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Chair

The Honourable Maxime Bernier

Standing Committee on National Defence

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● (0905)

[*Translation*]

The Chair (Hon. Maxime Bernier (Beauce, CPC)): Good day everyone. Welcome to the 31st meeting of the Standing Committee on National Defence. Pursuant to Standing Order 108(2) and the motion passed by the Committee on Monday, February 23, 2009, we continue today our study of Canadian sovereignty in the Arctic.

[*English*]

We'll go ahead with our study on Arctic sovereignty.

Today we have one witness, Franklyn Griffiths.

I want to thank you for being with us. You have the floor.

Professor Franklyn Griffiths (As an Individual): It's an honour to be here, and I thank you for the invitation.

I first went north as a labourer. I worked in Moose Factory, building a church school in the summer of 1953. A couple of summers after that, I was up at what was then called Great Whale on the eastern shore of Hudson Bay, helping to build a mid-Canada radar line, which has since been dismantled. Those were my first tastes of the north. And they never went away; I've always had an affection and an interest in things northern.

I became engaged in Arctic policy, northern policy stuff, with the incursion of the U.S. supertanker *Manhattan* into our waters in 1969-70. That's where I really got turned on. By then I was teaching international politics at the University of Toronto. It was a violation of Canadian sovereignty that actually got me going on Arctic policy studies, and I've been interested ever since.

Now, however, I don't think quite the way I used to in 1969-70. I was previously what you might call a fire-breathing sovereigntist, an Arctic sovereigntist. There was no question in my mind that there was an urgent need for Canada to stand up—in this case, to the United States—and see to it that sovereignty over our waters, over the many passageways called the Northwest Passage, would be assured.

Since 1969-70, my views have slowly evolved. I've come to believe that we are not well served by trying to plan and base public policy in the north—that is, southern public policy in Canada for the north—on sovereignty matters. Sovereignty is not, to my way of thinking, a good foundation for us. It is a foundation that is unsteady. It comes and goes in cycles. And it is not something that makes for constancy in Canadian behaviour.

I am thinking in particular of the *Polar 8* icebreaker, which we said we would buy in 1985. In 1985, the U.S. icebreaker, *Polar Sea*, came through the Northwest Passage without a by-your-leave. And I broke the news of that visit, that intrusion, in an op-ed piece in *The Globe and Mail* in the summer of 1985. I was still, in the summer of 1985, a strong, unqualified sovereigntist.

But the *Polar 8* didn't come through. We couldn't hold to it. In fact, the Arctic sovereignty threat seemed to recede. The same was true of the fleet of Arctic-capable nuclear attack submarines we were going to buy a bit later. We were committed to this, but they never got through. It was impossible for the government of the day to sustain that project, and it languished.

Today, what is happening to the offshore patrol vessels? Where are they? I would say they are now in abeyance. They're awaiting a whole series of decisions to be made about shipbuilding. But my guess is that this is going to be another case where we commit on the basis of sovereignty and do not carry through. We can discuss this, but it seems to me that we have a problem. It's one of constancy and of finding a better basis.

One of the reasons the basis is not good is that we have, in my view, greatly exaggerated the threats to sovereignty this country faces. The reality in Canadian public life, or politics, is that there is an exaggerated worry about sovereignty. We even worry about Hans Island. And the media picks this up. The few of us who know about it worry about the Lincoln Sea and our differences—a minor one, in my view—with Denmark and Greenland. People know rather more about the Beaufort Sea and our dispute with the United States. There's the outer continental shelf, which is getting more and more attention, and we could talk about that, but there's the Northwest Passage especially, which remains quite a serious worry and concern, and it's an exaggerated one.

To my way of thinking, all these issues, but especially the Northwest Passage, see Canada in very good shape. We do not need to worry the way we do. We do not need to talk of asserting sovereignty. Asserting sovereignty, to my way of thinking, is like pushing on an open door. There's really nobody resisting us, to the extent we think we are being resisted.

Part of the reason for the worry and exaggerated concern is that I believe the media have been listening to those I would call "purveyors of polar peril". Those people have got it wrong. But the media love a story, and maybe politicians like the story too. This is not a partisan statement. I think this is true of Liberals; this is true of Conservatives today. I think it is an interest in the story and in playing in some way on the Canadian identity. If you like, we could talk about identity politics and whether that is a good basis for defence, but there are also a whole lot of other public policies we might want to pursue.

I'm not going to talk much more, because I'd like to leave it with a brief opener.

The Chief of the Defence Staff said not long ago, at the end of August, that there is no conventional military threat to the Canadian Arctic. He said so, and I think he's totally right. There's no nuclear threat to the Canadian Arctic; there's no asymmetrical threat of any proportion to the Canadian Arctic.

What we do have instead, and some would call these sovereignty threats, are what I would call policing threats. They don't require combat capability, but constabulary forces and abilities to police our waters, to know what's happening, to act in emergencies, to act for a search and rescue. In all of this there are things the military can do and that the Canadian Forces should be equipped to do. Basically the need for hardware is relatively slight, and to justify it on a sovereignty basis is not the best, in my view. Instead we should be thinking about policing what is ours, accepting no fear and no uncertainty. We should be confident.

In the long haul, it seems that we do have a sovereignty problem when it comes to the defence of the Canadian Arctic Archipelago by a stand-alone Canada whose sovereignty claim to the area is contested by virtually all, except perhaps the Russians. If it came to having to defending this claim and acting on it in a militarized Arctic 20 or 30 years from now, in a greatly ice-reduced Arctic, having to police these waters against any and all who come in—all submarines, nuclear included, and all surface vessels—I think we'd be hard put to do this. In fact, it would break the bank. It would eliminate a great many options that we might like to pursue in defence and foreign policy.

I think this is something we should try to head off, and for that I'll end by saying that we should pursue a strategy of stewardship in the region: to build confidence, to reduce the risks of our having to stand alone and defend the Arctic Archipelago in a worst case scenario down the road that is preventable.

Thank you, sir.

