

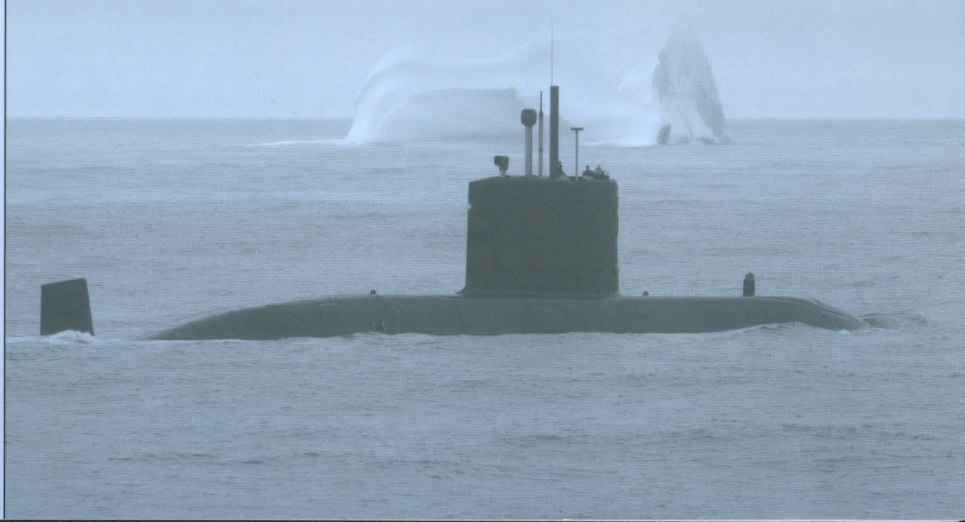
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Lock, Stock, and Icebergs?
Defining Canadian Sovereignty from
Mackenzie King to Stephen Harper



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“Lock, Stock, and Icebergs? Defining Canadian Sovereignty
from Mackenzie King to Stephen Harper”

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Lock, Stock, and Icebergs? Defining Canadian Sovereignty from Mackenzie King to Stephen Harper

"Sir John A. Macdonald ... saw Canada from East to West. I see a new Canada – a Canada of the North."

John Diefenbaker, 1958

"Canada regards herself as responsible for all mankind for the peculiar ecological balance that now exists so precariously in the water, ice and land areas of the Arctic Archipelago."

Pierre Elliot Trudeau, 1969

"Arctic waters are Canadian waters, and Canadian waters are sovereign waters. Canada will defend its sovereignty."

Paul Martin, 2005

When announcing his government's plans to construct a fleet of Arctic patrol ships in July 2007, Prime Minister Stephen Harper declared that "Canada's Arctic is central to our

Adam Lajeunesse received his bachelor of humanities from Carleton University in 2005 and his master's degree in history from the University of Calgary in 2007. His research interests include Arctic sovereignty and security issues throughout the twentieth century, naval and international history, as well as contemporary security concerns. He will begin work on his doctorate degree in 2008, studying the development of Canadian government policy towards the Arctic waters during the early decades of the Cold War.

national identity as a northern nation. It is part of our history. And it represents the tremendous potential of our future.”¹ This northern sentiment has been a common feature in the history of a nation which announces itself as the “True North Strong and Free.” From the dawn of the Cold War, the point at which the issue of Arctic sovereignty first gained national prominence, to the present day, Canadian governments have consistently voiced their uncompromising dedication to the defence of Canada’s northern heritage. The Arctic, as Brian Mulroney once put it, was Canadian, “lock, stock, and icebergs.”² But to what extent has this universally professed concern been reflected in the actions and policy of Canadian governments?

Historically, Canadian policy has never matched its rhetoric in the Arctic. Regardless of how fervently politicians announced Canadian sovereignty, few have ever been willing to answer the hard questions associated with it or to stand up to the consequences of their declarations. Successive prime ministers may claim the Arctic to be inherently Canadian, but how do we define the Arctic, and by what right do we claim it to be Canadian? These are not trivial questions; indeed, the answers define the nature of Canadian sovereignty. Yet for decades they were avoided, along with any official claims. To have defined and asserted a real claim carried heavy costs, both financial and political. It meant dedicating the resources needed to assert that claim and dealing with the political repercussions which could result from it, a burden that Canadian governments have traditionally been loath to assume.

