



Lines of Contention: Canada's Claim to Arctic Waters

Lieutenant-Commander Andrew Colpitts

JCSP 49 DL

Exercise Solo Flight

Disclaimer

Opinions expressed remain those of the author and do not represent Department of National Defence or Canadian Forces policy. This paper may not be used without written permission.

© His Majesty the King in Right of Canada, as represented by the Minister of National Defence, 2024.

PCEMI n° 49 AD

Exercice Solo Flight

Avertissement

Les opinions exprimées n'engagent que leurs auteurs et ne reflètent aucunement des politiques du Ministère de la Défense nationale ou des Forces canadiennes. Ce papier ne peut être reproduit sans autorisation écrite.

© Sa Majesté le Roi du chef du Canada, représenté par le ministre de la Défense nationale, 2024.

CANADIAN FORCES COLLEGE - COLLÈGE DES FORCES CANADIENNES

JCSP 49 DL - PCEMI n° 49 AD
2022 - 2024

Exercise Solo Flight – Exercice Solo Flight

Lines of Contention: Canada's Claim to Arctic Waters

Lieutenant-Commander Andrew Colpitts

“This paper was written by a candidate attending the Canadian Forces College in fulfilment of one of the requirements of the Course of Studies. The paper is a scholastic document, and thus contains facts and opinions which the author alone considered appropriate and correct for the subject. It does not necessarily reflect the policy or the opinion of any agency, including the Government of Canada and the Canadian Department of National Defence. This paper may not be released, quoted or copied, except with the express permission of the Canadian Department of National Defence.”

« La présente étude a été rédigée par un stagiaire du Collège des Forces canadiennes pour satisfaire à l'une des exigences du cours. L'étude est un document qui se rapporte au cours et contient donc des faits et des opinions que seul l'auteur considère appropriés et convenables au sujet. Elle ne reflète pas nécessairement la politique ou l'opinion d'un organisme quelconque, y compris le gouvernement du Canada et le ministère de la Défense nationale du Canada. Il est défendu de diffuser, de citer ou de reproduire cette étude sans la permission expresse du ministère de la Défense nationale. »

LINES OF CONTENTION: CANADA'S CLAIM TO ARCTIC WATERS

INTRODUCTION

A phrase popularised by Dr. P. Whitney Lackenbauer of the North American and Arctic Defense & Security Network (NAADSN) is that there are threats *through, to and in* the Arctic.¹ As an approach to North America, the Arctic is a region through which threats can enter the continent. With abundant natural resources, the Arctic is threatened by foreign economic interests. Because it is warming at a higher rate than the rest of the world, the Arctic's ecosystems, species and infrastructure are at particular risk due to climate change. As sea ice becomes less permanent and more unpredictable, increasing foreign commercial, tourist and research vessel traffic challenges safety and environmental protection.

The Arctic is also under a different kind of threat; the legal definition of the waters between the islands of the Canadian Arctic Archipelago (and an integral part of Canadian identity) is at risk. Canada claims sovereignty over the archipelago, including its waters and the airspace above them. However, this arrangement is dependent upon the continued application of two legal assertions: Firstly, that the waters within the archipelago are *internal waters* under the United Nations Convention on the Law of the Sea (UNCLOS), and secondly, that there is no international strait through the archipelago.²

Dr. Will Greaves is the Climate & Environment Co-Lead at NAADSN. Greaves writes that recent interest in Arctic maritime boundary disputes is a *symptom* of rapid climate change and of a deterioration of the Arctic regional security complex (RSC).³ Climate change and the emergence of the Arctic as a region of increased competition, militarization, and destabilization are, according to Greaves, far greater existential threats than the partial loss of Canadian Arctic sovereignty. It's not that Canadian sovereignty over the Arctic Archipelago is unimportant; there are many more significant issues to address.

The arguments in this debate highlight that many of the threats facing the Arctic are inextricably linked to Canadian Arctic sovereignty. This paper aims to examine the issue from several angles. First, it will describe the Canadian claim and its legal basis. Second, it will assess the realization of Canada's Arctic sovereignty. This paper will argue that Canada's claim is legally murky and practically tenuous but that the alternatives to the status quo are likely even less desirable.

¹ P. Whitney Lackenbauer, *Policy Brief: Threats Through, To and In Te Arctic: A Framework for Analysis* (Peterborough, ON: North America and Arctic Defence & Security Network (NAADSN), 2021), https://www.naadsn.ca/wp-content/uploads/2021/03/Lackenbauer_Threats-Through-To-and-In-the-Arctic.pdf.

² Unhelpfully, UNCLOS can refer to the convention or the treaty. In this paper, UNCLOS refers to the 1982 treaty arising from the third convention on the law of the sea which ran from 1973 to 1982. The treaty became effective in 1994 and was ratified by Canada in 2003.

³ Wilfrid Greaves, "Arctic Break Up: Climate Change, Geopolitics and the Fragmenting Arctic Security Region," in *Arctic Yearbook 2019: Redefining Arctic Security* (Arctic Portal, 2019), 4–5, <https://arcticyearbook.com/arctic-yearbook/2019/2019-scholarly-papers/311-arctic-break-up-climate-change-geopolitics-and-the-fragmenting-arctic-security-region>.

CANADA'S CLAIM TO THE ARCTIC AND THE NORTHWEST PASSAGE

Canadian Sovereignty in the Arctic

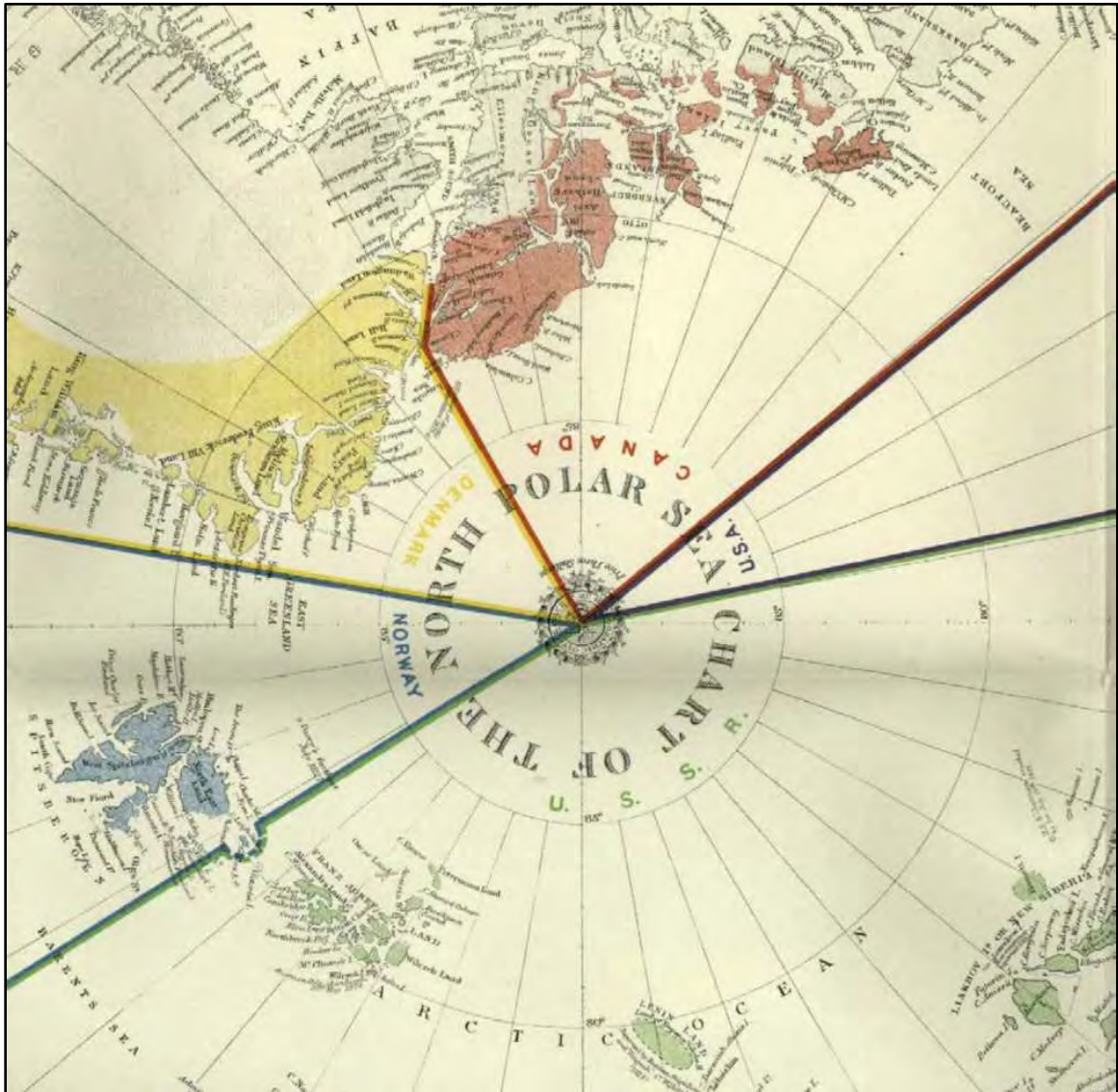


Figure 1: Polar map showing sector claims of five Arctic states, including Canada. Included with Laurence Collier's Memorandum Respecting Territorial Claims in the Arctic to 1930, 10 February 1930, National Archives of Australia, A981, ARC 1, Arctic, British Interests.⁴

Canada's claim to the islands of the Arctic Archipelago was implicit within the Government of Canada before 1925. Still, it was first expressed internationally in May of that year due to apprehensions about US intentions surrounding the 1925 MacMillan expedition. The Canadian assertion was that all Arctic islands between Greenland and the

⁴ Peter Kikkert and P. Whitney Lackenbauer, *Legal Appraisals of Canada's Arctic Sovereignty: Key Documents, 1905-56*, ed. Ryan Dean, Documents on Canadian Arctic Sovereignty and Security (Calgary, AB: University of Calgary. Centre for Military and Strategic Studies., 2014), Cover, <https://pubs.aina.ucalgary.ca/dcass/81350.pdf>.

141st Meridian and north of the 60th parallel belonged to Canada.⁵ To the muted chagrin of US lawmakers, the claim was also declared on 10 June 1925 in the House of Commons.⁶ Canada's patience was finally rewarded at the onset of the Cold War in 1946 when the US affirmed behind closed doors that it had no intention of challenging Canadian sovereignty over the Arctic islands.⁷

Maritime Zones and the Law of the Sea

While the Canadian claim to sovereignty over the landmass of the Arctic Archipelago is relatively secure, the status of the water within the archipelago is not. UNCLOS provides the dominant legal regime upon which modern international maritime boundaries are established and adjudicated. UNCLOS defines six maritime zones: Internal Waters, Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone (EEZ), the Continental Shelf (CS) and the High Seas, described in Table 1 and Figure 2.

⁵ Kikkert and Lackenbauer, 47.

