CANADIAN FORCES COLLEGE / COLLÈGE DES FORCES CANADIENNES
JCSP 35 / PCEMI 35

EXERCISE/EXERCICE NEW HORIZONS

A WHOLE OF GOVERNMENT APPROACH: REFRAMING CF POLICY FOR THE ARCTIC

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Abstract

The 2005 International Policy Statement (IPS) and 2008 Canada First Defence Strategy envision the CF taking an overt role in sovereignty activities in the Arctic, and the North West (NWP) Passage in particular. Russia, amongst other states, has expressed concern over militarization of the region.

Canada's concerns over the NWP revolve around security, enforcement and resource protection as opposed to defence threats. Canada's current ability to enforce laws in the Arctic, imbedded in the UN Convention for Law of the Sea, is restricted to non-governmental vessels. In order to demonstrate the historic use and governance necessary to support sovereignty claims, civilian use of the NWP should be encouraged and regulated and militarization avoided.

While the CF has no current capability to demonstrate overt long-term presence, it does possess excellent ability to support other agencies with surveillance, threat assessment, and SAR among other low-key missions. This paper concludes that the CF role in the Arctic should currently be restricted to one of covert support to other agencies in enforcing governance and sovereignty as part of an orchestrated Whole of Government approach.

Introduction

Arctic security has, once again, come to the fore in Canada as a key domestic and international political issue. The topic has spawned political debate, grand policy announcements, and numerous analyses of the issues and potential solutions. If there is a consensus on the scope of the problem, it is that there is no consensus.

A number of documents outline a way ahead for Canadian Forces (CF) in augmenting Canada's Arctic claims and security. The 2005 International Policy Statement (IPS), for example, directs the Canadian Forces to increase its capabilities and presence in the Arctic.[1] The 2008 Canada First Defence Strategy goes further echoing previous political statements to outline the Canadian Forces as both a lead and supporting agency for sovereignty, security, surveillance and safety in the Arctic. The strategy lays out the specifics of projects which will make warships, aircraft and soldiers commonplace in the Arctic in support of enhanced sovereignty.[2]

The Russians, however, are citing such militarization as a cause for concern, and one which will determine their own course of action.[3] Furthermore, other Arctic states including the United States and Denmark dispute Canada's claims to sovereignty.

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[1] Department of National Defence, *Canada's International Policy Statement: A Role of Pride and Influence in the World* (Ottawa, Minister of Supply and Services Canada, 2005), 17-21.

[2] Department of National Defence, *Canada First defence Strategy*, (Ottawa, ON: Minister of Supply and Services Canada, 2008), 7-8.

[3] Amie Ferris-Rotman and Conor Sweeney, "Russian general says watching Arctic militarization," *Reuters, Interfax News Agency*, 25 February 2009 [journal on-line]; available from http://www.globalresearch.ca/index.php?context=va&aid=12461, Internet; accessed 2 April 2009.

Arguably, Canada's attempt to exert control may ultimately place that control in jeopardy.[4]

The issues surrounding Canada's Arctic are historic and complex. This paper will conclusively show that a whole of government approach is required, of which Arctic policy for the Canadian Forces needs to be an orchestrated part. It will demonstrate that the CF should be limited to a supporting role, emphasizing control, communications, search and rescue and situational awareness as its contribution to a whole of government approach.

This paper will start by examining the history and nature of Canada's sovereignty claims in the Arctic. It will then briefly review the CF involvement in the Arctic, and explore the causes for the current resurgence in Arctic focus, defining the effects Canada needs to achieve in the region. Finally this paper will examine existing fundamental capabilities with which the CF can contribute to the government's achievement of those effects.

Canada's Arctic Sovereignty Claims

There has been an ebb and flow of interest in the Arctic for nearly 200 years. Canada began having a true interest in the Arctic Archipelago and Northwest Passage in 1880, when Britain officially passed them to the Dominion of Canada.[5] A 1909 plaque remains today on Melville Island announcing Canada taking into its sovereign possession

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[4] Donald McRae, "Arctic Sovereignty? What is at Stake" *Behind the Headlines* 64, no.1 (Canadian Institute of International Affairs: The Centre for International Governance Innovation 2007) [journal on-line] available from http://www.accessmylibrary.com/coms2/summary_0286-29522148_ITM?&library=Aurora%20Public%20 Library%20; Internet; accessed 26 March 2009.

[5] Michael Byers, "The Need to Defend Our Northwest Passage", *The Tyee.ca* (30 January 2006) [journal on-line] available from http://thetyee.ca/Views/2006/01/30/DefendNorthwest Passage ; Internet; accessed 26 February 2009.

the whole of the Arctic Archipelago between 60 and 141 degrees of West longitude, and extending from the mainland of Canada to the North Pole.[6] This was a ceremonial expression of the Sector Theory, which Canada had been using to define its Arctic claim for nearly 30 years. This was a claim disputed by most other countries.

