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Defending Canadian Arctic Sovereignty

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Defending Canada's Arctic Sovereignty

Throughout the course of Canadian history, an integral part of the Canadian identity has been the idea that the arctic was Canadian, and for the better part of that history there was never any challenge or concern over who controlled the arctic. It was always assumed by Canadians as being ours. However, in the past few decades, an increasing number of claims have been brought up over who really controls the arctic and some of its major features, not the least of which is the famed Northwest Passage.

The disputes have come in all forms, whether it be a stand off with Denmark over a small, rocky island or a much larger dispute with the United States over who really controls the Northwest Passage. While it would seem as though these challenges are serious in their nature, the response from the Canadian government regarding these challenges would give the impression that they are not serious. Indeed, there are some critics who would agree and who would say the Canadian claim to the arctic is firm and that there is no crisis of Canadian sovereignty as it relates to the arctic.

Given the tie that Canadians have with the arctic, as well as the fact that the arctic plays an important role in terms of global security strategy, Canada should consider any claim made against her right to sovereignty over the arctic as a serious threat to both her national identity and her security policy. Canada must be concerned with the environmental impacts that increased shipping would have on the arctic regions, as well as the security impact that any unauthorized use of the passage may have on both North America and global security as a whole. This will require Canada to bolster her efforts in the north, as well as to increase the functional capability of the military and her coast guard.

This paper will examine some of the challenges posed to the Canadian claim in the north and will determine to what extent Canada should defend her sovereignty in the arctic. In other words, it will serve to determine if it is worth Canada's time and money to maintain her arctic claim amid growing international pressures.

It will examine the issues involving the major shipping routes through the arctic, the Northwest Passage and the American claim that the passage is not, in fact, Canadian

waters, but instead an international waterway. It will examine what affect the manner in which the lands and waterways were claimed have on the Canadian case. Furthermore, it will analyze what, if anything, Canada should do to secure her place in the northern regions of the hemisphere.

Before one can begin an in depth study into Canadian sovereignty over the arctic, the area in question must first be fully defined. Throughout the past fifty years, there have been numerous definitions of what constitutes Canada's arctic territory. These definitions have included all bodies of land and water contained within Canadian borders north of sixty degrees of latitude. This definition, while broad, is for the purposes of this paper overly inclusive and far too general, as is the definition of the Canadian arctic as the areas encompassed by the Northwest Territories, Nunavut, and the Yukon.

For the purposes of this paper, the area of study will focus on all areas of the Canadian north that are located within the Yukon, Northwest Territories, and Nunavut, but with specific consideration given to the islands of the arctic archipelago and all subsequent waterways. As well, the study will focus on all bodies of land and water with an international border, and land masses that have a shoreline on any of the major bodies of water north of the sixtieth parallel. The study will focus on the most northerly sectors, and the main waterways and international boundaries, as in the past and the foreseeable future; these are the locations where the potential for conflict and disagreement are highest.

The study area includes a vast number of waterways including the famed Northwest Passage. For the past century, the waterways of the far north have been un-navigable due to the ice which permanently sealed the arctic and made it impossible for marine traffic to navigate. However, with the emergence of global climate change in the form of global warming, the Northwest Passage and many of the smaller waterways of the arctic are beginning to open up to marine traffic. This opening of the arctic waterways to marine traffic is the first aspect of Canada's arctic sovereignty which will be examined.

The Northwest Passage represents a treacherous shipping route through the northernmost regions of the Canadian Arctic. It was the vision of a passage that would link the Atlantic Ocean with the Pacific Ocean and thus Europe with the riches of east Asia that was the motivating factor for European exploration of both the east and west coasts of what is now Canada. Expeditions to discover the passage to the east began in the late 16th century and continued until the first successful maritime traversing of the passage in 1906 by Norwegian Ronald Amundsen¹.

Amundsen's successful sailing of the passage in 1906 proved that the route was not commercially viable, as it took him three years, and at many points throughout his voyage he traveled through water which was far too shallow for any commercial vessel.

