



## ODUMUNC 2011 Issue Brief for the Security Council

### *The Establishment of Security Protocols in the Arctic*

By: John Yuhas

#### **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**

State responses to Russia, however, extended well beyond the eight Arctic states including Japan, Korea, India and China. Not to be left on the sidelines of discussion, the EU reacted to the Russian events first in March 2008, when Javier Solana, the EU foreign policy director submitted a report concluding that global climate change is going to create 'significant potential conflicts... and intensified competition over access to, and control over, energy resources.' For Europe the Arctic is no small business. It encompasses the future of EU energy security as well as larger EU/Russian relations. Likewise, the EU recognizes the geopolitical importance of non-EU Arctic states including Norway (as was proven recently when Russia cut off energy supplies to Ukraine and the EU turned to Norway for assistance) and Greenland which is predicted to maintain vast amounts of future gas and other minerals off its coast.

With an increasing number of actors seeking to take a share in the Arctic 'scramble' it was only a matter of time then before NATO set out to position its own relevance in the Arctic. In January 2009, NATO commanders met with lawmakers in Reykjavik, Iceland to discuss its own vision for NATO presence in the Arctic. Once again the media jumped on the occasion to reiterate an impending war for land and resources in a region which, only several decades ago was perceived as an uninhabited and largely apolitical frontier. CNN International responded with assertions that the Arctic nations are 'fighting to lay claim to the Arctic's icy real estate' and the AP noted that the 'Arctic thaw is bringing the prospect of new standoffs between powerful nations'. Whether directing the reactions to Chilingarov's flag planting on potential Arctic military escalation have been overplayed or entirely irresponsible according to some pundits- the US did plant a flag on the moon at one time after all - the Arctic has, in fact, become an international geopolitical security issue. 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.



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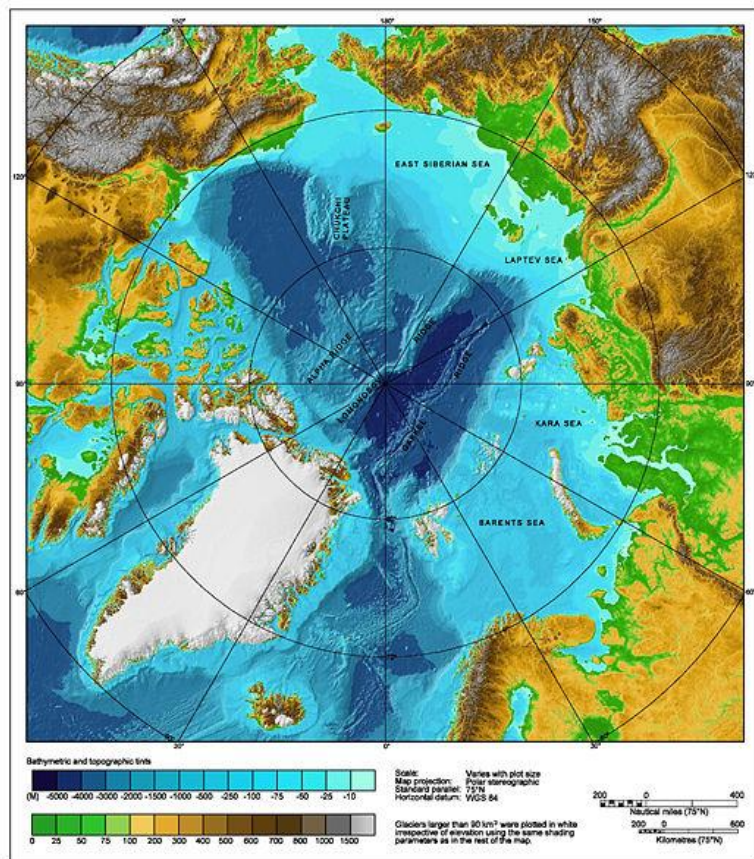
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#### Redefining Security

Security in the case of the Arctic cannot be defined according to traditional international relations security notions where states do politics and are pitted against one another or in terms of traditional geopolitical security risks. The issues facing the Arctic today are not the security risks brought about by the existence of a Russian flag under the Arctic sea bed but rather a collective security concern for all eight Arctic states (not only the five coastal states) as well as the international community at large. In fact, to the dismay of many media reports, the Russian flag planting aimed for more than merely international symbolism. The expedition also included taking samples of the sea bed floor as part of an earlier Russian submission to the UNCLOS. The claim that Russia has an extended Arctic continental shelf falls under larger Russian maritime policy which states that Russia shall comply with generally accepted international laws and international treaties as a means to resolve conflicts. Despite the media focus on state conflict, the greatest Arctic security threat concerns the absence of a comprehensive regional legal mandate for operationalizing Arctic development and thereby mitigating future environmental devastation (in which a major environmental disaster would affect the whole of the region and could very well lead to critical regional hostilities).

