

**NEGOTIATING SOVEREIGNTY:
THE PAST AND PRESENT FAILURE OF
'SECURITY' AS A BARGAINING CHIP**

The contents of this publication are entirely the responsibility of the author and do not necessarily reflect the view or opinions of the Munk-Gordon Arctic Security Program and the ArcticNet project on *The Emerging Arctic Security Environment*.

This publication is available under limited copyright protection. You may download, distribute, photocopy, cite or excerpt this document provided it is properly and fully credited and not used for commercial purposes.

Working Papers on Arctic Security

This series seeks to stimulate deeper academic dialogue on Arctic security issues in Canada. Papers fall into three categories. The first includes theoretically—and empirically—driven academic papers on subjects related to Arctic security broadly conceptualized. The second focuses on the impacts of defence and security practices on Arctic peoples, with a particular emphasis on the Canadian North during and after the Cold War. The third category of papers summarizes key Canadian and international policy documents related to Arctic security and sovereignty issues.

This series is supported by the Walter and Duncan Gordon Foundation Arctic Security Project and the ArcticNet project on “The Emerging Arctic Security Environment.”

Series Editor

P. Whitney Lackenbauer, Ph.D.

Associate professor and chair of the department of history at St. Jerome’s University (University of Waterloo). Co-chair of the Arctic Peoples and Security pillar of the Munk-Gordon Arctic Security Program and co-lead for the ArcticNet project on *The Emerging Arctic Security Environment*.

Forthcoming Papers

Harry Borlase

Arctic Strategies and Security Questions: A Comparative Analysis

P. Whitney Lackenbauer

Should the Canadian Rangers be Expanded, Enhanced, or Left ‘As Is’? Framing the Issues

P. Whitney Lackenbauer and Peter Kikkert

A Military History of Cambridge Bay, Nunavut

Jessica Shadian

Reconceptualizing Sovereignty and Security: The Inuit Circumpolar Conference/Council and Arctic Governance

Previous Papers

Heather Exner-Pirot

Human Security in the Arctic: The Foundation of Regional Cooperation

Wilfrid Greaves

Turtle Island Blues: Climate Change and Failed Indigenous Securitization in the Canadian Arctic

Kylie Bergfalk

A Question of Security? Inuit Tapiriit Kanatami and Securitization in the Canadian Arctic

P. Whitney Lackenbauer and Ryan Shackleton

When the Skies Rained Boxes: The Air Force and the Qikiqtani Inuit, 1941-64

Negotiating Sovereignty: The Past and Present Failure of 'Security' as a Bargaining Chip

Adam Lajeunesse, Ph.D.

In the wake of the Sept. 11 attacks, with fears of terrorist infiltration into North America running high, the need to guard Canada's northern territories seemed to take on a new importance. The nation's Arctic harbours and airports were largely unsecured and academics, journalists and public officials issued warnings that foreigners seeking to slip into North America could do so through this porous border. In 2002 Canada responded by resuming small-scale military training exercises in the North. Questions of Arctic security also began to feature more prominently in national defence policy.¹ In 2010 these fears seemed to be confirmed in a report, coauthored by the Canadian Security Intelligence Service (CSIS) and the Royal Canadian Mounted Police (RCMP), indicating that vessels with links to human smuggling, drug trafficking, and organized crime had already attempted to access the Canadian Arctic.²

In the United States, the Bush administration's Presidential Directive 66 emphasized America's own "fundamental homeland security interests" in the Arctic region.³ These interests involved not only terrorists and criminals but smugglers and weapons transshipments. In 2011 the U.S. Naval War College even conducted war games to simulate the sinking of a ship carrying weapons of mass destruction through the Canadian Arctic.

While this threat remains hypothetical, several of Canada's leading Arctic experts have held it up as an opportunity to resolve Canada's decades old legal disagreement with the United States over the status of the Arctic waters.⁴ The suggestion is essentially that, given this new focus on national and continental security, the two sides might now be able to sit down and work out a deal, in which the U.S. recognizes the waters of the Arctic Archipelago as "internal" in exchange for transit rights and a Canadian guarantee to secure the region from any possible threats.⁵

¹ Rob Huebert, "Canadian Arctic Sovereignty and Security in a Transforming Circumpolar World," CIC Report no. 4, *Foreign Policy for Canada's Tomorrow* (2009), 29.

² "Arctic Terror Threats Real: Security Agencies," *CBC News* (November 10, 2010).

³ White House, National Security Presidential Directive 66/ Homeland Security Presidential Directive 25 – Arctic Region Policy (January 9, 2009).

⁴ See for instance: Michael Byers, "Unfrozen Sea: Sailing the Northwest Passage," *Policy Options* 28:5 (2007), 33; Michael Byers and Suzanne Lalonde, "Who Controls the Northwest Passage?" Discussion paper for the conference "Canada's Arctic Waters in International Law and Diplomacy" (June 14, 2006) and Rob Huebert, "Renaissance in Canadian Arctic Security," *Canadian Military Journal* 6:4 (Winter, 2005). For a contrary perspective, see P. Whitney Lackenbauer, CIC Report no. 3, *From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World* (Toronto: Canadian International Council, July 2009), 43-44 and Franklyn Griffiths, "Canadian Arctic Sovereignty: Time to Take Yes for an Answer on the Northwest Passage," *Northern Exposure: Peoples, Powers and Prospects for Canada's North*, ed. Frances Abele (Institute for Research on Public Policy, 2009), 10-11.

⁵ Byers and Lalonde, "Who Controls the Northwest Passage?" & Griffiths, "Canadian Arctic Sovereignty: Time to Take Yes for an Answer on the Northwest Passage."

In 2006, hopes were raised that a deal along these lines might be possible when former American Ambassador Paul Cellucci publically stated that the United States should consider recognizing Canada's sovereignty position in order to ensure a secure northern frontier.⁶ Yet in the decade since the September 11th attacks there has been no such agreement reached (or, it seems, even seriously discussed). In August 2007, when meeting with President Bush at the North American Leaders' Summit at Montebello, Prime Minister Harper was reportedly told that, regardless of any potential threat, no agreement on Canadian sovereignty would be possible.⁷

The reason for this rejection is that the two governments approach – and have always approached – Arctic security concerns differently. For Canadian defence and foreign affairs officials, questions of Arctic sovereignty and security have always been considered a local or a national issue. In contrast, American policy has never been primarily concerned with the Arctic itself but rather with the effects which policies or legal positions might have on the country's global economic and security interests.⁸

For the past five decades, since Canadian officials first approached the United States with a proposal similar to that being suggested today, the answer has been the same. The United States cannot accept Canadian sovereignty over the Arctic waters, not because Washington has any special interest in the region itself but because to do so would set a precedent which might damage American interests elsewhere. Since the 1960s, this disconnect in the way the two states have approached the issue has hindered negotiations and prevented agreement. If Canada is ever to be successful in changing the American position – and its ability to do so remains far from certain – it will have to do more than raise the spectre of terrorist infiltration; it will have to address this most basic American concern and fundamentally change the dynamic of the discourse.

