

Legal Committee

“Establishing measures to prevent disputes over territorial claims in the arctic”

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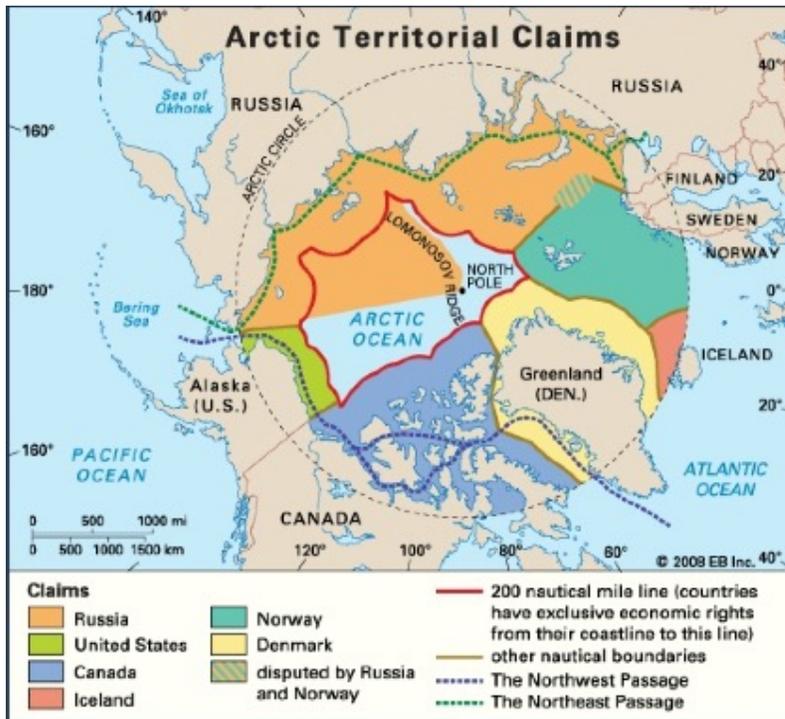
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Context and Historical Background

The United Nations General Assembly Sixth Committee, also known as the Legal Committee, is one of main committees of the UN General Assembly. Its leading purpose is to stimulate the progressive development of public international law and its allocation. This committee also has the goal of elaborating new treaties on many different issues, to adopt them, and to recommend them to states for signature and ratification. Though the official international law-making negotiations take place in a variety of specialized bodies of the United Nations, negotiations relating to general international law are usually held at the Legal committee.

It is also important to note that this is the only committee that includes representatives from all 192 member states. This committee makes recommendations on the legal principles of cooperation for maintaining international peace and security, including disarmament and environmental related issues. The number of problems on the agenda of the General assembly has been increasing regularly from the establishment of the United Nations in 1945 until today, due to the increasing number of problems requiring cooperation among governments and non-State actors. As a result, the Legal committee has been continuously important over the past few decades.



A map of overlapping territorial claims in the Arctic (Encyclopedia Britannica)

The Arctic circle has always been a source of dispute for the nations surrounding it. These nations include Russia, the United States, Canada, Iceland, Norway, and Denmark. At the center of this circle is the North Pole, which is over 5 million square miles and is believed to contain over 13 % of the world's natural oil reserves. Due to the melting ice caps, this is also a region that is becoming more and more accessible, therefore making this topic a more pressing issue. This raises the questions of who owns the Arctic Circle, and who has access to these natural resources. As of today, no country has political sovereignty over the Arctic but the previously mentioned nations have laid claims to part this region.

Because the Arctic is not land and is only ice floating on international waters, the United Nations has established the Law of the Sea which states that each nation only owns the natural resources of any water or land (under the water) so long as it is 200 nautical miles of their shores. This is called their exclusive economic zone. As you can see in the map above, this leaves the entire North Pole free from any nation's ownership and this is where the problems start to arise. Another area of concern is determining what sections of the Arctic are going to be used as trade routes, or international waters that allow for free passage by all nations.

All of these issues have to be addressed and reviewed by the United Nations before a country can establish ownership over a section of the Arctic. Laying a claim and getting it approved is an extremely lengthy process and therefore one can assume that this dispute is going to carry on for some time.

UN United Nations Involvement

Scientists know more about the surface of the moon than they do about the Arctic. It is the least explored area of the world. One thing that scientists agree on internationally is that the Arctic is warming and the rapidly melting ice is allowing all kinds of access to the new resources and geographies that were once locked away. It is located in the middle of important geopolitical developments and this could have some negative implications. Oil and gas resources, mineral resources, fisheries, tourism, shipping... All of these factors are shaping the new geoeconomics of the Arctic. They could be transformative for the global economy, especially to the Arctic States. International law and the United Nation's convention on the Law of the Sea gives those coastal states the right to explore in their exclusive economic zone.

Beyond the Coastal States' exclusive economic zone lies the North Pole. This zone, which is considered "International Waters" has captured the attention of non-Arctic states such as China, India, and other Asian countries who are expressing their desire to exploit this area. The abundance of resources in the Arctic could cause unnecessary competition between nations and it could even go as far as causing military friction. However, in recent years, Arctic nations have been seen working together in collaboration through organizations, such as the Arctic Council, based upon the UN Convention Law of the Sea. How Russia decides to behave in the new Arctic neighbourhood will be very important in terms of how the Arctic will develop.

