Because of ongoing climatic changes occurring in the Arctic, maintaining sovereignty and alliances will be Canada's dominant challenge over the next 20 years. Through sound diplomacy, Canadian officials protect both the sovereignty and the economy of the nation. Aside from good relations and the obvious deterrent effect of having the United States as a neighbour and Partner in Defence, until recently, Canada enjoyed a natural climatic barrier preventing other nations from openly challenging Canadian sovereignty. While there is no apparent interest to challenge Canada on the use of this channel, merchant shipping from Asia to Western Europe would benefit immensely by navigating through Canada instead of making the voyage down the Panama Canal. Aside from savings on shipping costs, some nations eye with economic interest exploitation rights of offshore resources and large swaths of uninhabited land, specifically in the Canadian Arctic. Canada enjoyed the security of a frozen region and a superpower as a neighbour. The climatic changes in the North preclude Canadians from doing nothing. To overcome the upcoming sovereignty challenges regarding a thawed NWP, Canada must build capacity on a large scale and engage in diplomacy to strengthen existing ties and build many new relations.
FUTURE WAR PAPER

TITLE:

CANADA AND ARCTIC SOVEREIGNTY: ON THE VERGE OF A NEW "COLD WAR"

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF OPERATIONAL STUDIES

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Executive Summary

Title: Canada and Arctic Sovereignty: On the Verge of a New “Cold War”

Author: Major Patrick Robichaud, Marine Corps University

Thesis: Because of ongoing climatic changes occurring in the Arctic, maintaining sovereignty and alliances will be Canada’s dominant challenge over the next 20 years.

Discussion: Through sound diplomacy, Canadian officials protect both the sovereignty and the economy of the nation. Aside from good relations and the obvious deterrent effect of having the United States as a neighbour and Partner in Defence, until recently, Canada enjoyed a natural climatic barrier preventing other nations from openly challenging Canadian sovereignty.

However, the global warming trend is no myth and there is now solid evidence suggesting that the Northwest Passage (a frozen seaway cutting across the northern Canadian territory) could thaw and become navigable within the next two decades. To understand the dilemma regarding this new route, one needs to look at what is its current status according to the Law of the Sea. Further, there are different interpretations of these laws, and different cases with different outcomes that blur the issue. Despite minor disputes, the Arctic nations are mostly comfortable applying the baseline (or straight line) approach which consists of drawing a straight from the limits of territorial waters to the North Pole. However, this is not satisfactory for many other nations and it is not officially recognized by the international community.

While there is no apparent interest to challenge Canada on the use of this channel, merchant shipping from Asia to Western Europe would benefit immensely by navigating through Canada instead of making the voyage down the Panama Canal. Aside from savings on shipping costs, some nations eye with economic interest exploitation rights of offshore resources and large swaths of uninhabited land, specifically in the Canadian Arctic.

A scenario-based approach depicts potential outcomes and provides a basis for the recommendations proposed. First, an active diplomacy solution is the most favourable option for Canadians but will also be the most likely challenged, leaving Canada with a very different outlook from its current sovereignty status. An active militarisation solution will give Canada certain guarantees and position her to defend her sovereignty but will likely endanger foreign relations with most current partners, or worse, lead to conflict. A hybrid solution of concurrently pursuing diplomacy and building capacity to monitor and protect Canadian sovereignty will best posture Canada to face the upcoming challenges of the inevitable thawing of the NWP.

Conclusion: Canada enjoyed the security of a frozen region and a superpower as a neighbour. The climatic changes in the North preclude Canadians from doing nothing. To overcome the upcoming sovereignty challenges regarding a thawed NWP, Canada must build capacity on a large scale and engage in diplomacy to strengthen existing ties and build many new relations.
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Preface

First, I want to thank the Marine Corps and its University for receiving students from various services and international students at the School of Advanced Warfighting (SAW) program which gave me this enriching opportunity. When I found out I would join the 2010-2011 academic class, I looked forward to discovering their world and further learn with them about operational planning. I also realized I would have an opportunity to focus on my professional development and tackle certain issues that have preoccupied me for some time. I chose Canada’s Northern sovereignty as my future war paper topic primarily because I believed that I didn’t have a good grasp of the strategic and operational issues surrounding the subject. As a trained operational planner, it is my duty to look ahead and provide sound advice to the decision makers so they in turn make the right choices.