The Historical Context

The First Real Security Threat: The Submarine

Efforts to persuade the United States to recognize Canadian sovereignty to the waters within the Arctic Archipelago date back to the early 1960s and, during discussions at the time, Canadian diplomats employed similar security related arguments. By this period, the question of Arctic security had largely come to focus on the threat posed by Soviet submarines.⁹ In 1958, the USS *Nautilus* completed a submerged transit across the polar icecap, demonstrating to the world in dramatic fashion that the frozen waters of the Arctic were no longer inaccessible to modern warships. From a security perspective, this voyage created the potential for regular naval operations in a new maritime region. Lying between the United States and the Soviet Union, the Arctic Ocean offered the U.S. Navy the possibility of

⁶ Lee Berthiaume, "Canada Should Control Northwest Passage: Cellucci," *Embassy* (November 1, 2006).

⁷ Richard Foot and Norma Greenaway, "Bush Praises Mission," *National Post* (August 22, 2007).

⁸ For a discussion of this see for instance: P. Whitney Lackenbauer, *From Polar Race to Polar Saga*, 43; Rob Huebert, "The Shipping News Part II: How Canada's Arctic Sovereignty in on Thinning Ice," *International Journal* 58:3 (2003), 306; Elisabeth Elliot-Meisel, "Politics, Pride and Precedent: The United States and Canada in the Northwest Passage," *Ocean Development and International Law* 40:2 (2009), 212; Ken Coates et al, *Arctic Front* (Toronto: Thomas Allen Publishers, 2008), 93.

⁹ For an overview of sovereignty and security issues prior to the 1960s see Shelagh Grant, *Sovereignty or Security?* (Vancouver: University of British Columbia, 1988) and Joseph T. Jockel, *No Boundaries Upstairs* (Vancouver: University of British Columbia Press, 1987). For discussions on sovereignty, see Donat Pharand, *Canada's Arctic Waters in International Law* (Cambridge: Cambridge University Press, 1988), Elisabeth Elliot-Meisel, *Arctic Diplomacy: Canada and The United States in The Northwest Passage* (New York: Peter Lang, 1998), and more recently P.W. Lackenbauer and Peter Kikkert, "Sovereignty and Security: The Department of External Affairs, the United States, and Arctic Sovereignty, 1945-68," in *In the National Interest: Canadian Foreign Policy and the Department of Foreign Affairs and International Trade, 1909-2009*, ed. Greg Donaghy and Michael Carroll (Calgary: University of Calgary Press, 2011), 101-20.

operating directly off the USSR's northern bases and even of interdicting vulnerable shipping along the Northern Sea Route. By 1960 these American operations were extended to Canadian waters when the USS *Seadragon* passed from east to west through the Parry Channel and, two years later, with a reverse transit by the USS *Skate*.

The obvious danger presented by this new capability was, of course, that the Soviet Navy might duplicate it and use the North American Arctic as either as a potential missile firing station or a new transit route into the North Atlantic sea lanes. These fears appeared to have been realized as early as July 1962 when the *Leninskiy Komsomol* surfaced at the North Pole to much fanfare in the USSR. American records indicate another "probable" under-ice operation in September 1963 and then another two through the Northern Sea Route that same year.¹⁰

The Royal Canadian Navy (RCN) presumed that this threat would only increase as the proportion of nuclear attack submarines (SSNs) grew within the Soviet fleet,¹¹ growth which Canadian intelligence then estimated at 15-20 new SSNs every year.¹² The U.S. Navy shared many of these concerns. In response to both the new potential and the new dangers presented by Arctic operations, the Americans prepared an ambitious seven year program of operational and research cruises to improve their northern capabilities, with additional operations also planned for the waters of the Archipelago.¹³

Initial Discussions

With this perceived Soviet threat in the background, the government of Lester Pearson decided to make the first concerted push to win American acceptance of Canada's proposed straight baselines around the Arctic Archipelago.¹⁴ This initiative fit within a broader series of bilateral negotiations on the law of the sea. While the Arctic was certainly not Canada's first priority during these talks, External Affairs still hoped that the security situation might temper American objections to its northern claims.¹⁵ American recognition was important in the 1960s for the same reason it is today. Since the United States was considered the global leader amongst maritime states opposed to "creeping maritime jurisdiction," and because it had the most economic and historic interest in the Arctic waters claimed by Canada, Canadian officials believed that they had to convince the U.S. to let them draw those straight baselines without taking the issue to the International Court or aggressively challenging the new boundaries.¹⁶

Canadian officials hoped that such acceptance, or at least neutrality, could be won by focusing on the security benefits which would accrue to the entire continent from increased Canadian control over these strategically important waters. Indeed, unlike all the other bodies of water being discussed by the two states at the time – the Gulf of St. Lawrence, Dixon Entrance, Hecate Strait, Queen Charlotte Sound and the Bay of Fundy – Canada was not

¹⁰ Memorandum from Richard J. B. to Waldo Lyon, July 21, 1966, Operational Archives Branch, Naval Historical Center, Washington, DC (OAB) Waldo K. Lyon Papers.

¹¹ Forward to the "Report of the 1962 Submarine Committee," 1962, Department of History and Heritage Archives, Ottawa (DHH), 75/149.

¹² Ibid.

¹³ This program was ultimately cancelled, primarily because of logistical difficulties suffered by the U.S. submarine fleet; OpNav Instruction 03470.4, May 27, 1963, OAB, Waldo K. Lyon Papers; Comments on Draft Seven Year Program, November 22, 1962, OAB, Waldo K. Lyon Papers.

¹⁴ Straight baselines are a method of maritime delineation which can be used to enclose an archipelago or a fringe of islands. All water to landward of those lines is considered internal and under the complete sovereignty of the state.

¹⁵ Canada's priority at the time was to win American recognition over straight baselines and an increased territorial sea off the Atlantic and Pacific coasts

¹⁶ Canada, Cabinet Conclusions, August 7, 1963, Library and Archives Canada, Ottawa (LAC), RG 2, vol. 6245.

seeking to claim the Arctic waters as historic.¹⁷ The Canadian delegation acknowledged that its historic title was somewhat weak and so it focused entirely upon the strategic gains to be had from exclusive Canadian control.¹⁸

Canadian officials pointed out to the State Department that Soviet submarines had been sighted in its northern waters while Russian surveillance of the Canadian coast more generally was described as “out of control.”¹⁹ American officials were likewise told that Russian landing parties had been spotted in Labrador, while Soviet trawlers had been found interfering with radio frequencies, pulling up maritime cables, and “photographing everything in sight.”²⁰ The Canadian negotiators also foresaw the Arctic becoming a highway from the Russian naval bases on the Kola Peninsula into the Atlantic sea lanes and, as missile technology developed, the region would likely become an ideal haven for missile-launching Soviet submarines. Enclosing the Arctic waters as Canadian would allow the RCN and the U.S. Navy to exclude Soviet boats from the region.²¹ Canada took care to emphasise, however, that American submarines would not be excluded. Still, declassified archival material indicates that Washington never really feared that this might be the case.²² After all, American submarines were operating in a fully cooperative framework with the RCN, and the two countries could look back at over a decade of maritime cooperation in the northern waters.

