

COUNCIL ON FOREIGN RELATIONS

58 EAST 68TH STREET • NEW YORK • NEW YORK 10065
Tel 212 434 9400 *Fax* 212 434 9800

“The Case for US and Canadian Cooperation in the Melting Arctic”

Written Testimony before

a hearing of the

Senate Standing Committee on Fisheries and Oceans

on

“a current and evolving policy framework for managing Canada's fisheries and oceans”

by

Scott G. Borgerson, Ph.D.
International Affairs Fellow
Council on Foreign Relations
sborgerson@cfr.org

Ottawa, Canada

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Chairman Rompkey, Deputy Chairwoman Cochrane, and distinguished members of the Senate Standing Committee on Fisheries and Oceans. Thank you for inviting me to provide an outside perspective on the geopolitics of the melting Arctic Ocean.

This is a complex issue with enormous stakes for our two countries. As such, it is vitally important that the US and Canada each approach these challenges with foresight, vigilance and in a spirit of cooperation.

Before delving into the main substance of my remarks please allow me to make three quick points.

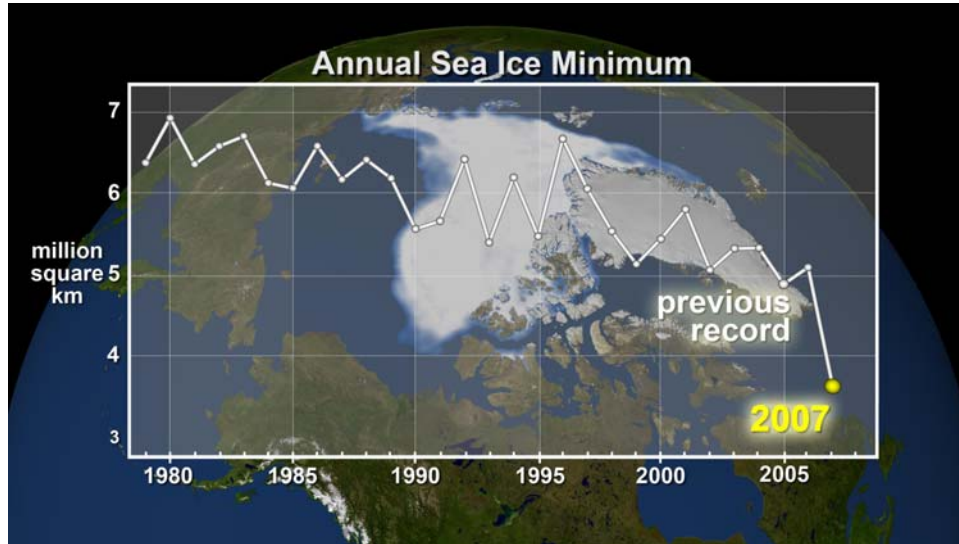
First, I am here in my capacity as a Fellow at the Council on Foreign Relations only and am no longer an officer in the U.S. Coast Guard. As such, my comments are mine alone and in no way reflect any positions of the US Government.

Second, I feel it important to note how charged Arctic issues can be here in Canada. I am keenly aware of this reality. For obvious geographic reasons, the Arctic strikes at the heart of Canadian sovereignty, indeed perhaps even what it means to be Canadian, and so I am deeply sensitive to the raw emotions this issue can bring north, and from an Alaskan perspective, both east and south of the US border. I think the centrality of Arctic issues recently in Canadian politics bears this out. As a point of contrast, to my knowledge there has so far been no mention of opening Arctic sea-lanes in the US presidential election.

Third, and for full disclosure of my ideological world view, I am a realist who believes that the US should be aggressively pursuing a national policy to shore up its Arctic interests, yet at the same time I am an internationalist and earnestly hope that the US is able to work together with our Canadian friends to cooperatively manage increased Arctic shipping. I believe the US should be pursuing this two-pronged strategy, on the one hand ratifying the Law of the Sea, building new heavy icebreakers, beefing up its Arctic capacity and so forth, but at the same time engaging in robust Arctic diplomacy. You might sum up the tenor of my remarks along these lines.