In an age where competition in the Arctic is becoming more intense, with states vying for control of vast natural resources and potential shipping lanes, the issue of Arctic sovereignty can no longer be one of secondary concern. Canada can no longer dismiss the burdens which go hand-in-hand with sovereignty. It must decide how important the Arctic truly is to the nation and be ready to stand behind that decision.

THE END OF THE ARCTIC’S SPLENDID ISOLATION

The issue of Arctic sovereignty first gained real prominence in Canada with the start of the Cold War. The region’s strategic location, nestled between the two superpowers, placed it directly beneath the polar air routes which American and Soviet bomber fleets would take in the event of war. This fact was not lost on Washington; by 1946 the

Canadian government had received a host of American requests seeking to increase their military presence in the region. The prospect of American servicemen operating anywhere in Canada during peacetime offended nationalist sensibilities; however, an influx of Americans into the Arctic truly worried Mackenzie King's government. Ottawa recognized its claims in the region to be shaky, and with Washington pushing for more naval exercises, weather stations, reconnaissance flights, and airbases, Ottawa worried that its sovereignty might not survive this American assistance.

Canada's control over the Arctic was tenuous, in regards to both its legal title and its physical control. The claim was based primarily on British exploration, effective occupation, and the sector principal. This principal assumed the use of meridians of longitude running from a state's eastern and western extremes extending to the pole. All territory bracketed by these lines (discovered or not) supposedly belonged to that state. It was a theory of very questionable standing in international law. Actual physical control over the region was exercised by only 111 RCMP officers and men, with many large islands in the Northern Archipelago simply left abandoned.³ It was also feared that new Arctic islands could be discovered by American patrols, making an over-reliance on the right of discovery dangerous. Leaked American reports describing Canadian occupation as "meager and sporadic" and deliberating the annexation of some uninhabited Canadian islands greatly added to these concerns.⁴

The situation seemed to call for a clarification of official Arctic policy and a more forceful assertion of Canadian control. Instead, what began to develop was a policy of purposeful ambiguity. Rather than demand, or even request, American recognition of Canadian sovereignty, the issue was kept in political limbo. A more forceful Arctic policy would have required money to establish a larger Canadian presence north of 60 degrees; it could also have provoked a political confrontation had Washington chosen to challenge Canadian claims.

These costs were deemed too high, and rather than actively addressing the issue, it was assiduously avoided. As early as 30 May 1946, the legal division of the Department of External Affairs had advised against making any direct claims. When Lester B. Pearson, then Canadian ambassador to the United States, requested permission to broach the subject in Washington, he was expressly forbidden to do

so.⁵ This aversion, both to political confrontation and to the dedication of resources to the Arctic, was a continuing pattern.

THE DISTANT EARLY WARNING LINE

This policy was seen most clearly during the construction of the Distant Early Warning (DEW) Line in the mid-1950s. The construction and staffing of this chain of radar stations was an enormous undertaking, requiring a huge influx of American workers and servicemen into the High Arctic. Yet as a rule, the issue of sovereignty was never explicitly brought up, and every effort was made to avoid the uncomfortable subject. As was the case during many of the defence projects of the 1940s, Canada invested a great deal of effort into generating the appearance of Canadian control. Information was tightly regulated, and a great deal of attention was paid to how the media portrayed American activities. Yet when the issue of funding arose, Ottawa preferred to allow the United States to assume responsibility for northern defence.