#### Current Situation - A warming Arctic

In August 2008, the US National Snow and Ice Data Center reported that the polar cap fell to the second smallest extent in recorded history. That same month the Northwest Passage was ice-free for the second consecutive year in history and both the Northwest Passage and the Northern Sea Route were simultaneously ice-free for the first time in recorded history.





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These scientific reports came on the heels of first a 2000, United States Geological Survey (USGS) assessment of the potential for undiscovered and - in the event of an ice-free sea - technically recoverable oil and gas resources. This was followed by a joint Geological Survey by Denmark and Greenland (GEUS), and another USGS assessment in 2007 of potential Arctic oil - this time in the East Greenland Rift Basins Province. The 2007 USGS Circum-Arctic Resource Appraisal was the 'the first systematic and comprehensive analysis of the undiscovered petroleum resources of the Circum-Arctic in the public domain'. According to USGS Director Mark Myers, uncovering the potential for resource exploitation in the Arctic - an area which he points out as also being environmentally sensitive, maintaining technological risk and geological uncertainty will be 'critical to our understanding of future energy supplies to the United States and the world'.

These USGS survey findings have since become one of the most often cited preludes to any discussion regarding the future course of Arctic development. Presently, all Arctic rim states have either announced or are already underway with research expeditions to map the sea bed floor in the hope to uncover extended under continental shelves. The sea bed floor which was not accessible or necessarily interesting only a decade ago is now of great interest particularly to the five Arctic coastal states as the potential to exploit the resources in these areas increases. 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 outer-continental shelf thereby providing rights to resource development over these areas.

When Russia planted its flag under the North Pole, while described by many as proof to an increasingly rogue Russia, its actions in fact were part of ongoing submitted claim to UNCLOS which began in 2005 arguing that the Lomonosov Ridge is part of Russia's coast. Beyond Russia, Canada argues that the Northwest Passage falls under Canadian internal waters. This claim is disputed by much of the international community - most notably the US which has historically on occasion sailed vessels through the passage as a reminder. The January 2009 US Arctic policy once again reifies this sentiment stating that international access to the Northwest Passage is a national priority. Other undetermined territorial boundaries are between Russia and the US in



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the Beaufort Sea, Norway and Russia in the Barents Sea, disagreement between Greenland and Canada over Hans Island and a disputed Norwegian claim to the Spitsbergen shelf.

While outstanding, these unresolved claims are not necessarily indicative of a move to build more battleships rather than ice-breakers for trade and research but rather indicative of the more general increased access to the Arctic and ironic potential this brings. The critical security risk and unfortunately less popular Arctic political narrative in the media concerns another debate focusing on the lack of and therefore need for a comprehensive Arctic management plan to mitigate and deal with potential disasters created by this increased access to the Arctic altogether. In terms of off-shore developments, Norway for instance, has already remade an entire island into the first gas processing plant off the coast of Hammerfest (Snøhvit) and is currently looking at new sites. Russia is in the process of building the Shtokman field which is expected to have the largest off-shore gas reserve in the world. In Alaska's Chukchi Sea the Burger natural gas field is twice the size of Snøhvit and while ice makes it too risky to develop at the present time, the March 2008 lease sale of part of this field yielded 2.7 billion USD for the federal government making it the largest lease sale in Alaska history and a vision of future development plans for US Arctic energy. The implications of these developments are vast. According to WWF, 70 percent of the world's white fish supply is found in the Arctic and the world's last large Atlantic cod stock is located in the Barents Sea. Likewise, environmental impacts of an expected increase in Arctic shipping void of regional specific regulations puts the entire Arctic marine ecosystem at risk. While the International Maritime Organization (IMO) has guidelines for ships, mandatory regulation for international waterways does not yet exist. These issues are coupled by an additional reality in which indigenous peoples have rights, royalties and protection over much of the Arctic's resources. Given this, the collective security risk posed by a lack of coordination and clear set of standards for how to operate in the Arctic are risks which affect all Arctic states equally, the Arctic's inhabitants most astutely and the international community as well.

**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



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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. While NATO would like to see itself playing a positive role in the Arctic as once argued by NATO Secretary General Hoop Scheffer, for instance, regarding 'search and rescue missions for stranded vessels and emergency response to ecological disasters as the opening up of frozen shipping lanes increases the risk of accidents', the reality remains that in which the very presence of NATO puts an unnecessary rift in the needed political cohesion of all eight Arctic states. If anything, NATO presence can increase the security risks in the Arctic by exporting its other problems (e.g. Georgia and Ukraine) to the Arctic. The reality is that the politics of NATO cannot be abstracted from its practices whatever the intentions.