The American Rejection

The Canadian delegation thus offered their American counterparts a proposal similar to that envisioned by some commentators today. In short, they argued that continental security could be enhanced by accepting Canadian sovereignty. While the case seemed persuasive, disappointed Canadian negotiators soon found that their arguments fell on deaf ears. Rather than accept increased Canadian control, American representatives responded that there were other ways to guard against Soviet activities through joint naval cooperation.²³

At the heart of the matter was a point that the Canadians would hear repeatedly: the United States could not accept expanded Canadian jurisdiction in the Arctic or elsewhere because American concerns for the freedom of the seas trumped localized security issues. As was pointed out in a State Department memorandum, the U.S. government still recognized the right of Soviet vessels to operate three miles off the coast of Florida near the Cape Kennedy space facilities. By comparison, Soviet activities in the Arctic were of modest concern.²⁴

Those global maritime concerns were also heightened by the prevailing instability in the global law of the sea during the 1960s. Dozens of nations, many recently independent, were actively seeking to extend their maritime jurisdiction out from the traditional three-mile limit. Accompanying this expansion was an ever-increasing reliance on straight baselines to enclose large bodies of water. Of particular concern to the United States and the world’s other maritime

¹⁷ Historic waters are those that are subject to state sovereignty based on historic occupation and usage. The standards for proving a historic claim are, however, very high.

¹⁸ This Canadian assessment can be seen in the following documents: Canada, Minutes of Cabinet Meeting, January 22, 1963, RG 2-A-5-a, vol. 6253 & Canada, Cabinet Conclusions, January 22, 1964, LAC, RG 2, vol. 6253.

¹⁹ Memorandum of Conversation, March 1, 1963, National Archives and Records Administration, Washington D.C. (NARA) RG 59, 1963 Alpha Numeric Political and Defence Files, box 3856.

²⁰ Ibid.

²¹ Canada – U.S. meeting on the law of the sea, August 26, 1963, NARA, RG 59, Subject Numeric Files, POL CAN-US 33-4, box 3856.

²² Memorandum, October 28, 1963, NARA, RG 59, entry MLR-A-1 (5550), lot 96D695, box 86.

²³ Deputy Secretary of Defence to Alexis Johnson, September 16, 1963, NARA, RG 59, Central Foreign Policy Files, Canada-US, POL 33-4 1963.

²⁴ Memorandum of conversation - discussion of proposed extension of fisheries zone, February 12, 1964, NARA, RG 59, Central Foreign Policy Files 1957-1966, POL 33-4 CAN-US.

powers was that certain countries were even attempting to draw these baselines across important and well-travelled sea routes.²⁵

This trend threatened the global security and commercial interests of these maritime nations, which have always relied upon the free use of the world's oceans for trade, communication and the projection of power. Any restriction was, and still is, seen as potentially damaging to those vital interests. Recognition of straight baselines around the Arctic Archipelago would have created a precedent which other archipelagic states could have called upon to enclose straits and shipping lanes in other parts of the world. The United States had already vigorously protested similar claims made by the Philippines and Indonesia and could hardly recognize extensive baselines in Canada without facing charges of favoritism and hypocrisy.²⁶

Losing access to any of the world's straits would have meant significant detours for the country's merchant marine, reduced mobility for the U.S. Navy, and potentially severe limitations for the Polaris missile submarine force. These ballistic missile submarines (SSBNs), which had first entered service in 1960, served as America's invulnerable second strike force, patrolling the world's oceans undetected and in constant readiness to respond to a Soviet nuclear strike. Limiting their movements represented an unacceptable strategic constraint. This global context, in which Canada sought to gain its maritime objectives, had obvious and direct implications. In pushing its agenda, External Affairs had to deal not only with American concerns regarding the Arctic itself but with America's global interests surrounding the freedom of navigation.

While the principle American concerns centred upon the general impact of Canadian sovereignty upon the law of the sea, other issues also entered into their strategic consideration. In condoning straight baselines around the Archipelago, the United States would have had little choice but to accept similar Soviet claims. The USSR had already claimed the areas east of Novaya Zemlya and the White Sea -- and even cited Canada's claim to Hudson Bay as justification for their sovereignty over Peter the Great Bay.²⁷ If these Soviet claims were successful, the U.S. Navy's submarine force would have been forced to operate farther out from the Soviet coast, limiting intelligence gathering and strategic mobility.

With this in mind, the U.S. Department of Defence pointed out to their State Department colleagues in 1964 that, even if Canada's claims could be substantiated in law, they would still have to be rejected because of the risk that the Soviets would take advantage of the situation.²⁸ For these reasons, American acceptance of Canada's position was not forthcoming. Given these considerations, Cabinet decided in January 1964 to officially defer Canada's Arctic claims.²⁹

UNCLOS III

Although the Canadian government decided to defer its declaration of straight baselines in 1964, it never formally abandoned its claim. Indeed, Paul Martin, then Secretary of State for External Affairs, made sure to emphasize on several occasions that this deferral did not mean that Canada was surrendering its sovereignty. Nevertheless, it

²⁵ Statement of the Deputy Undersecretary of State in a meeting with Canadian External Affairs Representatives, December 4, 1963, NARA, RG 59, Central Foreign Policy Files 1957-1966, POL 33-8 CAN-US.

²⁶ Ibid.

²⁷ Letter from Howe Fisher to Mr. Elbrick, July 29, 1957, NARA, RG 59, Central Decimal File, 1955-1959, box 3508.

²⁸ Statement of the Deputy Undersecretary of State to a meeting with Canadian External Affairs Representatives, December 4, 1963, NARA, RG 59, Central Foreign Policy Files 1957-1966, POL 33-8 CAN-US.

²⁹ Ibid.

removed the issue from the agenda for a full decade before it was finally raised again during the Third UN Law of the Sea Conference (UNCLOS III).³⁰

In the years leading up to UNCLOS III, the Canadian government had conducted an international lobbying campaign designed to win international recognition for both the Arctic's exceptional nature and for Canada's authority over the waters between its Arctic islands.³¹ While this international push centered largely on the unique and delicate nature of the Arctic environment, the security issue was still an important consideration in bilateral discussions with the Americans.

