

**Securing Canada's Sovereignty and Jurisdiction over the Northwest Passage:
An Academic Debate Heated by Climate Change**

POL 7979 – Major Research Paper

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Abstract

The melting-rate of the Northwest Passage's arctic ice seems to have 'heated up' academic debate and discussion regarding how the Northwest Passage Dispute should be best approached and resolved. However, in this literature, there appears to be a large discrepancy in terms of *how* the Canadian Federal Government should best approach the Dispute, and in turn, best secure its sovereignty and jurisdiction over the Northwest Passage. As a result of this *discrepancy* in the literature, I set out to answer the following research question: *How could we classify the literature's various schools of thought on how Canada should secure its sovereignty and jurisdiction over the Northwest Passage into a straightforward typology?* Towards answering this research question, I use a typology (i.e. focused on the 'interpretation' of security dynamics), which is specific to Canada and the Northwest Passage Dispute. Conducting my analysis of the literature through this typology, and in turn, classifying the results of my analysis along this typology, has lead me to three core findings. First and foremost, this typology has proven to be an effective tool in classifying this literature's various schools of thought into a straightforward typology. Second, I found that there is a large discrepancy in the literature in terms of *how* scholars are choosing to 'interpret' Canada's security dynamics. Third and finally, I also found that a given scholar's 'interpretation' ultimately led them to propose an approach which also embodied this same 'interpretation'. While my research has proven to be a good first step, further research is needed to expand on the research undertaken in this paper, and particularly so, as the need to solidify Canada's sovereignty and jurisdiction over the Northwest Passage, is set to become increasingly urgent, as the Northwest Passage's arctic ice continues to melt at an increasing rate.

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1.0 Introduction

The Northwest Passage Dispute, a long-held disagreement between Canada and the United States on the legal status of the Northwest Passage (see Figure 1, P.62), has origins which can be traced back to the late 1960s, and which, remarkably, has continued to persist well-into the 21st century. While the Dispute had been ‘put on ice’ after both countries signed the *Arctic Cooperation Agreement* in 1988, and essentially agreed to disagree on the legal status of the Northwest Passage, not only has this decades-long dispute continued to persist, but it has yet to be definitively resolved. On one hand, the United States continues to argue in favor of its freedom of navigation, and in turn, an ‘international strait’ designation for the Northwest Passage. Through an ‘international strait’ designation and under international law, Canada would ultimately be prohibited from managing and restricting international traffic from transiting through the Northwest Passage, and its ability to fully exercise its sovereignty and jurisdiction over the Northwest Passage would be limited. In essence, international aircraft and vessels of all types, would be permitted to transit, unimpeded, through the Northwest Passage. On the other hand, and in response to U.S claims that the Northwest Passage should be designated an “international strait”, Canada continues to argue that the Northwest Passage should ‘remain’ designated as Canadian ‘internal waters’. Through an ‘internal waters’ designation, and unlike an ‘international strait’ designation, Canada, under international law, would be permitted to manage and restrict international traffic from transiting through the Northwest Passage, and be allowed to fully exercise its sovereignty and jurisdiction over the Northwest Passage. In essence, the Northwest Passage would ‘remain Canadian’ and under Canada’s full jurisdiction. Today, with no foreseeable resolution in sight for this decades-long deadlock, and seemingly no more debate or discussion to be had between both countries on the matter, both Canada and the United States, unwavering and unwilling to shift from their core beliefs, have only continued to further entrench themselves within their respective positions.

However, while nothing seems to have changed with regards to the political-legal positions of both Canada and the United States since signing Arctic Cooperation Agreement in 1988, much has changed with regards to Canada's Arctic environment, and most notably, the Northwest Passage's Arctic ice. As highlighted by NASA satellite data (see Figure 2, 3, 4, and 5, P. 62-64), and as underlined by scholars in the literature on the Northwest Passage Dispute (to be outlined later in this paper), global warming, and its effects on the Arctic region, have ultimately led to a downward trend in this Arctic sea ice minimum. However, this downward trend in the Arctic sea ice minimum, and as highlighted by a majority of scholars in this literature (specifically, since the beginning of the 21st century), has significant implications for the Northwest Passage Dispute. More precisely, the melting-rate of the Northwest Passage's arctic ice, which appears to be increasing, implies that the Northwest Passage is set to become increasingly navigable. Within the context of the Northwest Passage Dispute, the core implication of an increasingly navigable Northwest Passage is the increased possibility of activity within in the Northwest Passage. More specifically, this increased potential for 'activity' within the Northwest Passage, on behalf of Canada, the United States, other State-actors and/or non-State actors, has the increased potential to strengthen the case in favor of, or even trigger, either unintentionally or deliberately, under international law, a given legal designation for the Northwest Passage. Therefore, as the Northwest Passage becomes increasingly navigable due to global warming, the next actions taken both in relation to, and now increasingly, within the Northwest Passage, on behalf of Canada, United States, other State-actors and/or non-State actors, could ultimately prove to be decisive in establishing the legal-status of the Northwest Passage under international law.

Fascinatingly, from the onset of the 1969 transit of the U.S oil tanker *S.S. Manhattan* through the Northwest Passage (which ultimately triggered the Northwest Passage Dispute), to the

1985 transit of the U.S Coast Guard vessel *Polar Sea* through the Northwest Passage (which further fuelled the Dispute), to the signing of the Arctic Cooperation Agreement in 1988 (where Canada and the United States agreed to disagree on the legal-status of the Passage), but most notably, from 1988 to present day (in an era of scholarly debate, particularly since the beginning of the 21st century, which becomes increasingly ‘heated’ by climate change, and more specifically, the melting of the Northwest Passages’ Arctic ice), scholars in the literature on the Northwest Passage Dispute, appear to have always been interested in determining which type of action(s) should be taken, most often from the standpoint of the Canadian Federal Government, towards most effectively addressing and resolving the Northwest Passage Dispute. However, after setting out to examine how scholars in this literature (Post-1988), proposed to best approach and resolve the Northwest Passage Dispute (see methodological section of details), an interconnected consistency and discrepancy in the literature becomes apparent. Scholars throughout this literature, when proposing how the Northwest Passage Dispute should be approached and resolved, have consistently acknowledged, taken into consideration, and proposed how Canada’s core national interest, which is to secure its sovereignty and jurisdiction over the Northwest Passage, could be achieved. However, at the same time, there appears to be a large discrepancy in this literature in terms of how the Canadian Federal Government should best approach the Dispute, and ultimately, best secure this sovereignty and jurisdiction over the Northwest Passage.

As a result of this discrepancy in the literature, the aim of this research paper will be to conduct a detailed review and analysis of this scholarly literature on the Northwest Passage Dispute, with the objective of classifying the various schools of thought on how the Canadian Federal Government should best approach the Dispute, and in turn, best secure its sovereignty and jurisdiction over the Northwest Passage. In order to achieve this research objective, this research

paper will be guided by the following research question: *How could we classify the literature's various schools of thought on how Canada should secure its sovereignty and jurisdiction over the Northwest Passage into a straightforward typology?* Towards answering this research question, this paper starts by outlining the results of my preliminary textual analysis of this literature (i.e. the aforementioned consistency and discrepancy in the literature), which I present in the form of a literature review. Second, and guided by the findings of my preliminary textual analysis, I then outline my theoretical and methodological approach towards answering my research question. Third, based on these previous steps, I then conduct my analysis of the literature through my chosen theoretical and methodological approach, based on the findings and structure of my literature review. Fourth, after conducting my analyses, I then formally classify the results of my analysis along my typology, and in turn, answer my research question. Finally, after classifying my results, I then outline my findings and discuss their significance. In the following section, I begin with the first step: outlining the results of my preliminary textual analysis of this literature on the Northwest Passage Dispute, in the form of a literature review.

2.0 Literature Review

Before proceeding to the theoretical and methodological sections of this paper, it is important to first outline the results of my preliminary textual analysis of this literature on the Northwest Passage Dispute. These results are important because its findings not only form the basis of my theoretical and methodological sections, but all proceeding sections of this research paper. For this reason, my aim in this 'Literature Review' section is to proceed text-by-text, and concisely outline this aforementioned consistency and discrepancy in the literature on the Northwest Passage Dispute.

For the sake of organizational clarity and for the purpose of further analysis, I've organized this literature review in two ways. First, approaches to how Canada should best address the Dispute, and in turn, best secure its sovereignty and jurisdiction over the Northwest Passage, have been organized under 'Schools of Thought' (see methodological section for details). Second, these 'Schools of Thought' (and their respective texts), have also been organized under one of two 'Pathways', which I've designated as: 'Single-Approach Pathways' and 'Multi-Approach Pathways' (see methodological section for details). In my view, it is important to distinguish between these two 'Pathways', as they vary in a simple, but crucial way: Quite simply, a 'Single-Approach Pathway' is one which proposes *either* unilateral *or* bilateral *or* multilateral action on behalf of the Canadian Federal Government, while a 'Multi-Approach Pathway' is an approach which proposes and seeks to combine unilateral, bilateral *and/or* multilateral action on behalf of the Canadian Federal Government. Below, you will find some of the literature's various schools of thought, and a concise outline of a given text's proposed approach to *how* Canada should best approach the Dispute, and in turn, best secure its sovereignty and jurisdiction over the Northwest Passage.

2.1 Schools of Thought; Single-Approach Pathways

A. The Canadian Federal Government Should Act Unilaterally to Improve its Relationship with Nunavut and the Inuit in Arctic Canada

Franklyn Griffiths, in his work "The Shipping News: Canada's Arctic Sovereignty is Not on Thinning Ice" (2003) argues that through Canada's sovereignty and jurisdictional "historic title" claim to the Arctic Canada, the Canadian Federal Government should move forward in the region through a *new approach*, and one which involves a more consultative, cooperative, mutually beneficial and authentic partnership with Nunavut and the Inuit, in the governance and

stewardship of Arctic Canada and the Northwest Passage. For Griffiths, this new partnership would have a key benefit for both sides. On one hand, the Inuit, Nunavut and Arctic Canada would benefit from this redefined relationship with the Federal Government, as it would significantly improve the governance and stewardship of Arctic Canada. For instance, as part of this new partnership, Griffiths argues in favor of establishing a 'Canadian Arctic Council', specific to the Arctic Archipelago, which would consist of federal departments, territorial governments and Inuit NGO's, and work towards addressing priority issues in the region (e.g. developments relating to Northwest Passage). On the other hand, through its 'historic title' claim to the region, and through this redefined relationship with Nunavut and the Inuit, Griffiths also argues that the Canadian Federal Government could also better strengthen its sovereignty and jurisdictional claim to Arctic Canada and the Northwest Passage.

B. The Canadian Federal Government Should Act Unilaterally to Increase its Capacity to Better Monitor and Patrol the Northwest Passage

Rob Huebert, in his work "The Shipping News Part II: How's Canada's Arctic Sovereignty Is on Thinning Ice" (2003), and in direct response to Griffiths, argues that the Canadian Federal Government should ultimately look to improve its ability to both better monitor and patrol the Northwest Passage, in order to more effectively defend Canada's sovereignty and jurisdiction over the Northwest Passage. As outlined by Huebert, this would ideally include upgrades to Canada's radar detection and satellite surveillance capabilities in Arctic Canada, as well as improvements to Canada's patrolling capabilities in the Northwest Passage, through long-range maritime patrol aircrafts, and new Canadian Coast Guard icebreakers.

C. The Canadian Federal Government Should Reach a Compromise-Based Bilateral Agreement with the United States on the Northwest Passage

Donald Rothwell, in his work “The Canadian-U.S. Northwest Passage Dispute: A Reassessment” (1993), and towards resolving the Northwest Passage Dispute, argues in favor of a new bilateral agreement between Canada and the United States, by “Applying an Arctic IV Antarctic Treaty-type solution” (Rothwell, 1993, P. 368). This type of approach makes a bilateral agreement possible in two ways, and to the benefit of Canada and the United States. First, the Canadian and American positions regarding the legal status of the Northwest Passage would not only be recognized, but for the duration of the agreement, their positions’ legal validity would also remain *intact and unthreatened*, regardless of *any* future activity in the Northwest Passage. Second, and from this first point, an UNCLOS transit regime could also then be established. Therefore, through this proposed agreement, both Canada and the United States could achieve their objectives. While the U.S would be granted transit passage through the Northwest Passage, Canada’s sovereignty and jurisdictional claim would also remain protected.