It wasn't until 1944 that a Royal Canadian Mounted Police schooner completed the voyage in one season². This led to an American effort to test the financial viability of the passage for the transport of oil. In 1969, the United States supertanker SS Manhattan,

escorted by a Canadian ice breaker, sailed the passage. Despite a successful voyage, the costs of a reinforced supertanker and escort by an ice breaker, coupled with the short and unpredictable sailing season led to the conclusion that the use of the passage by ships to transport oil was not commercially viable³.

In recent years, however, the global climate has seen radical change due in large part to the effects of the greenhouse effect on global warming. The effect of global temperature change has been such that between 1969 and 2001, the coverage of sea ice during summer months decreased by fifteen percent. As well, on average, ice coverage in the eastern and western regions of the Canadian arctic has been in decline by approximately eight percent per decade⁴. This is a dramatic reduction in arctic ice, and if the trend continues, it could lead to an opening of the Northwest Passage for an eight week period each summer by the year 2030⁵. By 2060, if the current rate of ice depletion continues, it is expected that there may be, for the first time, an ice free summer in arctic⁶.

The opening of such a shipping route is seen by many as a major commercial advantage as it shortens the major shipping routes to East Asia by anywhere from 4,000 8,000 nautical miles when compared to the current standard route, which takes vessels through the Panama Canal⁷. The commercial applications of such a shortcut are obvious and it is here where the first challenge to Canadian sovereignty and control over the arctic is found.

International shipping firms would find this new passage attractive in terms of both financial and time savings. This, however leads to the question of what is meant by navigable? What requirements and conditions must be present in order for a commercial shipping company to consider the Northwest Passage for even semi-annual shipping routes? Firstly, one must look at what the average length of time a voyage for a modern day transport vessel would be through the passage. In general, an intercontinental dispatcher working for a major shipping company would require an estimated five days of clear, unimpeded sailing from one end to the other of the Northwest Passage⁸.

Conditions for unimpeded shipping would include favorable ice conditions, that being waterways with ice that is not thick enough to damage a reinforced hull and without major ice flows that could either obstruct a narrow channel or crush the hull of an ill prepared vessel. In addition to requiring the proper ice conditions, the waterways would require favorable currents and the weather conditions would have to be such that the navigation and safety of the vessel would not be compromised. This would have to be guaranteed, as it is highly probable that no major shipping firm would stake a multi-million dollar vessel and its crew, as well as the vessels multi-million dollar cargo by routing it through the passage⁹. A maritime route is subject not only to sudden and drastic weather changes but some of the most hazardous conditions in maritime travel, including severe structural icing, large icebergs and ice flows¹⁰. The unpredictable nature of the arctic will, at least for the foreseeable future, act as a deterrent to major international shipping.

While the challenges posed by navigating the Northwest Passage may deter major international shipping firms, it has been proposed by Robert Huebert, Associate Professor with the Department of Political Science and the Associate Director of the Centre for Military and Strategic Studies at the University of Calgary, that smaller shipping firms would be less likely to be constrained by such challenges, and in fact may not hesitate to attempt to sail vessels through the passage, paying little to no attention to safety. This has been demonstrated through damage reports submitted by vessels which reported damage after encountering ice in attempts to reach the port of Churchill earlier in the shipping season than what would normally be expected¹¹. Huebert proposes that this demonstrates that there are, in fact, shipping firms who are willing to risk safety to increase profits. If Huebert's assertion that smaller firms may be willing to take larger risks than the larger companies and that the damage suffered by such ships is the result of reckless operation, and not as a result of an accident that occurred during normal operations, then the potential exists for a potentially serious challenge to Canadian control over arctic waters.

