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CANADIAN SOVEREIGNTY: A PRAGMATIC LOOK AT AN ARCTIC *NEMESIS* AND HOW SURVEILLANCE CAN FINALLY VANQUISH THIS *BEAST*

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ABSTRACT

Never in the history of Canada has there been so much interest in the Arctic. Climate change has accelerated the melting of the polar ice cap and each year more and more of the Arctic Ocean is becoming ice-free for longer periods during the summer. Many climate and environmental experts predict that, if current trends continue, the Arctic Ocean will become viable for commercial navigation within the next 20-40 years. While timeline predictions vary, the opening of portions of the Arctic to commercial shipping bodes well for international trade and commerce. On the other hand, this eventuality will likely bring security and sovereignty concerns for Canada. These concerns will require further study and refinement if Canada is to engage fully in the development of the Arctic while maintaining sovereignty and security in the region. The Canadian populace views the US as the aggressor in most perceived sovereignty challenges, and has often portrayed the Americans as the "elephant" threatening the "mouse." What has been lost in this debate is that Canada's sovereignty in the Arctic, with few exceptions, remains essentially unchallenged. This paper examines perceived challenges to Canadian sovereignty in the Arctic and attempts to separate fact from fiction. It argues that Canadians expend far too much effort and energy worrying about relatively benign challenges to Canada's sovereignty in the Arctic. Furthermore, this paper demonstrates that the real threat to Canadian Arctic sovereignty is her failure to take security and surveillance requirements in the region seriously, especially when the region is becoming more accessible due to climate change. Canada cannot address security and sovereignty challenges unilaterally, but must work bilaterally with the US on security issues and engage the other circumpolar nations multilaterally. This is the key to Canada ensuring that her sovereignty in the region remains unchallenged.

CHAPTER 1: INTRODUCTION

> Arctic sovereignty seems to be the zombie-the dead issue that refuses to stay dead-of Canadian public affairs. You think it's settled, killed and buried, and then every decade or so it rises from the grave and totters into view again.
>
> Introduction to *Arctic Front: Defending Canada in the Far North* (2008)

Canadians appear to have an irrational fear that everyone is out to steal their Arctic from them. In many respects, Canada's custodial responsibilities in the Arctic are similar to a mother who is vicariously aware that she at times neglects her child. While the mother may love the child very much, she fails at times to provide the care and supervision required to demonstrate that she is capable of caring for the child. In addition, she becomes distrustful and resentful when the Children's Aid Society (CAS) comes around and begins to ask questions. In Canada's case, the CAS is other countries, including the US, who routinely visit the child and intimate what it can do to assist. Canada, the mother, remains distrustful of this interest in the child and chronically worries that the child may be taken away due to neglect.

Since having the Arctic region fall into our hands in the late nineteenth century, Canadian interest in the Arctic has waxed and waned. Often the only enemy has been the political imperative to take action to affirm sovereignty over the region – and often when little to no action was required in a legal sense. With the melting of the Arctic ice pack, however, the Arctic dynamic has changed and Canada now faces legitimate fears over its sovereignty in the North. As the Arctic becomes more accessible, Canada is compelled to assert a more active and prominent presence there to protect its Arctic interests.

There is a strong divergence in opinion on "Arctic Sovereignty." While academics continue a healthy discourse on the vast array of Arctic issues, journalists and politicians also

offer opinions and positions on Arctic matters that are, at times, controversial. Each group provides compelling arguments to support its respective position, but the Canadian public has not been given the information necessary to navigate through the multitude of issues and concerns raised about the Arctic. As a result, it is not surprising misconceptions abound about Canada's Arctic sovereignty, generating further confusion. *Opinions* are important, but leaders must be cognizant of erroneous information and misconceptions, particularly from journalists and partisan politicians, which can set the terms for debate in Canadian society and in the halls of Parliament. All too often, erroneous or misleading views on Arctic sovereignty become reality in the eyes of the Canadian public, and most disturbingly in the eyes of other nations, who may be looking for the opportunity to exploit any weakness uncovered to promote their national interests. While it is important to be aware of these differing views on sovereignty, it is equally as important to determine how and why they are formed.

This paper assesses some of the differing views on Canadian Arctic sovereignty. The objective is to provide insight into the legitimate concerns that need to be addressed, in order that Canada's claim to the Arctic remains strong amidst the plethora of opinions that rail against its very basis. Rather than focusing on sovereignty, it is far more important for the Canadian Government to focus on Arctic surveillance and security concerns that have and will continue to play a large role in the Arctic, as global warming and advances in technology facilitate greater accessibility to Canada's North.

CHAPTER 2: THE ARCTIC AND CLIMATE CHANGE

While there has been much debate over the severity and causes of climate change and related global warming, it is now almost universally accepted that anthropogenic climate change is a reality.[1] In the past fifty years, there has been an increase in the mean annual surface air temperature of 3.6 degrees Fahrenheit, and this trend is expected to continue. Scientists have also observed that the Arctic, more than anywhere else on earth, is most acutely affected by the gradual but continuous rise in temperatures. This is unsurprising, given that the mean annual surface air temperature over the Arctic region (north of 60° N latitude) is expected to increase by another 3.6 degrees by 2050 and by 8 degrees by 2100.[2]

The prospect of such a drastic rise in temperature has caused great concern for Canada's Inuit, who maintain that their land "is a barometer for the world and an early warning system." They implore the Federal Government to become more fully engaged in addressing their concerns, "[i]n order that Arctic circumstances and Inuit concerns inform fully the positions, proposals, advocacy, and interventions of the Government of Canada."[3] From a global environmental perspective, the results of climate change may be catastrophic to many of the world's low lying coastal communities, as it is projected that *land-based* Arctic ice melt will

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[1] Those who believe to the contrary need only view "An Inconvenient Truth" by former Vice President Al Gore which is the product of his career-long crusade to raise awareness about Global Warming. Can be accessed free of charge at http://www.climatecrisis.net/.

[2] Susan J. Hassol, *Impacts of a Warming: Arctic Climate Impact Assessment (ACIA)*, Cambridge University Press, 2004.

[3] Inuit Tapiriit Kanatami and Inuit Circumpolar Council, *Building Inuit Nunaat: The Inuit Action Plan*, Ottawa Canada, 5 February 2007, 70.

contribute a little over an inch to sea level rise over the next 60 years and nearly three inches by 2100.[4]

Equally significant for Canada, the forecasted increase in temperature is expected to lead to the further opening of the Arctic waters as the sea ice melts. Predictably, this has led to increased exploration and resource development by industry in the region and a renewed interest in potential shipping lanes through the Arctic. As international interest in the Arctic has grown, the matter of Arctic sovereignty has again sprung to the forefront of Canadian politics and continues to be heavily debated in the media.

The gradual melting of the polar ice cap has resulted in more accessible maritime routes into Canada's North. As a result, scientists and researchers have flocked to the North to unravel its many mysteries while large corporations try to determine the most economical means to extract its natural resources. Due to the harsh climate, and difficult terrain, the Canadian Arctic has been inhabited by a small, dispersed human population for millennia. Since the middle 20th century, however, the Arctic has been known to possess tremendous natural resources. Current estimates suggest that the Arctic region may contain up to 25 percent of the world's undeveloped reserves of oil and natural gas.[5] This resource potential, combined with global warming and the resulting increased accessibility, has been the driving forces in a renewed interest in the region – an interest that will continue to be fuelled into the 21st century as access to the Arctic opens the doors for increased research and development and the quest continues for oil reserves within stable, pro-Western democracies. In many respects, the potential for growth and development

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[4] Susan J. Hassol, *Impacts of a Warming Arctic, Arctic Climate Impact Assessment (ACIA)*, Cambridge University, 2004.

[5] Stephanie Holmes, "Breaking the Ice: Emerging Legal Issues in Arctic Sovereignty," *Chicago Journal of International Law 9*, no. 1 (Summer 2008): 324.

should be viewed as a windfall for Canada. For several reasons that will be discussed, this has not necessarily been the case.

Despite ignoring the Arctic for decades, the rallying cry surrounding the idea that Canadian sovereignty is "on thinning ice" has forced Canadians once again to look to the Arctic with concern. While there have been "real" and "perceived" challenges to Canadian sovereignty in the Arctic in the past, these concerns were often fleeting and did not preoccupy governments for long.[6] This indifference was not surprising given that the region was icebound and inhospitable to southern visitors for much of the year, affording only periodic summer access. Over the past fifty years, however, due to advances in naval and air technologies, voyages to the North Pole have become almost commonplace - via air, sea surface or sub-surface by the many navies and air forces of the world. Ironically, Canada's Navy remains incapable of operating in Arctic waters for most of the year.

The receding Arctic ice-pack presents another challenge for Canada in the form of the Northwest Passage (NWP). The NWP was open for almost two weeks last year and, if this trend continues, the passage will possibly become a viable alternate shipping route to the Panama Canal for cargoes moving from Europe to North America and Asia. The NWP will shorten the trip from Europe to the Western US by 4500 nautical miles (NM). While there are opposing opinions on whether the NWP will become "commercially viable" in the near future, most commentators suggest that questions surrounding the legal status of the NWP stand as the most significant sovereignty challenge to Canada. This issue will be addressed later in the paper, but it would appear that Canada's concerns are somewhat misplaced given that less than one hundred ships have passed through the passage since the turn of the 19th century. This is not to say that

[6] K.S. Coates et al, *Arctic Front: Defending Canada in the Far North* (Toronto, ON: Thomas Publishers, 2008), 3.

maritime freight carriers will not look enviably at the NWP route option, should the passage continue to experience longer ice-free seasons. The question is one of probability rather than one of possibility.

The level to which global warming has creep into the conscience of Canadians and the world is astounding. While twenty years ago it was merely a "theory proposed by a few obscure scientists," it is now the "Holy Writ, at least among the political left, and schoolchildren run campaigns to save the planet."[7] Although a few sceptical scientists continue to question whether the world is undergoing "climate change" or "global warming," this phenomenon is already having a very real impact on the Arctic, its peoples, and the way Canada and other polar nations are viewing the region. To appreciate the shift that is occurring, it is necessary to have a sense of the history of the issues surrounding Canada's sovereignty in the Arctic.

CANADA'S ARCTIC – A HISTORICAL OVERVIEW

Beginning in 1769, three expeditions led by Samuel Hearne, who was employed by the Hudson's Bay Company, established a British presence on the Arctic coast. Arriving at the Coppermine River in 1771, Hearne became "the first European to reach the Arctic coast by land" and in turn symbolized the initial efforts by the British to establish sovereignty over the area.[8] Later expeditions by Alexander MacKenzie (circa 1792) and John Franklin (circa 1819-1846) further established a British presence in the region, particularly in the Western Arctic and Northwestern British Columbia. While Russia claimed "Russian America" (the region that we know today as Alaska) in 1784, British sovereignty in what was to become the Yukon and

[7] *Ibid*., 3.

[8] *Ibid*., 14.

Northwest Territories remained unchallenged - mainly because Great Britain had trade networks in the region and possessed the most formidable navy in the world at the time.[9]

Russia sold Alaska to the US in 1867 and this transfer coincided with confederation in Canada. The newly formed Canadian government had little interest in the Arctic, however. In fact, the region was considered a desolate and inhospitable wasteland even after Canada acquired the region via two massive land grants from Great Britain. The first came in 1870 when the British Government convinced the Hudson's Bay Company to sell its hunting "fiefdom to the Crown," which was duly transferred to Canada. At the time of the transfer, the Hudson Bay Company controlled what was known as Rupert's Land which consisted of all "territories draining into Hudson Bay and the Hudson Strait" along with all remaining British territory west of Hudson Bay, excluding British Columbia.[10] The second land grant came in 1880 when the British transferred to Canada all of her rather nebulous rights to the Arctic islands, which consisted of the Canadian Arctic Archipelago – or at least what was known of it at the time.[11]

Despite having been ceded the vast Arctic region by 1880, Farley Mowat assessed that "[Canada] seemed more embarrassed than pleased by the acquisition of these vast new territories." He observed that "[i]t was touch-and-go whether she would even bother to uphold her claims."[12] With little interest in the North, the exploration of the still relatively uncharted Arctic was left to Europeans, most notably the Norwegians. Fridtjof Nansen's harrowing expedition to reach the North Pole between 1893-1896 culminated with him almost losing his life after reaching 86 Degrees 14 Minutes North Latitude on 7 April 1895 - the record for Arctic

[9] *Ibid.*, 15.

[10] Farley Mowat, *Canada North Now* (Toronto, ON: McClelland and Stewart, 1976), 32.

[11] *Ibid.*, 32.

[12] *Ibid.*, 32.

explorers to that time. Nansen and thirteen fellow Norwegians were locked in heavy ice for two years while circumnavigating the Polar Basin. During this expedition he discovered and named a number of previously unknown islands and proved that the polar cap was indeed an ocean.[13] Despite Nansen's failure to reach the North Pole, he received world-wide fame following his expedition. Fortunately for Canada, Norway was preoccupied with gaining its independence from Sweden and never pressed any claims to the Canadian Arctic. Nonetheless, this was a warning to the Canadian government, and in 1903 Canada sent the MV *Neptune* under the command of Captain Bob Bartlett to explore and establish a presence in the Arctic for Canada.[14]

Canada's early attempts to assert sovereignty in the North consisted almost entirely of establishing a police presence. Canada dispatched a detachment of the North West Mounted Police to the Yukon in 1895 to assert Canada's sovereignty in the region and to impose Canadian law. This symbolic response to a renewed US interest in the region fortunately preceded the Klondike (gold) rush in 1898.[15] This 1895 initiative also marked the first real attempt by Canada to legislate its northernmost territories. That same year, a dominion order in council was passed creating four territorial districts: Ungava, Yukon, Mackenzie and Franklin. It was clear that other nationals in the North had caused the Canadian Government some considerable anxiety. Moreover, in 1903-1906 the NWP was transited, for the first time, by Roald Amundsen who (sailing from East to West) charted new lands in the Arctic Archipelago. By the early twentieth century, almost annual sea going excursions were sponsored by the Canadian Government, but they were largely uncoordinated and undeserving of being called sovereignty voyages.

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[13] For an engaging account of Nansen's journey read the Hampton Sides article in the January 2009 Issue of National Geographic: 114-115.

[14] The CBS Digital Archives Website. Film entitled "Amundsen, Nansen and Canadian Sovereignty" (last updated April 2, 2008) accessed 19 Jan 2009.

[15] Farley Mowat, *Canada North Now* (Toronto, ON: McClelland and Stewart, 1976), 32.

Although the Alaska boundary dispute was settled in 1903, it marked one of the first times that Canada's sovereignty in the Arctic was challenged by another nation. Following the peaceful resolution of this conflict, however, Canada continued to take a lackadaisical approach to the Arctic. Despite this neglect, Canada's authority in the North remained, for the most part, unchallenged due in large part to the demographic makeup of the region and the sporadic presence of the Royal North West Mounted Police (RNWMP).[16]

Canadian-born Arctic explorer Vilhjalmur Stefansson led an expedition to the Arctic in the *Karluk* (1913-16) that ended in disaster for the ship but culminated with the discovery of the last large, undiscovered islands in the Arctic.[17] The fact that this discovery was made by a Canadian had a significant impact on Canadian sovereignty in the Arctic. Yet, by 1920, with over four decades of title to most of the Arctic Islands, Canada had "no permanent presence on them."[18] Farley Mowat contended that "Canada did not attempt even symbolic occupation of the most northerly [Arctic] islands until the mid-1920s when three small Royal Canadian Mounted Police (RCMP) detachments were stationed on Ellesmere Island and Devon Island." [19] These stations were soon abandoned, with the exception of Grise Fiord where a number of Inuit families had been transplanted to form Canada's most northerly settlement.

Canada's military presence in the Arctic dates back to 1898 when the army's Yukon field force was sent to the Yukon Territory to assist with law and order during the Klondike Gold Rush. Later, the Royal Canadian Corps of signals erected a communications system throughout the Yukon and NWT that it operated from 1923-1960. The Royal Canadian Air Force (RCAF)

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[16] Farley Mowat, *Canada North Now* (Toronto, ON: McClelland and Stewart, 1976), 22.

