

THE ARCTIC POLICIES OF CANADA AND THE UNITED STATES: DOMESTIC MOTIVES AND INTERNATIONAL CONTEXT

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I. Introduction

The Arctic ice is melting. If current trends continue, there will be dramatic changes in the region, with far-reaching implications. At the same time, the receding ice opens the region to economic development, including through the exploitation of previously inaccessible hydrocarbons and minerals. In September 2011, both the Northern Sea Route (along Russia's north coast, formerly known as the Northeast Passage) and the Northwest Passage (along the northern coasts of Alaska and Canada) were open for some time, potentially creating shorter shipping routes between Asia, Europe and North America.¹ Increased human activity in the sparsely populated and inhospitable Arctic requires new initiatives to achieve safety and security for the region's environment and its inhabitants and visitors.

The nature of international governance in the Arctic has also changed, mainly through the development of the Arctic Council. The Council, which includes the eight states with Arctic territory and representatives of the region's indigenous populations, has evolved into a decision-making organization with a permanent secretariat and budget and it now attracts more attention from the rest of the world.² Since 2006, three successive chairmanships of the Council have been held by Nordic states—Norway (2006–2009), Denmark (2009–11) and Sweden (2011–13)—which agreed on a common set of priorities to pursue. From 2013 it will be chaired by Canada (2013–15) and then the United States (2015–17) and there is now an opportunity for these two states to formulate a coordinated North American agenda for the Arctic Council. However, this approach will be hindered by the two countries' disagreements on several key Arctic issues.

¹ National Snow and Ice Data Center, 'Summer 2011: Arctic sea ice near record lows', 4 Oct. 2011, <<http://nsidc.org/arcticseaicenews/2011/100411.html>>.

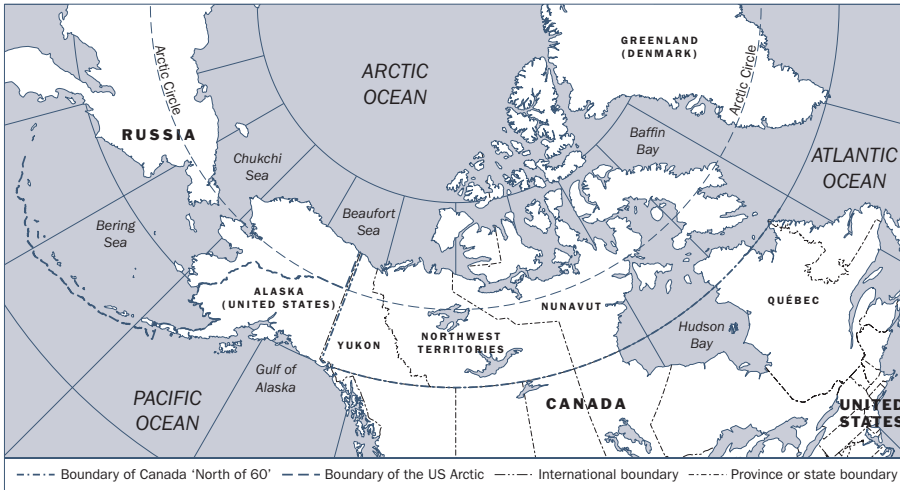
² The Arctic Council's members are Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the USA, along with 6 organizations of indigenous peoples as permanent participants. It was created to promote cooperation, coordination and interaction between its members on common Arctic issues by the Declaration on the Establishment of the Arctic Council (Ottawa Declaration), signed 19 Sep. 1996, <<http://www.arctic-council.org/index.php/en/about/documents/>>.

SUMMARY

● The melting polar ice creates a fundamentally new geopolitical situation in the Arctic that warrants attention at both national and international levels. While the United States is just waking up to these changes, Canada has made the Arctic a top political priority.

Both countries need to pay attention to the challenges in the Arctic but should also be wary of how their domestic posturing in the region is affecting their international relations, including with each other. The abilities of Canada and the USA to pursue their interests in the region will rely on them cooperating closely, not least because from 2013 they will hold successive chairmanships of the Arctic Council.

Canadian–US relations will thus be an important factor in the future of a changing Arctic. Resolving key disagreements and identifying common priorities would strengthen both countries' positions in the region.



Map of Canadian and US Arctic territories

Notes: Canada's Northern Strategy applies to the three territories of Yukon, Northwest Territories and Nunavut, largely corresponding to the area 'North of 60'—that is, north of the 60th parallel. The United States defines the US Arctic as all US territory north of the Arctic Circle or 'north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and the Aleutian chain'.

Sources: Canadian Government, *Canada's Northern Strategy: Our North, Our Heritage, Our Future* (Minister of Public Works and Government Services: Ottawa, July 2009); and Arctic Research and Policy Act of 1984, US Public Law 98-373, signed into law 31 July 1984, amended as US Public Law 101-609, signed into law 16 Nov. 1990, <<http://uscode.house.gov/download/pls/15C67.txt>>.

Many features of Canadian and US societies are intimately intertwined. The two countries share the world's longest international border; each is the other's most important trading partner; and they work together militarily, both multilaterally through the North Atlantic Treaty Organization (NATO) and bilaterally through the North American Aerospace Defense Command (NORAD).³ Their bilateral relationship has often been the defining factor in their respective Arctic policies, yet despite their apparent similarities, they have adopted substantially different approaches to the Arctic region. While the two countries' different Arctic geographies account for many of the differences, other factors contribute to both differences and similarities. Among these, domestic factors should not be underestimated. The Arctic is a relatively low priority issue for the USA among the range

of international challenges that it faces. The top levels of US leadership may pay attention to the region, but the Arctic is not in the minds of the US public and is thus not a politicized issue. Canada, in contrast, has made the Arctic a top national priority, closely linked to Canadian identity and sovereignty.

This paper explores how the domestic motives for the Arctic policies of Canada and the USA have an impact on their foreign policies and how their bilateral interaction shapes the wider context of Arctic relations. Section II describes the Arctic foreign policies of the two states with reference to three specific areas: security, governance and economic development. Section III outlines the complex relationship between domestic politics and Arctic foreign policy in each country. Section IV discusses the effect of Canadian-US relations on their Arctic policies. Section V presents conclusions.

II. Official policies and statements on the Arctic

US foreign policy on the Arctic region is set out in a presidential directive from 9 January 2009.⁴ This document, the final presidential directive issued by US President George W. Bush, has largely been accepted by the succeed-

³ On their military capabilities in the Arctic see Wezeman, S. T., 'Military capabilities in the Arctic', SIPRI Background Paper, Mar. 2012, <http://books.sipri.org/product_info?c_product_id=442>.

⁴ White House, 'Arctic region policy', National Security Presidential Directive no. 66 and Homeland Security Presidential Directive no. 26, 9 Jan. 2009, <<http://georgewbush-whitehouse.archives.gov/news/releases/2009/01/20090112-3.html>>.



ing administration of President Barack Obama and is considered largely bipartisan. The US policy emphasizes issues of national security in the changing and increasingly accessible Arctic region. Other issues highlighted in the document include the environment, economic development, governance, indigenous communities and science.

