

On Thin Ice: Canada's Arctic Policy and Environmental Security

by

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Table of Contents

LIST OF FIGURES	iii
ABSTRACT	iv
LIST OF ABBREVIATIONS USED	v
GLOSSARY	vi
ACKNOWLEDGEMENTS	vii
CHAPTER 1 INTRODUCTION	1
1.1 Relation to Current Knowledge and Literature.....	3
1.2 Theoretical Framework	12
1.3 Methodology	19
CHAPTER 2 ENVIRONMENTAL SECURITY, CLIMATE CHANGE AND THE CANADIAN ARCTIC	24
2.1 Environmental Security and Climate Change.....	24
2.2 Environmental Security, and the Changing Arctic	31
CHAPTER 3 SOVEREIGNTY, STEWARDSHIP AND THE LAW OF THE SEA	38
3.1 The Law of the Sea and Maritime Delimitations	38
3.2 The Northwest Passage Dispute	42
3.3 The Beaufort Sea Dispute	47
3.4 The Hans Island Dispute	52
3.5 The Manhattan Incident	55
3.6 The Arctic Waters Pollution Prevention Act.....	58
CHAPTER 4 LINKING THE ENVIRONMENTAL PROTECTION DISCOURSE TO CANADA’S SOVEREIGNTY CLAIMS	66
4.1 Developing a Northern Strategy Based on Stewardship	67
4.2 Canada’s Northern Strategy and Arctic Foreign Policy.....	74
4.3 Investing in the Canadian Arctic	79
4.4 Reconciling Environmental Protection with Economic Development?	85
CHAPTER 5 CONCLUSION	98
BIBLIOGRAPHY	103

List of Figures

1	The Copenhagen School’s sectors of security.....	14
2.1	Areas of environmental security.....	26
2.2	Average Monthly Arctic Sea Ice Extent: September 1979 – 2018.....	33
3.1	Maritime delimitations and sovereign rights according to UNCLOS.....	40
3.2	Straight baselines and the Northwest Passage.....	44
3.3	Beaufort Sea dispute.....	48
3.4	The Political Agenda: Securitization and the Implementation of the AWPPA.....	62
3.5	The four components of securitization for the implementation of the AWPPA.....	63
4.1	NDFP activities and priorities & Canada’s foreign policy objectives respecting the North.....	72
4.2	Recurrent themes within Harper’s speeches pertaining to the Canadian Arctic.....	88
4.3	Recurrence of themes in Harper’s speeches pertaining to the Canadian Arctic (by year).....	89
4.4	Comparing the recurrence of themes in Harper’s speeches pertaining to the Canadian Arctic.....	89
4.5	References to economic sectors in the Canadian Arctic.....	92

Abstract

When it comes to defending its Arctic sovereignty claims, Canada has a history of relying on an environmental protection argument to support its position. Claiming that the disputed waterways and territory would benefit from stricter environmental protection by falling under Canadian jurisdiction is an idea that dates back to the 1970s, the implementation of the Arctic Waters Pollution Prevention Act. By proclaiming itself steward of the Arctic's environment, the Canadian government has since established a clear link between its Arctic sovereignty and environmental protection, a relationship where the latter is dependent on the former. This research looks at Canada's Arctic policies to demonstrate how environmental protection has been used as a soft form of influence to buttress sovereignty claims as well as how environmental protection compares in importance to Canada's other objectives in the Arctic.

List of Abbreviations Used

AWPPA	Arctic Waters Pollution Prevention Act
CAFP	Canada's Arctic Foreign Policy
CNS	Canada's Northern Strategy
DDT	Dichlorodiphenyltrichloroethane
DFO	Department of Fisheries and Oceans
EEZ	Exclusive Economic Zone
GEM	Geo-mapping for Energy and Mineral Resources Program
GHG	Green House Gas
HFO	Heavy Fuel Oil
HMS	Her Majesty's Ship
HMCS	Her Majesty's Canadian Ship
ICJ	International Court of Justice
IPCC	Intergovernmental Panel on Climate Change
IMO	International Maritime Organization
JTFN	Joint Task Force North
NDFP	Northern Dimension of Canada's Foreign Policy
NORDREG	Northern Canada Vessel Traffic Service Zone
NSIDC	National Snow and Ice Data Center
NWP	Northwest Passage
UNCLOS	United Nations Convention on the Laws of the Sea

Glossary

Environmental protection	Protects the natural environment by maintaining and conserving the biosphere. Copes with the changing environment and its effects on the socio-politico-economic spheres.
Environmental security	Focuses on the relationship between humans and the biosphere and on sustaining that relationship without compromising the planet's biological legacy. Involves major and existential threats to the environment such as environmental degradation and climate change but also encompasses the possible repercussions that environmental degradation can have on the socio-politico-economic spheres.
Securitization	Process through which an issue becomes a security issue. Has a sense of urgency as it is presented as being an existential threat. Allows for exceptional measures to protect or preserve what is at stake. Supported by a strong emotional manifestation from the public.
Stewardship	Responsibility or moral obligation to protect the environment and promote sustainability through locally informed governance.

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Chapter 1 Introduction

The Arctic is a fragile and vulnerable ecosystem. The impacts of global warming are putting this region at risk of many environmental threats. For instance, with the melting of the sea ice, the Northwest Passage is becoming accessible during the summer months. This seaway dramatically shortens the trip for cargo travelling between Europe and Asia. We can therefore expect traffic to increase significantly in the Arctic. This however exposes the Canadian Arctic to various environmental threats such as oil spills, invasive species being introduced to the region through ballast water, and vessel pollution, to name a few. Furthermore, global warming is also putting the Arctic at risk of environmental degradation which can take the form of acceleration of the melting of the sea ice, thawing of the permafrost, etc. The goal of this research is to attempt to establish a link between the current environmental issues in the Arctic and the Canadian government's political agenda with regards to their three sovereignty claims in the Arctic.

The Canadian government stipulates that it possesses the necessary knowledge and expertise to address the environmental security issues in the Arctic; issues related to environmental degradation which can lead to existential threats and compromise the social and economic spheres in the region. However, in order to implement new policies and regulations to efficiently protect the Arctic environment, the Canadian government states that it needs to exercise its sovereignty over its entire Arctic territory and internal waters, including the contested seaways of the Northwest Passage and the Beaufort Sea as well as Hans Island. Canada therefore claims that international recognition of its sovereignty over these two waterways would be the most viable option to ensure protection of the Arctic environment.

By proclaiming itself steward of the Arctic's environment, the Canadian government has established a clear link between its Arctic sovereignty and environmental protection, a relationship where the latter is dependent on the former. Based on this observation, this research project poses the following questions: How is the Canadian government using environmental protection as a soft form of influence to secure its sovereignty claims in the Arctic? How does environmental protection compare in importance to Canada's other objectives in the Arctic? My hypothesis is that Canada's sovereignty claim relies heavily on the environmental protection argument which stipulates that the Canadian government needs to have its Arctic sovereignty claims recognized in order to efficiently address environmental issues in the region. However, given the limited investments and measures taken to ensure environmental protection as well as the fact that environmental policies are largely overshadowed by the implementation of policies encouraging activities that threaten environmental security in the Arctic (e.g., mineral and hydrocarbon exploitation), this research suggests that Canada's claim regarding environmental protection is used as a soft form of influence to further the government's agenda in securing its sovereignty claims in the far north and that the country's Arctic policies do not provide substantial measures to address environmental degradation and environmental protection in the region.

With this research, I hope to shed some light on what might be one of the underlying weaknesses of Canada's Arctic sovereignty claims. By taking a closer look at Canadian Arctic resource extraction and economic activity policies, this research will highlight the Canadian government's contradictory statements between the environmental protection discourse and the promotion of economic activities – such as resource extraction– that pose environmental threats themselves. This research will therefore aim to bridge the gap in the literature on Arctic

sovereignty and the influence of environmental threats and to demonstrate the fragility of the Canadian claim that the contested Arctic waters and island would benefit from being under Canadian jurisdiction from an environmental protection point of view.

1.1 Relation to current knowledge and literature

Canada's sovereignty claims rely heavily on the environmental protection argument which stipulates that the Canadian government needs to have its Arctic sovereignty claims recognized in order to efficiently address environmental security issues in the region. This research will therefore try to demonstrate that by proclaiming itself as steward of the Arctic environment, the Canadian government uses environmental protection as a soft form of influence to secure its Arctic sovereignty claims.

Environmental security differs from environmental protection. The latter refers to efforts to maintain or restore the quality of the biosphere and the environment¹ whereas the former presents a strong sense of urgency to mitigate and cope with the changing environment as well as the risks that such change poses. Environmental security addresses existential threats related to the degradation of the environment and the biosphere, but also encompasses the repercussions that environmental degradation can have on the socio-politico-economic spheres.²

Although there is very limited literature on the specific topic of Canada's reliance on environmental protection for Arctic sovereignty purposes, extensive research has been done on major themes relevant to this study. The themes have been grouped as follows: Canadian

¹Glossary of Environment Statistics, Studies in Methods, Series F, No. 67, United Nations, New York, 1997.

²Buzan, Barry et al. *Security: A New Framework for Analysis*. London, Lynne Rienner Publications, 1998.

sovereignty in the Arctic; climate change and environmental protection in the Arctic; stewardship; and Arctic governance and resource extraction. This section will provide an overview of each theme, the main contributing authors and the main arguments which will enable us to make ties within the literature. Finally, I will briefly look at the literature on the Copenhagen School of international relations and its theory of securitization to ensure that this theoretical framework is adequate for this research.

Canadian Sovereignty in the Arctic

There is an extensive literature pertaining to Canada's sovereignty claims in the Arctic. Canada has three contested sovereignty claims north of the 66th parallel: the Northwest Passage, the Beaufort Sea and Hans Island. The vast majority of the literature on Canadian Arctic sovereignty are either historical and legal studies conducted by prominent scholars such as Donat Pharand, Wilfrid Greaves and Whitney P. Lackenbauer, Donald Rothwell, and Shelagh Grant or security and strategic analyses published by scholars such as Michael Byers, Rob Huebert, Adam Lajeunesse, Franklyn Griffiths and Suzanne Lalonde.

From a legal and historical perspective, the Canadian government bases its argument for sovereignty on two legal principles: Canada's baseline is drawn according to the straight baseline principle (drawing the baseline from specific points to encompass the islands of the Arctic Archipelago; for more information see Article 7 of UNCLOS) and the waterways between the islands of the Arctic Archipelago are historic waters. Pharand has been a pioneer, as well as a prominent and influential scholar, in defining Canada's legal and historical arguments for Arctic sovereignty claims. His extensive research on Arctic sovereignty and the sector theory (the use

of meridians of longitude to claim territorial sovereignty) have helped Canadian authorities to define their official sovereignty statement and informed them that the sector theory, which was first used to assert Canadian sovereignty in the region in the early 1900s, had no legal basis for contested seaways.³

While there is a general consensus amongst Canadian Arctic sovereignty researchers on the legal status of Canada's Arctic waters and territories and that the contested waterways and island fall under Canadian jurisdiction, there are various security discourses addressing strategic, national, maritime and human security in relations to Canada's Arctic sovereignty claims. Huebert and Griffiths both advance the idea that Canada's contested Arctic waters and territory, especially the Northwest Passage, would benefit from falling under Canadian jurisdiction as this would enable Canadian authorities to apply national laws and regulations, thus ensuring the country's security standards from a national, military, strategic and environmental point of view, rather than having the contested waters fall under more relaxed international security standards.⁴ Byers and Lalonde go one step further, invoking the same argument but applying it to a maritime security logic: Canadian authorities could better prevent illegal activities conducted by non-state actors such as weapon trafficking, people and drug smuggling, maritime piracy and terrorism, as well as illegal immigration.⁵ Furthermore, Byers has often mentioned that the United States would also benefit from international recognition of Canada's Arctic sovereignty over the Northwest Passage since mitigating the maritime threats mentioned above would also reduce the

³ Donat Pharand. *Canada's Arctic Waters in International Law*. Cambridge: Cambridge University Press, 1988.

⁴ Rob Huebert. "Renaissance in Canadian Arctic Security?" *Canadian Military Journal*, vol. 6, no. 4 (2005). & Rob Huebert. "Canadian Arctic Maritime Security: The Return to Canada's Third Ocean" *Canadian Military Journal*, vol. 8, no. 2 (2007); Griffiths, Franklyn, et al. *Canada and the Changing Arctic: Sovereignty, Security, and Stewardship*. Wilfrid Laurier University Press, 2011.

⁵ Michael Byers and Suzanne Lalonde. "Who Controls the Northwest Passage." *Vanderbilt Journal of Transnational Law*, vol. 42, (2009).

risk of illegal goods, drugs and illegal migrants entering North-America, and potentially eventually making their way to the United States via the Canadian North.⁶

However, Lackenbauer has a different approach when discussing security in the Canadian Arctic. While he does not believe that there is currently potential for military conflicts in the Arctic, the main security issues in his view will be related to emergency response and management, whether it is search and rescue missions, helping vessels or cruise ships caught in the ice, illegal activities requiring law enforcement or oil spills. While this argument briefly touches on an environmental protection issue, Lackenbauer does not go into details about the important link to be made between Canada's Arctic sovereignty and Arctic environmental protection.⁷

Climate change and environmental protection in the Arctic

In the literature about the effects and consequences of environmental degradation in the Arctic, it is possible to identify two main categories: the impacts of climate change and environmental degradation on the livelihoods of northern communities, and the economic and resource extraction opportunities that are becoming possible due to the warming of the region and the melting of the sea ice.

⁶Michael Byers, "Cold Peace: Arctic Cooperation and Canadian Foreign Policy". *International Journal*, (Autumn 2010); Michael Byers, *International Law and the Arctic*, Cambridge: Cambridge University Press, 2013; Michael Byers, *Who Owns the Arctic?* Vancouver: Douglas & McIntyre Publishers, 2009.

⁷Whitney Lackenbauer. "From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World" in F. Griffiths, R. Huebert & P.W. Lackenbauer. *Canada and the Changing Arctic: Sovereignty, Security and Stewardship*. Waterloo: Wilfrid Laurier University Press, 2011.

Sherri Goodman revisits the evolution of the security discourse in the region. The Arctic that had once been a strategic theatre of great geopolitical importance during the Cold War has now become a region of cooperation. Talk of military and national security in the Arctic turned into environmental security with climate change seen as a “threat multiplier” and environmental degradation as the common enemy. Goodman describes climate change as a problem which fuels itself, and therefore has the potential to accelerate instabilities and expose the Arctic to new security challenges.⁸

Along with Goodman, authors such as Aslaug Mikkelsen and Oluf Langhelle have commented on the fragility and vulnerability of the pristine Arctic environment. Climate change therefore poses a series of serious problems for the future of the Arctic, among which is retreating of the sea ice, melting of glaciers, thawing of the permafrost, increased coastal erosion, shifting vegetation zones and shrinking marine habitat, to name a few.⁹

Furthermore, in his report on the future of maritime transport in the Arctic, Lawson Brigham observes the risks caused by human activity in the Arctic. His analysis effectively demonstrates that human activity has a much more direct impact on the region and mostly results from the increased traffic and economic activities in the region. The threats posed by human activity are *grossomodo* related to pollution and environmental degradation. They can take the form of environmental disasters such as oil spills, the increased likelihood of resource overexploitation, an increase in vessel pollution and air emissions, and the introduction of alien species through ballast water.¹⁰ In addition, Michael Hall and Jarkko Saarinen warn us that an increasingly accessible Arctic opens up the door for Arctic tourism, often in the form of cruises,

⁸Sherri Goodman. “Changing Climates for Arctic Security.” *The Wilson Quarterly*, Summer 2017.

⁹Aslaug Mikkelsen & Oluf Langhelle (eds.) *Arctic Oil and Gas: Sustainability at Risk?*, New York: Routledge, 2008.

¹⁰Lawson W. Brigham. “Thinking about the Arctic’s Future.” *Multi-year Expert Meeting on Transport and Trade Facilitation: Maritime Transport and the Climate Change Challenge*, Oct, 2007.

which can also have negative environmental impacts on the region¹¹ thus supporting the argument that an increase of maritime traffic exacerbates environmental degradation in the Arctic.

Stewardship

Despite many references and/or acknowledgements of Canada's role as steward of the Arctic's environment within the literature, very few authors have addressed the question of stewardship. Franklyn Griffiths¹² and Catherine Danita Burke¹³ are two of the scholars that have dedicated part of their research to explore Canada's self-proclaimed stewardship role.

Amongst Canadians, there is a general public approval of the role of steward of the Arctic environment. Tim Lynch reports that the majority of Canadians consider environmental protection in the Arctic as being more important than national security. Danita Catherine Burke argues that the role of 'steward of the Arctic's environment' has had its advantages for the Canadian government, especially in the ongoing dispute over the legal status of the Northwest Passage, as it gives more weight to the sovereignty claim based on the idea that the passage

¹¹Michael C. Hall & Jarkko Saarinen. *Tourism and Change in Polar Regions: Climate, Environments and Experiences*. Oxon: Routledge, 2010.

¹²Franklyn Griffiths et al. *Canada and the Changing Arctic: Sovereignty, Security, and Stewardship*. Wilfrid Laurier University Press, 2011; Franklyn Griffiths. "Environment and Security in Arctic Waters: A Canadian Perspective" pp. 103-133 in W. Dordrecht Østreng (ed.) *National Security and International Environmental Cooperation in the Arctic – The Case of the Northern Sea Route*, Netherlands: Springer Science & Business Media, 1999.

¹³Danita Catherine Burke. "Leading by example: Canada and its Arctic stewardship role", *International Journal of Public Policy*, vol. 13, nos. 1/2, (2007); Danita Catherine Burke. *International Disputes and Cultural Ideas in the Canadian Arctic*. Switzerland: Springer International Publishing, 2018.

would benefit from being under Canadian jurisdiction from an environmental protection point of view.¹⁴ Suzanne Lalonde makes a critical remark on this topic:

It is argued that the Law of the Sea gives Canada all the legal tools it needs to defend its legitimate interests in the Arctic, even if the NWP is an international strait. For this reason, the Canadian Government's claim to the Passage is sometimes criticized as a nationalistic policy masquerading as concern for the environment or the welfare of Northern peoples.¹⁵

However, Lalonde does not elaborate further on the topic. Burke, on the other hand, touches on the subject and provides a brief yet interesting account of the evolution of the security discourse shifting from strategic national security to environmental security and the Canadian public's approval of this self-proclaimed role of steward or, as she puts it, "the environmental protector of the Arctic".¹⁶ Burke explains how the Canadian Government turned to environmental protection as a way of gaining more power and influence in the Arctic. While the information provided in this section of her book is relevant and useful for this study, it does not go into sufficient depth to determine whether or not it really is used as a soft form of influence to protect Canada's sovereignty claims. Although the link between stewardship and sovereignty is made, it is not developed enough and does not contain enough empirical evidence.

Burke returns to the question of stewardship in an article where she links the notion of stewardship to a process of securitization of the Arctic's environment that took place in the 1970's following an incident that was perceived by the Canadian public as a breach of Canada's sovereignty over the Northwest Passage by an American tanker in 1969, the SS Manhattan.¹⁷

Burke's article is heavily inspired by Franklyn Griffiths' work on the legal and diplomatic

¹⁴Tim Lynch. "Good Stewardship at the Top of the World: The Canadian Way." *Australian Journal of Maritime & Ocean Affairs*, vol. 2, no. 4, (Jan. 2010).

¹⁵Suzanne Lalonde. "Arctic Waters: Cooperation or Conflict?" in Franklyn Griffiths "Canada's Arctic Interests and Responsibilities" *Behind the Headlines*, vol. 65, no. 4, (2008), p. 12.

¹⁶Burke, *op. cit.*, 2018, p. 120.

¹⁷ Burke, *op. cit.*, 2017.

implications of the establishment of the Arctic Waters Pollution Prevention Act (AWPPA), which is interpreted as being a central piece of the securitization process, the process through which a problem gets transformed into a security issue, and a direct response to the voyage of the SS Manhattan in Canada's contested waterway.¹⁸

Arctic Governance and Resource Extraction

The political situation in the Arctic is unique. What used to be a strategic and militarized region is now, as Byers calls it, a zone of “quiet cooperation, as countries work together to map the seabed, protect the environment, and guard against new, non-state security threats”.¹⁹

Since maritime security threats posed by non-state actors transcend national borders, Arctic countries felt the need to establish international collaboration and created bilateral and multilateral agreements to ensure security and good governance. Despite the numerous sovereignty disputes amongst the eight Arctic countries, they have been working together to establish a zone of cooperation.

Authors such as Michael Byers²⁰, Dawn Alexandra Berry²¹, Carina Keskitalo²², Donald Rothwell²³, as well as Marzia Scopelliti and Elena Conde Pérez²⁴ agree that this type of

¹⁸Franklyn Griffiths et al. “Canada's Arctic Interests and Responsibilities”. *Behind the Headlines*, vol. 65, no. 3, 2008; Griffiths, *op. cit.*, 2011.

¹⁹Byers, *op. cit.*, 2010, p. 912.

²⁰Byers, *op. cit.*, 2009; 2010; 2013.

²¹Dawn Alexandra Berry et al. *Governing the North American Arctic - Sovereignty, Security, and Institutions*. Oxford: Palgrave Macmillan, 2016,

²²E. C. H. Keskitalo. *Negotiating the Arctic: The Construction of an International Region*. New York: Routledge, 2011.

²³Donald R. Rothwell. “The Law of the Sea and Arctic Governance” *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 107, 2013.

²⁴Marzia Scopelliti & Elena Conde Pérez. “Defining Security in a Changing Arctic: Helping to Prevent an Arctic Security Dilemma” *Polar Record*, Cambridge University Press, vol.52, no. 267, 2016.

cooperation is a unique case of intergovernmental cooperation. Although Canada and other Arctic states engage in military exercises and missions in the Arctic for sovereignty and national security purposes, cooperation and multilateralism remain a top priority. These authors stipulate that Arctic states opted for this model not only to deter illegal activities and promote maritime security in the region but also in order to prevent armed conflicts between Arctic states and/or a race for the North Pole and its precious natural resources.

