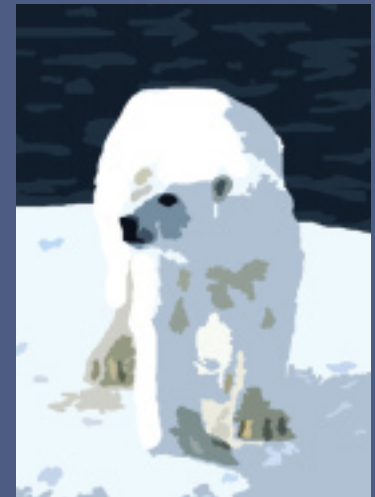


# ARCTIC SOVEREIGNTY: A VIEW FROM THE NORTH

Michael Mifflin

Threats to Canadian sovereignty in the Arctic, says Michael Mifflin, are not military threats; they are related to socioeconomic and environmental issues resulting from increasing air and maritime traffic. And while the Canadian Forces play a role in supporting Canada's claim to sovereignty, Canada's greatest claim lies with the Aboriginal title asserted by Inuit to the Nunavut Settlement Area. Accordingly, asserting its sovereignty means having the ability not only to control and regulate access to Arctic waters, but also to promote and protect the health, the environment and the development of Canada's Arctic citizens. Peaceful cooperation with other Arctic countries, Russia in particular, will also strengthen Canada's claim on the international stage.

Les menaces qui pèsent sur la souveraineté du Canada dans l'Arctique ne sont pas de nature militaire, écrit Michael Mifflin. Elles découlent plutôt des problèmes socioéconomiques et environnementaux liés à l'augmentation du transit aérien et maritime. Et bien que les Forces canadiennes jouent un rôle d'appui à nos demandes en matière de souveraineté, notre principal argument repose sur le titre ancestral que revendiquent les Inuits dans la région du Nunavut. Pour faire valoir cette souveraineté, il faudrait donc être en mesure de contrôler et de réglementer l'accès aux eaux arctiques, mais aussi de promouvoir et de protéger la santé, l'environnement et le développement économique des citoyens de l'Arctique canadien. La coopération avec d'autres pays arctiques, notamment avec la Russie, renforcerait de même les revendications du Canada sur la scène internationale.



Canada's sovereignty over its Arctic waters will be challenged as a warming climate decreases the levels of polar ice coverage, thereby making navigation easier for international marine traffic. Interest in the Northwest Passage arises from its potential for international shipping. A ship carrying oil from Europe to Asia has to travel roughly 13,000 nautical miles using the Panama Canal; the same ship would travel 8,500 nautical miles if it used the Northwest Passage.

As new mining projects are constructed and tourism grows, the number of ships in Canadian Arctic waters steadily increases each year. There is also a recognition by territorial governments of the occurrences of foreign naval activity such as Chinese submarine activity near Tuktoyaktuk, Northwest territories; Denmark's attempts to claim Hans Island off the coast of Nunavut; and US naval activity under ice and through the Northwest Passage, on two known occasions.

The debate over the Northwest Passage centres on Canada's claim that the waters of the Canadian Arctic Archipelago are the internal waters of Canada and do not constitute an international strait. Canada's claim is disputed chiefly by the US, which maintains that naval access to all the world's oceans is essential to its national security. The distinction between internal and international waters is important,

as Canada cannot properly manage environmental impacts, collect duties, restrict access or claim ownership of resources if the waters are considered an international strait.

Canada will have difficulty in asserting its claim to sovereignty if its Arctic citizens do not enjoy a standard of living on par with that of southern Canadians. Controlling the passage is key to Canada's sovereignty and to the health and well-being of its Arctic citizens. Canadian Inuit have used the frozen waters of the passage for hundreds of years. The ice provides access for subsistence hunters to access seal, whale, walrus and polar bear, as well as providing a bridge for caribou migrations between their winter home and calving grounds for some of the herds. Without access to these animals, the Inuit will lose an essential part of their subsistence needs and culture. If icebreakers are allowed unchecked access to the passage, the lives of northern people will be dramatically affected. Mining development projects have plans for supply ships to pass through both the eastern and western entrances of the Northwest Passage, affecting the timing of seasonal ice break-up around many of Nunavut's communities.