● (0910)

The Chair: Thank you, Mr. Griffiths. I really appreciate your presentation.

Now I will give the floor to the vice-chair, Mr. Bryon Wilfert.

Hon. Bryon Wilfert (Richmond Hill, Lib.): Thank you, Mr. Chairman.

Thank you, Professor Griffiths, for being here. I remember you from when I was a student at the University of Toronto in the 1970s. You seem to have weathered the last number of years better than I, but maybe that's a hazard of the job.

Prof. Franklyn Griffiths: You look pretty good, sir.

Hon. Bryon Wilfert: You wrote an article called "Canadian Arctic Sovereignty: Time to Take Yes for an Answer on the Northwest Passage" One of the things that struck me in your *Globe and Mail* article in July is that you indicate we have no strategy for the Arctic in its entirety and we need to make one or follow others.

Can you elaborate on what elements you would see as part of that strategy, particularly since you talked of an issue that's very near and dear to this committee, and that is the impact of climate change on the Arctic?

● (0915)

Prof. Franklyn Griffiths: Right.

There is a northern strategy, I should say right away and acknowledge that it's good as far as it goes. But it is basically a domestic or, shall I say, an internal northern Canadian strategy. It isn't very international. It doesn't have the strong pan-Arctic dimension that I think we should have. That is a strategy that would see us have an idea of our own, and then go for it for the future of the Arctic as a region. We tend to think of our own piece of the pie and not to go too far beyond that yet. I think, though, we'll have to take a position sooner or later and develop a strategy.

What should go in there? There are all kinds of things that should go in. There is the environment, of course. There is adaptation to climate change. There is shipping throughout the region. We could talk about the Northwest Passage and what might or might not happen there, but there is the possibility that as the ice recedes still further for there to be use of the Russian northern sea route, or there could well be shipping right across the pole from the Bering Strait through eastern Greenland to Europe or the North Atlantic. This would be done by specially dedicated ships. There are fisheries to manage and think about. As the waters warm and the ice recedes, new species are appearing in the Arctic Ocean and related waters. Those will have to be governed. There are effects of all these things upon indigenous people and other residents of the north. So there is quite a large agenda.

We could talk about this, but there is not a military or a national defence agenda. It is rather more on a stewardship or constabulary side of things, including, by the way, search and rescue. I think there will be an increasing need, which will be recognized by Canada and the other eight, to set up an emergency response capability. I'm sure that to do this it will require the support of the Canadian armed forces.

There is a whole set of things that need doing, and I think the word that sums it up is "stewardship". You could work it out in some detail, but there is something else. Before we could actually begin to implement a strategy, I believe we have to create the will to cooperate in the region. The will is in short supply in the Arctic. It's in short supply because, like Canada, the other Arctic countries, but especially the Russians, are preoccupied with sovereignty and with possession. They are not yet looking outward as much as they might. And there is a need to build an outwardness in this country, but also in the other countries as well. The need here varies.

I think, though, there are interesting parallels between the Russian debate about the Arctic and the debate in Canada. Again, there are identity dimensions as the Russians approach the Arctic and as we do, which in the Russian case leads them to abrasive and threatening statements and maybe actions and moves as well, even though fundamentally the Russian position is one of support for the rule of law. This, I think, is perhaps somewhat the way Russians may read us in Canada, but there is a strategy in there somewhere.

I could go further, but—

Hon. Bryon Wilfert: I notice in your writings you talk a lot about Arctic stewardship, even to the point of saying that should be part of the Prime Minister's job description, that really the stewardship has a different connotation from some of the wording we've heard lately around here, in terms of a collective responsibility. But you say we're a long way from that yet, to be able to execute.

Prof. Franklyn Griffiths: I think we are, as a country. And as a community in the Arctic among the other Arctic countries, it's still somewhat far off, because everyone is still concerned with possession and with what we have that might be taken away from us. There are these exaggerated fears that stand in the way. But it seems to me stewardship is where we should go. And I would call stewardship "locally informed governance". It's a form of governing. And the Arctic Council, which Canada helped to set up—or led the way in, actually—should be a keystone of our strategy of Arctic governance that sees stronger cooperation and cuts the pathway off to this militarization and conflict of the Arctic, where, if it really went haywire, we would have a lot of defence spending and trouble. My thought is that it is foreseeable and avoidable, and we should be acting on it now.

● (0920)

Hon. Bryon Wilfert: Thank you for that.

The Chair: Thank you very much.

Now I will give the floor to Mr. Bachand.

Mr. Claude Bachand (Saint-Jean, BQ): You will need your translation device because I will be talking in French.

Prof. Franklyn Griffiths: Let me try. Will you speak slowly, sir?

[*Translation*]

Mr. Claude Bachand: Mr. Griffiths, I have here the text of an interview that you gave to the Department of Foreign Affairs in October 2007. In it, you raise some very interesting issues. You talk about global warming and the Arctic, the Canada-U.S. relationship relating to the Arctic and the planting of the Russian flag. I would like to discuss with you the two last subjects, specifically, the effectiveness of the Arctic Council and the creation of a marine council.

Prof. Franklyn Griffiths: Could you repeat your question, please?

Mr. Claude Bachand: The two last points are the most important: the effectiveness of the Arctic Council and the creation of a marine council. As concerns the effectiveness of the Arctic Council, you seem to cast doubt about the rule of consensus and say that perhaps it might be useful to replace it by the majority rule.

[*English*]

Prof. Franklyn Griffiths: Yes. *Merci*.

[*Translation*]

Mr. Claude Bachand: I noted an inconsistency in your text, Mr. Griffiths. You said this:

> On the whole, governments are jealous. They are jealous of their capacity to do as they wish, and they do not like to surrender, for instance, to a majority vote rule, which might replace consensus procedures in the Arctic Council.

You also add, later on, that the Council might accomplish more and that it would require the majority rule.

Could you tell me if you think that the Arctic Council might be more efficient under the majority rule than the consensus rule?