Amplifying the concerns raised by the issue of smaller vessels operating in the northern regions of the Hudson's Bay, is an increase in the numbers of vessels being produced by nations with interests in the arctic. Shipping companies in both Russia and the United States are in the process of building a number of freighters with reinforced hulls. The majority of these freighters are designed for use in Russia's North Sea route, while the United States is in the process of building five tankers for the sole purpose of transporting oil from Alaska to the western US coast.¹² While this does not immediately pose a challenge to Canadian control over the Northwest Passage, if America were to decide to start shipping oil to its eastern coast using its new vessels via the Northwest Passage, then clearly there is a serious challenge to Canadian arctic sovereignty.

This challenge comes in the form of a claim that the Northwest Passage is, as the United States claims, an international strait. An international strait is traditionally defined as a body of water which connects two oceans. In terms of international law, it is generally determined that international straits shall be considered international waters¹³. A change in designation to the status of Canada's claim to the Northwest Passage would have serious implications on Canada's claim to control over the arctic. As well, it could lead to serious problems in terms of determining responsibility for environmental protection as well as safety and security issues in the passage.

In terms of environmental concerns, Canada is and rightfully should be, concerned with the effects that even a marginal increase in marine traffic through the passage would have on the marine environment of the Canadian arctic. Taking control of the passage away from the Canadian government would severely undermine the environmental safety of the region. This is exactly what would happen if the passage were to become an international water way.

The standards and requirements of vessels traveling through the passage would be established not by the Canadian government but most likely by the International Maritime Organization (IMO)¹⁴. This is where serious problems begin to arise. The IMO clearly states that it is not the responsibility of the IMO to enforce the treaties and

regulations that it enacts, but rather the responsibility of a vessels flag state to enforce such regulation.¹⁵ This means that while in international waters, there is no international body or enforcement agency which could force a vessel to comply with international safety and environmental regulations.

Without an agency to enforce environmental regulations, vessels traveling through the Northwest Passage would be essentially unregulated. The potential for disaster is thus a serious concern for Canada. If, for instance, a vessel fully laden with environmentally sensitive material were to be damaged by an iceberg in the Northwest Passage, the ensuing environmental damage would be catastrophic. Responding to such a scenario would be complicated if the waters were to be considered international. The question that is immediately brought to mind is who is now responsible for the containment and clean up of the spilled oil? Is the vessels flag state to be held responsible, or does it become Canada's responsibility because the simple fact that Canada would be the closest nation in terms of geographical proximity, and the fact that the spilled oil would be washing up on Canadian shores.

If the international community expects there to be any measure of accountability in terms of environmental protection, then the waters must remain under the control of Canada and her government, and must not be allowed to become international waterways. Canada must retain the right to impose legal restrictions on vessels entering the waters of the arctic so as to ensure that all necessary safety and environmental protection measures have been taken. This is necessary in light of the fact that there is no formal international system of governance, and as a result, no international body with the ability to police the Northwest Passage. Thus, there is no means of ensuring that vessels entering the ice packed waters of the passage comply with IMO regulations for shipping. As well, it is unlikely that the IMO would impose any specific regulations on vessels entering the passage, and even if it were to impose minimum requirements for hull strength, equipment and other such items, they have no method of enforcement.

Canada has sought to achieve the aim of enforcement and regulation with an eye to assuring a high degree of environmental protection in the past through the implementation of the Arctic Waters Pollution Prevention Act (AWPPA). The AWPPA was established in 1969 after Canadian concerns over the sailing of the Manhattan through the Northwest Passage¹⁶. The AWPPA provided for complete Canadian control over all shipping within Canadian arctic waters as well as giving the Canadian government the ability to search any and all vessels entering the waters of the Canadian arctic to ensure their compliance with the AWPPA standards¹⁷.

Despite the implementation of the AWPPA, Canada has not used it to her full effect. Currently, vessels entering Canadian waters in the arctic are not required to even report their entering of Canadian waters.

If Canada is to maintain her claim to control over the Northwest Passage and ensure the continued environmental integrity of the fragile arctic environment, Canada must step up its measures of protection and enforcement. A requirement to increase the level to which Canada is active in managing the Northwest Passage is required not only

to ensure the environmental well being of the arctic environment but also to ensure safety and security.

