

“USE IT OR LOSE IT” IN ARCTIC CANADA: ACTION AGENDA OR ELECTION HYPE?

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INTRODUCTION: ELECTION POSTURES AND PROMISES

During the campaign that culminated in the October 2008 Canadian federal election, the expression “use it or lose it” was heard frequently in conjunction with calls for Canadians to respond to issues affecting the present and future development of the North.¹ Implied in this phrase was a warning that inaction posed a threat to Canada’s control of its northern regions, and that the very notion of Arctic sovereignty was under threat unless Canadians took early and strong action to exercise effective stewardship of their northern lands and waters. Spectres of outside pressures and threats were invoked at regular intervals, presumably to mobilize concern among the electorate and to inspire calls for action.

This message of “use it or lose it” was underscored by several high-profile announcements of major initiatives that were delivered in northern communities, and which promised to set Canada’s polar house in order.² Not surprisingly, these actions and pronouncements created a perception in some quarters that Canada’s North was a territory under siege, and that sinister external interests were poised to usurp significant components of the nation’s polar heritage.

The paragraphs that follow will examine aspects of Canada’s Arctic sovereignty and assess the validity of the exhortation to “use it or lose it.”

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1. See, e.g., Press Release, Office of the Prime Minister, PM Announces Plan to Identify and Defend Northern Resources (Aug. 26, 2008), <http://www.pm.gc.ca/eng/media.asp?category=1&id=2242> (“As I’ve said before, “use it or lose it” is the first principle of sovereignty in the Arctic,” said the Prime Minister.”). ““Canada has a choice when it comes to defending our sovereignty in the Arctic; either we use it or we lose it,” [Prime Minister Stephen] Harper said. ‘And make no mistake this government intends to use it.’” *Harper on the Arctic: ‘Use it or lose it,’* TIMES COLONIST (Victoria), July 10, 2007, available at <http://www.canada.com/topics/news/story.html?id=7ca93d97-3b26-4dd1-8d92-8568f9b7cc2a>. See also Canadian American Strategic Review, *Capers and Capabilities—While Canadian Leaders Talk About Arctic Sovereignty, Vessels from Other Nations Cut Through Arctic Waters*, Aug. 28, 2008, <http://www.casr.ca/as-arctic-sovereignty-capabilities-1.htm> (“To his original ‘use it or lose it’ statement about the Arctic, Mr. Harper added ‘to protect the North, we must control the North’. [sic]”).

2. See, e.g., Press Release, Office of the Prime Minister, PM Announces New Polar Class Icebreaker Project to be Named after Former PM John G. Diefenbaker (Aug. 28, 2008), <http://www.pm.gc.ca/eng/media.asp?category=1&id=2251> (“The Diefenbaker governments of 1957–1963 are today widely recognized for their successes in improving the quality of life of Northern residents and strengthening Canada’s sovereignty in the Arctic.”); Press Release, Office of the Prime Minister, PM Announces Government of Canada Will Extend Jurisdiction over Arctic Waters (Aug. 27, 2008), <http://www.pm.gc.ca/eng/media.asp?category=1&id=2248>; Ian Austen, *Canada Announces Plans for 2 New Bases in Its Far North*, N.Y. TIMES, Aug. 11, 2007, at A3.

I. SOVEREIGNTY OVER LAND TERRITORY

While there can be little doubt that concerted action is required to deal with a host of current and emerging problems in the North, it is by no means certain that a failure to act would lead to a loss of Canada's right to exercise sovereignty and control over its northern lands and waterways. Except for tiny Hans Island that lies between Greenland and Ellesmere Island,³ the country's land territory north of the Arctic Circle is widely recognized as Canadian, and no part of it is perceived as a likely target for a foreign takeover.

As explained elsewhere, Canadian sovereignty over the islands of the Arctic Archipelago was established definitively in 1930.⁴ No state since that time has mounted a challenge—even though vast tracts of the region remain sparsely inhabited, if not totally uninhabited.⁵ Short of a military invasion—or a significant political blunder in international negotiations—Canada is unlikely to suffer a loss of any portion of its northern territories, along with the associated rights. “Use it or lose it” is a non-starter in this context.

