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**Defending Canadian Arctic Sovereignty**

**JCSP 47**

## **Exercise Solo Flight**

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**PCEMI 47**

## **Exercice Solo Flight**

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**Major Matthew Proulx**

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## DEFENDING CANADIAN ARCTIC SOVEREIGNTY

As the permanent sea ice melts in the Canadian Arctic, the Canadian Northwest Passage (CNWP) has garnered increased global attention. The thinning ice creates an opportunity for uncharted global economic growth, growth which Canada must harness while protecting Canadian values and interests. Canada has historically laid claim that the CNWP is sovereign internal water, yet the remainder of the world seeks to benefit from it being labelled as an international strait. Canadian foreign policy has projected soft power to ensure Arctic sovereignty rights, unfortunately, this has been met with limited success. There have been numerous incursions into this sovereign waterway, yet Canada has been unable and unwilling to meaningfully respond to defend its claim. This paper will show that in order to maintain sovereignty of the CNWP, the Government of Canada (GoC) must increase defence spending to appropriately employ smart power in a whole of government approach. Three arguments will be utilized to show how smart power must be utilized. The first argument will look into Joseph Nye's concepts of power and what threats exist to the CNWP. The second argument will draw important insights into the possible future of the CNWP by drawing a comparison to the Panama Canal. The final argument will show why increased defence spending is required for smart power projection to protect Canadian sovereignty in the CNWP.

Power projection in the Canadian Arctic is a complex topic. The GoC's stance on the CNWP has always been clear, "Canada will continue to exercise the full extent of its rights and sovereignty over its land territory and its Arctic waters, including the Northwest Passage".<sup>1</sup> Apart from a few boundary disputes, the international community typically recognizes Canadian

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<sup>1</sup> Government of Canada. "Arctic and Northern Policy Framework International Chapter." Accessed 13 April 2022. <https://www.rcaanc-cirnac.gc.ca/eng/1562867415721/1562867459588>.

sovereignty of the Arctic as defined by Canada's exclusive economic zone<sup>2</sup>. Yet many nations, including the USA argue that the CNWP is an international strait. Due to this ongoing dispute over sovereignty, it is clear that the GoC is not projecting the appropriate power to defend the sovereignty of the CNWP. In its simplest form, power is "the ability to get the outcomes one wants".<sup>3</sup> The GoC has historically relied on soft power projection, attempting to utilize attraction and persuasion over coercion and payment.<sup>4</sup> This soft power approach has been used for decades and has been relatively unsuccessful in defending Canada's sovereignty claim.

Outside of the CNWP debate, the GoC's soft power projection has found success in other aspects of international diplomacy. As a founding nation of the Arctic Council, the GoC has effectively used diplomacy to advocate for environmental control, pollution control and Indigenous rights among other Arctic issues<sup>5</sup>. Therefore the soft power projection has merit, it simply needs to be enhanced from soft to smart power. Joseph Nye defines smart power "as strategies that successfully combine hard and soft power resources in differing contexts".<sup>6</sup> In addition to the soft power techniques already being used, the GoC must increase defence spending in the Arctic to project smart power to gain international acceptance of Canada's claim to CNWP sovereignty. The Canadian Armed Forces (CAF) is the best-suited government agency

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<sup>2</sup> Michael Byers and Andreas Østhagen, "Why does Canada Have So Many Unresolved Maritime Boundary Disputes?" *The Canadian Yearbook of International Law* 54, (2017): 12, <https://doi.org/10.1017/cyl.2017.14>, Brian Flemming, "Canada-U.S. Relations in the Arctic: A Neighbourly Proposal," *Canadian Defence & Foreign Affairs Institute* (December 2008): 4, <https://canadacommons-ca.cfc.idm.oclc.org/artifacts/1203798/canada-us/1756909/>. The Beaufort Sea dispute is a territory dispute regarding approximately 6,250 square nautical miles between Alaska and Canada.

<sup>3</sup> Joseph S. Nye, "Security and Smart Power," *American Behavioral Scientist* 51, no 9 (May 2008): 1353, <https://journals-sagepub-com.cfc.idm.oclc.org/doi/abs/10.1177/0002764208316228>.

