



House of Commons
CANADA

Standing Committee on National Defence

NDDN • NUMBER 015 • 2nd SESSION • 40th PARLIAMENT

EVIDENCE

Wednesday, April 29, 2009

—
Chair

The Honourable Maxime Bernier

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on National Defence

Wednesday, April 29, 2009

• (1555)

[Translation]

The Chair (Hon. Maxime Bernier (Beauce, CPC)): Good afternoon. I call the 15th meeting of the Standing Committee on National Defence to order.

We have with us two witnesses who will talk about Canadian Arctic sovereignty, pursuant to Standing Order 108(2) and the motion adopted by the committee on Monday, February 23, 2009. We are continuing, in your company, our study of Arctic sovereignty.

I would like to thank Suzanne Lalonde, professor in the Faculty of Law at the University of Montreal, and, as an individual, Colonel Pierre Leblanc (retired) of the Canadian Forces Northern Area for being here today.

Mr. Leblanc, you have seven minutes.

[English]

Colonel (Retired) Pierre Leblanc (Canadian Forces Northern Area, As an Individual): Mr. Chairman, ladies and gentlemen, thank you for the opportunity to address your committee on the matter of Canadian Forces resources in terms of Arctic sovereignty.

This quote from Wikipedia is probably a good representation of the perception that many people at large have of Canada's ability and willingness to defend its Arctic sovereignty.

I would like to put into some perspective the size of the challenge and the inadequacy of the Canadian Forces assets, because most Canadians do not appreciate just how large the Arctic is. The total of Canadian Forces regular personnel in this area today is probably smaller than 250, to look after an area larger than continental Europe.

This is a representation of the Canadian internal waters in the Arctic Archipelago. Those are the waters and land that must be protected adequately. Other countries do not see it this way. They define our territorial waters using the 12 nautical miles. When doing so, many areas of the Arctic are considered to be international waters. Furthermore, many countries claim that the Northwest Passage and the airspace above it constitute an international strait.

The yellow line is the classic Northwest Passage, whereas the red lines indicate other options to transit the Arctic. The air space above and the waters below each of those routes could be argued to be part of the international strait. Do we want Russian bombers to use those routes, or nuclear submarines to transit across the Arctic, or North Korea to ship ballistic missiles through the Northwest Passage? How do we even know that this might be taking place today?

During my command appointment I came to the realization that nobody was really looking after the security of the Arctic. The standard answer I was getting was that we are not funded for it. By default, National Defence is the department that is best equipped to protect the sovereignty and security of the Arctic. But even the Canadian Forces lack the equipment, personnel, and training to protect the Arctic adequately. More specifically, they lack surveillance capability and the ability to respond in a graduated manner to a security situation in the Arctic for a major search and rescue event.

The state-to-state threat has receded, and it can be considered low, despite recent Russian activity and Chinese interest. However, we must be ready for future challenges. Major military assets take more than 10 years to acquire. What prevails now is more of a concept of human security. At this moment I believe the greatest threat to human security in the Arctic is to the environment. The Arctic is a very fragile ecosystem, which must be protected with the full weight of Canadian laws. Too many international protocols have failed to protect the environment. Providing security is the first duty of a nation state.

Our forces must have the capability to operate 24/7, 365 days, anywhere in Canada. You will note that the navy does not have that capability. The air force still has a significant capability through the north warning system, but unless I am mistaken, there is only one forward operating location for CF-18s, in Inuvik, that has been left operational.

The army has no permanent unit in the north, and the amount of training taking place there is insufficient. The Ranger program is a great program, but their capability in the Arctic is extremely limited and their expertise is slowly being lost. We still have Canadian Forces stationed at Alert, which plays an important role, and a joint task force headquarters in Yellowknife.

Note on this slide that north of the north warning system there is no air space monitoring in an area where there are increasing polar flights. Given the new polar routes, we have in excess of 125,000 international flights over the Arctic every year.

Search and rescue is one of the missions of the Canadian Forces, and yet they do not have any primary search and rescue assets north of 60, despite the fact that we have increased maritime activity and that the traditional air corridors have shifted from east-west to north-south.

The probability of an accident in the Arctic is not a theoretical exercise. In 1996, the cruise ship *Hanseatic* ran aground near Gjoa Haven. Fortunately, there were no casualties or oil spilled. Had the accident been of a catastrophic nature, we would have been hard pressed to deal with it. You all know that last year a Canadian cruise ship sank in the Antarctic.

You'll also recall that the *Exxon Valdez* oil spill cost in excess of \$2 billion U.S. to partially clean up. Although we have the Arctic Waters Pollution Prevention Act, it is akin to posting speed limits on the 401 at a time when everybody knows that the police have no radar and no patrol cars. We must protect the Arctic Archipelago, and the best way to do this is within our internal waters. We must also make NORDREG compulsory to have a better idea of what goes on in the Arctic.

Global warming is the cause of the changes taking place today. The worst-case scenarios have been exceeded. The real question now is what we do about it. It is opening up the Arctic that was protected by year-round ice. Cruise ships now transit the Northwest Passage, and natural resources harvesting is increasing. A new maritime route between Asia and Europe through the Northwest Passage is a distinct possibility. Somebody has to guard the gates to the Arctic. We need to act now, given our slow and politicized procurement process.

There is some urgency in addressing the issue because global warming is opening up the north faster than predicted, and given our long procurement processes, we are already late in delivering the necessary assets. Recently, the Russians have become very proactive in the Arctic. Former President Bush issued a new Arctic security policy this year. The European Community wants to have a say in Arctic resource harvesting, and even NATO is now becoming interested in Arctic issues.

The key capabilities to protect the Arctic are surveillance and the ability to respond in a graduated manner. We must be able to monitor activity below, on, and above the surface and have redundant systems. We must make NORDREG compulsory to be able to cross-reference surveillance data. We must develop the capability to respond in a graduated manner to a security issue in the Arctic. Although the other departments must contribute, I believe the Canadian Forces to be best suited to protect the Arctic. The presence of armed forces also delivers a very clear message.

This is what I would like to recommend.

First and foremost, increase our surveillance capabilities so that we know what goes on in the Arctic; increase our response capability; increase training for all elements; increase the capacity of the Joint Task Force (North) headquarters; maintain the Arctic Security Interdepartmental Working Group; and make NORDREG compulsory.

Let me conclude by saying that one of our Arctic sovereignty arguments is fast disappearing, and it is making our position weaker. Human activity and international interests are rising and will continue to do so. We need to take action now to protect our national interests. The best department to do so is DND, and Canadian Forces require additional assets to do this.

Thank you very much for your attention.

• (1600)

The Chair: Thank you, Mr. Leblanc.

[*Translation*]

I give the floor to Ms. Lalonde.

[*English*]

Professor Suzanne Lalonde (Professor, Faculty of Law, University of Montreal): *Merci, monsieur le président.*

Thank you for this opportunity to discuss Arctic sovereignty with you and the members of the committee.

I'd like to emphasize that I will be speaking from the perspective of a legal academic who is concerned with Canada's legal case in the Arctic. This is the perspective from which I come to this question of how the Canadian armed forces can help Canada's legal case.

Climate change has certainly created significant challenges for Canada in the Arctic, but a number of them, I think, will be dealt with within the existing legal framework. The Ilulissat declaration in May of 2008 testified to the fact that the five coastal parties agree that this is the framework that should apply.

From my perspective, the principal challenge facing Canadian sovereignty in the Arctic concerns the Northwest Passage, and it's to this that I would like to speak in the few minutes that have been allocated to me. Before tackling the question of the Canadian armed forces and helping Canada's position over the Northwest Passage, I need to briefly touch on a few essential aspects of this legal position, this case.

For over 40 years, of course, Canada has asserted, with varying degrees of clarity and coherence, which is slightly problematic, its right to exert exclusive and absolute authority over those waters, including the various routes of the Northwest Passage. This position is not generally accepted. I believe, through various meetings around the world, that opposition is mounting as more and more states come to realize the potential advantages that could flow from a navigable Northwest Passage.

Of course, at least since 1985 we have formalized our position, and we've been strong. The Canadian position has been strongly advocated since 1985 with the drawing of our baselines in the Arctic. I would highlight the fact that when then Foreign Affairs Minister Joe Clark made the announcement in the House of Commons, he was careful to emphasize that the baselines were being used to delineate what had always been considered Canadian historic internal waters.

Under international law, and particularly the Law of the Sea, of course, a coastal state can claim title over waters on the basis of history if it can satisfy a two-part test. The first part, which is critical, is that the coastal state has exercised exclusive authority and control over those waters over a long period of time. The second part of the test is that there has been general acquiescence to that exercise of authority, especially by those states particularly affected.

I should say that this claim Canada makes to historic waters status for the Arctic waters is a very strong claim under international law—the strongest. The Law of the Sea assimilates internal waters to land territory, so in fact Canada, as the coastal state, exercises as much authority, competence, and prerogatives over its internal waters, including in the Arctic, as it does over downtown Ottawa. It's a very strong claim.

Of course, some foreign governments have repeatedly refused to acquiesce in this claim, most notably the American government, but protests also have been lodged by the European Union. It is certainly Washington's position that an international highway cuts through this archipelago, an international strait, bringing with it a legal regime of exception.