[*English*]

Prof. Franklyn Griffiths: I'm surprised I said that. I'd have to see what I said, because I'm a believer in the consensus approach. Maybe it was an absent-minded professor's moment, but I don't think I actually would have said that.

It has always seemed to me that the approach should be consensual, and if you want majority votes you're into an entirely different set-up. It's by consensus that the Arctic Council has been able to proceed to the extent it has. I favour a continuation of consensus. If the Arctic Council is to be strengthened and made more effective, it seems to me it should happen with the maintenance of consensus among the eight Arctic countries. But we should add non-Arctic countries to the table. We should bring France, Germany, and China to the table now, with full voices but not votes. In order to speed consensus, the votes would still be held by the eight, but we should hear from the others.

I think in due course the Chinese navy will be in the Arctic. You can see that coming. They are already doing the scientific research from the oceanography. This is the way some mariners start off. There's a need to include these people now and build a stronger, more efficacious Arctic Council, maintaining the consensus procedure.

[*Translation*]

Mr. Claude Bachand: I would like you to tell me more about the creation of a marine council.

I was responsible for Indian affairs and northern development during my first years of my political life in Ottawa. I know that a provision of the Nunavut Agreement refers to a marine council, but I do not think that it was ever implemented.

Do you think that the creation of that marine council might be beneficial? In your text, you say that it would bring new elements and that it might create a consensus among nations around this important issue.

● (0925)

[*English*]

Prof. Franklyn Griffiths: Thank you very much. That's a great question.

Was Mary Simon the president of the Inuit Tapiriit?

Mr. Claude Bachand: She still is. She came here last week.

Prof. Franklyn Griffiths: But was she speaking to you?

Mr. Claude Bachand: She came here last week, yes.

Prof. Franklyn Griffiths: That's right; I saw a mention in the press that she was suggesting that there be some kind of forum where Inuit and the federal government could together manage the Arctic waters of Canada.

I think this is probably another way of talking about a marine council—that is, set up an authority or a forum or a place where southern Canadians, to put it more broadly, and northerners could get together and put their imaginations together, closely, but up north.

Again, I always think the local is important. The people who really know and live and have long experience with the north would be at the table talking. In this case, Inuit, who have land claims rights, would be at the table helping to shape a long-term Canadian policy on our own Arctic waters, which should lead to a larger view of where the Arctic region might go, what would suit us, what our vision for the future would be.

I think implicit in the land claims agreement for Nunavut is this marine council, which should be acted upon, in my view. Whether it's the exact provision in the land claim agreement, I'm not sure, because if you start to look at it, that's a fairly complex and Nunavut-specific body. We would need something rather more expansive and larger that would allow for the Inuvialuit in the western Arctic to be part of the picture, for instance. That means the GNWT has to be part of it, as well as Nunavut.

To me, there's a really interesting challenge there. I'm not sure who should take this up; maybe it's Mr. Strahl, the Minister of Indian and Northern Affairs, who should be doing this. But the time has come, I believe, for us to put our heads together, to put our imaginations together, to create an institution, a place, where these ideas can be shared. Again, we would come out of what I regard as a southern absorption with our own southern identity.

Maybe I'm being too critical here, but we tend down south to look at the north in terms of our own southern identity, as the “true north strong and free” and so on. Rather than looking at the north as it is, we think of the north as it's part of us as we'd like to be. There's a certain escape from reality here when you get into identity and identity politics. I think if we moved north it would be a big plus.

Thank you.

The Chair: Thank you very much.

I'll give the floor to Mr. Bevington, please.

Mr. Dennis Bevington (Western Arctic, NDP): Thank you, Mr. Chairman.

I appreciate most of your point of view on the direction that's most likely to be a success in asserting Arctic sovereignty. However, there is one issue that is starting to percolate, and I want to get your opinion on it.

I had a chance last year to attend the parliamentary association meeting in Fairbanks, where I talked to the U.S. admiral in charge of the coast guard there. We talked about fishing, and he assured me that the only places they were concerned about fishing were the Bering Strait and the Tchouktches Sea. They were concerned that they were going to see some movement into that area.

In the spring of this year, the U.S. announced that they would impose a moratorium on fishing in the Arctic waters, including the Beaufort Sea, and of course including the disputed area with Canada. Our government protested, but to no avail. On August 27 the U.S. initiated that moratorium.

My question to you is this. In international relations between the U.S. and Canada, should we be concerned with the U.S. taking a move like this when there's no on-the-ground requirement to protect the fishing stock? Canada stood up and said that we don't like this, it's not appropriate in our waters, and yet the U.S. moved forward with this action. To me, it kind of fits with what we did with the Arctic Waters Pollution Prevention Act, where in Parliament last year we said that we want to pass this act because we want to extend our jurisdiction; we want to ensure, by taking environmental care of the waters, that it's clearly understood where our jurisdiction in the Arctic is.

Do you sense that there's something going on here, that there's movement on the part of the U.S. towards this very valuable piece of the territorial waters of Canada?

● (0930)

Prof. Franklyn Griffiths: There is a problem here for sure. How big it is I don't know. To be really truthful, this is an issue on which I am not as fully informed as I would like to be. That said, the United States does things its own way. If they go too far, it's only up to us to push back. I think that in this one, if it is our wish, for instance, not to have a moratorium or not have any regulation on fishing in the Beaufort Sea, including the contested waters, then we should go back to the U.S., and tell them this is our view. At the same time, we should make clear that if there is a land claim dimension to this, it should allow Inuit, the Inuvialuit, free right to fish. It should also be made clear to the U.S. that we have treaty obligations to our own people. The U.S. position should be changed.