Canada's claim to sovereignty over its Arctic lands and waters means it is responsible for taking concrete action. A mil-

itary presence and surveillance are important, but in order for Canada to maintain sovereignty over the Arctic region it must ensure that its Arctic communities are prosperous and healthy. While the settling of lands claims and the devolving of some federal powers to territorial governments have strengthened civil society in the Arctic, in Nunavut

**A military presence and surveillance are important, but in order for Canada to maintain sovereignty over the Arctic region it must ensure that its Arctic communities are prosperous and healthy. While the settling of lands claims and the devolving of some federal powers to territorial governments have strengthened civil society in the Arctic, in Nunavut there is no federal investment in marine harbours, there are no roads linking communities, and there is little or no long-term planning to ensure territorial governments and communities benefit financially from the infrastructure and revenue that should accompany resource development.**

there is no federal investment in marine harbours, there are no roads linking communities, and there is little or no long-term planning to ensure territorial governments and communities benefit financially from the infrastructure and revenue that should accompany resource development. If managed responsibly, resource development could well be the key to the success of Arctic communities and could strengthen Canada's administration and control over its Arctic waters.

There is great potential for natural resource development to assist Aboriginal, territorial and federal governments in reaching the goal of economic sufficiency, while also strengthening sovereignty claims. Natural resource extraction — for example, mining — requires major infrastructure to support its activities. This includes valuable transportation and energy infrastructure such as port facilities, roads, rail lines, airstrips and wind and hydroelectric development, funded entirely or in part by private companies. Unfortunately, due to the remoteness of these resources, the assets are often placed far from Arctic communities; hence their utility ends with the closure of the project.

Nunavut has no roads connecting communities; therefore all intercommunity travel must be by air or sea. In addition, the federal government has no harbour investments in Nunavut. The cost of air and marine transport in the North as well as the government investment necessary will increase dramatically in the near future, as new

government regulations are set to restrict gravel strip landing for larger aircraft and to phase out the heavily used combi-aircraft (passenger-cargo). This lack of transportation infrastructure is preventing communities from tapping economic development opportunities.

During the planning stages of mining development, tri-party collaboration between Aboriginal, territorial and federal governments is necessary. By assisting mining companies in relocating the construction of port and harbour facilities to populated places, the federal government would enable Arctic communities to benefit from major economic development. At the same time, the government's quest to regulate and control marine traffic in the Northwest Passage would be enhanced.

Nunavut is in the fortunate position of being one of the most attractive places for gold, diamond and other mining investment in the world. Although regulatory and taxation regimes must remain competitive, Nunavut has considerable leverage over most jurisdictions when it comes to creating legislation and policy that properly protects the environment and reaps maximum economic benefit for its people.

Unfortunately, mineral development is currently rushing ahead without all of the necessary regulatory and enforcement controls to ensure environmental protection, and without the long-term planning and input from the territorial government to ensure Nunavut's people benefit. As such, government and communities are missing out on valuable transportation and energy infrastructure, as well as the means to maximize social and environmental health benefits.

Having the ability to monitor all foreign activities on land, air and water, and the capacity to respond quickly and appropriately to emergencies, is essential for Canada to claim ownership of and to manage its Arctic waters. Currently in

the Arctic there is no surface or sub-surface ocean radar system (similar to those on our eastern and western seabords) to monitor submarine or ship traffic at the entrances to the Northwest Passage. Moreover, given the size of the territory, the increasing level of shipping activity and the hundreds of over-flights annually by national and international passenger airplanes, the southern-Canada-based Search and Rescue (SAR) program is woefully inadequate. If there were a major environmental disaster, such as an oil spill or a large passenger airplane crash, the Canadian Forces' ability to respond would be very limited and the response would have to be coordinated from bases located in southern Canada.

