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Security Council (SC)

Research Report

Topic 3: Developing a framework to protect interests in the arctic regions from escalating into conflict.



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Introduction:

Tensions between Arctic nations have slowly been growing in recent decades since climate change has led to increased access to natural resources as well as shipping routes and because of overlapping claims made to the areas that contain these natural resources¹. The issue of protecting interests in the Arctic from escalating into conflict is becoming more important especially with the added tension of NATO members and Russia in the Arctic over the invasion of Ukraine. Small disputes have occurred in the region due to such tensions and a few measures have been taken to protect interests in the Arctic and promote peace, however a proper framework must be developed to truly ensure peace and security in the region.

Definition of key terms:

The Arctic region is commonly defined to include the Arctic Ocean and the surrounding land north of the Arctic Circle (66° 34' N). This land is divided among seven States: The Russian Federation, Canada, The United States of America through the state of Alaska, The Kingdom of Denmark through Greenland, The Republic of Finland, The Kingdom of Norway, and The Kingdom of Sweden². Although Iceland possesses very little land in the Arctic, it is often considered the eighth Arctic state. There are approximately 4 million inhabitants, one tenth of which are indigenous peoples, inhabiting this land³.

United Nations Convention on the Law of the Sea (UNCLOS) is an international agreement that lays down the comprehensive law of the seas. It outlines the laws on defining use of the world's seas and oceans as well as the management of their natural resources. The resolution defines the breadth and limits of territorial sea as well as the size and limits of Exclusive Economic Zones (EEZs). Furthermore, it establishes laws on the passage of ships through territorial seas among other things⁴. As seas are governed by international law of seas and as the Arctic is largely composed of ice seas, all non-terrestrial areas of the Arctic are also governed by international law on seas⁵.

Exclusive Economic Zone (EEZ) is an area of sea extending from the same baseline as territorial seas but with a breadth of 200 nautical miles or 370km. A sovereign state has sole jurisdiction over the resources in this area but nothing other than resources. However, this zone can be extended if the continental shelf of a country reaches further than 200 nautical miles.

A continental shelf is an underwater area of continental crust that is an extension of the continent⁶. Coastal states can extend their EEZs by claiming a continental shelf that extends the 200 nautical miles limit of EEZs. However, states wishing to do so must submit a claim to the Commission on the Limits of the Continental Shelf (CLCS) within 10 years of ratifying UNCLOS⁷.

Background information:

Historically the Arctic region has seen religious and colonial conflict in the establishment of the 8 arctic states as well as a high degree of militarisation during World War II and the Cold War⁸. At the rate Arctic sea ice is currently melting, scientific studies have predicted that the first ice free September, could occur between 2030-2050s⁹. The melting of Arctic Sea ice has led to the opening up

¹ 'Arctic Region'.

² Environment, 'Arctic Region'.

³ 'Arctic Region'.

⁴ 'UNITED NATIONS CONVENTION ON THE LAW OF THE SEA'.

⁵ 'Arctic Region - International Law - Oxford Bibliographies'.

⁶ 'Continental Shelf | Geology, Marine Biology & Coastal Ecosystems | Britannica'.

⁷ 'Chapter 8'.

⁸ 'The Arctic'.

⁹ Kim et al., 'Observationally-Constrained Projections of an Ice-Free Arctic Even under a Low Emission Scenario'.

