



HOUSE OF LORDS

International Relations and Defence Committee

Corrected oral evidence: The Arctic

Wednesday 12 July 2023

3.30 pm

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Members present: Lord Ashton of Hyde (The Chair); Lord Anderson of Swansea; Lord Campbell of Pittenweem; Lord Robertson of Port Ellen; Lord Soames of Fletching; Lord Stirrup; Lord Wood of Anfield.

Evidence Session No. 13

Heard in Public

Questions 140 – 149

Witness

I: Professor Michael Byers, Canada Research Chair in Global Politics and International Law, University of British Columbia.

Examination of witness

Professor Michael Byers.

Q140 **The Chair:** Thank you very much for coming. It is a great treat to have you in person, especially as you come from Vancouver. It is serendipity that you are here at the right time. You have been listening to the previous session. We have just under an hour to go. We are going to focus on international law in the governance and regulation of the Arctic. As I said before, this is a public session. It is streamed live on the Parliament website and a transcript will be taken, which we will send to you. As we are starting a new session, could members please declare any interests pertinent to the inquiry?

I have a background question for you, Professor Byers. In international law, is it accurate to characterise the Arctic as an area of comparatively high co-operation and low tension, as several countries have done in their strategies?

Professor Michael Byers: Before I answer the question, let me just say that I am not naive about Russia. I was listed by Russia on its sanctions list in March 2022.

The Chair: Congratulations.

Professor Michael Byers: Yes, I took it as a sign that I was speaking truth to a dangerous regime. Some of what I say will suggest that I still feel some hope for Arctic co-operation. That is why I mention the fact that I carry no brief for the Russian Federation.

There is still some co-operation taking place in the Arctic. You have to look harder to find it, but let me give you a couple of examples. The Norwegians and the Russians are co-operating fully in the co-management of the world's largest cod fishery in the Barents Sea. They have been setting science-informed quotas together, even since the Russian invasion of Ukraine in February 2022. Why is that? It is because the fisheries are of such enormous importance to both countries.

The international satellite-supported search and rescue system Cospas-Sarsat, which was created during the Cold War in 1979, is functioning as well as it ever has, with full Russian participation. If I were in the back country of British Columbia, I fell on a trail and broke my leg, and I sent out a signal from my handheld beacon, it might well be received by a Russian satellite. It could be transmitted to a Chinese ground station and then sent to the Canadian Armed Forces search and rescue centre in Esquimalt, BC, which would then dispatch a helicopter to come and rescue me.

That system is working very well today. Why is that? Russia is the largest country on earth. It needs search and rescue information. That information saves it from having to search. It knows instantly where to go to rescue a person. It saves vast amounts of money, and everyone is happy. There is co-operation. That search and rescue system is

particularly important in the Arctic, which is a remote and dangerous region. I could go on. There is still co-operation on some issues in the Arctic.

As we know, the Arctic Council is still alive. It is in intensive care, but the Norwegians have kept it alive by persuading the Russians that there did not need to be a transfer of the chairmanship and the chairmanship transfer was automatic. The Russians went along with that.

The North American Arctic is a place where, in the words of the Canadian Chief of the Defence Staff, Wayne Eyre, just last October, we see no state-to-state threat. That might sound a little naive, but, again, that was the Chief of the Defence Staff. The reason for that is quite simple. Russia is a long way from Canada. China is a long way from the Canadian Arctic. We have very little infrastructure. We still have punishing weather. We are not a place where anyone would want to engage militarily from a foreign country, knowing the severe risks and the long logistical lines that would be involved. We are protected by our vastness in the Canadian Arctic, at least right now.

Where I see the threat is in the European Arctic. The threat is acute. For instance, if I want to fly to Kirkenes in Norway, I do so knowing that the pilot of the Scandinavian Airlines or Norwegian airplane will not be able to rely on GPS because it is jammed in northern Norway on a continual basis by their Russian neighbours. If I live on the Faroe Islands or I am operating in the world's largest satellite ground station on Svalbard, I know that my subsea fibreoptic cables could be rendered dysfunctional at any moment. In fact, it happened for Svalbard in January 2022. It happened for the Faroes in October 2022. That cable goes from the Shetlands to the Faroes. These are Russian interventions; there is no question of that.

