

The Panda Bear Readies to Meet the Polar Bear: China Debates and Formulates Foreign Policy Towards Arctic Affairs and Canada's Arctic Sovereignty

Ву

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ABBREVIATIONS

A5 Arctic Five (Canada, Denmark, Norway, Russia, and the United States)

AWPPA Arctic Waters Pollution Prevention Act

CAA Canadian Arctic Archipelago
DEW Distant Early Warning
EEZ Exclusive Economic Zone
ICJ International Court of Justice

UNCLOS United Nations Convention on the Law of the Sea

After the Northwest Passage is opened up it will become a new "axial sea route between Atlantic and Pacific," and the sea route between Europe, Asia, and North America will be shortened by 5200 to 7000 nautical miles. Whoever controls the Arctic sea route will control the world economy and a new internationally strategic corridor.

Li Zhenfu¹

The rise of China to international prominence by virtually every measure conceivable is the single most important international and geopolitical fact of the early twenty-first century. The insatiable Chinese colossus combs the earth in search of energy to fuel its economic juggernaut; its trade networks now bestride the globe; and its investors now hold the single largest proportion of United States foreign debt in the form of US Treasury securities. China now has many very astute and acutely observant geostrategic thinkers, and several of them have begun lately to focus their attention squarely on Canada.

Why? Because of two things: the tremendous untapped wealth and the currently still largely unused Northwest Passage in the Canadian Arctic Archipelago (CAA). The Canadian Arctic has what China wants: natural resources and the possibility of a major new shipping route. China knows that Canadian control over these resources makes Canada a major international player, a country with natural resource wealth and geostrategic advantage befitting its sheer geographical size, but out of proportion with its relatively small population.

Over the past decade or so China has been paying increased attention to the Arctic and Arctic affairs and since 2004, China has had a permanent land-based presence in the Arctic, specifically in the Svalbard Archipelago, or Spitsbergen (well inside the Arctic Ocean in the Barents Sea). This is where it maintains its Arctic Yellow River Station (*Huang He zhan*), a facility for oceanic and climatological research. China became the eighth state to establish research facilities there.

There are currently energetic discussions and debates in China about the Arctic as the country formulates official foreign policy regarding the region. While it is certainly not an Arctic state, China nonetheless feels entitled to a voice in Arctic affairs and does not want wealthy and powerful northern states to grow even more so at the expense of the wider world's access to Arctic resources and navigation routes.² While it seems unlikely that China has any ambitions of becoming an armed belligerent in a future war over the Arctic, or of making serious territorial claims in the region, it can be expected that China will become more assertive and opinionated in its commentary on Arctic affairs, especially as they pertain to extended continental shelf territorial claims currently being prepared by Arctic states – Canada, Denmark, Norway, Russia and the United States.

Canada needs to be aware that in the course of these discussions and debates, some Chinese scholars are carefully examining Canada's claims of historical sovereignty over the Arctic in general and the Northwest Passage in particular. Although it appears at present that Beijing does not want to affirm the accuracy or appropriateness of Canada's historical claims, Canada should be aware that the small number of scholars in China who consider these claims in detail seem largely to end up sympathetic with, and supportive of, them.

² The major pioneering article of 2010 on China's interests in the Arctic is Jakobson 2010.

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¹ Li 2009C, 99. For a largely similar statement see also Liu and Liu 2010, 1.

Even so, the Chinese government itself does not seem ready to affirm Canadian Arctic sovereignty. Canada needs to be on its guard against Chinese attempts to water down Canada's Arctic sovereignty and should strengthen cooperation with democratic Arctic states for the security and stability of the region.

CHINESE FOREIGN POLICY REGARDING THE ARCTIC

China's Arctic policy is still being deliberated and formulated in Beijing and has not yet been officially announced. Even so, an extensive survey of several important Chinese-language academic articles published in China in 2009 and 2010 on China's Arctic interests (to be published in 2011 by the United States Naval War College) indicates that some contours of Chinese policy are already emerging fairly clearly. Chief among these is that China wants the Arctic, with its sea passages and vast wealth in petroleum, minerals, and seafood, to be international territory or the "shared heritage of humankind." China's nightmare scenario for the Arctic is that the A5 (the five Arctic littoral states – Canada, Denmark, Norway, Russia, and the United States) would somehow endeavour to regard the Arctic as their backyard and divvy up the region's resources among themselves and to the exclusion of everyone else in the international community, meaning first and foremost China.