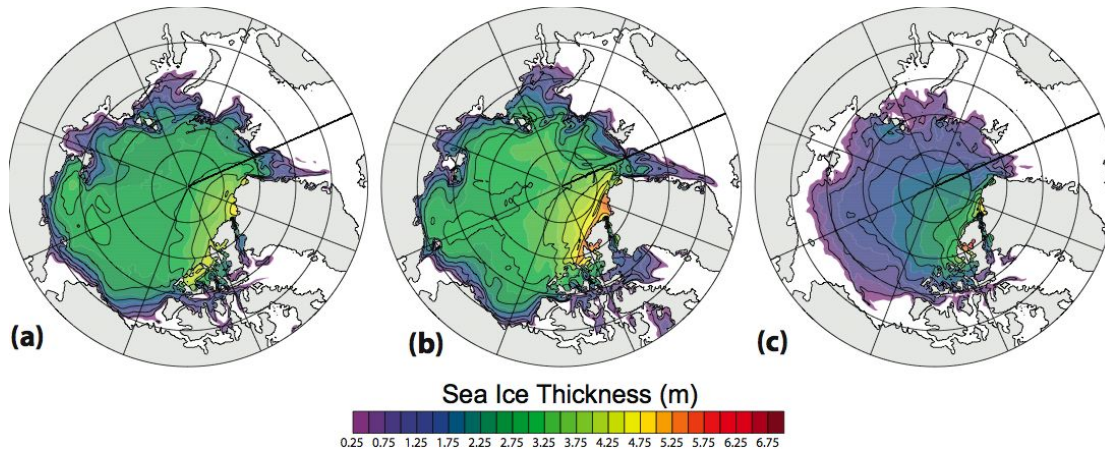
The main impetus for Arctic development is of course global warming and the rapid disappearance of sea ice, especially the dense, thick perennial ice that heretofore lasted beyond the midnight sun. As a quick point of clarification, my remarks will address climate change adaptation in the Arctic only, and I will not venture into mitigation proposals such as a carbon tax or cap and trade schemes.

One of my main concerns is that the international community is under-appreciating the pace of the melt. The projections of when we may see an ice-free Arctic in summer are continually moving up. A few years ago it was maybe by 2100 and then IPCC climate modeling advanced this projection to possibly mid-century. Each new study brings the probable date closer by an order of magnitude measured in decades.



From NASA's Goddard Space Flight Center

Some of the best modeling I've seen suggests that the Arctic ice may have all melted away for a period of time in summer by 2013. This is only five summers away! Recent cutting edge analysis by scientists using super computers at the Naval Post Graduate School in Monterey, California shows that we are likely not taking into full account the ice albedo feedback loop and the role the Arctic basin may be playing in trying to modulate the warming planet.



Arctic sea ice thickness (in meters) distribution simulated with the NPS model for September a) 1982, b) 1992, and c) 2002. The color scale is the same for all panels to emphasize dramatic reduction of ice thickness in the 2000s. The rate of decrease of ice thickness is roughly twice the rate of the satellite-observed decline of ice extent. From W. Maslowski, J. Clement Kinney, J. Jakacki "Toward Prediction of Environmental Arctic Change," 2007.

The science is complicated, but in short we may very well have passed the tipping point at which Arctic sea ice cover will continue to melt at an exponential rate. Regardless, it is now a matter of “when” and not “if” the Arctic is open to navigation. The warming planet is blind to the niceties of international diplomacy, and the multi-year ice will soon be gone whether or not the US and Canada, and indeed the circum-Arctic region, are able to work out cooperative management regimes.

So, the pace of melt requires action, yet both of our countries are woefully unprepared to handle likely increased marine transportation. In the interests of making better policy, please allow me the opportunity to quickly play devil’s advocate to our country’s relative positions in the Arctic.

In the US case, our biggest problem is that the Senate has yet to ratify the UN Convention on the Law of the Sea even though the last three Presidents and the US Navy, Coast Guard, captains of industry, and environmental NGOs all strongly support the treaty. Because of the ideological isolationist obstructionism of a few in the US Senate, we are forfeiting the rights the treaty affords, despite claims customary law is good enough, and we give up our seat at the table of the various institutions the Convention creates. Foremost among these is the Commission on the Limits of the Continental Shelf. We’ve allowed our icebreaker fleet to atrophy into effectively one light ship and have no plans as of yet to build new ones. Even if we did decide to move ahead with new ships, because we’ve stubbornly held onto the Jones Act, our shipbuilding industry has withered into a shell of its former glory. It would take years and come at great expense to get to the point of actually launching new vessels. We have virtually no Alaskan north shore presence (although with Admiral Allen’s and Rear Admiral Brooks’ leadership the Coast Guard is beginning to rectify this) and significantly we have no equivalent to your Arctic Waters Pollution Prevention Regulations. There is a general unawareness of Arctic issues I would say in the lower 48 states and the hubris of our foreign policy the last few years has weakened our standing in international circles.

On the Canadian side, while there are many valid arguments as to why the Northwest Passage falls within Canada’s internal waters, frankly, the opposing view held by the US and others is also persuasive. I think it is very possible that if Canada wanted to pursue legal judgment on this issue that it might lose because of technical problems with how the baselines are drawn, questions of historical title, and the fact of previous international transits. Perhaps this is why Canada has not pursued this course of action and instead seems to prefer some sort of abdication by the US (which would not address objections by other Arctic or flag states). Canada has once again pledged money to build new Arctic capable ships, but the reality is even if this money is actually appropriated, it will also take years before they are in the water. As I understand it, there might also be limitations to maritime surveillance as well. The cruise ships, bulkers, research vessels and other surface vessels are already coming.

