

General Assembly 4 – Special Political and Decolonisation

Establishing protocols to prevent future
territorial disputes in the Arctic Region



Forum:	General Assembly 4 – Special Political and Decolonisation
Issue:	Establishing protocols to prevent future territorial disputes in the Arctic Region
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Introduction

Countries around the Arctic Ocean are rushing to stake claims in the Polar Basin seabed and its oil and gas reserves. Resolving territorial disputes in the Arctic has gained urgency because scientists believe that rising temperatures could leave most of the Arctic ice free in summer months in a few decades time. This would improve drilling access and open up the Northwest Passage, a route through the Arctic Ocean linking the Atlantic and the Pacific that would reduce the sea journey from New York to Singapore by thousands of miles.

Under the 1982 UN Law of the Sea Convention, coastal states own the seabed beyond existing 370 km zones if it is part of a continental shelf of shallower waters. While the rules aim to fix shelves' outer limits on a clear geological basis, they have created a tangle of overlapping arctic claims. By establishing protocols that the involved nations have to abide to, we can ensure that each nation is aware of the territory they rightfully own so that in the future, when the arctic ice will be free to extract its resources from, there will be no further disputes.

Definition of Key Terms

Protocol

The official procedure or system of rules governing affairs of state or diplomatic occasions.

Territorial Dispute

A territorial dispute is a disagreement over the possession/control of land between two or more territorial entities, usually between a new state and the occupying power.



Exclusive Economic Zone

An area in which a coastal nation has sovereign rights over all the economic resources of the sea, seabed and subsoil extending up to 200 nautical miles from the coast.

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

An International agreement defining the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.

Natural Resources

Materials or substances occurring in nature that can be exploited for economic gain.

Sovereign

Having independent authority over a territory.

The Commission on the Limits of the Continental Shelf (CLCS)

A body created by the 1982 Law of the Sea Convention established to determine the outer limits of the continental shelves of coastal nations.

Continental Shelf

The UN defines it as “the natural prolongation of the land territory to the continental margin’s outer edge, or 200 nautical miles from the coastal state’s baseline. State’s continental shelf may exceed 200 nautical miles until the natural prolongation ends”.

Treaty on maritime delimitation and cooperation in the Barents Sea and the Arctic Ocean

Treaty establishing the maritime boundary between Norway and Russia in the Barents Sea and the Arctic Ocean

Hans Island

Island disputed between Canada and Denmark because of its location in the middle of an international strait

General Overview



Establishing protocols in the Arctic Region to prevent future territorial disputes is becoming a key concern due to the rising temperatures, which is causing much of the arctic ice to melt. The ice earlier acted as a barrier to the resources that the Arctic Region provided, however, now that it is melting, the surrounding nations have realized that the resources are becoming increasingly more accessible. This is what is enhancing the territorial disputes, as countries want to ensure that they own the greatest part of the Arctic territory before the ice starts to melt so that when the resources become accessible they can benefit from them.

Resources

According to the US Geographical Survey, the Arctic could hold a quarter of the world's undiscovered gas and oil reserves. This amounts to 90 billion barrels of oil and vast amounts of natural gas. Furthermore, nearly 85% of these deposits are offshore. The diminishment of Arctic ice could lead in coming years to increase commercial shipping on two trans-Arctic sea routes—the Northern Sea Route and the Northwest Passage, thus providing a transport route, which the US could specifically benefit from. The five Arctic coastal states: the United States, Canada, Russia, Norway, and Denmark are in the process of preparing Arctic territorial claims for submission to the Commission on the Limits of the Continental Shelf in order to extend their claims on the Arctic Region to benefit the most from the previously mentioned resources.

Territorial Claims

As defined by the UNCLOS, “states have ten years from the date of ratification to make claims to an extended continental shelf”. On this basis, four of the five states fronting the Arctic Ocean – Canada, Denmark, Norway, and the Russian Federation – must have made any desired claims by 2013, 2014, 2006, and 2007 respectively. Since the U.S. has yet to ratify the UNCLOS, the date for its submission is undetermined at this time. Claims to extended continental shelves give the claimant state exclusive rights to the sea bottom and resources below the bottom. Valid extended continental shelf claims do not extend a state's Exclusive Economic Zone (EEZ) since the EEZ is determined solely by drawing a 200-nautical-mile (370 km) line using territorial sea baselines as their starting point.

