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by Heather Exner-Pirot and Joël Plouffe
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Policy Update

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Since last May, Canada has chaired the Arctic Council, an intergovernmental forum established in 1996 by the Ottawa Declaration. It acts as the core framework for circumpolar cooperation and collaboration between the eight Arctic states and six indigenous groups who are Permanent Participants. In this way, these actors work together to promote environmental protection and sustainable development across the Arctic.

As current Chair of the Council, it is in Canada's interest to use its position and agenda to advance common interests in the circumpolar world at a time when the Arctic is going through unprecedented changes.¹ To address those numerous and unprecedented challenges, efficient planning, extensive cooperation and knowledge-sharing are needed to guide comprehensive policy amongst the Arctic states.

But Stephen Harper's sovereignty rhetoric is proving detrimental to Canada's ability to promote its interests within the Arctic Council and beyond.

On January 17th 2014, the *Globe and Mail* published an interview with Stephen Harper on his views regarding Canada's Arctic.² Harper demonstrated a troublingly uninformed view on Arctic sovereignty and governance, seeing threats to Canada's territorial integrity where none exist, and often painting regional collaboration as an obstruction, not an opportunity, to addressing our interests.

Harper asserted that "Canadian governments have claimed the North Pole since I believe at least the 1930s. So in my judgment there would have to be a compelling reason to surrender that claim."

In fact, Canada does not claim the North Pole. On February 20, 1907, Senator Pascal Poirier proposed that Canada make a formal declaration of possession of the lands and islands in the North of the Dominion, extending to the North Pole, based on the principles of the sector theory. However, it was dismissed in the Senate as there was no legal basis or practical advantage in asserting jurisdiction up to the North Pole.³ Canada did later introduce an amendment to the Northwest Territories Act in 1925 that claimed sovereignty up to the North Pole, but the sector principle never found a reception in customary law.⁴ Rather, by way of determining the exact extent of Canada's territorial claim in the Arctic, Joe Clark, Minister for External Affairs, established straight baselines around the Canadian Arctic Archipelago in 1986;⁵ it is naturally exclusive of the maritime and distant North Pole, but consistent with international law.

¹ For an overview of the Swedish Arctic Council Chairmanship (2011-2013), see: D.C. Nord. (2013). Creating a Framework for Consensus Building and Governance: An Appraisal of the Swedish Arctic Council Chairmanship and the Kiruna Ministerial Meeting. In L. Heinenen. (2013). *Arctic Yearbook 2013* (pp. 249-265). Akureyri, Iceland: Northern Research Forum. Available from, <http://www.arcticyearbook.com>.

² S. Chase. (2014, January 17). Q & A with Stephen Harper: "No previous government has delivered more in the North". *Globe & Mail*. January 17, 2014. Accessed from <http://www.theglobeandmail.com/news/national/the-north/qa-with-harper-no-previous-government-has-delivered-more-in-the-north/article16387286>.

³ Canada, Senate Debates, 1907: 271.

⁴ See Donat Pharand. (1988). *Canada's Arctic Waters in International Law*. Cambridge: Cambridge University Press. pp. 1-79.

⁵ Canada, House of Commons, *Debates*, vol. 5, at 6463, September 10, 1985.



Harper himself surrendered the sector theory in a speech in Iqaluit in 2006, stating that “all along the border, our jurisdiction extends outward 200 miles into the surrounding sea...No more. And no less.”⁶

If the Government’s political intervention to extend our UNCLOS⁷ continental shelf submission to the North Pole last month was based on the misunderstanding that we would be surrendering a longstanding claim, where none in fact exists, it was a mistake with real consequences, as the episode reinforced international misperceptions of the Arctic region as an arena of potential conflict.⁸

More troubling is Harper’s articulation of concern, bordering on paranoia, about “people who are actually trying to turn the Arctic Council into some kind of international governance model that washes away the notion of sovereignty in the Arctic”. As he iterates, the view “that our Arctic should be internationalized...does exist in some academic and bureaucratic circles and I think most Canadians would be shocked to learn it even exists.”⁹

