1.7 Canada’s Arctic Waters in International Law and Diplomacy

Summary

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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?

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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 internatioanle Politik in der Nordwestpassage: Konsequenzen des Klimawandels', Zeitschrift für ausländisches öffentliches Recht und Völkerrecht, 60(4), Published
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Specialized Publications
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