

International Rivalry for Arctic Chances and Its Impact on Regional and Global Security

Marian Lutostański, Ph.D. Eng.
European Association for Security
Jana Pawła II 78 Street
31-571 Kraków
Poland

Tadeusz Kęsoń, Ph.D. Eng.
Faculty of Civil Safety Engineering
Internal Security Department
The Main School of Fire Service
Słowackiego 52/54 Street
01-629 Warsaw
Poland

Abstract

The melting ices of the High North reveal its abundance of resources. Such a situation creates new multidimensional challenges and changes. They are accompanied with threats, anyway. The international rivalry between the states has been initiated. This article tackles the selected aspects of rivalry and its tools. Recently the three major players have appeared to play a primary role in the game for the access to the High North potential. Such circumstances accompanied with the legal gaps in normalization of the arctic problems cause tensions and inspire fears that the Arctic chances can be the reason for new threats. Some nations more and more visibly tending to militarization of the Arctic region provoke anxiety.

Key words: High North, conflict of interest, militarization, tensions, law, rivalry and claims, international relations.

*Cedant arma togae.
Marcus Tullius Cicero; 106 – 43 b.c.
Let arms yield to the toga.*

Introduction

The High North chilly in its nature more and more warms up the minds of decision makers in many states. Such a situation can have an impact on durability of current relations between the states and international alliances of various characters. The basic reason for such status quo is a melting ice in the High North (O'Rourke, 2016, 16 – 19). Its considerable loss uncovers many new advantages mainly to the Arctic states. These advantages come from easier access to profuse arctic deposits and chances for economical communication on the new routes (Sharp, 2011, 297 – 322). Such circumstances cause growth of the international activity in the Arctic region. Outcomes of national interests in this part of the world not always satisfy the leaders of the states claiming their rights for this region. Dynamics of processes ongoing there indicates that these leaders are ready to create new alliances as a price for following their own plans. Such trend of developing situation can lead to verification of the existing international treaties and agreements such as bilateral, regional, or global ventures not only of political and economic character but also of strictly military alliance. Apart from the new challenges and chances this situation is connected with the potential threats.

The aim of this article is to introduce the two interesting problems connected with growth of the international interest in the High North. The first problem concerns the existing situation. The Arctic states are considerably interested in this region because of their territories directly bordering with the limits of continental glacier in the High North. However, this neighborhood does not close a window of opportunity to taking chance from the Arctic region by other states. The second problem is strictly connected with the first one covers a legal status of the High North. Both problems are introduced with the emphasis on the tools of impact applied by entities trying to decide about this part of the world. There are many tools like that. There are bilateral and multilateral negotiations, the international legal law requiring amendments in the current political and economic reality as well as the military pressure. It is worth reminding that currently, there are the two main normative tools regulating the international activity in the High North. The first tool is the UN Convention on the Maritime Law. The second is the Arctic Council established by the Arctic states. It is observed that both institutions cannot face the challenges and threats coming from intensification of the international engagement in the Far North. It is necessary to emphasize that despite the fact that above-mentioned problems are the topic of interest to many researchers in various branches of science, the new events and processes taking place in the Arctic region within recent years and now deserve more attention not only in this article, especially that situation in this part of the world becomes more and more tense and uncertain.

The worldwide interest in the High North, its outcomes and potential effects to the worldwide security-outline of problem

The High North¹ is an area of the globe with a series of archipelagos and isles surrounding the North Pole. Most of the area is covered with the continental glacier including its center in the Arctic Ocean; It means that a severe climate outlining the borders of the Arctic territory has a strict connection with the 10 °C (degrees Celsius) isotherm². A message about a thinner and thinner cover of ice raises anxiety and hope for easier access to various resources (O'Rourke, et al. 2006, 26 – 32). Regardless of the reasons for melting ices and the rate of the Arctic icy cover reduction exceeding a scope of this article, it is necessary to take into account an unusual anxiety connected with the High North. Phenomenon of this anxiety has many aspects. It is reflected in fascination with the diversity of the natural environment but it is not excluded that, first of all, huge amount of precious resources below the bottom of the Arctic Ocean and Icy Northern Ocean. Apart from the Arctic³ states, more and more countries from the different continents lay claim to assert their rights to gain these resources. Such an interest intensifies this claiming accompanied with more and more visible military engagement. It is necessary to pay attention to the fact that the existing geographic position of the High North encounters the borders of the states to determine their shares in the Arctic resources.