Amongst the institutions and legal instruments that have been developed in order to promote transnational Arctic security are the Arctic Council intergovernmental forum, the United Nations Convention on the Laws of the Sea (UNCLOS) and the International Maritime Organization (IMO). The regulations provided by these legal instruments also apply to resource extraction in the Arctic.

Scopelliti and Conde Pérez observe that climate change and the retreating Arctic sea ice has attracted the attention of various non-state actors and stakeholders who are concerned about global energy security. The Arctic is said to hold enormous reserves of hydrocarbons. The oil, natural gas and natural gas liquids are becoming more accessible as the sea ice melts and as the permafrost thaws.²⁵ Not only is much resource extraction in the Arctic dependent on global warming but, as Mikkelsen and Langhelle point out, hydrocarbon extraction will serve to generate more greenhouse gases as oil and gas resources are consumed, thus fuelling global warming. This information will be important to take into account in analysing Canada's role as steward of the Arctic environment and Canadian resource extraction in the region.²⁶

²⁵ Scopelliti & Conde Pérez., *op. cit.*

²⁶ Aslaug & Langhelle (eds.), *op. cit.*

Finally, Mikkelsen and Langhelle add that new access to Arctic regions increases the chances of disputes between states, NGOs, multinational corporations in the oil and gas industry and local communities. Profit, economic development and growth often come at the expense of the environment. The authors have therefore stressed the need to find a balance between growth and sustainability as often impoverished northern communities are increasingly looking at the economic advantages of oil and gas extraction.²⁷

The topics covered above often intersect and overlap. For instance, it is crucial to have a good grasp of maritime law in order to understand how borders are drawn and contested. The sovereignty claims are mainly contested because of the natural resources available and the naval routes. Control over these passages grants the sovereign full jurisdiction in order to insure maritime security and the protection of the environment. However, in order to do so, one's sovereignty claims must be recognized by the international community. And so, we have gone full circle. The gap within the literature regarding environmental protection in the Arctic as a soft form of influence to secure sovereignty claims can therefore be filled by understanding the various subjects enounced above and by putting these pieces of the puzzle together.

1.2 Theoretical Framework

Copenhagen School of International Relations

²⁷*Ibid.*

The Copenhagen school of international relations is particularly helpful for this research as it specializes in security studies and provides the necessary theoretical framework to better understand environmental security and what it entails for the Arctic. The notion of security has evolved a lot throughout the twentieth century. We saw a transition of the concept from being understood as a state of being safe or free from danger to a more sensational definition alluding to survival and urgency.²⁸ The Copenhagen school of international relations has greatly contributed to the evolution of the concept and offers a broadened notion of security that is not only more adapted to address contemporary problems, but which also goes beyond strategic studies and classical notions of security.

Barry Buzan, Ole Waever and Jaap de Wilde, developed this theoretical framework in their book *Security: A New Framework for Analysis*. Their framework is based on the assumption that security can be divided into various sectors, based on specific types of interactions or relationships between the actors involved (see Figure 1.0).

²⁸Johannes Stripple, "The Subject of Security in a Warming World". *Brown Journal of World Affairs*, vol. 18, no. 2, 2012, p. 183.

Figure 1.0 The Copenhagen School's sectors of security²⁹

Sector of security	Interactions	Areas of concern
Military	Relationships of forceful coercion	<ul style="list-style-type: none"> • Interplay of armed offensive and defensive capabilities of states • States' perceptions of each other's intentions
Political	Relationships of authority, governing status and recognition	<ul style="list-style-type: none"> • Organizational stability of states • Systems of government and the ideas that give them legitimacy
Economic	Relationships of trade, production and finance	<ul style="list-style-type: none"> • Access to the resources, finance and markets necessary to sustain acceptable levels of welfare and state power
Societal	Relationships of collective identity	<ul style="list-style-type: none"> • Sustainability of traditional patterns of language, culture and religious and national identity and custom
Environmental	Relationships between human activity and the planetary biosphere	<ul style="list-style-type: none"> • Maintenance of the local and planetary biosphere

By including economic security, societal security and environmental security in the security discourse, the traditional values associated with security and the nation-state (identity, territoriality and sovereignty) are also expanded to include a set of values relevant to the environment and climate change such as ecology, globality and governance.³⁰ From this point of view, security can be understood as a politically and socially constructed phenomenon.³¹ The authors explain that environmental security “concerns the maintenance of the local and the

²⁹Barry Buzan et al. *op. cit.*, p. 7-8.

³⁰Buzan et al. *op. cit.*

³¹Strippel, *op. cit.*, p. 184.

planetary biosphere as the essential support systems on which all other human enterprises depend.”³² Environmental security issues encompass problems such as the disruption of ecosystems (such as climate change, loss of biodiversity, pollution, etc.), energy problems (such as the depletion of natural resources), population problems, food problems, economic problems and civil strife.³³ In the context of this research, environmental security mainly refers to the disruption and destruction of the Arctic’s ecosystem.

Environmental security focuses on “the relationship between the human species and the rest of the biosphere and whether that relationship can be sustained without risking a collapse of the achieved levels of civilization, a wholesale disruption of the planet’s biological legacy, or both”.³⁴ Environmental threats can therefore pose existential threats, whether it is in terms of survival of species or in extreme cases, the survival of human civilization.³⁵

Securitization Theory

Buzan, Waever and de Wilde also introduced securitization theory which looks at the process by which an issue becomes a security issue, because it has been defined as such by state authorities. The securitization process is often done through speech acts and aims to evoke strong emotional reactions from the public in order to justify the implementation of new security measures. It is a process where “[an] issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure”³⁶, or as Trombetta puts it is a process by which an issue is defined as a security issue and as a result “allows for exceptional measures, the breaking of otherwise binding rules and governance by

³²Buzan et al. *op. cit.*, p. 8.

³³*Ibid*, p. 75.

³⁴Buzan et al. *op. cit*, p. 23.

³⁵*Ibid*.

³⁶*Ibid*, p. 23.

decrees rather than by democratic decisions.”³⁷ The threat that is identified and defined as an existential threat not only has repercussions for the area of concern (for instance the Arctic’s environment and biosphere) but can also have political repercussions as it has the potential to affect other sectors of security in the long run (in this case, the economic, social and political sectors).³⁸ According to Buzan, there are usually two different agendas in environmental security that help to understand a securitizing move: the scientific agenda and the political agenda. The scientific agenda meets academic standards and is used as a scientific authority that confirms the need to securitize an issue. The political agenda is often useful in understanding the process of securitization, while the scientific agenda provides an ‘authoritative assessment of threat’ to determine whether securitization is necessary or not. Furthermore, “security can also introduce a zero-sum rationality to the environmental debate.”³⁹ There are three main areas of analysis for the political agenda: “the state and public awareness of issues on the scientific agenda [...]; the acceptance of political responsibility for dealing with these issues; and the political management questions that arise: problems of international cooperation and institutionalization”.⁴⁰ These three elements of the political agenda are a core component of understanding the theory of securitization.

It is however important not to confuse securitization with politicization. Politicization of an environmental issue is described as being the formulation of environmental policies as part of political platforms whereas securitization of an environmental issue is a process that has more urgency and a strong emotional manifestation from the public.⁴¹ Language plays a crucial role in

³⁷M. J. Trombetta. “Environmental Security and Climate Change: Analysing the Discourse.” *Cambridge Review of International Affairs*, 2008, vol. 21, no. 4, Dec., p. 588.

³⁸Buzan *et al. op. cit.*, p. 25.

³⁹*Ibid*, p. 586.

⁴⁰Buzan *et al.*, *op. cit.*, p. 72.

⁴¹*Ibid*, p. 73.

the securitization process. It is through language and speech acts that issues are identified and transformed into security issues. By gaining the audience's consent and approval, speech acts become 'securitizing moves' and so it can be argued that there is a shift being made "from speech acts as *productive* of security to speech acts as one component of the inter-subjective *construction* of security,"⁴² as the public 'backs up' the speech act.

Securitization acts have four components. First, there needs to be a securitizing actor (usually the government). The securitizing actor is the one who identifies the threat and makes a statement that initiates the securitization process. The second component is the threat itself which, as mentioned previously, is identified as an existential threat. The third component is the referent object that is being threatened and that has been identified by the securitizing actor as needing protection. Finally, the fourth component is the audience. Successful securitization can only occur if the audience endorses the decision to protect the referent object from the existential threat, thus granting the securitizing actor permission to use extraordinary measures to handle the threat.⁴³

Securitization theory has been used to analyse the environmental sector in security studies by many authors such as Matt McDonald, Johannes Stripple and Maria Julia Trombetta. Trombetta observes the emergence and evolution of the environmental protection discourse through securitization:

The emergence of global environmental problems, such as global warming and ozone depletion, resulted in one of the first attempts to securitise the environment on a global scale. The Brandt Report (1980) suggested that 'few threats to peace and survival of the human community are greater than those posed by the prospects of cumulative and irreversible

⁴²Matt McDonald. "Securitization and the Construction of Security", *European Journal of International Relations*, vol. 14, no. 4, 2008, p. 566.

⁴³Buzan et al. *op. cit.*, p. 25.

degradation of the biosphere on which human life depends.’ These new threats suggested the need to redefine the nature of security in an interdependent world facing new challenges.⁴⁴

This theory will therefore be useful to understand how environmental issues in the Arctic became security issues and how they gained popularity and importance in the eyes of Canadians.

Since the securitization theory does not solely apply to environmental issues, it will be useful for this research as I will examine how there has been a shift in Canadian Arctic policies over time. This framework will enable us to better understand how the strong focus on the securitization of the Arctic was eventually replaced by a securitization of the Arctic as a whole under the Harper government, in a way which includes a securitization of the Arctic’s territorial integrity and its natural resources. This will serve to demonstrate how the government’s priorities in the far North have changed over time and help us better understand how this affects environmental security in the region.

The Copenhagen school’s theoretical framework has been chosen over the other frameworks that were considered: realism and constructivism. One of the reasons for this is that it contains elements of both realism (such as state-centrism and the definition of the state as a rational actor) and constructivism (with a focus on the social construction of security discourses). The Copenhagen school’s view and explanation of security and of the securitization process will therefore be helpful for this research as it provides the information necessary to better understand how environmental security in the Arctic became an important element of Canada’s political agenda, how it became entangled with sovereignty disputes, and how it has been used as a soft form of influence to support the country’s sovereignty claims.

⁴⁴Trombetta, *op. cit.*, p. 591.

1.3 Methodology

Canada's sovereignty claims in the Beaufort Sea, over the Northwest Passage, and over Hans Island are strongly supported by the environmental protection discourse. A discourse analysis as well as a qualitative document analysis were conducted in order to test the hypothesis that Canada's sovereignty claims rely heavily on the environmental protection discourse. The discourse analysis will be the main focus, as it will allow us to answer whether or not the Canadian government is using environmental protection as a soft form of influence to secure its sovereignty claims in the Arctic and will help determine to which extent environmental protection compares in importance to Canada's other objectives in the Arctic.

Discourse analysis

For the discourse analysis, the main units of analysis were texts related to Canadian Arctic policies. By looking at the initial goals and impacts of Canadian policies regarding its sovereignty claims, as well as Canada's Northern Strategy and the various regulations pertaining to access and security in the Arctic, the main focus was to highlight how the environmental protection discourse is being used to assert sovereignty claims.

Canada's policies of resource extraction in the Arctic were also consulted and compared to Canada's policies regarding environmental protection in the Arctic to see whether or not one was prioritized over the other. Particular attention was given to the way in which many of these policies are supporting resource extraction and consumption activities that are dependent on climate change.

The sources that were consulted for the discourse analysis are for the most part available on the Government of Canada's website. Since these sources are almost exclusively government sources, they are available to the public.

Qualitative and Quantitative Document Analysis

For this section, the units of analysis are speeches (through transcripts) from former Prime Minister Stephen Harper regarding the Arctic and Canada's new Arctic policy under his Conservative government. As part of the qualitative document analysis, a triangulation method was used: a qualitative and quantitative textual analysis. Qualitative conclusions are supported with an element of quantification which, as described by Wesley, consists of:

buttressing any subjective, qualitative interpretations of the latent elements of a text with more objective, quantitative analyses of its manifest content. References to the existence of a particular 'theme' in a set of documents, for instance, may benefit from an indication of how many times a particular set of keywords appeared in the texts.⁴⁵

The main focus is on the themes of environmental protection and stewardship within documents pertaining to Canadian Arctic sovereignty. The recurrence of these themes and their emphasis help to understand the role they play in the sovereignty discourse. By using the tools provided in James Paul Gee's *How to do a Discourse Analysis – A Toolkit*, particular attention is paid to the language used by Canadian officials. Securitizing processes, as defined by the Copenhagen school, are often conducted through speech acts. It is therefore crucial to look not only at the specific terms and words used but also to the context in which they are used, as this

⁴⁵J. J. Wesley. "Qualitative Document Analysis in Political Science". *T2PP Workshop*, 2010, p. 6-7.

also provides valuable information as to what is implied, what is left unsaid and what is already assumed by the public to which these speech acts are addressed. The historical context and notions of identity, for instance, are particularly insightful for this research as they are invoked, mainly by the Harper government, to appeal to the Canadian audience in his securitizing move.

As described by Gee, words do not only serve to pass on information;

Because language is used for different functions and not just to convey information (which is but one of its functions), it is always useful to ask of any communication: What is the speaker trying to DO and not just what is the speaker trying to SAY? We humans use language to carry out various sorts of actions and informing someone else is only one sort of action that we accomplish through language.⁴⁶

With this in mind, tracing securitization processes via discourse and document analysis proved to be a useful tool to determine whether the Canadian government is using environmental protection as a soft form of influence to secure its sovereignty claims.

Chapter Outline

This research is divided in six chapters, including this introductory chapter.

Chapter 2: Environmental Security, Climate Change and the Arctic

This chapter explores the Copenhagen school's discussion of environmental security which will be essential in order to better understand how environmental issues in the Arctic are securitized. It also looks at the various climate and environmental risks that the Arctic faces and identifies the main challenges that the Arctic faces in terms of environmental protection, whether

⁴⁶James Paul Gee, *How to do Discourse Analysis: A Toolkit (2nd edition)*, London, Routledge, 2014, p. 50.

they result directly from an increase in human activity in the region or they originate from other parts of the world.

Chapter 3: Sovereignty, Stewardship and the Law of the Sea

This chapter contains a brief introduction to the law of the sea as defined by UNCLOS and an explanation of maritime delimitations. This information will serve to better understand the various interpretations of the law of the sea and how they influence Canada's Arctic sovereignty disputes. This chapter also looks at Canada's three contested sovereignty claims in the Arctic: the Northwest Passage, the Beaufort Sea and Hans Island. By providing a brief historical, economic, diplomatic and legal overview of each claim, it highlights Canada's interests in securing these claims and touches on how the outcome of these sovereignty disputes might have repercussions for the management of the Arctic's environment. Finally, this chapter also covers the diplomatic crisis of the Manhattan incident which directly challenged Canada's sovereignty over the Northwest Passage, and later resulted in the implementation of the Arctic Waters Pollution Prevention Act (AWPPA) to protect the Arctic's environment under Canadian standards. It therefore covers the emergence of environmental protection as part of Canada's Arctic sovereignty claims, providing an introduction to how events such as the Manhattan incident and the implementation of the AWPPA have shaped the environmental protection discourse used by Canadian politicians with regards to the Arctic and sovereignty.

Chapter 4: Linking the Environmental Protection Discourse to Canada's Sovereignty Claims

This chapter explores how Canada initially developed a Northern strategy based on stewardship and environmental protection to support its sovereignty claims. It provides an

overview of the implementation of the Northern Dimension of Canada's Foreign Policy under the Chrétien and Martin governments, as well as the implementation of Canada's Northern Strategy and the Statement on Canada's Arctic Foreign Policy under the Harper government. Most importantly, this chapter contains the discourse analysis which focuses on the sovereignty and security discourse articulated by the Conservative government. The discourse analysis will serve to highlight the contrasts between the environmental protection dimension of the new Arctic policies and the simultaneous dependence on economic activities which exacerbate environmental problems such as hydrocarbon and mineral extraction.

Chapter Five: Going Forward

This last chapter revisits the notion of stewardship and the importance of this role going forward. Along with a few concluding remarks, it builds on the existing literature pertaining to Canadian Arctic sovereignty and offers a reflection on how to address the issue with a greener agenda in order to generate greater potential for resolving the outstanding sovereignty disputes.

Chapter 2 Environmental Security and Climate Change

“Canada’s actions are serving to turn the Arctic from the planet’s climate stabilizer – a sort of cooling system for the world – into a great destabilizer that may endanger humankind’s prosperity, and perhaps even its survival.”

-Sheila Watt-Cloutier

This chapter first looks at the concept of environmental security as defined by the Copenhagen School of international relations. Further defining this sector of security studies is crucial in order to understand how securitizing moves can be made in the name of environmental protection and how environmental security can be implemented in policies. This chapter also provides an overview of the environmental threats that the Arctic is subjected to. Understanding the Arctic’s environmental transformation and the local and global threats it poses will serve to highlight which aspects of environmental security are at play.

2.1 Environmental security and climate change

The Copenhagen School of international relations’ broadened definition of security and the theory of securitization are key contributions to analysing threats in the environmental sector of security. The environmental sector stems from the need of a new framework to analyse threats to the environment, such as environmental degradation and climate change. Environmental security is described as having two agendas: a political agenda and a scientific agenda. The political agenda addresses ways in which to mitigate environmental degradation and reflects the

degree of politicization and securitization of environmental issues while the scientific agenda supports or justifies securitizing moves with scientific evidence:

The scientific agenda is about the authoritative assessment of threat for securitizing or desecuritizing moves, whereas the political agenda deals with the formation of concern in the public sphere about these moves and the allocation of collective means by which to deal with the issues raised.⁴⁷

However, both agendas remain independent of one another which can sometimes result in disagreements. Each agenda's priorities might differ in a way that could create conflict over which concerns are to be politicized or securitized or over the level of urgency of various environmental threats and concerns. In the case of the Canadian Arctic, for instance, we could be looking at the empirical evidence and recommendations provided by scientists (scientific agenda) and the ways in which the Canadian government has chosen to address the issue (political agenda) based on the state's awareness of the issue, its acceptance of political responsibility to address the issue, and the political management of dealing with the issue (such as national and/or multilateral initiatives).

One of the particularities of the environmental sector of security is that it covers a vast array of issues, some of which intersect with other sectors of security. Where they do intersect, these issues are viewed through an environmental lens. These issues can range from disruption of ecosystems, to energy problems, population problems, food problems, economic problems, civil strife, amongst others (see Figure 2.1).⁴⁸

⁴⁷Buzan et al. *op. cit.*, p. 72.

⁴⁸*Ibid*, p. 75.

Figure 2.1 Areas of environmental security

Disruption of ecosystems	<ul style="list-style-type: none"> • Climate change • Loss of biodiversity • Deforestation • Desertification • Coastal erosion • Depletion of the ozone layer • Pollution
Energy problems	<ul style="list-style-type: none"> • Depletion of natural resources • Resource scarcity and uneven distribution • Pollution • Disaster management (i.e. oil transportation, chemical industries, nuclear energy)
Population Problems	<ul style="list-style-type: none"> • Population growth • Overconsumption • Epidemics • Poor health conditions • Unmanageable urbanization • Uncontrollable migrations
Food problems	<ul style="list-style-type: none"> • Poverty • Famine • Overconsumption • Loss of fertile soils • Diminishing water resources
Economic problems	<ul style="list-style-type: none"> • Protection of unsustainable production modes • Societal instability • Growth imperative • Structural inequities
Civil strife	<ul style="list-style-type: none"> • War-related environmental damage • Violence related to environmental degradation

There are two general themes within the areas of environmental security identified above: the physical environment and the nexus between the environment and civilization. This research will mainly use the term environmental security when referring to the physical environment and the threats that arise due to its degradation.

Because of the many intersections within the environmental security discourse and other security discourses such as human security and the various security issues that can arise from environmental degradation (i.e. a lack of resources can lead to national security problems, which in turn can become military security issues), the environmental security discourse was initially ignored or marginalized as it was amalgamated under the umbrella of the other security discourses. Furthermore, climate change was not seen as an existential threat until the early 1970s and the publication of the *Report of the Study of Man's impact on Climate* in 1970. The increasing scientific evidence demonstrating the imminent threats that climate change and environmental degradation pose to the various areas of environmental security identified in figure 2.1, combined with the insights associated with the conception of securitization provided by the Copenhagen School's framework which helps to understand how and why certain issues are turned into security issues, has led to the legitimacy of environmental security within security studies.⁴⁹

As we have seen, the Copenhagen School's framework allows for a broader definition of security and securitizing moves have helped shape the way we interpret various issues as potential security risks. Stripple raises the question of whether or not climate change can be interpreted as a security risk:

it is an empirical question whether climate change is yet a security issue –is it staged as an existential threat to the survival of the state, for example, and has the international community accepted that confronting the climate issue requires the use of extraordinary means?⁵⁰

Because of the central role that climate change plays in the relationship between the environment and security, it has been identified not only as a threat multiplier exacerbating other risks

⁴⁹Stripple, 2012, *op. cit.*, p. 185-186.

⁵⁰*Ibid*, p. 186.

affecting socio-politico-economic spheres, but as an area of environmental security requiring more immediate attention.⁵¹ Furthermore, if we look at the evolution of the environmental security discourse, it has often been marginalized and eclipsed by other sectors of security whose threats appeared to be more pressing at the time. The war on terror, for instance, is an example of a threat that was considered more immediate and requiring more attention and resources than environmental security threats. However, through securitizing moves, environmental security has gained more credibility and attention.⁵² Eventually, greater attention was given to the anthropogenic aspect of environmental degradation and to the role that growth-driven economies and carboniferous capitalism play in accelerating climate change and generating environmental risks.

