



ENVIRONMENT AND NATURAL RESOURCES PROGRAM



# SECURITY OF THE ARCTIC

## As the U.S. Takes Over the Arctic Council Leadership in 2015

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This April, the United States assumed the Chairmanship of the Arctic Council. The Belfer Center Environment and Resources Program is releasing a series of policy briefs on issues relating to the Arctic. This brief, focusing on security issues, is the first in this series.

Triggered by climate change and the melting of its ice shield, the Arctic's new maritime accessibility has raised serious questions about sovereignty and accountability, while fueling controversies over territorial boundaries. In short, the Arctic's significance is increasing both as an international arena where countries can exert power on each other and as a frontier for environmental challenges—particularly climate change.

### **Two different forms of security concerns (common and military security) exist in the Arctic:**

There are two major types of security issues facing the Arctic: issues relating to 'military security' of individual states and those relating to the 'common security' of multiple regional states. Military security mostly comprises of jurisdiction and border related issues, while common security deals with threats of piracy, terrorism and environmental disasters in the region.

Jurisdiction and border related issues take three major forms in the Arctic; those that are relating to continental shelves, those that focus on internal waterways, which tend to be multilateral in nature and those that are unsettled bilateral boundaries. Arctic countries retain military presences in the High North to project their influence in the region and to protect their national security. However, a national military presence cannot solve issues that warrant international cooperation. Capabilities to provide shipping protection, to mitigate environmental disasters, such as oil-spills, to deal with threats such as terrorism and smuggling are essential for common safety. These challenges necessitate cooperation among the Arctic states.

The legal definition of a continental shelf is found within the UN Convention on the Law of the Sea (UNCLOS) treaty, defining the rights and responsibilities of nations regarding their use of the world's oceans. UNCLOS provides the littoral Arctic states with an exclusive economic zone of 200 nautical miles adjacent to their coasts, including the rights to resources in the water column. Upon ratification of UNCLOS, a country has ten-years to make claims to an extended continental shelf which, if validated, gives it exclusive rights to resources on or below the seabed of that area.<sup>1</sup> The sea bottom beyond the exclusive economic zones are considered to be the 'heritage of all mankind' and administered by the UN through the International Seabed Authority. The Lomonosov Ridge is an example of a continental shelf dispute, where Canada, Denmark and Russia all assert that the ridge is a continuation of their own continental shelf, while the United States (US) claims the area is an oceanic ridge and is not a continuation of a continental shelf of any country.

There is also a tension between the interpretation of 'internal waters' and 'territorial waters' among the Arctic Five. This is particularly true for passages that promise significant economic payoffs such as the Northern Sea Route (NSR) over Russia and the Northwest Passage over Canada. These two routes provide potentially quicker and cheaper paths between the economic hubs of Europe, the U.S. Atlantic Seaboard and East Asia. For instance, using the NSR cuts the journey time from Rotterdam to Shanghai by 22% and taking the Northwest Passage will reduce it by 15%. It should be noted that the commonly used giant container ships cannot use these passages, and for ships that can, additional investments for ice-strengthening will be necessary.<sup>2</sup> Hence, conventional routes will continue to handle the majority of the global traffic, especially given the present surplus in tankers and the resulting low shipping costs. But the increased accessibility of Arctic maritime routes will keep the question of who will claim the economic upside very much alive. If and when shipping costs rise, shorter routes through the Arctic will become of greater interest and the resolution of internal vs. territorial water issues will become more pressing.

The last major form of jurisdictional dispute is over unsettled bilateral boundaries. Some national boundaries around the Arctic Ocean have never been officially agreed upon and still need to be resolved bilaterally. The U.S. and Canada dispute the Beaufort Sea maritime boundary; Canada and Denmark (Greenland) dispute the ownership of Hans Island. The U.S. and Russia did settle on the Bering Strait maritime boundary, but the Duma has never ratified that agreement. The number of unsettled boundaries is minimal and the majority of known natural resources are not in disputed areas, diminishing the urgency to settle these differences. But one could argue that the current context of low commodity prices and the high cost of development—making much resource extraction in the Arctic uneconomic for the medium-term—could be used as an opportunity to resolve the questions of jurisdiction before changes in global trends renders them intractable.

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## The timely resolution of issues relating to sovereignty and borders would help build trust among the Arctic nations and decrease uncertainty in the region:

While the Arctic nations currently agree to disagree on several jurisdictional issues, settling these disputes will be important to decrease uncertainty and turn the Arctic into a venue of greater cooperation. The timely and orderly resolution of a small number of disputes can help build trust among the Arctic stakeholders and lay the groundwork for the resolution of more complex issues in the future. The corollary being, the failure to surmount these relatively minor issues at a time of low urgency can send the wrong signal to the Arctic nations suggesting that true cooperation in the region is unattainable. Such an outcome would make it very difficult to forge cooperative agreement on other issues, such as environmental protection that will be covered in the next policy brief on Arctic energy and environment.

