of his age were to be settled.

Of his own views on the Svalbard question he says: "The claim to Svalbard, apart from being an old national wish, was in my case based on the idea that Norway might thus be self-supporting with regard to coal. During the war I had seen plenty of examples of the belligerents' power to have their wishes fulfilled by threatening to withhold supplies of coal, unless we danced to their tune.⁸ Therefore I saw in the acquisition of Svalbard, with its large coal fields, an inestimable boon to our shipping in the event of a new war."⁹ He also felt that, if there should be territorial distributions in Scandinavia, then Norway which had suffered more as a result of the war than her neighbors, ought to seize the opportunity to acquire Svalbard, because of the balance of power in the north, as he expressed it, using a term from power politics. Without instructions from Oslo he discussed the matter with the French Foreign Ministry which adopted a very accommodating attitude.¹⁰ He gradually acquired more and more interest in this question — it appeared to be almost a matter of prestige to him. He requested the Government to send him clear instructions, so that he might know what views were held in Oslo. On the occasion of the armistice Wedel Jarlsberg sent a message of congratulations to the French Foreign Minister Stephen Pichon, who included a warm tribute to Norway in his answer. The Norwegian Minister Wedel Jarlsberg sent it home with the request that it be published.¹¹ His intention seems to have been to make it generally known what opportunities Norway had if only she knew how to exploit them. At about this time the Legation in London also inquired as to what views the Government held with regard to Svalbard.¹²

Several times in the course of the last 50 years, the question of making Svalbard Norwegian territory had been the point at issue, but apart from 1892, the Government had never made any real efforts in this direction. After the international discussions which had taken place before the war, the idea seemed still less tenable. In 1912 Foreign Minister Irgens characterized it as political daydreaming, because Russian-Swedish resistance to the project would always be encountered, and even if Norway got the islands, the responsibilities entailed would be so

great, that the gain would prove doubtful, and the question had little political importance. The aim of the Norwegian policy in this matter must be to prevent a conflict between the powers, and achieve a legal arrangement which could be used by Norwegian industrial interests. Furthermore it would always be in part a matter of etiquette or honor to the Norwegian Foreign Service to see to it that Norway's initiative — her, to a certain extent, leading position among the interested powers — was maintained.¹³ Even as late as January, 1918, the Foreign Ministry informed the Norwegian Legations in the interested states that it continued to entertain the same view as during the negotiations in 1914. There had, however, always been a section of the Norwegian people which did not agree with the attitude of the authorities. It was felt both just and reasonable that Svalbard was made Norwegian territory. Now and again these views were expressed in the press, and after the expansion of Norway's economic interest in the archipelago during the war, they could be voiced with greater weight. In the course of the decades, during which the Svalbard problem had been a point at issue in Norwegian politics, it had changed character — not only by reason of the changes which had occurred in the archipelago itself, but probably just as much on account of the changes in the relations between the interested parties. After the war a new situation would obtain; again the Norwegian Government was faced with the question of placing Svalbard under Norway.

In November 1918 the Foreign Ministry conferred with representatives of the Norwegian Shipowners Association as to what demands Norway should submit to the Peace Conference. The matter was then dealt with in a Government Conference, and the Foreign Minister brought with him a draft directive for the Legation in Paris. As far as Svalbard was concerned it stated that only a complete transfer would be of any value. If Norway received the archipelago on the condition that other powers were to retain their economic rights, this might lead to interference with the Norwegian administration. As the first-mentioned alternative seemed to be out of the question, the best thing would be for Norwegian interests to be safeguarded by international administration and justice.¹⁴

The arguments adduced by the Foreign Ministry, and others, too, might justify less enthusiasm than that evinced by Minister Wedel Jarlsberg. Nor could the Government very well claim Svalbard with the idea of achieving some exclusive economic advantages for Norway, at the expense of other powers, which would in principle be contrary to its political conviction that the country's interests would best be served by a mutual free trade policy giving Norway access to all markets.¹⁵ For that reason, Minister Wedel Jarlsberg remarked ironically that the Government did not want any colonies. It wanted the world market to itself, but this it was not to obtain. Nevertheless the Government could

not very well forbid its Minister to investigate the matter, or at that juncture exclude the possibility of the question being dealt with at the Peace Conference. The most natural thing would be to leave the door open, and the Foreign Affairs Committee of the Storting was also agreed on this;¹⁶ ultimately a general directive for Minister Wedel Jarlsberg was worked out. It stated that Norway was primarily interested in securing herself within the boundaries she already had.¹⁷ During the international discussions about post-war conditions, the following questions were of primary importance: security for Norway's foreign trade and shipping; an opportunity for Norway to make her voice heard in questions regarding international law and organization which affected Norway's interests; compensation for the great losses — primarily in lives and shipping — suffered as a result of such actions or measures on the part of the belligerents as were contrary to international law, or which Norway had declared to be in contravention of international law, in her protests to the belligerents. With respect to Svalbard, the Government declared that, in view of the experience obtained during the international conferences about the archipelago, it would regard a Norwegian acquisition as the most satisfactory settlement and would consequently welcome this solution which need not exclude the settling of land disputes by an international tribunal.¹⁸

For the time being the method of proceeding with the discussions at the Peace Conference had not been settled. But the French Foreign Ministry advised the Norwegian Government to prepare its case, and promised to treat it favorably when the time was ripe.¹⁹ On the advice of Philippe Berthelot, director of the Political Department, with whom Wedel Jarlsberg was very friendly, the views of the Norwegian Government were submitted to Foreign Minister Pichon and to the Foreign Affairs Committee of the Chamber of Deputies.²⁰ At about the same time the case was taken up in London. The Norwegian Minister, Benjamin Vogt, explained the Norwegian views in a letter to the former British envoy in Stockholm, Sir Esme Howard, who had been appointed adviser on Scandinavian affairs to the British delegation to the Peace Conference.²¹ The Norwegian envoy in Washington broached the question in the State Department, but, on the whole, Secretary of State Lansing's attitude was already known.²² When the Norwegian Government drafted its directive for Minister Wedel Jarlsberg, it could, on the basis of the reports which had been sent in from the Legations, with a considerable degree of certainty assume that a Norwegian claim to Svalbard would at any rate be favorably received in Washington and Paris. The neutral states interested were not approached, as the Norwegian Government had not yet definitively decided to submit the matter to the Peace Conference.

The European press offered the impression that the Peace Conference would be a sort of new Congress of Vienna, which would draw up a new map of Europe and solve all international disputes, but this time on new and fairer principles. It was therefore by no means surprising that a number of papers voiced the demand that the neutrals should also have an opportunity to send delegates to the conference, as a world-embracing settlement of this nature would be bound to affect the interests of neutral states. In the rules of procedure for the Peace Conference it was also decided that neutral states might be summoned "by the powers with general interests", i. e. the Big Five, in questions in which the neutrals were directly interested. They might then present their cases orally or verbally.²³ Otherwise, all petitions, memoranda, observations and documents which were addressed to the Conference by others than the delegates were to be received and classified by the Secretariat. Those which were of political interest were to be briefly summarized in a list circulated to the delegates.²⁴ The Secretariat would consequently have authority to decide what cases were of political interest, and as, according to the rules of procedure, the neutral states were to apply in writing to the Secretariat, this arrangement would be bound to make it difficult for them to get a chance to express themselves. The matters they were interested in were naturally of secondary importance compared with the great problems which faced the Conference. The neutrals tried, nevertheless, to the best of their ability, to promote their interests, especially with regard to frontier adjustments. At the beginning of March 1919 a delegation from the Danish Rigsdag arrived in Paris in connection with the South Jutland question. A delegation worked, from January on, for the purpose of joining the archipelago of Åland to Sweden. It probably had some sort of contact with the Swedish Legation, but it was not until April that the Swedish Government requested the Conference to discuss the right of the population of the islands to decide by a plebiscite whether the archipelago was to belong to Sweden or Finland. At first the Conference was inclined to have the matter dealt with by the Baltic Commission, but at the British suggestion it was referred to the League of Nations.

Among the tasks facing the Conference the creation of a League of Nations was in a category of its own, and concerned the neutral powers to a very great extent. For that reason, the Scandinavian states requested the French Government, at an early stage, to be allowed to take part in this work, but it was stated that the creation of a League of Nations would be reserved for the Allied and Associated Powers. A number of neutral powers were, however, invited to participate in an unofficial conference on this question, and all three Scandinavian states attended.

Many difficult territorial questions were on the agenda, and at a very early stage the Conference set about solving them. To start with it

became a practice to let representatives of the interested states appear before the Council of Ten in order to put forward their claims. This arrangement, which resulted in long speeches but not much clarification, proved unsatisfactory. A new method was therefore adopted: Commissions were appointed which were entrusted with the task of clarifying the various territorial problems.²⁵ The intention was to deal with these in the course of February and March. At the end of February the Danish Minister in Paris appeared before the Council of Ten to submit the views of his Government on the South Jutland question. There was also a definite possibility that Svalbard might be dealt with.²⁶ Wedel Jarlsberg therefore wired home that all territorial claims would be settled during the Preliminary Peace. In his opinion there was now no time to lose; Norway must submit the Svalbard question to the Conference as soon as possible; and after he had had a conversation with the Secretary General of the Peace Conference, Ambassador Paul-Eugène Dutasta, who believed that Norway's turn would soon come, Wedel Jarlsberg repeated his report and urged the Government to send directives.²⁷

In the Norwegian Legation in Paris the staff worked feverishly to prepare the speech which Minister Wedel Jarlsberg was to deliver when his turn came to present Norway's claims before the Peace Conference. A number of pieces justificatives, giving statistical information about Svalbard, were also prepared. It now became apparent how difficult it was to prepare this material in Paris. It was necessary to cable to Norway for a great deal of information. Though Wedel Jarlsberg had not yet received any instructions from his Government he decided to send a request to the President of the Peace Conference, Georges Clemenceau, for permission to present his case. At the Legation the material which was being prepared was in no way ready. The French Professor Charles Rabot, who had undertaken to write a brief account of Svalbard,²⁸ was also not quite ready. His book was, however, due to appear in the very near future. Nor had the account of the scientific work undertaken by Norwegians in Svalbard, which it was intended to issue for the occasion, reached the Legation. These documents and charts should, of course, have appeared before the case was submitted to the Peace Conference, but Wedel Jarlsberg was very impatient and maintained that they would have to appear later.²⁹ For the time being he must make do with his address, for he would wait no longer. It was not, however, so easy to obtain a hearing as he had hoped.

In the beginning of March the Svalbard question was dealt with by the Storting. Without proceeding to a vote, it was decided to send the Legation in Paris the following message: as so many international questions were to be settled at the Peace Conference, it was Norway's desire that the Svalbard question should also be solved satisfactorily in principle.

After Norway, Russia and Sweden had held preliminary conferences on the subject in 1910 and 1912, the Norwegian Government invited various powers to meet in Oslo in 1914 to provide settled conditions in Svalbard. As a basis for discussions the principle had been laid down that the archipelago's status as *terra nullius* must be preserved. The Norwegian Government did not consider the arrangement proposed by the preliminary conferences in 1910 and 1912, and discussed at the international conference in 1914, as the most acceptable one to Norwegian interests. A solution which entirely satisfied these interests would be, in the opinion of the Norwegian Government, that Svalbard was handed over to Norway with the consent and goodwill of all the interested powers. This solution which appeared to be the most practical one, also from an international point of view, need not exclude the possibility of land disputes being settled by an international court.

This directive was intended to serve as a guide to the policy the Government wished to pursue. But within the framework drawn up, Wedel Jarlsberg could use such information as he considered advisable to support the case.³⁰ This would in any case be necessary, as the reasons which the Government gave for its attitude seemed rather weak. It is hard to understand why the Government suggested, and the Storting accepted, such a slender basis for the Norwegian action. It seemed possible to adduce arguments which, from the point of view of the other interested states, would have proved far more convincing.

Minister Wedel Jarlsberg's optimism proved, however, to be unfounded, for there was no sign that the Conference would deal with the case for the time being. In answer to his request to the President to be accorded a hearing, he merely received a reply from the Secretariat acknowledging his letter. The staff in the Norwegian Legation now had plenty of time to work out the material which was to be placed before the Conference. The matter was, in fact, pushed somewhat into the background, as the Minister had a lot of other work to do on the occasion of the arrival in Paris of the Norwegian delegation which was to participate in the discussions about a League of Nations. President Wilson's insistence that the rules for the League of Nations should be included in the Preliminary Peace terms, was now the chief topic in the French capital. The chances of a minor case, such as the Svalbard question, being dealt with in the near future deteriorated; and a mood of pessimism prevailed in the Norwegian Legation.³¹ The Paris press demanded a swift decision with regard to the peace terms with Germany. People were frightened by the advances of the Bolsheviks, and it appeared that the Peace Conference was making every effort to conclude the first phase of the negotiations as soon as possible.

The next step taken by the Norwegian Government, after giving Wedel Jarlsberg his directives, was to inform all the states which had

participated in the Svalbard conference in 1914, apart from Russia,³² that it wished to submit the case to the Peace Conference. It now gave more complete reasons for its attitude, and pointed out the geographical and economic conditions which, in the opinion of the Norwegian Government, made it necessary and natural to place the archipelago under Norway; and the respective governments were requested not to place any hindrances in the way of this solution.³³ The answers which the Government received were on the whole satisfactory. It was especially from certain neutral states that opposition was expected, but none of these adopted an altogether unconciliatory attitude.

Stockholm was reserved. The Swedish Foreign Minister stated that strong objections had been raised by some scientists against departing from the terra nullius principle. But the Swedish companies working in the archipelago would agree to it, provided their economic interests were protected.³⁴ By and large, the Swedish Government no longer seemed too desirous of maintaining an unfavorable attitude, even though it regarded the Norwegian plan with mixed feelings.

In Copenhagen Norway received full support. The Danish Foreign Minister declared that he fully recognized the importance of the geographical and economic considerations which warranted awarding the archipelago to Norway. In his opinion this would be decidedly the most practical arrangement. He suggested that Denmark and Sweden should state in Paris that they would like to see Norway's wishes accommodated³⁵ — a proposal of undoubted value, though the Norwegian Government could not hope that Stockholm would go so far.

The Norwegian plan encountered the stiffest opposition at the Hague. Foreign Minister Herman van Karnebeek maintained that hitherto the matter had been dealt with by the interested parties. The Norwegian Government had now submitted the question to a conference of belligerents, where cases affecting neutrals were out of place, and where new parties were involved. A decision by an assembly of this nature was not pleasant to the Netherlands. The step which the Norwegian Government had taken would complicate the situation. The Peace Conference was not a consultative assembly. In reply to this the Norwegian envoy could state that the Dutch Government had at the invitation of France also sent a delegate to the conference to negotiate on certain questions. The assumption from the Norwegian side was, moreover, that all interested states should give their approval.³⁶ It was, however, clear that the Norwegian Government would meet opposition in Paris from this quarter, and it appeared that the Dutch Foreign Minister was very annoyed at the step Norway had taken.

Nor were Norway's chances particularly favorable in the British Foreign Office. At any rate by no means as favorable as with the British delegation to the Peace Conference. The Acting Foreign Secretary, Lord

Curzon, felt that it was doubtful whether the Peace Conference would find time to deal with the matter. But as the Norwegian Government had submitted the question in Paris, it could only wait and see whether there would be opportunity to deal with it. Some powers had, after all, sought the assistance of the Conference in settling certain questions which were really outside its sphere of authority. With regard to the campaign which was being carried on in the British press and in Parliament, he declared that it was led by private individuals who had interests in Svalbard and received no support from the Government. But it was undeniable that there were considerable British interests in the archipelago which had to be protected. In addition, Svalbard was in his opinion important from the strategic point of view, for which reason the case had considerable significance to Great Britain.³⁷

In Washington international rule was regarded as unworkable, and it was felt that the best arrangement would be to assign the archipelago to Norway. Assistant Secretary of State, William Phillips, promised to cable immediately to the American delegation in Paris³⁸ — an unnecessary step insofar as Mr. Lansing had long since taken his stand, and was decidedly in favor of Norwegian sovereignty over the islands as the only practical solution.

Although it was clear that the German Government could exercise no influence in Paris, the Norwegian Government also approached Berlin. In the German Foreign Ministry it was considered right that Norway should bring the matter before the Peace Conference. In the opinion of the Foreign Minister this would be a quite practicable solution. The German Government would have no objection to this method of procedure; but a necessary condition would be that Germany's economic interests were protected.³⁹ Italy had no interest in Svalbard, and it had never participated in the negotiations. But as she was one of the Big Five in Paris, the Italian Government was informed about the matter. Here too, the Norwegian views received every sympathy.⁴⁰ For the time being Norway had no relations with the Soviet Government. The personnel of the Norwegian Legation in Leningrad returned home in September 1918, and the Russian Embassy in Paris was still staffed by representatives of the old regime.

At the end of March, Wedel Jarlsberg attempted to obtain a hearing at the Peace Conference, but without success. In British quarters, he was advised to submit the case in writing to the President, Georges Clemenceau. This was done in the beginning of April, but at this juncture the preliminary peace negotiations were already being concluded. Three days later the conference had proceeded sufficiently far with its deliberations to be able to invite the German Government to send representatives to Paris.⁴¹

The exposé which Wedel Jarlsberg sent to the Peace Conference contained an account of Svalbard's political history. In a supplement it included an article from the Trade Agreement of 1663 between Denmark-Norway and France, in which Louis XIV recognized, at any rate indirectly, the sovereignty of the Norwegian Crown over Svalbard, and article 7 in the Treaty of Lund of 1679, in which the Swedish King according to the Norwegian interpretation of the Treaty extended a similar recognition. The supplement also contained information about the various mining companies working in the islands, and statistical details presented a clear picture of the activities of the Norwegians in the archipelago over the last twenty years. In view of the short time available and the difficulties of getting information transmitted telegraphically from Norway, the work of preparing the case had been well done.

Wedel Jarlsberg seems to have exceeded the directive which the Government had drawn up, in so far as he included a section dealing with future mining regulations,⁴² but he was obliged to do this. The British delegation had stated clearly that a clause of this nature was absolutely necessary in order to satisfy those in Great Britain who had economic interests in Svalbard.⁴³ The Norwegian Government had, in fact, previously informed London that it was willing to admit a special mining legislation, in the event of Norway being assigned the archipelago; but Wedel Jarlsberg had not been instructed to include this in his appeal to the Peace Conference.

The arguments which were set forth in the Legation's exposé appeared more convincing than those contained in the Government's directive. Mention was naturally made of the fact that Germany had included Svalbard in the Treaty of Brest-Litovsk, and it was pointed out that Norway's economic interests in the islands had, in the course of the last ten years, developed to such an extent that the archipelago could now be regarded as having a Norwegian population.

Without pleading Norway's old sovereignty to the territory the Norwegian Government, it was stated, had in 1907 proposed an international arrangement; but the experience gained during the ensuing negotiations had clearly revealed the impossibility of reaching an international settlement if the archipelago's status as a no man's land was retained, and that the only satisfactory solution would be to hand Svalbard over to Norway.

This solution by no means excluded the possibility of settling disputes about present claims to land by an international court; and the Norwegian Government had no objections to the interested states drawing up mining regulations before the archipelago was handed over to Norway.

The Norwegian Government, it was further declared, was convinced that it was acting in accordance with the interests of peace in submitting

to the Conference this question which for centuries had been the subject of disagreement, and it would express the hope that all interested powers would agree to return Svalbard to Norway, the only power which had exercised sovereignty over the territory.⁴⁴

There was no prospect of the Conference dealing with the case in the immediate future; but the clause in the Treaty of Versailles which laid down that Germany renounce all rights and claims in or over former German territory outside her boundaries as fixed in the Treaty, as well as all rights and claims which she held as against the Allied and Associated Powers up to the conclusion of peace,⁴⁵ might to a certain extent increase the chances of the Conference dealing with the Svalbard question sooner or later. In order to support the matter, a copy of the Norwegian promemoria to the Conference was distributed to the Governments of the interested powers with a new request that they adopt a friendly attitude to Norway's claims.⁴⁶ That Norway's chances were regarded in Paris as being very good was obvious from an application made by the Portuguese Government to the Norwegian Government for the right to undertake sealing and fishing in Svalbard. At the time, the Norwegian Government was naturally not in a position to enter into negotiations of this nature, but promised to deal favorably with the matter, should it subsequently have actuality.⁴⁷ As long as negotiations were going on with Germany in Versailles it was impossible to get anything done, despite the efforts of Wedel Jarlsberg. After the German Government had signed the treaty, on the 28th of June, the Conference had more time. It now turned its attention to the peace treaty with Austria which was less comprehensive in scope, and after Wedel Jarlsberg had had a conversation with Clemenceau, he succeeded in having Svalbard put on the agenda at the beginning of July.

In many quarters objections had been made to the Norwegian Government's efforts to have the Svalbard question dealt with at the Peace Conference. The Dutch Government was especially averse to this course, and there were obvious objections to it: in Paris there were powers which had no interests in Svalbard, while on the other hand several of the states that had participated in the negotiations before the war were not represented. The conference, however, might adopt a course which would give the states not normally represented an opportunity of stating their case. The Dutch Government maintained that the Peace Conference could not be regarded as a consultative assembly. Norway however, was not the only country which tried to introduce questions which strictly speaking were out of place. Sweden, for example, wished to have the question of the Åland Islands dealt with, while Denmark was desirous of settling her claim to East Greenland. Though the procedure desired by Norway was not without its weak points, there seemed at the time no other possibilities of reaching a settlement. Nor could it be denied

that Norway was more interested in finding a solution than any other country, especially after the decided increase in Norwegian economic activity in the archipelago during the war. To convene a conference consisting of the states which had participated in the Oslo negotiations did not seem possible in the near future. At that time it was difficult to imagine representatives of some of the interested powers gathered round the conference table side by side with the Bolsheviks, in order to work out a solution based on the principle that the archipelago should be governed by a commission on which only Norway, Sweden and the Soviet Union were represented. A further consideration was that experiences gained during the attempts to reach a settlement on the basis of the archipelago remaining terra nullius had proved quite futile. The Norwegian Government therefore had to realize that, if the question were to be settled in the near future, then this must be done at the Peace Conference. The publications on the subject of Svalbard prepared in Holland, Great Britain and the United States on the occasion of the Conference proved, moreover, that in these countries, too, this possibility had been envisaged.

That the Norwegian Government should wish to have the matter dealt with in Paris was naturally not merely to achieve just any kind of settlement, but because it reckoned with a solution which would prove satisfactory to Norway. It had not only asked that the matter be dealt with, it had also requested that Norway should be given the archipelago, but on the very important assumption that all the interested powers voluntarily agreed. This was clearly expressed in the directive which had been given to the legation in Paris, but the legation's request to the Peace Conference was ambiguous on this point. The Svalbard question was well-known to the foreign ministries of the interested states. If the powers whose word would weigh most in Paris could not agree to a solution acceptable to Norway, they were likely to refuse her request that the question be dealt with. On the other hand, the Norwegian Government was in a position to hope that, should the conference once deal with the matter, the solution would go in Norway's favor. This was probably the most important reason why some states were averse to the matter being dealt with in Paris at the request of Norway. But this state of affairs did not exclude the possibility that the solution arrived at by the Conference would be the best, or even the only practicable one.

The Svalbard question was raised together with claims Norway wished to make in connection with the general post-war settlement. But it was not merely a claim of compensation for damage suffered, or a reward for services rendered during the war. To have the matter settled in a satisfactory way was for Norway an old wish — one might almost call it an old right — which it had become more and more urgent for Norwegians to have fulfilled. Serious doubts had arisen, but after giving

the matter thorough consideration it had been agreed to raise the question in connection with the political reorganization which was to take place after the war and to try to have the archipelago handed over to Norway. The solution which had been discussed at the conferences in Oslo — as things had turned out — could not be regarded as satisfactory to Norwegian interests, nor did it seem capable of realization in the near future. The time was favorable, insofar as Norway enjoyed a measure of popularity among the victors. But Norway's claim to the archipelago was based on a far more solid foundation than the good will of the victors. It was founded on historical, economic, geographical and political grounds.

Sovereignty or Mandate.

The question which the Norwegian Government had submitted to the Peace Conference was discussed by the Supreme Council at a meeting on July 7. It was proposed that the matter should be dealt with in the Baltic Commission, but Secretary of State Lansing, who realized how complicated it was, wanted to set up a sub-committee. This procedure was agreed on, and the French Government was requested to invite all interested states to submit their points of view to this commission. Italy's Foreign Minister, Tittoni, took the opportunity to draw attention to his country's need for coal, and requested the Conference to take it into account in deciding on the Svalbard coal fields.¹ This may have been why Italy was given a representative on the commission, viz. Marchetti Ferranti. The other members were Jules-Alfred Laroche, deputy director of the European Departement of the French Foreign Ministry; Fred. K. Nielsen, a legal consultant to the State Department; and Charles Tufton, a secretary in the British Foreign Office. The commission's task was to judge the claims of the various states in the archipelago, and then to submit to the Supreme Council a draft for its administration.²

Once the Peace Conference had taken up the matter the Norwegian Government, in view of the statement made by the Foreign Ministries of the interested states, might be in a position to hope that the archipelago would be handed over to Norway. The question was now in what form and on what conditions this would be done.

The League of Nations' Covenant, which at Wilson's request constituted the first part of the Versailles Treaty of June 28, 1918, contained provisions regarding the future form of government in those colonies of the Central Powers whose populations were not yet ready for self-government. The main principle was that the administration of such countries should be entrusted to highly developed nations, which by virtue of their resources, experience, or geographical position would be capable of exercising this authority as mandatory powers on behalf of the League of Nations. The mandates were to vary in character, according to the

degree of development of the populations concerned, the geographical position of the territory, its economic conditions and the like. The type of authority, control or government to be exercised by the mandatory power, unless previously laid down by the members of the League of Nations, should be settled by the League of Nations' Council in every single case, and the mandatory power was to submit to the Council an annual report on the area which had been entrusted to it. A permanent commission was to examine these reports and assist the Council in all questions concerning the tenure of mandates.

The conclusion reached was that the ex-German colonies in South-West Africa, and certain islands in the Pacific, owing to their sparse population or limited size, their remoteness from the centers of civilization — as it was put — their geographical proximity to the mandatory state concerned, or similar considerations, could best be governed according to the rules of the mandatory power and as an integral part of its territory.³ These were the so-called C Mandates.

In Great Britain there were some people who considered that Norway should be entrusted with the task of governing Svalbard as a C Mandate, as a preliminary to Norwegian sovereignty.⁴ But it was obvious that the principle of a mandate could not well apply to Svalbard; the fundamental idea of a mandate was to assist people who had only achieved low cultural standards to reach a level of development where they might fend for themselves in the modern world; in other words it amounted to a temporary arrangement. The population of Svalbard consisted largely of Norwegians who only spent a relatively short time on the archipelago, most of them returning after a few years to Norway, where they had their homes. In the course of the spring of 1919, however, the opinion gained ground that Svalbard should be governed as a mandated territory.

In Great Britain the position was least clear. Those who were anxious to place Svalbard under British sovereignty adduced economic, strategic⁵ or historical arguments to support their case. Though they were few in numbers they made up for this by being very active. They included businessmen, scientists, explorers and officers. They made their opinions felt not only in Parliament but also at the Peace Conference. Sir Harry Britten, M. P. and F. W. Salisbury-Jones, director of the Northern Exploration Company, went to Paris in order to bring pressure to bear on the British delegation.