I also know—I think it is public knowledge—that the submarine games in the Norwegian Sea, in the Greenland Sea and through the Greenland-Iceland-UK gap are back up to Cold War levels. The Russian submarines are quieter than the last generation, so the challenge is more difficult than it was before.

I mentioned being in the back-country of British Columbia. I spend a lot of time there, so when I think of Russia as a bear I have something more than literature to work with. Russia is a large brown bear. When the bear is happy and well fed, it is a relatively safe neighbour. If the bear is wounded, or is losing, it is extraordinarily dangerous. The challenge for NATO with regards to Russia in the European Arctic is how to deter and avoid accidents or unintentional escalations. Getting that balance between deterrence and what might be seen by Russians as cowardice is difficult, but that is the tightrope we are all walking right now.

We have a nuclear-armed state that is being thrashed in Ukraine. It is furious at NATO. It has a President whose position is much more precarious than we imagined it could be. We saw that advance on

Moscow just a few weeks ago. Although that turned out not to be real, it emphasised that things are very acute in the Kremlin for Vladimir Putin.

So I guess my message to the committee is this. Yes, Arctic security is utterly important right now, especially in the European Arctic, but be aware that the bear is wounded and we have to move with great caution.

- Q141 **The Chair:** Can I just follow-up on the Arctic Council? We have heard that there are problems because we are missing scientific data that we used to have. Is it possible to keep the Arctic Council going at an official level and achieve practical results, like you have in search and rescue and in fisheries? Whether it is right or wrong to stop the Arctic Council going on as it was, we all recognise that we cannot start again while the Ukraine situation is as it is. Could quite a lot be done at an official level?

Professor Michael Byers: We will not see any ministerial summits anytime soon. We will probably not see any face-to-face meetings involving senior Arctic officials, at least not with the Russian senior Arctic official in the room.

As a British Prime Minister said once, it is always better to jaw-jaw than to war-war, and conversations are necessarily continuing. They are continuing at lower levels in foreign ministries and technical departments. They are continuing to some degree between academics. I have had Russian colleagues participate virtually in workshops. I admire their courage; speaking to Westerners is a dangerous thing to do these days. These are scientists who believe in multilateralism and the law of the sea. The situation is not as grim as it could be. When Vladimir Putin is gone, we will have to start working with Russia again.

I am a child of the Cold War. We learned that we had to co-operate with the Soviet Union on a whole range of issues. We share a single planet. It is the largest country. It still has the world's largest nuclear arsenal. We cannot completely cut it off.

- Q142 **Lord Wood of Anfield:** I should declare an interest before I start. Like you, I believe, I am a Liverpool football fan, so we share that passion.

You said that Russia and Canada are a long way from each other, but, with regards to the Northeast Passage and the Northwest Passage, there is a direct conflict or tension, because they both claim those as their own. Could you say something about the legal basis of these claims that both are internal waters? To what extent does the law of the sea support one rather than the other? To what extent do other states support one view rather than another?

Professor Michael Byers: There are three countries that have nearly identical legal positions with regards to straits of interest at a geopolitical level: China with regard to the Hainan Strait between the Chinese mainland and Hainan Island; Canada with regard to the Northwest Passage between our 19,000 Arctic islands; and Russia with regards to three straits that pass between the Russian mainland and offshore islands, the most northerly of which is the Vilkitsky Strait.

I will leave the China issue aside for the moment, but the Russian and Canadian position is identical. Indeed, the Soviet Union was the only country to expressly support Canada when our dispute with the United States came to a head in 1985. Although Canada and the United States have a legal dispute, we do not have a political dispute. In 1988, Brian Mulroney and Ronald Reagan concluded the Arctic co-operation agreement, whereby they agreed to disagree.

The United States promised always to request permission before sending a US vessel through the Northwest Passage, and Canada promised in advance always to give permission. It is not a political dispute. We are not only partners in NATO; we are partners in NORAD—North American Aerospace Defense Command. NORAD includes full co-operation on maritime surveillance, including the Northwest Passage.

