

Canada's Arctic Policy

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INTRODUCTION

The importance of the Arctic to Canada and its people is reflected in policy documents, political speeches, and public opinion polls. *Canada's Northern Strategy: Our North, Our Heritage, Our Future* (hereafter *Northern Strategy*),¹ the federal government's principal Arctic policy document, begins with the assertion: "Canada is a Northern nation. The North is a fundamental part of our heritage and our national identity, and it is vital to our future."² A public opinion poll of almost 3,000 Canadians showed that they considered the Arctic to be "a cornerstone of national identity" and "our foremost foreign policy priority."³

The Arctic is undergoing fundamental changes as a result of global warming, higher levels of resource exploration and development, and increased interest on the parts of political leaders at the national and international levels.⁴ These changes affect every aspect of political, economic, and social life in the Arctic, which is home to many Aboriginal peoples, including Inuit, Dene, Gwich'in, Cree, and Métis, as well as other Canadians.

This paper examines Canada's Arctic policy and concludes that although the Harper government's rhetoric has frequently not been supported by action, it has done a significant amount—and a good deal more than previous governments—to promote national sovereignty and to pave the way for resource

development in the Arctic. In contrast, the social and economic well-being of Aboriginal peoples and environmental protection, while mentioned repeatedly in government documents, require a lot more concrete action. In the conduct of the international dimensions of Canada's Arctic policy, cooperation with other Arctic countries remains essential, most especially with the United States, which the government refers to as "an exceptionally valuable partner."⁵

CANADA'S POLICY

The *Northern Strategy* identified four "pillars" (priority areas): exercising sovereignty, promoting economic and social development, protecting the environment, and improving and devolving governance.⁶ The *Northern Strategy* did not contain new spending commitments, however, it did bring together in one document, promises made by government officials in a variety of fora over a number of years, which is important for coherence and for monitoring implementation. The foreign policy dimensions were reiterated and somewhat further developed a year later in the *Statement on Canada's Arctic Foreign Policy: Exercising Sovereignty and Promoting Canada's Northern Strategy Abroad* (hereafter the *Statement*).⁷

Although the pillars are said to be "equally important and mutually reinforcing"⁸ in practice priority is given to reinforcing Canada's sovereignty and promoting resource development. The *Statement* describes sovereignty as the government's "number one Arctic foreign policy priority."⁹ Sovereignty and resource development are closely related: sovereignty is considered to be a prerequisite for realizing the full potential of Arctic resources.

Sovereignty is conceived in traditional terms (i.e., the legal right of a state to determine its own domestic and foreign policies without foreign interference). To exercise traditional sovereignty, Canada must monitor what is happening in its Arctic and enforce its authority over its Arctic land, sea, and air. To this end, the government has taken a significant number of measures. The Canadian Forces conduct annual exercises in the Arctic as well as participating in the northern operations of the North American Aerospace Defence Command (NORAD). An Army Training

Centre is being built in Resolute Bay to serve as a base for military exercises and for training troops to protect national sovereignty and to conduct search and rescue operations. In 2007, the government launched RADARSAT II (a remote sensing satellite) to assist the Canadian Forces in monitoring Arctic transit. A deep-water berthing and fueling facility in Nanisivik is expected to be servicing naval vessels as well as other ships by 2016.¹⁰ Since the original 2007 announcement, the completion date has been extended and plans for the base have been scaled back considerably: “[i]nstead of a ‘jet-capable’ airstrip, the site will have to settle for an existing gravel runway. Rather than a state-of-the-art telecommunications systems [sic], staff will instead be asked to use satellite phones and handheld radios.”¹¹ There will be no construction of office, workshop and accommodation buildings, and improvements to the wharf have been delayed indefinitely.¹² The smaller facility will operate only part-time (i.e., during the summer).

NORDREG (Northern Canada Vessel Traffic Services) was established in 1977 to monitor and support vessel traffic in the Arctic; however, its effectiveness was undermined by two serious shortcomings: registration was voluntary; and only vessels larger than 300 tonnes had to register. The first of these problems has been addressed. The 2001 *Canada Shipping Act* was amended on July 10, 2010 to make registration mandatory; however, the size restriction remains. Drug traffickers, terrorists and smugglers of illegal immigrants would most likely use boats under 300 tonnes.