[17] K.S. Coates et al, *Arctic Front: Defending Canada in the Far North* (Toronto, ON: Thomas Publishers, 2008), 40.

[18] *Ibid.*, 42.

[19] Farley Mowat, *Canada North Now* (Toronto, ON: McClelland and Stewart, 1976), 61.

established bases in the North during the 1927-28 Hudson Strait expedition and carried out early aerial survey work with the assistance of army ground parties. The RCAF continued its northern operations during the Second World War, and completed an Arctic survey (1944-57) in which they assisted the Royal Canadian Engineers in photographing and mapping the entire region.[20]

The Second World War brought the first large-scale militarization of the Canadian North, made possible by a significant investment of US dollars and significant infusion of American troops and technical expertise. The combined American/Canadian military construction of the Northwest Highway System in 1942 was a major engineering feat that, combined with an existing system of airstrips, was instrumental in expediting the development of the Yukon Territory. The influx of American capital, resources and personnel caused many Canadians to fear a challenge to their Arctic sovereignty. These fears were alleviated when the US departed on completion of the war, leaving significant infrastructure behind. Thus, it has been argued that wartime activities left Canadian sovereignty claims to its North unscathed.[21] Nonetheless, the perpetual fear expressed by Canadian politicians was that the US would take over defence of the Arctic alone and exclude Canada from the picture.[22]

With the onset of the "Cold War," Canada and the US undertook several major projects in the Canadian North commencing in the 1950's and continuing into the next decade. The joint Distant Early Warning (DEW) Line was completed in 1957. It was a 8000 kilometre comprehensive radar chain extending from Alaska to Baffin Island (and later Greenland) along the North American continental land mass (70 degrees North latitude). Although built with

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[20] Kenneth Eyre,''Forty years of Military Activity in the Canadian North, 1947-1987,'' Arctic Vol.40, no. 4 (December 1987): 294; Available from http://pubs.aina.ucalgary.ca/arctic/Arctic40-4-292.pdf; Internet; accessed 9 April 2009.

[21] P. Whitney Lackenbauer, ''From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World,'' *Draft* (7 April 2009): 16.

[22] *Ibid.*, 17.

American funds, the DEW line agreement confirmed Canadian sovereignty over the Arctic lands and islands. At the same time a "string of airstrips and communications facilities across the Arctic" were constructed.[23] Military engineers built bridges across the Ogilvy and Eagle rivers, commencing in the late 1960's and terminating mid 1970's, which preceded the opening of the Dempster Highway to Inuvik. By this point, Canada's sovereignty in the Arctic was unchallenged.

Arctic waters were a different matter, however. In 1958 the USS *Nautilus*, a nuclear powered submarine, travelled to the North Pole under the polar ice cap, becoming the first of many submarines (predominately American and Soviet) to conduct active operations in the Arctic Ocean.[24] While it was debated in the 1950s whether the Canadian Navy should acquire nuclear submarines to assist in the bolstering of Arctic sovereignty claims, the idea was eventually discounted. In 1954, the Canadian Navy commissioned HAMS *Labrador*, its first and only ice breaker, thus commencing operations in the Arctic. Following a decision by the Royal Canadian Navy to specialize in anti-submarine warfare to address the Soviet Bloc threat to NATO, the Navy divested itself of Arctic capability altogether in 1958. The *Labrador* was transferred to the Department of Transport, and the RCN focused on operations in the Atlantic and Pacific Oceans.[25] More generally, interest in the Arctic again waned in the 1960s and military patrols were discontinued. In 1969 the MV *Manhattan*, an Exxon oil tanker reinforced for ice operations, transited through the NWP without formally requesting Canadian

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[23] Heads of Diplomatic Missions: Northern Tour Report dated June 2003, Chapter 27.

[24] Farley Mowat, *Canada North Now* (Toronto, ON: McClelland and Stewart, 1976), 46.

[25] K.S. Coates et al, *Arctic Front: Defending Canada in the Far North* (Toronto, ON: Thomas Publishers, 2008), 88.

permission.[26] The voyage was conducted to "test the feasibility of shipping oil from Alaska's Prudhoe Bay through the NWP to the eastern United States."[27] The *Manhattan* was escorted by the USCG icebreaker *Northwind* and the exercise was perceived by many Canadians as a "deliberate challenge to Canadian sovereignty but also, by implication, to Canadian ownership of gas and oil resources which were believed to underlie these waters."[28] Despite Prime Minister Trudeau's assurance that this was not the case, Farley Mowat contended that the government failed to address the issue and failed to provide any real protest to the violation of Canadian sovereignty by the US.[29] The fact that Canada gave the voyage full concurrence and sent her most powerful ice breaker, the CCGS John A. Macdonald, to observe and assist, as required, was somehow ignored by the critics who criticized the government for failing to make any real protest to the "violation" of Canadian sovereignty.[30]

After the *Manhattan* completed her return voyage the following year (1970), Canada felt compelled to enact new legislation to protect the fragile and delicate Arctic ecosystem from pollution. During the initial *Manhattan* transit through the NWP, the ship had suffered severe damage to her hull which would have undoubtedly led to a massive oil spill had she been fully laden with crude oil. This event highlighted the drastic environmental dangers which were implicit in any attempt to send tankers through the NWP. In reaction to this threat, Canada enacted the *Arctic Waters Pollution Prevention Act* (AWPPA) and claimed a 12 mile offshore

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[26] There exist conflicting views as to whether the *Manhattan* experiment really constituted a threat to Canadian Sovereignty in the Arctic. This issue will be addressed later in this paper.

[27] Farley Mowat, *Canada North Now* (Toronto, ON: McClelland and Stewart, 1976), 46.

[28] *Ibid.*, 47.

[29] *Ibid.*, 47.

[30] K.S. Coates et al, *Arctic Front: Defending Canada in the Far North* (Toronto, ON: Thomas Publishers, 2008), 95.

limit (vice the earlier 3 mile) which "resulted in more of the NWP becoming enclosed within Canadian territorial waters and therefore subject to Canadian jurisdiction."[31] Meanwhile the *AWPPA* extended Canada's pollution enforcement jurisdiction over the entire Canadian Arctic, pushing the earlier boundary out to 100 nautical miles from Arctic low water marks and bounded by the territorial sea surrounding the Arctic islands to the east and the 141st meridian to the west.[32]

This perceived American challenge caused the Canadian government to adopt a "functional" approach to Arctic sovereignty in 1970.[33] This approach saw Canadian naval vessels sail into Arctic waters for the first time in almost a decade, commencing the first in series of annual northern deployments (NORPLOYs). While the earlier focus had been RCMP presence, "sovereignty, though still largely symbolic, was now vested in the Canadian Forces and the Coast Guard."[34] Accordingly, during the 1970's the Canadian Forces initiated a series of Arctic initiatives including Northern Aircraft Patrols (NORPATs), and the "Northern Viking" series of exercises which included "the erection of survival cairns by platoon-size groups of soldiers in conjunction with local native groups."[35] The Force Mobile Command (FMC) spent the 1970s honing their skills in the strategic deployment of forces up to battalion size from bases

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[31] Farley Mowat, *Canada North Now* (Toronto, ON: McClelland and Stewart, 1976), 47.

[32] Guy Killaby, "Great Game in a Cold Climate: Canada's Arctic Sovereignty in Question," *Canadian Military Journal* 6, no.4 (Winter 2005-2006): 35.

[33] For elaboration on the "Functional Approach" see P. Whitney Lackenbauer, ''From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World,'' *Draft* (7 April 2009): 20-22.

[34] K.S. Coates et al, *Arctic Front: Defending Canada in the Far North.* (Toronto, ON: Thomas Publishers, 2008), 83.

[35] Heads of Diplomatic Missions: Northern Tour Report dated June 2003, Chapter 27.

to the south to anywhere in the Arctic. Furthermore, FMC developed a Major Air Disaster Plan "to facilitate search and rescue response to an airliner crash in remote areas."[36]

With the Soviet military buildup in the Arctic in the mid-1980s, Canada developed a new Arctic policy that focused primarily on sovereignty. In 1985, however, one year after Prime Minister Mulroney promised that the cornerstone of his foreign policy would be the development of improved relations with the US, the USCG icebreaker *Polar Sea* transited through the NWP. Like the *Manhattan* 16 years earlier, this intrusion was viewed by the media and politicians as a direct attack on Canadian sovereignty.[37]

At the time of the *Polar Sea* transit Dr Franklyn Griffiths, a respected expert on Arctic issues, correctly predicted that the incident would rekindle a heated sovereignty debate, given that the US had again refused to ask for permission through formal channels. Yet, Dr Rob Huebert and Dr Whitney Lackenbauer, also respected experts on Arctic issues, later concluded that the US did not intend to challenge Canadian sovereignty. In fact, the *Polar Sea* was operating out of Seattle, Washington when she received word that the USCG icebreaker *Northwind* (the same vessel that has escorted the *Manhattan* through the passage 16 years earlier) was disabled off the coast of Greenland with engineering problems and required assistance. After ruling out the Panama Canal as an option to allow her to render assistance to the *Northwind* and complete her Alaskan missions, the only other practical solution was to transit through the NWP. Hence, notwithstanding the savings in time, distance, fuel and dollars, the NWP route was an operational requirement for the US Coast Guard, which discussed the issue with the Canadian Coast Guard and the US State Department. The Americans knew that the

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[36] *Ibid.*, Chapter 27.

[37] K.S. Coates et al, *Arctic Front: Defending Canada in the Far North* (Toronto, ON: Thomas Publishers, 2008), 113-114.

NWP issue had not been resolved and that both countries had "agreed to disagree" on the status of the NWP, but they also recognized that it could potential escalate tensions with Canada.[38]

Under pressure from a multitude of "academics, aboriginal spokespeople, national interest groups, politicians, in opposition parties, and journalists," Mulroney's government was forced to take a more vocal stand with the US on Arctic sovereignty, aggravating what should have been a minor dispute.[39] The Mulroney government's insistence that the US formally request permission to transit through the NWP demonstrated their failure to comprehend American foreign policy and grand strategy. More importantly, asking the US to make such a request left both sides with little official room to manoeuvre. Given that the cornerstone of US foreign policy was "to insist on the concept of freedom of the seas in order to guarantee mobility of US naval assets around the world," they would not concede a core legal principle.[40] Law professor Suzanne Lalonde also contends that the US was concerned that, by acknowledging Canada's sovereignty over the NWP, it would allow other, less dependable, coastal states adjacent to other strategic straits around the world to "flex their muscles and adopt arbitrary rules which would severely harm American national interests."[41]

Eventually, Canada relented by giving approval for the transit even though the US had not asked. In the spirit of cooperation, Canada and the US then "negotiated pollution controls to ensure that the transit would meet AWPPA requirements," and three Canadians observers were stationed on the *Polar Sea* with the CCGS *John A. Macdonald* in close escort during the initial

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[38] *Ibid.,* 114-115.

[39] *Ibid.,* 115.

[40] Suzanne Lalonde, "Arctic Waters: Cooperation or Conflict?" *Behind the Headlines,* vol. 65, no. 4 (2008): 11.

[41] *Ibid.,*11.

phase of the transit.[42] In the wake of the *Polar Sea* dispute the Canadian government expressed its desire to exercise full sovereignty in the Canadian Arctic. To achieve this, Canada formally declared that it would establish straight baselines around the Canadian Arctic Archipelago effective 1 January 1986 and intended to enforce the *AWPPA* within these expanded boundaries. At the same time, the Mulroney government announced increases in Arctic aircraft surveillance and naval patrols, and the construction of a new Polar Class 8 icebreaker. The abrupt end to the "Cold War" and a severe economic down-turn derailed these initiatives. As Canada headed into the 1990s, the interest in the Arctic began to wane once again as Canada attempted to reap the benefits of the "peace dividend."

As sovereignty concerns shifted to the back burner in the 1990's, Canada's military became embroiled in the Somalia enquiry with senior leadership engaged in a desperate attempt to reconstitute an ailing, poorly equipped military force plagued by poor morale. Not surprisingly, operations in the Arctic diminished significantly and culminated with "[n]o sovereignty operations [being] conducted in 1999-2000."[43] Following the "9/11" attacks the Canadian military was appointed by the government as key actors in Arctic sovereignty and security initiatives.

While Canadian interest in the Arctic has ebbed and flowed over the past century, this historical overview reveals that Canadian sovereignty has not been undermined, or even deliberately challenged, in the region. Given that Canada has laid claim to the North for over 130 years, it is perplexing that fear persists over sovereignty in the Arctic. The fact that fear,

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[42] P. Whitney Lackenbauer, ''From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World,'' *Draft* (7 April 2009): 21-22.

[43] K.S. Coates et al, *Arctic Front: Defending Canada in the Far North.* (Toronto, ON: Thomas Publishers, 2008), 133.

bordering on paranoia, continues to plague the country "speaks volumes about Canada's approach to, and neglect, of the High Arctic." That most Canadians have never strayed far, either physically or spiritually, from the Canada-US boundary may be a major factor in this and support the premise that we are a "northern nation in fantasy and imagery only."[44] Yet, despite all the fear that the media and some academics would like us to believe, Arctic sovereignty concerns are overblown. Perhaps these fears are nothing more than guilt given that, in the vast majority of cases, Canada's "assertion of sovereignty on the cheap succeeded because it was unopposed."[45]

While Canada has often done the bare minimum to exercise sovereignty in the Arctic, by happenstance this has been sufficient to retain control over and in the region. Global warming, however, presents a new challenge for Canada. As the Arctic ice cap melts and more research ships, oil tankers, warships, submarines, and commercial vessels gain access to the region, the potential for grave damage to the Arctic ecosystem caused by pollution has dramatically increased. While Arctic development is critical in Canada's roadmap for the future North, it is not without peril. Given that current "environmental risks involved in attempting offshore drilling within…the shifting polar pack are so horrendous that not even the most oil-hungry of the other northern nations has been prepared to accept them," should give Canada cause for concern.[46] Canada is currently ill prepared to execute her sovereign responsibilities in the Arctic, and cannot do so without significant investment in capital and multilateral cooperation. Before this can be accomplished, Canadians need to secure a more sober grasp of the sovereignty challenges that they face in the twenty-first century.

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[44] *Ibid.*, 6.

[45] *Ibid.*, 30.

[46] Farley Mowat, *Canada North Now* (Toronto, ON: McClelland and Stewart, 1976), 49.

CHAPTER 3: ARCTIC SOVEREIGNTY

> *The Waters of the Canadian Arctic archipelago are internal by virtue of historic title. Thus, Canada's sovereignty over these waters, including the NWP, is absolute and unqualified. The Northwest Passage is not an international strait, not only because it has not been used for international navigation but also because it has always been overlapped by internal waters. Neither the right of innocent passage nor the right of transit passage applies. Canada's legal position is well-founded in fact and in law and is widely accepted by other states.*
>
> *Heads of Diplomatic Missions Northern Tour Report June 2003, Chapter 19*

If only Canada's claim to the Arctic, and its surrounding waters, was as simple as stated above. As discussed in the previous chapter, despite Canada's long history in the Arctic there continues to be much angst, particularly amongst southern Canadians, over sovereignty issues in the North. This unease is unsurprising given the renewed focus in the Arctic and the multitude of inflammatory media assessments which suggest that Canada's sovereignty in the Arctic is being continually challenged and eroded. In most cases, Canadians tend to believe that these challenges are coming from the Americans, their friends and confidant to the south. Is this concern misplaced?

Perhaps Canada has legitimate reasons to believe that the US is trying to undermine Canadian claims to the Arctic. After all, if you fail to view the media critically, it would be easy to conclude that Canada faces a significant sovereignty challenge from the US every generation. It could also be argued that these challenges began during World War II with the building of the Alaska Highway, or the DEW line in the mid 1950s as some alarmists would like us to believe. It occurred again twenty years later with the *Manhattan* voyage, when the US tanker transited brazenly through the NWP "without Canada's approval." In 1985, the passage of the *Polar Sea*

through the NWP caused a national outcry from Canada's left leaning politicians and the media, leaving the public oblivious to the – perhaps benign - nature of the actual threat.