Despite repeated American requests for Canadian participation, the construction and staffing of the DEW Line remained almost entirely an American responsibility for over a decade after its completion in 1957. As a matter of economy and convenience, Ottawa simply deferred making a contribution. In 1964, Canadian defence liaison J.C. Brown, after completing a tour of the North, reported that the Canadian presence there was largely illusory. In his report, Brown compared Canadian sovereignty to the Cheshire cat's smile from *Alice in Wonderland*; it had become little more than an illusion which gradually disappeared if you looked hard enough.⁶

DEFINING CANADA'S CLAIMS TO THE ARCTIC WATER

The ambiguity and economy which characterized the Canadian government's position over the Arctic lands was even more noticeable with respect to government policy over the Arctic waters and sea ice. The question of who owned the frozen waters of the Canadian North was one which had never attracted much concern, though by the 1950s, a dramatic increase in Arctic shipping – particularly through the Northwest Passage – had begun to shift concern from the land to the water.⁷

The first explicit mention of Canadian sovereignty over Arctic waters came in 1946 when Lester Pearson, still Canada's ambassador in Washington, published an article calling all the water and ice within the Canadian sector national property. But Pearson was speaking without authorization, and despite the existence of official maps showing a large slice of the Arctic Ocean within national boundaries, there had never been explicit mention of any Arctic waters as Canadian. Many politicians sided with Pearson in his application of the sector theory, even if no thought was ever given to how the government intended to monitor and defend half of the Arctic Ocean.

By March 1956, however, Louis St. Laurent's cabinet had completed a quiet review of the issue and arrived at a clear conclusion. The cabinet dropped the sector theory and charted precisely what Canada's territorial and maritime claims would be by drawing straight baselines around the Archipelago. Straight baselines, first used by Norway to enclose its many fjords and channels as internal waters, were legitimized in international law in 1951. In certain circumstances, a country could draw baselines around an archipelago and claim the waters within as internal and under complete state sovereignty.

This cabinet decision marked the first time a Canadian government was willing to formulate a precise claim with a clear legal foundation, despite the fact that this decision remained a secret and no official statement was ever made. Similar to the situation in the Arctic lands, to have made such a public claim would have pressured the government to spend the resources needed to exercise a greater degree of control over those waters; it may also have provoked an awkward challenge from the United States.

In any case, this decision's lifespan was to be short. By June 1957, John Diefenbaker's Conservatives had replaced the Liberals. There was no effective attempt by the Conservatives to implement the Liberal policy or to formulate one of their own. Instead, the Conservatives again began to toy with the application of the sector theory in policy speeches which had no organizing principal other than nationalism. To both the public and the international community, Canadian policy appeared strikingly inconsistent. What one minister called high seas, another would call Canadian territory. Where one government emphasized Canadian control over the Northwest Passage, another would invoke the sector and claim a vast swath of the Arctic Ocean.

Legal terms such as internal or territorial waters were often used interchangeably by politicians who did not understand the difference.⁸ The Canadian position seemed to change with each government and often even within a government.

THE VIEW FROM WASHINGTON

For decades, Canada's aversion to investing in the Arctic relegated the region to a position of secondary importance, yet these actions had few real consequences. The government's failure to determine what exactly it claimed in the Arctic – and on what basis – certainly confused American State Department officials, while Canada's continued refusal to dedicate substantial resources to northern defence projects certainly caused a great deal of consternation in the American military. However, there was never any attempt by the United States to take advantage of Canada's confused and fragile position. Simply put, Washington needed Canadian co-operation in the Arctic more than it needed to annex any tundra or sea ice. And in the final analysis, that co-operation had to stem from an assurance to Canada that the United States had no intention of claiming sovereignty over any section of the Canadian Arctic.⁹

During this period from 1945 to roughly 1958, the United States proved willing to implicitly accept Canadian sovereignty, giving Ottawa an opportunity to cement its claims. While Canadian ownership over Arctic lands was, by the 1950s, a fait accompli, sovereignty over the waters was not. Had Ottawa put forward a forceful claim at any time between 1945 and 1958, it is likely that Washington would have conceded. At the time, the United States Navy was still requesting permission to use the Northwest Passage for resupply missions, and no one had yet claimed that it constituted international waters.

However, no such claim was ever made. The Arctic was not a priority in Ottawa, where maintaining a harmonious relationship with Washington and avoiding the expenses of northern activity were paramount. By 1958, this Canadian window of opportunity had closed. That year saw the voyage of the American nuclear submarine *USS Nautilus* to the North Pole, and with it, the beginning of Arctic submarine navigation. Now easily navigable under the ice, the region gained a dramatic new strategic and economic importance, prompting Washington to reevaluate its position.