D. The Canadian Federal Government Should Reach a Compromise-Based Bilateral Agreement with the United States (Through an Alternative Legal Designation of the Northwest Passage)

Philip Steinburg, in his work “Steering Between Scylla and Charybdis: The Northwest Passage as Territorial Sea” (2014), and towards resolving the Northwest Passage Dispute, argues that Canada and the United States could reach an agreement on the Northwest Passage, by agreeing to designate the Northwest Passage as ‘Canada’s territorial sea’. On one hand, for United States, this would mean that an UNCLOS innocent passage regime could be applied to the Northwest Passage (i.e. allowing U.S vessels to transit the Passage). However, it would also mean that the

U.S would also lose some navigational freedoms (e.g. the transit of submerged U.S submarines would be prohibited). On the other hand, for Canada, a ‘territorial sea’ designation would mean that its sovereignty and jurisdiction would be recognized over the Northwest Passage. However, it would also mean that its jurisdiction would also now be more limited (e.g. applying environmental regulations to state vessels would be prohibited). Nevertheless, for Steinburg, by designating the Northwest Passage as ‘Canada’s territorial sea’, both Canada and the United States could meet their objectives.

E. The Canadian Federal Government Should Reach a Compromise-Based Bilateral Agreement with the United States on the Northwest Passage, in order to Cooperate in Jointly-Securing the Northwest Passage

Elizabeth Elliot-Meisel, in her work “Politics, Pride and Precedent: The United States and Canada in the Northwest Passage” (2009), argues that Canada and the United States should reach an agreement on the Northwest Passage, in the form of providing joint-security to the Northwest Passage. Towards greater continental security, defending the national security interests of both Canada and the United States, and better securing the Northwest Passage, Elliot-Meisel argues that, ultimately, “the way forward is for the United States and Canada to cooperate and jointly work to ensure a safe transit of ships through the Passage.” (Elliot-Meisel, 2009, P.221). To achieve this, the United States would, on one hand, recognize Canada’s sovereignty and jurisdiction over the Passage, and in turn, allow Canada to “regulate transits and control access [to the Northwest Passage]” (Elliot-Meisel, 2009, P.221), while Canada, on the other hand would “...acknowledge the need for regular U.S presence to the Passage” (Elliot-Meisel, 2009, P.221). For Elliot-Meisel, and in this way, both Canada and the United States could meet their objectives.

F. The Canadian Federal Government Should Reach a Compromise-Based Multilateral Agreement with the International Community on the Northwest Passage

Helga Haftendorn, in her text, “Soft Solutions for Hard Problems” (2010), and while having acknowledged Canada’s national interest in securing its sovereignty and jurisdiction over the Northwest Passage, argues that rather than a bilateral agreement between Canada and the United States on the Northwest Passage (i.e. the 1988 Arctic Cooperation Agreement), an agreement on the status of the Northwest Passage, and particularly, one which seeks to establish a transit regime, should be reached through a multilateral agreement. Towards achieving this objective, specifically with regards to developing and establishing a multilateral transit regime for the Northwest Passage, Haftendorn argues that one way forward could be “...to build on the 1985 pollution prevention act and the “polar code...” (Haftendorn, 2010, P. 822). Nevertheless, for Haftendorn, moving forward, any agreement on the Northwest Passage should not only involve Canada and the United States and their interests, but should also involve other states from the international community, specifically, major shipping nations from Asia and Europe, along with their interests, particularly with regards to innocent transit passage through the Northwest Passage.

2.2. Schools of Thought; Multi-Approach Pathways

A. The Canadian Federal Government Should Reach a Bilateral Agreement with the United States towards Jointly-Securing Arctic Canada and Act Unilaterally to Facilitate Transit Through the Northwest Passage.

Adam Lajeunesse, in his work “The Northwest Passage in Canadian Policy: An Approach for the 21st Century” (2008), argues that towards better securing Canada’s sovereignty and jurisdiction over the Northwest Passage, Canada should move forward by reaching new bilateral

agreement with U.S, in the form of an ‘Arctic NORAD’, and through unilateral action, by increasing its investments in, and facilitating transit through, the Northwest Passage. Through “...an extension of NORAD to cover Arctic waters.” (P. 1047), Lajeunesse explains that in addition to the joint-security benefits, both sides could meet their objectives. In essence, while U.S military vessels would be able to navigate and operate in the region under the premise of NORAD, Canada’s sovereignty and jurisdiction would remain unthreatened, and Canadian and American legal positions remain unharmed. Second, and in addition to this ‘Arctic NORAD’, Lajeunesse argues that Canada should also make significant navigational, safety, operational, and enforcement-related investments in the Northwest Passage, in order to facilitate transit through the Northwest Passage. In facilitating the transit of foreign vessels, Lajeunesse argues that Canada could work towards having its sovereignty and jurisdiction *implicitly* recognized by the international community. Towards this objective, Lajeunesse also argues in favor of small fee, both to transit the Passage and to access its services. Through such fees, Canada’s sovereignty and jurisdiction over the Northwest Passage (Canada’s internal waters) would also be implicitly recognized.

B. The Canadian Federal Government Should Act Unilaterally to Increase its Control over the Northwest Passage, Reach a Compromise-Based Bilateral Agreement with the United States on the Northwest Passage, and Cooperate Bilaterally and Multilaterally to Facilitate Canada’s Control over the Northwest Passage

Finally, Donat Pharand in his text, “The Arctic Waters and the Northwest Passage: A Final Revisit” (2007) argues that towards securing greater ‘control’ over foreign vessels in the Northwest Passage, and in turn, preventing the internationalization (i.e. the right of transit passage) of the

Northwest Passage, and in turn, securing Canada's sovereignty and jurisdiction and defending Canada's national interests, that Canada not only take unilateral and bilateral action to achieve this, but further bilateral and multilateral action to further *facilitate* these efforts. In terms of unilateral action, and towards improving Canada's ability to enforce its measures in the Passage (i.e. the Arctic Waters Pollution Prevention Act), Pharand argues that moving forward, Canada should not only make both NORDGREG mandatory and enforce the obligation to provide pre-arrival information, but also make a *significant* investments into Canada's safety and security-related capabilities, in order to improve its ability to better monitor and enforce its sovereignty and jurisdiction. In addition to this, Pharand also argues that Canada reach a new 'transit agreement' with the United States, through which "the United States would recognize Canada's sovereignty over the water of its archipelago, including all routes of the northwest passage, in return for which Canada would recognize a right of passage for U.S merchant ships and icebreakers." (Pharand, 2007, P. 51). For Pharand, and through this unilateral and bilateral action, Canada could work towards better securing 'control' over foreign vessels, and in turn, work towards preventing the internationalization of the Northwest Passage. However, in addition to this, Pharand also argues that in order to *further facilitate* Canada's efforts to enforce its measures in the Passage (i.e. AWPPA), and in turn, its 'control' over foreign vessels in the passage, that Canada also pursue further bilateral and multilateral cooperation. In terms of bilateral cooperation, this would include: an updated agreement with the U.S on the environmental protection of the Beaufort Sea; an updated agreement with Denmark on the environmental protection of Baffin Bay and the Davis Strait; and a Technical Cooperation Agreement (i.e. technical information sharing relating to managing the Arctic) with Russia. In terms of further multilateral cooperation, Pharand argues in favor of greater cooperation between Arctic states, predominantly through international

organizations (e.g. the Arctic Council) in order to ensure the protection of the Arctic marine environment, and through international organizations (e.g. the International Maritime Organization, etc.) in order to ensure safety of navigation in arctic waters, and to in part, work towards the adoption of “...uniform guidelines... for all ships operating in the Arctic” (Pharand, 2007, P. 58). Ultimately, for Pharand, it is through this combination of unilateral, bilateral and multilateral action that Canada could work towards best securing its sovereignty and jurisdiction over the Northwest Passage.

While organizing these ideas by ‘Pathways’ and ‘Schools of Thought’ in the form of a literature review has helped towards better understanding how the Canadian Federal Government should secure its sovereignty and jurisdiction over the Northwest Passage, I believe that the literature’s various schools of thought can be organized even further, and classified in a way which would allow us to more fundamentally understand these proposed approaches. Ultimately, this is the analysis I hope to undertake in this research paper. In the following section, and based on the results and findings of this preliminary textual analysis, I will be outlining my theoretical approach towards answering my research question.

3.0 Theoretical Approach

To answer my research question, and more precisely, *to classify the literature’s schools of thought on how Canada should secure its sovereignty and jurisdiction over the Northwest Passage into a straightforward typology*, I will be guided by a constructivist approach, inspired by Alexander Wendt’s work “Anarchy Is What States Make of It: The Social Construction of Power Politics” (1992). More precisely, and towards most effectively answering my research question, I’ve decided to *adapt and build upon* Wendt’s work in order *to create* a straightforward typology of my own, which is specific to Canada and the Northwest Passage Dispute (see methodological

section for details). This typology, which I have developed, aims to classify *how* this literature's schools of thought have *chosen* to interpret Canada's security dynamic with foreign states within the context of the Northwest Passage Dispute, and more specifically, towards securing Canada's sovereignty and jurisdiction over the Northwest Passage. Here, I have defined 'security dynamic' in terms of how foreign states are being perceived in relation to Canada's 'self-preservation' efforts in Arctic Canada, or more precisely, towards securing Canada's sovereignty and jurisdiction over the Northwest Passage. Inspired by Wendt's work, this context-specific typology consists of the five 'interpretations': *Canada chooses to 'negatively' interpret its security dynamic with foreign states within the context of the Northwest Passage Dispute; Canada chooses to 'indifferently' interpret its security dynamic with foreign states within the context of the Northwest Passage Dispute; Canada chooses to 'objectively' interpret its security dynamic with foreign states within the context of the Northwest Passage Dispute; Canada chooses to 'positively' interpret its security dynamic with foreign states within the context of the Northwest Passage Dispute; and Canada chooses to 'pragmatically' interpret its security dynamic with foreign states within the context of the Northwest Passage Dispute.*

To further elaborate and provide greater detail on these 'interpretations', their definitions (and in turn, the set criteria for classifying the literature's schools of thought along this typology) will now be provided in the form of examples. First, if school of thought is classified as an approach in which '*Canada chooses to 'negatively' interpret its security dynamic with foreign states within the context of the Northwest Passage Dispute*', this signifies that, Canada's security dynamic with foreign states within the context of the Northwest Passage Dispute is being perceived as uncondusive towards securing Canada's sovereignty and jurisdiction over the Northwest Passage. Second, if a school of thought is classified as an approach in which '*Canada chooses to*

'indifferently' interpret its security dynamic with foreign states within the context of the Northwest Passage Dispute, this signifies (as the typology suggests), that Canada's security dynamic with foreign states within the context of the Northwest Passage Dispute is being perceived indifferently towards securing Canada's sovereignty and jurisdiction over the Northwest Passage. More precisely, this is not to say that Canada's inter-state security dynamics are considered to be entirely unimportant, but that they are not considered of utmost importance or concern when considering how Canada should best secure its sovereignty and jurisdiction over the Northwest Passage. Third, if a school of thought is classified as an approach in which *Canada chooses to 'objectively' interpret its security dynamic with foreign states within the context of the Northwest Passage Dispute*, this signifies (as the typology suggests), that Canada's security dynamic with foreign states within the context of the Northwest Passage Dispute is being interpreted objectively towards securing Canada sovereignty and jurisdiction over the Northwest Passage. Put differently, an 'objective' interpretation is a 'more impartial' interpretation of Canada's security dynamic with foreign states within the context of the Northwest Passage Dispute and towards securing Canada's sovereignty and jurisdiction over the Northwest Passage. Fourth, if school of thought is classified as an approach in which *'Canada chooses to 'positively' interpret its security dynamic with foreign states within the context of the Northwest Passage Dispute*', this signifies that, Canada's security dynamic with foreign states within the context of the Northwest Passage Dispute is being perceived as conducive towards securing Canada's sovereignty and jurisdiction over the Northwest Passage. Finally, if a school of thought is classified as an approach in which *Canada chooses to 'pragmatically' interpret its security dynamic with foreign states within the context of the Northwest Passage Dispute*, this signifies that, Canada's security dynamic with foreign states within the context of the Northwest Passage Dispute is being simultaneously perceived as both

unconducive (‘negative interpretation’) and conducive (‘positive interpretation’) towards securing Canada’s sovereignty and jurisdiction over the Northwest Passage.