Climate change represented a large portion of environmental threats and puts at risk the long term survival of biodiversity and life on the planet. There was therefore an apparent need to bring the climate-security nexus to the forefront of political agendas:

For these advocates of a climate-security link, defining climate change as a security issue was seen as a manner of challenging dominant (narrow) accounts of security and elevating climate change to the ‘high politics’ realm of security where it would attract the priority and funding it deserved.⁵³

We thus began to see what Dalby refers to as the ‘climatization’ of the security discourse.⁵⁴ The term ‘climate security’ was therefore coined and eventually became its own sub-sector of environmental security. Although it focuses on climate-led environmental degradation, it also encompasses a wider range of potential issues generated by climate change such as waves of

⁵¹Matt Macdonald, “Discourses of climate security”, *Political Geography*, 2013, vol. 33, p. 43.

⁵²Trombetta, *op. cit.*, p. 594.

⁵³Macdonald, 2013, *op. cit.*, p. 43.

⁵⁴Simon Dalby, “Biopolitics and climate security in the Anthropocene”, *Geoforum*, 2013, vol. 49, p. 187.

climate migrants, destruction of vital infrastructures, resource scarcity, political instability and national security issues, and even military issues and armed conflict resulting from extreme climatic conditions⁵⁵:

climate security suggests a concern for the security of the climate which is understood as the maintenance of stable climatic conditions as a prerequisite of all human enterprises, rather than the security of the climate itself. Climate security is evoked to secure people and societies that depend on it. As in the case for environmental security, climate security is about ‘the maintenance of achieved levels of civilization’.⁵⁶

As the second part of this definition suggests, there is a concern not only for the environment but for the human populations and politico-socio-economic activities that depend on it. It is therefore possible to identify four different discourses of climate security: national security, human security, international security and ecological security. While all four discourses often have the same units of analysis or the same sources of threat, each has a different way of interpreting them and predicting the repercussions. This enables each discourse to propose various mitigation and adaptation strategies better adapted to their different referent object.⁵⁷

National security, within this framework, is concerned with threats to the sovereignty of the state or its institutional capacities. It stipulates that climate change and environmental threats should be incorporated in threat analyses and that more emphasis should be put on the development of strategies to mitigate and protect national interests against the threats of climate induced problems. In this rationale, these threats have the potential to have military and

⁵⁵The Center for Climate & Security, “Climate Security 101”, [online], www.climatesecurity101.org, consulted on April 24th, 2018.

⁵⁶Trombetta, *op. cit.*, p. 595.

⁵⁷Ingrid Boas & Delf Rothe. “From conflict to resilience? Explaining recent changes in climate security discourse and practice”, *Environmental Politics*, vol. 25, no. 4, 2016, p. 614.

economic repercussions. Threats can take the form of the economic impact of resource scarcity, conflicts over resources, or mass migrations caused by climate change.⁵⁸

When we consider human security, this implies a shift of the referent object being threatened from the state to its population's wellbeing. In the climate security discourse, questions of global inequalities, climate mitigation and adaptation capacities are addressed from a climate and environment perspective. There is also a focus on material needs, as well as vulnerability and poverty reduction. Therefore issues regarding access to basic resources such as food and water, climate-related health problems, or climate refugees are considered major problems in terms of human security and pose significant threats to their human, environmental and social rights.⁵⁹

The main unit of analysis in the international security discourse with regards to climate security is international society. Climate change and environmental disasters are seen as threats to global order. Even though climate risks affect people and states, McDonald points out that this discourse suggests that they are both part of "a broader conception of international society". In this sense, climate security understood as international security entails that the international system must be protected from climate-induced threats. Such threats can take the form of inter-state conflicts over resources due to scarcity, major epidemics, or any even threatening international peace and stability.⁶⁰

Finally, climate security seen from an ecological perspective focuses on the biosphere and the effects of climate change and environmental disasters on ecosystems. As McDonald puts it, it is a discourse that:

⁵⁸ McDonald, 2013, *op. cit.*, p. 45-46.

⁵⁹ *Ibid*, p. 46-47.

⁶⁰ *Ibid*, p. 47-48.

focuses on the need to fundamentally rebalance the relationship between people and the natural environment, orienting around the referent object of the biosphere. It also suggests the need to revisit those political, economic and social structures that serve to both separate people from the environment and give rise to processes of environmental change.⁶¹

It therefore implies that changes are in order when it comes to our relationship with the environment and the biosphere. It promotes sustainability as well as social and ecological equitability, and often offers a perspective promoting poverty alleviation. There are four major dynamic equilibriums when it comes to ecological security: between humans and nature in terms of consumption levels, between humans and pathogenic microorganisms, between humans and fauna and flora, and among humans. When any of these is disregarded, the level of threat rises. It is therefore a discourse that promotes ecological balance and preservation.⁶²

This section illustrated the complexity of climate security and its four discourses. This framework, along with the theory of securitization, will be crucial to understand the threats posed by anthropogenic climate change and environmental disasters in the Canadian Arctic, as well as Canada's response to such threats through enactment of climate mitigation and environmental protection policies.

2.2 Environmental security and the changing Arctic

In the Canadian Arctic, the effects of climate change take the form of retreating sea ice, melting of glaciers and snowpack, thawing of the permafrost, coastal erosion, shifting of vegetation zones, shifting marine habitat, and changes in migration patterns. Reports show that in this region, the average temperatures have risen two or three times faster than the rate of the rest

⁶¹*Ibid*, p. 48.

⁶²*Ibid*, p. 48-49.

of the planet.⁶³ As the earliest signs of global warming have been detected in Arctic regions, this process is expected to accelerate since the open ocean has lower albedo than sea ice: while the sea ice reflects the sun, the dark waters absorb it, thus raising the temperature of the Arctic Ocean.⁶⁴ The sea ice and snow in the Arctic reflects up to 80% of the sun's radiation. An ice free Arctic Ocean's dark waters can only reflect up to 20% of the sun's radiation. This cycle, which is also referred to as the albedo positive feedback loop, demonstrates how climate change itself fuels climate change and global warming in the Arctic. Thawing of the permafrost can also contribute to the positive feedback loop as it releases large quantities of methane. Methane, a greenhouse gas, traps more heat than carbon dioxide and can therefore have significant repercussions on the Arctic's environment. The warmer the Arctic gets, the more methane gets released into the atmosphere thus accelerating the process of global warming.⁶⁵ This not only results in thinner sea ice and warmer seasons in the Arctic but is also leading the ocean towards ice-free summers. Reports from the National Snow and Ice Data Center (NSIDC) show that the average monthly sea ice extent in the Arctic has drastically been diminishing since 1979 at a decline rate of 12.8% per decade (see figure 2.2).⁶⁶

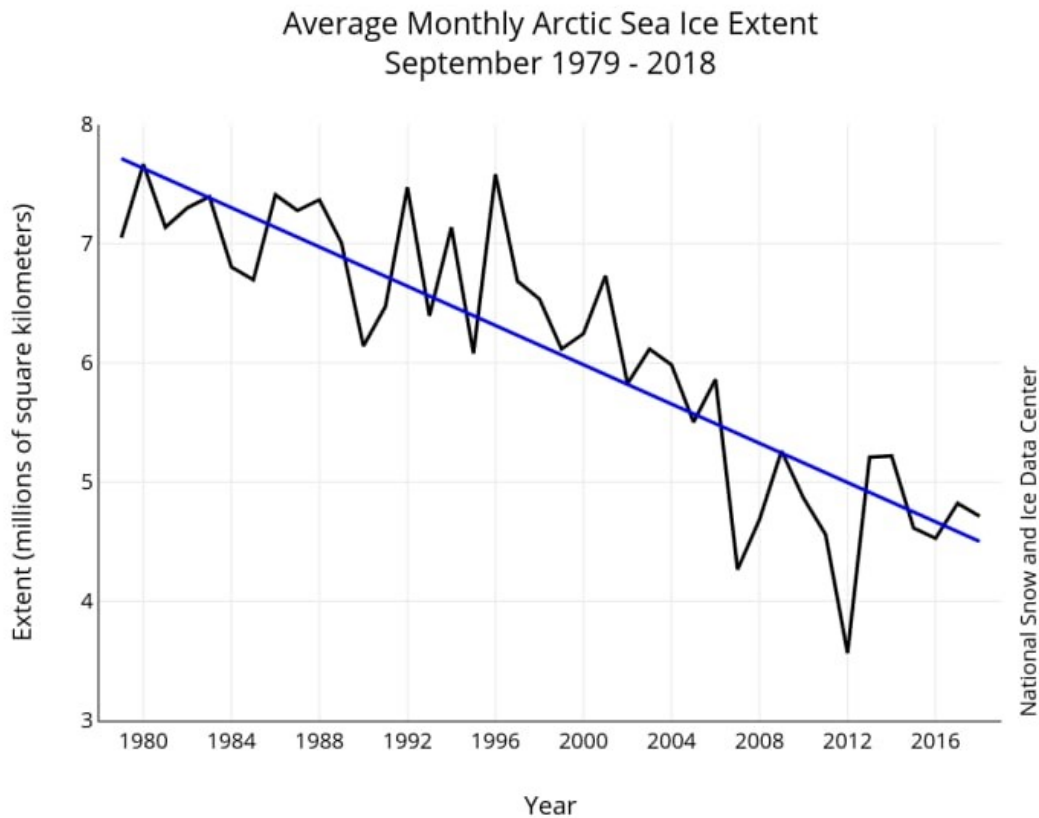
⁶³See IPCC, "Global Warming of 1.5°C: Summary for Policymakers", Incheon, Republic of Korea, October 6th, 2018, 34p. and Lawson W. Brigham, "Thinking about the Arctic's Future: Scenarios for 2040." *Multi-year Expert Meeting On Transport and Trade Facilitation: Maritime Transport and the Climate Change Challenge*, Bethesda, USA, February 2009, p. 33.

⁶⁴ Holland, *op. cit.*, p. 80-81.

⁶⁵Nicole Mortillaro, "How a warming Arctic speeds up climate change – and spreads its damage." CBC News, October 11, 2018, [online] <https://www.cbc.ca/news/technology/arctic-climate-change-1.4857557>.

⁶⁶ National Snow and Ice Data Center, "Arctic summer 2018: September extent ties for sixth lowers", October 8th, 2018, [online] <https://nsidc.org/arcticseaicenews/>.

Figure 2.2 Average Monthly Arctic Sea Ice Extent – September 1979 - 2018



Source: National Snow and Ice Data Center [online] <http://nsidc.org/arcticseaicenews/>.

Just as the Amazon forest is often referred to as the lungs of the planet, the Arctic’s role in global climate could be referred to as being the cooling system of the planet. Changes in the Arctic’s environment not only have local repercussions but can affect the climate of far away regions. The hydrologic impacts of climate change are particularly important to note, as they affect many socio-economic spheres such as water supplies, health, transportation, etc.⁶⁷ Glacial melt has the potential to slow down ocean circulation which, as Mikkelsen and Langhelle put it,

⁶⁷Mark Svendsen & Nana Künkel, “Adapting to Hydrologic Impacts of Climate Change: An International Development Perspective.” *Irrigation and Drainage*, vol. 58, 2009, p. S122.

affects both the regional and global climate”.⁶⁸ Repercussions can take the form of changes in animals’ migratory patterns, loss of biodiversity, migrations of intrusive species in new ecosystems, and possible alterations in the uptake and release of greenhouse gases in soils, vegetation and coastal oceans.⁶⁹

Another result of the melting of glaciers and snowpack is that sea levels have been on the rise, thus threatening low-lying lands with inundation. The NSIDC has identified the largest contributors to global water cycle and sea level rise due to global glacier recession. In this report, the Arctic ranks first for the region responsible for the largest percentage of contribution to volume change between 1961 and 2003, followed by High Mountain Asia, the Alaska and Coastal Mountains, North-West USA and South-West Canada, the Patagonia Ice Fields and Europe. The Arctic region, which represents 52.7% of the total studied area, was identified as the largest contributor to sea level change due to glacial ice volume reduction. The percentage of contribution to volume change ranked at 31%.⁷⁰

The repercussions of glacial melt not only have an impact on the livelihood of local communities but can also alter the climate and environment of distant regions. Glacial recession in the Arctic is one of the sources of rising sea levels, which threatens distant regions. Atoll states such as Tuvalu, Kiribati, Vanuatu, Solomon Islands and the Maldives are examples of countries affected by environmental changes in the Arctic, as these island nations are at risk of eventually being completely submerged should sea levels continue to rise.⁷¹ Inundations not only threaten to alter coastal lands through salinization, but repetitive flooding increases the risk of

⁶⁸ Mikkelsen & Langhelle (eds.), 2008, *op. cit.*, p. 33.

⁶⁹ *Ibid.*

⁷⁰ National Snow & Ice Data Center, “Global Glacier Recession”, [online] <https://nsidc.org/glims/glaciermelt>, consulted on November 1st, 2018.

⁷¹ F. R. Cameron, “Saving the ‘disappearing islands’: Climate change governance, Pacific island states and cosmopolitan dispositions.” *Continuum: Journal of Media and Cultural Studies*, vol. 25, no. 6, 2011.

altering the natural habitat in coastal zones and of severely damaging vital infrastructures such as roads, ports, railroads and water treatment plants.⁷²

The consequences of changes in the Arctic are not limited to local and global hydrological changes. Meteorological events such as hurricanes, prolonged rains, droughts, wildfires, heat waves, and floods, amongst others, are fuelled by the changing climate in the Arctic. Just as hydrological changes have the potential to affect distant regions, atmospheric changes also have the potential to generate natural disasters. This is due to alterations of the jet stream, a phenomenon also referred to as the extreme quasi-resonant amplification pattern.⁷³ The accumulation of greenhouse gases can alter and disrupt the normal jet stream, a high-altitude wind in the northern hemisphere which affects weather systems. A stable jet stream normally flows in a straight path from west to east. However, GHG accumulation disrupts this pattern and causes more “dips” in the jet stream: warm air tends to move north while colder air moves south. As a result, the jet stream becomes a wavy and unstable line. Since the jet stream regulates weather systems, irregularities or instability generate extreme weather conditions such as polar vortexes, hurricanes and the meteorological events previously mentioned.⁷⁴

Additionally, research suggests that a concentration of environmental pollutants in the Arctic poses serious risks to residents of Nunavut. High levels of mercury, heavy metals, polychlorinated biphenyls, dichlorodiphenyltrichloroethane (DDT) and other organochlorides are concentrated in Arctic regions. Although the vast majority of these pollutants originate from agricultural and industrial activities from around the globe, they end up in Arctic waters due to

⁷²Svendsen & Künkel, *op. cit.*, p. S123.

⁷³ Bob Berwyn, “Global Warming is Messing with the Jet Stream. That means more extreme weather”, Inside Climate News, October 31. 2018 [online] <https://insideclimatenews.org/news/31102018/jet-stream-climate-change-study-extreme-weather-arctic-amplification-temperature>.

⁷⁴Mortillaro, *op. cit.*

atmospheric and hydrologic transportation. Bioaccumulation of these pollutants in the Arctic fauna and environment therefore means that Indigenous populations who rely on them for sustenance hunting and fishing are at increasing risks of developing health problems.⁷⁵

These are only a few of the most prominent environmental threats affecting the Arctic. Koivurova *et al.* highlight the many environmental changes being felt in the Arctic and suggest that the Arctic will serve as a ‘barometer of climate change’ as it is a region where we first started to see the effects of climate change and global warming and where they are most obvious.⁷⁶ It is important to remind ourselves that these threats transcend boundaries as effects of climate change and environmental degradation felt in the Arctic can originate from other parts of the globe and, in a similar fashion, the repercussions of the changes happening in the Arctic are also felt in other parts of the globe. The case of the atoll islands in the Pacific at risk of submersion is only one such example. Another example that is often cited and important to note is the fact that the majority of greenhouse gas emissions that are responsible for the warming of the Arctic originate from other parts of the globe.⁷⁷

If we take a closer look at the various risks, it is possible to identify the four discourses of climate security at play. The most obvious ones here are the threats to ecological security. The changing Arctic described above depicts the loss of equilibrium and the changing biosphere. As for national security of atoll island states such as the Maldives is at risk due to rising sea levels that are threatening their sovereignty and territorial integrity. Furthermore, such circumstances could potentially cause waves of climate migrants and refugees which could in turn lead to

⁷⁵Alan J. Parkinson, “Sustainable development, climate change and human health in the Arctic”, *International Journal of Circumpolar Health*, vol. 69, no. 1, 2010, p. 101.

⁷⁶Timo Koivurora et al. *Climate Governance in the Arctic*, Dordrecht, Netherlands, Springer, 2009, p. 1-2.

⁷⁷Franklyn Griffiths. “Towards a Canadian Arctic Strategy”, *North 2030 National Planning Conference*, Session paper no. 5, 2009, p. 7.

international instability. The health problems caused by environmental degradation and bioaccumulation of chemicals have already been mentioned. Changing climates can also cause more health problems as new diseases are introduced to different regions. Finally, it is also important to note that most Inuit communities in the Canadian Arctic still rely on sustenance hunting and the melting of the sea ice has made this activity increasingly difficult.⁷⁸

Conclusion

As seen, the Arctic plays an important role in regulating the climate of the planet. Threatened by global warming and climate change, it is crucial to protect this fragile ecosystem which is already undergoing environmental degradation at an exponential rate. As a steward of the Arctic's environment, Canada has given itself the responsibility of ensuring environmental protection in its Arctic territories and waters.

The following chapter will look at the Arctic's maritime delimitation according to the law of the sea in order to better understand Canada's sovereignty claims and jurisdictional rights over its territorial sea. This will provide some insight about the extent to which Canada can claim the right to regulate the maritime passages in the Arctic, whether it is to ensure environmental security or exert its sovereignty in the region.

⁷⁸Parkinson, *op. cit.*, p. 100.

Chapter 3 Sovereignty, Stewardship and the Law of the Sea

Canadian Arctic sovereignty has been a hot topic in the country's foreign policies, especially since the effects of climate change and global warming are becoming manifest in the region. The melting of the sea ice has rendered the Arctic Ocean increasingly navigable, which has sparked a renewed interest in Canada's sovereignty disputes north of the 66th parallel. This chapter looks at how these disputes have evolved over the years and how they are intrinsically linked to environmental protection.

3.1 The Law of the Sea and Maritime Delimitations

The geographical nature of the Arctic plays an important role when it comes to governance in the region. Since the Arctic is an ocean surrounded by islands and States, familiarity with the international law regulating the Arctic Ocean, the United Nations Convention on the Laws of the Sea (UNCLOS) is of utmost importance. This section will give a brief overview of UNCLOS and will go over the basic maritime delimitations.

The United Nations Convention on the Law of the Sea is the institutional framework regulating the use of the world's oceans. The first Convention on the Law of the Sea (UNCLOS I) took place in Geneva from 1956 to 1958. Four treaties came out of UNCLOS I: the Convention on the Territorial Sea and Contiguous Zone, the Convention on the Continental Shelf, the Convention on the High Seas and the Convention on Fishing and Conservation of Living Resources of the High Seas. Two years later, UNCLOS II, a second set of negotiations

took place. While no new agreements stemmed from this second set of negotiations, there were important talks about the delimitations of the territorial sea and fishing zones. However, this second conference was considered a failure as no new agreements were reached. Finally, from 1973 to 1982, UNCLOS III was negotiated. Outstanding issues and disagreements were resolved and the convention was ratified and came into force in 1994.⁷⁹ To this day, UNCLOS III remains the international institutional framework. (From here on, UNCLOS III will be shortened to UNCLOS, unless distinction from the other two conventions is necessary.)

The maritime delimitations (see figure 3.1) identified by UNCLOS are all defined according to a State's baseline which, according to Article 5, is "the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State".⁸⁰ Bodies of water situated on the landward side of the baseline are the State's internal waters⁸¹ whereas the territorial sea extends up to 12 nautical miles seaward of the baseline.⁸² The contiguous zone is defined as being after the territorial sea. It can extend up to 24 nautical miles from the baseline.⁸³ While a State has jurisdiction over its internal waters and territorial sea⁸⁴, it can exert certain forms of control over its contiguous zone if it needs to prevent customs, fiscal, immigration and sanitary laws from being violated.⁸⁵ Then there is the State's exclusive economic zone (EEZ), which extends up to 200 nautical miles from the baseline.⁸⁶ The coastal State has limited

⁷⁹Donald R. Rothwell & Christopher C. Joyner, "The Polar Oceans and the Law of the Sea" in *The Law of the Sea and Polar Maritime Delimitations and Jurisdiction*, Alex G. Oude Elferink & Donald, R. Rothwell (eds), The Hague, Martinus Nijhoff Publishers, 2001, p. 10-13.

⁸⁰United Nations – Treaty Series, *United Nations Convention on the Laws of the Sea*, November 16th, 1994, article 5.

⁸¹*Ibid*, article 8.

⁸²*Ibid*, article 3.

⁸³*Ibid*, article 33.