The “internationalization” that Harper refers to is the unpopular proposal made by a handful of international and non-governmental organizations that the Arctic Ocean should be governed similar to the framework adopted with the Antarctic Treaty. Infamously, the European Parliament passed a resolution in 2008 to explore such a model covering at least “the unpopulated and unclaimed area at the center of the Arctic Ocean”.¹⁰ However the European Commission never endorsed this view, and it has basically fallen off the agenda, having received scorn from the Arctic states. Some environmental groups have proposed a similar model,¹¹ but this is properly seen less as threatening than predictable. And as impractical as the suggestion is, wanting to turn the Arctic Ocean into an environmental preserve is far from sinister.

Furthermore we cannot find evidence of a single serious academic, far less a Canadian government bureaucrat, publicly supporting such a proposal. When Harper states “I am not going to name people” who hold such views, we suspect it is because there is no one to name. Feeling pressured by those unnamed outsiders with different “agendas” who “really don’t support Canada’s sovereignty agenda”, Harper goes on to describe the consequences of strengthened regional governance in the Arctic as “obviously Canada would lose its sovereignty over a significant part of its territory.”

⁶ Stephen Harper. (2006). Securing Canadian Sovereignty in the Arctic. Speech in Iqaluit, Nunavut. August 12, 2006. Accessed from <http://www.pm.gc.ca/eng/news/2006/08/12/securing-canadian-sovereignty-arctic>.

⁷ See Oceans & Law of the Sea – United Nations. *Commission on the Limits of the Continental Shelf (CLCS). The Continental Shelf*. UNCLOS. Accessed from http://www.un.org/depts/los/clcs_new/continental_shelf_description.htm.

⁸ Bruce Cheadle. (2013, 9 December). Canada makes territorial claim for North Pole despite not mapping area yet. *MacLean’s*. Accessed from <http://www2.macleans.ca/2013/12/09/canada-makes-territorial-claim-for-north-pole-despite-not-mapping-area-yet-2/>.

⁹ On Arctic Governance, see H. Exner-Pirot. (2012). New Directions for Governance in the Arctic Region. In L. Heininen. (2012). *Arctic Yearbook 2012* (pp. 225-246). Akureyri, Iceland: Northern Research Forum. Available from, <http://www.arcticyearbook.com>.

¹⁰ *European Parliament Resolution on Arctic Governance*, October 9, 2008, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0474+0+DOC+XML+Vo//EN&language=EN>.

¹¹ See for example Linda Nowlan. (2001). *Arctic Legal Regime for Environmental Protection*, IUCN (International Union for the Conservation of Nature). Environmental Policy and Law Paper (no. 44).



Such a statement demonstrates a very limited understanding of international law and Canada's rights therein. As numerous government documents have themselves asserted, Canada's legal title to its Arctic territories is well established.¹² There is no salient risk to our Arctic sovereignty. And if there are circles who question the Harper government's Arctic agenda, it is on that point. Harper further expresses concern with recent developments in the Arctic Council. In response to a question on the desirability of the admission of new Observers to the forum, Harper states that "literally everybody in the world wanted to be in the Arctic Council"; in this, he demonstrates only that he does not know the meaning of the word "literally". In reality, the Council admitted China, India, Singapore, Japan, South Korea and Italy as Observers, deferring the EU application pending resolution of the EU seal ban.¹³ Portugal has also, recently, applied.

It is worth noting that Observer status accords no rights or responsibilities.¹⁴ However a dynamic and diverse Arctic Council should be seen as a positive development of Arctic governance, indicative of on-going dialogue between world powers and influential actors who have legitimate, and primarily complementary, interests in Arctic science, shipping and environmental protection. As Chair of that Council until next year, Canada's role is to lead all of these actors into making the best possible policies for the future of the region. His rhetoric does little to support our capacity in that regard.

Harper states that Canadians would be "shocked" to learn about these allegations and indeed we are: we had understood Harper's sovereignty narrative to be an astute domestic political strategy, even though much of it was unfounded and often negatively impacted Canada's relations with its circumpolar allies.