## Two different forms of security concerns call for similar military buildup in the Arctic:

During the Cold War, the Arctic played an important role as a theater for submarine activity and missile defense. Though neglected in the period right after the end of that conflict, the recent intensification of human activity in the region, coupled with Arctic states' concern for protecting their individual security interests, has stimulated a small military build-up. For example, Russia has formed a separate military command for the Arctic, and renovated six airfields.<sup>3</sup> Russian Minister of Defense, Sergei Shoigu announced in October 2014 that Russia will deploy military units along its entire Arctic coast, stretching close to 3000 miles.<sup>4</sup> Russia also declared in November 2014 that it was building a drone base only about 300 miles off the coast of Alaska's St Lawrence Island. But it is important to note, in the harsh weather conditions of the Arctic, both types of security challenges (national and common) call for similar technical and military build-up and the Russian build up remains small compared to the existing U.S. military capabilities in the region, despite the fact that the length of the U.S. Arctic coast is about 1/3rd that of the Russian.

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## The rhetoric around Russia's buildup is more concerning than the buildup itself:

Russia's annexation of Crimea and the ongoing crisis in Ukraine has cast a shadow over talks on security and cooperation in the Arctic. While negotiations on issues related to security could be separated from the ongoing tensions between Russia and the West, such has not always been the case in the past year.

Until recently, Russia has shown a willingness to handle Arctic disputes through cooperation and international institutions. However, this situation changed with Russia's annexation of Crimea, its military support for pro-Russian separatists in eastern Ukraine, and worrisome rhetoric surrounding its military buildup in the Arctic.

## Non-engagement is not the answer in the Arctic...

In response to this shift, Canada decided to boycott the Arctic Council taskforce meeting held in Moscow in April 2014, and Russian officials were not invited to take part in a pre-meeting to the North Atlantic Coast Guard Forum in Nova Scotia, Canada in October 2014.

Russia is the dominant producer of hydrocarbons in the Arctic: it accounts for almost all of the gas and 80% of the oil production<sup>5</sup>. If Russia is isolated, efforts to deal with issues such as environmental pollution and piracy will be seriously impaired. Russia's engagement is essential to resolving ongoing issues and developing an international cooperation framework dealing with security as well as economic and environmental concerns.

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Fortunately the tide turned fast and in the first four months of 2015, Russia and the other Arctic countries have taken a more cooperative approach. Canada invited Russia to the Arctic Council meeting in Iqaluit in April 2015, where it passed the torch to the U.S. for the Council leadership, and the Arctic Council member states and organizations reaffirmed their willingness to continue to work together in the face of conflicts elsewhere. These are important steps. They provide a signal that there is a willingness to resolve some of the continuing security problems that have deferred Arctic governance for the past three decades.

## ...but the existing platforms and frameworks of cooperation are also not up to the task in their current form and the U.S. position in the matter does not help:

Currently no comprehensive system exists for resolving border disputes, jurisdiction issues, and accompanying liability. The framework and the platform that comes closest are the UNCLOS treaty and the Arctic Council, respectively. However, both of these institutional frameworks have their limitations. The fact that the U.S. has failed to ratify UNCLOS hampers the effectiveness of this framework. The Arctic Council, which could be viewed as a potential platform for resolving border disputes, has been restricted by its establishing document from settling issues relating to military security.

As of January 2015, the European Union and 167 countries have joined the UNCLOS. Among the 'Arctic Five', as the five countries surrounding the Arctic Ocean are called, only the U.S. has failed to ratify it. The rest of the group, Russia, Canada, Norway and Denmark, is part of the

treaty. In 2008, the Arctic Five adopted the Ilulissat Declaration reemphasizing their commitment to the UNCLOS framework, which put the U.S. in the awkward position of claiming commitment to the UNCLOS without actually ratifying the treaty itself.

The Arctic Council was established in 1996 as a high-level forum to promote 'co-operation, co-ordination and interaction' among the Arctic states. The members of the Council include the Arctic Five, plus Finland, Iceland and Sweden. Its leadership revolves every two years, with the U.S. taking over the Chairmanship from Canada in the last handover of April 2015. Despite providing guidance and agreements on other matters relating to common security; the Council has been restricted by its establishing document, the Ottawa Declaration, from settling issues relating to military security. This position has been sustained by the U.S. in both the Bush and Obama Administrations.

The duality in the stance of the U.S. towards UNCLOS, coupled with the U.S. strategy of keeping the Arctic Council from becoming a venue for military security discussions, hampers the credibility of the U.S. in international disputes surrounding the Arctic and hinders the emergence of a comprehensive system for resolving sovereignty disputes in the Arctic region.

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