As such, the implicit recognition which the United States had previously been willing to offer Canada's nebulous water claims rapidly dried up. By the 1960s, the American Navy was no longer notifying Canada of its submarine passages, and by 1963, State Department hostility had aborted a tentative Canadian attempt to enclose the Arctic Archipelago with straight baselines. Despite these ominous signs, official Ottawa remained optimistic that the United States would eventually come around to recognizing Canadian sovereignty over the water without the inconvenience of having to actively assert a claim.

THE VOYAGE OF THE *MANHATTAN*

This optimism was shattered in the summer of 1969 when the American supertanker *Manhattan* began its first voyage through the Northwest Passage. Prompted by substantial oil finds off Prudhoe Bay in Alaska, the *Manhattan's* voyage was intended to test the feasibility of regular petroleum shipping through the Arctic to the refineries on America's eastern seaboard. Lacking a solid policy, or even a good idea of what waters it claimed, the initial response of Pierre Trudeau's Liberal government was weak and disorganized. External Affairs was forced to scour the archives in an attempt to find evidence of past Canadian policies which might guide them. It was discovered that, aside from the March 1956 Liberal cabinet directive, no Canadian government had ever attempted to define its Arctic claims.¹⁰

Efforts to play down the *Manhattan's* voyage were unsuccessful, and Canadian public opinion had soon risen to an unusually intense nationalist fervour based on indignation at the perceived American challenge and a fear of oil pollution. Calls for an outright declaration of sovereignty bombarded the Trudeau government from all directions. The public, the newspapers, the opposition, and even the government's own Standing Committee on Indian and Northern Affairs all demanded that the Liberals take a strong stance in asserting Canadian ownership.

However, making such a declaration would have proven difficult. The United States had been subtly refusing to recognize Canadian claims to the Arctic waters for over a decade, and American President Richard Nixon had made it painfully clear that his government would not accept any unilateral extension of Canada's maritime boundaries.

To have made an outright claim would surely have meant a political battle with the United States, economic repercussions, and possibly a challenge at the World Court. Such a claim would also have been costly to assert, as the Department of Defence realized that a great deal of money would have to be devoted to new icebreakers, aircraft, and search and rescue capability.

Instead, the Trudeau government pursued a more innovative approach, the adoption of the Arctic Waters Pollution Prevention Act (AWPPA). This legislation satisfied the popular desire for action and was generally accepted on the international stage. However, this functional approach left the question of Canadian sovereignty still unaddressed. In rebuffing the pressure for a clear-cut declaration of Canada's claims, Trudeau wrote that he had "dealt chauvinism a well-deserved blow."¹¹ Yet for a state to be clear on what it considered to be its borders was hardly chauvinism. If the government did not consider the Northwest Passage to be Canadian territory, it should have said so openly.

Soon after the *Manhattan* incident, it became clear that Ottawa was trying to position the Northwest Passage as internal waters; it was referred to as such by the Minister of External Affairs in 1970, in the 1971 *Defence White Paper*, and by the Department of Justice, first in 1973 and again in 1975.¹² Such references implied that the government had quietly decided to rely on straight baselines, as the Pearson government had concluded in 1956. Yet strangely, Trudeau's Minister of National Defence Barnett Danson appeared to be reasserting Canada's claim to the entire Arctic sector in 1977 by dropping a beer bottle with the message "Welcome to Canada" on Soviet ice station NP-22, then drifting 274 kilometres off the Arctic Archipelago.¹³

Once the popular uproar caused by the *Manhattan* died away, so too did government interest in the Arctic. Despite the implementation of the AWPPA and the increased government rhetoric about national sovereignty, the funds necessary to enhance Canada's position in the North were never forthcoming. The Canadian Forces and the Coast Guard, tasked with maintaining Canadian control over the region, were starved of resources and forced to limit their patrols and operations. While a great deal of political effort was put into winning international recognition for Canada's pollution legislation through both bilateral negotiations and international forums, the resources and

the political will to define and assert Canada's claims were always lacking. As such, the result of the AWPPA and the Trudeau government's Arctic policies was largely to leave the issue suspended until the next crisis came along.

