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ODUMUNC 2011 Issue Brief for the Security Council **The Establishment of Security Protocols in the Arctic** By: John Yuhás

Introduction

When Russia's most famous Arctic explorer, Artur Chilingarov planted a flag below the North Pole in August 2007, a barrage of media reports, articles and scholarly debates followed. Front page news stories exclaimed that the North may be heading towards new Cold War fight for power, yet this time around over physical territory and resources rather than ideology. The Canadian Prime Minister Stephen Harper made a debut retort arguing that 'Canada has a choice when it comes to defending our sovereignty over the Arctic...We either use it or lose it. And make no mistake; this government intends to use it.'

Background

... Yet, the Arctic security threat is not that of a pending war among states which requires military solutions. Rather, the real threat is that of unregulated Arctic use and development and as such the absence of a clear legal mandate for Arctic governance.

... To legally address the delineation of off-shore boundaries the **UN Convention on the Law of the Sea** was passed in 1982. Today 157 states and the European Commission are signatories. This includes all Arctic states excluding the United States. **However, in January, 2009 the United States released a new US Arctic policy calling for (among a host of other priorities) ratification of the UNCLOS Convention.** UNCLOS guarantees coastal states sovereignty over their coastal zones, exclusive rights over the extended coastal zones (EEZs) and protects the marine environment of the international high seas. Under Article 76 of UNCLOS a coastal state has ten years from the time of ratification to submit scientific evidence of an extended outer-continental shelf. If approved the state would extend its exclusive economic zone to the edge of the outercontinental shelf thereby providing rights to resource development over these areas.

... Arctic Security: Militarization verses Governance

Presently a regional legislative body for governing the Arctic does not exist. **Some argue that UNCLOS is sufficient for mitigating Arctic issues. However, many others recognize that UNCLOS is not adequate in and of itself for comprehensively managing the risks facing the Arctic.** While UNCLOS may offer a preliminary framework for dividing up the Arctic Ocean and a basic set of tools for marine management including the UN Fishing Agreement, OSPAR Convention and IMO, the Arctic needs its own comprehensive management plan to sufficiently address the issues particular only to the Arctic. Given the nature of the Arctic's ecosystem in terms of biodiversity, marine life, inhabitants, rapid changes due to climate change and increased usage and development, a regional

ecosystem management approach to Arctic governance is needed. **An organization which does not represent all Arctic states equally especially a military organization such as NATO or even a treaty similar to the Antarctic Treaty which concerns a continent that is absent of sovereign states and human inhabitants (aside from temporary scientists) is not enough to ensure safe and sustainable Arctic development.**

In order to create a legislative regime which works all eight Arctic states need to mutually engage in a process of regime building and take equal responsibility in its governance.

... Finding Security through Legal Cooperation

There are two main legal means for maintaining Arctic security. The Arctic Council was established in 1996 by the representatives of the eight Arctic states alongside the Inuit Circumpolar Council, Sámi Council and Russia's Arctic indigenous peoples' organization. The regime is an arrangement which is unlike any other organization to date as it gives (now a total of six) Arctic indigenous groups an official seat at the table. **Likewise, the Arctic Ocean itself falls under UNCLOS' mandate for states to 'co-operate with each other in the exercise of their rights...directly or through an appropriate regional organization'.**

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**ODUMUNC 2011
Issue Brief for the
GA Sixth Committee: Legal
Review of the Law of the Sea with Regard to the Arctic
By: John Yuhas**

Introduction

There are eight arctic nations: USA, Canada, Denmark (Greenland & The Faroe Islands), Iceland, Norway, Sweden, Finland and Russia. The large majority of the populations of these eight countries live in latitudes lower than the Arctic Circle.

Most of the governmental power in Arctic policy resides within the presidencies, legislative bodies, and agencies of the eight Arctic nations, and to a lesser extent other nations. The Arctic Council operates on consensus basis, mostly dealing with environmental treaties and not addressing boundary or resource disputes.

Though arctic policy priorities differ, every arctic nation is concerned about sovereignty/defense, resource development, shipping routes, and environmental protection. There is a long history of co-operation in the Arctic, especially among the Nordic countries.

... Background

Under international law, no country currently owns the North Pole or the region of the Arctic Ocean surrounding it. The five surrounding Arctic states, Russia, the United States (via Alaska), Canada, Norway and Denmark (via Greenland), are limited to an exclusive economic zone (EEZ) of 200 nautical miles (370 km; 230 mi) adjacent to their coasts.

Upon ratification of the United Nations Convention on the Law of the Sea (UNCLOS), a country has a ten year period to make claims to an extended continental shelf which,

if approved, gives it exclusive rights to resources on or below the seabed. Due to this, Norway (ratified the convention in 1996), Russia (ratified in 1997), Canada (ratified in 2003) and Denmark (ratified in 2004) launched projects to base claims that they have exclusive right to certain portions of the Arctic seabed. **The United States has signed, but not yet ratified this treaty, although George W. Bush asked the United States Senate to pass a resolution of ratification on May 15, 2007 and on October 31, 2007, the Senate Foreign Relations Committee voted 17-4 to send the ratification vote to the full US Senate.**

The statuses of certain portions of the Arctic sea region are in dispute for various reasons. Canada, Denmark, Norway, Russia and the United States all regard parts of the Arctic seas as "national waters" (territorial waters out to 12 nautical miles) or "internal waters". There also are disputes regarding what passages constitute "international seaways" and rights to passage along them, most significantly, the Northwest Passage.

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Author's Biography: John Yuhas is a retired U.S. Marine Corps officer, with extensive, realworld experience in managing and assisting in humanitarian aid programs world-wide. A student in ODU's Graduate Program in International Studies, he is also currently employed at U.S. Joint Forces Command, where he works NATO/Partnership for Peace issues.