The legal regime that applies in an international strait is that of guaranteed freedoms: guaranteed freedom of navigation for the ships of every nation, both privately owned and state owned; a right of transit for submarines submerged, without any obligation to seek permission or indeed authorization; and, as Colonel Leblanc mentioned, a right of overflight for the aircraft of every nation, both privately owned and state owned, in the air corridor above the international strait.

In international law, there is no clear-cut definition of what constitutes an international strait. It's been a very divisive issue, going back to the negotiation of the 1958 conventions. The principal source of law in this question is the 1949 decision of the International Court of Justice in the Corfu Channel case. In this case, the court had to decide whether the North Corfu Channel was an international strait.

The court defined a two-part test. This test, therefore, is made up of two distinct criteria: a geographic criterion and a functional criterion. In terms of the geographic criterion, nobody argues over that in the Northwest Passage. The Northwest Passage connects two parts of the high seas. Nobody argues that. But there is substantial debate over the functional criterion and how it should be interpreted.

The court used this language in defining the North Corfu Channel: a strait that was “used for international navigation”. It's the Canadian official position that the Northwest Passage has never been used, as of right, by international ships for navigational purposes.

• (1605)

Of course, there is a certain current coming out of the United States, notably the Naval War College in the United States, and more recently formulated by James Kraska, that actual use is not necessary. As long as a stretch of water *can* be used, potentially, for international navigation, this is sufficient to transform the body of water into an international strait.

I mention these specific points because I think Canadian armed forces have a very real role to play in helping to shore up Canada's legal arguments on these two critical points.

Before I turn to this, I'd like to apologize to the committee: I have no military Canadian armed forces expertise. This is the lawyer thinking about her best possible shopping list.

I would say that today, in 2009, Canada's legal position is vulnerable. But this vulnerability is not principally legal; it's more factual. After all, Canada's entire case rests on effective control. The point I'd like to make, my principle, is that if Canada insists that the Northwest Passage waters are internal, then that means they're part of Canada's national territory. Therefore, Canada as sovereign is obligated to guarantee an effective presence and effective control, as it would on any other part of Canadian soil. This is a huge task.

In terms of presence, I think largely in the last half-decade it's been mostly a visible presence through coast guard vessels escorting ships through the passage and providing for the needs of the various Arctic communities. In my very humble opinion, I think the coast guard is probably the best agency to ensure this kind of effective presence.

But Canada doesn't only have to be visible in the Northwest Passage; it also has to exert control over the waters of the Northwest Passage. It's here, I think, that the Canadian armed forces must intervene. I've been called alarmist, but I think the danger is very real. I think any—*any*—unauthorized transit by a foreign vessel, whether surface or underwater, will severely undermine Canada's legal case.

First, such a public violation of Canada's sovereignty would call into question Canada's ability to effectively govern those waters, which is an important and essential component of our historic waters claim.

Second, it would create a dangerous and weighty precedent in this debate we have, this quarrel, about what constitutes an international strait. It would be a dangerous precedent of actual use of the Northwest Passage for international navigation.

From my perspective, I hope the Canadian armed forces will be equipped with the best available technology and equipment in terms of surveillance and detection. Early detection is essential if the Canadian government is to respond effectively to such a situation.

It's also my hope, in ignorance, that an emergency plan, a formal emergency plan, exists among the different actors within the Canadian government—so between DND and other actors, about how such a dramatic scenario would be managed.

To be clear, my perspective is that to protect its legal position, the Canadian government would have to react vis-à-vis any ship or submarine that had entered the archipelago unannounced and uninvited. The amount of time available for diplomatic negotiations between Canada and the flag state of such an offending vessel would be extremely short. In the absence of a political solution to the crisis, Canada would have no other choice, I believe, but to intercept.

I think Canadian armed forces must have a capability to interdict a foreign ship navigating through the Northwest Passage without Canadian permission.

•(1610)

The Chair: Ms. Lalonde, can you—

Prof. Suzanne Lalonde: I'll just conclude, Mr. Chair.

Given the distances involved and the harsh conditions, I think it would be entirely appropriate, as has been suggested, to have a specialized unit stationed in the Arctic—at least with one helicopter, at least during the summer shipping season. A naval icebreaker that could be called in to lend support would be a tremendous asset.

I think these are the minimum if Canada is not to be perceived to have abandoned its legal claim over the Northwest Passage.

Thank you.

[*Translation*]

The Chair: Thank you very much, Professor Lalonde.

I will now give the floor to Mr. Bagnell.

[*English*]

Hon. Larry Bagnell (Yukon, Lib.): *Merci.*

I have lots of questions, so hopefully the answers won't be too long.

I'd certainly like to thank Mr. Leblanc. We've worked together before.

You're right that the distribution of Canadian troops is horrendous. Ten years ago I brought this up here. In the two areas we had sovereignty claims against us, Nunavut and Yukon, out of our forces of 60,000, or whatever it was, we had zero in Nunavut and four soldiers in the Yukon. That's absurd. You pointed out that the poor distribution continues, and that there's a lack of any search and rescue north of 60, which I've been saying for five years.

My first question is on the reserves. It was recently announced that four reserves would staff the north. For a long time we've been asking for a reserve in the north, but these four are going to be in the south.

Do you not think there should be an attempt to at least employ northerners in one of the reserves, to have one of the reserve units stationed in the north, if the four of them are supposed to be covering the north?

Col (Retired) Pierre Leblanc: I would agree with you, sir, on that, and I would suggest that two locations, Yellowknife and Whitehorse, would probably have the population base to support small units. The advantage of using populations from those two centres is that they are very familiar with the weather conditions. The Arctic is still a very formidable place in which to operate. We've had Ranger patrols operating at minus 100 degrees Celsius with the wind chill factor. If you don't know what you're doing in this kind of weather, any small accident becomes life-threatening. You can imagine an open wound at minus 40 degrees. You have minutes to react to that.

One of the points I made to the Chief of the Defence Staff, back I believe in 2000, was that the regular force army units that were coming up to the north were suffering higher and higher incidences of cold injuries. That's because of a lack of training. The frequency used to be much higher and then it was reduced through various

budget cuts. Our army has to be able to operate, as I mentioned in my presentation, any time and anywhere in Canada. We don't train sufficiently in the north to do that.

Hon. Larry Bagnell: Thank you very much.

Related to what Professor Lalonde said about us having to interdict ships and be able to control our own Arctic, do you have any comments on the fact that the government cancelled the ice-strengthened supply ships?

Second, they are making patrol boats that will have great use for three months in the summer, as they said, but they can only go through one metre of ice and there could be six metres.

Col (Retired) Pierre Leblanc: I was happy when I heard we were going to build ships that have the capability to operate in ice-infested waters. Our naval vessels today cannot operate in the Arctic in any kind of ice-infested water, and because they don't have a double hull, they would break Canadian law if they were to be deployed in the high Arctic.

If those ships are capable of operating until there is one metre of ice, it would cover most of the maritime activity taking place during the period of time the various passages are open. Once the ice is thicker than one metre, the amount of maritime traffic you would see is reduced significantly. At that point, they can reduce the amount of patrolling that takes place. It would be seasonal in many ways, but it's a capability we don't have right now. I think any increase in that capability is very significant.

•(1615)

Hon. Larry Bagnell: When the Prime Minister first came in he promised three armed icebreakers for the north, and then suddenly that promise was cancelled. There will be one for the coast guard. Why would the navy recommend three armed icebreakers and then change its mind?

Col (Retired) Pierre Leblanc: I don't know, sir, if the navy made that recommendation and how the change came about.

As I mentioned in my presentation, it's important that somebody guard the gates in the north. Unfortunately, the coast guard is a bit of a misnomer because they don't guard the coast. It's not part of their mission; they're not funded for it and they're not trained for it. They're not armed ships. By default you would have to use the armed forces to do that. The coast guard might be better suited to look after security of the Arctic, interdicting ships and boarding ships. If we have one of these rust buckets we used to have on the west coast coming in from China and it wants to transit through the Northwest Passage, you need the capability to physically stop that ship from going through.

Hon. Larry Bagnell: Thank you.

Ms. Lalonde I'd like to ask a legal question, but not related to your presentation. In Bill C-3, to extend our sovereignty to 200 miles for the Arctic Waters Pollution Prevention Act, the government's biggest argument that we have authority to do so was the clause in UNCLOS that we put in related to ice-filled waters. How strong will our claim be in the near future when these waters are no longer ice-filled?

Prof. Suzanne Lalonde: I was ridiculed for bringing that up, but someone from Foreign Affairs was saying there will always be ice in the Arctic because it's a cold and nasty place. I suggest that it's been raised in important circles south of the border, and I think it's very much *un enjeu*, a strong possibility that application of article 234 is called into question once the ice disappears.

Also, I was able to find documents from the American State Department that show that their officials are not convinced that article 234 allows Canada to do everything it does under the Arctic Waters Pollution Prevention Act. If you reread the language of article 234, it's quite specific to marine pollution from vessels. It's quite strict and limited. I think it's not going to be a cakewalk. I'm not comfortable that we're entirely protected because of article 234.

The Chair: *Merci beaucoup.* Thank you very much.

I am now going to give the floor to Monsieur Bachand.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Thank you, Mr. Chair.

First, I would like to welcome our two witnesses.