THE POLAR SEA AND STRAIGHT BASELINES

This crisis was provided by an American icebreaker transiting the Northwest Passage. The *Polar Sea* made its transit in the summer of 1985 without requesting Canadian permission. The Canadian public was outraged and again demanded action. This time, Brian Mulroney's government did not have the issue of pollution control to divert attention from the matter of sovereignty.

In response to the immense public pressure generated by the *Polar Sea*, the Mulroney government took an unprecedented step. On 1 January 1986, the Canadian government officially drew straight baselines around the Arctic Archipelago, making this the first time a Canadian government had ever publicly defined its northern maritime claims. The government also promised a wide variety of Arctic initiatives meant to augment state authority over its newly enclosed internal waters. Like the Trudeau administration before it, most of these initiatives were ultimately discarded on the basis of cost. The planned fleet of nuclear submarines capable of patrolling under the Arctic icecap was scrapped, as was the massive Polar Class 8 icebreaker, which had been under consideration since the late 1970s. However, a unique event had still taken place; a firm claim to Canadian sovereignty had been made. An American challenge, which had intimidated Canadian governments for decades, never materialized; there was only a low-key *démarche* designed to ensure that America's objection was noted.

The failure of the Mulroney government to follow through on its promises to physically assert its new claims was a sign of things to come. The end of the Cold War brought the desire for a peace dividend, cutting into the Canadian defence budget and further limiting the power the Canadian government could project into the Arctic. With the demise of the Soviet Union, defending the region seemed less vital. Yet the challenges to Canadian sovereignty which had arisen during the Cold War did not follow the USSR into the grave; in fact, they intensified.

THE TWENTY-FIRST CENTURY –
NEW OPPORTUNITIES AND NEW CHALLENGES

The twenty-first century saw the issue of Arctic sovereignty once again come to the fore and find a place of prominence on the government's policy agenda. As with the *Manhattan* and the *Polar Sea*, the Canadian populace needed a catalyst to spark their interest. This came in the form of global warming which, over the past decades, has been radically altering the Arctic environment. On average, the Arctic has been losing 74,000 square kilometres worth of ice each year – comprising a loss of over two million square kilometres since the late 1970s.¹⁴ The result has been clear; in 1969 the *Manhattan* tore open its hull during its unsuccessful attempt to transit the McClure Strait, in 2007 that route was, for the first time in recorded history, completely ice free.

The potential implications are staggering. With oil exceeding \$100 a barrel, the Arctic's vast hydrocarbon resources may be profitably extracted sooner than anyone expected. The well-publicized Russian excursion to the North Pole in August 2007 – which saw a mini-submarine placing a Russian flag on the seafloor – dramatically demonstrated the importance other states place on the region. The conflict with the United States over the status of the Northwest Passage remains very much alive, as do border disputes over tiny Hans Island and in the resource rich Beaufort Sea.

The Canadian reaction to these changing circumstances has been aggressive. The government seems to have made the issue a primary concern, promising funds for the construction of Arctic patrol craft, a deep-water port, a new science facility, increased surveillance, and a host of other initiatives meant to enhance Canada's ability to exercise effective control over the region. The real test of the government's resolve, however, whether it breaks ranks or falls into the pattern of history, will be measured by its willingness to carry these programs through to completion.

Canada must be committed to supporting its Arctic claims with the resources necessary to give them substance. "Gunboat diplomacy" will not by itself secure Canadian claims; however, without the tools to monitor and police the Northwest Passage, to enforce Canadian pollution legislation, and to chart Canada's

continental shelf, other Arctic powers will have little reason to respect the already disputed Canadian jurisdiction.