Nonetheless, I think this is all a little premature in that nobody's ready to fish. There's still ice, I believe, and the commercial fishery is not ready yet. This is good precautionary politics, and the way I would go further on this is I think something that the Minister of Foreign Affairs has already suggested in passing. That is that Canada and the U.S. should cooperate on an ecosystem study in the Beaufort Sea, so that we understand the ecology of it together—the two of us—and that we understand how to manage this area, including the contested area. That would be my thought to move ahead with the ecosystem management—

Mr. Dennis Bevington: Adopting the analogy of the Prime Minister, use it or lose it. What the U.S. is doing is using it. They're setting up their moratorium in our waters. They're establishing another claim over that water. Is that not correct that this is what they've done? In light of the protests that Canada put forward this spring, saying we don't accept a moratorium in our waters, they're unilaterally putting in a moratorium on waters that are in dispute.

Prof. Franklyn Griffiths: They are acting unilaterally, yes. We should push back.

Mr. Dennis Bevington: Right now, we have a situation where sovereignty is being challenged in the Arctic, in my riding. Territorial waters are part of the Inuvialuit claim as well. They're extremely valuable waters as well. They represent potential for oil and gas in the immediate future, not just when the ice goes off the North Pole, but they're well within the technology that exists in the region right now.

Prof. Franklyn Griffiths: I'm not sure what you would like me to say. We should declare war on the U.S., or—

Mr. Dennis Bevington: I'm not suggesting that at all, but where's the push-back? How do you push back on it? You've suggested we need to push back. What would you say is appropriate action?

Prof. Franklyn Griffiths: We would talk to them in great detail about our objections. We would tell them. The Department of Foreign Affairs and International Trade would do this first of all, and we would go public after that doesn't work. I think quiet discussion would be the first route, and if that doesn't work, then you go public.

● (0935)

The Chair: Thank you.

We'll give the floor to Mrs. Gallant.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Chair, through you to Mr. Griffiths, I thank you for the presentation. It was most enjoyable hearing about it from the standpoint of your being a young man and going up there for the first time.

Quite apart from the point that your being a fire-breathing sovereigntist perhaps contributed to the opening of the Northwest Passage, I would like to focus on that. First of all, you mentioned that you had been a strong sovereigntist, but now you're not so much of one. What converted you from the strong sovereigntist point of view to one that's different at this point?

Prof. Franklyn Griffiths: Actually, I can't really give you a good answer. I found it didn't work, that sovereignty as a basis for getting new capabilities, new hardware, put as simply as that, did not seem to me to work after a period of time, and so I started to think, is this a good way to proceed, and how far can you rely on it when it seems so cyclical? That is, there would be peaks of great interest, usually provoked by the U.S., in Arctic sovereignty in this country, and then it would dissipate and you couldn't get far with it.

Now, that's not to say we don't pay attention to what is ours—and I agree we should—but it is to say that a policy built on fear rather than confidence is going to lack energy, lack drive, and in the case of Arctic sovereignty will lack consistency. Somewhere in there I learned this, or I decided this was it as far as I was concerned, that we should find a new way.

The alternative way to me is stewardship. Stewardship, I came to see, is a way of ensuring the quality of sovereignty. That is, if you have a lot of good stewardship cooperation with other countries, they are not going to be polluting our waters, because there will be rules and arrangements in place. They will not be sending ships through in reckless fashion, because there will be rules and arrangements. They will not come fishing in our waters, because there will be rules and arrangements that we all agree to. Being a steward, it seems to me, is the way to see to it that others respect what is ours. So we, as it were, snag them in cooperative stewardship agreements that see to it finally that they respect us.

Mrs. Cheryl Gallant: Conversely to what you described as exaggerated and unnecessary concerns over Arctic sovereignty raised over the opening of the Northwest Passage, the Russians are embracing the opening of the Northeast Passage and are poised to reap the economic benefits of new traffic. In your opinion, aside from the stewardship and the measures you've already described, what does Canada need to do from the standpoint of national defence so that we too can concentrate more on the economic development, while at the same time preserving the natural environment?

Prof. Franklyn Griffiths: It's a good question. I'm not sure there is a defence answer to this, or a defence need.

We could encourage ships to come through the Northwest Passage, but we're choosing not to. The passage is open to anyone who comes through under Canadian law and regulations. We say, come ahead. We do not lay in icebreaker support, nor do we propose to convoy ships through. Ships, as they come, commercial vessels, will be self-sufficient and able to operate on their own. That's the Canadian way, as opposed to the Russian way. The Russians want people to come through. They have not been very successful in this because they charge immensely high rates, there is unbelievable bureaucracy, and they don't really have their act together, but one day they probably will. They've decided for themselves that they want the ships to come.

We've not really had this discussion yet in this country, and it's not a matter of defence; it's a matter of saying to ourselves, “Do we actually want ships to come?” Instead, we're saying, “The ships are coming, the ships are coming,” and there's this exaggerated worry, because they're not coming any time soon. We could talk about that. We might make them come a little sooner if we wanted it.

The question is, what's the benefit of ships coming through for Canada? It would cost us a certain amount to look after these waters if there were more and more ships, intercontinental voyages coming through. We would need to lay in more capability, and we would be liable too, perhaps, in some ways for certain mishaps that might happen in a manner that we're not now. Do we want this to happen? What is in it for us?

I don't think there's a lot in it for northerners, because if ships are coming through, container ships for instance, they want to come through lickety-split, as fast as they can. They're not going to stop and give any benefit on the way. They will, when the time comes, if it ever comes, want to be liner ships on a really rigorous service, highly economic. If there's old ice, if there's fog, if there are high seas wending through the labyrinth of the archipelago, I don't think they're likely to do it.

There's not a defence requirement here, as I see it. We could decide to encourage shipping and make use of the passage, but we have not so far even broached this discussion. We've been instead, I believe, rather passive, worrying about ships that will come, rather than thinking about what we want. What we want has to do with constabulary capabilities—that is, satellite surveillance and some capacity to police shipping—which we don't have. I would think the coast guard is the prime agent, though, in all of this, rather than DND.

● (0940)

Mrs. Cheryl Gallant: You had mentioned icebreakers.

Prof. Franklyn Griffiths: Yes.

The Chair: You have 10 seconds.

