Domestic Politics and the Future of Cooperation in Arctic Maritime Boundary Disputes

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The geopolitics of the Arctic is undergoing a dramatic shift as a product of climate change and the potential increase in human activity in the region. As a product of a number of maritime boundary disputes, concerns exist that the region may become engulfed in a series of crises over access and entitlement to these disputed areas. Furthermore, the conditions under which states decide to settle their maritime boundary issues are poorly understood in the field of international relations. This article seeks to shed light on this matter by exploring specific barriers to international cooperation over disputed maritime boundaries. Drawing on Putnam’s two level games theory and the notion of issue framing, the paper explores how policy elites and domestic actors interact over disputed maritime boundary issues. The potentially negative impact of issue framing on win-sets is illustrated using cases of maritime boundary disputes from East Asia. The article then assesses these dynamics with reference to the Canadian claim to threats to its sovereignty in the Arctic. The paper illustrates the conditions under which domestic actors can impede cooperation over maritime boundary disputes and assesses the implications of this finding for Canadian Arctic foreign policy.
The international politics of the Arctic is changing as a product of climate change, evolving law of the sea norms and shifting international political and economic structures. The Arctic Ocean is becoming more accessible at a time when states have an unprecedented entitlement to claim exclusive jurisdiction over maritime areas. Simultaneously, global economic growth is conditioned upon access to affordable resources and commodities, the last vestiges of which are purportedly buried under the Arctic Ocean. All five coastal Arctic states – Canada, Greenland/Denmark, Norway, Russia and the United States – harbour ambitions to access these offshore areas to fulfill some component of their national development goals. This ‘perfect storm’ has sparked a resurgent interest in the geopolitics of the North and most prominently a view that these states are engaged in a ‘race’ to secure some section of the ‘Arctic Grail’. Indeed, even those that reject this race perspective note that the increased accessibility of the Arctic will result in a greater human presence in a period of potential resource scarcity and political uncertainly, with negative effects on international stability. In this context, Rob Huebert’s observation that Arctic states are “talking cooperation, but...preparing for conflict” is particularly chilling.

Central to the nature of this challenge are the political complications created by potentially overlapping and poorly defined maritime boundary claims, of which there are several in the Arctic region. These have gained renewed political salience as a product of the conditions noted above. Furthermore, solving disputed sovereignty and maritime boundary issues is a difficult and lengthy process. Canada is party to a sovereignty dispute with Denmark over Hans Island, and has an undefined maritime boundary with the United States in the Beaufort Sea. More troubling is the uncertainty surrounding potential overlapping claims to the extended continental shelf in the Arctic Ocean between Canada, Russia and Denmark. The confirmation of the very existence of an overlap is decades away as first all claimants must map their sea beds and register their claims with the UN Commission on the Limits of the Continental Shelf (CLCS). After this technical body has ruled on the relative merits of each submission, a boundary will need to be drawn through negotiations between claimant states. Negotiations over boundary issues are difficult despite the fact that all claimants have agreed to use the UN Convention on the Law of the Sea (UNCLOS) as a roadmap. While a recent Norwegian and Russian boundary agreement could be a sign of things to come, it should be noted that the dispute festered for over forty years before it was settled. The conditions under which states decide to settle their maritime boundary

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4 For a complete list see International Boundaries Research Unit, "Maritime Jurisdiction and Boundaries in the Arctic Region," (University of Durham, 2008).
issues are poorly understood in the field of international relations and this article seeks to shed light on this matter by exploring domestic barriers to bilateral cooperation over disputed maritime boundaries.

Fears of a ‘scramble’ for Arctic wealth have been tempered by a number of cooperative overtures between coastal states. The five coastal states agreed to abide by UNCLOS at a meeting in Ilulissat, Greenland in 2008 and Canada hosted search and rescue exercises with Denmark and the US in the summer of 2010. However, some scholars have observed that despite the increase in cooperative rhetoric and gestures, Arctic states are hedging their bets by investing in new military hardware. Conversely, others maintain that humanity sits at the cusp of a “polar saga” which will be characterized by sustainable development, innovative governance solutions and the peaceful resolution of existing and as yet undefined maritime boundary disputes. The issue of what Arctic leaders say and do is vital to the future of regional cooperation because it resonates with domestic actors. As Whitney Lackenbauer observes, assertive statements by Arctic leaders in Canada in Russia are largely aimed at domestic constituents during a time when all Arctic states have realized that their ability to project power and sustain military operations in the North is underdeveloped, yet has never been more necessary. In this view occasional outbursts of confrontational rhetoric “may be a simple case of political theatre in the high Arctic, staged by politicians on both sides of the Arctic Ocean, to convince their domestic constituencies that they are protecting vital national interests—yet another convenient pretext to justify major investments in defence.” It follows that as long as leaders refrain from over doing the theatre, the prospects of cooperation in the North are quite promising. The US and Denmark are both NATO allies of Canada, and Canada and Russia are both signatories to UNCLOS and have both pledged to settle any boundary disputes according to its principles. Furthermore both recognize the other’s posture on their respective potential sea lanes and interested in fostering trade along this route.