If arctic shipping lanes begin to remain open for extended periods of time during the summer months, and if there is a marginal increase in maritime traffic, then Canada must begin to concern herself with the very real effect this will have on international security. When the fact that vessels can freely enter and exit the passage without first seeking permission or notifying any regulatory agency is coupled with the fact that the passage is opening and that there are a small number of shipping companies willing to risk the passage, it becomes apparent that there is the possibility for a very serious security threat. This threat comes in the form of possible vessels carrying terrorists, weapons or smuggling people and goods from Europe to Asia or vice versa. It is completely plausible that if a small scale commercial shipping company is willing to risk its vessels and cargo with a treacherous crossing of the arctic, then a terrorist or criminal organization certainly would not hesitate to attempt the crossing, especially if it were guaranteed the ability to do so without any interference from the government or police. This would represent an attractive option when considering the other options available for transporting large quantities of supplies, personnel and equipment between Europe and Asia.

This is a threat which has not gone unnoticed by the United States, argues Franklyn Griffiths in an article published in the International Journal (Spring 2003). In his article, Griffiths, Ignatieff Chair Emeritus of Peace and Conflict Studies at the University of Toronto, asserts that the internationalization of the Northwest Passage would run contrary to the new security requirements of America¹⁸. In order to ensure North American security, Griffiths argues that the American government's attitude towards the status of the Northwest Passage will change. This change in attitude will be created from the notion that it remains in not only North America's best interests, but the world's best interests to insure that ocean going vessels are not permitted a free pass from one side of the world to another. In order to ensure this goal, the Northwest Passage must remain under Canadian control.

With the increase in traffic, as well as increased exploration for mineral resources in the northern reaches of Canada, there are numerous claims against the Canadian control over both the Northwest Passage and numerous other areas of the arctic. In terms of Canada's claim to the waters of the Arctic Archipelago, Canada claims sovereignty through an assertion that control over the waters was established through historic means. In order to claim waters as historic waters, a nation must prove that it has exercised exclusive and unwavering control over the waters in question for a long period of time. In addition to this requirement, it is also required that such authority is recognized and respected by foreign nations, especially by those to whom the claim has a direct effect¹⁹.

Immediately, it is obvious that the Canadian claim of historic waters over the Arctic Archipelago could be questioned by another nation holding a stake in the arctic. This is evidenced when one examines current Canadian policy and strategy towards the arctic. In order for Canada to prove that she had exercised authority and control over the

arctic, there would have to be a record of some form of enforcement of Canadian sovereignty. That record could not be simply a record of recent policing operations, such as the Canadian Forces arctic exercise entitled Operation Narwhale, an exercise conducted by the Canadian Forces in 2004, which was designed to assess Canadian Forces capabilities to conduct joint arctic sovereignty operations. The record would have to demonstrate Canadian enforcement and control over the waters dating back to Confederation. If Canada cannot prove that she has, in fact, clearly demonstrated a resolve to maintain the arctic, then her claim to historic waters will be null and void. Unfortunately, given events of the past fifty years, including the sailing of the US tanker Manhattan through the Northwest Passage, as well as the lack of any formal reporting requirements for maritime vessels, it would seem as though Canada has not completely exercised her authority and control over the Arctic, and thus may be in a position to lose its claim over the arctic.