II. SOVEREIGN RIGHTS IN MARITIME ZONES

Generally speaking, maritime sovereignty is characterized by levels of coastal-state jurisdiction that decline with increasing distance from the territorial sea baseline. Consequently, the concept of sovereignty is not as simple and clear-cut in the offshore as it is onshore. Nevertheless, the United Nations Convention on the Law of the Sea (UNCLOS) spells out the rights of coastal states and the obligations of other states to respect those rights.⁶ Table A offers a brief outline of coastal and other state rights as they apply to marine resources and shipping. These provisions apply to

3. There is an ongoing disagreement between Canada and Denmark over ownership of this tiny piece of land. For a discussion on this issue, see Jordan Hellman, Note, *Racing for the Arctic? Better Bring a Flag*, 10 CARDOZO J. CONFLICT RESOL. 627, 650 n.160 (2009), which uses the disagreement as a sign of the unlikely success of multi-party treaties in the Arctic; see also Christopher Stevenson, *Hans Off!: The Struggle for Hans Island and the Potential Ramifications for International Border Dispute Resolution*, 30 B.C. INT'L & COMP. L. REV. 263, 263–64 (2007), for a more in-depth discussion of the continuing conflict between the two nations.

4. Donat Pharand, *Canada's Arctic Sovereignty and the Northwest Passage*, MERIDIAN (Canadian Polar Commission, Ottawa, Ont.), Spring/Summer 2009, at 2, available at <http://www.polar.com.gc.ca/media.php?mid=3508> [hereinafter Pharand].

5. NAT. RES. CAN., POPULATION DENSITY (2001), <http://atlas.nrcan.gc.ca/site/english/maps/peopleandsociety/population/population2001/density2001> [hereinafter POPULATION DENSITY].

6. United Nations Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397, available at http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf [hereinafter UNCLOS].

maritime zones the world over, including those that contain Canada's northern waterways and seabed.⁷

MARITIME ZONES	DISTANCE FROM TSB (M=Nautical Mile)	COASTAL-STATE RESOURCE RIGHTS	INTERNATIONAL SHIPPING RIGHTS
Internal Waters	Landward of TSB	Exclusive – as for land areas	Passage to or from coastal-state ports, subject to coastal state laws and regulations
Territorial Sea	12 M		Innocent passage, subject to coastal-state laws and regulations
Contiguous Zone	24 M		Freedom of navigation, subject to coastal-state laws and regulations concerning customs, fiscal, immigration or sanitary matters
Exclusive Economic Zone	200 M		Freedom of navigation, with due regard to coastal-state rights and laws
Outer Continental Shelf	> 200 M	Exclusive for seabed resources, with royalties payable to the International Seabed Authority	Freedom of the high seas, subject to provisions of UNCLOS
The Area	Beyond all jurisdictions	No inherent right – “common heritage of mankind”	

TABLE A⁸
Rights Affecting Marine Resources and Shipping

7. *Id.* art. 2.

8. *Id.* arts. 2, 3, 8, 17, 21, 33, 55, 56, 57, 58, 62, 76, 77, 78, 82, 86, 87, 135, 136, 137.

A. The Northwest Passage and International Shipping

There is ongoing contention between Canada and other states over the standing of the Northwest Passage as an international waterway, arising from differences of opinion concerning the legal status of channels that are perceived as potential routes for international shipping. One school of thought holds that the Northwest Passage meets the definition of a strait used for international navigation, i.e. for transits “between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.”⁹

Canada opposes this view, adopting a stance that appears to hinge on two main arguments. The first is that the channels of the Northwest Passage are internal waters contained within a territorial sea baseline that encompasses the whole of the Arctic Archipelago, giving Canada the right, in principle, to control shipping. The second argument is that UNCLOS Article 234 empowers coastal states “to adopt and enforce . . . laws and regulations for the prevention, reduction and control of marine pollution from vessels” in the ice-covered regions of their exclusive economic zones.¹⁰

While there seems to be a general acceptance of Canada’s right to invoke Article 234 in support of measures for pollution control within the Northwest Passage (as long as ice remains a factor), the internal waters argument has not fared so well.¹¹ Objections from other states appear to stem in large part from Canada’s practice of designating internal waters

9. *Id.* art. 37; *see, e.g.*, Memorandum from The White House Office of the Press Sec’y, Presidential Directive on Arctic Region Policy, § III(B)(5) (Jan. 12, 2009), (on file with the Nat’l Sci. Found.), available at http://www.nsf.gov/od/opp/opp_advisory/briefings/may2009/nspd66_hspd25.pdf.