Mr. Leblanc, I have always been a supporter of new technology, especially when it involves covering and observing such a vast area. You told us about a number of approaches. We visited MDA and invited employees from that company and the COM DEV company to appear before this committee. You have not talked about the issue of satellite observation, which I consider to be rather important.

In Canada, we have RADARSAT-2 and an entire technology that makes this type of observation possible. I also think it is possible to have Canada's north patrolled by UAVs. I would like to know your opinion on satellite observation and the use of UAVs in Canada's north.

Col (Retired) Pierre Leblanc: Unfortunately, I have a lot of topics to cover during my seven minutes, but I want to say that, in my opinion, satellite observation is the best way to monitor Canada's north. I made that recommendation in the document that I wrote in 2001, a copy of which was given to you.

In fact, I recommended that photos of the entry points into Canada's Arctic be taken every day using RADARSAT-2. That means taking a photo of an area that a ship cannot cross in the space of one day. Every day, photos are taken of the entry points. Take the example of where Alaska and Yukon come together, and ships from the west. One box more or less covers the Alaskan side so that ships can be seen before they arrive from Canada. If we can compare that information with that of NordREG, we can have a good idea of who is approaching us.

I am told that RADARSAT-2 has been operational since November of last year. I do not know to what extent the information has been integrated for the purpose of producing intelligence. In the past, I had recommended that that information be received by our headquarters in Yellowknife. So, there would be NordREG, the coast guard, satellite photographs and other systems. A surface radar system that was supposed to be used to view ships was cancelled at the last minute.

All that to say that I completely agree. That is one of the recommendations I made. In fact, I made a presentation to the

Standing Committee on Foreign Affairs and International Development to block the sale of RADARSAT-2.

• (1620)

Mr. Claude Bachand: I will come back to UAVs later because I have a question for Ms. Lalonde.

You talked mostly about the legal aspect, but there are many ways to approach a nation's sovereignty. First, I am surprised that, from a historical perspective, you did not mention that Inuit have occupied that land since time immemorial. That is an important argument and would be difficult to refute. I would like to hear your opinion on that in more detail.

As I was saying, there are many ways to approach sovereignty. From the scientific standpoint, for example, we are in the process of underwater mapping and observing what happens under the sea. Mainly, it has to do with the normal extension of the continental shelf. Could you tell us whether you think this is an important point of view.

There is also the military perspective, but I do not think that that is even a real issue. You mentioned interdiction, but I do not think that the Canadian Navy could do much against the American or Russian navy. I sort of want to set aside the military argument. I do not think that the Canadian Forces or the Canadian Navy measure up.

I do not know if you are aware, but the United Nations Commission on the Limits of the Continental Shelf has just given 235,000 km² to Norway. I would like to hear your thoughts on that. It seems that Canada, for its part, has not yet made a submission. In terms of the Arctic debate, do you think that this is the organization that will have the final say?

Ms. Suzanne Lalonde: Thank you.

Indeed that was what I was getting to at the very beginning, but my seven minutes were up. There are a number of legal challenges, such as the control of Canada's sovereign rights over the Arctic Ocean basin, the extended continental shelf, the maritime boundary, the continental shelf boundary in the Beaufort Sea and the dispute over Hans Island. I mentioned very briefly in my opening remarks that these other legal disputes—if you prefer, we can use the term “legal matters” to avoid any hostile connotations—were governed by specific rules.

In the case of the extended continental shelf, you are quite right. As a party to the 1982 Law of the Sea Convention, Canada must make a submission to the United Nations Commission on the Limits of the Continental Shelf regarding the boundaries of the extended continental shelf, as Norway and Russia have done. The United States are working on it, even though they are not yet party to the treaty.

In my view, that is what the Ilulissat Declaration was about. The rules of the game are there, and everyone is playing by those rules. The process will be followed. I think, however, that it may take a long time. We need to be patient because the commission cannot rule on requests that are the subject of a dispute. For instance, it could not issue a ruling on the zone between Russia and Norway in the Barents Sea, which is contested by both countries. The commission did what it could, but the disputes remain.

The Chair: You have 30 seconds left.

Ms. Suzanne Lalonde: As for the military aspect, I think you are absolutely right. If a Russian or Chinese warship were to dispute Canada's sovereignty, we would have to hope that applicable diplomatic agreements were already in place. In contrast, if it were a merchant ship, I hope that the situation could be resolved before we had to resort to that.

Ultimately, however, I think that if we are serious about Canadian sovereignty, we have to do something. If we do not intervene in a case like this, then we are not sovereign.

• (1625)

The Chair: Thank you very much.

I will now give the floor to Mr. Harris.

[English]

Mr. Jack Harris (St. John's East, NDP): Thank you, Mr. Chairman.

Thank you for your presentations.

I take it from your presentation, Madam Lalonde, that the major issue of contention is the Northwest Passage.

I ask you if you agree with me that the issue of the boundary on the Beaufort Sea, the issue of the extent of the continental shelf, and even the disagreement over Hans Island are conventional disputes that can just be resolved by either agreement or by arbitration, so there's not really a worry there. The issue of the Northwest Passage, however, is one that is still a live issue. Can I ask you whether a presence is important there? I'm asking that in the context of the relatively cheap use of the coast guard versus naval ships. Let's face it, it's a much more expensive proposition. Is presence important, even with the Northwest Passage?

Do you have any comment on the fact that none of the 12 new coast guard vessels that are now under tender have icebreaking capabilities? Is that going to be a problem for us?

Prof. Suzanne Lalonde: I believe so, and I would agree fully with your opening statement about the nature of and how the other disputes will be managed. I think they will be managed very legally.

The Northwest Passage is a whole other situation. In fact, Canada is a bit isolated in its position and is being reproached in international fora for its nationalistic outlook of this question and abandoning its multilateral, cooperative model. So I think it's a hard sell, and I would certainly agree with you.

I had the privilege of being on board the coast guard vessel *Amundsen* and crossing the Northwest Passage. I believe the centre of expertise in Canada at the moment for the Arctic navigation side is in the coast guard. I think it is mostly—I would say 95%—presence and being in those waters when foreign ships are in those waters, which is what the coast guard does every summer.

Perhaps I'm focusing too much, but I think there is this worst-case legal scenario and I think we just have to prepare for it. I think it could be a very *ciblée* response, a very precise response, to develop a capability to respond to that nightmare legal scenario.

Mr. Jack Harris: In that context, then, could the decision of the Canadian government, if it is indeed a decision, not to have icebreaking-capable naval vessels, could that decision alone, to change your mind...? Could that be interpreted as a withdrawal of any interest in enforcing rights?

Prof. Suzanne Lalonde: I would hope not. I think not. I think there's enough activity and other things on the table, such as proposals for Arctic training centres on the Northwest Passage. I think the Canadian government, at the moment, is demonstrating quite a sustained interest in Arctic sovereignty.

Mr. Jack Harris: Colonel Leblanc, could I ask you whether it's important as well to have a capability for under-ice awareness of what's going on? At around the same time as the question arising about the Russian overflight being intercepted, there was a question of submarine activity in Canadian Arctic waters. Do you know anything about that, and what would you have to say about that being apparently ignored by our government?

Col (Retired) Pierre Leblanc: Yes, sir, I believe we need the capability to monitor subsurface activity. We did have a program back in 1987 that was going to put SOSUS equipment in the three choke points of the Arctic. You can basically see them on the slide, the two entry points of the yellow line and the red line near Iqaluit. If you had subsurface surveillance in those choke points, you would be able to tell if a submarine is entering the Canadian Arctic.

It's my understanding that there might be a program to address this shortfall, but to my knowledge we don't have this capability yet. It's one I recommended back in 2000 and numerous times thereafter.

I'd like to come back to the suggestion that yes, somebody has to guard the gate but it may not necessarily have to be the armed forces. If the coast guard were tasked with that mission, I am sure over time they would be very capable. As Suzanne has mentioned, in terms of maritime activity and maritime experience in the north, it's the coast guard that has that.

Mr. Jack Harris: I have one further question. Do you have any knowledge about the incident regarding the submarine activity last fall?

• (1630)

Col (Retired) Pierre Leblanc: I'm not aware of the details of that, sir. I'm not in on the secrets of the gods anymore.

Mr. Jack Harris: Going back to you, Madam Lalonde, it's been suggested—and I've been reading some papers from the Library of Parliament on some of these issues. It seems, of course, that the principal legal and perhaps functional challenger on the Northwest Passage has been to date the United States. If there are others piling on.... There's been a suggestion in one of the papers that perhaps if the United States see a lot of international interest they might be inclined not to see it as an international strait anymore if it could be shown that Canada could effectively control that area, because the United States may not want everybody in there as an open passage, for overflight reasons, for security reasons, for all sorts of other reasons. Are you aware of any discussions about that? You seem to know what the legal theories are going on in the U.S. war colleges. Have you heard anything about this possibility that the U.S. might withdraw its objections under certain circumstances?

Prof. Suzanne Lalonde: I started the project in 2001 very enthusiastic about the possibility that continental defence and homeland security was our way into changing the official American position. But after meetings with State Department officials, I think, officially, the United States have no wiggle room. For 40 years they've been insisting it's an international strait. No one could stand up and suddenly say, we got it wrong. But I think actually this official position has never been tested.

