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Abstract

This paper explores the potential areas of conflict and cooperation in the Arctic with a special focus on territorial claims and energy resources. The paper will first present the legal framework governing the Arctic region, with a focus on the U.N. Convention on the Law of the Sea (UNCLOS). Second, it will discuss the territorial claims that have been made by the Arctic states. Third, the paper will look closer into the actual level of tension in the region and discuss whether or not the territorial disputes have the potential of turning into conflicts in the future. The paper finds that although there have been some overlapping territorial claims in the Arctic and an increased military presence, a great deal of this can be explained by national pride and security interests as the ice melts. The paper also finds that most of the energy resources in the Arctic are located within the Exclusive Economic Zones of the Arctic nations and are consequently not contested. The potential for conflict in the Arctic is at the moment not very high.

Introduction

“The Arctic is a Russian Mecca,” Russian Deputy Prime Minister Dmitry Rogozin tweeted in April 2015 on a visit to Svalbard, an island in the Norwegian Arctic archipelago.¹ The trip led the Norwegian government to
summon the Russian ambassador in Oslo, because Rogozin was on a travel ban list due to Norway’s sanctions against Russia over its intervention in Ukraine.² Russian authorities countered by referring to the 1920 Svalbard treaty, granting all signatories (including Russia), free access to the archipelago. The story about Rogozin’s trip to Svalbard is an example of the perceived tensions developing between Russia and other Arctic nations today. The reactions to the trip show the level of intricacy of the laws governing the region, as well as the fact that interpretations of these laws can differ. As Arctic ice melts, the region is becoming more relevant through its increasing accessibility. The Arctic summer sea ice is receding at a rate of 12 percent per decade, making ice-free Arctic summers likely during the next few decades.³ The region is perceived as having a vast economic and political potential, and news stories pointing towards a new “Cold War” are not unusual.⁴ Despite these tensions, a high level of peaceful cooperation exists between the Arctic states.

This paper will explore the potential areas of conflict and cooperation in the Arctic region. A special focus will be made on territorial claims and energy resources. The paper will first take a closer look at the economic potential of the Arctic region. Second, it will lay out the legal framework governing the region, with a focus on the U.N. Convention on the Law of the Sea (UNCLOS). Third, it will discuss the territorial claims that have been made by the Arctic states. Finally, the paper will look closer into the actual level of tension in the region and discuss whether or not the territorial disputes could turn into conflicts in the future. The paper finds that although there have been some overlapping territorial claims in the Arctic and an increased military presence, a great deal of this can be explained by national pride and the increasing need for border protection, search and rescue, and drug enforcement as the ice melts. The potential for conflict at the moment is therefore not very high.

The Arctic Potential

The Arctic region is estimated to hold 13 percent of the world’s untapped oil reserves, and up to 30 percent of its undiscovered natural gas.⁵ The largest deposits are found off the coast of Russia, and the Russian Ministry
of Natural Resources has calculated that the territory they claim contains 586 billion barrels of oil.\textsuperscript{6} The areas east of Greenland are estimated to contain 9 billion barrels of oil and 86 trillion cubic feet of gas, while altogether, the Alaskan Arctic coast is estimated to hold at least 27 billion barrels of oil.\textsuperscript{7} Several oil companies have invested billions of dollars in exploring the resources in the region and acquiring equipment suitable for the Arctic, despite the fall in oil and gas prices that started in 2014.\textsuperscript{8,9} Expectations that the price will rebound keeps some companies committed in the region.