10. UNCLOS, *supra* note 6, art. 234; *see* Donat Pharand, *The Arctic Waters and the Northwest Passage: A Final Revisit*, 38 OCEAN DEV. & INT’L L. 3, 11–12, 47 (2007) (outlining Canada’s history of claiming the Canadian Arctic Archipelago as internal waters).

11. *See* ELIZABETH B. ELLIOT-MEISEL, ARCTIC DIPLOMACY: CANADA AND THE UNITED STATES IN THE NORTHWEST PASSAGE 147 (1998) (explaining that Article 234 was designed to “give international recognition to the Arctic Waters Pollution Prevention Act and subsequently strengthen Canada’s claim to the Arctic”); Mark Jarashow et al., *UNCLOS and the Arctic: The Path of Least Resistance*, 30 FORDHAM INT’L L.J. 1587, 1651 (2007) (“The UNCLOS transit passage regime, in conjunction with Article 234 provides Canada ample jurisdiction to enforce stringent environmental standards commensurate with the risks that exist in Arctic waters.”) (citation omitted); Suzanne Lalonde, *Increased Traffic Through Canadian Arctic Waters: Canada’s State of Readiness*, 38 REVUE JURIDIQUE THEMIS 49, 95 (2004) (“In summary, even if . . . the Northwest Passage was eventually designated an international strait, the Canadian government would retain important general regulatory powers as well as a special right of protection under article 234 of UNCLOS and the AWPPA.”); *cf.* Matthew L. Hoppe, *Environmental Protection for the New Northwest Passage*, 20 COLO. J. INT’L ENVTL. L. & POL’Y 69, 80–81 (2008) (“Even though UNCLOS devotes a section—Article 234—to ice-covered waters . . . there remain difficulties in any assumption that Canada’s laws would apply to the entire Northwest Passage.”).

through the construction of straight baselines across the entrances of wide straits, as with the eastern and western extremities of Parry Channel, which span about 60 and 100 nautical miles, respectively.¹² Depending on one's point of view, this could be perceived as an attempt to impose unwarranted restrictions upon innocent passage by foreign-flagged vessels.

UNCLOS is somewhat vague concerning the lengths of straight baselines. Article 10 mentions a maximum of 24 nautical miles for bay closing lines, while Article 47 prescribes 100 or 125 nautical miles between the islands of archipelagic states, depending on their configuration.¹³ Neither of these limitations seems to apply directly in the case of the Northwest Passage. As so many other coastal states have done, Canada has been rather elastic in this respect and appears to have settled on baseline lengths and configurations that best suit its purposes.¹⁴

Canada's stance on internal waters may be difficult to defend in the long run, especially as the international shipping community develops an increasing interest in the potential of Arctic passageways on account of disappearing ice. Canada could pay a heavy political price if it remains stubborn. Moreover, it is conceivable that Canada could lose this battle if it were addressed in a court of international law. Such a loss would lead to the eventual opening of the Northwest Passage as a shipping corridor. This is a cause for concern but not necessarily for alarm. Canada has legislative and technical tools at its disposal, such as the Arctic Waters Pollution Prevention Act (AWPPA), which regulates the conduct of shipping operations to promote safety and environmental protection.¹⁵

Together with appropriate oversight and management of vessel traffic, judicious enforcement of the AWPPA provisions would give Canada a significant measure of control over shipping in the Northwest Passage. The objective of such enforcement would not be to prevent or to impede vessel traffic but to ensure that shipping interests use the Passage in environmentally and economically sustainable ways, with minimal impact on the well-being of the region's residents.

Arguably, regulating the flow of international traffic would be far easier to achieve in the Northwest Passage than in some other international waterways. The Strait of Malacca, for example, is the world's second longest waterway (after Canada's Northwest Passage) and is beset by problems that are compounded by the presence of four separate coastal

12. ELLIOT-MEISEL, *supra* note 11, at 149.

13. UNCLOS, *supra* note 6, arts. 10, 47.

14. Pharand, *supra* note 4, at 3–4.

15. Arctic Waters Pollution Prevention Act, R.S.C., ch. A-12 (2009), available at <http://laws.justice.gc.ca/PDF/Statute/A/A-12.pdf>.

states (Indonesia, Malaysia, Singapore, and Thailand). These states have yet to coordinate their approaches to crucial matters such as environmental protection or navigational safety and security.¹⁶

If Canada claimed a role in managing the Northwest Passage for purposes of navigational safety, international security, and environmental protection, it is difficult to see how such a stance could fail to achieve widespread international acceptance. “Use it or lose it” would not be a valid paradigm in this situation either. Paradoxically, increased international usage of the waterway in accordance with Canadian laws and regulations would not degrade national sovereignty; on the contrary, increased usage would underscore Canada’s authority within the region.