⁶ Janice Cavell, "The Sector Theory and the Canadian Arctic, 1897–1970," *The International History Review* 41, no. 6 (November 2, 2019): 1179, <https://doi.org/10.1080/07075332.2018.1475404>.

⁷ P. Whitney Lackenbauer and Peter Kikkert, "Chapter 12: The Dog in the Manger - and Letting Sleeping Dogs Lie: United States, Canada and the Sector Principle, 1924-1955," in *International Law and Politics of the Arctic Ocean: Essays in Honor of Donat Pharand*, ed. Suzanne Lalonde and Ted L. McDorman, 1st ed. (Leiden: Koninklijke Brill nv, 2015), 236, <https://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=1921042>.

Table 1: Description of UNCLOS Maritime Zones⁸

⁸ United Nations. Division for Ocean Affairs and the Law of the Sea., *United Nations Convention on the Law of the Sea (UNCLOS)* (New York, N.Y.: United Nations. Office for Ocean Affairs and the Law of the Sea., 1983), https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

Zones	Internal Waters	Territorial Sea	Contiguous Zone	Exclusive Economic Zone (EEZ)	Continental Shelf (CS)
Extent	Waters on the landward side of the baseline.	Waters that extend up to 12 nautical miles (nm) from the baseline. ⁹	Waters from the outward edge of the Territorial Sea up to 24nm from the baseline. ¹⁰	Waters from the outward edge of the Territorial Sea up to 200nm from the baseline. ¹¹	The legal continental shelf extends out 200nm from its coast or further if the shelf naturally extends beyond that limit. ¹²
Claims & Disputes	The coastal state is generally considered competent to define its own coastal baselines. ¹³	In the case of overlap, the border is considered the median point between the two state's baselines.	There is no standard rule for resolving disputes. The states in conflict must negotiate a compromise in such a conflict.		Where the continental shelf extends beyond 200nm, a State is required by UNCLOS (Article 76) to make a submission to the Commission on the Limits of the Continental Shelf (CLCS). ¹⁴
Subsoil Rights	Full rights.	Full rights.	The Coastal State can prevent and punish infringement of fiscal, immigration, sanitary, and customs laws.	Sovereign rights for the purposes of exploring, exploiting, conserving and managing living and non-living natural resources.	Sovereign rights for the purposes of exploring and exploiting non-living natural resources on or below the seabed.
Seabed Rights	Full rights.	Full rights.			
Ocean Surface	Full rights.	Full rights.			
Airspace	National airspace.		International airspace.		

⁹ Rights of the Territorial Sea are automatic, but states can voluntarily claim a smaller territorial sea.

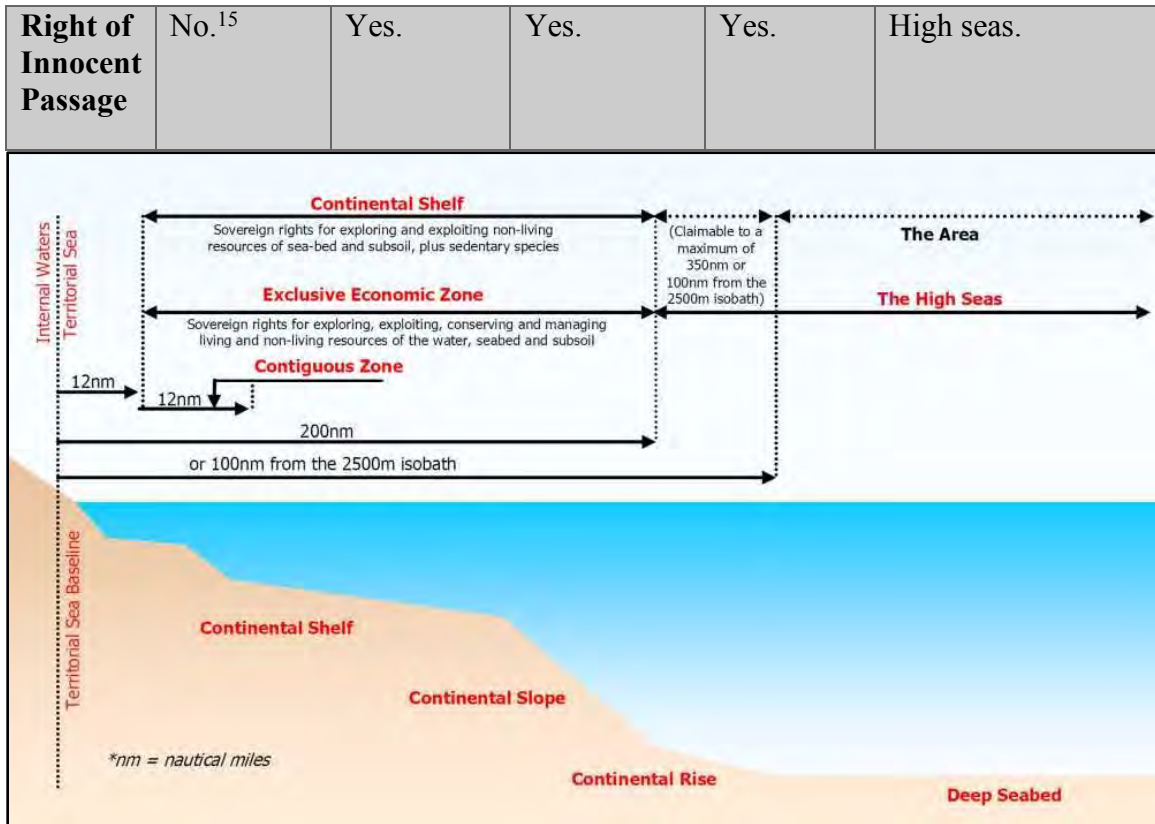


Figure 2: Graphical Representation of UNCLOS Maritime Zones.¹⁶

Baselines and Canadian Arctic Internal Waters

The establishment of baselines is foundational in delineating all forms of maritime boundaries. Under UNCLOS, normal baselines are the low-water line along a coastal state's territory. The treaty also provides rules for establishing alternate baselines in special cases. Canada first inferred that it considers the waters of the Arctic Archipelago to be Internal Waters in 1973.¹⁷ It was not until 1985, however, that Canada clarified and emboldened its position by establishing baselines around the Arctic

¹⁰ Establishment of the Contiguous Zone is not automatic and must be claimed by the Coastal State.

¹¹ Establishment of the EEZ is not automatic and must be claimed by the Coastal State.

¹² Rules for the delineation of the CS are found in UNCLOS Article 76.

¹³ Disagreements between states have resulted in challenges in international court, the rulings upon which form customary international law.

¹⁴ While it delivers an expert determination, the CLCS evaluates each claim on its own merit and does not necessarily de-conflict the claim of any state with prior claims by other states, nor does the CLCS revisit prior claims to de-conflict them with subsequent claims. Conflicts may need to be resolved through the international legal system.

¹⁵ No right of innocent passage exists unless such a right existed before the establishment of Internal Waters or in the case of an International Strait.

¹⁶ Canada. Fisheries and Oceans Canada. Canadian Hydrographic Service (CHS)., *Defining Canada's Maritime Zones* (Ottawa, ON: Fisheries and Oceans Canada, 2011), https://publications.gc.ca/collections/collection_2012/mpo-dfo/Fs23-571-2011-eng.pdf.

¹⁷ Donat Pharand, "The Arctic Waters and the Northwest Passage: A Final Revisit," *Ocean Development & International Law* 38, no. 1-2 (July 1, 2007): 11, <https://doi.org/10.1080/00908320601071314>.

Archipelago through an order-in-council later announced in the House of Commons.¹⁸ As historic internal waters, there is no right of innocent passage for foreign vessels or aircraft to transit, and all Canadian federal laws apply, including those concerning environmental protection.

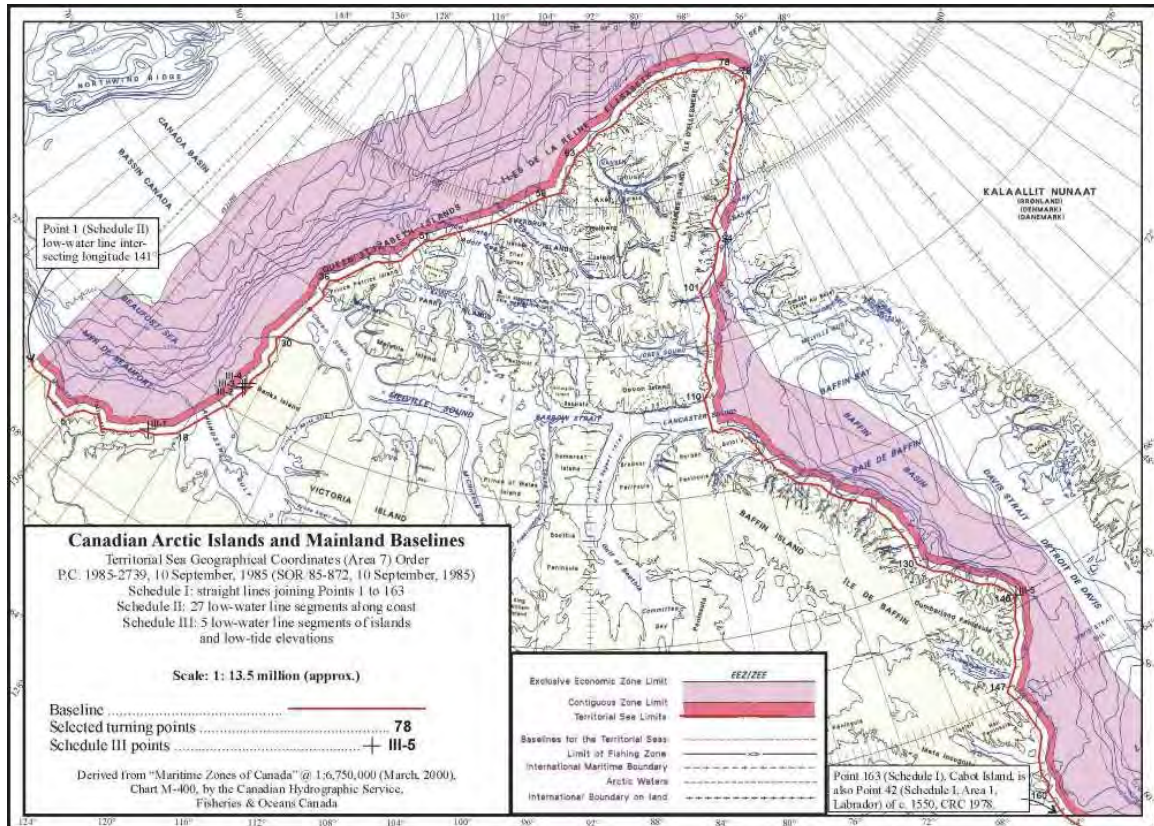


Figure 3: Canadian Arctic Islands and Mainland Baselines.¹⁹ This map shows the baselines officially claimed by Canada in 1985 (thin red line), the Territorial Sea (white strip between red lines), the Contiguous Zone (thick red strip), and the EEZ (wide coloured band). It does not show the Canadian claim to the extended Continental Shelf.