of new trans-Arctic shipping routes, such as the Northern Sea Route (NSR) and Northwest Passage (NWP)¹⁰, as well as increased access to the Arctic's natural resources¹¹. These new shipping routes are desirable to many states as they would decrease the shipping times between Asia and Europe as well as connecting the Atlantic Ocean and Pacific Ocean. Currently the Arctic supplies approximately 10% of the world's oil and 25% of its natural gas and is estimated to hold approximately 22% of the world's undiscovered natural gas and oil resources¹². A landmark geological survey conducted in 2008 by the United States Geological Survey estimated that there were 90 billion barrels of undiscovered oil and 1669 trillion cubic feet of undiscovered natural gas along with 44 billion barrels of undiscovered natural gas liquids spread throughout the Arctic region, 84% of which was predicted to occur in offshore areas¹³. The Arctic region is also known to possess an abundance of minerals and rare metals, which are currently mined in various areas of the region. The most popular substances to be mined in the Arctic include coal, iron ore, zinc, nickel, lead, precious metals, diamonds¹⁴ as well as uranium¹⁵. Fish are another important natural resource in the Arctic region with approximately 15% of the world's fish being caught in the Arctic and Sub-Arctic waters¹⁶. The Arctic is also the centre of various scientific research involving various states, even those without land in the Arctic region. Much of the research is focused on measuring the changes occurring in the Arctic due to climate change as well as arctic ecosystems and changing weather patterns¹⁷. This increased access to natural resources and new shipping routes due to climate change has led to countries increasing their military power as well as their military presence in the area. Certain Arctic states such as Russia, Canada and Denmark have also made overlapping claims to extended continental shelves which would allow them to extend their exclusive economic zones¹⁸. Small disputes have happened in the area such as disputes over fisheries, but some larger ones have also occurred such as the 40 years Barents Sea dispute between Norway and Russia.

Figure 1: A map of the overlapping claims to extended continental shelves made by various Arctic states.

¹⁰ Gricius, 'Geopolitical Implications of New Arctic Shipping Lanes'.

¹¹ 'Arctic Region'.

¹² 'Oil and gas'.

¹³ 'Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle'.

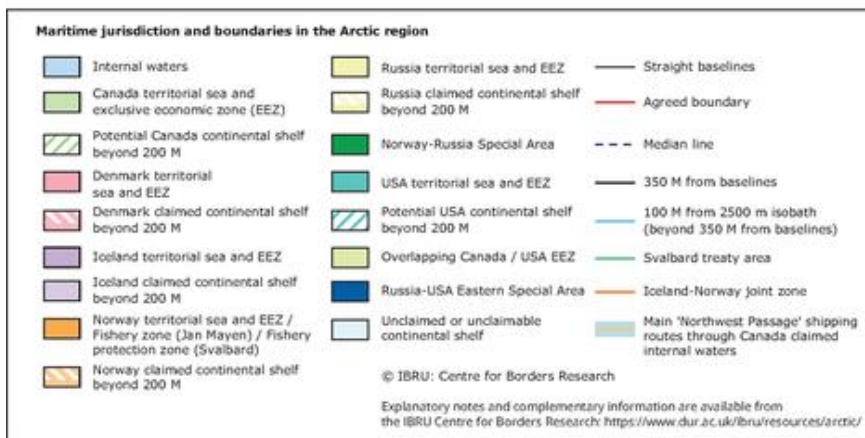
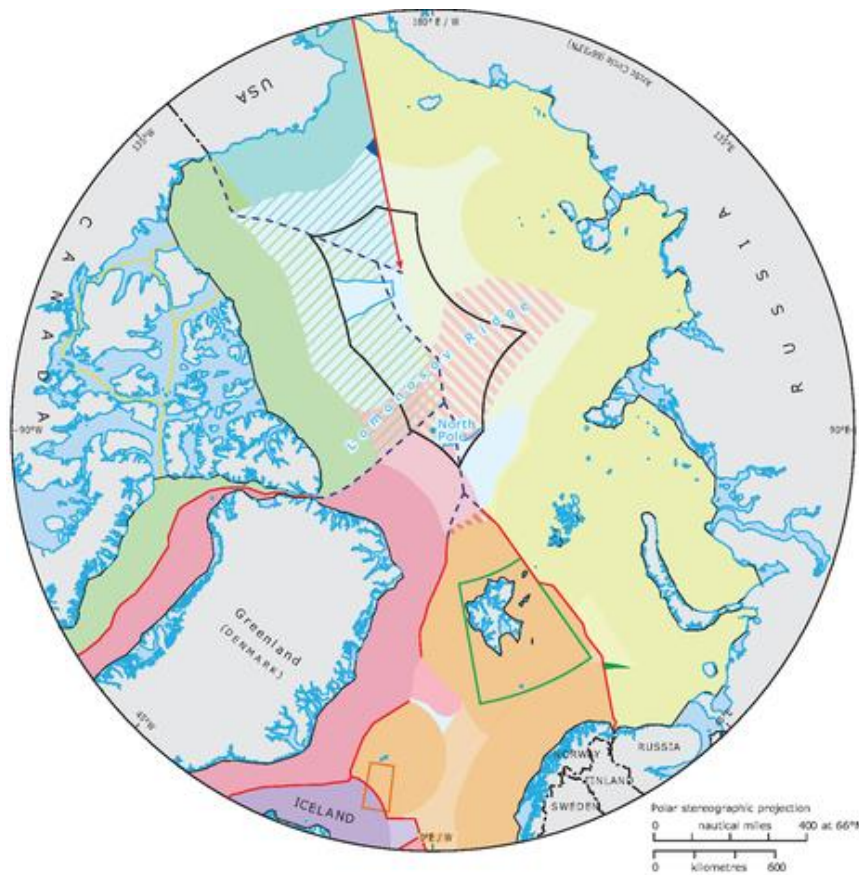
¹⁴ 'Arctic Natural Resources'.

