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by David J. Bercuson
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POLICY PERSPECTIVE

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The concept of sovereignty is historically linked to the Peace of Westphalia, a series of peace treaties signed in Europe in 1648 which generally ended the wars of religion. The basic concept of the Peace of Westphalia was that national and religious authorities abandoned interference in the affairs of another state and most specifically to pursue religious goals. The Peace of Westphalia did not freeze boundaries as they were in 1648 but gave the concept of national governance a huge boost by effectively declaring that states would not interfere in the internal affairs of other states.

Canadian sovereignty in 2018 is based on the principle that the national government in Ottawa controls the laws and political procedures within the political and geographical boundaries of Canada. Canada's principle political boundary is that with the United States from the Atlantic Provinces through to the Strait of Juan de Fuca and along the boundary between Alaska and British Columbia and the Yukon. The exercise of Canadian law sets our geographical boundaries over the Arctic archipelago and the seas in between the archipelago's islands. The "Northwest Passage" (in fact, there are two versions of the passage) is an exception which the United States claims as an international waterway. There are one or two more disagreements over sea boundaries, such as in the Beaufort Sea.

There are, at present, no threats to Canadian sovereignty in any part of our boundaries; at least, not in the traditional way that "threat" has been defined for most of recent history. Our small dispute with Greenland (Denmark) over Hans Island is a tiny quibble that does not threaten Canadian sovereignty no matter how it is eventually resolved. The same situation applies to the Beaufort Sea disagreement. As far as the Northwest Passage is concerned, it does not matter whether the passage is admitted as an international waterway, and thus not subject to Canadian sovereignty, or an internal Canadian waterway. At the end of the day, Canada will manage the passage because all the waters leading to and from it are Canadian. Therefore, Canada must be responsible for the passage's maintenance, for search and rescue, and for providing navigational and other information (such as sea/ice conditions) to any ship that proceeds there.

In fact, as an earlier [Canadian Global Affairs Institute study](#) showed, there is virtually no chance that the passage will be used for regular freight traffic for many years due to the unpredictability of ice conditions there in the summer, let alone the winter. No company will issue insurance for passage in those waters until there is a high predictability of sea/ice conditions from season to season, which is certainly not the case now.

Why then are Canadians so focused on the notion of "sovereignty"? Why has so much been written about it? Why is there so much debate over the question of how many resources should be allocated to sovereignty protection, let alone the security of the Far North? Whom do we have to worry about?

We are today a nation that has evolved from colonies (New France and then British North America) which themselves had no self-government until the mid-19th century. The earliest boundaries were arbitrary ones marked by this plaque or that marker which gave witness that



some explorer or trader had passed that way and claimed the land for his monarch. As the colonies evolved (New France to British North America) through military conquest, the boundaries changed because the metropolitan power decided to change them, for whatever reason. As the colonial subjects of British North America slowly gained more control over their own local political affairs, they gained the power to express their views to London to change their own boundaries or to convince their colonial masters to grant them pieces of the colonial empire and attach them to Canada. The expansion of British North America after Confederation was in part the result of local colonies deciding to join other colonies or parts thereof, the Dominion government's purchase of a large swath of the northwest from the Hudson's Bay Company after Confederation, or the granting of the far northern lands (and the Arctic archipelago) to Canada from British control in 1925.

Put simply, in Canadian minds, there is uncertainty as to Canada's legal hold on the Far North even though such doubts are based on ignorance of international law. In the past Canada has made dubious claims via the sector principle that our sovereign territory extends to the North Pole. But many countries do not recognize the sector principle and recognition is the key concept that underlines sovereignty.



Figure 1: A Canadian Ranger on patrol in the Arctic. The author notes how exerting territorial sovereignty in a classical sense, as the above Canadian Ranger is doing throughout Canada's Arctic, misses the point by avoiding the more significant and modern threats to Canada's sovereignty. (Source: The Canadian Press)

All this, however, is based on the idea that a nation controls the space within its boundaries and that other nations recognize and accept those boundaries. That was certainly true before the rapid expansion of globalization after the Second World War and the development of computer and



internet technology since the 1980s. We arm our forces to protect us from nations that would ostensibly test our sovereign boundaries. However, the real challenges to our sovereignty – and to the sovereignty of virtually every other nation on Earth – come not from dangers from over our borders but from cyber-threats, theft of intellectual property, espionage carried out in non-traditional ways, the spread of propaganda through think tanks and other institutions, and election meddling. The dangers also arise when Canadian citizens willingly allow themselves to become actors of another state or are coerced into doing so.

Cyber-security is probably more important to Canadian sovereignty than control of the airspace over the Canadian land mass. Potential enemies penetrate computer security to plant computer viruses or other agents that can have control over key parts of our social and industrial infrastructure. In the traditional wars of the past, nations, empires or other political entities claimed key geographic features that could make them stronger – an island, a strait, a mountain range – such as the Sudetenland of Czechoslovakia that Adolf Hitler demanded in 1938. Hitler was prepared to back up his demands with armed force. Today, a cyber-attack on the electrical power system, the communication system or transportation of the target country or territory would accomplish the same goal of undermining law and order in the disputed territory. However, it would happen without the “mess” that comes with war – killing, widespread disruption and the need for post-conflict occupation. War between major nation-states such as the United States, Russia or China would be prohibitively expensive in lives and treasure. Why risk such conflict when cyber-attacks offer a cheaper and less messy way of conducting aggression?

