

The Arctic: the U.S. won't give in

Prof thinks we should build our case slowly

by Lloyd DeVincenzi

The future of one of the most remote and strategically important areas of Canada remains in limbo.

Eighteen years after the voyages of the U.S. tanker *Manhattan*, and two years after the U.S. coastguard icebreaker *Polar Sea* sailed the Northwest Passage without previous permission from Ottawa, Canada's ability and will to assert its sovereignty over the Arctic is still being tested.

In 1969 and 1970, Canada responded to the *Manhattan* affair by planning the construction of a powerful, world-class icebreaker capable of enforcing the nation's claims throughout the Arctic. Nothing was done.

In 1985, Canada responded to the *Polar Sea* intrusion by announcing several measures to strengthen its position regarding Arctic sovereignty. Not the least of these was the construction of a powerful icebreaker. Again, nothing has so far been done.

The sovereignty dispute over the High Arctic, and the Northwest Passage in particular, is most heated with the United States.

Other maritime countries that have negotiated the frozen passage (Sweden and Poland) requested and received permission from the Canadian government prior to their voyages.

This was not the case with the *Polar Sea*. The U.S. government informed Canada about its intentions, but did not request permission for the trip. That would only have served to undermine its assertion that the passage does not fall under Canadian jurisdiction.

According to Victoria Cordova, press attache at the U.S. embassy in Ottawa, "The U.S. government believes that the Northwest Passage is an international waterway . . . we believe that all international waterways are open to navigation."

Cordova also confirmed that part of the rationale underlying the American stance is its concern over setting an unfavorable precedent for itself.

The U.S. simply does not want to be seen giving in to Canada. Doing so would greatly undermine its position in possible future territorial disagreements with Canada, not to mention countries much less intimate with the U.S. than ourselves.

These countries could easily point to U.S. recognition of the Northwest Passage to enhance their own positions.

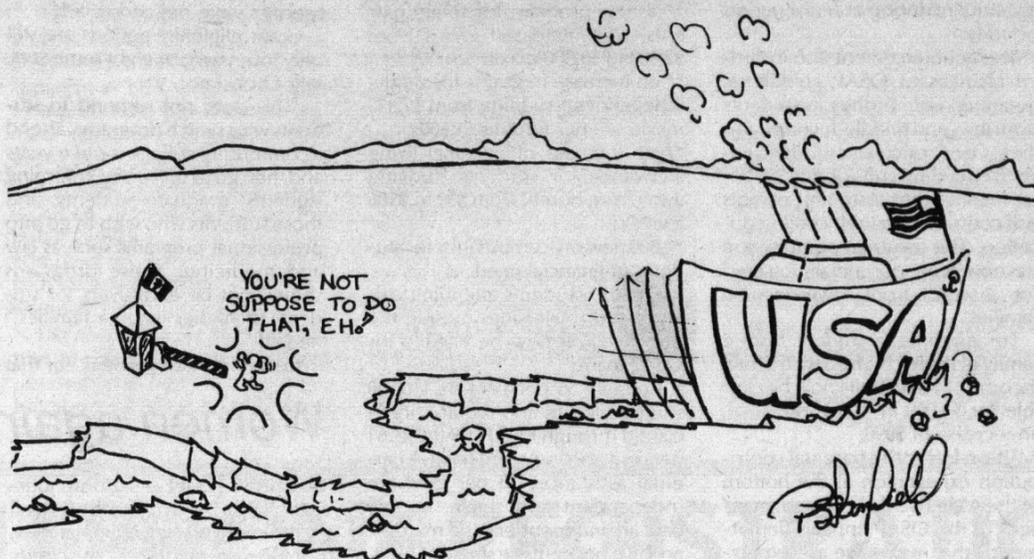
Rather than recognize Canada's sovereignty over the passage and assume Canada's compliance with U.S. requests to use it, the American government remains content with the status quo.

The U.S. may not recognize Canadian rights over the waterway, but it is not compelled to recognize

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anybody else's either.

This gives the U.S. freedom to sail through any international waterway (or disputed waterway which it claims as "international") without any restrictions whatsoever.



"All international waterways should be open under the same guidelines," said Cordova.

Other than through symbolic gestures (such as granting permission to the *Polar Sea* voyage after it had been completed) Canada has taken relatively few firm steps in

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securing control over an area it regards as national territory.

One of its most lauded measures was the drawing of boundaries around the Arctic Archipelago which clearly delineate Canadian territorial waters.

Another popular measure which was adopted was the introduction of legislation (the Canadian Laws Offshore Application Act) which ensures that Canadian criminal and civil law will be enforced and observed in the region.

Are such measures strong enough? Do we need to develop and pursue new options in the High Arctic?

Gurston Dacks, professor of political science at the University of Alberta, describes the government's actions as "... measured and well conceived under the circumstances."

Dacks proposes that Canada be creative in the area of international law. He points out that the Inuit of

the region use the frozen waters much the same way that we use land. Canada could thus reinforce its contention that the waters form an integral part of Canadian national territory.

Dacks recognized that there is no current basis in international law for this scheme, but he believes that it could eventually accommodate such a claim.

Several other options are also available which would add weight to Canada's position in an international forum like the International Court of Justice (ICJ).

Supporting the land claims of the Inuit is one of these. Increasing support in the economic sphere through the promotion of natural resource-based industries is another.

Additional measures could involve increasing scientific research dealing with the Arctic and expanding the presence of the Canadian military through naval exercises, aircraft surveillance, and greater participation in the new North Warning System.

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Canada's defence minister, Perrin Beatty, also recently proposed construction of several airstrips in

the North for CF-18 fighter jets.

Although Dacks supports the building of a new Class 8 ice-

breaker to bolster Canada's presence in the Arctic, he believes a non-confrontational approach is extremely important.

"What could we have done? Send up gunboats? Hardly! . . . We need to act in ways which are mild enough to avoid repudiation by maritime powers such as the U.S., but which over time add up to a credible case worthy of recognition by the International Court."

The Canadian government has thus far echoed this approach. Whether it will eventually prove to be effective in the face of a determined and uncompromising United States is still very much in question.

One thing does seem sufficiently clear. Neither the Americans nor the Canadians are eager to have the sensitive issue settled by the ICJ.

"It is the U.S. government's hope that an agreement can be reached outside of that framework," said Cordova.

"The outcome is too doubtful," said Dacks. "The stakes are too high. You wait, and build your case year after year."

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This notice is intended for students who have not met the University's writing competence requirement and whose deadline for meeting that requirement occurs on or before September 1, 1987. Students who do not pass the writing competence test by their deadline will have their registrations cancelled prior to the start of classes unless granted an extension by the GFC Writing Competence Petitions Committee (WCPC).

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