But now we see that Harper has actually drank his own Koolaid. Against all the evidence – which is copious and easily accessible even to those without an entire governing apparatus at their disposal – Harper seems legitimately concerned that somehow, someone is plotting to secretly rid us of our Arctic territory. In fact our interests in the Arctic are at risk – but by Harper's increasing isolationism in the region, not imaginary threats to our sovereignty.

¹² House of Commons. Canada's Arctic Sovereignty. Report of the Standing Committee on National Defence, June 2010. Accessed from <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=4486644&Language=E&Mode=1&Parl=40&Ses=3&File=9>.

¹³ See Arctic Council. (2013, 15 May). Kiruna Declaration. *Arctic Council Secretariat*. Accessed through www.arcticcouncil.org.

¹⁴ See Arctic Council 'Observer Manual' available here: <http://www.arctic-council.org/index.php/en/about-us/arctic-council/observers>.

► About the Author

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Joël Plouffe is a researcher at CIRRICQ (Center for Interuniversity Research on the International Relations of Canada and Québec) at the École nationale d'administration publique (ENAP) in Montréal, managing editor of the *Arctic Yearbook* (www.arcticyearbook.com), and is a U.S. State Department International Visiting Program Alumnus (IVLP Arctic Security). His research interests include security and defense, geopolitics of the Arctic, regions of the circumpolar North, Northern Québec, and U.S.-Canada relations and foreign policy.

Mr Plouffe is involved in various northern research groups and programs. He is a member of the Northern Research Forum's Thematic Network on Geopolitics and Security (www.nrf.is), led by Dr Lassi Heininen from the University of Lapland (Finland); is actively involved in the annual Calotte Academy that takes place in the Barents Euro-Arctic Region; and is a project member of ArcticNet's group on Climate Change and Commercial Shipping in the Arctic, led by Dr Frédéric Lasserre of Université Laval in Québec City (Canada). In August 2012, Joël Plouffe was embedded with Canada's National Defense and Canadian Forces in the Western Arctic (Northwest Territories) during the annual 'Operation Nanook'.

Mr Plouffe has conducted research in the [Arctic regions](#) of Russia, the US (Alaska), Norway (Svalbard and mainland), Finland, Sweden and Canada ([Nunavik](#), Northwest Territories). He has also delivered addresses and lectures in many international venues and was an invited Arctic expert at the National Assembly of France and the German Bundestag in 2010. That same year, he pursued oil and gas research in Norway's High North with international experts from the [Bodø Graduate School of Business](#) and also addressed key ministers at the European Parliament on [non-Arctic state interests](#) and policies for the Arctic region. He has also collaborated with the Canada Institute at the Woodrow Wilson International Center for Scholars in Washington DC on issue of Arctic geopolitics.

In 2013, Mr Plouffe served as Visiting Professor at the Jackson School for International Studies (JSIS) at the University of Washington in Seattle, where he was co-teaching a Task Force on Arctic Security. He was also Visiting Scholar at NYU's Center for Global Affairs (CGA) in Spring 2013, as part of the Polar Politics program led by Dr Carolyn Kissane at the School of Continuing Professional Studies (NYU-SCPS). He was also Visiting Scholar at Western Washington University in 2010 where he was invited to teach Québec Politics and Contemporary Issues while pursuing research at the Canadian-American Studies Center.

Joël Plouffe was born in the mining town of Sudbury in Northern Ontario, Canada, and is now living in Montréal, Québec where he is working on his PhD thesis at UQAM, looking at how the Arctic has influenced US foreign policy making from the Nixon presidency to President Barack Obama's first mandate.

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CDFAI was created to address the ongoing discrepancy between what Canadians need to know about Canadian international activities and what they do know. Historically, Canadians tend to think of foreign policy – if they think of it at all – as a matter of trade and markets. They are unaware of the importance of Canada engaging diplomatically, militarily, and with international aid in the ongoing struggle to maintain a world that is friendly to the free flow of goods, services, people and ideas across borders and the spread of human rights. They are largely unaware of the connection between a prosperous and free Canada and a world of globalization and liberal internationalism.

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