Looking at any globe, Canada's claim to the Arctic Archipelago might seem obvious. In fact, Canada's claim to the land mass in the archipelago is undisputed (with the minor exception of Hans Island which is under debate with Denmark). The legal status of the waters in the archipelago, the Northwest Passage, remains in question.

The Northwest Passage (NWP) consists of the waters connecting the Davis Strait and Baffin Bay in the East and the Bering Strait in the West. The NWP includes five routes, but only two are considered accessible.[7] Canada's claim to the pie shaped Sector extending the breadth of Canada and North to the pole, included both the land and these extensive waters, and was deemed by other states as excessive.

To Canada, however, the frozen waters of the Northwest Passage were nearly impassable, possessing many of the characteristics of the adjoining land; providing the major source of food and access routes to indigenous peoples. As Prime Minister Joe Clark would state in 1985, "these Islands are joined not divided by the waters between them. They are bridged for most of the year by ice."[8] To other states, however, to

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[6] *Ibid.*

[7] Donat Pharand, *Canada's Arctic Water in International Law* (Cambridge University Press, Cambridge, 1988), 187-189.

[8] Rt Hon Joe Clark, "Policy on Canadian Sovereignty", *Statements and Speeches*, No. 85/7 (10 September 1985).

denote these waters as Canadian would preclude any foreign access under customary international law.[9] As Doctor Huebert summarizes,

> Canada has historically wanted the right to make and enforce rules and regulations governing all its Arctic regions – land, water and ice – in order to offer its citizens security from outside threats.[10]

The 1942 Attack on the Aleutians by the Japanese lent credence to Canada's security concerns, driving Canada to partner with the United States to build the Alaskan highway through British Columbia and the Yukon Territory. This would permit the sustainment of combat operations in the Western Arctic in defence of North America.[11] However, even the United States would put Canada's Arctic claim to the test less then three decades later.

In 1969, the American sponsored tanker SS *Manhattan* conducted an experimental transit of the Northwest Passage, passing from West to East and back again simply to assess the possibilities and problems. Access was not sought from the government of Canada, although the Canadian government did grant permission, and dispatched an ice-breaker to escort the American flagged tanker. Perhaps reinforcing who are the true custodians of the region,

> As the SS *Manhattan* ploughed through the ice near Resolute Bay, two Inuit hunters drove their dogsleds into its path. The vessel ground to a halt, until the hunters – having made their point – moved aside.[12]

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[9] James C. Kraska, "The Law of the Sea Convention and the Northwest Passage." in *Defence Requirements for Canada's Arctic*, ed. Brian Macdonald, 36-59 (Ottawa ON: Vimy Paper 2007, The Conference of Defence Associations Institute, 2007), 47; www.cda.-cdai.ca/CDAI_menu.htm; Internet; accessed 26 February 2009.

[10] Doctor Rob Huebert, "Renaissance in Canadian Arctic Security?", *Canadian Military Journal*, 6:4 (Winter 2005-2006), 21.

[11] *Ibid.*, 18.

[12] Byers, "The Need to Defend Our Northwest Passage…".

While it was a clear example of the United States contesting Canada's sovereign claims, the fallout of the trip endures for other reasons. On the initial eastward leg, the *Manhattan* sustained severe damage to its hull, despite having been ice-strengthened. The danger of such an event occurring with a loaded oil-tanker saw Canada's parliament pass the Arctic Waters Pollution Prevention Act (AWPPA) the following year. This event would begin to forge the way for Canada's future influence in the Arctic.

While the AWPPA was introduced to protect the environment and livelihood of Canada's Northern indigenous peoples,[13] it also proved to be a noteworthy departure point to future impact on international law. During meetings to create the United Nations Conventions on Law of the Sea (UNCLOS), Canada managed to build a consensus interested in protecting the ice covered areas of the Arctic. [14]

Article 234 of the 1982 UNCLOS consequentially allows coastal states to implement pollutions regulations on all commercial ships out to the extent of the Exclusive Economic Zone (EEZ) which is 200 nautical miles (NM). [15] Fundamentally, UNCLOS not only reinforces the intent and authority of Canada's AWPPA, it doubles the Act's claim of 100 NM.

So, while Canada had not yet achieved international acceptance of sovereignty claims, UNCLOS permitted Canada to enforce shipping regulations largely as it would if

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[13] Andrea Charron, "The Northwest Passage in Context", *Canadian Military Journal*, 6:4 (Winter 2005-2006): 45.

[14] Lieutenant-Commander Guy Killaby, "Great Game in a Cold Climate: Canada's Arctic Sovereignty in Question", *Canadian Military Journal*, 6:4 (Winter 2005-2006): 36.

[15] McRae, "Arctic Sovereignty?...".

the waters were internal to Canada, except for warships or government vessels.[16] Sovereignty of Arctic waters, however, would once again be overtly contested by the United States only a few years later.