Another important aspect of the melting of sea ice is the potential for Arctic shipping (see figure 1).\textsuperscript{10} The Northern Sea Route (NSR) over Eurasia is now ice-free and passable for ships for about two months of the summer. The NSR reduces sailing distance by 40 percent compared to going through the Suez Canal.\textsuperscript{11} In contrast, the Northwest Passage (NWP), which has been ice-free during the summer the last 10 years, connects Europe and Asia over North America. The NWP is about 39 percent shorter than the route through the Panama Canal.\textsuperscript{12}

Consequently there is a strong monetary incentive for easier Arctic shipping, and it is possible that it will become commercially and economically feasible in the near future.\textsuperscript{13} Asian countries in particular have taken note. In 2013 Japan, China, India, South Korea and Singapore were admitted as permanent observers to the Arctic Council, a forum for Arctic states, indigenous groups, and interest groups in the region. In other words, if these shipping routes become navigable, it is likely that actors all over the world—not just those with direct borders—will show interest. Despite these optimistic views, important obstacles remain before Arctic shipping becomes economically feasible. Malte Humpert at the Arctic Institute points out three obstacles to profitability in Arctic shipping: a lack of predictability (not possible to ship year-round), punctuality
(unpredictability causes less punctuality), and economy-of-scale (operational level not high enough). Therefore, while Arctic shipping is currently only profitable in a limited number of operations, this may change as technology develops and the Arctic becomes more reliably navigable.

**UNCLOS 101**

Before covering the territorial and sovereignty claims in the Arctic, the paper will give a description of the most prominent legal institution governing the Arctic. The U.N. Convention on the Law of the Sea (UNCLOS) — and more specifically the Commission on the Limits of the Continental Shelf (hereafter, the Commission) — is arguably the most
important instrument governing the Arctic. UNCLOS sets various boundaries from the coastline of a state to the high seas. The convention sets a defined maritime baseline from which additional areas are distinguished. The waters on the landward side of the baseline are internal waters, where the coastal state enjoys full sovereignty. This means that the coastal state can engage in resource exploitation and is free to regulate navigation. From the baseline and outward twelve nautical miles is the territorial sea. The coastal state has the right to regulate and use natural resources, but foreign nations do also have the right of “innocent passage.” This term defines passage that is “not prejudicial to the peace, good order or security of the coastal State.” Prejudicial activities can, according to the treaty, be military activities, pollution, fishing, and research. Beyond the territorial waters lies a 12 nautical mile contiguous zone, where the coastal state has the right to enforce laws prohibiting smuggling or illegal immigration activities. Extending 200 nautical miles from the baseline is the Exclusive Economic Zone (EEZ), where coastal states have exclusive rights over all natural resources. Finally, the continental shelf limit gives the coastal state a possible extension of the rights over exploration and exploitation of resources (extended EEZ), but no more than 350 nautical miles from the baseline, or 100 nautical miles from its 2500 meter isobaths.

The extended continental shelf has become particularly important in determining rights in the Arctic. UNCLOS provides geological specifications that the coastal state must use to establish the outer limit of its continental shelf. According to legal scholar Michael Byers, Article 76, specifying the limits of the continental shelf, is one of the most technical provisions found in any international treaty. After establishing its limits, the coastal state is responsible for submitting its findings to the Commission on the Limits of the Continental Shelf, which has been established by the treaty. The Commission’s tasks are to provide scientific and technical advice to nations preparing submissions, review submissions, and make recommendations regarding the breadth of a coastal state’s continental shelf. However, if there are overlapping claims from multiple nations, the Commission will not determine the maritime boundaries of the nations, but merely provide a scientific location of the
outer limit of the shelf. The Commission is not the forum for resolution, but has a role as a “legitimator.” If there is a dispute over maritime boundaries (such as overlapping continental shelf claims), UNCLOS obliges the parties to settle it by peaceful means (such as via the International Court of Justice or the International Tribunal for the Law of the Sea).

The ‘Race’ for the Arctic

In this section the paper will look at some of the territorial claims that have been made by different countries in the Arctic and will focus on claims that are disputed. There are eight countries with geographic potential to make claims in the Arctic: Canada, Denmark, Finland, Iceland, Norway, Sweden, the United States, and Russia. This paper will focus on the five Arctic coastal states: Canada, Denmark, Norway, Russia, and the United States, since these are the states that can make claims in the Arctic Ocean according to UNCLOS. The map in Figure 2 shows disputed territories to which states might lay claim in the future. The map, dated from 2015, follows historic and ongoing arguments about ownership and the race for resources.