¹⁵ 'Natural Resources'.

¹⁶ 'Possible Future Scenarios in the Gateways to the Arctic for Subarctic and Arctic Marine Systems: II. Prey Resources, Food Webs, Fish, and Fisheries | ICES Journal of Marine Science | Oxford Academic'.

¹⁷ 'Major Research Stations in the Arctic | GRID-Arendal'.

¹⁸ 'Military Capabilities in the Arctic'.



Major Countries and Organisations Involved:

Russia – The Russian Arctic is the most developed area in terms of mining and drilling for natural resources. Currently the Russian Arctic is responsible for approximately 80% of the oil and virtually all the gas that comes from the region¹⁹. Russia ratified the UNCLOS in 1997 and submitted a claim to the CLCS of an extended continental shelf in 2001 which requiring a revision was then resubmitted in 2005²⁰. Then in 2007, Russia planted a Russian flag on the Lomonosov Ridge seafloor claiming it as part of Russia’s extended continental shelf²¹. In 2021 Russia’s continental shelf claim was revised due to more accurate seafloor data to include the Lomonosov Ridge. However, it has not been

¹⁹ ‘Natural Resources’.

²⁰ Hager, ‘Russia’s Claim to North Pole Territory Officially Confirmed’.

²¹ Parfitt, ‘Russia Plants Flag on North Pole Seabed’.

accepted by the commission yet as it overlaps with claims made by Canada and Greenland²². Russia was also, until 2010, involved in the Barents Sea dispute with Norway over the delimitation of EEZs. Tensions have also grown between Russia and western Arctic states due to Russia's invasion of Ukraine.

China – China has received international attention in recent decades for its involvement in the Arctic. China claimed to be a near Arctic state, which received a lot of international backlash, and obtained observer status of the Arctic Council in 2013²³. China has shown interest in scientific research in the Arctic Region, specifically research on climate change, and has established several research programs in the region such as the Arctic Yellow River Station on Svalbard as well as launching the icebreaker, MV Xue Long (Snow Dragon) that tried to reach the North Pole in 2012²⁴. Other than scientific research, China has also shown interest in the region's natural resources and new shipping route possibilities²⁵. China's Arctic policy includes a program that links to their Belt and Road initiative, the Polar Silk Road. The Polar Silk Road is a proposed shipping route that would connect Asia and Europe²⁶.