Your question was probably going towards reports that Russia has made a new claim with regards to its Arctic straits. I am sorry; it has passed a new law, but the legal position has not changed for decades.

It would be wise for Western countries to keep their governmental ships out of those straits. Fortunately, you can say that with regards to climate change, the waters north of the Arctic islands in Russia are becoming ice-free, so there will be less and less need to go through those straits. The reason we do not want to go through those straits is that it would be poking a wounded bear. In 1965, the US coast guard icebreaker “Eastwind” was conducting a voyage along the northern coast of the Soviet Union. As it approached the Vilkitsky Strait, the Soviet embassy in Washington warned the US Government that the Soviets were prepared to “go all the way” to stop it. That presumably meant a torpedo. The White House ordered the ship to turn round and come home. As Western countries, we were able to exercise restraint in the Cold War. We need to do that today. That is not to give up a legal position; it is simply not to poke a wounded bear.

Q143 Lord Stirrup: Perhaps I could just take that a little further and look at it in the wider context of UNCLOS. The UK’s position is that Russia has been following policies and enacting laws that are contradictory to UNCLOS. Of course, that becomes a bit difficult when those kinds of conflicts are repeated elsewhere around the world. You said that you would set aside the China example for a moment. Actually, the China example could be extraordinarily important in the wider geopolitical sense.

As we all know, UNCLOS only works through consensus; there is not some sort of international police force that enforces UNCLOS decisions. In the context of the Arctic, although most territorial waters disputes have been settled, or the position regarding them is settled, are UNCLOS-type disputes likely to be a significant factor in the Arctic in future or is this really a bit of a red herring?

Professor Michael Byers: It is interesting. Until a year ago, there were only two disputes over maritime boundaries in the Arctic. There is now only one. Both disputes involved Canada. Last year, we resolved our

dispute with Denmark concerning the maritime boundary around Greenland. The only dispute is with the United States, and it is in the Beaufort Sea.

In the extended continental shelves—the seabed in the central Arctic Ocean—Russia has been following the rules. I think it was Dr Pincus who pointed out that it is very much in its interest to do so, and it has been encouraged to do so by the other Arctic countries. This has been consistent; Canada and Denmark shared a lot of data with Russia to assist in that process.

The two remaining maritime issues that we think about in the Arctic concern the status of the Northwest Passage and the Russian Arctic straits. No one disputes that they are Russian and Canadian. The question is whether you need permission to sail through them. We maintain our position in Canada. We happily grant permission. In 2017, the Chinese icebreaker “Snow Dragon” wanted to pass through the Northwest Passage. It asked for Canada’s permission, we gave permission, and it took Canadian scientists on board as part of an expression of good will. We have no problems with regards to the Northwest Passage.

On the Russian side, they clearly want to develop the northern sea route. They are an essential partner of any country that wants to use the northern sea route. They provide the search and rescue, the navigation aids, the ports of refuge. It goes on and on. You cannot safely sail north of Russia without Russian co-operation. All they are asking—it is a legal position—is that foreign governmental ships request permission.

On the precedent elsewhere in the world, two Canadian colleagues of mine, Frédéric Lasserre and Suzanne Lalonde, published a wonderful article seven or eight years ago that looked at this issue of precedent. It found that the number of so-called possible straits around the world that would be affected by a precedent of conceding to Russia or to Canada was very limited, because these other straits have specific treaty regimes, like the one that governs the Bosphorus and the Dardanelles. The idea that you would be creating a negative precedent unless you did a freedom of navigation exercise north of Russia is wrong and, quite frankly, highly unwise at this particular moment in history.

Lord Stirrup: So no linkage between the Arctic and the Taiwan Strait, the South China Sea or anything like that.

Professor Michael Byers: When I am talking about the Hainan Strait, I am talking about one specific strait between the large island of Hainan and the Chinese mainland. The Northwest Passage or the Russian strait issue is not the same issue as the South China Sea. The Taiwan Strait is more than 24 nautical miles across, so China has no legal position of any credibility in the Taiwan Strait.

