

## **Shake hands with Russia over the Northwest Passage, says Arctic expert**

By Randy Boswell, Postmedia News June 11, 2012

### **An increasingly ice-free Arctic is making the case for Canada to establish a joint position with its polar neighbour, Russia, over control of the Northwest Passage, says Michael Byers, author of the 2009 book Who Owns The Arctic?**

A leading Canadian expert on polar politics is urging the Russian and Canadian governments to establish and promote a joint position on the legal status of the Northwest Passage and Northern Sea Route — the two main shipping lanes in the increasingly ice-free Arctic Ocean — to reinforce each others' rights to control and profit from international traffic through Arctic waters.

The provocative suggestion from University of British Columbia professor Michael Byers, author of the 2009 book *Who Owns The Arctic?*, was published Friday in *The Moscow Times*, Russia's English-language daily newspaper.

Byers' argument also is slated to appear in expanded form in a Russian academic journal.

"The Arctic Ocean's coastline belongs mostly to Russia and Canada, the two largest countries in the world," Byers writes, noting that each claims the polar sea routes as "internal waters" — theoretically requiring foreign vessels to seek formal permission and adhere to certain environmental and other regulations before passing through.

"Russia and Canada face a single, common source of opposition to their claims — namely, the United States, which insists that both the Northern Sea Route and the Northwest Passage are 'international straits,' " Byers notes.

"With foreign shipping companies looking north, it is only a matter of time before other countries join the United States in overtly opposing Russia and Canada's internal waters claims," he predicts. "It is time for a joint Russian-Canadian position on the legal status of the Northern Sea Route and Northwest Passage — before it's too late."

For years, Byers has been urging Canadian and U.S. officials to take steps to resolve the two neighbours' long-standing dispute over the Northwest Passage, the fabled set of shipping routes through Canada's Arctic archipelago.

Canada and the U.S. have — in a phrase frequently used to characterize the diplomatic spat — "agreed to disagree" for decades over navigation authority in the Northwest Passage.

After two controversial incidents in which U.S. vessels traversed the passage without seeking Canada's permission, American officials agreed in the mid-1980s to inform their Canadian counterparts of impending voyages through the disputed waters — though only as a courtesy, and not as an acknowledgment of unchallenged Canadian legal authority over the passage.

In the *Moscow Times* article, Byers notes that the record-setting retreat of Arctic ice in recent summers has increased substantially ship traffic in both the Northwest Passage and Northern Sea Route, which could significantly reduce transit times for much of the world's maritime transport.

"The Kremlin is intent on turning the Northern Sea Route into a commercially viable alternative to the Strait of Malacca and the Suez Canal," he states, highlighting Russian leader Vladimir Putin's boast last year that polar shipping routes "will rival traditional trade lanes in service fees, security and quality. States and private companies that choose the Arctic trade routes will undoubtedly reap economic advantages."

Byers told Postmedia News that urging Canada-Russia co-operation in the Arctic shouldn't jeopardize relations with the U.S.

"I've long argued that we need to persuade the United States to recognize Canada's internal waters claim. But I've never suggested that we should compromise on that legal position," he said in an email. "A Russian statement of support for our position would strengthen Canada's

hand vis-a-vis the United States, while in no way precluding the negotiation of Arctic co-operation and confidence-building measures with our North American ally."

In 2008, the same year Byers ran unsuccessfully for the federal NDP in a B.C. riding, the holder of UBC's Canada Research Chair in Global Politics and International Law organized a unique "simulated" negotiation on the Northwest Passage issue involving top U.S. and Canadian experts.

The mock summit included Paul Cellucci, the former U.S. ambassador to Canada, Pierre Leblanc, the former commander of the Canadian military's northern forces, University of Calgary polar specialist Rob Huebert and Scott Borgerson, a former U.S. Coast Guard commander.

While the two sides failed to reach an agreement on the passage dispute, they issued a joint statement insisting that "time is of the essence" for the two nations to work out a new collaborative regime in the Arctic to manage increased shipping, security concerns and environmental threats.

Some of those steps have since been taken by the two countries.

In his *Moscow Times* argument, Byers notes that in the 1980s, Soviet officials publicly voiced support for Canada's position on the Northwest Passage, stating then that, "the waters around islands belonging to a country are the internal waters of that country."

But Byers writes that, "there is no evidence of any prior or subsequent statements of support by the Soviet Union or Russia for Canada's position, nor any evidence of Canadian statements in the reverse."

The overall silence on the issue, he suggests, may reflect the diplomatic sensitivities surrounding relations between former Cold War adversaries.

"But the Cold War is long over," Byers writes, "and Russia has become an important trading partner of the West, as reflected in its recent admission to the World Trade Organization. Economic opportunities and environmental concerns dominate the policy landscape, and co-operation has replaced conflict as the dominant paradigm in the North."