However, a more global perspective is somewhat less sanguine. This theatre plays out in maritime boundary and territorial disputes around the world and it is not always benign. Under some circumstances, domestic constituencies confuse the theatre with reality and make their views known to their political leaders. In as much as public opinion or vocal minority opinion is an important source of foreign policy, this can have non-cooperative effects on boundary negotiations. This paper explores this notion and assesses the appetite for these assertive messages in Canada by exploring the views on disputed sovereignty issues among the various stakeholders in Arctic issues. The paper begins with a theoretical discussion of when and how leaders are sensitive to domestic political concerns and how these concerns affect cooperation.

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This discussion centres on two processes that can affect the climate for cooperation within a given claimant state. The first process is the top-down process of issue “framing”, the process by which political leaders construct the stakes in a given foreign policy area to their constituents. This in turn can inform the second, bottom-up, process, the impact of domestic politics on the ‘win-sets’ that define consensus in international bargaining. The theoretical discussion draws on cases from East Asia’s maritime boundary disputes to illustrate how domestic politics have severely constrained cooperation over maritime boundary issues in that region. The second section surveys the posture of the Canadian government and non-government Arctic stakeholders on issues related to sovereignty. The third compares the issue interaction between the two and assesses the direction the domestic political climate on Arctic politics in Canada. In as much as the East Asian experience provides several archetypical examples of domestic politics interfering with settled boundaries, it provides an excellent basis against which to measure this phenomenon in Canada. The paper proposes ways in which the current discourse surrounding Arctic issues could be modified to avoid the negative experience of East Asia.

**Domestic Politics and International Cooperation**

The literature on the impact of the ‘second image’ on international politics is extensive. Scholars have preoccupied themselves with the impact of audience costs in times of crisis, domestic decision making dynamics and leadership psychology on international relations. Maritime boundary and territorial disputes provide an excellent testing ground for these theories because the issues at stake cross theoretical boundaries and levels of analysis. While it is tempting to view these disputes as issues of classic power politics, there is a compelling theoretical logic to exploring the domestic side of territorial questions. As a product of advances in technology, offshore areas are more salient to states as a source of material wealth, which in turn gives rise to domestic constituencies with an interest in its exploitation and preservation such as fisheries groups, the oil and gas sector and conservationists. Aside from these material considerations, there are ideational factors as well. Territorial dynamics are an inherent part of the domestic conceptions of a nation’s identity which in turn impacts foreign policy. Far from existing only at a subconscious level, policymakers and citizens are aware of the component parts of national identity and can leverage these aspects for political advantage. According to Thomas Berger this dynamic is composed of two mutually contingent processes. The first is when elites use issues salient to national identity instrumentally to legitimize their rule by creating crises or promoting the “mobilization of antagonism”. Elites may use the existence of threats to an identity to legitimize their rule by drawing on historical myths of persecution at the hands of rival states. This in turn can generate a reciprocal bottom-up pressure on elites to ensure that they adequately

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10 For an elaboration on the basis of this comparison see the author’s, “Maritime Boundary Disputes in East Asia: Lessons for the Arctic,” *International Studies Perspectives*, (forthcoming).
advocate on behalf of the people when these threats are perceived to be manifest. These two processes correspond with two theoretical concepts from the Foreign Policy Analysis (FPA) literature; Robert Putnam’s two-level games and the concept of issue ‘framing’.

Robert Putnam conceptualized the interaction between domestic politics and international negotiations as a two level game in which elected officials engage in two separate sets of negotiations. At Level I, policy elites negotiate with another state to arrive at an agreement on some issue of national importance. At Level II, policy elites are engaged in a negotiation with domestic actors which have stakes in, or views upon the outcome of the international agreement. Putnam points out that in a democracy the spectrum of acceptable options is determined by the preferences of Level II rather than Level I. Putnam calls this spectrum the “win-set”; the set of possibilities that will gain informal domestic acceptance or formal ratification.15 One of the central challenges to emerge from this metaphor, as with many theories, is the identification of policymakers’ preferences, those of their Level I negotiating partners and their perception and interpretation of the preferences of Level II actors. According to Putnam, domestic groups are motivated to respond to a Level I bargain by the distribution of perceived costs of that bargain. When the costs of an agreement are homogenous, or concentrated among one group, that group will respond by pressuring leaders to alter the agreement and narrow the “win-set” for policymakers. This nominally makes international agreement more difficult because the total set of acceptable terms is reduced.16 In short, domestic political groups may agitate to ensure their interests are protected against loss or to capture a larger share of the gains of an international agreement. For example, petroleum companies might lobby in support of an agreement that reduces the political risks surrounding undefined borders. Likewise fisheries groups might lobby against agreements that are perceived to restrict access to formerly traditional fishing grounds.17