While researching, it became quite apparent that there is not a lot written on the subject. Only a few of those that did address the subject actually see a threat to Canadian sovereignty. The tricky part of writing about potential conflict scenarios is to find a plausible topic that will contribute to better prepare or address deficiencies when the problems do arise without sounding alarmist. As a military officer, I consider it my duty to be prepared for the unthinkable and the unforeseen situations. Thus, this paper obviously reflects observations and recommendations that regard the Canadian Forces preparedness for the potential conflicts of tomorrow. This paper is not meant to be all inclusive and go into finite details of every aspect regarding the Arctic. The Indian and Northern Affairs Canada (the Inuit specifically), the Department of Foreign Affairs and International Trade, Transport Canada, Natural Resources Canada, and provincial and territorial government departments are part of a longer list of those that have an active role in the
protection of Canadian sovereignty. I understand that a holistic approach is key to the resolving the challenges of a thawing Northwest Passage. However, this paper aims to address Defence deficiencies identified in the Canada First Defense Strategy document.

Appropriate sources are cited and I have had to limit myself to materials published before early spring 2011 as the climate constantly changes and Canada’s representations to the United Nations Commission on the Limits of the Continental Shelf are scheduled for 2013. Once a decision is made, Canada will better know what to expect.

Second, I must thank those that made this project a reality. First, my project director, Dr. Bradley Meyer, without whom I would probably have too many pages, exploring too many angles of the subject. I am also thankful to the staff at the Marine Corps Gray Research Library and Writing Center staffs for all their help in researching the topic to include outside library loans and giving me valuable help proof-reading this paper.

Third, I would like to acknowledge the other SAW faculty members for their insights and guidance, in particular, Dr. Wray Johnson in the early stages of this paper. To my classmates with whom we shared numerous conversations exchanging ideas, thanks for tolerating all my questions and pushing back on my arguments thus broadening my horizons.

Enfin, j’aimerais remercier Martine, ma tendre épouse, sans qui je n’aurais jamais eu assez de temps pour terminé ce projet. Ta patience envers moi même lorsque je me suis désisté de certaines tâches et tes encouragements lorsque je lisais sans arrêt qu’importe où nous allions n’ont pas de prix, je te suis très reconnaissant. Merci aussi à mes enfants, Michaël et Chloé, d’avoir accepté de me voir à leurs côtés avec un livre collé au visage ou encore de me retrouver toujours assis à mon bureau des heures durant, vous êtes des amours.
Introduction

Since the British defeated the French in 1763, “Canadians” chose diplomacy rather than confrontation when formulating foreign policy, thus establishing strong partnerships and alliances around the world. Further, Canada enjoys a unique relationship with the United States. The two neighbours not only share the bulk of daily trade but work hand-in-hand in Continental Defence matters rather than competing for strategic responsibilities. These mutual arrangements practically assured Canadian uncontested sovereignty of its vast territory without requiring Canadians to invest much in Defence.

Generally, the advantages of strong relations with neighbouring countries far outweigh the disadvantages, but for Canada, these relationships may prove insufficient to guarantee sovereignty, at least in the Canadian Arctic. The future is rather uncertain and tumultuous regarding Canada’s foreign relations if challenged over the Arctic. The threat comes with the warming of the Planet. Indeed, assuming the Polar Ice Cap continues to thaw at the current pace, the Northwest Passage (NWP – see map 1) will become increasingly appealing to other nations. Hence, with the climatic changes occurring in the Arctic, maintaining sovereignty and alliances will be Canada’s dominant challenge over the next 20 years.

With 40% of Canada’s land mass located in the Arctic, it is understandable why Canadian officials classify Canada as an Arctic nation.¹ They could also claim to be a maritime nation and it would not have drawn any particular attention or jeopardise foreign relations. However, when Foreign Affairs Minister Lawrence Cannon claimed that Canadians are “... affirming our leadership as an Arctic power and our stewardship and ownership in the region”, and that “we are leveraging our international leadership...” he invited other states to react.² Challenges to Canada’s claims in the North predate any reaction to Minister Cannon’s assertion in July 2009.
A review of the sovereignty challenge in the first part of the paper is necessary as it will build the framework for this argument. Secondly, the elaboration of potential scenarios will help frame the problem and identify deficiencies in the Canadian Defence and Foreign Affairs strategies. These scenarios will cover three different futures: the preferable diplomatic approach culminating in a full recognition of Canadian sovereignty, the possibility of an arms race leading to a “Cold War” or even conflict, and the more probable maintenance of the status quo to which Canadians will respond with “reactive diplomacy”. Finally, a third section will offer potential solutions to address weaknesses in Canadian strategy and recommend the way ahead.