In concrete terms this means that China will, in principle, respect the territorial sovereignty of A5 states and the 200-nautical mile Exclusive Economic Zones (EEZs) along their shorelines, but will likely oppose, dispute, or decry extended continental shelf territorial claims beyond these EEZ delimitations. China wants to understand and participate in Arctic affairs and avoid being relegated to passivity concerning them.³ China can thus be expected to dispute, or at least express strong displeasure at, Canadian and Russian claims to sovereignty over navigation routes through the Arctic region. As far as the Arctic is concerned, China's foreign policy objectives are in line with those of the United States and the European Union and arrayed against those of Canada and Russia.

The diplomatic contretemps Beijing faces in the Arctic extend well beyond the region. Openly disputing Canadian sovereignty over the Arctic could be quite problematic for China, given its own disputed claims of sovereignty over virtually the entire South China Sea, the Senkaku/Diaoyu Islands and the Republic of China on Taiwan.⁴

CHINESE SCHOLARS ON CANADA'S LEGAL AND HISTORICAL CLAIMS TO THE ARCTIC

In the absence of a fully developed and official Chinese Arctic policy, there has been considerable open discussion and debate among Chinese academics and strategic analysts about exactly what China's Arctic policy should be. While there is widespread consensus that China ought to do what it can to ensure that as much of the Arctic is internationally accessible as possible, it does seem that the small number of Chinese scholars who examine Canada's historical claims to Arctic sovereignty wind up being somewhat sympathetic with them.

Mei Hong and Wang Zengzhen of the School of Law and Political Science at the Ocean University of China in Qingdao, Shandong province observe that historical possession is defined neither in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone, nor in

³ Jakosbon 2010, 7.

⁴ Beijing "has always insisted that the Taiwan Strait should be regarded not as an international waterway," notes Lasserre, "but as Chinese waters, and it is even more insistent on this point as regards the Hainan Strait, separating Hainan Island from the mainland." (Lasserre 2010, 8).

the United Nations Convention on the Law of the Sea (UNCLOS) of 1982. Absent such an international definition, they rely on the criteria for historical possession in the definition propounded by renowned Canadian international jurist Donat Pharand. This definition, they note, is highly advantageous to Canada's claims of jurisdiction over Arctic waters: exclusive jurisdiction; long-term use; and tacit acceptance by other countries. Pharand does not include right of first historical possession in his definition, and Mei and Wang speculate that there are three reasons for this: First, it is often impossible to tell who took first possession; second, first possession does not always entail effective jurisdiction; and third, changes in sovereignty over the territory in question would be needlessly complicated if states were to adhere assiduously to the right of first historical possession.

Mei and Wang then proceed to examine each of Pharand's three criteria. Concerning exclusive jurisdiction, they argue that although Canada has inherited Britain's authority over the land areas of the Arctic, its exclusive jurisdiction does not extend to Arctic Ocean waters. They argue further that although Britain itself never claimed these waters, Canada has attempted to extend its jurisdiction over them through a series of measures, including the Eastern Arctic Patrol in 1922, revising the Fisheries Case in 1926 so that its authority over whaling ships in the Hudson Bay and north of the 55th parallel extended all the way to Lancaster Sound, and establishing the Supreme Court of the Northwest Territories in 1955 with jurisdiction over Canada north of the 60th parallel, including the ice-covered areas of the Arctic Ocean. For Mei and Wang, however, these measures, whether individually or collectively considered, do not indicate long-term legal effectiveness.

