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Canadian Northern Strategy: Stopping the ebb and flow

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Abstract

The North is important to Canada for a number of reasons. It is a part of the nation's history and identity; it is home to a vast reservoir of exploitable natural resources; it is environmentally fragile and vulnerable; and it is home to a proud indigenous population. Yet for all its importance, Canada's historical approach to Northern strategy and policy has been reactionary, inconsistent, and incoherent.

Informed by Denmark's approach to defence and security, this paper proposes that Canada adopt a non-partisan collaborative policy development model and structure to Northern governance. The proposed construct will enable multi-year Northern Agreements to be created that will form a Canadian Northern strategy. Northern Agreements will address Canadian interests in the North as identified by political, policy, and Northern experts and stakeholders. Such a construct will represent a significant change from traditional, department-based policy development. As such, this paper proposes to phase in this new approach and identifies the significant political advantages to be associated with it.

The Northern Agreement approach will provide all levels of government and peoples of the North with the inuksuk that they have long needed to build and implement a long-term, effective, and sustainable Northern strategy.

*“Policy initiatives directed towards the assertion of
Canada’s sovereignty over its Arctic territory have tended
to ebb and flow.”¹*

Over the past decade, analysts of foreign and public policy have devoted increasing attention to the Canadian North.² The literature has considered the evolving Arctic environment; social welfare; the implications of regional development, resource exploration and exploitation; as well as the sovereignty debate and its security and legal implications. The scholarship has included assorted policy options and recommendations. Far less common has been detail on how Ottawa should fulfill the recommendations and, importantly, how the Canadian government should govern and manage its Northern estate. Given the significance and growing impact of global warming, there is an increasing need for Canada to develop a coherent, long-term and enduring Northern strategy. This paper will focus on Canadian governance to consider how a more consultative and inclusive process might result in a more effective and sustained Canadian Northern strategy.

The North is important to Canada for a number of reasons. First, the lands in the far North are a sovereign part of Canada, dating back to their transfer from Britain in 1880.³ Second, there are tens of thousands of citizens that enjoy the Canadian way of life in the North who are entitled to the full support and engagement of the government. Third, the ‘True North Strong and Free’ is a symbol of Canada – both within and to the world. Active engagement in the North, nationally and internationally, directly

¹ Library of Parliament – Parliamentary Information and Research Service, *Canadian Arctic Sovereignty* (Ottawa: Parliamentary Information and Research Service, 2006).

² Often used synonymously in speech, this paper will focus on the North, vice the more geographically delineated Arctic (e.g. Arctic Circle latitude of 66° N).

³ Donat Pharand, “The arctic waters and the northwest passage: A final revisit,” *Ocean Development and International Law* 38, no. 1/2 (January 2007): 9.

contributes to Canada's international image as a multicultural country that places an emphasis on stewardship and the environment. It is a part of Canada's identity. Fourth, the North contains a vast reservoir of resources that will fuel the Canadian economy now and for future generations. Those resources are both renewable (for example, fishing stocks and freshwater) and nonrenewable (for example, diamonds and oil). Finally, the Northern ecosystem is unique and fragile. Connected to the broader ecosystem of the global village, the 'butterfly effect' is very real in the North.⁴ While Canadian government participation in international forums such as the Arctic Council⁵ has reflected an interest in Northern issues, that engagement has not translated into substantive and coherent policies and action.

There is a complexity to the North that, thus far, has made a traditional Canadian approach to policy-making and horizontal coordination a challenge. Northern issues have a mélange of geographic, environmental, diplomatic, legal, political, economic, and security implications, with many crosscutting and interconnecting concerns. The political response to each of the issues has typically been led by an individual Canadian government department without the benefit of effective horizontal coordination.

Canada's size creates an additional challenge when crafting policy.

Approximately 40% of the country's landmass and freshwater is north of 60° N, and the area north of the tree line is 2 728 800 square kilometres, or 27.4% of the total area of the

⁴ "Wind and ocean currents carry persistent chemicals, many of which are toxic to the Arctic... chemicals accumulate in fat, and animals with long life spans tend to have high levels of chemical contaminants in fatty tissues. Because the contaminants become more concentrated as they move up the food chain, top predators, such as the polar bears and wolves, acquire the highest concentrations." Library of Parliament – Parliamentary Information and Research Service, *The Arctic: Environmental Issues* (Ottawa: Canada Communication Group, 2008).

⁵ For information on the Arctic Council and other organizations involved in Circumpolar affairs, see Library of Parliament – Parliamentary Information and Research Service, *The Arctic: Organizations Involved in Circumpolar Cooperation*; <http://www.parl.gc.ca/information/library/PRBpubs/prb0815-e.htm#northernforum>; Internet; accessed 15 February 2009.

country.⁶ The austere geographic conditions, coupled with a low population and infrastructure density, make governance, development, surveillance, and control expensive and challenging.

While environmental experts are not in uniform agreement on global warming, there is a general consensus that it is occurring and that it will have a profound effect on the Arctic. The implications of global warming raise a number of questions: when will the Northwest Passage be open for global shipping – 2020, 2030, or 2050? When it does open, will these waters be Canada's to govern or will they be international straits subject to international law and regulation? Further, what will be the long-term impact on the aboriginal way of life if the fishing stocks become depleted and iconic species such as the polar bear become extinct?

Canada's ability to move forward on a coherent Northern strategy is complicated by the involvement of other international actors. For example, Canada has overlapping maritime seabed claims with other circumpolar countries regarding the right of access and development of considerable Northern natural resources. Further, national security and economic interest in the Northwest Passage (NWP)⁷ has thus far resulted in the United States and the European Union arguing that the NWP should be considered an international strait. That said, in the post 9/11 security environment, the relatively open and unmonitored North represents a potential diplomatic opportunity for Canada to refocus discussions with its continental ally on the legal status of the Northwest Passage.

⁶ The Atlas of Canada, "Significant Canadian Facts," <http://atlas.nrcan.gc.ca/site/english/learningresources/facts/supergeneral.html>; Internet; accessed 26 January 2009.

⁷ The United States asserts that the NWP is an international strait to ensure a consistent position on like straits globally. The United States takes this position to preserve its freedom of navigation. Further, there is economic interest within the United States and the European Union in the NWP as it represents a shorter and alternate transit route between the North America / Europe and the Far East.

The Canadian government's approach to the North has been episodic. Bursts of consultation have led to a variety of different initiatives and policies over time, none of which have coalesced into an enduring strategy. As political parties in Canada gain and lose power, the Arctic strategies of their predecessors are typically left to the side and no longer actively pursued. This trend has been reflected in recent announcements by Canada's Foreign Affairs Minister and Prime Minister. While the introduction of the Conservative government's Integrated Northern Strategy is not coupled with a policy document,⁸ the announced pillars and objectives⁹ are different from the previous Liberal Government's Northern Dimension to Canada's Foreign Policy.¹⁰ For example, the Northern Agenda primary objectives announced by the Prime Minister's in August of 2007 focused on sovereignty, regulation, the environment, and provision greater autonomy to Northerners over their economic and political destiny. Yet in the Minister of Foreign Affairs' remarks in March 2009, the re-branded Integrated Northern Strategy added social development and diplomatic interests to the list and took a subtly nuanced stance on governance, referring more generally to engagement and strengthening the voices of Northern communities. Finally, the extant Northern Dimension of Canada's

⁸ The Minister of Foreign Affairs indicated that Canada's foreign policy on the Arctic was made clear in the Throne speech and by the Prime Minister, that it was sufficiently clear to Canada's partners and that there was no need to produce a new policy document. Bob Weber, "Arctic sovereignty not under threat despite U.S., European policies: Cannon," *The Canadian Press*, 13 January 2009.

⁹ Contained in Speeches by the Prime Minister and Minister of Foreign Affairs. Stephen Harper, Prime Minister of Canada, "Prime Minister announces the expansion of Nahanni National Park Reserve," delivered on 8 August 2007, <http://pm.gc.ca/eng/media.asp?category=2&id=1781>; Internet; accessed 31 March 2009 and Lawrence Cannon, Minister of Foreign Affairs, "Notes for an Address by the Honourable Lawrence Cannon, Minister of Foreign Affairs, on Canada's Arctic Foreign Policy," delivered on 11 March 2009, http://w01.international.gc.ca/minpub/Publication.aspx?isRedirect=True&publication_id=386933&docnumber=2009/11&bPrint=False&Year=2009&ID=154&Language=E; Internet; accessed 31 March 2009.

¹⁰ Department of Foreign Affairs and International Trade, *The Northern Dimension of Canada's Foreign Policy*, <http://www.international.gc.ca/polar-polaire/ndfp-vnpe2.aspx?lang=en#11>; Internet; accessed 17 March 2009.

Foreign policy is centered on the points mentioned above while adding human security to the mix. Notably, the precedence of the pillars / objectives is fluid.

The continuing inconsistency of Canada's Northern policy framework is in stark contrast the January 2009 United States National Security Presidential Directive – 66. This comprehensive directive clearly states the United States' position on the Arctic, one which does not recognize Canada's sovereign claims over its internal waters in the North. Overall, there is considerable Northern policy activity among the international stakeholders. Some activity is focused specifically on the Arctic, such as the United States Presidential Directive mentioned above and the Norwegian Comprehensive High North Strategy.¹¹ Other policy activity, such as the Russian Maritime Strategy¹² and European Union Northern Dimension Policy,¹³ is broader but will have significant Arctic and Northern components of interest to Canada. Canada may soon be the sole circumpolar country that does not have a formal policy paper on the North.

The scope of long-term and interconnected Northern issues is such that Canada's Northern portfolio requires significant horizontal coordination over a sustained period of time. The existing Canadian governance structure is designed along departmental mandate lines and as such provides for limited formal inter-departmental coordination. This paper will argue that Canada, in order to develop a long-term, effective, and

¹¹ Library of Parliament – Parliamentary Information and Research Service, *Bill C-3: An Act to Amend the Arctic Waters Pollution Prevention Act*; <http://www.parl.gc.ca/40/2/parlbus/chambus/house/bills/summaries/c3-e.pdf>; Internet; accessed 17 March 2009: 2.

¹² Focus on Russia, *New Russian Maritime Strategy highlights Arctic*, Internet; http://www.focusonrussia.com/english/News/New_Russian_Maritime_Strategy_highlights_Arctic/Default.aspx?rld=162; accessed 15 March 2009.

¹³ The EU, Iceland, Kingdom of Norway and Russia are partnering to develop and advance “an efficient political tool” for Northern Dimension collaboration with the business community, NGO's and other organizations of civil society. European Union, External Relations, *The Northern Dimension*, http://ec.europa.eu/external_relations/north_dim/doc/index.htm; Internet: accessed 15 March 2009.

sustainable Northern strategy, must re-align its governance approach and adopt a non-partisan Northern Agreement structure. Within such a structure, a coherent multi-year Northern policy and fiscal framework would be developed through a Northern Strategy and Policy Council (NSPC), which would be supported by a committee construct of key Northern stakeholders. Horizontal coordination and implementation would occur through a Northern Bureau within the Privy Council Office (PCO), headed by a Deputy Minister.

To set the scene for an evaluation of, and recommendations for, Canadian Northern governance, the first chapter of this paper will outline the environmental, economic, legal, and sovereignty factors germane to Canada's interests in the North. This will be followed in the second chapter by a brief chronological history of Canadian Northern policy and a discussion of its effectiveness. This groundwork will serve to situate the various issues in play and identify the stakeholders. Chapter three will present an existing international model that can be used to inform the development of a Canadian approach to Northern governance. Finally, the fourth chapter will introduce a non-partisan, consultative and inclusive governance model that will address mandate, structure, international / interdepartmental / interagency linkages, and germane political considerations.

Chapter 1

Section 1 – The Northern Environment.

There are many striking features that make up the Northern landscape. Within the Arctic Circle¹⁴ is the Arctic Ocean. The ocean is dominated by enormous, persistent ice flows that cover much of the high Arctic and which are ringed by the lands of sovereign states, including Canada, Denmark / Greenland / Faroe Islands, Finland, Iceland, Norway, Russia, Sweden, and the United States. Other important features in Canada's

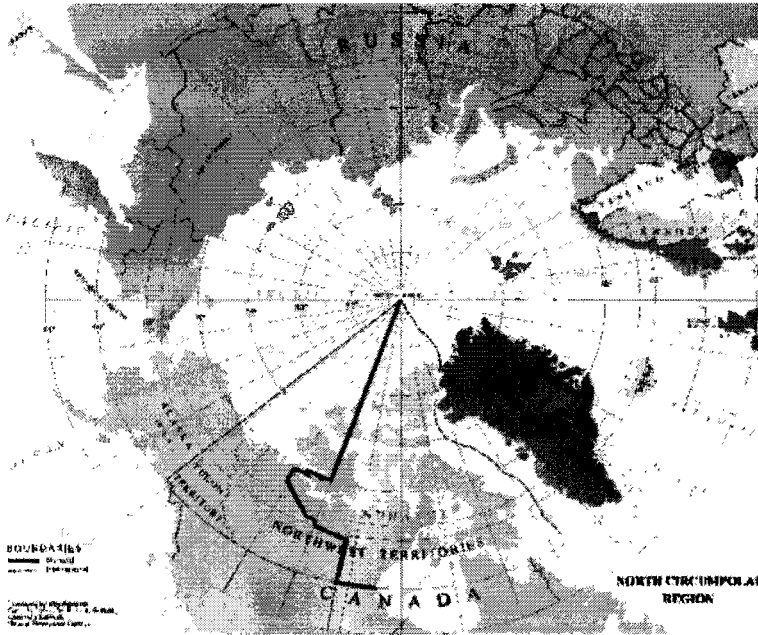


Figure 1.¹⁶

North include the tree line and permafrost. Both vulnerable and resilient, in the words of the Arctic Council, the “high arctic lands and seas are home to an array of plants, animals, and people that survive in some of the most extreme conditions on the planet.”¹⁵

¹⁴ The Arctic Circle is “a line of latitude near but south of the north pole; it marks the northernmost point at which the sun is visible on the northern winter solstice and the southernmost point at which the midnight sun can be seen on the northern summer solstice.” World Reference.com English Dictionary, “Arctic Circle Definition,” http://www.wordreference.com/definition/Arctic_Circle; Internet; accessed 2 February 2009.

¹⁵ Arctic Council, *Impacts of a Warming Arctic: Arctic Climate Impact Assessment*, <http://amap.no/workdocs/index.cfm?dirsub=%2FACIA%2Foverview>; Internet; accessed 15 January 2009, 4.

¹⁶ Standing Committee on Foreign Affairs and International Trade, *Canada and the Circumpolar World: Meeting the Challenges of Cooperation in to the Twenty-First Century*, Cover of the 7th Report of the Standing Committee on Foreign Affairs and International Trade,

The Canadian Arctic is massive but sparsely populated. Measuring over 2,700,000 square kilometres, it is larger than France, Germany, Italy and Spain combined.¹⁷ Yet, the population density of Canada's three Northern territories (Yukon, Nunavut, and the Northwest Territories) is very low. For example, the 2006 population of the territory of Nunavut was only 29,474 spread over a territory size of 1,932,255 square kilometres. According to the 2006 Canadian census, this translates into a population density of 0.0 persons per square kilometre. The population densities in the Yukon and the Northwest Territories are 0.1 and 0.0 respectively.¹⁸ Of note, the population of Canada's Northern territories is distributed across just over 100 small communities, most comprised of less than 1000 residents and many of less than 200.¹⁹

While aboriginal Canadians live in every province and territory in Canada, the proportion of the Northern Canadian population that is aboriginal is substantial. In the Yukon, Northwest and Nunavut territories, the percentage of the population that declared itself Inuit, North American Indian, or Métis was 25%, 50% and 85% respectively.²⁰ Further, among the population are numerous distinct cultural groups where the language most often spoken at home is neither English nor French. Of interest, the aboriginal

http://www.parl.gc.ca/35/Archives/committees352/fore/reports/07_1997-04/fore-07-cov-e.html; Internet; accessed 20 March 2009.