Canada maintains 41 radar stations as part of the joint Canada-US North Warning System. The North Warning System provides advance warning of foreign air activity over Arctic skies to NORAD. Surveillance is set to greatly improve in the coming year with the addition of space-based satellite coverage. And this year the Department of National Defence will launch Project Polar Epsilon, which will provide real-time satellite imagery in all weather, within a 3,000-km radius, passing over



Photo: John Thompson

**Snowmobiles and a Twin Otter sit at the Eureka weather station on Ellesmere Island on March 31. Eureka was the halfway point for Canadian Rangers and regular forces who travelled from Resolute Bay to Alert for Operation Nunalivut 2007, the military's most recent sovereignty operation.**

the North Pole 14 times daily. The satellite will be able to monitor ships, aircraft and pollution. The one major gap in Canada's surveillance capabilities will be in the monitoring of ship and submarine activity near the entrances to the Northwest Passage.

Presently, Canada's greatest asset with regard to dedicated presence, monitoring, and search and rescue is the Canadian Forces' Canadian Rangers. Its members are volunteers from local communities in the Canadian Arctic. There are 94 patrols for a total of approximately 2,861 rangers living in communities all over the Canadian North, the most northern being Grise Fiord on Ellesmere Island. Sovereignty patrols are conducted by snowmobile, covering thousands of kilometres, to remote locations all over the Arctic several times a year. The Canadian Rangers are helping to ensure Canadian sovereignty in the Arctic by providing a constant military presence and lending local traditional knowledge to search and rescue and surveillance activities.

As the threats to Canadian sovereignty in the Arctic are not military but

are related to pollution and increasing air and maritime traffic, it is therefore essential that the Canadian Forces work with other government departments. The Coast Guard, Fisheries and Oceans Canada, Transport Canada, the RCMP and Indian and Northern Affairs Canada all have dedicated northern enforcement capacities. Although the Canadian Forces have begun preliminary discussions with other government departments, no concrete action has yet taken place.

Canada's ability to regulate activities in its Arctic waters and to protect the environment and health of its Arctic citizens is linked to its ability to work with other circumpolar countries in solving environmental problems, collaborating on sustainable development and establishing the Arctic region as an area of peaceful cooperation. Russia is the largest country in the circumpolar world and can be an important ally for Canada in its claim that the Northwest Passage's waters are the internal waters of Canada. Canada has a long-standing relationship with Russia on sustainable northern development, trade, disarmament,

Aboriginal health and pollution prevention in Arctic waters.

In 1987, former Russian president Mikhail Gorbachev laid the foundations for an ideal model of Arctic cooperation. In a speech from Murmansk, Russia, Gorbachev called for a radical lowering of the level of military confrontation in the Arctic, and for peaceful cooperation among Arctic countries, in the form of an Arctic Council. The council would work to develop Arctic natural resources such as offshore oil (Canada and Norway); would promote partnerships on scientific research activities — for example, the Canada-Russia scientific exchange program; and would provide prior notification as well as observers for all naval and air force exercises. Finally, Gorbachev announced Russia's intention to open its Northern Sea Route to shipping.

Canada has had a long-standing tradition of engaging the Soviet Union in world forums, from the first delegation to the UN in 1947 to the Trudeau era of Canadian foreign policy, and now the work with Russia on disarmament issues such as preventing a space-based arms race. Canada is also heading the cam-

paign to engage Russia in the North Atlantic Treaty Organization (NATO), through the 1997 founding of the NATO-Russia Permanent Joint Board. The Inuit Circumpolar Conference, the Arctic Council and the 2000 memorandum of understanding between Canada and Russia on Aboriginal and Northern Development are all forums through which cooperation is taking place on socioeconomic and environmental issues in the Arctic.