Canada’s Claims

Canada ratified UNCLOS in 2003 and soon after started mapping their seabed and collecting data. Canada’s first territorial claim in the Arctic was the Beaufort Sea, which is located between Alaska and the Canadian Arctic Archipelago. Canada based its claim on an 1825 treaty between Great Britain and Russia; the United States argues that this treaty cannot be applied to any territory beyond the water’s edge. This has resulted in an overlap of claims between Canada and the United States over 7000 nautical miles. Both countries have spent enormous amounts of money on oil exploration in the area, and Canada has also started mapping the continental shelf in this region, but so far has sent only a partial submission to the Commission (in December 2013), in which the Beaufort Sea was not included.
Figure 2: Maritime Jurisdiction and Boundaries in the Arctic Region
Source: Durham University
Canada also claims portions of the Lomonosov Ridge, an underwater mountain chain that could span the Arctic Ocean. Canada has claimed a portion of the ridge between Ellesmere Island and the North Pole. This claim conflicts with Russia and Denmark, both of whom also claim parts of the ridge as their extended continental shelf. Canada’s partial submission to the Commission in December 2013 set out the potential outer limits of the continental shelf to be an area of 1.2 million square kilometers. A follow-up submission will include a claim to parts of the Lomonosov Ridge.

Another important claim made by Canada is not related to the continental shelf, but to the Northwest Passage (NWP). Many countries including the United States consider the NWP an international strait since it connects two expanses of high seas together (the Atlantic and Arctic oceans), and is used for international navigation. This view gives Canada ownership of the waterway, but foreign vessels have a right of “transit passage.” Canada, on the other hand, views the NWP as its internal waters. That means, as described under the section “UNCLOS 101,” that Canada has full sovereignty over the body and that foreign ships must ask for Canada’s permission before passing through. The rationale behind this claim is that Canada has drawn straight baselines around its Arctic Archipelago (as opposed to the more common low-water line). This makes the straits between these Canadian islands internal waters. Canada has also claimed that parts of the NWP are “historic international waters,” arguing that it has exercised exclusive authority over the waters for a considerable length of time. However, the United States and several European nations claim that even though Canada has drawn straight baselines, these waterways are nonetheless used for international navigation and are thus open to innocent passage.

While the NWP continues to be covered by ice for most of the year, Canada and the United States will likely continue to “agree to disagree.” However, the need for a resolution becomes more important as melting sea ice increases navigability in the middle to long term. According to Kathrin Keil, a fellow at the Arctic Institute and Project Scientist at IASS Potsdam, Canada views Arctic sovereignty as an important part of its Arctic
Canada is unlikely to retract its claims, although there is some indication that the rhetoric around Arctic sovereignty is part of a “campaign strategy” by Canadian officials.

Russia’s Claims

“Of all the Arctic states, Russia has by far the greatest intrinsic interest in the Arctic,” Keil writes in an article on Arctic cooperation and conflict. The Russian Arctic accounts for 20 percent of Russia’s gross domestic product (GDP) and 22 percent of all Russian exports. Russia also has the longest Arctic coastline, giving it more Arctic marine area than any other border country. Russia ratified UNCLOS in April 1997 and was the first country to make an extended continental shelf claim in 2001. The submission declared 1.2 million square kilometers of Arctic territory, including the Lomonosov Ridge going past the North Pole. However, the Commission requested more scientific evidence to support the claim. The Russian government spent years collecting data, renewing their claim in August 2015. Additionally, the Russian government has sent strong signals that it plans to back up its claims through increasing military presence, building icebreakers, and increasing Arctic research. Russia is now building at least 14 new icebreakers, and several more are planned. Russia’s new claim overlaps several other countries’ claims.