Canada's domestic policy for the Arctic, the Northern Strategy, was presented in 2009.⁵ It was published under the authority of the Minister of Aboriginal Affairs and Northern Development (who is also Federal Interlocutor for Métis and Non-status Indians) and focuses on four priority areas: (a) sovereignty; (b) social and economic development; (c) the environment; and (d) improved governance for the people of the north. Canada's Arctic foreign policy, presented in a statement in August 2010, focuses on the international dimensions of the same four pillars, with an emphasis on Arctic sovereignty.⁶

Security

Both the Canadian and US policies place heavy emphasis on sovereignty and security in the Arctic region. The US directive states that the USA 'has broad and fundamental national security interests in the Arctic region', while Canada's policy states that 'exercising sovereignty over Canada's North . . . is our number one Arctic foreign policy priority'.⁷ Both countries acknowledge that increasing accessibility will lead to more human activity in the region, with positive and negative consequences. While the USA mentions concerns about terrorist activities and maritime law enforcement, Canada identifies concerns about organized crime and trafficking of drugs and people. The USA names several military challenges with implications for the Arctic, including 'missile defense and early warning; deployment of sea and air systems for strategic sealift, strategic deterrence, maritime presence, and maritime security operations; and ensuring freedom of navigation and overflight'.⁸ Canada's foreign policy strategy is less clear on the issue of military threats in the region. While acknowledging that 'sovereignty is the foundation for realizing the full potential of Canada's North', it also states that 'Canada does not anticipate any military challenges in the Arctic'.⁹

For both Canada and the USA the issue of sovereignty is closely related to the prospect of new resource discoveries in the Arctic region, and the extended continental shelf and boundary issues that may affect their access to these resources. The USA recognizes that several disputed areas in the Arctic may contain resources critical to its energy security, including in the Beaufort Sea, where Canada and the USA disagree on the maritime boundary. Canada regards this and other disputes as 'discrete boundary issues'

While Canada and the United States have both increased the attention they pay to the Arctic, they have adopted substantially different approaches

⁵ Canadian Government, *Canada's Northern Strategy: Our North, Our Heritage, Our Future* (Minister of Public Works and Government Services: Ottawa, July 2009).

⁶ Canadian Government, *Statement on Canada's Arctic Foreign Policy: Exercising Sovereignty and Promoting Canada's Northern Strategy Abroad* (Canadian Government: Ottawa, 2010).

⁷ White House (note 4); and Canadian Government (note 6), p. 2.

⁸ White House (note 4).

⁹ Canadian Government (note 6), pp. 4, 25.



that neither pose defence challenges nor have an impact on its ability to cooperate with other Arctic states. Another point of disagreement between Canada and the USA is the Northwest Passage, which the USA views as an international strait through which any ship has the right of free passage. Numerous US Government agencies acknowledge the status of both the Northwest Passage and the Northern Sea Route as having implications for strategic straits anywhere in the world. Canada, in contrast, claims that it 'controls all maritime navigation in its waters' which, according to its own definition, includes the Northwest Passage.¹⁰

Both countries view the enhancement of their capacity to operate militarily in the Arctic as an important part of solving their respective security and sovereignty challenges. While the US policy calls for general improvements

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to 'protect United States air, land, and sea borders in the Arctic region', Canada has a more detailed vision to 'better monitor, protect and patrol its Arctic land, sea and sky'. The Canadian Government has announced several initiatives that aim to strengthen its military presence in the Arctic including a new icebreaker and new patrol ships; military infrastructure including bases and ports; strengthening NORAD; and yearly military exercises in the region in cooperation with other Arctic states, including the USA.¹¹ These measures are in line with the Canada First Defence Strategy (discussed below) and will arguably better prepare Canada for 'unforeseen events' in the region.¹² However, both Canada and the USA emphasize the role of peaceful negotiations in settling disputes in the region in accordance with international law.

Governance

The 2009 US presidential directive encourages the US Senate to ratify the 1982 United Nations Convention on the Law of the Sea (UNCLOS).¹³ As with Canada's policy, the USA recognizes the convention as the primary legal framework for settling boundary and continental shelf issues in the region. Ratification of UNCLOS will potentially serve US national security interests worldwide by ensuring mobility for its navy and guaranteeing access to seabed resources, primarily in the Arctic region. Canada, for its part, is expected to submit a claim on the extended continental shelf to the UN Commission on the Limits of the Continental Shelf (CLCS) by December 2013.

Both countries express support for the Arctic Council and view the cooperation between the eight Arctic states within this forum as beneficial for the region as a whole. Canada has stated that the Council requires further development in the form of legally binding agreements, greater visibility and transparency, and a formalized secretariat and funding.¹⁴ The US presidential directive, in contrast, affirmed the limited mandate of the Council and expressed the desire that it not 'be transformed into a formal

¹⁰ Canadian Government (note 6), p. 7.

¹¹ See Wezeman (note 3).

¹² Canadian Government (note 6), p. 6; and Canadian Department of National Defence (DND), *Canada First Defence Strategy* (DND: Ottawa, 18 June 2008), p. 8.

¹³ United Nations Convention on the Law of the Sea, opened for signature 10 Dec. 1982, entered into force 16 Nov. 1994, *United Nations Treaty Series*, vol. 1833 (1994).

¹⁴ Canadian Government (note 6), p. 25.



international organization', although this has since transpired.¹⁵ Nevertheless, both countries agree that the Arctic differs so much from the Antarctic that any implementation of a legal regime in the style of the 1959 Antarctic Treaty would be inappropriate.¹⁶ The Canadian policy also highlights the indigenous communities in the region and states that they should have influence over Canada's Arctic foreign policy, both through direct contacts with the Canadian Government and through international forums such as the Arctic Council.¹⁷

Economic development

Canada and the USA agree that the receding of the Arctic ice provides economic opportunities, especially for the extraction of hydrocarbons from the Arctic seabed. The US presidential directive ties these possible resources to its energy security and states that 'Energy development in the Arctic region will play an important role in meeting growing global energy demand'.¹⁸ Canada's domestic policy recognizes the economic potential of the region's oil, gas and mineral resources for northern Canadians as well as Canadians in general, while also acknowledging the dangers of exploitation, not least in the light of the impacts of the oil spill in the Gulf of Mexico in 2010. Both countries welcome further international cooperation on oil spill preparedness and response, including through the Arctic Council.¹⁹

Another aspect of development in the Arctic that may require international cooperation on risk mitigation is the prospect of increased shipping in the region. Canada and the USA agree that new infrastructure and better practices for search and rescue will be needed, and that working through the International Maritime Organization (IMO) is an effective way to increase the safety and security of Arctic shipping, including for the environment. Canada supports the development of a mandatory polar code for shipping under the auspices of the IMO, but also recognizes that the Northwest Passage is 'not predicted to become a viable, large-scale transit route in the near term'.²⁰

Canada and the USA agree that the receding of the Arctic ice provides economic opportunities

The environmental and social sustainability of economic development in the Arctic and the unique challenges to the Arctic's fragile ecosystem and its indigenous communities are highlighted in both countries' domestic policies. This is especially apparent when it comes to exploiting the region's untapped energy resources. The US policy 'seeks to ensure that energy development throughout the Arctic occurs in an environmentally sound manner, taking into account the interests of indigenous and local communities, as well as open and transparent market principles'.²¹ Canada has also stated that it

¹⁵ White House (note 4).

¹⁶ Antarctic Treaty, signed 1 Dec. 1959, entered into force 23 June 1961, <<http://www.ats.aq/e/ats.htm>>.

¹⁷ Canadian Government (note 6), p. 23.

¹⁸ White House (note 4).

¹⁹ Canadian Government (note 6), p. 12f.

²⁰ Canadian Government (note 6), p. 12.

²¹ White House (note 4).



will work to improve the social situation of northern communities on issues including human health and the preservation of indigenous languages.²²

III. Arctic policies and politics in the domestic context

Canada

The Canadian Government's attitude towards the Arctic region has historically fluctuated between indifference and keen interest, depending on who is prime minister. During three periods—1969–77, 1983–91 and 2006 to the present day—the Arctic has been particularly prominent in Canadian politics. These periods have roughly corresponded with the terms in office as prime minister of Pierre Trudeau (1968–79, 1980–84), Brian Mulroney (1984–93) and Stephen Harper (2006–), respectively.²³ With the prospect of an increasingly accessible Arctic, Harper has made the region a national priority and a key part of his domestic and foreign policies. He has repeatedly stated that asserting Canada's sovereignty over the Arctic is the country's top priority and that Canada needs to 'use it or lose it'.²⁴ In his speeches on the region, Harper has stressed the importance of the Arctic to Canada's national identity, emphasizing both its history and its future prospects. He has also announced increased spending aimed at bolstering Canada's capacity to operate in the region, including militarily.²⁵

The Canadian Government's attitude towards the Arctic region has historically fluctuated between indifference and keen interest

Harper's emphasis on the military aspect of Arctic sovereignty and the importance of a military presence in the region has earned him criticism from groups that argue that the main challenges in the region are not military in nature but instead relate to human security and the environment.²⁶ Canada's Arctic region makes up a large part of its territory and is home to approximately 110 000 Canadian citizens.²⁷ Although rich in natural resources, the region remains relatively poor and is heavily subsidized by the Canadian Government. The work of most government departments thus extends into the Arctic and the Department of Aboriginal Affairs and Northern Development is specifically tasked with dealing with the domestic challenges that the region poses, including its harsh climate and the lack of infrastructure.