Ultimately, through the use of this typology, I hope to argue that *how* to ‘best’ secure Canada’s sovereignty and jurisdiction over the Northwest Passage, ultimately on depends on *how* Canada *chooses* to interpret its security dynamic with foreign states within the context of the Northwest Passage Dispute. More precisely, I hope to argue that favoring a certain school of thought over others, towards ‘best’ securing Canada’s sovereignty and jurisdiction over the Northwest Passage, ultimately depends on, and flows from, whether Canada (or a given scholar) chooses to negatively, indifferently, objectively, positively, or pragmatically interpret Canada’s security dynamic with foreign states within the context of the Northwest Passage Dispute. Put differently, *anarchy is what Canada (or scholars) will make of it*. In the following section, and having outlined both the findings of my preliminary textual analysis and my theoretical approach, I’ll now be outlining my methodological approach towards answering my research question.

4.0 Methodology

Answering my research question requires several analytical steps, with five of these steps already having been completed (*Scanning the Literature on the Northwest Passage Dispute; Conducting a Preliminary Textual Analysis of ‘Flagged’ Literature; Selecting the Literature for Further Analysis; Outlining the Findings of my Preliminary Analysis; and Developing my Theoretical Approach*) and two steps which remain to be completed (*Conducting my Analysis of the Literature; and Organizing the Results*). In the following subsections, I will be outlining both the methodological steps which have already been taken, and the methodological steps which have yet to be taken, towards answering my research question.

4.1. Scanning the Literature on the Northwest Passage Dispute

First and foremost, I began my research by conducting an *extensive* scan of the literature on the Northwest Passage Dispute. Through this scan of the literature, I specifically scanned for articles which sought to propose how the Northwest Passage Dispute should be best approached and resolved. As a result, articles which proposed how the Northwest Passage Dispute should be best approached and resolved were flagged, and articles which *did not* propose how the Northwest Passage should be best approached and resolved, were set aside.

4.2. Conducting a Preliminary Textual Analysis of 'Flagged' Literature

Second, after conducting this *extensive* scan of the literature on the Northwest Passage Dispute, I then conducted a preliminary textual analysis of this 'flagged' literature, in order to examine, in greater detail, how scholars in this literature proposed that the Northwest Passage Dispute should be best approached and resolved. Here, a textual analysis is being defined as described by Pekka Pälli, Janne Tienari & Eero Vaara in their chapter "Textual Analysis" in "Encyclopedia of Case Study Research" (2010), and as a method which looks to examine: "...how language is used to promote specific viewpoints and how it renders these viewpoints legitimate and self-evident while simultaneously downplaying and marginalizing alternative ones" (Pälli et al, 2010, P. 926). As a result of this preliminary textual analysis of this literature, I was able to not only effectively collect the data I sought to obtain, but in the process, also notice (and as aforementioned) a consistency and discrepancy in the literature.

4.3. Selecting the Literature for Further Analysis

Third, after conducting a preliminary analysis of this 'flagged' literature on how scholars proposed that the Northwest Passage Dispute should be best approached and resolved, I then reviewed my results and findings, and carefully considered which articles I would select for further analysis. As

I will later discuss in subsection 4.8. *Research Limitations*, due to the limited length of this Major Research Paper, my research paper, while it attempts to, as thoroughly as possible, outline the literature's various schools of thought by examining the greatest variety of approaches, my research paper also had to be kept as concise as possible. Therefore, through a process of elimination, and towards selecting and reviewing a 'number' of articles, appropriate to the required length of this Major Research Paper, I set aside articles which either *did not* provide sufficiently detailed proposals on how the Dispute should be approached and resolved, and also set aside articles from the same author, reiterating similar arguments. Additionally, and while having to set aside these articles, I also had to set aside several articles which *were* detailed, and which *did* provide unique approaches to the Northwest Passage Dispute. However, to overcome this, I've dedicated a section at the end of this research paper, titled '*10.0 Further Readings*', through which I recommend the inclusion of this literature in future research, specifically as it relates to the research undertaken in this paper. Nevertheless, based on my extensive scan of this literature, and through a process of elimination, I believe that the articles selected for further analysis serve as a thorough, yet concise, well-balanced sample of the literatures' various approaches.

4.4 Outlining the Findings of my Preliminary Analysis

Fourth, after selecting the literature for further analysis, and ultimately, with the literature's aforementioned consistency and discrepancy in mind, I then conducted an inductive thematic analysis of this data collected from my preliminary textual analysis. Here, an inductive thematic analysis is defined as described by Judith C. Lapadat in their chapter "Thematic Analysis" in "Encyclopedia of Case Study Research" (2010). In this text, a thematic analysis is in essence, defined as: "[an] analysis of qualitative data that involves identifying themes..." (Lapadat, 2010, P.926), and more precisely, an *inductive* thematic analysis as a method in which "themes emerge

from and are grounded in the data.” (Lapadat, 2010, P. 927). For Lapadat, this can be successfully achieved through “...a process of noticing patterns... [and]... defining emergent themes... (Lapadat, 2010, P. 927). By conducting an inductive thematic analysis of the data collected from my preliminary textual analysis, this allowed me to add organizational clarity to the literature’s proposed approaches, further highlight the aforementioned consistency and discrepancy in the literature, and finally, work towards facilitating my central analysis of the literature. As a result of this inductive thematic analysis, the literature’s proposed approaches have been organized by ‘Pathways’ and ‘Schools of Thought’, and presented as such in both the ‘Literature Review’ and ‘Analysis’ sections.

4.5. Developing my Theoretical Approach

Fifth, towards most effectively answering my research question, and as elaborated upon in my theoretical section, I decided to adapt and build upon Wendt’s work, in order to create a typology of my own, based on the results and findings of my preliminary textual analysis. While Wendt’s entire work proved to be insightful, there was a particular contribution which I believed to be quite valuable towards best answering my research question. This was Wendt’s standard continuum of security systems. In essence, Wendt’s continuum consists of three ‘security systems’: competitive, individualistic and cooperative. At its core, a ‘competitive’ security system, is a system in which “...states identify negatively with each other's security...” (Wendt, 1992, P. 400), an ‘individualistic’ security system, is a system in which “...states are indifferent to the relationship between their own and others' security (Wendt, 1992, P. 400), and finally, a ‘cooperative’ security system, is a system in which “...states identify positively with... [each other's security].” (Wendt, 1992, P. 400). At first, and while considering my research objectives, I believed that Wendt’s standard continuum of security systems, as a straightforward theoretical concept, could have been

used to classify the literature's schools of thought into a straightforward typology, and in turn, answer my research question. However, while Wendt's continuum would have proven to be sufficient, I ultimately believed that it could be adapted and built upon to best fit the context of my research question, and tailored to focus on Canada and the Northwest Passage Dispute, and in turn, *best* answer my research question. Therefore, inspired and guided by Wendt's continuum, its set criteria, and its core philosophies, and based the findings from my preliminary textual analysis of the literature, I was able to develop my theoretical approach, and ultimately, the typology which I will be using towards answering my research question.

4.6. Conducting my Analysis of the Literature

Completing the five previous steps, sets up the sixth step towards answering my research question. With the selected literature once again organised by 'Pathways' and 'Schools of Thought', and with the objective of classifying each text, along with their respective school of thought, under one of my typology's five 'interpretations' (according to my typology's set criteria), I will be analyzing how scholars, in their respective texts, are *choosing* to interpret Canada's security dynamic with foreign states, within the context of the Northwest Passage Dispute, and more specifically, towards securing Canada's sovereignty and jurisdiction over the Northwest Passage. This will be achieved by carefully analyzing each text through a textual analysis. Here, a 'textual analysis' is once again being defined as described by Pekka Pälli, Janne Tienari & Eero Vaara in their text "Encyclopedia of Case Study Research" (2010), and as a method which looks to examine: "...how language is used to promote specific viewpoints and how it renders these viewpoints legitimate and self-evident while simultaneously downplaying and marginalizing alternative ones" (Pälli et al, 2010, P. 925). Through a textual analysis defined in such terms, and by conducting my analysis through the lens of my typology's set criteria, I believe that I will be able to collect the necessary data in

order to effectively classify the literature's schools of thought along my straightforward typology, and in turn, answer my research question.

4.7. Organizing the Results

Finally, and in this seventh and final step, after analyzing each text and collecting the necessary data, I will be formally classifying each text, and in turn, their respective school of thought on *how* Canada should secure its sovereignty and jurisdiction over the Northwest Passage, along my typology on *how* the literature's schools of thought (i.e. scholars) are *choosing* to interpret Canada's security dynamic with foreign states, within the context of the Northwest Passage Dispute, and specifically, towards securing Canada's sovereignty and jurisdiction over the Northwest Passage. More precisely, this will be achieved by classifying each text, along with their respective school of thought, under one of my typology's five 'interpretations', according to my typology's set criteria. In my results section, I hope to succinctly outline how each text, along with their respective school of thought, has been classified, by clearly presenting my results in written form, and in visual form, through a results table which I have constructed in order to provide further organizational clarity. In doing so, I hope to successfully answer my research question.

4.8. Research Limitations

While I've done my best to limit my research limitations, there are two which come to mind. First, while my scan of the literature on the Northwest Passage Dispute was as *extensive as possible*, both the 'Schools of Thought' and the specific approaches outlined this paper, are by no means an exhaustive list on how Canada could secure its sovereignty and jurisdiction over the Northwest Passage. Second, due to the requirements of this Major Research Paper, particularly, its limited page length, the amount of articles I could examine and analyse had to be limited, and my Major Research Paper, made to be concise overall. Nevertheless, my objective for this Major Research

Paper has been to try to *best capture* some of the literature's various 'Schools of Thought', and to do so, as concisely and compellingly as I could. In the next section, and based on the results, findings and structure of my literature review, as well as my chosen theoretical and methodological approach, I'll be conducting my analysis of this literature.

5.0 Analysis

Towards answering my research question, my analysis of each text will consist of two parts. First, I present the textual evidence. To present the textual evidence of a given scholar's 'interpretation', I follow the flow of the scholar's logic and reasoning which lead them to their proposed approach, while focusing on how language is used throughout their text, and more specifically, in relation to their core arguments. In doing so, a scholar's 'interpretation', either explicitly or implicitly, is effectively revealed. To outline this textual evidence, both compellingly, but most notably, *concisely*, I paraphrase this textual evidence and strategically cite key passages. Second, I then analyze this textual evidence. Here, I analyze, and in turn, highlight, how this textual evidence appears indicate that a given scholar's 'interpretation' of Canada's security dynamic with foreign states, within in the context of the Northwest Passage Dispute, and specifically, towards securing Canada's sovereignty and jurisdiction over the Northwest Passage, appears to have ultimately led them to their proposed approach.

5.1 Schools of Thought; Single-Approach Pathways

A. The Canadian Federal Government Should Act Unilaterally to Improve its Relationship with Nunavut and the Inuit in Arctic Canada.