In the summer of 1985, the US Coast Guard Ice Breaker *Polar Sea* made a transit of the NWP without consulting the Canadian Government. This led to Prime Minister Joe Clark's declaration in Parliament that Canada would pass a law to adopt and enforce straight baselines which would define the NWP as waters internal to Canada, giving Canada full sovereignty. He also announced plans to increase Canadian presence, acquiring new ice breakers and nuclear submarines. Prime Minister Clark declared,

> Only full sovereignty protects the full range of Canada's interests. This full sovereignty is vital to Canada's security. It is vital to Canada's Inuit people. And it is vital even to Canada's nationhood. The policy of this government is to exercise full sovereignty over the waters in the Arctic Archipelago. [17]

Despite these declarations, both projects were cancelled. Regardless, the United States continued to dispute Canada's claim; more due to the precedent it might set, than with concerns over Canada closing the NWP to the US.[18] In lieu, Canada and the United States forged the 1988 Canada-United States Arctic co-operation Agreement. Under the agreement, all US icebreakers proceeding to the Arctic for scientific research must first receive the consent of Canada's government.[19]

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[16] *Ibid.*

[17] Clark, "Policy on Canadian Sovereignty…".

[18] Christopher Kirky, "Smoothing troubled waters: the 1988 Canada-United States Arctic co-operation agreement", *International Journal*, L:2 (Spring 1996): 407.

[19] *Ibid.*, 415.

Considering that only icebreakers could navigate freely in the NWP, and that US icebreakers only conducted such passages while on scientific missions, the agreement achieved the control that Canada desired without actually receiving recognition of sovereignty. With this, Canada continued its internationalist traditions to wield control over the NWP; something it would do again.

In 1996, Canada led the creation of the Arctic Council, which includes Denmark, Finland, Iceland, Norway, Russia, Sweden and the United States. Following the themes of the AWPPA and Article 234 of the UNCLOS, the Council began by producing an Environmental Protection Strategy to "support the promotion and protection of the environment and an indigenous way of life."[20]

The AWPPA, UNCLOS, Arctic Co-operation Agreement and Arctic Council continue to exist. Through these arrangements Canada can legally enforce laws aimed at protecting the fragile environment of the Canadian Arctic, and protecting its northern peoples. This provides Canada oversight of most shipping in the NWP and influence in the development of future policies for the region.

For Canada, however, there are other issues than simply environmental well being. Furthermore, *most* shipping is not *all* shipping. Canada claims that the waters of the NWP are "historic internal waters,"[21] falling under Canadian jurisdiction and control; a claim disputed by the United States and much of the European Union. The significance of this claim is that internal waters are the sovereign possession of the coastal state

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[20] Charron, "The Northwest Passage in Context…", 46.

[21] Matthew Carnaghan and Allison Goody, "Canadian Arctic Sovereignty", PRB 05-61E, (Ottawa, ON: Parliamentary Information and Research Service, 26 January 2006): 3; www.parl.gc.ca/information/library/PRBpubs/prb0561-e.pdf; Internet; accessed 26 February 2009.

meaning that "Canada's claim to permit or not to permit shipping through the Northwest Passage and to set standards for such shipping would be unassailable."[22]

Canada claims sovereignty which "reflects a state's right to jurisdictional control, territorial integrity, and non-interference by outside states."[23] The US and others dispute this level of ownership, claiming that, under UNCLOS, the NWP is an international strait. As an international straight, the coastal state does not have unlimited legal authority, and cannot deny passage to a particular ship unless it is breaking international laws such as environmental protection rules. Additionally, "the coastal state cannot set design, construction, manning or equipment standards for shipping unless internationally recognized."[24]

Examining the two main elements which define an international strait, on the one hand, the NWP does join two bodies of water (the Atlantic and Pacific Oceans), thus meeting the geographic test for an international strait under the UNCLOS.[25] On the other hand, the NWP has not been used as a customary navigational route. As Donald McRae states,

> There have been approximately 100 surface transits of the Northwest Passage over the past 100 years, the vast majority by Canadian vessels. International navigation has been extremely limited. Moreover, with one or two exceptions all of the international transits have been with Canadian assent and in many cases with Canadian ice-breaking support.[26]

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[22] McRae, "Arctic Sovereignty?..."

[23] Carnaghan and Goody, "Canadian Arctic Sovereignty…", 2.

[24] McRae, "Arctic Sovereignty..."

[25] *Ibid*.

[26] *Ibid*.

However, commentators warn that if a sufficient number of vessels transit without seeking permission, the perception that the NWP is an international strait would increase.[27] Such status would end Canada's sovereign claims to the waters of the NWP.

