



HOUSE OF COMMONS
CANADA

CANADA'S ARCTIC SOVEREIGNTY

Report of the Standing Committee on National Defence

**The Hon. Maxime Bernier, P.C., M.P.
Chair**

JUNE 2010

40th PARLIAMENT, 3rd SESSION

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THE STANDING COMMITTEE ON NATIONAL DEFENCE

has the honour to present its

THIRD REPORT

Pursuant to its mandate under Standing Order 108(2), the Committee has studied Arctic sovereignty and has agreed to report the following:

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PREFACE

During the course of its work your committee was apprised of the fact that the National Research Council Canada had completed a study on search and rescue. On May 4th, 2010 the Committee adopted the following motion requesting access to the report and its findings:

That, pursuant to Standing Order 108(1), as part of its study of search and rescue response times, the Committee request that the government table with the Committee its study of search and rescue aircraft of March 2010.

The Committee was subsequently informed that the report was the property of the Minister of Public Works but not deemed to be a secret document. Your Committee was also told that it could have access to the study, however, to date has yet to receive it. Members were therefore somewhat disappointed that matters were not expedited in order to have the findings made available for consultation as part of our study on Arctic Sovereignty, wherein search and rescue was an important matter for consideration.

CANADA'S ARCTIC SOVEREIGNTY

Introduction

In 1922 the famous Arctic explorer Viljalmur Stefansson noted the following:

A glance at the map of the northern hemisphere shows that the Arctic Ocean is in effect a huge Mediterranean. It lies between its surrounding continents somewhat as the Mediterranean lies between Europe and Africa. It has, in the past, been looked upon as an impassable Mediterranean. In the near future, it will not only become passable but will become a favourite route ... much shorter than any other air route that lies over the oceans that separate the present day centres of population.¹

Stefansson's observation captured the imagination of many Canadians, including those in the military. In a sense it was simply a reflection of the fact that the development of the North has always represented a "... fundamental Canadian aspiration, an important element in the national consciousness."²

In 1966 Robert Sutherland, then head of the Operational Research Establishment, Defence Research Board, and Canada's most renowned "military strategic" thinker of the time, quoted the explorer and concluded that Stefansson's was "... a very bad prediction." While accepting Stefansson's somewhat romanticized version of the North as an important part of our identity, Sutherland believed it would become neither a readily accessible transit route nor a place for socio-economic development. Whatever development had taken place was the direct result of the increased military significance of Canada's northern territories. "Economics took second place to strategy; commercial aviation was the very junior partner of strategic air power."³

Sutherland wrote during the height of the Cold War when military strategic interests were of utmost concern, making his dismissal of Stefansson's vision readily understandable. The irony, however, is that today we would more likely side with Stefansson's musings than with Sutherland's hard headed analysis. At the same time, Sutherland could not have predicted the end of the Cold War as it transpired, nor could Stefansson have predicted the effects of climate change and the consequent melting of polar ice.

Today we are confronted with a new reality. As a result of climate change the North is opening up and coming to occupy a central position in the world community. No longer is it only the traditional coastal Arctic states—Canada, Denmark, Norway, the Russian

1 Quoted by R.J. Sutherland, "The Strategic Significance of the Canadian Arctic," *The Arctic Frontier*, edited by R. St. J. Macdonald, University of Toronto Press, 1966, p. 257.

2 Robert Sutherland, p. 57.

3 Ibid.

Federation, and the United States of America—that share an interest in access and economic prospects, but also countries like China, those of the European Union (EU), Finland, South Korea, and so on. Interest in the region will continue to grow with an increasing mix of interested players taking part.

The melting ice will unlock huge reserves of minerals and hydrocarbons, make new coastal passages navigable, and change the way of life of Canada's northern peoples. While these developments may prove advantageous, they will also bring with them certain risks—the risks of intrusion, of pollution and of environmental degradation. There then exists the possibility that diverging interests and competing claims could potentially lead to serious tensions among relevant players.⁴

It was because of such concerns that your Committee decided to undertake a study on Arctic Sovereignty and how changes in the region might impact the Canadian Forces (CF). Needless to say, the primary function of the CF is to protect Canada's territorial sovereignty. This entails the capability to survey and control Canadian territory, waters and airspace; the capability to deter attacks on Canadian territory, waters and airspace; and the capability to assist governments in Canada, when required in maintaining domestic peace and security.⁵

With respect to the overall issue of Canadian sovereignty in the Arctic, the testimony heard generally consists of two schools of thought. The first including Professor Franklyn Griffiths, holds that, although more could be done to ensure claims and interests, the matter is not overly urgent. Our legal claims are well established, and future challenges will not be as dire as some have claimed.

On the other hand there are those, like Professor Rob Huebert, who believe that the Canadian government must take a more robust approach to enforce its sovereignty and security in the Arctic. According to this line of thought, the Arctic is becoming increasingly accessible to a number of different actors who are descending upon it with both different and not mutually beneficial agendas. They also point to the increasing interest of “non-Arctic” states in the region and suggest that this interest could well lead to future challenges to Canadian sovereignty. Finally, Huebert points to the fact that some Arctic nations are significantly investing in military capabilities that will allow them to operate in the Arctic.⁶

4 Helga Haftendorn, “Arctic Policy for Canada’s Tomorrow,” *International Journal*, Vol. LXIV, No. 4, Autumn 2009, p. 1139.

5 *Security in a Changing World*, Report of the Special Joint Committee on Canada’s Defence Policy, 1994, p. 37.

6 Robert Huebert, *The Newly Emerging Arctic Security Environment*, Canadian Defence and Foreign Affairs Institute, March 2010.

While we recognize the right of sovereign states to develop capabilities that will help them protect their legitimate interests, we strongly believe that we need to do all that we can to prevent the militarization of the Arctic.

What we currently lack is a set of comprehensive multi-lateral norms and regulations governing the Arctic region; largely due to the fact that no one ever expected it to become a navigable waterway or a site for large-scale commercial development. Decisions made by Arctic nations in the years to come will therefore have a significant influence on the development of the region.⁷ Equally important is the question of whether or not these decisions are taken in multi-lateral or bi-lateral fora, or whether they will be left to the dictates of crude self-interest.