As mentioned previously, Russia’s Lomonosov Ridge claim overlaps the claims of both Canada and Denmark. There has been particular focus on the question of the North Pole, especially after a Russian science mission planted a Russian flag on the seabed under the North Pole in 2007. While this has been interpreted by the media and by other Arctic nations as a symbol of Russia’s aggressive goals in the Arctic, it was most likely a...
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political move aimed towards internal politics and the 2007 Russian elections.\(^{50}\) Russian officials have on several occasions underscored that they will adhere to international law and cooperation.\(^{51}\) Additionally, Russia is dependent on the involvement of foreign expertise and technology in order to explore and exploit the natural resources on the Russian continental shelf, which makes the incentives for cooperation on the Lomonosov Ridge higher.\(^{52}\) Russia’s initial submission resulted in responses from the other Arctic nations. The United States, for instance, has taken the position that the Lomonosov Ridge is not part of any state’s continental shelf, but is rather an independent formation.\(^{53}\) Russia’s claim also resulted in Norway declaring a “maritime dispute” over the Barents Sea, a topic this paper will consider below.

Denmark’s Claims

Denmark ratified UNCLOS in 2004 and submitted claims to the Commission in December 2014. Denmark claims ownership of around 895,000 square kilometers of the continental shelf north of Greenland (parts of the Lomonosov Ridge).\(^{54}\) Since Denmark claims parts of the Lomonosov Ridge, it is also entering the fight for the North Pole. As has been seen above, the Lomonosov Ridge claim overlaps with claims made by Canada and Russia.

Denmark has previously made four other submissions to the Commission. These were for the area north of the Faroe Islands in April 2009, the Faroe-Rockall Plateau Region in December 2010, the Southern Continental Shelf of Greenland (Eirik’s Ridge) in June 2012, and the North-Eastern Continental Shelf of Greenland in November 2013.\(^{55}\) Some of these submissions overlap with other nations’ claims. One of the most notable disputes is between Canada and Denmark over Hans Island in the Kennedy Channel, which runs between Canada’s Ellesmere Island and Greenland.\(^{56}\) The island itself is viewed by many as insignificant,\(^{57}\) but neither country is willing to give up its claims due to the possible effect on other claims in the region. The dispute over the area surrounding the island was resolved in late 2012, but Hans Island itself was left out of the agreement.\(^{58}\)
Norway’s Claims

Norway ratified UNCLOS in 1996 and made a submission to the Commission in November 2006 over the Loop Hole (under the Barents Sea), Banana Hole (under the Norwegian Sea), and the Western Nansen Basin. The claimed area extends the continental shelf by 250,000 square kilometers and is about six times larger than Norway’s mainland. The Norwegian claims do not overlap with other claims of exclusive economic zones, but nonetheless there have been some disagreements. One such disagreement can partially explain how the Norwegian government reacted when the Russian deputy prime minister visited Svalbard in April 2015.

The Western Nansen Basin is an area north of the island of Svalbard where the eastern part of the claim crosses the median line between Norway and Russia (without overlapping Russia’s claimed continental shelf). Norway and Russia disagree over the interpretation of the 1920 Svalbard treaty granting Norway sovereignty over the island, but also providing Russia with equal rights to resource exploitation. Norway believes that it should have complete control over the EEZ and the continental shelf of Svalbard. Norway has full sovereignty over the island, and the continental shelf of Svalbard is a part of the Norwegian continental shelf, according to Norway’s claim. Russia, on the other hand, believes that Svalbard has its own continental shelf (not exclusively Norwegian) and that equal resource exploitation from the 1920 treaty means that they also have equal rights to the continental shelf and its resources.