The British reports of large deposits of iron ore in Svalbard caused some stir, though this news was received with a certain amount of reservation by experts. In Norway it was fully realized that they were nothing but a bubble which would soon burst. The only question was whether this would occur before the Paris Peace Conference had made its decision. A Scottish expedition led by Dr. Bruce which made its way to

Svalbard in July, 1919 wired home that it had discovered considerable deposits of coal; but this news aroused hardly any interest in British business circles, as coal could be produced more cheaply in Great Britain than in Svalbard. The Norwegian press, too, contributed to the spread of rumors, which could hardly have been favorable to Norway's cause at this juncture, e. g. the news that there were large oil deposits in Vest-spitsbergen. It was naturally repeated in the foreign press, and if any reliable evidence had been available, increased pressure would have been brought to bear on the British Foreign Office to prevent Norway having her demands fulfilled. The fraction in favor of British acquisition of the archipelago received, however, no support from the Government. Time and again the Foreign Office had declared that Great Britain would lay no claim to Svalbard. But there were different opinions prevalent: some persons in the top echelon considered that the archipelago should remain no man's land, others that Norway should be given sovereignty over the area. The last-mentioned attitude was held by Foreign Secretary Arthur Balfour and by the Assistant Under-Secretary Eyre Crowe, who were both in Paris. Moreover, Private Under-Secretary Cecil Harmsworth seems to have shared their opinion. But the Acting Foreign Secretary, Lord Curzon, and the Permanent Under-Secretary, Ronald Graham, were very reluctant to hand the archipelago over to Norway.⁶ This difference of opinion between the British delegation in Paris and the Foreign Office was probably partly due to the fact that in London the various campaigns had given an exaggerated impression of the British interests at stake. Everything tended to suggest that the Foreign Office regarded Norway's claim with genuine favor, but the pressure exerted had forced the Foreign Office to adopt a compromise, viz. that of handing Svalbard over to Norway to be administered on behalf of the League of Nations. As the date for a decision approached it became more and more obvious that this would be Britain's final attitude.⁷ But in Norwegian quarters it was repeatedly emphasized that a solution of this kind was quite unacceptable.⁸ Whether the Norwegian Government would have stuck to this attitude if the matter had come to a head is open to doubt.

As far as Sweden was concerned it gradually became clear that the Government would not persist in its demand that Svalbard should remain no man's land, but would concur in a Norwegian mandate. It is possible that in Sweden a little annoyance was felt because the Peace Conference had concurred in Norway's request to settle the Svalbard question while refusing to deal with the Åland Islands. Moreover, it was considered that the Norwegian Government had behaved in a rather high-handed manner, and should have taken Swedish interests more into account. As things developed, it would, however, not be expedient for the Swedish Government to persist in its demands for retaining the archipelago as *terra nullius*. But it was definitely apparent that Sweden was not keen

on extending Norway sovereignty, and in Paris a measure of resistance was offered to this solution;⁹ in fact the general impression was that the Swedish Government adopted a less conciliatory attitude than the one which appeared in the Swedish press — a state of affairs which was more or less the opposite of that in Great Britain. In order to avoid any unfavorable consequences which might arise from the Swedish position the Norwegian Foreign Minister asked the Swedish envoy in Oslo that Sweden support a solution acceptable to Norway. This was done on the recommendation of Wedel Jarlsberg who noticed that there was friction in Paris.

In essence, the attitude of the Dutch Government was that a new attempt should be made to arrive at some form of international administration. The archipelago might, for example, be placed under the League of Nations, which could then appoint a single state to administer it.¹⁰ It possibly considered the chances of having Svalbard placed under the protection of the League of Nations in order subsequently to lay claim to the rôle of administrator, basing its claim on the part Dutch sailors had played in former times in the exploration and exploitation of the islands. The comprehensive survey of Dutch discovery and cartography of Svalbard, which was drawn up for the Peace Conference, seemed to suggest that this was the course intended.

When the Danish envoy in Paris learned that the Peace Conference had set up a commission to settle the claims of the various powers to Svalbard, and that the Danish Government would be asked its opinion, he suggested that his Government should make its attitude to a transference of Svalbard to Norway dependent on the Norwegian Government's attitude to an extension of Danish sovereignty over the whole of Greenland;¹¹ he feared that Norway would object to a step of this nature. The Danish Government had previously declared that it had no particular interests in Svalbard;¹² but it decided, nevertheless, to make an attempt to obtain a statement from the Norwegian Government. On receiving directives, the Danish Minister in Oslo declared, during a conference with Foreign Minister Ihlen, that his Government would repeat to the Svalbard Commission what it had already told the Norwegian Government, viz. that it had no particular interest in the Svalbard question, and that it would declare that it had no objection to the archipelago being handed over to Norway. He then mentioned the wish of his Government to obtain the agreement of the powers to Danish sovereignty being extended to cover the whole of Greenland, and that it would endeavor to have this question dealt with by the Svalbard Commission in Paris. Finally the Danish Minister expressed a hope that Norway would place no obstacle in the way of this extension of sovereignty, and Mr. Ihlen replied that the matter would be considered.¹³ One week later the Danish Minister once more approached the Norwegian Foreign Minister for an

answer. By now the question had been discussed, and Ihlen declared that the Norwegian Government would not hamper the settlement of the Greenland question.¹⁴

In Germany, at that time, there was little interest in Svalbard, while Russia's representatives in Paris¹⁵ who were kept informed of the progress of the negotiations agreed in principle to Norway acquiring sovereignty, provided that Russia's interests would be protected.¹⁶

At the end of July, Denmark and Holland handed in their replies to the Svalbard Commission. As had been expected the Danish reply was favorable to Norway.¹⁷ The Dutch Government, on the other hand, demanded that the archipelago be governed as a mandated territory on behalf of the League of Nations. Should the archipelago, contrary to her demand, be handed over to one single state, Holland would regard herself as bound to reserve her rights. Concurrently with the note, the Dutch Minister in Paris handed over copies of the survey of Dutch exploration and mapping of Svalbard, which had been prepared at the expense of the Dutch Foreign Ministry and the Dutch Geographical Society.¹⁸

The Swedish Government hesitated, first inquiring of the British and Norwegian Governments whether Norway would not be content to accept a mandate.¹⁹ Then at the beginning of August it handed in its report to the Svalbard Commission stating that mandated rule would be best, though Sweden was not entirely unfavorable to the idea of Norwegian sovereignty over the archipelago, provided regulations were laid down guaranteeing the nationals of other states certain rights. The regulations which the Swedish Government was anxious to incorporate in the treaty, however, were very far-reaching;²⁰ Minister Wedel Jarlsberg managed to have them slightly reduced, but in all essentials the demands were acceded to by the Svalbard Commission. Furthermore the Swedish Government demanded a share in the negotiations. But this demand could not be met. Finland also expressed a wish to join in the negotiations, on the grounds that Finnish subjects might get economic interests in Svalbard.²¹

In London it was now being openly declared that Norway ought to be satisfied with a mandate. It also seemed as if the delegation in Paris had changed its attitude; Mr. Balfour, who had previously promised Minister Wedel Jarlsberg that he would support Norway's claims for sovereignty, now adopted a more cautious attitude, and hinted that the Norwegian Government should make representations in London, and the Norwegian Minister was not slow to follow this injunction. As he feared that there would be an undue loss of time if he merely wired home about the matter, he immediately dispatched his Counsellor J. F. Jakhelln to London to ask the Norwegian Minister there to explain the case to the Foreign Office. But despite Norwegian efforts it was impossible to get the Foreign Office to change its attitude; Lord Curzon was decidedly

averse to granting Norway sovereignty, and it was maintained that out of regard to the strong public opinion which this matter had provoked, it would not be expedient to go further than offering Norway a mandate. Large delegations of businessmen and scientists, demanding that British interests should be protected, had been received. The Foreign Office had to proceed in such a way that it might be able to provide an answer both in the press and in Parliament calculated to restrain the most vociferous.²² The only grain of comfort which the Norwegian Minister received was that Lord Curzon had little to do with cases submitted for negotiation by the Paris Conference, where the British attitude was decided by Foreign Minister Balfour.

Even after the Svalbard Commission had been in session for several weeks it was not clear what the results would be. The attitude of the American Government seems to have been decisive. Secretary of State Lansing maintained the view that geographical conditions made it preferable that the archipelago was placed under Norwegian sovereignty, and that this would prove in every way the most favorable solution. When he realized that the Conference was going to deal with the question, he immediately cabled Frank L. Polk, at that time head of the American delegation, instructing him that this line was to be pursued even if the Foreign Office evinced a preference for a mandate.²³ It is possible that the attitude in the United States to the League of Nations might also, to some extent, have influenced the standpoint of the State Department to Government by mandate. But — more important still — Lansing objected for several reasons to the mandate principle as elaborated at the Peace Conference.²⁴ And no real opposition was made by the British delegation to Norway acquiring sovereignty, despite public opinion in Great Britain, the only great power with any real interests in the archipelago which at that time had a chance of influencing the course of events in Paris. Foreign Secretary Balfour in fact did not deviate from his views that Norway should be given Svalbard;²⁵ but he undoubtedly had to take into account the agitation which this matter had aroused in Great Britain, as well as the views held by Lord Curzon and others in the Foreign Office.

On August 28, the same day that Secretary of State Lansing cabled Polk to adhere to the viewpoint that Norway should be extended sovereignty, the commission concluded its work. In its report to the Supreme Council it stated that, whereas the archipelago was situated in a region which at the time belonged to no state, everyone was bound to agree that it was necessary to give it a definite status. Two solutions had been considered; one, which was proposed by various powers and some members of the commission, was to entrust Norway with a mandate on behalf of the League of Nations. Another, which Norway had demanded, was to grant her sovereignty over the archipelago, with reservations guaranteeing

the interest of other countries concerned. In view of the decided interests Norway had in Svalbard, her vicinity to the archipelago, and the advantage of reaching a final solution, the commission had agreed that Norway should be granted sovereignty, and the powers most interested would not object to this solution.

The commission did not cite article 118 of the Versailles Treaty as ground or condition for dealing with the Svalbard question, nor did it, in its report to the Supreme Council, make any mention of the extent to which this question had been discussed.

After the commission had submitted its findings, there was reason to expect that the question of mandate or sovereignty was as good as settled. The Dutch Government now declared, like the Swedish, that it could agree to Norway being extended sovereignty on condition that the rights of the individual powers were guaranteed,²⁷ and after this it was probable that the Supreme Council would abide by the findings of the Svalbard Commission. It would, of course, be possible that the sovereignty, according to the terms of the draft treaty which the Peace Conference would submit to the Norwegian Government, might be so undermined that Norway would prefer another arrangement. On the other hand there were no grounds for believing that Norway would acquire larger rights if she merely received a mandate. The most she could expect in the latter case was some slight diminution of her responsibility in certain international situations.

The principle of mandate had been to the fore in a certain form during pre-war discussions. Norway's offer to exercise her jurisdiction might be interpreted as willingness to carry out this function on behalf of all interested powers concerned. The three-power-proposal was changed at the 1914 Conference so as to make it still clearer that Norway, Russia and Sweden undertook the government of the archipelago on behalf of all the powers signing the convention. But the mandatory government worked out by General Jan Smuts, and dealt with by the Council of Ten in January, 1919,²⁸ was based on certain principles and conditions which would make it imprudent for Norway to accept as far as Svalbard was concerned. Minister Wedel Jarlsberg's firm attitude in this question was by all appearance justified, though his demands for sovereignty were based on pure patriotism and personal considerations of prestige rather than on a clear understanding of what mandatory government would really entail in the case of Svalbard.

In light of the aims which the allied war leaders had declared, it accorded ill for the victors to appropriate ex-enemy territory as colonies. On the other hand France and Great Britain had made secret agreements during the war in which they had divided up the most highly developed of the colonies belonging to the Central Powers into various spheres of interest, and there was reason to believe that these two great powers were anxious to have control of them, at any rate for the immediate

future. They could achieve this as mandatory powers. Idealists enjoyed a sense of security and progress in the thought that supreme control was vested in the League of Nations; the population of the mandated territories could be consoled with promises of self-government as soon as possible. The vanquished powers would perhaps find it easier to cede territory when it was placed under the League of Nations than were the victor to retain it as his own colony. The principle of mandate was thus suitable for the purpose for which it had been designed. But it was certainly never supposed that the principle might be made to apply to territory the population of which consisted almost entirely of the same nationality and enjoyed the same level of culture as the mandatory state concerned. According to Article 22 of the League of Nations' Covenant it applied to "those colonies and territories which as a consequence of the late war had ceased to be under the sovereignty of the states which formerly had governed them and which were inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world". Furthermore this arrangement was limited to the time it would take to 'educate' the people in each mandated territory to fend for themselves. It was easy to see that these conditions made the mandate principle rather unsuitable for Svalbard, even though the type of government to be exercised by the mandatory state would in every single case be laid down by the League of Nations' Council; and the principle of national self-determination which was generally recognized by the Peace Conference would suggest that Norway should be given sovereignty.

There were also other considerations. By the Versailles Treaty of June 28, 1919, and the Lausanne Treaty of July 24, 1923, Germany and Turkey, respectively, gave up their colonies. There is a considerable difference of opinion as to who was really entrusted with the sovereignty of these territories.²⁹ Already at the Peace Conference there were some who pointed out the uncertainty which prevailed on this point. Secretary of State Lansing was one of these.³⁰ If the interested powers had agreed to ask Norway to govern Svalbard as a mandated territory on behalf of the League of Nations, it is possible that the question of sovereignty would be just as unclear as in the case of the former colonies of the Central Powers; but there was perhaps a still more important reason than those already mentioned, for Norway not to accept a mandate. The Norwegian authorities had always been a little anxious about an arrangement which would allow foreign powers to interfere in any Norwegian administration that might be established. If Norway accepted a mandate there was a possibility that several powers with economic interests in Svalbard might be represented in the permanent Mandate Commission of the Council, and experience had shown that even comparatively small private undertakings were capable of influencing the authorities in the home country, and of affecting public opinion through the press and in other ways.³¹

Working Out the Treaty.

The Norwegian Foreign Ministry assumed that the Peace Conference would submit principles for rendering Svalbard to Norway, and that the Norwegian Government would be entrusted with the task of working out a draft in accordance with these principles;¹ it saw, therefore, no reason to make any preparations before the Conference submitted its proposals. But a private committee drew up a draft treaty.

Things were not to turn out as the Foreign Ministry had expected. Shortly after the Svalbard Commission in Paris had come together, and long before it had been decided whether Norway should be given a mandate or sovereignty, it demanded a Norwegian draft as quickly as possible, to use as a basis for its deliberations. As it was Norway that had asked for the decision of the Conference, she would also have to submit a proposal. Time was short, as the commission was, according to plan, supposed to complete its work in four weeks.

When this situation arose, Minister Wedel Jarlsberg cabled to Oslo for the draft which the private committee had worked out. This had, however, only a short while before been sent to the Foreign Ministry which was keen to have it thoroughly examined by all interested departments, before it could be sent to Paris as the Government's proposal. The situation was a tricky one. The Svalbard Commission was pressed for time, and demanded that Wedel Jarlsberg should submit a draft forthwith. The Norwegian Minister then hit on the expedient of asking the legal adviser to the French Foreign Ministry, Henri Fromageot, to work out a draft treaty for the Norwegian Legation.²

The draft drawn up by Fromageot contained, according to Wedel Jarlsberg's report, five main points. 1. The powers gathered at the Peace Conference should recognize Norway's sovereignty over Svalbard. 2. Existing claims to land should be settled by international decision. 3. Mining rules should be settled by special agreement, to come into force at the same time as the treaty. 4. It was Norway's duty to see that the archipelago was not used as a base for warlike preparations, especially as a base for submarines. 5. Other states were to have the right to adhere to the treaty.³

It was, however, agreed that the treaty should be given another form, so that all interested states which were able to make their voices heard at the time in Paris could put their signatures to the treaty.

At the end of July the Svalbard Commission summoned Minister Wedel Jarlsberg to a conference, and Professor Charles Rabot appeared as geographical adviser. Wedel Jarlsberg repeated what he had maintained in the exposé submitted to the Peace Conference, and demanded that Norway be granted sovereignty. He maintained that a mandate was a form of government applicable in the case of primitive people. Svalbard

had no native population. The people working in the archipelago were Norwegians. He proposed that the question be settled by a treaty between the Big Five in Paris, and Denmark, Holland, Sweden and Norway. When asked to explain in greater detail what sort of treaty he had envisaged, Wedel promised to hand in a finished draft at short notice. At the meeting, the American representative, Fred K. Nielsen, gave the impression of being willing to make the greatest concessions to Norway's requests. He maintained that if Norway were to be given the archipelago, it would be as well not to encroach too much upon her sovereignty.

In the Norwegian Foreign Ministry the stipulation that Norway should be obliged to see to it that the archipelago was not used as a base for warlike preparations was regarded as important, and the military authorities were asked to state their opinion. They concluded, however, that Norway should accept it. It was easy to exercise surveillance over submarines, their report said. Moreover, it was unlikely that Svalbard would be subject to infringement of neutrality, as the land was situated so far north, far from any probable theatre of war. The harbors were bad, navigation difficult, and there was open water for only three months of the year. The Foreign Ministry nevertheless reserved the right to examine the draft in detail before it was submitted to the Svalbard Commission.⁵ Wedel Jarlsberg realized, however, that if this was done it would take a long time before he got a draft accepted in Oslo. A few days after he had received the above information he cabled the draft agreement to the Foreign Ministry. But at the same time he announced that he had already handed it in to the commission *ad referendum*.⁶ This resolute move on the part of Wedel Jarlsberg must have caused well-founded surprise in Oslo, for it turned out that the draft treaty which he handed in contained very important conditions which did not appear in the resumé the Government had previously received.⁷ This contained no mention of the very comprehensive rights which the subjects of other states would have, and which in fact would place them on an equal footing with Norwegians, as far as the right to exploit the economic resources of the archipelago was concerned. The Foreign Ministry immediately replied that it could not accept the draft as the basis for a treaty, and that the Norwegian Government could under no circumstances come to a decision in three weeks. It considered that the best course would be to have the matter postponed until the autumn, so as to allow the necessary time for reflection. The wish was also expressed that Wedel Jarlsberg would return home in order to confer with the Government.⁸

On the very day that the Foreign Ministry's reply telegram was being encoded in Oslo, Wedel Jarlsberg cabled from Paris to say that the Svalbard Commission was anxious to know as soon as possible what standpoint the Government adopted. He declared that the draft had been worked out in cooperation with the French Foreign Ministry and as far

as possible in agreement with the wishes of the other interested great powers. He therefore urged the Norwegian Government to accept it in its general outlines as soon as possible. It should only insist on changes in so far as these were absolutely necessary.⁹ The French envoy in Oslo also hinted that the matter now called for quick decisions.¹⁰ As Wedel Jarlsberg did not receive an immediate reply from the Government he returned to the charge. "The Ministry must be good enough", he cabled, "to put aside less important matters. Speed in this case, as in so many others, will be synonymous with success, and Norway must never lay herself open to the charge of being unable to promote this matter owing to lack of resoluteness and courage in assuming promptly the necessary responsibility".¹¹ The Minister was evidently excited at being on the point of bringing to a happy conclusion a matter which, in his opinion, was of great importance to his country. It was difficult for him to understand the constitutional caution which had to be exercised at home, and he was in despair at the lack of dispatch which seemed to prevail in the Foreign Ministry. That the Government should ask to have the matter postponed until the autumn might in fact be taken as a sign that it misunderstood the situation, or was willing to take the risk of jeopardizing its chances because it considered the matter had taken an unfortunate turn. The Peace Conference had been gracious enough to agree to settle the question. It was now working at full pressure to dispose of the most important matters, because the members of the Supreme Council hoped to be able to leave Paris in the near future.¹² Should the Norwegian Government demand a postponement until the autumn, there was reason to believe that the Conference would refuse to deal with the matter. The Svalbard Commission had admittedly been able to postpone the closing date of its work until August 15, but time was still short. When the commission had finished, its report would be discussed by the Supreme Council, which would then invite all interested states to make their observations on the draft treaty. When the answers had been received and examined by the Supreme Council the Peace Conference would invite the powers to sign the treaty. Wedel Jarlsberg was therefore of the opinion that the Government would have ample time to confer with him before being obliged to submit the matter to the Foreign Affairs Committee of the Storting. A postponement would in his opinion have the most serious consequences and prove extremely unfortunate to Norway. It would result in intrigues and opposition. The powers would withdraw their support to Norway, and her chances of having the matter settled would be lost. The Svalbard Commission was also unwilling to reduce the extensive rights which the powers would have in the archipelago according to the terms of the draft.¹³

At the end of July the Swedish Minister in Oslo handed over a verbal note which was couched in exceptionally sharp terms. The Swedish

Government, it said, had heard to its surprise that Minister Wedel Jarlsberg had stated his intention of submitting a proposal for a Svalbard treaty between the Big Five at the Peace Conference and Norway. Other states, including Sweden, would be invited to join later. The Swedish Government deplored that attempts were being made by Norway to have the matter dealt with in a manner which excluded effective Swedish participation. This course was, in the opinion of the Swedish Government, extraordinary, especially in view of the fact that the Norwegian Foreign Minister had promised repeatedly a few months before that the Swedish Government would be informed of the steps which Norway would take. Later on, the note revealed that the Swedish Government was familiar with the actual contents of the proposal which Wedel Jarlsberg had submitted to the Svalbard Commission, and which included the proviso that Sweden should be invited to participate as a signatory power. It demanded nevertheless a copy of the draft treaty as soon as possible and a declaration from the Norwegian Government that it would do everything in its power to have the subsequent treatment of the matter undertaken in such a way that Sweden would have an opportunity of protecting her interests. It was further pointed out that at the meetings of the Foreign Ministers of the Nordic countries it had been agreed to continue the friendly cooperation which had taken place during the war, but that the Norwegians' course of action seemed to run counter to this spirit of cooperation.¹⁴

The day after this verbal note had been received in the Foreign Ministry, the Acting Foreign Minister Jørgen Løvland, had a conference with the Swedish Minister Baron Ramel. Løvland declared that Norway would like to see any agreement that might be reached on Svalbard also signed by Denmark, Holland and Sweden, but the Norwegian Government could not make an agreement of this nature dependent on the fact of these powers signing or not signing.¹⁵ This was naturally at variance with the views that Norway had previously maintained, and it was obvious that the Norwegian Government was reluctant to push through a settlement to which Sweden or any of the other interested states not represented at the Peace Conference was definitely averse. Either Løvland had failed to make himself sufficiently acquainted with what had previously happened in this case, or else his statement must be regarded as an answer to the somewhat niggling attitude which the Swedish Government had shown; of course, his statement was not particularly well received in Stockholm.¹⁶

This little feud between Norway and Sweden was started by an almost comic incident which occurred in Paris. After Wedel Jarlsberg had been summoned before the Svalbard Commission, a letter was sent to him from the Conference containing a resumé of what had taken place at the meeting. This was addressed to Baron Wedel Jarlsberg, "Ministre

de Suède''. As a result of this mistake, the Swedish envoy opened the letter and brought it to the Norwegian Minister the following day. Wedel Jarlsberg's annoyance can easily be imagined, but he maintained a brave front and replied to Minister Ehrensvärd that this was most convenient, as he would not now need to inform him of its contents. As matters now stood, Wedel Jarlsberg considered it best to ask the chairman of the Svalbard Commission for permission to send the Swedish envoy privately a copy of the draft, and this was done the next day.¹⁷

After the Norwegian Government had received reports from Paris that it was impossible to have the matter postponed, it decided to set up a committee to advise on what answer Wedel Jarlsberg should have and especially to examine what rights and obligations Norway would have according to the draft treaty — what rights not included in the draft ought to be there, and what obligations Norway should avoid. It does not appear, however, that the committee achieved anything; time was so short that it was only possible to get an expert on constitutional law to comment on the draft. In a Government conference at the beginning of August it was agreed to propose to the Foreign Affairs Committee that Norway should not hold to its demands that the case be postponed, and the legation in Paris was immediately informed of this decision. But a reminder was also given at the same time that the approval of the Storting was necessary before any binding resolution could be taken.¹⁸

The Svalbard Commission agreed to Wedel Jarlsberg's proposal for a treaty signed by the Big Five in Paris and all the other interested states, with the exception of Russia and Germany, whom it was impossible at the moment to invite to participate in the negotiations. The decision to transfer the archipelago to Norway was formulated as follows: "The High Contracting Parties undertake to recognize, subject to the stipulations of the present Treaty, the full and absolute sovereignty of Norway over the archipelago of Svalbard, comprising with Bjørnøya all islands between 10° and 35° longitude east and between 74° and 81° latitude north."¹⁹ But the above-mentioned stipulations were of such a kind that the expression "full and absolute sovereignty" was considerably weakened. On the basis of the demands made by the various interested states, the commission saw to it that the provisions guaranteeing the nationals of all contracting parties equal economic rights, were worked out more effectively even than in Wedel Jarlsberg's draft. A number of new provisions were also added.²⁰ With regard to mining regulations, Norway was entrusted with the task of drawing up a draft which would give equal rights to the nationals of all contracting parties, especially as to taxes and working conditions, and would furthermore guarantee workers and officials the necessary wages as well as security with regard to physical, moral and intellectual welfare. This was to be submitted to the other contracting parties. Should agreement not be reached, the

matter should be decided by a commission, consisting of one representative of each of the treaty powers. The Svalbard Commission made no mention in its draft of the voting procedure to be used by this commission.²¹ As far as hunting was concerned — a matter in which the Norwegians were especially interested — it was agreed that occupiers of land should enjoy exclusive rights on their own lands within a radius of 10 kilometers from their headquarters, and in the vicinity of houses or installations which had been erected with a view to developing their property.²² The conditions for scientific research were to be laid down by agreement.²³ The commission agreed to the provisions in Wedel Jarlsberg's draft to the effect that the archipelago should be demilitarized. With reservations for such rights and obligations which membership of the League of Nations might entail, Norway was to undertake neither to create nor to allow the establishment of any naval base, nor to construct any fortifications in the territories specified in the draft agreement, nor to allow those territories to be used for warlike purposes.²⁴ With regard to Russian nationals and companies, it was proposed that they might enjoy the same rights as nationals and companies of the contracting parties until the recognition of a Russian Government might permit Russia to adhere to the treaty. Any claims they might wish to raise in the archipelago should be submitted through the Danish Government which had declared its willingness to lend its good offices for this purpose.²⁵

Before Norway assumed control of Svalbard, rules would have to be established preserving the rights which had been acquired before the treaty was signed. The commission proposed that all such rights should be recognized in principle.²⁶ But in order that the Norwegian Government should be able to issue title deed to land, it was decided in an appendix to the draft treaty that all claims should be tried by a commissioner of Danish nationality, appointed by the Danish Government. The choice of a Dane for this purpose was due to the fact that the Peace Conference had in mind the possibility of sending a Norwegian and a Swedish commissioner to Slesvig. The claims which the commissioner regarded as doubtful were to be decided by an arbitration tribunal.²⁷

Provided the Supreme Council accepted the draft, it should be submitted to the Norwegian Government, which was to inform the conference immediately of its decision. The other contracting parties should then be invited to state within a period of six weeks if they were willing to sign. The powers which did not answer within this period should only be allowed to adhere to the treaty as third powers on the invitation of the French Government. Those which had answered in the affirmative within the time specified, should be invited to sign in Paris, where the documents of ratification would be deposited. After ratification the French Government would invite third powers to adhere to the treaty.

The draft of the Svalbard Commission was now examined by the British Foreign Office. Here certain additions and amendments were requested, which aimed at preventing Norwegian nationals and the Norwegian state from acquiring any advantages over the subjects of the other signatory powers, as far as economic activity was concerned,²⁸ and it was added that the commission for the mining regulation mentioned in the draft should arrive at its decisions by an ordinary majority.