While initially the outlook for a Canadian claim of historic waters looks bleak, when one more closely examines the evidence, it appears that, provided Canada act quickly, there is a chance that the claim could be maintained. In an historic context, prior to the arctic islands being transferred to Canada in the year 1880, the islands belonged to the British Crown. As well, the majority of the exploration, discovery, and mapping of the arctic were done exclusively by British explorers²⁰. It is not unreasonable for Canada to assume that the British historical claim to the arctic was transferred to Canada along with the islands themselves. The Canadian claim to the arctic islands was further solidified in 1909, when Captain J.E. Bernier claimed that, “the whole Arctic Archipelago lying to the north of America from longitude 60° W to 141° W up to latitude 90° N,” to be territory of Canada²¹. Though this would seem to perfectly solidify the Canadian case for control over the arctic, it should be noted that Bernier makes a specific mention that “specific instructions were to be given, waters to be explored, explored, and lands to be annexed.”²²

The fact that he was referring to the annexation of land only, and not the surrounding waterways, further complicates the Canadian claim to control of the Northwest Passage. This complication is due, in part, to the fact that nations who argue that the waters of the Arctic are international in nature point out that the Canadian claim was limited to land masses only. This claim was strengthened when, in 1970, the Canadian government signed into law, a bill which increased Canadian territorial waters from three miles to twelve miles. This bill was greeted by the international community, in particular the Americans, as a Canadian acknowledgement that Canada had no legal basis for a claim of historical waters. It appeared as though Canada was seeking, instead, to force all arctic waters found within the Canadian archipelago under Canadian control and thus prevent the waterway from becoming an international strait²³.

It is more likely, however, that the Canadian intent was not to find a manner in which to justify a Canadian claim to arctic waterways, but rather a means to further solidify an already established claim under international pressure. This is further evidenced by the fact that Canada has defined her claim in the arctic in numerous other

manners. For instance, the Canadian claim to the arctic has also been described using what is known as the straight baseline. In 1985, Canada established a series of baselines around the perimeter of the Arctic, encircling both land and waterways. These baselines were drawn with respect to the historic water claims²⁴. This use of multiple methods of defining Canadian borders in the arctic give Canada a much stronger case when it comes to international disputes.

Despite the compelling legal argument Canada has related to the arctic, there are still numerous claims over Canadian sovereignty in the far north. The most prominent claim involves the dispute Canada has with Denmark over the small and seemingly insignificant Hans Island. The dispute was brought to the front page of newspapers across both countries in the summer of 2005 when Canadian Defense Minister Bill Graham landed on the island and reasserted Canadian sovereignty over it²⁵.

While initially a major story in Canada, many Canadians have been left wondering why it matters to Canada whether or not a 1.3 square kilometer barren and desolate island be considered Canadian. While there are no hard facts to indicate whether or not there is a considerable amount of natural resources such as oil located on or near the island, it is noteworthy that in the 1980's, Canadian commercial exploration was undertaken on the island by Dome Petroleum, as well as the waters around it. As well as exploration by Canadian based petroleum companies, the Danish government has begun to increase the extent with which it is seismically testing the ocean floor off the coast of Greenland²⁶. With this increase in exploration, it would be foolhardy for Canada to remove her claim to Hans Island and the area around it.

Hans Island and the waters surrounding it are not simply a possible location for natural resources. The island is also has a profound effect on the Canadian border in the area. The location of this border is important in that the seas around Hans Island may contain fish stocks important to the local economies of the surrounding communities. As well, it has been long reported that Inuit people from Greenland use the island in order to participate in illegal polar bear hunting²⁷. The significance of such a hunt was explained in another article written by Rob Huebert. In regards to the Danish Canadian conflict over Hans Island, he states that if it can be proven by the government of Denmark that the hunt has been a long standing tradition, it may lend credence to their claim over Hans Island²⁸.

Perhaps the most compelling reason to maintain control over Hans Island is not the potential for resources or control of the seas, but to set precedence, demonstrating Canadian will to maintain control of her arctic territory. Currently, there are a number of other disputes regarding Canadian arctic claims, and a negative outcome for Canada in any one of the outstanding disagreements could spell disaster for the Canadian arctic claim as a whole.

Thus, a minor disagreement over control of a barren island could have serious implications in disputes for control over resource laden areas such as the current dispute with the United States over the Beaufort Sea²⁹.