In light of the vast areas to be covered, Canada urgently needs more icebreakers with Arctic capacity, so it can more effectively patrol, undertake research, and conduct search and rescue operations. In 2007, the government committed to procuring a new polar icebreaker, the *John G. Diefenbaker*, for the Canadian Coast Guard. The addition of a new, larger and more powerful icebreaker is commendable. What is not mentioned in the policy documents is that *CCGS Louis S. St. Laurent*, which is currently Canada’s most powerful icebreaker, is due to be decommissioned the same year (2017) that the *John G. Diefenbaker* is commissioned. Thus, the number of icebreakers in service will remain inadequate.

In an effort to address the capacity deficit, the government promised to procure “new patrol ships capable of sustained operations in first-year ice. These ships will be able to patrol the length of the Northwest Passage during the navigable season and its approaches year-round.”¹³ A new National Ship Procurement Strategy, worth \$35 billion, was announced in January 2012 and should result in six to eight ships being built over the next 25 years.¹⁴ The target is significantly less than the fleet of armed icebreakers promised by the Conservatives in the 2006 election campaign, the delivery dates keep getting pushed back, and the procurement costs are escalating.¹⁵ Will the patrol ships have the capability to realize their mandate? While they are significantly cheaper than icebreakers, the latter do a great deal more to enhance Canadian sovereignty in the Arctic. In terms of both quantity and quality, Canada’s icebreaking capability remains far below that of Russia.

Canada’s search and rescue capacity remains woefully inadequate at a time when transit through Arctic waters is increasing, due

primarily to the growth in destination traffic as the number of scientific studies increases, greater resource development occurs, tourist cruises become more frequent, and growing communities need to be supplied. The result is more transits by water and also by air. In addition, large numbers of international flights pass over the area. The new icebreaker and patrol ships will enhance capacity, but there is also an urgent need to have modern search-and-rescue helicopters stationed in the Arctic. On May 12, 2011, Canada and the other seven members of the Arctic Council signed a search and rescue treaty, which establishes zones of responsibility for each member state and requires them to coordinate their search and rescue efforts in response to major aeronautical and maritime disasters. Although it has not yet entered force, the treaty is an important—albeit modest—step forward. Its ultimate utility will depend on how effectively it is implemented (i.e., what specific measures are developed and how effectively are they applied?).

The government is committed to expanding and modernizing the Canadian Rangers, which comprise part of the Canadian Forces Reserve and bear responsibility “for providing military presence and surveillance and for assisting with search and rescue in remote, isolated and coastal communities of Northern Canada.”¹⁶ To fulfill this challenging mandate, they need more personnel, better training, and more modern equipment. The government has promised to increase their numbers to 5,000 by the end of the 2012 fiscal year.¹⁷ This increase of some 750 Rangers is modest in light of the vast area to be patrolled. Furthermore, it remains to be seen if the target will be met and if training and equipment needs will be addressed.

To further define the domain over which it has sovereignty, Canada must establish its extended continental shelf and resolve maritime boundary disputes with its neighbours. All the Arctic coastal states are involved in delineating their continental shelves beyond 200 nautical miles.¹⁸ According to the *United Nations Convention on the Law of the Sea*, coastal states have sovereign rights to the resources in the water column and seabed within 200 nautical miles from shore.¹⁹ When the continental shelf extends beyond 200 nautical miles, the coastal state has sovereign rights to explore and exploit the non-living resources and sedimentary species of the sea-bed and subsoil. These sovereign rights are exclusive to the coastal state and do not depend on occupation, proclamation, or use. Responsibility for defining its continental shelf rests with the coastal state, which must conduct scientific research to determine if its continental shelf extends beyond 200 nautical miles and, if so, the limits of its outer edge. Canada must submit its scientific data and analysis delineating its continental shelf extension to the United Nations Commission on the Limits of the Continental Shelf by the end of 2013. In spite of the challenges of conducting research under such harsh and isolated conditions, Canadian scientists have succeeded in collecting quality data and the country is well positioned to meet the 2013 deadline.