Problem Framing

To offer credible solutions to a problem, one needs to understand and define it. To do so, he should look at all the parts individually and holistically to design the most comprehensive course of action. Further, the planner and the commander needs to identify and validate assumptions (if any) and plan accordingly. In this case, the assumption is that global warming will at least continue at the current pace, thus opening the NWP for possible maritime shipping. According to an environmental study, estimates of 2004 predicted an ice-free summer only in 2050, in 2005 estimates changed to 2040, yet by 2008; the study predicted a possible ice-free summer within a decade. Jay Zwally, a NASA scientist, also “... suggests this will be the case within five to ten years...” in another 2008 study. With this data in mind, Canada should expect requests or attempts from other nations to use the NWP seasonally if not year-round very soon.

The potential ice-free passage as suggested above will significantly impact Canadian foreign policy in the years ahead. According to Minister Cannon, Canada’s position is that the northern region is Canadian and the NWP is within this region. This implies that Canada will need the assets to control access and assure its sovereignty, and assert its leadership. Northern neighbours and other
states see an opportunity to increase trade efficiency with an open NWP. For example, Europeans, Japanese, and Chinese amongst others have vested interests in the prospect of such an international waterway as it can accommodate much larger cargo ships than can the Panama Canal.\textsuperscript{5} Also, the channel within the Canadian archipelago will provide a shortcut of more than 6,000 kilometres for trading countries that would no longer require them to make the trip South.\textsuperscript{6} Furthermore, many eager countries see in an accessible Arctic an un-tapped breadbasket of natural resources becoming available for exploitation should Canada’s sovereignty in the Arctic be challenged.

Aside from the actual use of the NWP, resources in the Arctic could be the most important contributing factor to Canada’s challenge concerning sovereignty and foreign relations in the near future. While the Canadian baseline claim (detailed later) encompasses land and water resources within its territory, competition for such resources relates to national interests that supersede any alliance, treaty or partnership. This is especially true considering the differences in interpretation between the varying territorial limits recognised by competing actors depicted on map 2. A glance at the potential resources of the Arctic quickly reveals why states may act irrationally. Known onshore oil and natural gas resources in the Canadian-Russian-Alaskan Arctic equate to more than 240 billion barrels of oil or roughly 10\% of the world’s petroleum reserves.\textsuperscript{7} Further, “the US Geological Survey estimated in July 2008 that 90 billion barrels of oil, 1.669 trillion cubic feet of natural gas and 44 billion barrels of natural gas liquids may remain undiscovered in the Arctic.”\textsuperscript{8} Soaring oil and gas prices in recent years make it lucrative to explore deeper and offshore. Coincidentally, the northern seabed is rich in both commodities and territorial disputes already challenge Canada’s sovereignty.\textsuperscript{9} Another example of the Arctic’s lucrative potential is the fairly recent exploitation of minerals such as uranium and diamonds. Before 2000, Canada did not make the world list of notable diamond producers. In 2008, based on only three new northern mines, Canada now ranks as the world’s third largest producer.\textsuperscript{10}
Although most Canadians see the Arctic as a unifying symbol part of their identity, many also see it only a cold, unforgiving, and barren land. After receiving the full transfer of British northern possessions in 1880, except for Newfoundland that joined Confederation after WWII, Canadian officials were satisfied with ignoring the North. One of the few measures put in place was to draw boundaries regarding Canada’s Arctic. “In 1904 the Department of the Interior published a map that designated the land 141° W to 60° W up to the North Pole as Canadian.”11 This use of what is now known as baselines included the frozen water as much as actual land. While Canada has yet to present its territorial claim, it is useful to know that other northern countries such as Denmark, Norway, and Russia have applied this method and successfully defended their claim in front of the International Court of Justice (ICJ).12