After the Svalbard Commission had added the British remarks, the draft was submitted to the Drafting Committee. Here another important change was made: it was decided that article 8 should come into force after the treaty had been ratified, while the remaining articles should come into force simultaneously with the mining regulation; whereas according to the draft agreement of the Svalbard Commission all articles should come into force simultaneously with the mining regulations.³⁰ The latter arrangement was, in a way, logically opposed to the provision of Article 8, but on the other hand the amendment made by the Drafting Committee might have highly unfortunate consequences for Norway. In a meeting at the end of September the Supreme Council adopted the draft treaty,³¹ which was then dispatched to the Norwegian Government in agreement with the proposal of the Svalbard Commission.

The matter had not developed along lines entirely favorable to Norway at the Peace Conference. The result seemed to be that some of the interested states were going to compete in working out the most ingenious provisions calculated to undermine Norway's sovereignty, so that Norway acquired no economic advantages over themselves. The result arrived at might remind one of conditions obtaining in former days, when the Dano-Norwegian Kings claimed sovereignty over the territory, but had to allow several nations the right to pursue the economic activities, which were then of some importance; and there was an obvious historical sequence. The states which demanded the greatest encroachment on Norway's sovereignty were precisely those which could point to the activities their nationals had developed on the archipelago in former days. Several nations had from olden times enjoyed unrestricted economic rights in the Svalbard waters, even though they did not unconditionally oppose Norway's claim to sovereignty — in itself an interesting state of affairs, which was due to legal ambiguities and Denmark-Norway's inability to defend their interests with force, even though these interests might be defended in a court of law. But in those days it was still a far cry from an international permanent court of justice.

An important question in this connection, is whether Norway could in any way have achieved better results in Paris. Some Norwegians argued that no one wished matters to continue as they were. A solution of the type suggested before the war was not to be thought of. The only natural thing was to hand the archipelago over to Norway; the Nor-

wegian Government should, therefore, have tried to oppose the most far-reaching demands; but they did not know that in Paris a mandate had been proposed as an alternative to Norwegian sovereignty. Norway had American, Danish and French support. The American representative on the Svalbard Commission made it quite clear that if Norway was to have the archipelago, it would be preferable from an international point of view to make as few encroachments as possible on her sovereignty. In favor of the demands for a considerable reduction in Norway's sovereignty for the benefit of the nationals of other states, were countries like Holland, Great Britain and Sweden. The Norwegian Minister in Paris did his best and it is probably correct to say that, as things turned out, no one could have achieved more than he did.

Another question is whether the result could have been more favorable to Norway if the Conference had chosen to deal with the matter in another way. But any attempt to answer that question must necessarily be pure speculation. If the Norwegian Government had made more thorough preparations it might perhaps have ventured to propose, in some way or another, a plan as to how the matter, in its opinion, could best be dealt with at the Conference. In any case, no harm would have been done if it had drawn up in advance a proposal for a treaty. As things turned out, Minister Wedel Jarlsberg more or less had to improvise a draft in Paris.

Differing Appraisals of the Agreement.

In September, Wedel Jarlsberg left Paris with the draft of the Svalbard Commission in his pocket. In Oslo he was the object of great attention, and a number of prominent citizens, headed by members of the Government, gave a dinner for him. Among the many speeches was one paying tribute to France, and the Marseillaise was sung as an expression of gratitude to France for her goodwill during the treatment of the Svalbard case at the Paris Conference. Prime Minister Gunnar Knudsen made the main speech. Actually he expressed himself in reserved terms; it was obvious that he wished Norway had been given the archipelago on slightly better conditions. When news arrived from Paris that the Supreme Council had accepted the report of the Svalbard Commission, the Norwegian press naturally expressed its satisfaction, but its enthusiasm was moderated because, as yet, there was no detailed information of the obligations and rights which the treaty would entail. People were warned not to have any exaggerated ideas about the economic advantages. It was, however, assumed that even if all nations were to be dealt with equally, Norway would benefit from her geographical position, and it was hoped that the sovereignty which Norway had now achieved would in the natural course of events and automatically develop into a state of

affairs which would benefit the country. It was also pointed out that even if the acquisition were to entail obligations and few economic advantages, the national significance of Norway's right now being recognized was so great, that there were more grounds for rejoicing than for anxiety concerning the difficulties involved.

The general impression was, however, that the national satisfaction of Norway's justifiable claims being finally accepted — that Norway's flag would now fly over the archipelago — was the key-note of the attitude and feelings which found expression. But at the same time could be noticed a measure of apprehension that the duties and responsibility involved would be out of proportion to the advantages gained. A leading commerce and shipping journal went furthest in this direction. Svalbard could not be handed over to any other state but Norway without Norway's rights being violated, that was the core of the question, the paper stated. It was impossible to establish international rule, nor could things continue as they were. The development had been the only natural one, but the question was whether the limited sovereignty Norway had acquired was in accordance with Norwegian interests. In view of the information available about the treaty, the paper considered that the sum total of the whole matter was that other states had the same rights as Norway, but not the same obligations. If the citizens of other countries were to feel that they had been offended with regard to these rights, they would undoubtedly complain to their government about Norway's administration.

The chief organ of the Labor Movement maintained that if Svalbard ceased to be a bone of contention, the obligations entailed would be no more than Norway could stand. If the contrary were the case her new colony would bring less joy than sorrow. In this connection the march of events in Russia would be of prime importance. Norway would have nothing to fear from a socialistic Russia. Should a reactionary period, however, set in in this country, Svalbard might become a source of new complications. The paper was sceptical of the noble intentions of the great powers of the west. That the Supreme Council and its capitalist superiors had given formal sovereignty over the archipelago to a small state, was because this agreed with their own interests and was on their own conditions.

The Government seemed to consider that the greatest advantage of the decision of the Conference was that Norwegian administration would now hold good in an area inhabited by Norwegians, and this had, after all, always been a principal aim of the Norwegian authorities. Thus in the opinion of the Prime Minister it was primarily the population staying in Svalbard which would benefit from the arrangement. In Norwegian business circles the essential advantage was considered to be that there would now be settled legal conditions on the islands. Minister Wedel was

given full credit for his untiring work in Paris, and many people considered that his popularity in the French capital had very largely been the reason for his success in carrying out his difficult task. The decision of the Peace Conference was also received with delight by Norwegians in other parts of the world.¹

When the Norwegian Minister in London paid a visit to the Foreign Office to give expression to the satisfaction which the decision of the Peace Conference had created in Norway, the Permanent Under-Secretary, Lord Hardinge, exclaimed "You may inform your Government that there is great disappointment in England."² This remark was, however, made half in jest. The Foreign Office had admittedly been approached by a number of people but the — undoubtedly heartfelt — fear of public opinion which had been felt in the Foreign Office proved to have been largely unfounded. In Fleet Street the decision was not at all ill-received. Most British papers wrote appreciatively of Norway. The conservative "Liverpool Post" wrote that there were many people who would have liked to see the archipelago handed over to Great Britain, but there were reasons to believe that Svalbard under Norwegian administration would be exploited in the best possible way for the benefit of the whole world. A few days later it even went so far as to write that everybody in England was pleased that Norway should obtain the islands. That was certainly a rather exaggerated statement, but the opposite was at any rate not the general reaction. The most influential liberal paper, the "Manchester Guardian", recommended British-Norwegian cooperation: the Norwegians had experience and knowledge of Arctic conditions and Arctic industry, while Great Britain had capital to invest. The paper concluded by saying that, although the decision to give Norway political sovereignty over the archipelago was made partly in recognition of the rôle this country had played during the war, Norway's claims were in any case very strong. In an article a few days later the newspaper dealt once more with the matter, and in a way which was extremely favorable to Norway. In the British press, moreover, statements like the following were to be found: the Supreme Council had acted wisely in ignoring all but the Norwegian claims and simultaneously securing the economic interests of all interested states, or, the decision has created general satisfaction. The hope was expressed that Svalbard would now become a profitable field for British capital, and it was announced that the Foreign Office had secured the interests of British companies, regardless of the future sovereignty of the archipelago. It was also emphasized that the decision in Paris was no coincidence. The Svalbard Commission had investigated the whole matter historically and politically, and its decision was unanimous.³ Only a few papers expressed disappointment, not because the mandate plan had fallen through — that was hardly discussed — but because the archipelago was not handed over to Great Britain.

A couple of them, possibly inspired by the Northern Exploration Company, used strong words and mentioned Heligoland as an example of what might happen if the British flag were hauled down in places where it had formerly flown.⁴

In circles connected with the above-mentioned company, dissatisfaction naturally reigned. The directors intimated that they had received a shock when the decision of the Peace Conference was made known. They appear, however, to have recovered fairly quickly, as the company shortly afterwards made energetic attempts to extend their interests in Svalbard by buying up Norwegian claims.

In Parliament, a few members put a few peevish questions to the Government.⁵ But apart from this, the case did not arouse much attention. One of the members in question actually raised the topic again somewhat later, and demanded a statement to the effect that British interests were protected. On behalf of the Government it was declared that the treaty contained the most careful provisions for the protection of British enterprises⁶ — a statement which was undeniable. And in the course of the autumn, the Scottish Spitsbergen Syndicate published a pamphlet which emphasized that the transfer of the archipelago was not detrimental to the other interested states.⁷

In Sweden the decision of the Peace Conference was, on the whole, well received. Most papers were pleased that Norway should acquire political sovereignty, provided Swedish economic and scientific interests were adequately protected; while, on the other hand, it was pointed out that the occupation demands put forward in the British press had not met with any sympathy in Sweden. In contrast to what had happened in Great Britain, the decision created no dissatisfaction in circles with economic interests in the archipelago. They expressed, rather, satisfaction that they would now be able to work under settled legal conditions.⁸

Certain conservative circles seemed to feel a trifle disappointed. They judged the question against the background of the joint Nordic policy of which they felt Sweden should be the leader. The Stockholm paper "Nya Dagligt Allehanda" reprimanded its colleagues for the attitude they adopted. The paper feared that the results which the Norwegians had achieved in Paris would strengthen their belief that a separatist policy was profitable. It administered a sharp rebuke to the Swedish Foreign Ministry, and demanded that the Riksdag should not treat the matter with the same nonchalance as the Government. It was not envy of Norway which prompted this attitude, the paper stated, but the conviction that a joint Nordic solution would offer many advantages. During the war England had cut Iceland off from Denmark and a similar situation might arise in the case of Svalbard. In that event the archipelago would need stronger protection than Norway was in a position to offer.⁹

The Dutch press also adopted a reconciliatory attitude, though making it clear that some people in Holland would have preferred Svalbard to become mandated territory. It would have been an ideal object for the League of Nations on which to acquire practice in mandatory administration, it was stated.¹⁰ In the other treaty countries, the question was not given much attention. This was also true of Germany, while there was as yet no information to show how the Soviet Russian authorities regarded the matter.

In the report sent out through the Agence Havas it was stated that the Supreme Council had accepted the recommendation of the Svalbard Commission and awarded Norway "political sovereignty" over Svalbard. Thus a somewhat peculiar form of government and a new expression in political terminology was created. The expression "political sovereignty" was used by the press in several countries. It was apparently intended to imply that the subjects of all contracting powers had the same right to exploit Svalbard economically. But with the reservations implied by this fact and by the demilitarization of the archipelago, Norwegian law and Norwegian administration were to hold away. It was as yet difficult to foresee clearly what an arrangement of this nature would entail, and what consequences it might have. From the point of view of constitutional and international law, the archipelago had been a peculiar phenomenon ever since it entered the arena of international politics, and on the whole it continued to remain so.

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In the Norwegian Government the treaty was subjected to considerable criticism. In accordance with article 8 the Norwegian Government should submit a proposal for mining regulations. This should be sent to the other contracting parties, which should make their observations. The matter could then be examined and decided on by an international commission consisting of one representative for each of the contracting parties. The commission's decisions should be arrived at by majority vote. The provisions of article 8 were to go into force after all parties had ratified the treaty. The consequence of this was that Norway, as a result of her advance ratification, committed herself to the decisions that the international commission might make with regard to the terms of the mining settlement. Even though it was assumed that the commission's deliberations would result in mining regulations satisfactory to Norwegian national interests, the proposed procedure — that a state, with regard to the exercise of its authority, should in advance commit itself to an arrangement which was to be decided on later by representatives of the other treaty powers — was in itself unusual and repugnant. The method was still more open to doubt, when one considered that the result

might easily turn out to be mining regulations which in all essentials differed from the draft submitted by the Norwegian Government. It might be a settlement which gave the old occupants such extensive rights that Norway would have no interest in undertaking the administration of the archipelago, and the sovereignty over the country would be a mere illusion. The Ministry of Justice, therefore, maintained that the method of procedure suggested was formally incompatible with the dignity of a sovereign state and virtually unlikely to prove satisfactory to Norway, and it felt obliged to advise against the proposed treaty being signed in its present form. With regard to the application of the principle of equality for the nationals of all contracting parties, it was found that under the circumstances obtaining, no objections could be made. It would in any case be possible to expell foreigners according to the same rules as those applying to Norwegian nationals.¹¹ The provisions in article 9 were interpreted by the Defense Ministry to imply that Norway was not obliged to attempt unaided to oppose with force of arms the setting up of naval bases and fortifications.¹²

The Director of the Telegraph Service gave a report on the provisions for wireless telegraphy. He considered it most unfortunate that any landowner should be allowed to establish and operate radio stations and have access to free communication with permanent or mobile stations.¹³ In his opinion this would result in an intolerable state of competition. It seemed, moreover, to be unfair to the Norwegian Telegraph Service, which at great cost had maintained wireless communication between Svalbard and the mainland for many years — a transmission which had also been of great help to foreign companies working in the archipelago. The arrangement was also untenable from the technical point of view. Unrestricted access to establish and run radio stations might easily result in confusion and general disturbance. It must in any case be taken for granted that the Norwegian Government would have a controlling authority, so that in the interests of radio traffic it would have the right to decide, with regard to the technical set-up of the stations, their wave length and strength, their time schedules for transmission, etc.¹⁴

The sum total of the remarks of the various authorities was that the draft treaty was characterized by vagueness and contained a number of provisions which were unfavorable to Norwegian interests; but only the provisions dealing with the mining regulations gave grounds for doubt as to whether Norway should sign.¹⁵ And it was eventually agreed that Norway should accept the treaty, but the Foreign Ministry was advised to have certain ambiguous provisions clarified by an exchange of notes.

The Norwegian Government in its answer to the Supreme Council declared that even if the draft treaty contained provisions other than those which it might have preferred, it was willing to accept it and to sign as soon as answers were available from the other powers. To avoid possible

misunderstandings in the future, it gave, however, an account of its interpretation of certain provisions about which there might be doubt. Article 3, provision 3 would, in the opinion of the Norwegian Government, have to be interpreted as meaning that it did not give the ships of the contracting parties any right to enter Norwegian harbors, beyond what international law and the valid trade and seafaring treaties might provide, or any right to participate in coastal traffic from one Norwegian harbor to another. Point 4 in the same article must be interpreted to the effect that the Norwegian Government could no give any special advantage to the nationals, ships or goods of any outside power in preference to the nationals, ships or goods of the contracting parties.

In order to prevent any unfortunate outcome with regard to the drawing up of mining regulations, the Government chose a course which seemed to be quite practicable. It declared to the Peace Conference that it would, as soon as possible, send a draft to the other powers, with a view to having it discussed, as it was necessary for constitutional reasons to submit both the mining regulations and the treaty simultaneously to the Storting for ratification. The intention was to make certain that the mining regulations were worked out and accepted before the treaty was ratified by Norway.¹⁶

The Supreme Council dealt with the Norwegian answer at the end of November.¹⁷ After a short debate it was agreed to accept the interpretations which the Norwegian Government had given and to allow Norway to submit the mining regulations to the other contracting powers for examination before the treaty was ratified.¹⁸ Shortly thereafter, the other powers were invited to sign.¹⁹ None of the contracting parties had any serious objections to make. On February 9, 1920, the treaty was signed in the traditional Salon de l'Horloge in the French Foreign Ministry, where so many international agreements had been concluded.

The Paris press congratulated Norway. The *Journal des Debats* wrote that there was every reason to rejoice at Norway's fortune. This country would now have a large part of its coal needs supplied by Svalbard and the treaty would be of great importance in creating settled conditions in the archipelago.²⁰ The Oslo press devoted a great deal of space to the event, and paid a tribute to the men who had been engaged in Paris on the work of preparing the agreement, especially the Norwegian Minister Wedel Jarlsberg²¹. But the newspaper comments were marked by a tone of seriousness; the readers were advised not to cherish undue expectations, and it was pointed out that the agreement would also entail certain burdens for Norway.

The Swedish Government was anxious to prevent any hindrance being placed by the Norwegians in the way of transit of goods from Svalbard via Norway, e. g. in the form of duty. It envisaged the possibility of the Norwegian Government taking a step of this nature, on the

pretext that the provisions of the Convention of Karlstad²² dealing with transit could not apply to goods from Svalbard, if the archipelago was to be regarded as part of Norway. It had therefore proposed that the treaty should include a clause dealing with Swedish transit from Svalbard via Narvik. The Norwegian answer, however, was that this matter could be arranged mutually between Norway and Sweden, without including it in an international agreement, and to this the Swedish Government agreed. In an exchange of notes the Norwegian Government declared that the Svalbard Treaty would not entail any change in the current practice of goods transported between Svalbard and Sweden, or vice-versa, via Norway coming under the provisions of the Convention of Karlstad dealing with transit traffic.²³

At the same time an exchange of notes took place between the two countries guaranteeing Swedish scientists the same conditions for research in Svalbard as enjoyed by the Norwegians.²⁴ This might appear unnecessary, even though the treaty lays down that agreements shall be entered into regarding the conditions for scientific research and exploration. It is possible that the Swedish Government wished to toss a crumb or two to those circles least in favor of handing Svalbard over to Norway, as a means of silencing any criticism.

Negotiations with the Soviet Union and Germany.

The German Attitude to the Treaty.

It was of decisive importance to Norway that the two interested great powers which could not partake in the Paris settlement should also adopt a favorable attitude to the solution reached and the procedure used. This was in accordance with the original idea of the Norwegian Government, that any transfer of Svalbard to Norway would have to take place with the voluntary consent of all interested powers. For that reason the German Government was also informed, at the same time as the others, that Norway intended to bring the question before the Peace Conference in Paris. Even though the German Foreign Minister declared that he regarded this as a fortunate solution,¹ there is reason to believe that he did not regard the question with unqualified favor. The procedure which gave Germany access to participate in the negotiations was naturally to be preferred — from the Norwegian point of view as well. But in Berlin it was realized that this was impossible for the time being, and besides the matter was somewhat delicate. Germany had included the Svalbard question in the peace negotiations in Brest-Litovsk. The Norwegian Government could draw attention to this, if the German Government objected on the grounds that the matter was no concern of the Peace Conference.

The Norwegian Government continued to keep Berlin informed. In September 1919, when the Svalbard Commission had concluded its work, the Norwegian Foreign Minister informed the Auswärtiges Amt of the main points in the commission's draft, and stated that the Norwegian Government assumed that Germany would be invited to adhere to the treaty. The promise was made that the German Government would at any rate be informed unofficially of the Norwegian standpoint, when the case had been finally dealt with.² In accordance with this, the German Foreign Ministry was given a resumé of what had taken place in the case, and it was expressly stated that this information was given because the Norwegian Government was anxious that Germany should adhere to the treaty.³

It was, moreover, not quite clear what the German rights in Svalbard actually were. Article 118 of the Versailles Treaty laid down that in territory outside her European frontiers, as fixed by the treaty, Germany should renounce all rights, titles and privileges whatever in or over

territory which belonged to her or to her allies, and all rights, titles and privileges whatever their origin which she held as against the Allied and Associated Powers.⁴ The German Foreign Ministry declared that neither the Entente nor the Norwegian Government could quote this article as an excuse for settling the Svalbard question without Germany's participation. But an air of uncertainty prevailed. The legal adviser of the Norwegian Foreign Ministry was of the opinion that article 118 could possibly be interpreted in such a way as to include Germany's right to German occupied territory in a no man's land, and the right to German occupied territory in the archipelago. Germany was entitled to these rights vis-à-vis all states including the Allied and Associated Powers. As the Versailles Treaty contained no provisions as to who should enjoy the rights Germany was forced to renounce according to article 118, it was reasonable to assume that the former German occupations in Svalbard were now open to acquisition by the subjects of the Allied and Associated Powers.⁵ But from a political point of view there was no reason why Norway should maintain such views, if the Entente powers did not do so. The main thing was to arrive at a friendly settlement with Germany. When inquiries were made through the Norwegian envoy in Berlin as to what would happen to the economic interests which German nationals had in the islands, the Norwegian Government consequently answered that it assumed that the German claims could be submitted to the Danish commissioner, whether Germany formally adhered to the treaty or not. In the latter case the assumption would necessarily be that she recognized the treaty. But it was pointed out that Norway could not decide a question of this kind on her own.⁶ The German Foreign Ministry now requested a copy of the treaty on the grounds that it could not adopt any attitude to the matter before it had an opportunity of studying the provisions of the agreement. The Norwegian Government was, however, not in a position to grant this request, as the Supreme Council had decided that the treaty should not be published before it was ratified.

During the spring of 1920 the German Government requested the Norwegian Government to work for having Germany allowed to adhere to the treaty as soon as possible after its ratification.⁷ No reason was given for this, but it was only natural that Germany should wish to join the treaty before land disputes had been settled by the Danish commissioner. German rights would then to a greater extent be guaranteed by the provisions of article 6. As the French Government was to invite third powers, it could decide the date of Germany's adherence. As far as Norway was concerned it was gratifying that the matter should take a turn of this kind — that the German Government was in no way inclined to oppose the treaty, but on the contrary wished to join it as soon as possible. The Legation in Paris was instructed to inform the French Government that Norway would like to see Germany invited to adhere

to the treaty at an early date after ratification.⁸ The answer given was a favorable one,⁹ and the German Government was informed of this. But it now wished Norway to persuade the Entente to let Germany sign the treaty instead of merely adhering to it as a third power.¹⁰ The Norwegian envoy in Berlin pointed out that this depended on the powers which had drawn up the treaty, so that Germany could only join it after its ratification.¹¹ The Norwegian Government was nevertheless favorable to the idea, and its legations in London and Paris were instructed to find out in what light the matter was viewed in these places. Minister Wedel Jarlsberg conferred with the chairman of the former Svalbard Commission. But he was of the opinion that it was out of the question that a wish of this nature would be granted, and regarded it as imprudent of the Norwegian Government to start negotiations with Germany on this question.¹² In London, too, it was considered pointless to depart from the terms of the treaty as far as this matter was concerned.¹³ Moreover, grave objections of a practical nature could be made to the German request. A change in the treaty would require the consent of all the signatory powers, and should a concession be made to Germany, Russia might reasonably be expected to make the same claim, and at a time when the Soviet Russian Government was not recognized by the signatory powers it would be impossible to accede to a similar demand from the Russians. Even though German activity in the Arctic, participation in former negotiations and considerations of prestige might speak in favor of Germany being included as one of the signatory powers, this would not offer any practical advantage or entail greater rights than if she merely adhered to it as a third power. Under the circumstances it was therefore considered best to stick to the procedure decided in Paris.

When the negotiations regarding the mining regulations were concluded in the autumn of 1923, and it appeared that the Svalbard Treaty could be submitted to the Storting forthwith, Foreign Minister Michelet was anxious to sound out the attitude of the German Government. He therefore requested the Norwegian Minister in Berlin to hand a copy of the mining regulations to the German Ministry, together with a report giving a short account of the position. The report concluded with an expression of gratitude for the conciliatory attitude which the German Government had adopted in this case, and a statement that the Norwegian Government, on the basis of the information received in Paris and London, was convinced that Germany would be invited to join the treaty immediately after its ratification, on an equal footing with the other interested states.¹⁴ The Norwegian note was possibly a little unfortunate in its wording, being actually in the form of a notification. In view of the negotiations which had previously taken place, it was bound to be regarded in the German Foreign Ministry as the least favorable solution for Germany only to be invited to adhere as a third power, as

she had asked to be allowed to join as a signatory power. The German Government therefore merely acknowledged receipt of the note, without further comment. But by doing so, it seemed at least to accept the views submitted by the Norwegian Government.¹⁵

By handing Germany a copy of the mining settlement the Norwegian Government had departed from the procedure agreed on in Paris. The French envoy in Oslo, therefore, pointed out that it seemed to be France's duty to send the documents to the other powers after the treaty had been ratified. The Norwegian Foreign Ministry replied that Germany had certain interests in the archipelago, and it was therefore important to Norway, who was to assume the sovereignty and responsibility, that Germany joined the treaty as soon as possible; for that reason the Norwegian Government had regarded it as necessary that the German Government should be informed of the provisions of the agreement.¹⁶

Although the French envoy in Oslo showed signs of annoyance at the keenness displayed by the Norwegian Government to satisfy Berlin, his German colleague was far from pleased. He described the Svalbard Treaty as one of the many humiliations which France and her allies had forced on Germany, and expressed the hope that the German Government would never join it.¹⁷ The German Foreign Ministry, however, did not seem to take quite such an extreme view of the matter.

Those who claimed to have rights in Svalbard, were to submit their claims through their Governments to the Danish commissioner within three months of the date when the treaty came into force. Germany ought if possible to join the treaty before the commissioner and tribunal at Copenhagen had started work; but time was short, and in the summer of 1924 the German Foreign Ministry announced that it had received several applications from interested parties, complaining that they would not be able to prepare the claims they intended to submit to the commissioner because the time limit was too short. The chief reason why the German Government wished to have the date postponed was perhaps its desire to secure an invitation from France, so that Germany could appear before the tribunal in Copenhagen as an adherent to the treaty, and could quote its Article 6.¹⁸ The Norwegian Government had a means of extending the time between the ratification and the date by which claims had to be submitted to the commissioner. The treaty was to come into force simultaneously with the mining regulations, and the date when the latter was to come into force was to be decided by Norwegian law. The Norwegian Government now promised that it would fix the date at which the mining regulations would come into force at three months after the ratification, in order to insure that Germany would have the same rights as other states.¹⁹ There would thus be six months between the ratification and the expiry of the period during which claims were to be submitted to the commissioner and there was reason to believe that Germany would

receive an invitation to join the treaty in the course of this time. This seemed to satisfy the German needs. The Norwegian Government subsequently encountered no further objections from the Germans.

Norway had shown a willingness to help which bordered on the unnecessary, and which nearly caused annoyance among some of the signatory powers. But as Norway was in future to be responsible for the archipelago, it was of paramount importance to arrive at a satisfactory and lasting arrangement with all the interested states in such a way that all bitterness was removed. It was this idea which promoted the Norwegian Government's course of action.

The Soviet Russian Government Protests.

In the capitals of western Europe speculation was still rife as to the final results of the great revolutions which had taken place in Russia. Many people considered, even two or three years after the Revolution, that the old regime had a chance of returning to power. The Bolsheviks were severely condemned and every effort made to counter their activities. None of the leading powers considered recognizing their government, though they had in fact consolidated their power. The Soviet Russian Government had had no opportunity to exert any influence in Paris, nor, under the circumstances, had the Norwegian Government found it advisable to forward any of the documents dealing with the Svalbard affair to a government with which there were as yet no diplomatic relations. In December, 1918, the Legation in Leningrad temporarily suspended its activity. Even though it was vitally important for Norway to come to an arrangement with the future rulers of Russia, the Norwegian Government could not act in direct contravention to the wishes of the other signatory powers, and partly for this reason it chose to "wait and see" before proceeding further.