¹⁷ Based on figures taken from the ACIA and the CIA World Factbook. Arctic Council, *Impacts of a Warming Arctic: Arctic Climate Impact Assessment*, <http://amap.no/workdocs/index.cfm?dirsub=%2FACIA%2Foverview>; Internet; accessed 15 January 2009. and CIA The World Factbook, https://www.cia.gov/library/publications/the-world-factbook/reference_maps/arctic.html; Internet; accessed 3 February 2009.

¹⁸ Statistics Canada, 2006 Census, *2006 Community Profiles*, <http://www12.statcan.gc.ca/census-recensement/2006/dp-pd/prof/92-591/index.cfm?Lang=E>; Internet; accessed 3 February 2009.

¹⁹ *Ibid.*

²⁰ Statistics Canada, *2006 Census - Aboriginal identity population by age groups, median age and sex, 2006 counts, for Canada, provinces and territories - 20% sample data*, <http://www12.statcan.ca/english/census06/data/highlights/Aboriginal/pages/Page.cfm?Lang=E&Geo=PR&Code=01&Table=1&Data=Count&Sex=1&Age=1&StartRec=1&Sort=2&Display=Page>; Internet; accessed 3 February 2009.

communities of the North are among the youngest in Canada (the Inuit population's median age is 22 years. The Canadian population's as a whole is 38.8 years).²¹ Thus, the governance and policy approach to the North must take into consideration the needs of a complex blend of aboriginal cultures where youth needs will be an important social policy focus.

Arctic weather is not hospitable. The temperatures in Nunavut range from a summer high of 10°C to winter lows of -35°C or below. A land of extremes, "the land of the midnight sun" alternates from near total darkness from October to March to perpetual sunlight the remainder of the year. As well, the vast majority of the Arctic is covered year-round by snow and ice, and the permafrost prevents the use of the majority of the territories' land for cultivation. With the exception of the foodstuffs that are harvested by indigenous hunters, the majority of the food consumed in Northern Canada is imported from the south or from abroad.

The climactic conditions in the North are changing. In the past few centuries, anthropogenic climate change (change brought about by human activity) has accelerated. According to the Arctic Climate Impact Assessment (ACIA):

Human activities, primarily the burning of fossil fuels, and secondarily the clearing of land, have increased the concentration of carbon dioxide, methane, and other heat-trapping ("greenhouse") gases in the atmosphere. Since the start of the industrial revolution, the atmospheric carbon dioxide concentration has increased by about 35% and the global average has risen by about 0.6°C.²²

²¹ Library of Parliament – Parliamentary Information and Research Service. *The Arctic: Northern Aboriginal Peoples* (Ottawa: Canada Communication Group, 2008).

²² The Arctic Council called for the Arctic Climate Impact Assessment which is "a comprehensively researched, fully referenced, and independently reviewed evaluation of arctic climate change and its impacts for the region and for the world. It has involved an international effort by hundreds of scientists over four years, and also includes the special knowledge of indigenous people." Contained in the preface to Arctic Council, *Impacts of a Warming Arctic: Arctic Climate Impact Assessment...*, 5; Quote cited within

While the exact rate of change differs in the various scientific analyses, the trend towards global warming is consistent. Gordon McBean, environmental scientist and former Assistant Deputy Minister for Meteorological Service of Canada, forecasts further warming of approximately 0.2 °C per decade over the next two decades. Beyond this timeframe, various emission scenarios yield increases by the end of the century of between 1.8 and 4.0 °C relative to 1980-1999 temperatures (depending on the global and national strategies enacted to address global warming).²³ The global implications of these trends include a rise in sea levels due to melting of polar ice caps and an increase in extreme weather events.

Studies on global warming are uniform in their assessment that Arctic ice is melting. The ACIA reported in 2004 a decrease of 15-20% in sea ice over the previous 30 years and that the remaining ice was notably thinner (between 10-40%). These trends are expected to accelerate, profoundly impacting the environmental stability of the Arctic.²⁴ Given the above, what will the impact be on Canada's North?

Ice-free Arctic water is a double-edged sword – it is potentially good for the economy but bad for the environment. The Lancaster Sound²⁵ for example, is “one of the most biologically productive regions of the whole of the Arctic and, at the same time, is one of the most ecologically sensitive.”²⁶ Shifting ice patterns will endanger and even force the migration habits of polar bears, seals, walruses, whales, and thousands of

the paper above was taken from Arctic Council, *Impacts of a Warming Arctic: Arctic Climate Impact Assessment...*, 2.

²³ Gordon McBean, “Climate Science to Policy and Back to Science,” *Policy Options* 28, no.5 (May 2007): 61.

²⁴ Michael Byers, “Unfrozen sea: sailing the Northwest Passage,” *Policy Options* 28, no.5 (May 2007): 31.

²⁵ The Lancaster Sound is located just North of Baffin Island and is the Eastern gateway of the Northwest Passage.

²⁶ Donat Pharand, “The arctic waters and the northwest passage: A final revisit... 27.

seabirds. Fresh water from melting ice, coupled with gradually warming water temperatures, will eventually impact algae and krill which in turn will affect the Arctic cod and other traditionally hunted Northern fishing stocks which are the lifeblood of the broader Arctic ecosystem and its aboriginal peoples.²⁷ As well, larger vessels that will eventually ply the relatively shallow waters of the Northwest Passage will necessarily release sea water ballast,²⁸ introducing potentially destructive species of fish and parasites from abroad. Finally, the challenging and dynamic sea-ice conditions will increase the risk of a major environmental shipping incident (for instance, a major oil spill). Such an event would be catastrophic for a fragile ecosystem, significantly impacting members of the local population who depend on it for their well-being.

Building upon on scientific information, traditional knowledge, and indigenous perceptions, the ACIA report examines climactic changes in the arctic, including how they are predicted to change in the future. The report also provides an effective snapshot of the global warming implications for the North. The Arctic Council²⁹ has endorsed the ACIA policy recommendations for mitigation, adaptation, research, monitoring and outreach. The ten key findings of the ACIA are:

1. The arctic climate is now warming rapidly and much larger changes are projected;
2. Arctic warming and its consequences have worldwide implications;
3. Arctic vegetation zones are projected to shift, bringing a wide-ranging impacts;
4. Animal species' diversity, ranges, and distribution will change;
5. Many coastal communities and facilities face increasing exposure to storms;

²⁷ Library of Parliament – Parliamentary Information and Research Service, *The Arctic: Environmental Issues* (Ottawa: Canada Communication Group, 2008).

²⁸ Release of ballast water from ballast tanks will reduce the draught of a vessel so that it may navigate safely through shallower waters. The Northwest Passage is a relatively shallow passage with portions of certain routes of between 6-10 metres in depth.

²⁹ The Arctic Council is comprised of Canada, Denmark / Greenland / Faroe Islands, Finland, Iceland, Norway, Sweden, the Russian Federation and the United States of America.

6. Reduced sea ice is very likely to increase marine transport and access to resources;
7. Thawing ground will disrupt transportation, buildings, and other infrastructure;
8. Indigenous communities are facing major economic and cultural impacts;
9. Elevated ultraviolet radiation levels will affect people, plants, and animals; and
10. Multiple influences interact to cause impacts to people and ecosystems.³⁰

Given the expanse of the Canadian North, the majority of concerns identified within the ACIA are present. Therefore, a comprehensive long-term Canadian Northern strategy will need to include measures to mitigate the substance of the ACIA findings.

The economic implications of global warming on Northern Canada will be discussed next. Given the scope of this paper, it will be sufficient to consider the economic impacts of a thawing of the permafrost and of the Northwest Passage.

Chapter 1

Section 2 – Economic Impacts of Global Warming

Over time, increased temperatures in the North will cause a shift in the continuous nature, stability and extent of Canada's permafrost. This will have a negative impact on transportation and infrastructure. For example, there will be reduced periods during which transportation via annually constructed Northern ice roads can be undertaken which will then have an impact on remote communities³¹ Given Canada's relatively poor

³⁰ Arctic Council, *Arctic Climate Impact Assessment Policy Document*, Issued by the Fourth Arctic Council Ministerial Meeting Reykjavik, 24 Nov 2004, http://www.acia.uaf.edu/PDFs/ACIA_Policy_Document.pdf; Internet; accessed 25 January 2009.

³¹ "Every year, for 60 frozen days between January and April, the northern landscape accommodates a winter road built across frozen lakes and tundra. The 350-kilometre winter ice road provides a vital lifeline for remote diamond mines spotted across Canada's North. With 75 percent of the road built over frozen lakes, the ice road must be reconstructed annually to accommodate the short ice road season. Tli Cho Landtran Transport is a certified carrier for Canada's northern diamond mines, and transports thousands of loads each year during the short winter ice road season." TLI CHO LandTran, "Northern Ice Roads," <http://www.tlicholandtran.com/transportservices/iceroads.asp>; Internet; accessed 3 February 2009.

national transport road service in the North, this will increase community reliance on air and sea services to supply essential commodities. This will also increase the challenge of introducing a greater North-South focus into the existing national transportation infrastructure, a stated must by the nation's provinces and territories.³²

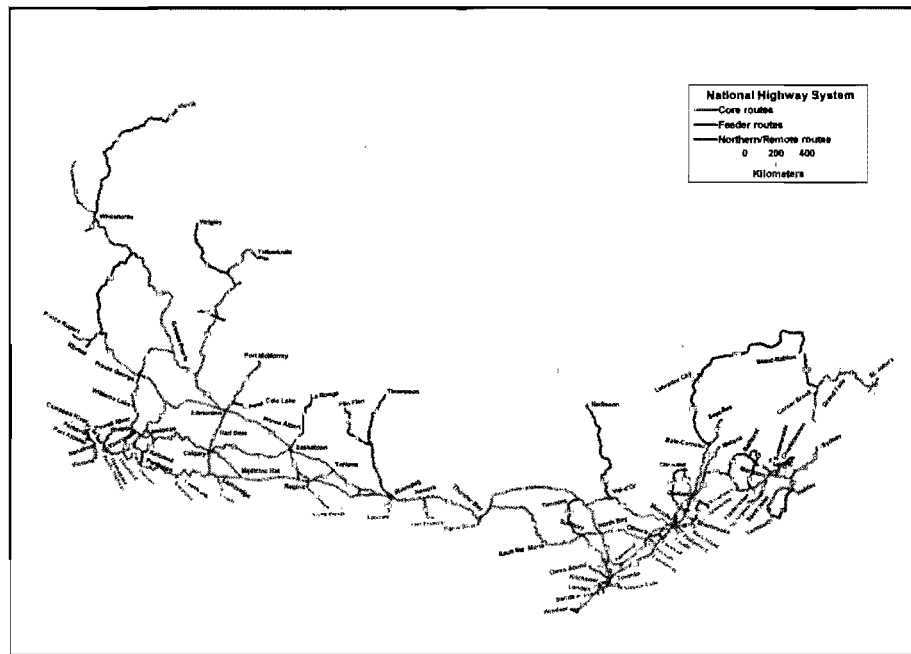


Figure 2: National Transport System.³³

While permafrost has historically provided a stable base upon which to build infrastructure, the ACIA noted in 2004 that the slowly thawing ground will destabilize existing pipelines, airports, hospitals, and industrial facilities located in the North. This will necessitate expensive rebuilding, maintenance and investment.³⁴ The increased temperatures will also result in a melting of the polar and circumpolar ice cap.

³² Joseph Handley, Former Premier of the Northwest Territories, "Northerners must benefit from development," *The Hill Times*, 20 August 2007, 22.

³³ Transport Canada, *National Highway System*, <http://www.tc.gc.ca/pol/en/acg/acgd/NHSmap2007e.ppt>; Internet; accessed 3 February 2009.

³⁴ Arctic Council, *Impacts of a Warming Arctic: Arctic Climate Impact Assessment ...*, 11. Also in Natural Resources Canada, *Geological Survey of Canada: Permafrost – Communities and Climate Change*, http://gsc.mrcan.gc.ca/permafrost/communities_e.php; Internet; accessed 4 February 2009 and Paul Okalik, Former Premier of Nunavut, "The primary themes are sovereignty, climate change and our placement in the globe as an arctic nation," *The Hill Times*, 20 August 2007, 20.

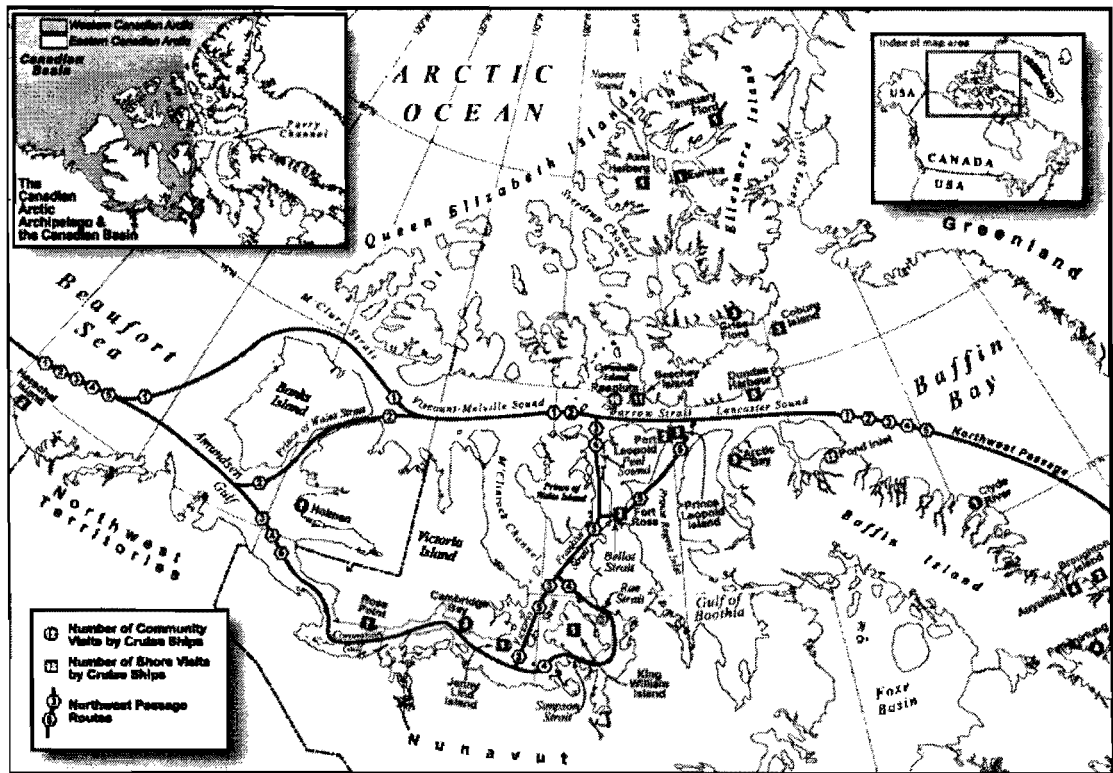


Figure 3: Northwest Passage Routes.³⁵

Much has been written on the ultimate opening of the Northwest Passage due to global warming. A scientific study conducted by Stewart, Howell, Draper, Yackel, and Tivy over a consistent seventeen-week time window from 1968 – 2005 has concluded that the Northwest Passage is opening, with a greater proportion of open water being found in Eastern Canadian Arctic.³⁶ While the study was meant to assess the future of cruise tourism in Arctic Canada, it provides a useful analysis of the Northwest Passage writ large. In the near term, the Northwest Passage will be marred by shifting first and multi-year ice which, by the nature of its unpredictable flow, location and density, will

³⁵ E. Stewart, S.E.L. Howell, D. Draper, J. Yackel, and A. Tivy, “Sea ice in Canada’s Arctic: Implications for cruise tourism,” *Arctic* 60, no.4 (Dec 2007): 371.

³⁶ Stewart et al, “Sea ice in Canada’s Arctic...,” 374.

pose a danger to shipping. Over time, the Northwest Passage navigable season will broaden in length and number of navigable routes (for instance, through Baffin Bay).