When emphasizing an importance of the Arctic geographic limits (determined by the features of the natural environment), it is worth mentioning the opinion of Janicki et al., that there are three concepts of determining the national borders respecting such limits. Due to limited frames of this article, the geographic-political approach to the Arctic border is introduced. Such universal approach follows this elaboration, especially concerning its part discussing an access of particular states to the High North. The first state making an attempt to access the Arctic ices and isles into its territory was Canada in 1907 and then in 1925 proclaimed extension of its borders to the North Pole. The same claims came from the Soviet Union in 1926 when recognizing the area between its coast and the North Pole as its own territory. In opinion of Symonides (Status ...) both these states unilaterally made a sector-based division of the High North to determine its American borders and partially the Dutch and Norwegian boundaries. It is worth mentioning the fact that Denmark became the sovereign of the entire Greenland with support of the US in 1916 and the Permanent Tribunal of Justice (in 1933).

¹ It is assumed in this article that the High North (alternatively called the Far North, Arctic region) covers the area on the North determined by the Arctic Circle (66° 30' 40").

² This indicator means that average temperature during the warmest months does not decrease below 10 °C (degrees Celsius) (covers the boundaries of growing trees).

³ The Arctic states are: Denmark, Finland, Iceland, Canada, Norway,, Russia, Sweden and USA. The following states have the status of permanent observer from 1998: Netherlands, Germany, Poland and Great Britain. Later this status obtained France and Spain, and then China, India, Italy, Japan, South Korea and Singapore. The representatives of other states also strive for obtaining this status.

It is necessary to remind that the concept of Arctic sectors based on the theory of “adjacency and continuity” did not meet any approval of the international community and other Arctic states. When analyzing a location of the Arctic area and its severe climate one can ask: What is an importance of the Arctic region to the contemporary world as long as this geographic area is desired by so many countries? In response, it is necessary to emphasize that the international community gains more and more knowledge about this region and perceives more and more existential and developmental chances there. They are connected not only with the recognized natural fossil resources of the High North but also with new different possibilities of strategic character. The various interests formulated by particular states – officially explained as economic motivations – are dominant, sustained with the political spheres of influence and protected by military potential to have an exclusive access to the following sources of profits:

- mineral deposits (very huge and diversified),
- navigation routes (economical communication),
- reservoir of fresh water (huge in the icebergs),
- fisheries (diversified abundance of fish),
- Tourism and ecology (unique valor of terrains in the natural environment, protection against oil leaks to the environment).

The above-mentioned new resources uncover new chances, possibilities and perspectives making the High North as the extremely desired area not only by the Arctic coastal states. The new chances appeared in connection with the icy cover vanishing. They gain the international importance proportionally to explorations and economic calculations (Łuszczuk, 2013). No wonder that growth of the High North importance empowers the international rivalry for. This rivalry has been intensified since 2007 (Węśławski, 2013). In August 2007 the Russian expedition, “Arctic 2007” was organized to confirm that the Lomonosov Ridge (on the bottom of the Arctic Ocean reaching the North Pole) is a part of the continental shelf belonging to this state. This reference point of view adopted by Russia was connected with inserting the Russian flag at the bottom of the Arctic Sea as a sign that the large Arctic area belongs to Russia.

According to many Arctic states, Russia manifested its broad territorial claims on the High North. In opinion of Symonides (2011) this sign left by the Russian people referred to documenting the research conducted to prove the Russian rights to the continental shelf. It is worth noticing that this form of emphasizing the presence by Russian scientists was not necessarily approved by other Arctic states. Janicki et al. informs that the opposite declaration in this scope was submitted by Denmark and Canada explaining that the discussed ridge is a continental extension of North America. Norway is also not neutral about this controversy. Divergence in particular national attitudes to the High North is the reason for understanding that the contradictory declarations and statements submitted to the UN Commission on the Limits of the Continental Shelf do not facilitate solving this controversial problem. Interferences of such claims do not favor any good relations between the considered states.

In the years 2014 – 2015 an intensified military activity of Russia in the High North was observed. It resulted with worsening the relations of this state with other Arctic countries. Such behaviors of Russia in the High North prove that this state makes the attempts of gaining a dominant position in this region. The fact and events indicate that this goal is to be achieved by demonstrative militarization of the Far North. Therefore the Admiral James G. Stavridis, the Supreme Commander of the NATO Joint Allied Force in Europe was afraid that the melting ice in the North Pole region would cause the new global race and confrontation concerning fossil resources of this region. He came up with this opinion in the interview for the Guardian newspaper in October 2010. It is considered by Głogowska-Balcerzak (2010). Growth in the international interest in the Arctic region and analysis of the current rivalry favor perceiving intensified uncertainty concerning multidimensional interrelations and alliances on global scale. It has obvious connections with the chances resulting from the huge potential of the High North perceived by other states.

Nowadays, the states interested in this region can be divided into the two groups. The first group includes the states having their chances for the physical division of the Arctic zone, mainly the Arctic coastal states. The second group covers the states perceiving possibilities of making business based on the potential of this region. The analysis of the favoring factors points at the Arctic coastal states having the best chances for winning the rivalry game for the Arctic resources. However, any advantages from these chances depend on many conditions such as potentials invested in research and exploration.

