

Forum: Special Political & Decolonisation Committee (GA4)

Issue: Reassessing claims on the Arctic

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Position: Head Chair

PERSONAL INTRODUCTION

Dear Delegates of the Special Political and Decolonisation Committee,

I am honoured to welcome you to the second inter-school MUN conference hosted at Queen Elizabeth's Grammar School. I am Penelope Harding, and will be head chair for this committee during the conference. I started partaking in Model United-Nations in year twelve as a delegate, and it was an incredibly interesting, unique and fun experience. My particular interest was on the environmental impacts and their mitigations from inter-governmental solutions, hence why I chose to chair the topic regarding the Arctic, its territorial claims, and environmental concerns.

This topic guide should not be your only source of information and research, and all delegates should willingly do further research around the topic. The bibliography at the end of this guide is a good starting point, however, since a number of sources are already there. It will be beneficial to understand your delegation's limitations as well. Understanding the key political beliefs of your state and how this fits into the geopolitics will help you immensely during the conference.

Most importantly, the conference will be a chance for you to enjoy throwing yourself into learning about the world and current affairs. Therefore, I am looking forward to meeting you all and I hope that you enjoy the conference.

Should you have any questions or need any help, please feel free to contact me via the following email: **3175@queenelizabeths.kent.sch.uk**.

Yours sincerely,
Penelope Harding

TOPIC INTRODUCTION

The arctic is becoming one of the most politically contentious areas on the planet, having numerous territorial claims from some of the most powerful global nations. Whilst international law has, in theory, set a legal framework on who has rights to economic and political power in the area, vagueness, historical claims and even lack of ratification has led to increasing tension and territorial disputes. In a time of energy insecurity and demand for energy dependance, this issue has been particularly heightened by the prospect of oil and natural gas in the area, making it an urgent topic.

Alongside this, few other areas have been as affected by global warming as the Arctic, with polar ice melting and sea temperatures rising at an unprecedented rate. This is not only having a catastrophic impact on the environment, both regionally and globally, but is harming the way of life of thousands of indigenous people. When considering possible solutions, it is vital to consider all stakeholders, and the land itself.

DEFINITION OF KEY TERMS

Water column

The physical seawater in a geographical area, and the organisms inside it.

Seabed

The physical ground below a water column in a geographical area, including the seabed, the subsoils and any resources within it.

Archipelago

A collection of islands, or an area of the sea in which there are many small islands

Marine

Directly related to the sea, its physical characteristics, and its biotic conditions

Maritime

Related to things associated with the sea (ie seaborne trade and naval matters)

While there is a lot of overlap with the term 'marine', many legal documents will reference the two terms differently.

Arctic archipelago

The collection of islands north of the Canadian mainland, excluding greenland and iceland

Northwest Passage

A sea lane connecting the Atlantic and Pacific ocean cutting through the Arctic ocean and Arctic archipelago. The other routes connecting the two are the Panama canal, the strait of Magellan (south of Argentina) and the Northeast passage

Northeast passage

A sea lane connecting the Atlantic and Pacific ocean along the arctic coasts of Russia and Norway.

Lomonosov ridge

A continental ridge extending across a very large area of the Arctic ocean. The Russian Federation has made claims to this, however it has been contested by Denmark and Canada, who claim the ridge is an extension of Danish Greenland and Canada's Ellesmere island

BACKGROUND INFORMATION

There have been many territorial claims to land in the Arctic, however it was only in the past century that international agreements were made for these claims.

The cold war/pre UNCLOS

The Arctic played an important role during the cold war, as it had the potential to be a very strategic area to claim.. In particular, the United States of America, Canada, and the USSR (Union of Soviet Socialist Republics) had an interest in the Arctic. As international mapping, especially near the North Pole, wasn't reliable, most of these claims were on islands and archipelagos. Some notable examples include the Russian arctic islands¹, Greenland (which is claimed by Denmark²) and the "Arctic archipelago", which has been historically claimed by Canada³.

Until the United Nations Convention on the Law of the Sea, many territorial claims were based on the millennia old law of "finders keepers", and were validated by military power, historical ownership, and sometimes the forced relocation of people, as with Canada in the 1950s.