The widespread theft of intellectual property, and not just military intellectual property but new technological developments in any field, costs the target countries (and their industries) huge sums of money spent on developing and commercializing new products. Stealing such property through cyber-theft or plain old-fashioned industrial espionage saves the perpetrating country huge sums and great amounts of time, and robs the target country or industry of massive developing sums. Is there any real difference in challenge to our sovereignty if such theft occurs quietly, without violence, over many months or even years, via the internet, or if a large gang of armed attackers crossed our border, seized a factory, denuded it of its intellectual property and then retreated to another country?

Our sovereignty is being undermined in other ways. Large sums of money have been pouring into Canada to help groups who oppose new infrastructure construction, particularly pipelines. At a time when Canada has one of the world's largest proven reserves of oilsands, natural gas, etc., political lobbying, court cases and civil disobedience have severely challenged the construction of pipelines to move these products to international markets. Non-Canadian funds have financed much of that activity to interfere in our political processes. Many polls have illustrated that Canadians want to expand sales opportunities to markets other than the United States, but the regulatory, political and judicial system has slowed to the point where virtually nothing is getting done. Canada's reputation as a nation that can produce something is being severely undermined while sales of Canadian hydrocarbons to the United States at ridiculous discounts rob Canada of its rightful share of one of its most important exports.



Funds from abroad are being channelled into think tanks and institutions such as the Confucius Institutes, which exist primarily to push the People's Republic of China line inside the borders of Canada and other nations. This too is a violation of Canadian sovereignty. And although the results of these foreign-funded enterprises may take longer to take hold of political discourse in different parts of Canada, they are no less damaging to our internal debate. Some experts refer to such activities as "hyper war" but there is really nothing new about these efforts. Non-kinetic efforts to influence another nation's behaviour are at least as old as Biblical times but modern technology makes them easier and allows results to emerge more quickly.

Kinetic dangers to Canadian sovereignty are few and far between. Canada may not have the assets to defend its vast territory against foreign invaders, but there are almost no foreign invaders to worry about. What is the greater danger to Canadian sovereignty: Russian bombers flying over Northern Canada, perhaps even carrying nuclear weapons, or – in the event of some tragedy in Canadian northern waters – Russian icebreakers coming to the aid of a Scandinavian cruise ship because Canada has no means to respond properly to such a catastrophe? It is as true today as it ever was that the ability to keep citizens or even visitors safe while travelling inside Canada is a measure of our ability to claim sovereignty and to exercise it. To what extent is one's claim to sovereignty valid if one cannot exercise sovereignty within one's own boundaries? Here are the real dangers to Canadian sovereignty.

No nation on Earth is completely sovereign within its own domain. The United States, still with the most powerful military on Earth, certainly can defend its sovereign territory as it might have at the end of the Cold War, but the challenges that face Canada today in non-conventional threats to our sovereignty also face the United States. Americans are rightly concerned about foreign, particularly Russian, intervention in the 2016 presidential election. No one has yet attempted to map out such intervention in earlier elections or studied the extent to which Russian, Chinese, Iranian or North Korean interventions in daily American life may be swaying the American political system in directions its citizens do not wish to go. Such interventions fool them into believing that other American citizens have a legitimate interest in these departures from the norms of American politics. Those considerations apply equally to Canada and to other nations.

As our social and political systems get more sophisticated – computer voting from home, for example, – they will become more open to outside interference and manipulation. The challenges of maintaining our sovereignty grow with each day. It is especially difficult in a democracy where freedoms of speech, assembly, the press, etc., are so important, making us vulnerable to outside elements interfering in our internal affairs. The idea of sovereignty now needs to be separated from the traditional ideas of standing on our borders and protecting our nation from foreign invasion. Invasions of our sovereignty are taking place constantly; we need to devote the time and resources to keep ourselves as free as possible.

► **About the Author**

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► **Canadian Global Affairs Institute**

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The Institute was created to bridge the gap between what Canadians need to know about Canadian international activities and what they do know. Historically Canadians have tended to look abroad out of a search for markets because Canada depends heavily on foreign trade. In the modern post-Cold War world, however, global security and stability have become the bedrocks of global commerce and the free movement of people, goods and ideas across international boundaries. Canada has striven to open the world since the 1930s and was a driving factor behind the adoption of the main structures which underpin globalization such as the International Monetary Fund, the World Bank, the World Trade Organization and emerging free trade networks connecting dozens of international economies. The Canadian Global Affairs Institute recognizes Canada's contribution to a globalized world and aims to inform Canadians about Canada's role in that process and the connection between globalization and security.

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