Global warming has caused sea ice to melt, resulting in more traffic in the Northwest Passage.²⁰ Canada and the United States hold conflicting views on the legal status of the Northwest Passage. Canada claims that the Passage comprises its internal waters, while the United States argues that it is an international strait.²¹ At

present, there are flaws in both sets of legal arguments; however, increased numbers of transits will bolster the U.S. claim that the Passage is an international strait. The opening up of Arctic waters has raised concerns about pollution and access to North America for terrorists, drug smugglers, and illegal immigrants.²² Both the United States and Canada have vested interests in cooperating to address these challenges. Furthermore, increasing numbers of academics and practitioners on both sides of the border are advocating political solutions.²³

Canada's principal maritime boundary dispute also involves the United States. The exclusive economic zones of Canada and the United States overlap in the Beaufort Sea, where rich oil and gas deposits are known to exist. This Canada-U.S. boundary dispute has dragged on for years and it is an irritant in bilateral relations. Until the two countries agree on a maritime boundary, the uncertainties are too great to warrant resource exploitation. For example, would corporations have to operate under U.S. laws or Canadian laws? Few—if any—creditors in the world would finance exploitation before titles were agreed upon. Canada and the United States are committed to resolving this dispute and academics have put forth creative proposals to assist in the process.²⁴

To date, the mapping of the Arctic extended continental shelves has been orderly and marked by large degrees of cooperation.²⁵ For example, Canada has collected and analyzed data with Denmark (Greenland) in the eastern Arctic and with the United States in the western Arctic. In addition, all the Arctic coastal states meet regularly to share information pertinent to the delineation of their continental shelves. Nonetheless, there will be overlaps in the extended continental shelves, just as there are overlaps in the exclusive economic zones between adjacent and opposing states. Resolving disputes over maritime boundaries can be tough and protracted; however, political and legal channels have been used in the past and they will be used in the future.

Prime Minister Stephen Harper makes his link between sovereignty and ownership over natural resources explicit:

In defending our nation's sovereignty, nothing is as fundamental as protecting Canada's territorial integrity; our borders, our airspace and our waters. More and more, as global commerce routes chart a path to Canada's North and as the oil, gas and minerals of this frontier become more valuable, northern resource development will grow ever more critical to our country.²⁶

The potential of Arctic natural resources is impressive.²⁷ In addition to the resources already known to exist, the U.S. Geological Survey estimates that there are "approximately 90 billion barrels of oil, 1,669 trillion cubic feet of natural gas, and 44 billion barrels of natural gas liquids" yet to be discovered in the areas north of the Arctic Circle.²⁸ Pressure to develop these resources is building in response to a series of factors. Demand is growing worldwide, while concerns about shortages are mounting. Natural resource prices have risen to levels where developing Arctic deposits is commercially viable, in spite of the huge costs involved. Global warming has extended the season during which exploration

and exploitation can be carried out and during which maritime shipping lanes are open.²⁹ New technologies, such as the use of satellites and improved methods of conducting seismic and bathymetric testing, facilitate exploration. These technologies also assist in meeting the logistical challenges facing mining and drilling operations in the Arctic and the difficulties involved in transporting resources to distant markets and workers to remote sites.

The strategies for achieving the second pillar (promoting social and economic development) revolve around resource exploitation. As stated in the *Northern Strategy*, "[m]ining activities and major projects such as the Mackenzie Gas Project are the cornerstones of sustained economic activity in the North and the key to building prosperous Aboriginal and Northern communities."³⁰ Such development is to be managed so as to ensure that the rules and regulations governing it are transparent and predictable, and supported by effective institutions.³¹

The government has implemented a range of measures to promote economic prosperity, in general, and resource development, in particular. In 2008, it committed \$100 million dollars over five years to the Canadian Geological Survey's program to update its geological maps depicting energy and mineral resources in the Arctic. Canada's Northern Economic Development Agency, which was established in 2009 to provide integrated business services in the North, administers the Strategic Investment in Northern Economic Development Program. It also channels funding to Aboriginal businesses and entrepreneurs, and territorial and municipal economic development programs. Attention has been given to improving infrastructures, with a focus on assisting Northerners to transport "their goods to markets in southern Canada and other parts of the globe."³² For example, a harbour is being built in Pangnirtung to service the local fish plant and to provide the community with a transportation link with other parts of Nunavut.