Mrs. Cheryl Gallant: One of the northern countries, Finland, built a fleet of four state-of-the-art, new technology icebreakers. But by the time they were ready, they no longer had the necessity to use the icebreakers. In fact, they're leasing them out to other countries. Do you see the thickness of the ice dissipating to the extent that, by the time we had a chance to build icebreakers, we would still have a need for them?

Prof. Franklyn Griffiths: No, I think we will have a need. Every winter there's going to be ice up there—thick ice, rafted ice—and no way can you expect that not to occur. If you want to be up there early or up there late, you're going to need icebreakers. Maybe in due course, one day, we'll want to operate icebreakers in December or January, but I don't believe that will be the case.

There is a changing requirement for icebreakers. I don't think Canada will ever buy or rent icebreakers—I hope not. We should build them ourselves. And that comes back to the problem of the government, right today, about getting a shipbuilding capacity together.

The Chair: Thank you very much.

Now I will give the floor to Mr. Bagnell.

Hon. Larry Bagnell (Yukon, Lib.): Thank you.

It's great to see you again.

You started by saying you were happy there were two broken promises of very expensive things for the military in the north, because we didn't need them. You'd be happy to know there are many more of those. Ice strength in supply ships, three armed icebreakers, planes for Yellowknife, a search and rescue fleet, and underwater sensing are all unfulfilled promises, so you'll be happy to hear that.

I've a question about our legal claims in the Arctic waters.

Prof. Franklyn Griffiths: Sorry, which claims?

Hon. Larry Bagnell: Legal.

There's not too much push-back right now, as you said, but I'm just wondering about the future, with the ice melting. Part of our rationale in our defence for invoking our pollution laws to 200 miles is that Canada clause in UNCLOS. I think it's article 284, but it says in ice-covered waters we can enforce our environmental laws. I'm wondering what you think, as the ice is melting, about whether we're going to lose that defence and that authority to implement those laws.

The second example is the American and European claim of an international strait in the Northwest Passage. To make that claim, they have to prove there's frequent international, useful, commercial use, which, as you've said, is not practical right now. But as the ice melts it may be practical, so will they have a better claim, and will that impose a threat that we don't have right now on our sovereignty in that passage?

Prof. Franklyn Griffiths: On the first question, let's take article 234 and what happens if there's less ice. This is the article in the Law of the Sea Convention that allows coastal states to regulate shipping, commercial shipping, in their ice-covered waters. Is this going to be a diminishing source of strength for us as the ice recedes? I think it probably will to some degree, but again, there will be ice every winter and that ice is not going to go away entirely. There will perhaps—and it's an interesting question—be multi-year ice in the archipelago for quite some time as well. That is, there will be old ice, which is, as I'm sure you know, much stronger than one-year-old ice, seasonal ice. This old ice has lost its salt. It's like floating steel, and you need strengthened ships if you're going to be anywhere near it. This I think is a condition that is going to persist for quite some time, but in terms of the legal claim, I think you'd have to say—I would, without being a lawyer—practically speaking, if there is less and less ice, then article 234 is less strongly in our favour. So there is a worry there.

At the same time, we have an agreement with the United States to disagree about the status of the Northwest Passage, and I guess this comes to your second question.

The United States says it's a strait and we say these are internal waters, no question about it, which they are. The United States and Canada, the two of us, have found a way to live together with this contretemps. We've found a way to work together with icebreakers in the 1988 accord that we have. We could expand that to other kinds of ships, if we wished. The U.S. State Department, for its part, has said that it regards U.S. commercial vessels as bound by Canada's Arctic Waters Pollution Prevention Act. So U.S. commercial shipping companies are not going to get any support from the State Department if we charge them with some violation under article 234.

So one way or another, we and the U.S.A. can work things out, I think, and in my view we should maintain and strengthen the agreement to disagree that we have with them. We should surround the agreement to disagree with a bodyguard of bilateral cooperation in defence, on NORAD, in surveillance, on asymmetrical threats, but also on the whole agenda of stewardship in the Arctic waters of North America. We should not fear the United States but actually work with them—push back when we need to, but try to work out a management for the Arctic waters of North America that could then perhaps be projected into the Arctic region more generally. That is, we would have broken the ice, charted the way for good stewardship.

I'm sorry if I'm going on too long.

● (0945)

The Chair: That's all right.

Prof. Franklyn Griffiths: You tell me.

The Chair: I'm just telling you. Thank you very much.

I will give the floor to Mr. Braid, please. It's your turn, for five minutes.

Mr. Peter Braid (Kitchener—Waterloo, CPC): It's great to have you here. I'm also a graduate of international relations at the University of Toronto. Clearly I didn't fully maximize my degree, because I unfortunately didn't take any of your courses.

I just want to pick up on two of these themes. With respect to the Northwest Passage, your position is unequivocal that the waters belong to Canada and that they are internal waters. Could you briefly explain the basis of your position and how you came to that conclusion?

Prof. Franklyn Griffiths: The historic waters claim is based on the fact ultimately that Inuit have occupied, lived on, done a thousand things, in the waters of the Canadian Arctic archipelago, and there is an archaeological record to this that maybe one day we would want to amplify and make more of. There's an oral history record to all of this, and it is an historic internal waters claim we have that is derived principally from the fact of Inuit occupancy and use. The Inuit gave their title, as it were, to Canada in steps and stages, but in the Nunavut Land Claims Agreement there was a transfer of title and they gave it to Canada in return for all kinds of things that they still have yet to receive from the Government of Canada. There is a dimension that can be called the “honour of the crown” at stake here. That is, we have not lived up to our side of the treaty with the people of Nunavut in particular, it seems to me. But there is something serious to be done here, and I believe it's within our capacity and we should move on with it.

● (0950)

Mr. Peter Braid: Secondly, in your presentation, you propose a model of stewardship based on cooperation. The success of that model, of course, is contingent upon all parties equally cooperating. Could you briefly touch on who those other parties would be and the state of their level of interest in cooperation?

Prof. Franklyn Griffiths: The other parties are all of the Arctic eight, if you like, or simply the five coastal Arctic countries, if you want to simplify this to begin with. Indeed, let's hold it to the five.