Franklyn Griffiths, in his work "The Shipping News: Canada's Arctic Sovereignty is Not on Thinning Ice" (2003), and largely in response to Rob Huebert's work in "Climate Change and Canadian Sovereignty in the Northwest Passage" (2001), sets out to outline why the claims being

made by the ‘sovereignty-on-thinning ice thesis’ are exaggerated. First, Griffiths argues that the melting-rate of the Northwest Passage’s arctic ice, as a result of global warming, is not only *much slower* than commonly assumed, but its ice conditions, more unpredictable than commonly assumed, resulting in a Passage which is set to remain difficult to navigate for the foreseeable future. For Griffiths, this is neither threat to Canada’s sovereignty and jurisdiction, nor is it a cause for concern. Second, Griffiths, and flowing from the previous point, argues that as a result of the slow melting rate of the Northwest Passage’s arctic ice, along with its unpredictable ice conditions, foreign vessels are also unlikely to be increasingly interested in transiting the Northwest Passage. Once again, for Griffiths, this neither poses a threat to Canada’s sovereignty and jurisdiction, nor is it a cause for concern. Third and finally, Griffiths argues that it is also unlikely that Canada’s sovereignty and jurisdictional claim will continue to be challenged by the United States, in favor of an international strait designation for the Passage, as *it is not* in their best national security interest to do so. As Griffiths argues: “[while] U.S decision-maker could still opt to run roughshod over the Canadian claim and ignore the security effects of a transit passage regime in Arctic North America... ..my guess is that they are a lot smarter than that, if only because it is not necessary to get rough in the first place” (Griffiths, 2003, P.270). Quite simply, for Griffiths, the U.S is neither a threat to Canada’s sovereignty and jurisdiction, nor a cause for concern. After considering several hypothetical scenarios in which the U.S *would* want to use the passage for shipping, as well as the overall prospect of managing shipping traffic through the passage, Griffiths ultimately concludes that Canada’s sovereignty and jurisdiction is not only largely ready to handle this, but that there is also ample time to prepare for this slow increase in traffic. Towards making these ‘preparations’, Griffiths is led to his fourth and final critique of the ‘sovereignty-on-thinning ice thesis’. Ultimately, while Griffiths believes that the claims made by this ‘thesis’ are *not* causes for

concern, *he does believe* that the use of this approach on behalf of the Canadian Federal Government in Arctic Canada, and the philosophy behind it, *is a cause for concern*. More precisely, Griffiths is more concerned by the fact that the Federal Government's alarmist 'sovereignty-on-thinning-ice' approach has *failed to produce sustained action* in Arctic Canada (i.e. taking action in the Arctic Region, *only* when sovereignty 'appears' to be under threat), and for this reason, is led to argue in favor of adopting a *new approach, which does produce sustained action* on behalf of the Canadian Federal Government in Arctic Canada. From this point, and towards "a modest need for preparedness" (Griffiths, 2003, P.278), and as "the volume of shipping is likely to grow gradually [and] some of the elements of a regime of independent navigation are already in place for Canada's Arctic waters" (Griffiths, 2003, P.278), Griffiths is then finally led to outline his proposed approach, and namely that, moving forward, the Canadian Federal Government should work to better secure its Canada's sovereignty and jurisdiction over the Northwest Passage through its 'historic title' claim, and more specifically, by improving its relationship with Nunavut and the Inuit, through a newly redefined partnership in the governance, stewardship, and as 'keepers' of Arctic Canada.

After analysing how language was used by Griffiths in this text, textual evidence indicates that Griffiths chose to 'indifferently' interpret Canada's security dynamic with the United States within the context of the Northwest Passage Dispute', or in other words, not consider it to be of utmost importance or concern, when considering how Canada should secure its sovereignty and jurisdiction over the Northwest Passage. While Griffiths first two counter-arguments serve as early indicators of Griffith's 'indifferent interpretation', it is more so Griffith's perception of these 'ongoing developments' in the Northwest Passage (through his third and fourth counter-arguments, combined), which not only provide strong textual evidence of Griffith's 'indifferent interpretation',

but which ultimately, lead to him to his proposed approach. Flowing from his last two counter-arguments, and *in light these 'ongoing developments'* in the Northwest Passage, Griffiths is led to his third argument, in which Canada's inter-state security dynamics, particularly with the U.S, is quite clearly (based on textual evidence on how language was used) interpreted to be *neither a threat* to Canada's sovereignty and jurisdiction, *nor a cause for concern*. From this 'lack of concern' for inter-state security dynamics, particularly as it relates to securing Canada's sovereignty and jurisdiction, Griffiths is then led to his fourth argument, and in which inner-state governance issues (i.e. the Federal Government's approach to Arctic Canada) is clearly considered to be of greater concern to Griffiths, and particularly as it relates to better securing Canada's sovereignty and jurisdiction. Griffith's third and fourth argument, when combined, form an "indifferent interpretation". Ultimately, as a result of this 'indifferent interpretation', which began to develop throughout the early portions of this text, and which fully came to fruition through Griffiths third and fourth arguments (combined), Griffiths is led to propose an approach which also embodies this same 'indifferent interpretation', namely, that the Canadian Federal Government should strengthen its claim by acting unilaterally to improving its relationship with Nunavut and the Inuit in Arctic Canada.

B. The Canadian Federal Government Should Act Unilaterally to Increase its Capacity to Better Monitor and Patrol the Northwest Passage

Rob Huebert, in his work "The Shipping News Part II: How's Canada's Arctic Sovereignty Is on Thinning Ice" (2003), and in response to Franklyn Griffith's text "The Shipping News: Canada's Arctic Sovereignty Not on Thinning Ice", sets out provide his counter-arguments on Canada's sovereignty and jurisdiction in Arctic Canada. First and foremost, Huebert argues that the melting

rate of the Northwest Passage's arctic ice, as a result of global warming, is *not slower*, but *faster* than commonly assumed. Second, and flowing from this first point, Huebert also argues that as a result of the melting of the Northwest Passage's Arctic ice, that there will be an increased potential and incentive (where transit is not granted by Canada) for foreign shipping vessels to attempt to transit the Passage. Quite simply, for Huebert, both of these issues *are causes for concern* and a *direct threat* to Canada's sovereignty and jurisdictional claim. As Huebert explains, 'a few' successful voyages, where passage is not granted by the Government of Canada, could, under international law, classify the Northwest Passage as an international strait, and if this were to occur, Canada's internal waters claim would not only be defeated, but ultimately, Canada's jurisdictional control over what happens in, and to, the Northwest Passage would be significantly reduced. Third, and *in light of these 'ongoing developments'* in the Northwest Passage, Huebert further argues that the past actions by and Canada's interactions with, the United States, in relation to the Northwest Passage (e.g. the 1969-1970 Manhattan Voyage Incident; the 1985 Polar Sea Voyage Incident; the 1988 Arctic Cooperation Agreement), *only suggests* that the U.S *will likely* continue to pursue what it believes to be its national interests (i.e. freedom of navigation), *and more importantly*, continue to oppose, challenge, and even support third-party challenges (e.g. unauthorized transits through the Northwest Passage) to Canada's sovereignty and jurisdictional claim to the Northwest Passage. As Huebert explains:

“...Dr. Griffiths may be seen as too optimistic about the US position regarding the Northwest Passage, as there is nothing to suggest that they have abandoned their opposition to the Canadian claim. Should any vessels attempt to go through the passage without Canadian permission, it can be expected that the U.S will support their right to do so. (Huebert, 2003, P.307)

From this third counter-argument, Huebert is then directly led to present his proposed approach to the Northwest Passage Dispute, and argue that the Canadian Federal Government should act *immediately* and unilaterally to increase its capacity to better monitor and patrol the Northwest Passage, in order to secure Canada's sovereignty and jurisdiction. Finally, in his concluding remarks, Huebert also chooses to re-emphasize this aforementioned perception of the United States (i.e. as threat to Canada's sovereignty and jurisdiction over the Northwest Passage). As Huebert reiterates and explains, there are three interconnected reasons why "Canada's arctic sovereignty is on 'thinning ice'" (Huebert, 2003, P.308). First, the Northwest Passage's arctic ice is melting at an increasing rate. Second, and as result of this first point, there will be an increased potential and incentive (where transit *is not* granted by Canada) for foreign vessels to attempt to transit the Passage. And third, and as Huebert re-emphasizes, "...perhaps, most importantly, there is no indication that the United States has any plans to drop its long-standing opposition to the Canadian claims of sovereignty." (Huebert, 2003, P. 308).

After analysing how language was used by Huebert in this text, textual evidence indicates that Huebert chose to 'negatively' interpret Canada's security dynamic with the United States within the context of the Northwest Passage Dispute', or in other words, perceive the United States as being *unconducive* towards securing Canada's sovereignty and jurisdiction over the Northwest Passage. As a direct response to Griffiths, Huebert's text follows a similar style in terms of how his arguments are presented. While Huebert's arguments regarding both the increased-melting rate of the Northwest Passage's Arctic ice, and in turn, the increased potential and incentive for foreign shipping vessels to attempt to transit the Passage, serve as early indicators of Huebert's 'negative interpretation', it is more so Huebert's perception of these 'ongoing developments' in the Northwest Passage, which not only provide strong textual evidence of Huebert's 'negative

interpretation’, but which ultimately, lead to him to his proposed approach. Directly flowing from his last two counter-arguments, and in turn, *in light these ‘ongoing developments’* in the Northwest Passage, Huebert *chooses* to negatively interpret Canada’s security dynamic with the United States, and in turn, perceive the U.S as being uncondusive towards securing Canada sovereignty and jurisdiction over the Northwest Passage. Ultimately, as a result of this ‘negative interpretation’, which began to develop throughout the early portions of this text, and which fully came to fruition during his third counter-argument, Huebert is not only led to his proposed approach, but to an approach which also embodied this same ‘negative interpretation’, namely that, the Canadian Federal Government should act unilaterally, *immediately*, in order to increase Canada’s capacity to better monitor and patrol the Northwest Passage, and in turn, secure Canada’s sovereignty and jurisdiction over the Northwest Passage.

C. The Canadian Federal Government Should Reach a Compromise-Based Bilateral Agreement with the United States on the Northwest Passage

Donald Rothwell, in his work “The Canadian-U.S. Northwest Passage Dispute: A Reassessment” (1993), seeks to determine how the Northwest Passage Dispute could be resolved. Ultimately, while considering the successes of the Antarctic Treaty, and more precisely, Article IV of the Antarctic Treaty, and how it handled the issue of sovereignty in the Antarctic, Rothwell sets out to examine if an “...Article IV-type solution...” (Rothwell, 1993, P. 334) could not only be potentially applied to the Northwest Passage Dispute, but in turn, also “...open the door for further international cooperation in the Arctic...” (Rothwell, 1993, P. 334). Towards making this determination, Rothwell begins by outlining both the historical background (i.e. how over time, Canada has attempted to secure its sovereignty over the Northwest Passage) and legal background (i.e. the legal status of the Passage under international law, as well as the legal claims made by

Canada and the United States in regards to the legal status of the Passage) of the Dispute. After examining the historical and legal background of the Northwest Passage Dispute, Rothwell then examines in greater detail, the use of the Antarctic Treaty, and more precisely, the successes of Article IV of the Antarctic Treaty, which, in essence, ‘resolved’ the sovereignty issue in the Antarctic, by setting aside “sovereignty issues... for the duration of the Treaty to allow further cooperation.... ...and the peaceful use of Antarctica” (Rothwell, 1993, P. 366). From this, Rothwell is then led to more seriously consider whether a similar solution could also be applied to the Northwest Passage Dispute. After examining and considering the successes of Antarctic Treaty, and more specifically, Article IV of the Antarctic Treaty, Rothwell is then ultimately led to conclude that moving forward, towards working to resolve the Northwest Passage Dispute, and “...given the history of cooperation between these two neighbors...” (Rothwell, 1993, P. 368), that Canada and the United States should pursue a new bilateral agreement on the Northwest Passage. Upon reaching this conclusion, Rothwell is then led to outline the details of his proposed approach to the Dispute (i.e. applying an Article IV Antarctic Treaty-type solution to the Northwest Passage Dispute, through a new bilateral agreement between Canada and the United States). After outlining the details of his proposed approach, and in the concluding remarks of his text, Rothwell once again reemphasizes the potential of applying this ‘Article IV Antarctic Treaty-type solution’ to the Northwest Passage Dispute, and particularly so, as both Canada and the United States have “a long history of being good neighbors” (Rothwell, 1993, P.371), and as it would also “promote further bilateral and multilateral Arctic cooperation (Rothwell, 1993, P.372).