<sup>4</sup> Joseph S. Nye, "Hard, Soft, and Smart Power," *The Oxford Handbook of Modern Diplomacy* (March 2013): 5, <https://www-oxfordhandbooks-com.cfc.idm.oclc.org/view/10.1093/oxfordhb/9780199588862.001.0001/oxfordhb-9780199588862-e-31>.

<sup>5</sup> Arctic Council, "Declaration on the Establishment of the Arctic Council," Accessed 13 April 2022, <https://oarchive.arctic-council.org/handle/11374/85>.

<sup>6</sup> Joseph Nye, "Hard, Soft, and Smart Power"..., 7.

to promote hard power in the Canadian Arctic. To achieve smart power, the GoC should provide the CAF with the tools required to ‘lead from behind’<sup>7</sup> in a whole of government approach.

The GoC’s projection of smart power needs to convince the international community that the CNWP is sovereign internal water. Although not clear on the issue, the United Nations Convention of the Law of Sea (UNCLOS) could consider the CNWP an international strait. If this remains true, “all ships and aircraft enjoy the right of transit passage, which shall not be impeded”.<sup>8</sup> Under this legal definition, the GoC would have no power and no legal authorization to control or regulate transit throughout the CNWP. Additionally, according to UNCLOS, aircraft and ships would only be required to adhere to international regulations, procedures and practices for safety and for the prevention, reduction and control of pollution.<sup>9</sup> Essentially the GoC would “have no other option but to adhere to toothless international regimes and trust in the good faith of the many different actors involved”.<sup>10</sup> Therefore, the threats that exist to the CNWP would be issues that stem from an increase to international transit.

The issues that stem from increased international transit would be in the form of human and environmental security threats. Traditional military threats to the CNWP remain low and highly unlikely. The threats to human security in the CNWP include cold weather exposure risks, changing sea-conditions which would challenge the structural integrity of transiting vessels, collisions or maritime accidents.<sup>11</sup> Whereas threats to environmental security include the

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<sup>7</sup> Adam Lajeunesse and P. Whitney Lackenbauer. “Introduction”, in *Canadian Arctic Operations, 1941-2015 Lessons Learned, Lost, and Relearned* edited by Adam Lajeunesse and P. Whitney Lackenbauer (Fredericton: The Gregg Centre for the Study of War & Society, 2017), xxx.

<sup>8</sup> United Nations, *United Nations Convention on the Law of the Sea (UNCLOS)* (Montego Bay: UN, 1982), 37.

<sup>9</sup> *Ibid.*

<sup>10</sup> Suzanne Lalonde, “Arctic Waters: Cooperation or Conflict?” in *Canada’s Arctic Interests and Responsibilities Behind the Headlines* 65, no. 4 (August 2008), 13.

<sup>11</sup> Erik Jaap Molenaar, “Sea-Borne Tourism in Antarctica: Avenues for Further Intergovernmental Regulation,” *The International Journal of Marine and Coastal Law* 20, no. 2 (2005): 258, <https://doi-org.cfc.idm.oclc.org/10.1163/157180805775094454>.

discharge of pollutants, noise pollution, interference with migration patterns of sea creatures and damage to flora and the possibility of the introduction of foreign species into the ecosystem.<sup>12</sup>

With international acceptance of Canadian sovereignty in the Arctic, the GoC could enact and enforce enhanced laws which would control human and environmental threats to a greater degree than ambiguous international law in an international strait.

In addition to threats from human and environmental security, the Peoples Republic of China (PRC) has been granted *observer status* on the Arctic Council. The PRC has gone so far as identifying itself as a near-Arctic state. The PRC have stated their “rights to develop Arctic resources and navigation, to participate in the Arctic governance, and, as a result, the obligation of the PRC to protect the legal rights of other non-Arctic countries”.<sup>13</sup> As the world’s fastest growing economic superpower, their interest in the Arctic sends a very important geopolitical message that foreign interest in the Arctic is high. If Canadian sovereignty of the CNWP negatively effects the PRC, their own smart power could be used to ensure their perceived rights are maintained.

