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Cooperation or Conflict in the Arctic?

UNCLOS and the Barents and

Beaufort Sea Disputes

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Abstract

The predicted prosperity of the Arctic has propelled countries to compete over territory and natural resources lying beneath the water. There is no doubt that a huge amount of potential natural resources in the disputed areas can cause significant tensions between the countries. Therefore, this paper aims to assess the cooperation and conflict dilemma in the Arctic. I examine the Barents Sea dispute and the Beaufort Sea dispute as case studies to demonstrate the potential for cooperation in the Arctic. I claim that the settlement of the Barents Sea dispute between Norway and Russia gives important lessons on how to solve the Beaufort Sea dispute between the United States and Canada. I will argue that cooperation, not conflict, will dominate future relations in the Arctic region. Even though the right to the Arctic resources may trigger conflict and rising tensions, we live in the increasingly interdependent world, where cooperation is not an option, but rather an obligation. In addition, this thesis will introduce the significance of the United Nations Convention on the Law of the Sea and its role in facilitating cooperation in the maritime boundary delimitation issues. I believe that the Arctic region can bring states together to confront shared challenges, solve common problems, and enjoy the benefits that the improved access to the region's resources will bring.

... In 2007, the Bush administration expressed its support for the UNCLOS. 140 Bush indicated that the UNCLOS would benefit the Navy, as U.S ships would not need to obtain permission from some coastal states to enter their waters. Other authors contradicted this argument by indicating the reciprocal interest of coastal states to abstain from such demands. 141 The Bush administration also claimed that without adhering to the UNCLOS, the United States would be unable to enjoy advantages of extraction of the resources in the deep seabed. However, the International Seabed Authority takes into account the interest of developing rather than developed countries concerning the exploitation of resources. Thus, it would hardly benefit the United States. The Bush administration further claimed that participation in the treaty would not undermine intelligence operations; nevertheless, intelligence activities are strictly classified and it is not clear how the United States can benefit from the Convention. Finally, the Bush administration insisted that the United States would prevent decisions being made that are not in the national interest of the country. Nevertheless, not all the Council decisions are based on consensus. Some of the actions are subject to a majority or two-thirds vote.

U.S. State Department Legal Adviser, John B. Bellinger III, indicated that the accession to the UNCLOS would bring a huge advantage to the national security of the United States due to the clearly defined legal rights of the use of world's oceans. 142 Furthermore, the ratification of the treaty would provide the United States with rights over Arctic's natural resources. 143 The Convention also offers a peaceful way to solve overlapping claims through the International Tribunal for the Law of the Sea. **However, Lawrence A. Kogan points out that border disputes do not have to be resolved through the mechanisms of the UNCLOS. Disputes can**

also be settled by pursuing diplomatic bilateral negotiations or resorting to the mutually agreed upon international legal forums such as the Permanent Court of Arbitration. Kogan gave an example of Peru, which settled a border dispute with Chile without subjecting its local and regional affairs to the international regime of the UNCLOS.

142 Lawrence A. Kogan, "UNCLOS Alchemy," The Minority Report, November 2, 2007, accessed March 25, 2011, http://www.theminorityreportblog.com/story/steven_foley/2007/11/02/unclos_alchemy_law_of_the_sea_treaty. [<http://www.coin.dk/default.asp?aid=1409>]

143 Ibid.