At UNCLOS III, Canada's lead negotiator, Allan Beesley, suggested that Ottawa might try again to gain American acceptance by linking Canadian sovereignty with a clear treaty commitment to allow the United States a right of passage through its Arctic waters -- while naturally excluding the USSR.³² Having quietly decided after the *Manhattan* incident that a more solid claim to sovereignty was essential,³³ the federal government took Beesley's advice and, using the local defence argument, sought to assuage American concerns. In August 1976 Canada laid out its plans for sovereignty to the American delegation at UNCLOS III in that context:

Canada intends at an appropriate time to draw straight baselines, in accordance with generally accepted principles of international law, around the perimeter of the Arctic Archipelago, thereby delimiting the waters regarded by Canada as internal; and Canada assures the USA that this reaffirmation, and the future delimitation of the Canadian claims to the waters of the Archipelago, are not intended to restrict access to, or transit of those waters by military vessels of the USA operating in pursuance of common defence interests. Accordingly, Canada is prepared to make appropriate arrangements with the USA providing for such access and transit, to become effective concurrently with delimitation of the archipelagic waters...³⁴

Since Canada was merely informing the Americans of a principled decision to clarify its sovereignty position at some point in the future, the American reaction was muted. Yet, while the U.S. law of the sea delegates expressed some sympathy for the Canadian position and concern over the ever increasing Soviet submarine threat, they reiterated that the position of the United States had not changed.³⁵ The American concern was not with transit rights or security threats to the region but with the larger precedent Canadian sovereignty might set. This was particularly the

³⁰ Even during the *Manhattan* crisis the contentious issue facing Canadian and American negotiators surrounded Canadian functional jurisdiction rather than sovereignty.

³¹ This lobbying took place at a series of international forums such as the 1972 Stockholm Conference on the Human Environment, the 1973 Inter-Governmental Maritime Consultative Organization Conference on Maritime Pollution and finally the UN Conference on the Law of the Sea.

³² Telegram from Beesley to External Affairs, April 28, 1976, LAC, RI 2069, vol. 145, pt. 5.

³³ In 1973, the Department of Justice began using the term "internal" to describe the waters, stating that this was the case even "if they had not been declared as such by any treaty or by any legislation." Statement for the Bureau of Legal Affairs (Ottawa: Queen's Printers, December 1973), reproduced in Elizabeth Elliot-Meisel, "Still Unresolved after Fifty Years: The Northwest Passage in Canadian-American Relations, 1946-1998," *The American Review of Canadian Studies* 29:3 (Fall, 1999).

³⁴ Memorandum for Ministers: "Status of the Canadian Archipelagic Waters," October 5, 1979, LAC, RG 12 vol. 5561, file 8100-15-4-2, pt. 3.

³⁵ Memorandum to Cabinet: "Status of the Arctic Archipelagic Waters – Annex V," June 1, 1982, LAC, RG 12, vol. 5561, file 8100-15-4-2, pt. 4.

case at this point in the mid-1970s, when the United States was still seeking to confirm its rights of transit passage in international law.

Seeking to Exceptionalize the Arctic: The 1980s

After UNCLOS III, Canada's plan to draw straight baselines and claim sovereignty proceeded at a bureaucratic crawl. External Affairs had hoped to make a move as early as 1982, yet the final act was held off in light of Washington's ongoing hostility to the idea. The catalyst for action finally came with the voyage of the U.S. Coast Guard icebreaker *Polar Sea* in 1985. Like the *Manhattan* before it, the *Polar Sea* transited the Northwest Passage without clear Canadian permission, sparking widespread concern across the country. His hand forced by the public reaction, Prime Minister Brian Mulroney ordered the drawing of the long-delayed baselines around the islands of the Arctic Archipelago, declaring those waters the historic internal waters of Canada.³⁶

Following this announcement, Canada and the United States entered into a series of bilateral negotiations which lasted more than two years. During these talks, the Canadian government again sought to win American acceptance for its position on the status of the Northwest Passage while the Americans attempted to limit the damage from Canada's actions to their global interests.

In their first meetings, Canadian diplomats assured their American counterparts that the U.S. Navy would continue to enjoy free access to Canadian waters, highlighting once again the dangers posed by Soviet submarines – dangers that had increased exponentially since the early 1960s. When the Canadians had raised the spectre of Soviet boats sailing the waters of the Northwest Passage in 1963, they spoke to a *potential* danger. At the time, the Soviet submarine force had neither the vessels nor the expertise to pose an existential threat. By the 1980s, however, the Soviet Northern Fleet had grown in both size and importance. In 1981 the Soviet Navy had deployed the Typhoon class SSBN. Boasting a reinforced titanium hull, the Typhoon was the first Soviet boat specifically designed for under-ice operations. The submarine was a giant: with a 25,000 ton submerged displacement it was larger than a British Invincible class aircraft carrier and 25 per cent bigger than the American equivalent SSBN (the Ohio class).

The Typhoon joined a Soviet submarine fleet which already counted 82 other SSBNs, most of them stationed at Soviet Arctic bases and equipped with an estimated 991 submarine launched ballistic missiles.³⁷ Most of these missiles could be launched from the Soviet Union's own Arctic waters, yet strategic analysts recognized that a launch from Canadian waters would cut their flight time in half (from 30 to 15 minutes). This reduced flight time offered not only a faster strike but the potential to hinder American detection, since the flight trajectory would be significantly lower.³⁸

The development of the long range cruise missile also generated serious concern within defence circles. The short range and slow speeds of the cruise had traditionally limited its use in strategic attacks. The development of new

³⁶ For the best examination of this subject see: Rob Huebert, *Steel, Ice and Decision-Making: The Voyage of the Polar Sea and its Aftermath: The Making of Canadian Northern Foreign Policy*, Ph.D. dissertation Dalhousie University, 1993.

³⁷ Adam Lajeunesse. "A Very Practical Requirement: Under-Ice Operations in the Canadian Arctic, 1960-1986." *Journal of Cold War History* (November, 2012).