An open Northwest Passage offers a potentially significant economic opportunity. Representing a shorter navigation route between Asia and the Atlantic seaboard of North America (for example Shanghai and New Jersey) by as much as 7000 kilometres,³⁷ the gradual thawing of the passage will eventually result in its increased use as companies weigh the economic risk-reward advantage. This risk-reward point has already been reached in the business of eco-tourism. The 2006 summer cruising season saw the highest number of cruise vessels (22) ever seen in Canadian Arctic waters. This recent surge is notable given it took 17 years between 1984 and 2001 for a total of 22 cruise ships to transit the various routes within Canada's Northern waters.³⁸

The increase of Arctic cruise activity highlights the economic challenges and opportunities facing Northern Canadians due to an evolving environment brought about by global warming. For example, there is the potential for increased long-term economic benefit for Northern communities from the surge in cruise and eco-tourism.³⁹ As well, Canada could employ a 'pay-as-you-go' system for the Northwest Passage (providing ice breaking services, ice reporting services, provisions for fueling, inspection regimes) as is

³⁷ Michael Byers, "Unfrozen sea...", 31 and Library of Parliament – Parliamentary Information and Research Service, *Bill C-3: An Act to Amend the Arctic Waters Pollution Prevention Act*; <http://www.parl.gc.ca/40/2/parlbus/chambus/house/bills/summaries/c3-e.pdf>; Internet; accessed 17 March 2009: 2. There is an equally significant reduction in transit distances from Europe to the Western Seaboard of North America (such as from Rotterdam to Seattle).

³⁸ Stewart et al. "Sea ice in Canada's Arctic...", 372-373.

³⁹ It is appropriate to note that there are limited deep water facilities in the North able to support eco-cruise activity. Moreover, not all northern communities are in fact interested in supporting eco-cruises, "as attractive as increased tourism might be, it nonetheless represents an economic, social, political and environmental agent of change that must be addressed within the context of a particular community." From Johnston (2006:46) as quoted in Stewart et al. "Sea ice in Canada's Arctic..." 373.

currently being applied by Russia for its Northern Sea Route.⁴⁰ Finally, the Arctic Bridge initiative between Murmansk and Churchill has significant potential as a railhead entry point for energy and other commodities to the United States.⁴¹ In each of these domains, there is a need for a coherent long-term Canadian Northern strategy; horizontal federal, provincial, and territorial coordination; and regulation as increased access to Canadian Arctic waters will also enable greater resource exploration and exploitation.

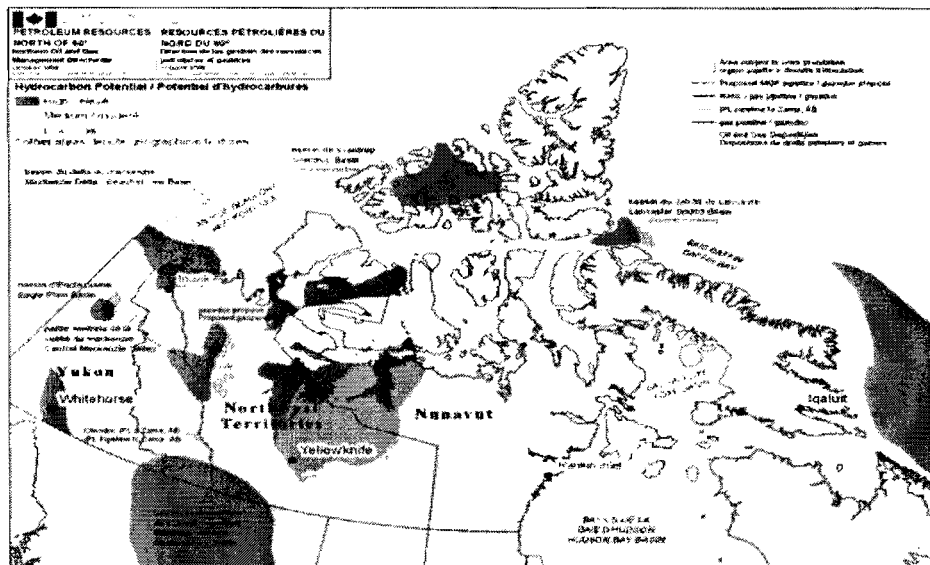


Figure 4: Petroleum resources North of 60 degrees latitude in Canada.⁴²

The North holds extraordinary energy potential. The 2008 US Geological Survey estimates that, “The Arctic accounts for about 13 percent of the undiscovered oil (90

⁴⁰ A voyage between Hamburg and Yokohama is only 6,600 nm via the Northern Sea Route – less than 60% of the 11,400 nm Suez route. International Northern Sea Route Programme, “The Northern Sea Route User Conference: The 21st Century: Turning Point for the Northern Sea Route?” <http://www.fni.no/insrop/konf.htm#background>; Internet; accessed 4 February 2009.

⁴¹ An update on the Arctic Bridge marine initiative was provided in the Joint Statement on Canada-Russia economic cooperation on 28-29 November 2007. Department of Foreign Affairs and International Trade, *Joint Statement on Canada-Russia Economic Cooperation*, http://www.international.gc.ca/commerce/zubkov/joint_state-en.asp; Internet; accessed 5 February 2009. Further, OmniTRAX bought the Port of Churchill as well as the rail line from Churchill to Winnipeg in 1997. Michael Byers, “Canada, by fate and geography, is destined to be an Arctic country,” *The Hill Times*, 20 August 2007, 26.

⁴² Library of Parliament – Parliamentary Information and Research Service, *The Arctic: Hydrocarbon Resources* (Ottawa: Canada Communication Group, 2008).

billion barrels of undiscovered, technically recoverable oil), 30 percent of the undiscovered natural gas (1,670 trillion cubic feet of technically recoverable natural gas), and 20 percent of the undiscovered natural gas liquids (44 billion barrels of technically recoverable natural gas liquids) in the world.” Taken together, these energy resources represent 22 percent of undiscovered and recoverable global resources.⁴³ Within the Canadian Arctic, oil and gas resource potential is promising and represents between a quarter to a third of the country’s oil and gas overall potential resources.⁴⁴

There are other aspects to the Northern economy that are not specifically linked to global warming which deserve mention due to their implications for Northern governance. Between diamonds,⁴⁵ zinc, and other valuable minerals, mining will become increasingly important to the Northern economy. However, there is appreciable environmental concern over the long-term impacts of mining on the North’s fragile ecosystem. Groups including the Canadian Arctic Resources Committee and Mining Watch focus on sustainable development and public consultation in large mining projects. While the Canadian Environmental Assessment Act has provisions for public consultation in mining projects that will process 3000 tons of ore or more per day, in-depth consultation with community stakeholders and environmental groups is not the norm.

The December 2008 Supreme Court decision to allow Mining Watch, an environmental group, to appeal a Federal Court of Appeal decision concerning the Red

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ Canada is the world’s 3rd largest producer of diamonds. Business Edge, “Diamond Producers bullish on prospects,” <http://www.businessedge.ca/article.cfm/newsID/18952.cfm>; Internet; accessed 4 February 2009.

Chris copper mine in British Columbia might become a watershed moment for environmental groups.⁴⁶ It represents the first time that an environmental group has been permitted to appeal to the Supreme Court, demonstrating an increased sensitivity to and support for public participation in the environmental assessment process. This trend in favour of active public participation in major projects that have an environmentally sensitive and /or aboriginal dimension supports the need for a national governance structure that is inclusive in both form and substance.

Four main conclusions regarding Canadian Government Northern governance principles and structure can be drawn from the preceding environmental and economic discussion. First, the majority of significant issues cross departmental boundaries and have a mix of federal, territorial, aboriginal and non-governmental stakeholders. An inclusive governance structure that provides for extensive consultation and horizontal coordination must be developed in order to enable a cohesive government approach to the North. Second, global warming will eventually open access to the Northwest Passage creating both economic opportunities and environmental risks. At present, these opportunities and risks are not underwritten by a horizontally coordinated policy framework. Further, the thawing of the passage will have a yet-to-be-determined impact on aboriginal culture and way of life. Third, the thawing of the permafrost will pose ever-increasing infrastructure costs and challenges for the federal, provincial and territorial governments. Finally, in terms of Canadian governance and stewardship, the Canadian

⁴⁶ Supreme Court of Canada, *Supreme Court of Canada - Judgments in Leave Applications*, http://scc.lexum.umontreal.ca/en/news_release/2008/08-12-18.3a/08-12-18.3a.html; Internet; accessed 4 February 2009.

Arctic portfolio is comprised of complex, interconnected and generally long-term issues that require a sustainable and long-term vision / strategy.

Chapter 1

Section 3 – International Legal Issues

The legal arguments pertaining to Canadian claims in the North are complicated and founded in both conventional and customary international law. For the requirements of this paper, it will suffice to briefly outline the legal issues and implications that are pertinent to Canada's national interests in the North.

Canadian Northern international legal interests can be divided between land and maritime claims. With the exception of the Canadian – Danish dispute over Hans Island, there are no outstanding Canadian land claims in the North. It would be tempting to downplay the significance of the Hans Island dispute given that the island has little practical economic interest to Canada.⁴⁷ However, the manner in which Canada manages the Hans Island dispute will set a tone regarding Canada's willingness to uphold its Northern sovereignty interests writ large.

International disagreements with Canadian maritime claims in the North are more numerous and, pragmatically, more important. First, Canada has a maritime boundary dispute with the United States in the Barents Sea. This is important to Canada given the significant renewable and non-renewable resources in question. Second, pending the

⁴⁷ Both countries issued a joint statement in September 2005 that affirmed that, respecting each other's positions, all contact with Hans Island "will be carried out in a low key and restrained manner," and that "without prejudice to our respective legal claims, we will inform each other of activities related to Hans Island." Department of Foreign Affairs and International Trade, *Canada and Denmark Issue Statement on Hans Island*, on September 19 1995 in New York; http://w01.international.gc.ca/minpub/Publication.aspx?isRedirect=True&publication_id=383048&Language=E; Internet; accessed 8 February 2009.

extent and nature of Canada's Arctic seabed claim,⁴⁸ Canada will likely have Arctic seabed boundary disputes with other circumpolar countries⁴⁹ that will need to be adjudicated by the United Nations Commission. This claim will have implications for the economic development of Canada's Northern natural resources. Finally, Canada has claimed the Arctic Archipelago. This claim states that the waters of the Northwest are internal Canadian waters. Canada's claim has been disputed by the United States and the European Union as it infringes upon their freedom of navigation.⁵⁰

While the first two maritime (boundary) disputes represent future economic opportunities for Canada, the status of the Northwest Passage⁴⁹ is arguably the most pressing given the sovereignty, environmental, and economic implications. In essence, sovereign authority to control access to the Northwest Passage and enforce Canadian laws and regulations over those who seek to navigate it is a basic Canadian national interest. Failing that ~~autonomy~~, navigators of the passage will be subject merely to the limited international regulatory framework in place at the time. The legal issues of note

⁴⁸ Canada ratified the 1982 United Nations Convention on the Law of the Sea (UNCLOS) in 2003. In accordance with the United Nations Commission on the Limits of the Continental Shelf, member states have ten-years from their ratification of 1982 UNCLOS to formally submit representation to the Commission through the Secretary General of the United Nations. Of note, Russia made a continental shelf submission on 20 December 2001. United Nations, Oceans and Law of the Sea - Division for Ocean Affairs and the Law of the Sea, *Issues with respect to article 4 of Annex II to the Convention (ten-year time limit for submissions)*, http://www.un.org/Depts/los/clcs_new/issues_ten_years.htm; Internet; accessed 26 November 2008 and United Nations, Oceans and Law of the Sea - Division for Ocean Affairs and the Law of the Sea, *Commission on the Limits of the Continental Shelf (CLCS) Outer limits of the continental shelf beyond 200 nautical miles from the baselines: Submissions to the Commission: Submission by the Russian Federation*, http://www.un.org/Depts/los/clcs_new/submissions_files/submission_rus.htm; Internet; accessed 26 November 2008.

⁴⁹ Russia has claimed the Lomonosov Ridge as a part of the Eurasian landmass which extends their claim to approximately half of the Arctic Ocean. Russian scientists believe this ridge accounts for two thirds of the Arctic's total hydrocarbon resources. Scott G. Borgerson, "Arctic meltdown; The Economic and Security Implications of Global Warming," *Foreign Affairs* 87, no. 2 (Mar/Apr 2008): 63 and Canada. Library of Parliament – Parliamentary Information and Research Service. *Bill C-3: An Act to Amend the Arctic Waters Pollution Prevention Act* (Ottawa: Canada Communication Group, 2009): 6.

⁵⁰ Donat Pharand, "The arctic waters and the northwest passage: A final revisit.... 11-12.

are whether the Northwest Passage is considered internal waters to Canada and, even if it is considered internal waters, whether it is an international strait.

The legal arguments pertaining to the status of the Northwest Passage can be distilled to historic title, baselines, and right of access and passage. Based on the 1951 *Fisheries Case*, Canada has claimed the Northwest Passage as historic internal waters.⁵¹ This has the effect of claiming the waters therein as part of Canada's national territory.⁵² International maritime legal expert Donat Pharand has reviewed Canada's historic title claim. He concludes that while there are legal points in favour, Canada's case is not strong.⁵³ Nevertheless, while Canada cannot with legal certainty claim that the waters of the Northwest Passage are internal Canadian waters by historic title, the country can make this claim by virtue of declared baseline.⁵⁴

Canada claimed the Northwest Passage as internal waters through two distinct legal actions. First, on 17 April 1970, Canada made amendments to its Territorial Seas and Fishing Zones Act. This extended Canadian territorial waters from three to twelve nautical miles. This amendment had the intended effect of creating overlapping territorial water boundaries across the gateways to the Northwest Passage, the Barrow Strait and the Prince of Wales Strait.⁵⁵ Second, in 1985, Canada established, via an Order-in-Council, straight baselines around the perimeter of the Arctic Archipelago, formally claiming

⁵¹ L.J. Bouchez provides an effective definition of historic waters, "historic waters are waters over which the coastal state, contrary to the generally applicable rules of international law, clearly, effectively, continuously, and over a substantial period of time, exercises sovereign rights with the acquiescence of the community of states." As quoted in Donat Pharand, "The arctic waters and the northwest passage...", 7.

⁵² If the Northwest Passage were considered to be Canadian historic waters, Canada would have autonomous control over it, including the internationally recognized authority to control access and enforce Canadian laws and regulations therein.

⁵³ Donat Pharand, "The arctic waters and the northwest passage...", 13.

⁵⁴ Donald McRae, "Arctic sovereignty: Loss by dereliction?" *Northern Perspectives* 22, no. 4 (Winter 1994): 7, and Donat Pharand, "The arctic waters and the northwest passage...", 58.

⁵⁵ Michael Byers, "Canadian government cannot afford to dither on arctic sovereignty," *The Hill Times*, 16 October 2009, 20 and Donat Pharand, "The arctic waters and the northwest passage...", 10.

those bounded Arctic waters as Canadian internal waters. Pharand has concluded that Canada's Arctic baselines are valid from an international legal perspective and that the waters of the Arctic Archipelago are therefore internal Canadian waters.⁵⁶

Internal waters or not, the Northwest Passage connects the Atlantic and Pacific oceans and thus could be considered as having the status of an international strait. If the Northwest Passage is considered an international strait, it will be subject to the right of *innocent passage*.⁵⁷ This is significant for two main reasons. First, if the passage is considered an international strait, Canada cannot refuse *innocent passage* to a vessel seeking continuous and expeditious transit between the two oceans (such as a foreign nuclear submarine).⁵⁸ Second, while transiting through the passage, Canada does not have the same degree of jurisdiction to apply the laws of Canada over non-Canadian flagged vessels.

There is a further risk that, over time, steadily opening access to the passage will result in an increase in maritime traffic such that the passage could be subject to *transit passage*.⁵⁹ Pharand assesses that, "A pattern of international shipping across the Passage,

⁵⁶ Donat Pharand, "The arctic waters and the northwest passage...", 28 and 58.