Norway received recommendations from the Commission in 2009, which agreed on all three Norwegian claims. However, the Commission only stated that the Western Nansen Basin is a part of Norway’s extended continental shelf going through Svalbard, leaving the problem of different interpretations of the Svalbard treaty unresolved. The implications of this disagreement are now starting to cause tensions between Norway and Russia. In spring 2015, the Russian government said that Norway was violating the Svalbard treaty by opening blocks for oil drilling in the
Barents Sea. Russia has previously requested negotiations about Norway’s economic activity around Svalbard, but Norway refused to join. The Norwegian Foreign Minister Børge Brende said to a Norwegian newspaper, “It is the Norwegian government alone which manages resources on the Norwegian continental shelf.”

The Barents Sea (over the Loop Hole) is another contested area. Russia’s extensive claims over the Lomonosov Ridge resulted in Norway declaring a “maritime dispute” over the Barents Sea, though there had been a disagreement over this area since the 1970’s. The recommendations made by the Commission in 2009 were consistent with Norway’s claims over the Loop Hole, but it also stated that Norway and Russia should negotiate a bilateral maritime boundary delimitation agreement of the continental shelf. The underlying cause of the dispute is that Norway and Russia have different interpretations of how to draw territorial boundary lines. Norway wants to use a median line, while Russia argues that there are special circumstances calling for a “sector principle,” which would mean drawing a straight line from the westernmost point of Russian territory to the North Pole. This would grant Russia the entire Loop Hole, as well as some of Norway’s EEZ. Despite this, Norway and Russia were able to reach an agreement in 2010. It was ratified by both countries in 2011 and splits the contested area (previously called the Grey Zone) into two approximately equal pieces.

The United States and UNCLOS

The United States has no extended continental shelf claims because it has not signed UNCLOS. The reasons for this are complex. The most important reason is that many American politicians have opposed the convention because they see it as undermining U.S. sovereignty by giving legislative power to an international treaty. Additionally, international treaties have a different position in U.S. domestic law than in many other countries, which makes the United States reluctant to sign treaties in general. This puts U.S. sovereignty disputes in the Arctic in jeopardy — most notably those with Canada, over the Beaufort Sea off the northern coast of Alaska, and with Russia, over the Chukchi Sea off the
northwestern coast. There is, however, support for ratifying UNCLOS in the United States. The American Petroleum Institute, the U.S. Navy, and various environmental groups all want the United States to ratify the treaty. Additionally, the United States accepts most of the treaty as customary international law, meaning that it will abide by it. In 2008 the U.S. government spent $5.6 million to prove that the United States’ continental shelf off Alaska extends beyond the 200 nautical mile limit. This project was started in anticipation of the ratification of UNCLOS, as both former Presidents Bill Clinton and George W. Bush pressed for it to be signed. However, at the moment, the United States has no legitimate voice when it comes to territorial claims outside its EEZ.

Additionally, the Arctic ranks relatively low in U.S. politics and is not regarded as vital to the country’s national security interests. According to Keil, the Arctic does not play a strong role in American hearts and minds. Most U.S. citizens do not define themselves as northern, in contrast to the people in other Arctic countries. Although Alaska has large oil and gas reserves, they are not seen as vital for the United States due to the emerging shale and gas industry. Alaska produces approximately 7 percent of all U.S. oil, and has fallen from second to fourth in U.S. oil production in recent years. However, as the United States has taken over the chairmanship of the Arctic Council, and as other Arctic countries are increasing their military presence in the region, it is expected that the Arctic will climb on the U.S. agenda.

**Increased Military Presence and Discussion of the Territorial Claims**

By looking at the various territorial claims in the Arctic and the resources at stake, it may appear that the potential for conflict is significant. This can easily be interpreted as an escalation when backed up with increased military presence in parts of the region. This part of the paper will argue that this is not necessarily the case. This section will begin with a brief overview of the military presence in the Arctic, and will be followed by further discussion of some of the disputed territorial claims.
Militarization of the Arctic — Does it Mean Conflict?