The costs and benefits of maritime and territorial disputes cannot always be captured in material terms. While the salience of land territory to a nation’s sense of self is obvious, there is evidence that in some parts of the world, this sense of national identity is extending to maritime areas claimed under abstract concepts in international law. For example, the maritime areas of the East China Sea between China and Japan have increasingly been viewed as integral to the national identities of these states and the exercise of jurisdiction in disputed waters by the other as national security threat.18 Problematically, if a boundary negotiation is seen to have ideational costs that are perceived to damage a state’s sense of self, large scale mobilization may result in opposition to the agreement. The two level games metaphor can be extended to authoritarian regimes because even authoritarian leaders need to assuage the concerns of some domestic constituency, either a bureaucratic support mechanism such as the military, or to avoid being

16 Putnam elaborates further on how domestic politics affects the strength of a state’s bargaining position, but these insights are beyond the scope of this article which is interested simply in existence and tenor of interactions between Level I and 2 rather specific probabilities surrounding agreement. Putnam, "Diplomacy and Domestic Politics," p. 444.
punished by potentially restive domestic constituents.\footnote{For instance, one scholar of China’s territorial disputes has argued that multi-level bargaining explains why China was able to settle boundary disputes with Russia, but not with Japan, as the latter attracts a great deal of domestic resistance.\footnote{Chinese leaders fear punishment by their citizens for not sufficiently adhering to the myths they have fostered about defending the Chinese motherland from foreign invaders.}}

The material and ideational dimensions of the domestic political salience of maritime boundaries can interact to affect the outcome of a negotiation. For example, in 1995-96 Japan was considering ratifying UNCLOS in order to claim an Exclusive Economic Zone (EEZ) and renegotiate its fisheries agreement with China. While this would result in a reduction in allowable catch levels, it was widely supported by the Japanese fisheries industry as a protection against unregulated Chinese fishing off the Japanese coast. The Diet deliberations over Japan’s EEZ claim raised the spectre of sparking a diplomatic crisis over the Senkaku/Diaoyu islands with China. As Japanese leaders considered ways to avoid making an explicit claim to the islands, a nationalist group called Nihon Seinensha, sailed to the islands to plant a flag to assert Japan’s sovereignty. This act triggered a diplomatic crisis with China that lasted four months. Although the fisheries agreement was to the benefit of Japanese fishermen, nationalist groups were able to delay ratification by casting the agreement as a threat to Japanese sovereignty. Consequently, the final agreement does not apply to the waters surrounding the Senkaku/Diaoyu islands. Ideational concerns did not prevent the conclusion of an agreement, but they affected the scope of its mandate, and by extension the scale of material resources protected.

In other cases, Level II activism has completely undermined cooperation over resource development in the disputed waters between China and Japan. In June 2008 China and Japan concluded lengthy discussions towards a joint development zone (JDZ) in a disputed section of the East China Sea. However, negotiations towards the treaty promised by the agreement have yet to begin, apparently because the agreement remains unpopular with the Chinese populace and the Chinese military.\footnote{While Chinese leaders were able to limit nationalist demonstrations when the agreement was concluded, it was condemned by the online Chinese nationalist community. The agreement outlines a joint development zone that includes sea areas not claimed by Japan. This caused concern in China that Beijing had conceded too much under the agreement which risked undermining the basis of China’s claim to the East China Sea.\footnote{Chinese leaders are now caught between pressure from Japanese interlocutors at Level I to implement the agreement and pressure from Level II to abrogate the consensus. Interestingly, the concerns over the costs of the agreement do not negatively impact any one sector of Chinese society, but rather the potential loss of control over ‘Chinese’ sea areas, which demonstrates the potency of ideational opposition to cooperation.}}

\footnote{See Jessica L. Weeks, "Autocratic Audience Costs: Regime Type and Signaling Resolve." \textit{International Organization} 62, no. 1 (2008), pp. 35-64.}
\footnote{See Chung, "Resolving China's Island Disputes," pp. 58-61.}
\footnote{―Editorial: Japan-China Gas Pact," \textit{Asahi Shimbun}, June 1 2010.}
Putnam defined ratification loosely as “any decision-process at Level II that is required to endorse or implement a Level I agreement, whether formally or informally.”\(^{25}\) Ratification therefore can be conceptualized as a spectrum with the effect of anticipated public reaction at the informal end and treaty ratification by the elected houses of both governments as the most formal outcome. These are both borne out by the examples noted above. Likewise, cooperation, defined simply as the alignment of one state’s preferences with those of another, lends itself to a wide array of agreements, from informal *notes verbale* to formal treaties. Policymakers in Beijing reached an informal agreement with Japan only to fail to get informal domestic ratification from domestic constituencies. As a result ratification may simply refer to calculations made by policy elites in anticipation of domestic level preferences.