The activities of the Department of Foreign Affairs and International Trade (DFAIT) also have implications for the Arctic region. Lawrence Cannon, Canada's Minister for Foreign Affairs between 2008 and 2011, made several strong public statements on the Arctic. At the launch of the Statement on

²² Canadian Government (note 6).

²³ Cornut, J., 'Why and when we study the Arctic in Canada', *International Journal*, vol. 65, no. 4 (autumn 2010), p. 944.

²⁴ 'Arctic of "strategic importance" to Canada: PM', CBC News, 19 Aug. 2009, <<http://www.cbc.ca/news/canada/story/2009/08/19/harper-nanook-arctic-north-sovereignty414.html>>.

²⁵ See e.g. Jean, M., Canadian Governor General, *Strong Leadership, A Better Canada: Speech from the Throne, October 16, 2007* (Canadian Government: Ottawa, 2007), pp. 3–4. The Speech from the Throne is written by the government of the day.

²⁶ Dey, A., 'The North is calling. But not for more CF-18s', Canadian International Council, 19 Oct. 2011, <<http://www.opencanada.org/features/blogs/dispatch/the-north-is-calling-but-not-for-more-c-18s/>>; and Smith, H. A., 'Choosing not to see: Canada, climate change and the Arctic', *International Journal*, vol. 65, no. 4 (autumn 2010), pp. 931–942.

²⁷ Statistics Canada, CANSIM database, 'Estimates of population, Canada, provinces and territories, quarterly (persons)', <<http://www5.statcan.gc.ca/cansim/a01?lang=eng>>.



Canada's Arctic Foreign Policy, Cannon stated that 'the Arctic is an essential part of the Canadian national identity' and that exercising sovereignty is a top priority.²⁸ During a trip to a remote Canadian research outpost in the Arctic in April 2010, Cannon sharply dismissed an alleged Russian parachute jump over the North Pole as a 'stunt' and a manifestation of Russian 'propaganda' in the Arctic. The Russian Arctic Ambassador, Anton Vasiliev, criticized Cannon for being 'provocative', catering to a domestic audience and scoring points by being tough on Russia.²⁹

Canada's Arctic foreign policy is coordinated by DFAIT but has an impact on the work of several government departments. DFAIT's Circumpolar Affairs Division is responsible for coordinating and implementing the international aspects of the Northern Strategy, including working with the Arctic Council, and is headed by Canada's Senior Arctic Official (SAO), who is also the Director General of DFAIT's Environment, Energy and Sustainable Development Bureau. The SAO has taken over much of the workload of the Circumpolar Ambassador, a position that was abolished by the current government in 2006 in an effort to cut costs.³⁰

DFAIT is also responsible for a programme that aims to map the part of Canada's continental shelf that extends beyond 200 nautical miles (370 kilometres) in order to make a submission to the CLCS under the auspices of UNCLOS. As Canada ratified UNCLOS in 2003, this claim must be submitted before the end of 2013. Domestically, DFAIT is working together with the departments of Natural Resources and of Fisheries and Oceans, and internationally it is working with Russia, Denmark and the USA, to prepare this submission. The goal of this process is to determine the full extent of the area over which Canada has sovereign rights to explore and exploit the natural resources of the seabed and subsoil.

'The Arctic is an essential part of the Canadian national identity'

The Canadian International Centre for the Arctic Region (CICAR), a DFAIT initiative to coordinate and improve diplomatic efforts on the Arctic, is located in Oslo, Norway, and has additional staff in Washington, DC, Anchorage and Moscow. Inaugurated by Cannon in 2009, CICAR aims to conduct strategic regional analysis in order to improve DFAIT's ability to make informed decisions on Arctic-related foreign policy issues.

The Harper government's emphasis on the military aspects of protecting Canada's Arctic sovereignty means that the Department of National Defence (DND) has been given an important role in Arctic foreign policy. Harper has announced several large investments in military bases and materiel in Nunavut, including 6–8 Arctic patrol ships and a docking and refuelling facility in Nanisivik, and a Canadian Forces Arctic Training Centre in Resolute Bay.³¹

²⁸ Cannon, L., 'Address at launch of statement on Canada's Arctic foreign policy', Ottawa, 20 Aug. 2010, <<http://www.international.gc.ca/media/aff/speeches-discours/2010/2010-057.aspx?lang=eng&view=d>>.

²⁹ Blanchfield, M., 'Cannon ditches script on proposed Russian parachute jump, documents show', *Globe and Mail* (Toronto), 20 Feb. 2011; and Blanchfield, M., 'Russian envoy blames tough talk from Tories on Cold War "inertia"', *Globe and Mail* (Toronto), 26 May 2011.

³⁰ 'Circumpolar ambassador job axed', CBC News, 3 Oct. 2006, <<http://www.cbc.ca/news/canada/north/story/2006/10/03/circumpolar-cuts.html>>.

³¹ The DND estimates the cost of the ships at 3.1 billion Canadian dollars (\$3 billion). The first ship is anticipated to be finished in 2015. Canadian Department of National Defence (DND), 'Equipment procurement: Arctic/offshore patrol ships', 15 May 2012, <<http://www.forces.gc.ca/site/pri/2/>>



The procurement of the Arctic patrol ships has been criticized because the ships are not considered strong enough for heavy icebreaking, and also because the Canadian Coast Guard (CCG) is more suited for Arctic operations than the Royal Canadian Navy. The Chairman of the Senate Committee on National Security and Defence, Colin Kenny, and the Chairman of the Senate Committee on Fisheries and Oceans, Bill Rompkey, have argued that the CCG has more experience and competence to operate in the Arctic than the navy and that 'moving the navy into the Arctic will drain its effectiveness elsewhere'.³² Kenny has also called the procurement of patrol vessels 'a dumb idea', arguing that proper icebreakers should be acquired instead.³³

Following the Canadian Government's early announcements on increased defence spending, in May 2006 Harper, together with the Minister of National Defence, Peter MacKay, presented a new defence strategy for Canada, the Canada First Defence Strategy. In line with the government's focus on the North, the Arctic region is given prominence in the strategy, which states that 'the Canadian Forces must have the capacity to exercise control over and defend Canada's sovereignty in the Arctic' and that 'the military will play an increasingly vital role in demonstrating a visible Canadian presence in this potentially resource-rich region'.³⁴ The strategy aims to increase Canada's annual defence spending in real terms from 18 billion Canadian dollars (\$17.4 billion) in 2008/09 to 30 billion Canadian dollars (\$29 billion) in 2027/28 and plans investment in more personnel, better military infrastructure, increased readiness and new hardware.³⁵

In April 2012, at the invitation of Canada, the defence chiefs of the eight Arctic countries met at Goose Bay, Labrador, to discuss the unique challenges faced by the military in the Arctic. They discussed the impact of the region's geography, climate and distances on such issues as search and rescue and civil-military cooperation. The event, which was the first of its kind, is set to develop into an annual meeting.³⁶

While the Canadian Government is obviously aware of the potential benefits of an open Northwest Passage, a viable option for transporting goods via the Northwest Passage is not likely to become a reality anytime soon. The

The Arctic region is given prominence in the Canada First Defence Strategy

possibility of transportation in the region is not only determined by the extent of the ice: factors such as lack of infrastructure, reliable maps and capable vessels all suggest that talk of a commercially viable sea route is premature.³⁷ Nevertheless, the Canadian Government vehemently defends its right to refer to the Northwest Passage as internal waters, not an international strait as the USA and others would prefer. The national transportation department, Transport Canada, has worked intensely to promote a mandatory polar

pro-pro/artic-eng.asp>; and Office of the Prime Minister of Canada, 'Expanding Canadian Forces operations in the Arctic', Press release, 10 Aug. 2007, <<http://pm.gc.ca/eng/media.asp?id=1785>>.