Though officially the U.S. continues to object, there has been no on-the-ground *protestations* of Canada's position, and I think there's a lot of sympathy. At an American Society of International Law meeting in 2006, a Pentagon official was telling me, we hate the idea of an international air corridor; we are unhappy with that notion and we don't want it. So I think the message informally or unofficially is, Canada, do your stuff. Be prepared to police. If you want us to give you the confidence and give you that role, assume it properly, but don't ask us for an official—

[Translation]

The Chair: Thank you very much.

[English]

Thank you very much.

Now I will give the floor to Mr. Hawn.

Mr. Laurie Hawn (Edmonton Centre, CPC): Thank you, Mr. Chair, and thank you to the witnesses for coming.

Colonel, I want to just clarify a couple of things. You implied there's a lack of air space monitoring above the north warning system. Are you aware of the space-based capability of air space monitoring through NORAD and other methods that are used to detect incoming unflight-planned aircraft and the fact that we have challenged physically every unflight-planned aircraft that has entered that portion of the air space? It's international air space, but nevertheless we've been out there challenging everyone. Are you aware of those capabilities?

Col (Retired) Pierre Leblanc: I'm not aware of the space capability.

Mr. Laurie Hawn: They're very extensive, and there's nothing that flies up there that NORAD doesn't know about.

With respect to the FOLs—I guess you haven't been up there for a little while at your military site—Inuvik and Iqaluit are used regularly by the forces based in Cold Lake and Bagotville. Rankin Inlet and Yellowknife are in a state that they can be made operational fairly quickly. All four of those FOLs are basically ready to use.

I have a question on SAR. I know it's something that is of a lot of interest to Mr. Bagnell. I know you'd be aware of this from your previous job in Yellowknife. On the frequency or lack of frequency of SAR incidents in the north, what would be your assessment of stationing SAR assets permanently in the north, since a very small percentage of SAR response situations happen north of 60? What would they do all the time?

Col (Retired) Pierre Leblanc: The recommendation I made a number of years ago was to station, on sort of a temporary basis, a C-130 in Yellowknife. The search and rescue requiring a C-130 on the west coast would originate out of Winnipeg. If you were to

launch from Yellowknife, it would be about the same flight time to reach the west coast.

There were a number of incidents, when I was the commander, when C-130s came up from Trenton and Winnipeg to do search and rescue operations in the north. The transit time to reach the target area was very long. My point was that there is a shift now. International flights—Vancouver to New Delhi, New York to Hong Kong—are going directly over the Arctic. Even though the incidence of air disasters or air incidents is relatively small—about 98% of incidents occur either on landing or takeoff—the possibility of an incident in the north continues to increase. Given the climatic conditions.... You may recall the C-130 that crashed on Ellesmere Island. It took something like two and a half days before somebody was actually on site.

●(1635)

Mr. Laurie Hawn: That was not a factor of the location of assets. That was a factor of weather. The weather was absolutely horrible. It had nothing to do with the location of assets.

If an incident happens at takeoff and landing, then the rescue operations are going to be handled by the forces on the ground at that airport. I would submit to you that they would be idle most of the time or would be doing other things when they would be needed south, where the vast majority of those incidents occur.

You talked about increasing the size of the forces in the north and so on. I'm not sure how broad-based you would see that being. I'm not sure precisely what you had in mind, but have you scoped out the size and cost of those forces in terms of manpower dollars, equipment, and so on?

Col (Retired) Pierre Leblanc: No, I haven't done that exercise, sir.

Mr. Laurie Hawn: I would suggest that it would be incredibly large.

With respect to submarines, and going back to Ms. Lalonde, submarines operate in the Arctic all the time. They operate around the world all the time. Of course, navies don't tell each other where their subs go. If we could detect them—and there are other methods of detecting them—what would we do about it?

I'll ask Ms. Lalonde, please.

Prof. Suzanne Lalonde: The submarine question is a nightmare for the international lawyer, because if we know, and they didn't ask permission—I fall back on this being where ignorance is bliss—then let's hope that with NORAD and NATO we have agreements that cover most of those transits.

If it is shown that we know and we're incapable of stopping unauthorized transits, then forget it, it is an international strait.

Mr. Laurie Hawn: As I said, submarine forces don't tell other submarines forces, even the friendly ones, where they are. They have their own reasons for doing that.

With respect to MAJAJD, major air disasters—either one of you, I guess—the Canadian Forces has a major air disaster plan, as they have had all along. Colonel LeBlanc, you would have been aware of that in respect of your previous duties. Do you have knowledge, Ms. Lalonde or Colonel LeBlanc, about the current plan and how you might want to see that changed or improved?

Col (Retired) Pierre Leblanc: I was aware of the MAJAJD capabilities and the assets based out of Trenton. Tentage equipment would be let out of aircraft or parachuted to the site of a crash. There's also been work done with the U.S. as well as with the Russians in terms of joint cooperation for Arctic search and rescue. That is an indication that there is a perceived need, at the very least, for some capability in the north, a capability that can be used in a very cold climate under very severe weather conditions. If we had a large airliner go down in the north, and I'm not familiar with the exact capability we have right now, I think they would probably be quite tested.

Mr. Laurie Hawn: The north is a very big place, as you know, and whether we have it sitting in Yellowknife or in Trenton, there's probably not going to be any difference in terms of response time, in effect.

With respect to the coast guard, the coast guard has 18 icebreakers, seven of which operate in the Arctic. One of its missions, according to the coast guard, which spoke to us last week, is sovereignty—maritime security and sovereignty. I don't know whether that's changed in the last half-dozen years or so, but they do carry out that mandate and they do cooperate with the navy, as I'm sure you'd appreciate.

Colonel, the increase in capability, albeit maybe not as much as some would like, could you just repeat...? I'm not sure what you said, whether you agreed that the Arctic offshore patrol ships will add a capability? We'd maybe like more, but it does add a capability to our capacity in the north.

Col (Retired) Pierre Leblanc: I think it will add significantly to the capabilities we have.

Mr. Laurie Hawn: Okay. One of the things the government announced with respect to this new emphasis on northern sovereignty was an increase in training in the north and exercises to address the legitimate concerns you have about lack of familiarity and capability of operating in the north. Have you had a chance to look at any of those, or do you have any comment on the increase in training and exercises in the north?

• (1640)

Col (Retired) Pierre Leblanc: The major exercises that have increased take place, usually, around the August timeframe, summertime, when the waters are open, as opposed to the dead of winter, when there's 24-hour darkness and very cold temperatures. I think that's the area where we probably lack a little bit more capability; it's to operate in those extreme environments.

Mr. Laurie Hawn: There are exercises planned to operate in more of those environments.

The Chair: You have 10 seconds.

Mr. Laurie Hawn: If we had search-and-rescue assets in Yellowknife and Whitehorse, how would they be able to respond to an incident in the eastern Arctic compared to assets in Trenton?

Col (Retired) Pierre Leblanc: I haven't done a comparison of something on the east coast of Baffin. It might be easier to do the search and rescue out of Trenton, or possibly Comox—not Comox, but Greenwood.

[Translation]

The Chair: Thank you.

Yes, Mr. Blaney?

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Chair, I do not have a question. I just wanted to say that I find the documents submitted by the witnesses to be very impressive. They will be very useful to our study.

The Chair: Thank you very much.

I would like to thank the witnesses for appearing before our committee and helping us with our work. We will now take a short break so that the other witnesses can join us.

Thank you.

• (1640)

_____ (Pause) _____

• (1645)

The Chair: Order, please.

Joining us now are Vice-Admiral McFadden, Commander of Canada Command from the Department of National Defence; Alan Kessel, Legal Adviser from the Department of Foreign Affairs and International Trade; John Hannaford, Deputy Legal Adviser and Director General; and Paul Gibbard, Director of Aboriginal and Circumpolar Affairs. Welcome to all of you.

Vice-Admiral McFadden, you have the floor for seven minutes.

[English]

Vice-Admiral D. McFadden (Commander, Canada Command, Department of National Defence): Good afternoon, Mr. Chairman and members of the committee.

[Translation]

I was asked to speak today on whether the Canadian Forces are properly equipped and trained so as to enable us to protect and assert Canadian national sovereignty in the Arctic.

I know that you recently heard from members of Strategic Joint Staff and DND's policy group. I intend to expand on their comments in order to convey how it is that Canada Command operates and so exercises sovereignty over an area that is unquestionably one of our country's most precious inheritances, but also one where the harshness of climate, ruggedness of terrain and tyranny of distance make the conduct of operations extremely difficult.

The main theme of my comments centres on the principle upon which Canada Command was founded, namely, that we are truly a joint command that takes the capabilities of the navy, army, air force and space forces, and blends them in order to create an integrated effect. This means that we examine what we want to achieve in Arctic operations and then look over the breadth of the Canadian Forces to see what we can currently bring to bear and what capabilities we need to develop for the future.

• (1650)

[English]

In fact, we also look outside the Canadian Forces. When we plan and conduct operations, whether in the north or in the rest of Canada, we recognize that the military is but one element of state power and authority. We have close contacts at the federal, provincial, and territorial levels, and with the peoples of the north, and we strive to deepen those partnerships, ensuring that our operations are part of a whole-of-government effort.