Putnam only briefly discusses the interests and preferences of the ‘chief negotiator’, the head of state that is engaged in negotiations at Level I and II, but notes that this actor may have interests that go beyond negotiating a deal at Level I that is supported by Level II. This actor may be seeking to improve domestic standing or perhaps seek a grand bargain as part of a legacy building exercise. The interests of this actor cannot be assumed, but can be empirically observed by the way to actor conveys the issues – in this case maritime boundary issues – to Level II. The concept of ‘framing’ – the messages delivered by political elites to their constituents that inform expectations – is a useful mechanism to observe this process empirically. Policymakers will attempt to frame certain issues for public consumption in an effort to manage expectations and better insulate themselves from domestic criticism in the event of a perceived policy failure. Alternatively, policy elites actively try to shape the expectations of the domestic climate in such a way that would increase their acceptance of a given deal. How issues are framed by policy makers can yield clues as to their preferences regarding a potential boundary negotiation.

According to prospect theory, framing effects occur when policymakers are evaluating their options with regard to their understanding of the status quo.\(^{26}\) Framing stakes in terms of loss or gain has an effect on the risk acceptance of decision makers. Decision makers will be risk averse when in a gains frame and risk acceptant when in a losses frame. For instance, if a territorial agreement is cast in terms of gaining 5% of the territory claimed, decision makers are less likely to oppose the agreement and risk a renegotiation that could lead to less territory. By contrast, if the issue is described as losing 95% of claimed territory, decision-makers are more likely to accept the risks associated with redressing the loss. Framing is thus both an individual psychological act as well as a political one used to sell policies to domestic audiences.\(^{27}\) The way government conveys the stakes in territorial questions, beginning with the reference point against which territorial decisions are framed, is related to the stance of a domestic constituency on the issue of ratification.\(^{28}\) This assumes that domestic political consequences are something that the government tries to manipulate in order to build consensus towards a decision. Negative impact on a government’s standing form part of leaders’ calculations vis-à-vis the risks of a given choice, provided governments are aware of and can accurately predict the level of domestic


\(^{28}\) Alex Mintz and Karl DeRouen Jr., *Understanding Foreign Policy Decision Making* (Cambridge: Cambridge University Press, 2010), p. 149.
political backlash. This is not always the case however. Loss aversion constrains leaders through public opinion, who are sensitive to changes in political capital – which is why they make the effort to frame the issue domestically.

Chinese leaders have framed the stakes in the East China Sea as a zero-sum game vital to their strategic, economic and national interests. Beijing has accused the Japanese of trying to steal China’s rightful resources by emphasizing that the Chunxiao gas field is not in Japanese waters. Furthermore they argue that Japan tries to exercise its jurisdiction in waters the two sides agree are disputed. Japanese leaders by contrast have argued that China’s resource project extends into Japanese claimed waters and that China’s increased military activity in waters near Japan is threatening in the absence of greater transparency surrounding the nature of these activities.

Tokyo notes that many of China’s naval activities occur near the Senkaku/Diaoyu islands, which China claims. Media in Japan claim that China has ‘stolen a march’ in the East China Sea because it is able to deny Japan the right to conduct its own naval and research activities in contested waters. Given that the June 2008 agreement included a JDZ that straddled a Japanese claimed boundary that China did not recognize, the agreement was perceived as a victory in Japan and a loss in China. This may explain why Chinese leaders arguably adopted a more assertive posture in disputed East Asian waters in 2010.

This top-down, bottom-up dynamic does not occur in a vacuum. Level II actors can choose to accept their government’s version of the stakes, costs and benefits of an international agreement. However, they are also affected by alternative ‘frames’ such as perspectives and ideas from other Level II actors such as the media, industry associations, lobby groups, NGOs, and opposition political parties. These actors advance alternative versions of the reference point against which gains or losses are evaluated in an exercised called ‘counterframing.’ For example, one scholar has explained how the maritime research community, working with sections of the Japanese defence establishment and the media, triggered a re-evaluation of Japan’s ocean policy in light of China’s more active maritime presence. This served to undermine the government’s cautious message towards China’s behaviour and galvanize the country into developing a framework through which Japan could better articulate and execute policy towards its maritime areas.

These dynamics are also illustrated by the fate of the Joint Marine Seismic Undertaking (JMSU) concluded between Vietnam, the Philippines and China in March 2005, which set out the parameters of joint marine mapping of an area claimed by all three in the South China Sea. While the agreement was widely heralded as the first in a series of confidence building measures between claimants to the South China Sea, opposition politicians in the Philippines were heavily

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29 Ibid., p. 84.
34 Putnam addresses the idea that policymakers will mobilize their constituents, but conceptualizes this process more in terms of side payments. See Putnam, "Diplomacy and Domestic Politics," p. 450.
35 Mintz and DeRouen Jr., Understanding Foreign Policy Decision Making, p. 154.
critical of the deal and tried to link the issue with rising anti-Chinese resentment. After it was revealed that part of the area under survey was located in uncontested Philippine waters, the opposition accused President Arroyo of trying to bargain away Philippine territory in exchange for Chinese aid dollars.\(^{37}\) As a result survey activities ceased and the only tangible confidence building measure between claimants of the South China Sea lapsed in July 2008. It is thus a worthwhile exercise to identify Level II stakeholders in the Arctic and assess how they interpret and frame Arctic issues in order to assess their possible impact on future negotiations over the extended continental shelf.

