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Breaking The Ice

**The Resurgence
of the Arctic:
The Next Stage of
Global Geopolitics**

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Briefing

Briefing Note

This section aims to highlight the increased military activity, economic and geopolitical importance of the Arctic region. It also highlights the drawbacks of the current structure in place to resolve territorial disputes in the arctic- the main point of contention among Arctic states.

Overview

- Military action in the Arctic is increasing steadily. This can be seen in the form of military drills undertaken by arctic nations, claims made by spokespersons, increased investment in arctic military capabilities in the form of infrastructure, and otherwise
- The official lines of arctic nations on many occasions contradict policies taken on the ground. This coupled with the absence of concrete legal structures in the Arctic could pose trouble in the near future
- The de facto guidebook to solving territorial disputes in the arctic, the UNCLOS, is not fit for purpose, enforceable, is ambiguous, and opens possibilities for future unforeseen disputes
- The Arctic has seen a renewal in its importance since the cold war era. Various environmental, economic, military, and geopolitical factors explain this resurgence



Military Regulation In The Arctic

Military Regulation in the Arctic circle

Military activity is becoming increasingly common in the region

- In 2018, as part of their military exercise aimed at 'strengthening its ability to operate in Northern Europe', NATO sent the US aircraft carrier USS *Harry S. Truman* to the Arctic circle to train for the first time in decades in its 'Trident Juncture exercise'.¹
- In 2019, US secretary of state, Mike Pompeo stated that it was 'America's moment to stand up as an Arctic nation'.² As part of the US' 2019 'Arctic Strategy', the US 'will require an agile, capable and expeditionary force with the ability to project power into and operate within the [Arctic] region'³.
- In 2021, three nuclear submarines of Russia's Northern Fleet smashed through the ice simultaneously, in a 'manoeuvre never seen before'⁴. Each of these boats could carry 16 ballistic missiles, of which each missile could field multiple nuclear warheads.⁵ Russian officials have also confirmed that high-tech weapons are regularly being tested in the Arctic area.⁶
- The largest NATO exercise within the Arctic Circle is now underway, with 35,000 soldiers from 28 nations taking part in the Norwegian-lead 'Cold Response' (CR22).⁷

Economic investment into military capabilities is growing rapidly

- In 2007, Russia placed a titanium flag at the exact base of the North Pole, and has maintained a military presence there ever since.⁸ In 2014, it publicly announced its

¹ Gramer, R. 'Vanguards of the Thawing Arctic'. Foreign Policy, <https://foreignpolicy.com/2019/05/04/bracing-in-cold-for-arctic-thaw-canada-soldiers-military-exercise-nunavut-polar-geopolitics-china-russia/>. Published 04/05/19, accessed 27/01/22.

² Luhn, A. 'Freezing cold war: militaries move in as Arctic ice retreats- photo essay'. The Guardian, <https://www.theguardian.com/environment/2020/oct/16/arctic-ice-retreats-climate-us-russian-canadian-chinese-military>. Published 16/10/20, accessed 27/01/22.

³ Auerswald, D. 'A US Security Strategy For The Arctic'. War on the Rocks Commentary, <https://warontherocks.com/2021/05/a-u-s-security-strategy-for-the-arctic/#:~:text=Any%20new%20U.S.%20Arctic%20security,by%20either%20China%20or%20Russia>. Published 27/05/21, accessed 27/01/22.

⁴ Rainsford, S. 'Russia flexes muscles in challenge for Arctic control'. BBC News, <https://www.bbc.co.uk/news/world-europe-57156839>. Published 20/05/21, accessed 27/01/22.

⁵ Auerswald, D. 'A US Security Strategy For The Arctic'. War on the Rocks Commentary. Published 27/05/21, accessed 27/01/22.

⁶ Walsh, N. 'Satellite images show huge Russian military buildup in the Arctic'. CNN, <https://edition.cnn.com/2021/04/05/europe/russia-arctic-nato-military-intl-cmd/index.html>. Published 05/04/21, accessed 27/01/22.

⁷ Nilsen, T. 'Two NATO carrier groups will sail north for exercise Cold Response'. The Barents Observer, <https://thebarentsobserver.com/en/security/2022/01/two-nato-carrier-groups-will-sail-north-exercise-cold-response#:~:text=With%20the%20aim%20to%20train,sea%20and%20in%20the%20air>. Published 13/01/22, accessed 27/01/22.

⁸ Bandi, S. 'The Militarization of the Arctic'. The Kootneeti, <https://thekootneeti.in/2020/11/22/the-militarization-of-the-arctic/#:~:text=Geographically%20located%20around%20the%20north,surrounded%20by%20the%20Arc>

intention to make the region a priority for its Navy. Moscow plans to 'expand its fleet of heavy icebreakers to 13 by 2035, including nine nuclear-powered icebreakers, compared to the four it has now'⁹.

- Canada is developing the Nanisivik Naval Station, with hopes it will be able to begin operations in the summer of 2022.¹⁰ Recent estimates for the Nanisivik naval station are in the region of \$130 million before taxes.
- Satellite images are demonstrating Russia's massive drive to improve its military bases and hardware, including underground storage facilities likely for the Poseidon (an unmanned stealth torpedo recently being termed as a 'superweapon') and other new high-tech weapons.¹¹
- In January 2018, Chinese officials attempted to buy and expand Finland's Kemijärvi airbase and published their first Arctic strategy document.¹² China's huge capacity of economic investment will certainly enable an increased level of involvement with the region, not only militarily, but also in more commercial terms.

Current laws lack real efficacy, and policy changes within states seem contradictory

- The permanent members of the Arctic have signed Ilusissat 2.0 - a formal declaration of neutralisation, but this is merely a statement of commitment to peace maintenance and does not set a prerequisite for demilitarisation, as it 'kept security issues out of central, formalised intergovernmental forums' by furthering the idea the zone would be an area of low tension anyway.¹³
- Russia's 'Basic Principles of Russian Federation State Policy in the Arctic to 2035 (adopted 2020) does pertain to 'preserve the Arctic as a region of peace'.
 - Shortly after this, however, the policy emphasises their wish 'to develop the Russian Arctic as a strategic resource base and use (it) to speed up national economic growth'.¹⁴ Under this, the maintenance of operational capability and further development of both the Border Guard and Coast Guard forces is implicit.

[tic%20Ocean.&text=According%20to%20Riechmann%2C%20the%20world,around%20the%20Arctic%20more%20accessible](#). Published 22/10/20, accessed 27/01/22.

⁹ Gramer, R. 'Vanguards of the Thawing Arctic'. Foreign Policy. Published 04/05/19, accessed 27/01/22.

¹⁰ Coyne, T. 'Military hopeful new Arctic port will open in 2022, but 'significant' uncertainty remains'. Vancouver Island News, <https://vancouverisland.ctvnews.ca/military-hopeful-new-arctic-port-will-open-in-2022-but-significant-uncertainty-remains-1.5502188>. Published 08/07/21, accessed 27/01/22.