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

The United Nations conference on the law of the sea resulted in UNCLOS⁴, which established a legal framework for marine and maritime agreements for UN member states. The territorial claims which a country can make have been subdivided into a few categories:

¹ https://books.google.co.uk/books?id=RI0tQheTwaMC&pg=PA178&redir_esc=y#v=onepage&q&f=false

² <https://www.jstor.org/stable/754556>

³ <https://www.thecanadianencyclopedia.ca/en/article/arctic-sovereignty>

⁴ https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

- **Territorial waters** - Area of water where a sovereign state has total jurisdiction (up to 22 km)
- **Contiguous zone** - Area of water where a sovereign state can enforce laws in some specific areas, specifically customs, fiscal, immigration or sanitary regulations (up to 44 km)
- **Exclusive Economic zone** - Area of water for which a sovereign state has control over all of the economic resources (fishing, deep sea oil, etc) (up to 370 km)
- **Continental shelf** - Area of seabed where a sovereign state can exploit economic resources on or under the seabed, *but not in the water column* (extends up to 200 km beyond the EEZ)

While all other zones have clear definitions, the continental shelf can be extended if a state can prove its physical continental shelf extends beyond the limit. This does not define the maritime borders of each country but merely judges the scientific validity of assertions and it is up to countries with overlapping claims to come to a settlement.

Alongside the legal framework surrounding territorial claims, there are also additional regulations, such as an **International Seabed Authority**⁵ (see below) and protection of the marine environment, which aim to ensure all activities in international waters are peaceful and have international benefits.

While the vast majority of member states have ratified and signed the agreement, 29 member states (most notably the **United States**) have not, due to the International Seabed Authority.

International Seabed Authority (ISA)

The ISA is an intergovernmental body established under UNCLOS in 1994. Its purpose is to authorise and control mining operations in international waters, as well as protect the ecosystem of the ocean floor in the Area beyond national jurisdiction. Specifically, these areas are described as being the “**Common Heritage of All Mankind**” - Meaning the ISA ensures activities are peaceful and for the benefit of all mankind, with economic benefits shared equitably

As of yet, the ISA has not authorised any commercial mining contracts, only accepting 22 contracts for exploration purposes.⁶

The majority of nations have ratified UNCLOS, highlighting support for the ISA and its regulation on international waters. However, the United States hasn't ratified UNCLOS because of the ISA - they argue that these systems threaten their national security by interfering with potential seabed mining operations and military operations.

Rising demand for seabed resources

In the past few decades, many organisations and countries have been interested in the sea for its mineral resources, particularly metals such as copper, nickel, cobalt and rare earth metals. These minerals have been argued to be increasingly useful for modern infrastructure, and a transition into electric, “greener”

⁵ <https://www.isa.org.jm/about-isa/>

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<https://www.theguardian.com/environment/2023/jul/08/future-of-deep-sea-mining-hangs-in-balance-as-opposition-grows#:~:text=So%20far%2C%20the%20ISA%20has,contracts%2C%20sponsored%20by%2014%20nations.>
<https://www.isa.org.jm/exploration-contracts/>

technologies, such as electric cars⁷. It has also been argued by many that, by increasing industry in deep sea mining, countries with oil and gas reserves will be more likely to transition away from a reliance on fossil fuels.

However, several groups and countries strongly oppose a transition towards deep sea mining, largely due to its environmental impacts. Environmental groups such as Greenpeace state that there should be a pause on mining until the potential risks of disturbance to fisheries, water contamination, sound pollution and habitat destruction are addressed and mitigated⁸. 16 states - notably: Germany, France, Ireland, New Zealand, Fiji - and several pacific islands have called for a moratorium on deep sea mining altogether, due to its devastating impacts on the marine ecosystem⁹.

In contrast to the idea behind a “greener transition”, many Arctic states are interested in the oil and gas reserves in the ocean. It has been estimated that the Arctic holds 13% of the world's oil and 30% of natural gas reserves, or 90 billion barrels of recoverable oil and 44 billion barrels of natural gas¹⁰. With increasing demand for energy security and independence (particularly highlighted with the Russia-European gas dispute¹¹), mining for oil and gas in the Arctic is becoming an increasingly attractive option - while a few Arctic nations have exploited this, none have been beyond their Exclusive Economic Zones yet¹².