**Arctic Stakeholders in Canada**

This section identifies stakeholders with an interest in Arctic issues in Canada. It explores how issues are framed by political leaders in Canada and compares it with the concerns of Level II Arctic stakeholders to assess the impact of the latter on future negotiations over Arctic boundaries. Traditionally, Arctic sovereignty has been a crisis issue in Canadian politics triggered by perceived threats to Canada’s claims, such as the voyage of the Manhattan and Polar Sea vessels through the Northwest Passage, and the reciprocal visits to Hans Island by Danish and Canadian Defence Ministers in 2005. Stephen Harper’s Conservative Party of Canada raised the Arctic as an election issue in the 2006 election campaign following an increase in international attention stemming from climate change and its impact on the North. This posture contained an element of political expediency as Harper was able to undermine the Liberal charge that the Conservatives too pro-American by amplifying the threat to Canadian Arctic sovereignty of American nuclear submarines passing under thawing Arctic ice.\(^{38}\) Harper used his first press conference as Prime Minister to reiterate this view and speaking in Iqaluit in August 2006 argued “It is no exaggeration to say that the need to assert our sovereignty and take action to protect our territorial integrity in the Arctic has never been more urgent.”\(^{39}\) Conservative campaign documents from 2006 promised to build three Arctic icebreakers to assert Canada’s Arctic sovereignty over the North, indicating a militarized focus from the outset. Subsequent developments, such as Russia’s expedition to plant a flag pole on the seabed of the North Pole in August 2007, seemed to support the threatened sovereignty narrative coming from Ottawa.\(^{40}\)

According to this narrative, Canadian sovereignty in the Arctic is under threat on a number of fronts. Sovereignty over the Northwest Passage is threatened by the prospect of greater shipping through a waterway that Canada views as internal waters rather than an international strait. Furthermore Russia, which like all coastal Arctic states will make a claim to an extended continental shelf beyond its 200nm EEZ into the Arctic Ocean, is pursuing this claim in an assertive fashion. Particular attention has been paid to the Russian claim because its initial

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submission was rejected by the CLCS in 2001 and it has subsequently been more active in its subsea mapping efforts. These efforts have been mirrored by repeated statements from Russian leaders stressing the importance of the Arctic shelf to the Russian state and more active Russian military exercises in the North.\(^4\) States have exclusive jurisdiction over commercial elements of the seabed and subsoil for the purposes of exploitation of mineral and hydrocarbon deposits, which Russian leaders claim is integral to Russian’s future as a resources states.

The message from the Harper government has been decidedly non-specific as to the nature of the threat and which dimensions of Canadian sovereignty over the North are threatened. Efforts to rename the Northwest Passage the “Canadian” Northwest Passage create the impression that others challenge Canadian sovereignty over this waterway. In fact traditional Canadian allies like the United States and the European Union claim the waterway is an international strait, which affects the level of jurisdiction Canada can exercise over these waters but not Canada’s sovereignty.\(^4\) Moreover, Canada and the US reached a mechanism to agree to disagree on the issue of US passages through the passage in the 1980s, which undermines the argument that American passages present a threat of Canadian sovereignty over the Northwest Passage.

The Harper government has often conflated elements of threats to territorial sovereignty with the challenge of claiming an extended continental shelf. There is no state that currently claims the Canadian Arctic archipelago; therefore there is no threat to Canadian sovereignty there. However, government ministers have characterized the process of mapping the extended continental shelf, an area over which coastal states have the least amount of jurisdictional entitlement, as an exercise in extending Canadian territory. For example, Foreign Minister Lawrence Cannon has suggested that Canada’s Polar Continental Shelf Program, designed to facilitate scientific research in the Arctic, was in fact reinforcing Canada’s sovereignty by “occupying the territory”.\(^4\) In announcing findings that the Lomonosov Ridge was attached to the North American continent, Minister of National Resources Gary Lunn stated, “the need to demonstrate our sovereignty in the Arctic has never been more important, which is why our government has made this research a top priority”.\(^4\) This conflation of sovereignty with jurisdiction has been mirrored by an effort to inflate the material salience of the Arctic. The 2008 Conservative campaign platform promised to defend Canadian Arctic sovereignty, pledged to “assert Canada’s rights over our Arctic waters”, and characterized the resource wealth of the Arctic as “key strategic assets”.\(^4\) In August 2008 Harper announced a new geo-mapping mission

\(^4\) Foreign Minister Lawrence Cannon quoted in Mike Blanchfield, “Cannon Launches PR Tour to Highlight Canada’s Arctic Claims,” Canadian Press, April 6 2010.
to exploit the “precious resources buried under the sea ice and tundra.” Given that the most prospective commercially viable mineral deposits are located within the recognized EEZs of coastal Arctic states, the ‘threat’ to this purported resource wealth is not clear. In this narrative, the challenges facing the Canadian Arctic are no longer a simple matter of an institutionalized dispute with a key ally, but are in fact threats to the future prosperity of the country. Canada’s ‘chief negotiator’ has therefore framed Arctic issues as a broadly defined challenge to Canadian sovereignty by its former Cold War adversary.