⁵⁷ Donat Pharand, "The arctic waters and the northwest passage...", 37; Part II Section III Articles 17 – 26 of the 1982 UNCLOS pertain to *Innocent Passage* which is understood to be: (Article 18) "Passage means navigation through the territorial sea for the purpose of: (a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or (b) proceeding to or from internal waters or a call at such roadstead or port facility. 2. Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress." *United Nations, Convention on the Law of the Sea, Part II Territorial Sea and Contiguous Zone*, http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm; Internet; accessed 9 February 2009.

⁵⁸ Andrea Charron, "The northwest passage," *International Journal* 60, no. 3 (Summer 2005): 831.

⁵⁹ "Transit passage means the exercise in accordance with this Part of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone." *United Nations, Convention on the Law of the Sea, Part III Straits Used for International Navigation*, http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm; Internet; accessed 9 February 2009; Micheal Byers, "Canadian government cannot afford to dither...", 20.

developed over a relatively few years, might be considered sufficient to make it international.” This would support the argument that the Northwest Passage is a *bona fide* international strait subject to the right of *transit passage*. According to McRae, the characterization of the passage as an international strait would erode Canada’s power to regulate activities within it beyond applicable international standards and regulations.⁶⁰

The preceding synopsis on the legal status of the Northwest Passage highlights its complexity and potential implications for Canadian Northern sovereignty. At risk is Canada’s autonomous authority to control access to the Northwest Passage and enforce its national laws within the Arctic Archipelago (vice the limited international regulations for ice-covered areas such as contained in Article 234 of the 1982 UNCLOS).⁶¹ The next section will consider the issue of Northern sovereignty more fully, including policy options open to Canada.

Chapter 1

Section 4 – Sovereignty Policy Options

Prior to considering Northern sovereignty policy options, it is appropriate to examine the concept of sovereignty. A sovereign state has a defined territory which

⁶⁰ Donald McRae, "Arctic sovereignty? what is at stake?" *Behind the Headlines* 64, no. 1 (Jan 2007).

⁶¹ This UNCLOS article pertains principally with the protection of the environment. "Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence." United Nations, *United Nations Convention on the Law of the Sea, Article 234*, http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm; Internet; accessed 4 February 2009.

should be considered in three dimensions (relating to airspace, land, water column and seabed). Further, state sovereignty has an internal and an external perspective. Internally, the sovereign state has “supreme authority within its own territorial boundary.”⁶² Externally, the sovereign state is recognized by other sovereign states “as an equal member of the international society.”⁶³ A different and useful way of looking at sovereignty is offered by Griffiths:

A sharper distinction needs to be drawn between two interrelated cases of sovereignty, the legal and the political. The former deals with the familiar aspects of states’ rights to exercise exclusive jurisdiction within a delimited space which, to the extent that these rights are recognized, enables the state to police its territory against breaches of municipal law from the outside. Sovereignty in its political aspect refers to the condition of being free and exempt from external control in the governance of a given territory. Sovereignty in the sense is about the capacity for autonomous choice in determining what is to happen within a territorially delimited space.⁶⁴

Thus, when reflecting on Canadian Northern sovereignty, international recognition and the authority to govern and enforce the laws of Canada are fundamental tenets. In *Renaissance in Canadian Arctic Security?*, academic Rob Huebert argues that the concepts of sovereignty and security are in essence about the same thing – control.⁶⁵ This paper will use Huebert’s pared down definition of Canadian sovereignty – who gets to control events in the North⁶⁶ – to look at the issues, policy approaches, and risks.

⁶² Taylor & Francis Group, *Encyclopaedia of International Relations and Global Politics* (NY: Routledge, 2005), 768.

⁶³ *Ibid.*, 769.

⁶⁴ Franklyn Griffiths, “The northwest passage in transit.” *International Journal*. 54, no. 2 (Spring 1999), 195.

⁶⁵ For the purposes of this paper, the main focus will be upon sovereignty issues germane to Canada’s interests in the North, with security being viewed as a military subset of sovereignty. Rob Huebert, “Renaissance in Canadian Arctic Security?” *Canadian Military Journal* (Winter 2005-2006), 21.

⁶⁶ Rob Huebert, “The shipping news part II: How Canada’s arctic sovereignty is on thinning ice,” *International Journal* 58, no. 3 (Summer 2003);

In *The Northwest Passage*, Charron categorizes Canadian Northern sovereignty issues as falling within one of two frameworks – *sovereignty first and foremost* and *sovereignty to one side*.⁶⁷ It is noteworthy that the multi-faceted sovereignty issues of the North can essentially boil down to two main policy courses of action – Canada should unilaterally assert its sovereignty over the North openly and physically or Canada should put the issue of formal sovereignty on hold to work collaboratively within bilateral, multilateral and international organizations to address related and important issues that are in Canada's interests.

Canada's Northern strategy is a complex policy space, thus it is not surprising that there are differing views on how Ottawa should deal with it. Assessments differ mainly due to divergent opinion on the ultimate impact over time of global warming on the North, and the likelihood and impact of increased maritime traffic.

The principal unknown is the trend line of global warming and what its impact over time will be. If global temperatures continue to rise at the current or accelerated rates, the Northwest Passage's navigable season will broaden and the Northern ecology will undergo an anthropogenic (r)evolution. In such an event, future ice conditions may entice commercial interests to use the shorter Northwest Passage route as a transportation route to accrue cost savings⁶⁸ and avoid dangerous sea routes.⁶⁹

<http://proquest.umi.com/pqdlink?index=17&did=545429251&SrchMode=3&sid=1&Fmt=3&VInst=PROD&VType=PQD&RQT=309&VName=PQD&TS=1242168533&clientId=23&aid=1>; Internet; accessed 29 March 2009.

⁶⁷ Andrea Charron, "The northwest passage....", 831.

⁶⁸ The financial advantage of the Northwest Passage as a transportation route is debated. Borgerson states that the Northwest Passage would shorten the route from Seattle to Rotterdam by 2000nm (a 25% reduction). Taking into account fuel, canal fees, and other variables, large container ship costs can be reduced by as much as 20%, from \$17.5 million to \$14 million per transit. Scott Borgerson, "Arctic

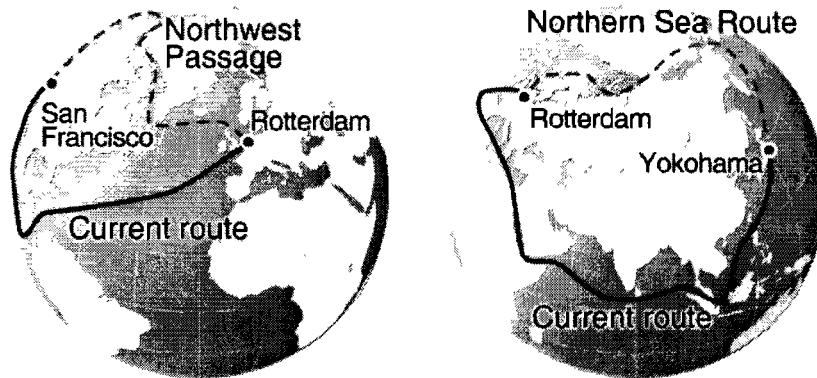


Figure: 5. Representative transit savings via the Northwest Passage and Northern Sea Route.

This could then lead to the internationalization of the passage. Significant diplomatic effort in concert with the development of associated national policies and regulations will be required to plan for and mitigate against this possibility. Global warming and the predictable increase of maritime traffic will also affect Northern ecology. This will entail considerable social and related policy effort by the federal, provincial and territorial governments to address the myriad of impacts on key issues such as Northern animal species, aboriginal culture, and infrastructure.

The solution sets for the *sovereignty first and foremost* and *sovereignty to one side* policy frameworks are different and, to an extent, mutually exclusive. They are exclusive in that the government does not have the human and capital resources to pursue both simultaneously. Moreover, taking unilateral action to enforce Canadian sovereignty in the North would affect Canada's ability to influence related international and multilateral Northern focused forums such as the Arctic Council. These are important

meltdown..., 63. This economic assessment is contrasted by Griffiths. He assesses that, when all factors are considered, there is only a negligible financial advantage to entice shipping companies (\$100,000 per voyage from Yokohama to Rotterdam). Franklyn Griffiths, "Pathetic fallacy: That Canada's arctic sovereignty is on thinning ice." *Canadian Foreign Policy* 11, no. 3 (Spring 2004): 9-11.

⁶⁹Some sea routes are dangerous due to pirate activity such as Somalia. Others are dangerous due to weather such as Cape of Good Hope and Cape Horn.

reasons that Canada must develop a long-term, effective, and sustainable Northern strategy. The two frameworks merit a brief introduction.

In essence, the *sovereignty first and foremost* approach advances that time is a relatively pressing factor and that Canada needs to act now – formally and assertively – to advance and protect its sovereignty interests in the North. Its proponents contend that inaction will increase the risk that Canada will lose sovereign control of the Northwest Passage and thus a central part of Canada’s Northern estate and identity. Increased maritime activity in the passage as a commercial route, for tourism, and in the search for and exploration of natural resources are all factors. New ice-capable ship building,⁷⁰ and offshore oil platform advances⁷¹ and a continuing increase in Arctic tourism⁷² are examples of leading indicators for increased use of the North. Huebert states that, whether by increased use of the passage by reputable firms, rogue companies, or foreign submarines,⁷³ the likelihood of a formal challenge to Canada’s sovereignty in the North is

⁷⁰ “In 2005, there were 262 ice-class ships in service worldwide and 234 more on order. The oil and gas markets are driving the development of cutting-edged technology and the construction of new types of ships such as double-acting tankers, which can steam bow first through open water and then turn around and proceed stern first to smash through ice.” Scott Borgerson, “Arctic meltdown...”, 63.

⁷¹ South Korea and Finland are developing ice-capable oil tankers which are designed for normal cruising in one direction and for ice-capable operations in the other. Russia is developing technology that will enable oil platforms to relocate from field to field. Rob Huebert, “As the ice melts, control ebbs in the Arctic,” *Globe and Mail*, 16 August 2008.

⁷² “There has been an explosion in polar tourism, often involving ships unsuited for navigation in the region... last year [2007], 140 cruise ships carried 4,000 intrepid travelers for holidays off Greenland’s icy coast.” Scott Borgerson, “Arctic meltdown...”, 63.

⁷³ In a recent CBC interview, Michael Byers (the Canada Research Chair in global politics and international law at the University of British Columbia) stated that “the U.S. is expected to send two nuclear-powered submarines through the Northwest Passage sometime this month, en route to a military exercise in Alaska... What matters about that submarine mission is whether the U.S. is asking Canada for permission to travel through the passage... They are international voyages through the Northwest Passage, and so the question in terms of Canadian sovereignty becomes, does the Canadian government know that they’re going through the Passage? And if so, has it given its consent?... We have to be asked for our permission, and we have to give our permission... if neither of those things happen, it is either an illegal transit, or one that actually builds the U.S. claim that the Northwest Passage is in fact not Canadian internal waters, but is instead an international strait open to foreign vessels largely without constraint.” CBC News, Interview with Michael Byers which was posted 11 March 2009, “Work together on Arctic sovereignty

real. Further, he assesses that, given current scientific findings on the rate of change in the North due to global warming, waiting is not a feasible option.⁷⁴

The *sovereignty first and foremost* policy approach would require considerable government energy and capital. Its tenets include a robust capability to demonstrate presence, to conduct surveillance, and to be able to act when and where necessary in the North. In essence, Canada must be able to know what is going on in the North and be in a position to control it. Given both the Canadian Coast Guard's and the Department of National Defence's relative poor capabilities to survey and act in the North⁷⁵ this approach would require significant capital investment and ongoing funding.⁷⁶

By comparison, the *sovereignty to one side* policy approach promotes pursuing Canada's national interests in the North via principally diplomatic and international organization means (such as the Arctic Council and by shaping International Maritime

disputes, expert urges Canada, U.S.," <http://www.cbc.ca/canada/north/story/2009/03/10/cda-us-arctic.html>; Internet; accessed 1 April 2009.

⁷⁴ Rob Huebert. "The shipping news part II: How Canada's Arctic sovereignty is on thinning ice." *International Journal* 58, no. 3 (Summer 2003).

⁷⁵ Within the Coast Guard, there are currently 0 polar, 2 heavy (commissioned in 1969 and 1983) and 4 medium icebreakers (commissioned in 1978, 1969, 1982, and 1987) available to support icebreaking operations on both coasts, the Arctic and the St-Lawrence Seaway. Canadian Coast Guard, "Our Vessels and Helicopters," <http://www.ccg-gcc.gc.ca/e0004253> and <http://www.ccg-gcc.gc.ca/e0000439>; Internet; accessed 3 April 2009; The Canadian Forces has limited Northern capabilities. At present, it has no maritime ice capability and its organic air surveillance of the North is limited to infrequent surveillance patrols by a small number of long range patrol aircraft. The Canadian Forces' land presence is marginally better. The approximately 4000 rangers have a persistent presence in the North however there are not enough of the lightly armed and ill-equipped volunteers to conduct extensive surveillance of Canada's vast northern estate, let alone physically assert Canada's sovereignty. Canada's remote sensing capability consists of the NORAD North Warning System and the RADARSAT 1 and 2 satellite system. Finally, the physical footprint of the Canadian Forces is limited to the Canadian Forces Northern Area Headquarters in Yellowknife and Canadian Forces Station Alert.

⁷⁶ It is noteworthy that the Canadian government has announced measures to renew its Northern capabilities. The February 2008 budget announced the intention to build a heavy icebreaker replacement for the CCG Louis St-Laurent. Further, the Canada First Defence Strategy included several Northern capability initiatives including procuring 6-8 Arctic Offshore Patrol Vessels, establishing an Arctic Training Centre, building a deepwater docking and refuelling facility in Nanisivik, and modernizing and expanding the Canadian Rangers.

Organization regulations in consonance with Canada's). Griffiths assesses that there is no pressing challenge forthcoming to Canada's sovereign claims in the North.⁷⁷

Notwithstanding the impacts of global warming, Griffiths interprets the scientific findings which highlight that while the navigability of Northwest Passage may be broadening, it is too unpredictable and dangerous for maritime commercial interests to consider viable.⁷⁸ This, coupled with the fact that it is not in the United States' interest to press Canada on Arctic sovereignty in general, results in little perceived risk of a sovereignty challenge in the North. Further, an aggressive and unilateral approach may well force the issue of sovereignty which is not necessarily in Canada's best interest.⁷⁹ Of note, the *sovereignty to one side* policy framework does not downplay the importance of sovereignty – it simply approaches it from a multilateral and diplomatic perspective.

Not surprisingly, *sovereignty to one side* is a less physical and more diplomatic, legislative and regulatory approach. Accordingly, while its capital resource requirement would be relatively low, it would nonetheless require a focused human resource commitment by the government to achieve Canada's national interests within the applicable international forum.

When developing its Northern strategy, Canada must consider international and domestic sovereignty issues. From an international policy approach perspective, *sovereignty first and foremost* is bold and clearly supports Canada's national Arctic claims – to the point where it may be provocative. Further, this approach is resource

⁷⁷ Franklyn Griffiths, "The shipping news: Canada's arctic sovereignty not on thinning ice." *International Journal* 58, no. 2 (Spring 2003).

⁷⁸ *Ibid.*

⁷⁹ Franklyn Griffiths, "Breaking the ice on Canada-U.S. Arctic Co-operation" *Globe and Mail*, 22 February 2006, A21.

intensive. Conversely, *sovereignty to one side* is more of a soft power approach to attaining Canada's interests in the North. It leverages diplomatic and international organizations, is consistent with Canada's traditional multi-lateralist approach to international affairs and would be relatively less resource intensive. However, in not specifically developing the capabilities to enforce Canada's national interests in the North, *sovereignty to one side* is wholly dependent on the cooperation and support of the international community, leaving Canadian national interests vulnerable. In both approaches, domestic policies must consider numerous crosscutting issues such as Canada's national scientific policy,⁸⁰ allocation of natural resource revenues to the territories,⁸¹ infrastructure development (such as North – South flow of the national road network), and support of the Northern communities (social programmes and unique aboriginal culture requirements).

