Forum: General Assembly 1

Issue: Preventing conflicts caused by new shipping routes and access to new energy resources in the Arctic

Student Officer: Elyse Barg

Position: Chair

Introduction

Historically, shipping routes in the Arctic region have only been accessible for a short period of time during the summer. However, rising temperatures have resulted in a softening of the sea ice, widening the window during which the ocean is navigable and opening up new trade routes. As a result, the region is becoming increasingly accessible for international trade and commerce.

The melting of the polar ice caps also presents the opportunity to discover and access new valuable natural resources. According to estimates by the US Geological Survey, the Arctic holds roughly 30% of the world’s undiscovered natural gas supply and 13% of its oil. As the temperature continues to rise, these resources become increasingly cheap to access, extract, and transport.

As bordering nation states scramble for control of these new resources, five countries, including Russia and the United States, have submitted overlapping territorial claims with no clear legal resolution. Although these disputes have been handled in a diplomatic manner thus far, increasing militarization threatens to destabilize the security of the region. The biggest perceived threat comes from Russia, which has been fortifying and expanding military operations in the area for the last decade and signaled to the rest of the global community that they are prepared to use force during the illegal annexation of Crimea in 2014.

Amidst a volatile political climate, a plethora of financial interests and a tense standoff between major world powers, it is imperative that the committee works to ensure that the rule of law prevails in the Arctic region.
Definition of Key Terms

International Maritime Organization

The International Maritime Organization is a specialized agency of the United Nations that is concerned with regulation of the shipping industry. Under the United Nations Convention on the Law of the Sea, the International Maritime Organization has been mandated to facilitate cooperation between governments on technical issues pertaining to all types of shipping involved in international trade. This can include the determination of maritime borders and the allocation of maritime resources.

Maritime Law

Maritime law is a body of law dedicated to the resolution of private maritime disputes or offenses. In most developed countries, maritime law operates as a separate body to regular national law and is overseen by the International Maritime Organization.

Exclusive Economic Zone

An Exclusive Economic Zone is defined as an area in which a coastal state has sole jurisdiction of marine resources on the seafloor, including energy sources. The sizes of these Exclusive Economic Zones are fixed, extending 200 nautical miles from the coastal baselines of the relevant member states. They are enforced by the International Maritime Organization, as mandated by the United Nations Convention on the Law of the Sea.

The existing Economic Exclusive Zones in the Arctic region can be seen in the diagram below.

![Map depicting the existing Exclusive Economic Zones in the Arctic region](PhysOrg)
Extended Continental Shelf

If granted, recognition of an extended continental shelf gives the claimant complete control over the seabed and any resources that lie underneath it. However, although news media may sometimes report otherwise, it does not expand the area of the Exclusive Economic Zone. This means that while the state owns the resources on the seafloor, the water column above retains its status as a body of international water.

Background Information

Economic Significance of the Arctic Region

Natural Resources

Historically, the ice covering the Arctic Ocean has provided a significant barrier to human use of the natural resources that are abundant in the region, including vast coal, gas and oil reserves that have been frozen under thick ice. However, global warming is impacting Arctic temperatures at twice the rate of the global average, and the ensuing melting of the ice caps is resulting in these resources becoming more exposed. Combined with technological advancement in ice-breaking equipment, these resources are becoming less dangerous to extract and are attracting investment from energy companies around the globe. Furthermore, the US Geological Survey estimates that one quarter of all undiscovered energy sources are in the Arctic region.

In recent years, an intergovernmental cartel called the Organization of Petroleum Exporting Countries (OPEC) has played a key role in fixing global oil and gas markets by coordinating the petroleum policies of fifteen of the world’s major oil-exporting nations, including Saudi Arabia, the United Arab Emirates and Venezuela. Notably, several major oil producers, including Russia, China, and the United States, elected not to join OPEC in favour of pursuing their own objectives.

It is estimated that the recoverable reserves of crude oil in the Arctic region is equivalent to almost half of the supply of all OPEC nations combined. As the Arctic region becomes increasingly accessible, it is likely that global energy alliances will evolve in a manner that places northern states, and particularly Russia, in a position to counterbalance OPEC’s influence. This will likely result in a decrease in global oil and gas prices and attract investment on a scale that could eventually rival the Middle East.
New Shipping Routes

The melting of the Arctic ice has resulted in the formation of several major new shipping routes. A visual depiction of this development can be seen below.