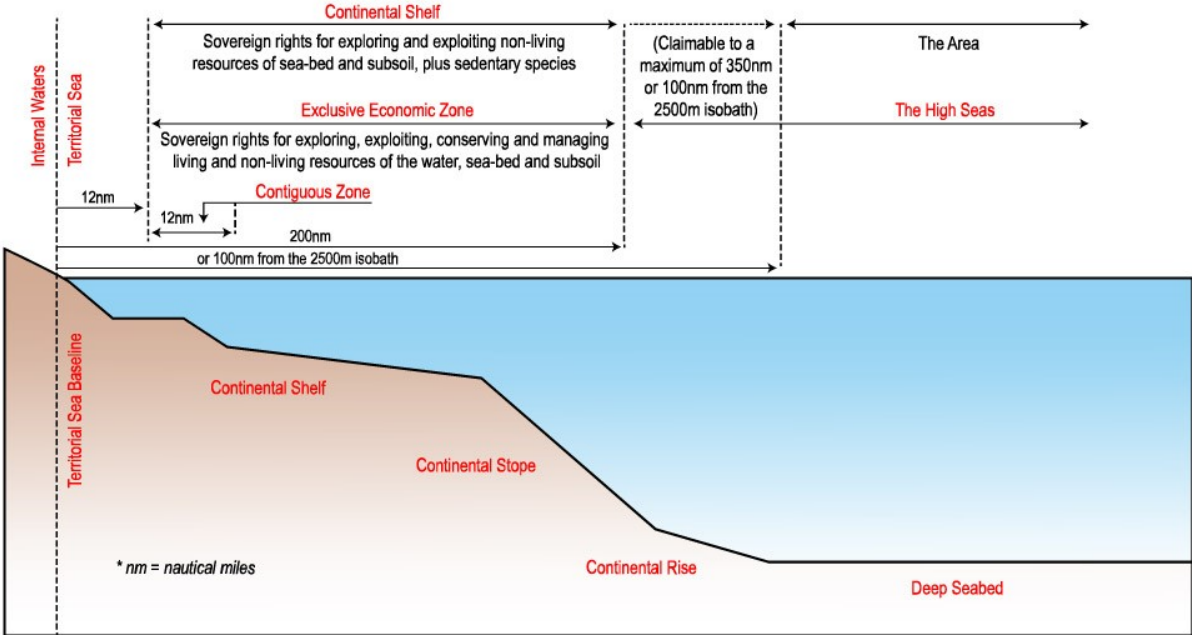
⁸⁴*Ibid*, article 2.

⁸⁵*Ibid*, article 33.

⁸⁶*Ibid*, article 57.

sovereign rights over its EEZ, mostly related to exploration, exploitation of natural resources and marine scientific research.⁸⁷

Figure 3.1: Maritime delimitations and sovereign rights according to UNCLOS



Source: Oceans and Fisheries Canada, *Sovereignty and UNCLOS: Defining Canada’s Extended Continental Shelf*, [Online] <http://www.dfo-mpo.gc.ca/science/hydrography-hydrographie/UNCLOS/index-eng.html>, consulted on May 24, 2018.

Finally, there is the continental shelf. Article 76 of UNCLOS defines the continental shelf as the following: “the continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles

⁸⁷ *Ibid*, article 56.

from the baselines.”⁸⁸ According to this same article, delineation of the continental shelf can extend to a maximum of 60 nautical miles, measured by straight lines, past the 200 nautical miles mark. Although this definition might seem quite simple to understand, delimiting and mapping the continental shelf has proven to be a rather difficult task.⁸⁹ As Michael Byers puts it, article 76 of UNCLOS is “one of the most technical provisions found in any international treaty” as States are to define their continental margin according to two different approaches based on scientific evidence.⁹⁰ When the State can choose which option provided by article 76 to adopt in order to set its continental shelf delineation, it usually picks the method that is the most favourable and which expands its maritime boundaries the most. Claims related to the continental shelf must be submitted to the UN Commission on the Limits of the Continental Shelf, along with supporting scientific evidence within ten years of ratifying UNCLOS.⁹¹

Competition over the delineation of the continental shelf arises due to the fact that coastal States have sovereign rights over it for exploration and natural resource exploitation.⁹² That being said, coastal States have the “exclusive right to authorize and regulate drilling on the continental shelf for all purposes.”⁹³ However, the rights of the coastal State do not have any impact on the legal status of adjacent waters.⁹⁴

⁸⁸*Ibid*, article 76.

⁸⁹Continental margins are to be determined by scientists by either (or a combination) of the following methods: by determining “the distance where the thickness of sedimentary rocks is at least 1% of the shortest distance from such point to the foot of the continental slope” or by delineating the limit of the continental shelf by a maximum of 60 nautical miles from the foot of the continental slope. Furthermore, article 76 also states that the limits of the continental shelf cannot exceed 350 nautical miles from the baseline, nor should they exceed 100 nautical miles from the 2,500 metre isobaths (the point at which the depth of the water reaches 2,500 metres). See United Nations – Treaty Series, *UNCLOS* article 76 for more information.

⁹⁰ Byers, 2009, *op. cit.*, p. 91.

⁹¹ Byers, 2009, *op. cit.*, p. 92.

⁹² United Nations – Treaty Series, *op. cit.*, article 77.

⁹³ *Ibid*, article 81.

⁹⁴ *Ibid*, article 78.

Understanding the intricacies behind setting the limits of the continental shelf is crucial in order to understand the sovereignty claims in the Arctic as the Arctic-5, the five Arctic States bordering the Arctic Ocean, are still in the process of delimiting their continental shelves and overlaps are common. Canada currently has overlaps with the United States (Beaufort Sea) and Denmark (Lincoln Sea) and has the possibility of having overlaps with the Russian Federation and Denmark in the Lomonosov Ridge each Arctic country plans to submit its Arctic continental shelf claim which will include the North Pole.⁹⁵ Canada has submitted its continental shelf claim in May 2019.⁹⁶

Canada currently has three sovereignty disputes in the Arctic: the Northwest Passage, the Beaufort Sea and Hans Island. For the purpose of this study, only the actual sovereignty disputes will be analysed and the potentially upcoming sovereignty disputes mentioned above will not be discussed further. The rest of this chapter will look at each of the three claims.

3.2 The Northwest Passage Dispute (NWP)

Canada's position regarding the NWP is that it is part of its internal waters. From this point of view, Canada can exert its full jurisdiction over this waterway. This position is based on article 7 of UNCLOS which specifies that in cases where there are a series of islands along the coast, "the method of straight baselines joining appropriate points may be employed in drawing

⁹⁵Levon Sevunts, *Canada to submit its Arctic continental shelf claim in 2018*, Radio Canada International, May 3rd, 2016, (online) <http://www.rcinet.ca/en/2016/05/03/canada-to-submit-its-arctic-continental-shelf-claim-in-2018>.

⁹⁶ Global Affairs Canada. "Canada's Arctic Ocean Continental Shelf Submission", *Government of Canada*, May 23, 2018, [online] <https://www.canada.ca/en/global-affairs/news/2019/05/canadas-arctic-ocean-continental-shelf-submission.html>.

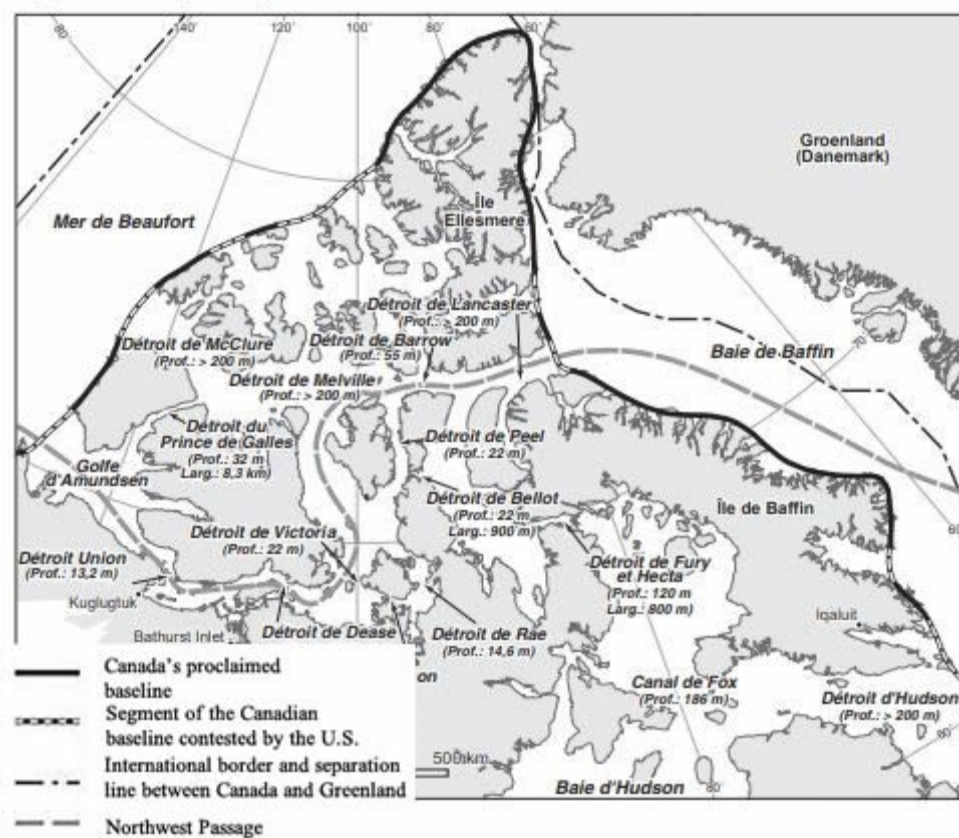
the baseline from which the breadth of the territorial sea is measured.”⁹⁷ The straight baseline principle is normally used in relation to the mainland’s coast but it can also be used when the mainland is bordered by an archipelago. Such is the case for northern Canada and its Arctic archipelago.⁹⁸ Donat Pharand, a leading expert and pioneer in Canadian Arctic sovereignty, describes the Canadian Arctic baseline as starting from Northwest Yukon in the Beaufort Sea, and proceeds north along the coasts of the islands of the Arctic Archipelago to make its way to the northernmost point of Ellesmere Island in the Lincoln Sea. It then makes its way south between Canadian islands and Greenland in the Baffin Bay and the Davis Strait, to then reach the baseline north of Labrador.⁹⁹ Everything inside that baseline is to be considered as Canadian internal waters. (See figure 3.2.)

⁹⁷ United Nations, Treaty Series, *op. cit.*, art. 7.

⁹⁸ Robert Dufresne, *Canada’s Legal Claims Over Arctic Territory and Waters*, Library of Parliament, December 6th, 2007, p. 10.

⁹⁹ Pharand, *op. cit.*, p. 162.

Figure 3.2: Straight baselines and the Northwest Passage



Source: Adapted from Lasserre, Frédéric, “Les détroits arctiques canadiens et russes: Souveraineté et développement de nouvelles routes maritimes”, *Cahiers de géographie du Québec*, Vol. 48, No. 135, December 2004.

These maritime demarcations have been used since 1907 when Senator Pascal Poirier urged the government to officially take possession of its Arctic waters and territories: “That it be resolved that the Senate is of the opinion that the time has come for Canada to make formal declaration of possession of the lands and islands situated in the north of the Dominion, and extending to the North Pole.”¹⁰⁰ Poirier’s claim was based on the fact that the Arctic land and waterways, which once belonged to the Hudson’s Bay Company, had been acquired by Canada

¹⁰⁰John Kennair. “An Inconsistent Truth: Canadian Foreign Policy and the Northwest Passage.” *Vermont Law Review*, vol. 34, 2009, p. 24-25

through the British-North America Act in 1867, thus invoking the historical waters claim.¹⁰¹ Many Canadian scholars, such as Rob Huebert and Michael Byers and Suzanne Lalonde, have been quick to point out that, from a security point of view, the Northwest Passage would be more secure if it fell under Canadian jurisdiction as the Canadian government would be able to implement security measures that are stricter and more adapted to the region than if they fell under international law.¹⁰² Their analyses, however, focus on national and maritime security. In his analysis of the Northwest Passage sovereignty dispute, John Kennair makes a brief but important case for the necessity of Canadian authorities to get the passage officially recognized as internal waters in order to ensure more stringent environmental and human security standards in the Canadian Arctic.¹⁰³

Among the international community's reasons for seeking recognition of the passage as an international strait is the alternative route it provides. Not only does it shorten the transit time between Europe and Asia but it also allows vessels to weigh fifteen thousand tons more than they are allowed in the Panama Canal¹⁰⁴ and is a safer route than travelling through the pirate infested waters of the Malacca Strait and Indian Ocean.¹⁰⁵ Kennair observes that should the Northwest Passage be considered an international strait, Canada would be faced with the least favourable solution: having the International Maritime Organisation (IMO) as regulating body. According to

¹⁰¹ *Ibid.* P. 25.

¹⁰² See "Who Controls the Northwest Passage" by Byers and Lalonde; "Who Owns the Arctic" by Byers; "Canadian Arctic Maritime Security: The Return to Canada's Third Ocean" by Huebert; "Renaissance in Canadian Arctic Security" by Huebert.

¹⁰³ Kennair, *op. cit.*, p. 28.

¹⁰⁴ Holland, *op. cit.*, p. 83.

¹⁰⁵ Byers, 2013, *op. cit.*

him, this would entail that “there would be too much non-Arctic state influence on creating regulations.”¹⁰⁶

Even though the international community broadly recognises that the islands forming the Arctic Archipelago fall under Canadian jurisdiction, the majority of nations contest that the Northwest Passage should be included in Canada’s internal waters. Among the actors opposed to recognizing the Northwest Passage as part of Canada’s internal waters are the United States and most of the members of the European Union. They argue that the Northwest Passage is an international strait and also refer to UNCLOS to back their claim. As stated in article 34, in order to consider a passage as an international strait, it must be subject to functional and geographical criteria. From a geographical perspective, an international strait must link two bodies of the high seas. The Northwest Passage could therefore be considered as an international strait because it links the Davis Strait (East) to the Beaufort Sea (West). From a functional point of view, an international strait must be considered to be a useful naval route and must attract enough traffic and transits. Being considered “potentially useful” is not sufficient to be recognized as an international strait.¹⁰⁷ Partisans of the international strait claim to be defending the principle of freedom of navigation and the right of innocent passage.¹⁰⁸

Coastal states bordering international straits do not control these waterways and cannot restrict the vessels’ right of innocent passage.¹⁰⁹ The right of innocent passage enables foreign vessels to go as far as the territorial sea¹¹⁰, must be uninterrupted¹¹¹ and must not violate or

¹⁰⁶Kennair, *op. cit.*

¹⁰⁷United Nations – Treaty Series, *op. cit.*, art. 34.

¹⁰⁸Bill Romkey & Ethel Cochrane, *Controlling Canada’s Arctic Waters : Role of the Canadian Coast Guards*, presented to the Canadian Senate, December 2009, p. 8.

¹⁰⁹Kennair, *op. cit.*, p. 4.

¹¹⁰United Nations – Treaty Series, *op. cit.*, art. 17.

¹¹¹*Ibid*, art. 18.

jeopardise the coastal state's peace or security.¹¹² If the international strait claim was officially accepted by the international community, any vessel, including warships, would benefit from that same right of passage as they do in the high seas when transiting through the Northwest Passage. They would not be required to inform anyone of their passage, they would not have to request the rights of passage and submarines would not need to surface to alert coastal authorities.¹¹³ These conditions could be cause for concern for the Canadian authorities.

3.3 The Beaufort Sea dispute

The Beaufort Sea dispute between Canada and the United States consists of a contested delimitation of the maritime boundary where the Alaskan coast meets the Yukon coast and extends to the EEZ. There had been an upsurge of interest around the Beaufort Sea delimitation in the 1970's as oil and gas companies were trying to figure out which authority was responsible for issuing permits in areas of interest for drilling and exploitation purposes. The boundary was first contested in 1976, when the American government challenged the delimitation that was used by the Canadian government to issue oil and gas concessions. A year later, the dispute was concretized when both Canada and the United States defined their exclusive fishing zones and used different lines to demarcate the border.¹¹⁴

Canada's official position is that the maritime boundary is the 141°W meridian while the United States' position is that the boundary should be drawn by employing the equidistance method: "where every point on the line is an equal distance from the nearest point on the coasts

¹¹²*Ibid*, art. 19.

¹¹³Romkey & Cochrane, *op. cit.*, p. 16.

¹¹⁴Byers, 2013, *op. cit.*, p. 58.

on either side”.¹¹⁵ These two methods of drawing the boundary thus result in an overlapping area of roughly 6250 square nautical miles (see figure 3.3).¹¹⁶ Canada backs its claim with three arguments: the use of the 141st meridian as the geographic coordinate in a boundary treaty, the sector principle, and evidence based on the practice of both states.

Figure 3.3: Beaufort Sea dispute



Source: Byers, Michael, *International Law and the Arctic*, Cambridge, Cambridge University Press, 2013.

¹¹⁵ *Ibid*, p. 59.

¹¹⁶ Alex G. Oude Elferink, "Arctic Maritime Delimitations" in *The Law of the Sea and Polar Maritime Delimitations and Jurisdiction*, Alex G. Oude Elferink & Donald, R. Rothwell (eds), The Hague, Martinus Nijhoff Publishers, 2001, p. 190.

The boundary treaty in question is the 1824 Treaty of Saint Petersburg, signed by Great Britain and Russia. In 1741, Vitus Bering set out on his second journey from Kamchatka, Russia, to attempt to reach North America from the Asiatic side of the globe. Unlike his first attempt, this voyage was a success as the explorers reached Alaska and the Aleutian Islands. It wasn't long before the Russians established some settlements and trading camps in what we know today as Alaska. In 1799, Russian Emperor Paul I issued an ukase (an edict) granting the Russian American Company, a consolidation of the Russian trading companies, a monopoly over all enterprises such as hunting, trading, settlement and industry over what they called Russian America and which extended on the coast of America north of 55°N latitude, all the way across the northern Pacific and southwards to Japan. The ukase also granted the Russian American Company the right to explore and take possession of newly discovered lands that weren't the property of another nation. The trading company therefore became very involved in fur seal trade, whaling and fishing in the region. This, however, did not sit well with the British and American governments who protested the ukase.¹¹⁷

In 1825, the Treaty of Saint Petersburg was signed between Britain and Russia. The treaty, which was originally written in French, sets the eastern border of Alaska at the 141°W meridian in Article III (for English translation, see footnote):

La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur la Côte du Continent et les Îles de l'Amérique Nord Ouest, sera tracée ainsi qu'il suit : À partir du Point le plus méridional de l'Île dite *Prince of Wales*, lequel Point se trouve sous la parallèle du 54me degré 40 minutes de latitude Nord, et entre le 131me et le 133me degré de longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord le long de la passe dite *Portland Channel*, jusqu'au Point de la terre ferme où elle atteint le 56me degré de latitude Nord: de ce point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la Côte, jusqu'au point d'intersection du 141me degré de longitude Ouest (même Méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du

¹¹⁷ Gordon W. Smith & Whitney Lackenbauer (eds.), *A Historical and Legal Study of Sovereignty in the Canadian North*, Calgary, University of Calgary Press, 2014, p. 71-73.

141^{me} degré formera, dans son prolongement jusqu'à, la mer Glaciale, la limite entre les Possessions Russes et Britanniques sur le Continent de l'Amérique Nord Ouest.¹¹⁸

Furthermore, Article IV of that same treaty states that:

partout où la crête des montagnes qui s'étendent dans une direction parallèle à la Côte depuis le 56^{me} degré de latitude Nord au point d'intersection du 141^{me} degré de longitude Ouest, se trouveroit à la distance de plus de dix lieues marines de l'Océan, la limite entre les Possessions Britanniques et la lisière de Côte mentionnée ci-dessus comme devant appartenir à La Russie, sera formée par une ligne parallèle aux sinuosités de la Côte, et qui ne pourra jamais en être éloignée que de dix lieues marines.¹¹⁹

The rights granted to Russia by this treaty were passed down to the United States when they purchased Alaska in 1867. In a similar fashion, Canada acquired Great Britain's rights in 1880. To this day, Canada claims that, as stated in the Treaty of Saint Petersburg, the delimitation of Alaska and therefore of Canada's jurisdiction over the Beaufort Sea is set at the 141°W meridian and progresses in a straight line north. The United States however argue that the

¹¹⁸ Traité de Saint-Pétersbourg, Convention entre la Grande-Bretagne et la Russie, February 16, 1825, 75*Consolidated Treaty Series* 95, article III.

English translation from Foreign Office, *British and Foreign State Papers, Volume 12*, London, James Ridgway and Sons, Piccadilly, 1846, p. 39-40: "The line of demarcation between the Possessions of the High Contracting Parties, upon the Coast of the Continent, and the Islands of America to the North-West, shall be drawn in the manner following : Commencing from the Southernmost Point of the Island called *Prince of Wales* Island, which Point lies in the parallel of 54 degrees 40 minutes North latitude, and between the 131st and 133rd degree of West longitude (Meridian of Greenwich), the said line shall ascend to the North along the Channel called *Portland Channel*, as far as the Point of the Continent where it strikes the 56th degree of North latitude; from the last-mentioned Point, the line of demarcation shall follow the summit of the mountains situated parallel to the Coast, as far as the point of intersection of the 141st degree of West longitude (of the same Meridian); and, finally, from the said point of intersection, the said Meridian Line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British Possessions on the Continent of America to the North-West." As translated in ¹¹⁹*Ibid*, article IV.

English translation from Foreign Office, *British and Foreign State Papers, Volume 12*, London, James Ridgway and Sons, Piccadilly, 1846, p. 40-41: "wherever the summit of the mountains which extend in a direction parallel to the Coast, from the 141st degree of West longitude, shall prove to be at the distance of more than ten marine leagues from the Ocean, the limit between the British Possessions and the line of Coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the Coast, and which shall never exceed the distance of ten marine leagues there from."

delimitation set by the treaty only applies to land and that the maritime boundary should rather be drawn in accordance to the equidistance line principle.¹²⁰

Canada's second argument to support its sovereignty claim over the Beaufort Sea is the sector theory. Formulated by Senator Poirier in 1907, the sector theory stipulates that "a country whose possession today goes up to the Arctic regions [...] has a right to all the lands that are to be found in the waters between a line extending from its eastern extremity north, and another line extending from the western extremity north".¹²¹ However, as stated by Joyner, the sector theory does not provide a legal basis and, although it was intended to accommodate states' territorial claims in the Arctic, this theory alone has not proven to have enough weight to secure said claims.¹²²

Finally, Canada's third argument is based on the practice of both States in the region. Canada has used the 141°W meridian as its boundary in many instruments and policies such as oil permits or the Arctic Waters Pollution Prevention Act (AWPPA). Furthermore, the fact that the United States did not protest this delimitation until 1976 gives weight to the Canadian sovereignty claim over that specific region.¹²³

Although the disputed region in the Beaufort Sea is only a relatively small wedge on the map, it is a region of great economic importance. According to Canada's National Energy Board, the seabed below the disputed area in the Beaufort Sea is extremely rich in natural resources. It is estimated that it contains about 1 billion cubic metres of oil and 1.7 billion cubic metres of gas

¹²⁰ Byers, 2013, *op. cit.*, p. 59.