Following the *Polar Sea* incident, both Canada and the US "agreed to disagree" on the status of the NWP. Despite some initial bravado and promises by the Mulroney government to take actions to strengthen Canada's Arctic sovereignty, these promises were forgotten with the economic collapse of the USSR and subsequent fall of the Warsaw Pact. This was incongruent with the premise that the US posed the greatest threat to Canadian Arctic sovereignty. Nonetheless, the "peace dividend" that followed the end of the Cold War allowed Canada to turn her focus away from the Arctic as it perceived that the threat to sovereignty had abated. With the Arctic secure the Canadian government turned its attention towards fiscal responsibility. Subsequently, the Canadian military and Coast Guard were allowed to atrophy and interest in the North waned once again.[47]

Yet, at the turn of the 21st Century it appeared that Canada's "ad hoc and reactive" approach to the Arctic sovereignty question had worked. It was also understood that the anxiety Canadians felt over potentially losing sovereignty in the Arctic was "more revealing of the Canadian psyche – particularly [their] lack of confidence" than of reality. Lackenbauer also contends that "crisis rhetoric" in Canada obscured a "history of diplomacy and successful working relationships" with the US over the past fifty years, which served to uphold Canada's Arctic sovereignty and security claims.[48]

Just when the issue of Arctic sovereignty appeared to be put to bed, media headlines suggested that Canada could not sleep soundly. By January 2009, Canadians were reading

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[47] Coates et al, *Arctic Front*, 124-25.

[48] P. Whitney Lackenbauer, ''From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World,'' *Draft* (7 April 2009): 14.

headlines such as "Bush throws final jab on Arctic sovereignty," and the sovereignty crisis shifted once again into high gear. The crux of this article was that outgoing President George W. Bush was making a "forceful rebuttal of Canada's claims of sovereignty over the Northwest Passage" so that the US could exert its power over the "oil-rich Arctic."[49] The writers contend that Bush's directive was issued as a direct challenge to Harper's "Arctic Sovereignty agenda" which called for a bolstering of Canada's military presence in the region and a refocusing on economic and social development. To further inflame the Canadian public, the article contended that this move by the US was "a rebuttal of Canada's claim of sovereignty over [the NWP]" which is predicted to be a "major global shipping route" in the near future as the shrinking of the polar ice cap continues. Prominent political scientist Rob Huebert was quoted in the article asserting that this was a "wake-up call for Canada" and opined that he "[could not] recall the [US] ever articulating its disagreements with Canada" so openly and with no effort to "sugar-coat."[50]

This is not the first time that Canada's position on the NWP and Canadian sovereignty in the region had been questioned. The *Polar Sea* and *Manhattan* voyages created the impression among the Canadian public that Canada has been pushed by the Americans to make "desperate" attempts to reassert sovereignty in the Canadian Arctic. Many media and opposition members in the House of Commons criticized the Canadian Government for failing to take steps to assert sovereignty. Others argue that, despite perceived challenges to Canadian Arctic sovereignty, the Canadian Government has done a remarkable job in asserting Canada's sovereignty in the Arctic over the past century, given their "parsimonious and half-hearted commitment to investing in the

[49] M. Blanchfield and Randy Rowsell, "Bush Throws Final Jab on Arctic Sovereignty," *National Post*, 13 January 2009.

[50] *Ibid.*

region."[51] This paper next addresses the issue of Arctic sovereignty and attempt to separate fact from fiction.

Before continuing it is necessary to look at the term *sovereignty*. At times a nebulous, elusive, and complex concept which arouses emotional and rationale components, sovereignty is often a matter of perspective. The concept of sovereignty is often related to a "state's monopoly on the use of force [within its borders] and is tied to the recognition of a political body as a state." Implicit within this concept of sovereignty is the ability of the state to be aware of and control activities within its borders, highlighting the state's "position as final authority over matters within its territory."[52] Most definitions of sovereignty emphasize the same three crucial elements of control, authority and perception. Furthermore, definitions stress the "state's right to jurisdictional control, territorial integrity, and non-interference by outside states."[53] More recently, sovereignty has been increasingly viewed in terms of responsibility imposed upon the state including the expectation that the state must control and maintain overall authority over its territory. Equally important is the requirements to have other states acknowledge formally the control and authority you retain over this domain. It can be argued that sovereignty comes down to the "capacity to achieve two things: to secure recognition of one's rights, and to act on or enact these rights."[54] In essence, the more secure a state's recognition of rights and the greater

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[51] Whitney Lackenbauer, ''From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World,'' *Draft* (7 April 2009): 14.

[52] Directorate of Maritime Strategy, "Leadmark: The Navy's Strategy for 2020," 18 June 2001: GL19.

[53] Mathew Carnaghan and Allison Goody, "Canadian Arctic Sovereignty," (Ottawa, ON: Library of Parliament, 26 January 2006): 5.

[54] Franklyn Griffiths, "Canadian Arctic Sovereignty: Time to Take Yes For an Answer on the Northwest Passage," (October 2007): 3.

their capacity to act on these rights and claims, the greater the likelihood they will be acknowledged by others."[55]

As stated earlier, despite a lackadaisical approach to the Arctic and some fortuitous luck, Canada has "done just enough" to affirm her sovereignty over the Canadian Arctic. This is not to say there are no outstanding disputes, especially given that nations are bound to disagree on matters of national interests. The fact remains that most of these are being handled through diplomatic channels using existing legal frameworks. Most importantly, however, is the assessment by many experts in the field that Canada's claim to the Arctic Archipelago, particularly the islands that make up the region, is on solid ground. With the exception of Hans Island, Canada's sovereignty over the Arctic islands remains uncontested. Some friction persists, however, between Canada and several other circumpolar nations with respect to Canada's sovereignty over the coastal waters that surround some of these islands. This is not surprising given Harper's refrain of "use it or lose it," which Lackenbauer concludes, "reveals a chronic lack of confidence and encourages a disproportionate emphasis on national defence."[56]

Despite government insecurity, there exists no immediate threat to Canada's sovereignty in the Arctic. Lackenbauer argues that recent "alarmism is driven by misunderstanding, [and] fed by scholars and journalists trying to kick-start southern Canada out of its typical apathy toward northern affairs."[57] The paper will now look at the contested areas in the Canadian Arctic and address some of the irrational fears held by the poorly informed.

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[55] *Ibid.*, 3.

[56] P. Whitney Lackenbauer, "Chill out on Arctic Strategy; Contrary to Popular Belief, There is no Sovereignty or Security Crisis in the North," *Toronto Star*, 4 September, 2008.

[57] *Ibid.*

There are currently five disputes which Canada is managing in the Arctic. All are relatively minor in nature with two existing with Denmark, one with the US directly and a final two with the US and other stakeholders. While other disputes are sure to arise as countries submit their claims to support extensions to their continental shelves in the Arctic Ocean, the urgency to resolve these existing disputes varies. How Canada fairs in resolving these disputes causes concern for many onlookers who believe that an unfavourable outcome may "have a serious cumulative effect on Canada's overall claim of control in the region" and cause the international community to view Canada's claims to the region with scepticism.[58] Whatever the case, international law – and particularly the *United Nations Convention on the Law of the Sea* - will undoubtedly play a central role in the resolution of current and future disputes in the Arctic.

THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

The *United Nations Convention on the Law of the Sea (UNCLOS)* was the culmination of years of work and discussions in the United Nations. The agreement itself was the final deliverable from *UNCLOS III* which commenced in 1973 and terminated in 1982. *UNCLOS III* incorporated four 1958 treaties (a result of *UNCLOS I* discussions that began in 1956) while the *UNCLOS II* discussions conducted in 1960 failed to yield any new treaties. Collectively termed *UNCLOS* today, it defines the rights and responsibilities of all coastal nations as they apply to the use of shared oceans, established guidelines for the commercialization of resources, the protection of the environment, and the harvesting and the management of natural resources. It

[58] Rob Huebert, "Canada and the Changing International Arctic: At the Crossroads of Cooperation and Conflict," *Northern Exposure: Peoples, Powers and Prospects for Canada's North. (*Ottawa: Institute for Research on Public Policy, 2008): 14.

came into effect in 1994 - a year after Guyana became the 60th state to ratify the treaty.[59] The number of signatories continues to grow and, as the sole international treaty in effect regarding all of the world's oceans, it is seen as the codification of Customary International Law. It is currently the primary means by which Polar Nations negotiate maritime boundaries in the Arctic and ascertain "their rights and responsibilities within these boundaries."[60] Although *UNCLOS*, when initially drafted, did not deal with the Arctic, article 234, which covers ice covered waters, subsequently addressed an Arctic component.

When *UNCLOS* came into effect, it was heralded as "a virtual constitution for the world's oceans when it was finalized and opened for signature in 1982 [and] has certainly codified many aspects of the maritime regime, and largely for the good."[61] It was not until later in that decade that Arctic states first realized that several other sections of the convention could apply directly to the Arctic; namely the ability of states to "claim a continental shelf that extended their control over the resources of the seabed (i.e., oil and gas) beyond 200 nautical miles."[62] Hence, it became apparent that *UNCLOS* would open the door for unprecedented expansion of national sovereignty and jurisdiction into the Arctic.[63]

The oceans of the world comprise approximately 105 million square nautical miles and when the *UNCLOS* process began in 1973 nations had claimed sovereignty and jurisdiction over

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[59] Stephanie Holmes, "Breaking the Ice: Emerging Legal Issues in Arctic Sovereignty," *Chicago Journal of International Law 9*, no. 1 (Summer 2008): 3-5.

[60] Rob Huebert, "Canadian Arctic Security: Understanding and responding to the Coming Storm," *CIC Preliminary Paper* (July 2008): 19.

[61] G.L. Garnett, "The Future of Maritime Peacekeeping," *Maritime Security Working Papers*, no. 3 (May 1996): 6.

[62] Rob Huebert, "Canadian Arctic Security: Preparing for a Changing Future," *Behind The Headlines*, vol. 65, no. 4 (August 2008): 19.

[63] Rob Huebert, "Canadian Arctic Security: Understanding and responding to the Coming Storm," *CIC Preliminary Paper* (July 2008): 5.

close to 4.5 million square nautical miles of these oceans. By the mid 1990's roughly 45 square nautical miles of the worlds oceans had "become waters of national interest in some fashion or another."[64] Today, this area has increased significantly as Canada, Russia, Denmark, Norway and the US hurry to stake their claim to the potentially rich resources that exist below the Arctic Ocean. As these Arctic states collect the required data to support their claims, commentators recognize that there is potential for overlap which may lead to additional disputes. The question remains how to best resolve these overlaps and the Arctic littoral states, in the Ilulissat declaration of 2008, suggest that *UNCLOS* is the panacea for dispute resolution. Other commentators are less optimistic, given that "neither the [International Court of Justice] nor the International Tribunal on the Law of the Sea have yet to resolve an overlapping continental shelf dispute in which *UNCLOS* is binding treaty law."[65]

UNCLOS continues to be viewed favourably by most nations, yet it has in some ways increased the potential for friction in the Arctic. Under *UNCLOS* coastal states have the right to control access to their Territorial Waters, with minor exceptions, out to a distance of 12 nautical miles from their coast. These states also have control over the resources under its coastal waters up to 200 nautical miles from its shore (EEZ). However, *UNCLOS* has provisions which allow a country to extend beyond 200 nautical miles (up to 350 nautical miles) if they can prove scientifically that the ridges and rock formations underneath the water are contiguous to their continental shelf. Countries have 10 years from domestic ratification to submit their scientific

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[64] G.L. Garnett, "The Future of Maritime Peacekeeping," *Maritime Security Working Papers*, no. 3 (May 1996): 6.

[65] Stephanie Holmes, "Breaking the Ice: Emerging Legal Issues in Arctic Sovereignty," *Chicago Journal of International Law 9*, no. 1 (Summer 2008): 6.

data to a UN commission. This has led to a frenzy of activity in the Arctic which has the potential to escalate tensions among the nations vying for a "piece of the Arctic pie."

Russia had until 2009 to make their case for a portion of the Arctic Ocean but has already forwarded its submission. Canada and Denmark have until 2013 and 2014 respectively to submit their claims, and Norway ratified *UNCLOS* in 1996.[66] The US signed *UNCLOS* but is having difficulty getting the document ratified by Congress. Fortunately, all five countries have agreed that *UNCLOS* provides "an extensive international legal framework [that] applies to the Arctic Ocean [and] remain committed to this legal framework and to the orderly settlement of any possible overlapping claims."[67] In disputes concerning overlapping claims by adjacent countries that cannot be resolved, Article 83 of *UNCLOS* directs those states to resort to the remedial provisions of the convention. However, "Article 298 of *UNCLOS* allows nations to opt out of the binding dispute provisions for disputes that arise under Article 83." To date all Polar nations, except Norway, have chosen to opt out. Nonetheless, despite being unwilling to submit to binding arbitration over Arctic disputes, Canada, Denmark, and Russia seem willing to work cooperatively to resolve Arctic issues using the *UNCLOS* regime. This spirit of cooperation is not surprising given that the *UNCLOS* Committee consists of scientists, not lawyers.[68] Thus, with a mechanism in place to address Arctic disputes, this paper will now review the surprisingly few disputes that Canada is currently managing in the Arctic.

HANS ISLAND (WITH DENMARK)

[66] Stephanie Holmes, "Breaking the Ice: Emerging Legal Issues in Arctic Sovereignty," *Chicago Journal of International Law 9*, no. 1 (Summer 2008): 3-4.

[67] Sven G. Holtsmark, "Towards Cooperation or Confrontation," *Research Division – NATO Defence College, Rome*, no. 5 (February 2005): 5.

[68] Stephanie Holmes, "Breaking the Ice: Emerging Legal Issues in Arctic Sovereignty," *Chicago Journal of International Law 9*, no. 1 (Summer 2008): 6.

Hans Island, an island situated in the middle of the Kennedy Channel of Nares Strait separating Greenland and Ellesmere Island, is the only portion of land in the Arctic where Canada's sovereignty is questioned. Uninhabited and only 1.3 square kilometres, the island has limited resources and no strategic value; however, both Canada and Denmark have laid claim to it. During a 1973 agreement between both countries which delimited the continental shelves in the strait, both countries choose to exclude the Hans Island issue and have attempted ever since to resolve the matter through ongoing negotiations without success. Given that the seabed jurisdiction was resolved in the 1973 agreement, this rather unimpressive island should be a relatively insignificant issue for both countries. Yet, in 2003 both countries "reasserted their sovereignty over [Hans Island] through on-site visits." Nonetheless, two years later Canada and Denmark issued a joint statement declaring that they would continue efforts to reach a long term resolution to the matter.[69]

It should be noted that this dispute centres solely on the island and not the adjacent seabed. Following a meeting between the two countries on 19 September 2005, both countries reaffirmed their claims to the island but were in agreement that "the issue can be resolved within the excellent bilateral relationship that [both countries] have cultivated over 60 years."[70] The matter has not received much media attention in the past three years, signifying that the debate is of minor importance.

Notwithstanding the limited geographic significance of the island, some Canadian observers see the question of sovereignty over Hans Island and "Canada's ability to project

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[69] Canada (Library of Parliament), "The Arctic: Canada's Legal Claims," Parliamentary Information and Research Service, *PRB 08-05E*: 24 (October 2008): 2.

[70] Department of Foreign Affairs and International Trade. "Canada and Denmark Issue Statement on Hans Island," available from http://w01.international.gc.ca/minpub/publications.aspx?isRedirect=True&publication_id Internet; accessed 28 March 2009. 30.

control over Hans Island" as having broader implications that may send a message to other nations that Canada is incapable of "exercis[ing] sovereignty over its Arctic territory."[71] This seems to be a rather harsh assessment given that both countries demonstrated excellent bilateral cooperation in 1983 when they "signed a cooperation agreement on the marine environment in the strait."[72] If this viewpoint is indeed accurate, however, it would appear that both Canada and Denmark do not see the conflict as an acute priority and continue to show cooperation by engaging in significant joint scientific research in the Arctic, as both scramble to meet their *UNCLOS* submission deadlines. Given that "international law specialists regard the dispute as relatively mild," one must conclude that this minor dispute ought not be given precedence in Canada's overall strategic approach in the Arctic.[73]

LINCOLN SEA (WITH DENMARK)

This dispute is over the seaward border of Ellesmere Island and Greenland, particularly over two tiny maritime zones of 31 and 34 square nautical miles (65 nm^2 total). At issue is Denmark's Beaumont Island located in the Lincoln Sea and its effect on the *UNCLOS* baseline principle. The issue arose following a 1973 agreement mentioned above where both countries agreed to a maritime boundary "but later, in establishing Exclusive Economic Zones, they extended the boundary northward into a region not covered by the [earlier] agreement."[74]

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[71] Mathew Carnaghan and Allison Goody, "Canadian Arctic Sovereignty," (Ottawa, ON: Library of Parliament, 26 January 2006), 8.