During the course of our study we heard from senior government officials, academic authorities and relevant stake holders. While we may not concur in everything, we have come to share common understandings on the following key issues:

- 1) Canada's legal title to its Arctic territories is well established.
- 2) There is no immediate military threat to Canadian territories either in or "through" the Arctic.
- 3) The challenges facing the Arctic are not of the traditional military type. Rather, it is the effect of climate change, increased "traffic", resource exploitation, and the lack of sustained political and diplomatic attention that provide the backdrop for security challenges.
- 4) The CF can and will defend all of Canada, including our Arctic territories.
- 5) Given the increased interest and anticipated activity in the Arctic, Canada needs to increase its "presence" in the region.
- 6) Along with an enhanced presence, it is also imperative that we have the ability to survey, and be aware, of what transpires "on", "underneath" and "above" our Arctic domain.
- 7) Given the future increase in traffic and activity that we can expect to take place in the Arctic, it is imperative that we have appropriate search and rescue (SAR) capabilities.
- 8) It is especially important that Canada's Indigenous peoples be an integral part of any decision making process affecting policies regarding

7 Scott G. Borgerson, "Arctic Meltdown: The Economic and Security Implications of Global Warming", *Foreign Affairs*, March/April 2008. P. 65.

the Arctic. In line with this, we believe it important that outstanding land claims in the region be settled quickly.

- 9) In order to be able to effectively deal with emerging challenges, it is important that Canada has in place an integrated Arctic strategy with a clear decision structure; one that includes the participation of relevant stakeholders, especially those who have long inhabited the region.
- 10) The basic principles informing that strategy should be those of multilateralism and stewardship. Such an approach will allow Canada to play to its historic and diplomatic strengths, and to take a leadership role in helping design those multi-lateral norms and regulations necessary for the harmonious and mutually beneficial development of the Arctic region. An initial step would be to expand and strengthen the Arctic Council and to widen its mandate.
- 11) We are concerned that the government's timeframe for the purchase of key assets for enhancing our presence in the Arctic, such as the Arctic Offshore Patrol Ships, the John G. Diefenbaker icebreaker, and the Joint Support Ships is falling significantly behind schedule.

What We Heard

It is not our intention to repeat or summarize all of what our witnesses told us. Their testimony is readily available in the public domain. What we focus on in our report are those aspects of their arguments that we found instructive in formulating recommendations to government in areas we consider most important. We believe our recommendations to be both realistic and achievable. As a committee, we had no interest in either debating or trying to solve speculative scenarios.

a) The legal dimension

In his testimony before our Committee, Professor Franklyn Griffiths argued that the threats to Canada's sovereignty have been greatly exaggerated, including concerns over the Northwest Passage. There is no real need to "... talk of asserting sovereignty." According to Griffiths, part of the reason for concern is simply the fact that the media "... have been listening to the purveyors of polar peril." Matters become exaggerated and are talked about because they "... play on the Canadian identity." However, to do so only brings attention to presumed problems that do not really exist or it simply serves to heighten minor irritants that could easily be dealt with amicably.⁸

8 Franklyn Griffiths, House of Commons Standing Committee on National Defence (NDDN), *Evidence*, October 6, 2009, 0905.

Griffiths also went on to argue that there is no conventional military threat to the Canadian Arctic. Rather than sovereignty threats we face what might best be termed policing threats. These do not require combat capability. What they do require is a constabulary force capable of policing our waters, responding to emergencies and providing SAR. The CF already provide support in these areas and should continue to do so. But, generally speaking, the need for “hardware” is relatively slight and “... to justify it on a sovereignty basis is not the best [justification].” He also noted that Canadians should be confident in pursuit of their rights and ownership. In the end, it is a strategy of stewardship that should be pursued in the region. In this regard he believes that Canada could play a leadership role in bringing relevant players together in pursuit of cooperation on matters such as the fisheries, shipping, the tourist cruise boat industry, pollution prevention, and emergency response.⁹

While governments may prefer freedom of action, the Arctic is very much an interdependent environment. The potential for unintended problems “drifting” into our sovereign territories is real and its likelihood will increase as activity in the region increases. Common sense then dictates that we, along with others, adopt a common attitude and common approach. In support of this possibility, Griffiths points to the Ilulissat Declaration of the Arctic five (Canada, Denmark, Norway, Russia, and the United States) which committed signatory states to cooperate in Arctic matters. Such cooperation is to include both bi-lateral and multi-lateral agreements between or among relevant states.¹⁰

In a similar vein, Alan Kessel, Legal Advisor, Department of Foreign Affairs and International Trade, told our Committee that there was no credible threat to the ownership of the lands, islands and waters of the Arctic. He also went on to note “... the fact that climate change is diminishing the ice cover poses no threat to our ownership.” According to Mr. Kessel, Canadian Arctic sovereignty is long-standing, well established and based on historic title. He argued that the outstanding disputes we have are all well managed. These include disagreements over Hans Island with the Danes, the Beaufort Sea with the Americans and the Northwest Passage with the Americans and the European Union among others.¹¹

With respect to the latter, Kessel told our Committee that no one disputes the fact that these are Canadian waters. The real issue, he went on to explain, is “... over the question of navigation, or the legal status of those waters.” Canada considers them to be internal and we “... have an unfettered capacity to regulate them as we would for any land territory.” While some, particularly the United States, consider the Passage an international strait giving their vessels a right of passage, there seems to be a kind of “tacit” understanding that Canadian claims have a good degree of legitimacy. Thus, Kessel points to the agreement signed in 1988, without prejudice, between Canada and the

9 NDDN, *Evidence*, October 6, 2009, 1005.

10 Ibid., 1010, 0905.

11 Alan Kessel, NDDN, *Evidence*, April, 29, 2009, 1700.

United States, requiring the U.S. to seek consent for U.S. government icebreakers to use the passage. The underlying principle being that disagreements would be settled through bi-lateral negotiation.¹²

Kessel attributed the position to American strategic interests which lead the U.S. to insist that "... any connected bodies of water should be considered an international strait." He also noted that the United States considers the Russian northern sea route an international strait. Like Canada, the Russians had also put base lines around their Archipelago and claimed the route to be internal waters. Canada agrees with the Russian claim, they with ours, and we both disagree with our American friends.¹³

