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Protecting Canadian Arctic Sovereignty from Donald Trump

by Rob Huebert
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POLICY PERSPECTIVE

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Canada needs to brace itself for a possible renewed Arctic sovereignty challenge. Since the mid-1980s Canadians have come to believe government officials who repeat the mantra that the Canadian Arctic is ours “lock, stock and barrel” – as former prime minister Brian Mulroney liked to put it. However, the absence of any challenges since 1985 has not been the result of the Americans or the international community accepting Canada’s claim of sovereignty, but rather of the special relationship that has been an enduring element of the Canadian-American partnership. Since the dark days of the Second World War, Canadian and American relations have been based on an understanding of shared interests, values and friendships. That is now all changing under Donald Trump’s presidency. This has already had a serious impact on trade relations between the two countries and it is clear that all relations are about to get worse. No one should expect that those involving the Arctic will somehow avoid being affected.

Following the 1985 sovereignty “crisis” when the American icebreaker *Polar Sea* transited the Northwest Passage without explicit Canadian permission, successive Canadian governments have told the public that the sovereignty dispute is over, and that Canadian sovereignty over the lands and waters of the Arctic has been accepted. However, Canadians will soon find that this was a pleasant fiction when it comes to the Arctic waters. The dispute over Canadian Arctic waters appeared to be solved because Canadian officials were able to come to an understanding with their American counterparts in 1988 on how to manage the issue. Both sides pretended that the 1988 Arctic Water Co-operation Agreement resolved the issue in their respective favours. The Americans did not want to set the precedent that accepting full Canadian sovereignty over the Northwest Passage would mean elsewhere in places such as the Strait of Hormuz. However, the Americans also did not want to win an international court challenge regarding the Northwest Passage, because to do so would mean that countries such as Russia would then have the clear international right to transit the passage. Canada simply did not want the Canadian public to think it had lost the right to control the entry and behaviour of foreign vessels. The reason the two countries could come to such an understanding was largely due to the special relationship that has allowed Canadian and American officials to reach understandings that are impossible between other countries.

The Trump administration has now made it clear that the benefits of the special relationship mean nothing to him, and all foreign policies are to be judged by what they win for the United States. History and shared values are meaningless in such a calculation. At the same time, Trump has also made it clear that the construction of strengthened borders around the United States is one of his most important policy objectives. While much of his attention has been on building borders to keep out Mexicans and Muslims, signs are developing that he is also intent on strengthening the northern borders. This has included putting up new trade barriers to protect American industries from their Canadian counterparts. It has also included increasing American enforcement of borders that include disputed areas with Canada. The recent actions of American officials in June off the Machias Seal Island, off the coast of Maine and New Brunswick, show that the Americans are no longer willing to keep to the existing gentlemen’s agreement regarding disputed waters. The Americans are now beginning to stop Canadian fishers, looking for possible



illegal immigrants. Until this happened, officials from each side did not enter the other's zone of dispute. Few other countries could show such restraint and co-operation and it has largely been attributed to the special relationship between the two countries.

So far, Trump has shown little interest in the Arctic. This has probably been a good thing for Canada. However, two factors are going to change this. First, his administration is moving forward with reopening the development of Alaska oil in the Arctic National Wildlife Refuge (ANWR). There are no guarantees if or when oil will be found, but should this happen, there could be an increase in Arctic shipping to service any such development. Second, despite Trump's beliefs to the contrary, climate change is occurring and the Arctic ice is melting. Shipping will be coming on an increasing basis. Maersk announced this summer that it will send its first container vessel through the northern sea route later this year on a trial basis. If and when this new shipping starts to come to the Northwest Passage, will these vessels ask Canadian permission? To date, all vessels that have transited the Northwest Passage have done so. But the vast bulk of these ships have been either tourist or research vessels, which have a special interest in keeping good relations with Canada.