³⁸ G. Leonard Johnson, David Bradley and Robert S. Winokur, "United States Security Interests in the Arctic," *United States Arctic Interests: The 1980s and 1990s* (New York: Springer-Verlag, 1984), 271.

missiles with a 3,000km range, like the SS-NX-24, gave the weapon a potential use in a nuclear exchange – and even a first strike role. With that extended range, Soviet boats could use launch positions within Canadian Arctic waters to strike at targets deep into North America.³⁹ These strikes could have been made from easier launch positions in the Atlantic, but heavy surveillance and regular patrols by American SSNs and ASW surface craft reduced the attractiveness of operating along the eastern seaboard. Accordingly, the Arctic had become an ideal first strike launch position for either cruise missiles or ICBMs, close to the major North American cities while far from significant Western ASW assets.⁴⁰

The U.S. Navy took these threats seriously. The service's new Maritime Strategy, articulated for the first time in 1983 by Admiral James D. Watkins, placed a great deal of emphasis on Arctic operations. Accompanying this policy was new and substantial investment in Arctic war-fighting research and development and an increase in circumpolar submarine deployments, from one in 1981 to six in 1984. Concurrently, operations in the Arctic Archipelago resumed after a nearly 20-year U.S. Navy hiatus from Canadian waters.⁴¹

Canadian officials raised the typical argument that this new threat would be minimized if the U.S. accepted Canadian sovereignty over the waters of the Archipelago, thus preventing Soviet submarines from either transiting the Northwest Passage or maintaining station at possible launch locations. Given technological and geostrategic changes, American admirals were understandably more attentive to these arguments than they had been two decades earlier. Hopeful Canadian negotiators even reported back that the U.S. Navy's representative to these talks, Admiral Poindexter, appeared impressed by the Canadian case.⁴² Yet, as had been the case since the 1960s, this argument ultimately failed on the grounds that the local strategic situation in the Arctic remained less important to the United States than its global rights of passage. In an interview after the fact, American negotiator David Colson recounted that he had made it clear to the Canadians that:

... there was no chance that this was going to be a recognition situation ... We wanted to work it out in political terms... If there was nothing else going on [i.e. the Philippines, Indonesia], sure we might be quite happy to give Canada their position, but we couldn't do that because that's not the way the world works, and we couldn't be seen doing something for our good friend and neighbor that we would not be prepared to do elsewhere in the world.⁴³

³⁹ According to a study released by the Directorate of Strategic Policy Planning of the Canadian Department of National Defence, only five realistic launch sites existed for submarine launched cruise missiles (SLCMs): South of Banks Island, Davis Strait, East of Frobisher Bay, Hudson Strait and the Gulf of Boothia; Peter Haydon, "The Strategic Importance of the Arctic: Understanding the Military Issues." Ottawa: Department of National Defence, Directorate of Strategic Policy Planning, Strategic Issues Paper 1/87 (March, 1987).

⁴⁰ Joseph Jockel, *The U.S. Navy, MARCOM and the Arctic*, paper presented to the Conference on Undersea Dimensions, of Maritime Strategy, Halifax, Nova Scotia, Canada, June 21-24, 1989, DHH, 39/436.

⁴¹ Lajeunesse, "A Very Practical Requirement."

⁴² Memorandum for the Secretary of State for External Affairs, January 22, 1986, LAC, RG 12, vol. 5561, file 8100-15-4-2(s), pt. 4.

⁴³ David Colson quoted in Christopher Kirkey, "Smoothing Troubled Waters: the 1988 Canada-United States Arctic Co-operation Agreement," *International Journal* (Spring 1995), 409-410.

As the negotiations progressed, both sides made various attempts to break the impasse by exceptionalizing the Arctic and detaching it from the broader question of the freedom of the seas. In September 1985, Brian Hoyle, the State Department's Director of Ocean Law and Policy, suggested over lunch with Canadian negotiators that if Canada's claims could somehow be separated from the principle of straight baselines and worked into some kind of "Lex Arctici" (law of the Arctic), then the United States could probably live with it, since the precedent would not apply outside of the Arctic.⁴⁴ How this could actually be accomplished remained uncertain and the idea of a special Arctic regime was shelved.

Three months later Canadian negotiators countered with their own proposal. Since the American problem rested largely with Canada's lengthy straight baselines, they suggested that the U.S. could simply recognize Canadian sovereignty while continuing to dispute its use of baselines. Since Canada based its position on a historic waters claim, with baselines only serving as delineation, this could have been possible.⁴⁵ The wording suggested by Leonard Legault, one of Canada's chief negotiators, was as follows: "Nevertheless, in view of the unique circumstances pertaining to these waters, the government of the United States of America recognizes Canada's sovereignty over them, independently of and without reference to the straight baseline system."⁴⁶ This approach had merit but would still have required the United States to recognize a historic claim which it had always considered weak.

The Canadian negotiators also suggested that the United States could recognize Canada's sovereignty over the waters but that this recognition be without prejudice to either country's position on the rights of passage in those waters. In the American assessment, however, the separation of the rights of passage from the question of sovereignty, like the separation of baselines from sovereignty, was simply not enough.⁴⁷ Ultimately the two sides reached the conclusion that it would be impossible to resolve the core legal dispute, so they decided to "agree to disagree" and reach a practical solution related to surface transits.⁴⁸ The result was the 1988 Canada-United States Arctic Cooperation Agreement, which regulated American icebreaker activity in Canadian waters while leaving the question of sovereignty unresolved.⁴⁹

The Arctic Today

The Changing International Context

Since the 1980s the issue has remained suspended in legal terms. Although the Arctic Cooperation Agreement has succeeded in managing icebreaker traffic through the Northwest Passage, Canada and the United States have expressed discomfort in simply maintaining the *status quo* – without a clear sense of what a resolution could and would look like. That the status of the Northwest Passage remains unsettled virtually guarantees a renewal of the

⁴⁴ Telegram from Washington DC to External Affairs, September 27, 1985, LAC, RG 12, vol. 5561, file 8100-15-4-2(s), pt. 4.

⁴⁵ Memorandum for the Secretary of State for External Affairs, January 22, 1986, LAC, RG 12, vol. 5561, file 8100-15-4-2(s), pt. 4.

⁴⁶ *Ibid.*

⁴⁷ Memorandum for the Secretary of State for External Affairs, June 6, 1986, LAC, RG 12, vol. 5561, file 8100-15-4-2(s), pt. 5.

⁴⁸ Franklyn Griffiths, "The Shipping News: Canada's Arctic Sovereignty Not on Thinning Ice," *International Journal* 53:2 (2003), 257-82.

⁴⁹ For the most complete examination of the 1988 Arctic Cooperation Agreement see: Christopher Kirkey, "Smoothing Troubled Waters"

dispute at some point in the future. As the Arctic ice melts and northern hydrocarbon and mineral exploration continues, the inevitable increase in northern activity may hasten this process. If this dispute should resurface any successful settlement, from a Canadian point of view, would require American recognition of Canadian sovereignty. If this is to be achieved, history has shown that local security concerns will not be sufficient inducement for the American government to surrender its longstanding legal position that the passage constitutes a strait used for international navigation.