Two main conclusions can be drawn from the preceding legal and sovereignty sections regarding Canadian Government Northern governance principles and structure. First, while the legal issues are complex, they also afford diplomatic room to manoeuvre. That said, it is possible that external events (such as a future *Polar Sea* transit by the United States or significant use of the passage by a notable international shipping company) could negatively affect Canada's position, forcing a change or precipitous policy action. Therefore, it is important the Canada's broader policy approach in the

⁸⁰ Bigras, the executive director of the Canadian Polar Commission, states that Canada's "polar research community is dispersed and diverse" and that the country does not have a national polar science policy. This is important in that it would enable the government to draw upon scientific expertise when developing Northern Strategy and policy. Steven Bigras, "Canada has no national policy to guide and support polar science," *The Hill Times*, 20 August 2007, 18.

⁸¹ An interesting contrast: the province of PEI has a landmass of 5,683 square kilometres and a population of 135,851 in 2006 and has a right to proceeds accrued from its natural resources (such as oil and natural gas). The territory of the NWT has a landmass of 1,140,834 square kilometres and a population of 41,464 in 2006 and does not. Issue drawn from Michael Byers, "Canada, by fate and geography....", 26.

North be congruent and supportive of its national and international legal interests, taking into account future and predictable risks. Second, the preceding sovereignty policy section examined two distinct policy options (though there are a myriad of permutations). Muddling through and walking the policy middle-road viewed through a short-term lens increases risk and ineffectiveness. Further, such an approach has the potential to send mixed signals which would not be diplomatically or nationally desirable.

How has Canada done so far?

Chapter 2 – Canadian Northern Policy

Canadian Northern policy has been described by Arctic policy experts (such as Griffiths, McRae and Huebert)⁸² and the Premier of Nunavut⁸³ as episodic, a policy of inaction, and lacking coherence. It has also been reactionary and inconsistent across changes in political parties and governments. The following table, created principally from Library of Parliament and DFAIT website resources, provides a synopsis of the main Northern policy events over the past forty years.

⁸² Rob Huebert, "As the ice melts, control ebbs in the Arctic," *Globe and Mail*, August 16 2008, A17, Donald McRae, "Arctic sovereignty? what is at stake... 1, Franklyn Griffiths, "The northwest passage in transit... 1, and Standing Committee on Foreign Affairs and International Trade, *Canada and the Circumpolar World: Meeting the Challenges of Cooperation in to the Twenty-First Century*, Chapter Two of the 7th Report of the Standing Committee on Foreign Affairs and International Trade, http://www.parl.gc.ca/35/Archives/committees352/fore/reports/07_1997-04/chap2e.html; Internet; accessed 20 March 2009.

⁸³ Paul Okalik, Former Premier of Nunavut, "The primary themes are sovereignty..., 20.

Date	Event	Author's Remarks
1969	<p>September: SS <i>Manhattan</i> travels through the waters of the Northwest Passage accompanied by Canadian icebreaker CCGS <i>John A. Macdonald</i> and by the US Coast Guard icebreaker <i>Northwind</i>. A second voyage is subsequently permitted in 1970.</p> <p>December 16: SCIAND tables its report examining Arctic sovereignty, Arctic marine transportation, the Coast Guard and the risk of Arctic oil pollution. The committee recommends "that the Government of Canada indicate to the world, without delay, that vessels, surface and submarine, passing through Canada's Arctic Archipelago are and shall be subject to the sovereign control and regulation of Canada."</p>	<p>This was an impetus for government reactions including the Arctic Waters Pollution prevention Act and the amendment to Territorial Sea and Fishing Zones Act.</p>
1970	<p>April 8: The <i>Arctic Waters Pollution Prevention Act</i> is introduced in Parliament and later enacted as S.C. 1970 c. 47 (now R.S.C. 1985, c. A-12). This legislation enables the Canadian government to assert jurisdiction within 100 miles offshore for the purposes of pollution control.</p> <p>April 17: Canada amends the Territorial Sea and Fishing Zones Act which extends the breadth of its territorial waters from 3 to 12 nm.⁸⁴</p>	<p>Enacted by the Trudeau government in reaction to the transits by the <i>SS Manhattan</i>.</p> <p>Given that the widest part of the Northwest Passage is 15.5 nm (between Lowther and Young Islands), the increase from 3 to 12 nm removes the possibility of a completely high seas transit of the Northwest Passage. An <i>innocent passage</i> transit remains.</p>
1974	<p>March 13: An agreement between the Canadian and Danish governments relating to the delimitation of the continental shelf between Greenland and Canada comes into force. The status of Hans Island is not resolved.</p>	

⁸⁴ Donat Pharand, "The arctic waters and the northwest passage....", 10.

1977	April 26: Willie Adams from Rankin Inlet, Northwest Territories, is the first Inuk to be appointed to the Senate of Canada.	Formal representation of Northern aboriginal peoples in the determination of government Northern policy.
1982	December 10: The <i>United Nations Convention on the Law of the Sea</i> is signed by Canada.	It is not ratified by Canada until November 7, 2003.
1985	August: USCGC <i>Polar Sea</i> makes its voyage through the Northwest Passage. Newspapers report that the Canadian government has granted permission for the crossing. The United States responds that no such permission had in fact been sought. September 10: Joe Clark, Canada's Secretary of State for External Affairs, announces several measures to affirm Canadian Arctic sovereignty, including a proposal to construct a new Polar Class 8 icebreaker and the adoption by Cabinet of an Order in Council drawing straight baselines around the Arctic Archipelago.	The intention to draw straight baselines is a direct reaction to the <i>USCGC Polar Sea</i> transit. The Polar class icebreaker initiative is subsequently dropped.
1987	The National Defence White paper includes significant measures to support Canadian defence and Arctic sovereignty including fixed acoustic arrays in the Arctic and nuclear submarines.	A Cold War era document, it deals with the Arctic in detail including ice coverage, sovereignty of the North and the Northwest Passage, and the possible use of deep channel routes by foreign submarines. The costs of the ambitious White Paper coupled with the end of the Cold War result in Arctic-specific initiatives being discontinued or scaled back.
1988	January 11: The <i>Canada–United States Agreement on Arctic Cooperation</i> comes into effect. It includes a provision that all navigation by US icebreakers within waters Canada claims as internal will be undertaken with the consent of the Canadian government.	This agreement is in reaction to the <i>USCGC Polar Sea</i> transit. Of note, the agreement does not prejudice the legal positions of the signatories.
1989	November 29: An agreement is signed between Canada and the USSR with respect to cooperation in the Arctic and the North.	This agreement is superseded by a new agreement signed by Canada and the Russian Federation in June 1992.

1991	The Arctic Environmental Protection Strategy is launched, bringing the Arctic nations together in their efforts to protect the fragile Northern ecosystem.	This strategy is an impetus for the later creation of the Arctic Council.
1992	June 19: A new agreement is made between Canada and the Russian Federation on cooperation in the Arctic.	Replaces the agreement of November 1989.
1994	November 15: A Special Joint Committee of the Senate and the House of Commons is created to review Canadian foreign policy. It recommends that the government work urgently with other states to establish the Arctic Council. A Conference entitled A Northern Policy for Canadians invigorates the discussion on how to enhance Canada's profile and activities in the circumpolar North. Mary Simon is appointed Canada's first Ambassador for Circumpolar Affairs.	In reaction, Canada later succeeds in spearheading the creation of the Arctic Council in 1996. Continuing consultation.
1996	September 19: The <u>Ottawa Declaration</u> establishes the Arctic Council, providing the opportunity for arctic countries to address their common concerns and challenges. Canada is the first chair of the Arctic Council.	A Canadian initiative, the Arctic Council is the result of a Special Joint Committee of the Senate and the House of Commons on Canada's Foreign Policy. The Special committee was convened to advise on priorities and issues into the next century in the uncertain political context of the end of the Cold War. It was also convened in a time when many regional bodies such as the The Nordic Council(1952) and Nordic Council of Ministers (1971), Council of the Baltic Sea States (1992), Barents Euro-Arctic Council (1993), were created and gaining traction. Canada was not permitted to participate in these forums and had only limited, observer status. The Arctic Council gives Canada a voice in multilateral discussions

		on the Arctic.
1997	The Standing Committee on Foreign Affairs and International Trade meets with hundreds of Canadians and produces a report entitled <u>Canada and the Circumpolar North: Meeting the Challenges of Co-operation into the Twenty-First Century</u>	This report outlines a number of areas requiring government attention and creates Arctic momentum leading to the liberal government's <u>Northern Dimension of Canada's Foreign Policy</u> .
1998	The Government of Canada issues its <u>Response to Canada and the Circumpolar North</u> , expressing a growing appreciation of the importance of Northern issues and circumpolar relations. First Arctic Council Ministerial Meeting is held in Iqaluit, Northwest Territories. The <u>Iqaluit Declaration</u> is adopted. The United States succeeds Canada as Chair of the Arctic Council. Meetings and roundtable talks are held across Canada, using <u>Toward a Northern Foreign Policy for Canada: A Consultation Paper</u> to guide discussions.	Continuing consultation. Continuing consultation.
1999	April 1: Creation of Nunavut October 12: The <u>Speech from the Throne</u> ⁸⁵ commits the Government to advancing Canada's leadership in the arctic region by outlining a foreign policy for the North that enhances cooperation, helps protect the environment, promotes trade and investment, and supports the security of the region's people. December 16: Joint Statement by Canada and the European Union on Northern Cooperation	The 1999 Speech from the Throne is the precursor to the soon to be released <u>Northern Dimension to Canada's Foreign Policy</u> .
2000	June 8: Canada releases the <u>Northern Dimension of Canada's Foreign</u>	The Northern Dimension policy currently posted to the DFAIT website contains dated language

⁸⁵ Parliament of Canada, *Speech from the Throne to open the Second Session Thirty-Sixth Parliament of Canada*, <http://www2.parl.gc.ca/Parlinfo/Documents/ThroneSpeech/36-2-e.html>; Internet; accessed 17 March 2009.

	<p><u>Policy</u> which has four overarching objectives:</p> <ul style="list-style-type: none"> • enhance security and prosperity of Canadians, especially Northerners and Aboriginal peoples; • assert and ensure the preservation of Canada's sovereignty in the North; • establish the Circumpolar region as a vibrant geopolitical entity integrated into a rules-based international system; and • promote the human security of Northerners and the sustainable development of the Arctic. 	<p>(e.g. “At the next Arctic Council ministerial meeting in Alaska in October 2000 an additional permanent participant may be approved.”)⁸⁶ and is likely the original 2000 policy with minor amendment. The policy on the government website does not reflect announcements made by the Conservative Prime Minister in 2007 and the Foreign Affairs Minister in 2009.</p>
2003	<p>The Prime Minister appoints Jack Anawak, Ambassador for Circumpolar Affairs.</p> <p>November 7: Canada ratifies the <i>United Nations Convention on the Law of the Sea</i> 7 November 2003.</p>	<p>Canada’s ratification initiates a 10-year timeframe within which Canada may make an Arctic continental shelf submission to the United Nations commission.</p>

⁸⁶ Department of Foreign Affairs and International Trade, *The Northern Dimension of Canada's Foreign Policy*, <http://www.international.gc.ca/polar-polaire/ndfp-vnpe2.aspx?lang=en>; Internet; accessed 17 March 2009.

2005	<p>The Arctic and North Working Group of the <u>Canada-Russia Intergovernmental Economic Commission</u> is re-established</p> <p>The Liberal government releases <i>Canada's International Policy Statement: A Role of Pride and Influence in the World</i>. The policy includes Diplomacy, Defence, Development and Commerce documents which amplify the International Policy Statement.</p>	<p>There is no substantive reference to the Arctic or Canada's North within the IPS – Diplomacy document. In the IPS – Defence document, the Arctic is referred to just four times. There is an acknowledgement of increased air traffic over the pole and the possibility of increased maritime traffic. The possible use of the North by adversaries to stage an asymmetric attack is briefly mentioned. Finally, statements that the forces will enhance surveillance and presence in the approach are made.⁸⁷</p>
2006	<p>October: In a purported cost-cutting measure, the Conservative Government abolishes the position of Ambassador for Circumpolar Affairs.⁸⁸</p>	<p>Duties to be assumed by a senior bureaucrat .</p>
2007	<p>August: The Prime Minister announces an <u>Integrated Northern Strategy</u> aimed at enabling a strong and sustainable North for Northerners and for all Canadians. The speech advances the following four objectives:⁸⁹</p> <ul style="list-style-type: none"> • encourage investment and adopt regulatory measures to complement the growing global demand for our Northern resources; • take action to vigorously protect our Arctic sovereignty as international interest in the region increases; 	<p>Notwithstanding the current information on the DFAIT website, the Prime Minister's speech does not use the term Integrated Northern Strategy, referring instead to a Northern Agenda. The four objectives are a departure from the Liberal Northern Dimension of Foreign Policy.</p>

⁸⁷ Department of Foreign Affairs and International Trade, *Canada's International Policy Statement: A role of Pride and Influence in the World - Diplomacy* (Ottawa: Canada Communication Group, 2005) and Department of National Defence, *Canada's International Policy Statement: A role of Pride and Influence in the World - Defence* (Ottawa: Canada Communication Group, 2005).

⁸⁸ CBC News, "Circumpolar ambassador job axed," <http://www.cbc.ca/canada/north/story/2006/10/03/circumpolar-cuts.html>; Internet; accessed 12 May 2009.

⁸⁹ Stephen Harper, Prime Minister of Canada, *Speech by the Prime Minister entitled "Prime Minister announces the expansion of Nahanni National Park Reserve,"* http://www.parl.gc.ca/35/Archives/committees352/fore/reports/07_1997-04/fore-07-cov-e.html; Internet; accessed 17 March 2009.

⁹⁰ Parliament of Canada, *Speech from the Throne to open the Second Session Thirty-Ninth Parliament of Canada,* <http://www2.parl.gc.ca/Parlinfo/Documents/ThroneSpeech/39-2-e.html>; Internet; accessed 17 March 2009.

	<ul style="list-style-type: none"> • end the paternalistic federal policies of the past so Northerners have more control over their own economic and political destiny; and • respond to the challenges of climate change in the North and make sure that its countless ecological wonders are protected for future generations. <p>August: Russia plants their flag at the bottom of the North Pole.</p> <p>October: The <u>October 2007 Speech from the Throne</u> emphasizes that the North “needs new attention” and indicates that the government would be bringing forward an integrated Northern strategy.⁹⁰</p>	<p>The Russian action generates a notable reaction from the United States and Canada.</p> <p>The 2007 Speech from the Throne re-iterates basic information regarding previously announced activities and programmes in the North.</p>
2009	<p>March 11: The Minister of Foreign Affairs delivers a speech on Canada’s Arctic foreign policy. The Integrated Northern Strategy, as elaborated upon by Minister Cannon, rests on four pillars (which were different from the Northern Agenda objectives announced by his Prime Minister in August 2007):⁹¹</p> <ul style="list-style-type: none"> • protecting our environmental heritage; • promoting economic and social development; • exercising our sovereignty; and • improving and devolving governance. 	<p>The recently announced Conservative Integrated Northern Strategy is distinct in name and focus from the Liberal Northern Dimension of Foreign Policy which had four (different) overarching objectives, namely:⁹²</p> <ul style="list-style-type: none"> • enhance security and prosperity of Canadians, especially Northerners and Aboriginal peoples; • assert and ensure the preservation of Canada’s sovereignty in the North; • establish the Circumpolar region as a vibrant

⁹¹ Lawrence Cannon, Minister of Foreign Affairs and International Trade, *Speech by the Minister of Foreign Affairs entitled “Canada’s Arctic Foreign Policy*, “http://w01.international.gc.ca/minpub/Publication.aspx?isRedirect=True&publication_id=386933&language=E&docnumber=2009/11; Internet; accessed 17 March 2009.