Therefore, to have sovereignty one must exercise jurisdiction.[28] As Doctor Huebert states "Sovereignty is in effect all about the ability of a state to be able to make and enforce laws within a given geographic area."[29] In former Minister of National Defence Bill Graham's words, "Sovereignty is a question of exercising, actively, your responsibilities in an area."[30]

Recently stated, Canada's goals in the Arctic are protecting our environmental heritage, promoting social and economic development, improving and developing governance and exercising our sovereignty.[31] Canada has successfully pursued jurisdiction, control and protection of Arctic waters through international agreements, yet the claim over sovereignty over the NWP remains contested. The question then remains; does Canada exercise good governance and fulfill its responsibilities in the Arctic adequately to support the NWP sovereignty claim? In order to determine what Canada should do in the future, past Arctic activity and current commitments must be reviewed.

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[27] Carnaghan and Goody, "Canadian Arctic Sovereignty", 4.

[28] Killaby, "Great Game in a Cold Climate…", 36.

[29] Huebert, "Renaissance in Canadian Arctic Security?...", 21.

[30] Carnaghan and Goody, "Canadian Arctic Sovereignty", 2.

[31] The Honourable Lawrence Cannon, Minister of Foreign Affairs, "Canada's Arctic Foreign Policy", http://www.international.gc.ca/cip-pic/discussions/arctic-arctique/video/minister-ministre.aspx?lang=eng, Internet; accessed 26 March 2009.

Canada in the Arctic

While exploration of the Arctic had occurred throughout the 19th and early 20th centuries, the Government of Canada's first permanent foray into the Arctic was the 1942 Alaska Highway project. Funded by the United States, the highway would permit the rapid movement of supplies to the north to counter the threat of Japanese invasion.

In 1947, as a response to increasing American presence in the region at the outset of the cold war, the Canadian Rangers were established.[32] The Rangers served as observers and guides for the Regular Force which had been tasked to prepare for combat "north of 60," consequently constructing an Arctic warfare training school at Churchill, Manitoba.[33] In preparation for northern deployments of the Canadian Air force, airfields were built across the Arctic, although they would be handed over to Transport Canada in the end.[34]

In 1954, the navy built the ice breaker HMCS LABRADOR, which it transferred to Transport Canada after only three years, for use by the Coast Guard. Through the 1950s, the navy conducted only occasional Arctic missions, including the first ever navy transit of Hudson's Bay in 1958. At the same time, the RADAR sites of the Distant Early Warning (DEW Line) were going into service to defend the Northern frontier.[35] While there was an increase in troops in the region working at RADAR stations, other defence

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[32] Whitney P. Lauckenbauer, "The Canadian Rangers" A 'Postmodern' Militia That Works", *Canadian Military Journal*, 6:4 (Winter 2005-2006), 50.

[33] Department of National Defence, "North of 60 – The Canadian Military in the Arctic", *Backgrounder* (October 1985), 2.

[34] *Ibid*., 2.

[35] Lauckenbauer, "The Canadian Rangers…", 51.

activities in the Arctic began to decline heavily. It would be 13 years before the navy returned to Arctic waters and as many before interest in the Rangers returned.[36]

By the 1970s, the Land Component had become proficient at the deployment of up to battalion sized force to the Arctic. An Air Disaster Plan had been developed and exercised which allowed for SAR response to even the most uninhabited regions.[37] In summary,

> Regular Activities and visits by Northern Region HQ staff to communities in the North, the presence of the Canadian Rangers, as well as the conduct of Regular Force exercises in isolated areas support national goals and help assert Canadian sovereignty.[38]

These efforts began to decline towards the mid-1980s by which time CF engagement in the Arctic consisted of operating Northern Region Headquarters (NRHQ) in Yellowknife, and assisting Other Government Departments (OGDs). Among other missions, the CF assisted Energy Mines and Resources with scientific study,[39] and the Coast Guard with airborne ice patrols and surveillance flights using Aurora long range maritime patrol aircraft.[40] Despite these reductions, the Rangers grew throughout the 1980s, particularly as a "sovereignty boosting measure"[41] after the 1985 transit of the NWP by the USCG *Polar Sea*.

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[36] Killaby, "Great Game in a Cold Climate…", 35.

[37] National Defence, "North of 60…", 3.

[38] *Ibid.*, 10.

[39] *Ibid.*, 4.

[40] *Ibid.*, 5.

[41] Lauckenbauer, "The Canadian Rangers…", 51.

The end of the cold war, coupled with increased automation of DEW Line sites led to a draw down of regular force activity in the 90s. Ice patrols were taken over by the US Coast Guard, and the Canadian navy ceased its annual NORPLOY operations in 1989. The navy also declined to purchase an American underwater surveillance system to listen for foreign submarines in the Canadian Arctic.[42] The Air force reduced its long range surveillance flights from 24 to 2 annually[43], and manning levels at newly automated DEW line sites were cut in half.[44]

In the 1990s, where the CF experienced significant personnel cuts, the Rangers grew as they were seen as beneficial link between the Government and aboriginal communities in the North.[45] Fundamentally, "the end of the Cold War accelerated the process of the de-securitisation of the Canadian north."[46] While Canada would finish the millennium with an extensive modern air surveillance RADAR network, new threats demanded credible, responsive forces which did not exist.[47] The Rangers were the largest visible CF presence in the Arctic, serving only as a token reinforcement of

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[42] Rob Huebert, "The Rise and Fall (and Rise?) of Canadian Arctic Security." in *Defence Requirements for Canada's Arctic*, ed. Brian Macdonald, 8-23 (Ottawa ON: Vimy Paper 2007, The Conference of Defence Associations Institute, 2007), 13; www.cda.-cdai.ca/CDAI_menu.htm; Internet; accessed 26 February 2009.