Q144 **Lord Robertson of Port Ellen:** Professor, your evidence so far has been fascinating. Thank you. I have an interest as an adviser to BP and in a

company involved in spraying after accidents. I do not share your football affiliation, but we have both been sanctioned by Russia, which in the present circumstances we can take as a considerable accolade.

I would like to talk about the seabed. You touched on it in your answer to Lord Stirrup. In the 2008 Ilulissat Declaration, the five Arctic states agreed that they would resolve these overlapping issues amicably. How has that gone? Is it likely to get any worse, given that Russia is no longer involved in talking with the other states?

Professor Michael Byers: Let me just say that I do not get anxious very often, but the prospect of giving evidence to a former Secretary-General of NATO made me anxious today.

Lord Robertson of Port Ellen: It is a piece of cake.

Professor Michael Byers: It has turned out to be a lot nicer than I expected.

The good news here is that the United Nations Commission on the Limits of the Continental Shelf is a bureaucracy that moves slowly. Although the commission has given its so-called recommendations in response to the Russian submission, it has sent Russia back to find more data to supplement its original submission. That has given us time. More importantly, both Canada and Denmark submitted only a few years ago. The recommendations in response to the Canadian and Danish submissions will take at least another decade, by which time we can hope that Vladimir Putin is no longer President of Russia and we can negotiate the maritime boundaries, as will be required at that stage.

All this stage of the process has entailed so far has been the provision of scientific evidence concerning the bathymetry and morphology of the seabed to determine whether states have sovereign rights that extend into the area of interest. Guess what? Sometimes sovereign rights overlap and, if and when they do, a boundary negotiation takes place. Until 2014, it looked like negotiations could happen. In fact, we were talking about concluding negotiations before receiving the commission's recommendations. It will now have to wait, and that is a good thing. No diplomacy is needed on negotiating maritime boundaries with Russia at least for another eight to 10 years.

Lord Robertson of Port Ellen: That will be a happy period of time.

Professor Michael Byers: Yes, and normally I am not positive about bureaucratic delays.

Lord Robertson of Port Ellen: It would be nice if the committee could recommend more bureaucratic delays.

The Chair: The Government might accept that one.

Q145 **Lord Anderson of Swansea:** I am partly of Norwegian ancestry, like an old school friend of mine, Olav Slaymaker, who is a colleague of yours at UBC. The Norwegians stress the fact of Norwegian sovereignty under the

1920 Svalbard Treaty and try to adopt a rather restrictive interpretation of the extent of that treaty. I noticed, for example, that under Articles 2 and 3 of the treaty all the parties have the right to fishing, hunting, mining and other commercial enterprises in the territories and their territorial waters. Norway tries to restrict that to economic access only to the islands and the territorial waters, not to the wider exclusive economic zone. There is some problem as to the extent of the use of the area for warlike purposes.

What can you say about the scope for disputes escalating over the wider interpretation of the treaty or the more restrictive interpretation taken by Norway?

Professor Michael Byers: We are talking about a treaty regime that is more than a century old, so it has proved its success to some significant degree. Canada is a party to the Svalbard Treaty. Like everyone in this room, I have a total freedom not only to travel there but to live there, if I choose.

The Norwegian legal position concerning the water column and the seabed beyond 12 nautical miles from shore is, in my view, incorrect. It was not conceived of by the negotiators of the Svalbard Treaty in 1920 that there was such a thing as an exclusive economic zone or a continental shelf over which there could be sovereign rights. It was clear that they wanted to extend the full scope of the treaty regime, including the right of economic access, to any rights attached to the geological or geographic feature called the Svalbard archipelago.

The Norwegians, like every country I know, will take a legal position that works best for their interests. They are defending this rhetorically and diplomatically as best they can. The situation has become truly acute only because of something called snow crabs, which have marched into the area and proven to be a very attractive fishery. It is not Russia that is after the snow crabs; it is Latvia and the Netherlands, so European Union states. The dispute has actually arisen because of economic competition between friends and allies.

I have told the Norwegian Government and Norwegian colleagues that the fallback position should be attractive to them. If they were to accept that the Svalbard Treaty does apply between 12 and 200 nautical miles from shore, they could do exactly what they do legally on land, which is to manage the area extensively for environmental protection purposes. That is allowed. You could manage a limited fishery quite happily with some possible quotas for other countries.