The Legal Defensibility of the Canadian Claim

Dr. Suzanne Lalonde is a Professor of Law at Université de Montréal and a network coordinator with NAADSN. Lalonde has argued vigorously that Canada has a reasonable legal basis to support the claim of historic title.²⁰ Lalonde’s view is that

¹⁸ Suzanne Lalonde, *Policy Primer: The Debate over the Legal Status of the Northwest Passage* (Montréal, QC: North America and Arctic Defence & Security Network (NAADSN), 2023), 1, https://www.naadsn.ca/wp-content/uploads/2023/10/23sep-Lalonde-NWP_Policy-Primer.pdf.

¹⁹ Canadian Hydrographic Service (CHS), *Canadian Arctic Islands and Mainland Baselines: Territorial Sea Geographical Coordinates (Area 7) Order*, 1 : 13.5 Million (Ottawa, ON: Association of Canadian Lands Surveyors (ACLS), 2000), <https://www.acls-aat.ca/files/english/books/6.10.jpg>.

²⁰ Suzanne Lalonde, *The Debate over the Legal Status of the Northwest Passage: Explanatory Notes by Dr. Suzanne Lalonde - Prepared for the Senate Standing Committee on National Security, Defence and Veterans Affairs (SECD)* (Ottawa, ON: Senate of Canada, 2022), <https://docslib.org/doc/5357018/the-debate-over-the-legal-status-of-the-northwest-passage>.

Canada's historic title claim may be supportable under two separate legal arguments:²¹ Firstly, Canada's legal claim to sovereignty has not been protested or effectively challenged in nearly 40 years since 1985.²² Secondly, it could be argued the Inuit have held historic title since time immemorial, and have transferred those rights to Canada as part of agreements such as the Nunavut Agreement.²³

Lalonde argues that Canada could also apply an alternative legal basis for its baselines –as Straight Baselines. Under UNCLOS Article 7, a baseline can be established by drawing a straight line between two appropriate points rather than along the low waterline of the coast.²⁴ In this way, straight baselines can connect a chain of islands, close the mouths of rivers and the entrances of inlets or bays along a heavily indented coast.²⁵ Canadian officials preparing the details of 1985 the order-in-council undoubtedly took the provisions of UNCLOS Article 7 into account to allow for this alternative legal argument. While Canada's official position since 1985 has been that the claim is based on historic title, the use and occupation of the sea ice by Inuit would likely strengthen the Straight Baselines argument.²⁶

Not everyone would agree with Dr. Lalonde about the strength of Canada's legal position concerning its Arctic baselines. Dr. Donat Pharand was arguably the pre-eminent scholar on the Canadian Arctic. Pharand gives four main reasons why Canada's position is relatively weak.²⁷ (Lalonde would disagree with point four of Pharand's appraisal):

1. British and Canadian explorers never took possession of Arctic waters;
2. The first claim to the waters of the Arctic archipelago as internal waters was only made in 1973;
3. The US and EC member states sent notes of protest immediately upon the announcement of Canada's claim; and
4. Canada has not succeeded in subjecting all foreign vessels to its regime of prior authorization.²⁸

²¹ Lalonde, *Policy Primer: The Debate over the Legal Status of the NWP*, 2.

²² Other than notes of protest from the US and the European Community in 1985.

²³ Lalonde, *Explanatory Notes for March 2022 Appearance at the SECD*, 2.

²⁴ In cartography and geodesy, a "straight" line can be an ambiguous term. Although not specified in UNCLOS, straight baselines are generally understood to mean geodesic lines tracing the shortest path between two points along the datum referenced by the geographic coordinates in question. The datum most commonly used is the World Geodetic System (WGS) 1984 (WGS84) including its periodic updates, but each Coastal State is deemed competent to establish its own baselines.

²⁵ United Nations. Division for Ocean Affairs and the Law of the Sea., *United Nations Convention on the Law of the Sea (UNCLOS)*, 28.

²⁶ Lalonde, *Policy Primer: The Debate over the Legal Status of the NWP*, 4.

²⁷ Pharand, "The Arctic Waters and the Northwest Passage," 13.

²⁸ Here, Pharand refers to the 1988 Canada-US Agreement on Arctic Cooperation in which the US agreed to request Canadian permission prior to sailing its icebreakers (but not other vessels) through the Northwest Passage.

Is the Northwest Passage an International Strait?

If it exists, an international strait would be superimposed over the existing regime of maritime zones under UNCLOS. As such, the issue of an International Strait is a separate, if related, legal question to that of Canada's Arctic baselines. The existence of an international strait would effectively prevent Canada from impeding the passage of foreign vessels through the NWP. Perhaps more importantly, because of this prohibition against interference, it would be unclear whether Canada would have the right to detain a foreign vessel even if it were actively violating Canadian federal law within Canadian internal waters or the territorial sea.²⁹

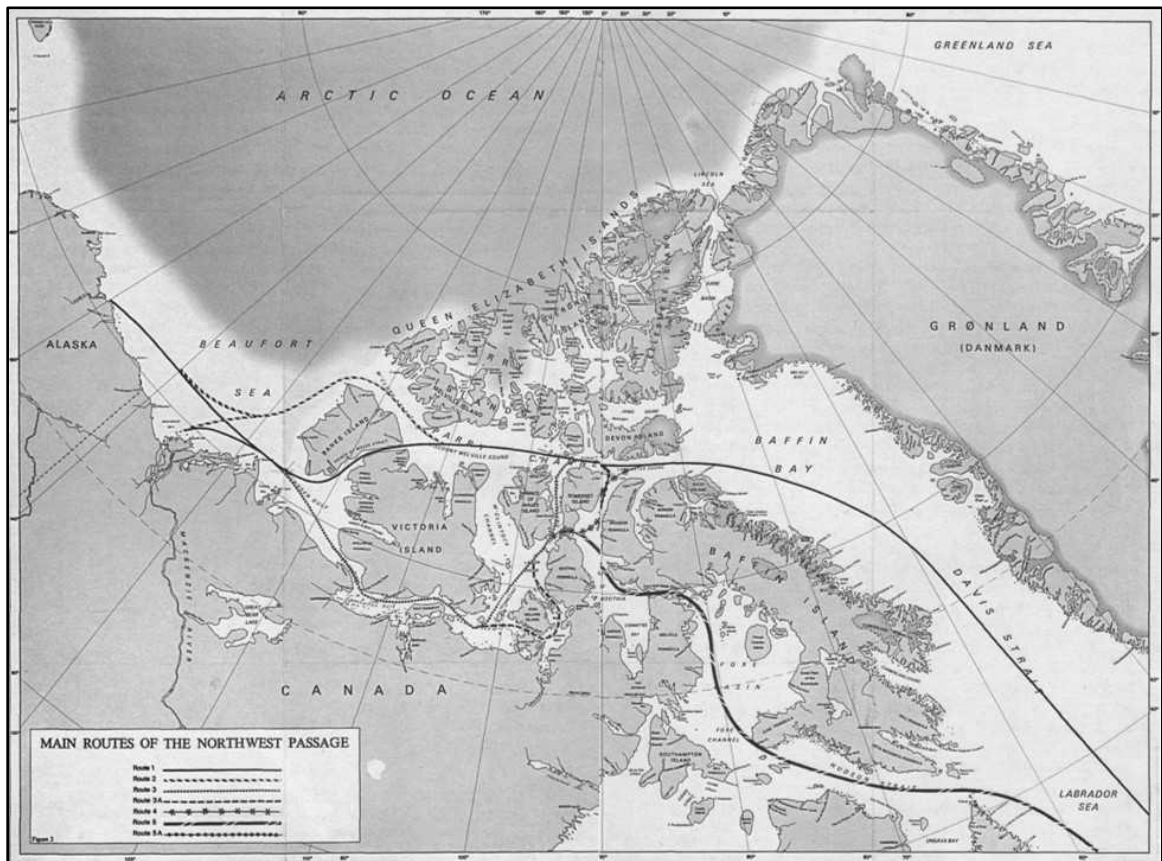


Figure 4: Five possible routes of the NWP and their variations.³⁰

One of the critical criteria for the existence of an international strait is that the strait must have been used historically by vessels of foreign states without the notification or permission of the coastal state.³¹ Here also, Lalonde argues forcefully that past transits of the NWP by foreign vessels – even the controversial ones – have all been subject at least to Canadian monitoring, permission, observation, scrutiny and regulations.³²

²⁹ Lalonde, *Policy Primer: The Debate over the Legal Status of the NWP*, 9.

³⁰ Donat Pharand, "Part 4 - The Waters of the Canadian Arctic Archipelago and the Northwest Passage," in *Canada's Arctic Waters in International Law*, Studies in Polar Research (Cambridge: Cambridge University Press, 1988), 160–61, <https://doi.org/10.1017/CBO9780511565458>.

³¹ Pharand, "The Arctic Waters and the Northwest Passage," 34.

³² Lalonde, *Policy Primer: The Debate over the Legal Status of the NWP*, 7.

Lalonde thus argues that the NWP does not meet the definition of an international strait. On this point, Pharand and Lalonde are of relatively the same mind.³³

Although there may be strong grounds to argue that the NWP is *not* an international strait, the fact that Canada's closest allies formally disagree that Canada's baselines are formed on valid legal grounds and the fact that Canada's claims have never been tested in international court leaves this issue up for interpretation. The disagreement of Canadian legal scholars in their assessments of the validity of Canada's baselines tends to indicate that Canada's sovereignty over Arctic waters is in murky territory.

ASSESSING CANADA'S REALIZATION OF ARCTIC SOVEREIGNTY

Measures of Practical Sovereignty

Military activities and installations, surveillance, policing, presence, disaster response, and protection of natural resources are examples of measurable factors affecting sovereignty. Deterrence of undesired activities by foreign states and non-state actors comes predominantly through demonstrating measurable activity and a clear *capacity to act*. The CAF and the Canadian Coast Guard (CCG) are two of the most well-recognized federal organizations with measurable, practical inputs to Canadian sovereignty.

³³ Pharand, "The Arctic Waters and the Northwest Passage," 43, 44.