The Arctic Council - The Arctic Council is an intergovernmental organisation founded in 1996 to promote cooperation in the Arctic and to preserve the ecosystems in the region. The council is composed of the eight states that possess land in the Arctic region and Iceland along with 6 permanent members all of which are associations of indigenous peoples of the Arctic. The council also has 38 observer states, who are not involved in making decisions. The Arctic Council has stated their hopes to preserve the culture and livelihoods of indigenous peoples²⁷ to which climate change poses a threat²⁸.

Norway – Norway, one of the leading producers of oil in Europe, at the end of 2022 had 93 producing oil and gas fields, 2 of which are within the Arctic circle in the Barents Sea²⁹. However, several oil and gas discoveries have been made in the region on Norway's continental shelf³⁰. The Norwegian government expressed its fossil fuel expansion plans and its plan to develop another oil field in the North Sea and recently received growing pressure to stop these plans³¹. Norway is also the world's second largest producer of fish³². Furthermore, Norway has the largest presence on Svalbard followed closely by Russia and is the only nation other than Russia to still mine in the Archipelago³³. In 1977 Norway also claimed a Fisheries Protection Zone (FPZ) around Svalbard. However, tensions have grown between Russia and Norway over Svalbard due to the Russian complaints of Norway's adherence to the Svalbard Treaty and Russia's attempts to increase their authority in the area³⁴. Norway was also involved in the Barents Sea dispute with Russia.

United States – The United States has in recent decades emerged as a more prominent Arctic player, with the main factor being the potential for exploitation of natural resources. Alaska is estimated to hold significant deposits of natural gas and oil as well as deposits of minerals³⁵. The United States is

²² Hager, 'Russia's Claim to North Pole Territory Officially Confirmed'.

²³ 'Arctic Council Observers'.

²⁴ 'China'.

²⁵ 'Full Text: China's Arctic Policy'.

²⁶ Tillman, Yang, and Nielsson, 'The Polar Silk Road'.

²⁷ 'The Arctic Council'.

²⁸ 'Indigenous Peoples'.

²⁹ 'Fields on the Norwegian Continental Shelf'.

³⁰ 'Interactive Map'.

³¹ Taylor, 'Norway under Pressure to Scale Back Fossil Fuel Expansion Plans'.

³² 'Norway - Fishery and Aquaculture Country Profiles'.

³³ Jones, "'A 'Frozen' Geopolitical Issue'".

³⁴ Østhagen, Svendsen, and Bergmann, 'Arctic Geopolitics'.

³⁵ 'Natural Resources'.

also collecting information on an extended continental shelf off the Alaskan coast, however, will not be able to submit a claim to the CLCS until becoming party to UNCLOS³⁶.

The European Union (EU) - The EU has in recent decades shown more and more interest in the Arctic through the connection of Arctic member states. The EU is especially interested in the Arctic for its rare metals that would allow it to lessen its dependency on China for such resources. Recently a large pocket, approximately 1 million tonnes, of minable rare metals was discovered in Kiruna, Sweden. With access to this the EU would be able to decrease its dependency on China.

Relevant UN Resolutions

UN Charter:

Articles 1 and 2: These state the purpose of the UN as an organisation created for maintaining international peace and doing so through peaceful means. The UN is also tasked with developing friendly relations between nations and upholding human rights. All members of the UN will settle their disputes through peaceful means³⁷.

Articles 24, 25 and 26: These stipulate the functions of the Security Council as a UN organ with the responsibility of promoting world peace and security³⁸.

United Nations Convention on the Law of the Sea (UNCLOS):

Article 279: States that all nations shall settle their disputes over the Convention through peaceful means³⁹.

United Nations General Assembly Resolution A/RES/69/292 (2015): A resolution dealing with the conservation and sustainable use of marine biodiversity in areas beyond jurisdiction of any nation. This would apply to areas of the Arctic Ocean not under national jurisdiction⁴⁰.

UN General Assembly Resolution A/RES/68/70 (2013): A resolution that addresses various issues related to the law of the sea such as the protection and management of marine biodiversity, collaborative marine science efforts, maritime safety and security as well as continental shelves and the role of the CLCS⁴¹.