¹¹ Walsh, N. 'Satellite images show huge Russian military buildup in the Arctic'. CNN, <https://edition.cnn.com/2021/04/05/europe/russia-arctic-nato-military-intl-cmd/index.html>. Published 05/04/21, accessed 27/01/22.

¹² Auerswald, D. 'A US Security Strategy For The Arctic'. War on the Rocks Commentary. Published 27/05/21, accessed 27/01/22.


¹³ Breitenbauch, H. Kristensen, S. K. and Groesmeyer, J. 'Military and Environmental Challenges in the Arctic'. Carnegie Europe, <https://carnegieeurope.eu/2019/11/28/military-and-environmental-challenges-in-arctic-pub-80424>. Published 28/10/19, accessed 08/02/22.

¹⁴ Klimentko, E. 'Russia's new Arctic policy document signals continuity rather than change'. Sipri, <https://www.sipri.org/commentary/essay/2020/russias-new-arctic-policy-document-signals-continuity-rather-change>. Published 06/04/20, accessed 27/01/22.

The historical relevance and the changing nature of the region is forcing military action

- As the Arctic continues to melt, states are looking to the north in search of economic opportunity and investment. In addition to the vast number of resources beneath the circle, the loss of ice is continually opening up new potential trading routes for commercial shipping.
- The changing geographical nature of the region is incentivising opportunistic states to assert their economic interests, alongside which a military requirement appears to be necessary.
- For its entire existence, Russia has been defended from the north by the frozen Arctic Ocean, but increasing temperatures are persistently melting this protection away, and Russia has no choice but to seek new modes of defence for their new border.¹⁵ In order to maintain security, Moscow has increased investment into its naval capacities.

¹⁵ Klimenko, E. '*Russia's new Arctic policy document signals continuity rather than change*'. Sipri. Published 06/04/20, accessed 27/01/22.



**The
UNCLOS
In
Disputes**

Inefficiency of the UNCLOS in solving territorial disputes

The UNCLOS is not legally enforceable; consequently, many arctic nations have blatantly bypassed its guidelines and created a hostile environment

- Both Denmark and Canada claim the Hans island due to the potential natural resources it holds and its strategic location in the Kennedy Chanel. Both nations have in the past unilaterally hoisted their flags without UNCLOS consent, thereby creating a divide between the official stance and actions ¹⁶
- In 2007, Russia unilaterally planted its flag under the North Pole with an aim to lay claim on the rich energy resources.¹⁷ Experts reason that because Russia was still the Soviet Union when UNCLOS was ratified, it may not align with the agreement¹⁸
- The UNCLOS is an international convention that is rather limiting in nature. Whereas, the customary international law of the High Seas is an alternative pre-existing agreement that offers countries room for more aggressive policies- thereby further weakening enforceability of UNCLOS ¹⁹
- UNCLOS is further weakened by the fact that the US is the only arctic nation yet to ratify the convention. Critics argue that UNCLOS undermines US sovereignty, but these fears are largely unwarranted ²⁰

The UNLCS is ambiguous on several key issues

- The UNCLOS, for example, fails to specify the characteristics of an international strait such as the threshold of maritime traffic necessary in an international strait. It also omits crucial considerations such as the role of indigenous populations in transfer of territories.²¹ These 2 factors are central points of contention between Canada and the US in the outstanding Northwest Passage dispute
- To extend their Exclusive Economic Zone (EEZ) beyond 200 nautical miles, countries must submit an appeal backed by scientific evidence to the UN Commission on the Limits of the Continental Shelf (CLCS) as stipulated by UNCLOS Article 76. This process

¹⁶ Levin, D. 'Canada and Denmark Fight Over Island With Whisky and Schnapps'. The New York Times. Published 07/11/16, accessed 27/01/22.

¹⁷ Falconbridge, G. 'Russian sub plants flag under North Pole'. Reuters, <https://www.reuters.com/article/idINIndia-28784420070802> . Published 02/08/07, accessed 27/02/22.

¹⁸ Grzybowski, K. 'Peaceful Settlement of Disputes in Ocean Conflicts: Does UNCLOS III Point the Way?' Law and Contemporary Problems 46,no2,1983,pp 205-208. <https://doi.org/10.2307/1191527> . Accessed 27/01/22

¹⁹ Lee, M. 'The Interrelation Between the Law of the Sea Convention and Customary International Law'. San Diego International Law Journal. <http://id.loc.gov/authorities/names/n79122466>. Published 16/9/06, accessed 27/01/22

²⁰ Moore, J and Schachte, W. 'The Senate Should Give Immediate Advice And Consent To The UNLCS: Why The Critics Are Wrong'. Journal of International Affairs Editorial Board. Published 13/10/05, accessed 30/01/22

²¹ Jarashow, M, Runnels, M and Svenson, T. 'UNCLOS and the Arctic: The path of Least Resistance'. Fordham International Journal, <https://ir.lawnet.fordham.edu/ilj/vol30/iss5/9/> .Published 19/08/06, accessed 30/01/22.

is ambiguous because EEZs often overlap, proposals made to CLCS are confidential and if 2 or more nations submit valid claims, the matter needs to be resolved among concerned nations privately ²²

- The CLCS has lost considerable credibility since 2012 due to inconsistent outcomes in similar cases and two-thirds of its members being replaced in quick succession ²³

The UNLCS was created in 1982, as such it is ill equipped to mitigate some of the newer 21st century maritime concerns

- Due to a considerably changed geopolitical scenario since the 1980s, naval military exercises have become increasingly common. Member states disagree over how UNCLOS provisions relating to military exercises in other states' EEZs should be interpreted, resulting in recent military aggravations such as the 2021 HMS Defender incident ²⁴
- Accelerated climate change in the 21st century has impacted coasts and other territorial features that are crucial to UNCLOS generating maritime and territorial entitlements. It is important that the convention evolves to take into account impacts of these changes on national maritime territory ²⁵
- UNCLOS Article 82 stipulates that deep seabed mining in areas beyond national jurisdiction will be financed by the International Seabed Authority (ISA). But there are unresolved concerns such as ascertaining the cost of such operations and providing avenues to solve possible disputes. Deep sea mining is a new industry that will take shape in 21st century thanks to technological advancements and climate change, and UNCLOS needs to provide clarity over these issues ²⁶

²² Watson, M. 'An Arctic Treaty: A Solution To The International Dispute Over The Polar Region'. 14 Ocean and Coastal Law Journal (2009). Accessed 30/01/22.

²³ Churchill, R. 'Compliance With the UNCLOS: Problems and Prospects.' Legal Regimes for Environmental Protection, https://doi.org/10.1163/9789004302839_020. Published 04/08/15, accessed 30/01/22.

²⁴ Serdy, A. 'HMS Defender incident: What the Law of the Sea Says'. The Conversation, <https://theconversation.com/hms-defender-incident-what-the-law-of-the-sea-says-163389>. Published 24/06/21, accessed 30/01/22.

²⁵ Harrison, J. 'House of Lords International Relations and Defence Committee UNCLOS: Fit for Purpose in the 21st Century?'. Parliament Committees, <https://committees.parliament.uk/writtenevidence/40763/pdf/> Published 28/07/21, accessed 30/01/22.