¹²¹ F. M. Auburn, *The Ross Dependency*, The Hague, Martinus Nijhoff, 1972, p. 24.

¹²² Christopher Joyner, "The Status of Ice in International Law" in *The Law of the Sea and Polar Maritime Delimitations and Jurisdiction*, Alex G. Oude Elferink & Donald, R. Rothwell (eds), The Hague, Martinus Nijhoff Publishers, 2001, p. 26.

¹²³ Elferink, "Arctic Maritime Delimitations", *op. cit.*, p. 191-192.

(enough to supply Canada for roughly twenty years).¹²⁴ Hydrocarbons and drilling rights are not the only incentives in securing this claim: enforcement of fishing and anti-pollution regulations are also important items on the Canadian government's agenda.¹²⁵

3.4 The Hans Island Dispute

The dispute over Hans Island is the only sovereignty dispute over land in the Arctic. The island, which is claimed by both Canada and Denmark, is located between Ellesmere Island and Greenland, south of the 81st parallel. Since 1973, both the Canadian and Danish governments have agreed to disagree over the ownership of this 1.3-square-kilometer unpopulated island.¹²⁶ This disagreement, which remained fairly quiet and amicable for three decades and mainly took the form of Danish and Canadian military and research teams taking turns planting their respective country's flags and leaving bottles of Danish schnapps and Canadian Club whiskey on the island. Canada's claim over Hans Island, similar to the Beaufort Sea and Northwest Passage, is based on the transfer of North America's high Arctic islands from Great Britain to Canada in the 1880s¹²⁷, while Denmark's claim relies on the use of Hans Island by the Greenlandic Inuit population.¹²⁸

In 1973, the Agreement between the Government of the Kingdom of Denmark and the Government of Canada relating to the Delimitation of the Continental Shelf was signed by both

¹²⁴ Sian Griffiths. "US-Canada Arctic Border Dispute Key to Maritime Riches", BBC News, August 2, 2010, <http://www.bbc.com/news/world-us-canada-10834006>.

¹²⁵ Grant, 2010, *op. cit.*, p. 454.

¹²⁶ Peter Pigott, *From Far and Wide: A Complete History of Canada's Arctic Sovereignty*, Toronto, Dundurn Publishing, 2011, p. 285.

¹²⁷ Byers, 2013, *op. cit.*, p. 12.

¹²⁸ Byers, 2009, *op. cit.*, p. 25.

parties. Because of the sovereignty dispute over Hans Island, a portion of the boundary in the Kennedy Channel has not been delimited and has been left blank. This section, which remains blank to this day, is about 1km in diameter and roughly stops 300m south and 300m north of the island.¹²⁹

However, in 2005, Canadian Minister of National Defence Bill Graham made a highly publicized sovereignty statement by setting foot on Hans Island, thus triggering a diplomatic and media frenzy. Danish officials for their part issued a letter of protest to the Canadian government but the media and commentators blew the event out of proportion and sparked what Whitney Lackenbauer referred to as an ‘alarmist fanfare’ over Hans Island:

Denmark and Canada quietly disagreed over ownership of the tiny uninhabited island for more than three decades before political theatre and hyperbolic rhetoric created a “crisis” that some commentators portrayed as the opening salvo in a coming boundary war [...] Journalists and scholars who have downplayed the positive relationship in lieu of more sensationalist and sinister readings of Danish intentions are irresponsibly charting a collision course that does not – and need not – exist.¹³⁰

In a similar fashion, Michael Byers warned about this alarmist mentality and stated that, contrary to popular belief, the outcome of the settlement of the sovereignty dispute over Hans Island would not have significant implications for Canada’s other Arctic sovereignty claims in the Northwest Passage and in the Beaufort Sea.¹³¹ This suggests a very different opinion than that of Rob Huebert, an expert on Arctic security and strategic studies, who stipulated that despite having very little immediate economic impact, the outcome of the Hans Island dispute has the potential to jeopardize Canada’s other claims in the Arctic by weakening Canada’s

¹²⁹Elferink, “Arctic Maritime Delimitations”, *op. cit.*, p. 181-182.

¹³⁰Lackenbauer, 2011, *op. cit.*, 119-120.

¹³¹Byers, 2013, *op. cit.*

position.¹³² As confirmed by Lajeunesse and Exner-Pirot, should Canada lose the Hans Island dispute, the country's Arctic sovereignty claims as a whole would potentially be affected as it would weaken Canada's negotiating position for the NWP and the Beaufort Sea: "in losing sovereignty, either through negotiation or arbitration, a government can (and in this case probably would) appear weak. At the very least it would offer political opponents grounds to accuse the government of being either unable or unwilling to guard the national interest".¹³³

In 2007, CBC News reported that satellite imagery taken by modern mapping technology suggested that the international boundary line ran through the middle of the island, contrary to previous belief that it ran east of the island, adding what some feared would be another layer of complications for the Canadian claim.¹³⁴ However, due to the 1973 agreement, this new boundary had very little legal repercussions for the Canadian claim. Later that year, Canada published an official statement on Canadian Arctic Sovereignty in which officials recognized that the outcome of the Hans Island dispute would have a relatively small impact for Canada "[b]ecause of the 1973 agreement, the area at stake is rather limited. The likely impact would be that the line separating Danish from Canadian waters would include part of the island and a maritime zone surrounding it".¹³⁵ The maritime zone would be drawn according to the UNCLOS maritime delimitation, based on a baseline drawn along the island. Canada's position regarding the outcome of the Hans island dispute confirms that the Canadian government did not buy into the alarmist mentality and did not let the issue escalate further.

¹³²Kim Mackrael, "Canada, Denmark closer to settling border dispute", *The Globe and Mail*, November 29, 2012, updated May 9, 2018, <https://www.theglobeandmail.com/news/national/canada-denmark-closer-to-settling-border-dispute/article5831571/?page=all>.

¹³³Adam Lajeunesse & Heather Exner-Pirot, "Hans Island: A Housewarming Gift?", *Papers in Northern & Maritime Security*, No. 3, (June 2018), p. 9.

¹³⁴The Canadian Press, "Satellite imagery moves Hans Island boundary: report", *CBC News*, July 26, 2007, <http://www.cbc.ca/news/technology/satellite-imagery-moves-hans-island-boundary-report-1.684285>.

¹³⁵Dufresne, 2007, *op. cit.*, p. 6.

Hans Island however remains an important sovereignty claim. Since neither country wants to have Hans Island's fate decided by a panel of judges, they both agreed that cooperation is of the essence, as it traditionally has been in the rest of the circumpolar Arctic. Among options for resolution is to split the island in half where each country has jurisdiction over its half or the option to turn the island into a condominium where both countries share sovereignty over the island. If the island were to be split in half, Canada would share a small albeit potentially economically significant land border with Europe.¹³⁶ Both countries are still actively collaborating in order to settle the dispute and have announced in May 2018 the establishment of a Joint Task Force on Boundary Issues in the Arctic. In the declaration, Anders Samuelsen, Denmark's Minister for Foreign Affairs, stated that the joint task force was "very much in the spirit of the Ilulissat Declaration".¹³⁷ The Ilulissat Declaration aims to protect vulnerable Arctic ecosystems and the livelihoods of Arctic communities against the threats of climate change and the melting of Arctic sea ice.

3.5 The Manhattan Incident

On September 2nd, 1969 SS Manhattan, an American ice-strengthened tanker, undertook a journey through the Northwest Passage (NWP), thus becoming the first commercial ship to successfully transit through this perilous Arctic waterway.¹³⁸ The goal of the voyage was to determine if the passageway could be used to transport Alaskan oil to the American East Coast

¹³⁶Byers, 2009, *op. cit.*, p. 30.

¹³⁷Global Affairs Canada, "Canada and the Kingdom of Denmark (with Greenland) announce the establishment of a Joint Task Force on Boundary Issues", Government of Canada, 2018, [online]<https://www.canada.ca/en/global-affairs/news/2018/05/canada-and-the-kingdom-of-denmark-with-greenland-announce-the-establishment-of-a-joint-task-force-on-boundary-issues.html>.

¹³⁸ Philip J. Briggs, "The Polar Sea Voyage and the Northwest Passage Dispute", *Armed Forces & Society*, vol.16 no, 3, 1990, p, 439.

and to Europe, as there had been an oil reserve discovery on the north slope of Alaska in the late 1960s. At the time, the American government was trying to determine whether the oil should be transported by pipeline or by ship and if the NWP offered a viable route.¹³⁹ As previously mentioned, the main motivation for navigating through the NWP is that it considerably shortens the transit time between Europe and Asia,¹⁴⁰ but it also allows vessels to weigh fifteen thousand tons more than is allowed in the Panama Canal¹⁴¹ and is a safer route than travelling through the pirate infested waters of the Malacca Strait and Indian Ocean.¹⁴² Transiting through the Northwest Passage was, however, a controversial decision and was seen by the public as a statement from the American government on the sovereignty of the waterway.

Exxon, the owner of SS Manhattan, had sought and received permission from the Canadian authorities to transit through the NWP. However, an American ice-breaker escorted the Manhattan through the passage and the American authorities had not requested permission from their Canadian counterparts to transit through. Even though Canada's position on the matter is that the passage is considered part of its internal waters and therefore falls under its jurisdiction, Canadian authorities announced that it granted permission to SS Manhattan to transit through.¹⁴³ This decision was taken in an effort to not compromise its sovereignty on the waterway and to prevent a conflict between both countries based on sovereignty claims.

Despite this, the voyage sparked outrage amongst the Canadian public, as they claimed that it was a clear threat to Canada's sovereignty and territorial integrity. Nevertheless, SS

¹³⁹Rob Huebert, "Article 234 and Marine Pollution Jurisdiction in the Arctic" in *The Law of the Sea and Polar Maritime Delimitation and Jurisdiction*, Alex G. Oude Elferink & Donald, R. Rothwell (eds), The Hague, Martinus Nijhoff Publishers, 2001, p. 252.

¹⁴⁰Nicholas C. Howson, "Breaking the Ice: The Canadian-American Dispute over the Arctic's Northwest Passage", *Berkeley Law Scholarship Repository*, 1987, p. 348.

¹⁴¹Holland, *op. cit.*, p. 83.

¹⁴²Byers, 2013, *op. cit.*

¹⁴³Griffiths, 1999, *op. cit.*, p. 123.

Manhattan proceeded to transit through the NWP and the 13 day voyage ended. The voyage did not go as smoothly as anticipated and it was only with the help of Canadian and American icebreakers that the perilous voyage ended up being successful, despite the great difficulty of the tanker to navigate through the ice-covered Arctic waters.¹⁴⁴

Five months later, on February 4th, 1970, SS Arrow, a Liberian oil tanker was travelling off the shores of Nova Scotia. After running aground, SS Arrow spilled over 10,000 tonnes of oil into Chedabucto Bay. To this day, this incident remains the biggest and most important oil spill off Canada's East Coast.¹⁴⁵ This spill only increased both the Canadian public and authorities' concerns about the Arctic being used as a shipping route for tankers:

The *Arrow* incident in Nova Scotia highlighted that dealing with an oil spill is an extremely difficult task in an accessible place like Nova Scotia on Canada's East Coast. In the more isolated Arctic region, however, dealing with an oil spill could be next to impossible depending on its location and time of year.¹⁴⁶

Furthermore, the memory of the massive oil spill caused by SS Torrey Canyon, a British Petroleum supertanker off the shores of the Cornwall coast in Britain and the ecological consequences only fuelled the fear of such a disaster happening in Canadian Arctic waters, as traffic in these waterways was expected to increase in the coming years. It became clear that something had to be done in order to protect the region from such environmental threats.¹⁴⁷

This, however, was not a new item on the Canadian government's agenda as it had already voiced its concern to the international community regarding the threat of oil spills in its Arctic waters. During the first set of negotiations of UNCLOS I in the 1950s, Canada had

¹⁴⁴Briggs, *op. cit.*, p. 339.

¹⁴⁵Burke, 2018, *op. cit.*, 2018, p. 42.

¹⁴⁶Burke, 2017, *op. cit.*, p. 42.

¹⁴⁷Pigott, *op. cit.*, p. 242.

attempted to change maritime jurisdictional boundaries for environmental and fishing purposes but this proposal was rejected. Later, in the early 1960s, as UNCLOS II was being negotiated, the Canadian government once again attempted to alter the interpretation of coastal jurisdiction boundaries but failed for a second time.¹⁴⁸ The maritime delimitations remained the same, thus limiting Canada's jurisdictional rights over its exclusive economic zone. This limitation proved to be an obstacle to the Canadian government's governance over its Arctic waters as it felt the need to reinforce its presence and impose strict regulations for vessels transiting through the Arctic in order to ensure environmental protection in the region.

Following the Manhattan and the Arrow incidents, it became clear to the Canadian authorities that more had to be done to protect the pristine Arctic environment from oil spills and other threats. Since its previous efforts to bring such issues to the attention of the international community in order to adapt the existing legal framework had failed, the Canadian government became "disillusioned and frustrated"¹⁴⁹ and decided to take a bolder approach to protect its Arctic waters from environmental degradation.

3.6 The Arctic Waters Pollution Prevention Act

Due to the lack of international support that Canada had received during the UNCLOS I & II negotiations, the Canadian government decided to adopt a different approach and opted for a unilateral approach instead. The decision taken by the Trudeau government at the time was to introduce a new piece of legislation in 1970: the Arctic Waters Pollution Prevention Act

¹⁴⁸Burke, 2017, *op. cit.*, p. 41.

¹⁴⁹*Ibid*, p. 42.

(AWPPA).¹⁵⁰ This legislation was the first of its kind: its goal was to establish a pollution prevention zone in Canada's Arctic waters in order to prevent disasters such as oil spills from occurring in the region, as well as ensuring the protection of the marine environment.¹⁵¹ The pollution prevention zone, which is still in effect today, extends out to 100 nautical miles from the nearest coast and includes ice-covered waters. The Act also sets strict regulations such as environmental and safety standards for vessels transiting through these waters, as well as for development taking place on coastal land. These regulations include shipping safety and control zones, hull construction requirements, oil transfer guidelines, and can prescribe Coast Guard escorts for transit.¹⁵²

The implementation of the AWPPA was however very controversial and was perceived as outrageous by the American authorities. The reason for this was that the Act exceeded coastal states' rights according to international law at the time.¹⁵³ The AWPPA did indeed contravene international law as it by far exceeded the country's 12 nautical mile jurisdiction over its territorial sea. As mentioned beforehand, states have limited jurisdiction in their contiguous zone for customs, sanitary and immigration regulation purposes, but even if we could consider the AWPPA as applying to the contiguous zone's limited jurisdiction, the 100 nautical miles again far exceeded the maritime boundary set at 24 nautical miles. By granting itself the right to interfere in voyages in the name of the environment, the Canadian government violated the

¹⁵⁰Griffiths, 1999, *op. cit.*, p. 124.

¹⁵¹Burke, 2018, *op. cit.*, p. 140.

¹⁵²Griffiths, 1999, *op. cit.*, p. 124.

¹⁵³Lackenbauer, 2011, *op. cit.*, p. 77.

principle of right of innocent passage¹⁵⁴ which, as defined by UNCLOS, allows ships from all states the right to transit through the territorial sea of any coastal state.¹⁵⁵

Furthermore, the Canadian government did not allow the International Court of Justice (ICJ) to rule on the legality of the Act. It therefore opted out of the jurisdiction of the ICJ, preventing it from taking a position and ruling on the legality of the AWPPA:

The Canadian Government argued that it was forging a new law that lacked precedent, but that the law was necessary for the protection of the Arctic's unique environmental conditions and it would not allow the ICJ to prevent its efforts due to outdated international maritime law.¹⁵⁶

Using this rationale, the Canadian government positioned itself in a way that explicitly stated that it had a moral responsibility to protect the Arctic waters.¹⁵⁷ While the United States called out the Canadian government for exceeding its jurisdictional rights and violating international law with the AWPPA, the Canadian government did not back down and went on to propose the adoption of the AWPPA regulations within UNCLOS III as it was being negotiated.¹⁵⁸ Most of the negotiations took place between Canada, the United States and the USSR and, in the end, the case made by Canada for the protection of its Arctic waters resonated with the goals of the negotiations. The principles of the non-discriminatory coastal state regulation over ice-covered waters of the AWPPA were incorporated in the Convention as *Article 234 – Ice-covered areas*¹⁵⁹:

Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered

¹⁵⁴ Burke, 2018, *op. cit.*, p. 141.

¹⁵⁵ United Nations – Treaty Series, *op. cit.*, article 17.

¹⁵⁶ Burke, 2017, *op. cit.*, p. 46.

¹⁵⁷ Burke, 2018, *op. cit.*, p. 141.

¹⁵⁸ Griffiths, 1999, *op. cit.*, p. 124.

¹⁵⁹ Lackenbauer, 2011, *op. cit.*, p. 77.

areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions and exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence.¹⁶⁰

This was a real victory for the Canadian government, which proceeded to proclaim itself steward of the Arctic's environment.

Canada's effort to secure its Arctic waters through the implementation of the AWPPA is an example of a successful securitization of an environmental issue. The risks of pollution and oil spills in the Arctic waters are direct threats to the region's environment and ecosystem.

This reflects an ecological discourse of environmental security. In this case, oil spills and environmental degradation were presented as major threats and there was a strong emotional response from the Canadian public, making this issue not only political, but also a public concern.

Even though no oil spill had occurred in the Canadian Arctic, the issue was nevertheless defined as an environmental issue that needed to be securitized. In her article "Leading by Example: Canada and its Arctic Stewardship Role", Danita Catherine Burke presents a discourse analysis of how the issue was framed in the media and suggests that the protection of the Arctic's environment was widely approved by the Canadian public. The government, which had politicized the event through speech acts, therefore proceeded to securitize the issue by taking exceptional measures and contravened international law in order to protect its Arctic environment.

¹⁶⁰United Nations – Treaty Series, *op. cit.*, article 234.

Taking a look at the political agenda of the securitizing move as defined by Buzan *et al*¹⁶¹, all three elements are present. It is clear that the state ensured public awareness of the issue on the scientific agenda (i.e. the Arctic's environment at risk of environmental degradation). The state also accepted, and made it its responsibility to deal with the issue, setting the stage for eventually becoming steward of the Arctic. Finally, as a result of the measures taken by the Canadian government which contravened international law, the state had to manage the political questions and contestation that arose from the situation. Supported by the scientific agenda, which helped to strengthen the argumentation for a securitizing move by providing empirical evidence of the threat, the political agenda set the tone for the securitization of the Arctic's environment.

Figure 3.4 *The Political Agenda: Securitization and the Implementation of the AWPPA*



The four components of securitization¹⁶² can also be easily identified in the process of implementing the AWPPA. The Canadian government decided to act as a securitizing actor where threats of oil spills, pollution and environmental degradation were increasingly worrisome in the Canadian Arctic. Despite not necessarily being existential threats, the environmental issues

¹⁶¹Buzan *et al. op. cit.*, p. 72.

¹⁶²*Ibid*, p. 5.

were severe enough to generate a strong response and a feeling of urgency to resolve them. For this reason, the fragile Arctic waters and environment were the referent object which necessitated additional security measures in order to mitigate the threats. Finally, the audience was the Canadian public. It can therefore be said that through a process of securitization, Canada contravened international law to bring environmental security to the forefront of international negotiations.

Figure 3.5 The Four Components of Securitization for the implementation of the AWPPA

Securitizing Actor	Threat	Referent Object	Audience
<ul style="list-style-type: none"> • Canadian Government 	<ul style="list-style-type: none"> • Oil Spills • Pollution • Environmental Degradation 	<ul style="list-style-type: none"> • Arctic Environment, fauna and flora • Arctic Ocean 	<ul style="list-style-type: none"> • Canadian Public • International community

Although the establishment of the AWPPA was not intended to be a declaration of Canadian sovereignty over the contested Arctic waters of the Northwest Passage, Burke explains that the Act itself later came to be a symbol and key feature of Canadian Arctic sovereignty and of its jurisdictional framework over the Arctic Archipelago and its coastal waters.¹⁶³ As the government put forth the AWPPA, it framed the legislation as a necessity and responsibility in the name of environmental protection rather than a “self-serving endeavour” and as an alternative to making a statement of assertion of sovereignty over the contested Northwest

¹⁶³ Burke, 2018, *op. cit.*, p. 44.

Passage.¹⁶⁴ As Adam Lajeunesse explains, the Canadian government chose to take progressive measures in order to portray its response to Arctic environmental threats as “constructive rather than acquisitive”.¹⁶⁵ Nevertheless, the AWPPA did grant Canada further rights and extended its jurisdiction by 88 nautical miles in the Arctic Ocean: “unilateral environmental legislation enabled the government to assert powers commonly associated with sovereignty without ever making a formal assertion”.¹⁶⁶ The Act was therefore well received by the Canadian public and by much of the international community (mainly by non-stakeholders) and solidified Canada’s role at the time as an environmental leader as it proclaimed itself steward of the Arctic’s environment. In August 2009, as the AWPPA was reviewed, and the zone of application was extended from 100 nautical miles to 200 nautical miles, thus further expanding Canada’s jurisdiction over these waters.¹⁶⁷

Conclusion

This chapter has briefly described the UNCLOS process and the maritime laws and delimitations that came out of this lengthy negotiation process. Canada’s three sovereignty claims in the Arctic have been briefly outlined in order to present their historical, economic, diplomatic and legal complexities. This enables us to understand the intricacies that link sovereignty claims to environmental protection through securitizing acts such as the implementation of the AWPPA following the Manhattan Incident. The following chapters will

¹⁶⁴*Ibid*, p. 45.