So what happens if the GoC does not increase defence spending in the Canadian Arctic to employ smart power and simply continues the historical projection of soft power. Regardless of Canadian sovereignty, eventually international transit will increase. The Panama Canal is similar to the CNWP as it connects the Atlantic and Pacific Oceans and drastically reduces transit time for commercial and military vessels.<sup>14</sup> Although there are many differences between the Panama

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<sup>12</sup> Erik Jaap Molenaar, “Sea-Borne Tourism in Antarctica...”, 258.

<sup>13</sup> Kobzeva Mariia, “China’s Arctic Policy: Present and Future,” *The Polar Journal* 9, no. 1 (April 2019): 107. <https://doi.org/10.1080/2154896X.2019.1618558>.

<sup>14</sup> Encyclopedia Britannica, “Panama Canal Summary,” Last Accessed 23 May 2022, <https://www.britannica.com/summary/Panama-Canal>.

Canal and the CNWP, significant insight can be garnered through a historical analysis of sovereignty issues.

At the turn of the 20<sup>th</sup> century, the USA had a vested interest in the Panama Canal as it was a shortcut to increase power projection throughout the world. Through the Hay-Bunau-Virilla Treaty of 1903, the USA paid a lump sum of \$10 million and \$250,000 annually to “build a canal and also granted in perpetuity the use, occupation, and control a ten-mile strip of land across the middle of Panama”.<sup>15</sup> In 1903, Panama had recently declared independence from Columbia and required a collective defence agreement with the USA to ensure their independence. The cost to Panama’s sovereignty was high, as the USA had full control over the canal and its surrounding areas. The USA utilized the canal for economic prosperity but also to project hard power across the globe. The Panama Canal example is an interesting historical analysis of how a burgeoning superpower used an international strait in an intermediary nation to enhance their own military and economic prosperity. By using the Panamanian experience as an example, the GoC may find themselves in a similar situation.

As part of the *Belt and Road Initiative* (BRI), the PRC created a robust plan to become the world’s largest economy by committing substantial investments to land and sea infrastructure to link their market to the rest of the world.<sup>16</sup> As part of the BRI, the PRC have created an extension called *The Polar Silk Road* where China “actively participates in the building of infrastructure of Arctic development”.<sup>17</sup> The PRC have been vocal about a harmonious rise to power and not interfering with the sovereignty of other nations, yet there is much distrust in the international

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<sup>15</sup> Robert W. McElroy, “Colonialism and the Panama Canal,” in *Morality and American Foreign Policy: The Role of Ethics in International Affairs*, (Princeton: Princeton University Press, 2014), 124.

<sup>16</sup> M.A. Proulx, ‘The Harmonious Rise of Chinese Soft Power’ (Joint Command and Staff Programme Paper, Canadian Forces College, 2021), 1.

<sup>17</sup> Timo Koivurova and Sanna Kopra, *Chinese Policy and Presence in the Arctic* (Leiden: Brill Nijhoff, 2020): 6, <https://doi-org.cfc.idm.oclc.org/10.1163/9789004408425>.

community. In 2019, US Secretary of State Mike Pompeo highlighted the concern of the Chinese BRI. “Beijing attempts to develop critical infrastructure using Chinese money, Chinese companies and Chinese workers, in some cases, to establish a permanent Chinese security presence”.<sup>18</sup> This hypocritical rhetoric is interesting, as it is exactly what the USA did with the Panama Canal. As the world’s fastest growing economy, the PRC have the money and political will to invest heavily in Arctic infrastructure to further their economic goals.

The GoC should be wary of the PRC’s use of smart power through the *Polar Silk Road* initiative. By delaying a decision to increase defence spending in the CNWP, the GoC may force themselves into a reactionary stance, where they require the assistance of a foreign nation to help quickly develop Arctic infrastructure. The PRC have already utilized their harmonious discourse to conduct research and reconnaissance in the CNWP<sup>19</sup>. If the GoC found itself unprepared to respond to international travel in the CNWP, it is not unfathomable that the PRC would offer to develop Arctic infrastructure in Canada in exchange for exclusive rights to various energy or mineral deposits in the Arctic. The GoC needs to invest immediately into the Canadian Arctic, so it is not forced into a bystander position while other nations like the USA or the PRC reap the benefits.