It is commonly known that for some countries it bounds to be a considerable economic barrier, for instance, to Iceland. Such circumstances can be a chance for another state of the first group or the second group – for example – to the European Union. According to Łuszczuk (2010) the UE originated its interest in the High North after 1995. That happened after accession of Finland and Sweden to its structures. Steffen Weber⁴ claims that due to growing activity⁵ of the UE in the High North it is reasonable to become the member of the Arctic Council. So far the inhabitants of the North do not agree to assign the observer status to the UE in the Arctic Council (<https://oaarchive...>). The reason for such reluctance is the ban on imports of seal skins enacted by the EU that is connected with restrictions on hunting these animals.

It is worth taking into consideration that the states not belonging to the Arctic zone or the EU also strive for the access to the Arctic resources. The Asiatic states are also eager for this access, though the most of controversies are raised by China. The American strategists are afraid of China the same way as they were afraid of Russia 20 years ago. China makes various attempts to become the permanent member of the Arctic Council. One of them is referred to deepening the bilateral relations with Iceland and Sweden. The alliance of China and Iceland can be in favor of Chinese and Iceland executive plans. It is worth seeing how Iceland advertises its geographic position. Any advantages from this fact are recommended by Iceland to the Far East states including China. In the context of observed relations between China and Iceland, the recent statement of the Iceland Prime Minister Olaf Ragnar Grimsson can be treated as symptomatic. He announced creation of the Arctic Circle open to all the states and organizations interested in the High North (<https://oaarchive...>). Undoubtedly, the approach of O. R. Grimsson favors creating the new international treaties of economic character that can be transformed in the future into the new military alliances. This way the resources of the High North can be the factor initiating the various scenarios of geopolitical cooperation. The new methods and forms of rivalry for the access to the Arctic resources are exposed to threats of conflicts or can be the reason for conflicts of various aspects. One can consider a „symptom of arctic abundance.” Apart from challenges and chances, the situations connected with the High North can be the reason for dangers including the military threats.

When trying to identify the potential results of the game for the High North it is necessary to conclude that the question about the new liberal accuracy referring to the High North as the ideological example of tending to create the effective international regime based on functioning the various institutions taking care about the sustained development of the region and its security should be currently recognized as pointless in confrontation with the facts and events. Intensification of various tensions caused by vision of development based on the Arctic resources becomes more and more real, especially that standpoints of the decision-makers of the states with high economic and military potential uncover more and more visible divergences in aspect of the particular states access to the Arctic areas (Kijowski).

No wonder that the states included in the above-mentioned second group (fewer chances in the game for the Far North) try to take ventures allowing them to achieve a better position in negotiations and finally to come up with satisfactory solutions. Some freedom in activity of the institutions creating the legal status of the High North region is the reason for which this territory is not covered with the uniform legal regulations. It is not in favor of order in such a large area of the world. On the contrary, it still complicates more and more tense situation in the region and its uncertainty is spread into the various parts of the world.

Legal status of the High North – controversies over normalizing the spheres of influence in the High North

The current legal status of the High North is undefined and not obvious. It means that it is still being the area that has not been legally assigned to any state or the group of states. One can assume that lack of jurisdiction over the High North as the fact which should result as the conclusion that this region belongs to all countries or none of them – *terra nullis*. The problem of legal status of the High North is perceived by many international entities. The Commission of the European Communities also pays attention to this problem in the Communication submitted to the European Parliament (Brussels, 2008) means that: “There is no specific treaty regime for the Arctic. No country or groups of countries have sovereignty over the North Pole or the Arctic Ocean surroundings.”

⁴ Steffen Weber is a co-creator and the general secretary of ARCTIC Forum UE. He worked in the European Parliament as the chief advisory to work out the Arctic report. He also advised in the foreign affairs, resources, energy and development.

⁵ The EU conducts the advanced and important research programs in the High North and gains the huge part of raw materials and fish from this region.

It means that the High North, especially concerning the Arctic coastal states 200 nm [nautical miles] around this archipelago (respected as international maritime area and see bottom with its resources) are available anytime to every entity of the international law including the states have not been interested in. Activities of potential entities eager for joining the game for the Arctic resources can be direct or indirect⁶. It is necessary to emphasize that in the light of international law the gaps in legal status of the High North are not in favor of this region of the world. Such international interests in the High North have a multidimensional character including the military endeavors of strategic importance. These interests are contradictory and cover the overlapping claims. Due to the facts, events and stake in the game for the Arctic region, there is high risk that the existing problems are expected to escalate for generating dangerous chaos in this part of the world.