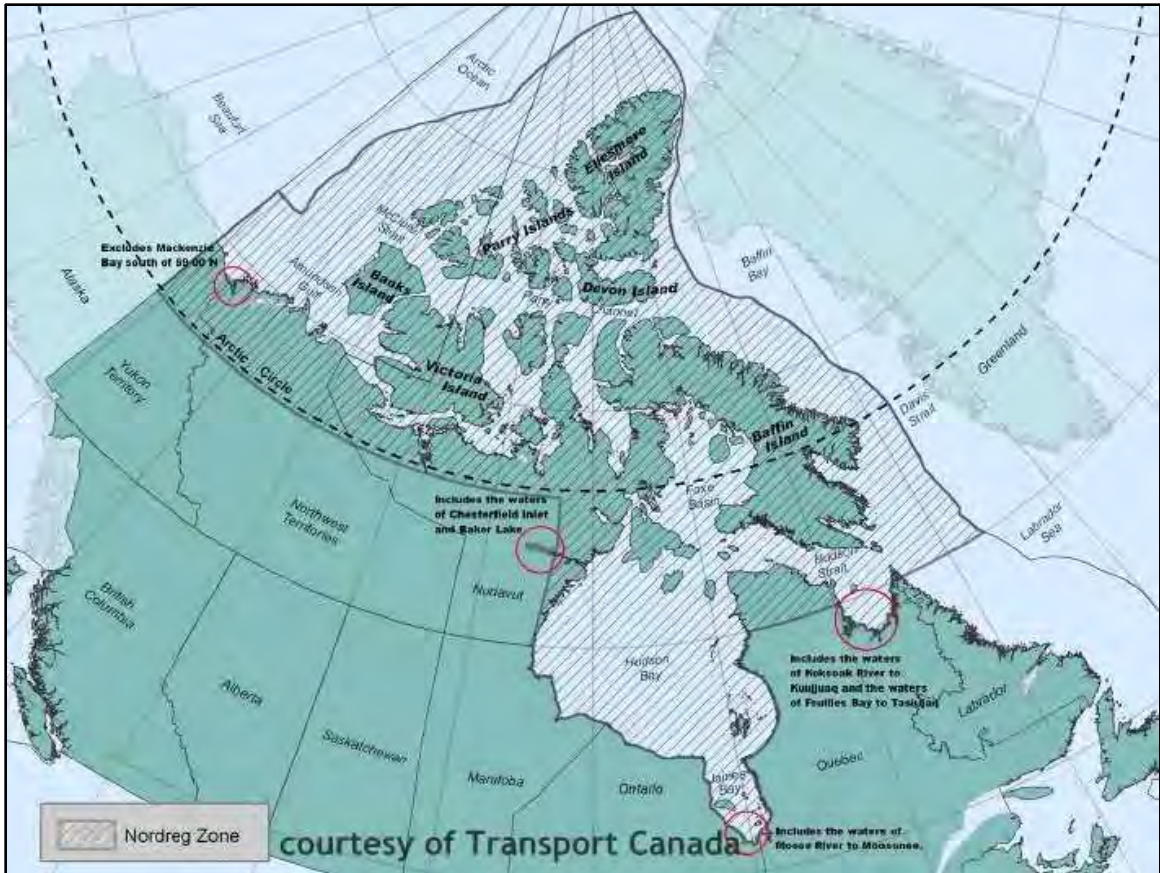


Figure 5: Map of the NORDREG Zone. Initially produced by Transport Canada and obtained from Andreas Raspotnik’s article for the Arctic Institute.³⁴

Maritime Situational Awareness in the Northwest Passage

One of the most important aspects of Canadian Arctic sovereignty is Canada’s ability to monitor vessel traffic within the NWP. The Northern Canada Vessel Traffic Services Zone Regulations (NORDREG) became mandatory on 1 July 2010.³⁵ Under NORDREG, vessels over 300 gross tons (and smaller vessels in some situations) must provide advance reporting of their planned route plus regular interval reporting to the Marine Communications & Traffic Services (MCTS) Centre in Iqaluit. While primarily an environmental protection measure, the mandatory NORDREG reporting regime is also blatantly an effort to strengthen Canadian Arctic sovereignty.³⁶ The history of NORDREG and the recommendations to make it compulsory predate the 1985 announcement about Canadian Arctic baselines. However, by 2007 over 99% of vessels entering Canadian Arctic waters were complying with the regime voluntarily.³⁷ Pharand surmises that the previous voluntary nature of NORDREG stemmed from Canada’s

³⁴ Andreas Raspotnik, “Positive Unilateralism in the Canadian Arctic? Canada’s NORDREG System,” *The Arctic Institute*, December 23, 2011, <https://www.thearcticinstitute.org/positive-unilateralism-canadian-arctic/>.

³⁵ Canada. Legislative Services Branch., “Northern Canada Vessel Traffic Services Zone Regulations - SOR/2010-127,” Justice Laws Website, July 1, 2010, <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2010-127/page-1.html>.

³⁶ Raspotnik, “Positive Unilateralism in the Canadian Arctic? Canada’s NORDREG System.”

³⁷ Pharand, “The Arctic Waters and the Northwest Passage,” 49.

inability to enforce the regulations, especially in the Western High Arctic and the Beaufort Sea, pointing to a 1984 recommendation for Canada to construct a new highly-rated icebreaker for enforcement and assistance in this region.³⁸ The NORDREG reporting requirements supplement Automatic Identification System (AIS) feeds and other monitoring capabilities. NORDREG reporting from MCTS is fed into the Marine Security Operations Centre (East) (MSOC(E)) in Halifax, where permanent representatives from six federal partner departments and agencies collaborate to enhance maritime domain awareness in Arctic and Eastern waters. Separate MSOCs in Niagara and Esquimalt are responsible for the Great Lakes and Western Canadian regions.³⁹



Figure 6: MSOC Partners. Taken from Cora Pictou's 2021 presentation on MSOC(E).⁴⁰

Marine traffic in the Canadian Arctic is increasing rapidly. 2013 saw the first complete transit of the Northwest Passage by a vessel for purely commercial reasons. According to a 2021 report by the Arctic Council, the number of individual vessels operating in Canadian Arctic waters has increased 44% from 2013 to 2019. Over the same period, the total number of annual ship miles sailed by vessels in the Canadian Arctic has more than doubled.⁴¹ In CCG circles, there are at least four possible answers to

³⁸ Pharand, 49.

³⁹ Cora Pictou, "Canada's Coastal Marine Security Operations Centre - East," <https://rusi-ns.ca/wp-content/uploads/2021/03/MSOCE.pdf>.

⁴⁰ Pictou, 5.

⁴¹ Arctic Council. Protection of the Arctic Maritime Environment (PAME)., "Shipping in the Northwest Passage: Comparing 2013 with 2019," Arctic Shipping Status Report (ASSR) (Protection of the Arctic Maritime Environment,

the question of how many vessels are operating within Canadian Arctic waters at any given time:⁴²

1. The number of vessels that actively report to the CCG under NORDREG;
2. The *public* number of vessels being monitored by MSOC(E);
3. The *classified* number of vessels being monitored by MSOC(E) (and/or other agencies); and
4. The *actual* number of vessels operating in Canadian Arctic waters, including all vessels operating from within the Arctic (e.g., vessels operating from Arctic communities).⁴³

As the number of commercial carriers in Arctic waters has increased, so has the number of private vessels and yachts below the 300 gross ton mandatory reporting limit. These vessels usually carry Class B Automated Information System (AIS) receivers, which may not have a reliable connection to AIS satellites. While the presence of smaller untracked vessels is generally not a direct challenge to Canadian sovereignty, these types of situations can be safety and environmental hazards. Initiatives such as the Dark Vessel Detection Program and an enhanced network of AIS satellites should improve the quality of Arctic domain awareness and the responsiveness of the CCG in keeping with increased maritime traffic.⁴⁴

April 2021), 16, <https://oaarchive.arctic-council.org/server/api/core/bitstreams/a87a9cf4-5e14-4a93-b483-6e703eb54e9c/content>.

⁴² Rashaad Bhamjee and Andrew Colpitts, "Confirmation Questions - Email Exchange Between Andrew Colpitts and Rashaad Bhamjee, Superintendent, Navigational Programs, Canadian Coast Guard," May 10, 2024.

⁴³ One of the main tasks of MSOC(E) is therefore to close the gap between answers three and four.

⁴⁴ Thomas Lundy, "Dark Vessels and How to Find Them," April 22, 2021, <https://canadiangeographic.ca/articles/dark-vessels-and-how-to-find-them/>.



Figure 7: Heavy icebreaker CCGS Louis St.-Laurent, built in 1969 and based in St. John's, NL.⁴⁵

Capabilities of the Canadian Coast Guard

Canada has the second-largest icebreaking fleet in the world, but this fleet is aging and only includes two heavy icebreakers.⁴⁶ The advent of far-ranging polar tourism through vessels like the Polar Class 2 icebreaking cruise ship *Le Commandant Charcot* presents a challenge. Canada's current heavy icebreakers may be unable to assist such a vessel if it becomes stuck in ice in the Canadian Arctic. The only Polar Class 1 icebreakers in service belong to Russia. Plans are underway to significantly renew the CCG fleet, including the construction of two new Polar Class 2 icebreakers, two civilian versions of the Royal Canadian Navy's (RCN's) Arctic and Offshore Patrol Ships (AOPS), six new program icebreakers and several smaller vessels.⁴⁷

⁴⁵ Patrick Kelley, *File Photo: Canadian Coast Guard Ship Louis S. St-Laurent in the Arctic.*, Photo, accessed May 7, 2024, <https://www.marinelink.com/news/canada-promises-two-arctic-icebreakers-487447>.

⁴⁶ Canadian Coast Guard Government of Canada, "Icebreaking Fleet of the Canadian Coast Guard," Information, Canada.ca, October 25, 2022, <https://www.ccg-gcc.gc.ca/icebreaking-deglacage/fleet-flotte-eng.html>.

⁴⁷ Canada. Department of Fisheries and Oceans. Canadian Coast Guard, "The National Shipbuilding Strategy and the Canadian Coast Guard," Backgrounder, Canada.ca, May 25, 2023, <https://www.canada.ca/en/canadian-coast-guard/news/2023/05/backgrounder-the-national-shipbuilding-strategy-and-the-canadian-coast-guard.html>.



Figure 8: Le Commandant Charcot, the world's first Polar Class 2 icebreaking cruise ship, reached the North Pole on 6 September 2021 after leaving Longyearbyen on 1 September for detailed sea trials.⁴⁸

Capabilities of the Canadian Armed Forces

The Government of Canada considers the CAF's ability to operate in the Arctic essential. There are two types of CAF operations in the Arctic. Deliberate operations such as Operation NANOOK-NUNAKPUT are executed after months or years of planning and preparation.⁴⁹ Reactionary operations, such as responses to natural disasters, are executed with little warning.⁵⁰ With time to prepare and the luxury of deciding when and where to operate, the CAF leverages various tools to ensure the success of deliberate operations. None of these luxuries exist for reactionary operations, which is the more significant challenge. The recent defence policy update emphasizes increasing the "presence, reach mobility and responsiveness" of the CAF.⁵¹ These words were not chosen for nothing – the challenge of being ready to operate anywhere in the remote and inhospitable Canadian Arctic with little warning at any time of year is immense.

