THE SPITZBERG TREATY OF 1920

A contribution to the diplomatic history of its drafting
(from Swedish diplomatic archives)
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Introduction

The negotiations between 1870–1920 on a Spitzberg treaty have interested in particular Norwegian authors but not to the same extent Swedish writers. Amongst the rich Norwegian literature it is sufficient to refer to Trygve Mathisens work from 1951 “Svalbard i internasjonal politikk” and Willy Østrengs from 1971 entitled “Økonomi och politisk suveränitet”. The Norwegian authors, who have taken an interest in the subject, seem not to have had access to or used the Swedish diplomatic correspondence on the matter from 1905 and onwards. The general picture given by int.al. Mathisen in his book corresponds, however, to the one which can be derived from Swedish diplomatic archives, though those archives can contribute to give the picture some further shades of meaning. This is true also with regard to the conflicting view which made themselves felt between Sweden and Norway, as well as, to a certain extent, inside the Swedish foreign Service and between the leading personalities within that service on the one hand and other interested groups on the other.

In Sweden, only Folke Lindberg in his work “Den svenska utrikespolitikens historia” (The history of Swedish foreign policy) between 1872–1914 has gone through the material and has made a short digest thereof (covering not more than five pages).

Swedish official quarters’ interest for the Spitzberg dates back to the latter part of the last century. No trace of any official Swedish interest can be found before that period when Sweden otherwise was actively engaged in different problems in the Nordkalott region. This lastmentioned interest was particularily motivated by the struggle about the jurisdiction over the Lappmark, and about the borderline between Swedish and Danish/Norwegian taximposition of the Lapps as well as about conflicting interests from the Russian side. Russia made claims on the right for its citizens to settle on the western coast of the Finmark. This was interpreted both on Swedish as well as Danish/Norwegian side as badly hidden attempts by Russia to get access to the open sea.

During the latter half of the 19th century Swedish scientists engaged in a more systematic exploration of the Spitzberg. It was in particular professor Adolf Nordenskiöld who in the 1870ties started this exploration together with some other Swedes. Many of the names on the map of the Spitzberg have thus Swedish origin (Cape Linné, Cape Wijk, Chydenius glacier, Nathorst land, Otto Pettersson-fjord, Berzeliusland, Nordenskiölds land etc.).

The diplomatic history regarding the Spitzberg may conveniently be divided into three periods, viz 1. between 1870 and 1905, 2. between 1905 and 1914, 3. between 1915 and 1920.
The period between 1870-1905

The interstate relations up to 1905 may be dealt with in a summary way. Swedish-Norwegian feelers to claim jurisdiction over the islands in connection with some plans to colonize them had in 1870 met with resistance from Russia. However, by these feelers it had been made clear that the islands should be considered as no man’s land (terra nullius); the right to partial colonisation without occupation, valid in international law had not been seriously questioned. It is of interest in this connection and in the light of the Swedish Government’s attitude after 1905 to note a statement made by the King-in-Council in 1871 that “these islands ought to be under either the Swedish or the Norwegian Crown rather than to become the common property of the two United Kingdoms, for which they were not so well suited. Because of their geographical situation the islands should most naturally be considered as belonging to Norway, since they had since very long been visited by Norwegian fishing and wild life expeditions”. This statement was made as a reply to an application by professor Nordenskiöld that Sweden should take possession of the Spitzberg in order to be able to protect a colony which he had the intention to found on the island. The application was, however, dismissed after the Russian attitude mentioned above had become known.

A demarche by the Norwegian Government in 1892 to the Swedish Government that new soundings should be made did not meet with approval in Stockholm. In the Swedish Government’s reply it was referred to the case of the company of Isfjorden for coal extraction in 1872. At that time interested Governments had been informed by the Swedish Government, and a hope had been expressed, that this colonizing enterprise should be given such protection of all civilized states “that could be granted by international law”. Affirmative replies were received from all states including Russia.

The period between 1905 and 1914

One year after the dissolution in 1905 of the union between Norway and Sweden rumours were afoot in Swedish as well as foreign newspapers that Norway had the intention to annex the Spitzberg. The Swedish Envoy to Kristiania, E. Günther was in October 1906 instructed by the Foreign Minister, Count Trolle to enquire with the Norwegian Foreign Minister Lövland about the veracity of these rumours. Lövland explained that the Norwegian Government had not at all dealt with the question. However, should it so do it was self-evident that it should consult with int.al. Sweden. “Any cause for a conflict with any other country and in particular with a neighbouring country would be carefully avoided by Norway.” He added something which in light of the further development of the question until the treaty of 1920 is of interest: “If any other country intended to take possession of the islands – which could perhaps be expected by Russia or England – Norway would most energetically protest. Either should Norway possess the islands or should status quo reign, possibly with an internationally achieved order for the protection of the interests of other countries concerned.” Already here can the seed have been said to have been sown for the order finally established by the 1920 treaty. An intense debate was carried on in Swedish and Norwegian newspapers about which of the two countries that had