³² Kenny, C. and Rompkey, B., 'Wrong decision on ships could sink navy', *Times Colonist* (Victoria), 16 July 2009.

³³ McLeod, P., 'Arctic patrol ships "dumb"', *Chronicle Herald* (Halifax), 16 Mar. 2012.

³⁴ Canadian Department of National Defence (note 12), p. 8.

³⁵ Canadian Department of National Defence (note 12), p. 4; Office of the Prime Minister of Canada (note 31); and Wezeman (note 3).

³⁶ Boswell, R., 'Military leaders from Arctic countries to meet in Canada', *Nunatsiaq News*, 4 Apr. 2012.

³⁷ Comtois, C., Université de Montréal, Interview with author, Montréal, Sep 8, 2011.



code for all maritime traffic in polar waters, which would give Canada some control over passing ships. After an unannounced visit by a US tanker, the SS *Manhattan*, to the Northwest Passage in 1969 led to diplomatic tension with the USA, Canada introduced the 1970 Arctic Waters Pollution Prevention Act.³⁸ The act gave Canada more control over traffic in the Northwest Passage and appeased domestic demands for a tough stance against the USA.³⁹

The Canadian Coast Guard is, unlike the US Coast Guard (USCG), a civil organization under the Department of Fisheries and Oceans and has no mandate to enforce law or military security. The CCG's main mission in the Canadian Arctic is icebreaking and it operates Canada's fleet of two heavy and four medium-sized icebreakers. Despite its civilian role, however, the CCG and its icebreakers are 'the primary means of projecting [Canada's] sovereignty in the Arctic'.⁴⁰ Some have called for the arming of the CCG—a report from the Senate Standing Committee on Fisheries and Oceans from December 2009, for example, recommended that CCG icebreakers be armed with deck weaponry and staffed by personnel with law-enforcement authority.⁴¹ The CCG has been described as an 'orphan', lost in Canada's bureaucracy, both under-prioritized and underfunded.⁴² With the renewed interest in the Arctic and increased potential for Arctic missions—related, for instance, to patrolling the Northwest Passage—this may change.

The Canadian Government vehemently defends its right to refer to the Northwest Passage as internal waters

The three territories making up the Canadian Arctic—Yukon, Northwest Territories and Nunavut—lack the jurisdictional autonomy extended to the 10 Canadian provinces in the south; instead they receive their powers directly from the Canadian Government. However, this distinction between provinces and territories is slowly changing. The 2002 Yukon Act made governance in that territory similar to that of the provinces—for instance, Yukon now controls its natural resources.⁴³ Although the other two territories are likely to follow Yukon eventually, the Canadian Government still has more authority over the three territories than over the provinces.

The non-state actors with the strongest interest in the Canadian Arctic are the aboriginal peoples of the region. Aboriginal peoples in Canada are usually divided into Inuit, First Nations and Métis and together comprise around 3.8 per cent of Canada's population. Of these, the Inuit have a special standing in the Canadian Arctic due to their long occupancy of the region. The Inuit also play a special role in Canada's sovereignty claims over the region, as illustrated by the 1993 Nunavut Land Claims Agreement, which led to the creation of the territory of Nunavut (meaning 'our land' in Inuktitut) and recognized the Inuit's contributions to Canadian history, identity and sover-

³⁸ Arctic Waters Pollution Prevention Act, royal assent 26 June 1970. The current version of the act, as subsequently amended, is available at <<http://laws-lois.justice.gc.ca/eng/acts/A-12/>>.

³⁹ Bow, B. J., *The Politics of Linkage: Power Interdependence and Ideas in Canada-US Relations* (UCB Press: Vancouver, 2009), p. 83.

⁴⁰ Canadian Senate, Standing Committee on Fisheries and Oceans, *Controlling Canada's Arctic Waters: Role of the Canadian Coast Guard* (Canadian Senate: Ottawa, Dec. 2009), p. 47.

⁴¹ Canadian Senate (note 40), p. 31.

⁴² Canadian Senate, Standing Committee on Fisheries and Oceans, *The Coast Guard in Canada's Arctic: Interim Report* (Canadian Senate: Ottawa, 2008), p. 35.

⁴³ Yukon Act, royal assent 27 Mar. 2002, <<http://laws-lois.justice.gc.ca/eng/acts/Y-2.01/>>.

**Box 1. The United States and the United Nations Convention on the Law of the Sea**

Much of the United States' ambition in the Arctic is hampered by its inability to ratify the 1982 United Nations Convention on the Law of the Sea (UNCLOS).^a The USA played an integral part in the negotiation of UNCLOS and, although an agreement on implementation that was acceptable to the US negotiators was reached in 1994, the US Senate has since failed to ratify the convention.^b While the USA did not sign the agreement at the time of its negotiation because of the Department of the Interior's strong feelings on seabed mining rights, it managed to omit the controversial deep-sea mining clause during negotiations in 1994. As the Arctic opens up and the USA begins to look north, more attention is given to the treaty and the stipulations under it that may allow the USA to expand its maritime territory along its extended continental shelf.

Today, nearly all US maritime stakeholders, including the US Navy, the US Coast Guard and industry, as well as the administration, support ratification of UNCLOS. The US Senate's Foreign Relations Committee also approves of the ratification of UNCLOS, having twice sent it to the full Senate, where the vote was blocked. Meanwhile, a handful of Republican senators oppose the convention on the grounds that it undermines US sovereignty, and they may seek to prevent the motion to ratify UNCLOS from reaching a vote on the Senate floor. Their opposition to the convention is, however, likely to be based on an ideological desire to damage the current administration at any cost, rather than real concern over security or sovereignty.

Even though the two-thirds majority that is needed in the Senate is likely to exist, the political costs associated with pursuing ratification are high for the already weakened administration of President Barack Obama. The ratification process for the 2010 Russian–US New START treaty proved that even a motion with broad bipartisan support can face difficulties in the current US political environment.^c In May 2012, Senator John Kerry made a new push for the convention with strong support from the secretaries of State and Defense and the army chief of staff. Kerry plans to hold a series of senate hearings and hopes for a vote in the US Senate following the presidential elections in 2012.^d In order to achieve ratification, Democrats must emphasize the existing bipartisan support for the convention and depoliticize the issue. Republicans, for their part, must show statesmanship and responsibility, even at the cost of criticism from more conservative elements of their party.

^a United Nations Convention on the Law of the Sea, opened for signature 10 Dec. 1982, entered into force 16 Nov. 1994, *United Nations Treaty Series*, vol. 1833 (1994)

^b Agreement relating to the Implementation of Part XI of the 1982 United Nations Convention on the Law of the Sea, signed 28 July 1994, entered into force 28 July 1996, *United Nations Treaty Series*, vol. 1836 (1998).

^c Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START), signed 8 Apr. 2010, entered into force 5 Feb. 2011, <<http://www.state.gov/t/avc/newstart/c44126.htm>>. For a summary of the Russian and US ratification debates see Kile, S. N., 'Nuclear arms control and non-proliferation', *SIPRI Yearbook 2011: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2011), pp. 370–71.