The crucial point for the United States has always been the freedom of the seas and, in the 21st century, these rights of passage remain a central element in American Arctic policy. National Security Presidential Directive 66 (NSPD-66) clearly states that:

The Northwest Passage is a strait used for international navigation ... the regime of transit passage applies to passage through those straits. Preserving the rights and duties relating to navigation and overflight in the Arctic region supports our ability to exercise these rights throughout the world, including through strategic straits.⁵⁰

Any successful attempt to accommodate Canada's position would therefore have to decouple the Arctic from the rest of the world, prove the uniqueness of Canada's archipelagic waters, and demonstrate that recognition would not prejudice American interests elsewhere.

Attempts to do so in the past have failed. Yet, in the nearly three decades since the question was last seriously debated a great deal has changed. The global law of the sea is largely settled, many of the navigational rights which the United States had struggled to secure are enshrined in treaty, while the precedents that it feared Canada's sovereignty position would set are no longer quite so threatening.⁵¹

The danger which American negotiators most frequently raised during bilateral discussions surrounded the issue of archipelagos, particularly those of Indonesia and the Philippines, and the vital sea routes running through them. In 1960 the United States even sailed the nuclear submarine USS *Triton* through waters claimed by the Philippines in order to send this message. Today, the traditional boogeyman of archipelagic states closing off their waters has been largely eliminated. Conventional law has resolved that matter and archipelagic states⁵² have been granted the right to draw 'archipelagic baselines' around their islands, through which other states continue to enjoy the right of innocent passage.⁵³

The same can be said for straits closed by the extension of the territorial seas. In the early 1970s the U.S. Coast Guard estimated that a global extension of the territorial sea to 12 miles would effectively enclose 116 of the world's

⁵⁰ White House, National Security Presidential Directive 66/ Homeland Security Presidential Directive 25 – Arctic Region Policy (January 9, 2009).

⁵¹ Michael Byers and Suzanne Lalonde, "Who Controls the Northwest Passage?" *Vanderbilt Journal of Transnational Law* 42:1133 (2009), 1204.

⁵² An "Archipelagic State" is defined under UNCLOS III as "a State constituted wholly by one or more archipelagos." United Nations General Assembly, *Third United Nations Conference on the Law of the Sea* (UNCLOS III), December 14, 1983, Part IV, Article 46.

⁵³ UNCLOS III, Part IV, Article 52.

straits as territorial waters.⁵⁴ A pessimistic report detailed the added costs to the American economy if it faced restricted access to the Malacca, Lombok, Sunda and other vital straits. Today, the transit regime governing the world's system of straits is well established. During UNCLOS III, the United States – with Canada's assistance – succeeded in winning international acceptance of the concept of transit passage. This guarantees those navigational rights which the U.S. had spent so long trying to formalize.⁵⁵

The concern outlined in NSPD-66 stems from the fear that, in recognizing Canada's sovereignty, the U.S. might be undermining the general principles of the law of the sea and the transit provisions which it fought for decades to achieve. If the right of transit passage does not apply through the Northwest Passage, why should it apply to any other strait around the world? On this point the argument which Canadian officials have been making for years is pertinent. The Northwest Passage is not an international strait and transit passage does not apply because it has never been a strait actually *used* for international navigation.⁵⁶

While the definition of an international strait has never been fully settled in international law, the relevant precedent has long been the International Court of Justice's (ICJ) 1949 *Corfu Channel Case*. In its decision, the ICJ ruled that the Corfu Channel was a strait based on two criteria: geographic (meaning that a strait must connect two bodies of high seas) and functional (meaning that it must have been a useful passage for international traffic). The Northwest Passage clearly meets the geographic requirements since it connects the Atlantic to the Beaufort Sea. On a functional basis however the Arctic straits have never seen enough use to meet the functional requirement. In making its ruling, the ICJ was given shipping statistics from April 1, 1936 to December 31, 1937 which amounted to 2,884 transits by vessels of various states which had put into the port of Corfu while passing through the channel (this excluded transiting ships which did not put into the port).⁵⁷ This was fairly light traffic, yet it dwarves the activity in and through the Northwest Passage, the vast majority of which has been Canadian in any case.⁵⁸

A Renewed Approach

While changes in the law of the sea and the international strategic situation may now mitigate in Canada's favour, any renewed attempt to win American recognition of Canadian sovereignty would still have to take the Americans' global maritime interests into consideration. While security interests may provide an impetus for agreement, history has shown that local concerns will continue to pale in the face of America's global interests. For this reason it still seems highly unlikely that the United States would accept the Canadian position as it exists today.

⁵⁴ "Draft Article," 1973, NARA, RG 26, Office of Operations, Ocean Operations Division – Maritime Laws and Treaty Branch: Correspondence, 1964-1973, box 28.

⁵⁵ UNCLOS III, Part III, Article 38.

⁵⁶ See Donat Pharand, "The Arctic Waters and the Northwest Passage: A Final Revisit," *Ocean Development and International Law* 38:1 (2007), 3-69..

⁵⁷ International Court of Justice, *Corfu Channel Case (Merits) United Kingdom v. Albania* (April 9, 1949), 29.

⁵⁸ The legal status of the Northwest Passage and the question of whether or not it constitutes an international strait has been reviewed in great detail by a number of international lawyers. For the most complete examination, see the extensive writings of Donat Pharand, the most recent of being "The Arctic Waters and the Northwest Passage: A Final Revisit."

Canada's position is that the waters of the Arctic Archipelago, as defined by its straight baselines, are its historic internal waters and have been since 1880.⁵⁹ While the U.S. might conceivably be able to admit that the Northwest Passage does not yet constitute an international strait, it will not recognize Canada's extensive baselines system given that it has never considered it to be an appropriate application of the principle (and which it does not want to see used as a precedent for other continental states with archipelagoes). In 1986, when Canadian negotiators suggested that Washington simply reject these baselines but accept Canada's underlying sovereignty, the Americans explained that their government has never recognized Canada's historic title to the Arctic waters.

Reconciling these two positions may not be possible.⁶⁰ If it can be done, Canada would have to ensure that whatever the United States is asked to recognize can be rationalized as being unique to the Arctic. As such, recognition of Canada's long baselines is almost certainly out of the question. A blanket recognition of Canada's historic claims might also never be possible. Yet, if only as an exercise in academic speculation, we might consider the possibility of American recognition of Canadian sovereignty over select bodies within the Archipelago.

Canada's overall historic claim remains relatively weak in large part because vast stretches of the region have always been largely uninhabited and unoccupied. The United States has always held a high standard for effective occupation and the lack of such occupation has, historically, even led to concerns that Washington might reject Canada's terrestrial sovereignty over certain northern islands.⁶¹ The effect of this isolation on the country's maritime claim has been detrimental since it has meant minimal government or Inuit activity across large swaths of the Archipelago. This dearth of activity naturally handicaps Canada's historic waters claims.