![Maps showing the expected expansion of shipping routes in the Arctic (The Washington Post)](image)

These trade routes allow for more global access to energy resources in the Arctic region. However, the creation of these shipping routes also bears heavy significance in other industries. One major implication of these routes is that circumpolar sea voyages will be able to cut through the Arctic Ocean instead of travelling via the Panama canal. For example, one new shipping route known as the Northwest Passage shaves over eight thousand kilometers from the voyage between Asia and Europe. By saving fuel and shaving off one week of sailing time, this route facilitates an increase in imports and exports between the two regions.

Over the course of the past few years, the region has also seen an increase in cruise ships, sparking a boom in the local tourism industry and providing a plethora of opportunities for local retailers. It has also been projected that the Arctic will experience a boom in fishing as species of fish move farther north and fishing trawlers gain access to the region. Consequently, the previously remote communities in the Arctic, especially indigenous communities, is likely to see exponential growth in development as the area becomes increasingly commercialized.

Territorial Disputes

Geography

In accordance with international law, each of the countries surrounding the North Pole have declared Exclusive Economic Zones that extend 200 nautical miles from their coastal baseline. However, the area that is not included in these Exclusive Economic Zones, known as the 'High Seas,' is considered as a body of international water.
Surrounding this region, there are five uncontested Exclusive Economic Zones that belong to nations with coastlines along the Arctic Ocean. Namely, these states are Canada, the United States of America, Norway, Russia and Denmark.

Because states own the natural resources that lie within their areas of jurisdiction, countries bordering the high seas began launching territorial claims for review by the General Assembly. States are requesting to have their borders expanded so that their Exclusive Economic Zones are extended from the edge of the continental shelves of their countries, thereby allowing the state to claim ownership of parts of the North Pole. However, although the states appeal to the General Assembly on scientific grounds, there is significant overlap in their territorial claims.

Of these nations, Russia currently has the largest territory in the Arctic; the Eastern side of the Arctic circle is flanked by 24,140 kilometers of Russian coastline. The Russian coast alone accounts for 53% of the entirety of the Arctic Ocean and extends beyond the Arctic Circle to include the East Siberian Sea, the Kara Sea, Laptev Sea and Barents Sea.

As of July 2019, the biggest overlap in territorial claims lies between the bids submitted by Russia and Denmark, which is granted access to negotiations via Greenland’s status as a part of the Danish Kingdom. The Danish claim is substantiated by the assertion that the Lomnosov Ridge, an underwater mountain range, is in fact an extension of Greenland’s continental shelf. As the continental shelf extends beyond 200 nautical miles, the recognition of the Lomnosov Ridge as an extended continental shelf would grant Denmark ownership of a large swath of seafloor. The geological findings that the Danish government submitted for the United Nations Commission on the Limits of the Continental Shelf to review were obtained through a joint endeavour with Canada.

Canada was the first country to make territorial claims in this area, invoking Sector Law in order to claim ownership of a large portion of the Arctic that stretches as far as the North Pole. It also considers the waters surrounding the Canadian Archipelago as internal waters, claiming that it lies on a
submerged plateau that extends into the Arctic Ocean. Canada claims that the continental shelf along its border varies between 111 and 518 kilometers, interrupted by underwater ravines. However, neither of these claims are unanimously accepted worldwide.

Norway has submitted a request to the United Nations Commission on the Limits of the Continental Shelf to recognize an extension of its seabed claim in three coastal locations.

The United States has a coastline of slightly over 1700 kilometers surrounding the Arctic Ocean. While it has maintained its military presence in the area and rejects the claims made by Canada, it has not filed any requests for extending its continental shelf with the United Nations Commission on the Limits of the Continental Shelf.

In the map below, it can be seen that there is significant overlap between bids made by Canada, Denmark and Russia, and other countries are likely to put forward more conflicting proposals as their geologists finalize the details of the case.

Figure 4: A map illustrating the territorial claims put forward by member states (BBC)
The United Nations Convention on the Law of the Sea

The United Nations Convention on the Law of the Sea sets forth a legal framework through which maritime affairs should be handled, encompassing the areas of business, environmental protection and the management of marine natural resources.

With regards to the issue of resolving territorial claims in the Arctic Ocean, the United Nations Convention on the Law of the Sea dictates that states wishing to expand their territory must submit proof that their continental shelves extend past their Exclusive Economic Zones within a decade of ratification. In accordance with the aforementioned convention, the proof of these claims is to be reviewed by the United Nations Commission on the Limits of the Continental Shelf, where the scientific merit of the member states’ claims is to be evaluated.