Government actions have always been constrained by their lack of assets in the Arctic. For decades, sovereignty claims were put on hold because supporting them would have been too expensive. This pattern still holds. In responding to the Russian flag-planting expedition, Foreign Affairs Minister Peter MacKay was dismissive: "You can't go around the world these days dropping a flag somewhere, this isn't the fourteenth or fifteenth century."¹⁵ But the Russian expedition was more than bravado; it was an able demonstration of Russian capability to operate in the waters they hope to claim. Canada has no capability to match the Russian nuclear icebreaker fleet. The Canadian Coast Guard has only one heavy icebreaker remaining, and it will soon be forty years old. With stronger icebreakers of its own, the Canadian response may have been more forceful, but the resources available prevented any effective Canadian rejoinder. Russia, the United States, and even Denmark have Arctic capabilities superior to Canada's. Moreover, each of those states knows what it wants and is moving aggressively to secure its rights in the region.

It is not simply new hardware that is required. What is needed is a fundamental change in the Canadian mindset, of which an increased Arctic presence is only the result. The Arctic can no longer be considered an issue of secondary priority. Rather, the defence of Canada's northern sovereignty must be a sustained national effort. Canada must be ready to finally answer the tough questions that accompany territorial claims; not only what is ours, but what is not. Surrendering any Arctic territory has always been very difficult for Canadian politicians; however, the result of exaggerated claims has traditionally been to weaken legitimate ones. While the boundaries of Canada's Arctic were settled in 1986, remnants of such exaggerated claims remain.

When responding to the Russian flag-planting expedition, for instance, Peter MacKay told the CBC: "There is no question over Canadian sovereignty in the Arctic. We've made that very clear. We established a long time ago that these are Canadian waters and this is Canadian property."¹⁶ Yet the North Pole is not established Canadian territory; in fact, it was explicitly excluded with the drawing of baselines in 1986. Canada is currently working to extend its claim to the continental shelf, but this claim first needs to be submitted and

then approved by the United Nations. Official government maps still reflect this harmful attitude that the entire Arctic must be inherently Canadian. The Department of National Resources continues to publish Arctic maps with borders that have not changed since 1905. These maps still show the entire Canadian sector as within national boundaries, despite the fact that no such claim exists. The baselines that do represent Canada's stated boundaries appear on very few official maps.

The greatest folly of Canadian Arctic policy has always been the tendency to avoid the political and financial costs inherent in having a clear policy. That, however, is exactly what Canada needs in the twenty-first century. The nation's territorial claims must be firm and precise and the government committed to their defence. No foreign state will respect ambiguous claims nor, in an age of increasing Arctic activity, will the opinions of a paper sovereign carry much weight. Canada must take a lesson from its own history. In the face of opposition, Arctic sovereignty is best defended with a clear and consistent policy, supported by the resources necessary to demonstrate and assert the nation's strong interest in the region. If Canada truly wishes to maintain its self-image as the "True North Strong and Free," it will have to start showing that it takes that title seriously.

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2. Transcript of an interview with Prime Minister Brian Mulroney to Global Television, 29 Aug. 1985, as quoted in Christopher Kirkey, "Smoothing Troubled Waters: The 1988 Canada-United States Arctic Co-operation Agreement," *International Journal* (Spring 1995): 404.
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5. External Affairs Records, National Archives Canada [NAC] RG 25, vol. 3347, file 7598-40C, “Letter from Lester Pearson to H.H. Wrong,” and “Letter from H.H. Wrong to D.C. Abbott,” 13 June 1946 and 5 June 1946.
 6. External Affairs Records, NAC RG 25, vol. 10364, file 27-14-8 pt. 1, “Report of J.C. Brown, DEW Line Tour,” 5 May 1964.
 7. The construction of the DEW Line from 1955–57, for instance, required 324 voyages into the waters of the Arctic Archipelago by ships carrying 1.25 million tons of building material and supplies. J.L. Granatstein, “A Fit of Absence of Mind: Canada’s National Interest in the North to 1968,” in *The Arctic in Question*, E.J. Dosman ed. (Toronto: Oxford University Press, 1976), 30.
 8. A state only enjoys limited sovereignty over territorial waters, with foreign states enjoying the right of innocent passage.
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 12. House of Commons, Debates, 2nd session, 28th Parliament, 16 Apr. 1970, 5953; Canada, Department of National Defence, *Defence in the 70’s* (Ottawa: Queen’s Printers, 1971), 1; Statement for the Bureau of Legal Affairs (Ottawa: Queen’s Printers, 1973).
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16. Ibid.

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