B. The 200 Mile Exclusive Economic Zone

Whereas international access to the waterways of the Canadian Arctic Archipelago is a focus of contention between Canada and some shipping nations, no state has openly challenged the provisions of the Convention that regulate international usage of the 200-nautical-mile zone which is north of the Archipelago. Canada has ongoing disagreements with Denmark and the United States concerning bilateral boundaries within 200 nautical miles in the east and the west, respectively,¹⁷ but these disagreements do not alter the fact that coastal states have specific rights in these zones that must be respected by the international community.

Concerning use and control of the seabed, UNCLOS Article 56 grants significant rights to Canada within the entire Exclusive Economic Zone, which in essence extends 200 nautical miles outward from the country’s coastlines or to bilateral boundaries with neighbouring states.¹⁸ These provisions include the exclusive right to explore, exploit, and manage the resources of the seabed; no foreign state can presume to engage in any of these activities without Canada’s consent.¹⁹ “Use it or lose it” does not apply here.

16. John F. Bradford, *The Growing Prospects for Maritime Security Cooperation in Southeast Asia*, 58 NAVAL WAR C. REV. 63, 68–69 (Summer 2005).

17. See Evan T. Bloom, *Introductory Note to the United States Directive on Arctic Policy and the Ilulissat Declaration*, 48 INT’L LEGAL MATERIAL 370, 372 (2009) (discussing the remaining unresolved boundary issues between United States and Canada in the Beaufort Sea); Roger Gillot, *The Principle of Non-Encroachment: Implications for the Beaufort Sea*, 32 CAN. Y.B. INT’L L. 259, 259 (1994) (discussing undetermined maritime boundaries between United States and Canada); Stevenson, *supra* note 3.

18. UNCLOS, *supra* note 6, arts. 56, 57.

19. *Id.* arts. 56, 58.

*C. The Extended Continental Shelf Beyond
200 Nautical Miles in the Arctic Ocean*

UNCLOS Article 77 describes the sovereign rights that Canada and other wide-margin coastal states can project into Extended Continental Shelves (ECSs), which lie beyond 200 nautical miles. These rights include the authority to explore the ECSs and to exploit their seabed resources, whether or not the coastal states choose to pursue those activities.²⁰ Patently, the “use it or lose it” maxim does not apply here. Non-use of the rights to explore ECSs and to exploit their resources does not portend an abrogation of those rights.

The same sovereign rights are available to Canada’s four neighbours that front upon the Arctic Ocean (Denmark on behalf of Greenland, Norway, Russia, and the United States), which are similarly engaged in their own ECS delimitations. Inevitably, these combined actions will generate significant overlaps between adjacent ECS claims as they converge towards the center of the Arctic Ocean. In due course, it will be necessary for the five Arctic coastal states to engage in negotiations to devise an equitable sharing of the seabed resources within their cumulative ECSs, which are likely to encompass most of the central Arctic Ocean beyond 200 nautical miles (Figure 1) and would require the adoption of an equitable partitioning scheme (Figure 2). The unfolding ECS situation in the North has not escaped the notice of the five Arctic coastal states, whose authorities met in Ilulissat, Greenland in May 2008 to affirm their commitment to “the orderly settlement of any possible overlapping claims.”²¹

It should be noted in this context that Canada is disadvantaged by its historic claim to a sector that is bounded by meridians of longitude extending to the North Pole from the Yukon–Alaska border in the west and from Nares Strait in the east. For Canada, it would be preferable to aim for ECS limits that are based on median lines, which are equidistant from opposite and adjacent coastlines and also encompass a larger ECS (Figure 2).