²⁶ Watwani, J. 'UN's ocean laws lack clarity on continental shelf.' DownToEarth, <https://www.downtoearth.org.in/news/water/shortcomings-in-ocean-laws-may-deplete-fisheries-cause-disputes-54656>. Published 30/06/16, accessed 30/01/22.

The 'Reemergence' of the Arctic's Strategic Importance

The melting of the frozen Arctic Ocean is creating new trade routes that states are seeking to control

- As the ice melts due to the ice-albedo feedback loop, shipping routes are able to stay navigable for increasingly long durations of time. September ice coverage has 'decreased by more than 25% since 1979'²⁷, and the impact this will have on trade is astronomical. Gaining control of this economically strategic region would enable a huge amount of power
- In 2021, the Russian natural gas tanker *Christophe de Margerie* completed the Northern Sea Route (NSR) for the first time in the middle of winter.²⁸ Russia also approved the Northern Sea Route Development Plan which aims to create 4 regional airports, extensive rail networks and seaports such as the Murmansk Transport Hub over the next 15 years²⁹
- In 2018, China announced its intention to open a 'Polar Silk Road', a development goal that aligns with those of its Belt and Road Initiative, including 'commercial, environmental preservation, and resource extraction efforts'³⁰

An increasing emphasis is being placed upon the scale of previously undiscovered resources beneath the Arctic Circle

- The US Geological Survey (USGS) calculates that 22% of the world's unconfirmed oil and gas reserves lie north of the Arctic Circle.³¹ Russia has already been making moves to claim parts of this, with a \$27 billion plant being built by Yamal LNG extracts, the company that is running Russia's Yamal Peninsula liquefied natural gas project³²
- Despite the massive potential for income, it appears environmental concerns are curtailing the extent to which the more Western states are seeking to exploit the region. Financial investors are being increasingly pressured to turn towards ESGs, with Goldman Sachs announcing 'it would not finance any projects in the U.S.'s Arctic

²⁷ LePan, N. 'The final frontier: how Arctic ice melting is opening up trade opportunities'. World Economic Forum, <https://www.weforum.org/agenda/2020/02/ice-melting-arctic-transport-route-industry/>. Published 13/02/20, accessed 27/01/22.

²⁸ Yanes, J. 'Arctic Shipping Routes, the New Suez Canal?'. BBVA, <https://www.bbvaopenmind.com/en/science/environment/arctic-shipping-routes-new-suez-canal/>. Published 23/07/21, accessed 27/01/22.

²⁹ Parker, A. 'Looking North: the re-emergence of the Arctic as a geopolitical hotspot.' Geographical, <https://geographical.co.uk/geopolitics/item/3605-looking-north-the-re-emergence-of-the-arctic-as-a-geopolitical-hotspot>. Accessed 30/01/22.

³⁰ Nakano, J. 'China Launches the Polar Silk Road'. CSIS, <https://www.csis.org/analysis/china-launches-polar-silk-road>. Published 02/02/18, accessed 27/01/22.

³¹ Green Car Congress. 'USGS Estimates the Arctic Holds About 22% of Global Undiscovered, Technically Recoverable Oil, Gas and NGLs'. <https://www.greencarcongress.com/2008/07/usgs-estimates.html>. Published 24/07/08, accessed 27/01/22.

³² Duxbury, C. 'The 5 most important races for the Arctic'. Politico, <https://docs.google.com/document/d/1-r8eEjZyoSnkFulZsJs6-SNmsvhC3AeE8n9ddqIXqtg/edit#>. Published 01/01/20, accessed 27/01/22.

National Wildlife Refuge³³. However, Russia and China are subject to far less stringent environmental regulations, and so these resources are unlikely to be left undisturbed

- In 2015, Chinese mining company General Nice took control of the Isua mine project in Greenland. China is currently the world's largest rare mineral exporter and is aiming to benefit from new energy resources in the Arctic through state owned companies³⁴

The Arctic has seen a renewal in its military importance for arctic states and beyond due to its geographic position and changing geopolitics

- Russia is aiming to re-establish its military dominance after the cold war, and the Arctic is one of the only regions in the world where it can do so virtually unobstructed since it surrounds more than half of the Arctic. Consequently, Russia has positioned its Northern Fleet in the Kola Peninsula which is crucial for its nuclear ambitions³⁵
- The US uses the Arctic for missile defence capabilities, surveillance infrastructure and a limited number of strategic forces. Notable US infrastructure includes the Thule Air Base, which is poised to become increasingly important³⁶, and the US is seeking to increasing its military investment in Arctic considerably³⁷

³³ LePan, N. 'The final frontier: how Arctic ice melting is opening up trade opportunities'. World Economic Forum. Published 13/02/20, accessed 27/01/22.

³⁴ Kopra, S. 'China's Arctic Interests'. Arctic Yearbook (2013), https://arcticyearbook.com/images/yearbook/2013/Scholarly_Papers/5.KOPRA.pdf

³⁵ Conley, H and Rohloff, C. 'The New Ice Curtain'. Centre for Strategic and International Studies, <https://www.csis.org/analysis/new-ice-curtain>. Published 27/08/15, accessed 30/01/22.

³⁶ Tingley, B and Rogoway, T. 'The US Can't Buy Greenland but Thule Air Base is Set to Become More Vital Than Ever Before'. TheDrive, [the-u-s-cant-buy-greenland-but-thule-air-base-is-set-to-become-more-vital-than-ever-before](https://www.thedrive.com/defense/37111/the-u-s-cant-buy-greenland-but-thule-air-base-is-set-to-become-more-vital-than-ever-before). Published 23/09/19, accessed 30/01/22.

³⁷ Watson, M. 'An Arctic Treaty: A Solution To The International Dispute Over The Polar Region'. 14 Ocean and Coastal Law Journal (2009). Accessed 30/01/22.

Insight

Introduction

The Arctic currently faces multiple issues that are complicated in their reasons and solutions. To create meaningful solutions, policymakers have to isolate these complex causes and design targeted solutions.

Military escalations in the arctic have so far not been hugely alarming, but are steadily increasing. By way of both military investment by Arctic states and aggressive rhetoric by leaders. These escalations, more often than not, are prompted by events miles from the Arctic region and take place on the global geopolitical arena, but have clear implications in the polar region. Moreover, there exists no Arctic-specific treaty addressing territorial disputes or other Arctic-specific issues. Instead, nations rely on the ill-suited UNCLOS for guidance, which leaves ample scope for future escalations. Finally, the melting ice is opening up faster and more efficient trade routes. As shipping companies seek to exploit this opportunity, equally important is creating a framework that ensures safety in this period of increased maritime navigation.