It was the Soviet Russian Government which first took action; a few days after the signing in Paris it protested to Norway against the treaty, declaring that it was not binding in the case of Russia, as it had been drawn up without the latter's cooperation. The Soviet Russian Government was perfectly entitled to lodge this protest, inasfar as the principle "*res inter alios acta aliis neque prodest neque nocet*" also applies in international law, at any rate as a basic principle.¹ But the matter was complicated. Russia was admittedly one of the powers most interested, and had participated in all the pre-war conferences dealing with the archipelago; but the Bolsheviks had severed the continuity of Czarist Russia's foreign policy,² and their government had not been recognized by any of the powers which had signed the Svalbard Treaty, despite the fact that it had ruled effectively in Russia for some time, thus satisfying the essential demand for *de facto* recognition. The Russian protest con-

cluded with the following declaration: "In renewing its protest against the wish of certain powers to settle arbitrarily the fate of other nations the Soviet Russian Government reaffirms that any international agreement which has been made without its participation has no political or juridical force or validity as far as the Russian Government is concerned"³ — a theory which, however, would be difficult to put into practice. The Norwegian Government sent copies of the protest to the other signatory powers, but refrained for the time being from entering into any negotiation with the Soviet Russian Government about the matter.

In the People's Commissariat for Foreign Affairs the opinion seemed to be held that the time limit for submitting claims to the Danish commissioner had been fixed on May 9, 1920, and to emphasize that it refused to recognize any decision made by the commissioner where Russian interests were concerned, the Soviet Russian Government sent a fresh protest to Norway at the beginning of May, 1920. This was, however, a trifle less categorical than its predecessor, and stated that the Soviet Russian Government was bound to renew its protest against international questions which in any way affected the interests of Russian workers, being decided without the cooperation of the Soviet Russian Government; but it had no intention of committing itself with regard to its future attitude to the Svalbard Treaty.⁴ This protest, like its predecessor, was unanswered.

As the Soviet Russian Government did not recognize the Svalbard Treaty, it was obliged to carry on as though the conditions obtaining before the treaty came into being were still valid. But it envisaged the possibility of an arrangement whereby the interested states entrusted the administration of the archipelago to one single power. The economic resources must be shared impartially and steps must be taken to insure that all nations — not only those which had formerly held claims on the archipelago — were given the best chance of exploiting its natural resources.⁵ In fact the Soviet Russian Government recommended a sort of mandated government on behalf of the interested states, but otherwise the treaty seemed, on the whole, to satisfy Russia's claims. It would probably have been an advantage if the treaty could have been sent to Russia at an early stage of the proceedings; in this way, certain misunderstandings could have been avoided. For instance, in the People's Commissariat for Foreign Affairs it was believed that the treaty was not open to states which had not signed it.⁶

It is doubtful whether Norway, according to the policy agreed upon in Paris, was at liberty to initiate negotiations on the treaty with third powers. The problem was particularly difficult in the case of the Soviet Russian Government, which had not been recognized by the signatory powers. But in the autumn of 1922, after agreement had been reached on the mining regulations, and there was a chance that the treaty could

be placed before the Storting in the near future, the Norwegian Government had to make an attempt to arrive at some sort of agreement with the Soviet Union. The Norwegian Foreign Minister, Johan Ludwig Mowinckel, decided to request the Soviet Russian Government to make a statement to the effect that the Soviet Union would not make any objections to the treaty. The head of the Norwegian trade delegation in Moscow, Johan Fredrik Jakhelln, was instructed to point out to the People's Commissariat for Foreign Affairs that Norway had done her utmost in Paris to have Russian interests recognized, but that, owing to the attitude of the other signatory powers towards the Soviet Russian Government, it had proved impossible to include Russia in the negotiations, even though Norway had been in favor of this course. A declaration by the Government of the Soviet Union of the kind envisaged would create a good impression in large sections of the Norwegian people and contribute to the improvement of the good relations existing between the two nations.⁷

In the People's Commissariat for Foreign Affairs attention had been drawn to the fact that article 10 of the Svalbard treaty dealt only with Russian nationals, and the commissariat were anxious to know what would be the status of nationalized Russian ships. Probably it had in mind nationalized undertakings of other sorts too, but for the moment only ships were mentioned. This question was now submitted to the Norwegian Government, and the Norwegian Foreign Ministry came to the conclusion that the same rules would have to apply to nationalized Russian ships as for the vessels of other states.⁸ Mr. Jakhelln, however, received no answer to his request, as the People's Commissar for Foreign Affairs, Georgy Chicherin, left for Lausanne in order to attend the international conference there, and Litvinov, who deputized for him, had not familiarized himself with the case.

In January, 1923, Jakhelln raised the question once more. His argument was that Norway, before the war, had always sought to solve the Svalbard problem jointly with Russia, and an attempt had been made to find an arrangement whereby the status of the archipelago as a no man's land was retained, but that this had proved impossible. When the question had been raised anew after the war, the Norwegian Government found itself obliged to strive for a new solution, viz. that Norway should be given sovereignty over the archipelago while allowing the nationals of all other states the same economic rights in the territory as Norwegian nationals enjoyed. As none of the West-European states had recognized the Soviet Russian Government, it was impossible to secure an invitation for the latter to join in the Paris negotiations, despite the wishes of the Norwegian Government that all interested states should be represented. It was quite understandable that the Russian Government had protested before it knew the terms of the treaty; but now, when it

was obvious that the treaty made all possible allowances for Russian interests, the situation was entirely different. Another consideration which had weighed heavily with Norway was that if the question was not settled in Paris it would be postponed indefinitely.⁹ The Soviet Russian Government, however, was by no means willing to make a declaration of the kind Norway requested. In fact, the head of the Russian trade delegation in Oslo, Dr. Jacob Souritz, was instructed to lodge a fresh protest with the Norwegian Government.

The third protest was promoted by the clauses in article 2 of the mining ordinance, which might be interpreted as forbidding Russian state trusts undertaking mining in Svalbard.¹⁰ The Soviet Russian Government maintained that the draft did not take into consideration the rights guaranteed to Russian nationals in the Treaty of February 9, 1920. The note was very strongly worded, and threatened to break off the Norwegian-Russian trade agreement. The only just solution of the Svalbard question would, in the opinion of the Soviet Russian Government, be to establish a juridical arrangement based on a form of agreement between all the states which had participated in the development of the archipelago's resources. The ratification of the Svalbard Treaty would make it more difficult to achieve a solution of this nature.¹¹ It is possible that in this well-nigh "undiplomatic" note Deputy People's Commissar for Foreign Affairs Litvinov gave vent to some of the vexation which he felt at his unsuccessful trip to Norway in 1920.¹²

Foreign Minister Mowinckel had probably not cherished any great hopes with regard to his request to the Soviet Russian Government, but the outcome was undoubtedly worse than expected. The tone of the Russian note and the threat of repudiating the trade agreement boded ill. In its answer the Norwegian Government once more explained why it had not been possible to include Russia as a signatory power, and pointed out that by assuring Russia's economic interests in the treaty, the only real stumbling block which prevented Russia from adhering at a later date had surely been removed. Furthermore it was clear that no clause in the mining regulations could conflict with the rules of the treaty to the effect that Russian nationals had the same rights as those of the signatory powers. It was, therefore, hoped that the Russian Government would review the situation and modify the attitude it had adopted in its fresh note of protest to Norway.¹³ With the reply the Soviet Russian Government received a copy of the treaty and of the mining ordinance. But after what had occurred there was little prospect of arriving at a speedy agreement with the Soviet Union.

It was, however, worth noting that several of the objections made by the Soviet Russian Government were due to an insufficient knowledge of the treaty and the mining ordinance, a situation which had now been rectified. Moreover, Moscow appeared to entertain a fear that, in working

out the treaty and the mining rules, an attempt had been made to impede Russia's communist economy — a fear that was understandable in view of the conditions prevailing in Europe at this time, but which was unfounded as far as the attitude of the Norwegian Government toward this particular matter was concerned.

A Diplomatic Settlement of Compensation.

In January 1920, the Entente called off its blockade of the Soviet Union. It soon became clear that the desire to do business was stronger than the unwillingness to have any dealings at all with the Bolsheviks. Already in the winter of 1920 British-Russian negotiations were started with a view to initiate some form of trade between the two countries, but these were interrupted by the war in Poland. It was not until March 1921, that an agreement was concluded. Two months later Germany followed Great Britain's example.

Russia had been an important customer for Norwegian fish and herring. The so-called Pomor trade had been of great importance to the population of North Norway, and it was not in the interests of either side that this should be broken off after the revolution. As Norway shortly after the war was engaged in a "customs war" with the countries which had normally been the largest buyers of split cod, the loss of the Russian market was keenly felt. The fishermen of Finmark sent a deputation to North Russia in order to effect a resumption of trade, but nothing could be achieved. They were merely able to note that there was a great demand for Norwegian fish.

Already in the spring of 1920 the question of resuming trade with Russia was raised in the Storting. In the summer of that year the Commerce Department set up a committee to negotiate with Maxim Litvinov who had been granted an entry permit to Norway, after some of the leaders of the Norwegian Labor Party had worked to this end.¹ The result was negative, principally because the Norwegian Government reserved the right to accept the representatives whom the Soviet Russian Government wished to send to Norway.² The Minister of Commerce came moreover to the conclusion that the Soviet Russian Government was not so much interested in trade as primarily anxious to achieve political recognition beyond what it had achieved elsewhere, and to have an opportunity of setting up a center in Norway for its political activity in Europe.³

Among the population of the coastal districts there was a strong desire that the Government should resume trade with Russia. There was also a keenly felt need for representatives in Russia capable of protecting Norwegian interests.⁴ Shortly after Great Britain had concluded an

agreement with the Soviet Union, the Norwegian Government, which could now quote the British example, took up the matter once more.

The Liberal Government now in power seemed to have a more constructive attitude to the question than its predecessor, and though Litvinov, who had been made People's Vice-Commissar for Foreign Affairs, was disappointed with the result of his journey to Norway and Denmark a year before, and was said to have hinted that these countries were down on the Soviet Government's black list, it was possible to arrive fairly speedily at an arrangement worked out on the pattern of the British-Russian agreement.⁵ According to this, trade delegations consisting of up to 20 persons should be established in the capitals of the two countries, with one or two members authorized as official representatives, who should have full access to conferences with the Foreign Minister on subjects of importance to the governments, viz. the implementation of the agreement, trade, and the protection of their nationals' interests. They should moreover be authorized to issue passports and visas. The members of the delegation should be under an obligation not to engage in political propaganda or to interfere in the domestic affairs of the states concerned. The merchant ships of the contracting parties should have the right to enter the harbors of the respective countries and to enjoy in these harbors the rights generally accorded to seafaring nations. The transit of goods to and from other countries should be permitted, and post and telegraphic communications should immediately be established between the two countries. The Soviet Government insisted, however, that transactions should be based on the assumption that it enjoyed a monopoly of foreign trade. The agreement was not to prejudice claims for compensation which the subjects of either power might make of the other.⁶ The last mentioned provision referred to the large claims for compensation, lodged by Norwegians, for damage incurred as a result of belligerent operations and the nationalization of private undertakings in Russia.

In view of the comprehensive nature of the agreement, it might be said to imply a *de facto* recognition of the Soviet Russian Government.⁷ This also appeared from an exchange of notes between the Norwegian Commerce Department and the authorized representative of the Soviet Russian Government,⁸ even though the Foreign Minister, Dr. Arnold Ræstad, expressed himself somewhat ambiguously on the question in the Storting.⁹

The agreement was not universally well received; the conservative press attacked it severely, and several institutions protested. Amongst these were the Norwegian Bankers' Association and the Norwegian Industrial Federation, which sent a joint protest to the Storting. Their objections were aimed chiefly at the recognition of the Soviet Russian Government's foreign trade monopoly, at the Government's failure to obtain recognition of and preference for the Norwegian claims in Russia,

assessed at £ 12,000,000 and the failure to include a most-favored nation clause guaranteeing Norwegian interests the same treatment as those of other nations.¹⁰ It was principally the same objections, and a criticism of the fact that the agreement implied a de facto recognition of the Soviet Russian Government, which were raised in the Storting.¹¹ It is, however, probable that the unfavorable reception which the agreement received, both in the press and in the Storting, was partly due to the impending election to the national assembly.

One of the first results of the agreement was a transaction for the sale of fish and herring to the Soviet Union. The firms delivering the goods were to grant a credit of which the Norwegian state undertook to guarantee about half. The fact that the Norwegian state should in this way undertake to act as a sort of guarantor for the Soviet Russian state in respect of Norwegian citizens might be regarded as further recognition of the new regime in Russia.¹²

A number of other factors were also bound to influence relations between Norway and the new Soviet state. The relief work of Fridtjof Nansen in Russia during the years of starvation was widely admired. The attitude of the workers' movements to the Communist Government of Russia was also most important: the strong radical trends which were felt throughout Europe appeared in Norway as well. At the party congress in 1918 power had passed into the hands of the revolutionary element in the Norwegian Labor Party, which joined the Communist International the following year. It became difficult for the social-democrats to remain within the party, and after the so-called Moscow clauses, which contained a sharp attack on them, had been accepted, they were forced to secede and form their own party; but they were in a minority. The Labor Party continued during the postwar years to cooperate with the Comintern, and some prominent communist leaders visited Norway during these years.

The Norwegian Labor movement, however, found it difficult to accept the centralized Comintern rule and its militant attitude toward the social struggle. A strong opposition group with a syndicalistic trend soon made itself felt; and in November 1923, a break with the Comintern was effected. The minority now formed Norway's Communist Party which received considerable support from the younger sections of the community. The Soviet Russian Government could continue to reckon with a relatively strong communist fraction, but generally speaking the course of events within the Norwegian Labor movement must have been a disappointment to the leaders in Moscow.

The Soviet Government was no less active in the Arctic than the old regime, and here friction soon occurred between Norwegian and Russian interests. In the summer of 1921 a Russian expedition was sent to Bjørnøya. Its primary object seems to have been geological studies and a sort

of display of Arctic activity, but it was also intended to put up a building on the island. The works manager of the Norwegian mining concern protested, at the orders of the company's director, without the matter being submitted to the Foreign Ministry. The affair, however, had no important consequences. The same summer the geologist Professor Olaf Holtedahl succeeded, with the help of Fridtjof Nansen and the Central Committee of the Norwegian Labor Party, in getting the Soviet Government's permission to undertake an expedition to Novaya Zemlya.

Apart from Svalbard, sealing in the White Sea created the most difficult problems. By a decree of May 24, 1921, the Soviet Russian Government declared that it would impose the 12-mile limit for territorial waters and demanded that the White Sea should be regarded as an inland sea. In the same year several Norwegian sealers were detained by the Soviet authorities and their catches confiscated. The same thing occurred the following year. Most Norwegian skippers maintained that their catches were taken outside the 12-mile limit. The Government therefore found it necessary to send a patrol vessel north to check up on the position of the sealers.¹³ After protracted negotiations an agreement was reached with the Russians about a private concession arrangement.

Now, as under the old regime, it sometimes happened that the Norwegians were sharply attacked in the Russian press for their activities in the Arctic.¹⁴ The taking over of Svalbard was described as plunder, and it was suggested that Professor Holtedahl's expedition was the first step towards an occupation of Novaya Zemlya.¹⁵ But unreasonable statements of this kind which did not seem to enjoy support in responsible political circles, were refuted at the instigation of the Norwegian trade delegation.¹⁶

Though the Soviet Russian Government had concluded trade agreements with a number of powers, only a few had recognized it *de jure*, and its international position was still weak. The chief aim of its foreign policy was therefore of necessity to develop cooperation with foreign powers, and to attain full recognition as Russia's legal Government. At the conference in Lausanne the leader of the Norwegian delegation, Minister Johannes Irgens, had an opportunity to discuss the relationship between Norway and the Soviet Union with People's Commissar Chicherin. On that occasion Irgens got the impression that the Soviet Russian Government would probably be willing to adhere to the Svalbard Treaty, provided it was recognized *de jure* by Norway.¹⁷ Here was a sound basis for negotiations. But it was not surprising that the Norwegian Government hesitated to take a step of this nature and waited to see what the great powers would do. Instead it considered the idea of concluding a Russo-Norwegian agreement with approximately the same wording as the Treaty of February 9, 1920.

In March 1923, the conservatives came into power in Norway.¹⁸ The new government did not wish to continue along the course its predecessor had blazed, as far as negotiations with the Soviet Union were concerned. This was in itself natural enough. According to Article 10 and the concluding provisions of the Svalbard Treaty, it was the intention of the signatory powers that Russia would adhere, on the invitation of France, as soon as a recognized Russian Government existed. But the reason given for the Government's attitude, viz. that the concluding of a Norwegian-Russian agreement would automatically entail a *de jure* recognition of the Soviet Russian Government,¹⁹ was open to discussion, although it appeared possible that the conclusion of an agreement of such a scope as the Svalbard Treaty would in fact entail *de jure* recognition,²⁰ or at least it would be inconsistent for Norway to conclude such a treaty before it was prepared to recognize the Soviet Russian Government *de jure*.

In the summer of 1923, the peace treaty with Turkey was due to be signed at Lausanne. During the negotiations about the Dardanelles and the Bosphorus the Russians had also participated; and at the suggestion of the French Government the secretary-general of the conference had requested the Soviet Russian Government to sign the agreement regarding the Straits. It had possibly been expected that the offer would be declined, as the Soviet representatives had made strong objections to several of the provisions of the agreement during the negotiations. But the Soviet Russian Government signed, perhaps because it was of the opinion that the invitation and signature in fact constituted recognition. When asked on this matter, however, both the French and the British Foreign Ministries denied that the invitation to sign the Dardanelles agreement constituted any *de jure* recognition of the Soviet Russian Government.²¹ This was important as far as negotiations with Russia regarding Svalbard were concerned. Foreign Minister Christian F. Michelet now suggested that Norway should request the signatory powers to agree to Russia being allowed to adhere to the treaty, even though her Government was not recognized *de jure*. But first of all it was necessary to find out whether the Russians themselves were willing to accept an arrangement of this nature. Moscow was therefore informed that Norway was willing to address an official request to the signatory powers pleading that Russia should be allowed to adhere to the treaty, despite the provisions of Article 10, if she agreed to this procedure.²²

Should the proposed arrangement be accepted, it was feared in the Norwegian Foreign Ministry that it might result in both the Soviet Russian Government and the Czar Russians submitting claims to the Danish commissioner in accordance with Article 10 of the treaty. But this was in any case a problem which the Norwegian Government was not obliged

to solve. The Soviet Russian Government claimed that the decrees of nationalization should apply to Russian property in Svalbard. For that reason it would not recognize the sale of Russian coal fields to companies in other countries, because it maintained that at the time this took place, the properties no longer belonged to their former owners, but to the Russian state. The decision of the arbitration tribunal in this question would, however, not affect the Norwegian Government, as no Russian coal fields had been taken over by Norwegian companies. Later on, moreover, the Soviet Russian Government abandoned the above-mentioned point of view.

The first task of the Norwegian Government was to get the Soviet Union to recognize the mining ordinance. Before the Russians had assured themselves that article 2 of this settlement did not prevent Russian state trusts from carrying out mining in Svalbard, they were not willing to give any definite answer to the Norwegian proposal. The question was studied in the Norwegian Foreign Ministry where it was concluded that both the treaty and the mining ordinance had to be interpreted as meaning that the Russian state as such was not entitled to undertake any economic activities in Svalbard, but that the mining regulations presented no obstacle to the activities of Russian state trusts, provided these were separate juridical entities working with their own capital. The Soviet Russian Government was also of the opinion that the three months period laid down in the annexure to the Svalbard Treaty would not be sufficient to allow it to prepare the claims which it wished to submit at Copenhagen. In reply the Norwegian Government suggested the same arrangement which had been made available for Germany.²³

Foreign Minister Michelet was not really very confident that the proposal he had made would lead to any result,²⁴ but it was worth trying. If the Russian Government rejected it, the Norwegian Government could point out that it had tried to find a way out, in order to meet the wishes of Moscow — which might prove important to the Government, especially during the debate in the Storting on the subject.²⁵ If the other signatory powers rejected the proposal, the Norwegian Government could plead this as one of the grounds for recognizing the Soviet Russian Government *de jure*. The first information which the leader of the trade delegation in Moscow received suggested, however, that the Russians would not altogether oppose the plan, but it was obvious that *de jure* recognition would have been preferred.²⁶ The Soviet Russian Government replied to the Norwegian proposal in favorable tones, declaring that it did not doubt the Norwegian Government's good will and desire to respect Russian interests in Svalbard; the last passage in the note, however, stated that "before the Soviet Russian Government could give a definite answer as to the proposal it would be glad to know whether the Norwegian Government simultaneously with the settling of the Svalbard

question would be willing to discuss other political questions which were pending between the two Governments".²⁷

From the Norwegian point of view, too, there was much to suggest that the Russian proposal would be the most reasonable settlement. Trade between the two countries had gradually reached considerable proportions. The fact that the Norwegian Government had not recognized the Soviet Government *de jure* was formal rather than actual in its effects. A trade agreement had been concluded between the two countries, discussions were going on about concessions, and business was being done. The trade delegations served in actual fact as Foreign Service posts, and it was said with a certain amount of truth that the representatives only differed from ordinary diplomats in not belonging to the diplomatic corps. The Norwegian Government was probably the only one which had stood surety on behalf of the Soviet Union *vis-à-vis* its own nationals in economic matters. The Norwegian claims in Russia had now been considerably reduced as a result of the concessions granted to Norwegians, and it was hoped to make further progress in this sphere.

Of the members of the Government, the Foreign Minister was strongly in favor of recognizing the Soviet Russian Government *de jure*. He maintained that the question was becoming more urgent by the day and could not be postponed. The day when the Soviet Russian Government refused to continue under the conditions that obtained and pressed for recognition, public opinion would, in his view, demand that such recognition should be given, and then the Government could no longer resist. Moreover, he considered that there was something unnatural in going all out to do business with the Soviet Union, without taking the step which was the natural consequence of a trade connection of this sort, *viz.* recognition of the Government with which one conferred practically every day on friendly terms on a great many subjects concerning the supreme interests of the country and the welfare of its citizens. The subject of most immediate concern to him was naturally the Svalbard Treaty and sealing in the White Sea. For obvious reasons he dreaded taking over Svalbard without having arrived at a settlement with the Soviet Union. In the Foreign Ministry the consequences which this step might involve were being discussed. If the worst came to the worst, the Soviet Government might renounce the trade agreement and the concessions extended to Norwegian nationals. It was also feared that the Russians might resort to certain defiant acts in Svalbard. An embarrassing situation would also arise if the Soviet Russian Government refused, or was unable to forward its claims in the manner laid down by the treaty. But the Foreign Minister maintained that the Norwegian Government should draw up a program listing important questions, whose settlement it should demand when it proceeded to *de jure* recognition. He imagined that a program of this kind would have to include the Svalbard Treaty, sealing

in the White Sea, compensation for losses incurred by consular and diplomatic representatives during the war, and most-favored nation clauses in the case of recognition of old deeds. Michelet was of the opinion that the conservative Government would find it easier than any other to obtain the sanction of the great powers to carry this matter out, and desired to make it known in London and Paris that the settlement of the Svalbard question made it necessary for Norway to recognize the Soviet Russian Government. Moreover, he expected that the need of the great powers to start business dealings with the Soviet Union would gradually increase, and they would therefore soon find some excuse or other to take the step of recognizing her government. The consistent policy pursued by the United States and France had not become general, nor in the opinion of the Foreign Minister would it survive in the long run.²⁸

The views of the Foreign Minister encountered opposition in many quarters. Among those who held a contrary opinion were the leader of the trade delegation in Moscow²⁹ and Minister Wedel Jarlsberg. The question of recognizing the Soviet Russian Government in connection with the settling of the Svalbard case was thoroughly discussed in the Norwegian press. Both the labor and liberal papers were on the whole favorable to the idea, and expressed the opinion that it was necessary to arrive at a solution as soon as possible. The conservative press, on the other hand, adopted a very reserved attitude.³⁰

It gradually became clear, however, that the Soviet Russian Government would do its best to achieve *de jure* recognition as compensation in return for accepting Norway's sovereignty over Svalbard. Russian interests in the archipelago were adduced in order to emphasize what great concessions the Soviet Russian Government would be making in adhering to the Svalbard Treaty. In an interview with *Pravda*, Mme. Kollontay recalled that Russia had from ancient times interests in Svalbard, and had previously always participated in negotiations dealing with the political status of the archipelago. The importance of Svalbard as a source of coal was increasing from day to day. This coal had been, and would continue to be, used in the North Russian harbors. For that reason the recognition of Norway's sovereignty by the Soviet Russian Government would involve a very real concession.³¹ At the same time it could be said, in extenuation, that the Svalbard Treaty guaranteed all states, Russia included, complete freedom to exploit the coal fields of the archipelago, even though Norway acquired a certain form of sovereignty. Thus the concessions of the Soviet Russian Government would not be very great.

At the beginning of December 1923, Mme. Kollontay³² came back to Norway after three weeks in Moscow. She had now received clear directives for negotiations with the Norwegian Government.³³ It looked

as though the Soviet Russian Government desired a speedy settlement with Norway. There might be several reasons for this.

It was encountering great economic difficulties in carrying out the vast reconstruction program on which it had embarked. After the victory of the Labor Party at the Parliamentary elections in Great Britain in December 1923, it looked as though the Soviet Union would emerge from the isolation in which it had dwelt so far. A settlement with Great Britain might lead to the Russians being granted a loan in London. The ambitious Fascist Government in Italy was also anxious to exploit economic opportunities, and Mussolini had hinted that he would in the near future recognize the Soviet Russian Government *de jure*. The latter was therefore at this juncture anxious to start the landslide. In these circumstances it might be important to achieve recognition, even with respect to a small state like Norway. It might be used as an argument both by the Soviet Government and the states which were about to grant it recognition. Moreover, the very fact that Norway requested the other signatory powers to agree to the Soviet Union adhering to the treaty might be an advantage to the Russians, especially if the request were granted. As matters stood, any international concession or recognition might prove an advantage to the Russians. And the Soviet Government could offer Norway the settlement of the Svalbard question, sealing in the White Sea, and promises of larger purchases of industrial products in Norway.³⁴

The Russian approach was very timely, and this was undoubtedly realized in Moscow. Agreement had been achieved on the mining ordinance, and in December the last of the other signatories ratified the treaty. If Norway could reach a settlement with the Soviet Union, the Government would be able to submit the Svalbard Treaty to the Storting for ratification when it assembled after New Year; and in the beginning of January, 1924, the Norwegian Government announced that it was willing to start negotiations on all economic and political questions pending between the two states, including a trade and shipping agreement "en due forme".³⁵ But there was still hesitation about taking the decisive step. From Minister Wedel Jarlsberg came the request not to combine negotiations about the Svalbard Treaty with recognition of the Soviet Russian Government. His argument was more or less that the latter was not necessary.³⁶ In the Foreign Ministry there were divided opinions as to how one should proceed.³⁷ The Foreign Minister realized that in Great Britain — not only in the ranks of the Labor Party but in other quarters too — voices were raised in favor of recognizing the Soviet Russian Government. It was hoped that normal diplomatic relations would increase British exports to the Soviet Union. In this way unemployment figures might be reduced. The Norwegian Minister in London was therefore instructed to investigate whether there was any chance that the British Government, in the event of a *de jure* recognition,

would demand that the Soviet Russian Government recognize older treaties, and whether the British Government, in this case, could include the Svalbard Treaty, as Great Britain was one of the states most interested in having it brought into operation as rapidly as possible. The head of the Nordic Department of the Foreign Office, John Duncan Gregory, who was also an expert on Russian affairs, stated that he had thought of raising the question of older treaties in the event of a recognition, and he promised, should the case arise, to find out whether anything could be done with regard to the Svalbard Treaty.³⁸ As might be expected, nothing came of this. Great Britain obviously had enough claims of her own to make, and on February 7, 1924, came British recognition of the Soviet Russian Government.