Lomonosov Ridge

The ridge is heavily disputed, as it would grant the Nation possessing it nearly one half of the Arctic area. Denmark is trying to prove that a detached part of the Lomonosov ridge is an extension of Greenland, which is Danish territory. However Russia is arguing that the Lomonosov ridge is their territory and that it is an extension



of the Siberian continental shelf. Canada is also claiming the ridge as being an extension of its continental shelf. What is making the decision to determine whose claims are justified, is the fact that the nations involved are also taking into consideration the geological origins of the ridge.



The claims being made from the 5 nations involved in the dispute.

Major Parties Involved and Their Views

Canada

Is establishing a year round presence in the Arctic on land, sea and in the air. Canada has ratified UNCLOS. As of December 2013, Canada had announced that it would file a claim to extend its continental shelf, which includes the North Pole. Canada responded to the Russian Arktika 2007 expedition by saying “they're fooling themselves if they think dropping a flag on the ocean floor is going to change anything”- Canada's Foreign Affairs Minister Peter MacKay.

Denmark

Has ratified the UNCLOS and claimed an area of 895,000 km² extending from Greenland past the North Pole to the Russian continental shelf. Greenland, an autonomous country within the Kingdom of Denmark, has the nearest coastline to the North Pole, and Denmark argues that the Lomonosov Ridge is in fact an extension of Greenland. Canada and Denmark are in the midst of a dispute for the status of Hans Island, which lies at an equidistant distance between the borders of the two nations established in a 1973 treaty .



Norway

Norway ratified the UNCLOS and has made an official submission into the UN Commission on the Limits of the Continental Shelf in accordance with UNCS to extend the Norwegian seabed claim beyond the EEZ in three areas of the northeastern Atlantic and the Arctic. Norway and Russia has ratified an agreement of the Barents Sea, ending a 40-year dispute.

Russia

Has ratified the UNCLOS. Has staked a claim by sending a submersible to plant a corrosion resistant titanium flag some 4km below the North Pole, Arktika 2007 expedition. This has no legal standing with respect to territorial boundaries, however, it is a symbol to demonstrate their Arctic dominance to the international community. Russia has made an official submission into the UN Commission on the Limits of the Continental Shelf in accordance with the UNCLOS proposing the establishment of outer limits of the continental shelf of Russia beyond its EEZ, but within the Russian Arctic sector by arguing that the Lomonosov ridge was indeed an extension of its continental shelf. The UN Commission neither rejected nor accepted the Russian proposal and instead recommended additional research.

UNCLOS

UNCLOS defines the “rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources”. The division of the sea areas was done through the creation of EEZs, Contiguous Zones, Territorial Waters and continental shelves. This, however, created clashes and overlapping claims over the SCS, especially due to the information on the continental shelves as it lead to nations claiming the Lomonosov ridge as being an extension of their continental shelf thus their territory.

The United States of America

Have not ratified the UNCLOS and, therefore, are not eligible to file an official claim to an extended their continental shelf with the UN Commission on the Limits of the Continental Shelf. U.S. military forces, particularly the Navy and Coast Guard have begun to pay more attention to the Region in the planning and operations of Russian military presences as although it seems that there is significant international cooperation on the issue, the Arctic is increasingly being viewed as “a potential emerging security issue”, most likely due to the vast amounts of resources that the nation owning most of the territory would benefit from.



Timeline of Events

Date	Description of event
1903	Canada established North-West Mounted Police detachment on Herschel Island off the North coast of the Yukon Territory hoping to secure its sovereignty in the western arctic.
1909	Captain Joseph Bernier places plaque on Melville Island in the Arctic Archipelago claiming the arctic islands for Canada.
1925	Amendment to the Northwest Territories Act. Canada became the first State to claim that its boundaries extended into to the Arctic and up to the North Pole.
April 1926	USSR declared that all lands and islands, between the USSR and North Pole, were territory of the USSR- Arctic Decree.
March 1974	Agreement on the Delimitation of the Continental Shelf between Canada and the Kingdom of Denmark enters into force. The agreement distinguished territory between Canada and Greenland.
December 1982	UNCLOS is signed and opened to ratification by States.
July 1984	The Danes raise their national flag on the disputed Hans Island.