⁹² Department of Foreign Affairs and International Trade, *The Northern Dimension of Canada’s Foreign Policy*, <http://www.international.gc.ca/polar-polaire/ndfp-vnpe2.aspx?lang=en#11>; Internet; accessed 17 March 2009.

		<p>geopolitical entity integrated into a rules-based international system; and</p> <ul style="list-style-type: none"> • promote the human security of Northerners and the sustainable development of the Arctic.
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Table 1⁹³

⁹³ Except when noted otherwise, sources for this table were taken from Library of Parliament and the Department of Foreign Affairs and International Trade website. Library of Parliament – Parliamentary Information and Research Service, *The Arctic: A Canadian Parliamentary Chronology*, <http://www.parl.gc.ca/information/library/PRBpubs/prb0811-e.htm>; Internet; accessed 17 March 2009 and Department of Foreign Affairs and International Trade, “Canada and the Circumpolar World Timeline.” http://www.international.gc.ca/polar-polaire/ndfp-vnpe4.aspx?lang=en&menu_id=22&menu=R; Internet; accessed 17 March 2009.

Based on Table 1, there are three themes in the Government of Canada's approach to Northern policy creation and management. First, Canada has tended to produce Northern policy as a reaction to international events. Second, when Northern policy is not specifically created in response to an international event, it has not generally been upheld by successive governments of different political stripes. Third, in either case, there has been a consistent lack of reference to and evidence of horizontal interdepartmental and federal / provincial / territorial collaboration and coordination in the creation and implementation of Northern policy.

To highlight the lack of effectiveness of Canada's historical approach to Northern policy, these three themes will be briefly explored.

Reactionary Northern Policy

Canada has generally developed Northern policy in reaction to an international event, such as a provocative transit of the Northwest passage by ice capable vessels of the United States. Following the United States oil tanker *SS Manhattan*'s successive transits of the Northwest Passage in 1969 and 1970, Canada enacted the Arctic Waters Pollution Prevention Act, exerting sovereign stewardship over the waters of the Canadian Arctic archipelago. Further, Canada extended its Territorial Waters limits from 3 nm to 12 nm, effectively ruling out future international water transits through the Northwest Passage.⁹⁴ Though it may be argued that these reactionary measures addressed the pressing issue of

⁹⁴ Donat Pharand, "The arctic waters and the northwest passage....", 10.

the *SS Manhattan* transit, the 7th report of the Standing Committee on Foreign Affairs and International Trade observed that "...the public and policy concern did not last."⁹⁵

In 1985, the *USCGC Polar Sea* transited through the Northwest Passage without Canada's permission, prompting a series of responses. First, Canada boldly drew baselines encompassing the Arctic Archipelago, claiming the waters therein as waters internal to Canada. Second, Canada publically announced the intention to build a Polar Class icebreaker (an initiative subsequently dropped). Third, Canada and the United States developed the *Canada-United States Agreement on Arctic Cooperation*: future navigation by US icebreakers within Canadian claimed internal waters would be undertaken with the consent of the Canadian government, without prejudice to the legal positions of either country.

The initial response to the *USCGC Polar Sea* appeared to have addressed the political crisis of the day, however it also highlighted that the government had not been ready for another similarly provocative Northwest Passage transit. As well, the focus on Northern policy was not sustained after the initial triage. The 7th Report of the Standing Committee on Foreign Affairs and International Trade released in April 1997 again observed "persistent deficiencies in the system's ability to achieve convergence on and efficiently carry out international Arctic policy goals" and an "overall lack of preparedness." Further, it noted that the Mulroney government's 1985 foreign policy green paper, *Competitiveness and Security*, opened with a description of Canada as an Arctic nation yet never referred to the Arctic again. Finally, the results of the 1986

⁹⁵ Standing Committee on Foreign Affairs and International Trade, *Canada and the Circumpolar World: Meeting the Challenges of Cooperation in to the Twenty-First Century*, Chapter Two of the 7th Report of the Standing Committee on Foreign Affairs and International Trade, http://www.parl.gc.ca/35/Archives/committees/352/fore/reports/07_1997-04/chap2e.html; Internet; accessed 20 March 2009.

Special Joint Committee on Canada's International Relations Report, which dedicated a full chapter to the North, proved disappointing, leading critics to "...see Government responses as narrowly reactive, and then not always followed through."⁹⁶

Following the *Polar Sea* transit and the government's initial reactions, the 1987 defence White Paper contained significant Arctic related defence, sovereignty and equipment requirements, and had a notable emphasis on the North. However, the equipment capabilities identified in the 1987 White Paper as essential to supporting Canada's Northern requirements (for example, nuclear submarines and fixed Arctic acoustic arrays) were subsequently dropped. Further, the Liberal 1994 White Paper made only superficial reference to the Arctic (five uses of the word Arctic throughout), mainly in connection to existing capabilities such as the Canadian Rangers.

Finally, when Russia planted its national flag at the bottom of the Arctic Ocean at the North Pole in August 2007, the Conservative government quickly reacted. The Prime Minister announced a Northern Agenda which was subsequently re-branded as an Integrated Northern strategy. Of note, there has been no substantive policy framework to support an Integrated Northern strategy beyond the announcement. Further, the DFAIT website continues to outline the Northern Dimension of Canada's Foreign Policy, which was released by the Liberal government in 2000.

⁹⁶ Standing Committee on Foreign Affairs and International Trade, *Canada and the Circumpolar World: Meeting the Challenges of Cooperation in to the Twenty-First Century*, Chapter Two of the 7th Report of the Standing Committee on Foreign Affairs and International Trade, http://www.parl.gc.ca/35/Archives/committees352/fore/reports/07_1997-04/chap2e.html; Internet; accessed 20 March 2009.

Northern Policy Abandoned

Northern policy not specifically generated in reaction to an international event has not generally been upheld by successive governments from different political parties. This was evident throughout the 1960s, 1970s, and 1980s when Liberal and Conservative governments mainly reacted to events, and neither generated nor published a Northern policy framework. While the Conservative 1987 defence White Paper contained elements that focused on the Arctic, they were not actively pursued. Of note, these elements were mainly security and sovereignty based and were not reflective of a broader, interdepartmental Northern strategy. Further, as mentioned above, the following Liberal government's White Paper did not focus on the North at all.

After a series of consultative efforts in the late 1990's, the Liberal Chrétien government succeeded in developing the foundation for a Northern strategy – the Northern Dimension of Canada's Foreign Policy. However, in 2005, now under Paul Martin, the Liberals issued an International Policy Statement that did not refer substantively to the North (other than in sovereignty-related terms) and failed to mention by name or substance the previous Liberal Prime Minister's Northern Dimension of Canada's Foreign Policy. Further, while the Northern Dimension policy remains posted to the DFAIT website,⁹⁷ it is not consistent with the stated objectives and priorities of today's Conservative Prime Minister and Minister of Foreign Affairs. Their speeches and announcements expand upon 'objectives' and 'pillars' which in turn are quite different from those 'objectives' and 'priority areas' that had been established earlier.

⁹⁷ Department of Foreign Affairs and International Trade, *The Northern Dimension of Canada's Foreign Policy*, <http://www.international.gc.ca/polar-polaire/ndfp-vnpe2.aspx?lang=en>; Internet; accessed 7 April 2009.

Uncoordinated Northern Policy

Canada's first potentially substantive Northern strategy, the Northern Dimension of Canada's Foreign Policy, showed no evidence of horizontal interdepartmental collaboration and coordination. It did mention interdepartmental consultation once (relating to the preparation of a draft policy statement); however, the Foreign Affairs policy failed to provide guidance on interdepartmental, provincial or territorial coordination. This is particularly surprising since the policy initiative includes objectives that are clearly outside the mandate of the Department of Foreign Affairs.⁹⁸

The Department of Indian and Northern Affairs Canada (INAC) has two mandates, namely *Indian and Inuit Affairs* and *Northern Development*. Their government website states that INAC, "in partnership with other federal departments and stakeholders, will lead the development and implementation of an integrated Northern strategy that will focus on strengthening Canada's sovereignty, protecting our environmental heritage, promoting economic and social development, and improving governance so that Northerners have greater control over their destinies."⁹⁹ This said, there is no evidence of a published, holistic Northern strategy. There is information on various individual subordinate policies and programmes, however, there is no overarching strategy – past or present. Moreover, as only one of many departments with a

⁹⁸ The Northern Dimension of Canada's Foreign Policy will have four overarching objectives: 1. to enhance the security and prosperity of Canadians, especially northerners and Aboriginal peoples; 2. to assert and ensure the preservation of Canada's sovereignty in the North; 3. to establish the Circumpolar region as a vibrant geopolitical entity integrated into a rules-based international system; and 4. to promote the human security of northerners and the sustainable development of the Arctic." *Ibid.*

⁹⁹ Department of Indian and Northern Affairs Canada, *Mandates, Roles, and Responsibilities*, <http://www.ainc-inac.gc.ca/ai/arp/mrr-eng.asp#stra>; Internet; accessed 13 May 2009.

mandate in the North,¹⁰⁰ INAC has no overall coordinating mechanism or authority to focus policy and programme development for the North.

There are three deductions that can be made from Canada's historical approach to Northern policy. First, the reactionary nature of past and current Canadian governments to Northern policy stems in part from a shortfall in long-term policy development capacity. This is particularly the case for a slowly developing, multi-faceted, complex, interdepartmental file like the North that is rarely a primary focus of the media or the general public. Second, the nature of Canadian party politics is such that, short of a high visibility issue of national interest, successive governments will seek to distinguish their 'successful' policy approaches on a given concern from that of their predecessors. The result, in a long-term portfolio such as the North, is that the vision and structure necessary to succeed never develops. Finally, the Westminster departmental structure is such that lines of authority and accountability do not naturally lead to in-depth horizontal coordination unless it is directed by the PCO or the Prime Minister's Office (PMO).

There is a recent exception to this rule which indicates that in-depth horizontal interdepartmental coordination on a difficult and long-term file is possible –Afghanistan. Canada's Whole of Government approach to managing the Afghanistan file includes two organizational decision-making and coordination mechanisms. First, there is the Cabinet Committee on Afghanistan¹⁰¹ (CCoA). Led by the Minister for International Trade, it

¹⁰⁰ "INAC is one of 34 federal departments and agencies involved in Aboriginal and northern programming." *Ibid.*

¹⁰¹ "The Committee reports to the Prime Minister and the Priorities and Planning Cabinet Committee on a regular basis. Chaired by the Minister of International Trade, the Committee includes the Minister of International Cooperation, the Minister of National Defence, the Minister of Foreign Affairs and the Minister of Public Safety. The Privy Council Office's Afghanistan Task Force supports the Cabinet Committee by coordinating government activities related to Afghanistan." Canada's Engagement in Afghanistan, "Cabinet Committee on Afghanistan," http://www.afghanistan.gc.ca/canada-afghanistan/approach-approche/ccoa-ccsa.aspx?menu_id=72&menu=L; Internet; accessed 7 April 2009.

“has the mandate to consider diplomatic, defence, development and security issues related to Canada’s mission in Afghanistan.” Second, this cabinet committee is supported by David Mulroney, Deputy Minister at the PCO for the Afghanistan Task Force. This level of effort and structure is appropriate to support a dynamic and politically sensitive file like Afghanistan. It is also needed to ensure that the government meets its benchmark reporting obligations on its six priorities and three signature projects.

What is important when reflecting upon a governance framework that can deliver a long-term, effective, and sustainable Northern strategy is that the Canadian government must be able to coordinate and harmonize the activities of multiple departments in a complex file (horizontally) over a prolonged period of time. The approach to governing the Afghanistan file demonstrates that this is possible if there is the political will. The creation of the CCoA and Afghanistan Task Force also highlights that the normal departmental approach to such a dossier is not effective enough. For files that require more than straightforward department-to-department liaison or for which intricacy demands a more in-depth whole-of-government (WoG) analysis, a dedicated task-tailored approach is both appropriate and necessary.

The past 40 years of Canadian government Northern policy management has resulted in there not being such an approach – and one is required. The first and second chapters of this paper have shown that the impacts of global warming are predictable and significant. Climate change involves and affects the environment; international law; diplomatic relations with other circumpolar countries; not to mention Canadian society, strategic infrastructure, sovereignty and national security.

Given the complex nature of the long-term issues at stake, a coordinated and inclusive strategic approach to the Northern policy development and implementation is essential. The governance model will require a framework and structure that is capable of taking into account the considerable range of Northern issues to develop a holistic multi-faceted long-term strategy. Thus, it will require an approach that has depth, formally leveraging the wide range of stakeholders and actors that have the ability to contribute to Northern policy development. Additionally, the model approach will need to create the conditions for developed policies to be coordinated and implemented over time¹⁰² to address the current and emerging issues facing Canada in the North.

Consultations in the past have been limited in focus. While effective in generating a given policy at a specific point in time, the ongoing management of a portfolio such as the North requires continuous input and support. Moreover, episodic consultation efforts do not take full advantage of the traditional knowledge and skills of those who live in the North. An inclusive process, where those who have a stake in the North contribute to policy making, will leverage knowledge and support resulting in better policy that is better implemented.

Chapter 3

Section 1 – Danish Defence Agreements – a Non-Partisan Policy Model

This paper argues that Canada must re-align its governance approach to the North in order to develop a long-term, effective, and sustainable Northern strategy. Until now, Canada's approach to Northern policy development has been both reactionary and

¹⁰² Including changes in government.

episodic. Admittedly, Canada's Northern policy space is complex. The problems are also, however, the result of a partisan governance dynamic where successive governments (including successive Prime Ministers within a governing party) have sought to distinguish themselves by rebranding, if not disregarding, the work of their predecessors. A less partisan approach is feasible and likely to be more effective than the current one. As evidence, this paper will consider the similar challenges faced by a fellow middle-sized liberal-democratic power and Canadian ally, Denmark, and that country's Defence Agreement approach to national defence.⁶

*The Liberals, the Conservatives, the Social Democrats, the Danish People's Party, the Social Liberals and the Christian Democrats have entered into the following agreement regarding Danish Defence from 2005 - 2009.*¹⁰³

Denmark has a multi-party political system that is normally governed by a coalition government. Currently, there are seven parties represented in Parliament with the four most influential being the Conservative People's Party, the Social-Democratic Party, the Liberal Party, and the Social-Liberal Party. Danish political parties represent a broad political spectrum. Accordingly, political effectiveness in Denmark is dependent on consultation and compromise, evidenced in the positive use of the Defence Agreement policy-making process.¹⁰⁴

¹⁰³ Denmark, Defence Command Denmark, *The Danish Defence Agreement 2005 – 2009*, <http://forsvaret.dk/FKO/eng/Defence%20Agreement/Pages/default.aspx>; Internet; accessed 17 March 2009.

¹⁰⁴ In 2006, political scientist Klaus Pedersen wrote on Denmark and the European Security and Defence Policy. He highlighted how Danish political parties actively collaborated on foreign and security policy as a focus of common interest. This enabled the Danish Parliament to overcome broader political disagreements and maintain a stable coalition government structure led by the Social Democrat party during the 'footnote' period. Klaus C. Pedersen, "Denmark and the European Security and Defence Policy." Part I Chap. 1 in *The Nordic countries and the European Security and Defence Policy*, ed. by Alyson Bailes, Gunilla Herlof, and Bengt Sundelius, 37-49 (Oxford: Oxford University Press, 2006) 41-43.

Danish Defence Agreements last five years and include direction to the government on budgeting, priorities, security policy and force structure.¹⁰⁵ The Defence Agreements are prepared by commissions, with representation drawn from the Folketing (Danish Parliament), senior bureaucrats, the military, and appointed special experts.¹⁰⁶ Defence Agreements are generally developed and negotiated over the course of a year and a half leading up to a parliamentary debate and vote.