As far as long-term use is concerned, they bring up the Anglo-Norwegian Fisheries Case of 1951 and the fact that Norwegian whaling ships had been plying the oceans for 250 years. In late 1951 the International Court of Justice (ICJ) at the Hague issued a decision ending a more than forty-year-long dispute between the UK and Norway concerning the fishery zone along the coast of northern Norway. The ICJ's decision was precedent-setting because it dealt with delimitation of the fisheries zone of a coastal state and of a state's territorial waters. Their point seems to be that Norway's loss in this case indicates that long-term use does not, *ipso facto*, establish historical possession.

When they come to tacit acceptance by other countries, Mei and Wang point once again to the Anglo-Norwegian Fisheries case and the ICJ's statement that the tacit acceptance by other countries of Norway's right of navigation was beyond dispute. They point further to US opposition to Canada's stance concerning right of navigation in the Arctic during the 1970s, but they also note that Canada's ratification of UNCLOS made this American opposition pointless. The point to their discussion of Pharand's three criteria seems to be that Canada's claims on Arctic waters are not as strong as Canadians in general, and Pharand in particular, think they are.

Mei and Wang also regard the looseness of extant treaties concerning the Arctic as a problematic obstacle. For example, they point out that there are conflicts between the Svalbard Treaty of 1920 and the UNCLOS of 1982. A comprehensive Arctic Treaty that would iron out these conflicts would be the ultimate solution to controversies over the legal status of Arctic sea areas, they argue, even though they have doubts about its feasibility.

In-depth international cooperation over the Arctic is becoming more difficult with the passage of time, and the only hopeful signs that have developed revolve around environmental protection,

⁵ Mei and Wang 2010, 24.

Mei and Wang contend. International cooperation regarding the environment could possibly become something of a nucleus around which to organize further cooperation, but this too they see as being fraught with difficulties:

Although there is environmental cooperation between states, as soon as political issues and issues of sovereignty are touched upon, things become very sensitive. At the same time we are seeing international environmental cooperation making headway, we should be thinking more about how to carry on with in-depth international cooperation that transcends the restrictive limitations of ideology and sovereignty.⁶

In an article published in 2010 in the *Journal of [the] Ocean University of China*, Liu Huirong and Liu Xiu, also of the School of Law and Political Science at the Ocean University of China in Qingdao, analyze the historical dimensions of the legal position of the Canadian Arctic Archipelago and draw conclusions quite favourable to Canada. They start out with an observation that the stakes for control over the Northwest Passage is high: "At a certain level, controlling the Northwest Passage and the relevant archipelago's territorial waters smacks of controlling a new corridor for world economics and strategy." They then proceed with a brief historical account of Canada's claims to the CAA and take special note of the work of Donat Pharand. They contend that historical claims to territorial waters must be based, at a minimum, on two things: 1) long-term territorial claims and exercise of sovereignty; and 2) the open or tacit approval by other countries of the fact of territorial control. They do, however, expand these criteria to six: 1) the exercise of a state's exclusive sovereignty over territorial waters; 2) long-term use and passage; 3) the tacit approval of foreign countries; 4) effective legal protection; 5) important interests; and 6) the responsibility to adduce evidence for the territorial claims.

Their position is that Canada has satisfied all of these criteria, and rather than stopping here they further consider Canada's sovereignty over the CAA from four angles: 1) the consolidation of authority; 2) effective service over time; 3) general toleration; and 4) important interests. They observe that the establishment of the Eastern Arctic Patrol in 1922, the Arctic Islands Preserve in 1926, the Territorial Court of the Northwest Territories in 1955, the Distant Early Warning system (DEW) in 1957, Arctic Waters Pollution Act (AWPPA) in 1970, and Northern Canada Vessel Traffic Services (NORDREG) in 1977 all indicate the consolidation of Canadian sovereignty over the region: "These measures make it fully clear that all of the territorial waters of the Arctic Archipelago have had exclusive national jurisdiction exercised over them by Canada." As far as effective service over time is concerned, they conclude that: "At a firm level, Canada's control, use, and protection of the Arctic Archipelago has been effective, peaceful, real, long-term, continual, and full." They conclude that China ought to be content with being an acute passive observer of Arctic affairs rather than an active participant or commentator:

In full consideration of the aforementioned factors, designating the territorial waters of the Arctic Archipelago as Canada's historical internal waters has, whether in theory or practice, a tenable basis and significance. Because our country is still a developing country, is not one of the eight Arctic countries, does not have much national power, and has a disadvantageous geographical position, we have no way to participate fully, or even participate at all, in Arctic affairs. We especially have no right to speak up on the dispute about authority

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⁶ Mei and Wang 2010, 26.