After analysing how language was used by Rothwell in this text, textual evidence indicates that Rothwell chose to ‘positively’ interpret Canada’s security dynamic with the United States within the context of the Northwest Passage Dispute’, or in other words, perceive the United States

as being *conducive* towards securing Canada's sovereignty and jurisdiction over the Northwest Passage. Textual evidence of Rothwell's 'positive interpretation', which ultimately led him to his proposed approach, is evidently clear. Prior to, and while considering how the Northwest Passage Dispute could be resolved, Rothwell highlights the successes of the Antarctic Treaty and of the 'Article-IV type-solution', *while emphasizing* its potential application towards resolving the Northwest Passage Dispute. In essence, from this favorably view of the Antarctic Treaty and of an Article-IV type solution, *and more importantly*, a positive interpretation of Canada's security dynamics with the United States, Rothwell's 'positive interpretation' is already made clear. With this in mind, and in sense, already having decided that *this is* the preferable way forward towards resolving the Northwest Passage Dispute, Howson's 'positive interpretation', while still 'present' throughout his examination of the historical and legal background of the Northwest Passage Dispute, is once again made clear through his detailed examination of the successes of the Antarctic Treaty and the 'Article-IV type solution' in the Antarctic, *and more importantly*, its potential application towards resolving the Northwest Passage Dispute. Finally, after concluding these examinations, Rothwell's 'positive interpretation', made clear at the beginning of his text, and once again during his detailed examination of the successes of the Article-IV type solution, (i.e. through emphasizing its potential application to the Northwest Passage Dispute), is only made clearer, both prior to outlining the details of his approach, (i.e. by referencing the history of cooperation and good relations between Canada and the U.S), and after outlining the details of his proposed approach (i.e. by once again referencing the history of cooperation and good relations between Canada and the U.S.) to the Dispute. Overall, and based on textual evidence, it is overwhelmingly clear that Rothwell's 'positive interpretation' not only led him to his proposed approach, but to an approach which also embodied this same 'positive interpretation', namely that,

the Canadian Federal Government should reach a compromise-based bilateral agreement with the United States, by applying an Article IV Antarctic Treaty-type solution to the Northwest Passage Dispute.

D. The Canadian Federal Government Should Reach a Compromise-Based Bilateral Agreement with the United States (Through an Alternative Legal Designation of the Northwest Passage)

Philip Steinburg, in his work “Steering Between Scylla and Charybdis: The Northwest Passage as Territorial Sea” (2014) sets out to determine how Northwest Passage Dispute’s deadlock could be addressed and resolved. Quite simply, towards this objective, Steinburg argues that a possible way forward for Canada and the United States could be to agree designate the Northwest Passage as a ‘territorial sea’. A ‘territorial sea’ designation, as Steinburg argues, is a “...third path – a middle route through the Northwest Passage that steers between... ..the internal waters and international strait designations – [and] is legally justifiable, compatible with the policy needs of each country, and potentially achievable politically.” (Steinburg, 2014, P.85). Towards outlining how this might be achieved, Steinburg first begins by conducting an examination of the Canadian claim (i.e. the ‘Canadian internal waters’ designation) and the American claim (i.e. the ‘international strait’ designation). Ultimately, from this this examination, Steinburg is not only led to conclude that, “...there are significant weaknesses to both the Canadian and the U.S positions [under international law]” (Steinburg, 2014, P. 92), but is furthermore led to consider whether “...the Passage is neither an international strait nor Canada’s historic internal waters... (Steinburg, 2014, P. 92)”. Here, Steinburg is then led to examine how a ‘territorial sea’ designation might be applied to the Northwest Passage. In short, after an examination of the legal and political facts at hand, Steinburg is ultimately led to conclude that: “...the territorial sea option may be politically optimal for both Canada and the United States and that pursuing it could bring about long term

stability for users of the passage, and more broadly for the U.S.-Canadian relations.” (Steinburg, 2014, P.94). Leading from this last point, Steinburg then proceeds to examine and compare the political objectives of both Canada and United States as it relates to the Northwest Passage, to which, he ultimately argues that “While these distinctive perspectives of Canada and the United States make dialogue difficult, they also make compromise possible.” (Steinburg, 2014, P. 94). Lastly, and while considering this possibility of compromise, Steinburg then examines the current “agree to disagree” approach to the Northwest Passage Dispute, which, according to Steinburg, is weak approach moving forward, particularly in light of the effects of climate change on the region, and in turn, the future increase in traffic in the region, and in consequence, its risks for Canada’s legal position and U.S interests. Ultimately, and based on this succession of arguments presented above, Steinburg is finally led to conclude that: “a more affirmative middle route... . . . is therefore required” (Steinburg, 2014, P.100). Finally, upon reaching this this conclusion, Steinburg is then led to discuss the option which he believes deserves more consideration. For Steinburg, this option, as previously discussed, and towards working to resolve the Northwest Passage Dispute, would be by “classifying the Northwest Passage as component of Canada’s territorial sea” (Steinburg, 2014, P.100). From here, Steinburg is then led to outline how a territorial sea designation could serve a good middle ground between both the Canadian and American legal positions and meet the objectives of both countries, regardless of some for its drawbacks for both Canada (e.g. a now more limited jurisdiction) and the United States (e.g. more limited mobility). Nevertheless, and as Steinburg concludes, “In the Northwest Passage... . . .there is an opportunity for navigating down a middle path that minimizes risk.” (Steinburg, 2014, P. 102).

After analysing how language was used by Steinburg in this text, textual evidence indicates that Steinburg chose to ‘objectively’ interpret Canada’s security dynamic with the United States

within the context of the Northwest Passage Dispute’, or in other words, ‘more impartially’ perceive the United States, within the context of securing Canada’s sovereignty and jurisdiction over the Northwest Passage. Ultimately, the textual evidence presented above indicates that an ‘objective interpretation’ led Steinburg to his proposed approach. Quite simply, through his impartial examination of the legal and political facts surrounding the Northwest Passage Dispute, and towards determining, if, from a legal and political standpoint, an alternative legal designation of the Northwest Passage (i.e. a ‘territorial sea’ designation) is feasible, Steinburg’s objective interpretation, *defined by his neutral and impartial language*, is maintained from beginning to end. This ‘objective interpretation’ is only further exemplified by his proposed approach, which, while achieving the objectives of both countries, also consist of drawbacks of equal proportions to both the Canada and the United States. Therefore, based on textual evidence, it is clear that Steinburg’s ‘objective interpretation’ (i.e. a more impartial examination of the Dispute, and in turn, a more impartial perception the United States, in the context of securing Canada’s sovereignty and jurisdiction over the Northwest Passage.) not only led him to his proposed approach, but to an approach which also embodied this same ‘objective interpretation’ (i.e. a compromise-based bilateral agreement between Canada and the U.S on the Northwest Passage, through a ‘territorial sea’ designation for the Northwest Passage).

E. The Canadian Federal Government Should Reach a Compromise-Based Bilateral Agreement with the United States on the Northwest Passage, in order to Cooperate in Jointly-Securing the Northwest Passage

Elizabeth Elliot-Meisel, in her work “Politics, Pride and Precedent: The United States and Canada in the Northwest Passage” (2009), sets out to determine how the Northwest Passage Dispute could

be resolved between Canada and the United States, as “nations committed to continental security” (Elliot-Meisel, 2009, P.204) and more specifically, as “...nations committed to a safe and secure arctic” (Elliot-Meisel, 2009, P. 205). To achieve this, Elliot-Meisel sets out to outline a “...brief history of U.S–Canada bilateral cooperation and collaboration in the Arctic...” (Elliot-Meisel, 2009, P. 205). This history of Arctic security cooperation and collaboration between Canada and the United States, outlined by Elliot-Meisel, ranges from the 1930’s to World War II, to Post-World War II, to the Cold War, to Post-Cold-War, and finally, to Present. In short, through this not-so-brief outline, *this history* of bilateral security cooperation and collaboration between Canada and the United States, *as close allies* in the Arctic, is *repeatedly underlined*, both explicitly and implicitly. Ultimately, from this examination, and for Elliot-Meisel: “If the United States and Canada have a history of continental cooperation and a pragmatic agreement for coast guard ships in the Northwest Passage, and if the Canadian Navy and USN are ‘very interoperable’, the basis for cooperation and maritime security collaboration for the North surely exists” (Elliot-Meisel, 2009, P.220). However, for Elliot Meisel, working to find a compromise, reaching an agreement, and resolving the Northwest Passage Dispute should be accomplished sooner rather than later, as the increased melting-rate of the Northwest Passage’s Arctic ice will lead to the increased navigability of the Northwest Passage, and in turn, lead to an increased potential for traffic in the Northwest Passage, and in consequence, compromise continental security. From this, Elliot-Meisel is then led to outline the details of her proposed approach, and namely that, the Canadian Federal Government should reach a compromise-based bilateral agreement with the United States on the Northwest Passage, to cooperate with the United States in providing joint-security to the Northwest Passage, and in turn, secure the sovereignty and security of both countries. Finally, and shortly after outlining her proposed approach, and in her concluding remarks, Elliot-Meisel is led to not

only succinctly reiterate her position on the Northwest Passage Dispute, but eloquently conclude that:

“The close U.S-Canada Relationship of the past 70 years, despite tensions and difficulties, is an alliance of mutual respect and, ultimately, both nations (the public and the government), need to see that the enemy is not each other. There is precedent for positive collaboration that rises above politics and pride. For Canada, this means getting the greatest practical benefits from limited resources. Cooperation and collaboration with the United States is one such avenue with a proven track record. For the United States., it means a renewed recognition of its valued ally and continental partner, and a return to the spirit of the “special relationship” that has existed between it and Canada for over 70 years.” (Elliot-Meisel, 2009, P.221)

After analysing how language was used by Elliot-Meisel in this text, textual evidence indicates that Elliot-Meisel chose to ‘positively’ interpret Canada’s security dynamic with the United States within the context of the Northwest Passage Dispute, or in other words, perceive the United States as being *conducive* towards securing Canada’s sovereignty and jurisdiction over the Northwest Passage. Textual evidence of this ‘positive interpretation’, which led her to her proposed approach, is overwhelming clear. Quite simply, Elliot-Meisel’s ‘positive interpretation’, established from the onset of her text, is maintained throughout the entirety of her text, through constant references to the history of good relations, cooperation, and collaboration in Arctic Canada and in the Northwest Passage, between Canada and the United States. Ultimately, this leads Elliot-Meisel to favorably perceive the possibility of further compromise and cooperation, and more importantly, perceive the U.S as being *conducive* towards securing Canada’s sovereignty and jurisdiction. In short, this ‘positive interpretation’ not only leads Elliot-Meisel to her proposed approach, but to an approach which also embodies this same ‘positive interpretation’, namely that,

the Canadian Federal Government should reach a compromise-based bilateral agreement with the United States, to cooperate with the United States in providing Joint-Security to the Northwest Passage. This “positive interpretation” which led Elliot-Meisel to her proposed approach, and which permeated throughout the entirety of this text, is only further exemplified and illustrated by her concluding remarks.