[72] Robert Dufresne, "Canada's Legal Claims Over Arctic Territory and Waters," Library of Parliament - Parliamentary Information and Research Service, *PRB 07*-39E; available from http://www.parl.gc.ca/information/library/PRBpubs/prb0739-e.htm; Internet; accessed 20 February 2009. 2.

[73] *Ibid.*, 3.

[74] Rob Huebert, "Canada and the Changing International Arctic: At the Crossroads of Cooperation and Conflict," *Northern Exposure: Peoples, Powers and Prospects for Canada's North.* 18.

Denmark now believes that their baseline should extend from Beaumont Island, a small rock outcropping off the Greenland coast, as apposed to larger islands to the east. The fact that this issue is not addressed in most DFAIT statements on the Arctic is indicative of the insignificance of this dispute. Huebert also sees this dispute as being very minor and is optimistic that it can be resolved easily.[75] Thus, it would appear that, given the small region under dispute, a bilateral solution between the two countries can be achieved with minimal friction.

THE BEAUFORT SEA (WITH THE US)

The next dispute is with the US over a large wedge shaped piece of ocean in the Beaufort Sea totalling 6250 square nautical miles. Canada contends that the Maritime boundary that extends from the shore should be delineated by the 141st degree meridian that constitutes the border between Alaska and the Yukon Territory. The US counters that the equidistance principle, contained in *UNCLOS*, should be used and that its 200 nautical mile limit extends perpendicularly from the coastline at the exact point where the 141st meridian intersects the shore. This dispute received additional attention following the release of the joint National Security Presidential Directive (NSPD 66) and Homeland Security Presidential Directive (HSPD 25), by outgoing American President G.W. Bush, in January 2009.

This joint directive acknowledged the unresolved dispute in the Beaufort Sea with Canada and recognized that recent geological surveys have confirmed that the region may contain tremendous potential for oil and natural gas. This potential for access to resources undoubtedly prompted the release of the directive, but it should be emphasized that the dispute is

[75] *Ibid.*, 18.

being well managed by the US and Canada. The US position is that this boundary dispute could best be resolved through *UNCLOS*; thus far Canada has steered away from this approach.[76]

The dramatic increase in world oil prices in 2008 was a significant factor in the renewed interest in resolving this dispute. Climate change was also a contributing factor given that, until recently, the prospect of developing the natural resources in this contested area was very small given that "the severity of the climate [made] their extraction (especially due to their offshore location) economically unfeasible."[77] Huebert also notes that with the collapse of the oil prices in the 1980's, the emphasis by the US to resolve this dispute waned. With the dramatic fall in oil prices due to the current world-wide economic downturn, it is not unreasonable to anticipate that this indifference will again become the case. President Obama's sweeping policy changes and focus on weaning the US off their dependence on oil will further serve to deescalate potentially the rhetoric surrounding this dispute. Regardless, it is most likely that this issue will be resolved bilaterally between the two countries with one possible solution being "the development of a joint management scheme" that would clearly fall nicely with the North American Free Trade Agreement and its focus on "a shared energy market."[78]

CONTINENTAL SHELF EXTENSION (WITH THE US, RUSSIA AND DENMARK)

While it may be argued that Canada's intention, along with the other four circumpolar Nations, to make application under *UNCLOS* to extend her Arctic EEZ beyond the existing 200

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[76] United States. The White House Office of The Press Secretary, *National Security Presidential Directive/NSPD – 66 and Homeland Security Presidential Directive/HSPD – 25.* Washington, DC: US Government Printing Office, 9 January 2009. 5.

[77] Rob Huebert, "Canada and the Changing International Arctic: At the Crossroads of Cooperation and Conflict," *Northern Exposure: Peoples, Powers and Prospects for Canada's North.* 17.

[78] *Ibid.*, 18.

nautical miles does not qualify as a dispute, this issue has the potential to become Canada's greatest future challenge in the Arctic.[79] The possibility of competing claims over extensions to continental shelves into the Arctic Ocean should cause Canada the greatest concern.

UNCLOS currently recognizes the right of Coastal States to establish an EEZ to 200 nautical miles seaward from their baselines. Under Article 76 of Annex II to *UNCLOS* these states may extend this zone when their continental shelf satisfies certain legal criteria. The regime that supports this extension involves the nation establishing the outer limit (foot) of their continental shelf. The process further calls for the determination of two lines.

The first line is known as the *formula* line, which is either a distance of 60 nautical miles from the foot of the continental slope or the distance to a point where the thickness of the sedimentary layer of seabed is at least one percent of the distance to the foot of the slope, which is denoted as the sediment formula. The second line is termed the *constraining* line, whose purpose is to limit "the distance established by the formula line, thus delineating the maximum length of the extended continental shelf."[80] A technical overview of the formulas governing this regime is beyond the scope of this paper and will not be addressed. However, this delineation process will allow coastal states to extend their area of jurisdiction beyond the normal 200 NM out to 350 NM or 100 NM beyond their 2500 metre isobath (a line on a chart denoting the depth of water being 2500 metres), whichever is less.[81] A state has ten years from the time they ratify

[79] Rob Huebert, "Canada and the Changing International Arctic: At the Crossroads of Cooperation and Conflict," *Northern Exposure: Peoples, Powers and Prospects for Canada's North.* 18.

[80] Canada (Library of Parliament), "The Arctic: Canada's Legal Claims," Parliamentary Information and Research Service, *PRB 08-05E*: (24 October 2008), 4.

[81] *Ibid.*, 4.

UNCLOS to submit information on their continental shelf that is relevant to their application to the Commission on the Limits of the Continental Shelf.[82]

As 2013 approaches, Canada finds itself in the unenviable position of having to rush in order to capture the required data to support its claim under *UNCLOS*. If they can prove that the continental shelf in the Arctic Ocean extends beyond the 200 nm limit they can extend their jurisdiction over the seabed up to an additional 150 nm. This, however, will require substantial data to be collected and getting this data is difficult. Without cooperation from her Arctic neighbours, it is doubtful that Canada will meet this deadline. The government realizes this and, as a result, Canada and Denmark have signed a memorandum of understanding and have been conducting joint surveys in the Eastern Arctic. Canada and the US are also cooperating in the Western Arctic where the USCGS *Healy* and CCGS *Louis St. Laurent* have operated together in the Arctic over the past several summers. Canadian and Russian officials continue to exchange and interpret scientific data in relation to the Arctic Ocean ridges and in particular the Lomosonov Ridge.

Canada, in cooperation with Denmark and the US, has also begun "a multi-year mapping exercise that will enable it to trace with precision the contours of the extended continental shelf" to support their submissions. While the Canadian government invested heavily in this Arctic mapping project in 2004, and subsequent budgets, the mapping of the region has proven difficult due to the "remoteness of the area, unpredictable weather, and the presence of an ice cover for most of the year."[83] This led to concerns in the summer of 2007 that Canada would not meet the submission deadline unless additional funds were allocated. The task is further complicated in that Canada lacks the necessary icebreakers, research vessels and submarines capable of

[82] *Ibid.*, 5.
[83] *Ibid.*, 5.

operating in the Arctic year round. As the only Arctic nation without nuclear submarines, Huebert believes that Canada will be pressed to meet the 2013 deadline. This is particularly troublesome given that the US and Russia are both using nuclear submarines to bolster their claims and Denmark has an agreement with the U.K. to use their nuclear submarines.[84]

Despite the looming challenges, Canada has embarked on cooperative ventures with the US and Denmark, perhaps as a result of the considerable work that remains to be done. Regardless of the status of Canada's submission there will be overlapping claims once all states have made their submissions. Russia and Norway are the only two circumpolar countries that have completed and submitted their applications under *UNCLOS*. Given that the US has not yet ratified *UNCLOS*, they do not have a deadline. This is a further complication in resolving disputes; however, the Americans are expected to do so in the near future. More disconcertingly, there exists "no clear procedures [under *UNCLOS*] for resolving territorial overlaps."[85]

On a brighter note, Canada continues to leverage Arctic partnership. During the Ministerial Conference held at Ilulissat, Greenland in 2008, Canada, Denmark, Norway, and Russia acknowledged that a suitable regime was already in place to resolve Arctic jurisdictional matters and that the body of existing rules and regulations were quite clear. All countries agreed that the existing *UNCLOS* framework was satisfactory and declared that they would "follow existing international rules [and] abide by the existing rules" in resolving future disputes concerning extensions to their continental shelves. Unfortunately, the US were only observers at this meeting given that they were not ratified *UNCLOS*.[86]

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[84] Rob Huebert, "Canada and the Changing International Arctic: At the Crossroads of Cooperation and Conflict," *Northern Exposure: Peoples, Powers and Prospects for Canada's North.* 20.

[85] *Ibid.,* 20.

[86] *Ibid.,* 20.

NORTHWEST PASSAGE

The four disputes addressed above present but minor challenges to Canada's sovereignty in the Arctic. This leaves the NWP as the only remaining, and arguably Canada's most contentious, dispute in the circumpolar world. While the NWP dispute is a sovereignty matter, Huebert is quick to clarify that "the issue of sovereignty in the passage concerns only the regulatory regime governing national shipping," and that Canada has unquestioned sovereignty over all natural resources in the sea-bed and water column within the passage.[87] The core issue is whether the NWP is defined as internal waters or an international strait. Canada has long claimed sovereignty over the NWP, submitting that the waters are internal waters "by virtue of a historic title, and/or virtue of them being on the landward side of baselines drawn around the entire archipelago in 1985."[88] This interpretation is entirely opposite to the US position; namely, that the passage is an international strait that all nations can use freely for international navigation. While the European Union has also objected to Canada's position on the NWP, this dispute is primarily seen as a dispute with the US. This is unsurprising given the sovereignty rhetoric that followed the transiting of the NWP by the *Manhattan* in 1969 and the *Polar Sea* in 1985.

Despite sporadic efforts to resolve the NWP issue, this dispute has been traditionally managed by Canada and the US "agreeing to disagree," at least since 1985 when Canada declared it would use straight baselines in the Arctic to designate TTW. Nonetheless, at issue is

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[87] *Ibid.*, 12.

[88] Robert Dufresne, "Canada's Legal Claims Over Arctic Territory and Waters," Library of Parliament - Parliamentary Information and Research Service, *PRB 07*-39E; available from http://www.parl.gc.ca/information/library/PRBpubs/prb0739-e.htm; Internet; accessed 20 February 2009. 6.

the level of control Canada would have over vessels transiting the NWP. As internal waters, Canada would have exclusive right to decide which ships may and may not transit. Furthermore, Canada could unilaterally pass legislation imposing regulations on all Canadian and foreign vessels.[89] If designated as an international strait, foreign ships would have the legal right to freely transit through the passage without requiring Canada's approval or respecting Canadian environmental laws.[90] Canadians saw this an unacceptable, blatant affront by Americans to Canada's sovereignty. While security concerns would creep into the debate much later, Canada was concerned about the fragile northern environment. The prospect of allowing unregulated shipping into its Arctic waters has the potential to cause irreparable damage to the fragile Arctic ecosystem and its native peoples should a maritime incident occur.[91]

Despite all the rhetoric suggesting otherwise, the fact that the NWP is "Canadian territory is not in doubt."[92] While the "agreeing to disagree" approach has proven viable in the past, this do-nothing approach is rapidly becoming untenable. As the Polar ice cap continues to melt the Arctic is opening up for the exploitation of its natural resources. Consequently, the NWP debate has regained prominence. It has been argued that the NWP has particular strategic importance for the US especially given the potential to significantly reduce the commercial shipping distance from the eastern and western US to Asia and Europe respectively. It has also been argued that

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[89] Andrea Charron, "The Northwest Passage in Context," *Canadian Military Journal* 6, no.4 (Winter 2005-2006): 42.

[90] Donat Pharand, "The Arctic Waters and the Northwest Passage: A Final Revisit," *Ocean Development and International Law*, vol. 38, nos 1&2 (2007): 45.

[91] P.W. Lackenbauer and Matthew Farish, "The Cold War on Canadian Soil: Militarizing a Northern Environment," *Environmental History*, vol. 12, no. 3 (2007): 920-50.

[92] Andrea Charron, "The Northwest Passage in Context," *Canadian Military Journal* 6, no.4 (Winter 2005-2006): 42.

the US sees the NWP as an alternate shipping route to the Panama Canal because a navigable NWP can "serve substantially larger vessels than the Panama Canal."[93]

Accordingly, the NWP is being considered as an attractive alternative to existing international shipping routes due to the anticipated savings in commercial shipping costs. Russia has already demonstrated the significance of reducing international commercial shipping costs in the North Sea Route (NSR).[94] In the NSR they have invited foreign flagged vessels to take advantage of the longer navigation season. In return, Russia provides such services as icebreaking, navigational aids, and pilot services to the vessels transiting the passage.[95] According to Huebert, it is doubtful the NWP will gain similar commercial significance in the near future. He maintains that the bulk of shipping through the NWP will "be related to the development of the Canadian Arctic, not transpolar shipping." This is primarily because the Russian Arctic is melting faster than the Canadian Arctic and will continue to be the primary transpolar route between Asia, Europe and North America for the foreseeable future.[96] While Griffiths agrees that the "the NWP will see an increase in commercial shipping," he contends that maritime traffic "will move in and out of sites in Arctic North America and not between the Atlantic and Pacific in volume any time soon."[97] Thus, it would appear that the strategic

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[93] Rob Huebert, "Canada and the Changing International Arctic: At the Crossroads of Cooperation and Conflict," *Northern Exposure: Peoples, Powers and Prospects for Canada's North.* 15.

[94] Use of the NSR shortens the sailing time of the traditional southern shipping route via the Malacca Strait and Suez Canal by 40 percent. It is projected that the navigation season of the Northern Sea Route (NSR), which runs east west along Siberia's Arctic coast, will likely increase from the current 30 days per year to 100 days per year by 2040. Within the next ten years, the NSR will remain open for enough of the year to make it a valid sea-route.

[95] Andrea Charron, "The Northwest Passage in Context," *Canadian Military Journal* 6, no.4 (Winter 2005-2006): 45.

[96] Rob Huebert, "Canada and the Changing International Arctic: At the Crossroads of Cooperation and Conflict," *Northern Exposure: Peoples, Powers and Prospects for Canada's North.* 15.

[97] Franklyn Griffiths, "Canadian Arctic Sovereignty: Time to Take Yes For an Answer on the Northwest Passage," (October 2007): 14.

significance of the NWP may be exaggerated, especially when one considers that the shortest route between Japan and Continental Europe is directly over the pole vice via the NWP.[98]

Nevertheless, the tremendous resource potential in the Arctic and the opportunities created by *UNCLOS* for nations to stake claim to large portions of the Arctic Ocean has created additional furor in the region and has once again pushed the NWP dispute to the forefront.[99] In January 2009, just eight days prior to leaving office, President George W. Bush reaffirmed US "Sea power" in the Arctic by releasing a new directive (NSPD 66). Commentators like Huebert heralded this release a "forceful rebuttal of Canada's claims of sovereignty over the NWP" and viewed it as a direct challenge to Prime Minister Harper's announcement that Canada would bolster its military presence in the North and take steps to promote economic and social development.[100] In this directive Bush "reiterates that the [Northwest] Passage is an international waterway," which seems to rebut Canada's Arctic sovereignty. One is left to wonder, however, why there exists so much controversy over a strait that fewer than 100 ships have ever transited.