What we find instructive about the foregoing is that even when important differences exist among major players common sense and compromise can come to rule the day. A good deal of cooperation already takes place among Arctic states. We cooperate with our American neighbours in a variety of areas, especially icebreaking and surveying of the seabed. We cooperate with the Russians on how best to deal with the legal status of passages and with others in areas of scientific research and so on.¹⁴

The arguments by Professor Griffiths and Mr. Kessel were further reinforced in the testimony of Professor Donat Pharand of the University of Ottawa and Professor Suzanne Lalonde from the University of Laval. However, while Professor Lalonde believed our legal claims to the Northwest Passage were strong they could become subject to challenge. The concern is not a matter of "legal argument", but is rather what might be termed "factual". That is to say, Canada's case with respect to the Northwest Passage "... rests on effective control." Insofar as this is so, and because we consider the waters to be internal then Canada is "... obligated to guarantee an effective presence and effective control, as it would on any other part of Canadian soil."¹⁵ In order to ensure the maintenance of our sovereignty, Professor Pharand further noted, *inter alia*, the importance of making Canada's northern vessel traffic system (NORDREG) mandatory, the need for a polar icebreaker, the importance of developing adequate infrastructure that will allow the control of and assistance to transiting vessels and the involvement of Canada's Indigenous peoples in decisions regarding the Arctic.¹⁶

In recent years Canada's presence has largely been maintained by coast guard vessels escorting ships through the Passage and providing for the needs of the various Arctic communities. Lalonde agrees that the coast guard is probably the best agency to ensure this kind of effective presence, but Canada must also be able to exert "control" over

12 NDDN, *Evidence*, April 29, 2009, 1700.

13 Ibid., 1655.

14 Ibid., 1705.

15 Suzanne Lalonde, NDDN, *Evidence*, April 29, 2009, 1555.

16 NDDN, *Evidence*, April 29, 2009, 1705.

the waters of the Passage. The latter, Lalonde argued, could best be done by the CF. At the same time, your Committee believes it important to note that the Canadian Coast Guard not become a poor cousin of the CF. This will require additional resources for the coast guard in order that it be able to maintain its essential capabilities in an ever-expanding scope.

An interdiction capability is important because "... any unauthorized transit by a foreign vessel, whether surface or underwater, will severely undermine Canada's legal case." A public violation of Canada's sovereignty would call into question our ability to effectively govern those waters; "... the ability to do so is an important and essential component of our historic waters claim." Lalonde concluded by arguing that in order to protect its legal position, the Canadian government "... would have to react vis-à-vis any ship or submarine that had entered the archipelago unannounced or uninvited." Thus, the CF should be provided with the capability to interdict a foreign ship navigating through the Northwest Passage without Canadian permission.¹⁷ While diplomatic solutions will always be preferred, there may be instances when a different approach is required.

b) Concerns

In testifying before the Committee, Professor Robert Huebert, of the University of Calgary, raised issues similar to those of Professor Lalonde. Increased accessibility, according to Huebert, is the driver determining shifts in the behaviour of a widening number of players. Countries as far away as South Korea and China have now become major players in the Arctic region. Their interests are commercial and industrial development and, in pursuit of these, countries are establishing advanced Arctic research programs. China, for example, has one of the world's largest scientific vessels.¹⁸

Huebert went on to note that the Arctic is probably "... the last major source of undiscovered resources for the world." The U.S. Geological Survey has estimated that 30% of all undiscovered natural gas is in the Arctic region as well as upwards of 13% of all undiscovered oil reserves. There then seems to be a mounting urgency to take advantage. The Russians are about to complete the development of a gas field in the Stockman offshore region that will be the third largest gas producing sector in the world. Canada has gone from never having produced diamonds to now being the third largest producer of diamonds, all on the basis of three mines in our Arctic. As Huebert concluded, the region "... is a treasure trove."¹⁹

Opportunities also come with problems. As "... the world starts to come to the Arctic, the issue of how we actually enforce security and sovereignty in this region becomes critical." According to Huebert, our tendency to believe that the geopolitical

17 Ibid., 1605.

18 Robert Huebert, University of Calgary, NDDN, *Evidence*, June 10, 2009, 1535.

19 NDDN, *Evidence*, June 10, 2009, 1535.

situation, with respect to the Arctic, will continue to remain stable is one we need to carefully re-examine. If one takes a close look at the policies and the current armament programs of our circumpolar neighbours, we find that there have been a growing number of policy statements, since 2004, from both Arctic and non-Arctic states as they begin to revisit their own Arctic security policies. “Norway, Russia and the United States are increasingly taking a unilateral approach to how they perceive their Arctic security.”²⁰

What is particularly disconcerting is that, while all address the need for cooperation, there are indications that re-armament programs, geared to Arctic operations, are being put in place. For example, the Norwegians are developing their military with an extremely capable, albeit small war-fighting northern capability. They have signed a contract to buy 48 F-35 fighter aircraft from the United States. They are also building a new class of Aegis capable frigates, the most expensive single defence project ever undertaken by Norway. The Aegis is an American-designed combat system that provides naval vessels with an air-superiority capability and is meant for use in high intensity combat environments. At the same time, they have also built the *Svalbard*; a new armed ice-capable Coast Guard vessel. It carries a Bofar 57 mm gun and is NBC (nuclear, biological, chemical) protected. This ship’s capabilities exceed those required simply for constabulary duties such as fisheries or environmental protection...” The Norwegians have also built a new class of very fast and capable guided missile patrol vessels. The six *Skjold* class ships are stealth built and equipped with both anti-ship and anti-air missiles as well as a 76 mm gun. Finally, along with these modernizations the Norwegians have also been conducting large-scale military exercises on an annual basis. These purchases and exercises could lead one to suggest that the Norwegians believe they may one day be in a hostile aerospace-maritime environment.²¹

Like us, the Norwegians prefer and pursue a policy of cooperation. However, “... even if Norwegian officials do not see an immediate military threat in the North they are spending as if they are expecting one to develop.”²² We also understand that Norway is a member of NATO and desires to work closely with the United States. The latter motivated as much, if not more so, by the fact they need to contend with the Russians as an immediate presence, rather than by Alliance commitments. As Norway’s Foreign Minister, Jonas Gahr Store, recently noted, “Russia is not yet a stable, reliable, predictable state ...” However, he was also quick to note that we should not slip back into a Cold War mentality.²³ What is therefore important is to engage the Russians diplomatically and bring them into a cooperative multi-lateral framework.