F. The Canadian Federal Government Should Reach a Compromise-Based Multilateral Agreement with the International Community on the Northwest Passage

Helga Haftendorn, in her work, “Soft Solutions for Hard Problems” (2010), and while considering how “...[arctic] states’ actions [in the arctic region], testify to their prime interest in consensual solutions to the region’s conflicts” (Haftendorn, 2010, P.811), and how bilateral and multilateral solutions have “...been successfully used to cope with various arctic conflicts” (Haftendorn, 2010, P.811), sets out to examine and determine how the Arctic region’s various conflicts could be resolved. In short, after examining and attempting to resolve other arctic conflicts through approaches, which ultimately, emphasized bilateral or multilateral compromise and cooperation, Haftendorn is then finally led to the Northwest Passage Dispute. Ultimately, on the topic of the Northwest Passage Dispute, Haftendorn argues that even while the 1969 Manhattan Voyage and the 1985 Polar Sea Voyage created tensions between both Canada and the U.S, raised the question of transit through the Northwest Passage, and triggered Canadian concerns over the status of its sovereignty and jurisdiction, “...as the US and Canada enjoy a long history of collaboration in the north, they have found ways to temporarily set aside their legal differences” (Haftendorn, 2010, P.821). As Haftendorn explains, through the 1988 Arctic Cooperation Agreement, Canada and the United States essentially “...agreed to disagree on the legal status of the passage and proceeded to

set out a regime governing transits by American icebreakers engaged in research” (Haftendorn, 2010, P.821). However, for Haftendorn, while Canada and the U.S were able to reach a bilateral agreement on the Northwest Passage, bilaterally addressing the Northwest Passage Dispute is at *the core of the problem*. More precisely, for Haftendorn, this bilateral agreement between Canada and the U.S on the status of the Northwest Passage, and on a transit regime for the Northwest Passage is ultimately “...not... ..sustainable because it does not cover foreign and commercial vessels and others states – EU members, Japan, China, and South Korea – [who] will also demand the right of innocent passage. “ (Haftendorn, 2010, P. 821). For this reason, and while taking Canada’s, the United States’ and the international community’s interests into account, Haftendorn is then led to outline her proposed approach, and in turn, argue in favor of reaching a multilateral agreement on the status of, and on a transit regime for, the Northwest Passage. After examining and attempting to resolve the Northwest Passage Dispute, and shortly thereafter, examining other arctic conflicts and how they might be resolved, Haftendorn then concludes her work by discussing three political environments which have served as favorable conditions towards reaching bilateral or multilateral solutions to various conflicts in the arctic region, and with two of these three political environments, mentioning the Canada-U.S relations. As Haftendorn explains, one of these political environments is “...close economic and political integration, [such] as between Canada and the United States, [in which] simmering Canadian mistrust of ‘American hegemony’ can be curbed” (Haftendorn, 2010, P.823). A second political environment is “strong mutual interest” (Haftendorn, 2010, P.823), to which Haftendorn once again references “American-Canadian Cooperation on a number of issues in the north...” (Haftendorn, 2010, P.823). Overall, for Haftendorn, and while acknowledging the effects of climate change on the arctic region, bilateral

or multilateral compromise and cooperation (regardless of the ‘arctic conflict’) is not only possible between states in the arctic region, but *highly preferable* moving forward.

After analysing how language was used by Haftendorn in this text, textual evidence indicates that Haftendorn chose to ‘positively’ interpret Canada’s security dynamic with foreign states within the context of the Northwest Passage Dispute’, or in other words, perceive foreign states, including the United States, as being *conducive* towards securing Canada’s sovereignty and jurisdiction over the Northwest Passage. In short, it is overwhelmingly clear that Haftendorn’s ‘positive interpretation’ led her to her proposed approach to the Northwest Passages Dispute. First, from the onset of her work, textual evidence indicates that Haftendorn already perceives arctic states as essentially being agreeable, and willing to work with relevant parties from the international community, particularly through bilateral and multilateral solutions, in order to effectively resolve their arctic conflicts. From this point, and specifically from this ‘positive interpretation’ of the security dynamic between states, and of bilateral and multilateral solutions to conflicts in the arctic region, Haftendorn sets out to examine how the region’s arctic conflicts could be resolved. Throughout her analyses of each arctic conflict, and through every proposed approach on how to resolve these conflicts, the influence of Haftendorn ‘positive interpretation’, established from the onset of her text, is evidently clear, as each proposed approach (including the Northwest Passage Dispute) emphasized either bilateral or multilateral solutions, and in turn, embodied this same ‘positive interpretation’. Furthermore, prior to proposing how the Northwest Passage Dispute should best be approached and resolved, the influence of Haftendorn’s positive interpretation is only made clearer, particularly by arguing against the unsustainable nature of the 1988 Arctic Cooperation Agreement between Canada and the United States, and hinting at the need for, and the feasibility of, including more countries on an agreement on the Northwest

Passage. In essence, Haftendorn's 'positive interpretation' of the security dynamic between states from the international community, not only led her to her proposed approach to the Northwest Passage Dispute, but to an approach which also embodied this same 'positive interpretation'. Finally, after having outlined her proposed approach to the Northwest Passage Dispute, this 'positive interpretation which led Haftendorn to her proposed approach, is also only further illustrated at the conclusion of her text, and particularly by her concluding remarks, in which the 'political environments', such as the ones which exists between Canada and the United States, are argued to be the most conducive towards reaching bilateral and multilateral solutions. Overall, and based on textual evidence throughout this text, it is overwhelmingly clear that Haftendorn's 'positive interpretation' led her to her proposed approach to the Northwest Passage Dispute.

2.2. Schools of Thought; Multi-Approach Pathways

A. The Canadian Federal Government Should Reach a Bilateral Agreement with the United States towards Jointly-Securing Arctic Canada and Act Unilaterally to Facilitate Transit Through the Northwest Passage.

Adam Lajeunesse, in his work "The Northwest Passage in Canadian Policy: An Approach for the 21st Century" (2008), and in light of the melting-rate of the Northwest Passage's arctic ice, sets out to examine how Canada could best defend, assert, and secure its sovereignty and jurisdictional claim. Towards this objective, Lajeunesse first briefly examines the government's current approach to Arctic sovereignty. However, from this examination, Lajeunesse is left largely unsatisfied. Quite simply, for Lajeunesse the government's current approach ultimately fails to work towards *most effectively* defending, asserting, and securing Canada's sovereignty and jurisdiction over the Northwest Passage. As Lajeunesse argues:

“Arctic sovereignty cannot rest on military strength alone, what is required is a plan that avoids the confrontational approach the government seems intent upon pursuing. Canada needs a long term policy that provides practical solution in cooperation with, rather than in opposition to, the United States and the rest of the World. Most of all, Canada requires an arctic policy that, rather than attempting to force foreign government to accept Canadian sovereignty, brings them to do so out of self-interest.” (Lajeunesse, 2008, P. 1038).

From this, and after outlining the negative implications of the increased melting rate of Northwest Passage’s Arctic ice, and in turn, the increased potential for traffic in the Northwest Passage, on Canada’s sovereignty and jurisdictional claim, Lajeunesse then more closely examines the government’s current approach to Arctic sovereignty. As Lajeunesse explains, this is an approach which emphasizes an increased presence (i.e. making Canada’s military presence in the region known and visible to the world), through investments into its security-related capabilities (e.g. patrol ships, surveillance, etc.) in the region to “...not only demonstrate to foreign government that Canada is prepared to defend its sovereignty but to *force* those states to recognize Canadian claims” (Lajeunesse, 2008, P. 1041). In short, after further considering the consequences of the government’s current approach, and namely, its costly, ineffective and counter-productive nature in defending, asserting and securing Canada’s sovereignty and jurisdiction over the Northwest Passage, and particularly, vis-à-vis the United States, in which some these measures could potentially “destroy the trust and respect upon which the close Canadian-American defence relationship has rested for decades” (Lajeunesse, 2008, P. 1045), Lajeunesse is ultimately led to conclude that: “for practical reasons, the government must abandon its current confrontational approach. As Canada cannot threaten or force the United States to respect its position, cooperation becomes the only alternative” (Lajeunesse, 2008, P. 1047). From this, Lajeunesse is then led to outline the first part of his proposed approach the Northwest Passage Dispute, and more precisely,

that Canada should reach a new bilateral agreement with the United States by extending NORAD's area of operation to cover Canada's arctic waters (i.e. U.S military vessels would be granted increased mobility, while maintaining the legal status quo, and protecting Canada's sovereignty and jurisdictional claim). After outlining the details of this proposed 'Arctic NORAD' and concluding the first part of his proposed approach, Lajeunesse is then led to argue that ultimately, towards defending Canada's claim over the Northwest Passage, "[while] icebreakers, patrol ships and increased surveillance would improve Canada's claim... ..the matter is ultimately out of Canada's hands, since only the recognition of the international community can ensure Canadian sovereignty" (Lajeunesse, 2008, P. 1049). With this in mind, Lajeunesse is then led to argue that instead of the government's current approach, "What is required is a shipping policy that makes accepting Canadian sovereignty (even if it is implicit acceptance) easier than challenging it." (Lajeunesse, 2008, P. 1050), and from this logic, is led to further argue that, "Since it may prove impossible to prevent ships from travelling through the Northwest Passage, the best policy is to assist them" (Lajeunesse, 2008, P.1050). Here, Lajeunesse is then led to outline the second part of his proposed approach to the Northwest Passage Dispute, and more precisely, that Canada should facilitate the transit of foreign vessels through the Northwest Passage, in order to better secure its sovereignty and jurisdiction over the Northwest Passage (i.e. through the implicit acceptance of Canada's sovereignty and jurisdiction on behalf of transiting foreign vessels). Finally, at the conclusion of his text, and having explained that while improvements to Canada's enforcement and surveillance capabilities are important, Lajeunesse once again argues that ultimately, more is necessary towards defending, asserting, and securing Canada's sovereignty and jurisdiction. As Lajeunesse concludes:

“...it is the confrontational nature of the government's policies – the notion that a show of force is the best way to resolve the crisis- that is fundamentally flawed. Exercising jurisdiction and defending Canada legal position in the arctic requires a policy build on

cooperation rather than confrontation. Rather than working in opposition to the United States with warships and sensor networks, an effort should be made to implement long term solutions to both Canada legal and jurisdictional problems, which the Americans and the rest of the world can be convinced, rather than forced to accept (Lajeunesse, 2008, P. 1052)

After analysing how language was used by Lajeunesse in this text, textual evidence indicates that Lajeunesse chose to ‘pragmatically’ interpret Canada’s security dynamic with foreign states within the context of the Northwest Passage Dispute’, or in other words, simultaneously perceive it as both uncondusive (‘negative interpretation’) and conducive (‘positive interpretation’) towards securing Canada’s sovereignty and jurisdiction over the Northwest Passage. Textual evidence of Lajeunesse’s ‘pragmatic interpretation’ which led him to his proposed approach is quite clear, even from the onset on this text. However, this ‘pragmatic interpretation’ is only made clearer as Lajeunesse develops both his positive and negative interpretations. First, and based on textual evidence, it is clear to that Lajeunesse’s ‘positive interpretation’ (i.e. referencing and defending Canada’s history of defence cooperation with the United States, and perceiving the United States as being conducive towards securing Canada’s sovereignty and jurisdiction) led him to the first part of his proposed approach, which also embodied this ‘positive interpretation’ (i.e. an extension of NORAD to cover the Canada’s arctic waters). Second, based on textual evidence, and while under the guise of a ‘spirit of cooperation’, Lajeunesse’s underlying ‘negative interpretation’ (i.e. foreign states, more generally, being perceived as uncondusive towards securing Canada’s sovereignty and jurisdiction) ultimately leads him to the second part of his proposed approach which also embodied this negative interpretation (i.e. Canada should unilaterally facilitate the transit of foreign vessels through the Passage in order to gain implicit acceptance of Canada’s sovereignty and jurisdictional claim). Ultimately, Lajeunesse’s ‘positive interpretation’ of foreign states (i.e. the United States), and

Lajeunesse's 'negative interpretation' of foreign states (more generally), when combined, form a "pragmatic interpretation", and through this pragmatic interpretation, Lajeunesse was ultimately led to his proposed approach to the Northwest Passage Dispute, which also embodied this same 'pragmatic interpretation'.