⁷ Liu and Liu 2010, 1.

⁸ Ibid., 4.

over the territorial waters of the Arctic Archipelago. This does not mean, however, that our country will abandon our relevant interests in the Arctic region and the territorial waters of its archipelago. Our country should, therefore, maintain a high level of attention to this disputatious issue.⁹

Regarding the issue of general acceptance or toleration of Canadian sovereignty over the Arctic, the conclusions of Liu Huirong and Liu Xiu are manifestly pro-Canadian:

In sum, Canada has the right to determine what types of concrete measures it should take in its control and protection over the territorial waters of the Arctic Archipelago. Practices make it clear that the fact of Canada's control over the territorial waters of the Arctic Archipelago has had, at a firm level, the recognition and tacit approval of the large majority of the principal actors in international law, and that includes the United States.

Their commentary on the competing interests in the Arctic represents the main conclusion of their article:

An analysis of Canada's historical practices shows that Canada has very important interests in the territorial waters of the Arctic Archipelago. minimum, these interests are of three types. First are national security interests: Because of the special legal position of the Northwest Passages and their important military, economic, and strategic significance, the security of other countries would be exposed to existent dangers if the Canadian government could not control them. For this reason, Canada has continually referred to its northern territorial waters as its historical internal waters and the Northwest Passage as a non-international navigational strait. Canada has adopted a set of measures and governmental actions to support and solidify its stance. Second are the interests of inhabitants: The Inuit are the aboriginal inhabitants of the Arctic, and the rich natural resources and comfortable living environment of the Arctic are important and influential in their daily lives and support their historical regional interests and needs. Third are environmental interests: At the same time that global warming and the melting of Arctic ice are bidding fair to expose gigantically alluring interests in navigating the Northwest Passages, the Arctic environment is also influencing the entire globe. Handing over to the one country of Canada the jurisdiction over the Northwest Passage and the environmental protection issues of the Arctic Archipelago territorial waters will be more direct and effective than handing this jurisdiction over to the international community for collective management. 10

COULD CHINA MAKE A TERRITORIAL CLAIM IN THE ARCTIC?

Li Zhenfu of Dalian Maritime University in Liaoning province, probably the single most strident and influential Chinese commentator on Arctic affairs today, seems distressed by the prospect of Canada controlling the Northwest Passage and, in the process, becoming any wealthier and more important geostrategically than it already is. He and other Chinese academics who urge their government to come up with an explicit official policy disputing Canada's sovereignty over the Arctic and the Northwest Passage seem not so much interested in seeing China control

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⁹ Liu and Liu 2010, 5.

¹⁰ Ibid., 5.

these sea routes as in seeing control over them denied to Canada and turned over to some sort of international mechanism.

Under certain circumstances, a Chinese territorial claim on the Arctic is not beyond the realm of possibility. At one point in a 2010 article. Li Zhenfu does hold out the possibility that Arctic claims by Arctic littoral states could possibly get so out of hand that China would or should make its own Arctic claims. Li does not explicitly explain his rationale for this, but context dictates that the intention of such a claim would muddy the Arctic waters question even further and quickly bring Arctic issues to concerted international attention and expedited resolution. Li argues that in the face of "out-of-control" Arctic littoral state claims on the Arctic, China should consider "the possibility of our country's open declaration of sovereignty over the Arctic and Arctic sea routes, as well as territorial claims."11 It seems distinctly unlikely, however, that Beijing would push its Arctic claims subsequent to a definitive international resolution of Arctic sovereignty issues.