20 Ibid., 1535.

21 Ibid. See also, Robert Huebert, *The Newly Emerging Arctic Security Environment*, Canadian Defence and Foreign Affairs Institute (CDFAI), March, 2010. p. 12–15.

22 Robert Huebert, CDFAI, p. 14.

23 John Ivison, “How to Keep a Cool Head in the Arctic”, *National Post*, March 30, 2010.

We have taken Norway as an example of an Arctic state that, although believing in the principles of multilateralism and cooperation, has found it prudent to develop a significant military capability to ensure its northern interests. Others have done the same. The Russian government has also "... been developing new policies and issuing statements on their security concerns in the Arctic." In 2008, it approved the *Principles of State Policy in the Arctic to 2020*. Similar to statements made by other Arctic states, the documents calls for international cooperation in the Arctic. *Inter-alia*, it warns of the dangers of climate change and argues on behalf of the need to address the problems that this phenomenon is creating for the Arctic. In a similar vein to Canadian pronouncements, the Russian statement talks about the need to improve the socioeconomic conditions of Russian northerners. On the other hand, there have also been Russian news reports that suggest that Russian officials plan to build new forces for the North. In 2008, Lt. General Vladimir Shamanov, who heads the Defence Ministry's combat training directorate, stated that "... after several countries contested Russia's rights for the resource-rich continental shelf in the Arctic, we have immediately started the revision of our combat training programs for military units that may be deployed in the Arctic in case of potential conflict." The Russians are also planning to rebuild their submarine force, which will have the most significant impact on the Arctic.²⁴

In summer of 2008, the Russians resumed surface naval patrols in the Arctic; on one occasion sailing two warships into disputed waters between Norway and Russia on the pretext of protecting Russian fishermen in the area. While their actions did not break international law, they did send a clear political message to Norway indicating that they intend to defend Russian interests in the region. At the same time, it is important that we not read too much into these activities. There is no question that the Russians have embarked on a much more assertive use of military force in the region and that their proposed rearmament plans exceed that of any other Arctic state.²⁵ But we need to consider that Russia, once a superpower, may simply be wanting to re-assert its global reach. And, in the final analysis, this may not in fact impede cooperation on matters relating to Arctic security or other areas of international and security interest. To date, Canada's relationship with Russia in matters of Arctic interest seems to have been mutually beneficial. But, in the final analysis, as with all major actors on the international stage, their true intentions remain largely unknown.

Often referred to as the "reluctant Arctic power", our American neighbours are also showing keen interest in the region. In January of 2009, then President Bush issued a new Presidential Directive dealing with U.S. interests in the Arctic. This was the first time that such a directive was issued since 1994. The directive states that the United States has broad and fundamental national security interests in the region and is prepared to operate either independently or in conjunction with other states to safeguard these interests. These interests include such matters as missile defence and early warning; deployment of sea

24 Robert Huebert, CDFAI, p. 14-16.

25 Ibid., p. 17-18.

and air systems for strategic lift, strategic deterrence, maritime presence, and maritime security operations; and ensuring freedom of navigation and flight. The directive also speaks to the need for protecting the environment, the need for strengthening institutions for cooperation among the Arctic nations, the importance of involving the Arctic's indigenous communities in decisions that affect them, the need to enhance scientific monitoring and research, and the need to consider new or enhanced international arrangements for the Arctic to address issues likely to arise from expected increases in human activity in the region, including shipping, local development and subsistence, exploitation of living marine resources, development of energy and other resources, and tourism.²⁶ Like other Arctic states, the U.S. has defined an Arctic policy that speaks both to cooperation and security: albeit with national security as its first priority. At the same time, senior American military officials are increasingly discussing the American need to strengthen their Arctic security capabilities.²⁷

Canada's approach to Arctic security has not been dissimilar from that of its Arctic neighbours. In 2009 the government released its policy paper entitled *Canada's Northern Strategy: Our North, Our Heritage, Our Future*. The strategy emphasized four priorities or pillars; exercising Canada's sovereignty in the Arctic, promoting economic and social development, improving and developing northern governance, and protecting Canada's environmental heritage. A major component of the strategy, under the first pillar, entailed investments that would enhance Canada's presence in the Arctic. These included:

- Building six to eight armed Polar Class 5 Arctic Offshore Patrol Ships (AOPS);
- The establishment of a multi-purpose Arctic training centre in Resolute Bay, Nunavut;
- The creation of a berthing and refuelling facility at the existing deepwater port of Nanisivik, in Nunavut, to serve as a staging area for naval vessels in the High Arctic and for use by Canadian Coast Guard vessels as well;
- The establishment of a permanent army reserve unit based in Yellowknife;
- Plans to enhance the ability of the CF to conduct surveillance through the modernization and replacement of the Aurora patrol aircraft;
- The Polar Epsilon Project, which will provide space-based surveillance using information from Canada's RADARSAT-2 satellite to produce imagery for military commanders during the conduct of operations;

26 Presidential Directive NSDP-66/HSPD-25, January 2009.

27 Robert Huebert, CDFAI, p. 20.

- The use of unmanned aerial vehicle technology;
- Expanding the size and capabilities of the Canadian Rangers and the Junior Canadian Rangers Program.

Your Committee finds these initiatives encouraging. What is especially noteworthy is the fact that the new Arctic Offshore Patrol Ships represent one of the few instances where the CF have acquired a new capability in the post-Cold War era. The other example of having acquired such a capability is the purchase of the C-177 Globemaster (C-17). On August 28, 2008 the government also announced that it would build an icebreaker, the John G. Diefenbaker, to replace the Louis St. Laurent when it is retired.²⁸ However, at present the status of the project is not entirely clear.