While some mining and drilling operations are already in production, many more deposits remain untapped; hence, there is a window of opportunity in which to formulate and implement effective policies. Before allowing further resource exploitation, the government must have concrete measures in place to ensure that the development is done in ways that safeguard the fragile polar environment, meet the needs of local peoples, and support national objectives. Oil, gas, and mineral deposits are non-renewable. Their exploitation has the potential to cause severe environmental damage and irreparable harm to the economic and cultural well-being of Aboriginal peoples. At the same time, resource development has the potential to provide much needed employment and funds to address the myriad of social and economic problems facing the North. Thus, it is vital that policies maximize the advantages and minimize the risks. Unfortunately, such policies are not always in evidence. The Nanisivik Mine near Arctic Bay employed 40 Inuit at the peak of its operations. The mine is now closed, leaving behind heavy lead-zinc contamination, and the surrounding communities are economically depressed. Where were the long-term benefits for the local inhabitants? The Aboriginal Pipeline Group, which was established to ensure

Aboriginal participation in the Mackenzie Gas Project and to maximize the financial benefits they derived from it, has recently been downsized.

The government's preoccupation with the exploitation of natural resources and its state-centric and militaristic approach to sovereignty has elicited serious criticism. The focus on state borders is not only described as "outmoded," but it is seen as an impediment to addressing the myriad of environmental, social, and economic problems facing the Arctic.³³ The state-centric preoccupation contrasts with the Inuit concept of sovereignty, which focuses on cooperation among Aboriginal peoples and transcends national boundaries. "Indigenous internationalism" is described as "the cooperation of indigenous peoples with each other across or beyond national borders to share ideas, information, and inspiration; to concert moral and political influence on national governments and international bodies; and to establish better international standards for themselves and other indigenous peoples in matters of shared or universal interest."³⁴

The Harper government uses the word "partnership" to describe its relations with Aboriginal peoples, which lends credibility to its positions; however, it is more rhetoric than reality.³⁵ Mary Simon, past president of Inuit Tapiriit Kanatami, advocates for "a genuine and mutually beneficial partnership agreement."³⁶ The government defines the North in terms of existing political jurisdictions (i.e., the Yukon, Northwest Territories, and Nunavut), whereas the Inuit Nunangat comprises the Inuvialuit Settlement Region, Nunavut, Nunivak, and Nunatsiavut.³⁷ This gulf in perceptions does not bode well for partnership.

The federal government provides funding to territorial governments and Aboriginal governance bodies as well as running its own programs to provide housing, education, health, social services, employment, and infrastructures. The sums devoted to these challenges are substantial: the *Northern Strategy* announced "annual unconditional funding of almost \$2.5 billion to the territories through Territorial Formula Financing."³⁸ Yet the well-being of Northern residents, especially Aboriginal populations, ranks far below the rest of the country on human development indices and is, in many cases, on par with that found in Southern countries. The federal government's failure to fully implement the *Nunavut Land Claims Agreement* is inconsistent with the concept of partnership and incompatible with the promotion of economic and social development. It also undermines the government's claim to be exercising sovereignty, since that claim relies heavily on the Inuit who have occupied both the land and frozen waters of the Arctic for centuries.

Protecting the environment comprises one of the four pillars of Canada's *Northern Strategy* and the need for stewardship and to safeguard the Arctic environment is mentioned multiple times in government documents. Some concrete measures have been taken. The area covered by the *Arctic Waters Pollution Prevention Act* was extended from 100 nautical miles to include Canada's entire 200 nautical mile exclusive economic zone. The biologically rich Lancaster Sound was declared a national marine conservation area.³⁹ The Northern Regulatory Improvement Initiative helps to

"resolve the complex approval process for development projects, to ensure new projects can get up and running quickly and efficiently."⁴⁰ Environmental protection is a cited objective of the Initiative; however, as the above quote indicates, priority is given to expediting development.

