Arctic Sovereignty

A scramble is underway to lay claim to the Arctic, a contest that involves Canada, the United States, Russia, Norway, Denmark and even China.

Veteran journalist and northern adventurer **Ed Struzik** looks at Canada's historic ambivalence toward the Arctic. Published: Sunday, May 23, 2010

Reluctant embrace: *Canada talks boldly of sovereignty over the arctic, but our record is one of failed opportunity. Can Canada secure its claim to the Far North?*

In the summer of 2009, I was camped out in the High Arctic fending off a group of Inuit children who had come to visit my tent at 3 a.m., which is the normal time their day ends in the land of the midnight sun.

These were the grandchildren of a group of families who were relocated in the 1950s to assert Canadian sovereignty in the Arctic.

Ironically, my original plan was to join a Parks Canada crew that had intended to fly 400 kilometres to Parry's Rock on Melville Island to pay homage to Joseph-Elzear Bernier, the man who made the country's first sovereignty claim in the Arctic exactly 100 years ago.

A helicopter lands at the Borden Island ice camp, surrounded by a vast expanse of ice and snow. Canada's involvement in the Arctic has traditionally been fitful and superficial. The current government has pledged to do more, but actions have yet to match the rhetoric.

Bernier was a mariner who led several expeditions to the Far North between 1904 and 1911 on behalf of the government.

On July 1, 1909, he and his crew hiked up to Parry's Rock with a baby muskox in tow. Dressed in shirts, ties, and peacoats, they erected a bronze plaque, claiming the entire Arctic Archipelago for Canada. Bernier then etched his own name into the rock along with that of William Edward Parry, the British sailor who led the first recorded voyage to the High Arctic in 1819.

"We have annexed them. We want the people to settle there now!" Bernier told the Empire Club of Canada later that year.

"I am glad that you approve of that because progress moves not only westward, but northward, too."

Although the gesture was more symbolic than legal, some historians believe it put Arctic Canada on the map.

Parks Canada's decision not to go that summer left me scrambling for another way of getting into the remote site. One option was to fly in on a bush plane that was moving University of Alberta scientist John England from one camp to another on an island nearby.

Another was to hitch a ride with Scott Lamoureux from Queen's University, who was conducting research 30 kilometres from the spot where Bernier planted the Canadian flag.

In the end, there was not enough room on either flight to get me in.

The centennial of Bernier's historic act came and went that summer, and the opportunity to honour the man who laid the foundation for the diplomatic and legal case for sovereignty over the Arctic was lost.

Ken Coates, Whitney Lackenbauer, William Morrison and Greg Poelzer may have articulated it best when they noted that Canada's Arctic sovereignty ought to be rock solid and unchallengeable. And yet, as last year's Donner Prize winners noted in their book, Arctic Front, commentators in political, media, and academic worlds assert that it isn't. The reason why might be summed in part by Canada's failure to pay homage to Bernier on the 100th anniversary of his visit to Parry's Rock.

Unlike Norway, which has immortalized explorers like Otto Sverdrup, Roald Amundsen and Fridtjof Nansen, Canadians have been more interested in bashing British explorers who often stumbled in their explorations of the Arctic than paying tribute to Canadian explorers like Bernier and Henry Larsen, who sailed through the passage.

The real explanation, however, can be found in all the missed opportunities that Canada has had to assert Canadian sovereignty in the Far North.

As early as 1875, the British expressed interest in transferring the Arctic islands to Canada. The Canadian government, however, didn't seem to be keen on the idea. Losing patience, the British foreign secretary sent a letter to Lord Duff erin, the governor general of Canada, in 1877, pointing out Canada was in danger of losing the area to the United States and other countries if it didn't accept the gift that was being offered.

That didn't happen until 1880, when an Order-In-Council set out terms of the transfer. Those terms, however, were so vague that it was unclear what territory Canada was actually getting.

In the years that followed, foreign interests continued to treat the Arctic as if it didn't belong to anyone. In 1902, Otto Sverdrup claimed Axel Heiberg, Amund Ringnes, and Ellef Ringnes islands for Norway following his overland expeditions to the region. Roald Amundsen followed shortly after by sailing through the Northwest Passage between 1903 and 1905 without seeking Canadian permission.

The real wake-up call came in 1903, when a resolution to the Alaska-Canada boundary dispute left Canada without a huge chunk of territory on the northwest coast of Alaska and British Columbia. The culprit in this case was a British arbitrator who inexplicably sided with the United States.

Realizing the British could no longer be trusted to look after Canada's interests in the Arctic, officials in Ottawa began to take matters into their own hands.

First, they dispatched the North West Mounted Police to various outposts in the remotest parts of the Arctic. Then they sent Bernier off on his sovereignty voyages. Eventually though, Canada reverted to its old ways.

Without so much as a public debate, the U.S. was allowed to build the Alaska Highway from Dawson Creek, B.C., to Fairbanks, Alaska, then the Canol oil pipeline from Norman Wells, N.W.T., to the Yukon and then a string of Distant Early Warning sites from Alaska to Baffin Island.

For a time, the Canadian government seemed content to see the Americans footing the bill for defence-related projects it couldn't afford. But the growing number of U.S. flags on Canadian soil eventually became an embarrassment.

The Canadian government responded to public concerns by fortifying the RCMP presence in the North, dispatching Henry Larsen through the Northwest Passage

and relocating Inuit from northern Quebec to two uninhabited islands in the High Arctic.

The Americans, however, continued to do as they pleased. Since the U.S. oil tanker Manhattan sailed through the Northwest Passage in 1969 and again in 1970, other U.S. ships and submarines have made the journey, sometimes playing cat and mouse with then Soviet and now Russian subs that were doing the same thing. The French and British have been caught doing the same thing.