There has been a lot of focus on the increased Russian military presence in the Arctic over the last couple of years. After Canada announced in December 2013 that it was planning to expand its continental shelf claim to include the North Pole, the Russian government reacted with a vow to step up Russia’s military presence in the region. Putin told his defense chiefs that the Arctic region again had become key to Russia’s national and strategic interests.

It was reported that the Russian military had begun building new military bases and re-opening several Cold War-era bases in the Arctic region following this announcement. The Russian military has also announced that it is planning to build a permanent military base in the Chukchi Sea, off the northwestern coast of Alaska. Additionally, Russia has bolstered its Northern Fleet, reinforcing it with strategic nuclear missile submarines. From January 2014 to March 2015, the intensity of nuclear submarines in the Barents Sea and the Arctic Ocean rose by almost 50 percent. Russian airborne radar coverage has also been expanded. In October 2013, the Russian Defense minister said, “This year we will have total radar coverage, and in 2015 we will be almost fully prepared to meet unwelcome guests from east and north.” In March 2015, Russia launched a combat readiness exercise as a response to a Norwegian military drill in northern Norway near Russian border. The Russian drill involved 38,000 troops, 41 ships, 15 submarines, and 110 aircraft. The Norwegian military in northern Norway has also reported seeing an increase in Russian warplanes off its coast.

The increased Russian military presence in the region is making other Arctic countries concerned. However, for the United States, the concerns lie mostly within the Navy and, to a limited extent, politicians from Alaska or Maine. The United States has only one icebreaker, while Russia has 17, with six more in development and five more planned. Former Chief of Naval Operations Admiral Greenert said March 12, 2015, that the United States needs to intensify its preparations for Arctic activity. This includes a military presence, but also a focus on research and technology.
in the region. The Norwegian Defense Minister Ine Eriksen Soreide has said that Russia is not viewed as a military threat, but that it has changed the rules of the game by “creating uncertainty about its intentions.”

Norway is also planning to increase its military spending by 3.3 percent, and High North equipment will be a priority. The former Conservative Party Prime Minister Stephen Harper of Canada has taken a more hawkish response to Russian actions. The Canadian government also announced a list of military equipment planned for the Arctic in 2015. This response may change with the newly elected Prime Minister Justin Trudeau, but he has not yet announced a new Canadian Arctic strategy.

While military buildup and hawkish rhetoric over territorial claims and national interest sound alarming, there are reasons to believe they are more alarmist than alarming. Keith Stinebaugh, a senior fellow in Arctic security policy at the Institute of the North in Anchorage said to Newsweek, “I’d agree that the Russians have been very active, but ‘aggressive’ may be overstating it.” Compared with the situation during the Cold War, when Russian military presence was much higher, today’s situation does not amount to “aggression.” He also points out that Russia has been active all around the world, not just in the Arctic. Michael Byers views the increased military presence as natural due to the increase in traffic along the Northern Sea Route. “Russia has legitimate concerns about smugglers and other kinds of organized crime and illegal immigrants,” Byers said in an interview. Admiral Robert Papp, the U.S. Department of State’s special representative for the Arctic is one of the few government officials that publicly shares this view. When asked about Russia’s military doctrine in the Arctic, he answered that it was “legitimate for Russia to secure its ports.” He also said that Russia is doing what the United States would probably do if there were an increase in traffic over the coast.

Additionally, most of the oil and gas resources in the Arctic are located within the EEZs of the Arctic nations. As seen in the analysis of territorial claims in the Arctic, very few of the unresolved disputes are about unresolved maritime boundaries and energy deposits. As mentioned before, Arctic nations are dependent on cooperation with each other when
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it comes to resource exploration and exploitation in order to gain the appropriate technology and to save money. The latter has become even more important as oil and gas prices have fallen. Thus, characterizing the interest in the region as a race for territory and resources that may lead to conflict is an oversimplification.