Most of the government's environmental commitments are phrased in general terms and the need for further studies is repeated, when what is really needed is concrete action to prevent environmental degradation. Furthermore, the focus is narrow. In advocating sustainable development, it fails to ask the a priori question: is Arctic resource development desirable? The risks of ecological degradation are enormous, and pollution and other damage to the land and water could severely undermine the long-term economic, social, and cultural well-being of Aboriginal peoples. The government frames its discussion of global warming in a way that "minimizes the depth and breadth of climate change impacts" and locates the sources of the problem outside Canadian jurisdiction; thereby deflecting its responsibilities.⁴¹ Global warming and melting ice are portrayed more as opportunities for economic development than as threats.⁴² The government's concept of exercising sovereignty entails allowing "corporations to drill for oil and gas in a fragile ecosystem so as to extract more of the hydrocarbons whose use has been at the root of the crisis now facing us."⁴³ The result is a privileging of the energy wants of Southerners over the ecological and human needs of Arctic inhabitants.⁴⁴

Environmental protection and the well-being of Northerners depend on the formulation and implementation of sound policies and programs. Their realization—like that of all the government's objectives—also depends on cooperation with other countries. A Canadian initiative led to the establishment of the Arctic Council to foster cooperation among member countries, especially in the areas of environmental protection and sustainable development. From 2013 to 2015, Canada will chair the organization. Its leadership comes at a time when the Arctic Council is facing serious questions. Should its mandate be expanded to include matters of security—something the United States has long opposed? Membership in the Arctic Council is restricted to the eight Arctic countries (Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden, and the United States), while six Indigenous groups (the Aleut International Association, Arctic Athabaskan Council, G'wichin Council International, Inuit Circumpolar Council, Russian Association of Indigenous Peoples of the North, and Saami Council) are permanent participants. Should membership in the Arctic Council be open to non-Arctic states, such as China, France, Germany, the Netherlands, South Korea, Spain, and the United Kingdom, which currently have observer status but want to participate more actively in the deliberations? Should the Arctic Council become a law-making body, building on the example of the 2011 search and rescue treaty that was negotiated under its auspices? Will Canada exercise the strong, constructive leadership necessary to address these challenges effectively when it becomes Chair in 2013?

CONCLUSION

As is evident from the above discussion, there has been some significant scaling back of the government's original commitments, especially in the cases of the docking and fueling facility at Nanisivik, the patrol ships, and environmental protection. Nonetheless, the Canadian government has done a good deal to promote national sovereignty and resource development in the Arctic. In contrast, it has done relatively little in concrete terms to protect the fragile Arctic environment. Not only has little been achieved, but some valuable programs have been undermined. Funding has been cut for the Polar Environmental Atmospheric Research Laboratory, located on the north end of Ellesmere Island and considered "one of the world's premier observatories for tracing the health of the Arctic atmosphere," and for one of its principal funders, the Canadian Foundation for Climate and Atmospheric Sciences.⁴⁵ In spite of the large sums devoted to addressing economic and social problems and the many references in government documents to the well-being of Aboriginal peoples, their standard of living remains far below national norms and acceptable standards.

Pivotal questions remain unanswered. What are the real threats in the Arctic? Military incursions requiring armed responses,

or the immediate problems of climate change and pollution that are degrading transportation lines, eroding coastlines, destroying infrastructures, and undermining the Aboriginal way of life? The illegal entry of terrorists and other foreign criminals or the numerous social and economic hardships facing Arctic inhabitants? Should Canada's Arctic policies be premised on the fear of foreign attacks or, in the true spirit of partnership, should the government embrace the Inuit concept of cooperation and shared space.⁴⁶ The same year that the *Northern Strategy* was released, Franklyn Griffiths produced a thoughtful, holistic prescription for Arctic governance based on stewardship, which government decision-makers would do well to heed.⁴⁷

All four pillars of Canada's Arctic strategy depend on maintaining and expanding cooperative relations, through regional bodies like the Arctic Council, through multilateral and bilateral channels and, in keeping with Inuit internationalism, among Arctic peoples. Canada and the United States share land and maritime boundaries and they face many of the same problems; hence, they have strong vested interests in cooperating with each other as well as with other Arctic countries to exercise good stewardship and wise governance in the region.

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- 47 Franklyn Griffiths, "Towards a Canadian Arctic Strategy," *Foreign Policy for Canada's Tomorrow* No. 1 (Toronto: Canadian International Council, June 2009), 29-31. See also, Franklyn Griffiths, "Stewardship as Concept and Practice in an Arctic Context," *CyberDialogue2012* (Toronto: Munk School of Global Affairs, March 2012). Accessed at <http://www.cyberdialogue.ca/readings/>.