There also seems to be some uncertainty as to the status of the Joint Support Ships (JSS). These three ships were to replace the aging naval replenishment vessels, and have the capability to travel in first-year ice up to one metre thick. They were also to be double-hulled and therefore compliant with the *Arctic Waters Pollution Prevention Act*. The invitation for bids was made in June 2006. Originally, the 3 JSS vessels were to be delivered between 2012 and 2016. However, in August of 2008, the Minister of Public Works announced the termination of the JSS procurement process. The government determined that the proposals, from industry, were not compliant with the basic terms of the Request for Proposals, that is, the bids exceeded the budget provision. As well, there is still no prime contractor for the AOPS.²⁹

c) The need for a long term strategy

Professor Kenneth Coates, of the University of Waterloo, told our Committee that, historically, Canada has been reluctant to develop a long term strategy for the region. We have generally responded in a reactive manner rather than developing coherent long term plans for incorporating the region. According to Coates, our interest needs to be more than episodic; we need to provide a sustained commitment.³⁰

He also pointed to the fact that we do "... not have the scientific capacity in the North that is required to back up a sustained military presence in the region and that is needed to understand the regional impact of anticipated environmental change." According to Coates, scientific understanding is a critical underpinning of regional defence. Like others, he also pointed to the need for a proper communications and surveillance capacity in the Arctic. This capability is best understood as multi-faceted, involving

28 Canada, Office of the Prime Minister, *PM Announces New Polar Class Icebreaker Project to be named after Former PM John G. Diefenbaker*, August 28, 2008.

29 Martin Auger, *Key Canadian Forces Weapons and Equipment Programs*, Prepared for the House of Commons Standing Committee on National Defence, December 9, 2009, p. 10.

30 Kenneth Coates, University of Waterloo, NDDN, *Evidence*, May 11, 2009, 1550.

electronic networks, regional bases, underwater capabilities, icebreakers and an expanded Canadian Rangers operation. Put simply, Coates concluded that Canada needs to know what is going on in the North.³¹

Importantly, Coates also went on to discuss the importance of Canada's Indigenous peoples in the Canadian Arctic. They are an exceptional source of environmental and "scientific" knowledge in matters affecting their traditional domains. This is a resource we need to learn more from. As well, Canada's Indigenous peoples also play an important role in asserting our sovereignty in the region. Thus, the implementation and settling of land claims is crucial to defending Canadian interests in the North; it grants enhanced legitimacy to our historical title. As well, the circumpolar connections of the Inuit have been important in presenting Canada to the world as an Arctic nation.³² It is important for Canadians to understand and appreciate the fact that Canada's Indigenous peoples have inhabited the Arctic territories since time immemorial.

Much of our future success in the Arctic will depend on our knowledge base. This relates to the importance of research that will help us support our military presence in the Arctic, the importance of mapping and providing reliable charts for maritime traffic and the need to map our continental shelf in order to substantiate our claims for control over mineral and other resource rights. In these endeavours we must be careful not to miss out on what Canada's Indigenous peoples can contribute. They possess a knowledge of the Arctic that is not easily captured, if it can be at all, by rationalist scientific precept. It is historical and, in part, perhaps intuitive, but very real nonetheless.

As we develop our military infrastructure in the North, it is important that it be done so in coordination with infrastructure required for community development; thereby helping to address "... pressing social, economic and related problems while strengthening the long-term foundations for national defence." But, most importantly we need to approach our Arctic strategy not only on the basis of current threats and issues, but rather with a long term view. The pace of change in the Arctic is unprecedented, and we need to be looking 20 or 30 years ahead, "... to a time of potential conflicts over oil and gas reserves, intense concern about the environment ... and issues and threats that are not yet fully understood."³³

A significant part of our long term strategy for the Arctic must include a serious engagement of Canada's Indigenous peoples. Paul Kaludjak, President, Nunavut Tunngavik Inc., told us that the Inuit people, "... support many of the measures being taken to express Canada's Arctic sovereignty, including strengthening the Canadian Rangers and increasing the ability of Canada's armed forces to operate in the Arctic." At the same time, he told us of problems related to treaty implementation and that it was because of

31 NDDN, *Evidence*, May 11, 2009, 1550.

32 Ibid., 1550.

33 Ibid., 1550.

this that the Land Claims Agreement Coalition was formed in 2003 "... to press the government to fully implement its treaties." A further irritant was the fact that the Nunavut Marine Council, provided for in Article 15 of the Nunavut Land Claims Agreement, has not been established. Mr. Kaludjak suggested that the Marine Council could prove a "... key institution in bringing together governments and Inuit to deal with offshore issues."³⁴

John Merritt, Legal Counsel for the Nunavut Tunngavik Inc. (NTI) explained that the NTI brought a comprehensive court case in 2006. The case asserts "... that the crown, represented by the Government of Canada, is in breach of the Nunavut Land Claims Agreement on 39 different points." Mr. Merritt could not go into detail because the case is before the courts. However, he did offer that the dispute resolution system is not working in the Nunavut Land Claims Agreement. In the case of Nunavut, NTI "... has referred 17 different issues for arbitration, and the federal government has rejected all 17."³⁵ We as a Committee believe this to be an irritant requiring serious attention and resolution. Indeed, we agree with Mr. Merritt in his support of the Inuit Tapirit Kanatami (ITK) position that an Arctic strategy, that is to be durable, needs to be written in active partnership with Inuit, and not just by federal officials.

This argument was eloquently put before us by Mary Simon, President of ITK, and former Canadian Ambassador for Circumpolar Affairs. She argued that coherent policy making for the Arctic must be built around the idea of a core partnership relationship with Inuit. In presenting her argument she quoted that Circumpolar Inuit Declaration to the effect that, "The inextricable linkages between issues of sovereignty and sovereign rights in the Arctic and Inuit self-determination and other rights require states to accept the presence and role of Inuit as partners in the conduct of international relations in the Arctic." Ms. Simon also went on to note that the Inuit have never really been against a military presence in the Arctic. However, as Inuit, they have always focused more on the human dimension of sovereignty, simply meaning that along with the building of military infrastructure in the region we also need to build sustainable communities.³⁶

Ms. Simon concluded by arguing that any partnership with the Inuit cannot be divorced from the government's "... willingness or unwillingness to stand up for aboriginal rights everywhere." According to her, it was time for the Government of Canada to express its support for the 2007 United Nations Declaration on the Rights of Indigenous Peoples; a promise the government subsequently made in its 2010 Throne Speech. As well, she also suggested that the government's broader reputation and capacity "... in relation to Arctic issues would also be enhanced by the reappointment of an Arctic Ambassador."³⁷ Our Committee is in support of both of these recommendations. Furthermore, we find it

34 Paul Kaludjak, President, Nunavut Tungavik Inc., NDDN, *Evidence*, October 22, 2009, 0915.

35 John Merritt, Legal Counsel for the Nunavut Tunngavik Inc., NDDN, *Evidence*. November 3, 2009, 1010.

36 Mary Simon, President, Inuit Tapirit Kanatami, NDDN, *Evidence*, October 1, 2009, 0915.

37 NDDN, *Evidence*, October 1, 2009, 0920.

important to note that it is imperative that the government invest adequate funds to ensure the development and long term maintenance of viable Indigenous communities.