There is one thing you could not do, and this is where the real explanation of the Norwegian position comes in. Say, in future, that there were oil and gas resources on the seabed that you decided you wanted to access. Accessing such resources in an area of the Arctic where your jurisdiction is based upon environmental protection is a very difficult tightrope to walk.

Where are we ultimately with this? It is not going to break out into a shooting war. It is a competition among lawyers from foreign ministries. I could imagine it perhaps going to an international court, but the fallback position is not a bad one for Norway; it is just not as good as the position it is asserting right now.

Lord Anderson of Swansea: Although the mining provision on land could equally apply to the sea. There could be considerable detriment to the Norwegian pretensions unless their interpretation is accepted.

Professor Michael Byers: There are very large parts of Svalbard that are off limits for all extractive activity because of Norwegian environmental laws. Those laws have not been applied to the coal mine at Barentsburg, which has essentially been grandfathered into the system. If the Norwegians wanted to prohibit oil and gas activity on the shelf around Svalbard for environmental protection purposes, in my legal interpretation, they could do so. The only problem for them is that they would be shutting out their own oil companies in so doing.

Lord Anderson of Swansea: They would be shooting themselves as well.

Professor Michael Byers: The Norwegians have a lot of oil and gas resources for themselves. Just so everyone knows, this is one of the hottest issues in Norwegian domestic politics.

Lord Anderson of Swansea: Is there any movement on the issue?

Professor Michael Byers: The current Norwegian Government is keen on expanding oil and gas activity. They are running into a lot of domestic opposition. I am not an expert on Norwegian domestic politics; I do not know how it will play out. But it certainly is an election issue and, of course, this is completely tied up with climate change. One of the world's largest exporters of oil and gas is committed to moving to net zero domestically, has a very powerful environmental lobby and has a government revenue stream that is still largely driven by oil and gas. They are torn in all kinds of different directions here, and Svalbard is just a small manifestation of that, but it is not going to become a shooting war. Let me assure you of that. Latvia and Norway are not going to war.

Lord Anderson of Swansea: That is reassuring.

The Chair: If it did eventually come to an international court, as you said, would that be within the rules of UNCLOS?

Professor Michael Byers: I do not know. I have not looked at the different jurisdictional opportunities there. The most obvious way for allies to get to an international court is to sign a compromise to take a dispute to a court. That way, you do not have to go looking for a jurisdictional provision. If things became more problematic, one would hope that Latvia or the European Commission might agree to take this issue to court, with Norway's consent.

The Chair: As you say, there are plenty of years to work that one out.

Professor Michael Byers: I will just repeat what one of my colleagues said in the previous session. These are very expensive places to operate. You need a very high world price for oil and gas to go this far north.

Q146 **The Chair:** Talking of international co-operation, what role do the UN and the International Maritime Organization play in the governance and regulation of the Arctic? Does their involvement include other organisations such as the International Telecommunication Union?

Professor Michael Byers: There are a lot of international organisations involved. The International Maritime Organization has done some very positive things relevant to the Arctic, most recently by creating a regime that will see all large ships transition away from using bunker fuel, heavy fuel oil, in the Arctic. Burning that kind of fuel produces a lot of black soot. When it lands on ice or snow, it changes the albedo and increases the melting.

More historically, the IMO amended the International Convention for the Safety of Life at Sea, for instance, to require all oil tankers to be double-hulled instead of single-hulled. That is a very important issue, especially in icy waters. So the IMO does play a role.

The ITU's role is mostly with regards to radio spectrum. I do a lot of work on the connections between the Arctic and outer space. We have heard about SpaceX developing a constellation of thousands of internet satellites in low earth orbit. That will change the communications landscape across the Arctic, because they will provide much the same service that fiberoptic cables could. So the ITU is certainly relevant there.

I mentioned that the search and rescue system is still working. That is an international organisation based in Montreal that no one knows about because it works so well. It saves thousands of lives each year, many of them in the Arctic. So there are these entities.