THE SVALBARD TREATY AS A MODEL FOR WATERED-DOWN CANADIAN ARCTIC **SOVEREIGNTY?**

Some Chinese academics and governmental officials who comment on Arctic affairs have indirectly and tentatively floated (or at least dropped subtle hints at) the possibility of using the Svalbard Treaty as a model, or precedent, for resolving the matter of Canada's claims of sovereignty over the Northwest Passage as an internal Canadian waterway. Their suggestion seems more or less to follow the treaty in that Canada would be allowed Svalbard-like "full and absolute sovereignty" over the Passage, but with the proviso that international shipping be allowed passage through them with something like "equal liberty of access and entry for any reason or object whatever."

In 2010, the Chinese government dropped a subtle hint that it was at least entertaining, on the conceptual level, the possibility of the Svalbard Treaty serving as some sort of precedent for guaranteeing Canadian Arctic sovereignty while at the same time allowing for free and unimpeded international ingress and egress through the Northwest Passage. The issue of Canadian Arctic sovereignty was never mentioned, but its unspoken and unwritten inclusion was unmistakable.

In a 2010 article entitled "A preliminary analysis of territorial sovereignty in the Arctic region and the causes of disputed maritime rights and interests", 12 Jia Yu of the State Oceanic Administration (*Guojia Haiyangju*, a government office)¹³ gave a fairly detailed historical overview of Arctic territorial issues all the way back to the Czar's declaration of sovereignty over parts of North America in 1821. He even briefly covered the conflicting claims by Canada and Denmark over Hans Island. His purpose in all of this, never explicitly stated, seems to have been to show that many issues pertaining to territorial waters, exclusive economic zones, and continental shelves have been debated and resolved in the past and that remaining issues will likely be resolved in the future: "Of the disputes over maritime boundaries in the Arctic region, some have been successfully resolved; some are still being debated, and some have been alleviated through joint development, fishery agreements, and other such ways."14

¹³ The English-language précis of Jia's article gives the name of his organization as "China Institute for Marine Affairs," but this is at variance with what the organization officially calls itself on its website: http://www.soa.gov.cn/soa/index.htm. (Accessed 9 October 2010). ¹⁴ Jia 2010, 7.

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¹¹ Li 2010, 32. ¹² Jia 2010.

Next Jia covered the thorny issue of outer continental shelves extending beyond 200 nautical miles and at current applications by Norway, Russia, Canada, and Denmark to the UN's Commission on the Limits of the Continental Shelf to secure these extensions for themselves. He pointed out that the United States, which has yet to recognise UNCLOS, has "criticized" these applications. 15 He then dropped a broad and subtly optimistic hint that the Svalbard Treaty (which China joined in 1925) and the UNCLOS will provide the precedents and momentum for the eventual resolution of other current or incipient Arctic issues:

The main body of the Arctic region is the Arctic Ocean. Intimately related to this special geographical feature [is the fact that] dispositions of territorial sovereignty in the Arctic region have gone through several previous changes and have long since been relegated to the dust. UNCLOS affirmed Norway's territorial sovereignty over Svalbard Island, thereby resolving the disposition of sovereignty over Svalbard Island as well as guaranteeing their relative long-term stability. Even so, Norway's "full and complete sovereignty" over Svalbard Island is restrained by the vessels and citizens of each signatory state in Svalbard Island and by their fishing and hunting rights in internal waters. This causes Norway's sovereignty over Svalbard Island to differ to some extent from the paramount completeness of territorial sovereignty enjoyed by states in traditional international law. Articles of the Svalbard Treaty are now facing issues of integration with the modern legal system established by UNCLOS. At present only Canada and Denmark are standing their ground over Hans Island. At this same time, especially since the 1980s..., relevant countries have concluded and signed maritime boundary treaties and have resolved, or are in the process of resolving, issues pertaining to the boundaries of exclusive economic zones and continental shelves.¹⁶

RECOMMENDATIONS

Canada needs to inform the government of the People's Republic of China courteously, but firmly, that it will never accept any Svalbard-style watering down of Canadian sovereignty over the Arctic in general, or the Northwest Passage in particular and that Canadian sovereignty over the Northwest is not open for discussion or debate; Canada cares just as much about its Arctic sovereignty and the Northwest Passage as China does about its claim of sovereignty over Taiwan.