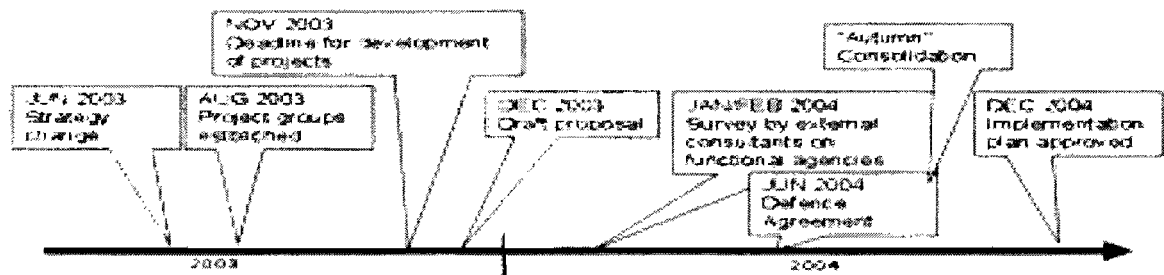


Figure 6: Danish Military Planning cycle in support of Defence Agreement 2005-2009.

The scope and impact of the Defence Agreement approach is impressive. For example, the Danish Defence Agreement 2005 – 2009 provided direction to re-organize, rationalize and streamline Danish Defence in a magnitude similar to the Canadian Forces' MCCRT and CF Transformation initiatives (both of which were enormous

¹⁰⁵ Denmark, Defence Command Denmark, *The Danish Defence Agreement 2005 – 2009*, <http://forsvaret.dk/FKO/eng/Defence%20Agreement/Pages/default.aspx>; Internet; accessed 17 March 2009.

¹⁰⁶ "The Commission is composed of members of the Danish Parliament, representatives from Greenland and the Faroe Islands Home-rule, government officials, representatives from authorities under the Ministry of Defence and special experts... The commission members from the political parties have been appointed by the respective parliamentary groups with one representative and one substitute member from each party, both of which have to be Members of Parliament. The special experts have been appointed by the Minister of Defence... The composition of the Commission is adjusted continuously, among other things in order to reflect the actual composition of the military's senior management." Denmark, Ministry of Defence Denmark, "Members of the Danish Defence Commission of 2008," <http://www.finn.dk/Forsvarskommissionen/Medlemmer/Documents/MembersoftheDanishDefenceCommission.pdf>; Internet; accessed 31 March 2009.

undertakings).¹⁰⁷ Importantly, the Defence Agreement structure exists at the national and strategic policy level. Day-to-day civilian control and employment of the military (for example, regarding operations and deployments) remains a government-of-the-day responsibility.

Danish Defence Agreements are developed in a manner that has a number of advantages that are applicable to Canadian Northern policy-making. First, they are conceived in collaboration with the other political parties. The result is a non-partisan strategy that is “normally supported by a broad majority in the Parliament which give the agreements a degree of robustness in case of changing governments.”¹⁰⁸ Danish Defence Agreements do not require a consensus - a majority among the principal political parties is all that is necessary to secure long-term apolitical implementation and facilitate coalition governance.¹⁰⁹

Second, defence is a policy area with both international and domestic facets that often crosscut and cannot be de-conflicted or harmonized easily. The Danish Defence

¹⁰⁷ “The general structure of Danish Defence has been reorganised, rationalised and streamlined, the object of the reorganisation being to obtain an approx. 60 percent operational structure from the previous approx. 60 percent support structure and approx. 40 percent operational structure... The agreement will primarily have consequences for: Implementation expenses related to the transformation of the structure of Danish Defence, Capacity acquisitions in the form of equipment investments, Operational costs related to operating equipment allocated primarily for maintenance of the training and activity levels for Danish Defence operational capacity, including funds for increased equipment operation, Adjustment of the man-year composition, including an increase in the number of military personnel and a reduction in civilian personnel, Structural adjustments in the form of centralisation in both the staff and support structure and the operational structure, including disposal of surplus estate, and Provision of additional operational capacity.” Denmark, Danish Ministry of Defence, *Memorandum of Consolidated Implementation basis for ‘Danish Defence Agreement 2005-2009,’* <http://www.fmn.dk/Forsvars-%20og%20sikkerhedspolitik/Forsvarsforlig/Documents/Implementeringsnotatet6.pdf>; Internet; accessed 31 March 2009.

¹⁰⁸ General H.J. Helsø, Chief of Defence Denmark, *Transformation is Key to Armed Forces’ Relevance;* <https://admin.forsvaret.dk/FKO/eng/Chief%20of%20Defence/Transformation/Pages/TRANSFORMATION%20IS%20KEY%20TO%20ARMED%20FORCES%20RELEVANCE.aspx>; Internet; 31 March 2009.

¹⁰⁹ This advantage is of particular interest in a minority government situation, one that may become more common for Canada in the future.

Agreement approach considers and develops policy direction on alliance and collective security matters (such as NATO and the ESDP).¹¹⁰ Domestically, the agreements provide guidance on force structure which can have a social dimension. For example, the Danish military is a blended force of professionals and conscripts. An emotive issue, the question of conscription (versus an all volunteer force) is politically and socially charged. Yet the collaborative Defence Agreement approach has successfully managed this controversial issue over time. These Danish defence issues are of a corresponding complexity to Canada's Northern legal, diplomatic, and multifaceted social and aboriginal concerns.

Third, Denmark employs Defence Agreements as a resource management construct. Long-term agreements provide a "stable financial framework within which the armed forces can operate and develop over a period of time."¹¹¹ Defence has significant land, infrastructure and other asset requirements to be managed throughout the country that are expensive to procure and to maintain. Moreover, they represent a notable portion of the government's discretionary spending when also considering the defence operations budget writ large. As a result, defence has an important economic (and therefore political) facet that can create both tensions and opportunities. By taking politics out of defence spending the Danes endeavour to gain the greatest value from scarce fiscal resources. As underscored by political scientist Thomas Pedersen, Defence Agreements "were introduced in the 1970's as a means of insulating defence spending from the often

¹¹⁰ For more information on how Denmark has worked through complex political and social deliberations regarding NATO and ESDP utilizing a politically collaborative Defence Agreement Approach see Klaus C. Pedersen, "Denmark and the European Security and Defence Policy." Part I Chap. 1 in *The Nordic countries and the European Security and Defence Policy*, ed. by Alyson Bailes, Gunilla Herlof, and Bengt Sundelius, 37-49 (Oxford: Oxford University Press, 2006) 41-49.

¹¹¹ General H.J. Hels, Chief of Defence Denmark, *Transformation is Key to Armed Forces' Relevance*; <https://admin.forsvaret.dk/FKO/eng/Chief%20of%20Defence/Transformation/Pages/TRANSFORMATIO%20IS%20KEY%20TO%20ARMED%20FORCES%20RELEVANCE.aspx>; Internet; 31 March 2009.

heated domestic political debate on defence matters. These agreements have given the Danish effort a certain degree of stability.”¹¹² Considering Canada’s fiscal situation, such planning stability would be of great benefit in view of the predictable and noteworthy Northern policy investment requirements that will need to be made over a sustained period of time.¹¹³

Deviations from planned and agreed funding levels, such as unexpected operational and routine expenses (for instance, Danish military capital procurement cost increases – or in Canada’s case increasing costs of re-building Northern infrastructure), are managed via the annual appropriations budget. Given the relatively limited experience in Northern capital investment and the concomitant challenge in determining indicative costs over a 5-year timeframe, this annual fiscal flexibility would be an important quality of a Canadian Northern Agreement construct.

Finally, the Danish defence portfolio affects numerous stakeholders. There is a diverse range of government departments, a significant national and international defence industrial complex, and an active academic and NGO/PVO defence policy community. Among them is a network of interdependencies and dialectic views. This said, Danish Defence Agreements are supported by the knowledge of this broader body of experts which, in turn, better informs the collaborative policy-making process resulting in sound,

¹¹² Dr. Thomas Pedersen, “Denmark,” *Country Study Number 2 Part A (II)* for the Institute of Political Sciences of the University of Aarhus, ed. By Dr Andrew Cox of the Centre for the Study of Political Economy of the University of Hull, DEN1-DEN46, http://ec.europa.eu/enterprise/defence/defence_docs/Denmark-The_Cost_of_Non-Europe.pdf; Internet; accessed 9 May 2009, DEN10-DEN11.

¹¹³ In support of existing and future sovereignty, infrastructure, social, and marine safety policies (such as the cost of a military deep water port in Nanisivik, managing the infrastructure costs of a thawing permafrost, providing social programmes in aide of sustaining the Northern aboriginal way of life, and icebreakers).

apolitical defence policy. In a Canadian context, participation of aboriginal leaders and appointed special experts (such as environmental group representation) would provide a wider and more inclusive basis for policy-making and would leverage their intellectual and traditional knowledge capacities.

The current policy-making approach within Canada does include a measure of participation by aboriginal and other experts. However, the significant shortcoming of the current model is that these experts do not participate within a consistent, long-term, formal process. Therefore, the changing aboriginal, scientific and other experts do not gain personal expertise in support of policy development and are thus less able to optimally contribute.¹¹⁴ Further, the current construct employs expert advice in support of individual policy development. By restricting advice within policy stovepipes, expertise of the broader community is neither developed nor brought to bear on how the network of Northern policies relate to one another, including prioritization.

The Danish experience with their Defence Agreement framework suggests that a non-partisan multi-party approach to policy-making can be both effective and successful. Danish Defence is a complex portfolio involving national, diplomatic, fiscal, socially

¹¹⁴ Stephen Ellis studied efforts to incorporate aboriginal Tradition Knowledge into policy and programme development and environmental decision-making within the Northwest Territories. Both top-down and bottom-up strategies were examined. The results of these strategies brought forward “only marginally beneficial effects, primarily because they failed to overcome certain significant barriers.” The barriers identified included communication barriers (such as there is no aboriginal word for many scientific concepts such as ‘eutrophication’ and ‘watershed management’), conceptual barriers (such as a lack of understanding of the processes associated with developing policy), and political barriers.

As a result, Ellis identified a significant challenge in incorporating traditional knowledge into environmental policy development and decision-making stemming from the lack of aboriginals who “are recognized as having traditional knowledge and are also technically able to participate in environment governance process.” The take away here is that the current ad hoc and stovepiped Northern policy development is not supported by a community of aboriginal persons who have the experience, traditional knowledge, and understanding of the policy-making process because the very nature of the current process does not develop and sustain one. Stephen C. Ellis, “Meaningful consideration? A review of traditional knowledge in environmental decision making,” *Arctic* 58, no.1 (March 2005): 66-74.

contentious, industrial, interdepartmental and community issues and stakeholders. Over the past four decades, Denmark, a parliamentary democracy with a tradition of coalition governments, has been able to successfully employ a Defence Agreement approach to develop and implement defence policy, negotiating medium to long-term resource intensive issues collaboratively. Moreover, the multi-party and multi-year nature of the agreement construct has not eroded government authority in the day-to-day management of the military nor precluded adapting the fiscal plan through the established and effective appropriations process.

Canada can apply the tenets of the Dane's approach to Northern policy development.

Chapter 4

Section 1 – Canadian Northern Strategy: A Northern Agreement Approach

The words have been kind to us, the highlight of the north has been good, but now we need to back it up with action.¹¹⁵

To deliver on a long-term Northern strategy, a governance framework must be capable of developing integrated policy that is relevant for the North today, yet which is framed by a long-term vision. The harmonized policy must also address federal, provincial, territorial, and aboriginal diplomatic, economic, social, and environmental

¹¹⁵ Mike Blanchfield and Randy Boswell, "Spending boost urged to assert Arctic Sovereignty; Counter Bush's aggressive stance with action – N.W.T. premier," quote by NWT Premier Floyd Roland, Canwest News Service, <http://proquest.umi.com/pqdweb?index=0&did=1628959641&SrchMode=1&sid=1&Fmt=3&VInst=PROD&VType=PQD&ROT=309&VName=PQD&TS=1238422265&clientId=1711>; Internet; accessed 28 March 2009.

requirements. This section will describe the three main components of the proposed governance framework, namely the Northern Agreement, its underpinning council structure and the process. Subsequent sections within this chapter will address the incremental implementation of a Northern Agreement policy development approach and examine the political dimension of a multi-party approach to Northern strategy.

Northern Agreements would be collaboratively developed through a multi-party and inclusive framework that would include a Northern Strategy and Policy Council (NSPC), a subordinate committee structure, and a Northern Bureau within PCO. Northern Agreements would ultimately be voted on in Parliament. For an agreement to pass, a simple majority would be required and would not represent a vote of confidence given the joint nature in which agreements would be created. In essence, the Northern Agreement would only proceed to Parliament for a vote once a broad consensus had been attained. The purpose of the vote would be to formally confirm Parliamentary endorsement in support of the long-term implementation of the strategy. In practical terms, this would serve to de-politicize Canada's Northern strategy.

Northern Agreements would become that strategy. The multi-year strategy documents would provide guidance to enable governance actors to harmonize resulting subordinate policy across the domains and levels of government. In essence, focused work within the NSPC and its committees over approximately a year would lead to a Northern Agreement that would represent Canada's Northern strategy for the next five years and beyond.¹¹⁶ Containing short, medium and long-term policies on the range of Northern issues, they would also identify the necessary resources to enable

¹¹⁶ As the term of each agreement comes to a close, the year long development cycle would begin anew to produce a successor Northern Agreement for the next five years.

implementation. The Privy Council Office would play an important role in the harmonization and horizontal coordination of policy development and implementation.¹¹⁷

Northern Agreements would be framed to enable Ministerial prerogative and concomitant authorities of all levels of government to implement the Northern Strategy. Agreements would state the policy and leave its implementation to existing and effective governmental processes. The day-to-day management of Northern affairs would remain the responsibility of the respective levels of federal, provincial and territorial governments. What the Northern Agreement construct would provide, however, are benchmarks from which reporting and performance measurement could be derived. It would become the guidepost for Northern strategy implementation.

Each Northern Agreement would contain national policy guidance that would be underwritten by planned multi-year fiscal resources. Financial allocations would be budgeted for and approved through the routine annual budgeting and appropriation process. Developed in collaboration across the political spectrum and with appropriate representation and input from Northern stakeholders (such as Provincial and Territorial governments, aboriginal and academic communities, and business and environmental concerns), the resultant policy guidance would be informed by the very individuals that it is meant to support.

The NSPC composition would be inclusive in nature and comprised of representation from all parties in Parliament. Collaborative multi-party policy development, however, does not require consensus. For example, it is foreseeable that a

¹¹⁷ For example, Northern Agreements could provide policy guidance on the advancement of Arctic Seabed mapping, the results of which would be a pre-condition for consideration of extending resource exploration licences. Another example could be the harmonization of DND and CCG maritime vessel requirements which could lead into the development of a national shipbuilding policy and inform the requirements for Northern supporting port and road infrastructure.

special interest party might not agree to a particular Northern Agreement. In such a case, what would be required is broad support from the principal political parties that would form future governments. The council would be supported by bureaucratic expertise drawn from the relevant federal, provincial, and territorial governments, including staff from PCO and PMO.¹¹⁸ Finally, the NSPC would have representation from key Northern non-government stakeholders, including select Aboriginal community leaders.

The NSPC would be supported by a committee structure designed to inform and aid in the creation of government policy for the North. Specific committee composition would be directly related to individual committee focus areas. For example, the composition would be different among committees formulating Northern transportation, Northern resource and Northern sovereignty policy. NSPC committees would also formally draw on expertise from the broader aboriginal, academic, legal, NGO/PVO communities as appointed members.

Chaired by federal government departmental staff, NSPC committees would be optimally positioned to work in partnership to develop Northern policy. By including government and non-government experts, they would be able to create fiscally sensitive policy that more fully addresses the needs of the constituents. Moreover, it is envisioned that consistent engagement over time would foster individual expertise among stakeholders (such as the aboriginal community and select NGO/PVO organizations), thereby ameliorating Northern national policy formulation. Finally, direct involvement by

¹¹⁸ The NSPC will develop policy that will be implemented by the individual departments. However, ensuring that policy implementation is consistent with the developed Northern Strategy and coordinated horizontally would be a function of individual PCO Secretariats, as coordinated by the Deputy Minister Northern Strategy.

regional stakeholders in policy development would facilitate its regional communication and acceptance. The result - better policy that is better understood and communicated.