[43] *Ibid*., 13.

[44] *Ibid*., 14.

[45] Lauckenbauer, "The Canadian Rangers…", 51.

[46] Huebert, "The Rise and Fall…"14.

[47] Joel Baglole, "Northern Thaw Raises Defence Concerns – A Canadian Waterway Free of Ice May Bring Commerce and Foes", New York, N.Y.: Wall Street Journal (Eastern Edition), Dec 20, 2000, A14.

Canada's sovereignty claims as much as anything.[48]

The "Arctic Capabilities Case Study"[49] in 2000 found that CF involvement in the North has decreased with a commensurate reduction in the ability to respond to incidents. Furthermore, the Arctic was notably absent from most high level policy documents, resulting in a lack of emphasis on improving Arctic Capabilities.[50]

Since the events of September 11th 2001 (9/11), incursions by Russian submarines have become less of a priority than preventing the use of the Arctic by absconders or for the transportation of weapons of mass destruction (WMD).[51] CF exercises in the Canadian Arctic have become more frequent, elaborate and joint affairs involving ships, submarines, aircraft, soldiers and Rangers to practice pollution control, security and other operations.[52]

In fact, five joint, inter-agency security exercises were conducted in the six years following 9/11 and, citing the success of NORAD as an information sharing defence agreement, expansion into the maritime domain has been a NORAD priority since 2006.[53] However, the Rangers remain the only permanent force in the region, and represent negligible financial investment on behalf of the government of Canada.

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[48] B.D. Hunt and R.G. Haycock, *Canada's Defence: Perspectives on Policy in the Twentieth Century* (Toronto, Canada: Copp Clark Pitman, 1993), 147.

[49] Department of National Defence, *Arctic Capabilities Case Study* (DGSP, Ottawa, ON, June 2000).

[50] Huebert, "The Rise and Fall…", 17.

[51] Byers, "The Need to Defend Our Northwest Passage…".

[52] Huebert, "The Rise and Fall…", 17.

[53] Byers, "The Need to Defend Our Northwest Passage…"

Clearly, Canada has maintained a minimalist approach to the exercise of Canada's sovereignty in the Arctic, lacking the assets necessary to react to Arctic security challenges. As Rob Huebert highlights, defence initiatives in Canada's North from the Alaskan highway to the DEW line were funded by the US.[54]

Yet, in 2008, the Department of National Defence published its Canada First Defence Strategy. "First and foremost" the document read, "the Canadian Forces must help exercise Canada's sovereignty."[55] The strategy states that, "the Canadian Forces must have the capacity to exercise control over and defend Canada's sovereignty in the Arctic."[56]

Of course, the only sovereignty in question is the claim that the NWP represents waters internal to Canada. Focusing on these waters, in order to determine what the CF must do to "exercise control" and "defend sovereignty" in the NWP, the nature of the threat to the Arctic must be examined. What are the renewed concerns over Arctic sovereignty?

Arctic Ascendency

Primarily, the concentration on Arctic issues originates from a reassessment of the state of the ice pack. In the mid 1990's, forecasts indicated that the Arctic might see ice-free summers by 2030. More recent estimates show 2015 as a more realistic estimate.[57]

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[54] Huebert, "Renaissance in Canadian Arctic Security?...", 19.

[55] National Defence, *Canada First defence Strategy*…, 7.

[56] *Ibid.*, 8.

][57] Sharon Hobson and Casandra Newell, "Shrinking Ice Creates Opportunities and Threats", *Jane's Navy International*, 18 December 2008 [journal on-line] available from www.jni.janes.com/public/jni/features.shtml; Internet; accessed 26 February 2009.

The Arctic Climate Impact Assessment (ACIA) echoed similar concerns concluding that "the Arctic is warming, and that it will continue to warm at an alarming rate."[58]

Creating even more concern, the US Navy conducted several studies around the turn of the millennium which predicted "within 5-10 years, the Northwest Passage will be open to non-ice strengthened vessels for at least one month each summer."[59] Even the 2005 IPS concludes,

> ...the effects of climate change are expected to open up our Arctic waters to commercial traffic by as early as 2015. These developments reinforce the need for Canada to monitor and control events in its sovereign territory, through new funding and tools.[60]

What makes the promise of open Arctic waters intriguing is that in travelling between Asia and Europe, the Arctic route shaves 4000 miles off a Panama Canal transit, and 8000 miles off of a Cape Horn transit.[61] This could save a shipping company hundreds of thousands of dollars per trip and removes the breadth limitations of the Panama Canal (Panamax).[62]

Other than vessels simply using the NWP as a shortcut, additional traffic will include vessels supporting Canada's Arctic diamond and precious metal mining operations. Conventionally, all this resupply is done at great expense during the winter

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[58] Jim Berner and Carolyn Symon, *Arctic Climate Impact Assessment*, (Cambridge: Cambridge University Press, 2005), 965.