Throughout the 1920s and 1930s, the Canadian government entrusted the Royal Canadian Mounted Police (RCMP) with the protection of the North and any military efforts that were made were in support to the RCMP.13 Aside from occasional mapping patrols and the slow navigation through the ice-laden waters of the NWP, the RCMP established some outposts and relocated native families to ensure nominal control of the Canadian Arctic.14 These security measures were usually implemented following either adventurous expeditions or actual intrusions within Canadian territory, and mostly reactionary to the public “… fear of losing sovereignty.”15 After Canada entered the war in 1939, decision makers focussed all their efforts on the war across the Atlantic rather than the defence of the Arctic and relied on the United States for mutual security. In fact, President Franklin D. Roosevelt insisted that Canada look after its northern territory for the sake of common defence.16 Until the Cold War, the Canadian government did next to nothing in terms of policy to protect the North because no one saw its strategic importance.17 Coincidentally, Canadians neglected to acquire and maintain credible military assets that could serve to secure the Arctic. With only remnants of a Navy once powerful in WWII, a diminutive Air Force, and an overstretched
Army, no Service is capable of ensuring Canadian sovereignty. Because of this neglect, many countries contest Canada’s ownership in the Arctic. Canada simply ignored the NWP because Canadians considered it historically theirs along with the Arctic land mass as mapped out in 1904.

There are three main reasons why this lackadaisical attitude prevailed towards the North. First, Canada brushed off the potential threat for decades mainly under the protection of the unforgiving climate and quasi-permanent ice. Indeed, it only takes relatively small ice formations to endanger a non-reinforced ship. Secondly, Canada heavily relied on the political relations and alliances supported by the American Navy to protect the North. The last reason is simply the fact that few had explored the North and the land claim went unchallenged, especially during the bipolar era of the Cold War when most nations busied themselves aligning to the two superpowers. Canada’s dormant Arctic strategy is explainable if not acceptable.

Actual interest in navigating the Arctic is a fairly recent phenomenon. From 1904-1984 only 11 foreign ships made the voyage through the hazardous NWP, discounting any subsurface incursions, but the situation has changed significantly since. Within 12 years, twice as many foreign ships navigated through the NWP. Furthermore, the Great North is not a hospitable area where even today, just over 100000 people live in a frozen territory the size of Western Europe. Aside from a few cities and Inuit villages, only a few military posts mark human presence north of the 60th Parallel but a milder climate could change these demographics. Contrary to the historical land claim of 1904 that can help Canada, the lack of infrastructure in the North impedes Canadian claims, especially now that the receding ice is separating islands with potentially 100 km wide navigable routes. Canada does not possess the assets to effectively control the use of these routes. In the meantime, other nations are building icebreakers and reinforcing cargo ships.
Since the fall of the Soviet Union, many states including Canada focused on economic policies and worked out partnerships rather than strong Defence strategies. With the exception of the 2008 Canada First Defence Strategy (CFDS) document which highlights the need for some assets, and the 2009 Indian and Northern Affairs Canada strategy document which states as one of four priorities the exercise of Arctic sovereignty, policy makers put very little thought or they committed only limited money towards building capability.\(^{20}\) One of the factors contributing to Canada’s sovereignty challenge is that it didn’t, doesn’t, and will not have the means to ensure either security or control in the North in the immediate future. The US does not blindly trust Canada as a reliable Continental Defence partner thus far and employs USN submarines to monitor potential enemies in the North. American diplomats and senior USN commanders refer to the NWP as international waters, defying Canada’s sovereignty claims.\(^{21}\)

It is becoming apparent that should Canada endeavour to enforce its sovereignty claim, it will have to do so without the USN as the enforcer. Canadian decision makers will need to make detailed revisions in their Defence strategy to set the course towards asserting sovereignty. In the CFDS, Prime Minister Stephen Harper clearly states the strategic goals of the Canadian Forces (CF): “...keeping our citizens safe and secure, defending our sovereignty, and ensuring that Canada can return to the international stage as a credible and influential country.”\(^{22}\) The CFDS highlights the need for rectifications but is short of the mark on the Defence requirements needed to meet the challenges of tomorrow. According to this document, not only does the lack of assets and infrastructure undermine Canadian sovereignty, it also demonstrates Canada’s weakness as a Continental Defence Partner. This translates to the CF failing in two of the three strategic military objectives set by the Government of Canada.\(^{23}\) The establishment of a deepwater port, a training facility, funding one icebreaker, and slightly augmenting the Native Ranger force to secure the North will not suffice. Canadians need to consider if they really want to protect their sovereignty
along current delimitations. If so, the Canadian government will need to fund the acquisition of the proper means capable of enforcing sovereignty in the North.