Looking even more broadly, we are engaged in discussions with our Arctic neighbours. For example, there is the Commander of Joint Task Force North, Brigadier-General Dave Millar, who I believe you will be getting up to see in the not too distant future. His command is located in the Arctic, and he runs operations from there. Over the past few months, he has met with the commander of the U.S. Joint Task Force in Alaska, as well as the Danish commander of Island Command Greenland.

In fact, Rear-Admiral Kudsk of the Danish navy actually observed Operation Nunavut, a sovereignty operation conducted earlier this month, and I hope we'll have a little more time to talk about it. He and Brigadier-General Millar spent the night out on the land with one of the Canadian Ranger groups on patrol on Ellesmere Island.

In the same spirit of cooperation and openness, we notified Russia that a maritime patrol aircraft would be overflying a scientific ice station that is located in international waters in the Arctic Ocean. Again, this occurred during Operation Nunavut, with surveillance flights being but one of the means of building awareness of activity in the north and of establishing our presence there.

Of course, it's this increase in activity, in conjunction with climatic change, that drives expanded efforts in the Arctic. Sovereignty is one of the pillars of the government's northern strategy, and that includes an appropriate military role. But the effects we achieve are not merely those of awareness and presence. Perhaps to an even greater degree, our operations in the north support other government departments in exercising their mandates.

These are the departments and agencies that retain the lead for dealing with northern security issues. Despite this, they often draw upon the capabilities of the Canadian Forces to help fulfill their mandates. That's no different from the role we fulfill elsewhere in Canada.

[Translation]

What change in the Arctic means for us is that we will need to be prepared to do more of what we have been doing and also improve our ability to operate in the north.

The frequency and intensity of our operations have already increased significantly. As well, there are a number of initiatives underway to increase the footprint of the Canadian Forces in the region and to expand our operational capabilities: initiatives such as the expansion of the Ranger program, development of Arctic/Offshore Patrol Ships, as well as construction of a berthing and refuelling facility and a training centre in the Arctic.

[English]

I hope to be able to expand on the scope of the exercises we're conducting as well as on some of those initiatives, perhaps in response to your questions.

Fundamentally the Canadian Forces are not militarizing the north; rather, they are developing greater capacity to conduct broad-based and more effective sovereignty operations in our Arctic. To do that, we're not just developing greater military capacity, by which I mean air, land, sea, and special forces, as well as infrastructure and training; we are also, as a result of our operational presence through the joint task force command, our institutional strength in planning, and our culture of exercising, helping other government departments develop and mature their own capacities to deliver greater operational effect.

We have learned that in the north everything must be done in a cooperative fashion, whether jointly within the Canadian Forces, with our partners at all levels in Canada, or with our Arctic neighbours.

If you consider the harsh terrain, the limited infrastructure, and the vast distances involved, you see an environment in which the challenge of deploying and sustaining military forces is even more difficult than operations conducted at the other end of the earth, but that is what we are doing, in significant numbers and with increasing frequency. We are addressing those challenges. Increasing activity on our part is under way, and new capabilities and facilities are being brought online.

The Canadian Forces will play their part in what must be a whole-of-government approach to exercising sovereignty over Canada's Arctic, while also reaching out to our own peoples in the north and to our Arctic neighbours as well to ensure that Canada exercises its responsibility as an Arctic nation.

Mr. Chairman, I don't know if you wish to take questions at this stage or to proceed to the second presentation.

• (1655)

The Chair: We'll have the second presentation, and then after that the members will ask questions.

I want to thank you, Vice-Admiral McFadden, for your presentation.

Now I will give the floor to Mr. Kessel, legal advisor from the Department of Foreign Affairs and International Trade. Welcome.

[Translation]

Mr. Alan H. Kessel (Legal Adviser, Department of Foreign Affairs and International Trade): Thank you, Mr. Chair.

We are delighted to be here today, especially with you as chair. As you mentioned in the beginning, we are here with Mr. Hannaford and Mr. Gibbard.

[English]

I've decided to do a bit of a slide show today, because I think it's very useful to see some of the key pictures we have, as well as get a sense of the Arctic from the top down. We can also take a look at a region that's emerging on the verge of climate change and how we, as the Government of Canada, intend to deal with the severe challenges there, including safety and pollution risks.

[Translation]

The Canadian government is implementing the Northern Strategy, which is based on four main objectives: asserting Canadian Arctic sovereignty in a region that is attracting more and more international interest; facing the challenge of climate change in the north; fostering economic and social development to benefit northern residents; and allowing northern residents to exercise more control over their economic and political destiny.

Today, I will limit my remarks to the first and fundamental objective—Arctic sovereignty—given the Department of Indian and Northern Affairs' previous involvement in the Northern Strategy.

[English]

The basic reality is that there is no threat to ownership of the lands, the islands, and the waters of the Arctic. They are Canadian. The fact that climate change is diminishing the ice cover poses no threat to our ownership. They're Canadian, and they will remain so.

Canadian Arctic sovereignty is long-standing, well established, and based on historic title. We heard U.S. President Bush, when he was here in August of 2007 at the Montebello summit, say the following:

...the United States does not question Canadian sovereignty over its Arctic islands, and the United States supports Canadian investments that have been made to exercise its sovereignty.

I know that you've been listening to various academics and others who have indicated that the sky is falling. Hopefully we will show you that it isn't really doing that.

Let's see what there is out there. We do have three existing disputes in very narrow areas. They include, one, Hans Island, with which you're probably most familiar; two, Lincoln Sea; and three, the Beaufort Sea. The first two are with Denmark and the third one is with the United States.

Let's take a quick look at Hans Island. It's very difficult to see Hans Island here because it's so tiny. We don't have a big blow-up picture to show you.

It's really only a dispute over the land. We, of course, say it's Canadian. The Danes also claim it. In fact, if you take a look at that square, you'll see that the maritime boundary goes straight up the channel equally, stops at the island, and then it continues from the island above.

There's no, or very little, resource potential up there that we're aware of. Since 2005 we've had very much a process of talking to the Danes about this issue. It's a diplomatic track. It consists of making

sure we're managing the issue properly. Nothing happens on the island that we aren't aware of. Of course, the Danes are keen to work together on any project that goes on up there. So the Hans Island issue is being managed.

The Lincoln Sea, which is on the next slide, is a very tiny maritime dispute. The two small zones of 31 and 34 square nautical miles north of Ellesmere Island—you can see the teeny little dots up there—result in a disagreement over how to measure the equidistance line.

This is well on the way to resolution. We now have technology, particularly satellite technology and GPS systems, that can very quickly tell us what the difference is between the two sides. We will ultimately resolve this issue through discussion and negotiation.

The more interesting one is the next one. As North America is looking for energy security in a very difficult era, both Canada and the U.S. are now looking again at a pizza-pie-shaped space up in the Beaufort Sea that has essentially been on ice as a dispute for a while between the two countries.

Just to give you a little bit of history, in 1825 there was a treaty between Russia and the U.K. that set the 141st meridian as the boundary line between the two countries. We rely on this line as determining the degree of longitude, the definitive maritime boundary, into the Arctic Ocean.

It says, in fact, in that particular treaty, *jusqu'à la mer glaciale*, and we continue that line straight up into the Arctic. The Americans, of course, are disputing this. They indicate that this is only a land boundary, and that were you doing a maritime boundary, you would have to use an equidistance rule.

That's the indication on the right. The red line on your picture is the Canadian line, and the line on the right is the American line.

● (1700)

That's an issue that has been in dispute for some time. It's well managed, in the sense that no activity goes on in that space—although we are told by the Americans, by others, and our own people that there's probably a considerable amount of hydrocarbon wealth below the surface, including oil and gas. For that reason alone, it's in the interest of Canada and the United States to ensure that this area is resolved. That is something this government will look at as well.

Now let's go on to a more interesting discussion. I know you have heard from some people about the Northwest Passage. It's taken on a great deal of life on its own. Pundits, academic observers, as well as newspaper journalists have a tendency to want to expand on what the issue really is. Maybe if we just chat a little bit about this we can reduce it down to its proper proportions.

The Government of Canada put straight base lines around the Arctic Archipelago as of 1985. All the waters on the land side of that base line are internal waters to Canada. No one disputes that those waters are Canadian at all; the issue really is over the question of navigation, or the legal status of those waters. We, of course, consider them to be internal, and we have an unfettered capacity to regulate them as we would for any land territory.

The U.S. has indicated on occasion that it is an international strait running through this archipelago; and that would give foreign vessels a right of passage through these waters. Clearly, this is not a unique argument of the U.S. Their geostrategic interests are to ensure that any connected bodies of water should be considered an international strait for their purposes, from their interests' point of view.

They have also indicated that the northern sea route.... Our Russian neighbours to the north have a very similar issue, in that the Americans consider the Russian route to be an international strait. The Russians had also put base lines around their archipelago, and the Russians and we share an identical view with respect to the legal status of that area, namely, that they're internal waters and we disagree with our American friends.

In fact, this issue is not new. You may recall that during the "Shamrock Summit", when President Reagan was in Canada, there was a discussion about the *SS Manhattan* going through that area, and both countries decided we would regulate our operations through a treaty—and certainly those of icebreakers. The Americans signed an agreement with us in 1988 indicating that the U.S. must seek consent for U.S. government icebreakers to use these waters, an agreement that has been respected and has worked well for both sides up to the present.