By continuing to publish official maps that illustrate sector lines,²² Canada could be undermining its negotiating power when the time comes to partition the Arctic ECS with neighbour states. This is a situation where Canada needs to take early action to strengthen its position. This is not a “use it or lose it” scenario: inaction and lack of preparation at this stage will

20. *Id.* arts. 76, 77.

21. ARCTIC COUNCIL, THE ILULISSAT DECLARATION, May 28, 2008, available at <http://arctic-council.org/filearchive/Ilulissat-declaration.pdf>.

22. See, e.g., NAT. RES. CAN., THE ATLAS OF CANADA (2001), http://atlas.nrcan.gc.ca/site/english/maps/reference/outlineworld/circumpolar01/referencemap_image_view.

not put Canada at risk of losing the rights and assets that are already in hand. However, turning a blind eye to the situation could neutralize the opportunity to lay claim to new rights and assets.

At the end of the process and regardless of the partitioning methodology that is applied, Canada and its four Arctic coastal neighbours will exercise undisputed control over seabed resources in their respective ECSs beyond 200 nautical miles. “Use it or lose it” will not be a concern.

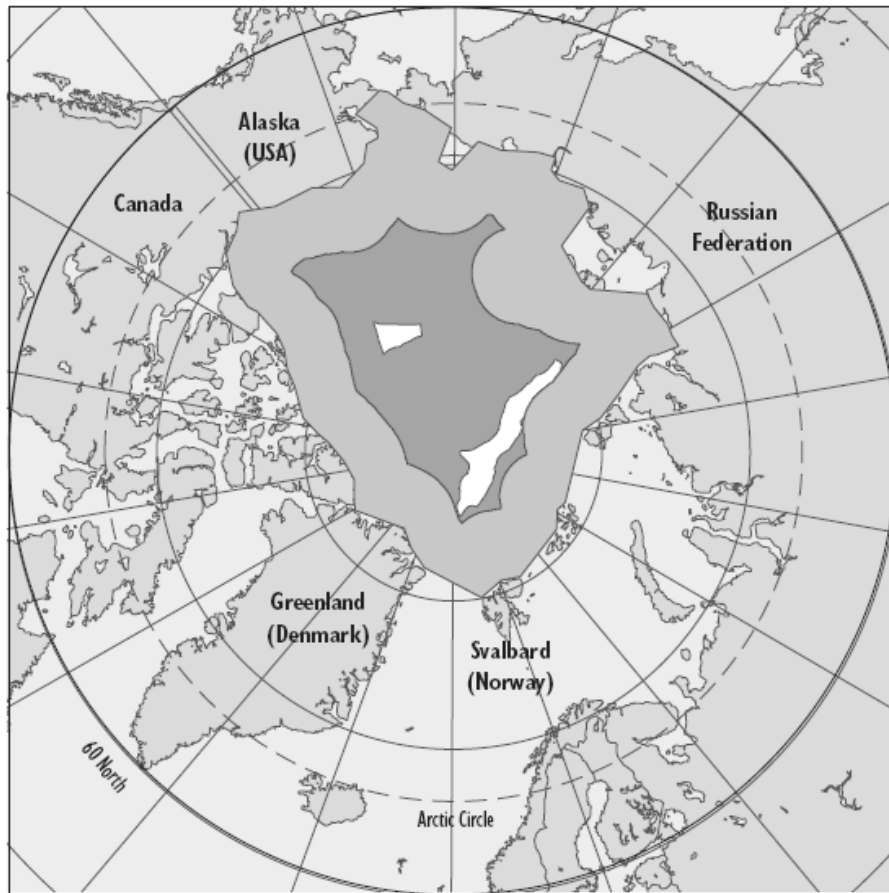


Figure 1²³

23. Ron Macnab et al., *The Law of the Sea and Marine Scientific Research in the Arctic Ocean*, MERIDIAN (Canadian Polar Commission, Ottawa, Ont.), Fall/Winter 2007, at 3, available at <http://www.polarcom.gc.ca/media.php?mid=3278>. Figure 1 illustrates a provisional assessment of the prospective limits of coastal state jurisdiction in the central Arctic Ocean. The medium-shaded area surrounding the Arctic Ocean represents the combined Exclusive Economic Zones (EEZs) of Canada,