⁴⁸ Heiner Kubny, "Le Commandant Charcot' Reached the North Pole," *Polar Journal*, September 8, 2021, <https://polarjournal.ch/en/2021/09/08/le-commandant-charcot-reached-the-north-pole/>.

⁴⁹ Canada. Department of National Defence., "Operation NANOOK 2023 Successfully Concluded in Canada's Arctic," News Releases, Canada.ca, September 13, 2023, <https://www.canada.ca/en/department-national-defence/news/2023/09/operation-nanook-2023-successfully-concluded-in-canadas-arctic.html>.

⁵⁰ Chris Thatcher, "Preparing for Northern Disaster," *Skies Mag* (blog), November 1, 2018, <https://skiesmag.com/news/preparing-for-northern-disaster/>.

⁵¹ Canada. Department of National Defence., *Our North, Strong and Free: A Renewed Vision for Canada's Defence - Defence Policy Update (DPU)* (Ottawa, ON: Department of National Defence, 2024), 11, <https://www.canada.ca/content/dam/dnd-mdn/documents/corporate/reports-publications/2024/north-strong-free-2024-v2.pdf>.



Figure 9: CC-138 Twin Otter.⁵²

Because of the distances involved, the most common deployment method for a land-based force is to first move the force into one of the closest communities using a larger fixed-wing aircraft such as a CC-177 Globemaster or a CC-130 Hercules. The force would then deploy forward from that “hub” community by ground or air. If by air, the aircraft involved would most likely be CH-147 Chinook, CH-146 Griffin or CC-138 Twin Otter. The maximum round-trip range of the Chinook is approximately 325 nautical miles, depending on several factors.⁵³ Based on distances from the closest active airports, there are remote areas of the Queen Elizabeth Islands that would not be accessible in a timely fashion by land forces deploying in this manner. Other locations in the Canadian Arctic Archipelago may not be as far from an operational airfield but are equally as inaccessible due to mountain ranges, glaciers, extreme weather, clouds of migratory birds and several other factors.

⁵² Canada. Department of National Defence., “Royal Canadian Air Force Aircraft,” Information, Canada.ca, January 20, 2022, <https://www.canada.ca/en/air-force/services/aircraft.html>.

⁵³ Canada. Department of National Defence.



Figure 10: Soldiers from the Second Royal Newfoundland Regiment board a CH-147F Chinook helicopter in Yellowknife, Northwest Territories, during Operation NANOOK-NUNALIVUT 2021 on 3 March 2021.⁵⁴

The capability of Russian and US nuclear submarines to navigate continuously under the polar ice cap while Canada has no such capability has been a thorny issue. The construction of up to 12 nuclear submarines was a short-lived commitment announced in the 1987 defence white paper, which recognized these unique platforms as the only vessels capable of providing surveillance and control in Canadian ice-covered waters.⁵⁵ With the end of the Cold War and a change in government, this notion never had the chance to get underway. The desire to have a submarine fleet capable of operating under the ice has again surfaced in Canada's recent defence policy update. But this time, Canada has only committed to explore options—conventionally powered options, which will be more limited than nuclear-powered vessels.⁵⁶

⁵⁴ Joint Task Force (North) / Force opérationnelle Canada. Canadian Armed Forces. Canadian Joint Operations Command (CJOC), *Operation NANOOK-NUNALIVUT 2021*, March 3, 2021, Photo, March 3, 2021, <https://www.flickr.com/photos/jtf-north/51069019037/>.

⁵⁵ Canada. Department of National Defence., *Challenge and Commitment: A Defence Policy for Canada* (Ottawa, ON: Department of National Defence, 1987), 52–53, <https://publications.gc.ca/site/eng/429765/publication.html>.

⁵⁶ Canada. Department of National Defence., *DPU*, 24.



Figure 11: HMCS Harry DeWolf makes its way towards Mittimatalik (Pond Inlet) during Operation NANOOK-NUNAKPUT 2021, on the Davis Strait, 18 August 2021.⁵⁷

The RCN's AOPS provide a much-needed boost to Canada's federal presence in Arctic waters. Even though the full complement of six vessels is not yet in service, they already offer increased presence and surveillance along the NWP. Criticisms that have been levelled against the Harry DeWolf class are its weak armament and meagre ice rating. Adam Lajeunesse refutes that the primary purpose of the AOPS is to reinforce Canadian sovereignty in the Arctic and that they are not intended to be warships.⁵⁸ The choice to arm these vessels in the first place was deliberate. Their armament of a single 25mm cannon was chosen carefully to avoid escalating the militarization of the Arctic.

⁵⁷ Combat Camera / Caméra de Canada. Canadian Armed Forces. Combat Camera., *Operation NANOOK-NUNAKPUT 2021*, August 18, 2021, Photo, August 18, 2021, <https://www.flickr.com/photos/cfcombatcamera/51531919034/>.

⁵⁸ Adam Lajeunesse, *Unarmed Warships: What Are the AOPS For?* (Canadian Global Affairs Institute, 2018), 2, https://d3n8a8pro7vhm.cloudfront.net/cdfai/pages/3886/attachments/original/1529539907/Unarmed_Warships_What_are_the_AOPS_for.pdf?1529539907.



Figure 12: Master Corporal Enoki Irqittuq from 1 Canadian Ranger Patrol Group in Nunavut on 25 February 2017.⁵⁹

No discussion of CAF presence in the Arctic would be complete without addressing the Canadian Rangers (CRs). As part-time members of the CAF who live in Northern communities, they are familiar with the land and their communities. Rangers are a vital link to communities and act as guides for military units from southern Canada. There are CR patrols in most communities in the Canadian Arctic, but not all of them. While there have been calls to expand the Rangers or to improve their training, doing so would be difficult because people from northern communities already participate in the Rangers at a much higher rate than other types of military reserves in southern communities.⁶⁰ Organizations such as the Canadian Coast Guard Auxiliary (CCGA) and the Civil Air Search & Rescue Association (CASARA) draw from the same small pool of volunteers. Efforts to adjust how Rangers are compensated, especially for using personal equipment and vehicles, may make attraction and retention in CR patrols easier. Still, the potential recruit pools are limited in size.

Non-Traditional Approaches to Sovereignty

The practical ways a state can reinforce its sovereignty need not be limited to the physical and overt elements of state power. Canada's approach to Arctic security is a

⁵⁹ J.F. Lauzé, *Master Corporal Enoki Irqittuq from 1 Canadian Ranger Patrol Group in Nunavut on 25 February 2017.*, February 25, 2017, Photo, February 25, 2017, Combat Camera., <https://www.cbc.ca/news/canada/north/rangers-arctic-security-role-1.6667169>.

⁶⁰ Meaghan Brackenbury, "Northern Rangers Convene for First Time in Three Years Amid Broader Discussions on Arctic Security," *CBC News*, November 29, 2022, <https://www.cbc.ca/news/canada/north/rangers-arctic-security-role-1.6667169>.

whole-of-government approach, and even more so.⁶¹ The Arctic Security Working Group (ASWG) is a forum administered and supported primarily by the Canadian Armed Forces' Joint Task Force (North) in partnership with Territorial governments across Canada's north on a rotating basis.⁶² ASWG enables the discussion and exchange of ideas, promoting more than a *whole-of-government* approach. A *partnerships* approach across federal departments and agencies, territorial, municipal and Indigenous governments, Indigenous collectives and allies reinforces Canadian sovereignty and Arctic resilience.⁶³ The notion that cross-sector collaboration and interdependence are vital is not unique to the CAF. In his presentation to the 9th Conference on Operational Maritime Law, Stephen Randall, the Executive Director of the Ocean Environmental and Aerospace Division at Global Affairs Canada, made it clear that Canada considers the activities of all levels of government, communities, and Indigenous peoples to have an essential role in exercising enduring sovereignty over Arctic lands and waters.⁶⁴

Overall Assessment: Canada's Realization of Arctic Sovereignty

Overall, the impression that Canada leaves about its Arctic is one of stretching, reaching and forced optimism. The resources and capabilities available today scarcely meet the present requirements, and programs for renewal and growth will take time to implement. This leads to an apprehensive outlook for the future, especially if that future involves conflict or further militarization in the Arctic. Canada does have at least two advantages. Firstly, the resilience of northern communities, territories and indigenous collectives is surprising. Secondly, there seems to finally be sufficient traction at the political and institutional levels to focus on practical Arctic sovereignty – and the capabilities that other states will recognize.

⁶¹ Government of Nunavut. Office of the Premier., "Premier Delivers Keynote Address at Arctic Security Working Group (ASWG) Gathering in Iqaluit," June 6, 2023, <https://www.premier.gov.nu.ca/en/premier-delivers-keynote-address-arctic-security-working-group-gathering-iqaluit>.

⁶² Arctic Security Working Group (ASWG), *Terms of Reference (ToR)* (Yellowknife: Department of National Defence. Joint Task Force (North)., 2023).

⁶³ Andrew Colpitts, *Strengths, Weaknesses, Opportunities, Threats (SWOT) Analysis - Canada's Arctic* (Toronto: Canadian Forces College, 2024), <https://mars.cfc.forces.gc.ca/CFCLearn/mod/forum/discuss.php?d=57515>.

⁶⁴ Stephen Randall, "Presentation to the 9th Conference on Operational Maritime Law: Law of the Sea and the Canadian Arctic: Stephen Randall - Executive Director, Ocean Environmental and Aerospace Division, Global Affairs Canada," 3.