The Russians now appeared to act with greater selfconfidence. The Norwegian Government was informed that, on condition of immediate *de jure* recognition by Norway, the Soviet Union would recognize Norway's sovereignty over Svalbard. On the same day that Norwegian recognition was formally settled, the Soviet Government would send a written request to the Norwegian Government asking Norway to approach the other signatory powers with a request that they should recognize the Soviet Union's adherence to the treaty,³⁹ and a few days after Mme. Kollontay announced that she had been instructed that if the Norwegian Government did not immediately accept the Soviet Russian Government's offer, the latter would not discuss the settlement of any question before it had been recognized *de jure* by Norway.⁴⁰ On February 7, Italy followed Great Britain's example. In Oslo further delay was now considered imprudent and on February 15, Mme. Kollontay and Foreign Minister Michelet signed a declaration dealing with the treatment of questions pending between Norway and the Soviet Union. According to its provisions, Mme. Kollontay the next day, handed over a note verbale, the gist of which was that the Soviet Russian Government accepted the Norwegian offer to request the other signatory powers to agree to the adherence of the Soviet Union to the Svalbard Treaty before its Government was recognized by all the signatory powers; furthermore that the Soviet Union, without waiting for a reply from the states mentioned, recognized Norway's sovereignty over the Svalbard archipelago, including Bjørnøya, and as a consequence thereof would make no objection to the Treaty of February 9, 1920.⁴¹ Thus the last obstacle to Norway's taking over Svalbard had been removed, and the Government could now submit the treaty to the Storting for ratification.

It might, in fact, appear that the Russian declaration was more than sufficient, for the Soviet Union recognized Norway's sovereignty over Svalbard without making any reservations with regard to such encroachments upon the sovereignty, as were contained in the treaty.

Owing to the nature of the treaty several of the signatory powers could decide the question of ratification by a royal decree,⁴² while some of them, apart from Norway, had to submit it to the national assembly.⁴³ The Dutch Government deposited its ratification documents in Paris already in September 1920. But because of the longwinded negotiations about the mining legislation and the difficulty which Norway had in reaching an arrangement with Russia nearly five years elapsed before all the powers had ratified.

Only in Norway was the treaty exposed to criticism, but there it was rather severe. The Foreign Affairs Committee of the Storting complained that the Government had not undertaken the necessary investigations into the history of the archipelago prior to initiating negotiations in 1907. In fact the Government was accused of having initially lost the archipelago owing to insufficient knowledge of Norwegian history, and of having failed to establish satisfactory cooperation with the Storting.

In its report, the committee expressed doubts as to whether it was wise and farsighted policy to include Svalbard in the post-war settlement, by laying the matter before the Peace Conference — where not all the states that had previously taken part in negotiations were represented, and where new powers were included — while at the same time giving the impression that Norway wished to exploit the favor of the victors. These were of course objections that had already been discussed. It had always been clearly realized that the course adopted contained some weak points, but no workable alternative had been found. And the Foreign Affairs Committee was also of the opinion that, out of consideration for important Norwegian economic interests in Svalbard, it was necessary to establish a satisfactory legal arrangement there as soon as possible. For that reason, and because the matter had now gone so far that Norway could not withdraw, it was considered necessary to recommend ratification. Apart from pointing out some of the most important encroachments on Norway's sovereignty, the committee refrained from discussing the various provisions of the treaty, on the understanding that it was pointless, as these could not be amended at this juncture. The treaty had to be accepted unchanged or else be rejected.⁴⁴ In the Storting the Chairman of the Committee, Carl J. Hambro, gave a somewhat brighter picture of the case than the committee's report did. But in the ensuing debate, dissatisfaction was expressed both with the way in which the Government had handled the matter and with the results achieved. To those who at various times had conducted negotiations on the Norwegian side, the assessment of their work as given in the committee's report and during the debate in the Storting, might perhaps appear somewhat unfair, even though one of the most doubtful questions, viz. Foreign Minister Ihlen's statement about Norway's attitude to an extension of Danish sovereignty over East Greenland, was not mentioned.⁴⁵

The matter had now proceeded so far that Norway was able to take possession of the territory. On that occasion the Norwegian Secretary of Justice Paal Berg arrived in the islands, and on August 14, 1925 the archipelago was formally incorporated in the Kingdom of Norway. A Norwegian administration was set up with headquarters at Longyearbyen. It was decided to apply the old Norse name of Svalbard, as a term denoting the entire territory mentioned in the Treaty of February 9, 1920.

The Norwegian Government could, however, not regard the case as finally settled before the formal adherence of the Soviet Union and Germany had been obtained, even though, after the negotiations which had been conducted, it could be taken for granted that neither of these two powers would create any difficulties. Immediately after agreement had been reached with the Soviet Union, Norway submitted a note to the other signatory powers, asking whether they had any objections to the Soviet Union adhering to the treaty together with other powers which the French Government, in accordance with the concluding clauses of the treaty, would invite to adhere, when ratification was complete.⁴⁶ The diplomatic representatives were requested to state verbally, when handing in the note, that Article 10 did in fact presuppose that Russia was not to join until a recognized Russian Government existed, but the Norwegian Government assumed that it would be possible to depart from this provision with the consent of all the signatory powers; an invitation of this kind did not appear to contain any *de jure* recognition. This emerged from the fact that the Soviet Union was invited to participate at the Lausanne Conference and to sign the convention dealing with the Straits. Should it, however, be considered that an invitation of this nature might be interpreted as a recognition, it might be possible to avoid this by making a reservation on this point in the invitation on behalf of the powers which so desired.

The French Government now proposed to work out a draft protocol to the effect that the signatory powers were to state that some of them had recognized the Soviet Russian Government, and that those which had not done so would not oppose the Soviet Union's adherence to the treaty, notwithstanding the provisions of Article 10.

The matter, however, dragged out, and the Norwegian Legation in Paris was asked to find out what was being done about it in the French Foreign Ministry.⁴⁷ Shortly afterwards 45 powers, including Germany, were asked to adhere to the treaty.⁴⁸ In the course of the summer the German declaration of adherence was deposited in Paris, and the German claims in Svalbard were dealt with in Copenhagen.⁴⁹ There was never any question of applying Article 118 of the Versailles Treaty to German interests in the archipelago. The most important German claims, which were on Bjørnøya were, moreover, taken over by Norwegians in 1924.⁵⁰

The Soviet Union was not one of those invited to adhere. This was due to the difficulties that arose as a result of neither the United States, France nor Holland having recognized the Soviet Russian Government. Negotiations on the question continued for a considerable time without producing any result. The difficulty was, allegedly, that agreement could not be reached on the designation to be given to the Soviet State in the diplomatic documents. The Norwegian Government, which was now keen to have the Svalbard question formally settled, requested the State Department to do its utmost in the matter. Despite promises to this effect, no favorable result was achieved. Finally it was stated in the State Department that the treaty guaranteed Russian interests in Svalbard, and therefore it did not seem necessary to modify Article 10 in order to allow the Soviet Union to adhere. The Soviet Russian Government, however, took the initiative itself, announcing in Paris that it was willing to adhere to the treaty forthwith. At the same time the Norwegian Government was informed that the Russian Government would regard the adherence of the Soviet Union as formally settled from the date it received an invitation to this effect. And the postponement of the Soviet Union's adherence did not have any practical significance. The Soviet Russian claims were submitted via the Danish Government and dealt with by the Svalbard Commissioner in Copenhagen.⁵¹

The Norwegian Government let the question of the Soviet Union's adherence rest with the binding declarations which the Soviet Russian Government had made. Moreover, the Soviet Union confirmed her recognition of Norway's sovereignty over Svalbard in 1926. By Decree of April 15, that year, the Soviet Union claimed, on the basis of the theory of sectorial division of the Arctic, all lands and islands situated in the Northern Frozen Ocean north of the Soviet Union up to the North Pole and between the meridian of longitude 32°-4'-35", east of Greenwich and the meridian of longitude 168°-49'-30", which were already discovered, as well as those which were to be discovered in the future, and which at the time of publication of the decree were not recognized by the Soviet Union as the territory of any foreign power.⁵² The only territories situated within the said limits, recognized as belonging to any foreign power, were a few small islands in the northeastern part of the Svalbard archipelago. This was also indicated on Russian maps. It was not until December 1934, after the United States had recognized the Soviet Russian Government, that the Soviet Union was invited to join the agreement. On February 27, 1935, the Svalbard Treaty was discussed and accepted by the Executive Committee of the Communist Party of the Soviet Union, which decided that it should come into force, as far as the Soviet Union was concerned, on that date;⁵³ and on May 7 of the same year Ambassador Vladimir Potemkin deposited his country's documents of adherence in the French Foreign Ministry.⁵⁴

Summary and Conclusions.

Turning to the question of first discovery, one will find that it can not be answered definitely. Although Svalbard seems to have been visited by the Norsemen as early as the 12th century, it was not until the beginning of the 17th century that the archipelago began to play a part in international politics. The whaling carried on in its inlets was of very real importance to the European economy; and it is little wonder that this profitable occupation should result in clashes between the various nations and raise the question of sovereignty over the archipelago.

It was only natural that the first visitors believed Svalbard or Spitsbergen, which it was named by the Dutch, to be a southern promontory of the Norwegian dependency of Greenland, which according to the geographical knowledge of the time reached from Davis Strait to the northern border of the Moscovy State. Having failed to buy the archipelago from Christian IV, the King of Denmark-Norway, James I of England was persuaded by the Moscovy Company in London to agree to an occupation, which was based on an alleged discovery of the islands by Sir Hugh Willoughby in 1553 and on the fact that the English had pioneered whaling in those waters. But this occupation was never recognized by the other interested powers. The English whalers themselves had to come to an agreement with their Dutch colleagues as to a division of the bays.

Despite William Barents' discovery in 1596 the Dutch Republic never claimed sovereignty over Svalbard, but the States General demanded free access for Dutch whalers to its inlets, pleading the theory of the freedom of the seas, expounded by Hugo Grotius. And the bold voyages of the Dutch contributed greatly to the geographical knowledge of the archipelago.

Christian IV of Denmark-Norway claimed sovereignty over Svalbard on the basis that the archipelago was part of the Norwegian dependency Greenland. He made diplomatic demarches in the capitals of the interested countries, and he tried to take advantage of the tension between England and Holland, but with little success. He also tried to back his claim by force. But although Denmark-Norway at this time was a relatively strong naval power the attempt failed; and the Danish

Privy Council came to the conclusion that Danish and Norwegian whaling off Svalbard was not sufficiently important to entitle jeopardizing the good relations with England and Holland. Moreover, since the English and Dutch whaling took place as a *fait accompli* it could not prejudice the suzerainty of the Norwegian Crown. It seems as though the States General at times recognized this suzerainty; and the ships of the Moscovy Company allowed Danish and Norwegian whalers to operate in the inlets which they had reserved according to the English-Dutch agreement, while they turned away all other ships including English not belonging to the company. France and Sweden recognized in a vague form the Dano-Norwegian King's sovereignty over Svalbard, and the rights of their subjects to carry on whaling and fishing in the Svalbard waters were laid down in agreements. Towards the end of the 17th century the North German city-states were also admitted free right to whaling. Although the Dano-Norwegian King was unable to exercise full sovereignty over the territory, he did not renounce his right to the land, and the archipelago seems by this time in general to have been considered as belonging to Denmark-Norway.

The large scale whaling in the inlets reduced the stock of whales. The ships had to go so far out to sea that land bases could no longer be used. By the end of the 17th century Svalbard had, therefore, almost ceased to have any political importance.

The Russians did not take part in whaling, and they were never involved in the diplomatic negotiations of the whaling period. Their occupation was a different one. Having been barred from their hunting places in North-West Siberia, the trappers and sealers from the White Sea region turned westwards, and from the beginning of the 18th century they undertook wintering expeditions to Svalbard which entailed severe hardship and required the greatest endurance. Their activity was hardly known to the authorities in Copenhagen, and even so, no political intervention could be expected from the Danish-Norwegian King, as during the preceding century the practice had been established that the exploitation of the economic resources of the territory should be open to the subjects of all interested nations. At the end of the 18th century the Russians were joined by Norwegians, who mostly organized their hunting as summer expeditions, and by the middle of the 19th century had superseded the Russians. At this time Svalbard also became a field for Swedish Polar exploration. In the 19th century some writers of geography books believed that Svalbard belonged to Russia; but the fact is that this power never claimed sovereignty neither to the whole of the archipelago nor to any particular island.

When Sweden-Norway initiated negotiations in 1871 with the intention to acquire the territory, there was uncertainty concerning its political status. The exchange of notes clarified the situation. It was

ascertained that the archipelago was now a no man's land. According to international law a no man's land can be occupied; but the Russian Government maintained that, because of the activities of Russian subjects on the islands in former times, an occupation would affect Russian national feeling. This was respected by Sweden-Norway, which had the greatest interests in the area. From now on Svalbard was more or less regarded as common territory whose natural resources could be exploited by the subjects of all nations, and it could not be occupied or acquired by a single power without the consent of the other interested powers. But as long as this arrangement was not founded on any international agreement, it was unstable. It was not beyond the bounds of possibility that the islands might become the object of rivalry among the great powers. The Norwegian trappers and sealers, however, had no competitors at the time, and there was no immediate threat to their occupation. It was therefore reasonable for the Norwegian Government to regard it as most advantageous, for the time being, to avoid the expense and the risk which an occupation would, in its opinion, entail.

At about the turn of the century the great powers began to show greater interest in the Arctic. This was due to several circumstances: the age was marked by the race between the powers for new territories and spheres of interest. There was also a direct link between their expansion in the Far East and their interest in the Arctic. The Russians, who foresaw a war with Japan, took up the old plan of opening a navigable sea route north of Siberia which would help to solve the transport problems which a conflict in the Far East would create. And their pre-occupation with a harbor on the Murmansk coast must be seen in the light of German naval rearmament, which might easily enable Germany to control the Baltic, and also in the light of the Franco-Russian political and military rapprochement, since it was quite clear that in a war where Russia and France were allied against Germany the sea route to North Russia would be of considerable value. All these circumstances contributed to increase the strategic importance of the Arctic. The increase in trawl fishing gave added interest to the fisheries off Svalbard and in the Barents Sea. The coal mining in Svalbard excited the interest of businessmen and statesmen and created a sharp need for settled legal and social conditions in the archipelago. In order to satisfy these needs, the territory would either have to be handed over to a single power, or else some sort of international administration would have to be established. In 1907 a situation arose which resulted in Russia and Great Britain being willing to hand Svalbard over to Norway; but the Norwegian Government did not wish to take advantage of this opportunity, partly because it was anxious to avoid aggravating the not too good relations between Norway and Sweden and partly because taking over the archipelago would not be in keeping with the policy of neutrality inaugurated by the Govern-

ment. It preferred to initiate negotiations for an international settlement, which, however, involved great legal and political difficulties.

The repercussions from the dissolution of the union between Norway and Sweden, the increased tension and mutual suspicion of the great powers, and the policy of alliances which pointed towards war, influenced negotiations to a very marked degree. Sometimes it appeared as though the European great powers were not particularly interested in the case itself, but preferred to use the negotiations to further their own policy of alliances. Moreover, it was unfortunate that satisfactory cooperation with the United States was not established, despite the fact that American subjects had undertaken the largest investments in the Svalbard mining industry. The result of this was that the U. S. State Department worked out its own draft convention. The failure of the 1914 conference was, however, primarily due to the fact that the Germans wished to participate in the government of the archipelago, while the Russians resolutely opposed this. Generally speaking, the difference of opinions was so great that one might truthfully say that a satisfactory result would very likely not have been achieved by continuing along the road chosen; and this was probably realized by many people even though it was agreed to make another attempt.

The decisive change in the relative strength of the powers brought about by the war, and the internal trouble which took place in some of the states were to influence the nature of the Svalbard question to a large degree. It was difficult to believe that representatives of all the other interested powers would, within a reasonable period of time, agree to gather at the conference table together with representatives of the Soviet Union. During the war years, moreover, conditions in Svalbard underwent a change. The Norwegians acquired control of most of the coal mining industry. The Norwegian Government was informed that neither in Paris nor in Washington was there any objection to Norway seeking to obtain the archipelago by a decision at the Peace Conference; but it did not appear anxious to avail itself of this opportunity. In the Foreign Ministry it was maintained that Norway would not be able to acquire Svalbard without some curtailment of her sovereignty over the archipelago, which would involve the possibility of other powers interfering with Norwegian rule. Norwegian interests would therefore be best protected by an international arrangement. In principle the Government's foreign policy was liberalistic, and it was maintained that in the interests of Norway's commerce and shipping it would be best if the powers pursued a policy which gave everyone access to world markets. In that case it mattered little whether a territory belonged formally to one power or another; but the objection here was that there was no guarantee that the powers would pursue the policy of the open door, even though Norway might want to. Moreover, it was not only a question of trade and

shipping interests. On the other hand, objections could undoubtedly be made against submitting the Svalbard question to the Peace Conference. Several of the powers which had previously participated in the negotiations were not represented at the Paris Conference, and new ones which were not particularly interested in the case would have their share in the final decision. There were some Norwegians, too, who maintained that it was inadvisable to mix the Svalbard question with the post-war settlement, as this would be taken as a sign that Norway wished to exploit the favors of the victors, and the solution reached might be resented by the defeated powers. But it was hardly realistic to assume that the great powers would to any real extent allow their decisions to be dictated by sentimental considerations, as indeed the subsequent negotiations were to prove. And it was a fact that it was particularly important for the Norwegians, who had the greatest interests in Svalbard, to have the matter settled; it would not be possible for some time to come to convene a conference of all the powers, which had participated in the pre-war negotiations. The Norwegian Government could not, therefore, relinquish the opportunity of having Svalbard dealt with at the Peace Conference. And the views expressed in the press could only mean that the great majority of the Norwegian people demanded a vigorous policy. Particularly important was the energetic work done by the Norwegian envoy in Paris, Wedel Jarlsberg.

By the treaty of February 9, 1920, the signatory powers recognized Norway's sovereignty over Svalbard, and motivated their action by a desire to set up a just government for the archipelago capable of securing its development and peaceful exploitation. It would have been more correct if the Soviet Union and Germany had also been among the signatory powers, but everything considered the Svalbard Treaty may be regarded as one of the most upright territorial decisions in diplomatic history. Quite logically, it would be simpler to explain the treaty if Svalbard were not conceived of, at the time when the treaty was concluded, as a "terra nullius", but as a "terra omnium", which the interested powers handed over to Norway for the reason given above.

Though the decision in Paris went largely in Norway's favor, it was by no means an unconditional Norwegian success, and the disagreements which subsequently arose with Denmark seemed to indicate that the Norwegian Government's statement with regard to East Greenland was not well advised. Many Norwegians were disappointed at the great limits which the treaty placed on Norway's sovereignty over Svalbard; according to international law a state is entitled to reserve the exploitation of the economic resources of its territory for its own subjects, and to decide what alien it will admit to its territory. The Svalbard Treaty places the subjects of all powers which are parties to it — and any state can become a party to it — on an equal footing with Norwegians as far as

economic activity is concerned. The provisions regarding taxation and demilitarization are also limitations of sovereignty; but there is less reason to be dissatisfied with them. Owing to the geographical conditions it would be difficult and expensive for a small power to create anything like an effective defense for Svalbard; and it seems reasonable to assume that the fact that Norway is prevented by the terms of the treaty from fortifying the territory would at any rate indirectly place a greater responsibility for its security on the other powers which are parties to the treaty. Nor does there seem to be any reason for dissatisfaction that the taxes and dues payable in Svalbard should only accrue to the archipelago. The money can at least be used to pay the few Norwegians who are employed in the Civil Service of the islands; and what the Norwegian Government and Norwegian diplomats had most energetically striven for during the long negotiations, viz. that Norwegian legal principles should apply in Svalbard and be exercised by Norwegians, was achieved.

It should be mentioned, in particular, that what the Norwegians feared most was that they might one day be excluded from Svalbard by the sovereignty of some other power, and the decision made in Paris safeguards against this. From the point of view of national economics the mining industry, and large deposits of a vital raw material which does not exist elsewhere in Norway, are certainly important; lack of coal has played a momentous part in Norwegian foreign policy. Nor should it be forgotten that foreign sovereignty over Svalbard might have far-reaching consequences for Norwegian sealing, whaling, fishing and trapping in the Arctic. Perhaps it should also be mentioned that it was not insignificant in terms of national psychology that a small country such as Norway should enjoy a measure of success in her foreign policy.

The acquisition of the archipelago increased, however, the risk of disagreement with other powers. This is a factor to which the Norwegian authorities have attached a great deal of importance, especially as long as Norway endeavored to conduct a policy of extreme neutrality. But a certain change occurred in her neutrality policy when Norway adhered to the policy of collective security which also found expression in the Svalbard Treaty which allows military use of the territory only on behalf of the League of Nations. The fact that the subjects of other powers enjoy so extensive rights in the archipelago may in this connection be regarded from two points of view. It was calculated to lessen dissatisfaction at Norway's acquisition of the islands; this applies particularly to powers which were unable to participate in the decision in Paris. But it may also create difficulties for Norway, and contribute to a feeling of suspicion and irritation, especially if this factor is not borne in mind, and prudence is not exercised in smoothing over the difficulties as far as possible. In trying to assess the increased obligations which Norway has taken on, one should, however, recall the state of affairs prevailing

when the archipelago was a no man's land, and furthermore try to imagine the situation which would obtain if it belonged to another power. In view of the geographical and economic conditions, Norwegians would at all times be bound to have some interests in Svalbard and its surrounding waters.

As far as other interested powers are concerned it can be said that the reservations and claims submitted by those which had the opportunity to present their views in Paris were largely taken into account in framing the treaty. In the case of the Soviet Union and Germany, these powers enjoy the same rights as the signatory powers, as the limitations on Norway's sovereignty, which favor the signatory powers, are enjoyed by all powers which adhere to the treaty. With a certain amount of truth some Norwegians ironically remarked that the Paris Peace Conference had made a joint stock company for Svalbard and appointed Norway as an unpaid director. With regard to the security and strategic value of the archipelago it was at the time universally agreed that neutralization and demilitarization was the best solution.

Judging the decision made in Paris from an international point of view, it should, moreover, be emphasized that all interested powers were agreed that the conditions obtaining were untenable and had to be remedied. It proved no easy matter to find a solution based on international administration; and it is most probable that if an administration of this nature had been established, it might have become the cause of disagreement and dispute. Government by condominium has not always proved satisfactory, and this is the form of government most resembling the type of administration which the pre-war conferences endeavored to set up. Strong objections could also be raised against a mandate held on behalf of the League of Nations. And if we accept the opinion that it was necessary to change the existing conditions, and that this could best be done by handing Svalbard over to one single power, then one is bound to agree that Norway's candidacy was a very strong one. It may even well be that the severe limitations made in Norway's sovereignty are the weakest spots in the arrangement seen from an international point of view — a matter to which some members of the Svalbard Commission in Paris drew attention. But they apparently had to be made.

Looking back in an attempt to identify the forces determining the part which this territory has played in international politics, one's attention is first caught by the fundamental significance of the natural resources on land and in the sea. They have surely been decisive in shaping the history of these rugged islands to which only recently the limits of human settlement have been extended. But in these inhospitable regions the impact of the seemingly ever needed prerequisite, the explorative, enterprising and acquisitive spirit of man, too, is perhaps more clearly seen than anywhere else.

Easily discernable is also the play of such forces as national vindication and prestige, as well as popular sentiment derived from the memory of past achievements, although the last mentioned factor has hardly been a very important one except in cases when deliberately played upon in support of policies whose underlying motives have been economic gain, security considerations or matters of private or national prestige. But actions in the past, either private or governmental, may be considered to give the state concerned certain rights. Apart from those rights specifically recognized by international law, the more indefinite term "historical interests" has frequently occurred in the language of the participating powers, and it has often been considered a duty of the governments to vindicate these rights. It is, therefore, clear that the attitude and behavior of the powers have been determined, to a considerable degree, by the past, and that this fact applies even to states which have ceased to have either strategic or economic interests in the territory, although the possibility of resuming economic activity may have been considered.

Although a matter of recent importance it would be wrong to omit the strategic significance that was, rightly or wrongly, being attributed to the archipelago, and which seemed to be determined by such more or less varying factors as technology, economic resources, and location in relation to the power political groupings of the relevant states, to lines of communication, and to centers of production.

Generalizing broadly one may say that the rôle which the archipelago has been playing in international politics has been determined by three varying and to some extent interactive primary factors, namely: the activity in the archipelago and in the adjacent waters, the relations between the interested powers, and the internal conditions in these states. This is presumably a rule which is likely to apply without too many exceptions to international cases of this type. But in this instance where we are concerned with an archipelago with few settlements or in other words a country which is very limited and surveyable, and where several states are involved, it is particularly clear how these three main factors have determined and changed the aspects of the subject from one epoch to another.

Notes.

The titles of some publications are given in abbreviated form; for full titles see the Bibliography. The files referred to in the following are those of the Norwegian Foreign Ministry.

Who Was the First to Discover Svalbard?

¹ According to the Saga about Haakon Haakonson this took place in 1261.

² Isachsen, G. og F. Isachsen, "Hvor langt mot nord kom de norrøne grønlandinger paa sine fangstferder i Ubygdene". *Norsk geografisk tidsskrift*, IV, 1932. See also Ivar Baardson's description of Greenland in *Grønlands historiske Mindesmærker*, III, pp. 252—53.

³ One of the oldest writings in which this view is stated is an Icelandic geography book probably written by Nicolaus Sæmundson, Abbot at Thingeyra Monastery, in the middle of the twelfth century.

⁴ Gustav Storm, "Om Opdagelsen af Nordkap og Veien til Det Hvide Hav". *Det norske geografiske Selskabs Aarbog*, (Oslo), V, 1894.

⁵ Fridtjof Nansen, *Nord i Taakeheimen*.

⁶ Gustav Storm, *Islandske Annaler indtil 1578*, (Oslo, 1888).

⁷ *Landnaamabok*, ed. Finnur Jonsson, (Copenhagen 1925), p. 2. These sailing informations were translated into several languages, and known by Willem Barents and Henry Hudson. Cf. *Grønlands historiske Mindesmærker*, III, p. 249.

⁸ Thormod Torfæus (Torfason), *Grønlandia antiqua*, Tabula I.

⁹ Fridtjof Nansen, "Spitsbergens Opdagelse", *Naturen*, 1920. Some authorities have held the opinion that the "Svalbard" mentioned in the annals was the region around Scoresby Sound. Cf. Gustav Holm, "De islandske kursforskriftes Svalbarde", *Meddelelser om Grønland*, (Copenhagen, 1925), LIX, pp. 273—279.

¹⁰ A. Charitonow, *Die russischen Promyschlenniks auf Grumant, ihre Sagen und Überlieferungen*, in Erman's Archiv für wissenschaftliche Kunde von Russland, IX.

¹¹ Fridtjof Nansen, *Nord i Taakeheimen*, p. 415. If the Norse did any sealing or hunting in Svalbard, the decline in Norwegian sea-faring at the end of the Middle Ages may partly explain why it ceased. A deterioration of the climate may also have had serious consequences; a Norwegian priest, Ivar Baardson, who emigrated to Greenland in 1341, relates that in his time it had become necessary to sail a more southerly route between Iceland and Greenland, as ice conditions had become worse. *Grønlands historiske Mindesmærker*, III, p. 250.

¹² Fridtjof Nansen, *Nord i Taakeheimen*, pp. 415—418.

¹³ A. F. Shidlovsky, *Spitsbergen v Russkoi istorij i literaturje*, pp. 1—3.

¹⁴ A. Bjørnebo, *Cartographia Groenlandica*.

¹⁵ Hessel Gerritsz, *Histoire du Pays nommé Spitsberghe*.

The English Occupation.

¹ Hessel Gerritsz, *Histoire du Pays nommé Spitsberghe*.

² Martin Conway, *No Man's Land*, pp. 51—65.

³ Arnold Ræstad, *Norges Høihetsret over Spitsbergen i ældre Tid*, pp. 97—99.