The Claim for the North Pole and Domestic Politics

The territorial claim that seems to be most discussed in the media and publicly by government officials is the claim for the North Pole. As we saw in the analysis of territorial claims, Russia and Canada have both been especially clear about ownership to the North Pole. What these news stories and officials tend to ignore is the fact that the North Pole is technically just one geographical point. The fact that the North Pole is located 4,000 meters to the side of the Lomonosov Ridge, and is therefore unlikely to be a part of any natural prolongation, has also been overlooked. Michael Byers believes that the North Pole will most likely be deemed by the U.N. as the “common heritage of mankind,” meaning that it is beyond national jurisdiction and will be administered by the U.N. Consequently, every nation of the world would get equal rights both to the territory and the resources. Although politicians defend their North Pole claim with economic stakes and natural resources, it is unlikely that there will be any resource exploitation from the seabed at such depths any time soon.

The claims of the North Pole appear to be motivated by national pride and international respect. Canada’s former Prime Minister Stephen Harper did not want to be the prime minister seen publicly as having surrendered the North Pole. Harper personally insisted that the North Pole be put in any Canadian claim even though the scientific evidence did not back it up. Additionally, it will most likely take the Commission three to 10 years to review Canada’s and Russia’s claims. By the time the Commission makes recommendations on the claims, the Arctic could look very different. Thus Russian and Canadian officials have “nothing to lose” in making these claims. However, there are negative ramifications of playing the “sovereignty card” to gain domestic support. Even if the threats made
by some Arctic nations are not real, they may be interpreted as real and can result in unnecessary militarization, possibly ruining cooperation between countries. Most of the Arctic countries today have good relationships, working together on research, technology, and exploration of the region. The Arctic Council has also served as a platform for dialogue and cooperation between the Arctic states. On the other hand, external factors can contribute to escalate tensions. Russia’s annexation of Crimea has worsened the country’s relationship with the other Arctic nations. The actions in Crimea have affected how Western countries view increased Russian military presence in the Arctic. Also, sanctions put on Russian oil companies have made it difficult for Western oil companies to cooperate on oil and gas exploration in the Arctic.

**Conclusion**

Even though there are some overlapping territorial claims in the Arctic region, very few of them concern energy resources or significant maritime boundaries. In fact, Arctic nations have shown great willingness to solve such disputes, exemplified by the agreement between Norway and Russia over the Barents Sea. Additionally, most of the natural resources in the Arctic lie within the states’ Exclusive Economic Zones and are not disputed. UNCLOS has also proven to be a good legal framework for territorial claims in the Arctic through the different legal zones and the Commission on the Limits of the Continental Shelf. However, laws are usually up for interpretation, and UNCLOS is no exception. Although Norway and Russia have been able to resolve their maritime disputes, they disagree over the continental shelf of Svalbard and who should have the right to exploit its resources. Different interpretations of baseline and what should be regarded as internal waters when it comes to Canada and the Northwest Passage are also prevalent. In the end, the various interpretations stem from national interests.

Although increased militarization in the Arctic region and “aggressive” rhetoric can have some negative ramifications on future cooperation, it is an oversimplification to characterize the situation as a new Cold War. As has been seen, many of the bold claims for Arctic territory (such as the
North Pole) are motivated by domestic politics and not real ambitions. Russia’s increased military presence in the region is mostly motivated by a need to secure borders and ports from smuggling, illegal immigration, and organized crime — though Russia fails to communicate this. It is possible that the hawkish rhetoric and increased military presence to some extent will jeopardize cooperation between Arctic nations in the future, but it is not likely that it will lead to conflict. At the moment, Arctic states have great incentives for cooperation, and jeopardizing this will not be in the best interests of any Arctic nation.