Given the stakes involved, not only in regards to the Hans Island dispute, or the challenge over the control of the Northwest Passage, it is obvious that Canada needs to re-examine her arctic policy. It is no longer enough to simply point out legal arguments or international statutes, or to pass legislation asserting Canadian control over the Arctic. It is time for the Canadian government to take a firm position on the issue and become seriously involved in the protection of Canada's arctic territory.

Since June 2001, when the government of Canada stated that asserting sovereignty over the arctic was a major priority, there has been no serious action to prove Canada's commitment to this goal, and what little action that was taken ended up highlighting the inability of Canada to effectively monitor herself. At the conclusion of a Canadian Forces exercise in August of 2004, it was made clear that Canada lacked the capability to effectively patrol the arctic. Helicopters and aircraft were constantly grounded due to technical difficulties and communications equipment failed to operate properly³⁰. If the Canadian military cannot operate effectively during an exercise that was planned extensively and intended as a short term one time deployment, how can the military be expected to patrol the northern areas of Canada effectively on a continuous basis?

Canada's Armed Forces are further hampered by the effects of a decades worth of budget cuts. These budget cuts included the cancellation of the purchases of a Polar 8 ice breaker, nuclear powered submarines and an underwater sonar-array system³¹. The three above mentioned items would have provided the Canadian Forces with the equipment required to at the very least provide a rudimentary security service to the far north. Another effect the constant state of budget cuts has had the Canadian Forces ability to patrol and defend the arctic is the serious decline in her personnel. Currently, the Canadian Forces are short of qualified individuals for every trade from pilot to basic infantry. This lack of qualified personnel has been demonstrated to hamper the Armed Forces ability to operate in the far north, as evidenced when exercise Narwhale in the summer of 2004 had to be scaled back because to a lack of soldiers and equipment, caused by commitments to other areas of the world, including the Canadian commitment to the war in Afghanistan³².

Given the current state of the Canadian Forces, it would make sense for the Canadian government to consider other options when it comes to improving Canada's presence in the Arctic. One such option would be to increase the role of Coast Guard in terms of arctic patrol. Using the Coast Guard for the basic patrols and showing a Canadian presence is, at present, a more cost effective and efficient manner of accomplishing the goal of defending Canadian sovereignty. Currently the Coast Guard has a fleet of five dedicated ice breakers, and twelve ice reinforced vessels³³. In terms of seeing immediate results and ensuring Canadian supremacy in the arctic, it makes sense to expand the current ice breaking program to include an increasing number of voyages through the Northwest Passage, as well as an increased presence in waters that are or could soon come under some form of international dispute over title rights. An increased Canadian presence will solidify the current legal and theoretical arguments that Canada is making to defend its territory.

To further solidify Canadian claims to the arctic, Canada must be able to fully monitor the arctic waterways, and while an increased Coast Guard presence will assist in this endeavor, the Coast Guard will not be able to effectively patrol the arctic for incursions from foreign submarines. In the past, both the United States and the former Soviet Union admitted to conducting underwater exercises with their submarines, including testing the feasibility of a nuclear missile launch³⁴. At present, the United States still conducts operations under the ice pack with their submarine fleet. In a 1971 White Paper on Defense, the government underlined that at the time Canada had, “only very limited capability to detect submarine activity in the arctic.”³⁵ Not much has changed in the year 2005, with the Canadian submarine fleet currently undergoing necessary repairs and retrofits to make them operationally safe after the tragic fire aboard the HMCS Chicoutimi in the fall of 2004. With no current active submarine capability, Canada has no means of detecting or reacting to any incursion into Canadian waters by any foreign submarine. In order to fully assert a claim of Canadian control of the arctic, Canada must be able to effectively monitor underwater activity.

In order to achieve a greater level of control under the surface of the arctic sea, Canada must invest in submarines which are capable of remaining submerged for extended periods of time, and operating under the thick ice of the Canadian north. Until such a time as Canada upgrades her submarine program, full control of Canadian waters in the arctic can not be asserted. To further upgrade submarine detection and monitoring capabilities, the previously canceled underwater sonar-array system should be revisited.