Today's challenge stems from laissez-faire foreign policies or weak government intervention of the past. While there is still ice in the passage, buying time for Canada, it is melting away. If Canada's northern archipelago is indeed Canadian, there should be no debate over resources or infringement of sovereignty, yet there is. There is no doubt the United States has strategic interests in the Arctic. But aside from a challenge regarding the definition of the NWP, surprisingly the US does not directly challenge Canada for the resources on Canadian soil or the continental shelf provisions made under the Law of the Sea. Canada ratified the United Nations Convention on the Law of the Sea (UNCLOS III) in 2003. Once ratified, the signatory country has 10 years to deposit the geological survey data detailing the extent of the territorial claim. In 2013, the United Nations Commission on the Limits of the Continental Shelf (UNCLCS) will determine if Canadian claims are legitimate but it will not adjudicate to settle disputes between nations.24

Indeed, the UNCLCS receives submissions and only determine if they are in accordance with the laws spelled out in the UNCLOS documents. Contentious claims are brought forward to the ICJ or the International Tribunal for the Law of the Sea for a final ruling. Unfortunately, these organisations cannot guarantee the peaceful settlement between contending nations. Other northern countries faced challenges to their sovereignty and some even resorted to escalation of force to assert their sovereignty. Case and point, the United Kingdom and Iceland had the “Cod War” over fishing rights in the 1970's.25 More serious conflicts could come up on the horizon. Russia recently hinted that NATO has no business in the Arctic and that it would do what is necessary to protect Russian sovereignty. China clearly is posturing for access to the Arctic with the commissioning of the largest non-nuclear icebreaker (Snow Dragon) and verbalizing more forcefully its interests in
Arctic resources, and the US promulgated a new Arctic strategy actively engaging in the region to protect their interests.

Interestingly, Canada’s closest ally, the United States, is the most vocal opponent to Canadian sovereignty claims over the waterways in the Arctic. The biggest opposition from a US perspective concerns the actual status of the NWP. The US views the passage as international waters while Canada claims it to be internal. By law, these different views are significant. There are three types of recognized waters:

a. Internal waters: those found in freshwater lakes, rivers, harbours, waters surrounding coastal islands, and those waters lying inside boundary lines. In such waters, the coastal state has complete sovereignty and control.

b. Territorial waters: the coastal three-mile and now twelve-mile limits. In these waters, foreign ships, with the exception of warships, have the recognized ‘right of innocent passage’ without notice.

c. International waters: often called the high seas and including regularly used straits between large oceans. These waters are open to all traffic.

However, none of the definitions completely fit this case. According to the Law of the Sea, the width of the NWP precludes it from being declared as internal although its common usage should be demonstrated for it to be labelled international, which isn’t the case either. The US claims that by declaring the NWP internal, Canada would impede the USN’s northern access to the world oceans. Also, if Canada succeeds, it would set a precedent for other states to follow and further restrict freedom of movement around the world. Also of concern from the US perspective is Canada’s Continental Defence capability. Americans fear that if Canada focuses too much on developing an anti-submarine warfare (ASW) force required to patrol the North, it will divert resources away from NATO commitments. Further, the US believes that accepting the NWP as Canadian internal waters, while Canada does not have the proper resources to secure the North, will jeopardise the security of both nations. Canada will need the capability to exercise authority over the area before the US gives any credence to the Canadian claim.
Potential Scenarios

Jubilation. The preferable outcome regarding Canada's claim in the Arctic is that it goes unchallenged and that it obtains full recognition of sovereignty within the baselines approach (North Pole to border limits) from all UNCLOS members meaning Canada would control all resources within to include the use of the NWP. Necessarily, the other Arctic Council states (Denmark, Finland, Iceland, Norway, Sweden, Russia, and the United States) would all agree on the baseline approach and the NWP as Canadian internal waters. Further, they would also form an alliance of equal partners to preserve the fragile Arctic ecosystem and the traditional Inuit culture. Together, they would establish rigorous safety measures and exercise control of the progressive exploitation and shipping within the Arctic. This would allow for other countries to negotiate access to the resources, effectively not leaving them out, thus build stronger trade relations with the Arctic countries' association similar to the ASEAN countries. Defence responsibilities would be further expanded from current Continental and NATO alliances to a new Arctic Circle association. By having ex-Cold War opponents working together for the preservation of common interests in the North, this would relieve pressure on Canada to demonstrate its ability to control the archipelago. Finally, Canada would skilfully negotiating an arms control clause of no entry zone for the Arctic; making Canada a diplomatic Arctic power.