In order to combat these security threats in the CNWP, the GoC needs to invest in three main areas to increase the hard power projection in the Canadian Arctic. The first is a permanent fleet of vessels capable of icebreaking, the second is investment in Arctic infrastructure and the third is developing a northern search and rescue capability.

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<sup>18</sup> Timo Koivurova et al, *Chinese Policy and Presence in the Arctic...*, 37.

<sup>19</sup> Geddert, “Right of (Northwest) Passage”..., 596. In 2017, the PRC requested permission from the GoC to transit their research icebreaker *Polar Dragon* through the CNWP, yet the PRC do not officially accept the GoC’s position on the CNWP being sovereign Canadian water.



Canada is severely lacking in icebreaking vessels. According to the Canadian Coast Guard (CCG) icebreaking services fees site, the Arctic is not even listed as an area in which nations or private corporations can purchase icebreaking services from the GoC<sup>20</sup>. By doing nothing to develop infrastructure in the Canadian Arctic, the GoC has taken the stance that if the CNWP is to be used, vessels should be built accordingly as there will be limited assistance provided from the GoC during transit.

In addition, the CCG only has an aging fleet of only two heavy icebreaking vessels, the CCGS *Louis S. St-Laurent* (launched in 1968) and the CCGS *Terry Fox* (launched in 1983).<sup>21</sup> The GoC has been planning a replacement heavy icebreaking vessel for the *Louis S. St-Laurent*, however the conceptualized CCGS *John D. Diefenbaker* which was initially approved in 2008, now has an estimated delivery date of 2030.<sup>22</sup> Considering that Arctic sea-ice has been steadily melting, by the time the *John D. Diefenbaker* is in service, the *Louis S. St-Laurent* will have been in service for 68 years. Twenty-two years from conceptualization to anticipated delivery already puts the GoC in a reactionary position due to the complicated procurement process, bureaucracy and unanticipated construction delays. Using statistics from the Russian Northern Sea Route in 2008 as an example “there was 1.5-2 million tons of cargo moved along the NSR. Russia deploys a fleet of seven nuclear powered icebreakers and several strong diesel powered craft”.<sup>23</sup> Similar to Russia, in order to combat human or environmental threats, the GoC needs to invest in more

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<sup>20</sup> Government of Canada. “Icebreaking service fees.” Accessed 22 May 2022. <https://www.ccg-gcc.gc.ca/navigation/marine-services-fees-droits-services-maritime/icebreaking-fees-droits-deglacage-eng.html>.

<sup>21</sup> Government of Canada. “Icebreaking fleet of the Canadian Coast Guard.” Accessed 22 May 2022. <https://www.ccg-gcc.gc.ca/icebreaking-deglacage/fleet-flotte-eng.html>.

<sup>22</sup> Radio Canada International, “Canada to build two polar icebreakers for High Arctic Operations,” Accessed 22 May 2022. <https://www.rcinet.ca/en/2021/05/06/canada-to-build-two-polar-icebreakers-for-high-arctic-operations/>.

<sup>23</sup> Adam Lajeunesse, “A New Mediterranean? Arctic Shipping Prospects for the 21<sup>st</sup> Century,” *Journal of Maritime Law and Commerce* 43, no. 4 (Fall 2012): 532, <https://www.proquest.com/scholarly-journals/new-mediterranean-arctic-shipping-prospects-21st/docview/1243439705/se-2?accountid=9867>.

CCG or RCN icebreakers to maintain the continuity of the CNWP and to ensure safety of transiting vessels.