2 Ibid. 
5 Tharoor. 
7 Ibid. 
9 Such as Shell, Cairn Energy, Gazprom, Rosneft and Statoil 
12 Ibid. 
13 Scott Borgeson, supra note 7 at 2 
14 Malte Humpert and Andreas Raspotnik. Supra note 9 at 2 
15 Usually follows the on-water line of a coastal state


Isted, supra note 9 at 2

UNCLOS, supra note 15 at 3, art 3

Ibid., art 17

Ibid., art 19

UNCLOS, supra note, at 3, art 3

Ibid., art 57

UNCLOS, supra note 15 at 3, part VI, art 76

Ibid.

Michael Byers. Who owns the Arctic? Understanding sovereignty disputes in the North. (Vancover: Douglas and McIntyre, 2010), 91

Must be submitted within 10 years after ratification of the treaty

Isted, supra note 9 at 2 (352)

Ibid., supra note 9 at 2 (353)

Sara Cockburn et al., "Intertwined Uncertainties: Policy and Technology on the Juridical Continental Shelf” (9, 2001) (paper presented at the Ablos Conference on ”Accuracies and Uncertainties in Maritime Boundaries and Outer Limits,” International Hydrographic Bureau, Monaco, France)

UNCLOS, supra note 15 at 3, Part XV, art 279


Byers, supra note 4 at 4, 98

Carlson, supra note 14 at 3, 31

Carlson, supra note 14 at 3, 32


Byers, supra note 4 at 4, 42

UNCLOS, supra note 15 at 3, part III

Isted. supra note 9 at 2 (354)

Byers. supra note 4 at 44 (48)

Ibid., supra note 9 at 2 (355)

Keil. Supra note 2 at 1 (173)

Ibid. Supra note 2 at 1 (166)

Ibid. Supra note 2 at 1 (166)

Carlson. Supra note 14 at 2 (28)

Isted. Supra note 9 at 2 (359)

Carlson. Supra note 15 at 3 (29)
50 Keil. Supra note 2 at 1 (167)
51 Ibid.
52 Ibid.
53 Carlson. Supra note 15 at 3 (30)
55 U.N. “Submissions, through the Secretary-General of the U.N., to the Commission on the Limits of the Continental Shelf, pursuant to article 76, paragraph 8, of the UNCLOS of 10 December 1982.” (accessed April 15, 2015); available from http://www.un.org/depts/los/clcs_new/commission_submissions.htm
57 The island is actually more like a rock and is in fact smaller than some of the icebergs that floats past it.
59 Isted. Supra note 9 at 2 (361)
60 Carlson. Supra note 15 at 3 (34)
61 Ibid. (35)
62 U.N. “Summary of the recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Norway in respect of areas in the Arctic Ocean, the Barents Sea and the Norwegian Sea on 27 November 2006” (2009)
64 Ibid.
65 U.N. Supra note 58 at 9 (art 6.3, para 22-24)
66 Carlson. Supra note 15 at 3 (36)
67 Ibid.
69 Carlson. Supra note 15 at 3 (38)
70 Isted. Supra note 9 at 2 (364)
71 Carlson. Supra note 15 at 3 (37)
72 Isted. Supra note 9 at 2 (363)
73 Keil. Supra note 2 at 1 (170)
74 Ibid. (172)
75 Ibid.
78 Ibid.
80 Ibid.
81 Ibid.

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87 Ibid.
88 Higgins. Supra note 80 at 13.
89 Higgins. Supra note 80 at 13.
92 Ibid.
94 Robert Papp in "US urged to assert itself over Arctic” (2015) Financial Times. (accessed March 5, 2015); available from http://www.ft.com/cms/s/0/de5fb444-c5e5-11e4-bd6b-00144feab7de.html#axzz3ZKPM7HVb
95 Ibid.
96 Robert Papp in "US urged to assert itself over Arctic”
97 Byers. Supra note 24 at 4, 93
98 Ibid.
99 Ibid.
100 Harding. Supra note 72 at 12
101 Ibid.
103 Though there are indeed some tensions.