⁴ As it was believed that the new land was part of Greenland, this name was also applied to it, in some cases even up to the 19th century. See *Encyclopedia Britannica*, (Edinburgh, 1823).

⁵ Martin Conway, *No Man's Land*, p. 65. Conway has supposed "that by 1613 the servants of the Muscovy Company had probably satisfied themselves that Spitsbergen was an island". (Ibid. p. 83). But this supposition is not in conformity with the cartographic sources of the age.

⁶ Martin Conway, *No Man's Land*, p. 70.

⁷ O. M. Smith, *Le statut juridique des terres polaires*, pp. 18—19.

⁸ Martin Conway, *No Man's Land*, p. 102.

⁹ Ibid. pp. 122—23.

¹⁰ Ibid. p. 122.

¹¹ Ibid. pp. 191—202.

¹² Conway maintains that the whaling industry never recovered from the troubles of the Revolutionary period; the British had lost the art of organizing it. (*No Man's Land*, p. 225.)

The Attitude of the Dutch Republic.

¹ S. Muller, *Geschiedenis der Noordsche Compagnie*, pp. 207—208.

² A. Ræstad, *Norges Høihetsret over Spitsbergen i ældre Tid*, pp. 32—33.

³ *The Freedom of the Seas*. Translated with a Revision of the Latin Text of 1633 by Ralph van Deman Magoffin, p. 16.

⁴ S. Muller, *Geschiedenis der Noordsche Compagnie*, p. 219.

⁵ A. Ræstad, *Norges Høihetsret over Spitsbergen i ældre Tid*, p. 23.

⁶ Martin Conway, *No Man's Land*, p. 67.

⁷ The population figures given by the different authorities vary considerably. Conway supposes that the population has never exceeded 11—1200 in the busiest seasons. Ibid. p. 138.

⁸ The whale oil was mainly used for soap manufacturing, partly for lamp oil.

⁹ Cornelius Zorgdrager, *Beschreibung des Grönländischen Wallfischfangs und Fischerey*, pp. 288—89.

¹⁰ It appears from Zorgdrager's narrative that ice conditions were bad at the beginning of the 18th century; it can be seen that the glaciers have increased later in the same century.

¹² F. C. Wieder, *The Dutch Discovery and Mapping of Spitsbergen*.

Norway's Sovereignty.

¹ In a note dated Jan. 10, 1618, to James I of England he states that "ab omni enim hominum memoria, totiusque Europae assensu, Groenlandiae possessionem sibi regnum nostrum Norvegia vindicavit, totisque Septentrionalis ambitus partes, exceptis, que Moscoviae imperio subjacent, hac denominatione compræhensas, suo iuri asseruit". A. Ræstad, *Norges Høihetsret over Spitsbergen i ældre Tid*, p. 117.

² A. Ræstad, *Kongens Strømme*, pp. 20, 27—33, 107—11.

³ A. Ræstad, *Norges Høihetsret over Spitsbergen i ældre Tid*, pp. 8—9.

⁴ Ibid. pp. 100—102.

- ⁵ Ibid. p. 13 and p. 23.
- ⁶ K. Erslev, *Aktstykker og Oplysninger til Rigsraadets og Stændermodernes Historie i Christian IV's Tid*, I, pp. 222—224.
- ⁷ A. Ræstad, *Norges Høihetsret over Spitsbergen i ældre Tid*, pp. 32—33.
- ⁸ Ibid. pp. 60—68.
- ⁹ L. Laursen, *Danmark-Norges Traktater 1523—1750*, V, pp. 465—480. cf. art. 15.
- ¹⁰ Ibid. VII, pp. 352—58, cf. art. 7.
- ¹¹ A. Ræstad, *Norges Høihetsret over Spitsbergen i ældre Tid*, pp. 58—59, 66—67 and 74—75.
- ¹² Pierre d'Avity, *Le Monde ou la Description générale de ses quatre Parties* (Paris 1643), III, pp. 697—99.
- ¹³ Martin Conway, *No Man's Land*, p. 219.
- ¹⁴ A. Ræstad, *Norges Høihetsret over Spitsbergen i ældre Tid*, p. 43.
- ¹⁵ *Hommannerischer Atlas von Hundert Landkarten*, (Nürnberg, 1747), cf. the Introduction.
- ¹⁶ I. H. Schou, *Chronologisk Register over Kongelige Forordninger, Aabne Breve* VIII, Decree of Oct. 13, 1784.
- ¹⁷ Ibid. IX, Decree of Sept. 5, 1787.
- ¹⁸ Christian Sommerfelt, *Geographie til Ungdommens Brug*, (Copenhagen, 1797).
- ¹⁹ It seems, however, that a State's territorial sovereignty can be exercised in an uninhabited territory, and can be manifested by the prohibition of foreign intrusion into such territory; F. Hagerup ved Th. Boye, *Folkerett i fredstid*, (Oslo 1924), p. 124.

Russia's Relations to Svalbard in Ancient Times.

The trading center Mangazeja developed at the River Taz. Tsar Mikhail Feodorovich feared that this trade might induce the West European Powers to occupy the region near the Ob Bay, and by a decree of Sept. 24, 1620, he prohibited all trade in this district, cf. T. A. Taracouzio, *Soviets in the Arctic*, p. 48. See also Samoilovich, Adadurov, and Sidorov, *Kamennougolnaya promyslennost Grumanta*, p. 14.

- ² A. Ræstad, *Norges Høihetsret over Spitsbergen i ældre Tid*, p. 91.
- ³ A. F. Shidlovsky, *Spitsbergen v russkoi istorij i literaturje*.
- ⁴ Samoilovich, Adadurov, and Sidorov, *Kamennougolnaya promyslennost Grumanta*, pp. 19—20.
- ⁵ Ibid. p. 19. Recent investigations undertaken by the author of this volume indicate that some of the ruins, which the Norwegian hunters have believed to be the remnants of Russian huts, actually have been English or Dutch whale oil factories.
- ⁶ Martin Conway, *No Man's Land*, p. 238.
- ⁷ Samoilovich, Adadurov, and Sidorov, *Kamennougolnaya promyslennost Grumanta*, p. 20.

A Swedish Plan for Colonization.

- ¹ R. N. Rudmose Brown, *Spitsbergen*, p. 138.
- ² A. G. Nathorst, "Swedish Explorations in Spitsbergen 1758—1908, Historical Sketch", *Ymer*, no. 1, 1909, pp. 4—23.
- ³ Gunnar Isachsen, "Folk, Fangst og Færder". *Norsk geografisk selskaps aarbok 1916—1919*, pp. 121—250.
- ⁴ *Beretning om Rigets økonomiske Tilstand 1851—55*, Finmarken Amt, pp. 35—36, 39—40.

⁵ *Norsk Fiskeri- og Fangst-Håndbok*, I, p. 808.

⁶ Th. Fries och C. Nyström, *Svenska Polarexpeditionen år 1868, Reseskizzer*, (Stockholm, 1869), p. 64.

⁷ The Interior Department's Protocol 1868 D., no. 84, case 24. (Petition dated Dec. 30, 1867 from J. Mathisen, M. Øinæss, I. Jernberg, P. Gardio and I. Bjørn to the King.)

⁸ *Ibid.* The proposal of the Interior Department.

⁹ He took a keen interest in Polar exploration and granted money for several expeditions which he thought might bring honor to his country, e. g., those of A. E. Nordenskiöld, S. A. Andrée and Fridtjof Nansen.

¹⁰ A. E. Nordenskiöld, *Redogörelse för den Svenska Polarexpeditionen år 1872—73. Bihang till Kungliga Svenska Vetenskaps Akademiens Handlingar* (Stockholm, 1875), II, no. 18, p. 9.

¹¹ Gustav Smedal, *Acquisition of Sovereignty over Polar Areas*, pp. 32—34.

¹² A. C. Manthey, *Dagbøger for Aarene 1856—74*, II, p. 209.

¹³ Gustav Jacobson, "En Spetsbergenfråga för femtio år sedan". *Nordisk Tidskrift för Vetenskap, Konst och Industri*, 1923, p. 16.

¹⁴ *File P7A 1/æs.* Copy of Nordenskiöld's petition to the King.

¹⁵ A. C. Manthey, *Dagbøger for Aarene 1856—74*, II, p. 212.

¹⁶ *File P7A 1/æs.* Resolution made in Cabinet Council at Stockholm Castle Feb. 23, 1871.

¹⁷ *Ibid.* Interior Department's proposal of March 10, 1871.

¹⁸ O. M. Smith, *Le statut juridique des terres polaires*, pp. 32—35, 140.

¹⁹ *File P7A 1/æs.* Resolution made in Cabinet Council at Stockholm Castle, March 20, 1871.

²⁰ *Ibid.* Note of March 20, 1871.

²¹ *Ibid.* Promemoria of May 30, 1892.

²² *Ibid.* Report of May 2, 1871 from the Legation in St. Petersburg.

²³ A report of the speech is kept in the library of the Norwegian Foreign Ministry.

²⁴ Gustav Jacobson, "En Spetsbergenfråga för femtio år sedan". *Nordisk Tidskrift för Vetenskap, Konst och Industri*, 1923, p. 17.

²⁵ Russian Orange book, *Spitsbergen 1871—1912*, pp. 2—4: Russian note of May 15/27, 1871.

²⁶ The article was reprinted in the Swedish paper *Nya Dagligt Allehanda*, May 31, 1871.

²⁷ Gustav Jacobson, "En Spetsbergenfråga för femtio år sedan". *Nordisk Tidskrift för Vetenskap, Konst och Industri*, 1923, pp. 20—21.

²⁸ *File P7A 1/æs.* Resolution made in Cabinet Council at Stockholm Castle, June 9, 1871.

²⁹ A. C. Manthey, *Dagbøger for Aarene 1856—74*, II, p. 227.

³⁰ *File P7A 1/æs.* Promemoria of May 30, 1892.

³¹ *Ibid.* Resolution made in Cabinet Council at Stockholm Castle, Aug. 18, 1871.

Norway Adopts a more Active Policy.

¹ The sealing Skipper Nils Rönbeck seems to have discovered Franz Josef Land in 1865. Cf. G. Horn, *Franz Josef Land*, pp. 11—12.

The first to start sealing and hunting at Novaya Zemlya was the Skipper Elling Carlsen, who visited the archipelago in 1868 after first having made a trip into the Kara Sea. G. Isachsen, "Folk, Fangst og Færder", *Norsk geografisk seiskaps aarbok 1916—1919*, p. 196.

² *Beretning om Norges Fiskerier*, 1871, p. 88.

³ *Statistikk over Norges Fiskerier*.

⁴ R. N. Rudmose Brown, *Spitsbergen*, pp. 152—53, 202—03.

⁵ Letter collection no. 120, Wollert Konow, pt. 2, University Library, Oslo.

⁶ *File P7A 1/æs*. Letter of May 30, 1892 from Lewenhaupt to Konow.

⁷ In 1892 the islands were visited by the French training vessel "La Manche" and three years later by a British training squadron.

⁸ *Eidsvold*, Sept. 16, 24 and 26, *Dagsposten*, Sept. 17, *Landsbladet*, Sept. 22, *Aftenposten*, Sept. 23 and 29, 1896.

⁹ *File P7A 1/æs*. Letter from Postmaster Liljedahl to the Interior Department dated Sept. 24, 1896. Cf. also *Stortingsforhandling*, 1924. St. prp. no. 36, p. 16.

¹⁰ Russian Orange book, *Spitsbergen 1871—1912*. Directive of Sept. 21/Oct. 3, 1896 from the Russian Foreign Ministry to the Legation in Stockholm.

¹¹ *Ibid.* Report of Oct. 5/17, 1896 from the Legation in Stockholm to the Foreign Ministry.

¹² The diary of the expedition was published by the Oslo paper *Verdens Gang*, August, 1899.

A German-Russian Episode in the Arctic.

¹ A. Yarmolinsky, *The Memoirs of Count Witte*, pp. 180—81.

² *Ibid.* pp. 105—06.

³ The Russian press comments were reprinted in the Norwegian press, cf. *Morgenbladet*, July 12, 1899.

⁴ The President of the Deutsche Seefischerei-Verein, Dr. Walter Herwig describes it in the following words: "Deutsche Arbeit sucht sich immer zielbewußter über die Grenzen des eigenen Landes hinaus zu betätigen. Auf dem Meere ist neben den größeren Aufgaben der Kriegsmarine, der des überseeischen Handels und der kolonialen Tätigkeit, die wissenschaftliche Meeresforschung besonders bestrebt, in die Rolle hineinzuwachsen, die dem Großstaat geziemt." *Mittheilungen der deutschen Seefischerei-Verein*, no. 1, 1900, p. 34.

⁵ M. Lindman, *Arktische Fischerei der deutschen Seestädte*.

⁶ *Neue Hamburger Zeitung*, nos. 190 and 196.

⁷ *File P7A 1/æs*. Letter of May 15, 1899 from the Secretary of Interior to the Foreign Secretary.

⁸ *Ibid.* Letter of June 2, 1899 from the Foreign Secretary to the Secretary of Interior, with report of May 27 from the Berlin Legation enclosed.

⁹ *Kreuzzeitung*, June 9, 1899.

¹⁰ *File P7A 1/æs*. Report of June 7, 1899 from the Berlin Legation.

¹¹ *Mittheilungen der deutschen Seefischerei-Verein*, no. 1, 1900, pp. 6—12.

¹² The article was republished in the Norwegian paper *Morgenbladet*, July 12, 1899.

¹³ *File P7A 1/æs*. Report of Aug. 16, 1899 from the Consulate General at Archangel. See also *Mittheilungen der deutschen Seefischerei-Verein*, no. 1, 1900, p. 29.

¹⁴ *File P7A 1/æs*. Telegram of July 24 from the County Governor at Tromsø to the Interior Department.

¹⁵ *Mittheilungen der deutschen Seefischerei-Verein*, no. 1, 1900, p. 29.

¹⁶ *Norddeutsche Allgemeine Zeitung*, July 24, 1899.

¹⁷ *File P7A 1/æs*. Report of May 27, 1899 from the Berlin Legation.

¹⁸ The information appeared in the press July 30 and 31.

¹⁹ *Kölnische Zeitung*, July 26, 1899.

²⁰ *Mittheilungen der deutschen Seefischerei-Verein*, no. 1, 1900, p. 34.

²¹ See interview with the Norwegian Minister in London, Fridtjof Nansen, *Morgenbladet*, Oct. 30, 1906.

²¹ *Morgenbladet*, July 26; *Aftenposten*, July 25 and Aug. 15; *Verdens Gang*, Aug. 3; *Dagbladet*, Aug. 8, 16 and 20, 1899.

²² *Verdens Gang*, Sept. 20, 1899.

²³ *Dagbladet*, Aug. 4, 1899.

²⁴ Sir Martin Conway wrote in *The Times*, Aug. 12, 1899: "In 1896 a Norwegian company built a small inn on the shores of Ice Fjord, and established a weekly summer service of steamers to take tourists up and show them the west coast. This line of steamers is, I believe, subsidized by the Norwegian Government, and a Norwegian postoffice has been opened at the little inn. Thus, practically, Norway has taken possession of the south shore of Ice Fjord. The sooner some power strong enough to regulate hunting of birds and beasts in Spitsbergen, takes possession of the whole region the better will it be for the world in general; whilst that Power should be Norway rather than Russia or Germany must be obvious to any person acquainted with the present condition of affairs."

²⁵ *Göteborgs Handels och Sjöfartstidning*, Aug. 4, 1899.

²⁶ *Verdens Gang*, Aug. 11, 1899.

²⁷ *Nya Dagligt Allehanda*, July 21, 1899.

²⁸ *File P7A 1/æs*. Report of Aug. 16, 1899 from the Consulate General at Archangel to the Interior Department.

²⁹ The Norwegian Government seems to have feared a development in the Arctic similar to that which took place in China at that time.

³⁰ *File P7A 1/æs*. Letter of July 31, 1899 from the Secretary of Interior to the Foreign Secretary.

³¹ A British source states that the plan was proposed to Russia which refused it. *Handbooks prepared under the Direction of the Historical Section of The Foreign Office, No. 36, Spitsbergen, p. 33.*

A New Epoch in the History of the Archipelago.

¹ Four companies were formed: Trondhjem Spitzbergen Kul Kompagnie, Trondheim; Hammerfest Kulaktieselskab, Hammerfest; Bergenske Kulkompagnie, Bergen; Bergen-Spitsbergen Kulgrubekompagnie, Bergen.

² Described later in this volume.

³ In 1909, 2 American, 3 British and 4 Norwegian companies had claimed land in Svalbard.

⁴ *File P7A 1/06*. Memorandum of May 9, 1906.

⁵ As to a theoretical discussion of this problem see R. Stammler: "Das Recht im staatlosen Gebiete". *Festschrift für Karl Binding* (1911), I, pp. 333—375.

⁶ Adolf Hoel, "Om ordningen av de territoriale krav på Svalbard", *Norsk geografisk tidsskrift*, no. 1, 1928.

⁷ This occupation gave fairly good results for some years. In the winter of 1908—09 16 hunting parties totaling 78 men took part in it.

⁸ In 1905 the total production was 1666 barrels of oil. *Norsk Fiskeritidende 1905*, pp. 21—25, 73. The stock of whales was, however, soon reduced.

Opportunity for Norwegian Occupation.

¹ *Aftenposten*, Aug. 30 and Oct. 25; *Morgenbladet*, Sept. 21 and Oct. 21, 1906. In September it was announced that Roald Amundsen had sailed through the North West Passage; about the same time Prince Albert of Monaco's Svalbard expedition returned to Norway. These occurrences no doubt contributed to increase the interest in the Arctic and to raise the demand for a Norwegian acquisition of

Svalbard. The idea was simultaneously presented in Great Britain. Cf. *Pall Mall Gazette*, Sept. 17, 1906.

³ N. H. Dole, *America in Spitsbergen*, I, p. 249.

⁴ *Morning Post*, Oct. 18, 1906. The conservative Stockholm paper *Nya Dagligt Allehanda* wrote (Oct. 20) on this occasion that Great Britain now would use its vassal as a nuisance to Germany and Russia.

⁵ This view was stated, e. g., in the leading conservative paper *Svenska Dagbladet*, Oct. 25, 1906.

⁶ *File P7A 1/06*. Report of Oct. 20, 1906 from the Consulate General at Archangel.

⁷ Russian Orange book. *Spitsbergen 1871—1812*, note of April 21/May 4, 1906.

⁸ *File P7A 1/06*. Note of June 6, 1906 from the Norwegian Foreign Ministry to the Russian Legation.

⁹ E. Günther, *Minnen från Ministertiden i Kristiania*, p. 70.

¹⁰ *File P7A 1/06*. Report of Oct. 20, 1906 from the Legation in Stockholm.

¹¹ *File P7A 1/06*. Report of meeting Jan. 3, 1907.

¹² *Ibid.* Note of Feb. 20, 1907.

¹³ *Ibid.* British note of April 11, French note of May 16, Dutch note of May 16, Danish note of June 13, 1907. The German Government gave only oral reply: Report of March 13, 1907, from the Berlin Legation. Belgium declared that she had no, or only slight, interests in Svalbard, but would appreciate being informed about the negotiations: Belgian note March 18, 1907.

¹⁴ *Ibid.* Swedish note of May 4, 1907.

¹⁵ *Ibid.* Russian note of July 20, 1907. It will later be explained why the Russian Government wanted the matter postponed.

¹⁶ *File P7A 2/07*.

¹⁷ N. H. Dole, *America in Spitsbergen*, I, pp. 294—95, 304—05.

¹⁸ *File P7A 1/06*. Report of June 20, 1907 from the Legation in London. Cf. also *Parliamentary Debates*, 4th ser. Vol. 180 (1907), col. 1577.

¹⁹ Grey of Falladon, *Twenty-five Years 1892—1916*, I, p. 153.

²⁰ *File P7A 1/06*. Report of April 1, 1907 from the Legation in St. Petersburg.

²¹ *Ibid.* Report of April 18, 1907 from the Legation in St. Petersburg.

²² *Ibid.* Note made by Mr. Scheel on Nov. 5, 1908.

²³ Russian Orange book, *Spitsbergen 1871—1912*, pp. 10—11.

²⁴ *File P7A 1/06*. Report of May 17, 1907 from the Legation in Paris.

²⁵ *Ibid.* Note made by Foreign Minister Christophersen on Nov. 5, 1908.

²⁶ *Letters, Reports and other Documents*. Report of Dec. 6, 1907.

²⁷ *File P7A 1/06*. Directive of April 17, 1907 to the Legation in St. Petersburg.

²⁸ J. Løvland, *Menn og Minner fra 1905*, p. 154. Cf. also *File P12C 3/06*. Letter dated Dec. 2, 1907 from Løvland to Wedel Jarlsberg.

²⁹ E. Günther, *Minnen från Ministertiden i Kristiania*, p. 70.

Norwegian Proposal for International Arrangement.

¹ *File P7A 1/06*. Note of Aug. 10, 1907.

² *Ibid.* French note of Sept. 3, British note of Aug. 26, Dutch note of Sept. 4, Danish note of Sept. 16, 1908.

³ *Ibid.* Report of Sept. 8, 1908 from the St. Petersburg Legation.

⁴ *Ibid.* Russian note of Sept. 15, 1908.

⁵ *Ibid.* German note of Oct. 15, 1908.

⁶ *Ibid.* Report of Oct. 27, 1908.

⁷ *Ibid.* Swedish note of Oct. 27, 1908.

⁸ *Ibid.* Letter dated Oct. 3, 1908 from Christophersen to Michael Lie.

⁹ Ibid. Note made on Jan. 19, 1907.

¹⁰ Ibid. Note made on Dec. 14, 1908.

¹¹ Ibid. American note of Oct. 19, 1908.

¹² In the Russian Foreign Ministry there was some doubt as to the necessity of bringing the United States into the negotiations, but the Norwegian request for a positive reply was complied with. *File P7A 1/06*, Report of Dec. 25, 1908 from the St. Petersburg Legation.

¹³ Ibid. American note of Feb. 8, 1909.

¹⁴ Ibid. Note made by Christophersen on Nov. 6, 1908.

¹⁵ Agreement made between the United States, Great Britain and Germany at the Samoa Conference in Berlin June 14, 1889, and the agreement of Oct. 20, 1906 between Great Britain and France about the New Hebrides. *Martens Nouveau Recueil Général des Traités*. 2ème Ser., XV, pp. 571—598, and 3ème Ser., I, pp. 523—589.

¹⁶ *Spitsbergenkonferencene 1910 og 1912*, Norwegian memorandum of May 5, 1909, pp. 5—15.

¹⁷ Ibid. pp. 2—4.

¹⁸ Ibid. p. 11. The Norwegian proposal mentions only civil law and registration.

¹⁹ *File P7A 1/06*, Memorandum of May 29, 1909 from the Foreign Ministry to the Legations.

The Swedish Government Takes the Initiative.

¹ It seems that the Ministry of Foreign Affairs in both countries tried to induce the press to use a moderate tone. Günther, *Minnen från Ministertiden i Kristiania*, p. 115.

² *Svenska Dagbladet*, Dec. 3, 1909.

³ Some neutral observers also held the opinion that the situation was not to be trifled with. The British Minister in Stockholm writes in a private letter in the winter of 1909: "They (the Swedish) bitterly repent not having fought the Norwegians and would be only too glad for an opportunity of having a go at them." Stephen Gwynn, *The Letters and Friendships of Sir Cecil Spring Rice*, II, p. 135.

⁴ The diary of Minister Johan Castberg, 'Note made on June 20, 1908, and note made on May 28, 1908.

⁵ Although conditions had not yet become favorable, influential and able persons were eager to restore friendly relations between the Scandinavian peoples, and in 1908 a Nordic branch of the Interparliamentary Union was formed. L. De Geer, *Politiska Hågkomster 1901—1921*, p. 50.

⁶ Grey of Falladon, *Twenty-five Years, 1892—1916*, II, p. 143.

⁷ The Swedish Geographer Axel Hamberg raised the question of what political weight should be given to scientific interests; he advised against giving Norway any preference in the Svalbard administration, and proposed that the conference should be held in a more neutral place than Oslo. *Svenska Dagbladet*, Dec. 13, 1908.

The Svalbard question was also discussed by experts on international law, and the conclusion reached was on the whole favorable to Norway. René Waultrin, "La question de la souveraineté des terres arctiques". *Revue générale de droit international public*, XV, pp. 78—123.

⁸ *File P7A 1/06*, Report of April 2, 1910 from the Berlin Legation.

⁹ Ibid. Report of Nov. 9, 1909 from the Stockholm Legation. Cf. also article by Professor J. G. Andersson in *Deutsche Rundschau für Geographie und Statistik*, 1909, pp. 212—20.

¹⁰ *File P7A 1/06*, Report of June 14, 1909 from the Stockholm Legation.

¹¹ He writes in a private letter: "The sympathies of Sweden are undoubtedly with Germany; partly from admiration for strength and determination, and partly from hatred for Russia, the yearlong, hereditary enemy. The Swedish like us, but not so much the Stockholm nobles as the Gothenburgers. The Civil Service is German, and the army distinctly Prussian. The army would much like to go for Norway, and war is by no means out of the question." In another letter he writes: "In Sweden (perhaps because of our agreement with Russia) the army, navy and Government are distinctly on the side of Germany. In case of war I think we should have to regard Sweden as German in effect." Stephen Gwynn, *The Letters and Friendships of Sir Cecil Spring Rice*, II, pp. 137, 139, 145.

¹² *File P7A 1/06*, Report of July 23, 1909 from the London Legation.

¹³ *Ibid.* Memorandum of May 29, 1909 from the Norwegian Foreign Ministry to the Legations.

¹⁴ *Ibid.* Report of June 21, 1909 from the London Legation.

¹⁵ *Ibid.* Copy of Directive of June 16, 1909 from the Swedish Foreign Ministry to the Legation in Oslo.

¹⁶ *Ibid.* Report of June 21, 1909 from the London Legation.

¹⁷ *Ibid.* Russian note of June 25, 1909.

¹⁸ *Ibid.* Letter of July 12, 1909 from the Foreign Ministry to the Stockholm Legation.

¹⁹ *Ibid.* Note made on July 9, 1909.

²⁰ *Ibid.* Note made by Mr. Scheel on July 16, 1909.

²¹ *Ibid.* Report of Aug. 10, 1909 from the Stockholm Legation.

²² *Ibid.* Report of Aug. 14, 1909 from St. Petersburg Legation.

A Diplomatic Tug-of-War.

¹ *File P7A 1/06*, Swedish note of Sept. 21, 1909, and report of Oct. 9, 1909 from the Berlin Legation.

² *Ibid.* Report of Nov. 9, 1909 from the Stockholm Legation.

³ *Ibid.* Document J. Nr. 12891—1909.

⁴ *Ibid.* Swedish memorandum of Sept. 25, 1909.

⁵ *Ibid.* Report of Nov. 27, 1909 from the London Legation.

⁶ Cf. the Swedish paper *Vårt Land*, Nov. 13, and 29, 1906.

⁷ *File P7A 1/06*. Information dated Nov. 28, 1910 from the Norwegian Foreign Ministry to the Berlin Legation.

⁸ Minister Spring Rice held the opinion that Sweden's pro-German attitude was partly due to fear of Russia. Stephen Gwynn, *The Letters and Friendships of Sir Cecil Spring Rice*, II, p. 137.

⁹ *File P7A 1/06*, Report of Oct. 9, 1909 from the Berlin Legation.

¹⁰ *Ibid.* Telegram of Jan. 13, 1910 from St. Petersburg Legation.

¹¹ *Ibid.* Report of Nov. 24, 1909 from the Paris Legation.

¹² *Ibid.* Report of April 2, 1910 from the Berlin Legation.

¹³ *Ibid.* Memorandum of Oct. 26, 1909.