Conclusions and Recommendations

In the long term it is important that the Arctic not again recede from our collective consciousness. Our policies need to be more than short term solutions to present exigencies. They need to be based on a consistent sense of stewardship; one shared by all Canadians. At the same time, we need to be able to “protect” and “control” what is ours.

We fully understand the principles behind the “all-of-government” approach taken to develop policy and respond to challenges. However, while interdepartmental cooperation is to be lauded and administrative efficiencies praised, matters of the utmost importance have the attention of the Prime Minister. Thus, we recommend:

That a Cabinet Committee on Arctic Affairs, consisting of relevant Ministers and chaired by the Prime Minister, be created.

We further recommend:

That in the development of future Arctic policies, this Committee engage the appropriate provincial, territorial and municipal authorities as well as appropriate representatives of Canada’s Indigenous Arctic peoples.

We also recommend:

That the government ensure that the Inuit be included in scientific research projects pertaining to the Northern environment.

Our Committee is also concerned that Canada’s Indigenous peoples have not been accorded proper recognition with respect to their historic role in helping ensure our Arctic sovereignty. Given the historic disadvantages that have been “imposed” upon them, we recommend:

That the government do more to recognize the important historic contributions made by Canada’s Indigenous peoples to Arctic sovereignty and that, in light of the commitments made in the 2010 Throne Speech and concerns raised before this Committee, the government act on a priority basis to ensure the development and long term maintenance of viable Indigenous communities.

Insofar as the federal government must and does recognize realities north of the 60th parallel, we recommend:

That the government include Nunavik in northern Quebec and Nunatsiavut in northern Newfoundland and Labrador at the 60th parallel in its Northern Strategy and other programs for the North.

We have argued that our approach to Arctic matters should be multi-lateral and based on the principles of stewardship. In this regard, we believe the Arctic Council to be the appropriate forum for cooperation on Arctic issues. The Council has functioned as the pre-eminent circumpolar association through which issues and concerns related to the environment, sustainable development, and social and economic matters are discussed. It has also addressed matters such as emergency preparedness and the health status of Arctic populations. The Arctic Council was a Canadian initiative and has proven the leading forum through Canada promotes its northern interests. However, its scope and membership is limited and needs to be brought in line with present day realities. We therefore recommend:

That the government encourage the Council to consider the interests of other states that could have a significant future interest in the Arctic.

We further recommend:

That the government re-establish the Office of Arctic Ambassador.

Given the changing nature of the security environment in the Arctic we further recommend:

That the government, in order to strengthen the Council, encourage it to broaden its mandate and make matters of security part of that mandate.

While we have concluded that there is no immediate military threat to our Arctic territories, we nonetheless recognize the need for a robust policing role in the event of illegal incursions. We therefore recommend:

That the government expedite the procurement of the Arctic Offshore Patrol Ships.

We also believe that a significant presence in the Arctic requires significant ice-breaking capability. We therefore recommend:

That the government expedite the building of the promised John G. Diefenbaker icebreaker to ensure delivery within 15 years.

As the Arctic sea routes become more accessible, there will be more in the way of commercial, tourist, and private traffic. While we applaud the government's decision to make reporting to NORDREG compulsory, we feel that limiting the reporting requirement to vessels of 300 gross tons or more is not realistic. We have heard testimony to the effect that our northern maritime approaches could one day be used by illegal aliens seeking asylum, drug smugglers, and so on. We therefore recommend:

That all foreign vessels entering Canada's Arctic waters be required to report to NORDREG. This requirement should apply regardless of size or tonnage.

We further recommend:

That the government provide proper infrastructure such as shore facilities, mapping and mandatory ice-experienced pilots etc, in order to ensure the safe passage of transiting vessels through Canada's Arctic waters.

Given the essential role of the Canadian Coast Guard in the Arctic, we further recommend:

That the government allocate the necessary resources to enable the Canadian Coast Guard to effectively execute its mandate in the Arctic.

Knowing what takes place in our territories requires a sophisticated space based surveillance capability; one that is controlled and implemented in Canada by Canadians. We therefore recommend:

That the government fully fund the Radarsat Constellation Mission.

We have argued for bi-lateral and multi-lateral cooperation when dealing with Arctic concerns. In light of these principles, we recommend:

That the government give priority to resolving the dispute over the Beaufort Sea with the United States.

We further recommend:

That the government take the lead, along with other Arctic States, in the development of international regimes governing activities in the Arctic, outside of national sovereign territories.

Given that we need to prevent the militarization of the Arctic, we recommend:

That the government vigorously use its influence in relevant multi-lateral and bi-lateral fora in order to prevent the militarization of the Arctic.

LIST OF RECOMMENDATIONS

That a Cabinet Committee on Arctic Affairs, consisting of relevant Ministers and chaired by the Prime Minister, be created.....	16
That in the development of future Arctic policies, this Committee engage the appropriate provincial, territorial and municipal authorities as well as appropriate representatives of Canada's Indigenous Arctic peoples.....	16
That the government ensure that the Inuit be included in scientific research projects pertaining to the Northern environment.....	16
That the government do more to recognize the important historic contributions made by Canada's Indigenous peoples to Arctic sovereignty and that, in light of the commitments made in the 2010 Throne Speech and concerns raised before this Committee, the government act on a priority basis to ensure the development and long term maintenance of viable Indigenous communities.....	16
That the government include Nunavik in northern Quebec and Nunatsiavut in northern Newfoundland and Labrador at the 60 th parallel in its Northern Strategy and other programs for the North.....	16
That the government encourage the Council to consider the interests of other states that could have a significant future interest in the Arctic.	17
That the government re-establish the Office of Arctic Ambassador.	17
That the government, in order to strengthen the Council, encourage it to broaden its mandate and make matters of security part of that mandate.....	17
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That the government expedite the building of the promised John G. Diefenbaker icebreaker to ensure delivery within 15 years.....	17
That all foreign vessels entering Canada's Arctic waters be required to report to NORDREG. This requirement should apply regardless of size or tonnage.	18
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That the government allocate the necessary resources to enable the Canadian Coast Guard to effectively execute its mandate in the Arctic.	18
That the government fully fund the Radarsat Constellation Mission.	18
That the government give priority to resolving the dispute over the Beaufort Sea with the United States.	18
That the government take the lead, along with other Arctic States, in the development of international regimes governing activities in the Arctic, outside of national sovereign territories.	18
That the government vigorously use its influence in relevant multi-lateral and bi-lateral fora in order to prevent the militarization of the Arctic.	18

APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
<u>40th Parliament, 2nd Session</u>		
Department of Fisheries and Oceans	2009/04/27	14
George Da Pont, Commissioner, Canadian Coast Guard		
René Grenier, Deputy Commissioner, Canadian Coast Guard		
Department of Indian Affairs and Northern Development		
John Kozij, Director, Strategic Policy and Integration Directorate		
Danielle Labonté, Director General, Northern Strategic Priorities		
Department of Natural Resources		
Monique Carpentier, Director General, Coordination and Strategic Issues Branch		
Don Lemmen, Research Manager, Climate Change Impacts and Adaptation Division		
Department of the Environment		
Doug Bancroft, Director, Canadian Ice Service		
Department of Foreign Affairs and International Trade	2009/04/29	15
Paul Gibbard, Director, Aboriginal and Circumpolar Affairs		
John Hannaford, Deputy Legal Adviser and Director General, Bureau of Legal Affairs		
Alan H. Kessel, Legal Adviser		
Department of National Defence		
VAdm Dean McFadden, Commander, Canada Command		
University of Montreal		
Suzanne Lalonde, Professor, Faculty of Law		
As Individual		
Col (Retired) Pierre Leblanc, Commander Canadian Forces Northern Area		

Organizations and Individuals	Date	Meeting
COM DEV International John Keating, Chief Executive Officer	2009/05/11	18
Inuit Circumpolar Council (Canada) Chester Reimer, Senior Policy Analyst		
University of Waterloo Kenneth Coates, Professor of History and Dean of Arts		
MacDonald Dettwiler and Associates Ltd. Mag Iskander, President, Information Systems Group	2009/05/13	20
University of Ottawa Donat Pharand, Emeritus Professor		
University of British Columbia Michael Byers, Professor and Canada Research Chair, Department of Political Science	2009/06/02	23
University of Saskatchewan Greg Poelzer, Professor		
St. Jerome's University Whitney Lackenbauer, Associate Professor and Chair, Department of History	2009/06/03	24
Université Laval Louis Fortier, Scientific Director, Network of Centres of Excellence ArcticNet		
University of Calgary Robert Huebert, Associate Director, Centre for Military and Strategic Studies	2009/06/10	26
Civil Air Search and Rescue Association John R. Davidson, President	2009/06/15	27
Department of National Defence Col P. Drover, Director, Air Force Readiness, Chief of Air Staff		
Department of Natural Resources David Boerner, Director General, Central and Northern Canada Branch, Geological Survey of Canada	2009/06/16	28
Marc St-Onge, Senior Research Scientist, Regional Geology		
Royal Danish Navy RAdm Nils Wang		

Organizations and Individuals	Date	Meeting
Inuit Tapiriit Kanatami	2009/10/01	30
John Merritt, Senior Policy Advisor		
Mary Simon, President		
As Individual	2009/10/06	31
Franklyn Griffiths		
Nunavut Tunngavik Inc.	2009/10/22	34
Udloriak Hanson, Senior Policy Liaison		
Paul Kaludjak, President		
Laurie Pelly, Legal Advisor		
Marine Institute of Memorial University of Newfoundland	2009/10/27	35
Christopher Hearn, Director, Centre for Marine Simulation, School of Maritime Studies		
Nunavut Tunngavik Inc.	2009/11/03	37
John Merritt, Legal Counsel		
Qikiqtani Inuit Association		
John Amagoalik, Executive Policy Advisor		
George Eckalook, Acting President		
Makivik Corporation	2009/11/05	38
Michael Gordon, Vice-President, Economic Development		
Daniel Ricard, Economic Development Officer, Economic Development		
Department of National Defence	2009/11/24	40
VAdm Bruce Donaldson, Commander, Canada Command		
Cdr Dermot Mulholland, Director, Maritime Policy, Operations and Readiness, Chief of Maritime Staff		

APPENDIX B

LIST OF BRIEFS

Organizations and Individuals

40th Parliament, 2nd Session

Department of Indian Affairs and Northern Development

Department of Natural Resources

Inuit Circumpolar Council (Canada)

Inuit Tapiriit Kanatami

Leblanc, Pierre

Qikiqtani Inuit Association

St. Jerome's University

Université Laval

University of Montreal

University of British Columbia

APPENDIX C

LIST OF INDIVIDUALS WHO MET WITH THE COMMITTEE (JUNE 7 TO 8, 2010)

Organizations and Individuals

YELLOWKNIFE, NORTHWEST TERRITORIES MONDAY, JUNE 7, 2010

Joint Task Force (North) (JTFN)

BGen David Millar, Commander, Joint Task Force (North) (JTFN)
CWO Mark Saulnier, Regimental Sergeant-Major
Capt Edward Peart, Executive Assistant to Commander JTFN
LCdr Tim Clark, Chief of Support JTFN
Lindsey Weber, Policy Advisor JTFN

YELLOWKNIFE, NORTHWEST TERRITORIES TUESDAY, JUNE 8, 2010

Hon. J. Michael Miltenberger, Deputy Premier
Cate Sills, Executive Assistant to the Minister
Allen Stanzell, Principal Secretary
Andy Bevan, Director Intergovernmental Relations
Eric Bussey, Intergovernmental Relations Analyst

IQALUIT, NUNAVUT TUESDAY, JUNE 8, 2010

Hon. Eva Aariak, Premier of Nunavut
Hon. Peter Taptuna, Deputy Premier and Minister of Economic Development and Transportation
Bob Long, Deputy Minister
Bruce Rigby, Personal Secretary to the Premier

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant Minutes of Proceedings (*40th Parliament, 3rd Session: Meetings Nos. 9, 10, 12 and 21; 40th Parliament, 2nd Session: Meetings Nos. 14, 15, 18, 20, 23, 24, 26, 27, 28, 30, 31, 34, 35, 37, 38, 39 and 40*) is tabled.