Cold War. Conversely, a very different possible outcome may occur if Canada's claim is rejected by some member states of UNCLOS because they cannot resolve their territorial disputes with Canada. This scenario could result in a long term diplomatic stalemate and could lead to an arms race as states posture for power or it could draw other nations into a "gold rush" for the newly available Arctic resources. In this case, Canada would necessarily acquire assets and protect itself, hence becoming a credible Arctic power and demonstrating that it is a reliable Continental partner.
Otherwise, with Canada’s claim rejected, other northern states would become subject to challenges and conflict would most likely breakout. Canada stands to lose the most as there is a lot of uninhabited territory within the archipelago that could be contested since it currently does not have the assets to ensure its own sovereignty. Even with the US or NATO as a partner, Canada would likely have to make concessions to preserve partnerships and have the others do the brunt of the defence piece. On the other hand, Russia could perceive an active role of the USN in the Canadian Arctic as an attempt to box them in and be tempted to retaliate. Russia could either resort to conflict or seek an alliance of its own with an interested party like China if only to obtain leverage in the Arctic. With the prospect of conflict, both the Inuit way of life and the fragile Arctic ecosystem would be threatened. Canada could always attempt to declare its territory and all ports a nuclear free zone, but without the immediate means to enforce it, Canada would at best be ignored, or lose its Continental alliance with the US at worst.

**Status Quo.** The more probable outcome is that not all disputes will be unilaterally settled but the states involved will commit to future negotiations and that Canada and the US will work towards preserving their Defence relationship. While Americans disagree with Canada on the legal definition of the NWP, they cannot allow the Arctic to be unguarded so they will continue to work with Canadians on Continental defence. Canada Command’s official position is that there is no threat to Canada’s ownership of land and waters in Canada’s Arctic. It does recognise that the climate changes will have an effect on the region and that there is a severe shortage of resources and infrastructure to accomplish its mission.³² Canada will negotiate and grant access to the USN in exchange for US recognition of Canada’s claim. This will facilitate relations with the US and show other states that Canada is capable of defending her territory. Canada will make diplomatic arrangements and find interim solutions within existing alliances, such as larger commitments to NATO, to preserve its status and more importantly, buy time to build deficient or new capabilities.
As a partner, Canada’s strategy would be to steer clear of the necessity to acquire nuclear submarines and focus only on surface ships and air assets, the other two legs of the ASW triad. This will be the first step towards becoming the Arctic power it claims to be.

The next logical step will be to reinforce existing bonds amongst other Arctic Circle members. Canada will accomplish this by working with Arctic states against outside threats to their resources and will compromise by negotiating a regulated access to the NWP as a trade route. After all, the potential for an Arctic race is mostly a question of access to resources rather than access to unclaimed territory. The high demand for resources and skilful negotiations of exploitation rights will trump a full-blown Arctic race and potential for conflict. These economic arrangements and sound management of resources by Arctic Council nations will assure the preservation of the Inuit way of life and the ecosystem. Ultimately, these diplomatic measures and military procurements will work favourably towards maintaining Canada’s sovereignty.

**Potential Solutions and Recommendation**

**Diplomacy Solution.** Canada’s goal is full recognition of its sovereignty in the Arctic along the baseline approach while preserving existing alliances. To do so through a diplomatic solution, Canadian policymakers will need to get actively involved and explain to their citizens what is at stake in the Arctic. It is troublesome that the Canadian public is ill-informed concerning the uncertain future of their sovereignty but it is even more so to see the lack of commitment from policy makers and Defence specialists. The CF must make it clear to the public that they cannot fulfill their defence role in the Arctic alone. Policy makers should also communicate that even good partners such as the US have interests in the Arctic and the NWP. Both the Defence and Foreign Affairs Departments need to work out a solution that involves full consideration of US demands if a diplomatic solution is to succeed. The USN uses the passage even though it does so mainly
subsurface and informs Canada when doing so. While the USN may be favourable to a bilateral arrangement granting them use of the NWP, Canada should not limit such an agreement to the US. This diplomatic approach was suggested by USN officers such as Commander James Kraska and Lt. Commander Nathaniel French Caldwell but it is self-serving as it conforms to their organisational paradigm and desire for unlimited freedom of movement. Such a limited arrangement has no bearing on any other state, thus would not assure Canada’s sovereignty.

