

- (32) "Effective occupation as generally required does not imply its extension to every nook and corner", Von der Heydte, op. cit.
- (33) Op. cit., p. 35.
- (34) R.S.C. 1927, c. 142.
- (35) See F.R., Chapter 5, Sec. 3.
- (36) See F.R., Chapter 16.
- (37) See F.R., Appendix 4, No. 3.
- (38) See infra.
- (39) See footnote 3 supra and F.R., pp. 61-72.
- (40) F.R., pp. 168-78.
- (41) Palmas Case supra.
- (42) Oppenheim, op. cit., p. 508 (n).
- (43) See Smedal, op. cit., pp. 54-76 for a discussion of this principle and the instances in which it has been asserted as a basis of title. See also 1 Hackworth, op. cit., pp. 461-5; also cf several Departmental memoranda on External file 9057-40C, such as the memorandum dated 4 March, 1948, page 2, and discussion in Hyde, op. cit., pp. 349 et seq; and McKitterick in (1939) 21 J.C.L. 89 [T.E.M. McKitterick, "The Validity of Territorial and Other Claims in Polar Regions," *Journal of Comparative Legislation and International Law*, 3rd series, vol. 21, no. 1 (1939), pp. 89-97].
- (44) Quoted in Departmental memorandum of 4th March, 1948, and in Foreign Office memorandum of 1930 on p. 2 [Laurence Collier, "Memorandum Respecting Territorial Claims in the Arctic to 1930," 10 February 1930; see/ voir doc. 393, footnote/ note en bas de page].
- (45) Departmental memorandum of 2 February, 1946, on External File 9057-40C, Part III [J.L. Robinson, "Summary of Bureau of N.W.T. Files on Sovereignty in the Canadian Arctic," LAC/ BAC, RG 25, vol. 6297]; but semble, this was a claim based on annexation not on the Sector Principle – see Appendix 5 [Addendum, No. 9].
- (46) Idem; and Foreign Office memo of 1930, p. 6; various dept's memoranda on External file 9057-40C (all parts).
- (47) Foreign Office memo of 1930, p. 3.
- (48) External Memo 1930, p. 3 [doc. 522]; 1 Hackworth, op. cit., p. 463.
- (49) Smedal, op. cit., pp. 66 and 67; Foreign Office memo of 1930, pp. 1, 2 and 5.
- (50) Foreign Office memo of 1930, pp. 1 and 5.
- (51) Foreign Office memo, 1930, p. 4; Smedal, op. cit., pp. 55, 58, 59, 60, 75 and 76.
- (52) Foreign Office memo of 1930, p. 2.
- (53) Idem, pp. 4 and 6.
- (54) An argument favouring the Russian Sector may be found in the United States-Russia Treaty of 1867, a clause of which delimited the boundary in the Behring Strait in such a way that it could have meant that the two States on this occasion divided Arctic regions between them. This doubtful division would only bind upon the parties themselves. As far as Norway is concerned, Smedal (p. 59) wrote in 1931 that despite the Decree it continues to consider that it has some rights over Franz Josef Land. [On Norway's position regarding Franz Josef Land, see docs 443, 444, enclosures. No effective action was ever taken by Norway to contest Russian ownership of Franz Josef Land./ Pour la position de la Norvège concernant la terre de François-Joseph, voir docs 443, 444, pièces jointes. Aucune mesure réelle ne fut prise par la Norvège pour contester la propriété russe de la terre de François-Joseph.]
- (55) As to the Sector Principle and the U.S.A., see Hyde, op. cit., p. 349 ff.
- (56) Cf External files re Antarctic problems; also A.P. communique dated 23rd November, 1948 (on External file 9057-40C, Part IV).