I would suggest that the most important international organisations with respect to Arctic security and security more generally are those venues where Russian and Western diplomats can still exchange views and information day to day. I am pretty sure that the British ambassador to the United Nations still hosts the Russian ambassador in his residence on the East River. I hope he or she does, just because the channels of communication provided by international organisations are of crucial importance today. We need to have those communications.

To give you another example of informal communication, I know for a fact that the head of the Norwegian military is in daily contact with his counterpart on the Kola Peninsula in north-western Russia. This is to avoid miscommunication and accidents. I would be extremely surprised if the US military in Alaska is not in touch with its Russian counterparts every day. You can see Russia from the most westerly part of Alaska. In that kind of situation, there is jaw-jawing at multiple levels every day.

The international organisations create opportunities for that, but we have to go beyond looking at whether the Arctic Council is meeting at a ministerial level and realise that what the junior diplomats at the British embassy in Moscow are doing right now is extremely important. The ambassador probably does not get many conversations, but the more junior people will. The lines of communication are open; they are just concealed.

Q147 Lord Soames of Fletching: Thank you very much, Professor. Your evidence has been fascinating. In June 2021, the agreement to prevent unregulated high seas fisheries in the central Arctic Ocean entered into force. As climate change makes all these waters far more accessible, do you anticipate the need for a revision of these rules and regulations? What shape might that take?

Professor Michael Byers: I am pleased to report that a meeting took place, last fall I believe, among all the parties to that treaty, including Russia and China, concerning implementation measures and more detailed agreements underneath the larger umbrella.

That agreement is working. Like I said, Russia and China are participating. It is made possible by the fact that there is no significant desire to engage in commercial fishing in the central Arctic Ocean right now, partly because of uncertainties as to what fish stocks might be there but mostly because it is so incredibly remote and dangerous.

Let me just give you one brief anecdote. People talk about how we are going to get more Arctic shipping because the ice is melting. Yes, there is significantly less sea ice; importantly, there is much less multiyear ice. But, actually, there are more icebergs, because the land-based ice is moving into the ocean more quickly because the melting water is lubricating the base of the glaciers and accelerating their movement into the sea. There is more glacial ice in the water, which is like concrete and, therefore, very dangerous in places such as the Canadian Arctic.

On top of that, you have the challenges that come from extreme weather. I have been on a ship in the Canadian Arctic in an Arctic gale with very high winds and very high seas—25-foot waves. The air temperature is well below freezing, so you get a lot of spray and it freezes onto the superstructure of the vessel. When the crew starts getting axes out to chop away at the ice on the superstructure, you know you are in a dangerous situation. The Arctic is not going to become a safe destination for shipping or fishing.

For the moment, the various countries, Arctic and non-Arctic—China—have agreed to keep their commercial fishing boats away, primarily because of the scientific uncertainty. That gives me considerable hope that in some small regard we can continue to work together.

Q148 The Chair: Do you have any other recommendations for our report?

Professor Michael Byers: I have one bugbear that I will share with you. I mentioned not poking the wounded Russian bear. I said that in the

context of avoiding unnecessary escalation in the waters around Norway and most specifically in the Russian Arctic straits.

I have noticed that when the United States sends a warship or an air force plane around the northern tip of Norway and proceeds across the Russia-Norway maritime boundary, the Norwegian fighter planes or ships that are accompanying those American assets turn around at the boundary, because the Norwegians have to have a good practical working relationship with Russia. In the last year, perhaps more, Royal Navy ships have gone across that boundary and RAF planes have flown across it. It is totally legal. It is international airspace. You can fly 12.1 nautical miles off the Kola Peninsula and wave at the submarine bases near Murmansk. It is legal, but I do not see why it is necessary.

This is a very strong recommendation that I am sure the RAF and the Royal Navy would greatly dislike, but it could be worded as simply as this: "We call upon the UK military to exercise caution and restraint when operating close to Russian territory or Russian territorial waters".

The Chair: Lord Stirrup flew around there.

Q149 **Lord Stirrup:** I have a couple of questions, but first I will just make a comment. You could say exactly the same thing about Russian long-range reconnaissance aircraft flying around the UK.