B. The Canadian Federal Government Should Act Unilaterally to Increase its Control over the Northwest Passage, Reach a Compromise-Based Bilateral Agreement with the United States on the Northwest Passage, and Cooperate Bilaterally and Multilaterally to Facilitate Canada's Control over the Northwest Passage

Finally, Donat Pharand in his text, "The Arctic Waters and the Northwest Passage: A Final Revisit" (2007) explains that as the Northwest Passage's Arctic ice continues to melt as a result of global warming, and while its navigability remains uncertain and unpredictable, that foreign navigation is likely set to increase in the Northwest Passage in the future. However, in light of these developments, Pharand argues that:

"When such foreign shipping beings, it will be crucial for... ..those waterways be recognized as a national route rather than international ones. At the moment, [the Northwest Passage is] claimed by... ..Canada to be under their exclusive control, but that claim is not accepted by all countries and it should be a priority that their legal status be well established as soon as possible (Pharand, 2007, P.4)

With this in mind, Pharand first sets out to determine the legal status of the waters of the Canadian Arctic Archipelago, and through a lengthy and technical legal examination, critically examines both the 'historic title' claim and the 'straight baselines' claim, as the basis for Canada's 'internal waters' claim. In short, from this examination, Pharand ultimately concludes that that Canada's 'straight baselines' claim, *does* serve a legal basis for Canada's 'internal waters' claim. As such,

for Pharand, the waters of Canadian Arctic Archipelago *are* Canadian internal waters under international law. Second, and from this point, Pharand then moves to determine the legal status of the Northwest Passage, and through a lengthy and technical legal examination, critically examines whether the Northwest Passage is an international strait, and if the right of innocent passage can be applied. In short, from this examination, Pharand ultimately concludes that both the ‘international strait’ and ‘innocent passage’ transit regimes *do not apply* to the Northwest Passage, and that ultimately, the Passage *is* strictly Canadian internal waters. However, as Pharand explains, it is *still possible* for the Northwest Passage to become ‘international’, as “a pattern of international shipping across the Passage, developed over relatively few years, might be considered sufficient to make it international.” (Pharand, 2007, P.44). More importantly for Pharand, and as he further explains, “[the] consequence of an internationalized Northwest Passage would be to make the right of transit passage applicable, leaving Canada with much less control over foreign ships than it now has.” (Pharand, 2007, P. 45). For this reason, Pharand not only concludes that Canada should “[take] measures to prevent... ..an internationalization [of the Northwest Passage] to adequately protect its Arctic interests (Pharand, 2007, P. 48), but sets out to determine how the internationalization of the Northwest Passage can be prevented. Ultimately, towards preventing the internationalization of the Northwest Passage and in turn, protecting Canada’s ability to defend its national interests in the region, namely, as it relates to regional security, the wellbeing of the Inuit, and the wellbeing of the environment, Pharand is led to conclude that: “

“Canada not only has the right but, indeed, the obligation to protect these interests, which unquestionably would be threatened by an uncontrolled international navigation in many routes of the Northwest Passage. Their protection can be achieved by only the adoption of various measures and, more importantly, by their

enforcement. If Canada does not have the necessary enforcement capability at the moment, it must develop it. Of course, some of those measures would be more easily enforced in cooperation with other Arctic states...” (Pharand, 2007, P.48).

From this, and after reviewing Canada’s efforts to increase its ‘control’ over foreign vessels in the Passage, such as through the *Arctic Water Pollution Protection Act* (1970) and *NORDREG* (1977), Pharand is then led to the first part of his proposed approach (outlined in more detail in my ‘Literature Review’ section), in which he argues in favor of unilateral and bilateral action in order to further increase Canada’s ‘control’ over foreign vessels in the Passage, and in turn, work towards preventing the internationalization of the Passage, and defend Canada’s national interests. In terms of unilateral action, this includes actions such as making *NORDREG* mandatory, and making a *significant* investments into Canada’s safety and security-related capabilities in order to improve its ability to monitor and enforce its sovereignty and jurisdiction in the Passage. In terms of bilateral action, and after reviewing the *Canada-U.S Arctic Cooperation Agreement* (1988), Pharand is also led to conclude that moving forward, a new ‘transit agreement’ should also be reached, in which “the United States would recognize Canada’s sovereignty over the water of its archipelago, including all routes of the northwest passage, in return for which Canada would recognize a right of passage for U.S merchant ships and icebreakers.” (Pharand, 2007, P. 51). Subsequently, and after outlining the details of the first part of his approach, and specifically, how Canada should increase its ‘control’ over foreign vessels in the Northwest Passage, and in turn, prevent the internationalization of the Passage, Pharand is once again led to conclude that: “Whatever measures are adopted one thing is beyond discussion: their enforcement is of paramount importance. And, to facilitate that enforcement, both internal and external cooperation is necessary” (Pharand, 2007, P.52). From this, Pharand is then directly led to the second part of his approach, in which he proposes to *further facilitate* the enforcement of Canada’s measures to

‘control’ foreign navigation in the Northwest Passage (i.e. AWPPA), and in turn, defend Canada’s national interest, through further bilateral and multilateral action (outlined in more detail in my ‘Literature Review’ section). In terms of bilateral action, and as activity outside the Northwest Passage directly *affects* the Northwest Passage (e.g. pollution) this largely includes reaching an agreement with the U.S on the environmental protection of the Beaufort Sea; and reaching an *agreement* with Denmark on the environmental protection of Baffin Bay and the Davis Strait. In terms of multilateral action, and through the same lens, Pharand argues in favor of greater cooperation between Arctic states, predominantly through international organizations, in order to ensure the protection of the Arctic marine environment, and safety of navigation in Arctic waters. Finally, and after outlining this proposed bilateral and multilateral action to *further facilitate* Canada’s efforts in the Northwest Passage, Pharand, with regards to circumpolar cooperation, is also led to conclude that:

“...it cannot be overemphasized that the best way to solve circumpolar problems is to develop circumpolar regimes. This applies particular to the protection of the marine environmental and safety of navigation. Although.....much already has been done towards the development of such regimes, the process needs to be intensified and accelerated.”(Pharand, 2007, P.58).

After analysing how language was used by Pharand in this text, textual evidence indicates that Pharand chose to ‘pragmatically’ interpret Canada’s security dynamic with foreign states within the context of the Northwest Passage Dispute’, or in other words, simultaneously perceive it as both uncondusive (‘negative interpretation’) and conducive (‘positive interpretation’) towards securing Canada’s sovereignty and jurisdiction over the Northwest Passage. Textual evidence of Pharand’s ‘pragmatic interpretation’ which led him to his proposed approach is clear. First, concerning the first part of Pharand’s proposed approach. Based on textual evidence, it is clear to

that Pharand ‘negative interpretation (i.e. foreign states, more generally, being perceived as uncondusive towards securing Canada’s sovereignty and jurisdiction) led him to the first part of his proposed approach (i.e. unilaterally improving Canada’s control over foreign vessels in the Passage, in order to prevent the internationalization of the Passage, and in turn, secure Canada’s sovereignty and jurisdiction). Based on textual evidence, it is also clear to that Pharand’s ‘positive interpretation’ (i.e. foreign states, more generally, being perceived as conducive towards securing Canada’s sovereignty and jurisdiction) led him to the second part, of this first part, of Pharand’s proposed approach (i.e. having its sovereignty and jurisdiction recognized by the United States through a new bilateral ‘transit agreement’). Second, and now concerning the second part of Pharand’s proposed approach. Based on textual evidence, it is also clear that Pharand’s positive interpretation (i.e. foreign states, more generally, being perceived as conducive towards securing Canada’s sovereignty and jurisdiction), also led Pharand to the second part of his proposed approach (i.e. *further facilitating* Canada’s control over foreign vessels in the Northwest Passage, through bilateral and multilateral cooperation on environmental protection and safety of navigation in Arctic waters). Ultimately, Pharand’s ‘negative interpretation’ of foreign states (i.e. foreign states, more generally, being perceived as uncondusive towards securing Canada’s sovereignty and jurisdiction), and Pharand’s ‘positive interpretation’ of foreign states (foreign states, more generally, being perceived as conducive towards securing Canada’s sovereignty and jurisdiction), when combined, form a ‘pragmatic interpretation’, and through this ‘pragmatic interpretation’, Pharand was led to his proposed approach to the Northwest Passage Dispute, and which furthermore, also embodied this same ‘pragmatic interpretation.

6.0 Results

The results of my analysis have led me to classify the literature's schools of thought, along with their respective texts, relatively evenly throughout my typology. First, the text by Huebert (2003), along with its respective school of thought, has been successfully classified as an approach in which '*Canada chooses to 'negatively' interpret its security dynamic with foreign states within the context of the Northwest Passage Dispute*'. Second, the text by Griffiths (2003), along with its respective school of thought, has been successfully classified as an approach in which '*Canada chooses to 'indifferently' interpret its security dynamic with foreign states in the context of the Northwest Passage Dispute*.' Third, the text by Steinburg (2014), along with its respective school of thought, has been successfully classified as an approach in which '*Canada chooses to 'objectively' interpret its security dynamic with foreign states in the context of the Northwest Passage Dispute*'. Fourth, the text by Rothwell (1993), Elliot-Meisel (2009), and Haftendorn (2010), along with their respective schools of thought, have been successfully classified as approaches in which '*Canada chooses to 'positively' interpret its security dynamic with foreign states in the context of the Northwest Passage Dispute*'. Fifth and finally, the texts by Lajeunesse (2008) and Pharand (2007), along with their respective schools of thought, have been successfully classified as approaches in which '*Canada chooses to 'pragmatically' interpret its security dynamic with foreign states in the context of the Northwest Passage Dispute*'. Towards better illustrating these results, below you'll find a more visual representation of my results, in the form of a 'results table'.

<u>Results</u>			
		How Canada’s Security Dynamic(s) with Foreign States are being Interpreted, within the Context of the Northwest Passage Dispute.	
Schools of Thought on <i>How</i> the Canadian Federal Government Should Approach the Dispute, and in turn, Best Secure its Sovereignty and Jurisdiction over the Northwest Passage.	Single-Approach Pathways	<i>The Canadian Federal Government Should Act Unilaterally to Improve its Relationship with Nunavut and the Inuit in Arctic Canada</i>	Griffiths (2003): Indifferent Interpretation
		<i>The Canadian Federal Government Should Act Unilaterally to Increase its Capacity to Better Monitor and Patrol the Northwest Passage</i>	Huebert (2003): Negative Interpretation
		<i>The Canadian Federal Government Should Reach a Compromise-Based Bilateral Agreement with the United States on the Northwest Passage</i>	Rothwell (1993): Positive Interpretation
		<i>The Canadian Federal Government Should Reach a Compromise-Based Bilateral Agreement with the United States on the Northwest Passage (Through an Alternative Legal Designation of the Northwest Passage)</i>	Steinburg (2014): Objective Interpretation
		<i>The Canadian Federal Government Should Reach a Compromise-Based Bilateral Agreement with the United States on the Northwest Passage, in order to Cooperate in Jointly-Securing the Northwest Passage</i>	Elliot-Meisel (2009): Positive Interpretation
		<i>The Canadian Federal Government Should Reach a Compromise-Based Multilateral Agreement with the International Community on the Northwest Passage</i>	Haftendorn (2010): Positive Interpretation

Multi-Approach Pathways	<i>The Canadian Federal Government Should Reach a Bilateral Agreement with the United States towards Jointly-Securing Arctic Canada and Act Unilaterally to Facilitate Transit Through the Northwest Passage.</i>	Lajeunesse (2008): Pragmatic Interpretation
	<i>The Canadian Federal Government Should Act Unilaterally to Increase its Control over the Northwest Passage, Reach a Compromise-Based Bilateral Agreement with the United States on the Northwest Passage, and Cooperate Bilaterally and Multilaterally to Facilitate Canada's Control over the Northwest Passage</i>	Pharand (2007): Pragmatic interpretation

7.0 Discussion

In this section, and based the results of my analysis, I discuss four subtopics. First, I discuss how this analysis of the literature has led me to three core findings. Second, and flowing from this first subsection, I discuss and reflect upon the significance and relevance of these findings. Third, and flowing from this second subsection, I then outline and discuss the need to expand upon the research undertaken in this paper. Finally, I then discuss the future of the Northwest Passage, and specifically, the considerations, which I believe, Canada should take into account moving forward.