¹⁶⁵Adam Lajeunesse, *Lock Stock and Iceberg: A History of Canada’s Arctic Maritime Sovereignty*, Vancouver, UBC Press, 2016, p. 164.

¹⁶⁶*Ibid*, p. 163.

¹⁶⁷Transport Canada, “Pollution Prevention in the Canadian Arctic”, [Online] <https://www.tc.gc.ca/eng/marinesafety/debs-arctic-environment-pollution-496.htm>, consulted on June 19, 2018.

build on the information provided in this chapter to further understand how these claims are connected to environmental security and stewardship and how the Canadian government has built on this securitizing move to develop its Arctic foreign policy.

Chapter 4 Linking the Environmental Protection Discourse to Canada's Sovereignty Claims

*“When it comes to the Canadian Arctic, Canadians have a choice: either we use it or we lose it”
- Stephen Harper*

This chapter is divided in two sections. The first one builds on the Copenhagen school's definition of environmental security to explore how Canada initially developed a Northern strategy based on stewardship and environmental protection to support its sovereignty claims. It provides an overview of the implementation of the Northern Dimension of Canada's Foreign Policy under the Chrétien and Martin governments, as well as the implementation of Canada's Northern Strategy and the Statement on Canada's Arctic Foreign Policy under the Harper government. Looking into these policies will serve to demonstrate how Canada's argument about Arctic sovereignty and the environment have shifted over time since the implementation of the AWPPA. This section therefore traces the evolution of the environmental protection discourse within Canada's Arctic policies that were developed following the establishment of the AWPPA.

The second section contains the core of the discourse analysis which mainly focuses on the Harper years. When the Conservative government developed a new-found interest in Arctic sovereignty, questions of resource extraction (mainly hydrocarbon and mineral) and environmental management clashed. Through speeches, official statements and policies, the discourse analysis highlights the contradictory nature of simultaneously invoking environmental security to buttress sovereignty claims and the promotion of mineral and hydrocarbon extraction in the Arctic. By looking at the various investments made in the Canadian Arctic and the

Conservatives' Northern strategy and approach to foreign policies pertaining to the Arctic, this chapter explores whether or not environmental security in the Arctic has been used to buttress Canada's sovereignty claims in the North.

Finally, this chapter will illustrate the shift in Canada's Arctic policies in terms of securitization. Following the implementation of the AWPPA, the Arctic's environment was being securitized. However, when the Harper government came in office, we saw a switch where the environment itself was no longer the subject of securitization but rather the Arctic as a whole.

4.1 Developing a Northern Strategy based on Stewardship

Canada's self-appointed title of steward of the Arctic's environment is often invoked by government officials when discussing topics such as sovereignty, environmental management and protection, resource exploitation, economic activity or development in the Arctic. Authors and scholars also often refer to Canada's stewardship role within the literature on these subjects. However, as stated previously, very few sources actually address the topic in terms of how Canada came to adopt this role or whether or not it is still relevant to this day. It is therefore necessary to trace the influence of Canada's Arctic stewardship within its Northern Strategy back to its roots in order to understand how it has come to play a central part in Canada's Arctic policy.

Franklyn Griffiths describes stewardship as being "locally informed governance that not only polices but also shows respect and care for the natural environment and living things in it. Stewardship enhances national sovereignty in the conditions of natural and human

interdependence that prevail in the Arctic.”¹⁶⁸ It implies that measures are taken to promote sustainability and environmental protection. In the case of the Canadian Arctic, this notion of stewardship thus reinforces the sovereignty claims as a sense of responsibility is implied. The Canadian government therefore argues that it has a moral obligation to protect the Arctic’s environment and promote sustainability and uses this argument to support its claims over the contested waterways. Griffiths adds that in the context of the Arctic’s environment, when it comes to stewardship, “the knowing sovereign will act as a cooperative steward in seeking to maintain not only a local milieu conducive to possession in full, but also regional and global conditions favourable to human existence in an era of rapid climate change.”¹⁶⁹

Canada did not develop an official Northern Strategy until Stephen Harper was elected Prime Minister. However, the Canadian Government did publish policy statements and objectives for the Canadian Arctic and was in the process of developing a Northern Strategy under both the Chrétien and Martin governments. As global warming was increasingly being felt and the Arctic became more accessible, Arctic countries felt the necessity to develop policies that would protect their interests in circumpolar regions. The approach that was chosen by the Canadian government at the time was to set its goals and priorities in accordance with the legacy they desired: environmental stewardship, cooperation and strong diplomatic leadership through the active participation in the creation and implementation of international regulations, regional forums and multilateral agreements.

¹⁶⁸ Griffiths, 2009, *op. cit.*, p. 5.

¹⁶⁹ *Ibid.*

In 2000, the Chrétien government released *The Northern Dimension of Canada's Foreign Policy* (NDFP), a document outlining the country's overarching objectives regarding the Canadian Arctic. The four main pillars outlined in this document were

1. To enhance the security and prosperity of Canadians, especially northerners and Aboriginal peoples;
2. To assert and ensure the preservation of Canada's sovereignty in the North;
3. To establish the Circumpolar region as a vibrant geopolitical entity integrated into a rules-based international system; and
4. To promote the human security of northerners and the sustainable development of the Arctic.¹⁷⁰

Although there is no mention of environmental security in the four pillars, the document recognizes early on the necessity to halt and mitigate environmental degradation and acknowledges the conflicting nature of economic development and environmental protection in a region where hydrocarbon extraction, one of the main areas of economic development, generates climate change and global warming. Economic development through resource extraction of minerals and hydrocarbons generates environmental degradation and, if managed improperly, has the potential to create environmental catastrophes such as oil spills or mining waste failures. For this reason, there is a lot of emphasis on sustainable development, sustainable management of natural resources and environmental responsibility. In order to do so, the document emphasizes the need to develop "management/monitoring/enforcement regimes" by building on the AWPPA.¹⁷¹

¹⁷⁰ Department of Foreign Affairs and International Trade, *The Northern Dimension of Canada's Foreign Policy*, Canadian Governmental documents, June 8th 2000, p. 2.

¹⁷¹ Department of Foreign Affairs and International Trade, *The Northern Dimension of Canada's Foreign Policy*, *op. cit.*, p. 6-8.

This document presented a shift in Canada's Arctic foreign relations. Even though sovereignty remained a central pillar of the country's Arctic policies and territorial integrity is still seen as primordial, greater attention is given to environmental security and the possible impacts of environmental threats to human security:

The challenges mostly take the shape of transboundary environmental threats – persistent organic pollutants, climate change, nuclear waste – that are having dangerously increasing impacts on the health and vitality of human beings, northern lands, water and animal life.¹⁷² [...] In the past, much of Canada's attention to northern foreign relations has focussed on threats to sovereignty. Time has changed the nature and implication of those threats – cooperation has largely overshadowed boundary disputes in the North. Public concern about sovereignty issues has waned, but Canadians still want their governments to enforce their laws and regulations concerning the management of the North.¹⁷³

Another important point that is highlighted within this document is the crucial importance of international and regional cooperation due to the transboundary nature of the environmental threats. This cooperation is described as being vital to ensure the protection of the vulnerable circumpolar ecosystems and is promoted through active participation within the Arctic Council. The emphasis on international cooperation and legally binding international instruments as promising tools for environmental protection in the Arctic comes as no surprise since the document was published a mere four years after the establishment of the Arctic Council during the 1996 Ottawa Declaration, and as Canada was in the process of getting ready to ratify the Kyoto Protocol: “The global community has recognized the need to reduce and eliminate the long-range transport of pollutants, and it must cement its commitment through legally binding international protocols and agreements”.¹⁷⁴

¹⁷²*Ibid*, p. 1.

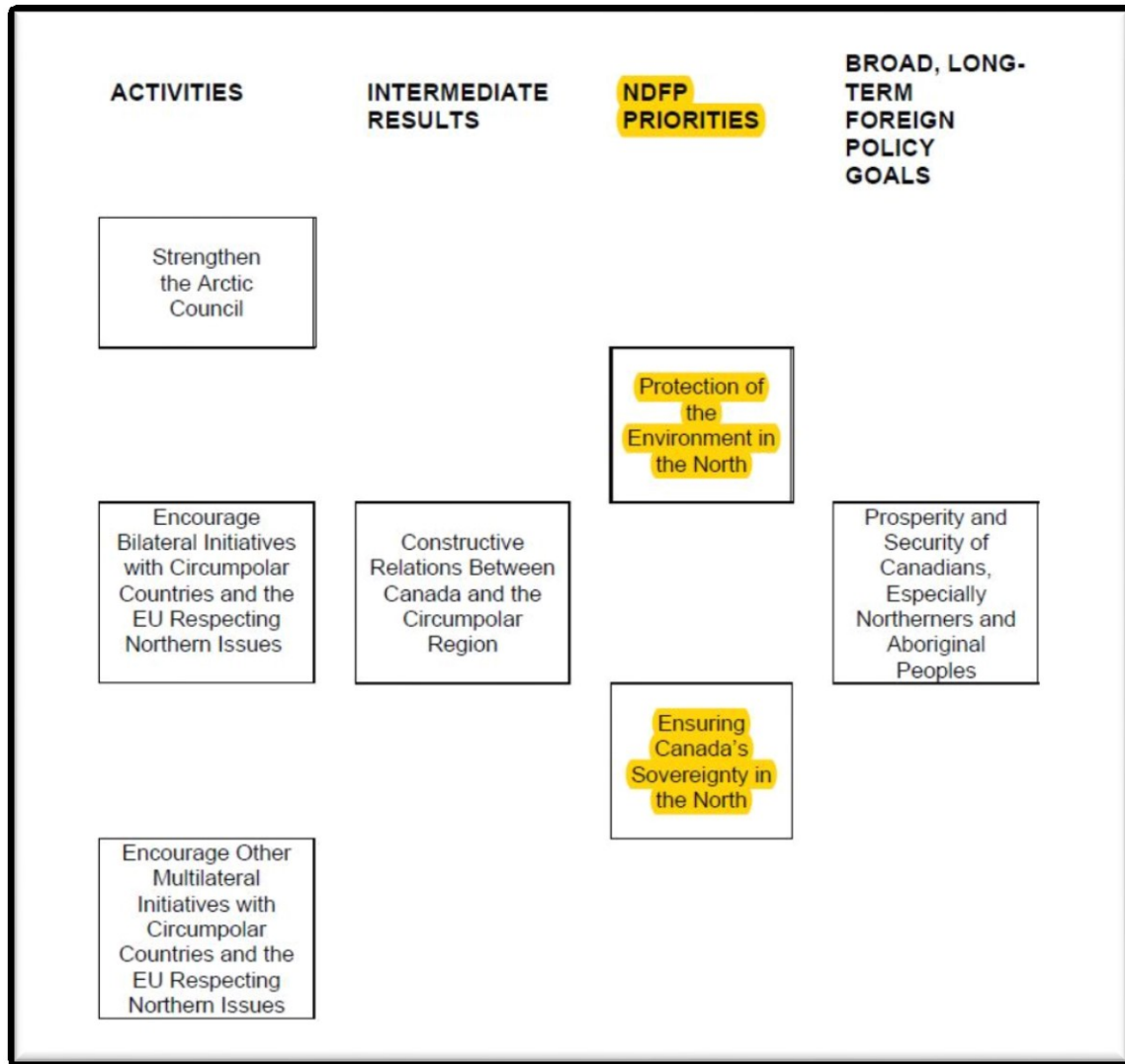
¹⁷³*Ibid*, p. 5.

¹⁷⁴*Ibid*, p. 8.

In 2005, five years after the publication of the NDFP, as the government was working out the details of a domestic Northern Strategy, Foreign Affairs Canada's Office of the Inspector General released a document titled *Strengthening Canada's Leadership and Influence in the Circumpolar World – Summative Evaluation of the Northern Dimension of Canada Foreign Policy*, which examined the effectiveness of the goals and objectives set in the NDFP. The outcome was clear: it is through meeting its commitments and by taking a leadership role that Canada should approach the question of developing its Northern Strategy. Based on the NDFP, the Canadian government reevaluated and adjusted its priorities for the Arctic and set the main domains of activity in order to meet its long-term goals (see figure 4.1). The two main priorities identified are the protection of the Arctic's environment and ensuring the country's sovereignty in the North.¹⁷⁵

¹⁷⁵Department of Foreign Affairs and International Trade, *The Northern Dimension of Canada's Foreign Policy*, *op. cit.*, p. 44.

Figure 4.1 NDFP Activities and Priorities, and Canada's Foreign Policy Objectives Respecting the North



Source: Foreign Affairs Canada Office of the Inspector General – Evaluation Division, *Strengthening Canada's Leadership and Influence in the Circumpolar World: Summative Evaluation of the Northern Dimension of Canada Foreign Policy*, Canadian Governmental Document, May 2005.

The themes of environmental protection and stewardship were also prominent within *Canada's Ocean Strategy: Our Oceans, Our Future*, a governmental publication that came out in 2002, which outlined Canada's policy for ocean management and coastal and marine ecosystem management. The importance of strong leadership and stewardship is highly reflected in the

Strategy's policy objectives which consist of understanding and protecting the marine environment, supporting sustainable economic opportunities and demonstrating strong international leadership.¹⁷⁶ Although government publications pertaining to the Arctic are rather limited under the Chrétien and Martin governments, the Liberals' position was clear: international co-operation is a useful and indispensable tool to promote environmental protection and exert stewardship and could in turn support and help secure the country's sovereignty claims: "the Northern Dimension of Canada's Foreign Policy will provide an ongoing framework for Canada to take a leadership role in the circumpolar world [...] to advance Canada's own interest regarding the Arctic and North that includes asserting our sovereignty and protecting the people and fragile environment of the Arctic".¹⁷⁷ It was therefore the government's position that through adopting a strong leadership role in regional forums such as the Arctic Council and by establishing the Circumpolar region into a rules-based international system that Canada could best defend its Arctic interests.

Drawing from and building on the AWPPA, the Arctic policies that were developed under the Liberal governments mentioned above illustrate that stewardship still played an important role in governing the Arctic. However, the NDFP illustrates a shift from using environmental protection to directly enhance sovereignty claims. The Liberals' framework relied strongly on international cooperation and had established its two main priorities for the Arctic: securing its sovereignty claims and ensuring environmental protection.

¹⁷⁶ Fisheries and Oceans Canada, *Canada's Oceans Strategy: Our Oceans, Our Future*, Canadian Governmental Publication, 2002, p. 21.

¹⁷⁷ Department of Foreign Affairs and International Trade, *The Northern Dimension of Canada's Foreign Policy*, *op. cit.*, p. 7.

4.2 Canada's Northern Strategy and Arctic Foreign Policy

When the Harper government was first elected in 2006, it made the Canadian Arctic one of the new government's priorities and amongst its top areas of interest. During the Harper years, Arctic sovereignty became a buzz word as the government put forth *Canada's Northern Strategy* and elaborated policies which aimed to not only resolve Canada's outstanding Arctic sovereignty disputes but also to protect and guarantee the country's territorial integrity. This renewed interest in Canada's North was emphasized as the prime minister embarked on highly publicized annual Arctic summer tours, promoting his government's new vision for the Arctic, announcing funding for special projects and military equipment, increasing surveillance and promoting an Arctic presence with his famous "use it or lose it" motto. This motto is a great example of a speech act which would serve to securitize the Arctic as a whole. While the Canadian public is still the audience as they are the ones who would primarily be concerned by a loss of sovereignty over the contested waterways and island, the message is also broadcasted to a larger audience, the international community, to pass on the message that through a securitization of the Arctic, Canada intends to defend its territorial integrity and sovereignty claims.

Although Harper's vision for the Arctic as stated in Canada's Northern Strategy does have similar pillars and objectives to those stated in the NDFP, his action plan was less centered on cooperation and more focussed on engaging in military exercises to not only assert Canada's presence in the Far North but also to demonstrate its ability to defend its Arctic territories to the international community. As confirmed by Whitney Lackenbauer, "Mr. Harper's team built its initial strategy around the problematic idea that Arctic sovereignty boils down to "use it or lose

it” – a simple way of differentiating his plans from the Liberals’ supposedly misguided emphasis on co-operative diplomacy and environmental stewardship.”¹⁷⁸

As previously mentioned, the goal of the discourse analysis that was conducted was to determine if and how environmental protection in the Arctic has been used to support Canada’s sovereignty claims. The Harper years offer a particular insight for this topic since Arctic governance and sovereignty were important topics on his political agenda. For this reason, the scope of this discourse analysis has been limited to his years in office: 2006 to 2015. The Harper government’s particular position on the topic has therefore been studied to determine whether or not the government has been using environmental protection as a soft form of influence to support its sovereignty claims in the Arctic. Many natural riches in the Arctic are rendered accessible due to the melting of the sea ice and new access to the sea floor. For this reason, particular attention was therefore accorded to the degree to which some of these economic opportunities that are made possible by climate change were promoted, despite the consequences that such activities have on the environment. Not only are activities such as hydrocarbon extraction made possible by global warming but they also, in turn, generate a significant share of greenhouse gases, thus increasing environmental risks in the Arctic. Promoting such economic activities while also making a claim for environmental protection and stewardship is therefore paradoxical. For this reason, it is important to call attention to these clashes within the discourse.

During his time in office, the Harper government published a series of documents that highlighted the importance of the Arctic. Among those are *Canada’s Northern Strategy* (CNS), which was published in 2009 and *Statement on Canada’s Arctic Foreign Policy* (CAFP), which

¹⁷⁸Whitney Lackenbauer, “Harper’s Arctic evolution”, *The Globe and Mail*, August 20, 2013, accessed July 18th, 2018, <https://www.theglobeandmail.com/opinion/harpers-arctic-evolution/article13852195/>.

came out a year later in 2010. These publications were consulted as part of a discourse analysis, along with Harper's speeches and Arctic-related policies, in order to highlight if and how the environmental protection discourse has been used as a soft form of influence to assert Canada's Arctic sovereignty claims.

While on his summer Arctic tours, Harper promoted Canada's Northern Strategy which, as developed in the government's CAFP is based on four pillars: exercising Canada's sovereignty, promoting social and economic development, protecting the Arctic's environmental heritage, and improving and devolving northern governance.¹⁷⁹ The policy developed under the Conservative government made environmental protection a central pillar of its Arctic policy. However, even though protecting the Arctic's environment stands as its own pillar within CAFP and is emphasized throughout CNS, it is overshadowed by the other three pillars: sovereignty, economic development and devolving governance. Furthermore, out of the four pillars, sovereignty is often presented as being a precondition to achieving the other three pillars. As Heather Smith points out, although all four pillars were presented as being equally important in CNS, CAFP "leaves little doubt that sovereignty is the most significant priority".¹⁸⁰

In an article where she analyses the various Arctic policies that were developed under Harper, Petra Dolata notes that while CNS does recognize the importance of protecting the Arctic's environment, it does not include policies or solutions which would directly address environmental degradation and climate change.¹⁸¹ Furthermore, environmental threats such as those posed by climate change and global warming are acknowledged as being problems

¹⁷⁹ Indian Affairs and Northern Development, *Canada's Northern Strategy: Our North, Our Heritage, Our Future*, Government of Canada, 2009.

¹⁸⁰ Heather Smith, "Choosing not to see: Canada, climate change and the Arctic." *International Journal*, vol. 65, 2010, p. 933.

¹⁸¹ Petra Dolata, "A New Canada in the Arctic? Arctic Policies Under Harper", *Études Canadiennes/Canadian Studies – Revue interdisciplinaire des études canadiennes en France*, vol. 78, 2015, p. 143.

originating from other parts of the world as CAFP fails to acknowledge the country's share of the blame in terms of GHG emissions and its shortcomings when it comes to the country's emission reduction targets. It is also interesting to note that the number of references to emission reductions drastically dropped within the literature on Arctic policies and sovereignty following Canada's withdrawal from the Kyoto Protocol in 2011.

In earlier speeches and governmental publications from 2006-2010 the policies initially tried to balance the government's economic development through resource extraction goals with environmental protection within the discourse. For instance, Harper's speeches about the Arctic had a strong focus on the rising costs of energy and Canada's role as an emerging energy superpower.¹⁸² As for the environmental protection pillar, it is often described as being implemented in the form of scientific research such as geomapping and mapping of the seafloor. However, these initiatives are described as benefitting the environment in some speeches¹⁸³ and in others they are described as falling under the economic development and resource extraction pillars as the research would enable economic growth via resource extraction.¹⁸⁴ The overall message however, was that the government relied on the oil and gas industries to "fuel the prosperity of our country for generations."¹⁸⁵

Finally, Smith makes an important point of highlighting the fact that despite not being one of the four pillars of CAFP, security plays an important role in Harper's Arctic policies: "realist constructions of security are deeply embedded in the Arctic discourse as sovereignty

¹⁸² Stephen Harper, "Prime Minister Harper bolsters Arctic sovereignty with science and infrastructure announcements", (speech), Churchill, MB, 5 October, 2007, <http://www.pm.gc.ca/eng/media.asp?category=2&id=1843>.

¹⁸³ Stephen Harper, "Prime Minister Harper announces the Geo-mapping for Northern Energy and Minerals Program", (speech), Ottawa, ON, August 26, 2008, <http://www.pm.gc.ca/eng/media.asp?category=2&id=2256>.

¹⁸⁴ Stephen Harper, "PM delivers remarks in Rankin Inlet, Nunavut" (speech), Rankin Inlet, NU, August 22, 2013.

¹⁸⁵ Stephen Harper, "Prime Minister Harper announces the Geo-mapping for Northern Energy and Minerals Program", *op. cit.*

claims are used in ways that prop up and reinforce the securitization in the Arctic.”¹⁸⁶ The securitization of the Arctic will therefore “inform” the Canadian public of what is at stake and what measures are to be taken in order protect it. In this case, increasing Canadian capacities in the Arctic “demonstrates Canada’s presence in the region and will also ensure that we are better prepared to respond to unforeseen events.”¹⁸⁷ Therefore, in this logic, Harper’s motto “use it or lose it” sends a strong message that sovereignty is at stake.