[59] Byers, "The Need to Defend Our Northwest Passage…".

[60] National Defence, *Canada's International Policy Statement*…, 17.

[61] Capt(N) I.A. Paterson, "Climate Change and the Impact on the Northwest Passage: A Challenge to Canadian (Arctic) Sovereignty" (Toronto, Canadian Forces College National Security Studies Course Paper, 2006); http://wps.cfc.dnd.ca; Internet; accessed 26 February 2009, 13.

[62] Byers, "The Need to Defend Our Northwest Passage…"

over ice roads. Arctic and Eco-tourism has already begun with the ex-Russian icebreaker *Kapitan Khlebnikovi*. This business can be expected to flourish.

Canada's Inuit have been using the Arctic Ocean as a source of food for centuries. While an ice-free Arctic might limit use by these peoples, sunlight exposure will promote zooplankton growth causing the entire aquatic food chain to flourish. The surge in fish stocks would certainly open the region to commercial fishing interests.[63]

Perhaps the most invasive change is that navigable waters will provide the access to underwater resources. Since the Second World War it has been determined that there are substantial natural gas and oil deposits in and around the Mackenzie Delta and Western Arctic.[64]

Despite the exurbanite cost of exploiting these resources, it is feasible. [65] Recent explorers are able to make planned use Arctic ports due to the longer ice-free periods.[66] With surges in fuel prices and global demand, it may become cost effective to exploit these reserves in the near future.[67]

The greatest area for concern, however, is that navigable Arctic waters open Canada's north coast to illegal entry. As Doctor Heubert summarizes,

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[63] *Ibid*.

[64] W. Harriet Critchley, "The Arctic", *International Journal*, XLII:4, (Autumn 1987): 782.

[65]Killaby, "Great Game in a Cold Climate…", 33.

[66] *Ibid*., 33.

[67] Critchley, "The Arctic…", 782.

> The challenges of operating over the vast distances of the north, combined with the complex nature of the security threats in the face of extreme weather conditions, have created a security requirement the often appears insurmountable.[68]

The threat to Canada posed by the smuggling of drugs, guns, and people is significant enough. Add to these the possibilities that terrorists could enter North America undetected, bringing with them WMDs, or facilitating the activities of other rogue states through Canada's back door.[69] This could jeopardize Canada's open border with the US, catastrophically affecting the economy.

Rob Huebert argues that the US might be willing to accept Canada's internal water claim simply as a means of ensuring that any ship approaching the continent is subject to search. Arguably, such a move is unlikely as it would set a precedence undermining US freedom of navigation claims elsewhere. The Iranian claim to the waters between Abu Musa and Tunb in the Arabian Gulf is such an example.

However, with the thawing of the Arctic Ocean the threat has overwhelmingly shifted from that of air attack against North America, to potential surface infiltration onto the continent. The potential effects bring particular risks to the region including, pollution, illegal immigration, over fishing, illegal natural resource exploitation and other criminal activity.

Most agree that ensuring control requires GOC presence.[70] However, the threats and risks listed above are the responsibilities of other government departments including Environment, Justice(RCMP), Fisheries and Oceans (including Coast Guard), Canadian

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[68] Huebert, "Renaissance in Canadian Arctic Security?...", 17.

[69] Byers, "The Need to Defend Our Northwest Passage…".

[70] Carnaghan and Goody, "Canadian Arctic Sovereignty", 4.

Border Services Agency and Canadian Security Intelligence Services. Furthermore, under UNCLOS, these issues can be dealt with as part of the 200NM Exclusive Economic Zone, or the 24NM Contiguous Zone under environmental, pollution or criminal laws.

Still, the Canada First Defence Strategy, a department of National Defence policy document still insists that,

> As activity in northern lands and waters accelerates, the military will play an increasingly vital role in demonstrating a visible Canadian presence in this potentially resource rich region, and in helping other government agencies such as the Coast Guard respond to any threats that may arise.[71]

To quote Harry Yarger, "A strategy that is not adequately resourced is not a viable strategy."[72] The Defence Strategy relies upon the proposed construction of three Polar icebreakers and a deep water port near Iqaluit plus the creation of an Arctic trained airborne battalion.[73] It also includes the acquisition of "RADARS and satellites to improve surveillance capabilities, especially in the Arctic"[74]

Taking, for example, the proposed CF ice-breaking capability, it underestimates the expertise possessed by the CCG in ice operations. While the CF has spent considerable effort to develop the skills necessary to survive on land and in the air over the high Arctic, the restricted nature of Arctic waters has precluded similar advances in

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[71] National Defence, *Canada First defence Strategy*…, 8.