^d US Senate, Foreign Relations Committee, 'Hearing on the Law of the Sea Convention (treaty doc. 103-39): the US national security and strategic imperatives for ratification', 23 May 2012, <<http://www.foreign.senate.gov/hearings/the-law-of-the-sea-convention-treaty-doc-103-39-the-us-national-security-and-strategic-imperatives-for-ratification>>.

eignty of the Arctic, as well as stating that 'Canada's sovereignty over the waters of the Arctic archipelago is supported by Inuit use and occupancy'.⁴⁴

The United States

The USA is an Arctic country by virtue of the state of Alaska, which has both territory above the Arctic Circle and a coastline on the Arctic Ocean. Since the end of the cold war, the Arctic region has been overlooked in US national politics. However, with the decreasing ice cover and increasing global attention given to the region, the Arctic is becoming more firmly established on the US Government's agenda.

The USA sent a high-level delegation, including the US Secretary of State, Hillary Clinton, and the US Secretary of the Interior, Ken Salazar, to the April 2011 Arctic Council ministerial meeting in Nuuk, Greenland. Within the US

⁴⁴ Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Land Claims Agreement), signed 9 July 1993, <<http://www.aadnc-aandc.gc.ca/eng/1100100030601>>.



State Department, Clinton in particular has developed a personal interest in Arctic issues.⁴⁵ She has repeatedly called for US ratification of UNCLOS, describing it as long overdue, and stating that it goes ‘hand in hand’ with the challenges in the Arctic (see box 1).⁴⁶ Clinton’s visit to Nuuk, as well as to a March 2010 meeting in Chelsea, Québec, where the Arctic littoral states discussed seabed mapping and search and rescue, testifies to this interest. At the Chelsea meeting Clinton publicly criticized her Canadian hosts for excluding non-littoral Arctic states and indigenous groups from discussions, stating that ‘we need all hands on deck because there is a huge amount to do, and not much time to do it’.⁴⁷ In September 2010, James Steinberg, US Deputy Secretary of State, also called for ratification of UNCLOS as well as the strengthening of Arctic governance, including the Arctic Council.⁴⁸ The State Department also hosts the Office of Ocean and Polar Affairs within the Bureau of Oceans and International Environmental and Scientific Affairs, where the US Senior Arctic Official, who represents the USA in most Arctic Council contexts, is based.

The Arctic is becoming more firmly established on the US Government’s agenda

In the US Department of the Interior, Salazar has taken the lead on the Arctic. The department has several bureaux involved in the Arctic, including the bureaux of Indian Affairs and of Land Management; the US Fish and Wildlife Service; the US National Park Service; and the Bureau of Ocean Energy Management, Regulation and Enforcement. The department is also home to the US Geological Survey, which has produced one of the most influential and widely cited estimates of undiscovered Arctic oil and gas.⁴⁹

With effect from April 2011, the Arctic lies within the area of responsibility of two US armed forces commands: Northern Command (USNORTHCOM) and European Command (USEUCOM). As USNORTHCOM is responsible for US territory and has strong relationships with Canada and NORAD as well as the US Coast Guard, its commander takes the lead on Arctic planning, identification of future capabilities and requirements or engagement with other agencies and bodies.⁵⁰ The US Navy is the largest Arctic player within the Department of Defense (DOD) and has been at the forefront of climate change adaptation, for example through the US Navy Task Force Climate Change (TFCC) headed by Rear Admiral David Titley. The TFCC, created in 2009, was tasked with establishing roadmaps for the navy’s response to climate change, first in the Arctic and then more generally.⁵¹ The Navy

⁴⁵ Arnaudo, R., Policy Planning, Office of the Secretary, US Department of State, interview with author, US Department of State, Washington, DC, 15 Sep. 2011.

⁴⁶ Council on Foreign Relations, ‘Transcript of Hillary Clinton’s confirmation hearing’, 13 Jan. 2009, <<http://www.cfr.org/us-election-2008/transcript-hillary-clintons-confirmation-hearing/p18225>>.

⁴⁷ ‘Inuit welcome Clinton’s comments on Arctic’, Agence France-Presse, 31 Mar. 2010; and Gillies, R., ‘Clinton rebukes Canada on Arctic meeting’, *The Guardian*, 29 Mar. 2010.

⁴⁸ Steinberg, J. B., ‘The United States: visions of global order’, Paper presented at the 8th International Institute for Strategic Studies Global Strategic Review, 11 Sep. 2010, <<http://www.iiss.org/EasySiteWeb/getresource.axd?AssetID=46775>>.

⁴⁹ US Geological Survey, *Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle* (US Department of the Interior: Washington, DC, 2008).

⁵⁰ US Department of Defense (DOD), *Report to Congress on Arctic Operations and the Northwest Passage* (DOD: Washington, DC, May 2011), p. 20.

⁵¹ US Navy, *US Navy Arctic Roadmap* (Department of the Navy: Washington, DC, Oct. 2009); and US Navy, *US Navy Climate Change Roadmap* (Department of the Navy: Washington, DC, Apr. 2010).

As the Arctic region becomes more accessible and therefore home to more human activity, the US Coast Guard's role there is likely to gain importance

Arctic Roadmap makes several recommendations to be implemented over the 2009–14 financial years in a number of areas, including the development of strategic objectives, ratification of UNCLOS, continued exercises and procurement of new capabilities. US Navy Admiral Gary Roughead has also expressed support for UNCLOS, stating that ratification would give the USA ‘a seat at the table’.⁵² Most of the US fleet of attack submarines is capable of operating in Arctic conditions and some have repeatedly broken through the ice to surface near the North Pole. However, the USA’s nuclear-powered ballistic missile submarines (SSBNs) do not operate in the Arctic.⁵³

In addition to the roadmap, a 2011 DOD report on Arctic operations and the Northwest Passage assesses the national security objectives in the region; the capabilities required in order to achieve these objectives; and the need for new infrastructure, including a new deep-water port and new icebreaking capacity.⁵⁴ The report also discusses the advantages and disadvantages of designating the Arctic as an area of responsibility of two commands and a single combatant commander, envisaging a strategic future for the Arctic as ‘a stable and secure region where US national interests are safeguarded and the US homeland is protected’. According to the report, future challenges will include ‘shortfalls in ice and weather reporting and forecasting; limitations in command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) due to lack of assets and harsh environmental conditions; limited inventory of ice-capable vessels; and limited shore-based infrastructure’.⁵⁵ The region’s development must be closely monitored and needs should be reassessed continuously in order to develop capacity ‘just-in-time’, as opposed to ‘late-to-need’. As far as military posturing in the region, the DOD assesses that the current US presence is adequate for the achievement of short-term objectives.

The USCG—based since 2002 within the Department of Homeland Security—views US polar interests as including ‘national security, law enforcement, maritime safety, diplomatic, humanitarian aid, scientific research, economic sustainability, and marine environmental protection’.⁵⁶ As the Arctic region becomes more accessible and therefore home to more human activity, the USCG’s role there is likely to gain importance. It is responsible for the USA’s icebreaking capabilities and operates the only large icebreaker in active use, the USCG Cutter (USCGC) *Healy*. The need for increased icebreaking capacity was brought to the fore in January 2012 when the *Healy* had to escort a freighter with an emergency supply of fuel to Nome, Alaska.⁵⁷

The Coast Guard is the primary federal agency for handling offshore oil spills and its role is expected to evolve as the pace of energy extraction in the Arctic increases. For example, it is one of several federal agencies that

⁵² Cavas, C. P., ‘Roughead says Russian, Chinese navies growing’, *Navy Times* (Springfield), 16 Mar. 2011.

⁵³ See Wezeman (note 3).

⁵⁴ US Department of Defense (note 50).

⁵⁵ US Department of Defense (note 50), p. 3.

⁵⁶ US Coast Guard (USCG), *US Coast Guard Polar Operations*, Report to Congress (USCG: Washington, DC, 2008).