Canada should concurrently pursue sovereignty through international recognition of the NWP as historical internal waters. Unlike the Dardanelles or the Strait of Malacca that are widely used, only a few ships used the NWP and more than half of the crossings were Canadian. The next best option would be to have the NWP declared territorial waters but with the same limitations as Archipelagic waters. This would mean that once Canadian regulations are met, ships would be granted access through the NWP. This type of special provision has precedence for archipelagic states and Turkey obtained a regulating authority of military shipping through the Dardanelles via the Montreux Convention of 1936. There is no reason to believe the US would actually risk losing Canada as a partner over the issue either. Since 2001, the US has been looking for allies and partners, not rejecting them. For the time being, the NWP is only a potential trade route since it is frozen for most of the year. Skillful negotiations for other states to use the passage in accordance with Canadian regulations once it is fully open would protect it from potential disasters and guarantee Canadian ownership. Regardless, Canada should continue to pursue the baseline approach since Norway, Denmark, and Russia all have obtained favourable settlements using this method before the ICJ. Further, Canada should negotiate the exploitation of the Arctic with countries eager to acquire resources in exchange for royalties and permanent recognition of boundaries. Canada can effectively use her resources as leverage in negotiating favourable terms and regulating exploitation rights. Indeed, the needs of countries like China, India, and Brazil can empower Canada if resources
are leveraged appropriately. Through the Arctic Council association and sound business negotiations, Canada could secure sovereignty, protect the ecosystem, and preserve the Inuit traditional lifestyle of the northerners. Through careful negotiations to cater to US concerns and leveraging resources with other states, Canada could secure its claim without significant expenses.

Military Solution. Securing the Arctic without any means to physically control it is wishful thinking at best. Not having such capabilities would allow for foreign ships to use the passage unregulated and have the potential for a disaster. Some countries may purposely send ships through to undermine Canada’s claim. The accidental sinking of a foreign ship in the NWP without assets to assist would prove that Canada is incapable of exercising control of her sovereignty. The main impediment to a military solution is insufficient funding. In 2005, Canada’s Defence budget ranked 131st in the World in relation to GDP. By getting the public involved and explaining the stakes in the North, the electorate will accede to proper funding. The intent of equipping the CF with the proper assets is not to deny the use of the NWP but to exert sovereignty, ensure environmental safety, and enforce Canadian shipping laws. The danger of this military approach is that other countries may be put off and engage Canada in an arms race.

The optimal military solution would equip the CF with a full suite of ASW assets. This means: an augmentation of the Air Force with the Airborne Warning and Control System (AWACS) and updated intercept fighter capability, the development of a satellite, submarine, and sound surveillance under the sea (SOSUS) capability, and the development of a new Arctic fleet would complete the inventory. The construction of new icebreakers that can operate year-round and high-speed patrol vessels should already occupy shipyards to mitigate current deficiencies. Canada announced it would procure an icebreaker; clearly it is not sufficient. The reality is that there is not enough money to buy all that is required in the optimal military option so Canadians need to
prioritize and carefully select which assets they can procure. The Air Force would advocate for an air solution but without airfields it can do little more than report unless Canada wanted to move along the conflict spectrum and engage intruders. Aviation assets barely meet operational requirements with NORAD and NATO let alone think of providing enhanced search and rescue (SAR) or intercept capability in the North. The Navy would advocate for attack submarines and high-speed intercept ships but even if Canada was willing to use force as a deterrent, submarines are notoriously unnoticeable and extremely expensive while patrol vessels cannot cover the entire archipelago or operate year-round in the Arctic. The Army would likely advocate for more sovereignty patrols by Inuit Rangers and establishing port facilities. But these do little to stop a ship from sailing past or an aircraft from flying over unless it made use of marine mines (inconsistent with the Canadian mentality) to seal off the NWP and deployed surface-to-air batteries to deny airspace. Individually, none of these approaches can assure sovereignty without escalation of force to deny access which is not the intent.

A variant integrating some assets of each service may better meet the intent of controlling access. Instead of trying to deny access on such vast territory with intercept aircraft and patrol vessels, Canada should opt for a combination of radar and satellites to have eyes above and ears below water. Then, a properly equipped Navy or Coast Guard that operates state of the art icebreakers and smaller crafts could focus on patrolling choke points from the East and West coast NWP entry points and deploy to assist or intercept on signal. A year-round capability is essential to demonstrate credibility to defence partners and other states interested in using the Arctic. These patrols could be assigned to the Coast Guard which could also be responsible to coordinate research in the Arctic. This dual purpose would likely gain better traction with the Canadian public and have more chances of proper financing.
Canada would maintain current dedicated Air assets but would also increase the number of patrol and intercept aircraft to assist the Navy with SAR and interception. Additionally, Canada lacks ship-to-shore capability and this denies the CF the ability to intervene and preserve its territory from potential future foreign incursions. If Canada is to establish itself as a maritime nation, the government needs to bring forward the Standing Contingency Task Force (designed on a Marine Corps MEU concept) to fulfill this deficiency. In the interim, the CF must conduct more sovereignty exercises and all Army units must maintain Winter Survival Techniques as core training requirements. Further, the government must multiply training facilities in the North promised in CFDS and complement them with permanent outposts that can actually demonstrate both legitimacy and Canadian interest north of the 60th Parallel.