Many analysts contend that Canada's historic title case is weak, which it might lose if tested in international courts. Similarly, others contend that Canada hasn't been doing enough to enforce its jurisdiction over the NWP. Canadian legal expert Donat Pharand, who has conducted the most sustained and detailed analysis of the issue, provides a compelling argument as to why Canada's straight baseline claim has the highest probability of holding up in International Law. However, he does caution that "it might still be possible for the Northwest Passage to become an international strait in the future [if a] pattern of international shipping across the passage" be

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[98] *Ibid.,* 14.

[99] M. Blanchfield and Randy Rowsell, "Bush Throws Final Jab on Arctic Sovereignty," *National Post,* 13 January 2009.

[100] *Ibid.*

developed as commercial shipping becomes more viable due to the current trend of thinning and shrinking of the Arctic ice pack.[101]

It must be remembered that the NWP dispute is not an "all or none" affair for Canada. While its designation as an international strait would dilute Canada's control over the passage, Canada "would not necessarily lose all rights and powers over the waters of the passage."[102] Others believe that, even if it was decided that the NWP was indeed an international strait, there would undoubtedly be concerns over perceived sovereignty loss; however, this "would have little effect on Canada's legal authority to regulate commercial shipping [there]."[103] Griffiths is of the opinion that Canadians have talked themselves into believing that the NWP poses a greater sovereignty challenge than exists when, realistically "the issue is not possession but the conditions under which foreign vessels will sail into and through the Canadian Archipelago."[104]

As a compromise, experts have raised the option of the NWP being considered territorial waters subject to right of passage. Given the continental security concerns since the *Global War on Terror* (GWT), "it has also been suggested that the US may come to regard the Canadian claim as more palatable politically and legally."[105] In view of our friendly and historical relations, it is this focus on evolving continental security and the necessity to police the NWP that is more likely to be addressed bilaterally between Canada and the US rather than by an

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[101] Donat Pharand, "The Arctic Waters and the Northwest Passage: A Final Revisit," *Ocean Development and International Law*, vol. 38, nos 1&2 (2007): 44.

[102] Canada (Library of Parliament), "The Arctic: Canada's Legal Claims," Parliamentary Information and Research Service, *PRB 08-05E*: (24 October 2008): 3.

[103] Donald M. McRae, "Arctic Sovereignty: What is at Stake?," *Behind the Headlines*, vol. 64, no. 1(2007): 18.

[104] Franklyn Griffiths, "Canadian Arctic Sovereignty: Time to Take Yes For an Answer on the Northwest Passage," (October 2007): 12.

[105] Canada (Library of Parliament), "The Arctic: Canada's Legal Claims," Parliamentary Information and Research Service, *PRB 08-05E*: (24 October 2008): 4.

international court. In 1988, three years after the *Polar Sea* controversy, the US and Canada signed the "Arctic Cooperation" agreement, which did not resolve the sovereignty issue, but did state that the US would ask permission before entering the NWP. This theme of cooperation bodes well for Canada in resolving this dispute bilaterally. Griffiths notes that the US government demands that American merchant ships, when transiting through the NWP, conform with the *AWPPA*. He also contends that American commercial ships "would be unlikely to challenge any reasonable application of [Canada's] regulations," and, even if they did, they would not likely to be supported by their government.[106]

Griffiths contends that the US has tacitly endorsed the enforcement of Canadian commercial traffic regulations in the NWP.[107] Still others believe that the US may now look more favourably upon the Canadian claim if presented in terms of "continental security and the necessity for policing the passage."[108] This security element will be addressed in chapter five after a brief look at the Russian Arctic perspective.

In conclusion, the NWP dispute remains unresolved and it is unlikely that a strictly legal solution will be found. As the NWP becomes more accessible and therefore utilized more by commercial shipping, however, the US argument for international strait designation may find favour with other nations and place additional pressure on Canada to "accept unfettered

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[106] Franklyn Griffiths, "Canadian Arctic Sovereignty: Time to Take Yes For an Answer on the Northwest Passage," (October 2007): 18.

[107] *Ibid.*, 19.

[108] Robert Dufresne, "Canada's Legal Claims Over Arctic Territory and Waters," Library of Parliament - Parliamentary Information and Research Service, *PRB 07*-39E; available from http://www.parl.gc.ca/information/library/PRBpubs/prb0739-e.htm; Internet; accessed 20 February 2009. 6.

international navigation through the Passage."[109] Regardless, it should now be evident that the NWP dispute does not constitute a significant threat to Canadian sovereignty in the Arctic.

It should also be clear that Canada has unnecessarily contributed to the escalation of sovereignty issues in the Arctic, especially with respect to the NWP. Canada must cease issuing statements on the Arctic that only serve to escalate tensions with other Polar nations. Rather, Canada must continue to build on relationships already established with its Arctic neighbours. In fact, Royal Military College student Andrea Charron argues that Canada has been very creative in defending its Arctic interest. This creativity and willingness to work with other circumpolar nations has resulted in the creation of the *AWPPA*, the 1988 agreement on Arctic cooperation, and the establishment and participation in the Arctic Council.[110] Any approach that attempts to strong-arm the US into reaching a consensus on the NWP, when they are clearly not motivated to do so, will not work. Even worst, it may actually backfire at the grand strategic level. Thus, a more measured approach in handling the NWP dispute, with less emphasis on internal waters designation, and, more emphasis on control, surveillance, and the regulation of shipping, is the best approach to secure Canadian Arctic sovereignty.

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[109] Andrea Charron, "The Northwest Passage in Context," *Canadian Military Journal* 6, no.4 (Winter 2005-2006): 47.

[110] *Ibid.,* 47.

CHAPTER 4: A RUSSIAN PERSPECTIVE ON THE ARCTIC

The Arctic may contain a quarter of the remaining oil and gas reserves in the world. In July 2008, the US Geological Survey (USGC) reported that the region north of the Arctic Circle may contain up to 13 and 30 percent of the world's undiscovered oil and natural gas respectively. In addition, the USGC assesses that the existing oil fields under exploration in the Arctic represent roughly 10 percent of the world's known oil and gas reserves, and, that 80 percent of the undiscovered reserves are expected offshore, with a large percentage in Russia's EEZ.[111] Given this, it is not surprising that Russia speculates that "the territory claimed by Moscow could contain as much as 586 billion barrels of oil."[112] If crude prices were to increase to two-thirds of 1998 peak levels ($100 a barrel), this would contribute $58.6 trillion to the Russian economy, not including the enormous natural gas reserves held in the same region.

Russia also generates 20 percent of its GDP from petroleum reserves north of the Arctic Circle. In addition, exports from this region equal 22 percent of the nation's total exports.[113] The significance of these numbers, and the importance Russia places in making the Arctic the country's future strategic energy reserve, cannot be overstated. Thus, it was not surprising that Russia was the first to stake its claim to the extended continental shelf in the North - "460,000

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[111] Sven G. Holtsmark, "Towards Cooperation or Confrontation," *Research Division – NATO Defence College, Rome,* no. 5 (February 2005): 4.

[112] Scott Borgerson, "Arctic Meltdown: The Economic and Security Implications of Global Warming," *Foreign Affairs* 87, no. 2 (March/April 2008): 67.

[113] Sven G. Holtsmark, "Towards Cooperation or Confrontation," *Research Division – NATO Defence College, Rome,* no. 5 (February 2005): 7.

square miles of resource-rich Arctic waters" - in 2001.[114] The UN rejected Russia's claim, citing insufficient data to "support its delineation of its continental shelf." [115] Russia responded to the UN decision by intensifying scientific research in preparation for a bolstered resubmission and "dispatched a nuclear-powered icebreaker and two submarines" into the Arctic. Shortly thereafter, they commenced "strategic bomber flights over the Arctic Ocean for the first time since" the end of the Cold War.[116]

RUSSIAN ARCTIC POLICY: A CANADIAN VIEWPOINT

American policy analyst Scott Borgerson viewed these Russian actions as "provocative" and saw their claim as an "ambitious annexation" phase in an Arctic "Gold Rush."[117] He is not alone in his portrayal of Russia as a greedy and aggressive actor in the race to claim Arctic resources. A number of recent Canadian newspaper articles appear to support this rather menacing view of Russia. On the eve of President Barack Obama's February 2009 visit to Canada, NORAD scrambled four fighter jets to intercept two Russian Bombers that approached Canada's Arctic EEZ. Notwithstanding the fact that the bombers had broken no international laws and NORAD had made twenty similar sorties in 2007, it was immediately portrayed in the media as an attempt by the Russians "to create mischief" for Canada's security system. While Russia was quick to characterize the Canadian response to the incident a "farce," the media

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[114] Scott Borgerson, "Arctic Meltdown: The Economic and Security Implications of Global Warming," *Foreign Affairs* 87, no. 2 (March/April 2008): 63.

[115] Elizabeth Riddell-Dixon, "Canada's Arctic Continental Shelf Extension: Debunking Myths," *Policy Options* 60, no. 3 (September 2008): 40.

[116] Scott Borgerson, "Arctic Meltdown: The Economic and Security Implications of Global Warming," *Foreign Affairs* 87, no. 2 (March/April 2008): 63.

[117] *Ibid.*, 63.

assessed that the incident was a diplomatic rebuff of Russia's earlier criticism of nations (including Canada) attempts to militarize the Arctic to bolster claims to energy reserves; the incident further strained Canada-Russia relations.[118]

Russia's announcement in early 2009 that they intended to create a special military force to defend their Arctic claims prompted Canada's Minister of Foreign Affairs, Lawrence Cannon, to respond that "Canada would not be bullied." Allan Woods, a writer for the *Toronto Star,* asserted that this reaction was due to Russia's aggressive assertion of their Arctic claims and reflective of their decision to develop the region as their primary strategic resource base by 2020.[119] Rob Huebert is quoted in the same article as saying that Russia's actions indicate they are unwilling to compromise in the Arctic debate and "will negotiate only as long as [Canada] agree[s] with them."[120] While this is a commonly held view of Russia's Arctic policy, there is growing literature to suggest that this is not the case.

Since the turn of the 21st century there has been a widely held view that there is a massive flurry of unregulated activity to secure as much territory and resources as possible in the Arctic region. The Western media often cast Russia as the villain, accusing Russia of militarizing the Arctic in an effort to "grab" resources that belong to weaker, or less aggressive, Arctic nations like Canada, Norway and Denmark. Ironically, advocates of this position have been termed "alarmist" by both Russia and many Western scholars. Some commentators note that this military dimension to the alleged "race for resources" is particularly dangerous for Canada, presupposing "intense competition and a corresponding willingness to violate rules" that may

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[118] Allan Woods, "Back Off and Stay Out of Our Airspace," *Toronto Star,* 28 February 2009.

[119] *Ibid.*

[120] Steven Chase, "Russia Won't Bully Canada in Arctic, Cannon Vows," *The Globe and Mail,* 28 March 2009.

lead to the militarization of the Arctic, create political friction and encourage a unilateral approach to disputes. [121] This could present problems for Canada given her "relative military, political and economic strength" when measured against Russia, the US, and the European Union (EU). As the only circumpolar nation not a member of NATO, Russia finds itself in an unenviable position. Hence, in the Russian circumstance, a unilateral approach might emerge as the best approach. Notwithstanding this perspective, evidence suggests that Russia has chosen a more pragmatic approach to Arctic disputes.

Many Canadians view Russian military activity in the Arctic as a direct challenge to national sovereignty and an effort to "grab" resources and territory that is rightfully and historically Canadian. Sven Holtsmark, Deputy Director at the Norwegian Institute for Defence Studies, has studied the Arctic debates closely and argues convincingly that there is not an ongoing "grab" for resources and territory in the Arctic Ocean.[122] Holtsmark's perspective, despite being NATO centric, is particularly pertinent in understanding Russia's strategic approach to the Arctic and the complexity of the Arctic debates. A more comprehensive understanding of this approach by Canadians will help to alleviate fears that they are being solely targeted by Russia, and come to an understanding that Canada has unnecessarily contributed to the "alarmist" rhetoric. While Russian strategic bombers approaching North American airspace generate obvious concern for Canadians, it is important to understand that these activities are not unique to Canada. In 2007, these same bombers commenced regular "passes close to Icelandic airspace" and have made similar strategic flights along the perimeter of Norwegian and Danish

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[121] P. Whitney Lackenbauer, ''From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World,'' *Draft* (7 April 2009): 41.

[122] Sven G. Holtsmark, "Towards Cooperation or Confrontation," *Research Division – NATO Defence College, Rome*, no. 5 (February 2005): 1.

airspace. Holtsmark attributes this activity to the renewed focus on the Arctic Ocean and an attempt by Russia to reassert itself as an Arctic power amid the "increasing prominence of Arctic issues in Russian foreign and security policy rhetoric."[123]

RUSSIA'S ARCTIC POLICY

Notwithstanding their negative portrayal in the Western media, Russia contends that the notion of an "Arctic Race" to secure resources is misguided.[124] Yet the Canadian media continues to depict Russian activity in the Arctic unfavourably, while the Canadian government struggles to refine and implement an Arctic strategy. Concurrently, the Russian media has also questioned Western intentions and have drawn attention to the aggressiveness of Canada and the US in Arctic matters. They further urge "the Russian government to take action to resist any infringement on Russian interests," but caution them "against allowing the situation to escalate, less it slip out of control." [125] Furthermore, the Russian foreign ministry has been clear that they view Western media's talk of aggression and a potential for war over the Arctic as extremely alarmist and unfounded.

One is struck by the remarkable similarities between Western and Russian media views of the other's Arctic activities. In many cases Canadians and Russians have similar fears and concerns over their respective Arctic regions. Lackenbauer has identified a similar trend when comparing statements issued at the political level, where one could interchange the words

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[123] *Ibid.,* 2.

[124] P. Whitney Lackenbauer, ''From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World,'' *Draft* (7 April 2009): 41.

[125] Sven G. Holtsmark, "Towards Cooperation or Confrontation," *Research Division – NATO Defence College, Rome,* no. 5 (February 2005): 3.

"Canada" and "Russia" and be led to believe the statement was made by the other nation.[126] Given this consistency, it is odd that both countries are portrayed as holding diametrically opposed national policies in the Arctic. Could it be that both countries send mixed messages to each other that only serve to fuel the Arctic debate?

A LEGACY OF MIXED MESSAGES

In 2007, well before President Obama's visit, Russia announced that they had placed their flag at the bottom of the Arctic Ocean under the North Pole. This public relations event was highly publicized and sent a mixed single to other circumpolar nations. While purely symbolic in nature and without legal foundation, the action served to escalate tensions in the Arctic. While the media purported that this was a clear effort by Russia to reinforce their continental shelf position, a more likely explanation could be that planting of the flag indicates Russia's "support of the *Sector Theory* (the division of the Arctic into sectors accorded to the Arctic rim states, with the North Pole as the reference Point."[127] Without seeking clarification, however, Canada immediately announced plans "to speed up the strengthening of its military presence in [her] Arctic regions."[128] Perhaps, a more measured Canadian response would have better served to open the lines of communication between the two countries.

Russia has demonstrated they are capable of entering into meaningful negotiations. This is most evident by their dealings with Norway over the delimitation of their economic zones in the Barents Sea. While the dispute remains unresolved, Russia continues to cooperate with

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[126] P. Whitney Lackenbauer, ''From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World,'' *Draft* (7 April 2009): 42.

[127] Canada (Library of Parliament), "The Arctic: Canada's Legal Claims," Parliamentary Information and Research Service, *PRB 08-05E*: (24 October 2008): 5.

[128] Sven G. Holtsmark, "Towards Cooperation or Confrontation," *Research Division – NATO Defence College, Rome*, no. 5 (February 2005): 3.

