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## **Does the Northwest Passage Still Matter?**

Does Canadian sovereignty over the Northwest Passage still matter? To even ask that question seems more than slightly odd, given the Harper government's frequent "use it or lose it" rhetoric about the Arctic and the announcement at the beginning of December of changes to the Arctic Waters Pollution Prevention Act. Transport minister John Baird announced that the government intended to extend the application of the act from one to two hundred nautical miles in an effort to control shipping and to stop the pollution of Arctic waters, a salutary aim. When the act is amended and put into effect, Canada will assume responsibility for environmental protection and enforcement over an additional half-million square kilometres of the Arctic Ocean.

The rhetoric aside, this is precisely the right approach to the sovereignty question with Canada responsibly exercising its stewardship over the entire Exclusive Economic Zone granted it by the United Nations Convention on the Law of the Sea. In other words, as Donald McRae of the University of Ottawa has suggested, let's not play the weak card of always loudly shouting about our sovereignty. Instead, let us simply act confidently in the assurance that the Arctic is ours.

The reality, of course, is that while no one challenges Canada's control over its Arctic land mass (except for a dispute with Denmark over Hans Island), Canada has little international support for its claim that the Northwest Passage is internal Canadian waters. The United States, the European Union, and other nations all maintain that the Passage is international. To concede that Canada controls it can have implications on the other side of the globe, and seafaring states are fearful of a precedent that might let less-responsible nations than Canada close off or seek to exercise control over international sea routes. Pressing for a definitive resolution of the question, in other words, might not result in a decision that pleases Canadians.

So what to do? We certainly need to put more civil and military resources into the north, but the key for Ottawa is to continue doing what it has been doing: exercising stewardship over our Arctic and its waters. Meanwhile, events are unfolding that suggest that the question of sovereignty over the Northwest Passage is increasingly likely to be a transitory problem.

The key change, of course, is that the ice is melting faster than anyone had predicted even a few years ago, and not just in the Northwest Passage. The Passage is a difficult twisting route, watched by Canada's Radarsat 2 space satellite and some Canadian Coast Guard and occasional Navy ships, and regulated by reasonably stringent environmental controls. But if the rate of melt in the high Arctic continues to increase, expectations are that the North Pole may be ice free within 5-15 years, thus opening a much shorter over-the-Pole route for cargo vessels and giant oil and gas tankers. Why then would any tanker or merchant ship use the Canadian-regulated Northwest Passage when an easier and cheaper route will be available, and one with less stringent regulation? In other words, contention over the sovereignty of the Passage will all but vanish if only a few vessels serving the Canadian Arctic want to use it.

This logic suggests that Canada should continue its present largely administrative approach to the Passage in dealing with the United States and other maritime powers for the short term. Why wave an emotional flag about an issue that will soon largely disappear? Why even consider going to law if we might lose? So long as Canada can enforce its pollution controls, what else matters?

But if the melting ice will ease one problem, there are surely new ones that will emerge, notably how to control pollution in the Arctic Ocean when shipping and resource exploitation both increase, as they will. Instead of fretting about our sovereignty over the Northwest Passage, what the Canadian government should be doing now is to complete as quickly as it can the underwater surveys that will determine the boundaries of our continental shelf. Parts of the seabed that extend off the shelf will be deemed Canadian, allowing Ottawa to extend control beyond the usual 200-nautical-mile limit. The more we can get, the better.

At the same time, however, Canada should devote its efforts to reinforcing the regional approach that the Arctic powers (U.S., Russia, Norway, Denmark/Greenland, and Canada) are already following and strive for agreement on even tougher and more enforceable environmental standards for the ice and waters of the North Pole. The Arctic Ocean, ice free or not, will always remain a delicate ecological area, and it is very much in the Canadian national interest, no matter how much more of the ocean and its seabed we eventually control, that it never be allowed to become a dumping ground for polluting merchant shippers and mineral and petroleum extraction companies.

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