

## **Northwest Passage: a voyage Canada and the U.S. can take together**

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Comment

JOINT ARCTIC AUTHORITY

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Despite being surrounded on three sides by the Atlantic, Pacific and Arctic Oceans, Canada has never – except for a brief, shining moment after the Second World War – regarded itself as a maritime power. But the faster-than-expected melting of the Northwest Passage, a similar thawing of the often overlooked Northeast Passage above Russia, and Prime Minister Stephen Harper's new policies for Canada north of 60 may soon change all that.

Indeed, the prospect of ocean-going ships soon transiting the Northwest Passage opens the door for Canada to propose a joint U.S.-Canadian institution, one sorely needed at a time when American security concerns seek to make our –longest undefended border? much less porous.

It's been a long time since border initiatives such as the International Joint Commission for waterways along the U.S.-Canada border or the St. Lawrence Seaway project were hammered out between the U.S. and Canada. But the opening of the waterways between the Arctic islands presents an opportunity for North America's neighbours to rebuild their borderlands relationship.

To do this will require both countries to climb down from their policy positions. The U.S. will have to stop claiming that the Northwest Passage is an international strait under international law, one capable of being transited by any ship making an –innocent passage.? Canada must set aside its claim to every square centimetre of territory in its Arctic archipelago. Instead, Canada and the U.S. should create a Northwest Passage Authority through which both can manage the rules covering transits of the Northwest Passage.

It is in the American interest to cede its claim to such a new authority because the U.S. does not want improperly strengthened or underinsured commercial vessels flying flags of convenience transiting its own portion of the passage that passes through Alaskan waters. It may also want to ensure that U.S. ships, properly certified by an NPA, can go through the passage without having a diplomatic punch-up with Canada. Former U.S. ambassador Paul Cellucci recently said that he believed the Northwest Passage belonged to Canada and that the U.S. should support Canada's claim in return for the same kind of guaranteed access it gets to the Seaway and the Canadian side of the Great Lakes.

Canada's interest lies in using its governmental and diplomatic energy to develop the scientific and technological capacity to help an NPA effectively manage the Northwest

Passage. This is particularly urgent because Russia is far ahead of us in developing the tools needed to open and regulate its Northeast Passage.

In recent months, there has been a debate in Washington over whether to ratify the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The issue driving the pro-ratification forces in Congress is making sure the undersea borders between Alaska, Canada and Russia can be drawn to U.S. advantage. Those opposed to ratification worry the U.S. may lose the broadest possible claim to make "innocent passages" through the Arctic.

A Harper proposal to the Bush administration to create an NPA might paper over some of these divisions and enable President George Bush to offer considerable consolation to the anti-ratification forces by claiming the Americans would be better off with the combination of the NPA and UNCLOS ratification.

The commercial pluses for both countries would be that they could agree that the Canada Shipping Act and the U.S. Jones Act apply to the Northwest Passage, thereby assuring the northern "coasting trade" (the carriage of goods by ship from one place in Canada to another in Canada) would not be captured by foreign, flag-of-convenience countries. Both countries should also encourage their insurance companies to acquire an ability to insure ships in the northern trade, not only in North America's North but in Russia's, too.

Mr. Harper deserves credit for putting Canada's Arctic Ocean squarely on the policy radar screen in Ottawa. The baby steps he's taken so far have been encouraging. But it's now time to seize the opportunity and give an embattled Bush administration an opportunity to co-operate with Canada in a creative policy initiative. Canada might even suggest that Mr. Cellucci be appointed the NPA's first chair.