CAFP also stresses the need to protect the Arctic’s environment to the point of making it a central pillar. However, under the sovereignty chapter in CAFP, the other three pillars are mentioned in a way which suggests that sovereignty is essential to ensure environmental protection and stewardship, economic development and improving governance. When referring to the use of UNCLOS as a framework for establishing sovereignty over the continental shelf, the chapter makes a direct link between sovereignty and environmental protection: “UNCLOS [...] provides the legal basis for delineation of continental shelves and goes well beyond to address the protection of the marine environment, freedom of navigation, marine scientific research, conservation and utilization of marine living resources, and other uses of the sea”.¹⁸⁸ In the end, it all boils down to the notion that sovereignty is almost mandatory in order to ensure environmental protection and promote stewardship in the Arctic.¹⁸⁹

¹⁸⁶ Smith, *op. cit.*, p. 934

¹⁸⁷ *Ibid*, p. 935.

¹⁸⁸ Government of Canada, “Statement on Canada’s Arctic Foreign Policy: Exercising Sovereignty and Promoting Canada’s Northern Strategy Abroad”, 2010, p. 8-9.

¹⁸⁹ Stephen Harper, “Prime Minister announces expansion of Canadian Forces facilities and operations in the Arctic”, (speech), Resolute Bay, NU, August 10, 2007, <http://www.pm.gc.ca/eng/media.asp?category=2&id=1787>.

4.3 Investing in the Canadian Arctic

Among the initiatives announced by Harper were the construction of six Arctic Offshore Patrol Ships; the pledge to invest in the construction of refuelling and berthing sites in the port of Nanisivik in Nunavut and to create a training base at Resolute Bay in Nunavut; creation of a permanent military base for reserves in Yellowknife; investment in the development and execution of satellite surveillance in the Arctic ocean through the usage of RADARSAT-2, which could detect surface vessel traffic (but not underwater) and produce images to aid military troops during patrols and operations; and investment in the expansion of the Canadian Rangers.¹⁹⁰ Also, as part of Canada's economic action plan, the Harper government announced that it planned to renew the coast guard fleet in 2012. A total of 5.2 billion dollars was put towards these projects over a decade, adding to the 1.6 billion dollars spent in previous years.¹⁹¹ Such major investments can be interpreted as securitizing moves as they can be seen as exceptional measures implemented to address an urgent issue: asserting sovereignty over the three contested claims.

Furthermore, the Joint Task Force North (JTFN) was created and had the mission to undertake annual operations in Canada's Far North. Since 2007, the JTFN has been increasing its presence in the Arctic as well as its ability to manoeuvre in the difficult waterways through a variety of operations (Nanook, Nunakput, Nunaliut, Nevus and Qimmiq).¹⁹² Of course, maintaining an active presence in the Arctic was one way to assert sovereignty but the Harper government wanted to assert it in as many ways as possible.

¹⁹⁰Romkey & Cochrane, *op. cit.*, p. 10.

¹⁹¹ Plan d'Action Économique du Canada, *Renouveler la flotte de la garde côtière canadienne*, [Online], consulted on July 16th, 2015.

¹⁹² National Defence and Canadian Armed forces, *Joint Task Force North*, [Online] <http://www.forces.gc.ca/en/operations-regional-jtf-north/jtf-north.page>, consulted on February 21, 2018.

The search for the wrecks of HMS Erebus and HMS Terror, for instance, was directly linked to Canada's Arctic sovereignty claims, as they represented a great example of the historical use of the Arctic by British explorers (Canada acquired Great Britain's rights to the Arctic Archipelago in 1880 and can therefore use the 1845 Franklin Expedition to back its sovereignty claim despite it having been conducted by British subjects). Finding the wrecks was therefore very important for Harper as it was considered a central argument for supporting Canada's claims. The search for the remains of the Franklin expedition was not solely for historical purposes. It was also said to be an important operation for seafloor and hydrographic charting, for marine scientific research, and to build on the literature pertaining to shipping lanes and natural resource extraction in the region.¹⁹³ Despite being described by then Minister of the Environment, Leona Aglukkaq, as contributing to environmental protection in the region, Shell Canada was one of the main partners of the expedition¹⁹⁴, thus instilling doubt as to whether the knowledge gained from the search expedition would later be used for hydrocarbon extraction rather than environmental protection, especially since the Prime Minister had on multiple occasions voiced his interest in the economic development of the region through resource extraction.

In August 2008, during a speech in Inuvik, the Prime Minister laid out the government's new commitments for economic development and environmental protection in the Arctic as he embarked on his annual Arctic tour.¹⁹⁵ One of the new initiatives consisted of launching the Geo-mapping for Energy and Mineral Resources Program (GEM), a five-year program in which the

¹⁹³ William Barr, "Discovery of one of Sir John Franklin's Ships, *Cambridge University Press – Polar Record* 51, vol. 256, October 15 2015, p. 107-110.

¹⁹⁴ The Canadian Press, *Search for Franklin's ships asserts Canada's sovereignty in the Arctic*, The Toronto Star, 11 Aug 2014.

¹⁹⁵ Stephen Harper, "Prime Minister Harper announces the John G. Diefenbaker icebreaker project", (speech, Inuvik, NT, August 28, 2008), <http://www.pm.gc.ca/eng/media.asp?category=2&id=2258>.

government invested \$100 million in order to advance geological knowledge in the Canadian Arctic and to produce maps and reports which would provide private sector industry investors with the necessary data to implement extraction projects.

The program was described as being a response to “growing global interest in Arctic resources” by mapping the energy and mineral potential in all three Territories. This initiative fell under the promoting social and economic development pillar of CAFP as geo-mapping would enable resource extraction which would in turn generate economic growth. While boasting about the bountiful reserves of gas in the Beaufort Sea, of oil in the Eastern Arctic, of gold in the Yukon, the prime minister also made a case for the need to further develop diamond extraction in Nunavut and the Northwest Territories and to search for more precious resources that may lie beneath the sea ice and tundra.¹⁹⁶

The Geo-mapping for Energy and Minerals project (GEM) was initially launched as a five year project which ran from 2008 until 2013. Using state of the art technologies, the goal of the project was not only to “unlock the full mineral and energy potential of the North” but also to properly map the region, document geological structures and developing geological models and regional frameworks. The Program, which at first was granted \$100-million, got its funding renewed in 2013 for another \$100-million for a second phase (2013-2020) and is “significantly increasing publicly available geosciences information about Canada’s north – including the identification of areas of high potential for gold, nickel, platinum-group elements, rare metals, base metals and diamonds.”¹⁹⁷

¹⁹⁶Stephen Harper, “Prime Minister Harper announces the Geo-mapping for Northern Energy and Minerals Program” Ottawa, ON, Aug 26, 2008.

¹⁹⁷Natural Resources Canada, “About the Geo-mapping for Energy and Minerals (GEM) program”, 26 March 2019 (online) <https://www.nrcan.gc.ca/earth-sciences/resources/federal-programs/geomapping-energy-minerals/21817>.

The data gathered during the first phase of GEM resulted in exploration investments by over 100 companies and GEM's website reports that private sector activities included the following:

- “an international mining giant investing in nickel exploration in the Melville Peninsula (NU);
- extensive staking of diamond prospecting permits on southeast Baffin (NU);
- industry discovery of significant copper-gold-silver deposits in the Yukon; and,
- a modern, quantitative estimate of the undiscovered hydrocarbon potential in the Mackenzie Valley corridor 4.8 billion barrels of oil and 32.6 trillion cubic feet of natural gas – have yet to be discovered in this area.”¹⁹⁸

While such discoveries have enormous economic potential, they raise some questions related to environmental protection and sustainability. Unlike many projects undertaken in the Canadian Arctic, Natural Resources Canada's GEM website makes no mention of their data being used for environmental protection purposes as it is not part of the project's mandate.¹⁹⁹ This lack of environmental protection measures suggest that this commitment would fall under the economic development pillar but in an article published by CBC News, Rob Huebert argues that GEM will also help define Canada's continental shelf which, as seen in chapter 1, could be useful for the settlement of future potential sovereignty disputes.²⁰⁰ For this reason it is worth noting that securing international recognition for the full extent of Canada's extended continental shelf has

¹⁹⁸ *Ibid.*

¹⁹⁹ Natural Resources Canada, *GEM: Geo-mapping for Energy and Minerals*, [Online]<http://www.nrcan.gc.ca/earth-sciences/resources/federal-programs/geomapping-energy-minerals/18215>, consulted on July 9, 2018.

²⁰⁰ CBC News, “Maps of Canada's Arctic will boost sovereignty: Harper”, *CBC News*, August 26, 2008, Accessed July 12, 2018, <https://www.cbc.ca/news/canada/north/maps-of-canada-s-arctic-will-boost-sovereignty-harper-1.740342>.

been identified as the government's second priority in CAFP, coming second only to engaging with neighbours to seek to resolve boundary issues.²⁰¹

The second commitment announced by the Prime Minister was to amend the AWPPA in order to extend it 100 nautical miles further in order to “double our jurisdiction in the Arctic Ocean to 200 nautical miles off our shore”.²⁰² Finally, the third commitment was to pass legislation which would require foreign vessels to report to the Canadian Coast Guard (CCG). Foreign vessels used to be able to report their status and position on a voluntary basis after entering Canada's Arctic water. By making the reporting requirements mandatory in the Northern Canada Vessel Traffic Services (NORDREG) Zone, the CCG got increasingly involved in “the strengthening of Canadian sovereignty in Arctic waters, and the prevention of pollution of Arctic waters by establishing a method of screening vessels entering Arctic waters with respect to their fitness.”²⁰³ Although invoked in the name of environmental protection, critics were fast to point out that the now mandatory regulations were simply an attempt to secure Canada's Arctic sovereignty claims and that they did not do much in terms of environmental protection since authorities, according to international law, could already restrict access to Canada's internal waters if vessels do not meet environmental standards. Since an estimated 98% of all vessels entering Canada's Arctic waters were already reporting voluntarily to the CCG, it is difficult to see how a now mandatory NORDREG would make a significant impact in terms of environmental protection in the Arctic.²⁰⁴

²⁰¹ Government of Canada, *Statement on Canada's Arctic Foreign Policy: Exercising Sovereignty and Promoting Canada's NORTHERN STRATEGY Abroad*, Canadian Governmental Publication, 2010.

²⁰² Stephen Harper, “Prime Minister Harper announces the John G. Diefenbaker icebreaker project”, *op.cit.*

²⁰³ Romkey & Cochrane, *op. cit.*

²⁰⁴ Heather Exner-Pirot, “What's in a name? NORDREG Becomes Mandatory”, Radio Canada International, July 13, 2010, [online] <http://www.rcinet.ca/eye-on-the-arctic/2010/07/13/whats-in-a-name-nordreg-becomes-mandatory-2/>.

In 2014, the Harper government facilitated the creation of the Arctic Economic Council. Although a similar idea to create a Circumpolar Chamber of Commerce had been proposed by the previous Liberal governments which prioritized cooperation with other Arctic nations, investing in infrastructure and promoting economic activities such as eco-tourism,²⁰⁵ the Conservatives' approach prioritized economic development through resource development and extraction as the main means to improve the lives of northerners.²⁰⁶ This initiative brought together the pillars of promoting economic development and improving and devolving governance.

When it comes to the environmental pillar of Canada's Arctic policies, Dolata makes an important remark by pointing out that during the Harper years, environmental protection was too often focussed solely on conservation rather than presenting proactive approaches and policies for dealing with the changing Arctic's environment: "Despite the fact that it mentioned sustainable solutions, the environmental priority did not include policies to address climate change directly. Instead it emphasized the protection of 'environmental heritage' and focused on conservation through the creation or expansion of national parks and wildlife areas in the Arctic".²⁰⁷ Indeed, under CNS' section on environmental protection, Canada's commitment is described as managing the Arctic in a way "that balances conservation, sustainable use and economic development".²⁰⁸ A good indication of this focus on conservation would be the Conservative government's decision to expand the Nahanni National Park Reserve, the

²⁰⁵ Department of Foreign Affairs and International Trade, *The Northern Dimension of Canada's Foreign Policy*, *op. cit.*, p. 17.

²⁰⁶ Dolata, *op. cit.*, p. 146.

²⁰⁷ Dolata, *op. cit.*, p. 146.

²⁰⁸ Government of Canada, *Statement on Canada's Arctic Foreign Policy: Exercising Sovereignty and Promoting Canada's NORTHERN STRATEGY Abroad*, *op. cit.*, p. 16.

protection of the land east of the Great Slaves Lake and the establishment of a bowhead whale sanctuary near Baffin Island.²⁰⁹

The investments made by the Harper government towards the Canadian Arctic remained focussed on solidifying Canada's claims in the Far North, through an increased military presence, economic development and adding weight to the historical argument supporting the claims, in comparison to the limited investments made in the name of environmental stewardship. The Conservatives' approach to Arctic governance therefore comes as a contrast to their Liberal predecessors as hard power takes the central role instead of international cooperation. This also comes as a contrast from Pierre Trudeau's securitization of the Arctic's environment as the Harper government preferred to focus on the securitization of the Arctic as a whole in order to encompass sovereignty, economic development through resource extraction and devolving governance in the securitizing move. Nevertheless, themes of environmental protection and stewardship are still present within the discourse and are also described as going hand in hand with the securing of the sovereignty claims. The following section takes a deeper look into the Conservative government's Arctic policies, as well as the evolution of the role of the environmental protection discourse within the official documents and speeches pertaining to Arctic sovereignty.

4.4 Reconciling Environmental Protection with Economic Development?

Peter Ryan from Mount Royal University compiled several speeches given by Stephen Harper during his time in office. These speeches, which were made publicly available through an

²⁰⁹ Stephen Harper, "Prime Minister Harper announces measures to strengthen Canada's Arctic sovereignty and protection of the northern environment", *op. cit.*

online cloud database, were consulted as part of this discourse analysis in order to highlight how the environmental protection discourse was being used to assert sovereignty claims. Although this database is not a complete compilation of Harper's speeches while in office, it does cover his most notable speeches as well as the speeches he delivered during his Arctic tours during which he gave most of his public addresses regarding his government's policies for the Arctic.

Out of the 623 speeches consulted, 29 were retained for this analysis. The selection criteria for the speeches were that they had to provide either a substantial amount of information on Canada's Arctic sovereignty claims, on the hydrocarbon reserves and resource exploitation in the Arctic, and/or on Arctic stewardship and environmental protection. The majority of these speeches were delivered during Harper's annual Arctic summer tours and focussed particularly on the Canadian Arctic. Some of the speeches were more business and trade oriented, as the Prime Minister promoted Canada's role as an emerging energy superpower, at a time where the increasing demand for energy was raising concerns about a global energy crisis.

Prime Minister Harper was elected at a particularly interesting time for the Arctic, as scientific research increasingly warned us of the alarming effects of climate change and global warming in a circumpolar environment. These changes not only affect the Arctic's environment, fauna and flora but also rendered maritime passages such as the NWP more accessible and increasingly grant access to the sea floor and its wealth of natural resources. At the same time, Canada started to proclaim itself an emerging energy superpower²¹⁰ as oil sands development in Alberta started to take off at a time when the diminishing world reserves of oil and gas projected

²¹⁰Stephen Harper, "The Call of the North - Address by the Prime Minister Stephen Harper" (speech, Yellowknife, NWT, August 17th, 2006), <http://www.pm.gc.ca/eng/media.asp?category=2&id=1285>.

a potential global energy crisis.²¹¹ Climate change therefore exposes the Arctic to a long list of environmental threats, but it also provided the region with an array of economic opportunities. An interesting passage in a speech that Harper delivered in Yellowknife in August 2006, six months after coming into office, describes the economic opportunities of projects such as the Mackenzie Pipeline as not only a symbol that “will signal to the investment capitals of the world that Canada’s North has finally come of age” but also as having “the potential to transform the North into what some call ‘the next Alberta.’”²¹² The government had taken a strong position advocating for economic growth through resource extraction and, with such a statement, set the tone for the years to come when it came to its Arctic policy.

As it will be demonstrated below, the general tone of Harper’s speeches mildly shifts over the years. Initially, a greater emphasis was accorded to becoming an energy superpower: “[w]e are building an energy superpower, with the largest potential for market-based supplies of oil and gas in the entire world.”²¹³ However, as the years went by and Canada pulled out of the Kyoto protocol, the emphasis on becoming an energy superpower was dropped and, while the message remained the same, terms such as “energy superpower” or “contributor to global energy security” were slowly replaced by terms such as “wealth of natural resources”, “responsible resource extraction” or “northern resource development”. Despite this, the main message remained clear: “Canada’s new national government understands the first principle of Arctic sovereignty: use it or lose it”.²¹⁴ Although the concept of “using” the Arctic was described by Harper in a way that highly reflects the pillars of CAFPP, most of the attention is given to the

²¹¹ Statistics Canada, *Alberta’s Abundant Oil Sands*, [Online]https://www150.statcan.gc.ca/n1/pub/11-402-x/2006/1741/ceb1741_001-eng.htm, consulted on July 17th, 2015.

²¹² Stephen Harper, “The Call of the North - Address by the Prime Minister Stephen Harper”, *op. cit.*

²¹³ Stephen Harper, “PM addresses the council on foreign relations” (speech, New York, September 25, 2007), <http://www.pm.gc.ca/eng/media.asp?category=2&id=1830>.

²¹⁴ *Ibid.*

economic development of the region. This discourse analysis therefore highlights the contradictory nature of simultaneously invoking environmental protection to buttress sovereignty claims while promoting mineral and hydrocarbon extraction in the Arctic.

Recurrent themes amongst Harper’s speeches have been identified and grouped into four categories: environmental protection, sovereignty, resource development and economic growth (see Figure 4.3). It is no coincidence that these four themes echo CAF’s four pillars. Although the pillar of improving northern governance does not figure amongst the four themes that were identified for this discourse analysis, it was very much present within Harper’s speeches. Even though links could have easily been made between northern governance, resource development and environmental protection in a way which would promote a sustainable, more locally and independently managed resource development sector, the central focus of Harper’s speeches remains on sovereignty.

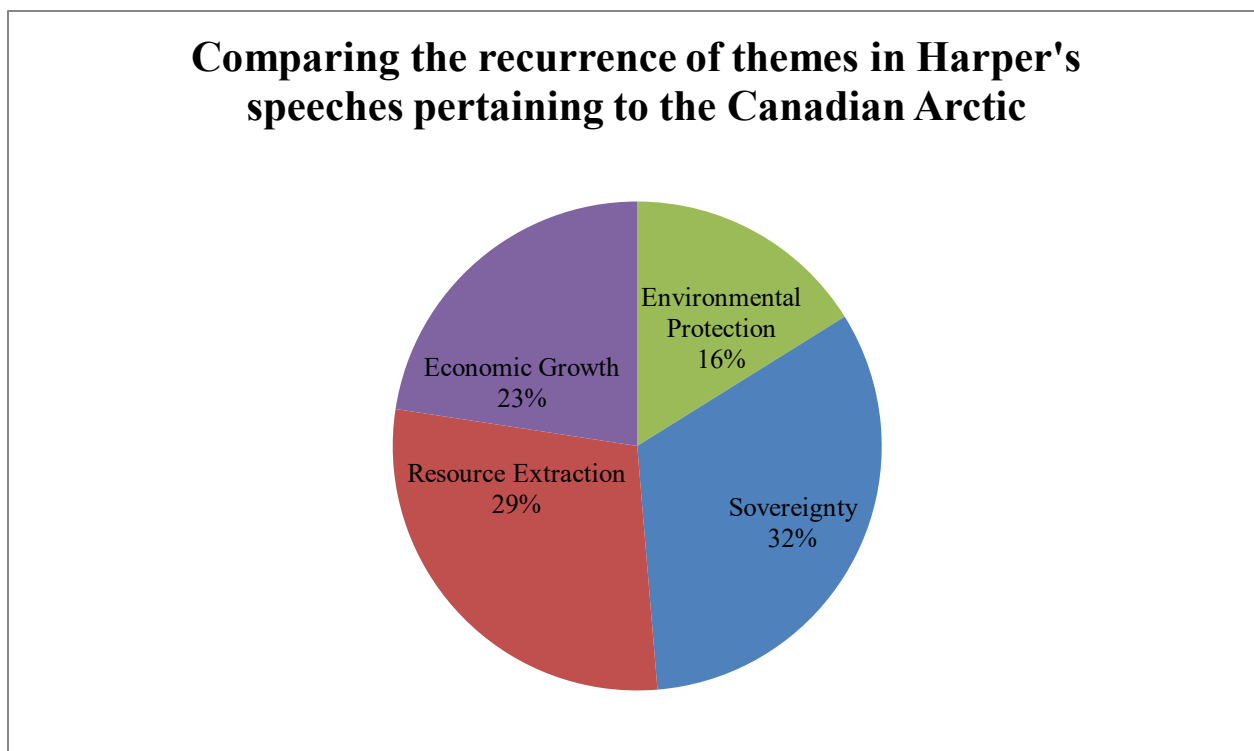
Figure 4.2 Recurrent themes within Harper’s speeches pertaining to the Canadian Arctic

Sovereignty	Resource Development	Economic Growth	Environmental Protection
<ul style="list-style-type: none"> • Territorial integrity • Northern presence • Surveillance • Enforcing Canadian laws • Control and protection 	<ul style="list-style-type: none"> • Building pipelines • Research for extraction purposes • Energy superpower • Hydrocarbon extraction • Mining and mineral prospecting • Transporting resources 	<ul style="list-style-type: none"> • Northern economy • Canadian economy • Northern development • Job creation 	<ul style="list-style-type: none"> • Stewardship • Conservation • Climate threat • Balancing growth and env. protection • Scientific research

Figure 4.3 Recurrence of themes in Harper's Speeches pertaining to the Canadian Arctic (by year)

Year	Number of Speeches Consulted	Environmental Protection	Sovereignty	Resource Extraction	Economic Growth
2006	2	7	30	30	15
2007	7	18	44	19	8
2008	5	13	16	17	8
2010	1	1	1	0	4
2011	1	1	1	0	3
2012	5	12	12	12	17
2013	4	3	2	19	16
2014	4	0	5	1	6
Total	29	55	111	98	77

Figure 4.4 Comparing the recurrence of themes in Harper's speeches pertaining to the Canadian Arctic



Sovereignty is the most recurrent theme within the discourse. It is consistently described as being necessary for resource development as it would guarantee jurisdiction over the abundant natural resources, which would in turn generate economic growth. It is also necessary to guarantee the country's territorial integrity and grant Canadian authorities the right to protect its borders and resources. Finally, it is also described as a prerequisite which goes hand in hand with preventing environmental degradation and protecting the fragile Arctic environment under Canadian laws and environmental regulations. For example, Prime Minister Harper stated, "We always need to know who is in our waters and why they're there. We must be certain that everyone who enters our waters respects our laws and regulations, particularly those that protect the fragile Arctic environment."²¹⁵ There is a strong emphasis on developing an Arctic presence, mostly via patrolling and surveillance by either the military or the CCG but also through scientific research and economic activity. It is also important to note the sense of urgency that is associated with the establishment of sovereignty in the Arctic and the resolution of outstanding boundary disputes. Harper consistently makes it clear that global warming generates not only challenges but also opportunities:

Canada's New Government understands the first principle of Arctic Sovereignty: use it or lose it. We recognize the North is a vast storehouse of energy and mineral resources. We know that climate change is increasing accessibility to its treasures. And we understand the challenges our sovereignty in the Arctic may face.²¹⁶

This phenomenon, which he also refers to as the "cold rush", supports his argument that strengthening Canada's sovereignty in the Arctic is the most viable solution to protect the

²¹⁵Stephen Harper, "Securing Canadian sovereignty in the Arctic", (speech, Iqaluit, NU, August 12, 2006), <http://www.pm.gc.ca/eng/media.asp?category=2&id=1275>.