Norway in order to reach a mutually satisfying compromise. More importantly, unlike the US, Russia has demonstrated their willingness to abide by *UNCLOS* in resolving boundary disputes in the Arctic.[129]

THE RUSSIAN ARCTIC: A COMPLEX ISSUE

The Arctic has tremendous strategic importance to Russia, which must be clearly understood if Canada hopes to foster a meaningful relationship with Russia and lay the groundwork to resolve future Arctic disputes between the two countries. Key to this understanding is appreciating the importance of the Arctic to Russia's future. With the collapse of the Soviet Union, the Russian military was allowed to atrophy in the post-Cold War era. As their economic decline worsened into the 1990's, their voice on the world stage was significantly reduced. In the last decade, they have seen their economy rejuvenated, fueled primarily by their large reserves of oil and natural gas. In an effort to establish control over additional energy resources, Russia renationalized a number of oil and gas companies in 2005, creating a massive state-run energy conglomerate. With the EU currently dependent on Russia for a quarter of their natural gas supply, Russia sees their energy sector as the key enabler in allowing them to achieve influence again on the international stage. Thus, by centralizing control of oil and gas reserves, the Kremlin has become a major player in a world energy market and is viewed by many as an attempt by Russia to reestablish itself as a world power. [130]

Foreign observers have criticized this growing "energy nationalism" in Russia and the new rules that preclude foreign investment in strategic sectors of the Russian economy. This

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[129] *Ibid.,* 9.

[130] Fred Weir, "Kremlin Reasserts Control of Oil, Gas, *Christian Science Monitor*, 28 December 2005, available from http://www.csmonitor.com/2005/1228/p01s01-woeu.html; Internet accessed 27 March 2009.

move by Russia was somewhat surprising given that many Russian companies are heavily indebted and depend heavily on foreign investment to allow them to exploit their oil and gas reserves.[131] While this action may be construed as Russia's willingness to adopt a unilateral approach, this does not appear to be the case as Russia has confirmed their support for *UNCLOS* and a desire to work bilaterally to resolve disputes.

As a result of pressure placed on successive Russian Presidents to reestablish a military presence in the Arctic to secure its economic interests, Russia announced in 2007 that they would reconstitute its Northern Fleet and commence patrols in the Arctic. On the surface, this declaration may appear as an attempt by Russia to militarize the Arctic. However, it must be remembered that while Russia has attempted to reconstitute their military over the last decade, their military is but a shadow of what existed in the Cold War era. With a defence budget that is less than a tenth of the US's, Russia will not benefit from a revived arms race. Nonetheless, Russian military spending has increased substantially since the late 1990s, allowing them to focus on building and modernizing a smaller, yet more capable, force. With a capable but vastly inferior military force, Russia hopes to avoid conflict with NATO, and is manoeuvring to establish their political and economic clout.[132] Their energy windfall has allowed Russia to improve national infrastructure and attempt to produce a more business friendly environment. The energy boom revitalized Russia's economy; they would be loath to take any unilateral action in the Arctic that would threaten their economic well-being.

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[131] 55th Session of the European Security and Defence Assembly (4 December 2008): 21.

[132] Cameron Ainsworth-Vincze, "Russia plans Hugh Nuclear Expansion," *Maclean's Magazine* (13 October 2008): 45.

THE POWER OF ECONOMICS

Since 1998, the Russian economy has averaged almost seven percent annual growth; in 2005 alone, their Stock Market Index increased a staggering 83 percent. Much of this growth was as a result of record prices for oil and natural gas on the international markets.[133] This has led to a fundamental shift in the way Russia views the world. During the Cold War, Russia used its military might to establish a voice on the international stage, much the same way as the US uses it military power today to influence world politics and decision making.

Russia is incapable of competing with the US in an arms race, but has instead systematically waged war on the global energy market. By supplying over 25 percent of the natural gas demand in Europe, they have arguably achieved more strategic influence than ever before. The extent of this power was apparent in January 2009 when Russia shut off the natural gas pipeline supplying the Baltic and much of central Europe during the coldest period of the year. There is no doubt that this move was a political one and reaffirmed Russia's position that they would not be deterred or bullied from taking action to protect their national interests.

Much like a Phoenix rising from the ashes, Russia has reestablished itself as a major player on the international stage. Russia's decision to make its fossil fuel reserves the cornerstone of their foreign policy, in conjunction with the historical rise in energy prices in the past five years, has made this rebirth possible.[134] Given the focus on energy in Russia's foreign policy, and its role in allowing them to establish their authority and pursue aggressive policies abroad, their fixation on expanding their Arctic claims and exerting sovereignty is readily

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[133] Stephen F. Cohen, "The New American Cold War," *The Nation*, 21 June 2006, available from http://www.thenation.com/doc/20060710/cohen; Internet Accessed 27 March 2009.

[134] Edward L. Morse, "Politics, Geopolitics and Financial Flows in "Low" Oil Price Environment," *Geopolitics of Energy*, vol. 31, no.1 (January 2009): 6.

comprehensible. How the recent world wide recession and resultant collapse of world energy prices impacts Russian policy and Arctic policy remains to be seen.

A NEED FOR COOPERATION AND UNDERSTANDING

Notwithstanding Russia's dependence on their Arctic energy reserves, it is unlikely that they wish to escalate tensions over the North. While the re-institution of strategic bomber flights may have sent the wrong message to the West, senior Russian officials have openly questioned the relevance of these flights. Russian Vice President Torshin has even stated that many of the flights were "psychological weaponry with limited value" and in some cases unnecessary. He also countered that these flights were in response to NATO patrols and expressed his hope that accidents would be avoided.[135]

While Russia has demonstrated that they will not be bullied, they have shown a genuine commitment to resolve Arctic disputes under the provisions of the *UNCLOS* and a willingness to enter into bilateral and multilateral negotiations to resolve Arctic disputes. While Russia has openly expressed concerns that the US has not yet ratified *UNCLOS*, the extent to which this has impacted their recent military activity in the Arctic is unknown.[136]

Russia approved a new Arctic strategy in September 2008. Four major points in this new policy were: maintaining the Arctic as an area of peace and co-operation, preserving the Arctic's unique ecosystem, development of the NSR as a national transport route, and using the Arctic as a strategic resource base that will support their social and economic development.[137]

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[135] 55th Session of the European Security and Defence Assembly (4 December 2008): 20

[136] *Ibid.,* 21.

[137] *Ibid.,* 22.

These policy statements are totally in-keeping with Canada's vision of her Arctic and should bode well for future Canadian-Russian bilateral discussions on Arctic issues and should foster regional cooperation. Perhaps the time has come for Canada to engage all Arctic stakeholders, including Russia, in meaningful dialogue to promote "[s]hared economic and political interests, global economic prosperity, and systematic resource development."[138] This creative approach would go a long way in promoting sustainable development, encouraging constructive circumpolar negotiations and foster environmental protection.

Despite Russia's apparent willingness to resolve Arctic matters through bilateral negotiations, Canada must create an environment that is conducive to the resolution of future disputes with Russia. Canada must do a better job in interpreting Russian actions in the Arctic and be more creative in formulating appropriate responses to both Russian rhetoric and media queries. While Russia may sometimes resort to heavy-handed measures with emphasis on defending their national interests, it is a "zero-sum game" for Canada to engage in this theatre of interaction. If Canada becomes goaded into responding in similar, it will only complicate the discussions and push negotiations into the realm of "military signaling" where Canada need not go.[139] The tendency for the Russian and Canadian media to interpret the activity of the other nation in the Arctic as threatening and hostile to national interests must also be considered and a more measured approach taken. This can be achieved without sacrificing Canadian sovereignty or security. The next chapter will demonstrate an approach to security that will achieve a symbiotic balance of national interests in the Arctic.

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[138] P. Whitney Lackenbauer, ''From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World,'' *Draft* (7 April 2009): 43.

[139] Sven G. Holtsmark, "Towards Cooperation or Confrontation," *Research Division – NATO Defence College, Rome*, no. 5 (February 2005): 1.

CHAPTER 5: ARCTIC SECURITY AND SURVEILLANCE

> In Canada's Arctic region, changing weather patterns are altering the environment, making it more accessible to sea traffic and economic activity. Retreating ice cover has opened the way for increased shipping, tourism and resource exploration, and new transportation routes are being considered, including through the Northwest Passage. While this promises substantial economic benefits for Canada, it has also brought new challenges from other shores. These changes in the Arctic could also spark an increase in illegal activity, with important implications for Canadian sovereignty and security and a potential requirement for additional military support.
>
> Canada First Defence Strategy

SECURITY IN A CANADIAN CONTEXT

Renowned Canadian strategist R.J. Sutherland hypothesized that, during times of drastic and revolutionary change, stable foundations for Canada's National Security Policy (NSP) could be found readily in her geography, economic potential, and broad national interests which he termed invariants.[140] Sutherland concluded that there are areas in which Canada has a choice as a nation, and others were there is none. For example, he predicted that in the 21st century Canada's geography would remain the most powerful influence in the development of contemporary policy. Specifically, Canada's proximity to the US would dictate, to a great extent, her economic destiny, security, and the continuance of a strong bilateral relationship. Writing in the 1960's, Sutherland had no way of knowing that both climate change and unimaginable resource potential would significantly impact the Canadian Arctic; however, it can be argued that the activity in today's Arctic similarly constitutes dramatic and revolutionary change. As such, many of his conclusions remain relevant today.

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[140] R.J. Sutherland, "Canada's Long Term Strategic Situation," *International Journal* 17, no 3 (Summer 1962): 201.

Sutherland postulated that great powers will take whatever action they find necessary to ensure their respective security.[141] Accordingly, he concluded that the US was "bound to defend Canada from external aggression almost regardless of whether or not Canadians wish to be defended."[142] He termed this the 'Involuntary American Guarantee' and the basis of this assertion was that Canada and the US shared the longest undefended border in the world. Consequently, he concluded that this "geographical fact had a vitally strategic consequence," but that guarantee was subject to certain conditions that he believed dictated past policy and would continue to influence Canada's future policy.[143] Paramount among these conditions is that "Canada must not become, through military weakness or otherwise, a direct threat to American security."[144]

In 1955, in the midst of the Cold War rhetoric, it was believed that the most significant threat to the US was a ballistic missile attack by the USSR via the Canadian Arctic. This understanding led to the construction of the Distant Early Warning (DEW) line in1957 and the establishment of the North American Aerospace Defence (NORAD) Command one year later. Both of these initiatives resulted in a renewed interest in the Arctic for the first time since the end of World War II. While the US provided the majority of the capital to develop these Arctic defences, Canada fully supported all US endeavours. Clearly, it was understood then, as it is presently, that "Canada is inescapably part of North America and joined to the [US] hip and

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[141] *Ibid*., 203.

[142] *Ibid*., 202.

[143] *Ibid*., 202.

[144] *Ibid*., 202.

thigh" in all continental defence initiatives.[145] This is not a new concept given that since the Monroe Doctrine of 1823, the US has pledged to respond to any external aggression in the Western Hemisphere. Given both countries shared a "continent meant that the defence of Canada was vital to American interests, and visa versa."[146] However, given the emphasis that Sutherland placed on the Cold War, does the end of the Cold War mean that Canada's geographic proximity to the US is no longer relevant?

A response to this question can be found in the US reaction to the terrorist attacks on September 11, 2001. These attacks were not random and those who undertook them acted with premeditation to force the US to alter specific policies that have generally flowed from the global leadership role they desire.[147] Any doubt that the US could become a target for hostile action from non-state players was erased after 9/11. These terrorist attacks highlighted the vulnerability of the Western World to a form of asymmetric warfare that the West was not prepared to defend.[148]

With the end of the Cold War, Canada allowed its military to atrophy, and allowed US security to become subordinate to Canadian interests.[149] The US closure of their airspace during and after the 9/11 attacks awoke Canada to the realization American security concerns could no

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[145] J.L. Granatstein, "The importance of Being Less Earnest: Promoting Canada's Interests Through Tighter Ties with the US," (*C.D. Howe Institute Benefactor's Lecture,* 2003): 2.

[146] K.S. Coates et al, *Arctic Front: Defending Canada in the Far North.* (Toronto, ON: Thomas Publishers, 2008): 54.

[147] Benjamin Schwarz and Christopher Layne, "A New Grand Strategy," *The Atlantic Monthly Online* (January 2002): 1; http://www.theatlantic.com/issues/2002/01/schwarzlayne.htm; Internet; accessed 31 October 2008.

[148] *Ibid.*

[149] Stephen Cundari and al, "The US- Canada Strategic Partnership in the War on Terrorism," (Washington, DC: Center for the Study of the Presidency, 2002); http://www.thepresidency.org/pubs/ Canada_Final_Report.pdf; Internet; accessed 20 February 2009.

longer be ignored. This understanding was reflected immediately in the increased investment in the Canadian military, and the increased emphasis on both border security and Arctic surveillance.

The renewed focus on Canadian security in the 21st century was a direct result of the 9/11 attacks, when Canada took immediate action to implement a "Smart Border" policy, in response to border and continental security concerns raised by the Americans. While the closure of the Canada-US border and the resultant impact on the Canadian economy, were clearly a motivating force in Canada taking prompt measures to enhance national security, Canadian strategists understood that the security of Canada was contingent upon her doing everything possible to deny enemy access to the US via Canadian soil. With the gradual opening of Arctic waters, Canada has come to understand that national security has become far more complex.

The Arctic has been traditionally viewed as being sufficiently isolated and distant from asymmetrical threats. It was also seen as largely insulated from direct attack and unsuitable for use as a staging base for asymmetrical attacks on the US. Global warming, however, is making the Canadian Arctic "more accessible to sea traffic and economic activity," resulting in new challenges that will have "important implications for Canadian sovereignty and security."[150] Moreover, Canada is also entrusted with the responsibility of not allowing it to become a security risk to the US. Failure to do so would risk having Canadian sovereignty in the region challenged, especially if the US feels compelled to take unilateral action in order to defend itself from Arctic based threats.

Given that the US has allowed its Arctic icebreaking capability to erode, it has become even more critical for Canada to take a greater role in ensuring Arctic security. Otherwise, the

[150] Canada, Department of National Defence, *Canada First Defence Strategy* (Ottawa: Canada Communications Group, 2005): 6.

North could become a potential ingress point for terrorist elements that may challenge North American security. This has forced Canada to adopt a less "traditional approach of assuaging American security concerns."[151] Until recently, increased surveillance and security measures focused exclusively on the Atlantic and Pacific maritime approaches to Canada. Global warming has forced Canada to also focus on a third coast: the Arctic.

DEFINING THE ARCTIC SECURITY ENVIRONMENT

There are many Canadians who believe that while there may be challenges to Canadian sovereignty in the Arctic, the security risk is negligible. While this may have some validity in the present Arctic environment, it would be short sighted to believe that this will continue to be the case. Therefore, it is necessary to look at the future Arctic security environment to fully appreciate the lurking threats that may manifest.

As outlined earlier in Chapter Two, there is indisputable evidence that the Arctic is warming and the polar ice-cap is disappearing at an alarming rate. This has resulted in the NSR being ice-free for longer periods and it is anticipated that in the near future it will become viable for international trade. Similarly, the NWP is predicted to be a viable shipping route as early as 2030, allowing easy access to the interior of Canada's Arctic Archipelago. With the opening of these waterways, the potential for ships and people to gain access to Canadian soil, via the North, will dramatically increase. Is it illogical to assume that, once Canada and the US have secured their Atlantic and Pacific approaches, that those wishing to gain access into North America will not view the Arctic as a suitable ingress point?

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[151] David S. McDonough, "Joint Expeditionary Warfare and the Dilemmas for Canadian Maritime Security," *Canadian Naval Review*, Vol. 3, no 3 (Fall 2007): 4-5.

We cannot forget that the Western world is under attack. Canada, as most Western democratic and secular nations, has ideologies that are in direct contrast to Middle Eastern countries where traditional constraints on the use of violence against non-military targets has been allowed to erode. The 9/11 attacks made this fact clear. Rob Huebert believes that it is impossible to put a face to who could be potentially "coming to the Arctic and what they will be doing there." He argues convincingly that if Canada waits until the threats or challenges are "clearly defined, it may be too late to develop the policies and tools necessary to protect and promote Canadian interests in the Arctic."[152]

A significant challenge for Canadian policy makers is their propensity to view security and sovereignty in terms of an "either/or" proposition which invariably insinuates that any policy that allocates resources to one, automatically detracts from the other. Huebert describes this thinking as a "false dichotomy" and provides a logical explanation as to why it persists.[153] Most security debates invariably focus on sovereignty and only serve to complicate the issue and detract from progressive and pragmatic approach to security policy. Much of this confusion is as a result of a hangover from the Cold War, where Arctic security was seen as the Soviet threat and was measured by the ability of North America to survive an attack from over the Arctic. In this same environment, any effort by Canada to work jointly with the US meant that Canada had to be surrendering a degree of its Arctic sovereignty to the Americans. In contrast, any effort by Canada to assert its Arctic sovereignty, to the detriment of the US, was viewed as coming at a

[152] Rob Huebert, "Canadian Arctic Security: Understanding and Responding to the Coming Storm," CIC Preliminary Paper (July 2008): 2.