The Military *In The* Arctic Circle

Russia
NATO
The US
+ more

Increasing military presence in the Arctic is escalating tensions and reducing the efficacy of diplomatic relations

The increasing evidence of military activity in the Arctic is becoming worryingly apparent. The melting of the Arctic ice is creating geopolitical incentives for Russia to invest in its military capabilities as a means of protecting its 'new' border, and a collective interest in the region's natural resources, navigation routes, and its strategic positions is enticing more states to assert some kind of hard power to protect their individual interests.³⁸ These actions seem to resemble those of an arms race and are essentially undermining the hard-earned diplomatic consensus previously maintained in regards to the enabling of peace in the region.

The US and Russia are currently holding key roles in enabling this perpetuation of military fear. As previously mentioned, large scale exercise by the Russian military and other large investments in technology seems to have triggered the US and NATO allies to feel pressured to respond in a similar manner.³⁹ Notably, the development of the Ballistic Missile Defence (BMD) by the US is a key driver of militarization in the Arctic because the most crucial American BMD base is at Fort Greely in Alaska.⁴⁰ Moreover, the Arctic is at risk of nuclear escalation because it presents the most direct route for two of the world's largest nuclear powers to engage each other. As such, the Arctic has been patrolled by nuclear submarines and long-range nuclear bombers since the cold war. Not only have these states implicitly been attempting to oppose one another through the region's remilitarisation, but they are becoming increasingly vocal about their stances. United States Secretary of State Mike Pompeo gave a speech at the Arctic Council's Ministerial meeting in 2019, in which he explicitly declared that both Canadian and Russian claims to the Northern Sea Route were 'illegitimate'. The Arctic Institute's President and Managing Director, Dr. Victoria Hermann, noted the US' somewhat agnostic stance, believing 'America's Arctic ambivalence (to be) a greater threat than the ambitions of Russia and China combined'.⁴¹ The prevalence of political disputes between the US and China is becoming increasingly open, and little seems to have been done in an attempt to diffuse the situation. As a result of the US' heightened opposition to Russia's own military developments, NATO appears to be scaling up its involvement in the region, a stance unlikely to be interpreted

³⁸ Reykjavik. 'U.S. wants to 'avoid a militarisation' of the Arctic: Blinken'. The Hindu, <https://www.thehindu.com/news/international/us-wants-to-avoid-a-militarisation-of-the-arctic-blinken/article34589962.ece>. Published 18/05/21, accessed 08/02/22.

³⁹ Lanteigne, M. 'The changing shape of Arctic security'. NATO Review, <https://www.nato.int/docu/review/articles/2019/06/28/the-changing-shape-of-arctic-security/index.html>. Published 28/06/19, accessed 07/02/22.

⁴⁰ Ellis, T. 'Trump Administration Proposes USD 2.1bn Expansion of Fort Greely missile-defence Base.' Alaska Public Media, <https://www.alaskapublic.org/2017/11/14/trump-administration-proposes-2-1-billion-expansion-of-fort-greely-missile-defense-base/>. Published 14/11/17, accessed 14/02/22.

⁴¹ The Arctic Institute, 'The Arctic Institute's Reaction to Secretary of State Mike Pompeo's speech in Rovaniemi ahead of the AC Ministerial Meeting'. The Arctic Institute, <https://www.thearcticinstitute.org/reaction-secretary-state-mike-pompeos-speech-rovaniemi-finland-arctic-council-ministerial-meeting/>. Published 06/05/19, accessed 08/02/22.

by Russia as anything other than threatening.⁴² Indeed, whilst the NATO 2030 report calls for increased 'situational awareness across the High North and the Arctic', Russia has refused to entertain the idea of discussing military security affairs within the NATO context, and the alliance's influence in achieving any diplomatic progression is extremely limited.⁴³

The Ilulissat Declaration governance model, despite being a formal declaration of neutralisation, has de facto done little to mitigate the increase in military activity in the Arctic. By including only the coastal states (Canada, Denmark, Norway, Russia and the US), the subregional group is only able to discuss issues exclusively amongst themselves, and communication with other states invested or interested in the area has hence been significantly limited.⁴⁴ A fundamental means of diplomatic discussion has been entirely reduced. To increase difficulties in communication further, the annual meeting of the Arctic Chiefs of Defence Staff Conference has been suspended since 2014.⁴⁵ This conference previously allowed the Chiefs of the Armed Forces in Arctic states to partake in a more robust dialogue that related directly to the security of the region, but has not taken place since its suspension after Russia's annexation of Crimea.⁴⁶ Similarly, despite bringing together Canada, Denmark, Finland, France, Germany, Iceland, the Netherlands, Norway, Sweden, the United Kingdom and the United States, the Arctic Security Forces Roundtable (ASFR) does not enable dialogue with either Russia or China.⁴⁷ Even the Nordic Defence Cooperation between Norway, Denmark, Sweden, Finland and Iceland excludes Russia from its biannual 'Arctic Challenge' exercises. Notably, even well established organisations such as the Arctic Council, which was formed in 1996, are restricted from addressing security concerns⁴⁸ and cannot impose binding decisions upon its members. In fact, there are no Arctic specific arms control norms, with the exception of the Svalbard Treaty that prevents the use of the Svalbard Archipelago for the use of warlike purposes.

⁴² Sittlow, B. L. 'What's at Stake With Rising Competition in the Arctic?'. Council on Foreign Relations, <https://www.cfr.org/in-brief/whats-stake-rising-competition-arctic>. Published 01/05/20, accessed 08/02/22.

⁴³ Boulègue, M and Depledge, D. 'No. 5 | It Is Time to Negotiate a New Military Security Architecture for the Arctic'. Polar Points, <https://www.wilsoncenter.org/blog-post/no-5-it-time-negotiate-new-military-security-architecture-arctic>. Published 16/04/21, accessed 08/02/22.

⁴⁴ Long, Z. 'Arctic Governance'. Council on Foreign Relations, <https://www.cfr.org/report/arctic-governance>. Published 29/11/18, accessed 08/02/22.

⁴⁵ Danilov, P. B. 'Russia Wants to Resume Meetings Between Arctic Defense Chiefs'. High North News, <https://www.highnorthnews.com/en/russia-wants-resume-meetings-between-arctic-defense-chiefs>. Published 19/01/21, accessed 08/02/22.

⁴⁶ Strader, O. 'Arctic Chiefs of Defence Staff Conference: An Opportunity to Formalize Arctic Security'. The Arctic Institute, <https://www.thearcticinstitute.org/arctic-chiefs-defence-staff/>. Published 06/04/12, accessed 08/02/22.

⁴⁷ Bye, H. 'Arctic Council, EU, NATO on Agenda as Military Leaders Addressed Arctic Security Issues'. High North News, <https://www.highnorthnews.com/en/arctic-council-eu-nato-agenda-military-leaders-addressed-arctic-security-issues>. Published 12/05/21, updated 14/05/21, accessed 08/02/22.

⁴⁸ Groenning, R. 'Why Military Security should be kept out of the Arctic Council'. The Arctic Institute, [why-military-security-should-be-kept-out-of-the-arctic-council](https://www.thearcticinstitute.org/why-military-security-should-be-kept-out-of-the-arctic-council). Published 02/06/16, accessed 14/02/22.