The Chair: You still have one minute.

Mr. Alan Kessel: I still have one minute, my goodness. Thank you, Mr. Chairman.

Needless to say, that is an issue we can discuss further in questions.

Some hon. members: Oh, oh!

Mr. Alan Kessel: And I won't have to complete my thought.

•(1705)

[Translation]

The other issue of the extended continental shelf is very interesting. The slide shows the region of the Atlantic and Arctic Oceans where Canada began its scientific efforts to delineate the maximum extent of its continental shelf in accordance with international law.

The United Nations Commission on the Limits of the Continental Shelf is a scientific organization and does not settle disputes or overlapping claims. It deals with the interface between international and national zones.

[English]

I can discuss that further in the questions.

On cooperation with our neighbours, there's a continued cooperation with all our neighbours, and I know this is a theme that our other departmental colleagues have indicated. We cooperate closely with our American friends, especially on icebreaking and surveying of the seabed. We cooperate with the Danes. We cooperate with our Russian friends across the sea, particularly when it comes to issues where we can join them vis-à-vis the legal status of passages.

One last thing before I close. The ministerial conference in Ilulissat in Greenland in May 2008 was specifically between the five coastal Arctic states. It was a meeting of those states that have a right to delimit their continental shelf. It was not really about social or other issues; it was purely about the legal rights to continental shelf delimitation. We all agreed to work within an international legal framework, one that had been developed over 40 years and is now considered the Law of the Sea. That declaration was an attempt to at least shut down some of the speculation in the press and other places that said that for some reason there was a race on to the north, and we indicated quite clearly that this was a cooperative adventure.

Thank you very much, Mr. Chair.

[Translation]

The Chair: Thank you very much.

I will now give the floor to Mr. Wilfert.

[English]

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

Thank you, gentlemen, for your presentation.

Claiming something and having effective control over something, of course, are two different things. We can think of the Argentinians who claim the Malvinas Islands, or, as the British call them, the Falklands. They've claimed that for 150 years, but they don't control it. The Japanese still claim, of course, the northern territories. The Russians occupy it, but they don't control it, of course. The South China Seas Islands are claimed by six or seven countries, and the list goes on.

First of all, today Minister Cannon is in Tromso, Norway, I guess outlining Canada's priorities. Can you tell me what those priorities are at this conference?

Also, Vice-Admiral McFadden, as Commander of Canada Command, was your office contacted, and what, if any, input did you give?

•(1710)

Mr. Alan H. Kessel: This has two parts, and I'm going to ask Paul Gibbard to give you a briefing on the Tromso conference. Then Vice-Admiral McFadden can speak right after.

Mr. Paul Gibbard (Director, Aboriginal and Circumpolar Affairs, Department of Foreign Affairs and International Trade): Very briefly, the Arctic Council, as you know, is a grouping of eight Arctic states. Regarding the purpose of the meeting, foreign ministers meet every two years. It's an opportunity to recognize some significant achievements—and there have been some significant achievements—and to develop a work plan for the next two years.

In terms of significant achievements, two initiatives in which Canada had a major leadership role are the Arctic marine shipping assessment and the Arctic oil and gas assessment. I think the marine shipping assessment is a valuable tool. It gives us a sense of where marine shipping is heading in the future, to the degree to which some of these issues are or are not going to be immediate for us in the future, and in what parts of the Arctic, and some of the ways in which we need to start thinking through how we respond to the challenges we face. The Arctic oil and gas assessment gives us a sense of some of the challenges we have in developing those resources from social, economic, environmental, and other perspectives.

In terms of looking forward, there are a number of issues that are high on the council's agenda. Underlying those issues continue to be the issues of sustainable development and environmental protection.

I'd be happy to provide more details, but that, in a nutshell, is the summary of what the minister has been doing in Tromsø today.

Vadm D. McFadden: With respect to the question as to whether my office was contacted before the minister went, the answer is no, but I would expect that contact to be at the end of the conference. What came out of it would be something that we would normally be apprised of through Foreign Affairs.

Hon. Bryon Wilfert: We've had other departments, here and we talk about the whole of government, but I'm not sure whether or not we actually see that. Could you, through the Department of Foreign Affairs, provide us at some point with the minister's remarks? Thank you.

Admiral, I know you're probably familiar with Niels Wang, a Danish admiral who is one of the leading proponents with regard to the issues of climate change and security. Clearly, he says that any forces have to have the best surveillance tools, the ability to be able to track foreign vessels both under and on the water, and that sovereignty claims are one thing but they need to be able to exercise that as another.

Would you suggest, in terms of our ability with regard to the Northwest Passage and others—and we heard diametrically opposed comments here today.... I used to think if you put two economists in a room you'd get ten different theories, but obviously that applies to lawyers.

Could you talk to this committee about the effectiveness that you think we have in terms of the tools north of 60 in order to be able to execute, given the fact that we hear reports that the Russians are now prepared to put military forces, particularly bases, on their coastline in order to exercise both mineral and other claims in the north?

Vadm D. McFadden: Yes, sir, the words we would use would be "situational awareness". How would you know what's going on in the area over which you claim jurisdiction? There are a number of means by which we do that. I have no doubt that there are some very substantial projects coming online, some of them already here, some of them still on the books, but a fairly aggressive timeline of bringing them on.

I already made some of my comments about how vast this area is, so there's a great deal of emphasis being placed on initially space-based programs. Polar Epsilon is a project to provide space-based

situational awareness. We have recently gained access to a second satellite that has been launched, RADARSAT-2, which we have already validated through some of the exercising that we're doing, one as late as earlier this month, Operation Nunavut.

There's an intent to progress that Polar Epsilon project to a phase two. That would see the launch of three more satellites. The first launch is in 2014, and we would anticipate a full operating capability to be online by 2017. By "full operating", I mean there would be persistent coverage of the area above 65 degrees north. So from a space-based surveillance system, there are some fairly aggressive programs being brought online.

We're also conducting at the moment a technology demonstration phase of one of the things I heard a previous witness talking about, and that is choke point operations. There's a technology demonstrator under way in Gascoyne Inlet called Northern Watch, which is attempting to determine how we can bring together a series of sensors, space-based and underwater sensors, as well as surveillance forces that we would deploy on a periodic basis, to be able to establish a more coherent surveillance picture as to what's going on above and under the water. That technology demonstrator is approaching the stage of going to a second stage of operational input later this year.

• (1715)

Mr. Alan H. Kessel: Mr. Chairman, may I respond to—

The Chair: In ten seconds, yes.

Mr. Alan H. Kessel: Ten seconds, absolutely.

First of all, you have to get your lexicon right. Your lexicon is about claims. We don't claim anything; we own it. This is Canada. You keep talking about claims. Are you insinuating that we do not own this?

Hon. Bryon Wilfert: Others do. Therefore, if they claim it and we claim it, in the sense that we say it's ours and others say it isn't, unless you can show effective control, Mr. Chairman, it doesn't matter what we say we own, if we cannot in fact enforce what we say we own.

Mr. Alan H. Kessel: I disagree entirely with you. We own—

Hon. Bryon Wilfert: You're right, but I tell you that's not what we're hearing.

Mr. Alan H. Kessel: This is Canada. It continues to be Canada. And I would be surprised if you, as members of Parliament and Canadians, would be implying that it isn't. I think you should be careful about your lexicon, I suggest to you, Mr. Chairman.

Hon. Bryon Wilfert: I suggest to you that you may have a legal position, but no legal position in itself has any value unless you're able to enforce it. I believe it's Canadian, but if I can't enforce that, it doesn't matter what my position is legally. It's what the facts are on the ground. That's what I'm interested in.

[Translation]

The Chair: Thank you very much.

Mr. Bachand.

Mr. Claude Bachand: Yes.

The Chair: Are you Canadian as well?

Some Hon. Members: Ah! Ah!

Mr. Claude Bachand: Until there is evidence to the contrary, Mr. Chair.

The Chair: Thank you. I am glad to hear it.

Mr. Claude Bachand: First, I want to thank our witnesses.

Mr. Kessel, I must say that your presentation seemed very optimistic. I have some of the same concerns as Mr. Wilfert, but I think that is the only position you can take. If I was in your shoes, I would say the same thing. We cannot afford to be weak or to say that we are unsure. I very much like your decisive way of saying “yes”. Nevertheless, there are other considerations to take into account. Control of the territory, specifically, occupation of the territory, is a very important one.

Before I get into my questions, I would like to know one thing. We were told that the Department of Indian and Northern Affairs had taken the lead in this matter. Do all of you sitting at the far end of the table share that opinion?

[English]

Mr. Alan H. Kessel: I think there are two things being confused here. They do have the lead on the northern strategy, which is a whole-of-government effort. Someone was mentioning they hadn't seen the whole-of-government effort, and I can assure you, and certainly my colleagues can, that we've been at innumerable meetings where the whole-of-government effort has been there to look at our northern strategy with respect to...and I listed the four pillars of the northern strategy. So that definitely is a question that Indian Affairs has the lead on and is coordinating our particular input from government.

The other issue, which is what is Canada and what is our territory, is clearly in the mandate of the Minister of Foreign Affairs, and that's why we're here talking about sovereignty.