[153] Rob Huebert, "Renaissance in Canadian Arctic Security?," *Canadian Military Journal*, (Winter 2006): 21.

cost to Canadian security. Huebert contends that security and sovereignty "are not mutually exclusive concepts" but rather "different terms for the same requirement-regional control."[154]

To complicate this 'False Dichotomy', in the contemporary context, today's Arctic threats are nebulous and evolving. Not surprisingly, the security and sovereignty implications of protecting against these threats are very different than those required to defend against the Cold War threat. Huebert attempts to simplify the issue by explaining that the core issue that must be resolved in the Arctic sovereignty debate is *control* while the debate on "Canadian Arctic security is about responding to *threats*."[155]

Many Arctic experts believe that Canada must control the Arctic in order to be able to take steps to combat a wide variety of external threats. Similarly, Huebert insists that protection of Canadian Arctic sovereignty is essential in providing for Canadian Arctic security, given that "it is impossible to protect Canadian Arctic security without protecting its Arctic sovereignty and visa versa."[156] He also believes that there exists a "fundamental difference between Canadian sovereignty requirements and security requirements," only because the Canadian government has failed to "provide adequate resources to establish control."[157] This does not mean, however, that the Canadian government is oblivious to Arctic security concerns.

In 2005, the Canadian government expressed their intent to "monitor and control events in its sovereign territory."[158] In a similar statement, the government affirmed its commitment to

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[154] *Ibid*., 21.

[155] Rob Huebert, "Canadian Arctic Security: Understanding and Responding to the Coming Storm," CIC Preliminary Paper (July 2008): 2.

[156] *Ibid*., 2.

[157] Rob Huebert, "Renaissance in Canadian Arctic Security?," *Canadian Military Journal* (Winter 2006): 21.

[158] Government of Canada, *Canada's International Policy Statement: A Role of Pride and Influence in the World Overview* (Ottawa: 2005)*:* 7.

deal with "environmental protection, organized crime, and people and drug smuggling." In the same statement, they announced that, notwithstanding the fact that these offences were under the jurisdiction of other federal departments, the Canadian Forces would be the lead agency because of the necessity for greater surveillance, control and search and rescue.[159] This change in policy was undoubtedly a result of Canada's intention to deploy military forces into the Arctic to both shore up sovereignty claims and appease security concerns.[160]

THE SECURITY IMPERATIVE

In an article in the *Canadian Military Journal*, Lieutenant-General Andrew Leslie argued that if "Canada cannot defend itself adequately, and cannot live up to its implied security responsibilities as outlined by [former Prime Minister William Lyon] Mackenzie King, then others will assume those responsibilities."[161] He also questioned whether a nation can be sovereign if it is not providing for its own defences. He noted that Canada's economic stability depends on trade with the US, and that the defence of North America must be a vital Canadian priority, not only for the CF but for all federal departments and agencies.[162] Any doubt as to the position of the US on Arctic issues was erased when President Bush issued his joint NSP 66 and HSP 25 in the final month of his Presidency. This was America's first policy statement on the Arctic in over 15 years, which stated:

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

[160] Another issue that has generated varied viewpoints is the role of Arctic surveillance as a part of the NSP and its role in the sovereignty and security debate. This issue will be addressed in greater depth later.

[161] Andrew Leslie, "Boots on the Ground: Thoughts on the Future of the Canadian Forces," *Canadian Military Journal*, No. 1 (Summer 2006) [journal on-line]; available from http://www.journal.dnd.ca/engraph/vol6/no1/06-visions_e.asp: Internet; accessed 10 December 2008: 6.

[162] *Ibid.*, 7.

> The U.S. has broad and fundamental national security interests in the Arctic region and is prepared to operate either independently or in conjunction with other states to safeguard these interests…The United States also has fundamental homeland security interests in preventing terrorist attacks and mitigating those criminal or hostile acts that could increase the United States vulnerability to terrorism in the Arctic region.[163]

This statement clearly demonstrated the importance of the Arctic in future American security policy development and indicated American willingness to proceed unilaterally, if necessary, to protect American interests in the Arctic.

Elected 23 January 2006, Harper's Conservative government understood the emerging importance of the Arctic to North American security and "made defence and national security" key issues in the run-up to the 2006 federal election. During this campaign, the Conservatives also released the "Canada First" strategy as a part of their election platform. Written by Gordon O'Conner, the paper focused entirely on domestic and continental defence issues. This policy paper called for major investment in Canada's defence with a focus on domestic and continental defence in order to facilitate the protection of "Canada at home and in North America, and had only a thin overseas dimension." This policy was significantly different from the Martin Government's Defence Policy Statement, written a year earlier, which "emphasized intervention in failed and failing states."[164]

This significant change in policy by the Canadian government was a result of the Conservative government's desire to improve relations with the US and to address concerns expressed by the US that Canada "was a free rider in North American defence and security."

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[163] United States. The White House Office of The Press Secretary, *National Security Presidential Directive/NSPD – 66 and Homeland Security Presidential Directive/HSPD – 25.* Washington, DC: US Government Printing Office (9 January 2009): 2.

[164] Janice Gross Stein and Eugene Lang, *The Unexpected War: Canada in Kandahar.* (Toronto, ON: Viking, 2007): 229.

Harper placed the emphasis squarely on the "home-front" which is what the US calls "homeland defence."[165] Defining threats in the Arctic is no easy task. Yet, it is necessary to have a threat assessment to facilitate the development of a NSP addressing the full complexity of the Arctic security situation.

THE TRADITIONAL THREAT

Huebert maintains that "traditional security threats are re-emerging as each Arctic nation has begun re-building its northern military capabilities." [166] However, there is currently "no conventional military threat in the Arctic."[167] With Russia slowly crawling back from economic ruin and viewing the Arctic as their economic centre of gravity, they have shown that they do not wish to escalate tensions with the West or resort to Cold War rhetoric. Despite some recent saber rattling, Russia has shown a commitment to peacefully resolving boundary disputes arising in the Arctic under the *UNCLOS* convention.

Pragmatically, even if a probable conventional threat to Canada's Arctic security existed, it would be impossible for Canada to secure the Arctic in the traditional sense. This has nothing to do with Canada's small military force or inadequate equipment. Even with infinite money and a fifty-fold increase in the CF, it would be impossible to put enough "boots on the ground" to completely secure Canada's North, as the region is larger than the continent of Europe. Given the immense size, vast distances, extreme weather conditions and complex nature of threats in

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[165] Ibid., 230.

[166] Rob Huebert, "Canadian Arctic Security: Understanding and Responding to the Coming Storm," CIC Preliminary Paper (July 2008): 3.

[167] In an interview with the *Toronto Star*, Lackenbauer stated that "There is no conventional military threat in the Arctic, nor will Canada solve its boundary disputes with the force of arms…..the CF plays an important supporting role to civil authorities, namely the Coast Guard and the RCMP." *Toronto Star,* 4 September 2008.

the Arctic, the task of establishing a security presence in the region would be insurmountable. This does not mean, however, that Canada should ignore alternate approaches to achieving Arctic security.

Despite Canada's lethargic approach to Arctic security in the past "there are signs that the Canadian government and the CF are now" taking Arctic security more seriously.[168] This is partly due to US pressures post 9/11 and a Canadian understanding that the US will take whatever steps necessary to defend American people and interests.

THE NON-CONVENTIONAL THREAT

The 9/11 attacks had a significant psychological effect on Americans. They realized that, for the first time in history, the North American continent could not protect them from foreign religious and political extremists. Since this attack, the US government has made "it abundantly clear that it will not permit its allies or international institutions to stand in the way of the projection and use of that power when real or imagined vital security interests are threatened."[169] Given that President Bush's National Security Strategy (NSS), issued a year after 9/11, was predicated on "the assumption that the [US] is in a position of unparalleled military strength, political influence, and economic power," the current threats to the US are so great that they would not hesitate to act unilaterally to defend their soil from terrorists.[170] It has also been assessed that the number of failed and/or failing states in the world, which may become future

[168] Rob Huebert, "Renaissance in Canadian Arctic Security," *Canadian Military Journal* (Winter 2006): 17.

[169] Norman Hillmer, David Carment, and Fen Osler Hampson. "Coping With the American Colossus: Canada Among Nations 2003." To be Published by *Oxford University Press:* 5.

[170] Ibid., 6.

breeding grounds for terrorist, is so great that the US has no option but to promote international alliances to ensure collective security.

Despite Canada's efforts to improve security, the Canadian border remains an area of concern for the US. Similarly, with the Arctic region quickly opening up to commercial maritime traffic of all types, it is illogical to assume that the US will take any required action to secure this northern border if Canada shows an unwillingness or inability to do so on her own accord. This poses a significant threat to Canadian Arctic sovereignty and was the impetus for Prime Minister Harper's announcement to increase defence spending and invest in Arctic development.[171]

While many Canadians believe the Arctic is devoid of non-conventional or conventional threats, many Americans think otherwise. Bush's directive instructed a number of US agencies to clearly define the US position on the Arctic. The directive also cited climate change and defence against terrorist threats as significant Arctic concerns. While acknowledging that the Arctic region is a fragile and resource rich region, it also emphasizes that the US is prepared to operate either independently or in conjunction with other states to safeguard these interests. The US also has "fundamental homeland security interests in preventing terrorist attacks and mitigating those criminal or hostile acts that could increase the [US] vulnerability to terrorism in the Arctic region."[172]

Since taking Office, President Obama has been busy addressing concerns over the global recession and, thus far, his position on the Arctic is unknown. However, if his meeting with

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[171] Ibid., 7.

[172] M. Blanchfield and Randy Boswell, "Bush Throws Final Jab on Arctic Sovereignty," *National Post*, 13 January 2009.

Prime Minister Harper in early 2009 and his election rhetoric from last summer is any indication, he may choose a different approach on the Arctic. Whatever the case, environmental and energy matters will figure prominently during his term in office and he has already acknowledged that he must "cooperate with Canada on energy issues."[173] This bodes well for future Canada-US co-operation in the Arctic and is cause for tepid optimism.

As the Arctic's waterways continue to open, the possibility of unwelcome actors entering the region will increase. Canada must deny these actors use of Canadian soil as a staging base for attacks on continental North America. Security challenges in the Arctic are becoming a concern for Canadians. As a sovereign state, it is Canada's responsibility to know what is going on inside her borders and be prepared to respond. The old adage "if a tree falls in the woods and there is no one there to hear it, does it make a noise?" is no longer a viable approach for Canada in the Arctic. If Canada can not find a way to exercise control over the Arctic the repercussions on Canadian sovereignty and security in the Arctic will be severe.

To strengthen its Arctic sovereignty, Canada must be prepared to respond to a multitude of issues including search and rescue (SAR), terrorism, environmental disasters, natural disasters, illegal resource extraction, eco-terrorism, humanitarian assistance, pandemics, and unauthorized territorial incursions. Failure or inability to effectively respond to these events could also erode Canadian sovereignty in the region. Furthermore, sovereignty implies certain obligations including the provision of such services as aids to sea and air navigation, the provision of necessary local administration, and the enforcement of law.[174] Canada's Arctic engagement strategy should not be concerned about the NWP, but rather focus on the above issues and persistent Maritime domain awareness, with Arctic surveillance being the objective.

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[173] *Ibid*.

[174] Gordon Robertson, Chairman of the Advisory Committee on Northern Development: 87.

The sheer size of Canada's north makes it unrealistic and cost-prohibitive to militarize the region in an attempt to secure it. Arctic security is impossible, however, unless Canada is more aware of what is happening there. This can only be achieved by establishing a comprehensive surveillance system in the Arctic, ensuring 24/7 coverage of the region. Only then will it be possible for Canada to establish the control that Huebert believes is essential for both security and sovereignty to be assured. While this task may appear as daunting as the security component, this is not necessarily the case.

ARCTIC SURVEILLANCE

The ability to monitor and track foreign activity in the Arctic and the capacity to respond to emergencies and unlawful activities is critical if Canada hopes to control its Arctic air, land and waters. This can only be achieved through comprehensive surveillance of the North. The aim of this Arctic surveillance and intelligence would be to establish adequate domain awareness, a key factor in the control and maintenance of regional stability in the Arctic.[175]

The requirement for Arctic surveillance is understood by Canadian politicians and is reflected in current Arctic policy. In 2007 the Canadian government pledged to modernize the Canadian Forces and "provide effective surveillance and protection" for all of Canada.[176] To reinforce its importance, General Leslie suggested that the CF's priority should be the defence of

[175] Sven G. Holtsmark, "Towards Cooperation or Confrontation," *Research Division – NATO Defence College, Rome,* no. 5 (February 2005): 11.

[176] Privy Council Office, *Speech From the Throne: October 16, 2007* (Ottawa: Canada Communications Group, 2007): 10.

Canada and North America, "with emphasis on providing the surveillance and 'teeth' within the larger context of Canada's domestic security strategy."[177]

There are compelling reasons why Canada should focus on surveillance in the Arctic as opposed to the impractical, expensive and traditional "boots on the ground" approach. With NORAD monitoring and defending the skies over the Arctic, the most probable means of ingress is via the sea. Given that the Arctic is largely a maritime domain, increasing presence in this domain would require a significant increase in CCG and CF ships.[178] Not only would it take decades to grow these fleets, it would demand significant investment in human resources and funding, while contributing nominally to security. As a case in point, the recently announced Arctic Offshore Patrol Ships (AOPS) for the Navy will provide only limited capability in the Arctic ice.[179]

The good news for Canada is that much of the required surveillance infrastructure, technology and equipment already exists. This will significantly reduce the investment required, as compared to equipping the CF to occupy Canada's Arctic. Similarly, a large component of Arctic surveillance will involve the leveraging of existing technologies.

The dynamics of security and surveillance in the Arctic are vastly different than that at the Canada/US border. Surveillance and security of the Canada/US border is maintained via a multitude of heavily staffed border crossings. This is essential given that any lapse in security

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[177] Andrew Leslie, "Boots on the Ground: Thoughts on the Future of the Canadian Forces," *Canadian Military Journal,* No. 1 (Summer 2006) [journal on-line]; available from http://www.journal.dnd.ca/engraph/vol6/no1/06-visions_e.asp: Internet; accessed 10 December 2008. p10.

[178] The extent to which climate change is impacting the Arctic has caught both Canada and thje US off guard. Both countries have allowed their Ice Breaking capability to atrophy and while the US has announced a plan to reconstitute its ice breaking fleet, it is predicted to take at least a decade for the first ship to be launched. Canada recently announced $720-million to replace the aging CCGS *Louis St. Laurent* by 2017. As it currently stands, both nations have limited ability to operate in the Arctic ice pack.

[179] For an overview of the AOPS and its capabilities see Lackenbauer CIC paper "From Polar Race to Polar Saga." Currently only available in draft (March 2009).

could result in an attack on a number of urban centres, in Canada or the US, in a matter of minutes after gaining entry. As a result, security forces need to be in position to respond quickly and decisively to threats.

Excluding attacks aimed at local Arctic infrastructure and peoples, criminal elements would have to expend significant time and energy to reach targets in industrial North America, after reaching Arctic landfall. Therefore, given the remoteness of the Arctic, time and space factors permit a more measured approach to responding to threats. Provided sufficient forewarning was given, authorities could dispatch a Rapid Reaction Force (RRF), strategically positioned in the South, to intercept contacts of interest anywhere in the Arctic, using a combination of capabilities and assets already resident in the CF or CCG.

The most probable means of ingress for non-conventional threats into the Arctic would be by sea. Given the limited sea lines of communication into the Arctic, it would be relatively easy to strategically place shore based radars at all chokepoints leading into Canada's Arctic waters, with emphasis on the NWP. Given the low traffic density in the region, it should be relatively easy to track vessels of interest and dispatch a RRF to intercept.