Monitoring submarine activity is not the only aspect of Canadian arctic sovereignty that the Canadian military should be actively involved in. As commercial air traffic increases, and the use of air navigation routes over the arctic increase, the likelihood of a serious disaster occurring in or near the Canadian arctic is a very serious concern. As well, if shipping through the arctic waterways does increase, then the likelihood of a maritime disaster also increases, and Canada must be prepared to respond to such a situation. After a major airline accident or maritime disaster in the arctic, the likelihood of survival for the stranded survivors will be measured in minutes, not days or hours. It is for this reason that Canada must put in place and rehearse a response plan for just such a scenario.

In order to effectively do this, the Canadian government will have to increase funding to the military and Coast Guard, as equipment that is capable of operating for extended periods of time in the arctic, as well as being capable of carrying large amounts of supplies will be required. It should also be noted that the effect of an unsuccessful rescue attempt would have on the Canadian image around the world would be devastating, not only for the damage it would do to Canada’s reputation but also for the damage it would do to Canada’s claims of control over the Arctic.

If Canada is serious about controlling the arctic, it must take with that, the responsibility for everything that goes on in that region. Therefore, the job of providing high caliber search and rescue services to the northern reaches of the Canadian north is

the responsibility of the Canadian government, and appropriate search and rescue services will highlight that Canada is indeed serious about her claim to northern territory.

While the monitoring of foreign naval activity, control of shipping, and rights to natural resources are all sound and compelling reasons to assert Canadian sovereignty over the arctic, perhaps the most important reason is the maintenance of the Canadian identity. Through all of Canada's history, the arctic has been seen as a sovereign part of Canada. Its native residents contribute to the Canadian cultural identity through their traditions and cultural values. The very presence of the arctic and the Northwest Passage have, for the course of Canada's history, lent a sense of greatness and adventure to the Canadian identity. Every Canadian child is told of the epic and daring quests of the great white north, and thus it has been engrained in the Canadian frame of mind as truly a part of Canada, regardless of its natural wealth, or promises of a shorter shipping lane.

In determining whether or not there is any value to an extended Canadian effort to exert her sovereignty over the arctic, it must first be established whether or not there is a credible threat to Canada's arctic claim. While there is considerable debate on this issue, it is clear that there is, in fact, a serious challenge facing Canada in terms of keeping control of her arctic territory. Those who are critical of the notion that Canada faces a serious and imminent threat to her arctic sovereignty will be quick to point out that arctic navigation will always be a challenge and that no manner of ice melting can remove the challenges posed by the polar night. They also ignore the advances in navigational technology such as the Global Positioning System, as well as advances in radar and collision avoidance technology. Additionally, the effect of the polar night on shipping should be minimal as the darkest months are also the months where the ice will be at its thickest. Therefore, it is unlikely that ships would even attempt to venture the passage. They also ignore the accelerating rate of polar ice melting and the effects of the polar summer, where as the sun would never set, there by providing for enhanced safety and reliability in terms of navigation.

While trans polar ventures by ships may be a rare occurrence at present if, as some suggest, the channel begins to open up enough to allow more reliable navigation by the summer of 2015, then there is, in fact, a serious problem for Canada. Canada will have a significant challenge on her hands if she has not taken measures to clearly demonstrate the unwavering stand of the Canadian government and Canadian people in regards to arctic sovereignty. If, when the ice melts enough to allow regular shipping, Canada is still debating and discussing her options in regards to the arctic, she will lose her claims, in particular those claims which are already being questioned by foreign nations who are already planning for an arctic with much less ice than at present.

Canada must not let the fact that the Northwest Passage is not at present a major shipping route determine her policy regarding the arctic.

Canada must instead look to the future where she has the possibility of becoming a major transport route, even if only for the summer months. If by the time this has happened Canada has not in some manner taken visible action to demonstrate her determination to control the arctic, a petition by the United States to make the Northwest

Passage an international strait will have a significant chance of succeeding, especially if vessels are permitted to cross without any checks from the Canadian government.