Previous Attempts to Solve the Issue:

The Svalbard Treaty: Svalbard was until the 9th of February 1920 a global commons that belonged to no nation⁴². The archipelago has extensive mineral deposits and large fish stocks in the surrounding waters and has since its habitation been an area of extensive mining and fishing. It is also a centre for arctic research⁴³. The treaty was drawn up in the Versailles negotiations prompted mainly by the need for laws and regulation regarding mining and was signed in February 1920. The treaty was drawn mainly to maintain peace and stability in the area. The treaty established that Svalbard would fall under Norwegian sovereignty, however citizens from all the nations that signed the treaty are also allowed access to Svalbard, its resources and potential for scientific research. The treaty also stipulates that Norway is not allowed to have a military presence in the Archipelago⁴⁴.

³⁶ 'U.S. Can't Secure Claims to Arctic Resources through CLCS as a Non-Party to UNCLOS | UNCLOSdebate.Org'.

³⁷ Nations, 'Chapter I'.

³⁸ Nations, 'Chapter V'.

³⁹ 'UNITED NATIONS CONVENTION ON THE LAW OF THE SEA'.

⁴⁰ 'N1518755.Pdf'.

⁴¹ 'United Nations - 2022 - UNCITRAL Expedited Arbitration Rules 2021 UNCITRA.Pdf'.

⁴² 'The Svalbard Treaty - Svalbard Museum'.

⁴³ Østhagen, Svendsen, and Bergmann, 'Arctic Geopolitics'.

⁴⁴ 'The Svalbard Treaty - Svalbard Museum'.

The Arctic Council: The Arctic Council was established in 1996 in order to enhance cooperation and interaction between the Arctic states and allow Arctic Indigenous Peoples to actively participate in the decisions surrounding their ancestral land⁴⁵.

UNCLOS: UNCLOS was established to provide an international agreement on the use of the world's oceans and seas of which the Arctic Sea is one.

The Delimitation agreement: In 2010, 40 years of conflict between Russia and Norway over who had the rights to explore and exploit an area of 175 000 km² which contains extensive fishing grounds and hydrocarbon resources. The conflict began over the delimitation of arctic sea boundaries. Maritime delimitation is the drawing of the line that divides overlapping maritime claims⁴⁶.

Scientific Cooperation: Several nations have cooperated on scientific research programs such as the joint Icelandic and Chinese research station the China-Iceland Arctic Science Observatory which opened in 2018⁴⁷.

Cooperation between nations on Search and Rescue: The Governments of the Arctic states in the Arctic Council signed the Agreement on the cooperation on aeronautical and maritime search and rescue in the arctic in May of 2011.

Possible Solutions:

Expand and strengthen existing agreements on the management of resources and climate change: Resource scarcity due to climate change has the potential to exacerbate and create conflict between nations. By ensuring nations start tackling climate change and working towards a sustainable future, the risk of conflict due to resource scarcity decreases.

Establishing mechanisms to resolve disputes: Establishing or enhancing existing mechanisms to ensure all disputes over territory and resources are resolved peacefully and fairly, in other words without the use of methods such as coercion. Using these mechanisms to diffuse tension between nations in the Arctic.

Encouraging trust-building between Arctic nations: Encouraging Arctic nations to build trust amongst each other through things such as joint military exercises, and more transparency between states surrounding military activities.

Increasing the use of the Arctic Council: Using the Arctic Council as the international forum it is to promote cooperation and peace amongst Arctic states as well as non-arctic states with stakes in the Arctic as well as the fair and responsible exploitation of resources.

Encouraging diplomatic engagement between Arctic nations: Encouraging all Arctic nations and nations with an interest in the Arctic to strengthen their diplomatic engagement and form bilateral agreements with each other in an effort to resolve disputes peacefully and maintain security in the region.

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⁴⁵ ‘The History of the Arctic Council’.

⁴⁶ Dundua, ‘Delimitation of Maritime Boundaries between Adjacent States’.

⁴⁷ ‘China’.

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