While there has never been a universally accepted definition of historic waters, there is at least a generally accepted understanding that the occupation and control of the space in question plays an important role in any potential claim. This understanding is based on the ICJ's decision in the 1951 Anglo-Norwegian *Fisheries Case* and from two important UN Secretariat documents, prepared at the time of UNCLOS I and UNCLOS II: the 1957 *Memorandum on Historic Bays* and the 1962 study on the *Juridical Regime of Historic Waters, including Historic Bays*.⁶² These highlight the close relationship between the concept of historic waters and historic rights and of occupation and use. This

⁵⁹ M. Gaillard, Legal Affairs Bureau, Department of Foreign Affairs and International Trade, "Canada's Sovereignty in Changing Arctic Waters," (March 19, 2001), Whitehorse, Yukon.

⁶⁰ The difficulty of resolving this problem has been highlighted by several authors. For one of the best treatments see: Lackenbauer, *Polar Race to Polar Saga*.

⁶¹ In 1946 the U.S. Air Coordinating Committee (in a report which did not represent official American policy) even suggested that the United States might consider occupying certain islands in the Arctic Archipelago on the basis of a lack of Canadian effective occupation: Army Air Force Headquarters, Atlantic Division; Air Transport Command "Problems of Canada – United States Cooperation in the Arctic," October 29, 1946, NARA, RG 319, Records of the Army Staff: Publication Files, 1946-51, box 2785. This report has been heavily debated. See, for example, Grant, *Sovereignty or Security*, and Lackenbauer and Kikkert, "Sovereignty and Security."

⁶² United Nations Secretariat, "Historic Bays: Memorandum by the Secretariat of the United Nations" A/CONF.13.1, Extract from the *Official Records of the United Nations Conference on the Law of the Sea 1* (1958) and United Nations Secretariat, "Juridical Regime of Historic Waters Including Historic Bays" A/CN.4/143, Extract from the *Yearbook of the International Law Commission 2* (1962).

relationship is well understood and has been held up as a potential weakness in the Canadian claim by many experts on Canada's legal position.⁶³

Where Canada's position is stronger on grounds of occupation and use is in the waters of the southern Archipelago, closer to Inuit communities. These are waters over which the RCMP and Canadian courts have exercised jurisdiction for over a century, having imposed fishing licenses on American whalers in Hudson Strait and Lancaster Sound as early as the 19th century.⁶⁴ Of even greater importance, local Inuit have hunted, fished and travelled on these frozen waters, often using them as they would land, for centuries. Accordingly, Canada is assured a far stronger position with respect to Hudson Strait, Lancaster Sound, Barrow Strait, Coronation Gulf, and the waters south of Victoria Island (amongst other areas) than it has to the Archipelago as a whole. Conveniently, these waters also sit astride the only useful routes through the archipelago and, by enclosing them, Canada effectively regulates the entire region.

These are also areas which the United States could, conceivably, recognize as internal waters without worry of lowering the bar for historic title. The ice-covered nature of the northern waters and the close relationship between them and the land adds a unique element which both exceptionalizes the region and distinguishes the waters from any other outside of the Arctic. In a sense this might be seen as a practical approach to the *Lex Arctici* floated by Brian Hoyle in 1985.

The United States could theoretically recognize those areas within the Archipelago over which Canada does have a long and unique claim while still rejecting Canada's broader historic claims as well as its straight baselines, and all without damaging its global maritime position. Selective recognition would highlight the high standards and burden of proof which the U.S. has always sought to maintain with regards to questions of maritime jurisdiction and status of water issues. Canada, for its part, could thank the Americans for their partial recognition while continuing to maintain its complete historic waters claim as well as its delineation of internal waters using straight baselines.

Since the Canadian government claims that its historic title dates back to the nineteenth century, it would not be affected by the provisions of UNCLOS III which maintain foreign transit rights through newly enclosed waters.⁶⁵ Transit through the Northwest Passage would therefore be controlled entirely by Canada which, if history is any guide, would grant ready access to American naval vessels or even commercial ships adhering to Canadian regulations.⁶⁶ While a dispute would remain over the status of some of the more northerly archipelagic waters, the question would, for all practical purposes, be resolved.

⁶³ See for instance: Pharand, "A Final Revisit," 9-13; Donald McRae, "Arctic Sovereignty? What is at Stake," *Behind the Headlines* 64:1 (2007), 7-8; L.J. Bouchez, *The Regime of Bays in International Law* (Leyden: Sijthoff, 1964), 218; Nigel Banks, "Forty Years of Canadian Sovereignty Assertion in the Arctic, 1947-87." *Arctic* 40:4 (December, 1987), 290-1.

⁶⁴ William R. Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925* (Vancouver: University of British Columbia Press, 1985).

⁶⁵ UNCLOS III, Part II, Article 8(2). For an opposing viewpoint on the possibility of transit rights remaining after a successful claim see James Kraska, "International Security and International Law in the Northwest Passage," *Vanderbilt Journal of Transnational Law* 42:1109 (2009), 1127.

⁶⁶ American naval vessels have always enjoyed access to Canadian Arctic waters, from the construction of the DEW Line to the deployment of SSNs.

Such an outcome would be difficult to achieve. It would require considerable political goodwill and American willingness to move beyond the *status quo*. Still, history has shown that the United States has always been willing to accommodate Canada's needs, as long as this could be done without prejudicing America's global interests.⁶⁷ The international context has changed since the *Polar Sea* and the end of the Cold War, and many of those international concerns have disappeared or receded. There is also real pressure from within both the State Department and the Navy to see the United States ratify UNCLOS III.⁶⁸ If Canada is to stand any chance of securing American approval for or acquiescence to its position, it will still have to present the U.S. government with a unique justification for the status of the Northwest Passage as internal waters which could not be applied by states outside of the Arctic. Whether this is even a possibility remains to be seen. Considering the potential for Arctic development in the near future, however, this may be a question that needs to be answered sooner rather than later.

⁶⁷ There are a number of works detailing this close cooperation and American sensitivity to Canadian sovereignty, see for instance: David Bercuson, "Continental Defense and Arctic Sovereignty, 1945-50: Solving the Canadian Dilemma," *The Cold War and Defense*, ed. Keith Neilson and Ronald G. Haycock (New York: Praeger Publishers, 1990); Elizabeth Elliot-Meisel, *Arctic Diplomacy: Canada and the United States in the Northwest Passage* (New York: Peter Lang Publishing Ltd., 1998); Coates et. al. *Arctic Front*; and Lackenbauer and Kikkert, "Sovereignty and Security."

⁶⁸ The U.S. Senate Foreign Relations Committee is holding ongoing hearings on UNCLOS. Secretary of State Hilary Clinton, Secretary of Defense Leon Panetta and chairman of the Joint Chiefs of Staff, General Martin Dempsey have been unequivocal in their opinion that the U.S. should accede to the treaty. Scott Borgerson, *The National Interest and the Law of the Sea*, Council on Foreign Relations Special Report no. 46 (May, 2009)

Bibliography

Archival Sources and Oral History Transcripts

International Court of Justice. *Corfu Channel Case (Merits). United Kingdom v. Albania* (April 9, 1949).