The readiness to cooperate is not great right now. There have been some words and statements made of good wishes and intentions, but the fact is that in the Arctic Council and elsewhere, the five, and indeed the Arctic eight, have confined themselves to studies and statements about guidelines and things that should be done. None of that is mandatory. Though there have been some really good studies —the *Arctic Climate Impact Assessment*, for instance, is a beautiful piece of work, and just recently there's been the *Arctic Marine Shipping Assessment 2009 Report*, all of which are very good studies of the situation—the follow-on to collective action is not there yet. Because the governments of the region on the whole, like Canada, want to preserve freedom of action, maximize sovereignty, and not to be caught up in extraneous considerations, so to speak, most of them have enough on their table. So there is a problem.

In building the capacity to cooperate, as I say, you could work out a stewardship agenda quite easily, but actually getting people to do the job and to get interested in cooperating is quite another. For that we need the United States and Russia to work—especially Russia. Russia is the antithesis of stewardship in many ways, and how are you going to bring the Russians aboard? They account for about 180° of arc in this region or circle, and they are not very interested in stewardship so far. How are we going to get them on?

There are answers to that. One of the ways, to be quite simple about it, is to exercise bribery. We need to make it easier for them to be stewards. For that, money is required; and for that, non-Arctic countries are required, I think.

Mr. Peter Braid: That was very helpful. Thank you.

[*Translation*]

The Chair: I now give the floor to Mr. Paillé.

Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ): Thank you, Mr. Chairman.

I shall share my time with Mr. Bachand if there is time left.

Thank you for coming here, Mr. Griffiths.

I came a bit late. Maybe you already have answered my question, but I do not think so.

You said, in a text that I have here, that the United States does not see itself as an Arctic country. You add that Alaska might be more tied to the Arctic and that Washington might be less open to see it as a priority than Alaska.

Would it be possible that the U.S. will become more interested in the Arctic given the increasing interest from Russia? Do you think that the Americans and the United States are worried by the fact that Russia seems to be willing to apply some political pressure at the international level?

[*English*]

Prof. Franklyn Griffiths: Yes, that's a good question.

The United States is really not aware, as I say, of itself as an Arctic country. The Alaskans themselves feel cut off from the lower 40, and there is just a lack of connection to the Arctic—until lately. Things are starting to change now.

What actually changed is that there has been all this talk about climate change and melting of the ice. That really went nowhere with the U.S. government until the Russians planted the flag at the pole. At that time, I am told, the telephone began to ring off the wall in the U.S. Coast Guard, because the coast guard are the ones who know about the Arctic. Everybody—other departments in the U.S. government—started phoning to ask what was going on. It is the Russians who have triggered the U.S. strategic interest in the Arctic in a new way, and I think that is probably going to persist.

The U.S. has an Arctic strategy paper that came out in January. It was one of the last statements of the Bush administration. I believe the U.S. government now is working on a further road map as to where they go next, beyond the strategy statement that came out of the old administration. I should think they'll be tracking Russia very carefully.

I would think the Russians are going in various ways to keep stimulating the American interest. There is to be a parachute drop of Russian special forces on the North Pole next year. I can tell you that is going to get lots of coverage. That is an expression of the belligerent side, the paranoid and fearful side, of the Russian approach to the Arctic.

The other side is the Law of the Sea: let's cooperate. I don't know if you know the Ilulissat Declaration, but it's the declaration of the Arctic five in the summer of 2008, saying that they're all going to cooperate and they're going to go by law. The Russians are very much on board with that, but the Russians are a bit schizophrenic and the readiness to be belligerent.... And that is probably born, by the way, of fear of what NATO has done to Russia and how it has brought former Soviet states into the alliance, etc. There is a Russian paranoia about NATO.

In any case, I think the Russians will act and react and they will keep the U.S. interest rising. That's my long answer.

● (0955)

[*Translation*]

Mr. Claude Bachand: Mr. Griffiths, you are certainly aware of the Northern Strategy that was recently announced by the Canadian government.

I would like to know your opinion on the fact that seven small Inuit municipalities in Northern Quebec are excluded from the Northern Strategy. I also asked that question to Mary Simon. Do you believe that these seven Inuit villages should be included in this Northern Strategy?

[*English*]

Prof. Franklyn Griffiths: I'm not so sure whether it's the villages that should be included in the strategy, but yes, Inuit Quebec and the Inuit area of Labrador should be part of the northern strategy, it seems to me. I should reread the document, but I'm not sure they're excluded. If they're not excluded, then it's up to them and up to their friends to say let's include them and make sure they're not forgotten. But yes, they are Inuit and they are pretty well above the treeline—that's one way of thinking about the Arctic—and they should be part of it.

The Chair: Perfect. Thank you very much.

Now, Mr. Payne.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Mr. Chairman.

Welcome, Professor Griffiths. I appreciate your coming today with the very informative information that you've provided us.

I don't know if you've had an opportunity to read an article from the *National Post* on September 26. It talked about the Arctic ice and the rises and declines and the satellite photos taken by a Japanese organization. What it has shown, and reads here, is that in fact in some cases the Arctic ice is expanding. I actually attended an event last night and listened to Lord Lawson, who indicated that in fact the Arctic ice, as well as the Antarctic ice, is actually increasing. I don't have that as a fact, but that's the comment made.

I'm just wondering, from your thoughts around this, what impact would that have in terms of shipping, particularly in the Northwest Passage?

● (1000)

Prof. Franklyn Griffiths: There is great variability in ice conditions in the Canadian Arctic and perhaps in the Arctic as a region. In the years up to 2007, whatever it was, there was reduction, and suddenly a very sharp reduction, in the summertime ice coverage in the Arctic Ocean. Since then it has been increasing each year. There has been not a reduction of ice cover but an enlargement, so this is what I would call variability. Who knows where it goes from here?