I don't know why there's a strong interest here in propagating it, but there's a mythology that there is some kind of race going on. I'd like you to point it out to me, because I'd like to know what it looks like. We, as governments who decided we didn't want to go to war over resources of the sea, decided 40 years ago that we would negotiate an international instrument, which we did, and in which Canada played a major role, and which sets out a vast international legal regime for dealing with the very issues we're talking about.

Canada was particularly instrumental in dealing with an article in that regime, article 234, on ice-covered areas, and it is one of the fundamental bases we have used to extend our Arctic Waters Pollution Prevention Act to 200 nautical miles. We will be bringing in a mandatory northern reporting system, which our friends in the military will then be able to act upon, also for 200 miles.

There is another mythology about Russians putting flags on the North Pole, which happens to be in the high seas. It means nothing. It's a stunt. It was a stunt then; it's a stunt now. The reality is that you don't own something by putting a flag on it; otherwise, *National Geographic* would own the Himalayas by having put a flag on them, or the Americans would own the moon by having put a flag on it. It just means they were there. So the Russians were there; they got to be there.

You have to put in context where your real concerns and fears are.

The Government of Canada has been aware of what we needed to do for many decades and we have done that under successive governments. And we are very pleased to say we feel confident that our legal position is strong and our approach to dealing with our access and exercise of sovereignty is also strong.

•(1720)

[Translation]

Mr. Claude Bachand: Mr. Kessel, I have to stop you there, because I still have questions to ask. How much time do I have left?

The Chair: You have three minutes.

Mr. Claude Bachand: I have a question for Vice-admiral McFadden. Has there been a recent increase in the number of Canadian ship patrols and land-based patrols? Has there been a recent increase in military air traffic? I would like to know.

And I am coming back to the *lead* question. In the strategy of showing a stronger military presence, is it the Department of National Defence or Canada Command that decides to increase patrols? Or is there a discussion between the departments, who then decide National Defence will do this, Foreign Affairs will do that, and Environment Canada will do its job? Do you have carte blanche to increase the number of patrols, Mr. McFadden?

[English]

VAdm D. McFadden: Sir, I take my orders from the Chief of the Defence Staff, and the Chief of the Defence Staff has told me to conduct more numerous, more complex operations in the Arctic, and we have seen a very substantial increase in both the numbers and the complexity over the last two years.

Your previous question was about the whole of government. It's easily said. It's a buzzword. The implication.... Sir, I should tell you that at an operational level the whole-of-government effort is working well in the Arctic. There is a spirit—I think it's a habit—of cooperation in the way they do business. But our operations have reached the stage where the deployment of the Canadian Forces in any numbers over strategic distances into an immensely austere environment is an operation. But once we're there, the capacity for us to provide the bedrock, the catalyst, upon which whole-of-government exercises can occur is the whole basis of the thrust in what we're doing.

There was an operation last summer, Nanook. I think folks have talked to you about that previously. The operational phase of that is only half of it. The exercise portion of that is immense.

[Translation]

Mr. Claude Bachand: I must interrupt you because I have a very important question for Mr. Kessel.

Mr. Kessel, how are we going to settle the issue permanently? By signing an international treaty with all of the circumpolar nations? The United Nations Commission on the Limits of the Continental Shelf has just given 235,000 km² to Norway. Ultimately, it is not the UN that will decide how it will work.

Will an international treaty with the circumpolar nations settle the future of the Arctic once and for all?

[*English*]

Mr. Alan H. Kessel: Well, I think yet again there seems to be some confusion. Why are you treating the Arctic differently from how you're treating the Gulf of St. Lawrence, or Labrador, or the west coast of Canada? The Canadian Arctic is Canadian. We have extended our economic zone out to 200 nautical miles, as we are allowed to under law. We are now delimiting, we are mapping the seabed to extend our continental shelf, our sovereign exploitative rights, up to the maximum, which could be 350 nautical miles.

The other nations are doing the same in a very logical approach. We are sharing data with them. There does not need to be an international treaty for the Arctic.

There's also another myth that somehow the Arctic is the same as the Antarctic, and I want to just tell you that the Antarctic and the Arctic are polar opposites. One is a land mass covered by ice, which is in dispute because there's no ownership. In the north, which is ours, there's no dispute over the land, and the North Pole is over water. So there's confusion, yet again, in the regimes that should be up there. I'm hopeful that with a little more explanation—

• (1725)

Mr. Claude Bachand: I'm not confused about north and south. I think you're very arrogant, sir, and you should maybe tone down your tone. You're in front of members of Parliament here. Probably you know much more than we do, but you could tone it down there. I think you're a little bit too arrogant.

[*Translation*]

The Chair: Thank you.

Mr. Harris, the floor is yours.

[*English*]

Mr. Jack Harris: Do we have only till 5:30 p.m., Mr. Chair? This is not a very good way to discuss such an important issue, with a tight timeframe? Are we closing at 5:30 p.m.?

The Chair: You still have your seven minutes.

Mr. Jack Harris: Okay, thank you.

Thank you for coming. Vice-Admiral McFadden, first of all, looking at your map of assets here, I notice that CFB Goose Bay is not mentioned as infrastructure available for the project of Arctic oversight and assets that are available. Why would that be?

VAdm D. McFadden: Sir, there are a great many other locations from which we operate. What I wanted to be able to show in that was the major basing lay-down areas from which we support operations. We operate from Goose Bay as well in search and rescue via forward deployment.

Mr. Jack Harris: It's left out here. I notice that there was the whole Labrador Sea, and it's very close to Greenland as well. Do you use that as an asset for your northern operations?

VAdm D. McFadden: Yes, sir, and we use a lot more than what I'm just showing on this. What I was trying to show was the major basing for the search-and-rescue locations, as well as the forward operating locations that we use in the high Arctic.

Mr. Jack Harris: Thank you.

I notice in your presentation, in talking about your projects in the north, you talked about the need for the expansion of the Ranger program, the Arctic offshore patrol ships, etc., and a berthing and refuelling facility, and a training centre in the Arctic. But I noticed a distinct lack of mention of any icebreaking-capable vessels in your presentation. Have you talked to the Chief of the Defence Staff about that as something you might need to carry out your function in the north?

VAdm D. McFadden: Sir, I suppose the difficulty of understanding the true value of the Arctic and offshore patrol ships as a capability is the intent as to when we will need to exercise presence. When the need for sovereignty, presence, will be greatest is when activity rates go up. The activity rates in the Arctic are going up because we're seeing a reduction in the size of the ice.

It doesn't mean there isn't a requirement for icebreakers, but what I'm able to talk about is what capability we can bring by the projects we have online. There is an immensely significant change in our capability to operate in the Arctic as the Canadian Forces with the coming online of that capability. It will be capable of operating in first-year ice with some multi-year ice intrusions, and that's a fundamentally significant change for us. The requirement for icebreaking—

Mr. Jack Harris: What has brought that about? We've been told that 12 new ships are being built for the coast guard, and none of them are ice-reinforced. They can conduct patrols, presence, and surveillance as well as the navy. But on having a naval presence for enforcement purposes, wouldn't you require some ice capability beyond what you have now?

VAdm D. McFadden: We anticipate we will be conducting operations when activity is greatest with those types of assets. We put ships into those waters when we see the greatest amount of activity.

• (1730)

Mr. Jack Harris: So you're saying we don't need armed icebreaking capability.

VAdm D. McFadden: I'm not saying we don't need icebreakers. With the role we've given the Canadian Forces to establish a presence, and the capability coming online with the Arctic offshore patrol ship, we increase activity when the risk goes up.

Mr. Jack Harris: I understand that, but we're talking in circles here. We had an announcement that we were going to have armed icebreaking capability for the Canadian Forces. It doesn't seem to be part of your plans. Is it something you need and want, or is it something you can quite happily do without, and we will just wait for someone to make a decision?

VAdm D. McFadden: I haven't said this country doesn't need icebreaking capability, but that's not going to be resident within the Canadian Forces.

Mr. Jack Harris: So the decision has been made that the navy will not have ships with icebreaking capability.

VAdm D. McFadden: I'm not aware of any project or any discussions that we're bringing icebreakers online in the Canadian navy.

Mr. Jack Harris: Okay. Thank you.

You mentioned a number of projects that are available dealing with surveillance. The Polar Epsilon project is under way to integrate with the RADARSAT-2, and we are increasing that capability with a phase two over the next number of years.

Are you aware of a project call Polar Breeze? Does that have anything to do with your surveillance capabilities in the north?

VAdm D. McFadden: I'm not aware of it, sir.

Mr. Jack Harris: In the media in the last couple of days there has been some suggestion that the Canadian Forces, and the government in general, have denied its existence. Then they said that while it does exist it is classified. We had an assertion here a couple of days ago that it doesn't exist, yet I have a 50-page document here that was released under freedom of information. It doesn't have much information now, mind you, because most of it is blanked out.

So you know nothing about something called Polar Breeze, or once called Polar Breeze and now under some other name, that increases the capability of our Canadian Forces to obtain information, surveillance, or intelligence in the north.

VAdm D. McFadden: I am not aware of any project called Polar Breeze.

Mr. Jack Harris: You've never heard of it.

VAdm D. McFadden: No, sir.

Mr. Jack Harris: On the technological demonstration you were talking about that's being activated right now for underwater capability, is that part of the Polar Epsilon activity or is it under Northern Watch?