²¹⁶Stephen Harper, "Prime Minister announces expansion of Canadian Forces facilities and operations in the Arctic", (Resolute Bay, NU, August 10, 2007), <http://www.pm.gc.ca/eng/media.asp?category=2&id=1787>

Arctic's environment as the proliferation of international shipping in the Canadian Arctic raises many environmental concerns:

Canada must therefore move quickly to affirm and protect its sovereignty over the archipelago, including the navigable waterways within it, and the undersea extensions of our continental shelf. [...] Today the threats are different, but no less dangerous. The proliferation of international shipping in the North raises the potential [...]of environmental threats like oil spills, poaching and contamination. These are particularly acute in the sensitive Arctic ecosystem. Protecting and understanding the Arctic environment is one of the four pillars of our Government's Northern Agenda.²¹⁷

Furthermore, the idea of a “cold rush” or a race to the North Pole and its abundance of natural resources is being used as a legitimizing factor in the securitizing move. As the quote above demonstrates, there is a sense of urgency to address the threats enounced.

The theme of resource development is also oft invoked, coming as a close second to the theme of sovereignty. Whether the Prime Minister is boasting of Canada's role as an energy superpower and its seemingly infinite Arctic hydrocarbon reserves, promoting the Mackenzie Valley Pipeline and other resource transportation methods, describing the economic potential of mineral prospecting such as diamonds, gold, silver, copper, and zinc, or briefly mentioning other resource based economic activities such as the fishing industry, resource development is presented as the sole generator of economic growth in the Canadian North. While the connection between growth through resource extraction and environmental degradation is acknowledged,²¹⁸ there is a sense of priority that is accorded to the economic benefits of hydrocarbon development

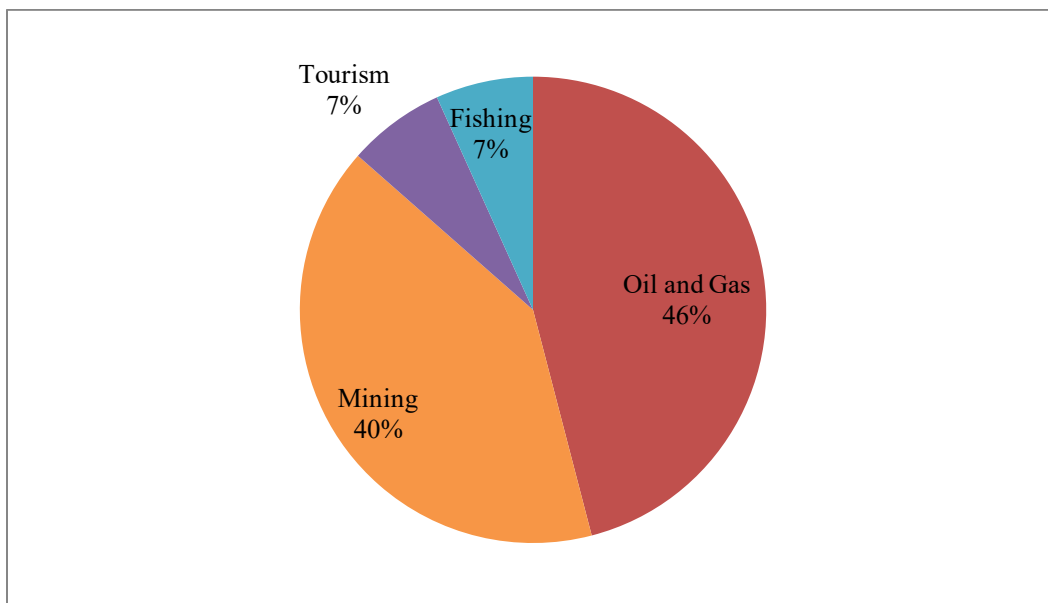
²¹⁷ Stephen Harper, “Prime Minister Harper announces measures to strengthen Canada's Arctic sovereignty and protection of the northern environment”, Tuktoyaktuk, NT, August 27, 2008), <http://www.pm.gc.ca/eng/media.asp?category=2&id=2259>.

²¹⁸ Stephen Harper, “Prime Minister Harper announces the Geo-mapping for Northern Energy and Minerals Program” *op. cit.*

as it will increase economic activities and growth in the Arctic.²¹⁹ The link between resource development and economic growth is fairly easy to make. The revenues from resource development and other economic activities rendered possible by climate change are presented as a springboard for the northern economy but also for the Canadian economy as a whole.²²⁰

Throughout the speeches that were consulted, four sectors of economic activities were identified: oil and gas, mining, tourism and fishing. These economic activities are described as the main avenues for northern development and job creation in the region. As shown in figure 4.6, the oil and gas, as well as the mining sectors were the most strongly promoted by Harper during his years in office. The prominence of these sectors of economic activity is worrisome, given the limited environmental protection initiatives that were set in place by the Harper government and their contribution to climate change and environmental degradation.

Figure 4.5 References to economic sectors in the Canadian Arctic



²¹⁹Stephen Harper, “Prime Minister announces expansion of Canadian Forces facilities and operations in the Arctic”, *op. cit.*

²²⁰Harper, Stephen. “Address by the Prime Minister Stephen Harper”, (speech, Yellowknife, NWT, August 26, 2017), <http://www.pm.gc.ca/eng/media.asp?category=2&id=1285>.

When it comes to the use of the term environmental protection, it usually briefly comes up after mentioning the seemingly infinite resource extraction opportunities. For example:

We know from over a century of northern resource exploration that there is gas in the Beaufort, oil in the Eastern Arctic, and gold in the Yukon. There are diamonds in Nunavut and the Northwest Territories, and countless other precious resources buried under the sea ice and tundra, from the MacKenzie Valley to Ellesmere Island to Ungava Bay. But what we've found so far is merely the tip of the proverbial iceberg. It is estimated that a quarter of the world's undiscovered oil and gas lies under the Arctic. Managed properly, Canada's share of this incredible endowment will fuel the prosperity of our country for generations.

Geo-mapping will pave the way for the resource development of the future. It will also help us anticipate the infrastructure needs of the North, to ensure that the communities that grow alongside industry are healthy and stable. And it will help us plan policies that do a better job of balancing economic development and environmental protection.²²¹

In this passage, environmental protection comes only as a passing remark, hinting at the environmental pillar of CAFP but the rest of the speech does not elaborate further on this topic.

As illustrated in figures 4.4 and 4.5, it is the theme that is the least discussed within Harper's speeches. Nevertheless, through CAFP and the Prime Minister's speeches, there is a discourse on environmental protection in the Arctic and it is presented as our inherited role: "Through history and destiny, it has become Canada's destiny to protect a large portion of our planet's North"²²² ; or our moral responsibility: "Canada takes responsibility for environmental protection and enforcement in our Arctic waters. This magnificent and unspoiled ecological region is one for which we will demonstrate stewardship on behalf of our country, and indeed, all of humanity."²²³

²²¹ Stephen Harper, "Prime Minister Harper announces the Geo-mapping for Northern Energy and Minerals Program", *op. cit.*

²²² Stephen Harper, "PM delivers remarks in Churchill, Manitoba", (speech, Churchill, MB, August 24, 2012).

²²³ Stephen Harper, "Prime Minister Harper announces measures to strengthen Canada's Arctic sovereignty and protection of the northern environment", (speech, Tuktoyaktuk, NT, August 27, 2008), <http://www.pm.gc.ca/eng/media.asp?category=2&id=2259>.

Often invoked as an afterthought, references to the importance of responsible resource extraction and environmental protection are usually put in the same category as scientific research and mapping of the seabed, which are also described as activities which could contribute to greater resource extracting opportunities:

We are stepping up our environmental activities and increasing the number of protected areas [...] And to mark International Polar Year, we are enhancing research in the High Arctic. These research activities will help confirm our unassailable ownership of the Arctic Archipelago and the waters around them, including the Northwest Passage, along with the resources that lie beneath the land, sea and ice. We will now proceed with the first ever comprehensive mapping of Canada's Arctic sea bed, as well as the establishment of a world-class research station to be located in the Arctic itself. It will become the hub of our scientific activities in the North, gathering knowledge that will support our sovereignty and assist with resource development and environmental protection [...] We are building an energy superpower, with the largest potential for market-based supplies of oil and gas in the entire world. We are reasserting our sovereignty and presence in the Arctic.²²⁴

Although environmental protection and scientific research can usually go hand in hand, this passage is worrisome from an environmental point of view as the research to be conducted heavily emphasises the extraction opportunities that will arise from gaining that knowledge. Nevertheless, this passage offers some insight as to how the Harper government approached the question of environmental protection in the Arctic in order support Canada's sovereignty claims north of the 66th parallel. The passage above was delivered during Harper's 2007 Arctic summer tour. Seven years later, in August 2014, he delivered a similar speech, reinforcing this idea that scientific knowledge also serves the resource extraction sector:

Our government believes that scientific knowledge and discovery are essential to help transform these Canadian challenges into Canadian opportunities. Just as we believe that

²²⁴ Stephen Harper, "Prime Minister Stephen Harper Addresses the House of Commons in a reply to the Speech from the Throne", (speech, Ottawa, ON, October 17, 2007), <http://www.pm.gc.ca/eng/media.asp?category=2&id=1863>.

scientific knowledge and discovery are absolutely essential when it comes to fulfilling the four pillars of our government's northern strategy.²²⁵

While this passage could be interpreted in various ways, some of which might contribute to environmental protection, it is important to note that the overall theme of the speech is almost solely focussed on research for the sake of economic development and growth.

When talking about the environment, Harper often used the term “environmental heritage”. The environment is described as something that Canadians enjoy, as something that is part of the Canadian identity: “[i]t is our inheritance from nature. Indeed, our national identity is largely defined by our relationship with our land”.²²⁶ Linking Arctic-related issues with the Canadian identity was a means for the government to gain acceptance from the public to pursue its sovereignty agenda.

As the discourse analysis has shown, Arctic policies under Harper put considerable emphasis on resource and economic development in the Canadian north, as they were prominent themes. Sovereignty also played an important role within the policy framework as it has been described as being essential in order to achieve the other three pillars. Without sovereignty, access to natural resources can be contested and their extraction cannot be conducted, which in turn affects the outcome of being able to stimulate economic growth. There is therefore a sense of urgency to assert sovereignty so that access to resources is guaranteed and secured. Sovereignty is necessary to being able to implement environmental standards and is also a key component of exerting good governance in the Arctic. The four pillars presented in CAFP

²²⁵ Stephen Harper, “Prime Minister Harper Delivers Remarks in Whitehorse”, (speech, Whitehorse, YT, August 21, 2014).

²²⁶ Stephen Harper, “Prime Minister Harper addresses UN Conference on the Convention on Biological Diversity”, (speech, Bonn, Germany, May 28, 2008), <http://www.pm.gc.ca/eng/media.asp?category=2&id=2129>.

(sovereignty, economic development, environment, and governance) were presented as being equally important, but the strong emphasis on the urgent need to assert sovereignty and the dependence of the economic development and environmental pillars on sovereignty suggests that the sovereignty pillar was perhaps a prerequisite to the other three. The idea that sovereignty is necessary to ensure environmental protection was still present in the Conservatives' Arctic policies, but as this section has shown, the environmental pillar of CAFPP and the policies that were implemented reflected yet another shift in Canada's Arctic sovereignty discourse, where economic development through resource extraction was prioritized over environmental protection.

Conclusion

The evolution of Canada's role as steward of the Arctic's environment has certainly played an important role in the development of Canadian Arctic policies. Taking root in the establishment of the AWPPA, Canada's legacy for the Arctic's environment did play an important and central role in the Chrétien and Martin governments' approach to developing an Arctic policy framework based on not only asserting sovereignty but also promoting international cooperation and environmental protection. When Harper's Conservatives came in power, despite a shift in the government's priorities as Canada's Northern Strategy was developed around the notion of sovereignty, the AWPPA and its environmental legacy remained a central piece of the environmental pillar of Canada's Arctic policy. The evolution of the environmental protection discourse within Canada's Arctic policies shows that it has remained a topic at the forefront of the sovereignty discourse but, under the Harper government, it has been

largely overshadowed by notions of hard security and resource extraction. Despite this, stewardship and environmental protection have been consistently framed as highly important within the policy frameworks and as going hand in hand with sovereignty. It is however clear that there has been a securitization of the Arctic under the Harper government which was conducted through speech acts by invoking an urgent need to address the unresolved sovereignty disputes.

As it has been demonstrated, Canada's arguments about Arctic sovereignty and the environment have shifted over time. However, by implementing policies that encourage and promote activities that threaten the Arctic's environment and by neglecting to efficiently address environmental degradation in the Arctic, it becomes increasingly clear that Canada's claim regarding environmental protection is undermined by the country's other objectives in the Arctic, some of which directly negatively impact the environment. Environmental protection is merely used within the discourse as a soft form of influence in an attempt to solidify Canada's sovereignty claims and, despite being a central pillar of the country's Arctic policy, is largely overshadowed by the other pillars.

Chapter 5 Conclusion

Canada's sovereignty claims in the Arctic over the Northwest Passage, the Beaufort Sea and the Hans Island have been at the forefront of the country's Arctic policies. As seen, these policies were developed based on the notion that Canada, as steward of the Arctic's environment, has a moral duty to defend and protect the Arctic's fragile environment. Despite the fact that Canada's arguments about Arctic sovereignty and its ties with the environment have shifted over time, the notions of stewardship and environmental protection have always been invoked within policy frameworks addressing the country's sovereignty claims north of the 66th parallel in an attempt to buttress Canada's claims.

Following the Manhattan incident, it became clear that not only territorial integrity but also the Arctic's environment were at stake should Canada lose its sovereignty claims in the Arctic. The implementation of the AWPPA was a strong response in addressing environmental risks in the Arctic, as well as a statement of sovereignty. The Copenhagen school definition of environmental security and process of securitization have proven to be particularly useful to understand how environmental protection in the Arctic was securitized following the Manhattan incident through the implementation of the AWPPA, which led Canada to proclaim itself steward of the Arctic. Not only did this piece of legislation make a case for ensuring more rigorous environmental standards in the Arctic, but it also gave the country credibility in addressing such risks, which are predicted to increase as global warming precipitates glacial melt and grants accessibility to the Arctic Ocean. The securitization theory also helps trace the evolution of Canada's position regarding its Arctic policies where we can observe a shift from securitizing the Arctic's environment to securitizing the Arctic as a whole.

Since the implementation of the AWPPA, Canada has formulated its sovereignty claims and has used this environmental protection argument to support them. However, as this research has demonstrated, not only has the discourse around sovereignty and environmental protection changed but Canada's Arctic priorities overshadow and have the potential to hinder environmental protection efforts. This serves to demonstrate that perhaps it is no longer viable to rely on past reputation and old ideas of stewardship to support Arctic sovereignty claims.

The current Trudeau government has not yet published a new Arctic policy. However, as it stands, Canada's claim that international recognition of its sovereignty over contested Arctic waterways and island would be the most viable option to ensure protection of the Arctic's environment does not stand up to critical scrutiny. This affirmation is based on the fact that Arctic policies that were developed have also heavily promoted economic activities that would only further exacerbate environmental problems in the Arctic (and would also have global environmental repercussions). Despite having contributed in a positive way to the Laws of the Sea by transgressing international law and implementing the AWPPA in the name of environmental protection, little has been done since by the Canadian government to ensure rigorous environmental norms in the Arctic. Based on the last two decades of Arctic governance, Canada has not been fulfilling its mandate as steward of the Arctic's environment. Instead, the word stewardship has been used by the government but not much has been done that can be used as evidence that the country is still holding up to its reputation. Stewardship has therefore been used as a soft form of influence to serve the country's interests in the Arctic. It can therefore be said that there has been a securitization process in the past during the AWPPA episode but Canada has not securitized the Arctic's environment since.

However, there is still great potential for the country to demonstrate leadership in the name of environmental protection in the Arctic. Despite the reputation that Canada has set for itself, the Canadian government could step up its game in terms of environmental protection and once again fulfill its mandate as steward of the Arctic by implementing security measures that would benefit the Arctic's environment.

One suggestion would be to sign off on the ban on the use of heavy fuel oil (HFO) in the Arctic to reduce the black carbon emissions that are so detrimental on the Arctic's environment.²²⁷ This option would be relatively easy to implement, as there are already talks and motions in place to implement such a ban. In 2017 Trudeau and Obama agreed to commit to phasing down the use of HFO in the Arctic. A year later, the ban was proposed by the United States, Finland, Sweden, Norway, Iceland (all members of the Arctic Council), as well as Germany, the Netherlands and New Zealand. The proposal was made to the IMO and intended to ban HFO from Arctic shipping vessels by 2021. It only seemed like the logical next step in protecting the Arctic's environment, considering that HFO has been banned in the Antarctic since 2011 and has been defined by the Arctic Council as being "the most significant threat from ships to the Arctic environment". However, when the ban was proposed, Canada asked for a delay and submitted a request for more time to conduct socio-economic studies on the impact of the ban on local communities. HFO, a by-product of distilled fuel such as gasoline, is often used because of its low cost compared to other fuels. This combustible can reduce fuel costs by half but is far more polluting than its alternatives and is said to produce 30 to 80 percent more black

²²⁷Michael Byers. "Why Trudeau should move now to safeguard the Northwest Passage". *The Globe and Mail*, August 12, 2016, updated May 16, 2018. [online]<https://beta.theglobeandmail.com/opinion/why-trudeau-should-move-now-to-safeguard-the-northwest-passage/article31382232/?ref=https%3A%2F%252%E2%80%A6>.

carbon.²²⁸ Black carbon, a powerful climate forcer, is particularly detrimental to fragile ecosystems such as the Arctic and is one of the most problematic GHGs in the region. Its ability to convert solar radiation into heat has the capacity to affect cloud formation which, in turn, has an impact on precipitation and hydrologic circulation. Black carbon's impact on the climate is said to be 460-1,500 times stronger than CO₂. Finally, its particle deposits on the Arctic's ice and snow can significantly reduce the surface albedo, thus further accelerating warming in the region.²²⁹

Another suggestion would be to establish designated shipping lanes in the Arctic Ocean, and more specifically in the Northwest Passage. These shipping lanes could ensure that navigation is prohibited around environmentally sensitive areas. Should Canada decide to establish shipping lanes, this could spark the same kind of reaction that the government got when it implemented the AWPPA. Since sovereignty in the contested waterways is not recognized by the international community, this would be seen as once again transgressing international law. However, as we have seen, taking such measures to enhance environmental protection can have its advantages for sovereignty purposes. Establishing shipping lanes in the Northwest Passage would surely spark outrage from the United States, who has consistently been defending their position that this passage is an international strait. However, as was the case for the AWPPA, the international community is more willing to accept transgressions if they are presented as a solution to environmental problems or environmental risks. While not suggesting that Canada should introduce such laws solely for sovereignty purposes, taking such steps and measures to protect the environment could result in gaining more jurisdictional power in the region by

²²⁸ The Canadian Press, "Canada slow-walking ban on heavy fuel oil in Arctic", iPolitics, April 5, 2018 [online] <https://ipolitics.ca/2018/04/05/canada-slow-walking-ban-on-heavy-fuel-oil-in-arctic/>.

²²⁹ Climate and Clean Air Coalition, "Black Carbon", [Online], <http://www.ccacoalition.org/ru/slcp/bs/black-carbon>.

gaining the international community's approval to implement more rigorous environmental norms in this fragile environment.

By taking such measures, and by improving its environmental record, Canada could find a route to navigate its own sovereignty claims in the Arctic. Sovereignty for environmental protection could be a strong case for Canada, so long as it demonstrates true stewardship and environmental responsibility. As the ice melts, the clock is surely ticking for the sovereignty disputes to get resolved. It is in Canada's interest to solidify its claims, especially the ones based on environmental protection as they could prove to be very useful in securing the contested waterways and island.

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