Actually, there is no necessity, I think, to expect a linear continuation of what we've experienced—this would be my view. It could be that things will get significantly colder for a number of years. The fact is that basically the planet is heating, and unless that stops, sooner or later the Arctic is really going to thin out still further. But before that happens there may be cycles, cycles of greater ice cover, more preservation of old ice, and more difficulty, therefore, of shipping, and the ships will not be there.

You could also imagine, if you want to think of somewhat worst case outcomes, a reduction of the strength of the Gulf Stream, and you get a big change in the north Atlantic, where everything becomes quite a lot colder. It may be not an ice age or a little ice age, but there are things that have happened historically in only a few years. The Gulf Stream, as we call it, has suddenly stuttered and stopped, with tremendous consequences and sometimes for a very long time.

These things are not ruled out, but we can only go with what we see. I think what we see is a pattern of warming, with some variation within it, but the longer trend is toward warm. I would think that's the common-sense trend we should prepare for.

Mr. LaVar Payne: Okay, Professor, I do have some other questions.

As for your comments in terms of speaking with the Chief of the Defence Staff, you said there is no military threat from combat. You actually talked about better approaches of policing and search and rescue. I believe what you said is to police what is ours. I'm wondering if you could expand on that issue and give us your thoughts on how that might be managed.

Prof. Franklyn Griffiths: Actually, those are more professional questions about the use of armed force, which I really don't have a handle on except to say that the military provides in the Arctic a platform and capabilities that all other government departments can use. It's in many cases vital if there is a need for sudden action, and perhaps if there's a need for surveillance as well, long-term surveillance. So there are areas in which the Canadian Forces should be equipped to act and able to render these services of surveillance, monitoring, and to some degree enforcement or intervention, I would say. That may mean pre-positioning of search and rescue or emergency response goods, stuff that we would want to have ready to use at short notice. It may mean an application of SARSAT to surveillance capabilities under various things that are now being done. Also, one might ask about the need to monitor traffic in the northwest passageways; that is, a sonar system, which has been considered but I believe is not under active consideration, even though it was part of the set of commitments of the government.

There are these kinds of things that could all be done, but I'm not the one to recommend about that.

Mr. LaVar Payne: Thank you, Professor.

The Chair: Thank you very much.

Now I will give the floor to Mr. Bagnell, for five minutes.

Hon. Larry Bagnell: Thank you.

Unfortunately, I have to go to the House in a few minutes, so I'm going to leave these. You'll remember at the last meeting I talked about this amphibious Arctic vehicle. I went to the factory, so if anyone wants a brochure, I have them here. They're quite a thing.

I have two questions, and one is from my colleague Anita, who had to leave.

We had a debate yesterday in the House—the first hour. There will be another hour of debate in a month and then there will be a vote. It's on a motion that would change the name of the Northwest Passage to the Canadian Northwest Passage or the Canadian Arctic Passage. I'm wondering what you think of that. It seems to have unanimous support from all the parties, just to show our position. So the Canadian Northwest Passage or the Canadian Arctic Passage: do you have a preference for either of those or any comments on that, the change from the Northwest Passage?

The second question that Ms. Neville had was, what do you see as the role? I noticed that in your press release in the *Globe and Mail* you talked about the Inuit involved in the northern governance. Perhaps you could expand on how you see their involvement.

● (1005)

Prof. Franklyn Griffiths: On the latter question, it's the marine council again. It seems to me to be a way in which Inuit can be more involved in northern governments, especially on maritime or marine issues, and we would start with a marine setting.

But also, there could be.... Is there a committee of the House of Commons for high northern or Arctic affairs?

Hon. Larry Bagnell: There's the northern and aboriginal affairs committee.

Prof. Franklyn Griffiths: There is. Okay. I should know that, but I've not read any of the proceedings. There's a place where some things can be done.

As to renaming of things, I have not heard of this. It's an interesting proposition. I think I'd favour, if you ask me, Canadian Arctic Passage.

The Northwest Passage is actually a passage that has an historic meaning that maybe should be respected. It's a passageway from the Davis Strait all the way out and through to the Aleutians. It's a big, long thing. The Northwest Passage is not simply what goes through Canada, which may be nicely captured by saying Canadian Arctic Passage.

Hon. Larry Bagnell: The Europeans also question our claim to the Northwest Passage. For an international strait, as you know, one of the requirements you need to make that legal claim is that it is a useful commercial route with a number of commercial boats going through it, as in the Corfu decision.

I'm just wondering if you think we'll be more at risk. With the ice melting, more European ships could go through and it could be more useful to them. Would that have an effect on our claim of internal waters? It would give them more strength for their strait claim.

Prof. Franklyn Griffiths: Yes. If these ships go through under Canadian law, they reinforce the Canadian position that these are our Canadian waters. If they go through in violation of Canadian law, then we get into trouble, but nobody's doing that. I would think that the outlook is going to be for ships to conform to Canadian regulations, which are increasingly inseparable or indistinguishable from the regulations that would be used if the Northwest Passage were actually an international strait.

In other words, the difference between what would be done under a strait regime and our own internal waters regime is vanishing. There's less and less reason for anybody to want to go to court, to take Canada to court on these things, because in a court of international law I believe we would come out well. In fact, we would be able to say that this is a frivolous case being brought before the court. What we do is exactly what would be done—or pretty close to it—under the international law of the straits regime.

My guess is that, one way or another, the Europeans are not a problem. We are not going to court. That's my view of it. Unless somebody makes a very bad mistake, we don't need to worry about going to court. This is not a legal matter finally now; it's a political one and a commonsensical one.

The Chair: Thank you.

I will give the floor to Mr. Boughen.

It's your turn for five minutes.

Mr. Ray Boughen (Palliser, CPC): Thank you, Mr. Chairman. I'll be sharing my time with Laurie.

Mr. Griffiths, let me add my voice to those of my colleagues in welcoming you and thanking you for taking the time to share with us your vast expertise in the north.