Twice, the government tried to allay public concern about the status of the Northwest Passage by proposing to build nuclear-powered icebreakers. Both times it backed out because of costs and waning public interest.

Now Prime Minister Stephen Harper's promise to build a new icebreaker and five to eight Arctic naval patrol vessels, and to refurbish a seaport at Nanisivik seems to be in doubt. Nearly three years after he made the announcement, the contracts for the projects still haven't been signed. The only promise that appears probable is the world-class Arctic research station, and that could face trouble if funding for science in the Arctic is not increased dramatically.

The Harper government didn't make Arctic scientists feel any more confident about the future when it awarded 19 Canada Excellence Research Chairs. While three of those chairs went to scientists with some connection to the Arctic, the investment hardly offset cutbacks that have made it increasingly difficult for Canadian scientists to get into the field.

Meanwhile, the Arctic game has become more complex. First, it was Denmark planting a flag on Hans Island. Then it was the U.S. challenging Canada's interpretation of the maritime boundary line off the coast of Alaska and the Yukon. Now, there's a race to see who has the sovereign rights to a huge resource-rich region around the North Pole.

Sovereignty is a word often used loosely in Canada, largely because it means different things to different individuals. The meaning that counts most is the one that refers to the sovereign rights a territory has over the resources and the right to regulate navigation.

With the exception of Hans Island, no one disputes Canada's sovereignty over the lands and islands of the Arctic Archipelago. Save for two small zones in the Lincoln Sea and another in the Beaufort, no one disputes Canada's right to extract resources within the maritime boundaries, which extend 200 nautical miles from the continental shelf.

Contrary to what many people think, there is also no issue with Canada's sovereignty over the Northwest Passage. The U.S. merely claims it is an international strait, not the inland waters that Canada claims it to be.

Inland waters are akin to land territory. Foreign vessels have no right of travel there unless they get the consent of the coastal state. A strait is a body of water that connects two high seas. If a strait has been used for international navigation, no consent from the coastal state is required, so long as the journey is continuous and expeditious.

The United States contends the Northwest Passage is an international strait. But neither the U.S. nor any other country disputes Canada's ownership of the resources in the water, on the seafloor or anywhere below, out to the 200-nautical-mile limit. No country disputes Canada's right to enforce pollution prevention laws in these waters.

Canada, it seems, has made some headway in diffusing the Hans Island situation where there is not a lot at stake.

But it's not going to have such an easy time resolving the dispute with the U.S. over the Northwest Passage, and especially not the boundary line in the Beaufort Sea. As Rob Huebert of the Centre for Military and Strategic Studies points out, Americans aren't going to give up a potentially rich energy resource in that region without a fight. Nor are they going to give up the right to ship that energy along a much shorter route through the Northwest Passage.

Defining new boundaries in the High Arctic may go more smoothly if the five coastal Arctic countries allow the commission that oversees the United Nations Convention on the Law of the Sea to decide who has sovereign rights around the North Pole.

Russia is one of those countries that has agreed to this. But it has also kept everyone else guessing about its intentions. First, it was the planting of a flag at the North Pole in 2007. Then it was the resumption of military flights in the region. Now it appears they might try to land paratroopers.

Given the fragility and uncertainty about the future of the Arctic, many experts are calling for a treaty or a series of international agreements that could manage potentially explosive issues, such as disputes over fisheries, energy development, pollution control and shipping.

Some of the smaller Arctic nations believe Canada could take a leadership role in creating a blueprint for this. But there is also growing concern that Canada is not interested in working with other countries.

"Canada is a giant in the Arctic, and many of us look to it for leadership on many issues," says Morten Hoglund, who chairs Norway's Arctic parliamentary delegation.

"But we are getting the sense that Canada wants to go it alone. Increasingly, we're finding it easier to get agreements on the Arctic with the United States than with Canada. In the past, on most other issues, it was the reverse situation."

The wild card in all of this is the Inuit. For too long they have been pawns in the sovereignty game. Through the Arctic Council and other indigenous organizations, they have made it clear they are not going to be left out of the decision-making process.

"Sovereignty begins at home," says Mary Simon, president of Inuit Tapiriit Kanatami, the voice of 55,000 Inuit living in 53 communities across the country.

"Canada cannot successfully assert its national agenda in the Arctic while ignoring the state of civil society in the Arctic.

"The key to sustainable Arctic policies and creative policy-making in Canada," she says, "must be anchored in establishing a constructive partnership with Inuit."

The Canadian government may have been able to ignore the Inuit and other countries' interests in the Arctic in the past. But there is growing international support for them and others becoming meaningful participants in the discussions. U.S. Secretary of State Hillary Clinton made that clear in early April when she chastised Canada for not inviting the Inuit and other Arctic countries to participate in discussions on the future of the Arctic.

"We need all hands on deck because there is a huge amount to do and not much time to do it," she said. "The melting of sea ice, glaciers and permafrost will affect people and ecosystems around the world, and understanding how these changes fit together is a task that demands international co-operation."

Given that advice, it seems appropriate to note that 50 years after Bernier made the historic trip to Melville Island, prime minister Louis St-Laurent observed the Arctic was being "governed in a fit of absence of mind."

Canada got away with that attitude for a long time afterward because no one was interested in capitalizing on it. The Arctic, however, is no longer a frozen wasteland of interest only to Mounties, missionaries and the Hudson's Bay Company. Now the world wants a part of it. Another "fit of absence of mind" could prove to be extremely costly to Canada's position in the Arctic.

Note: A veteran journalist and northern adventurer, Ed Struzik is the award-winning author of several books on the Arctic, the latest of which is The Big Thaw, Travels in the Melting North.