POSITIONS AND POLICY OPTIONS

The Russian Dimension

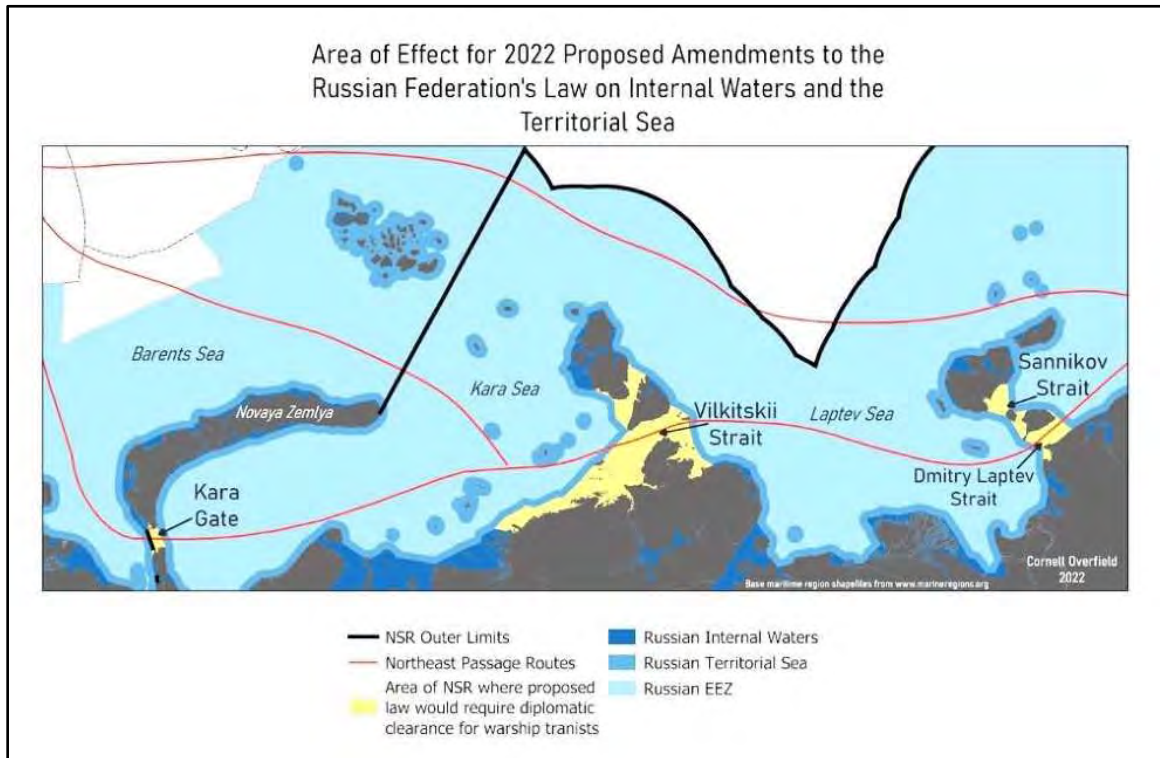


Figure 13: Graphic showing Russian internal waters along the Northern Sea Route. Where previous Russian policy was clear in recognizing the presence of international straits, Russian legislation passed in 2022 suspends this right for foreign warships.⁶⁵

Canada's claim to Arctic waters is at odds with every other Arctic state except Russia. Russia supports the Canadian claim because it has used the same arguments along the same timeline to draw straight baselines around three island chains through which the Northern Sea Route (NSR) passes: Novaya Zemlya, Severnaya Zemlya and the New Siberian Islands.⁶⁶ Given the relative alienation of the Russian Federation since its full-scale invasion of Ukraine in 2021, this is an awkward situation for Canada. In 2022, Russia passed legislation to suspend the right of innocent passage for foreign warships through certain areas that it formerly considered international straits.⁶⁷

⁶⁵ Cornell Overfield, *Wrangling Warships: Russia's Proposed Law on Northern Sea Route Navigation* (The Lawfare Institute: Foreign Relations & International Law, 2022), <https://www.lawfaremedia.org/article/wrangling-warships-russias-proposed-law-northern-sea-route-navigation>.

⁶⁶ Lalonde, *Policy Primer: The Debate over the Legal Status of the NWP*, 14.

⁶⁷ Thomas Nilsen, "Russia Passes Law Limiting Freedom of Northern Sea Route Navigation – Eye on the Arctic," News - Global, Radio Canada International. Eye on the Arctic, December 1, 2022, <https://www.rcinet.ca/eye-on-the-arctic/2022/12/01/russia-passes-law-limiting-freedom-of-northern-sea-route-navigation/>.

The Canada-US Disagreement

It is fair to say that the Canada-US disagreement about the NWP *is* the central issue concerning the status of the NWP. Every other state, including Russia, has remained essentially an observer. The US perspective is understandable – conceding that the NWP is not an international strait may prompt other countries to make spurious claims and arbitrary rules that would place international trade at risk and limit the freedom of the US Navy in different parts of the world. Alternatively, conceding that the NWP does constitute an international strait would prevent Canada from excluding foreign vessels from the Arctic Archipelago. It would also obscure Canada's right to detain and punish violators of national laws. So what should Canada do? Pharand recommends establishing a formal transit agreement between the two countries. In such an agreement, the US would recognize Canada's sovereignty over the waters of the Archipelago, and Canada would recognize a right of passage for US-flagged vessels provided that certain conditions are met.⁶⁸ Lalonde doubts that either of the two governments would readily backtrack on decades of firm and often-reiterated positions. Instead, Lalonde argues that the NWP disagreement should remain contained within North America as each nation respects the friendly and cooperative relationship.⁶⁹

CONCLUSION

It seems Canada walks a narrow path with the threat of climate change and circumstance on one side and the threat of international challenge to its Arctic identity on the other. While Canada's legal claim to Arctic waters might be on thin ice, no practical alternative provides a satisfactory level of control and jurisdiction over Arctic waters. Canada must continue to ensure that it maintains and builds capabilities to monitor Arctic waters and respond to incidents, not only to retain its legal assertion but to assert its practical sovereignty in a rapidly changing Arctic.

⁶⁸ Pharand, "The Arctic Waters and the Northwest Passage," 51.

⁶⁹ Suzanne Lalonde, "Chapter 11: The U.S.-Canada Northwest Passage Disagreement: Why Agreeing to Disagree Is More Important Than Ever," in *The Arctic and World Order*, ed. Kristina Spohr, Daniel S. Hamilton, and Jason C. Moyer (Washington, D.C.: Foreign Policy Institute / Henry A. Kissinger Center for Global Affairs, Johns Hopkins University, 2020), 277, <https://transatlanticrelations.org/wp-content/uploads/2020/12/The-Arctic-and-World-Order.pdf>.

ANNOTATED BIBLIOGRAPHY

- Arctic Council. Protection of the Arctic Maritime Environment (PAME). “Shipping in the Northwest Passage: Comparing 2013 with 2019.” Arctic Shipping Status Report (ASSR). Protection of the Arctic Maritime Environment, April 2021. <https://oaarchive.arctic-council.org/server/api/core/bitstreams/a87a9cf4-5e14-4a93-b483-6e703eb54e9c/content>.
- Arctic Security Working Group (ASWG). *Terms of Reference (ToR)*. Yellowknife: Department of National Defence. Joint Task Force (North)., 2023.
- ArcticPortal.org. “Shipping Portlet.” Arcticportal.org. Accessed May 5, 2024. <https://portlets.arcticportal.org/unclos>.
- Bhamjee, Rashaad, and Andrew Colpitts. “Confirmation Questions - Email Exchange Between Andrew Colpitts and Rashaad Bhamjee, Superintendent, Navigational Programs, Canadian Coast Guard,” May 10, 2024.
- Brackenbury, Meaghan. “Northern Rangers Convene for First Time in Three Years Amid Broader Discussions on Arctic Security.” *CBC News*, November 29, 2022. <https://www.cbc.ca/news/canada/north/rangers-arctic-security-role-1.6667169>.
- Canada. Canadian Armed Forces. Canadian Joint Operations Command (CJOC), Joint Task Force (North) / Force opérationnelle. *Operation NANOOK-NUNALIVUT 2021*. March 3, 2021. Photo. <https://www.flickr.com/photos/jtf-north/51069019037/>.
- Canada. Canadian Armed Forces. Combat Camera., *Combat Camera / Caméra de. Operation NANOOK-NUNAKPUT 2021*. August 18, 2021. Photo. <https://www.flickr.com/photos/cfcombatcamera/51531919034/>.
- Canada. Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). *Arctic and Northern Policy Framework (ANPF)*. Ottawa, ON: Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), 2019. <https://www.rcaanc-cirnac.gc.ca/eng/1560523306861/1560523330587>.
- Canada. Department of Fisheries and Oceans. Canadian Coast Guard. “The National Shipbuilding Strategy and the Canadian Coast Guard.” Backgrounder. Canada.ca, May 25, 2023. <https://www.canada.ca/en/canadian-coast-guard/news/2023/05/backgrounder-the-national-shipbuilding-strategy-and-the-canadian-coast-guard.html>.
- Canada. Department of National Defence. *Challenge and Commitment: A Defence Policy for Canada*. Ottawa, ON: Department of National Defence, 1987. <https://publications.gc.ca/site/eng/429765/publication.html>.

- . “Operation NANOOK 2023 Successfully Concluded in Canada’s Arctic.” News Releases. Canada.ca, September 13, 2023. <https://www.canada.ca/en/departement-national-defence/news/2023/09/operation-nanook-2023-successfully-concluded-in-canadas-arctic.html>.
- . *Our North, Strong and Free: A Renewed Vision for Canada’s Defence - Defence Policy Update (DPU)*. Ottawa, ON: Department of National Defence, 2024. <https://www.canada.ca/content/dam/dnd-mdn/documents/corporate/reports-publications/2024/north-strong-free-2024-v2.pdf>.
- . “Royal Canadian Air Force Aircraft.” Information. Canada.ca, January 20, 2022. <https://www.canada.ca/en/air-force/services/aircraft.html>.
- Canada. Fisheries and Oceans Canada. Canadian Hydrographic Service (CHS). *Defining Canada’s Maritime Zones*. Ottawa, ON: Fisheries and Oceans Canada, 2011. https://publications.gc.ca/collections/collection_2012/mpo-dfo/Fs23-571-2011-eng.pdf.
- Canada. Global Affairs Canada (GAC). *Statement on Canada’s Arctic Foreign Policy: Exercising Sovereignty and Promoting Canada’s Northern Strategy Abroad*. Ottawa, ON: Global Affairs Canada (GAC), 2010. <https://publications.gc.ca/site/eng/9.833064/publication.html>.
- Canada. House of Commons Standing Committee on Foreign Affairs and International Development (FAAE). “Recorded Evidence and Minutes for Meeting 109, 42nd Parliament, 1st Session: Canada’s Sovereignty in the Arctic.” House of Commons, Canada, October 17, 2018. <https://www.ourcommons.ca/documentviewer/en/42-1/FAAE/meeting-109/notice>.
- Canada. Indian and Northern Affairs Canada (INAC). *The Inuvialuit Final Agreement as Amended - Consolidated Version*. Ottawa, ON: Publications.gc.ca, 2005. https://publications.gc.ca/collections/collection_2018/aanc-inac/R32-491-2005-eng.pdf.
- Canada. Legislative Services Branch. “Northern Canada Vessel Traffic Services Zone Regulations - SOR/2010-127.” Justice Laws Website, July 1, 2010. <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2010-127/page-1.html>.
- Canada. Minister of Justice. “Consolidation: Territorial Sea Geographical Coordinates (Area 7) Order: SOR/85-872, Oceans Act.” Minister of Justice., March 20, 2024. <http://laws-lois.justice.gc.ca>. <https://laws-lois.justice.gc.ca/eng/regulations/SOR-85-872/>.