A comprehensive surveillance network does not demand presence and will facilitate the control of Canada's internal Arctic waters. This approach will also preclude a heavy military commitment in the Arctic while allowing Canada to monitor and enforce regulations pertaining to pollution, collision regulations, and over-fishing. This will in turn strengthen Arctic sovereignty claims and provide the necessary cueing to intercept and neutralize threats.

AN ECONOMICAL APPROACH TO SURVEILLANCE

A comprehensive Arctic surveillance network is essential to strengthening Canada's sovereignty and security in the region. Furthermore, by drawing upon existing capabilities and leveraging emerging technology, it can be achieved in a relatively cost-effective manner. This paper will now briefly look at a number of these capabilities and technologies.

Canada has a number of strategic surveillance resources already in the North or capable of operating there. The CCG is a significant asset in the Arctic; operating five icebreakers in total, that are used to escort foreign vessels through the Arctic waters and used in "harbour breakouts, routing, and northern resupply."[180] The CCG currently provides Canada's primary maritime presence in the Arctic. These breakers are also required in the Gulf of St Lawrence and the Atlantic approaches throughout the winter and are often over-tasked. The CCG must procure a greater number of heavier all season ice-breakers if it is to effectively monitor and patrol both the Atlantic and Arctic coastlines.[181] It has even been suggested that "investing in the [CCG] would give better value for money than the Navy in the North."[182]

Joint Task Force North (JTFN), with its headquarters in Yellowknife, is comprised of 65 Regular and Reserve members of the CF and civilians. Annual activities include two sovereignty operations (army), two Northern patrols (Aurora patrol aircraft flights), 10-30

[180] Mathew Carnaghan and Allison Goody, "Canadian Arctic Sovereignty," Ottawa, ON: Library of Parliament (26 January 2006): 8.

[181] For an objective report on the capabilities and challenges of the CCG read chapter 4 of the 2007 Auditor General's Report on the Status of the Coast Guard.

[182] Senator Bill Rompkey, "Senate Committee Looking at Coast Guard, Fisheries Development in Arctic." *The Hill Times*, 10 March 2008.

sovereignty patrols (Rangers) and one enhanced sovereignty patrol.[183] The Canadian Ranger Patrol Group is contained within JTFN and conducts patrols throughout the Arctic region. Comprising the largest military force in the Canadian North, the Rangers are a volunteer militia force "whose purpose is to protect Canadian Arctic sovereignty, through its presence, and also to provide a means of surveillance."[184] Currently 4100 strong, they are seen as "crucial partners in protecting Canada and enforcing Canada's sovereignty in the Arctic."[185]

The North Warning System (NWS) Radar stations are another strategic asset. Maintained by Canada and fully integrated into NORAD, they provide aerospace surveillance throughout the northern Arctic. The NWS was the result of the modernization of the existing DEW line. This modernization project was undertaken by Canada in 1985 and involved the superimposition of additional tiers within the existing line as well as improvements to existing equipment. It is generally agreed "that both entities have served Canadian northern security requirements well."[186]

A big part of the surveillance equations must be the engagement of the native peoples in the North. This not only includes the Rangers, who have been called the "eyes and ears" of Canada's North, but also the civilian population of the region. These are the people who will most likely detect unusual activity or newcomers, thus prompting authorities of potential threats.

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[183] Department of National Defence, "CFNA Fact Sheet," available from http://www.cfna.forces.gc.ca/aboutus/fact_sheet_e.asp; Internet; accessed 27 March 2009.

[184] Rob Huebert, "Renaissance in Canadian Arctic Security," *Canadian Military Journal*, vol. 6, no. 4 (Winter 2006): 19. See also P.W. Lackenbauer, "The Canadian Rangers: A Postmodern Militia That Works," in the same issue of *Canadian Military Journal*.

[185] Speech From the Throne 16 October, 2007, *Strong Leadership. A Better Canada*. 9.

[186] Rob Huebert, "Renaissance in Canadian Arctic Security," *Canadian Military Journal* (Winter 2006): 19.

A cost effective approach to Arctic surveillance is not possible unless technology is leveraged. In a number of cases this is exactly what Canada is doing. Some examples are the Polar Epsilon Project (using RADARSAT 2 Polar Orbiting Satellites), Automated Identification System (AIS), Protected Military Satellite communications (PMSC), Polar Communications and weather satellite consultations, Use of the NOAA-N satellite system to assist in Search and Rescue, Uninhabited Aerial Vehicles (UAVs),[187] Rapidly Deployable Underwater Surveillance System, and High Frequency Surface Wave Radar (HFSWR).[188]

One project that requires furtherance is the Northern Watch Technology Demonstrator (NWTD) project. The NWTD is a four-year project being conducted by Defence Research and Development Canada (DRDC) which has the potential to significantly enhance Arctic surveillance. The project will study combinations of sensors in Canada's North with a mandate to identify a "cost-effective surveillance [system for] the high Arctic," with an emphasis on maritime traffic. The project will focus on natural choke points in the region and, "using both land-based and underwater sensors, build a picture of the vessel traffic." The underwater sensor being trialed is the Rapidly Deployable System and the shore-based sensors include a "radar system, a radio-frequency direction-finding system and a multiple-camera electro-optical infrared system with passive and active components**."**[189] This project has the potential to revolutionize Arctic surveillance and significantly increase Canada's ability to exercise control

[187] Existing UAV technology is not particularly well suited to the Arctic weather conditions. However, as research continues UAV technology should become robust enough to allow Canada to employ these assets in the Arctic.

[188] All of these technologies have been extensively written about and no further elaboration will be made in this paper. These technologies have all been proven and a number of Government agencies are working to validate their use in contributing to Arctic surveillance.

[189] Sharon Hobson and Casandra Newell,"Shrinking Ice Cover Creates Opportunities and Threats," *Jane's Navy International*, 18 December 2008.

in the region. It may also provide the foundation for the implementation of cost effective security measures.

THE REQUIREMENT FOR MULTI-DEPARTMENTAL COOPERATION

There is no unique military solution in the Arctic. While Arctic surveillance is largely a CF led initiative, there are no illusions that they can do it alone. Excluding the Arctic surveillance challenge, Macnamara and Fitzgerald argued in 2002 that "Canada is entering a period when our government will be without effective military resources-even for domestic purposes, such as surveillance and disaster relief."[190] This was understood by the Harper Conservative government who increased CF spending significantly. This spending culminated with an announcement in August 2007 that Canada would create a deep water refuelling facility at Nanisivik. This will be a key enabler for joint Navy and CCG operations in the Arctic and is strategically located near the eastern entrance to the NWP.[191] This fuelling facility will finally provide the Navy and Coast Guard with the necessary fuel and support to operate in the Arctic throughout the navigable season.

Harper's announcement also included the acquisition of eight Arctic Offshore Patrol Ships (AOPS) and the construction of a new army training centre in Resolute Bay. The Prime Minister undoubtedly understood that the Conservative Arctic initiative necessitated a Whole of Government Approach. Analysts concluded that his announcement set in motion an ambitious plan to protect the Arctic drawing "on land, sea, air and space assets from various government

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[190] W.D. Macnamara and Ann Fitz-Gerald, "A National Security Framework for Canada," *IRPP-Policy Matters 3,* no. 10 (October 2002): 14.

[191] P. Whitney Lackenbauer, ''From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World,'' *Draft* (7 April 2009): 56.

departments and agencies, including Transport Canada, the Canadian Coast Guard (CCG) and the Department of National Defence."[192]

A key initiative in facilitating the integration of all government departments was the creation of the Marine Security Operations Centres (MSOCs). With the Canadian Navy as the lead agency, two permanent MSOCs were established in Halifax and Esquimalt and an interim centre was placed in the Great Lakes (led by the RCMP). The purpose of MSOCs is to facilitate the collection, analysis and exchange of maritime information related to security between five Government agencies: DND, RCMP, DFO (includes CCG), CBSA, and Transport Canada. When fully operational in 2015, they will also manage and archive marine information, intelligence, surveillance and reconnaissance data for all five departments and various other government agencies, as well as the managing of assets. This will then create a coherent and accurate picture of marine activity off all three Canadian coasts.[193]

Regardless who the lead agency may be, any Arctic surveillance initiative must provide the government of Canada with situational awareness in the Arctic. To achieve the desired effect, the scope of activities must include layered surveillance of the Arctic approaches, focused or cued reconnaissance, interagency information collection and sharing from multiple sources to build an accurate recognized maritime picture (RMP). The RMP must be provided for all three oceans and their approaches, be continuous, and be available in all weather conditions. As part of Arctic surveillance, the timely identification of potential threats to Canada's sovereignty and security is essential. Sensors must be far-reaching, layered, integrated with redundancy in the approaches and be capable of continuous tracking and hand-over. For example, initial capability

[192] Sharon Hobson and Casandra Newell,"Shrinking Ice Cover Creates Opportunities and Threats," *Jane's Navy International*, 18 December 2008.

[193] Ibid.

could be provided by space-based sensors, which could cue other surveillance assets to provide more detailed data. Multiple levels of surveillance would be concentrated in the vicinity of choke-points and approaches where air and maritime threats are most likely.

BILATERAL COOPERATION WITH THE US

Every Arctic country has national interests at stake in the North. This is weak justification for Canada to adopt a narrow, unilateralist approach to circumpolar affairs. Similarly, it cannot be a basis for apathy. Simply relying on our allies to protect our Arctic interests will limit our range of action. Being a good neighbour means having the ability to control your territory and waters so that you do not have to rely entirely on your friends to do so. In Canada's case, cooperation with our strongest ally usually makes Canadians "uneasy, prompting another round of sovereignty crisis-reaction."[194] Nonetheless, the fostering of a strong bilateral relationship with the US should be a priority for Canada. This relationship should focus less on the NWP sovereignty concerns and more on the development of a shared surveillance network integrated fully within a North American security framework.

MULTILATERAL COOPERATION FOR SECURITY AND DEVELOPMENT

It is ludicrous to think that Canada will address all Arctic concerns by working solely with the Americans. Canada must also engage Denmark, Russia, and Norway in multilateral discussions to work towards a joint surveillance and security framework for the polar region. Given that all circumpolar littoral nations are NATO members (with the exception of Russia), it should be relatively easy to integrate existing surveillance sources into a common operating

[194] P. Whitney Lackenbauer, ''From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World,'' *Draft* (7 April 2009): 40.

picture. A similar exchange with Russia may be more difficult, but not impossible. Canada can leverage the fact that all circumpolar nations have a vested interest in protecting the Arctic ecosystem and keeping the region secure from non-conventional threats. This can best be achieved by working multilaterally on Arctic security and surveillance. Canada has achieved success with this approach in the past with the AWPPA and the Arctic Marine Traffic system (NORDREG). While AWPPA is now contained under article 234 of *UNCLOS*, NORDREG remains voluntary with some proponents arguing that it should remain this way given its 99 percent participation rate.[195]

There is an understanding among NATO circumpolar countries that you cannot expect countries to "refrain from taking steps to secure their long-term economic interests in the [Arctic]." There is also a consensus among these same countries that "satisfactory systems of [SAR], pollution control, surveillance and navigation" can only be achieved through multilateral cooperation.[196] Thus, it is logical to assume that these countries will resolve Arctic disputes peacefully. This leads to the conclusion that long term security in the Arctic will be achieved primarily through "bilateral and multilateral interaction between Russia and other NATO countries bordering the Arctic Ocean."[197]

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[195] *Ibid.*, 70.

[196] Sven G. Holtsmark, "Towards Cooperation or Confrontation," *Research Division – NATO Defence College, Rome*, no. 5 (February 2005): 4.

[197] Ibid., 7. Established in 1996, in large part to efforts by Canada, the Arctic Council remains the best forum for Canada to address concerns in the Arctic and to foster multilateral circumpolar cooperation. It is a high level inter-governmental forum that promotes environmental protection and sustainable economic development of the Arctic region. In addition to Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the US, the Council also has six indigenous Peoples organizations represented. It also accommodates official observers from non-polar countries, non-governmental organizations, scientific organizations and other international bodies. The Council's mandate is to protect the fragile Arctic environment and to promote the economic, social and cultural well-being of the Arctic peoples. Active since its inception, the Council has five working groups with several additional programs managed cooperatively. The success of this Council cannot be overemphasized and Canada's continued participation in this Council should be a top priority for future governments. Although its mandate does

CHAPTER 6: CONCLUSION

Interest in the Arctic ballooned with the recognition that the region contains tremendous potential for oil, natural gas and mineral exploitation. The rise in temperatures has not only made the exploration and development of these resources easier, but the resultant retreat of the polar ice-cap has facilitated an increase in tourism and other shipping, and improves the viability of Arctic shipping routes. While this promises economic benefits for Canada, it also brings new challenges and the realization that we can no longer depend on the remoteness of the region to dissuade other nations from challenging Canadian sovereignty.

Despite anguish by alarmists over the erosion of sovereignty, Canada's Arctic sovereignty is not in peril. While there are a modest number of disputes yet to be resolved and others that may arise during the delimitation of continental shelves, these disputes will only undermine Canadian sovereignty in the Arctic if we allow them to. Nonetheless, while Canada's "passive-reaction" approach to the Arctic throughout the 20th century was remarkably successful in asserting Canadian Arctic sovereignty, this approach is not sustainable today.

A greater concern for Canada today is the development of an Arctic surveillance capability that will lead to a practical security plan that meets domestic, regional and national security obligations. While the likelihood of armed conflict in the Arctic appears remote for the foreseeable future, non-conventional threats who may attempt to gain access via the Arctic, present a more probable threat to North American security.

There is a widely held belief that Canada's security is guaranteed by the US. While Canada has taken this 'security umbrella' for granted at times, since 9/11 she has taken her defence responsibilities within this coveted alliance more seriously. Canada must continue to

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not include security issues (at the insistence of the US), it does provide a forum for sustained engagement and dialogue that promotes circumpolar cooperation and acknowledges shared interests in the region.

demonstrate a willingness to pay her share in Arctic security initiatives and must generate credible land, maritime and air assets that are able to combat future security threats. A failure by Canada to address these security challenges could potentially undermine Canadian sovereignty, should the US choose a unilateral approach to Arctic security. Given the magnitude of the task, a unilateral approach is not an option for Canada. Thus, Canada must work bilaterally with the US to ensure North American security, this also includes the Arctic. However, over-militarization of the North is neither a practical nor a cost effective option for Canada. Notwithstanding the obvious impact on the native peoples, the enormity of the region makes it impossible to secure the region in a traditional military sense.

A better approach for Canada would be a focus on Arctic surveillance. This surveillance component is essential for the implementation of a security framework that does not rely on a large military presence in the Arctic. By capitalizing on existing surveillance capabilities, such as the Rangers, and developing additional ones, Canada can contribute significantly to Arctic security. This contribution to domain awareness will also assist in alleviating sovereignty concerns.

The surveillance challenges in the Arctic are best overcome by leveraging existing technology to yield a high-level Arctic surveillance network that is fully integrated with all participating Canadian government departments and agencies and, where possible, is fused with other circumpolar nations. This surveillance network must be persistent, all weather, and able to monitor Arctic approaches on a 24/7 basis. An effective Arctic surveillance network will require the improvement of Arctic communication networks and include inter-departmental cooperation, the establishment of a layered Arctic surveillance system, and development of effective maritime, land, air and space capabilities that will contribute to surveillance and facilitate the

timely detection and reaction to a spectrum of security challenges. With this Arctic surveillance system in place, Canada will be sending a clear signal that anyone operating in Canadian waters will be required to play by Canadian rules and comply with environmental standards and regulations. This should diffuse the main sources of concern amongst Canadians that their sovereignty is "on thin ice."

Canada must also establish conditions for stability in the Arctic by fostering multilateral relationships with the other circumpolar countries, including Russia, where a body of community interests and cooperation are nurtured and shared. Ultimately, the final solution in the Arctic will consist of putting petty sovereignty matters aside and working to find permanent solutions to unresolved territorial delimitation, resource management and exploitation, pollution controls and a symbiotic surveillance and security framework that benefits all stakeholder nations.

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