January 1988	Agreement on Arctic Cooperation between Canada and the United States. The Canadian government established straight baselines around Canada's perimeter and the act reaffirmed Canada's position that the Northwest Passage lays within its internal waters.
December 1991	The Russian Federation submitted its claim to 1.2 million km ² of territory.
November 1994	The UN Convention of the Law of the Sea (UNCLOS) enters into force.
December 2001	The Russian Federation delivered submission to the CLCS claiming that the Lomonosov Ridge was an extension of its continental shelf.
July 2005	Hans Island- Canadian Forces landed on Hans Island, and replaced a previously planted Danish flag with a Canadian one and left a plaque and an 'Inukshuk' (stone marker) on the island as a symbol of sovereignty.
December 2006	December Norwegian government releases "High North Strategy" a report ensuring the long-term policy in the Arctic to secure economic resources and security for the future.
August 2007	Russian Arctic expedition.
May 2009	Many States met to discuss the Arctic in the face of coming climatic changes.
2010	Norway and the Russian Federation sign Treaty on Maritime Delimitation and Cooperation in the Barents Sea and the Arctic Ocean.



UN involvement, Relevant Resolutions, Treaties and Events

As the situation in the Arctic Region has only recently become of importance, due to the increasing global temperatures, an official UN resolution has not yet been written. The UN has however been active in ensuring that the Arctic resources are used in a sustainable manner. Furthermore, Greenpeace wants a resolution to be passed by the UN demanding global legal protection for the Arctic.

Evaluation of Previous Attempts to Resolve the Issue

The Ilulissat Declaration was a declaration announced on the 28th of May, 2008. It involved the five coastal states of the Arctic Region (Russia, USA, Canada, Denmark and Norway). The declaration aimed to tackle the issue of the Arctic Circle with regards to climate change, exploitation, impact on indigenous people and tourism. Whilst the declaration mentions “the livelihoods of local inhabitants and indigenous communities”, it is significant that the discussion on the declaration did not involve any indigenous people but just the coastal countries. The declaration also states that there is “no need to develop a new comprehensive international legal regime to govern the Arctic Ocean.” Although this can be seen as the five coastal states wanting to resolve the Arctic Region issue cooperatively, a regime may be a better option towards resolving the Arctic Ocean issue as it might provide a neutral ground for all the disputes between coastal countries.

The Arctic Ocean conference was held between May 27th and May 29th 2008. A product of this conference was the Ilulissat Declaration, named after the melting Ilulissat glacier. Again, although this conference was somewhat successful at bringing all the coastal countries together to discuss the Arctic peacefully, it marginalizes the indigenous people who were not represented but are a key part of the Arctic Region. A major declaration was produced from this conference and the fact that the indigenous people were left out of these negotiations possibly questions the accuracy and validity of this declaration.

In 2010, Russia and Norway signed a treaty agreeing on Maritime Boundary in the Barents Sea and the Arctic Ocean. This was a significant treaty as it brought an end to on and off negotiations. However, it can be assumed that economic interests in the exploitation of hydrocarbon deposits drove the signing of the treaty. Concerning the Barents Sea, there needs to be balance between the interests of the fishing industry and the interests of the oil industry. This treaty, however, possibly suggests that disputes in the Arctic can be resolved fairly easily through bilateral agreements between pertaining countries. The treaty shows that the Arctic Issue can be solved without need for disputes or even war.



Possible Solutions

- Hans Island lies between the equidistant boundaries determined by a 1973 treaty between Canada and Denmark. At the time, negotiators could not agree on the status of the island and left its status out of treaty negotiations. The two states have recently been acknowledging the idea to split the island therefore a step forward would be to reach an agreement and confirm the act.
- Canada, Denmark and Russia are all arguing that the Lomonosov Ridge is an extension of their own continental shelf. The United States claims it to be an oceanic ridge thus refutes any state claiming to own it. In order to solve the issue we have to determine:
 - Whether it is an oceanic ridge or an extension of a continental shelf
 - If it is a continental shelf, whether we are going to determine its location at the time of origin or now
 - Which continental shelf it is an extension of using appropriate devices to find the tectonic configuration
- Each country claiming territory of the Arctic Region should issue an official declaration of its claims based on the requirements of the UNCLOS and CLCS. This would allow an official map to be drawn, which the claimant countries can use to determine their territories.

The main disputes in the Arctic Region are in relation to the Hans Island and the Lomonosov ridge; as by acquiring the rights to these land masses, the owner states would also gain the rights to the resources of the Arctic ice around them. Therefore, we must focus our efforts in solving these specific disputes as well as finding solutions to the overlapping claims of the 5 nations in general.

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Appendices

Appendix I

Detailed Timeline of key events:

<http://www.stimson.org/infographics/evolution-of-arctic-territorial-claims-and-agreements-a-timeline-1903-present/>