Framing the issue in this way is a shrewd political ploy. By linking the Arctic with threats to Canadian sovereignty, the Harper government forces opposition parties to tread carefully lest they be accused of not defending Canadian sovereignty. Consequently, there is broad bipartisan support for asserting Canadian sovereignty over the Northwest Passage. Opposition parties have thus criticized the style of Harper’s Arctic policy rather than its substance. New Democratic Party (NDP) foreign affairs critic Paul Dewar has been critical of the government’s delay in appointing a head to the Canadian Polar Commission. The Liberal Party has accused the Harper government of militarizing the issue and of an insufficient focus on the impact on Inuit communities in the North. The Liberals argue that ‘stewardship’ is as important as sovereignty. Stewardship is achieved by investing in secondary and post-secondary education, implementing land claims agreements and introducing a moratorium on offshore drilling in Arctic waters. While they accept the need to an operational military capability in the North, the Liberals argue there is more room for diplomacy in Canadian Arctic strategy. The Liberals would appoint a new Ambassador for Circumpolar Affairs and “energize” Canada’s participation in the Arctic Council. In this view, the Harper government has “talked the sovereignty side but not the stewardship side.”

Will this threatened sovereignty narrative gain traction at Level II? To assess the resonance of these messages the analysis shifts to those Level II stakeholders with a plausible or explicitly stated interest in negotiation over disputed maritime boundaries; environmentalists, energy companies, the shipping industry and the Canadian Inuit. First, the environmentalist movement’s overriding concern is slowing and adapting to the changing environment in a warming North. If reversing climate change is not possible, then adjusting to the environmental threats posed by great human activity in the Arctic is equally important. This human presence brings with it greater risk of pollution from shipping, accidents such as oil spills drilling in remote areas, which in their view have dangerous and potentially devastating consequences. In this view the focus on disputed boundaries and militarization has impeded the multilateral cooperation necessary to manage existing environmental challenges as well as emerging issues such as trans-Arctic shipping, commercial fishing and offshore oil and gas development. Existing international regimes can only identify potential challenges and produce response guidelines; there is no

48 Michael Ignatieff, "Michael Ignatieff and Bob Speller Town Hall at the Greens 1 Arctic Sovereignty Final," (2009), [http://www.youtube.com/watch?v=eXz9a1YeD3w](http://www.youtube.com/watch?v=eXz9a1YeD3w), accessed February 7 2011.
49 See for example, Craig Stewart, “Testimony to the Senate Standing Committee on Energy, the Environment and Natural Resources,” Ottawa, June 3 2010.
mechanism that binds states to act. Disputes over sovereignty therefore are a tragic distraction from the issues that are more important, urgent and occurring in areas that are not disputed. Nevertheless, some groups may not favour the resolution of boundary issues if it hastens resource development. In response to the recent Russia-Norway agreement, a Greenpeace spokesman noted, “it just shows the greediness of Russia and Norway that the first thing they talked about is not global warming, which is what’s making this area suddenly accessible, but resource extraction.”

The international energy industry is another Arctic stakeholder with an interest in disputed boundary issues. Resource companies operate in the Arctic and will likely increase their presence as waters thaw, boundaries are settled and infrastructure grows. For instance, there is enormous interest in developing the resources of the Beaufort Sea, once the boundary dispute is settled. While the barriers to economical development of far North Arctic resources are considerable, the industry views these as a technological challenge that can be overcome. Some have argued that concerns over environmental degradation are overblown and that sustainable exploitation of Arctic resource is not only possible and but appropriate in the context of the role of oil in sustaining global economic growth. It should be noted that the oil industry has not participated in Arctic Council discussions on energy development. In as much as oil companies are interested in the international relations of the Arctic, they perceive these issues through the lens of political risk. Concerns over resource nationalism in an era of tense boundary disputes are not profitable and can undermine agreements with host governments. However, this uncertainty is not preventing the industry from entering into long term exploration contracts, most recently evidenced by BP’s strategic alliance with Rosneft to conduct joint exploration in the Kara Sea.