- Canada. Senate Standing Committee on National Security, Defence and Veterans Affairs (SECD). “Recorded Evidence and Minutes for the 28 March 2022 Meeting of the Senate Standing Committee on National Security, Defence and Veterans Affairs (SECD).” Senate of Canada, March 28, 2022. <https://sencanada.ca/en/Committees/SECD/NoticeOfMeeting/572727/44-1>.
- Canada. Transport Canada. “4.1 Documentation and Vessel Reporting Procedures.” Canada.ca, February 27, 2012. <https://tc.canada.ca/en/marine-transportation/marine-safety/reporting>.
- Canadian Hydrographic Service (CHS). “Canadian Arctic Islands and Mainland Baselines: Territorial Sea Geographical Coordinates (Area 7) Order.” 1 : 13.5 Million. Ottawa, ON: Association of Canadian Lands Surveyors (ACLS), 2000. <https://www.acls-aatc.ca/files/english/books/6.10.jpg>.
- Cavell, Janice. “The Sector Theory and the Canadian Arctic, 1897–1970.” *The International History Review* 41, no. 6 (November 2, 2019): 1168–93. <https://doi.org/10.1080/07075332.2018.1475404>.
- Charron, Andrea. “The Northwest Passage in Context.” *Canadian Military Journal (CMJ)*, no. Winter 2005-2006 (December 21, 2005): 41–48.
- Colpitts, Andrew. *Strengths, Weaknesses, Opportunities, Threats (SWOT) Analysis - Canada’s Arctic*. Toronto: Canadian Forces College, 2024. <https://mars.cfc.forces.gc.ca/CFCLearn/mod/forum/discuss.php?d=57515>.
- Côté, François, and Robert Dufresne. *The Arctic: Canada’s Legal Claims*. PRB 08-05E. Ottawa, ON: Library of Parliament. Parliamentary Information and Research Service, 2008. https://publications.gc.ca/collections/collection_2017/bdp-lop/ym32-9/YM32-9-08-05-eng.pdf.
- Dean, Ryan. *Policy Brief: An Undeserved Reputation: Revising Canada’s Arctic Sovereignty and Security under the Harper Government*. North America and Arctic Defence & Security Network (NAADSN), 2024. https://www.naadsn.ca/wp-content/uploads/2021/03/Dean-policy-brief_Breaking-Through_Lackenbauer-chapter.pdf.
- GeoLimits.com. “What Is the Extended Continental Shelf (ECS)?” *GeoLimits Consulting* (blog), July 28, 2008. <https://www.geolimits.com/services/extended-continental-shelf/continental-shelf/>.
- Government of Canada, Canadian Coast Guard. “Icebreaking Fleet of the Canadian Coast Guard.” Information. Canada.ca, October 25, 2022. <https://www.ccg-gcc.gc.ca/icebreaking-deglacage/fleet-flotte-eng.html>.
- Government of Nunavut. Office of the Premier. “Premier Delivers Keynote Address at Arctic Security Working Group (ASWG) Gathering in Iqaluit,” June 6, 2023. <https://www.premier.gov.nu.ca/en/premier-delivers-keynote-address-arctic-security-working-group-gathering-iqaluit>.

- Grant, Emily. "Canada's Arctic Sovereignty: A People-First Perspective." *Canadian Global Affairs Institute*, October 2023. https://www.cgai.ca/canadas_arctic_sovereignty_a_people_first_perspective.
- Greaves, Wilfrid. "Afterword: Sovereign Futures in an Insecure Arctic." In *Breaking Through: Understanding Sovereignty and Security in the Circumpolar Arctic*, edited by Wilfrid Greaves and P. Whitney Lackenbauer, 298–305. Toronto: University of Toronto Press, 2021. <https://cfc.overdrive.com/media/6070807#>.
- . "Arctic Break Up: Climate Change, Geopolitics and the Fragmenting Arctic Security Region." In *Arctic Yearbook 2019: Redefining Arctic Security*, 1–17. Arctic Portal, 2019. <https://arcticyearbook.com/arctic-yearbook/2019/2019-scholarly-papers/311-arctic-break-up-climate-change-geopolitics-and-the-fragmenting-arctic-security-region>.
- Greaves, Wilfrid, Rob Huebert, Lackenbauer P. Whitney, Andreas Østhagen, Suzanne Lalonde, and Elizabeth Riddell-Dixon. *Quick Impact: Framing Arctic Security - NAADSN Members' Opening Comments to the Standing Senate Committee on National Security and Defence (SECD)*. Ottawa, ON: North America and Arctic Defence & Security Network (NAADSN), 2022. <https://www.naadsn.ca/wp-content/uploads/2022/03/QuickImpact-FramingArcticSecurity-WG-RH-PWL-SL-AO-ERD-31mar2022.pdf>.
- Greaves, Wilfrid, and P. Whitney Lackenbauer, eds. *Breaking Through: Understanding Sovereignty and Security in the Circumpolar Arctic*. Toronto: University of Toronto Press, 2021. <https://cfc.overdrive.com/media/6070807#>.
- Handeland, Ingrid. "Navigational Rights for Warships in the Northwest and Northeast Passages." *Arctic Review on Law and Politics (ARLP)* 13 (2022): 143–59.
- Harvard Law Review. Note. "The Potential-Use Test and the Northwest Passage." *Harvard Law Review*, International Law, 133, no. 8 (June 2020). <https://harvardlawreview.org/print/vol-133/the-potential-use-test-and-the-northwest-passage/>.
- Hasa. "What Is the Difference Between Territorial Sea and Contiguous Zone." Pediaa.Com, July 27, 2022. <https://pediaa.com/what-is-the-difference-between-territorial-sea-and-contiguous-zone/>.
- History.com. "Battle of the Aleutian Islands." History, June 30, 2020. <https://www.history.com/topics/world-war-ii/battle-of-the-aleutian-islands>.
- Isakova, Yulia I., and Lyudmila M. Romanova. "National Sovereignty in the Era of Globalization: Institutional and Legal Analysis." In *Modern Global Economic System: Evolutional Development vs. Revolutionary Leap*, edited by Elena G. Popkova and Bruno S. Sergi, 1703–10. Cham, Switzerland: Springer International Publishing, 2021. https://link-springer-com.cfc.idm.oclc.org/chapter/10.1007/978-3-030-69415-9_188#citeas.

- Kelley, Patrick. *File Photo: Canadian Coast Guard Ship Louis S. St-Laurent in the Arctic*. Photo. Accessed May 7, 2024. <https://www.marinelink.com/news/canada-promises-two-arctic-icebreakers-487447>.
- Kikkert, Peter. "Chapter 1: In Search of Polar Sovereignty, 1900-1959." In *Breaking Through: Understanding Sovereignty and Security in the Circumpolar Arctic*, edited by Wilfrid Greaves and P. Whitney Lackenbauer, 25–44. Toronto: University of Toronto Press, 2021. <https://cfc.overdrive.com/media/6070807#>.
- Kikkert, Peter, and P. Whitney Lackenbauer. *Legal Appraisals of Canada's Arctic Sovereignty: Key Documents, 1905-56*. Edited by Ryan Dean. Documents on Canadian Arctic Sovereignty and Security. Calgary, AB: University of Calgary. Centre for Military and Strategic Studies., 2014. <https://pubs.aina.ucalgary.ca/dcass/81350.pdf>.
- Kim, William Y. "Global Warming Heats up the American-Canadian Relationship: Resolving the Status of the Northwest Passage under International Law." *Canada-United States Law Journal, School of Law, Case Western Reserve University* 38, no. 1 (2013): 167–94.
- Knight, Christopher P. "Canada: NORDREG Now Mandatory Within the Northwest Passage." Mondaq: Connecting Knowledge & People, November 8, 2010. <https://www.mondaq.com/canada/marine-shipping/114788/nordreg-now-mandatory-within-the-northwest-passage>.
- Kraska, James. "International Security and International Law in the Northwest Passage." *Vanderbilt Journal of Transnational Law (VJTL)* 42, no. 4 (October 2009): 1109–32.
- Kubny, Heiner. "'Le Commandant Charcot' Reached the North Pole." *Polar Journal*, September 8, 2021. <https://polarjournal.ch/en/2021/09/08/le-commandant-charcot-reached-the-north-pole/>.
- Lackenbauer, P. Whitney. "Chapter 7: Toward a Comprehensive Approach to Canadian Security and Safety in the Arctic." In *Breaking Through: Understanding Sovereignty and Security in the Circumpolar Arctic*, edited by Wilfrid Greaves and P. Whitney Lackenbauer, 137–67. Toronto: University of Toronto Press, 2021. <https://cfc.overdrive.com/media/6070807#>.
- . *Policy Brief: Threats Through, To and In The Arctic: A Framework for Analysis*. Peterborough, ON: North America and Arctic Defence & Security Network (NAADSN), 2021. https://www.naadsn.ca/wp-content/uploads/2021/03/Lackenbauer_Threats-Through-To-and-In-the-Arctic.pdf.

Lackenbauer, P. Whitney, and Peter Kikkert. "Chapter 12: The Dog in the Manger - and Letting Sleeping Dogs Lie: United States, Canada and the Sector Principle, 1924-1955." In *International Law and Politics of the Arctic Ocean: Essays in Honor of Donat Pharand*, edited by Suzanne Lalonde and Ted L. McDorman, 1st ed., 216–39. Leiden: Koninklijke Brill nv, 2015.

<https://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=1921042>.

Lackenbauer, P. Whitney, Suzanne Lalonde, and Elizabeth Riddell-Dixon. *Canada and the Maritime Arctic: Boundaries, Shelves and Waters*. Monograph Series.

Peterborough, ON: North America and Arctic Defence & Security Network (NAADSN), 2020. <https://www.naadsn.ca/wp-content/uploads/2020/03/CanadaMaritimeArctic-PWL-SL-ERD-2020.pdf>.

Lajeunesse, Adam. "Arctic Geopolitics and Security from the Canadian Perspective." In *Handbook on Geopolitics and Security in the Arctic: The High North Between Cooperation and Confrontation*, edited by Joachim Weber, 41–55. Cham, Switzerland: Springer International Publishing AG, 2020.

<http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=6237199>.

———. *Brief to the Standing Committee on Foreign Affairs and International Development: Canada's Sovereignty in the Arctic*. Antigonish, NS, CA: St. Francis Xavier University. Mulroneu Institute of Government, 2018.

<https://www.ourcommons.ca/Content/Committee/421/FAAE/Brief/BR10003044/br-external/LajeunesseAdam-e.pdf>.

———. "Chapter 2: The Gentlemen's Agreement: Sovereignty, Defence, and Canadian-American Diplomacy in the Arctic." In *Breaking Through: Understanding Sovereignty and Security in the Circumpolar Arctic*, edited by Wilfrid Greaves and P. Whitney Lackenbauer, 45–61. Toronto: University of Toronto Press, 2021.

<https://cfc.overdrive.com/media/6070807#>.

———. *Lock, Stock, and Icebergs? : Defining Canadian Sovereignty from Mackenzie King to Stephen Harper*. Edited by John Ferris. Vol. Occasional Paper No. 1. Calgary Papers in Military and Strategic Studies. Calgary, AB: University of Calgary. Centre for Military and Strategic Studies., 2008.

<https://canadacommons.ca/artifacts/1200138/lock-stock-and-icebergs/>.

———. "Unarmed Warships: What Are the AOPS For?" *Canadian Global Affairs Institute (CGAI)*, Policy Update, June 20, 2018.