Regardless of the benefits this military-to-military forum might bring to those states that do partake, it is paramount that Russia and China are able to fully engage in security based discussions as well. It is unsurprising that escalations in military involvement appear more prevalent than diplomatic communication given the ability for direct dialogue to occur has been largely curtailed by the exclusion of some of the most pivotal states in the Arctic's remilitarisation in the first place.

The UNCLOS needs restructuring to enable it to solve territorial disputes effectively

The UNCLOS presents an outdated and not fit-for-purpose solution to a unique problem. Moreover, it is not enforceable, thus rendering its provisions open to interpretation and abuse. Yet, many Arctic states are reluctant to update the existing framework of treaties because doing this presents an opportunity for non-Arctic states to claim territories or favourable terms. The CLCS, which decides cases of EEZ expansion beyond the 200 nautical miles, relies heavily on sound scientific evidence. Consequently, nations are increasing scientific investment and venturing towards new territories that are now accessible due to the melting of the ice.

The UNCLOS was constructed for the governance of open water, not glacial masses such as those in the Arctic. Hence, the treaty is not equipped to deal with the unique challenges of the Arctic.⁴⁹ In fact, the entire UNCLOS includes only one Arctic-specific article: Article 234. Moreover, the Arctic states' adherence with UNCLOS frameworks is fraught with possibilities of future conflict as issues arise which are not accounted for in the treaty, such as the role of local indigenous populations of the Inuit in territorial claims. Importantly, while the UNCLOS can determine the jurisdictional limits of the Arctic states, it has no powers to limit or govern nations' activities within their territories. This is particularly important for emerging industries such as deep-sea mining because international organisations may want to limit these activities due to their impact on ecosystems.

The UNCLOS allows for compulsory settlement of disputes, albeit with exceptions, wherein a party to a dispute can unilaterally seek the intervention of the International Court of Justice, International Tribunal for the Law of the Sea, or any other special tribunal. This further increases ambiguity with no preassigned compulsory mechanism of dispute resolution⁵⁰ and possibilities of exceptions. Crucially, since the current outstanding disputes of the Northwest Passage and Northern Sea Route involve issues of sea boundary delimitation and historical titles, the UNCLOS compulsory dispute resolution methods mentioned above are rendered powerless here⁵¹. In light of all these limitations, experts argue the need for an overarching Arctic treaty. However, the five Arctic states of Canada, the USA, Russia, Denmark, and Norway signed the Ilulissat Declaration in 2008, effectively agreeing that all sovereign claims will be settled using the law of the sea or UNCLOS. At the same time, they discouraged other states, especially non-

⁴⁹ 'United Nations Convention on the Law of the Sea'. United Nations, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf. Published 16/11/94, accessed 14/02/22.

⁵⁰ Féron, H. 'A New Ocean: The Legal Challenges of the Arctic Thaw.' *Ecology Law Quarterly* 45, no. 1 (2018), pg 83–128. <https://www.jstor.org/stable/26568788>. Accessed 14/02/22

⁵¹ 'United Nations Convention on the Law of the Sea Art. 286'. United Nations, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf. Published 16/11/94, accessed 14/02/22.

arctic states, from questioning this approach. Crucially, the Arctic Council also states that for any state to be given observer status, it must recognize that the UNCLOS provides a suitable framework to govern issues in the Arctic sea. Thus, experts see the Ilulissat Declaration and Arctic Council as methods to deter negotiations for a new Arctic Treaty that could lead non-arctic states to demand large territories in the central Arctic Ocean as 'common heritage of all mankind', rather than signals of genuine belief in the UNCLOS.

The primary reason for current outstanding territorial disputes is a lack of accurate geographic mapping and scientific information on the region.⁵² For example, much of the existing survey information about the Northwest Passage dates to 19th century British Exploration. Nations are increasingly using newer mapping techniques to cover the new territories exposed by the melting ice to submit proposals to the CLCS. For example, Russia has sent no less than 10 scientific expeditions since 2001 to gather support for its claim that the Lomonosov and Mendeleev Ridges are extensions of the Russian continental shelf.⁵³ Nations are also increasing scientific expeditions to further understand the differences between and features of oceanic ridges, submarine elevations, and submarine ridges among other natural features. This is because the CLCS views these features differently when solving territorial disputes, as was the case with the Scarborough Shoal in the 2016 South China Sea dispute between China and the Philippines.⁵⁴

Crucially, UNCLOS lacks any sort of enforceability, rendering its provisions reliant on the goodwill of member states⁵⁵. The disagreement between China and the Philippines over UNCLOS provisions in the South China Sea in 2016, which was ruled in favour of the latter, is a classic example of how powerful states can use military capabilities to undermine UNCLOS provisions due to lack of enforceability⁵⁶. In fact, the only robust legally binding Arctic agreement is the OSPAR Convention or the Convention for the Protection of the Marine Environment in the Northeast Atlantic. But the OSPAR focuses only on the environmental concerns in the Northeast Atlantic, not the whole Arctic⁵⁷. This further increases the need for binding international law in the Arctic, as "no one wins if the region remains a lawless frontier"⁵⁸.

⁵² Watson, M. 'An Arctic Treaty: A Solution To The International Dispute Over The Polar Region'. 14 Ocean and Coastal Law Journal (2009). Accessed 30/01/22.

⁵³ Klimentko, E. 'Russia's Arctic Security Policy: Still Quiet in the North?'. Stockholm International Peace Research Institute, Policy Paper No.45, <https://www.sipri.org/publications/2016/sipri-policy-papers/russias-arctic-security-policy-still-quiet-high-north>. Published 05/02/16, accessed 14/02/22.

⁵⁴ Klipper, R. 'Why China Might Seek to Occupy Scarborough Shoal'. The Diplomat, <https://thediplomat.com/2016/03/why-china-might-seek-to-occupy-scarborough-shoal/>. Published 29/03/16, accessed 14/02/22.

⁵⁵ Jacobson, J. 'Legal Regimes of the Arctic'. Society of International Law (1988). Accessed 14/02/22.

⁵⁶ Hayton, B. 'Two Years On, South China Sea Ruling Remains a Battleground for the Rules Based Order.' Chatham House, <https://www.chathamhouse.org/2018/07/two-years-south-china-sea-ruling-remains-battleground-rules-based-order>. Published 11/07/18, accessed 14/02/22.

⁵⁷ Convention for the Protection of the Marine Environment in the Northeast Atlantic, Published 22/09/92, accessed 14/02/22

⁵⁸ Borgerson, Scott G. 'Arctic Meltdown: The Economic and Security Implications of Global Warming.', Foreign Affairs 87, no. 2 (2008), pg 63–77. <http://www.jstor.org/stable/20032581>. Accessed 14/02/22.

Emerging trade routes and desire for resources is motivating dispute and largely ignoring the physical, ecological, social, and political consequences of rapid exploitation

The reality of the Arctic's rapidly shrinking ice mass is something most people are aware of. It's become somewhat of a symbol of the devastating effects of climate change and acts as a constant reminder of the need to temper our energy-thirsty production processes to mitigate global temperature increases. Aside from rising sea levels, however, some equally pressing (if not equally vocalised) issues are being escalated by the rate of its retreat. A desire for access to the abundance of natural resources in the region is growing rapidly as the rest of the world's non-renewable energy sources are being increasingly depleted, and the melting ice is creating new trade routes that were, up until recently, considered economically unviable.