¹⁴ *Ibid.* Memorandum of Nov. 15, 1909.

¹⁵ *Ibid.* Report of Nov. 16, 1909, from the Stockholm Legation.

¹⁶ *Ibid.* Note made by Foreign Minister Christophersen on Dec. 22, 1909.

¹⁷ *Ibid.* Report of Jan. 14, 1910 from the London Legation.

¹⁸ *Ibid.* Note made by Mr. Wollebæk on Dec. 22, 1909.

¹⁹ *Letters, Reports and other Documents*, Report of Dec. 31, 1908, and report of Dec. 27, 1909 to the Secretary of State.

²⁰ *The Foreign Relations of the United States*, 1909. Message of the President.

²¹ Cf. the reservations taken as to the first Hague Convention of 1899 and 1907. J. B. Scott, *The Hague Conventions and Declarations of 1899 and 1907*, (New York), pp. 84, 87.

²² The State Department also deliberated whether Svalbard might be considered an Arctic area not belonging to Europe as conceived by the Monroe Doctrine. *Foreign Relations*, 1914, p. 979.

²³ *File P7A 1/06*. Copy of memorandum of Dec. 28, 1909 from the State Department to the Swedish Legation in Washington.

²⁴ *Ibid.* Copy of memorandum of Dec. 10, 1909 from the Swedish Legation to State Department and memorandum of Dec. 13, from State Department to the Swedish Legation.

²⁵ *Ibid.* Extract from memorandum of Feb. 6, 1910 from the British Embassy to State Department.

²⁶ *Ibid.* Report of April 1, 1910 from the Legation in Washington.

²⁷ One rumour said that France would propose at the projected conference that Svalbard should be placed under the control of Norway, Russia and Sweden. (*Aftonbladet*, Nov. 22, 1909.) Another said that the United States would propose that the Svalbard Administration should be entrusted to the Hague Court. (*Nya Dagligt Allehanda*, Nov. 23, 1909.)

²⁸ Cf. article in *Nya Dagligt Allehanda*, Nov. 4, 1907.

²⁹ E. Günther, *Minnen från Ministertiden i Kristiania*, pp. 95—96.

American Occupation Contemplated.

¹ *The Code of the Laws of the United States of America*, Title 48, ch. 8, Guano Islands.

² *Congressional Records*, vol. 45, pt. 1, p. 320.

³ *Ibid.* p. 372. Cf. also L. H. Gray, *Spitsbergen and Bear Island*, pp. 24, 106.

⁴ N. H. Dole, *America in Spitsbergen*, 1, p. 433.

⁵ *Ibid.* p. 453.

⁶ *Ibid.* p. 433.

⁷ *The Foreign Relations of the United States, 1909*, p. XIII.

⁸ *Aftenposten*, Feb. 12, 13, 14, 1910.

⁹ *File P7A 1/06*, Report of Feb. 18, 1910 from the Legation in Washington. This attitude may seem contrary to the active policy displayed by Secretary of State, Knox, in Latin America and the Far East. It should, however, be remembered that he advocated the open door policy for American business, but not territorial acquisitions.

Out of the Deadlock.

¹ *File P7A 1/06*, Report of Feb. 26, 1910 from the London Legation.

² *Ibid.* Memorandum of Feb. 15, 1910.

³ According to the changed plan, persons who had committed crimes in Svalbard should be returned to their country of origin for trial. An international committee consisting of three or five members should register and decide claims to land. Norway, Russia and Sweden should have one member each. Documents should be deposited with the town judge at Tromsø, who should undertake subsequent registrations. All disputes should be decided by the town judge at Tromsø, with the right of appeal to a court of arbitration consisting of either (a) a representative of each of the parties and an umpire of Norwegian, Russian or Swedish nationality, or (b) one Norwegian, one Russian, and one Swedish member.

⁴ *File P7A 1/06*, Report of Feb. 24 and 26, 1910 from the London Legation.

⁵ *Ibid.* American note of Feb. 18, 1910.

- ⁶ Ibid. Report of March 5, 1910 from the Stockholm Legation.
- ⁷ Ibid. Report of March 15 from the Stockholm Legation.
- ⁸ Ibid. Report of March 29, 1910 from the Stockholm Legation.
- ⁹ Ibid. Directive of March 23, for the Stockholm Legation, and information of March 31, 1910 from the Norwegian Foreign Ministry to its Legations.
- ¹⁰ Ibid. Report of March 26 and 30, 1910 from the Legation in Stockholm.
- ¹¹ Ibid. Telegram of April 4, 1910 from the Legation in St. Petersburg.
- ¹² Ibid. Report of March 31 from the London Legation. Report of April 2, from the Berlin Legation, and telegram of April 6, 1910 from the Paris Legation.
- ¹³ Ibid. Danish note of April 5, Dutch note of April 13, American note of April 15, and Belgian note of April 19, 1910.
- ¹⁴ Ibid. Report of April 2, 1910 from the Berlin Legation. Cf. also document J. Nr. 05322/1910.
- ¹⁵ Ibid. Telegram of April 11, 1910 from the Stockholm Legation.
- ¹⁶ Russian note of April 10, 1910.
- ¹⁷ Ibid. Note made by Foreign Minister Irgens on April 12, 1910.
- ¹⁸ Ibid. Extract of memorandum dated April 18, 1910 from State Department to the British Embassy.

Working out a Peculiar Constitution.

- ¹ *File P7A 1/06*, Draft agreement of July 6, 1910.
- ² *Svenska Dagbladet* and *Nya Dagligt Allehanda*, July 12, 1910.
- ³ *File P7A 1/06*, Report of July 11, 1910 from the Stockholm Legation.
- ⁴ *Spitsbergenkonferencene 1910 og 1912*, "Projet de Convention Internationale relative à l'organisation judiciaire du Spitsbergen".
- ⁵ Ibid. "Projet d'une convention internationale relative au Spitsbergen."
- ⁶ Russian Orange book. *Spitsbergen 1871—1912*. Directive of July 1/14, 1910 from the Russian Foreign Ministry to Minister Kroupensky, and report of July 31/Aug. 13, 1910 from Minister Kroupensky and Professor Nolde.
- ⁷ *Spitsbergenkonferencene 1910 og 1912*, "Avant-projet de Convention".
- ⁸ *File P7A 1/06*, Letter of May 31, 1910 from Minister Hagerup to Foreign Minister Taube.
- ⁹ As to the Swedish plan on this point cf. p. 60 in this volume.
- ¹⁰ *File P7A 1/06*, Letter of May 31, 1910 from Minister Hagerup.
- ¹¹ Ibid.
- ¹² *Stortingsforhandling*, 1910, VIIb, p. 2450.
- ¹³ *Spitsbergenkonferencene 1910 og 1914*. The three-power draft, ch. I.
- ¹⁴ Ibid. ch. III.
- ¹⁵ Ibid. ch. IV.
- ¹⁶ Ibid. ch. V, art. 17 and ch. VI, art. 27.
- ¹⁷ Ibid. ch. VI, art. 31.
- ¹⁸ Ibid. ch. V, arts. 20—26.
- ¹⁹ Ibid. ch. V, art. 25 and ch. VI, art. 30.
- ²⁰ Ibid. ch. V, art. 26.
- ²¹ Ibid. ch. VII.
- ²² Ibid. ch. III, art. 13.
- ²³ Ibid. ch. IX, arts. 41, 43, and 50.
- ²⁴ Russian Orange book, *Spitsbergen 1871—1912*. Report of July 31/Aug. 13, 1910 from Minister Kroupensky and Professor Nolde.
- ²⁵ *Spitsbergenkonferencene 1910 og 1912*, The three-power draft, ch. IX, art. 42.
- ²⁶ Ibid. ch. IX, art. 56.
- ²⁷ Ibid. ch. X.

²⁸ N. H. Dole, *America in Spitsbergen*, II, pp. 290—92.

²⁹ *Spitsbergenkonferencene 1910 og 1912*, ch. XI.

³⁰ *Ibid.* ch. XII.

³¹ *Ibid.* ch. XIII, For a comment on the draft cf. F. Hagerup, "Der Vorentwurf einer internationalen Konvention betreffend Spitzbergen", *Jahrbuch des Völkerrechts*, 1913.

³² *Morgenbladet*, July 24, 1910.

³³ *File P7A 1/06*, Report of Aug. 5, 1910 from Stockholm.

³⁴ *Ibid.* Note made on Sept. 13, 1910.

³⁵ *Ibid.* Report of Dec. 23, 1910 from the Paris Legation.

Criticism and Revision of the Draft Convention.

¹ *File P7A 1/06*, American note of Dec. 9, 1910 and of Jan. 13, 1911; Norwegian note of Jan. 5, 1911.

² This change was probably favorable to Norway. It was at his request that the Russian Foreign Ministry preferred Oslo to Stockholm as a seat for the conference.

³ *File P7A 1/06*, Telegram of Dec. 8, 1910 from the Legation in St. Petersburg.

⁴ *St. Petersburger Zeitung*, Nov. 27, 1910.

⁵ *Congressional Records*, vol. 48, pt. 4, p. 79.

⁶ *File P7A 1/06*, Report of Jan. 16, 1911 from the Berlin Legation.

⁷ *Ibid.* Report of Dec. 6, 1910 from the London Legation.

⁸ *Ibid.* Report of Dec. 2, 1910 from the Legation in Stockholm.

⁹ *Letters, Reports and other Documents*, Report of Dec. 28, 1910 to State Department.

¹⁰ *File P7A 1/06*, Report of Jan. 5, 1911 from the Washington Legation.

¹¹ *Spitsbergenkonferansen 1914*, "Recueil des Observations faites par les différentes Puissances", American note Jan. 27, 1911.

¹² *Ibid.* British note of May 16, 1911.

¹³ *File P7A 1/06*, Report of April 19, 1911 from the Paris Legation.

¹⁴ *Spitsbergenkonferencene 1910 og 1912*, (Renault's) Note sur le Projet de Convention relatif au Spitsbergen.

¹⁵ *Spitsbergenkonferansen 1914*, "Recueil des Observations faites par les différentes Puissances", Belgian note June 16, 1911.

¹⁶ *Ibid.* Dutch note of Jan. 23, 1911.

¹⁷ *Ibid.* Danish note of Oct. 19, 1911.

¹⁸ *Ibid.* German memorandum of May 26, 1911.

¹⁹ *Spitsbergenkonferencene 1910 og 1912*. Norwegian proposals for changes.

²⁰ *Ibid.* The revised three-power Draft, ch. III, arts. 7 and 8.

²¹ *Ibid.* ch. VI, art. 28.

²² *Ibid.* ch. art. 21.

²³ *Ibid.* ch. V, art. 19, and ch. VI, art. 27.

²⁴ Russian Orange book. *Spitsbergen 1871—1912*, Report of Jan. 13/26, 1912 from Minister Kroupensky and Professor Nolde.

²⁵ *Spitsbergenkonferencene 1910 og 1912*.

²⁶ *Spitsbergenkonferansen 1914*, "Recueil des Observations faites par les différentes Puissances", appendix I.

²⁷ *File P7A 1/06*, British note of April 15, 1912.

²⁸ *Finmarkens Amtstidende*, May 29, *Morgenbladet*, May 14, and *Social Demokraten*, May 14, 15, 1912.

²⁹ *Stockholms Dagblad* and *Aftonbladet*, May 14, 1912.

³⁰ *Daily Graphic*, May 15, 1912.

³¹ *Spitsbergenkonferansen 1914*, "Recueil des Observations faites par les différentes Puissances", American note of April 12, Dutch note of April 2, Danish note of May 10, British note of May 17, and French note of May 10. The French Government which previously had abstained from commenting on the draft Convention, supposed that the duration of the Convention was too long, and that the arbitration clauses in article 72 should distinguish between the interpretation and the application of the Convention. In the former case it seemed reasonable to rule that arbitration should be compulsory.

The American Plan for an International Convention.

¹ *Letters, Reports and other Documents*, Report of Nov. 24, 1911 from Director Gibbson.

² *File P7A 1/11*.

³ *Letters, Reports and other Documents*, Report of Jan. 22, 1912 to State Department.

⁴ *File P7A 3/10*, Norwegian note May 9, and June 13, 1912. American note of May 21, 1912. The disputes were not adjusted until the American mines were taken over by the Norwegians in 1916.

⁵ N. H. Dole, *America in Spitsbergen*, II, p 271.

⁶ *Ibid.* pp. 266—67.

⁷ Robert Lansing, "A unique international Problem", *American Journal of international Law*, XI, pp. 765—66.

⁸ *Ibid.* pp. 766—70.

⁹ *Spitsbergenkonferansen 1912*, "Plan of international Convention relative to the Establishment of an international Administration for Spitzbergen", Preamble.

¹⁰ *Ibid.* ch. II.

¹¹ *Ibid.* ch. III.

¹² *Ibid.* ch. IV.

¹³ *Ibid.* chs. V, VI, VII, IX, X.

¹⁴ *Ibid.* ch. VII.

¹⁵ *Ibid.* ch. XI.

¹⁶ *File P7A 1/06*, Report of May 5, 1913 from the Washington Legation.

Negotiating While the Great Powers Mobilize.

¹ Samoilovich, Adadurov and Sidorov, *Kamennougolnaya Promyslenost Grumanta*.

² *Jahrbuch des Norddeutschen Lloyds 1913/14*.

³ Adolf Hoel, *The Norwegian Svalbard Expeditions 1906—1926*.

⁴ *Spitsbergenkonferansen 1914*. Projet de Convention concernant le Spitsbergen, Preamble.

⁵ *Ibid.* chap. III, art. 12.

⁶ *Ibid.* chap. V, art. 22.

⁷ *Ibid.* chap. V, art. 21.

⁸ *Ibid.* chap. V, art. 25.

⁹ *Ibid.* chap. VI, art. 27.

¹⁰ *Ibid.* chap. XII, art. 70.

¹¹ *Ibid.* chap. XIII, art. 72.

¹² *Die Große Politik der Europäischen Kabinette*, XXXIX, pp. 591—645.

¹³ N. H. Dole, *America in Spitsbergen*, II, p. 308.

¹⁴ *The Foreign Relations of the United States*, 1914, p. 980.

¹⁵ *Actes et Documents*, pp. 182—83.

¹⁶ *Ibid.* p. 190.

- ¹⁷ Ibid. p. 200.
¹⁸ See p. 92 in this volume.
¹⁹ *File P7A 1/06*, Report of July 6, 1914 from the Berlin Legation.
²⁰ *Actes et Documents*, p. 244.
²¹ Ibid. p. 187.
²² *File P7A 1/06*, Report of July 6, 1914 from the Berlin Legation.
²³ Ibid.
²⁴ *The Foreign Relations of the United States*, 1914, p. 979.
²⁵ Ibid. p. 978.
²⁶ *Actes et Documents*, p. 188 and p. 244.
²⁷ Ibid. pp. 185—186.
²⁸ Ibid. p. 186.
²⁹ Ibid. p. 188.
³⁰ Ibid. p. 189.
³¹ N. H. Dole, *America in Spitsbergen*, II, p. 319.
³² *Documents Diplomatiques Françaises 1871—1914*. 3. Serie, X, pp. 767—769.
³³ *Actes et Documents*, p. 230.

The Bulk of the Mining is Taken over by Norwegian Interests.

- ¹ *The Times*, Oct. 26, and *Manchester Guardian*, Oct. 30, 1919.
² D. Richard Dittmer, *Spitzbergen Handbuch*.
³ F. V. Martens, *Nouveau Recueil Général des Traités*, 3ème Ser., X, p. 810: Deutsch-Russischer Zusatzvertrag, art. 33.
File P7A 1/06. Note made in April 1918.
⁵ *Norddeutsche Allgemeine Zeitung*, March 12, 1918.
⁶ *The Times*, March 12, 1918.
⁷ *The Financier*, Oct. 8, 1918.
⁸ N. H. Dole, *America in Spitsbergen*, II, p. 386.
⁹ Ibid. pp. 401—402.
¹⁰ Ibid. pp. 351—363.
¹¹ Report of Nov. 1, 1916 from Director Scott Turner to J. M. Longyear. Norsk Polarinstitut's archives.
¹² N. H. Dole, *America in Spitsbergen*, II, pp. 403—409.
¹³ J. Gerckens Bassøe, "Svalbards Administrasjon". *Nordisk Administrativt Tidsskrift*, 1930, p. 178.
¹⁴ *Norsk Kunngjørelsestidende*, Nr. 453, 1918.
¹⁵ Adolf Hoel, *The Norwegian Svalbard Expeditions 1906—1926*.

Post-War Attitude to Svalbard.

- ¹ *File P2B 3a/18*. Report of Dec. 6, 1918 from the London Legation.
² *The Times*, March 11 and 13, 1918.
³ *Parliamentary Debates*, 5th Ser. Commons (1916), vol. 87, col. 542, and vol. 98, cols. 1287—88.
⁴ *Spitsbergen's Mineral Wealth, a Bulwark of British Industry*.
⁵ *The Financier*, Oct. 22, 1918.
⁶ Cf. *The Montreal Daily Star*, Dec. 7, and *Natal Mercury*, Dec. 10, 1918.
⁷ *Geographical Journal*, vol. 58, p. 49.
⁸ Ibid. vol. 53, pp. 83—91.
⁹ Ibid. p. 95.
¹⁰ This view was expressed by Commander G. E. Evans at the mentioned meeting of the Geographical Society and became headline news in the Norwegian press. Cf. *Tidens Tegn*, Dec. 11, 1918.

¹¹ *The Financier*, Jan. 8, 1919. The paper seems to have been influenced by the view held by the Northern Exploration Company.

¹² Here it was stated that "the British Government assumed effective occupation of the principal ports in 1918 by means of an expedition despatched by the Northern Exploration Company under the authority of the Foreign Office, and is now permanently established in Spitsbergen". *Whitaker's Almanack*, 1919, p. 607.

¹³ *Parliamentary Debates*, 5th Ser. Commons, vol. 115, col. 1570.

¹⁴ *File P2B 3a/18*, Telegram of Jan. 4, 1919 from the London Legation.

¹⁵ *Ibid.* Letter of Feb. 27, 1919 from Store Norske Spitsbergen Kulkompani.

¹⁶ *Ibid.* Telegram of Jan. 15, 1919 to the London Legation.

¹⁷ *Ibid.* Report of Dec. 6, 1918 from the London Legation.

¹⁸ Gunnar Andersson, "Spetsbergens Koltillgångar och Sveriges Kolbehov", *Ymer*, 1917, pp. 201—244.

¹⁹ *File P2B 3a/18*, Telegram of Dec. 7, 1918 and report of Jan. 22, 1919 from the Paris Legation.

²⁰ *Stockholmstidningen*, Jan. 25, 1919.

²¹ *File P2B 3a/18*, Report of Feb. 25, 1919 from the Stockholm Legation.

²² *Svenska Dagbladet*, Jan. 3, 1919.

²³ *File P2B 3a/18*, Swedish memorandum of Feb. 22, 1919.

²⁴ *Dagens Nyheter*, Feb. 27, 1919; *Stockholmstidningen*, May 26 and June 6, 1919.

²⁵ *File P2B 3a/18*, Report of April 1, 1919 from the Stockholm Legation.

²⁶ *Nieuwe Rotterdamse Courant*, March 24, 1919.

²⁷ F. G. Wieder, *The Dutch Discovery and Mapping of Spitsbergen*.

²⁸ *Stockholmstidningen*, March 29, 1919.

²⁹ *The Foreign Relations of the United States*, 1917, p. 640.

³⁰ *Mémoire du Gouvernement Danois*, p. 26.

³¹ *Politiken*, July 1, 1923.

³² *File P7A 1/06*, Telegram of May 6, 1917 from the Washington Legation.

³³ R. Lansing, *The Peace Negotiations. A personal Narrative*, p. 196.

³⁴ Samoilovich, Adadurov and Sidorov, *Kamennougolnaya Promyslenost Grumanta*, Introduction.

³⁵ *File P2B 3a/18*, Telegram of Jan. 9, 1919 from the Paris Legation.

³⁶ *Haalogaland*, Dec. 4, 1918.

³⁷ *Verdens Gang*, Dec. 12, and *Dagbladet*, Dec. 13, 1918.

³⁸ *Norges Handels og Sjøfartstidende*, Dec. 12, *Morgenbladet*, Dec. 19, 1918 and *Dagbladet*, Feb. 21, 1919.

³⁹ *Stortingsforhandlingene 1918. 8. overordentlige storting*, "Stortingstidende", pp. 12, 21.

⁴⁰ *Norske Intelligenssedler*, Jan. 18, 1919. But only a month later it voiced a different opinion and maintained that Norway was entitled to Svalbard, which was ancient Norwegian land and of great economic importance to Norway. *Norske Intelligenssedler*, Feb. 23, 1919.

⁴¹ *Norges Handels og Sjøfartstidende*, Feb. 21, 1919. It was maintained that Swedish opposition in this question would not match with the policy of Scandinavian cooperation which particularly Sweden advocated. *Dagbladet*, Feb. 21, 1919.

⁴² *Aftenposten*, May 17, 1919.

⁴³ In Great Britain the newspaper correspondents Ella Anker and Mons Mons-søn Mjelde were particularly active, while in France, Norway had a good friend in Professor Charles Rabot.

⁴⁴ *File P2B 3a/18*, Letter of Feb. 10, 1919 from Store Norske Spitsbergen Kulkompani.

⁴⁵ *Ibid.* Report of Jan. 24, 1919 from the Stockholm Legation.

Norway Submits the Case to the Paris Peace Conference.

- ¹ *File P2B 3a/18*, Telegram of March 9, 1917 from the Paris Legation.
- ² *Ibid.* Telegram of March 9, 1917 from the Foreign Ministry to the Stockholm Legation.
- ³ F. S. Marston, *The Peace Conference of 1919*, pp. 3—17.
- ⁴ *File P2B 3a/18*, Report of Nov. 11, 1918 from the London Legation.
- ⁵ *Ibid.* Report of Oct. 25, 1918 from the Copenhagen Legation.
- ⁶ From 1906 to 1921 he was also Minister to Madrid and Lisboa.
- ⁷ F. Wedel Jarlsberg, *Reisen gjennem Livet*, pp. 289—397.
- ⁸ The British Government had, by a regulation of April 25, 1916, decided that all neutral ships should guarantee to bring a return cargo before they could get bunker coal. This and other regulations gave the British Government an effective control of neutral shipping.
- ⁹ F. Wedel Jarlsberg, *Reisen gjennem Livet*, p. 370.
- ¹⁰ *File P2B 3a/18*, Report of Oct. 26, 1918 from the Paris Legation.
- ¹¹ *Ibid.* Telegram of Nov. 18, 1918 from the Paris Legation.
- ¹² *Ibid.* Telegram of Nov. 15, 1918 from the London Legation.
- ¹³ *File P7A 1/06*, Report of press conference in the Foreign Ministry Jan. 14, 1912.
- ¹⁴ *File P2B 3a/18*, Draft Directive to Minister Wedel, dated Oct. 31, 1918.
- ¹⁵ *Ibid.* Directive of Nov. 20, 1918.
- ¹⁶ *Ibid.* Decision made by the Foreign Affairs Committee of the Storting, Nov. 16, 1918.
- ¹⁷ In order to understand this statement it must be born in mind that Minister Wedel Jarlsberg also wanted a Norwegian colony in East Africa and a rectification of the Norwegian border in the northeast.
- ¹⁸ *File P2B 3a/18*, Directive of Nov. 20, 1918 to the Paris Legation.
- ¹⁹ *Ibid.* Telegram of Dec. 17, 1918 from the Paris Legation.
- ²⁰ *Ibid.* Telegram of Jan. 9, 1919 from the Paris Legation.
- ²¹ *Ibid.* Report of Dec. 6, 1918 from the London Legation.
- ²² Cf. p. 111 in this volume.
- ²³ F. S. Marston, *The Peace Conference of 1919*, p. 264.
- ²⁴ *Ibid.* p. 266.
- ²⁵ *Ibid.* pp. 114—116.
- ²⁶ G. Isachsen's diary, note made on March 8, 1919.
- ²⁷ *File P2B 3a/18*, Telegram of March 2 and 4, 1919 from the Paris Legation.
- ²⁸ Charles Rabot, *A qui doit appartenir le Spitsberg*.
- ²⁹ G. Isachsen's diary, note made on March 8, 1919.
- ³⁰ *File P2B 3a/18*, Telegram of March 9, 1919 from the Foreign Ministry.
- ³¹ G. Isachsen's diary, note made on March 24, 1919.
- ³² Cf. p. 124 in this volume.
- ³³ *File P2B 3a/18*, Notes of March 30, 1919.
- ³⁴ *Ibid.* Report of April 1, 1919 from the Stockholm Legation.
- ³⁵ *Ibid.* Report of April 2, 1919 from the Copenhagen Legation.
- ³⁶ *Ibid.* Report of April 3, 1919 from the Hague Legation.
- ³⁷ *Ibid.* Report of April 2, 1919 from the London Legation.
- ³⁸ *Ibid.* Telegram of April 3 and 5, 1919 from the Washington Legation.
- ³⁹ *Ibid.* Telegram of April 25, 1919 from the Washington Legation.
- ⁴⁰ *Ibid.* Telegram of April 3, 1919 from the Rome Legation.
- ⁴¹ F. S. Marston, *The Peace Conference of 1919*, p. 178.
- ⁴² *Exposé des Questions soumises à la Conférence de la Paix* p. 8.
- ⁴³ *File P2B 3a/18*, Report of April 10, 1919 from the Paris Legation.

⁴⁴ *Exposé des Questions soumises à la Conférence de la Paix.*

⁴⁵ Article 118 of the Treaty of Versailles.

⁴⁶ *File P2B 3a/18*, Notes of May 13, 1919.

⁴⁷ *Ibid.* Telegram of April 23, 1919 to the Lisboa Legation.

Mandate or Sovereignty.

¹ *The Foreign Relations of the United States: The Paris Peace Conference*, VII, p. 35.

² *Ibid.* VIII, p. 351.

³ *The League of Nations' Covenant*, art. 22.

⁴ *File P2B 3a/18*, Telegram of Feb. 7, 1919 from the Paris Legation.

⁵ It seems that the strategic importance of the archipelago was carefully studied in Great Britain. In July a very influential party visited Svalbard on board the "Sheilah", Admiral Beatty's yacht. *Times*, Sept. 26, 1919.

⁶ *File P2B 3a/18*, Letter of March 25, 1919 from Ed Fullerton Carnegie to Mrs. Ella Anker.

⁷ *Ibid.* Telegram of June 13, 1919 from the Paris Legation.

⁸ *Ibid.* Telegram of July 2 and 17, 1919 from the Paris Legation.

⁹ *File P2B 3a/18*, Telegram of July 19, 1919 from the Paris Legation.

¹⁰ *Mededeelingen van den Minister van Buitenlandsche Zaken aan de Staten-Generaal, June, 1919—April, 1920*, p. 20. It is not quite clear whether the League of Nations was empowered to appoint Mandatory States. At the Paris Conference the Mandatory States were appointed by the Great Powers. Q. Wright, *Mandates under the League of Nations*, pp. 438—39.

¹¹ *Mémoire du Gouvernement Danois*, p. 26.

¹² *File P7A 1/06*, Danish note of April 5, 1910.

¹³ *File P2B 3a/18*, Note made by Foreign Minister Ihlen on July 14, 1919.

¹⁴ *Stortingsforhandling 1923*, VIa, Innst. S. LXVI, pp. 1—2; cf. also *Mémoire du Gouvernement Danois*, p. 28.

¹⁵ Sazonov's and Kolchak's representatives.

¹⁶ Some clauses on which there was agreement at the Oslo Conferences. *File P2B 3a/18*, Telegram of July 17, 1919 from the Paris Legation.

¹⁷ *The Foreign Relations of the United States: The Paris Peace Conference*, VIII, p. 351.

