

# 1.7 Canada's Arctic Waters in International Law and Diplomacy

## Summary

### Project Leader(s)

Byers, Michael

Global warming is affecting the Arctic more dramatically than the rest of the planet, with the most apparent impact being on the sea-ice which is shrinking, thinning and changing composition in scientifically complex ways. While scientists focus on the changing character of the ice, political scientists worry about other consequences: 12,600 is the distance in nautical miles between Asia and Europe using the Panama Canal; 7,900 nautical miles is the distance using a navigable Northwest Passage. For decades, Canada has asserted its sovereign right to control activities in the Arctic waters off its northern coast, which, since 1986, it claims as internal waters. Canada's claim has not often been put to the test. However, with the melting ice and growing interest in Arctic shipping, Canada's claim to sovereignty and control over the Northwest Passage will likely soon be subject to serious challenge. The Government of Canada, in conjunction with other interested actors, will need to make some difficult policy choices that would benefit from the best interdisciplinary analysis possible. This multidimensional project brings together experts in the law of the sea, sovereignty, the politics of international law, Canadian foreign policy, diplomacy, the science of climate change and sea-ice. Collaboratively, they will analyze the legal weight of Canada's claim to the Northwest Passage, the likely effects of changing ice conditions on the practical possibility of maritime navigation through the Passage, and the potential for persuading other countries, particularly the United States, to support the Canadian legal claim or otherwise cooperate in regulating the use of the Passage by vessels from all countries. The history of Canada's foreign relations concerning the issue will be of importance here, as well as the newly apparent openness of the United States (or at least former U.S. ambassador Paul Cellucci) to recognize the Canadian position. Finally, the project will address the question of enforcement. Even if Canada's current claim does not hold up, it will still have important regulatory powers and prerogatives as a coastal state under the 1982 Law of the Sea Convention. How would it best exercise those rights, and what sort of planning now needs to be done?

## People

### Network Investigators

Byers, Michael (University of British Columbia)

Lalonde, Suzanne (Université de Montréal)

McDorman, Ted (University of Victoria)

### Collaborators & Research Associates

Axworthy, Lloyd (University of Winnipeg)

### PhD Students

Nankivell, Justin (University of New Brunswick)

## Partners

International Joint Commission (Canadian Section)

Université de Montréal

Liu Institute for Global Issues

University of Manitoba

University of Winnipeg

University of Victoria

University of British Columbia

# Publications

## **Articles Published in Refereed Publications**

Barber, D. & Fortier, L., 2005, The incredible shrinking sea ice, Policy Options, v.27, no.1, 66-71, Published

## **Other Refereed Contributions**

Byers, M., 2006, Internationales Recht und internationale Politik in der Nordwestpassage: Konsequenzen des Klimawandels', Zeitschrift für ausländisches öffentliches Recht und Völkerrecht, 60(4), Published

Byers, M., 2007, Unfrozen Sea, Policy Options, v.28, no.5, 30-33, Published

## **Non-Refereed Contributions**

Byers, M. and Lalonde, S., 2005, Our Arctic sovereignty is on thin ice, Globe and Mail, August 1, 2005, A11, Published

Byers, M., 2005, Barely better than nothing, Ottawa Citizen, 19, Published

Byers, M., 2006, Our next frontier: the Arctic Ocean, Globe and Mail, April 6, 2006, A19, Published

Byers, M., 2006, Securing the runways, Globe and Mail, March 3, 2006, A13, Published

Byers, M. and Lalonde, S., 2006, Les eaux de l'Arctique sont canadiennes, Le Devoir, January 24, 2006, 13, Published

Byers, M., 2006, Northern Exposure: Ottawa must act quickly to assert sovereignty in Arctic, Winnipeg Free Press, 17, Published

Byers, M., 2006, Canadian government cannot afford to dither on Arctic sovereignty., The Hill Times, 1, Published

Byers, M., 2006, Canada must seek deal with U.S.: Vanishing ice puts Canadian sovereignty in the far North at serious risk., Toronto Star, 1, Published

Byers, M., 2006, True North strong and...free to give up our sovereignty?, The Globe and Mail, 1, Published

Byers, M., 2006, The need to defend our new Northwest Passage., The Tyee, 1, Published

Byers, M., 2007, Unfrozen Sea, London Review of Books, 42-43, Published

Byers, M., 2007, Policy Briefing: Canada, by Fate and Geography, is Destined to be an Arctic Country, Policy Report, The Hill Times, September 20, 20, Published

Byers, M., 2007, Climate Change: How Much Does Canada Care? - Review of J. Simpson, M. Jaccard and N. Rivers, Hot Air: Meeting Canada's Climate Change Challenge, The Globe and Mail, September 29, D8, Published

Byers, M., 2007, Sovereignty Will Solve the Northwest Passage Dispute, The Globe and Mail, August 11, A17, Published

Byers, M., 2007, Canada's Arctic Race with Russia, The Toronto Star, July 29, 1, Published

Byers, M., 2007, Canada's Arctic Waters in Diplomacy and International Law, 2007 ArcticNet Annual Conference Proceedings, 18, Published

**Specialized Publications**

Byers, M., 2007, *Intent for a Nation: What is Canada For?*, Douglas & McIntyre, Vancouver/Toronto, 248pp.,  
Published