PCO's active engagement in support of Northern policy development and implementation is critical. It is envisaged that a Deputy Minister with a modest staff would be appointed as the DM Northern Strategy. This DM would mainly draw upon the existing resources of the PCO secretariats¹¹⁹ in support of NSPC and NSPC committee work, and in pursuit of harmonized Northern policy implementation. In this fashion, support to the NSPC and oversight of the implementation of the broader Northern strategy encapsulated within successive Northern Agreements would be (near) resource neutral.

¹¹⁹ In the initial stages of Northern Strategy governance development and the implementation of Northern Agreement and the NSPC framework, the advice of the Deputy Secretary to the Cabinet (Legislation and House Planning and Machinery of Government) will be particularly important. This is so given the vital but unique nature of the proposal governance framework and given secretariat's mandate to provide "advice to the Prime Minister and the Clerk of the Privy Council on the management of the Government's legislative program, the structure and functioning of government as a whole, and issues relating to electoral and democratic reform." Privy Council Office, *The Role and Structure of the Privy Council Office 2007*; <http://www.pco-bcp.gc.ca/index.asp?lang=eng&page=information&sub=publications&doc=Role/role2007-eng.htm#2>; Internet; accessed 30 April 2009.

Upon initiating the process to generate a Northern Agreement, NSPC Committees would receive strategic and policy development guidance. Resultant policy developed in committees would be harmonized within the NSPC into a Northern Agreement.¹²⁰ Within the NSPC, multiparty participation, bureaucratic policy expertise and Aboriginal leadership would enable the Northern strategy to be integrated and effectively framed from a political, policy and needs perspective. The endorsed Northern Agreement would next be tabled within Cabinet prior to proceeding to Parliament for a vote.

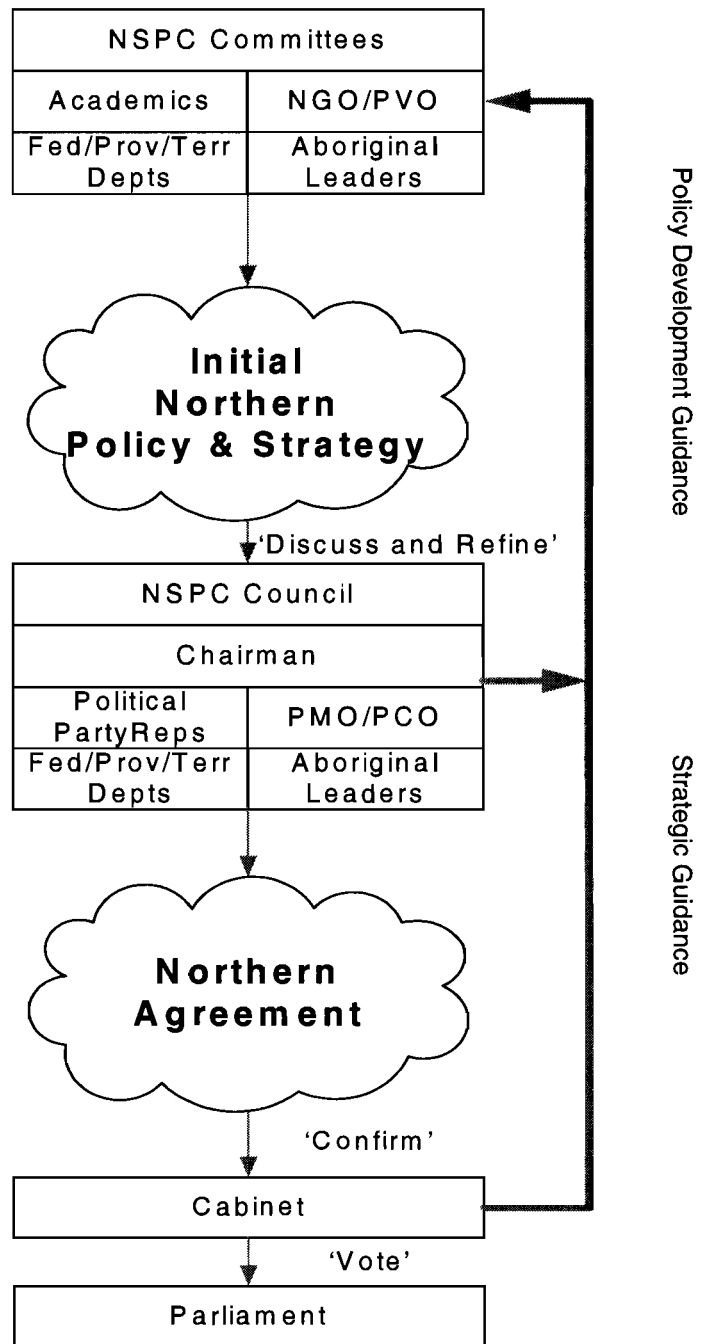


Figure 7

¹²⁰ For example, if there were six NSPC committees, each responsible for a domain of Northern strategy policy, then their individual suite of policies would be rolled up and harmonized into a Northern Agreement to ensure, aggregately, that they are supportive, holistic and affordable.

Chapter 4

Section 2 – Northern Agreement Framework Implementation

A Northern Agreement policy development framework would be a notable departure from traditional departmental policy-making and thus subject to initial political and bureaucratic inertia and criticism. It should also be recognized that introducing a non-political model to policy-making may initially be quite political in and of itself. Therefore, implementation should be approached incrementally.

In the first step of implementation, a limited NSPC would be introduced. The NSPC would be led by a federal government minister supported by federal, provincial, and territorial civil service policy experts. Once the Northern Agreement had been developed, open multi-party political consultation would be enabled to obtain principle-based and political feedback for consideration and amendment before the agreement would be introduced to Parliament. Tailored amendments arising from such consultations would represent an important step in demonstrating an apolitical approach to Northern strategy. When ready, the Northern Agreement would be tabled for a Take-Note debate in Parliament¹²¹ to establish the precedent of introducing Northern Agreements in a transparent and formal fashion.

Initially, the first Northern Agreement would have modest objectives that are politically and regionally viable across the spectrum of stakeholders. In practical terms, the first Northern Agreement would represent an easy and affordable policy sell (politically, bureaucratically and fiscally) from which the next agreement can be built upon. The first Northern Agreement would be about establishing the structure and

¹²¹ If there was sufficiently broad political consensus that the first Northern Agreement could be tabled before Parliament for a vote, then that would be a preferred outcome.

process in a positive and politically viable fashion. Given that the Northern Agreement would be a national strategic level policy with the commensurate level of detail, this would be achievable.¹²² While based on a long-term vision, the first agreement should be framed over a relatively short time horizon (2-3 years for example) enabling work on a more substantive and longer term Northern Agreement to follow.

Finally, in the first implementation step, the NSPC committee framework and the PCO Northern Bureau would be stood up. In addition to government policy experts, key Northern stakeholders would be appointed to the various committees. Of note, the active and formal participation of select non-traditional stakeholders (such as NGOs), and the nature and work rhythm of the committee framework, would represent a significant difference between NSPC committee and historical departmental-based policy development. The latter would be important as specific-issue policies developed in committee would have an awareness of, and be informed by, policy work across the domains (such as diplomatic, economic, social, and environmental) in the other committees. As the committees would be working concurrently to produce policy in support of a Northern Agreement that would have an established date to be tabled before Parliament, this cross-committee liaison would serve to minimize the challenge of policy

¹²² Considering the level of detail in representative policy documents such as Danish Defence Agreement 2005-2009 and the United States January 2009 *National Security Presidential Directive/NSPD – 66 and Homeland Security Presidential Directive/HSPD – 25* on the Arctic, a broadly acceptable long-term Northern Strategy that has the tenets and holistic elements across the policy domains, including fiscal projections, is achievable. More information on the Danish Defence Agreement 2005-2009 can be found at Denmark, Ministry of Defence, *Memorandum: Consolidated implementation basis for 'Danish Defence Agreement 2005-2009,'* <http://www.fmn.dk/Forsvars-%20og%20sikkerhedspolitik/Forsvarsforlig/Documents/Implementeringsnotatet6.pdf> ; Internet; accessed 29 April 2009. More information on the United States *National Security Presidential Directive/NSPD – 66 and Homeland Security Presidential Directive/HSPD – 25* on the Arctic can be found at Federation of American Scientists, "National Security Presidential Directive/NSPD – 66 and Homeland Security Presidential Directive/HSPD – 25," <http://www.fas.org/irp/offdocs/nspd/nspd-66.htm>; Internet; accessed 30 April 2009.

integration when the domain policies would be rolled up into the formal Northern Agreement within the NSPC.

Chapter 4

Section 3 – The Political Advantage of the Northern Agreement Approach

This paper has focused thus far on the *prima fascia* rationale why Canada must adopt a Northern Agreement structure. The advantages of a non-partisan, multi-year approach which would enable a holistic long-term Northern strategy to be developed, resourced, and implemented have also been highlighted. This has enabled the reader to appreciate how such a collaborative policy development model would overcome the reactionary, incoherent and inconsistent nature of Canada's historical policymaking regarding the North. From a political advantage perspective, there would also a number of incentives to consider.

There are significant political advantages that would be accrued through introduction of a Northern Agreement policy development structure. For the ease of presentation, the political benefits that would accrue to the current conservative Harper government will be briefly examined.¹²³

The greatest political gain to be realized stems from the collaborative nature of the Northern Agreement process. For the Conservatives, a party that has been often criticized as unwilling or unable to work in partnership to build political consensus, such an approach would be of considerable political benefit simply by virtue of its democratic and collaborative nature. Of particular note, this would be mainly a one-time-only

¹²³ While the political advantages will be considered from a Conservative perspective, any political party that introduced a Northern Agreement structure would reap commensurate political advantages.

political benefit. Successive governments would not gain significant political mileage from the Northern Agreement structure as they would simply be following the process put in place by the Conservatives. Thus, it would also represent a Conservative political legacy.¹²⁴

The process as described above would not practically remove policy authority from the Conservative government. Policy which would be developed in sub-committees and consolidated within the Northern Security and Policy Council (chaired by an individual selected by Prime Minister Harper) into a Northern Agreement would still be endorsed by Cabinet prior to being tabled for a Parliamentary vote. In essence, this ensures that Northern policy would be bureaucratically and fiscally achievable within the broader government context. Thus, in this policy partnership model, the Conservative government would retain significant influence and control of policy development and implementation.

In the past two federal elections, the Conservative government promoted an Arctic agenda. Leveraging a Northern Agreement structure would be fully consistent with the Conservative platform, and represent a positive and productive way to be seen to be delivering on that platform. Moreover, the Conservatives have tended to focus on Northern issues such as resources and sovereignty at the expense of Northern social, infrastructure, and environmental policy. The broader base of the Northern Agreement structure would broaden the party's social appeal. In introducing a Northern Agreement structure, the Harper government would be able to portray itself as a protector of the

¹²⁴ While this may represent a possible rationale why the Liberals, NDP, et al would not support a Conservative Northern Agreement policy development initiative, such a refusal would come at considerable cost to them. Further, this is not assessed probable as the collaborative nature of the process would appeal to the NDP, Bloc, and Green party as it would represent leverage. This would effectively leave the Liberals as the sole party potentially not willing to actively cooperate – an unlikely outcome.

interests of Canada's minority populations.¹²⁵ Once in place, the apolitical nature of Northern Agreements would gradually erode this short term political advantage.

Based on the success of coalition government Danish Defence Agreements, the Northern Agreement structure should be able to function and deliver in a minority government situation. At its heart, the Northern Agreement structure is a policy development process that has the potential to deliver on what the Conservatives have promised for the Arctic. Developed in partnership, its apolitical approach would predictably diffuse policy criticism and ease strategic communication challenges. Moreover, the proposed construct would not be a resource intensive approach to the development of a harmonized and affordable long-term Northern strategy.

Finally, the adoption of a Northern Agreement approach by the Conservative government represents the kind of *grand idea* that has been notably absent from Canadian politics. Properly framed, it would set a tone and image that would accrue political cache for the Harper government's Arctic focus, while softening the image and dynamic of the Conservative government.

¹²⁵ Once engaged within the process, the Conservatives would be able cite the collaborative nature of the model to substantiate social policy concessions to their more hard-line Conservative delegates within the party while simultaneously progressing a social agenda which would generate increased minority support for the Conservatives.

Conclusion

Developing a coherent long-term Canadian Northern strategy is not easy. The policy space in the North is particularly challenging given the complexity of the relevant diplomatic, economic, social, and environmental issues at stake. Further, there are national and international actors with uncertain and fluid agendas that, coupled with complex legal and environmental variables, contribute to a dynamic and multifaceted policy arena. There is no simple single solution. Nevertheless, Canada needs to do better because the North is a national interest.

The North is important to Canada for a number of reasons. Its lands and waters have been a part of Canada since 1880 and are home, heritage and livelihood for tens of thousands of Canadians. The North is also more than just Canadian territory – it is a part of Canada's national identity, both at home and abroad. The North contains a vast reservoir of resources that will fuel the Canadian economy for generations. It is therefore essential that Canada build a coherent Northern strategy that develops and protects its Northern national interests, in particular the fragile ecosystem which is the lifeblood the Northern aboriginal peoples.

Canada's Northern strategy will necessarily have national and international components. Canada's work to create and lead the Arctic Council and its efforts to shape international regulatory frameworks (such as article 234 of the UNCLOS pertaining to ice covered areas) are examples of the type of initiatives that will be foundational to a forward-looking and effective long-term Northern strategy.

To date, Canada's efforts in developing such a visionary and coherent Northern strategy have fallen well short of the need. Canada has been reactionary and shortsighted

in its approach. Further, the narcissistic nature of politics and the need to distance and distinguish the platform of the governing party from its predecessors has not served the needs of the North, or Canada, well at all. We can do better.

The Danish Defence Agreement is a non-partisan collaborative policy development model that has stood the test of time. Denmark has successfully used Defence Agreements to shape and guide its defence policy and military force development throughout the Cold War. It has done so under coalition governments in a Parliamentary democracy, and the approach has been credited for supporting the stability and effectiveness of Danish coalition governments. Further, Denmark's Defence Agreements represent a policy development model that efficiently and apolitically ties resources to strategic intent in a manner that is policy-relevant today, yet framed by a long-term vision. Finally, the Danish approach has been successful in an equally challenging policy space and portfolio as Canada's North and, as a process, has enabled major government change. Defence Agreements have been a guidepost for the wholesale transformation of Danish national defence and have provided crucial policy guidance on socially contentious issues such as conscription.

Creating a structure that can deliver the long-term Northern strategy that Canada needs will not necessarily require additional resources. It will, however, require the inclusion of non-traditional actors into government policy development. It will also take the political will to take the politics out of the North. While there are vital diplomatic, economic, social, and environmental national interests at stake which create a pressing need for a Northern Agreement approach, there are also significant political incentives to

be realized by the government that implements a such a high impact and low resource approach.

In time, Northern Agreements will become the expression of Canada's Northern strategy. As a multi-year policy and fiscal agreement that is coherently developed via a multi-party Northern Strategy and Policy Council framework, Northern Agreements will address the needs of the North as identified by political, policy and Northern experts and stakeholders. The Northern Bureau within Privy Council Office will be in a position to horizontally coordinate policy implementation efforts within existing and effective government mechanisms. Finally, a Northern Agreement construct will represent a change to traditional department-based policy development. Accordingly, a phased introduction is appropriate – create the first Northern Agreement within a constrained NSPC construct and then broaden formal political and non-governmental actors in the formulation of successive Northern Agreements.

The Northern Agreement approach will provide all levels of government and peoples of the North with the inuksuk that they have long needed to build and implement a long-term, effective, and sustainable Northern strategy.

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