¹⁸ *Mededeelingen van den Minister van Buitenlandsche Zaken aan de Staten-Generaal, June, 1919—April, 1920*, p. 15.

¹⁹ *File P2B 3a/18*, Swedish note of July 30, 1919.

²⁰ 1. Swedish subjects should be entitled to acquire land on the same footing as the Norwegians. 2. Rights acquired before the signature of the Treaty should be guaranteed. 3. The procedure for land disputes should be laid down. 4. Mining regulations should be worked out. 5. Norway should not be allowed to issue regulations on export and import hampering foreign undertakings in exploiting their land. 6. Monopolizing of, and preferences for, the transport between Norway and Svalbard should be prohibited. 7. Norway should not be entitled to levy more taxes than what was needed to cover the expenses for administration and public institutions. 8. The mining companies should have sole right to hunting on their land. 9. The Signatory Powers and their subjects should be entitled to acquire property rights to what land they needed for scientific, cultural and humanitarian establishments. Copy of Swedish memorandum to the Svalbard commission, *File P2B 3a/18*.

²¹ *The Foreign Relations of the United States: The Paris Peace Conference*, VIII, p. 352. The founding of a Finnish port on the Arctic sea bord involved that

Finland also became interested in the Arctic sea route. In this respect reference may be made to the following point raised by an American author who states in 1919 that "it seems clear that Germany realizes the importance of an outlet on the Arctic in view of the fact that her exit from the Baltic is dominated not merely by the Scandinavian States, but by the British control of the North Sea. It is obviously for this reason that she has encouraged Finland to seek an Arctic port at the expense of Russia. With Finland as a puppet State — as Germany desires — and with Norway and Sweden unable or unwilling to check her, she would have an easy exit across the Baltic, through Finland, and round the North Cape". Louis H. Gray, *Spitsbergen and Bear Island*, p. 48.

²² *File P2B 3a/18*, Report of Aug. 19 and 23, 1919 from the London Legation.

²³ *Ibid.* Telegram of Aug. 29, 1919 from the Washington Legation.

²⁴ R. Lansing, *The Peace Negotiations. A personal Narrative*, pp. 149—61.

²⁵ *File P2B 3a/18*, Telegram of Aug. 18, 1919 from the Paris Legation.

²⁶ *The Foreign Relations of the United States: The Paris Peace Conference*, VIII, pp. 351—363.

²⁷ In addition to the same claims as the Swedish Government had raised, the Dutch Government demanded that all nations should have the same rights as the Norwegians to fish in the territorial waters of Svalbard, that the Norwegians should tend the graves of Dutch whalers at Smeerenburg, and that all disputes should be settled by arbitration. *Mededeelingen van den Minister van Buitenlandsche Zaken aan de Staten-Generaal, June, 1919—April, 1920*, pp. 15—16.

²⁸ *The Foreign Relations of the United States: The Paris Peace Conference*, III, pp. 785—817.

²⁹ Q. Wright, *Mandates under the League of Nations*, pp. 319—338.

³⁰ R. Lansing, *The Peace Negotiations. A personal Narrative*, p. 151.

³¹ It has never been decided whether the League of Nations was empowered to annul a mandate. But some authorities hold the opinion that if a judgement pronounced by the international court at the Hague made it clear that a Mandatory Power has disregarded the conditions for the execution of the mandate, the League of Nations could dismiss it and appoint a new one. Cf. Q. Wright, "Mandates", *Encyclopaedia of the Social Sciences*, X, p. 91.

Working Out the Treaty.

¹ *File P2B 3a/18*, Telegram of July 15, 1919 to the Paris Legation.

² It seems that Mr. Fromageot, who was chairman of the drafting committee of the Conference, has discussed the matter with representatives of the American and British Delegations.

³ *File P2B 3a/18*, Telegram of July 19, 1919 from the Paris Legation.

⁴ *Ibid.* Proces-verbal no. 2 of the Svalbard Committee.

⁵ *Ibid.* Telegram of July 22, 1919 to the Paris Legation.

⁶ *Ibid.* Telegram of July 24, 1919 from the Paris Legation.

⁷ *Traktat vedrørende Spitsbergen*, ch. II.

⁸ *File P2B 3a/18*, Telegram of July 26, 1919 to the Paris Legation.

⁹ *Ibid.* Telegram of July 26, 1919 from the Paris Legation.

¹⁰ *Ibid.* Note made on Aug. 2, 1919.

¹¹ *Ibid.* Report of Aug. 4, 1919 from the Paris Legation.

¹² *Ibid.* Telegram of Aug. 6, 1919 from the Paris Legation.

¹³ *Ibid.* Telegram of July 28, 1919 from the Paris Legation.

¹⁴ *Ibid.* Swedish note of July 30, 1919.

¹⁵ *Ibid.* Note made on July 31, 1919.

¹⁶ *Ibid.* Report of Aug. 12, 1919 from the Stockholm Legation.

¹⁷ Ibid. Report of Aug. 4, 1919 from the Paris Legation.

¹⁸ Ibid. Telegram of Aug. 6, 1919 to the Paris Legation. The Norwegian Government proposed a few changes in the draft (*P2B3a/18*. Letter of Aug. 5 from Professor Lie to Mr. Wollebæk), but the Svalbard Committee does not seem to have made any allowance for them.

¹⁹ *Traktat vedrørende Spitsbergen*, ch. III, The Svalbard Committee's draft, art. 1.

²⁰ The clauses for hunting rights, the clauses giving the ships of the Signatory Powers right to call at Norwegian port on their voyage to and from Svalbard, the clauses giving owners of land right to establish radio stations, and the clauses for scientific research and for the restrictions on taxation.

²¹ *Traktat vedrørende Spitsbergen*, ch. III, art. 8.

²² Ibid. art. 2.

²³ Ibid. art. 5.

²⁴ Ibid. art. 9. One seems to have been thinking particularly of submarine bases.

²⁵ Ibid. art. 10.

²⁶ Ibid. art. 6.

²⁷ Ibid. Appendix to art. 6.

²⁸ The most important amendments were made to art. 3 and art. 8, cf. *Traktat vedrørende Spitsbergen*, ch. IV.

²⁹ Ibid. ch. IV.

³⁰ Ibid. chs. IV and V.

³¹ *The Foreign Relations of the United States: The Paris Peace Conference*, VIII, pp. 340—41.

Differing Appraisals of the Agreement.

¹ *Verdens Gang*, Sept. 27; *Aftenposten*, Sept. 26; *Morgenbladet*, Sept. 26; *Tidens Tegn*, Sept. 27; *Social Demokraten*, Sept. 27; *Norske Intelligenssedler*, Sept. 27, 1919.

² *File P2B 3a/18*, Report of Oct. 3, 1919 from the London Legation.

³ *Liverpool Post*, Sept. 26 and 29; *Manchester Guardian*, Sept. 27 and 30; *Daily Express*, Sept. 26; *Yorkshire Herald*, Oct. 1; *Common Sense*, Oct. 4, and *Outlook*, Oct. 4, 1919.

⁴ *The Globe*, and *Daily Mirror*, Sept. 26, 1919.

⁵ *Parliamentary Debates*, 5th Ser. Commons, (1919), vol. 120, cols. 849—850.

⁶ Ibid., vol. 121, col. 1862.

⁷ *The Financier*, Nov. 13, 1919.

⁸ *Aftenbladet* even congratulated Norway. See also *Stockholms Dagblad*, Sept. 26, and *Svenska Handelstidningen*, Sept. 3 and 28, 1919.

⁹ *Nya Dagligt Allehanda*, Sept. 3 and 28, 1919.

¹⁰ *Nieuwe Rotterdamse Courant*, May 27, 1919.

¹¹ *File P2B 3a/18*, Letter of Oct. 8, 1919 from the Justice Ministry.

¹² Ibid. Letter of Oct. 13 from the Social Affairs Ministry, letter of Oct. 11 from the Defence Ministry, letter of Oct. 16 from the Commerce Ministry, and letter of Oct. 22, 1919 from the Treasury Ministry.

¹³ Subject to international obligations in war, cf. art. 4.

¹⁴ *File P2B 3a/18*, Letter of Oct. 30, 1919 from the Director of the Telegraph Service.

¹⁵ Ibid. Letter of Oct. 12, 1919 from Professor Fredrik Stang.

¹⁶ Ibid. Norwegian note of Oct. 22, 1919.

¹⁷ *The Foreign Relations of the United States. The Paris Peace Conference*, vol. IX, p. 292.

¹⁸ *File P2B 3a/18*, Note of Nov. 21, 1919 from the Supreme Council. The *mining regulations* could not be based on the Norwegian concession laws, since the treaty provided for equality for the nationals of all the contracting parties; and a draft was worked out, based on the principle of first finder's right to acquire mining rights and to start working. Apart from the Norwegian State, all persons and companies from powers, which joined the treaty, were entitled to search for, acquire and exploit natural deposits of minerals and stones capable of being mined. But every foreign undertaking should have a representative resident in Norway or Svalbard, who was empowered to represent his company vis-à-vis the Norwegian authorities; and anyone who had acquired a claim was obliged to keep a certain amount of work going in order to maintain his rights.

The landowner would only be entitled to participate in the undertaking to the extent of 1/10 of the capital involved; but at the request of the Swedish Government he was given the right to participate with up to 1/4.

The laws for workers' welfare at any time applicable to mining in Norway should apply to Svalbard, with such amendments and reservations as the King should decide.

The older occupants were given the right to as many claims as they wished, within two years of their property right being recognized. At the request of the Swedish Government the older occupants were given sole right to mining for five years, and on a British request the period was extended to ten years.

The negotiations about the mining legislation went on for more than three years. The difficulties encountered are described in the thesis *Svalbard i internasjonal politikk 1871—1925*, pp. 244—250.

¹⁹ *File P2B 3a/18*, Report of Nov. 24 and of Dec. 11, 1919 from the Paris Legation.

²⁰ *Journal des Débats*, Feb. 8, 1920.

²¹ The Oslo papers for Feb. 10, 1920.

²² *Recueil des Traités de la Norvège*, I, pp. 627—632.

²³ *File P2B 3a/18*, Norwegian and Swedish notes of Jan. 12, 1919.

²⁴ *Ibid.* Norwegian and Swedish notes of Jan. 12, 1919.

The German Attitude to the Treaty.

¹ *File P2B 3a/18*, Telegram of April 25, 1919 from the Berlin Legation.

² *Ibid.* Directive of Sept. 30, 1919 to the Berlin Legation.

³ *Ibid.* Directive of Oct. 30, 1919 to the Berlin Legation.

⁴ F. V. Martens, *Nouveau Recueil Général des Traités*, 3ème Ser. XI, pp. 430—31.

⁵ *File P2B 3/20*, Promemoria of June 26, 1924.

⁶ *File P2B 3a/18*, Report of Nov. 25, 1919 from the Berlin Legation, and

⁷ *File P2B 3/20*, Note made by the Foreign Minister on April 20, 1920.

⁸ *Ibid.* Directive of May 3, 1920 to the Paris Legation.

⁹ *Ibid.* Report of June 28, 1920 from the Paris Legation.

¹⁰ *Ibid.* Note made by the Foreign Minister on July 27, 1920.

¹¹ *Ibid.* Report of Nov. 11, 1920 from the Berlin Legation.

¹² *Ibid.* Telegram of Jan. 15, 1921 from the Paris Legation.

¹³ *Ibid.* Telegram of Sept. 9, 1921 from the London Legation.

¹⁴ *Ibid.* Directive of Sept. 28, 1923 to the Berlin Legation.

²⁵ Ibid. Report of Oct. 11, 1923 from the Berlin Legation.

¹⁶ Ibid. Note made by Mr. Esmarch on Nov. 30, 1923.

¹⁷ Ibid. Note made by Mr. Esmarch on Oct. 27, 1923.

¹⁸ *Verhandlungen des Reichstags*. III. Wahlperiode 1924. Bd. 400, Nr. 850.

¹⁹ *File P2B 3/20*, Note of Aug. 13, 1924.

The Soviet Russian Government Protests.

¹ Karl Strupp, *Wörterbuch des Völkerrechts und der Diplomatie*, III, pp. 160—162.

² Theoretically explained in a memorandum of April 20, 1922 submitted at the Genova Conference, as follows: "The revolution of 1917 completely destroyed all old economic, social and political relations, and by substituting a new society for the old one, in virtue of the sovereignty of a revolting people, has transferred the state authority in Russia to a new (different) social class. By so doing it has severed the continuity of all obligations which were essential to the economic life of the social class which has disappeared." A. T. Taracouzio, *The Soviet Union and International Law*, New York 1935, pp. 249—50.

³ *File P2B 3/20*, Telegram of Feb. 13, 1920 from the People's Commissariat for Foreign Affairs to the Norwegian Foreign Ministry.

⁴ Ibid. Telegram of May 7, 1920 from the People's Commissariat for Foreign Affairs to the Norwegian Foreign Ministry.

⁵ A. V. Sabanine, "Russia and Spitsbergen". *Vestnik N. K. I. D.*, nos. 5—6, 1921, pp. 28—53.

⁶ *File P2B 3/20*, Report of Nov. 16, 1922 from the Trade Delegation in Moscow.

⁷ Ibid. Directive of Nov. 2, 1922 for the Trade Delegation in Moscow.

⁸ Ibid. Report of Nov. 27, 1922 from the Trade Delegation, and telegram of Jan. 10, 1923 from the Foreign Ministry to the Trade Delegation.

⁹ Ibid. Report of Jan. 7, 1923 from the Trade Delegation.

¹⁰ It concerned the following clauses: "(1) Subjects of the States which have signed or adhered to the Svalbard Treaty, (2) companies belonging to the said States (a company is considered to belong to the State in which it has its board of directors), and (3) the Norwegian State — all have, subject to these Mining Regulations, the right to search for, acquire and exploit, on an equal footing as to taxation and in all other respects, all natural deposits of coal, rock oil and other minerals and stones produced by mining."

¹¹ *File P2B 3/20*, Russian note of Jan. 16, 1923.

¹² See pp. 159—60.

¹³ *File P2B 3/20*, Norwegian note of March 2, 1923.

A Diplomatic Settlement of Compensation.

¹ Anders Buen, *Erindringer*, pp. 114—115.

² *Stortingsforhandling* 1920, St.med. nr. 25.

³ *Stortingsforhandling* 1921, VII, p. 3602.

⁴ Ibid. p. 3625.

⁵ *Stortingsforhandling* 1921, St.prp. nr. 139.

⁶ *Recueil des Traités de la Norvège*, II, pp. 674—679.

⁷ F. Castberg, "Om anerkjennelse av nye regjeringer". *Tidsskrift for rettsvidenskap* 1924, p. 185.

⁸ *Stortingsforhandling* 1921, St.prp. nr. 139, appendix 2.

⁹ Ibid. VII, pp. 3625—26.

¹⁰ Ibid. Innst. S. LXXIII, appendix 3.

¹¹ Ibid. VII, pp. 3595—3650.

¹² *Stortingsforhandlinger 1922*, St.prp. nr. 50, and VII, pp. 879—884.

¹³ An article in *Izvestia* with the heading "The Defence of Russia's northern Border" was reprinted in the Oslo-paper *Aftenposten*, Sept. 29, 1922.

¹⁵ *Volna*, Nov. 24, 1922.

¹⁶ Ibid. Jan. 16, 1923.

¹⁷ *File P2B 3/20*, Report of Dec. 11, 1922 from the Delegation at Lausanne.

¹⁸ *Stortingsforhandlinger 1923*, VII, p. 516.

¹⁹ *File P2B 3/20*, Instruction of April 10, 1923 to the Trade Delegation in Moscow.

²⁰ F. Castberg, "Om anerkjennelse av nye regjeringer". *Tidsskrift for rettsvidenskap 1924*, pp. 186—87.

²¹ *File P2B 3/20*, Report of July 21, 1923 from the London Legation and from the Paris Legation.

²² Ibid. Instruction of Sept. 3, 1923 to the Trade Delegation in Moscow.

²³ See p. 154 in this volume.

²⁴ *File P2B 3/20*, Letter of Sept. 17, 1923 from the Foreign Minister to the Commerce Minister.

²⁵ Cf. pp. 169—70 in this volume.

²⁶ *File P2B 3/20*, Telegram of Oct. 2, 1923 from the Trade Delegation in Moscow.

²⁷ Ibid. Russian note of Nov. 7, 1923.

²⁸ Ibid. Letter of Sept. 17, 1923 from the Foreign Minister to the Commerce Minister.

²⁹ Ibid. Telegram of Sept. 28, 1923 from the Trade Delegation in Moscow.

³⁰ *Arbeiderbladet*, Sept. 22; *Dagbladet*, Oct. 2 and 5; *Morgenbladet*, Sept. 26 and Oct. 6, 1923.

³¹ *Pravda*, Nov. 27, 1923. The transport system of North Russia was so bad that it was difficult to carry coal from other parts of the country to the North Russian ports, besides there was a general shortage of coal in Russia. And the financial situation did not allow for much import of fuel from Great Britain. On the other hand, consumption in North Russia was increasing because of the development of shipping and fishing. *Volna*, Feb. 10, 1925.

³² Mrs. Alexandra Kollontay had been counsellor to the Russian Trade Delegation in Oslo, and in the autumn of the 1923 she became its leader.

³³ *File P2B 3/20*, Telegram of Nov. 8, 1923 from the Trade Delegation in Moscow.

³⁴ Ibid. Note made by the Foreign Minister on Dec. 17, 1923.

³⁵ Ibid. Note of Jan. 8, 1924.

³⁶ Ibid. Report of Jan. 11, 1924, from the Paris Legation.

³⁷ Ibid. Note by Esmarch on Jan. 12, 1924.

³⁸ Ibid. Report of Jan. 24, 1924 from the London Legation.

³⁹ Ibid. Russian note of Feb. 4, 1924.

⁴⁰ Ibid. Note made by the Foreign Minister on Feb. 6, 1924.

⁴¹ Ibid. Russian note of Feb. 16, 1924.

⁴² *British and Foreign State Papers*, vol. CXIX, p. 588; *Gazzetta Ufficiale*, no. 194, 1924; Japanese *Gazette Officielle*, Jan. 20, 1925.

⁴³ *Rigsdagstidende 1923—24*. Folketinget, sp. 2626 and 2755. Landstinget sp. 468 and 471; *Riksdagens Protokoll 1924*. Första kam. 36: 42. Andra kam. 35: 1. Bihang, saml. nr. 26; Congressional Record, vol. LXV, part 3, p. 2653.

In France, too, the matter was dealt with by the National Assembly. The Foreign Affairs Committee of the Chamber of Deputies stated in its recommendation that the Government's procedure was certainly not due to legal scruples, but rather

prompted by the idea of associating the National Assembly with a friendly act to the power which, more than any other, was interested in the Treaty. *Impressions de la Chambre des Députés 1924*, no. 371.

⁴⁴ *Stortingsforhandlinger 1924*. Innst. S. LXIV.

⁴⁵ *Ibid.* VII, pp. 2741—43.

⁴⁶ *File P2B 3/20*, Note of Feb. 25, 1924.

⁴⁷ *Ibid.* Instruction of Feb. 5, 1925 to the Paris Legation.

⁴⁸ *Ibid.* Copy of instruction of Feb. 17, 1925 from the French Foreign Ministry to its Legations in 45 States.

⁴⁹ *Report of the Svalbard Commissioner*, part I, p. 3.

⁵⁰ Gunnar Horn and Anders K. Orvin, *Geology of Bear Island*.

⁵¹ *Report of the Svalbard Commissioner*, part I, p. 3.

⁵² T. A. Taracouzio, *Soviets in the Arctic*, p. 320.

⁵³ *Soviet Russian Law Gazette*, Second Section, nr. 17/1935. Nov. 29, 1935.

⁵⁴ M. Hofgaard, *Overenskomster med fremmede makter*, 1935—36, p. 521.

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Appendix.

The President of The United States of America; his Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; his Majesty the King of Denmark; the President of the French Republic; his Majesty the King of Italy; his Majesty the Emperor of Japan; his Majesty the King of Norway; her Majesty the Queen of the Netherlands; his Majesty the King of Sweden,

Desirous, while recognising the sovereignty of Norway over the Archipelago of Svalbard, including Bjørnøya Island, of seeing these territories provided with an equitable régime, in order to assure their development and peaceful utilisation,

Have appointed as their respective Plenipotentiaries with a view to concluding a Treaty to this effect:

—————
Who, having communicated their full powers, found in good and due form, have agreed as follows:¹

Article 1.

The High Contracting Parties undertake to recognise, subject to the stipulations of the present Treaty, the full and absolute sovereignty of Norway over the Archipelago of Svalbard, comprising, with Bjørnøya, all the islands situated between 10° and 35° longitude East of Greenwich and between 74° and 81° latitude North, especially Vestspitsbergen, Nordaustlandet, Barentsøya, Edgeøya, Kong Karls Land, Hopen, and Prins Karls Forland, together with all islands great or small and rocks appertaining thereto (see annexed map).

Article 2.

Ships and nationals of all the High Contracting Parties shall enjoy equally the rights of fishing and hunting in the territories specified in Article 1 and in their territorial waters.

¹ Original text except that the place-names have been replaced by the Norwegian names now applied on nearly all maps.

Norway shall be free to maintain, take or decree suitable measures to ensure the preservation and, if necessary, the re-constitution of the fauna and flora of the said regions, and their territorial waters; it being clearly understood that these measures shall always be applicable equally to the nationals of all the High Contracting Parties without any exemption, privilege or favour whatsoever, direct or indirect to the advantage of any one of them.

Occupiers of land whose rights have been recognised in accordance with the terms of Articles 6 and 7 will enjoy the exclusive right of hunting of their own land: (1) in the neighbourhood of their habitations, houses, stores, factories and installations, constructed for the purpose of developing their property, under conditions laid down by the local police regulations; (2) within a radius of 10 kilometres round the headquarters of their place of business or works; and in both cases, subject always to the observance of regulations made by the Norwegian Government in accordance with the conditions laid down in the present Article.

Article 3.

The nationals of all the High Contracting Parties shall have equal liberty of access and entry for any reason or object whatever to the waters, fjords and ports of the territories specified in Article 1; subject to the observance of local laws and regulations, they may carry on there without impediment all maritime, industrial, mining and commercial operations on a footing of absolute equality.

They shall be admitted under the same conditions of equality to the exercise and practice of all maritime, industrial, mining or commercial enterprises both on land and in the territorial waters, and no monopoly shall be established on any account or for any enterprise whatever.

Notwithstanding any rules relating to coasting trade which may be in force in Norway, ships of the High Contracting Parties going to or coming from the territories specified in Article 1 shall have the right to put into Norwegian ports on their outward or homeward voyage for the purpose of taking on board or disembarking passengers or cargo going to or coming from the said territories, or for any other purpose.

It is agreed that in every respect and especially with regard to exports, imports and transit traffic, the nationals of all the High Contracting Parties, their ships and goods shall not be subject to any charges or restrictions whatever, which are not borne by the nationals, ships or goods which enjoy in Norway the treatment of the most favoured nation; Norwegian nationals, ships or goods being for this purpose assimilated to those of the other High Contracting Parties, and not treated more favourably in any respect.

No charge or restriction shall be imposed on the exportation of any goods to the territories of any of the Contracting Powers other or more onerous than on the exportation of similar goods to the territory of any other Contracting Power (including Norway) or to any other destination.

Article 4.

All public wireless telegraphy stations established or to be established by, or with the authorisation of, the Norwegian Government within the territories referred to in Article 1 shall always be open on a footing of absolute equality to communications from ships of all flags and from nationals of the High Contracting Parties, under the conditions laid down in the Wireless Telegraphy Convention of July 5, 1912, or in the subsequent International Convention which may be concluded to replace it.

Subject to international obligations arising out of a state of war, owners of landed property shall always be at liberty to establish and use for their own purposes wireless telegraphy installations, which shall be free to communicate on private business with fixed or moving wireless stations, including those on board ships and aircraft.

Article 5.

The High Contracting Parties recognise the utility of establishing an international meteorological station in the territories specified in Article 1, the organisation of which shall form the subject of a subsequent Convention.

Conventions shall also be concluded laying down the conditions under which scientific investigations may be conducted in the said territories.

Article 6.

Subject to the provisions of the present Article, acquired rights of nationals of the High Contracting Parties shall be recognised.

Claims arising from taking possession or from occupation of land before the signature of the present Treaty shall be dealt with in accordance with the Annex hereto, which will have the same force and effect as the present Treaty.

Article 7.

With regard to methods of acquisition, enjoyment and exercise of the right of ownership of property, including mineral rights, in the territories specified in Article 1, Norway undertakes to grant to all nationals of the High Contracting Parties treatment based on complete equality and in conformity with the stipulations of the present Treaty.

Expropriation may be resorted to only on grounds of public utility and on payment of proper compensation.

Article 8.

Norway undertakes to provide for the territories specified in Article 1 mining regulations which, especially from the point of view of imposts, taxes or changes of any kind, and of general or particular labour conditions, shall exclude all privileges, monopolies or favours for the benefit of the State or of the nationals of any one of the High Contracting Parties, including Norway, and shall guarantee to the paid staff of all categories the remuneration and protection necessary for their physical, moral and intellectual welfare.

Taxes, dues and duties levied shall be devoted exclusively to the said territories and shall not exceed what is required for the object in view.

So far, particularly, as the exportation of minerals is concerned, the Norwegian Government shall have the right to levy an export duty which shall not exceed 1 % of the maximum value of the minerals exported up to 100,000 tons, and beyond that quantity the duty will be proportionately diminished. The value shall be fixed at the end of the navigation season by calculating the average free on board price obtained.

Three months before the date fixed for their coming into force, the draft mining regulations shall be communicated by the Norwegian Government to the Contracting Powers. If during this period one or more of the said Powers propose to modify these regulations before they are applied, such proposals shall be communicated by the Norwegian Government to the other Contracting Powers in order that they may be submitted to examination and the decision of a Commission composed of one representative of each of the said Powers. This Commission shall meet at the incitation of the Norwegian Government and shall come to a decision within a period of three months from the date of its first meeting. Its decisions shall be taken by a majority.

Article 9.

Subject to the rights and duties resulting from the admission of Norway to the League of Nations, Norway undertakes not to create nor to allow the establishment of any naval base in the territories specified in Article 1 and not to construct any fortification in the said territories, which may never be used for warlike purposes.

Article 10.

Until the recognition by the High Contracting Parties of a Russian Government shall permit Russia to adhere to the present Treaty, Russian nationals and companies shall enjoy the same rights as nationals of the High Contracting Parties.

Claims in the territories specified in Article 1 which they may have to put forward shall be presented under the conditions laid down in the present Treaty (Article 6 and Annex) through the intermediary of the Danish Government, who declare their willingness to lend their good offices for this purpose.

The present Treaty, of which the French and English texts are both authentic, shall be ratified.

Ratifications shall be deposited at Paris as soon as possible.

Powers of which the seat of the Government is outside Europe may confine their action to informing the Government of the French Republic, through their diplomatic representatives at Paris, that their ratification has been given, and in this case, they shall transmit the instrument as soon as possible.

The present Treaty will come into force, in so far as the stipulations of Article 8 are concerned, from the date of its ratification by all the signatory Powers; and in all other respects on the same date as the mining regulations provided for in that Article.

Third Powers will be invited by the Government of the French Republic to adhere to the present Treaty duly ratified. This adhesion shall be effected by a communication addressed to the French Government, which will undertake to notify the other Contracting Parties.

In witness whereof the abovenamed Plenipotentiaries have signed the present Treaty.

Done at Paris, the ninth day of February, 1920, in duplicate, one copy to be transmitted to the Government of His Majesty the King of Norway, and one deposited in the archives of the French Republic; authenticated copies will be transmitted to the other Signatory Powers.

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