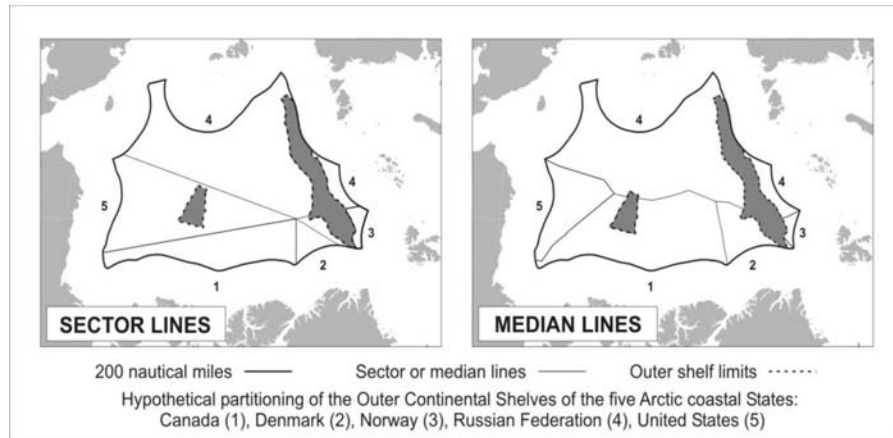


Figure 2²⁴

Denmark, Norway, Russia, and the USA (EEZs in adjoining seas, i.e. Barents, Norwegian–Greenland, and Bering, are not shown for the sake of clarity). Within its EEZ, a coastal state has the inalienable right to regulate the exploitation of all natural resources, whereas international shipping is entitled to innocent passage, subject to compliance with relevant laws and regulations. The dark-shaded area in the centre represents the hypothetical extent of the combined ECSs of the five Arctic coastal states, where they would retain the exclusive right to resources of the seabed; shipping in this zone would enjoy the freedom of navigation of the High Seas, subject to the provisions of UNCLOS. The irregularly-shaped white areas in the center are zones that would be subject to no coastal state control over resources or shipping.

24. Ron Macnab, *Outer Continental Shelves in the Arctic Ocean: Sovereign Rights and International Cooperation*, MERIDIAN (Canadian Polar Commission, Ottawa, Ont.), Spring/Summer 2006, at 2, available at <http://www.polarcom.gc.ca/media/php?mid=93>. An early investigation suggested that the accumulated ECSs of the five Arctic coastal states could potentially encompass all the central High Seas (encircled by the 200 nautical mile limit in the images above), except for two areas (shaded in dark grey) that would remain beyond the jurisdiction of any coastal state. Ron Macnab, Paul Neto & Rob van de Poll, *Cooperative Preparations for Determining the Outer Limit of the Juridical Continental Shelf in the Arctic Ocean: A Model for Regional Collaboration in Other Parts of the World?*, 9 BOUNDARY & SECURITY BULL. 86, 92 (2001), available at <http://www.dur.ac.uk/ibru/publications/view/?id=183> (follow download instructions). A subsequent analysis examined the hypothetical effects of two geometric approaches to partitioning the accumulated ECSs: (1) sectors bounded by meridians of longitude converging at the North Pole (left image); and (2) boundaries consisting of median lines everywhere equidistant from the coastlines of adjacent or opposite states (right image). Paul Neto & Rob van de Poll, *On the Relative Effects of Using Sector or Median Lines for Partitioning the Juridical Continental Shelf Beyond 200 Nautical Miles in the Arctic Ocean*, 2 INT'L HYDROGRAPHIC REV. 37, 37–44 (2001). It should be evident that the choice of approach could have a significant impact upon the final size of individual ECSs.

III. A REALITY CHECK

There can be little doubt that the concept of the North resonates strongly in the Canadian psyche. Inuksuit, polar bears, and Northern Lights are but three of an array of cultural and natural icons that inform the popular perception of the country's polar region and serve as subliminal touchstones for expressing or confirming national identity. Thus, it should come as no surprise that politicians and others who seek to influence the thoughts and actions of Canadian citizens will often invoke these icons in order to underscore their claims and blandishments. In this context, voting for a particular candidate, or purchasing a touted product, is equated to an act of patriotism that reaffirms the nation's northern dimension.

As significant as the North may be in the national personality, it is important to recognize that its prominence in the Canadian mindset is not mirrored by a large population of citizens who reside in the region. In no way does this diminish the reality that the Canadian Arctic is the home of a small number of people who have lived there for centuries, and who have forged a robust society that is well suited to the region's climate and terrain. It is vital that the knowledge and expertise of these residents be factored into decisions that concern the use and management of their homeland.