Likewise the global shipping industry views the potential Arctic boom with a mix of trepidation and excitement. Arctic shipping lanes are unlikely to be economical or conducive to the just in time delivery style of the container shipping sector. Bulk carriers by contrast might derive advantage from the shorter route, but the industry as a whole remains wary due to existing navigational challenges. A study commissioned by Norshipping explored three scenarios for Arctic climate change and international politics and noted that the ‘Great Game’ prediction for Arctic geopolitics would likely result in a contraction of global trade and a negative development for the global shipping industry. The study is concerned that boundary disputes will worsen as...
the Arctic thaw deepens, which would increase uncertainty for the industry’s regulations while further contracting global trade. As a result the shipping industry has little interest in a tense polar future.

A final stakeholder is the Inuit communities of the North. The agenda of the Inuit is as simple as it is large. The Inuit seek to assert their perspective at all levels of Arctic politics, in order to ensure a voice in any Southern project that takes place in circumpolar north. They advocate for environmental protection and an improvement of the social and economic conditions in north. According to the Inuit Tapiriit Kanatami (ITK), the Inuit support resource exploitation as long as they are consulted and the environmental standards outlined in land claims agreements are observed. Inuit argue they are the source of Canadian Arctic sovereignty, and that security is a poor conceptual tool compared to stewardship. As a consequence “Canada will have difficulty in asserting its claim to sovereignty if its Arctic citizens do not enjoy a standard of living on par with that of southern Canadians.” According to this argument, sovereignty can be better demonstrated with the development of infrastructure and economic opportunities in the North than with the establishment of a military presence. While the Inuit argue that the primary challenge to the Canadian Arctic is a domestic one, they are also fostering an active international presence.

The Inuit of Canada have successfully internationalized their perspective on Arctic issues through the Inuit Circumpolar Council (ICC) which is composed of indigenous organizations from across Arctic states. While the Inuit international agenda is not unified and the body is poorly funded, the Inuit claim a right to be consulted on both domestic and international aspects of Arctic policy. According to section 4.2 of its Declaration on Sovereignty in the Arctic, the ICC claims, “The conduct of international relations in the Arctic and the resolution of international disputes in the Arctic are not the sole preserve of Arctic states or other states; they are also within the purview of the Arctic’s indigenous peoples. The development of international institutions in the Arctic, such as multi-level governance systems and indigenous peoples’ organizations, must transcend Arctic states’ agendas on sovereignty and sovereign rights and the traditional monopoly claimed by states in the area of foreign affairs.” As a consequence, while the Inuit are not preoccupied with international threats to Canadian sovereignty, they, more than any other Level II stakeholder claim a right to be involved in the formation of government policy towards such a dispute, including boundary delimitation.

58 Econ, “Arctic Shipping 2030: From Russia with Oil, Stormy Passage, or Arctic Great Game?,” (Norshipping, 2007), pp. 16-24.
59 For an overview see Michael Byers, Who Owns the Arctic? Understanding Sovereignty Disputes in the North (Toronto: Douglas & McIntyre, 2009), ch. 7.
63 Inuit Circumpolar Council, A Circumpolar Inuit Declaration on Sovereignty in the Arctic (2009).
64 This list is far from comprehensive. In addition to those noted one could add a northern fisheries industry, bureaucratic entities like the military, territorial governments and civil society groups such as The Pugwash Peace
Framing, Win Sets and Future Cooperation in the Arctic

This paper has illustrated two processes that impact the ‘win-sets’ of a future negotiation over disputed boundaries in the Arctic. The first is the top-down process by which policy elites frame the stakes of the Arctic to their constituents. In the Canadian case, there has been a steady ebb and flow between the confrontational ‘use it or lose it’ rhetoric of the 2006-2007 period and the more cooperative rhetoric that has followed the Ilulissat declaration in May 2008. A constant theme in these messages however has been that concerns over ‘sovereignty’ are paramount. Sovereignty here is defined more broadly than it is under international law. Despite the absence of a competing claim to territorial sovereignty in the Canadian North, elected officials explicitly and implicitly persist with the threat narrative. Canadian policymakers have made explicit reference to threats to Canadian airspace over the arctic, mapping efforts on the extended continental shelf and have made implicit reference through the oft-repeated assertion that “use it or lose it is the first principle of sovereignty.” In the absence of an explicit challenge from another state this is simply not true.

The misuse of the term sovereignty is further complicated by strident Canadian reactions to perceived challenges from Russia. In addition to overreacting to the 2007 flag pole incident and the resumption of Cold War era bomber patrols, Minister of Defence Peter McKay described the detection of Russian aircraft near Canadian airspace as “convenient” on the eve of a visit by US President Barrack Obama. This occurred despite the fact that both Russian and Canadian military officials describe the flights as routine. These behaviours undermine the cooperative turn in Canadian behaviour in 2008 as it conducted joint surveys with Russia and a joint search and rescue exercise with Denmark and the US in 2010.