<https://canadacommons.ca/artifacts/1210122/unarmed-warships/>.

- Lalonde, Suzanne. "Chapter 11: The U.S.-Canada Northwest Passage Disagreement: Why Agreeing to Disagree Is More Important Than Ever." In *The Arctic and World Order*, edited by Kristina Spohr, Daniel S. Hamilton, and Jason C. Moyer, 267–93. Washington, D.C.: Foreign Policy Institute / Henry A. Kissinger Center for Global Affairs, Johns Hopkins University, 2020.
<https://transatlanticrelations.org/wp-content/uploads/2020/12/The-Arctic-and-World-Order.pdf>.
- . *Policy Primer: The Debate over the Legal Status of the Northwest Passage*. Montréal, QC: North America and Arctic Defence & Security Network (NAADSN), 2023. https://www.naadsn.ca/wp-content/uploads/2023/10/23sep-Lalonde-NWP_Policy-Primer.pdf.
- . *Study on Canadian Sovereignty in Canada's Arctic - Appearance by Dr. Suzanne Lalonde, Full Professor, Faculty of Law, Université de Montréal - Prepared for the Standing Committee on Foreign Affairs and International Development of the House of Commons (FAAE)*. Ottawa, ON: House of Commons, Canada, 2018.
<https://www.ourcommons.ca/Content/Committee/421/FAAE/Brief/BR10156536/br-external/LalondeSuzanne-e.pdf>.
- . *The Debate over the Legal Status of the Northwest Passage: Explanatory Notes by Dr. Suzanne Lalonde - Prepared for the Senate Standing Committee on National Security, Defence and Veterans Affairs (SECD)*. Ottawa, ON: Senate of Canada, 2022. <https://docslib.org/doc/5357018/the-debate-over-the-legal-status-of-the-northwest-passage>.
- Lalonde, Suzanne, and Ted L. McDorman, eds. *International Law and Politics of the Arctic Ocean: Essays in Honor of Donat Pharand*. 1st ed. Leiden: Koninklijke Brill nv, 2015. <https://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=1921042>.
- Lauzé, J.F. *Master Corporal Enoki Irqittuq from 1 Canadian Ranger Patrol Group in Nunavut on 25 February 2017*. February 25, 2017. Photo. Combat Camera. <https://www.cbc.ca/news/canada/north/rangers-arctic-security-role-1.6667169>.
- Lundy, Thomas. "Dark Vessels and How to Find Them," April 22, 2021.
<https://canadiangeographic.ca/articles/dark-vessels-and-how-to-find-them/>.
- MacArthur, Carly. *Policy Brief: Sovereign Futures in an Insecure Arctic*. North America and Arctic Defence & Security Network (NAADSN), 2021.
https://www.naadsn.ca/wp-content/uploads/2021/03/MacArthur-policy-brief_Breaking-Through_Greaves-chapter.pdf.
- MacNeil, Gillian. "The Northwest Passage: Sovereign Seaway of International Strait? A Reassessment of the Legal Status." *Dalhousie Journal of Legal Studies* 15 (January 1, 2006): 204–40.

- Marcus, Alan R. "Out in the Cold: Canada's Experimental Inuit Relocation to Grise Fiord and Resolute Bay." *Polar Record: A Journal of Arctic and Antarctic Research* 27, no. 163 (1991): 285–96. <https://doi.org/10.1017/S0032247400013048>.
- Marsh, Alex. "More to Maritime Boundaries: The Extended Continental Shelf." *Sovereign Limits* (blog), February 4, 2022. <https://sovereignlimits.com/blog/more-to-maritime-boundaries-the-extended-continental-shelf>.
- Nilsen, Thomas. "Russia Passes Law Limiting Freedom of Northern Sea Route Navigation – Eye on the Arctic." News - Global. Radio Canada International. Eye on the Arctic, December 1, 2022. <https://www.rcinet.ca/eye-on-the-arctic/2022/12/01/russia-passes-law-limiting-freedom-of-northern-sea-route-navigation/>.
- Overfield, Cornell. *Wrangling Warships: Russia's Proposed Law on Northern Sea Route Navigation*. The Lawfare Institute: Foreign Relations & International Law, 2022. <https://www.lawfaremedia.org/article/wrangling-warships-russias-proposed-law-northern-sea-route-navigation>.
- Pharand, Donat. *Canada's Arctic Waters in International Law*. Studies in Polar Research. Cambridge: Cambridge University Press, 1988. <https://doi.org/10.1017/CBO9780511565458>.
- . "Part 1 - The Waters of the Canadian Arctic Archipelago and the Sector Theory." In *Canada's Arctic Waters in International Law*, 1–88. Studies in Polar Research. Cambridge: Cambridge University Press, 1988. <https://doi.org/10.1017/CBO9780511565458>.
- . "Part 2 - The Waters of the Canadian Arctic Archipelago as Historic Waters." In *Canada's Arctic Waters in International Law*, 89–130. Studies in Polar Research. Cambridge: Cambridge University Press, 1988. <https://doi.org/10.1017/CBO9780511565458>.
- . "Part 3 - The Waters of the Canadian Arctic Archipelago and Straight Baselines." In *Canada's Arctic Waters in International Law*, 131–84. Studies in Polar Research. Cambridge: Cambridge University Press, 1988. <https://doi.org/10.1017/CBO9780511565458>.
- . "Part 4 - The Waters of the Canadian Arctic Archipelago and the Northwest Passage." In *Canada's Arctic Waters in International Law*, 185–243. Studies in Polar Research. Cambridge: Cambridge University Press, 1988. <https://doi.org/10.1017/CBO9780511565458>.
- . "The Arctic Waters and the Northwest Passage: A Final Revisit." *Ocean Development & International Law* 38, no. 1–2 (July 1, 2007): 3–69. <https://doi.org/10.1080/00908320601071314>.
- Pictou, Cora. "Canada's Coastal Marine Security Operations Centre - East." Information, March 17, 2021. <https://rusi-ns.ca/wp-content/uploads/2021/03/MSOCE.pdf>.

- Plouffe, Joël, and Heather Exner-Pirot. "Polar Opposites: Time for a 180 Turn in Canada's Arctic Policy." *iPolitics*, December 16, 2015, sec. Opinion. <https://www.ipolitics.ca/opinions/polar-opposites-time-for-a-180-turn-in-canadas-arctic-policy>.
- Randall, Stephen. "Presentation to the 9th Conference on Operational Maritime Law: Law of the Sea and the Canadian Arctic: Stephen Randall - Executive Director, Ocean Environmental and Aerospace Division, Global Affairs Canada." September 2023.
- Raspotnik, Andreas. "Positive Unilateralism in the Canadian Arctic? Canada's NORDREG System." *The Arctic Institute*, December 23, 2011. <https://www.thearcticinstitute.org/positive-unilateralism-canadian-arctic/>.
- Reinhard, Walter G. "International Law: Implications of the Opening of the Northwest Passage." *Dickinson Law Review, Penn State Dickinson School of Law* 74, no. 4 (June 1, 1970): 678–90.
- Reynolds, Christopher. "Ship Traffic Ramps Up Through the Northwest Passage as Arctic Ice Retreats." *The Canadian Press*, November 5, 2023. 2886665962. Canadian Business & Current Affairs Database; Global Newsstream; ProQuest Central. <https://login.cfc.idm.oclc.org/login?url=https://www.proquest.com/wire-feeds/ship-traffic-ramps-up-through-northwest-passage/docview/2886665962/se-2?accountid=9867>.
- Rothwell, Donald R. "The Canadian-U.S. Northwest Passage Dispute: A Reassessment." *Cornell International Law Journal* 26, no. 2 (Spring 1993): 331–72.
- Sevunts, Levon. "Canada to Build Two Polar Icebreakers for High Arctic Operations." News Releases. Radio Canada International. Radio Canada International, May 6, 2021. <https://www.rcinet.ca/en/2021/05/06/canada-to-build-two-polar-icebreakers-for-high-arctic-operations/>.
- Spohr, Kristina, Daniel S. Hamilton, and Jason C. Moyer, eds. *The Arctic and World Order*. Washington, D.C.: Foreign Policy Institute / Henry A. Kissinger Center for Global Affairs, Johns Hopkins University, 2020. <https://transatlanticrelations.org/wp-content/uploads/2020/12/The-Arctic-and-World-Order.pdf>.
- Testbook.com. "UNCLOS Maritime Zones - Understanding Maritime Boundaries & Laws." Testbook, July 31, 2023. <https://testbook.com/ias-preparation/unclos-maritime-zones>.
- Thatcher, Chris. "Preparing for Northern Disaster." *Skies Mag* (blog), November 1, 2018. <https://skiesmag.com/news/preparing-for-northern-disaster/>.

Treaty No. 31529 Between Canada and the United States of America: Agreement on Arctic Cooperation. Signed at Ottawa on 11 January 1988. Vol. 1852. I-31529. Ottawa, ON: United Nations, 1988.

<https://treaties.un.org/doc/publication/unts/volume%201852/volume-1852-i-31529-english.pdf>.

Tsiouvalas, Apostolos, and Jan Jakub Solski. ““One Map to Rule Them All”? Revisiting Legalities Through Cartographic Representations of the Northwest Passage.” *Ocean Development & International Law* 54, no. 4 (October 2, 2023): 393–420. <https://doi.org/10.1080/00908320.2023.2273288>.

United Nations. Division for Ocean Affairs and the Law of the Sea. *United Nations Convention on the Law of the Sea (UNCLOS)*. New York, N.Y.: United Nations. Office for Ocean Affairs and the Law of the Sea., 1983. https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

United States. Department of Defence. Ted Stevens Center for Arctic Security Studies. “Arctic Security Working Group (ASWG) Gathers in Yellowknife to Address Changing Arctic Landscape,” 2023. <https://tedstevensarcticcenter.org/arctic-security-working-group-gathers-in-yellowknife-to-address-changing-arctic-landscape/>.

United States. National Geospatial-Intelligence Agency (NGA). “Map Gallery: Dayton Peace Accords.” History. National Geospatial-Intelligence Agency (NGA), December 17, 2015. https://www.nga.mil/news/Map_Gallery_Dayton_Peace_Accords.html.

US Department of Commerce. National Oceanic and Atmospheric Administration (NOAA). “What Is the Exclusive Economic Zone (EEZ)?” National Ocean Service, January 20, 2023. <https://oceanservice.noaa.gov/facts/eez.html>.

Wakeham, Pauline. “At the Intersection of Apology and Sovereignty: The Arctic Exile Monument Project.” *Cultural Critique* Spring 2014, no. 87 (2014): 84–143. <https://doi.org/10.5749/culturalcritique.87.2014.0084>.

“Why Is the Arctic Important for Russia?” Streaming. *TRT World Now*. YouTube: TRT, March 29, 2022. <https://www.youtube.com/watch?v=Re6F6G-cyUI>.