However, while this treaty attempts to address all aspects of human use of the ocean, some of the legal issues surrounding the Arctic region are inapposite to the confines of the United Nations Convention on the Law of the Sea. Moreover, the framework established by this treaty is rooted in the principles of governing open water, which may not be effective in regulating state action in the glacial masses of the Arctic.

Other Challenges to Peace and Security

Global Trade Disputes

Recent months have seen an escalation in trade wars around the world, which may pose a barrier to bona fide negotiations surrounding activity in the Arctic region. As of August 2019, protectionist policies and antagonistic rhetoric have featured heavily in international trade negotiations between Indonesia and the European Union, South Korea and Japan as well as China and the United States of America. Worryingly, the nature of these disputes has evolved as a reflection of the increasingly fraught geopolitical landscape. This oedipus of trade and political tensions can be clearly seen in the Strait of Hormuz, where commercial oil tankers are being seized in a terse standoff between the United States of America and the Islamic Republic of Iran. Existing hostilities may impact the ability of states to create an equitable agreement and erode the trust that individual states will honour such a deal.

Militarization

The Arctic region is experiencing a sharp increase in militarization, raising fears that disputes may no longer be handled in a diplomatic manner. Russia, Canada, Norway and Denmark have all sought to increase their military presence in the area by building new bases, while American armed forces are developing warships suitable for navigating frozen waters and training soldiers to fight Russian forces in the Arctic.
Although tensions in the area are not recognized by the media very frequently, the Arctic region is comprised of rivalrous world powers that are in extremely close proximity to each other; American submarine-launched ballistic missiles could potentially reach the Russian mainland in under fifteen minutes. The most critical of these rivalries lie between the Russian military and NATO forces, both of whom have fortified their bases and conduct regular military exercises. These hostilities show that Arctic States have shifted their focus towards security concerns, indicating that they believe there is a tangible threat of conflict in the region.

**Protecting Indigenous Peoples**

The Arctic region is home to over forty groups of indigenous peoples who have inhabited Arctic lands for thousands of years. Official statistics do not distinguish between the different groups of indigenous peoples, but estimates from the University of Lapland indicate that indigenous peoples are thought to account for roughly ten percent of the region’s four million inhabitants.

In recent years, indigenous communities that uphold traditional ways of life have suffered tremendously due to changes brought about by global warming. The thawing of permafrost has damaged the foundation of many buildings, causing them to sink or collapse, increasing maintenance costs of poor, rural communities. The rising cost of living and dangerous sinkholes are driving some indigenous communities out of their homes.

*Figure 5: A photograph of a damaged home in Yakutia, an Arctic city in Russia (Siberian Times)*

As the Arctic becomes more developed, Arctic States are likely to see an increase in population, construction and urbanization. If left unregulated, this may result in the destruction of indigenous sacred
sites and make it even more difficult to engage in traditional trades such as herding deer. As such, it is of utmost importance that the rights of indigenous peoples are upheld and respected throughout the region.

**Environmental Protection**

The growing energy industry in the Arctic states leaves the region vulnerable to oil spills, chemical pollution and air pollution that could be harmful towards both residents and the delicate natural ecosystems of the region. In order to ensure long-term peace and prosperity in the region, resources must be extracted in a safe and sustainable manner.

**Major Countries and Organizations Involved**

**Russia**

Russia has the largest territory bordering the Arctic Ocean, making it the most influential member state in the region. Russia has submitted a request to expand its Exclusive Economic Zone that significantly overlaps with territorial claims that have been put forward by several other nations. In recent years, Russia has sought to bolster its soft power by opening museums, art installations and local businesses that place emphasis on supposed cultural and historical ties to Russia. However, it has also engaged in more provocative action that has frustrated neighbouring countries, going so far as to plant a Russian flag on the seafloor of a disputed territory. Russia has also been building a heavy military presence in the area, which analysts indicate may spark an arms race with NATO.

**United States of America**

The United States of America cannot file any requests for recognition of an extended continental shelf as it yet to ratify the United Nations Convention on the Law of the Sea, and is instead pushing for internationalization of the region. The United States of America does not have a large military presence in the area as compared to the other powers involved in these disputes. However, they are widely expected to increase their attention towards the region amidst the climate of militarization.