⁵⁷ Yardley, W., ‘Tanker with crucial fuel delivery is sighted off Nome’, *New York Times*, 13 Jan. 2012.



advises the Department of Commerce on the streamlining of the process to award offshore drilling permits in the Arctic. The USCG is engaged in the public debate on the Arctic and is active on the US delegation to the Arctic Council.⁵⁸ It supports the US claim that the Northwest Passage is an international strait, and in 1985 it physically challenged Canada's claim that the waters are internal by sending the USCGC *Polar Sea* through the passage without requesting Canadian permission.⁵⁹ The USCG fully and openly supports ratification of UNCLOS and, in an effort to get the ratification through the US Senate, both the previous and present USCG commandants have testified before the Senate, supporting the efforts of the State Department.⁶⁰

In an effort to secure the USA's energy future, and reduce its dependence on foreign oil, the Obama administration has prioritized the advancement of domestic oil production. In May 2011 President Obama announced in a radio address that the US Government had established the Interagency Working Group on Coordination of Domestic Energy Development and Permitting in Alaska in order to streamline the permit process for drilling in the Arctic.⁶¹ The Deputy Secretary of the Interior, David Hayes, will chair the group, which will increase coordination at the deputy secretary level between the departments of Defense, Commerce, Agriculture, Energy and Homeland Security and the Environmental Protection Agency.⁶²

Before once again gaining the attention of the US Government, the Arctic was a concern almost exclusively for the state of Alaska. As Alaska is a sparsely populated state, it occupies only one seat in the US House of Representatives; in addition, over 65 per cent of Alaska's land is owned and managed by the US Government. Alaska's lack of influence in the federal government has led to tension between the state and federal governments, notably over oil drilling in national wildlife refuges (including the Arctic National Wildlife Refuge) and the reduction of federal grants earmarked for Alaska.⁶³

Representatives of the Alaskan State Government have addressed US Senate committees on changes in the Arctic and their impact on national security, foreign policy and energy security.⁶⁴ The Alaskan Lieutenant

Alaska's lack of influence in the federal government has led to tension

⁵⁸ Boda, K. and Venckus, S., US Coast Guard, Interview with author, Washington, DC, 13 Sep. 2011.

⁵⁹ Briggs, P. J., 'The *Polar Sea* voyage and the Northwest Passage dispute', *Armed Forces and Society*, vol. 16, no. 3 (spring 1990).

⁶⁰ US Coast Guard, 'Statement by Adm. Thad Allen, Commandant of the Coast Guard, on the convention on the law of the sea', Press release, 17 May 2007, <<http://www.uscgnews.com/go/doc/786/156912>>; and US Department of Homeland Security, 'Testimony of Admiral Robert Papp Commandant, US Coast Guard on Coast Guard operations in the Arctic, before the House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation', Press release, 1 Dec. 2011, <<http://www.dhs.gov/ynews/testimony/20111201-papp-coast-guard-operations-in-the-arctic.shtm>>.

⁶¹ White House, 'Weekly address: President Obama announces new plans to increase responsible domestic oil production', Press release, 14 May 2011, <<http://www.whitehouse.gov/the-press-office/2011/05/13/weekly-address-president-obama-announces-new-plans-increase-responsible->>.

⁶² Hayes, D., 'Arctic oil and gas development', Keynote speech, CSIS, 13 July 2011, <<http://csis.org/multimedia/video-arctic-oil-and-gas-development-david-hayes-keynote>>.

⁶³ Bolstad, E., 'Changes in Congress leave Alaska with fewer earmarks', *Anchorage Daily News*, 22 Feb. 2010.

⁶⁴ See e.g. Parnell, S., 'The strategic importance of the Arctic in US policy', Statement before the US Senate, Subcommittee on Homeland Security Appropriations, Anchorage, 20 Aug. 2009, <http://www.oceanlaw.org/downloads/Parnell_testimony-20Aug09.pdf>.



Governor, Mead Treadwell, has repeatedly testified, both as a representative of Alaska and as the former chair of the US Arctic Research Commission, before US Congress on the importance of preparing for a more accessible Arctic, raising the need for new US icebreakers.⁶⁵

Both Alaskan senators have proposed a number of bills that remain stalled in the US Senate. Senator Mark Begich has, among other things, proposed strengthening Alaska's adaptation to climate change; better oil spill prevention and response; the implementation of the Arctic Council's Arctic Marine Shipping Assessment; and the creation of a US Arctic ambassador, an idea opposed by the US State Department.⁶⁶ Senator Lisa Murkowski is a vigorous proponent of UNCLOS and has proposed strengthening Arctic maritime infrastructure including new icebreakers and ports, and surveying the Arctic seabed for both safer transportation and delineation of the continental shelf.⁶⁷ Murkowski was part of the US delegation at the April 2011 Arctic Council ministerial meeting.

The chairman of the US Senate Foreign Relations Committee, Senator John Kerry, has also taken a personal interest in Arctic issues and pushed for the Senate to consent to the ratification of UNCLOS in 2009 and again in 2012.⁶⁸ Some members of the US Senate remain opposed to the ratification of UNCLOS. Senator James Inhofe from the land-locked state of Oklahoma is one of its staunchest opponents and has, together with a handful of senators, twice successfully blocked the Senate from approving the ratification. They argue that, among other things, the convention undermines US sovereignty and allows an international body to tax the USA.⁶⁹

While national and homeland security are stated as primary concerns in US Arctic policy, it is clear that the prospect of economic opportunity, and especially energy development, is the strongest driver for the new attention that the region is receiving. Royal Dutch Shell—which bid for exploratory drilling in the Beaufort and Chukchi seas in the summer of 2012—is at the forefront of the oil industry's entry into offshore drilling in the Arctic. Its frustration about the slow approval process was vital in the creation of the inter-agency coordination group on offshore permitting in Alaska. Shell has also constructed its own icebreaker and the company's capacity to manoeuvre

The prospect of economic opportunity is the strongest driver for the new attention that the Arctic is receiving

⁶⁵ See e.g. Treadwell, M., 'Is America prepared for an accessible Arctic?', Testimony before the US House of Representatives, Subcommittee on Coast Guard and Maritime Transportation, Washington, DC, 16 July 2008, <<http://www.arctic.gov/testimony/treadwell-07-16-08.pdf>>; and Treadwell, M., 'America is missing the boat', Statement before the US House of Representatives, Committee on Transportation and Infrastructure and Subcommittee on Coast Guard and Maritime Transportation, Washington, DC, 1 Dec. 2011, <http://t.gov.alaska.gov/treadwell_media/pdf/2011-12-01-Written.pdf>.

⁶⁶ Gourley, J., US Department of State, Interview with the author, Washington, DC, 14 Sep. 2011; and Arctic Marine Shipping Assessment Implementation Act, Bill S.1561, introduced 14 June 2009, <<http://www.govtrack.us/congress/bills/111/hr2865>>. For a list of bills sponsored by Senator Begich see <<http://begich.senate.gov/public/index.cfm?p=SponsoredBills>>.

⁶⁷ On Senator Murkowski's work on the Arctic see <<http://murkowski.senate.gov/public/index.cfm?p=Arctic>>.

⁶⁸ Winter, A., 'Sen. Kerry looks for window to ratify Law of the Sea', *New York Times*, 7 May 2009.