The US Geological Survey estimates that the area North of the Arctic Circle is expected to account for around 22% of the world's undiscovered and technically recoverable resources in the form of oil, natural gas, and natural gas liquids.⁵⁹ Increased oil activities inevitably increase the likelihood of oil spills occurring. In May 2021, Norilsk Nickel (the world's leading nickel and palladium producer) saw 21,000 tonnes of diesel pour from a company tank into rivers and lakes in Russia's Arctic north.⁶⁰ The incident is believed to have occurred because of the weakening of the supports due to the melting permafrost. The lack of regard for the scale of 'accidents' such as this is extremely worrying, and without effective policy implementation, their frequency is only likely to increase in line with growing global temperatures. Additionally, the harsh geographical landscape of the Arctic makes it harder to manage both the projects and the subsequent responses to problems, meaning the damage caused by poor planning and lack of caution is significantly higher than if the accident happened in other, less demanding environments.

Some commentators have pointed to the increasing desire for alternative resources other than oil and gas as a positive indicator that the Arctic's exploitation is unlikely to be as disastrous as previously expected. Goldman Sachs is just one institution that has updated its energy policy to rule out financing for new oil drilling or exploration in the Arctic.⁶¹ However, even with a declining demand for non-renewable energy, the desire for claims over the Arctic are unlikely to become

⁵⁹ Nordregio. 'Resources in the Arctic 2019'. Nordregio, <https://nordregio.org/maps/resources-in-the-arctic-2019/#:~:text=According%20to%20estimates%20from%20the,purple%20areas%20on%20the%20map>). Published 2019, accessed 11/01/22.

⁶⁰ Nordregio. 'Resources in the Arctic 2019'. Nordregio. Published 2019, accessed 11/01/22. .

⁶¹ Demientieff, B. 'Goldman Sachs agreed to stop funding Arctic drilling. Will other banks join them?'. The Guardian, <https://www.theguardian.com/commentisfree/2020/jan/03/goldman-sachs-arctic-drilling-gwichin-banks>. Published 03/01/20, accessed 11/01/22.

less aggressive, as the area is rich in fish and rare minerals often used to make electronics.⁶² Similarly, the states interested in this abundance of potential resources generally appear to have a somewhat ambivalent attitude towards the consequences of their exploitation. China and Russia historically don't care much about environmental regulation, and both seem to be neglecting any obligations they might already have. Specifically, China has proposed to mine reserves of uranium and other rare metals, as part of their plan to be 'at the forefront of what could be a revolution in extractive industries'.⁶³ Similarly, Russia's \$27 billion giant liquefied natural gas project is hardly a step away from non-renewable energy resources.

The shrinking polar cap is not only causing a conflict of interest in terms of resource access but is also creating political tension as it's opening up new trade routes. Richard Powell, a polar geographer at Scott Polar Research Institute at the University of Cambridge succinctly highlights how this is only going to keep developing: 'the predictions of the Arctic being completely ice-free are around (the years) 2040 or 2050'.⁶⁴ For example, the Northern Sea Route would reduce the sailing distance between Yokohama and Rotterdam from 11,200 nautical miles via the current Suez Canal route to 6,500 nautical miles, resulting in savings of more than 40%.⁶⁵

Although commercial activity is currently significantly much lower than that seen in other areas such as the Suez Canal, there is a growing sense of urgency to establish some level of control and sovereignty over this potentially valuable passage. The Chinese shipping company COSCO is planning to increase its use of the Northern Sea Route from a few dozen voyages a year up to 200- 300.⁶⁶ The US meanwhile, is slamming both Russia and Canada's claims over these routes, declaring them as illegitimate and illegal. With several states rushing to gain some kind of strategic advantage in this area, tension is growing, and there's a clear need to establish some kind of international consensus and diplomatic framework to mitigate escalations in conflicting interests and lay a foundation for the further implementation of actual structures.

⁶² Arctic Council. 'The Global Demand is a Very Strong Driver Affecting the Arctic Economy'. The Arctic Council, <https://arctic-council.org/news/the-global-demand-is-a-very-strong-driver-affecting-the-arctic-economy/>. Published 16/06/20, accessed 11/01/22

⁶³ Duxbury, C. 'The 5 most important races for the Arctic'. Politico, <https://www.politico.eu/article/5-races-for-the-arctic-trade-resources-supremacy-tourism-salvation/>. Published 01/01/20, accessed 11/01/22.

⁶⁴ Duxbury, C. 'The 5 most important races for the Arctic'. Published 01/01/20, accessed 11/01/22.

⁶⁵ Borgerson, Scott G. 'Arctic Meltdown: The Economic and Security Implications of Global Warming.', *Foreign Affairs* 87, no. 2 (2008),pg 63–77. <http://www.jstor.org/stable/20032581>. Accessed 14/02/22.

⁶⁶ Gordon, J. 'Is America losing out on the Northern Sea Route?'. Raconteur, <https://www.raconteur.net/global-business/usa/northern-sea-route/>. Published 10/09/19, accessed 11/01/22.

Policy Recommendations

Overview:

The policy recommendations highlighted below aim to usher in a new era in Arctic governance that are based on the principles of mutual understanding, peace and collaboration among the Arctic states and beyond. They do so by addressing the glaring gap in the current framework of arctic governance, anticipating and providing for increased movement in the arctic waterways and proposing the first effective forum for military coordination in this region. These policies are the need of the hour and can be realistically undertaken, all that is required is an earnest willingness from the nation's involved.

- **Action 1-** The Arctic States, together with other states, should ratify a properly defined Arctic Treaty. An Arctic Treaty could solve the current outstanding territorial claims and address other issues unique to the Arctic. Inspirations could be drawn from the successful Antarctic Treaty of 1961.
- **Action 2-** Policy structures have to be developed that regulate the passage of ships and other vessels for the purpose of trade and otherwise in the new voyage waters of the Arctic. These policy frameworks have to be agreed upon by the Arctic, and crucially, non-Arctic states that will use these waterways and will serve as guiding maritime principles in the Arctic. The policies have to be designed keeping in mind the protection of the environment, political scenario, and social structures in the Arctic.
- **Action 3-** A new group that involves all relevant Arctic states, but that is not explicitly part of the Council itself, should be created with the specific role of facilitating security discussions. This will enable greater dialogue between states, increasing inclusion so that dialogue can be increased, and diplomatic progression more easily attained.

Action 1- Ratifying an Arctic Treaty that addresses the shortcomings of the UNCLOS

The successful Antarctic treaty can serve as a useful starting point rather than an out-and-out template for an Arctic Treaty. This is because there are significant fundamental differences between the two regions. The Arctic is an expanding ocean surrounded by land whereas the Antarctic is its own continent, making the former's boundaries more difficult to define. Moreover, the Arctic is home to various indigenous populations whereas there are no human settlements other than scientific research on Antarctica. Finally, resource extraction in the Arctic is a concrete possibility but in Antarctica, it is mere conjecture. Consequently, nations with strong claims to these resources will not readily compromise in a treaty.