Furthermore, Canada must solidify her legal arguments for her control over such locations as Hans Island or the Beaufort sea, and use these arguments as a base for taking positive action to maintain control. Such action should include increased patrol by the Canadian Coast Guard, as well as exercises by the Canadian Forces. As well, an increased ability to provide search and rescue services to the area will demonstrate that Canada is in fact serious about controlling her arctic territory.

Given the importance of the Northwest Passage to Canada, as well as the value the arctic has to the Canadian identity, any threat to Canada's claim in the arctic should be taken seriously, and handled in such a manner as to not leave any measure of doubt in anyone's mind as to whether or not Canada is in control. In short, if Canada fails to take immediate and firm action in regards to protecting her arctic territory, it is likely that the Canadian claim to the arctic will melt away.

¹ On Line encyclopedia. "The Northwest Passage" 2005. http://en.wikipedia.org/wiki/Northwest_Passage (20 October 2005)

² Ibid

³ Ibid

⁴ Franklyn Griffiths, "The Shipping News," International Journal, Spring 2003, p.260

⁵ Ibid, 262

⁶ Arctic Net, "Arctic Ice Disappearing Fast," 28 September 2005, <http://www.arcticnet-ulaval.ca/index.php?fa=News.showNews&menu=44&home=3&sub=1&id=86> (20 October 2005)

⁷ Rob Huebert, "Shipping News part 2," International Journal, Summer 2003, p 301

⁸ Franklyn Griffiths, "The Shipping News," International Journal, Spring 2003, p.263

⁹ Rob Huebert, Shipping News part 2, 302/ (JMSS Spring 2005 vol 7 issue 4)

¹⁰ CIA World Fact Book

¹¹ Rob Huebert, "Shipping News part 2," International Journal, Summer 2003, p 303

¹² Ibid, 304

¹³ Andrea Charron "The Northwest Passage Shipping Channel," Journal of Military and Strategic Studies, Spring 2005 vol 7 issue 4, p.14

¹⁴ Rob Huebert, "Shipping News part 2," International Journal, Summer 2003, p 300

¹⁵ <http://www.imo.org/home.asp>

¹⁶ Andrea Charron "The Northwest Passage Shipping Channel," Journal of Military and Strategic Studies, Spring 2005 vol 7 issue 4, p.14

¹⁷ Ibid

¹⁸ Franklyn Griffiths, "The Shipping News," International Journal, Spring 2003, p.270

¹⁹ Donat Pharand, Canada's Arctic Waters in International Law, Cambridge, Cambridge University Press, 1988, p.122

²⁰ Ibid

²¹ Ibid p.123

²² Ibid

²³ Ibid

²⁴ Ibid p.155

²⁵ Janes, Border Dispute

²⁶ Rob, Hubert, "Return of the Vikings," Breaking Ice: Renewable Resources and Ocean Management in the Canadian North, ed. Firkret Berkes et al, Calgary, University of Calgary Press, 2005, p321

²⁷ Ibid, 320

²⁸ Ibid, 320

²⁹ Janes, "Border dispute flares in the Arctic," 9 August 2005,
www4.janes.com/subscribe/frp/doc_view.jsp?K2DocKey=co, (21 October 2005)

³⁰ Ibid

³¹ Janes, "Canadian Navy Back in Arctic Waters" 21 Aug 2002

www4.janes.com/K2/doc.jsp?t=Q&K2DocKey=/content1/jan

³² Janes, "Canada Deploys MCDV's" 12 September 2002,

www4.janes.com/K2/doc.jsp?t=Q&K2DocKey=/content1/jan12

³³ http://www.ccg-gcc.gc.ca/ice-gla/fleet_e.htm

³⁴ Donat Pharand, *Canada's Arctic Waters in International Law*, Cambridge, Cambridge University Press, 1988, p.1242

³⁵ Ibid

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