When discussing the Arctic, it is also important to think in the long term. Difficult choices must be made about how we spend our precious resources and how we protect our environmental resources. Although the world can physically see the Arctic melting away, companies are rushing to drill for the oil which may have caused climate change in the first place. The Arctic might be changing but it is not becoming safer. To reduce those risks, companies and countries will have to make large investment. The

Arctic Nations will have to decide whether they will be making decisions together about raising the cost of Arctic development, internalizing some of the negative externalities, and even perhaps putting some kind of economic disincentive on the excitement about economic development that nations are dreaming about.

Different Perspectives

Interest in asserting territorial claims over the Arctic Region is not a recent development. Early claims to the Arctic were motivated by a desire to find a shipping sea route between Europe and Asia. These efforts were cut off by the icy conditions of the Arctic, which made travel through parts of the Arctic Ocean impossible. Recently, however, the global climate is changing, causing the Arctic Region to become warmer. This, in turn, is causing the sea ice to melt and the season for navigation to lengthen. Though the melting sea ice could devastate Arctic biodiversity and indigenous cultures, it enables access to the Arctic Ocean, for which navigators and explorers have searched for centuries. Today, access to the Arctic is not only coveted for shipping sea routes, but also for its natural resources of oil, gas, and fish stocks. New access to these treasures has fuelled an international territorial fight over an area that was once largely ignored.

Russia

Russia approved the UNCLOS in 1997 and had through 2007 to make a claim to an extended continental shelf. The Russian Federation is claiming a large extended continental shelf as far as the North Pole based on the Lomonosov Ridge within their Arctic sector. Moscow thinks that the eastern Lomonosov Ridge is an augmentation of the Siberian continental rack. The Russian claim does not cross the Russia-US Arctic segment division line, nor does it reach out into the Arctic area of some other Arctic waterfront state. “On December 20, 2001, Russia made an official submission into the UN Commission on the Limits of the Continental Shelf in accordance with the United Nations Convention on the Law of the Sea. In the document it is proposed to establish the outer limits of the continental shelf of Russia beyond the 200-nautical-mile

Exclusive Economic Zone, but within the Russian Arctic sector.” One of the arguments was a statement that Lomonosov Ridge, a submerged mountain edge going close to the Pole, and Mendeleev Ridge on the Russian side of the Pole are augmentations of the Eurasian landmass. In 2002 the UN Commission neither rejected nor acknowledged the Russian proposition, but prescribed extra research.

Canada

“Canada ratified UNCLOS on 7 November 2003 and had through 2013 to file its claim to an extended continental shelf. As of December 2013, Canada had announced that it would file a claim which includes the North Pole. Canada plans to submit their claim to a portion of the Arctic continental shelf in 2018.”

Canada has restrictive sovereignty rights, authority and benefits in connection to the land masses of the Arctic Archipelago. In like manner, it can apply and implement its laws, control the conduct of activities, and bar outsiders and remote nationals who might enter its domain without consent. The legal basis for Canadian sovereignty over these islands rests predominantly on a mix of cession and occupation, to which considerations of self-determination could be added. More specifically, cession refers to grants of northern territory by the United Kingdom; occupation involves Canada’s activities on Arctic islands since cession took place and, in particular, on those islands over which multiple sovereignty claims overlap; and self-determination concerns the will of the inhabitants of the Arctic islands to be governed under Canadian institutions.

United States

As of May 2017, the United States had not approved the UN Convention on the Law of the Sea (UNCLOS) and, in this manner, has not been qualified to document an official case to an extended continental shelf with the UN Commission on the Limits of the Continental Shelf. However, the USA has previously sent the USCGC *Healy*, a Coast Guard Icebreaker, with the purpose of determining the “extent of the continental shelf north of Alaska.”

Iceland

Although Iceland is a member of the Arctic Council, the country does not believe that the five Arctic states should meet separately, as they did in the Arctic Ocean Conference. Early in March, the Althing passed a resolution on Iceland's Arctic policy. These include:

- **Securing** Iceland as a coastal State within the Arctic
- **Resolving** differences in the Arctic using [United Nations Convention on the Law of the Sea](#); Increasing cooperation with the [Faroe Islands](#) and Greenland to promote the interests of the three countries
- **Cooperating** with other States and stakeholders on issues relating to Icelandic interests in the Arctic; Working to prevent human-induced climate change and its effects in order to improve the well-being of Arctic residents.

Questions to Consider

1. The Melting Sea Ice creating new access to Arctic
2. The Coveted Resources of the Arctic: Navigation and Oil
3. Is making Arctic a Free Zone a possible solution?
4. Should the military activities be regulated in the Arctic?
5. Is the Antarctic Treaty a viable model for a similar action in the Arctic?
6. How can the A5 powers be regulated?
7. How can the Territorial Disputes be settled in Arctic?
8. How can the Resource Rush in the Arctic be controlled?
9. If the resources are extracted, how should they be distributed?

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