

U.S. should recognize Arctic waters as Canadian

Recognizing the Northwest Passage as Canadian would deny access to China and Russia and safeguard U.S. security.



Pierre LeBlanc

Opinion

OTTAWA—The Arctic's capacity as a strategic buffer is eroding rapidly, with the disappearance of ice making it an avenue of threat to the U.S. homeland.

With the power competition between China, Russia, and the United States growing in the Arctic it may be wise for the latter to recognize the Northwest Passage as internal waters of Canada. This would deny the right of transit to China and Russia not only on the surface of the passage but also for the air column above and the waters below (submerged submarine). It would deny a strategic waterway to them.

The U.S. government has been slow to recognize the fast-developing Arctic as a new strategic theatre of competition where China and Russia have been expanding rapidly. The U.S. Coast Guard, the U.S. Air Force, and the U.S. Navy have now developed Arctic strategies and U.S. President Donald Trump is now pushing for the U.S. Coast Guard to acquire up to 10 icebreakers.

The U.S. has recently appointed James DeHart, a career diplomat, as its Arctic policy czar to specifically monitor China and Russia. DeHart suggested that his appointment marks a turning point in the engagement of the United States in the Arctic. In 2004, then-U.S. ambassador Paul Cellucci recommended a review of the U.S. position. He believed that Canada could protect the Arctic Archipelago and its waters. Cellucci said he believed that it was in the United States' security interests "that the Northwest Passage be considered part of Canada."

Recently, China, which has declared itself a "near Arctic nation," has started to behave more aggressively on the world scene, supported by its growing



U.S. Coast Guard icebreakers in the Arctic. The Northwest Passage is a disputed and strategically valuable waterway in the High Arctic. Photograph courtesy of Wikimedia Commons

economic and military power. It has published a guide on the use of the Northwest Passage, and its icebreaker *Xue Long* has visited the Arctic on several occasions. *Xue Long 2* is now in the process of doing its first Arctic voyage. It now has a navy larger than the U.S.'s, and is in the process of building its own aircraft carriers and amphibious assault crafts, which are power projection assets. Despite its commitment not to militarize the Spratly Islands, it has done so. It has ignored a decision of the Hague-based Permanent Court of Arbitration in favour of the Philippines in the South China Sea. It has set debt traps in Africa to secure strategic assets worldwide. The Chinese Coast Guard vessels have harassed Vietnamese fishing boats in the South China Sea. It has recently arrested two Canadians on fabricated grounds. It has breached the agreement on Hong Kong. Although China claims that it would respect international laws and so on, given its track record, it cannot be trusted.

Canada and the U.S. are in the process of planning for the replacement of the North Warning System that will lead to the NWS 2.0 and possibly a new and expanded NORAD, which includes the U.S. Northern Command. NORAD already has a maritime

warning mission. The U.S. Navy could be included in the protection of Canada's waters, in a fashion similar to the U.S. Air Force protecting the air space of both countries. After all, Canada Arctic Archipelago is the right flank of Alaska and its waters allows a strategic maritime approach from the east.

The Northwest Passage is no longer a promising commercial transit route because of the regular presence of multi-year ice, its shallow draft and the many islands requiring slow maneuvering. It comes in the news from time to time when an event threatens Canada's sovereignty.

In 1969 the Manhattan supertanker attempted to cross the Northwest Passage to test the viability of moving crude oil from the Alaska North Slope to the U.S. Eastern seaboard. In 1985, a U.S. Coast Guard Cutter transited the Northwest Passage from east to west to reposition the icebreaker on the West Coast. That led to an agreement whereby the U.S. would advise Canada of a transit and Canada would provide permission. Both countries agreed then to leave the issue dormant without prejudice to their respective positions. Both have managed their differences very well over the years.

In 1970, Canada extended its

maritime jurisdiction through the Arctic Waters Pollution Prevention Act (AWPPA). In 1985, Canada defined its internal waters in the Arctic using the strait baseline method. A line is drawn from the farthest points of land to the next one along the outside of the Arctic Archipelago. The waters within that line are considered to be internal waters over which Canada has total control and jurisdiction.

It has long been the position of the U.S. Navy to block the recognition of the internal waters of the Arctic Archipelago because of the fear that it would create a legal precedent for other nations to claim jurisdiction over international straits around the world, which could reduce their strategic freedom of navigation.

Donat Pharand, an internationally renowned scholar and authority on the United Nation Law of the Sea, has argued that the U.S. Navy concerns were weak, given that the other straits have long been established on historical and traffic volume precedents whereas, even to this date, the Northwest Passage, which has seven different possible routes, is not used as a regular commercial transit route between the Atlantic and Arctic Oceans.

Some would argue that to do so may support similar claims

by China and Russia. I would counter that their gains would be negligible in comparison with the Chinese and Russian loss of a strategic waterway. Apart from the waters south of the Severnaya Zemlya, the Russian claims are generally along the coast. The Chinese claims are also alongside its coast and would not likely impede freedom of navigation, except maybe for the Xisha Islands, which are disputed. Soon enough the polar route, which goes directly over the North Pole, will be the preferred route with the continued disappearance of ice.

By formalizing the recognition of Canada's strait baseline method the United States would contribute significantly to its 2019 Department of Defense (DoD) Arctic strategy, which calls for "A secure and stable region where U.S. national interests are safeguarded, the homeland is protected, and nations address shared challenges cooperatively."

The national security of the U.S.A. would be better served by the waters of the Arctic Archipelago being part of the internal waters of Canada.

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