A comprehensive Arctic treaty will replace the UNCLOS in the Arctic. The treaty will have to be drafted by the Arctic states with other possible influential players such as China and India as observers. The Arctic treaty should highlight the role of local populations such as the Inuit in territorial claims. This would go a long way in solving the dispute between Canada and the US in the Northwest Passage. The treaty could clarify a list of permissible activities within national EEZs, keeping in mind the delicate ecological balance of the Arctic. This can be done through consultation with leading environmental groups and scientists, specified on their own discretion post discourse and negotiations. Doing this will help regulate emerging industries such as deep-sea mining rather than having to resolve escalations motivated by economic incentives later. The treaty must also outline measures for scientific collaboration among all Arctic states, crucially including Russia, to undertake joint scientific expeditions in the areas for seafloor mapping. This will increase geographic knowledge of the Arctic and will potentially solve territorial disputes that rely on accurate geographic facts.

The treaty should identify a specific legal body, or create one, with the sole purpose of resolving disputes in the Arctic. This will streamline the existing dispute resolution process which allows nations to unilaterally appeal cases in various international bodies. With regards to territorial disputes, the treaty can resolve them through one of three methods.⁶⁷ Firstly, divide the Arctic based on a formula agreed upon by concerned states. This is unlikely because this ignores the fact that current disputes exist precisely due to an inability to agree. Secondly, stipulate that territorial disputes will be resolved under UNCLOS procedures and thirdly, freeze all territorial disputes until a future unspecified date as was done in the Antarctic Treaty. The second option is weakened by the fact that the US is still to ratify UNCLOS, but this approach may succeed if it does so. In contrast, this policy is strengthened by the fact that currently all Arctic states, including Russia, are mostly acting in accordance with the UNCLOS. Crucially, this approach clarifies that sovereignty claims will be processed under the existing UNCLOS framework in the Arctic treaty, whereas the treaty will make provisions for challenges unique to the Arctic which

⁶⁷ Watson, M. 'An Arctic Treaty: A Solution To The International Dispute Over The Polar Region'. 14 Ocean and Coastal Law Journal (2009). Accessed 30/01/22.

are not covered in the UNCLOS as highlighted previously. By establishing UNCLOS as the primary tool, nations will be bound by recommendations of the CLCS under the Arctic treaty. Consequently, the treaty will have to work towards increasing the enforceability of the CLCS recommendations. This could be through positive enforcement mechanisms, rather than negative methods like sanctions, such as transparently publicising⁶⁸ CLCS submissions made by nations or creating a new framework to address conflicting claims made to the CLCS. This framework could be the previously mentioned newly assigned or created legal body.

The third option is ideal in that nations will suspend claims until extensive geographic studies of the region provide clarity over existing claims. This approach will temper tensions in favour of scientific, environmental, and peaceful considerations. Moreover, it is possible that the CLCS decides that the seabed at the bottom of the North Pole will not be the sole territory of any single nation, rather a common one for mankind, as was done in Antarctica. However, this option is unlikely given the increasing availability of crucial resources due to rapid climate change.

In conclusion, the time to adopt an Arctic treaty is now, thereby taking advantage of the current relatively cordial and peaceful relations among the Arctic nations. Arctic states will have to backtrack on the Ilulissat Declaration and make changes to the Arctic Council in order to create the treaty, but this is very much possible and experts widely agree that a treaty is the best option.

⁶⁸ Chayes, A and Chayes, A. 'Compliance without enforcement: State behaviour under regulatory treaties'. *Negotiation Journal* 7 (3) (1991), pg 311-330. Accessed 1/2/22.

Action 2 - Policies have to be implemented that safely regulate trade and other movement in Arctic waterways

The Arctic nations along with other stakeholders nations can draft a set of policies through the Arctic Council that serve as the guiding principles for movement in the waterways of the Arctic. As maritime activity inevitably increases in the arctic, the time to put in place a concrete framework of maritime policies is now.

Firstly, states should clearly define the requisites of an international strait. This could include the number and size of vessels navigating it in a period of time or its proximity to EEZs among other factors. This will go a long way in solving the Northwest Passage dispute between US and Canada, while clarifying which laws apply in the passage thereby reducing chances of oil spills and accidents. This will also clearly outline the rights of the concerned states with regards to vessels in the passage thereby streamlining and increasing maritime trade through the passage. An agreement between US and Canada over the structure of an international strait is likely given their past cordial relations and such an agreement is necessary.⁶⁹

In light of the increasing maritime traffic, Arctic states should prioritise search and rescue operation preparedness, along with focussing on accurate hydrography to increase navigability of the waterways (currently only 4.7% of the US maritime arctic is charted to modern international standards⁷⁰) and developing state of the art deepwater ports in the waterways with help from the Arctic Economic Council which are crucial for servicing large vessels and LNG carriers. A key step in this direction is the US increasing its number of icebreakers from 1. This is in sharp contrast to Russia's 40 and Canada's 10 icebreakers. Efficient search and rescue operation drills can be agreed upon in the Arctic council and are crucial to reduce the environmental harm of maritime traffic in the long term. Moreover, special focus should be given to jointly create mechanisms that reduce the effects of oil spills in the arctic. This is crucial since the Arctic has been described as "more finely tuned and acutely sensitive to environmental impact than [. . .] any other part of the globe."⁷¹ Similarly, Arctic states should incentivize vessels to increase adherence to pre existing shipping safety laws such as the Polar Code and SOLAS while creating new laws for arctic shipping emission and ballast water management. No new treaties need to be set up for these issues, rather states need to amend the MARPOL⁷². In

⁶⁹ Stienfield, D. 'The US Canada Northwest Passage Dispute'. Brown Political Review, <https://brownpoliticalreview.org/2020/04/the-u-s-canada-northwest-passage-dispute/>. Published 8/4/20, accessed 18/2/22

⁷⁰ Conley, Heather A, Matthew M and Andreas Ø. 'Divergent Policies and a Lack of Infrastructure in the Bering Strait Region. *Maritime Futures: The Arctic and the Bering Strait Region.*' Centre for Strategic and International Studies (CSIS), 2017. <http://www.jstor.org/stable/resrep23192.8>. Accessed 08/02/22.

⁷¹ Verhaag, M. 'It Is Not Too Late: The Need for Comprehensive International Treaty to Protect the Arctic Environment', 15 GEO. INT'L ENVTL. L. REV, (2003). Accessed 01/02/22.

⁷² Féron, H. 'A New Ocean: The Legal Challenges of the Arctic Thaw.' *Ecology Law Quarterly* 45, no. 1 (2018), pg 83–128. <https://www.jstor.org/stable/26568788>. Accessed 14/02/22

extreme cases, the International Maritime Organisation can demarcate certain special areas which are out of bounds for vessels owing to the extremely sensitive ecosystems, such as that off the coast of St Lawrence Island.⁷³ Any such demarcations will be based on extensive reports and research such as that of the 2010 US Coast Guard initiated PARS study of the Chukchi Sea.