Figure 1: An artist's rendering of a Harry Dewolf-class Arctic/Offshore patrol vessel. As the author notes, this vessel will provide a unique capability for the Royal Canadian Navy that will, in turn, play a major role in the enforcement of Canada's Arctic sovereignty claims. (Source: Royal Canadian Navy)

Prior to Trump's election, the state department was beginning to restate its position that it views the Northwest Passage as an international strait. When the Harper government made the Arctic shipping reporting system (NORDREG) mandatory, the Americans issued a diplomatic protest on March 19, 2010 in which they restated their position that in their view "the Northwest Passage



constitutes a strait used for international navigation.” This means that they do not believe that Canada has the right to unilaterally impose such a requirement on international shippers and that such action can only be taken if the International Maritime Organization proposes and adopts it. In other words, Canada cannot unilaterally assert control over the passage. American officials have looked the other way when Canadian officials worked with international shipping companies in transiting the NWP and were required to seek permission. Given all of Trump’s actions to date, does anyone really believe that he will be willing to continue to look the other way? If transit shipping for the purposes of servicing Alaskan oil development or providing goods for American cities were to begin, does anyone really believe that he will not attempt to assert the American position?

So if the United States is no longer willing to support the status quo, is there anything that Canadian officials can do? Since Trump has made it clear that co-operation is only possible when the Americans win, what can Canada do to provide for such a payoff in order to protect its Arctic sovereignty? The answer is to offer something to the Americans that they want – the protection of American borders – or in the case of the Arctic, the protection of North American boundaries. Canada can do this in two ways. First, it needs to ensure that the Americans understand that commissioning of the new Arctic offshore patrol ships (AOPS) offers an entirely new North American Arctic enforcement and surveillance capability. Prior to the arrival of the Harry de Wolf class there has not been an Arctic-capable naval vessel in either the Canadian or American navies. It is true that the American Wind class icebreakers were armed, but these were Coast Guard vessels and not naval units. Furthermore, the vessels were all decommissioned a long time ago. Today, neither the USN nor USCG has armed surface vessels that can operate in any type of ice conditions. Canada will soon have an ability that the Americans will not. The Americans need to understand what this means in patrolling the northern borders now.

Canada also now has the opportunity to offer the use of these vessels in terms of modernizing the NORAD agreement. Both Canada and the U.S. realize that NORAD needs updating. The Liberal government made this very clear in its defence policy. As Canada now moves forward to engage the Americans on this front, Canadian officials have the chance to use Trump’s fixation on securing American borders by integrating the AOPS’s new capabilities into the NORAD system. This is also in keeping with the 2006 NORAD agreement that called for an increased maritime dimension to the agreement.

However, Canadian officials need to make it clear that in return for adding this new capability to the mix, it expects the status quo regarding the Northwest Passage to be maintained. The United States would not change its official policy, but would neither encourage nor support any international shipper that does not wish to follow Canadian regulations when transiting the passage. Trump does not understand the special relationship, but he does understand the deal.

Ultimately, if Trump were to remain unwilling to work with Canada on this issue, then the AOPS will become even more important. They will provide Canadian officials with the means of actually stopping any ship that does not want to ask Canadian permission to enter the Northwest Passage.

► About the Author

Rob Huebert is an associate professor in the Department of Political Science at the University of Calgary. He also served as the associate director of the Centre for Military and Strategic Studies. In November 2010, he was appointed as a member to the Canadian Polar Commission (now renamed Canada Polar Knowledge). He is also a research fellow with the Canadian Global Affairs Institute and sits on the board of the Van Horne Institute. Dr. Huebert has taught at Memorial University, Dalhousie University, and the University of Manitoba. His area of research interests include: international relations, strategic studies, the Law of the Sea, maritime affairs, Canadian foreign and defence policy, and circumpolar relations. He publishes on the issue of Canadian Arctic Security, Maritime Security, and Canadian Defence. His work has appeared in *International Journal*; *Canadian Foreign Policy*; *Isuma- Canadian Journal of Policy Research* and *Canadian Military Journal*. He was co-editor of *Commercial Satellite Imagery* and *United Nations Peacekeeping and Breaking Ice: Canadian Integrated Ocean Management in the Canadian North*. His most recent book written with Whitney Lackenbauer and Franklyn Griffiths is *Canada and the Changing Arctic: Sovereignty, Security, and Stewardship*. He also comments on Canadian security and Arctic issues in both the Canadian and international media.

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