**Recommendation**

Hybrid Formula. “Covenants without swords are but words.” Hobbes, *The Leviathan.*

If negotiations fail and Canada does nothing to improve its military capability, her sovereignty will be compromised. This hybrid solution is not to exclude either diplomacy or military capability. The relationship between Foreign Policy and Defence form a mutually inclusive relationship. Equipping the CF with the proper resources to exert sovereignty is sound practice by the Canadian government to remain relevant internationally and demonstrate its legitimacy in the North. But the military arm is just the extension of politics; a safety mechanism against political discourse failure. Canada can be a leader in Arctic diplomacy by making the Arctic its priority for the next decades. Canadians will be most successful in claiming sovereignty through diplomacy but must be a reliable Continental and NATO Defence partner.

Canada plans to strategically position a deep-water Arctic port, refuelling stations, and training bases in the North. If it can add a few more ports, commission a small fleet of high-speed
patrol vessels and multiple year-round capable icebreakers, and employ radar and satellite, Canada will be capable of controlling and managing development of the region. If the ice is to continue to hinder navigation for the foreseeable future, a focus on icebreaking capability would benefit Canadians even more as a capable partner in the North. The debate over the North evolves constantly, much like the ice state in the NWP. The new US Administration has the will to ratify UNCLOS III and participate in Arctic governance which can only mean good news for Canada. Building capability coupled with close working relationships with Arctic countries, will clearly demonstrate Canada’s determined approach and resolve concerning the Arctic. More than ever, Canada and the US need each other in a climate of rising regional powers. Finding a mutually beneficial solution is the way ahead.

Conclusion

The prediction that global warming will gradually alter the Arctic is valid. Thus, maintaining relationships and alliances will be a difficult challenge for Canada. Canadian diplomats need to negotiate with other nations to buy time beyond the 2013 UNCLCS deadline and demonstrate through military capability its resolve in the North. This will only work if supported by the electorate and requires a persuasive strategic communication plan to succeed. The stakes are high as the North is rich with natural resources that are rapidly becoming scarce for developing and developed countries alike. Canada cannot allow other nations to claim huge portions of natural resources such as natural gas, fresh water, diamonds, and fisheries because it didn’t pay attention. The status quo obviously won’t work for much longer. Aside from attractive natural resources, other countries eye with envy the prospect of making good use of the NWP and facilitate their ever growing globalised trade economies. While building strong relationships is a sound practice, solely relying on them and forgetting the need for the military arm to support them is not.


9 Robert Huebert, “Canada and the Changing International Arctic: At the Crossroads of Cooperation and Conflict.”, 82.

10 Robert Huebert, 81.


13 Elisabeth B. Elliot-Meisel, 19.

14 Elisabeth B. Elliot-Meisel, 32-34.

15 Elisabeth B. Elliot-Meisel, 16.

16 Elisabeth B. Elliot-Meisel, 28.

17 Elisabeth B. Elliot-Meisel, 90-91.

18 John Honderich, 227-228.


After ratifying the UNCLOS III treaty, Canada has 10 years to demonstrate its sovereignty claim. More than 160 nations ratified it, amongst the few remaining; the United States stand out, although the new Administration wants to get it through the Senate: More information can be found under Brian Flemming, "Canada-US Relations in the Arctic: A Neighbourly Proposal", in Canadian Defence & Foreign Affairs Institute, Calgary, Alberta: December 2008. Internet Link: http://www.cdfai.org/, (accessed 13 Sep, 2010).


Canada Command is the CF organisation responsible to ensure for the conduct of sovereignty operations. The representative for the Command gave a brief at the Canadian Forces Command and Staff College and confirmed that the Arctic region within the baselines is Canadian and it will remain. The land and boundary disputes would be settled diplomatically in due course. He also conveyed that planned resources and infrastructure for the North do not correspond to the rapid climate changes. This information comes from the Powerpoint brief presented to the College on 15 Oct 2010.


The Northwest Passage (Honderich, 42)

MAP 1

MAP 2

Formal boundaries claimed by Canada (Honderich, 51)
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