⁶⁹ Inhofe, J. M., 'Inhofe presses administration officials on Law of the Sea Treaty', Press release, 23 May 2012, <http://inhofe.senate.gov/public/index.cfm?FuseAction=PressRoom.PressReleases&ContentRecord_id=7af0c948-9025-bb99-1530-b5b2d1cef84f>.



in the Arctic now rivals that of the US Government.⁷⁰ The US Chamber of Commerce is also supporting UNCLOS by actively lobbying senators for its ratification.⁷¹

Several think tanks and environmental groups have also taken an interest in the US Arctic. The Center for Strategic and International Studies (CSIS) has produced extensive reports on the USA's role in the Arctic and has highlighted the USA's lack of capacity to operate in the region and the importance of ratifying UNCLOS in several conferences.⁷² Another think tank that has taken an interest in UNCLOS, the Heritage Foundation, has repeatedly published texts urging the US Senate not to ratify the convention.⁷³ The World Wildlife Fund (WWF), Greenpeace and the Pew Environment Group are all actively seeking to stop or postpone drilling in the US Arctic. Pew has paid for national television advertisements questioning Arctic drilling, while the WWF publishes reports on the dangers of Arctic drilling.⁷⁴ There are signs of growing public opposition to Arctic drilling in the USA. On 15 May 2012, for example, a petition signed by more than 1 million people urging Shell to stop Arctic drilling was delivered to the White House.⁷⁵

IV. The effect of Canadian–US relations on Arctic policies

With the increased global attention given to the Arctic region due to the changing climate, the governments of Canada and the USA have both pushed the Arctic further up the political agenda. In Canada this shift was clear when Stephen Harper took office in 2006 and declared the Arctic a national priority. In the USA, the shift has been subtler, beginning with the directive issued during the last days of the Bush administration, and reinforced by the Obama administration's increasing attention to Arctic issues.

The governments of Canada and the USA have both pushed the Arctic further up the political agenda

The Arctic is a highly politicized issue in Canada that is closely tied to national identity.⁷⁶ 'Pressing the Arctic button' has been viewed as a way of creating a 'rally round the flag-effect' in an otherwise internationalist society.⁷⁷ Harper has been accused of seek-

⁷⁰ Demer, L., 'Shell to unveil icebreaker for Arctic Alaska offshore drilling', *Anchorage Daily News*, 6 Dec. 2011; and 'Shell's new icebreaker "Aiviq" christened in Louisiana', *Alaska Dispatch*, 26 Mar. 2012, <<http://www.alaskadispatch.com/article/shells-new-icebreaker-aiviq-christened-louisiana>>.

⁷¹ US Chamber of Commerce, 'Letter to Leader Reid and Leader McConnell', 22 May 2008, <<http://www.virginia.edu/colp/pdf/Reid-McConnell%20letter08.pdf>>.

⁷² Conley, H. A., and Kraut, J., *US Strategic Interests in the Arctic* (CSIS: Washington, DC, Apr. 2010); and Conley, H. A., *A New Security Architecture for the Arctic* (CSIS: Washington, DC, Jan. 2012).

⁷³ Groves, S., *U.N. Convention on the Law of the Sea Erodes US Sovereignty over US Extended Continental Shelf* (Heritage Foundation: Washington, DC, 7 June 2011); and Groves, S., 'Law of the Sea Treaty could cost US trillions', Heritage Foundation, 6 July 2011, <<http://www.heritage.org/research/commentary/2011/07/law-of-sea-treaty-could-cost-us-trillions>>.

⁷⁴ Eichbaum, W., WWF, Interview with the author, Washington, DC, 12 Sep. 2011; and Associated Press, 'US Arctic drilling target of TV ads', *CBC News*, 7 Dec. 2011, <<http://www.cbc.ca/news/canada/north/story/2011/12/07/pew-arctic-drilling-campaign.html?cmp=rss>>.

⁷⁵ Center for Biological Diversity, 'More than 1 million people urge White House to stop Shell's Arctic drilling', Press release, 15 May 2012, <http://www.biologicaldiversity.org/news/press_releases/2012/arctic-drilling-05-15-2012.html>.

⁷⁶ See e.g. Sands, C., 'Canada's cold front: lessons of the Alaska boundary dispute for Arctic boundaries today', *International Journal*, vol. 65, no. 1 (winter 2009–10), pp. 209–19.

⁷⁷ Roussel, S., Université de Montréal, Interview with author, Montréal, 8 Sep. 2011.



ing political support rather than actually addressing real challenges in the region, which are more often social and environmental than military.⁷⁸ Several leaked cables from the US embassy in Ottawa seem to confirm that Harper's tough talk on Arctic sovereignty is aimed primarily at a domestic audience, rather than reflecting substantive foreign policy concerns.⁷⁹ In the USA the Arctic has traditionally been the concern of the state of Alaska, but as climate change is expected to open up the region, interest from the federal government has increased as well. The prospect of energy extraction seems

Public opinion and the influence of indigenous groups are decreasing Canada's room for manoeuvre in international negotiations

to be the main driver of this new interest and increased exploration in the region fits well into Obama's energy strategy.

Canada, together with Russia, strongly opposes involving new actors in the Arctic, arguing that Arctic affairs are best left to the Arctic states. This attitude has frustrated a number of actors who perceive that they have a legitimate interest in the region and should be allowed to observe or participate in the Arctic cooperation. The Canadian attitude to Arctic outsiders is clearly illustrated by its reluctance to accept new observers on the Arctic Council. Negotiations on observers—decisions on which are based on consensus—have dragged on for years, with no agreement as to whether ad hoc observers such as China and the European Union (EU) should be granted permanent observer status. Canada has openly opposed granting the EU permanent observer status because of the latter's ban on imports of seal products, while the current permanent participants—six organizations representing indigenous groups—fear marginalization if large actors like the EU and China are granted a permanent seat at the table.⁸⁰ Recent statements by China have led to Canadian unease over China's motives in the Arctic and a fear that it may even be willing to challenge Canada's sovereignty over the Northwest Passage.⁸¹

Public opinion and the influence of indigenous groups are decreasing the Canadian delegation's room for manoeuvre in Arctic Council negotiations. The domestic politics must be weighed against the increasing frustrations of China and the EU, which in turn could cause political costs in the international arena. Of the eight Arctic Council members, the Canadian public is the least interested in letting outsiders into the Council. According to a public opinion survey, in January 2011 only 22 per cent in northern Canada and 15 per cent in southern Canada think that 'non-Arctic states, like China or organizations like the European Union, should be invited to join the Arctic Council and have a say in Arctic affairs'.⁸² By heavily emphasizing sovereignty, Harper has created a climate in which Canadians view their

⁷⁸ Dodds, K., 'We are a northern country: Stephen Harper and the Canadian Arctic', *Polar Record*, vol. 47, no. 4 (Oct. 2011).

⁷⁹ Dodds (note 78).

⁸⁰ 'Canada against EU entry to Arctic Council because of seal trade ban', CBC News, 29 Apr. 2009, <<http://www.cbc.ca/news/world/story/2009/04/29/cda-eu-arctic-seal.html>>.

⁸¹ Curtis Wright, D., *The Panda Bear Readies to Meet the Polar Bear: China Debates and Formulates Foreign Policy Towards Arctic Affairs and Canada's Arctic Sovereignty* (Canadian Defence and Foreign Affairs Institute: Calgary 2011); and Jakobson, L., 'China prepares for an ice-free Arctic', SIPRI Insights on Peace and Security, Mar. 2010, <http://books.sipri.org/product_info?c_product_id=402>.

⁸² Ekos, *Rethinking the Top of the World: Arctic Security Public Opinion Survey* (Ekos Research Associates: Ottawa, Jan. 2011), p. 53.



country's engagement in international cooperation on the Arctic in general, and engagement with non-Arctic states in particular, as concessions undermining Canadian sovereignty. The USA and other Arctic countries such as Sweden and Finland that do not have a strong Arctic identity and where the Arctic is not particularly politicized are supportive of a more inclusive Arctic Council. The Council is expected to receive more requests to become observers in the coming years. Canada and USA should coordinate on this issue as they prepare for their upcoming chairmanships. A related issue is the role of the five Arctic littoral states among the eight Arctic states. In this case too, Canada seems to prefer a more exclusive guest list at meetings than the USA.