**China**

As one of the largest economic powerhouses in the world, China is a significant stakeholder within the international shipping industry as a whole. However, the formation of new trade routes in the Arctic has provided China with the opportunity to further expand their ambitious global infrastructure projects. China has been actively engaged in trying to consolidate its power within the Arctic region, seeking to gain influence in regulatory spheres by declaring themselves as a ‘near-Arctic nation’ and by increasing investment in key areas such as Greenland and Iceland.

**The Arctic States**
There are eight nations that have been recognized as Arctic States by the Arctic Council. Namely, these are Canada, Iceland, Finland, Norway, Russia, Sweden, the United States of America and the Kingdom of Denmark. Some of these states, including Canada and Denmark, have submitted requests to have their Exclusive Economic Zones extended. Geographically, all of these states are in close proximity to the new shipping routes and are therefore extremely vested in ensuring peace and stability in the region.

### Timeline of Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of event</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 17th, 1973</td>
<td>The United Nations ratifies a delimitation treaty that affirms a settlement made between Canada and Denmark to establish the coordinates of the continental shelf that divides Canada from Greenland.</td>
</tr>
<tr>
<td>December 10th, 1982</td>
<td>The United Nations Conference of the Sea results in the formation of an international agreement called the United Nations Convention on the Law of the Sea. It is under this convention that the concept of the Exclusive Economic Zone is developed and the International Maritime Organization, formerly known as the Inter-Governmental Maritime Consultative Organization, is formally established as the agency responsible for the handling of maritime disputes.</td>
</tr>
<tr>
<td>July 28th, 1984</td>
<td>A Danish flag is raised on Hans Island, a small island that straddles both sides of the border established between Canada and Denmark in 1973. This sparks a dispute over the sovereignty of the island which, as of August 2019, has remained unresolved.</td>
</tr>
<tr>
<td>December 10th, 1991</td>
<td>The Russian Federation becomes the first Arctic State to submit a claim for over 1.2 million square kilometers of territory, including the North Pole.</td>
</tr>
<tr>
<td>March 25th, 1996</td>
<td>The Ottawa Declaration designates the Arctic Council as an intergovernmental forum to facilitate international cooperation within the region. The Arctic Council Member States consist of the eight Arctic States: Canada, Iceland, Finland, Norway, Russia, Sweden, the United States of America and the Kingdom of Denmark. Indigenous organizations were also included as Permanent Participants in order to ensure that indigenous peoples have been taken into consideration.</td>
</tr>
<tr>
<td>December 20th, 2001</td>
<td>Russia becomes the first Arctic State to make a claim to an extended continental shelf, submitting their request to the United Nations Commission on the Limits of the Continental Shelf.</td>
</tr>
</tbody>
</table>
Canada conducts Operation Sovereign Inukshuk, during which Canadian troops replace the Danish flag on Hans Island with a Canadian flag. This reignites tensions between the two countries.

March 25th, 2007
The Intergovernmental Panel on Climate Change releases a statement acknowledging the economic exploits that could be close to the Arctic.

Russia conducts an expedition called Arktika 2007, the first manned descent to the ocean floor at the bottom of the North Pole. Upon landing, the crew planted a Russian flag on the seafloor. This was generally regarded as a provocative gesture. The Canadian Government, which also lays claim to the North Pole, condemns this event as ‘political posturing’.

The five states with overlapping disputed territories- Canada, Denmark, Norway, Russia and the United States of America- create the Ilulissat Declaration after a high-level political meeting in Greenland. In this meeting, the parties reaffirm their commitment to existing legal frameworks and pledge to resolve the overlapping claims in an orderly and diplomatic manner.

Norway and Russia ratify the Treaty on Maritime Delimitation and Cooperation in the Barents Sea and the Arctic Ocean, ending a forty-year dispute over an area of the Barents Sea.

An oil drilling unit runs aground in Ocean Bay, Alaska. Although no harmful chemicals were released, the slow response to the incident sparked controversy over whether the Arctic had become safe enough to conduct major drilling operations.

China announces plans to send ships through the Northwest Passage, which connects the Atlantic Ocean and the Pacific Ocean via the Canadian Arctic Archipelago. This causes conflict with Canada, who claims sovereignty over the route.