When basing on the former experiences in political and economic life, it is possible to notice that the multidimensional character of the phenomenon caused by the various entities having the contradictory interests at one place and time will bring them into a conflict. In case of the High North, it is reasonable to assume the next hot spot (the trigger for a conflict) on the political map of the world. Such a hot spot as a source of conflict with lack of legal regulations is expected to multiply various problems. In such a situation, any reference to the UN Convention on the Maritime Law in its special part for solving controversies. If so, the problem of the High North legal status can be solved in possibly the shortest time. Due to the played out Arctic stake and many states participating in this game, it is not difficult to predict that any legal consensus satisfying all the parties will not be an easy task. It is difficult to assume that the increasing number of states with different plans for the considered Arctic region will be incapable of quick preparing or accepting any compromise on the legal regulation.

This task will be obstructed with the fact that each of the Arctic states following its strategy wants to be the Arctic leader. Undoubtedly, such a leadership attitude of the Arctic coastal states might have influenced their lack of agreement between them on delimitation of Exclusive Economic Zones⁷. When assuming that this task is almost not possible to be completed, the thing is in preparing the legal regulations on the High North as the possible venture. It raises the following questions: What administrative body could be competent to prepare the international concept for international legal regulations on the High North? Should this task be entrusted to the Arctic Council or other entity of the international law – which one? It is worth emphasizing that the Arctic Council is not an international organization in the light of the international law. It is solely the international forum for the high level cooperation. According to Madej (2013) the unique status of the Arctic Council is based on combining the 8 Arctic states, local tribes and the actors beyond the Arctic zone willing to cooperate in the region. When considering this situation it seems that the most competent body to prepare the legal solution could be the international entity in the light of the international law. The UN looks like that, when excluding any creation of a new institution with its unpredictable problems.

An approval of this approach results both from the UN status as the international organization and its worldwide goals. It is worth keeping in mind that many current Arctic problems are regulated with the UN normative acts such as the above-mentioned UN Convention on the Maritime Law in Montego Bay (10 December 1982). The Commission of the European Communities also emphasizes the fact of the UN engagement in the Arctic affairs in its Communication submitted to the European Parliament (www.ec.europa.eu...) “An extensive international legal framework is already in place that also applies to the Arctic.

The provisions of the UN Convention on the Law of the Sea (UNCLOS) provide the basis for the settlement of disputes including delimitation. UNCLOS also contains rules for the use of living and non-living resources and the protection of the environment. Moreover, there is a long range of multilateral environmental agreements applying to the Arctic, frequently without comprising specific references to.” Some researchers including Walkowski indicate lack of legal regulations on the affairs connected with the Arctic region.

⁶ Indirect activities can be based – for example – on preferring any state or the group of the states participating in the game for the High North. Such activities can be temporary due to business cycles connected with chances and dangers.

⁷ Five bilateral delimitations have been negotiated. Unresolved are: Russia vs Norway in the Barents Sea, US vs Russia in the Bering Strait and US vs Canada in the Beaufort Sea. Canada and Denmark have a dispute over Hans Island. In addition, Norway and several countries, including EU Member States, interpret the applicability of the Svalbard Treaty in the 200 nm area around this archipelago differently.

According to him, some guidelines and policies on navigation in the Polar waters fill the gaps in the legal regulations. Unfortunately, these are not binding recommendations, for instance *Guidelines for Ships Operating in Polar Waters (2010)*, adopted with the IMO A.1024 (26) 2 December 2009. When taking into account high rate of changes around the High North featured with the contradictory interests of the states striving for the broadening their influence spheres in this region, it is necessary to avoid a potential military conflict. Its source can be hidden in the conducted research, exploration of resources, using the new communication routes or lack of respect for the environmental protection.

Therefore, the crucial priority task is to prepare the exclusive treatise on the High North, especially that many states demands their shares in the profits from exploring the resources in the Arctic region. According to him the states explain their claims with the character of mineral resources at the bottom and underground - never renewable. In this situation an adoption of the legal regulations should be forwarded with elaborating the just algorithm of share for each country referred not only to resources connected with the Arctic region but also its division.

Conclusions

Growth of interest in the High North and the rivalry for its resources causes various tensions between the states. Nowadays lots of countries especially concerning the Arctic coastal states put forward their mutual territorial claims. In spite of the fact that the obligatory UN Convention mitigates various controversies on the access to the High North territories and minimizes the dangers resulting from them, this obligatory Convention is incapable of solving all problems in this region. The various gaps are in the Convention on the Maritime Law. In spite of legal shortcomings and obvious needs for working out the new institutional framework for the High North, preparation of the legal solution approved by all the parties engaged in the Arctic problem will not be an easy task.

It is estimated that either lack of any solution in the current situation or the above considered solutions to be applied in the future of the Far North can be the reason for the new conflict with unpredictable outcomes, unless the arms retreat before the law.

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