I noticed that in your presentation you talked about stewardship. I'm wondering who's responsible for stewardship, if it has now started. If it has not started, how does it get started? How do you put the model in effect when you're dealing with five different countries? How do you reach some sort of harmony with everyone so that they can sit around the table and do some forward planning and thinking on what happens in the Arctic?

Could you comment on that?

● (1010)

Prof. Franklyn Griffiths: Someone has to take the lead, and in my view, it should be Canada. We should start speaking and acting in favour of stewardship. I think we should start acting in the North American context. We should be talking to the United States, but we should also be talking to Greenland, that is, Denmark. We don't need to take credit, but we should lead the way to a unified North American approach to stewardship—the fisheries, shipping, the tourist cruise boat industry, pollution prevention, and emergency response. We should do this in North America and then move forward as stewards with a common attitude and common approach.

This is not going to be easy. Governments on the whole prefer freedom of action. They do not like to be encumbered and they don't like to answer to others. This is normal, but I think there's a common-sense requirement here for us to act together. Sooner or later, somebody upwind or upwater will do something that will spill down into our sovereign domain, which is not free-standing and independent. We are all in it together up there in the Arctic, and we need to manage these interdependencies.

The Chair: Mr. Hawn.

Mr. Laurie Daniel Hawn (Edmonton Centre, CPC): Thank you, Mr. Chair.

And thank you, Professor Griffiths. It has been very enlightening.

You talk about the honour of the crown, and that's a good point. In your view, how long have we not been acting as we should in that area? I mean the honour of the crown with respect the Inuit.

Prof. Franklyn Griffiths: I'd say it would be since the land claim agreement in 1993. We've been slow to act. You need only read Thomas Berger's report about the implementation of the land claim agreement and the need for federal support for a new educational policy in Nunavut.

Mr. Laurie Daniel Hawn: We talked about equipping the Canadian Forces or having a more constabulary role for whoever is up there, some of which would fall to the Canadian Forces. What are your thoughts on some of the equipment required for that constabulary role for the CF?

Prof. Franklyn Griffiths: I think there needs to be a stronger remote sensing capability. There may need to be a more frequent use of unmanned or unpiloted aircraft for sensing. There may need to be a capacity to detect submarines going through. These things we do not have. There could be pre-positioned emergency response equipment and supplies, which would be the responsibility of the armed forces to look after. If the traffic picks up and we have worries, there should be a way of having a helicopter capacity to board a ship that refuses to obey.

I'm told that the coast guard, if need be, is prepared to use fire hoses to get right against a ship and force it to comply with Canadian law. We do not necessarily need to have armed forces, but as the situation evolves, we should be ready for all possibilities. I think the coast guard is the main instrument, and we will need to replace coast guard vessels, Arctic-capable ones in the years to come, beyond the *John G. Diefenbaker* that is promised.

● (1015)

Mr. Laurie Daniel Hawn: The Russians, as you said, are a key player in this. But of all the players, they are the most difficult to deal with. How should we try to work with the Russians? What is your view on how to deal with the Russians in these situations?

Prof. Franklyn Griffiths: My view of the Russian problem—and it is a problem, especially when it comes to stewardship—is that there is so much that needs to be done that Canada alone is not going to be able to make a basic difference. I think the seven other Arctic countries should get together. Above all, the United States should be persuaded to approach the Russians for a new beginning in the Arctic, a new strategic understanding. We can't do this alone. We need to sway the United States if we can, and I think it's up to the Minister of Foreign Affairs and the Prime Minister to see to it that our ideas about the need for a U.S. initiative are brought to Washington and maybe right to the attention of the President.

Mr. Laurie Daniel Hawn: You talked early on in your remarks about the lack of constancy in policy with respect to northern sovereignty. What do we need to do to inject that constancy?

Prof. Franklyn Griffiths: To obtain greater constancy?

Mr. Laurie Daniel Hawn: Yes.

Prof. Franklyn Griffiths: It's a good question.

Even if we became stewards, how much more constant would our behaviour be in the Arctic? I don't have a good answer to that. I think it would be better. It would be less dependent upon a threat. It would be more dependent upon ambition and determination and maybe on Canadian values; that is, on things we want to do.

But I don't really have a good answer for you.

Mr. Laurie Daniel Hawn: That's no problem.

You talk about the Russians commercializing traffic through there. Should we open and build, in effect, a Canadian Suez Canal and have the infrastructure there to cater to international traffic and generate some investment and employment in the Arctic through that kind of process?

Prof. Franklyn Griffiths: This is a big question that we haven't really asked in this country: what do we want to have, and what is our judgment, and when you think about it, what cargoes are likely to go through the Northwest Passage as opposed to the Panama Canal? To the lower eastern seaboard of the United States, it may be that cargoes will go via Panama. They won't want to go all the way around the top and then all the way back down to wherever it is. Some have suggested that cargoes destined to points south of Boston will go from Asia through the Panama Canal. Anything for north of Boston may want to use the Northwest Passage.

There are economics that have to be considered. I believe Canada is not going to charge a fee for anybody going through the passage. If we do, then we're going to make the passage less competitive compared with Panama, and so on. In the past we have not charged fees. The Russians are the ones who will charge a fee.

There is, in other words, a great deal of economics to be worked out, and that's part of deciding what we want. The thought of a joint administration for the Northwest Passage is a little ahead of its time. A joint seaway authority, for instance, is ahead of its time because we haven't really decided what we want, what the economics are, and what we want to make happen. We're expecting that somehow it will happen, but I don't believe it will. Maybe we could make it happen.

Again, northerners are not going to benefit greatly from this, and they will probably have a slightly higher risk and maybe a substantially higher risk of rain pollution from all of it. Do we want it, or would we like the Arctic to be a kind of go-slow zone?

The Chair: Thank you very much.

We really appreciate your presence here, Mr. Griffiths. Thank you for being with us. I'm sure your testimony will be useful to our work, and I want to thank you for it.

[*Translation*]

This concludes the 31st meeting of the Standing Committee on National Defence. Thank you very much.

We shall meet again Thursday when we will receive the Minister for National Defence.

The meeting is adjourned.

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