Relevant UN Treaties and Events

- Agreement relating to the delimitation of the continental shelf between Greenland and Canada, 17 December 1973 (No. 13550)
- Treaty between the Kingdom of Norway and the Russian Federation concerning Maritime Delimitation and Cooperation in the Barents Sea and Arctic Ocean, 7 July 2011 (No. 1102)
- Russian Federation Revised Submission, through the Secretary-General of the United Nations, to the Commission on the Limits of the Continental Shelf, pursuant to article 76, paragraph 8, of the

- Canada Submission, through the Secretary-General of the United Nations, to the Commission on the Limits of the Continental Shelf, pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea of 10 December 1982, 6 December 2013 (CLCS/103)
- Denmark Submission, through the Secretary-General of the United Nations, to the Commission on the Limits of the Continental Shelf, pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea of 10 December 1982, 26 November 2013 (CLCS/95)

- Norway Submission, through the Secretary-General of the United Nations, to the Commission on the Limits of the Continental Shelf, pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea of 10 December 1982, 27 November 2006 (CLCS/54)

Previous Attempts to solve the Issue

In order to facilitate cooperation in the Arctic region, the Arctic States formed the Arctic Council in 1991. However, the Arctic States’ inability to reach a consensus on territorial claims or resource allocation has meant that a vast majority of cooperation facilitated by this intergovernmental organization has been surrounding environmental issues and has done little to alleviate other political tensions in the region. Furthermore, given that decisions made by the Arctic Council are not legally binding, it has been criticized as an arena of performative diplomacy that observer states, such as China, use as a means to gain political favor within the region.

Some territorial disputes have been resolved through bilateral negotiations, including the negotiations between the Kingdom of Norway and the Russian Federations that defined the geographical coordinates of their shared border in a disputed area in the Barents Sea, splitting it roughly in half. The ongoing dispute between Canada and the Kingdom of Denmark over the sovereignty of Hans Island is expected to be resolved in a similar manner, as the island is bisected by their shared border. However, the Arctic States have yet to agree on larger disputes, such as Russia, Canada and Denmark’s claims over the Lomonosov Ridge.

While the borders of the Arctic should theoretically be negotiated under the legal framework provided by the United Nations Convention on the Law of the Sea, the Arctic States are unable to negotiate or enforce decisions through this framework as the United States of America, one of the claimants, has not ratified this treaty.
Possible Solutions

To prevent conflict in the Arctic, it is important to address the territorial disputes that have been causing tensions in the region. One method of resolving this dispute could be for the United States of America to ratify the United Nations Convention on the Law of the Sea so that all states may adhere to its stipulations. However, any directive to do so delivered by the General Assembly may constitute a breach of the United States' national sovereignty. Furthermore, as the United Nations Convention on the Law of the Sea is designed to govern open waters, the Arctic may be better served by a new treaty that takes the Arctic's geographical and topological situation into account.

The creation of a treaty negotiated by the Arctic States could be used to address both territorial issues as well as other challenges including climate change and industrialization that are unique to the Arctic region. Given the lack of consensus on maritime borders thus far, it is unlikely that the Arctic States will be able to resolve these disputes on their own, but it is possible for negotiations to be set up in a manner that allows for third-party mediation.

Given the economic significance of the Arctic, it is absolutely imperative that a framework is established through which the region can be governed. If the territorial disputes are resolved without a larger treaty in place binding states to certain standards of practice, the States that are granted sovereignty of the region will be able to exploit their resources in a way that gives them outsized influence in global affairs. Especially in the face of inevitable shortages of fossil fuels, the Arctic States may be able to inflate oil prices in a similar manner to OPEC.

It is possible to craft such a treaty in the likeness of the Antarctic Treaty of 1961, effectively establishing the Arctic region as an international resource. However, this is likely to be a highly unpopular decision amongst the Arctic States themselves.

It is important to note that the question at hand concerns the prevention of conflict in the region, not to evaluate the legitimacy of sovereignty claims. There are many solutions that can be implemented in order to tackle smaller, individual aspects of the issue. For example, maximum drilling quotas can be imposed on firms in order to ensure sustainability. Other environmental policies, such as the certification of production equipment, can be used to minimize the pollutants produced in the extraction process. Indigenous rights can be upheld through the creation of heritage protection zones, preventing development from impacting sacred sites.
Bibliography


Author Unknown. “Chapter 8: The Arctic & the LOSC.” Law of the Sea, The Fletcher School of Tufts University, 2019, sites.tufts.edu/lawofthesea/chapter-eight/.