While China is still debating and formulating its Arctic policy, Canada should do what it can to acknowledge and affirm the conclusions of those Chinese scholars who have made favourable analyses and come to positive conclusions regarding Canada's Arctic sovereignty.

Recommendations that Canada "set aside, but not give up legally, its claim that most of the Passage lies within Canada's internal waters", 17 or that "Canada must now think about abandoning its lonely claim to the NWP in return for international cooperation in opening and managing the passage"18 seem unhelpful. Canadian sovereignty over the Northwest Passage is an important bellwether for Canada's present and future sovereignty and territorial integrity, and it should not be up for sale.

¹⁷ Flemming 2008, 2.

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¹⁵ Jia 2010, 9. ¹⁶ Ibid., 10.

¹⁸ Ibid., 2010.

Canada has been concerned with North American Arctic security for a long time and can make significant contributions to increasing American engagement in the region. Canada cannot, of course, accept the American policy that "The Northwest Passage is a strait used for international navigation,"19 but this need not impede American-Canadian cooperation in Arctic security any more than does the outstanding boundary dispute in the Beaufort Sea²⁰ between the two states. Liberal democracies are quite able to set aside differences and cooperate for their larger good and security, and other Arctic NATO states should also continue to think about ways to improve Arctic security and the cooperation and good relations among ourselves. Brian Flemming's call for a US-Canadian consortium for joint administration of the Northwest Passage²¹ could, if understood by all to entail no compromise regarding Canadian Arctic sovereignty, be expanded into a consortium of Arctic littoral democracies to provide for the common security and defence of the Arctic region.

¹⁹ Bush 2009, III.B.5. ²⁰ On which see Bush 2009, III.D.2.

²¹ Fleming 2008.

REFERENCES

- Bush, George W. "National Security Presidential Directive and Homeland Security Presidential Directive" NSPD-66 / HSPD-25, 9 January 2009. http://www.fas.org/irp/offdocs/nspd/nspd-66.htm
- Flemming, Brian "Are Canadians becoming 'dogs' in a northern 'manger'?" http://www.cdfai.org/newsletters/newsletterswinter2010.htm
- ______"Canada-U.S. Relations in the Arctic: A Neighbourly Proposal." *Canadian Defence & Foreign Affairs Institute* December 2008.
- Jakobson, Linda "China prepares for an ice-free Arctic." *SIPRI insights on peace and security* 2010.2, 1-14.
- Jia Yu 贾宇 "Beiji diqu lingtu zhuquan he haiyang quanyi zhengduan tanxi" 北极地区领土主权和海洋权益争端探析 ("A preliminary analysis of territorial sovereignty in the Arctic region and the causes of disputed maritime rights and interests"). *Zhongguo Haiyang Daxue xuebao* 中国海洋大学学报 2010.1, 6-10.
- Lassare, Frédéric "China and the Arctic: Threat or cooperation potential for Canada?" *Canadian International Council China Papers* No. 11 (June 2010).
- Li, Zhenfu 李振福 "Beiji hangxian diyuan zhengzhi di fuza wangluo tezheng yanjiu" 北极航线地缘政治的复杂网络特徵研究 ("Research into the unique complex network features of Arctic sea route geopolitics"). *Gangkou jingji* 港口经济 2010.1, 29-32.
- Liu, Huirong 刘惠荣 and Liu, Xiu 刘秀 "Beiji qundao shuiyu falü diwei di lishixing fenxi" 北极群岛水域法律地位的历史性分析 ("Historical analysis of the territorial waters of Arctic archipelagos"). Zhongguo Haiyang Daxue xuebao 中国海洋大学学报 2010.2, 1-5.
- Mei, Hong 梅宏 and Wang, Zengzhen 王增振 "Beiji haiyu falü diwei zhengduan ji qi jiejue" 北极海域法律地位争端及解决 ("The dispute over the legal status of Arctic territorial waters and its solution"). *Zhongguo Haiyang Daxue xuebao* 中国海洋大学学报 2010.1, 23-27.

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