Canada's inclination to exclude is visible not only in the framework of the Arctic Council. In discussions with Anders Fogh Rasmussen, Secretary General of NATO, Harper stated that he saw no role for NATO in the Arctic and that those non-Arctic members of NATO that sought such a role were looking to increase their influence where 'they don't belong'.⁸³ Although national security was named as a top priority in the USA's 2009 presidential directive, it is clear that the US Government does not anticipate any military confrontations in its Arctic areas in either the short or medium terms. Although this view is shared by most observers, a forum to discuss military security is needed to avoid suspicion and misinterpretations. The Arctic Council's mandate is limited on this issue and Canada has made it clear that NATO is not the venue for these discussions. Canada and the USA can still address military issues bilaterally through NORAD and multilaterally through the annual meetings of Arctic defence chiefs that Canada has initiated.

The Canadian Government's decreased funding for environmental research and its withdrawal from the 1997 Kyoto Protocol to the United Nations Framework Convention on Climate Change, together with increased military spending and a tough attitude to observers and outsiders in the Arctic Council and other international forums, suggests a shift in priorities for Canada.⁸⁴ Tying the Arctic so closely to Canadian national identity also gives the Arctic issue a degree of indivisibility, which reduces Canada's room for manoeuvre in international negotiations. Tying the north to identity politics may win support for the government in power but will not necessarily lead to the best solutions for the region. Canadian officials also need to be mindful of how tough talk will be interpreted abroad. While US analysts may recognize that the tough talk is directed at a domestic audience, it does not help in building the confidence needed for close cooperation between the two countries in the region.

The two ongoing disagreements between Canada and the USA over maritime boundaries are affecting the two countries' Arctic policies. The first involves a wedge of maritime territory extending from the Alaska-Yukon

The USA has low domestic political stakes in the Arctic and interest in the region is still relatively low among the general public

⁸³ US Embassy in Ottawa, 'Canadian PM and NATO S-G discuss Afghanistan, the Strategic Concept and the Arctic', Cable to the US State Department, no. 10OTTAWA21, 20 Jan. 2010, <<http://wikileaks.free.de/cable/2010/01/10OTTAWA21.html>>.

⁸⁴ Leahy, S., 'Canada cuts environmental spending', *The Guardian*, 9 Nov. 2011; 'High Arctic research station forced to close', CBC News, 28 Feb. 2012, <<http://www.cbc.ca/news/technology/story/2012/02/28/science-pearl-arctic-research.html>>; and 'Canada to withdraw from Kyoto Protocol', BBC News, 13 Dec. 2011, <<http://www.bbc.co.uk/news/world-us-canada-16151310>>.



border. The seabed under this part of the Beaufort Sea is believed to contain both oil and natural gas but ambiguity over its ownership means that no one will invest in exploiting these resources. Public opinion on how to resolve the issue differs between the two countries. The number of Canadians who think that Canada should 'assert full sovereignty' over the area rather than strike a deal with the USA is around 50 per cent while the corresponding number in the USA is only 10 per cent.⁸⁵ While the Canadian public's reluctance to strike a deal may actually give the Canadian Government a stronger bargaining position, pushing any negotiated settlement through the US Senate is unlikely to be an easy task. UNCLOS would provide a possible framework for settling the Beaufort Sea dispute, but the USA's failure to ratify the convention undermines its effectiveness, even though UNCLOS actually strengthens the US claim. The USA showed some interest in the settlement of the Norway–Russia maritime boundary dispute in 2010 and how that could be applied to the case in the Beaufort Sea.⁸⁶ Despite these recent developments, the Beaufort Sea dispute still lingers in relative obscurity in both the USA and Canada. The relative disinterest in solving this issue is undermining the two countries' ambitions for regional leadership. The possibility to set an example and create models for future resolutions of boundary disputes elsewhere is diminishing and the only settlement in recent years has been that between Norway and Russia.

The second disagreement relates to the Northwest Passage. In Canada, the Arctic in general and the Northwest Passage in particular are closely associated with Canadian history and national identity. To play on these nationalistic sentiments in a domestic setting, as when Daryl Kramp, a Conservative member of the Canadian Parliament, suggested renaming the waterway 'the Canadian Northwest Passage', risks raising the stakes and has an adverse effect on international cooperation in the Arctic.⁸⁷ The USA, in contrast, has low domestic political stakes in the Arctic and interest in the region is still relatively low among the general public. A complicating factor with the Northwest Passage is the USA's reluctance to make the strait into a precedent applicable elsewhere in the world. The US Navy and Coast Guard emphasize the freedom of the seas and argue against accepting the passage as Canadian internal waters as this might influence developments concerning other straits, such as the strategically important Strait of Hormuz. Today the two countries may agree to disagree on the matter, but the issue remains a source of friction. After the US Ambassador to Canada reiterated the US position in 2006, Harper responded by stating that 'It is the Canadian people we get our mandate from, not the ambassador from the United States'.⁸⁸ Further US challenges to the Canadian position, such as the 1985 *Polar Sea* incident, may also drive Canada closer to Russia, which holds a similar position on the Northern Sea Route.

Further US challenges to the Canadian position on the Northwest Passage may drive Canada closer to Russia

⁸⁵ Ekos (note 82), p. 40.

⁸⁶ 'Obama and Stoltenberg discussed the High North', *Barents Observer*, 21 Oct. 2011.

⁸⁷ Manicom, J., 'Maritime boundary disputes in East Asia: lessons for the Arctic', *International Studies Perspectives*, vol. 12, no. 3 (Aug. 2011), pp. 355, 377.

⁸⁸ Byers, M., 'Time, Canada, to negotiate the Northwest Passage', CBC News, 5 July 2011, <<http://www.cbc.ca/news/canada/story/2011/07/05/f-vp-byers-northwest-passage.html>>.



V. Conclusions

While Canada has fairly comprehensive strategies to deal with its own Arctic areas as well as wider foreign policy in the region, the presidential directive that guides US policy is quite limited. However, the scope of the two policy documents also testifies to the importance of the Arctic as a political issue in both countries.

The Arctic has become a region of great political importance in Canada. However, the Canadian Government's statements about identity and sovereignty may not be conducive to international cooperation. Although US public and political interest remains low and the USA's capacity to operate in the region leaves much to be desired, changes are visible in terms of US foreign and defence policy.

While the USA has not particularly distinguished itself in the international cooperation over the Arctic—although it seems that this is now changing—Canada has repeatedly made clear that it is seeking a leadership role. The lingering disagreements between the two countries may, however undermine their ability to pursue their interests in the region. The future of the Arctic will require close cooperation between Canada and the USA, not least if human activity in the area increases as it becomes more accessible. Increased traffic in the Northwest Passage will present a challenge to both Canadian and US capacity to operate in the region, not least if responsibilities in the area are unclear. The two countries' inability to agree on key issues such as the legal status of the Northwest Passage and the maritime boundary in the Beaufort Sea is affecting not only their domestic abilities but also their abilities to exercise international leadership in the region. In terms of boundary issues, for example, Norway and Russia, rather than Canada and the USA, have set a positive example and created a model for future delimitations.

Canada and then the USA will chair the Arctic Council for two years each starting in 2013. Coordination between the two countries, along the lines of the common platform of the chairmanships of Norway, Denmark and Sweden, could be an attractive option for Canada and USA that would strengthen their positions in Arctic cooperation by formulating a North American Arctic policy. In order for this to happen, the two countries would have to approach each other on issues such as admitting observers to the Council and the role of the five Arctic littoral states. Moreover, they would have to agree on a common set of priorities to pursue in the Council for the coming years.

The two countries' abilities and willingness to address the challenges posed by the changing Arctic will depend on a range of circumstances, including geography and history; the shape of political systems; the presence of economic and strategic interests; and public engagement. The bilateral relationship between Canada and the USA will also be a key factor for the two countries' abilities to meet the challenges in the rapidly changing region.

Coordination between Canada and the USA would strengthen their positions in Arctic cooperation

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THE ARCTIC POLICIES OF CANADA AND THE UNITED STATES: DOMESTIC MOTIVES AND INTERNATIONAL CONTEXT

KRISTOFER BERGH

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ARCTIC FUTURES

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