

570, 571). The result was the famous 1944 voyage under the command of Sergeant Henry Larsen. The *St. Roch* became the first ship to sail through the more northerly, and hence far more difficult, Northwest Passage route (see fig. 28 and map 8.6).

After the war, Gibson continued to push for a definitive sovereignty report from External Affairs. A year and a half before his retirement, such a report was finally commissioned from Vincent MacDonald of the school of law at Dalhousie University (doc. 572). Before MacDonald began his labours, a massive amount of data on government activities in the North was compiled by the Department of Mines and Resources. The resulting record⁴⁵ provided MacDonald with ample evidence for his conclusion that Canadian sovereignty was secure. MacDonald's report was the first internal Canadian analysis to take full account of the Eastern Greenland decision.⁴⁶ He doubted the value of the sector theory, but he also observed that Canada's sector claim was "a claim to precisely the region which can be claimed successfully by right of effective occupation" when the criteria for occupation in the polar regions that had been set out by the PCIJ were applied. Here MacDonald, without realizing it, elucidated the true intention behind James White's memos, the 1925 Council decision, and Charles Stewart's ensuing public statements.⁴⁷ Despite his misunderstanding, MacDonald's words demonstrate that by 1949, the purpose of the 1925 sovereignty claim had been achieved.

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⁴⁵ Department of Mines and Resources, *Factual Record Supporting Canadian Sovereignty in the Arctic* (1949), copy in Jules Léger Library, Global Affairs Canada.

⁴⁶ Other External Affairs memos drew mainly on reference works published before the Eastern Greenland decision was made. Skelton's file on the case does not appear to have been consulted after his death. Had Skelton produced the memo for which Gibson so often asked, External Affairs would undoubtedly have been far more confident regarding sovereignty issues during the 1940s.

⁴⁷ MacDonald can hardly be blamed for this misunderstanding. Almost all other legal commentators also failed to grasp the true nature of the Canadian sector claim. For one of the few exceptions, see W.H. McConnell, "Canadian Sovereignty over the Arctic Archipelago," Master's thesis, College of Law, University of Saskatchewan, 1970, p. 43.