[72] Harry Yarger, *Strategic Theory for the 21st Century: The Little Book of Big Strategy* (Strategic Studies Institute, US Army War College, January 2006), 46.

[73] National Defence, *Canada First defence Strategy*…, 10.

[74] *Ibid.*, 18.

naval capabilities.[75]

Icebreaking operations conducted by the CCG include pollution prevention, maintaining open harbours and waterways and life saving on ice. Arguably Coast Guard ships, training, skills, experience, procedures and professional connections make them best qualified for such tasks.[76]

There are many other capabilities which already exist that the CF can bring to provide the visible presence and help OGDs as demanded by the Canada First Defence Strategy. It is important to remember that while Canada's aims in the Arctic are to achieve recognized sovereignty, this has come to mean exercising governance and responsibility in the region. The regional effects are achieved through the enforcement of laws like the fisheries, pollution and environmental protection acts. As the Minister of Foreign Affairs recently summarized the effect Canada desires in the Arctic stating, "We hold a vast and magnificent treasure in trust for future generations."[77]

While many of the issues raised here are law enforcement issues related, there are several other responsibilities that the CF does conventionally play a central role. Search and rescue, natural disaster relief, and civil unrest are specific sovereignty interests and responsibilities which are within the CF mandate. Still, these domestic roles cannot be executed in isolation.

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[75] Commander Peter T. Haydon, "The Strategic Importance of the Arctic: Understanding the Military Issues", *Canadian Defence Quarterly*, 17:4 (Spring 1988): 27.

[76] Kyle D. Christensen, "The Navy in Canada's Northern Archipelago." in *Defence Requirements for Canada's Arctic*, ed. Brian Macdonald, 79-95 (Ottawa ON: Vimy Paper 2007, The Conference of Defence Associations Institute, 2007), www.cda.-cdai.ca/CDAI_menu.htm; Internet; accessed 26 February 2009, 89.

[77] The Honourable Lawrence Cannon, Minister of Foreign Affairs, "Canada's Arctic Foreign Policy", http://www.international.gc.ca/cip-pic/discussions/arctic-arctique/video/minister-ministre.aspx?lang=eng, Internet; accessed 26 March 2009.

By examining current inter-departmental involvement and commitments, the extensive contribution the CF makes to these threats to Arctic security with current capabilities can be illustrated.

Inter-Departmental Cooperation

The CF has worked extensively with OGDs on numerous missions. In the past decade, however, the CF has begun a campaign of interdepartmental cooperation in the area of information management.

For example, the formation of the Arctic Security Working Group in 1999 under the commander of Canadian Forces Northern Area (CFNA retitled Joint Task Force North – JTFN in 2006) put a stop to the decline in Arctic attention.[78] The ASWG serves as a venue to bring together federal and territorial agencies and make the various members aware of one another's activities. It facilitates coordination between member groups. The ASWG also serves as a venue to educate members on emerging business and economic issues and threats to security. [79]

In 2004 and 2005, the Government of Canada National Security Policy (NSP) and International Policy Statement (IPS) highlighted the value of the CFs work with OGDs to provide surveillance, control, and search and rescue to support "issues such as sovereignty and environmental protection, organized crime, and people and drug smuggling."[80] The IPS pointed out that "adversaries could be tempted to take advantage

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[78] Huebert, "The Rise and Fall…", 15.

[79] *Ibid*., 15.

[80] National Defence, *Canada's International Policy Statement*…, 17.

of new opportunities unless we are prepared to deal with asymmetric threats that are staged through the North." [81]

The IPS directed the navy to increase its surveillance in the open waters of the Arctic, and the Air Force to increase its surveillance and control in the region using Aurora, UAV and satellites.[82] New Arctic SAR aircraft and bases were also considered. The Land Force was tasked to equip the Rangers with new communication equipment and to increase Regular Force sovereignty patrols.[83]

To this end, the CF leveraged the Marine Security Operations Centres (MSOC) to "generate and disseminate accurate and timely situational awareness in order to detect and assess potential threats"[84] The MSOCs co-locate five federal departments as partners to achieving more comprehensive maritime domain awareness. As George MacDonald points out, while the CF normally won't lead domestic security operations "the military can be very effective in taking the lead in implementing the means of collaboration".[85]

The MSOCs provide enhanced group awareness of emergent concerns in the maritime domain and are connected with partners in the United States, contributing to a

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[81] *Ibid*., 17.

[82] *Ibid*., 19-20.

[83] *Ibid*., 20.

[84] Government of Canada, "MSOC CONOP" (Ottawa: ON, 2007), 5.

[85] George E.C. Macdonald, "Domestic Operations – Canada Command", in *In the Canadian Interest: Assessing Canada's International Policy Statement*, ed. David Bercuson and Denis Stairs, 57-63. (Calgary, AB: Canadian Defence and Foreign Affairs Institute, 2005), http://www.cdfai.org/PDF/InTheCanadianInterestE.pdf/ accessed 15 December 2007, 58.