Library and Archives Canada (LAC), Ottawa

RG 2

RG 12

RI 2069

Directorate of History and Heritage Archives (DHH), Ottawa

39/436

75/149

National Archives and Records Administration (NARA), College Park

RG 59

RG 26

RG 319

US Navy Operational Archives Branch, Naval Historical Center (OAB) Washington, DC

Personal Papers of Waldo K. Lyon

United Nations General Assembly. *Third United Nations Conference on the Law of the Sea* (UNCLOS III), December 14, 1983.

United Nations Secretariat. "Historic Bays: Memorandum by the Secretariat of the United Nations" A/CONF.13.1. Extract from the *Official Records of the United Nations Conference on the Law of the Sea 1* (1958).

United Nations Secretariat. "Juridical Regime of Historic Waters Including Historic Bays" A/CN.4/143. Extract from the *Yearbook of the International Law Commission 2* (1962).

Published Sources

"Arctic Terror Threats Real: Security Agencies." *CBC News* (November 10, 2010).

Banks, Nigel. "Forty Years of Canadian Sovereignty Assertion in the Arctic, 1947-87." *Arctic* 40:4 (December, 1987).

Bercuson, David. "Continental Defense and Arctic Sovereignty, 1945-50: Solving the Canadian Dilemma." *The Cold War and Defense*. Ed. Keith Neilson and Ronald G. Haycock. New York: Praeger Publishers, 1990.

Berthiaume, Lee. "Canada Should Control Northwest Passage: Cellucci." *Embassy* (November 1, 2006).

Borgerson, Scott. *The National Interest and the Law of the Sea*. Council on Foreign Relations Special Report 46 (May, 2009).

Bouchez, L.J. *The Regime of Bays in International Law*. Leyden: Sijthoff, 1964.

- Byers, Michael. "Unfrozen Sea: Sailing the Northwest Passage." *Policy Options* 28:5 (2007).
- Byers, Michael and Suzanne Lalonde. "Who Controls the Northwest Passage?" Discussion paper for the conference "Canada's Arctic Waters in International Law and Diplomacy" (June 14, 2006).
- "Who Controls the Northwest Passage?" *Vanderbilt Journal of Transnational Law* 42:1133 (2009).
- Coates, Ken et. al. *Arctic Front*. Toronto: Thomas Allen Publishers, 2008.
- Elliot-Meisel, Elisabeth B. *Arctic Diplomacy: Canada and The United States in The Northwest Passage*. New York: Peter Lang, 1998.
- "Politics, Pride and Precedent: The United States and Canada in the Northwest Passage." *Ocean Development and International Law* 40:2 (2009).
- "Still Unresolved after Fifty Years: The Northwest Passage in Canadian-American Relations, 1946-1998." *The American Review of Canadian Studies* 29:3 (Fall, 1999).
- Foot, Richard and Norma Greenaway. "Bush Praises Mission." *National Post* (August 22, 2007).
- Gaillard, M., Legal Affairs Bureau, Department of Foreign Affairs and International Trade. "Canada's Sovereignty in Changing Arctic Waters." March 19, 2001. Whitehorse, Yukon.
- Grant, Shelagh. *Sovereignty or Security?* Vancouver: University of British Columbia, 1988.
- Griffiths, Franklyn. "Canadian Arctic Sovereignty: Time to Take Yes for an Answer on the Northwest Passage." *Northern Exposure: Peoples, Powers and Prospects for Canada's North*, Ed. Frances Abele. Institute for Research on Public Policy, 2009.
- "The Shipping News: Canada's Arctic Sovereignty Not on Thinning Ice." *International Journal* 53:2 (2003).
- Haydon, Peter. "The Strategic Importance of the Arctic: Understanding the Military Issues." Ottawa: Department of National Defence, Directorate of Strategic Policy Planning, Strategic Issues Paper 1/87 (March, 1987).
- Huebert, Rob. *Canadian Arctic Sovereignty and Security in a Transforming Circumpolar World*. CIC Report no. 4. Toronto: Canadian International Council (2009).
- "Renaissance in Canadian Arctic Security." *Canadian Military Journal* 6:4 (Winter, 2005).
- Steel, Ice and Decision-Making: The Voyage of the Polar Sea and its Aftermath: The Making of Canadian Northern Foreign Policy. Ph.D. dissertation. Dalhousie University, 1993.
- "The Shipping News Part II: How Canada's Arctic Sovereignty in on Thinning Ice." *International Journal* 58:3 (2003).
- Jockel, Joseph T. *No Boundaries Upstairs*. Vancouver: University of British Columbia Press, 1987.

- Johnson, G. Leonard, David Bradley and Robert S. Winokur. "United States Security Interests in the Arctic." *United States Arctic Interests: The 1980s and 1990s*. New York: Springer-Verlag, 1984.
- Kirkey, Christopher. "Smoothing Troubled Waters: the 1988 Canada-United States Arctic Co-operation Agreement." *International Journal* (Spring 1995).
- Kraska, James. "International Security and International Law in the Northwest Passage." *Vanderbilt Journal of Transnational Law* 42:1109 (2009).
- Lackenbauer, P. Whitney. *From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World*. CIC Report no. 3. Toronto: Canadian International Council (2009).
- Lackenbauer, P. Whitney and Peter Kikkert. "Sovereignty and Security: The Department of External Affairs, the United States, and Arctic Sovereignty, 1945-68." *In the National Interest: Canadian Foreign Policy and the Department of Foreign Affairs and International Trade, 1909-2009*. Ed. Greg Donaghy and Michael Carroll. Calgary: University of Calgary Press, 2011.
- Lajeunesse, Adam. "A Very Practical Requirement: Under-Ice Operations in the Canadian Arctic, 1960-1986." *Journal of Cold War History* (2012).
- McRae, Donald. "Arctic Sovereignty? What is at Stake." *Behind the Headlines* 64:1 (2007).
- Morrison, William R. *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*. Vancouver: University of British Columbia Press, 1985.
- Pharand, Donat. *Canada's Arctic Waters in International Law*. Cambridge: Cambridge University Press, 1988.
- , "The Arctic Waters and the Northwest Passage: A Final Revisit." *Ocean Development and International Law* 38:1 (2007).

About the Author

ADAM LAJEUNESSE, Ph.D., recently received his Doctorate in History at the University of Calgary. His research has focused on the evolution of Canadian government policy over the Arctic waters and on Canadian-American defence and law of the sea relations in that area. He has also written on contemporary Arctic sovereignty and security concerns, shipping prospects, hydrocarbon development and international relations.