All this adds up to a mixed message to Canadians. Sovereignty in the Arctic is seen to be under threat from Russia, which seeks to use military threats to intimidate Canada, in an apparent effort to claim a greater share of resource rich ocean space. Canada’s efforts to map its extended continental shelf are part of an effort to occupy territory and protect sovereignty. This effort is generally cooperative, but as the continental shelf is Canadian territory, a rival Russian claim is clearly without merit. This Russian threat is the most serious of a series of threats to Canada’s Northern identity. This frame may explain why recent polling data found significant support for a hard line on Arctic issues from Canadians and why Russia was ranked as the least preferred partner in dealing with Arctic issues. This is consistent with polling data from 2007 and 2008 which showed that over half of Canadians viewed Russia as the primary challenge to Canada’s...
Arctic sovereignty. If allowed to germinate for the decades until a boundary negotiation with Russia is prepared for ratification, this popular sentiment could undermine cooperation in the high Arctic.

Interestingly, these messages seem completely absent from the second process that, according to Putnam, will determine win-sets: the perspective of Level II Arctic stakeholders. Industry interests are concerned about the negative impact of non-cooperation on the risks and costs of doing business in the Arctic, while environmentalists view non-cooperation on sovereignty as an impediment to collective action on transnational challenges. Of the four constituencies considered, only Inuit Canadians claim a right to be included in the boundary negotiation process. The other three would view such disputes as distractions from the real issues or as providing an unwelcome uncertainty to inter-state relations in the Arctic. The Inuit frame overlaps with that of the Harper government in two ways. First, Canadian sovereignty is under threat and second, this threat is pressing. According to ITK President Mary Simon, “the Arctic is a region of Canada whose time has come.” The Inuit have been reluctant to portray maritime boundary disputes with other countries as zero-sum, perhaps because doing so could distract from their alternative message of stewardship. Sovereignty disputes with Russia remain important, but less so than state, institution and infrastructure building in Northern communities. For example, the Integrated Arctic Strategy published by the ITK stresses an “Arctic” solution for maritime jurisdictional disputes, but devotes the majority of the report to stewardship plans for the Arctic.

The interaction between these frames will play out in the formation and mobilization of support or opposition to a boundary agreement with Russia. How does the Canadian polity respond to the prospects of boundary negotiations with Russia? How will they respond to a perceived loss in such an agreement? Importantly, opinions on such matters are formed over time. Arctic issues may not resonate with Canadians in 2011; it did not emerge as an election issue for instance. One interesting finding a recent Ekos poll was that a large number of respondents did not know how to answer the questions, which may betray some ignorance on the part of Canadians towards Arctic issues. However, there will be no boundary negotiation with Russia until both submissions have cleared the CLCS and the Canadian submission is not due until 2013. This technical body, which evaluates the scientific merit of continental shelf claims, has a 27 year backlog as a product of deadlines associated with the widespread ratification of UNCLOS in 1996. This long lead time could have one of two impacts on domestic politics and the Arctic. On the one hand Arctic issues could fade into irrelevance as politicians move on to other issues. On the other hand, this period could allow for Canadian popular sentiments on the Arctic to become more hostile to cooperation as Arctic issues become increasingly indivisible in the Canadian mindset. National identity is formed over generations. This could result in a narrowed win-set for Canadian politicians when they attempt to negotiate an extended continental shelf boundary with Russia in the future. The posture of the Canadian populace towards an acceptable Arctic

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69 Mario Canseco, Arctic Sovereignty and Russia: Canadians Concerned About Russia: Want Action on Arctic Sovereignty (Vanvouver: Angus Reid Strategies, 2008).
boundary will be informed by the framing efforts of Canadian policy elites and the counterframing efforts of Level II actors, who do not share the same perspective.

**Conclusion**

This article has explored the impact of domestic politics on Arctic boundary disputes by identifying and exploring the interests of stakeholders in the Arctic with a view to developing a fuller understanding of the barriers to cooperation. Cases from East Asia were used to illustrate the importance of issue framing and its impact on win-sets. If maritime boundary issues get caught up in national identity politics or electoral politics, the number of acceptable outcomes in a given negotiation can be reduced. Whether these issues do so is a product of how boundary issues are framed by political leaders to their constituents. Leaders that frame boundary issues in terms of threats to national identity and national sovereignty may have difficulty convincing their constituents as to the merits of cooperation on these same issues. This was demonstrated by the fate of the joint development agreements in the East and South China Seas.

However, it could be argued that the Arctic simply does not resonate with Canadians or, that Canadian nationalism is not the virulent, anti-Other nationalism that one finds in East Asia. Still, nationalism is not the only domestic process that can undermine cooperation. The JMSU between Vietnam, Philippines and China was allowed to flounder due to domestic electoral considerations. With this in mind, how does a Conservative government in opposition in 2030 react to concessions made by a ruling Liberal government in a boundary negotiation with Russia? Whether this issue will have political resonance in the future is a product of how issues are framed between now and then. As a consequence, a policy prescription that flows from this argument is that there is a role for Level II Arctic stakeholders in counterframing Arctic issues as cooperative and benign which could convince elected officials to delink the Arctic from the Canadian national identity.