In the short term, nations should aim to increase infrastructure in sensitive areas such as the Bering Strait. More projects such as the Enhanced Satcom Project between the US, Canada, Norway, and Russia, which is set to be completed in 2024, need to be undertaken on a multinational stage. These projects will increase the C4IT capacities in the arctic which are crucial for safe navigation, monitoring of fisheries and oil spills. This is crucial since the high arctic latitudes present challenges in the propagation of radio signals, geomagnetic interference, and limited bandwidth.⁷⁴

Such improvements in the arctic maritime domain through progressive policies are extremely likely. This is because many such projects are ongoing with further initiatives in the pipelines of all the arctic nations. For example, the ongoing multinational annual Arctic Buoy Program. In light of the existing maritime infrastructure gaps, policymakers have to prioritise projects in order to direct funding to the most pressing concerns.

⁷³ Brigham, L. 'Future Perspective: The Maritime Arctic in 2050.' The Fletcher Forum of World Affairs, vol. 39, no. 1, The Fletcher School of Law and Diplomacy, 2015, pp. 109–20, <http://www.jstor.org/stable/45290105>. Accessed 05/02/22.

⁷⁴ Conley, Heather A, Matthew M and Andreas Ø. 'Divergent Policies and a Lack of Infrastructure in the Bering Strait Region. *Maritime Futures: The Arctic and the Bering Strait Region.*' Centre for Strategic and International Studies (CSIS), 2017. <http://www.jstor.org/stable/resrep23192.8>. Accessed 08/02/22.

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Action 3 - Create a new group with the specific role of securitization discussions to enable greater dialogue between states

Currently, the Arctic Council has held true to the footnote in the Ottawa Declaration that they should not deal with security-related matters.⁷⁵ Whilst many are quick to assume this is the underlying motive for tensions escalating, we feel that the Council would be best served by continuing this practice, and instead facilitate a new group, with more specifically military-focused goals. This group should have greater inclusion of states, namely ensuring Russia is still involved, and introducing China as a state that is clearly interested and invested in the region. Adding the explicit discussion of military presence to the Council directly could be detrimental to the progress that has been made in regards to other areas of the region, and so this new group will help maintain some distance to stop military tensions interfering with the progress being made in the Council currently.

Despite the Arctic Council not directly dealing with security issues, it is worth noting the developments of other institutions that have been put in place as alternatives. The Arctic Coast Guard Forum is independent of the Council but does act to complement some of its working groups, with the specific aims of improving coast guard missions in areas such as the enforcement of regulations and emergency responses. Although perhaps not directly aimed to mitigate security escalations, the ASGF would have helped maintain dialogue and collaboration between states, encouraging information sharing for mutual gains and demonstrating that the involved states are willing to work together in certain circumstances. Unfortunately, development in these areas was curtailed by the exclusion of Russia after their annexation of Crimea in 2014. It is paramount that Russia is able to maintain a level of communication with the affairs of the Arctic, and so even if excluded from the ASGF, the creation of a new group with the fundamental target of securitisation mitigation would, at the very least, still allow a forum in which Russia might be communicated with. Indeed, NATO has proven largely unsuccessful in this regard, and the diplomatic failures seen in the build-up to Russia's invasion of Ukraine highlight the extreme need for sensitivity and greater dialogue. It is worth noting here that Russia's recent aggression has massively raised the risk of further militarisation in the Arctic, but we do not feel that this justifies their exclusion from Arctic-related discussions. If anything, increased dialogue should be maintained at all costs.

Similarly, despite being a formal declaration of neutralisation, the Ilulissat Declaration has been largely unsuccessful in mitigating increases in military activity in the Arctic, and its exclusion of non-coastal states limits communication further. The suspension of the Arctic Chiefs of Defence Staff has essentially removed the most specific group for security talks relating to the region, further exacerbating the rift between states and severely limiting the ability for genuine

⁷⁵ Groenning, R. 'Why the Arctic should be kept out of the Arctic Council'. The Arctic Institute, <https://www.thearcticinstitute.org/why-military-security-should-be-kept-out-of-the-arctic-council/>. Published 02/06/16, accessed 27/02/22.

discussions and compromises to be reached. Along the same theme, both Russia and China cannot partake in the Arctic Security Forces Roundtable discussion.

There are many commentators that call for harsher restrictions and more binding laws on military presences in the Arctic, and there are some that argue that nothing should be done at all. In regards to those in the first group, we would like to point out how detrimental this would be to the encouragement of inclusive participation. Russia is extremely unlikely to join or abide by the ideas of a new group if this group is too bullish in its imposition of laws and restrictions. Additionally, the lack of an explicit security arrangement seems not to have been overly detrimental to the securitization of the Arctic; whilst there have certainly been increases in activity, as of yet no serious bouts of conflict have emerged.⁷⁶ However, merely 'doing nothing' seems entirely incomprehensible. Russia's recent actions in Ukraine demonstrate perfectly the increasingly tense landscape of international affairs, and the encouragement of specific communication is paramount for a greater understanding of the state's intentions and agendas.

All in all, the creation of a group specific to military related dialogue will facilitate the communication between states that is currently non-existent. By not being part of the Arctic Council explicitly, the current Council's progression and development in other areas of the region will not be hindered by diplomatic grievances that are specific to securitization itself. The re-inclusion of Russia, in this regard, would be resolved; they might be limited in terms of dialogue in other groups, but can still directly engage with other states through an alternative forum to de-escalate military tensions.

⁷⁶ Stephen, K. '*An Arctic Security Forum? Please, no!*'. The Arctic Institute, <https://www.thearcticinstitute.org/arctic-security-forum-please-dont/>. Published 26/04/16, accessed 27/02/22.

Conclusion

The geopolitical scene of the Arctic is evolving rapidly. Even more so since Russia's invasion of Ukraine. The region has long been a beacon of stability and for the most part cooperation among nations, but the next decade will surely put a strain on this reputation. In order to accurately foresee future possibilities and more importantly deal with certain complexities, certain measures have to be adopted soon. And now is the opportune moment in light of the aforementioned cordial relations among Arctic states over the past decades.

The creation of an Arctic Treaty is likely and recommended by experts the world over. It needs careful deliberations, planning, and above all, collaboration. But this step is crucial in ensuring a safe and steady Arctic region. A region that has till now been governed by a makeshift set of policies under the UNCLOS. Secondly, increased maritime traffic will surely translate into updated policies in the near future. This is evidenced by the already growing body of arctic maritime safety and regulatory laws. The charge will have to be led by leading scientists, academics, and environmentalists. These maritime laws will increase the efficiency and safety of arctic waters - a proposition that suits both private shipping companies and Arctic governments. Finally, in line with current global events, the military tension in the region needs de-escalation. This process must be approached with caution; the current climate seems too shaky to implement overly harsh and aggressive policies. Instead, diplomatic collaboration must be targeted, with states seeking compromise without excessive hostility.