North American maritime threat analysis.[86] Through their departments, the MSOC partners also have representation in the Integrated Threat Assessment Centre (ITAC) – also stood up as a result of the NSP.[87]

The successful launch of the RADARSAT II Maritime Satellite Surveillance RADAR (MSSR) now provides the MSOC with near real-time situational awareness in Canadian Arctic Waters. Under project Polar Epsilon, the navy is capable of detecting and identifying significant events in the Arctic, and coordinating an on-water response amongst MSOC partners.

That there currently is no permanent presence in the Arctic save the Rangers reflects a general lack of Arctic capable resources. However, it needs to be pointed out that currently, Arctic activity continues to be limited to the summer months and even then for only a few weeks.

While it is agreed that the NWP will see up to several weeks of ice free conditions per year, the time frame and location of ice-free waters will remain unpredictable. The requirement for ice-strengthened hulls and ice-breaking escort will remain. Furthermore, the unpredictability could cause frequent delays, wiping out any cost savings garnered from the shorter distance travelled.[88] Fundamentally, "costs, risk and uncertainty likely

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[86] Capt(N) Ken Hoffer in a brief to the Clerk to the Privy Council Office, 14 January 2008, highlighting that the great successes in inter-government information sharing have resulted in four key operations to deal with illegal immigration, drug trafficking, potential terrorist, and pollution activity in the Canada Command Area of Interest which otherwise would have gone undetected as a result of insufficient information correlation .

[87] Privy Council Office of Canada, *Securing and Open Society: Canada's National Security Policy*, April 2004. www.pco-bcp.gc.ca; Internet; accessed 26 February 2009. 11.

[88] Andrea Charron, "The Northwest Passage: Is Canada's Sovereignty Floating Away?", *International Journal*, 60:3 (Summer 2005): 837.

will still discourage large-scale commercial shipping"[89]

Therefore, the current activity in Canada's Arctic Archipelago consists of scientific exploration vessels, cruise shipping, and some supply shipping to Canada's northern communities. In all of these cases, the ships come under Canadian jurisdiction of environmental law or, perhaps, immigration and border security acts. As a result, the ships must announce themselves up to 72 hours prior to entering a port.

For the CF, then, its major contribution to Arctic security and sovereignty can take two forms. The CF must exploit and disseminate RADARSAT II data to identify ships that should be in the region from those which should not, and inform the appropriate department in order that action can be taken. Secondly, the CF must surge SAR resources to the region during the few summer weeks necessary to react to potential missions created by the increasing flow of traffic.

Therefore, by exploiting existing capabilities the CF can most effectively and realistically "exercise control over and defend Canada's sovereignty in the Arctic."[90]

Conclusions

This paper has shown that the threats to North America changed since the end of the Cold War, and most notably on 9/11. Furthermore, with the thawing of Arctic ice, threats to Canada's North have the potential to become more numerous in nature and frequency. Clearly, many government departments have a role to play in the exercise of

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[89] Matthew Gillard, "Defending Canadian Sovereignty in the Arctic", *On Track*, 10:3 (Autumn 2005)[jpurnal on-line]; available from www.cdfai.org/currentpublications.htm; Internet; accessed 26 February 2009: 22.

[90] Department of National Defence, *Canada First defence Strategy*, (Ottawa, ON: Minister of Supply and Services Canada, 2008), 8.

Arctic sovereignty, and the CF is no exception. What makes CF involvement different from OGDs, is the message it sends to other Arctic neighbours.

As has been demonstrated, under UNCLOS, Canada already possesses the legal right to protect the environment of the north, and can regulate shipping as needed to do so. However, in militarizing the Arctic, Canada might invite other nations to do the same and such vessels fall outside of the relevant UNCLOS articles. Therefore, the longer Canada can limit Arctic activity to commercial interests, the better it will be for the customary sovereignty argument.

This paper illustrated that Canada has an inconsistent record of presence and control in the Arctic, resulting in a potentially weak argument for sovereignty over the waters of the Arctic Archipelago. Therefore, the more Canada can offer support services such as SAR, ice breaking, navigation and traffic advisory services, and Arctic expertise to an increasing customer base, the more apparent Canada's legitimate control and responsibility become.

Conclusively, the CF has current capabilities which contribute to Canada's ability to provide good governance over the NWP and the rest of Canada's Arctic without inciting other nations to militarize the region in response to significant CF presence. By focusing on the provision of SAR resources, Ranger and aerospace surveillance, situational awareness and information sharing enablers, the CF is best poised to contribute to the growing demand for Arctic security and regulatory capabilities.

In conclusion, the CF has a valuable role to play in the Arctic, but it must avoid duplicating the roles of other agencies and remain a coordinated element of a whole of government approach to good governance and a national strategy for Arctic Security.

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