Thus, and consistent with the exercise conducted in February here in Ottawa by two non-governmental US and Canadian teams that produced a “Model Negotiation on Northern Waters” that I believe the Committee has seen, there is a need for our two countries to take a step back and reevaluate the situation. I think Canada needs to exhale a bit on these sovereignty issues and I think likewise the US should take Canadian positions more seriously and in a spirit of compromise. The US has a valid concern of avoiding a legal precedent that might inhibit our

naval mobility elsewhere, and Canada, per Article 234 of the Law of the Sea, reserves the right to protect its northern flank.

There are nightmare scenarios we should consider to stimulate our thinking. During the next few summers what would we do if a cruise ship like the *Explorer* that recently sank off of Antarctica but also made Arctic voyages runs into trouble in the disputed area of the Beaufort Sea? Lets assume for a moment that it is carrying hundreds of American and Canadian citizens, and unlike the *Explorer's* fortunate circumstances, there are no other cruise ships nearby. The sealers stuck in the Arctic's ice nearly a year ago highlight this threat.

Or, how about an *Exxon Valdez* like situation by a tanker flying a flag of convenience through Arctic waters?

Or, an unfriendly fishing vessel poaching in the Arctic or engaged in other suspicious activities?

Such scary visions and the speed of sea-ice melt require that our two countries work together. In a lighthearted manner, while you might prefer hockey and us baseball, we still have huge commonalities. Indeed, many scholars such as Steve Blank, the co-chair of the North American Transportation Competitiveness Research Council, convincingly argue that we actually share an integrated North American economy. Instead of trading partners we might think of our relationship as sharing a deeply integrated economy where we actually build things together. Socially, we fundamentally share the same values. Politically, we are each committed to democracy and the rule of law. In the Arctic then, let us deepen and institutionally formalize areas where we are already now cooperating.

While we might diverge on the legal definition of the Northwest Passage, we already cooperate closely in NATO, NORAD, and the Arctic Council and previously worked together to promote shipping in the St. Lawrence Seaway, Great Lakes and Juan de Fuca Region. Our Coast Guard's share agreements for search and rescue and a "joint contingency plan" for oil spill response.

In light of this history and our close friendship, I specifically recommend:

1. After reaffirming the 1988 Arctic Cooperation Agreement, Canada formally approach US to develop shared Arctic shipping standards, surveillance capabilities, and enforcement mechanisms. We should also work together in establishing shipping lanes, infrastructure, and marshal collaboratively our limited resources to jointly police the Arctic's expanse. The AMVER program, which had 121 Canadian vessels participate in 2007, should also be considered in this context.
2. The end goal of possible negotiations should be to create a joint US-Canada Arctic Navigation Commission within the already existing Arctic Institute of North America. This Commission should be modeled on the International Joint Commission as a recommendatory body. The two countries might look to the Motreaux Convention in the Turkish Straits as an interesting example of how to balance safety, economic and environmental concerns.

3. Lastly, that when approaching the US, Canada should be prepared to lay all Arctic issues on the table in the hopes of a possible grand compromise. This should include all of our maritime boundary disputes, but especially the one in the Beaufort Sea.

Perhaps ultimately, based on US-Canadian leadership, we will be able to see even further Arctic cooperation based on the model of the Arctic Council, built upon the solid foundation of the UN Convention on the Law of the Sea, that pursues creative and nimble solutions able to address emerging Arctic issues. Foremost among any initiatives should be US and Canadian leadership in the IMO to establish a mandatory polar code.

In the end, our two nations are close allies with national interests that are far more in common than opposed. I am therefore hopeful that a spirit of cooperation will carry the day in our approaches to managing increased Arctic shipping. The alarming pace of the great melt makes cooperating paramount. Prudent policy making by our two great nations requires it.

Thank you and I look forward to responding to your questions.

Dr. Scott G. BORGERSON is an International Affairs Fellow at the Council on Foreign Relations. He also serves as an Adjunct Senior Research Scholar at Columbia University's Center for Energy, Marine Transportation, and Public Policy, a Fellow at the Fletcher School of Law and Diplomacy's Maritime Studies Program, and he is a Principal of the global maritime consulting firm Rhumb Line LLC. During a decade on active duty as a commissioned officer in the US Coast Guard he served as Director of the U.S. Coast Guard's Institute for Leadership, taught maritime and port security courses at the U.S. Coast Guard Academy, contributed to Coast Guard strategic planning and served several tours at sea, holding positions as navigator aboard the cutter Dallas and commanding officer of the patrol boat Point Sal. He received a B.S. with high honors from the U.S. Coast Guard Academy and a M.A.L.D. and a Ph.D. from the Fletcher School. He also holds a U.S. Merchant Marine Officer Master's License.