The Government of Canada's policy document *Northern Dimensions of Canada's Foreign Policy* (2000) recognizes that a prosperous Russia is crucial to the stability of the international system. Canada has helped Russia rebuild its economy through its economic support and its fostering of trade relations. Canada is exploring the possibility of another trade link with Russia — the "Arctic bridge," a shipping link between Murmansk, Russia, and Churchill, Manitoba. The link would allow Russian refined crude oil to be shipped from the port of Murmansk to Hudson Bay, and then by rail all the way down to the southwestern United States. In addition, the route would be used to open up new markets in Europe for western Canadian products such as softwood lumber and grain.

In the administration of the Northern Sea Route, running along the coast of the Russian Arctic from Novaya Zemlya in the west to the Bering Strait in the east, Russia faces challenges similar to Canada's. Russia opened this passage to international shipping activity in 1991. It has invested enormous material and human resources in exploring and equipping this route. Powerful icebreakers and icebreaking cargo ships have been constructed, and deepwater ports and navigational systems have been established. Like Canada, Russia claims the waters of the Northern Sea Route are its internal waters. It has

developed the necessary legislation to regulate marine traffic and to benefit from the charging of transit tariffs. Russia's and Canada's legal regimes are both based on the provisions of the 1982 UN Convention on the Law of the Sea (article 234, Ice Covered Areas), which accords a right to coastal states to adopt and assure nondiscriminative laws and regulations to prevent marine pollution from vessels.

The *Canada Arctic Waters Pollution Prevention Act* enables Canada to set standards for hull construction and the qualifications of operators, and to

**In the administration of the Northern Sea Route, running along the coast of the Russian Arctic from Novaya Zemlya in the west to the Bering Strait in the east, Russia faces challenges similar to Canada's. Russia opened this passage to international shipping activity in 1991. It has invested enormous material and human resources in exploring and equipping this route. Powerful icebreakers and icebreaking cargo ships have been constructed, and deepwater ports and navigational systems have been established. Like Canada, Russia claims the waters of the Northern Sea Route are its internal waters. It has developed the necessary legislation to regulate marine traffic and to benefit from the charging of transit tariffs.**

impose pollution prevention regulations. The regulation of hull construction is important because only specific types of ship construction can withstand the pressure of thick polar pack ice. Regular container ships would easily be crushed by the ice, which could lead to major environmental disasters. The *Canada Shipping Act* provides additional safety measures to mitigate oil spills.

Recently, Canada and Russia ratified the United Nations Convention on the Law of the Sea. This convention obliges each signatory to map its continental

shelf, and if this proves to extend beyond the 200-mile limit, it can extend its territorial boundaries and benefit from the rights therein. These rights include powers over mineral and biological resources and jurisdiction in environmental matters. While these measures combined provide a framework for control, Canada's ability to enforce these Acts is limited to seeking voluntary reporting from ship operators.

The strength of Canada's claim to Arctic sovereignty is directly related to the prosperity of its northern citizens and its ability to control international marine traffic in the Northwest Passage. Canada must also increase its regulatory and enforcement capabilities in Arctic waters. Deepwater ports as administrative checkpoints are needed, as is an increased Coast Guard presence to enforce regulations and provide emergency response capacity. The Canadian Forces have a continued role to play in developing an Arctic-based search and rescue program, maintaining military presence and providing surveillance.

Strategic development of Arctic natural resources to meet socioeconomic goals would increase living standards in Arctic communities. However, territorial and federal governments must identify the goals to private industry developers. Governments should stipulate that plans for major port facilities by private industry be built in nearby communities. Finally, developing common regulatory standards with Russia for the Northwest and Northeast Passages will strengthen Canada's claim on the international stage to Arctic sovereignty.

*Michael Mifflin resides in Iqaluit, Nunavut, and works for the territorial government. The opinions expressed are those of the author and do not necessarily reflect those of the Government of Nunavut.*