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HEALTH, SCIENCE, AND THE
ENVIRONMENT

December 9, 2019

Dear Colleague:

I write to you tonight with regards to the nomination of Mr. Chris Frost as Secretary of Defense. I write not only on my behalf, but on behalf of the three-quarters of a million Alaskans who I represent as United States Senator for Sierra.

Alaska is America's last frontier. Separated from the mainland by the waters of the mighty Pacific, Alaska has long served as a transit point for commerce, transportation and exploration. Indeed, Anchorage is proudly home to the second-busiest cargo airport in the United States.

With changing climate patterns, the retrenchment of the Arctic ice sheet unlocks an age-old dream of those men and women who first settled those harsh lands—to open the Northwest Passage to transoceanic shipping. A new, shortened route between the East Coast, Europe and the Asia-Pacific through the Passage will be a boon for Alaska, which is well-situated to become as important a hub for Asia-Pacific maritime trade as it is for westbound airfreight.

However, this future is not guaranteed. The success or failure of this promising new trading route depends heavily on our ability to ensure that transit passage through the Northwest Passage remains open, accessible and free from undue interference by any national government.

It has long been the policy of the United States that, much like the Straits of Gibraltar and Hormuz, the Northwest Passage is an international strait where the right of unmolested passage must be guaranteed to all shipping in transit. This policy is consistent with the United Nations Convention on the Law of the Sea (UNCLOS) and customary international law.

Canada has disagreed with this international consensus, claiming the waters of the Northwest Passage within the Canadian Arctic Archipelago as internal waters. This categorization would allow the Canadian government to unilaterally bar passage to any non-Canadian ship, including American shipping, at any time, for any reason. This claim has no more basis in international law than China's "nine-dash line" over the South China Sea.

That is why Mr. Frost's comments during his confirmation hearing are so concerning.

He has affirmed under questioning that he will order the United States Navy and Coast Guard to keep out of Canada's proclaimed territorial waters, stating that this should be done to "avoid creating hostile relations with those close to our border." In effect, this would overturn decades of American Arctic policy and abandon all pretense of American support for the principles of innocent passage and freedom of navigation.

When pressed on details of what he considers to be Canada's territorial waters, he fired back: "Why do you insist on us not respecting our neighbor, which is our closest ally?" This response is as unbecoming as it is unsatisfactory.

While Canada is indeed one of America's closest allies, that should not cloud our judgment on this important issue. If anything, the strength of our alliance should give us the leeway to respectfully disagree and advocate for the disposition of this issue in a manner consistent with international law. The channel is too important to allow any one country to claim unlimited sovereignty, and the United States must remain a forceful advocate for the rule of law and the freedom of navigation to prevail.

This is to say, freedom of navigation in the Northwest Passage cannot be negotiable.

The precedent set by such an abdication from these long-held principles of international law would be disastrous. Endorsing Canada's claim to the Northwest Passage may seem inconsequential in itself, but it could legitimize Russia's claim to the Northern Sea Route and China's claim to the South China Sea—both of which would allow major geopolitical rivals to control important current and emerging trade corridors.

As it stands, without a strong reassurance of his continued advocacy for the international status of the Northwest Passage, I cannot support Mr. Frost's candidacy for United States Secretary of Defense. I hope that you will join me in seeking answers on this issue of grave concern.

Respectfully,

Hurricane
United States Senator