VAdm D. McFadden: That's under Northern Watch, and I wanted to show that location on the chart I gave you.

Mr. Jack Harris: Where is that location again?

VAdm D. McFadden: If you see three yellow dots in the centre of the page, it's the middle yellow dot, at Gascoyne Inlet. It's just to the east of Resolute.

Mr. Jack Harris: Is that one of the so-called choke points we heard about earlier?

VAdm D. McFadden: That is a choke point, sir.

Mr. Jack Harris: Thank you.

Mr. Kessel, we heard from Madam Lalonde a little earlier that the Northwest Passage...and I don't know if you even want to talk about that as the Northwest Passage. Perhaps it might give someone the idea we are acknowledging there may be one. Is there any evidence of any other country attempting to use the area over the so-called Northwest Passage for international flight—for overflight as a right?

Has there been any attempt by anyone to do that, or any history of that?

Mr. Alan H. Kessel: I'm not aware of any.

Mr. Jack Harris: We understand, from the legality of it, that if it were an international strait there would be right of overflight.

Mr. Alan H. Kessel: That's something the Canadian military may be able to tell you.

Mr. Jack Harris: But you know of no legal intrusions that would cause any issues for our position.

Mr. Alan H. Kessel: I not aware of any flights.

The Chair: Thank you very much, Mr. Harris.

I will give the floor to Monsieur Blaney. I know you will share your time with Mr. Boughen.

Mr. Steven Blaney: I may be too much of an egoist to share my time.

Mr. Bernier, thank you.

[*Translation*]

Mr. Chair, "we feel finally that we have a federal government after many, many years that actually has some interest in the North." The premier of Yukon, Mr. Fentie, said that at the beginning of 2009. I am glad that Mr. Kessel said in his presentation that we have allocated \$40 million over 4 years to delineate Canada's Arctic seabed.

I would like to go back to the slide that shows the financial envelope for the continental shelf. We will have five new patrol vessels and one deep-water port, which seem to be very important measures.

I would like to know what you thought about the first presentations. Mr. McFadden, Colonel Leblanc was in charge of the north for five years. He recommended increasing our surveillance and response capabilities, among other things. I want to know your thoughts on that. It seems as if we are playing catch-up. I want to understand the impact of our claims, particularly on internal waters.

Mr. McFadden, do you want to get the ball rolling by talking about the recommendation to increase our surveillance and response capabilities?

• (1735)

[*English*]

VAdm D. McFadden: We are substantially increasing our surveillance capability. I've talked about some of the measures of doing that from a space-based process. Situational awareness is the foundation of understanding what's going on in the region. We are increasing the rate of activity and the complexity of the operations we're doing.

One of the comments I heard from the colonel was that we're not operating in the high north in bad weather in the winter. We just finished an exercise at the end of March in the high Arctic—it's one of three that we run on an annual basis—called Operation Nunavut. We're not only increasing our capacity to survey through space-based systems and integrating underwater sensors with that; we're increasing the presence in the north.

One of the government announcements was on the intention to increase the size of the Canadian Ranger program fairly substantially. It had fewer than 4,000 people, and the intent is to increase it to 5,000. We have five Ranger patrol groups and only one of them is actually in the Arctic itself—I Canadian Rangers Patrol Group. We have over 1,600 rangers in that program now. The intent is to increase it by just over 450 people. We have 56 communities in which rangers are based. We're opening five new locations. The rate of that increase is growing very rapidly. In the last six months, 122 rangers signed on, and another 35 will complete training in June.

I think you should understand that the Ranger capability for us, from a sovereignty perspective, is a force multiplier. The numbers are substantial, but people don't quite understand that these are community leaders who also serve.

[Translation]

Mr. Steven Blaney: Thank you, Mr. McFadden.

I also have a question for Mr. Kessel, but first, I want to quote an excerpt from the presentation made by Ms. Lalonde, the law professor:

The Canadian Armed Forces must therefore have the capability to interdict a foreign ship navigating through the Northwest Passage without Canadian permission. [...] This coercive interdiction capability is necessary if Canada is to assert effective control over its internal waters in the Arctic.

I would like to hear your opinion on that.

[English]

Mr. Alan H. Kessel: Thank you, Mr. Blaney.

All the waters inside the Canadian base lines fall under the authority of Canada, and as such, any security, policing, or other activity would be entirely consistent with the exercising of our sovereignty.

[Translation]

Mr. Steven Blaney: I imagine that the coast guard is also involved. What is the difference between the red line and the white line?

[English]

Mr. Alan H. Kessel: The red line is the extension of our economic zone to 200 nautical miles, which is permitted under the United Nations Convention on the Law of the Sea. The white line is actually a guesstimate—an attempt to see where the extension of our continental shelf would lead to. The area between the red and the white will amount to the size of the three prairie provinces once we finish doing the mapping. We are doing that mapping now. We are required to put in a submission by 2013 to simply confirm that our mapping is correct.

• (1740)

Mr. Steven Blaney: Is this the type of discussion you're going to have in Ilulissat, Greenland?

Mr. Alan H. Kessel: What we discussed in Ilulissat was that all the countries around the Arctic circle—Canada, the U.S., Russia, Norway, and Denmark—would conduct their activities within an international legal framework and that we would cooperate with each other to ensure that we deal with disputes within that process.

[Translation]

Mr. Steven Blaney: There is another conference, the one on the United Nations Convention on the Law of the Sea. Are you taking any steps regarding the Arctic under that convention?

[English]

Mr. Alan H. Kessel: I'm not sure I understood the question. The conference on the United Nations Law of the Sea has developed the convention, and there are obviously states that get together now and again to review specific aspects of it.

But I'm not quite sure what the question was.

Mr. Steven Blaney: The question was whether you had any involvement regarding this convention in regard to the Arctic.

Mr. Alan H. Kessel: That's a very interesting question that people have raised, and it usually comes from NGOs that would prefer there were some kind of international regime in our territory, rather than allowing Canada or the U.S. or Russia or Norway or Denmark to basically apply their domestic law.

For us, if you take a look at your map, that's Canada. We apply our environmental laws. We apply our pollution laws. We apply our security law within Canada. So we have stated on many occasions that we, as the Government of Canada, do not see a need for an international regime that looks like the Antarctic Treaty in the Arctic.

The Chair: Thank you very much.

I want to thank all our witnesses for their participation in our work today. We really appreciate it.

[Translation]

We will now move on.

You have before you an email that we received about a delegation of parliamentarians from Pakistan who would like to meet with us for an hour or so on Tuesday, May 12 to discuss the budgetary process and to assist a committee in their country. What do the committee members think?

Mr. Wilfert.

[English]

Hon. Bryon Wilfert: Mr. Chairman, I'd certainly be prepared to meet with them, though we might suggest looking at maybe a more open-ended agenda so that we could have a discussion with them and probably bring in some other aspects. I know one of the gentlemen, and I'm sure he'd be more than happy to also talk about things such as Afghanistan. I wouldn't want to mislead them by suggesting we're going to talk just about the finance aspect.

[Translation]

The Chair: Mr. Hawn.

[*English*]

Mr. Laurie Hawn: I would agree with that. I really have no interest in their coming to talk about finances and budget. We have an interest in their coming to talk about Pakistan, Afghanistan issues. I don't know how much warning we have to give them that this is where we intend to go—and they may decide not to come.

Hon. Bryon Wilfert: Just in the flow of conversation, right?

Mr. Laurie Hawn: Right, or we can set a trap and just let them fall into it.

[*Translation*]

The Chair: Mr. Bachand.

Mr. Claude Bachand: The letter before us clearly indicates that they are extremely interested in meeting with the Standing Committee on National Defence. I think that we should absolutely meet with them.

Just yesterday, Pakistan reacted very strongly to a Taliban takeover of one of its districts. As you know, they tried to give the Taliban a little more religious and administrative freedom, and the Taliban seized that opportunity to increase their control. The Pakistani army intervened today.

It is important to meet with them to discuss what is happening in their Parliament and how they will react in the future. I am very open to meeting with them.

The Chair: Mr. Blaney.

Mr. Steven Blaney: It would be interesting to meet with parliamentarians from Pakistan. There are two sides to politics: formal and informal. I do not know what their agenda is, but perhaps the committee could share a meal with them or hold a more informal event, which would give us an opportunity to socialize.

• (1745)

The Chair: Okay.

Mr. Steven Blaney: We could perhaps take the money that we need from the money that we have saved, Mr. Chair. We have a large budget since we did not visit the north.

The Chair: Mr. Harris.

[*English*]

Mr. Jack Harris: I wonder how your Urdu is, Mr. Blaney.

I think we should obviously meet with them. Perhaps the clerk might want to brief them on the issue of the financing of the committee and how that works. That might be helpful. But I think the committee has a lot of interesting things they would like to discuss with them, considering our situation in Afghanistan. I'd be very happy to meet with them.

[*Translation*]

The Chair: If I understand correctly, we have a consensus on meeting with these people. I suggest that we have a committee meeting on May 12 to meet with the Pakistani delegation and that we have the clerk make the arrangements for the meeting.

[*English*]

Who's going to support it? Mr. Wilfert, do you support it?

Mr. Bryon Wilfert: I support it.

The Chair: Thank you.

Thank you very much. Have a nice day.

See you another time.

[*Translation*]

Meeting adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.