In addition to heavy icebreakers, the GoC needs to maintain a permanent presence in the CNWP. In 2007, Prime Minister Stephen Harper announced a plan to build six to eight Canadian made Arctic/Offshore Patrol Ships (A/OPS) with robust icebreaking capabilities and a deep water port to house them in the Arctic.<sup>24</sup> The A/OPS were the answer for a permanent security/constabulary role and icebreaking presence in the Arctic. Unfortunately, as part of budgetary constraints, the A/OPS were only built to ice-strengthened standards and not icebreaker, therefore the A/OPS are only capable of operations in the CNWP in the summer and fall seasons.<sup>25</sup> The GoC needs to revisit the requirements of a fleet of vessels in the CNWP, with realistic year-round icebreaking capabilities.

The GoC can further increase their smart power by investing in Arctic infrastructure along the CNWP. There is currently no refuelling capability in the CNWP apart from ship-to-ship replenishment. The Nanisivik Deep Water Port is the only installation with access to the CNWP and its construction has been decreased in scope and delayed for over sixteen years<sup>26</sup>. In addition, Nanisivik was supposed to act as the forward operating base to house the A/OPS. Multi-purpose facilities are required in the Arctic to respond to human and environment threats. Facilities that can permanently house vessels from the RCN, RCAF and CCG in the event a maritime accident occurs requiring a quick response for environmental clean-up or for SAR

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<sup>24</sup> Michael Byers and Stewart Webb, "Titanic Blunder: Arctic/Offshore Patrol Ships on Course for Disaster," *Canadian Centre for Policy Alternatives* (April 2013): 5, <https://canadacommons-ca.cfc.idm.oclc.org/artifacts/1217683/titanic-blunder/1770776/>.

<sup>25</sup> *Ibid.*, 18.

<sup>26</sup> Chase Steven, "Long-Delayed Arctic Naval Facility Postponed Again." *The Globe and Mail*, 30 March 2022.

operations. This infrastructure also needs a capability to house fixed and rotary wing assets, including runways and permanent lodging.

Currently, the CAF do not have any SAR resources stationed near the Canadian Arctic. Due to the current limitations of CAF SAR equipment and response, the likelihood of survival from a maritime accident remains extremely low. In the event of an overboard sailor or tourist in the CNWP during the summer months, the survival rate is less than 45 minutes.<sup>27</sup> In some instances a SAR technician can be deployed, however extracting that technician along with victims becomes increasingly complex due to the limited resources. In order to increase survivability, the CAF need to permanently position SAR assets in Arctic infrastructure. This will greatly increase the response time to deploy into lifesaving situations.

Human security issues surrounding a major accident will continue to increase along with maritime traffic in the Arctic. Traditionally, the CAF have been relatively successful in responding to major air disasters (MAJAID) in the Arctic. Typically a survivable MAJAID will occur during takeoff or landing and therefore be relatively close to existing infrastructure (CFB Alert, Resolute Bay, etc.). The same will not be true for maritime disasters as they could occur at any point during transit along the CNWP. To effectively respond to a major marine disaster, the GoC needs a coordinated response from a permanent Arctic presence of CAF and CCG resources. To rely on another nation for SAR resources should not be an option available to the GoC within sovereign internal waters.

The GoC must decide to prioritize Arctic sovereignty without delay. This paper looked at the environmental and human security issues that threaten the GoC's claim of sovereignty in the CNWP. An analysis was conducted for the GoC to reduce these threats through an increase in

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<sup>27</sup> Joshua Leveque, "Canadian Arctic Sovereignty: Not so Strong at Home" (Joint Command and Staff Programme Course Paper, Canadian Forces College, 2019), 21.

Canadian defence spending, specifically in an icebreaking fleet, Arctic infrastructure and an Arctic SAR capability. This paper compared the CNWP with a historical analysis of the Panama Canal and provided insight into a possible outcome involving foreign investment, which is unfavourable to Canada. Most importantly, this paper highlighted the requirement for the CAF to be outfitted as the lead agency in the Arctic to appropriately employ smart power in a whole of government approach. Due to historical delays in Arctic procurement and the aging fleet of Arctic icebreakers, the GoC must make the commitment to the CNWP immediately or it may become relegated to bystander status as the international community reap all the economic benefits the CNWP has to offer.

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