7.1. Findings

Completing my analysis of the literature and classifying its results along my typology, has lead me to three core findings. First and foremost, through this typology, I have been able to successfully classify the literature's various schools of thought on how Canada should secure its sovereignty and jurisdiction over the Northwest Passage into a straightforward typology, and in turn, successfully answer my research question. This leads to the first finding, namely that, this typology has proven itself to be effective tool in classifying this literature, and in turn, could be used in

future research on the topic. Second, and flowing from this first finding, through the use of this typology, I have also discovered that, similar to how there is a large discrepancy in the literature in terms of how Canada should best secure its sovereignty and jurisdiction over the Northwest Passage, *there is also* a large discrepancy in the literature in terms of how scholars are choosing to interpret Canada's security dynamic with foreign states, within the context of the Northwest Passage Dispute, and specifically, towards securing Canada's sovereignty and jurisdiction over the Northwest Passage. In this way, my typology has also been successful in providing a more in depth understanding of the literature's approaches on *how* Canada should best secure its sovereignty and jurisdiction over the Northwest Passage. Third, and flowing from this second finding, through the use of this typology, I have also found that in each text which I analyzed, a scholars 'interpretation', ultimately led them to propose an approach which also embodied this same 'interpretation'. Therefore, *how* to 'best' secure Canada's sovereignty and jurisdiction over the Northwest Passage, *ultimately does depend on, and flow from,* whether Canada (or a given scholar) chooses to negatively, indifferently, objectively, positively, or pragmatically interpret Canada's security dynamic with foreign states within the context of the Northwest Passage Dispute. In short, *Anarchy is truly what Canada (or scholars) will make of it.*

7.2. Significance and Relevance of Findings

Conducting this research and uncovering these findings was important for several reasons. As the Northwest Passage's arctic ice continues to melt at an increasing rate, and in turn, as the potential for traffic to and through the Northwest Passages increases, the need to definitively resolve the Northwest Passage Dispute, and more precisely, solidify Canada's sovereignty and jurisdiction over the Northwest Passage, will only become increasingly urgent. In essence, it's vital that Canada *truly reflect* and *act now*, with regards to towards further securing its sovereignty and

jurisdiction, and quickly, before it's too late. For this reason, and towards facilitating this effort, conducting this research and uncovering these aforementioned findings was a crucial first step, as it added much needed organizational clarity to this literature, at a time when it is needed most. Namely, this research and its findings provide a more in depth understanding of Canada's options moving forward, and more precisely, that while there are several ways to secure Canada's sovereignty and jurisdiction over the Northwest Passage, how to 'best' secure Canada's sovereignty and jurisdiction over the Northwest Passage, ultimately depends on whether Canada chooses to negatively, indifferently, objectively, positively, or pragmatically interpret its security dynamic with foreign states, within the context of the Northwest Passage Dispute. For this reason, it's also vital that further research, similar to the one undertaken in this paper, be pursued on this topic.

7.3. Further Research

While my research has proven to be a good first step, further research towards expanding on the research undertaken in this paper, is undoubtedly needed. More precisely, future research will be needed to expand on the list of approaches and schools of thought outlined in this paper. Namely, this would involve adding additional approaches from the literature to this list by analyzing, and in turn, classifying them under the appropriate 'Pathway', and subsequently, under the appropriate School of Thought, which either, already exists (i.e. the ones developed in this paper) or needs to be created and added to this list. Furthermore, not only am I confident that this list can be expanded, but I am also confident that that each piece of literature added to this list, and in turn, each proposed approach and their respective school of thought, will also be able to be further organized and classified, using the typology which I have developed, outlined, and used in

this paper. To start expanding on this list, researchers could begin by analyzing some of the literature's other promising approaches, which I have included in section '10.0 Further Readings'.

7.4. *Moving Forward*

Ultimately, it is up to the Canadian Federal Government to decide for itself, how it chooses to secure its sovereignty and jurisdiction over the Northwest Passage. *However*, while it is up to the Canadian Federal Government to decide for itself, *I do believe* that the Canadian Federal Government, when deciding *how it chooses* to interpret its security dynamics with foreign states, within the context of the Northwest Passage Dispute, and in turn, and *how it chooses* secure its sovereignty and jurisdiction over the Northwest Passage, should take one particular question into careful consideration. More precisely, in light of the increased melting-rate of the Northwest Passage's arctic ice, and in turn, the increased potential for navigation to and through the Northwest passage in the future: How could Canada (1) not only maximize its ability to solidify its sovereignty and jurisdiction, but (2), also optimize its ability address Arctic Canada's and the Northwest Passage's most pressing (and interconnected) issues, such as safety of navigation, environmental protection, regional security, and the overall well-being of the Inuit, Northern Peoples, and Arctic Canada? Answering this question is vital, particularly towards ensuring the future well-being of Arctic Canada and the Northwest Passage. In my view, Canada should move forward by using use *all* of the tools at its disposal, and more precisely, use unilateral, bilateral and multilateral action, in order to most effectively achieve both of these objectives. For instance, while I believe Canada *should* take unilateral action (e.g. through a more meaningful presence in the Arctic Canada and the Northwest Passage), I also believe that Canada should also take bilateral action (e.g. by cooperating with close allies, such as the United States), and multilateral action (e.g. by cooperating with other arctic states and the international community) towards achieving both

of these objectives. In other words, as a result of my ‘pragmatic interpretation’ of Canada’s security dynamics, it seems that I have been led to propose an approach which also embodies this very same ‘pragmatic interpretation’.

8.0 Conclusion

The melting-rate of the Northwest Passage’s arctic ice seems to have ‘heated up’ academic debate and discussion regarding how the Northwest Passage Dispute should be best approached and resolved. However, in this literature, there appears to be a large discrepancy in terms of how the Canadian Federal Government should best approach the Dispute, and in turn, best secure its sovereignty and jurisdiction over the Northwest Passage. As a result of this discrepancy in the literature, I set out to answer the following research question: *How could we classify the literature’s various schools of thought on how Canada should secure its sovereignty and jurisdiction over the Northwest Passage into a straightforward typology?* Towards most effectively answering this research question, and based on the findings of my preliminary textual analysis of this literature, I *adapted and built upon* Alexander Wendt’s work in order to develop and use straightforward typology of my own, which is specific to Canada and the Northwest Passage Dispute. More precisely, this typology aimed to classify whether the literature’s schools of thought (i.e. scholars) were choosing to either negatively, indifferently, objectively, positively or pragmatically interpret Canada’s security dynamic with foreign states within the context of the Northwest Passage Dispute, and more specifically, towards securing Canada’s sovereignty and jurisdiction over the Northwest Passage. From this, and after having outlined my methodological steps, I then moved to analyze the literature through the lens of this typology. From this analysis of the literature, and in turn, this successful collection of data, I was able to successfully classify each text, and their respective school of thought, along this typology, and successfully answer my

research question. Ultimately, conducting my analysis through this typology, and classifying the results along this typology, led me to three core findings. First and foremost, the typology which I developed for the purposes of this research, has proven itself to be effective tool in classifying this literature's various schools of thought into a straightforward typology, and as such, could be used in future research. Second, I found that, similar to how there is a large discrepancy in the literature in terms of how Canada should best secure its sovereignty and jurisdiction over the Northwest Passage, *there is also* a large discrepancy in the literature in terms of how scholars are choosing to interpret Canada's security dynamics. Third and finally, I also found that a given scholars 'interpretation', ultimately led them to propose an approach which also embodied this same 'interpretation'. Conducting this research and uncovering these findings was a crucial first step, namely, as it added much needed organizational clarity to the literature, at a time when it was needed most. However, while my research has proved to be a good first step, further research is undoubtingly needed towards expanding upon the research undertaken in this paper. As the Northwest Passages arctic ice continues to melt at an increasing rate, and in turn, as the potential for traffic to and through the Northwest Passages increases, the need to definitively resolve the Northwest Passage Dispute, and more precisely, solidify Canada's sovereignty and jurisdiction over the Northwest Passage, will only become increasingly urgent. For this reason, it's vital that Canada *truly reflect* and *act now*, towards further securing its sovereignty and jurisdiction, and quickly, before it's too late.

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10. Further Readings

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11. Figures



Figure 1. This map serves to illustrate the Northwest Passage transit route, which typically begins in Baffin Bay and ends in the Beaufort Sea (the body of water between Banks Island and Alaska), or vice versa. With some variation depending on ice conditions, the routes shown above are two (of several) possible transit routes through the Northwest Passage.

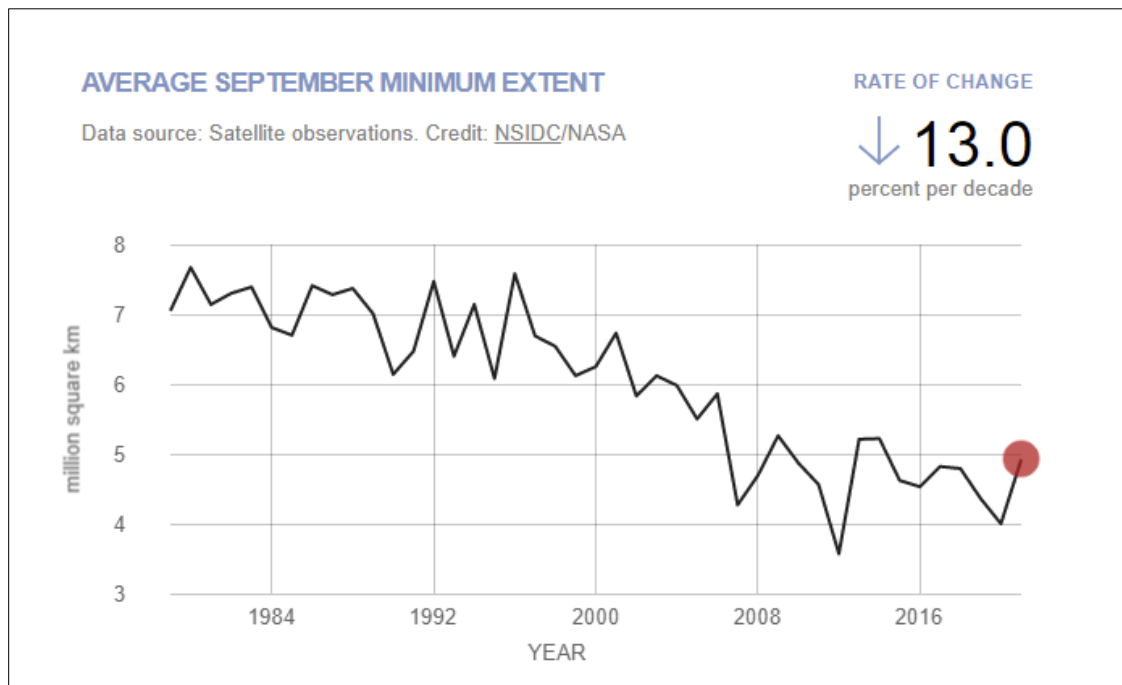


Figure 2. Based on NASA satellite data acquired every September since 1979, this graph serves to illustrate the downward trend in the Arctic sea ice minimum, particularly since the early 2000s.



Figure 3. A NASA depiction of the Arctic ice minimum in 1988. (The year the Arctic Cooperation Agreement between Canada and the United States was signed).



Figure 4. A NASA depiction of the Arctic ice minimum in 2012. The *lowest* Arctic sea ice minimum since 1979.



Figure 5. A NASA depiction of the Arctic ice minimum in 2020. The *second lowest* Arctic sea ice minimum since 1979.