Respectfully submitted,

Hon. Maxime Bernier, P.C., M.P.
Chair

Bloc Québécois Supplementary Report on Arctic Sovereignty

Introduction

The Bloc Québécois made a significant contribution to the study on Arctic sovereignty by the Standing Committee on Defence.

However, we consider the report incomplete with respect to two issues: surveillance of submarine traffic in the Arctic and the inclusion in Canada's Northern Strategy of Inuit communities located north of the 60th parallel in Quebec. As a result of these shortcomings, we are obliged to submit this supplementary report.

1. Submarine surveillance

Experts who testified before the Committee convinced the Bloc Québécois of the importance of having some control over this inconspicuous form of transportation. Mr. Donat Pharand, Emeritus Professor at the University of Ottawa, pointed out that the lack of control over submarine traffic could even be used against Canada in its Arctic claims.

As is clear in the report, the Committee put a lot of thought into the survey and strict control of surface vessels that enter into Canadian waters. The Committee finds it important to monitor surface maritime traffic, so why not apply this same reasoning to underwater maritime traffic.

Clearly, control over submarines is more difficult to exert since they are extremely hard to detect.

Professor Pharand suggested two listening and detection stations: Lancaster Sound and M'Clure Strait. The technology he proposed can even identify the submarine's signature, that is, its country of origin, its propulsion methods, etc.

The Bloc Québécois recommends that the government establish these listening and detection stations.

2. Including Nunavik in policies on the Canadian North

The Bloc Québécois recognizes the Committee's efforts to include the recommendation in its report that:

"The Government include Nunavik, in northern Quebec and Nunatsiavut in northern Newfoundland and Labrador at the 60th parallel, in its Northern Strategy and other programs for the North."

The Bloc Québécois suggests that we add the following:

"In accordance with a motion unanimously adopted by the National Assembly of Quebec on November 28, 2007. This must be done while fully respecting Quebec's areas of jurisdiction and territorial integrity. The federal government must accordingly pay Quebec its share of the funding in question so that it may in turn support and promote Nunavik's socio-economic development, in close cooperation with the Inuit who live there."

This addition supports concepts that are very important for us.

If Quebec lets down its guard, history shows us that Canada profits at Quebec's expense. The reminder of and reference to the motion of the National Assembly is therefore important to the Bloc Québécois.

Canadian history requires us to take extreme caution when the territorial integrity of Quebec is at stake. Clearly, we are referring to Westminster's decision to separate Labrador from Quebec.

With respect to funding to Quebec, we wish to make very clear that this money is directed at provincial jurisdictions and so must be administered by Quebec. This passage would have blocked Ottawa from intervening in Quebec's areas of jurisdiction, which it has often done in the past.

The last part of our recommendation addresses co-operation with the Inuit. The Bloc Québécois has always placed great importance on co-operating with the Inuit, who have lived on this land for centuries. Their representatives have approached us with their concerns. To the Bloc Québécois, this critical aspect of co-operation bears repeating and is deserving of being continually emphasized.

Claude Bachand, MP

St-Jean

Pascal-Pierre Paillé, MP

Louis-Hébert

New Democratic Party's Supplementary to the Report on Arctic Sovereignty by the House of Commons Standing Committee on National Defence

As a member of the House of Commons Standing Committee on National Defence, I am very pleased to join in support of such a timely and important report. The findings, conclusions and recommendations of this report are a constructive contribution to the continuing dialogue in this country and internationally on Arctic Sovereignty.

That being said, I feel it necessary to further stress the importance and urgency for the Government of Canada to fulfil its obligations to our indigenous partners in the Arctic. The main report recognises that our assertions of sovereignty in the Arctic depend largely on the Inuit occupation of the region. However, such assertions are hollow if we continue to lag on our commitments to the Inuit and prolong the failure to implement the Nunavut Lands Claims Agreement.

More than an irritant, Canada's failure in this regard significantly hampers the ability of the Inuit people to exercise self-government and control over their own future. Many of the tools needed by the Inuit to build sustainable communities are provided for in the Nunavut Land Claims Agreement.

Since the signing of the Nunavut Land Claims of Agreement, successive governments have failed our indigenous partners in the north. After seventeen years, only fifty percent of the agreement has been implemented. The representatives from the indigenous peoples of the Arctic were all very clear in their frustration with this lack of implementation.

Mary Simon, the president of Inuit Tapiriit Kanatami, told our committee that the lack of mental health and educational services are at present the two greatest concerns of the Inuit people. Not only is education key to the full economic participation and success of the Inuit people, it is also at the heart of their ability to exercise self-government.

The Inuit have long since wanted to take ownership for their education system, as they believe they can, given the right tools, overcome many of the systemic educational problems facing their communities. Such ownership includes bilingual education – English and Inuktitut – and a curriculum that reflects the history, culture and reality of the Inuit people.

Article 23 of the Nunavut Land Claims Agreement states that public sector employment needs to be reflective of the population of the territory. Paul Kaludjak, president of Nunavut Tunngavik Inc., noted that the Inuit "have been blamed many times for not

having capacity in Nunavut.” This capacity requires significant investment in education to ensure full participation. However, the blame rests with the Government of Canada’s failure to fully implement the Nunavut Land Claims Agreement. Without the appropriate tools to build an education system reflective of its needs, the Inuit people are unable to build the capacity of a skilled and educated workforce capable of fully running their own affairs.

The main report speaks often of the need to recognise the importance of the Arctic’s indigenous peoples to Canada’s Arctic sovereignty. Recognition needs to be expressed through action and change, not just through speeches and rhetoric.

The Inuit want to be partners with the Government of Canada in Arctic sovereignty, in protection of the environment, and in working with others on ensuring sustainable development and sustainable communities.

Real recognition of our important indigenous partners has to include meaningful representation at the highest level of national and international Arctic dialogue and decision-making. A fundamental step in this is the full implementation of the Nunavut Land Claims Agreement.