General Scheffer saw shared US and Russian experiences working together in the areas of search and rescue and disaster management and that 'these experiences could usefully be built upon, and expanded, to address common challenges in the High North region'. Yet, there is no obvious reason that NATO is necessary nor is the desired means to accomplish this. In fact, civil cooperation between the two countries is ongoing and includes a joint training program between the Russian Maritime Register of Shipping (RS) and the American Bureau of Shipping (ABS). The program according to the Journal *Professional Mariner* is an extension of a 2008 US/Russian agreement and designed to develop Rules for the operation of Arctic LNG carriers based on experiences in Russian, Canadian and US Arctic waters.

#### **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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The Arctic Council - while consensus based rather than legislative - offers an existing foundation to build an ecosystem management plan for the Arctic. To date, many argue that the Arctic Council's biggest success is found in its scientific assessments including the 2004 Arctic Climate Impact Assessment (ACIA), the 2008 3- year (AMAP) study on the impact of Arctic oil and gas development and presently a shipping assessment to be released this year is underway. Serving as the intersection between science and policy, the Arctic Council is a competent institution to be refitted into a regulatory body directly under the auspice of UNCLOS. The Arctic Council can be responsible for managing and operationalizing a comprehensive Arctic ecosystem plan with the authority to coordinate Arctic research and serve as a direct conduit to policy. Issues where increased research and technology are imperative include seismic studies, oil spill prevention, fisheries, climate change, social sciences including Arctic human health, mapping the sea bed floor, ice-breaker technology, off-shore development technology, and maritime health and safety - both industrial and for tourism.

The recent results of the AMAP Arctic oil and gas report and upcoming shipping assessment are a sound basis for the Arctic actors to collaborate collectively with the international community (which includes the UN and other policy makers, scientists, legal experts and the Arctic's inhabitants) in beginning a renewed process of legal institution building - creating an Arctic Council which has the legal and diplomatic capacity to manage the Arctic. Through a robust Arctic regime political and environmental security of the Arctic can be achieved and maintained. Only with these proper institutional foundations can the Arctic players then collectively decide what role, if any, a military presence such as NATO can play in the future of Arctic governance.

### **Arctic Policies of Select Nations**

#### **United States of America (Alaska)**

Main goals in U.S. Arctic Policy are: National security; Protecting the Arctic environment and wildlife; Ensuring economic development is environmentally sustainable; strengthening cooperative institutions among the eight Arctic nations; Including the Arctic's indigenous communities in decisions; and improving scientific monitoring and research. On January 9, 2009, President Bush signed National Security Presidential Directive (NSPD)-66 on Arctic Region Policy, a collaborative effort replacing the Clinton era Arctic policy directive. NSPD-66 is currently the active Arctic policy playbook being pursued by the Obama Administration and its Departments.



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The U.S. Arctic Policy Group is a federal interagency working group comprising those agencies with programs and/or involvement in research and monitoring, land and natural resources management, environmental protection, human health, transportation and policy making in the Arctic. The APG is chaired by the Department of State and meets monthly to develop and implement U.S. programs and policies in the Arctic, including those relevant to the activities of the Arctic Council.

State Department's Office of Ocean and Polar Affairs (OPA) is a part of the State Department's Bureau of Oceans and International Environmental and Scientific Affairs (OES). OPA is responsible for formulating and implementing U.S. policy on international issues concerning the oceans, the Arctic, and Antarctica.

#### **Canada (NWT, Nunavut, and Yukon)**

Canada has more Arctic land mass than any country. On August 23, 2010, Canada's Prime Minister Stephen Harper said protection of Canada's sovereignty over its northern regions was its number one and "non-negotiable priority" in Arctic policy.<sup>1</sup> Canada has slated \$109 million, to be spent before 2014, for research to substantiate extended continental shelf claims. Canada's Arctic policy priorities are: to try to resolve boundary issues; to secure international recognition for the full extent of Canada's extended continental shelf; and to address Arctic governance and related emerging issues, such as public safety.

#### **Russia**

In 2007, Russia planted a flag on the Arctic Ocean seafloor beneath the North Pole to claim territory—a claim Canada and other Arctic nations rebuked. In 2009, a Russian policy report foresaw potential for military conflict over Arctic resources. Despite having lost 18 percent of its population between 1989 and 2002, the Russian Arctic still contains 80 percent of the 4 million people who inhabit the Arctic region.

#### **European Union**

If [Accession of Iceland to the European Union](#) occurs, the EU will increase its Arctic influence and possibly gain permanent observer status in the Arctic Council. The Northern Dimension of European Union policy, established in the late 1990s, intended to deal with issues concerning western Russia, as well as to increase general cooperation among the EU, Iceland and Norway. It has since become a multilateral, equal partnership among the EU, Iceland, Norway and Russia. Canada and the United States are observers to the partnership. Three [Nordic Council](#) members



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have joined the EU (Denmark in 1973 and Sweden & Finland in 1995). The European Union's application to become a "permanent observer" in the Arctic Council was blocked in 2009 by Canada in response to the European Union's ban on the importation of seal products.

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