Statistics vary according to their sources and timing, but most rankings place Canada as the second country in the world in terms of area (after Russia and before China), and around the 39th in terms of population.²⁵ Combined, these figures place Canada near the bottom in terms of global population density: with an overall average of 3.4 persons per square kilometer, the country is relegated to somewhere around the 220th rank.²⁶ Moreover, in the far north, the population density shrinks about thirtyfold, to less than 0.1 person per square kilometer. Worldwide, only Greenland has a comparable density.²⁷ Another way of looking at the situation is to observe that while its northern territories comprise 41% of Canada's total land area, only 0.3% of the country's population lives there.

As pointed out above, a sparse population in a given territory does not in itself provide legal justification for a foreign takeover of that territory, even though history is replete with examples of invasions by states that have attempted, regardless of population density and with varying degrees

25. WORLD ALMANAC EDUC. GROUP, INC., THE WORLD ALMANAC AND BOOK OF FACTS 2009, 742, 745, 801 (C. Alan Joyce et al. eds., 2009) [hereinafter WORLD ALMANAC]; U.S. CENTRAL INTELLIGENCE AGENCY, THE WORLD FACTBOOK (2009), <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2119rank.html>.

26. NationMaster.com, Geography Statistics: Population Density (Most Recent) by Country, http://nationmaster.com/graph/geo_pop_den-geography-population-density (last visited Sept. 26, 2009).

27. *Id.*; WORLD ALMANAC, *supra* note 25, at 752.

of success, to expand their spheres of sovereignty by encroaching upon their neighbours' maritime and terrestrial possessions.²⁸ This process continues apace in various parts of the modern world,²⁹ however under present conditions it is difficult to believe that Canada could be in imminent danger of having portions of its Arctic territory appropriated through the unilateral action of a foreign power. Labeling the current situation as a "use it or lose it" scenario is unrealistic, if not misleading.

CONCLUSIONS

Canada's rights in its Arctic reaches are firmly enshrined in international law. By every reckoning, the land domain is indisputably Canadian, while an aggregate of domestic and international law upholds the country's sovereign rights in its maritime zones. Barring a change in the position of the Canadian Government, the Northwest Passage is likely to remain a matter of contention between Canada and some shipping nations. A more open stance that permitted transit passage through the Arctic Archipelago, coupled with enforceable measures to ensure navigational safety, international security, and environmental protection, would actually enhance Canada's authority in this area.

As with the other Arctic coastal states, Canada will eventually enjoy full control over the resources of the seabed within its Extended Continental Shelf beyond 200 nautical miles—whether or not Canada chooses to exploit those resources. The full geographic scope of this control must await the resolution of bilateral boundaries between Canada and neighbouring states. Canada risks entering these negotiations at a disadvantage, given its historical adherence to the sector principle for demarcating boundaries in the central Arctic Ocean.

For all intents and purposes, Canada's northern territory comprises a vast and nearly empty land with few inhabitants to provide a crucial human presence. Given the predilection of most Canadians to cluster near the nation's southern border, it is unlikely that the North will see significant population growth in the foreseeable future. However, this does not weaken Canada's domination over that territory; nor does it absolve Canada's

28. *See generally* PHILIP BOBBITT, *THE SHIELD OF ACHILLES: WAR, PEACE, AND THE COURSE OF HISTORY* (2002) (detailing historical periods of war and peace).

29. *See generally* NEW WARS, NEW LAWS? *APPLYING THE LAWS OF WAR IN 21ST CENTURY CONFLICTS* (David Wippman & Matthew Evangelista eds., Transnational Publications 2005) (discussing changes in 21st century warfare, including examples from the "War on Terror," Israel, and the Occupied Territories and the Iraq War).

obligation, in full consultation with northern residents, to treat the land with respect and to ensure its wise preservation for future generations.

While much remains to be done concerning problems in the North, a failure to respond, in full or in part, to these issues would not cause any loss or diminution of Canadian authority over the nation's land and sea areas. None of the matters addressed in this paper carries the risk of a loss of Canada's Arctic sovereignty. "Use it or lose it" might be a catchy political slogan, but in the end, it is nothing more than a canard that is being foisted upon the Canadian electorate.