Anyway, I have two questions. The first is a follow-up to Lord Soames' question. It is not so much about fishing in the Arctic itself. One concern I have certainly heard expressed is about the ability of Chinese factory fishing vessels—as transit routes through the Arctic become easier, if not easy—to get into the fishing areas of the North Atlantic, which are incredibly important to this country's fishing industry as well as those of many other countries. The Russians have no need to rape other people's fishing areas, but the Chinese do. Is that a valid concern? If so, what mechanisms might be available to mitigate that risk?

My second question is a wider one. At the outset, you set out something that was a conundrum for us throughout the Cold War: how do you deter robustly while minimising the risk of accidents? You have talked about the communication that you think goes on across the Norway-Russia border and the Bering Strait. With regards to activity within the Arctic, which will increase, with ships operating there and transiting through or whatever they might happen to be doing, are there enough existing communications to minimise the risk of misunderstanding and accident?

Professor Michael Byers: For the most part, NATO countries act wisely and responsibly when it comes to communicating or trying to communicate with Russia. I used to think that the Russian Government was a rational Government; I no longer do. I suspect there is a lot more uncertainty and unprofessionalism in the Russian Government and military than what I saw during my numerous trips to Russia prior to 2014. I do worry about Russia. You refer to the fact that the Russians fly planes very close to the UK. That is because they are not responsible, but we still can be. Irresponsibility does not need to be reciprocal.

As for how to deter without escalating, one way we have solved this in Canada is by making it crystal clear that we have very good surveillance over the Canadian Arctic, mostly from space through synthetic aperture radar satellites. We can detect the wake of a submerged submarine in the change of wave patterns on the surface. That is how good these satellites are. We know what is going on.

We do not station soldiers in the Arctic. On any given day, there are only 340 Canadian soldiers in the entire Canadian Arctic. That is 40% of the second-largest country on earth. What we have are aircraft, stationed in the south, that can move personnel and equipment north very quickly. We have lots of gravel runways. We can put C7 teams down on gravel runways with hundreds of troops and all-terrain vehicles. We can put a Cormorant helicopter, which is essentially a Merlin helicopter, over a foreign ship that is not following our instructions and have 30 commandos on the deck within a couple of hours. We respond by not building up our forces in the Arctic. We have built up the capability to deploy quickly, if necessary, and then we have the surveillance to tell us what is going on. That is perhaps not a bad approach with regards to the northern parts of the European Arctic.

On the issue of fisheries and China, Chinese fishing on the high seas, particularly illegal fishing and turning off automatic identification systems, is a huge problem around the world. We have not seen them putting those large trawlers into areas governed by the North East Atlantic Fisheries Commission or the Northwest Atlantic Fisheries Organization. Regional fisheries management organisations exist under the United Nations agreement on the high seas and straddling fish stocks. This is all legal. It is a co-operative method for co-managing high seas fish stocks. To my knowledge, China has not intruded on that yet. If it did, it would provoke serious unhappiness on the part of major trading partners and there would be a whole series of knock-on consequences to peaceful aspects of the relationship.

Let me just close with this, because it is really important. People talk about our fraught relationship with China and stopping Chinese investment. That is right. We need to be extremely concerned about China. If I look out of my office window at Vancouver harbour, I see 20 large ships that are carrying cargo back and forth between Vancouver and China. I would wager that if I went to Folkstone I would see an equal number of ships carrying goods and resources back and forth between China and the UK.

The one thing that works in our favour with China is that it depends upon world markets and having a trading relationship with every country, particularly the large economies of North America and Europe. I am not a China expert, but Russia is different. Russia is not part of the global economy in the same sense, particularly as a result of now nine years of sanctions. It has more freedom from us, ironically, than China does.

The Chair: Professor Byers, thank you very much indeed for your very helpful evidence. We wish you a safe trip back to Canada. We are very

appreciative that you have come especially to see us.

Professor Michael Byers: Lord Wood and I will be looking forward to that title victory next year.

Lord Wood of Anfield: I want that minuted, please.

The Chair: We will send you a transcript, as I said before. Thank you very much.