Mining for oil and gas in the Arctic has been heavily criticised and opposed by several countries, environmentalist groups and indigenous communities, as not only does exploitation of the Arctic seabed create ecological devastation, the risk of an oil spill in the Arctic has been “identified as the greatest threat to the local marine environment” by the Arctic council¹³

Reduction in ice sheet

The Arctic is one of the most vulnerable regions on the planet to a warming climate. As ice melts, it reveals the darker ocean, which absorbs radiation as opposed to the white ice reflecting it¹⁴. This accelerates the rate of warming in the Arctic, and it has been estimated that some areas in the Arctic are

7

<https://www.theguardian.com/environment/2021/sep/27/race-to-the-bottom-the-disastrous-blindfolded-rush-to-mine-the-deep-sea>

⁸ <https://www.greenpeace.org.uk/challenges/deep-sea-mining/>

9

<https://www.theguardian.com/environment/2023/jul/08/future-of-deep-sea-mining-hangs-in-balance-as-opposition-grows>

¹⁰ <https://www.nytimes.com/2008/07/24/business/24arctic.html>

¹¹ <https://www.bbc.co.uk/news/world-europe-62766867>

¹²

<http://www.arctis-search.com/Arctic+Oil+and+Gas#:~:text=Oil%20and%20gas%20are%20produced,Territories%20of%20Canada%2C%20and%20Norway.>

¹³

<https://arctic-council.org/news/data-improve-oil-spill-response-in-arctic/#:~:text=The%20nature%20of%20Arctic%20ecosystems,very%20vulnerable%20to%20oil%20spills.>

¹⁴

<https://www.exploratorium.edu/climate/ice#:~:text=Ice%20reflects%20the%20Sun's%20energy,are%20threatened%20by%20global%20melting.>

warming at rates four times higher than global averages¹⁵. The area of the ice sheet has drastically decreased, with averages declining by over two million square kilometres since 1979¹⁶.

Tragically, with less ice sheet covering the Arctic, it has been opened up to increased human activity, including resource development and shipping lanes. This has accelerated the tension surrounding territorial disputes, as Arctic states seek to increase economic activity in the area.

Increased Marine traffic

Between 2013 and 2019, there has been a 25% increase in Marine traffic in the Arctic, as it becomes easier and safer to traverse, particularly for shipping¹⁷. Several international routes, particularly between Asia and Europe, are shortened by passing through the Arctic (up to 40% in east Asia), as well as not having to pass through canals such as the Suez and Panama.

A report in 2017 calculated that 75% of fuel used in the Arctic was heavy fuel oil (HFO)¹⁸. HFO is one of the most environmentally destructive oils used, due to its incredibly high viscosity and contamination with sulphur and nitrogen. The combustion on HFO releases a pollutant called black carbon, which blankets snow and ice, making it absorb far more solar radiation. This, combined with the risk of oil spill have made it a major environmental concern for the Arctic.

The International Maritime Organisation, a branch of the United Nations, has been tasked with developing a ban on the use of HFO for Arctic shipping.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United States of America

The United States hasn't ratified UNCLOS because of the ISA - they argue that these systems threaten their national security by interfering with potential seabed mining operations and military operations.¹⁹ However, the United States has made an extended continental shelf claim. The USA has also approved the controversial Willow project as of 2023, despite the severe ecological impacts. Though this is within the land borders of the country, it highlights a clear interest in resource extraction within the Arctic.

There are also disputes between the USA and Canada regarding the Northwest passage. Though Canada claims it as internal waters, meaning it has total jurisdiction over it, the United States argues it as an international strait.

¹⁵ <https://www.nature.com/articles/s43247-022-00498-3>

¹⁶

<https://climate.mit.edu/ask-mit/how-much-has-arctic-ice-declined-and-how-does-compare-past-periods-earths-history#:~:text=Scientists%20measure%20Arctic%20sea%20ice,than%202%20million%20square%20kilometers.>

¹⁷

<https://arctic-council.org/news/navigating-the-future-of-arctic-shipping/#:~:text=Monitoring%20Arctic%20shipping%20trends&text=PAME's%20first%20Arctic%20Shipping%20Status,1%2C298%20ships%20to%201%2C628%20ships.>

¹⁸

<https://cleanarctic.org/campaigns/arctic-biodiversity/heavy-fuel-oil-free-arctic/#:~:text=Around%2075%25%20of%20marine%20fuel,almost%20impossible%20to%20clean%20up.>

¹⁹ <https://www.nytimes.com/1982/07/10/world/us-will-not-sign-sea-law-treaty.html>

Canada

Canada filed an extension on their economic zone due to extended continental shelves in 2013, however these borders clash with the territorial claims of both Denmark and Russia. This is still yet to be resolved. The Canadian government claims that the outer limits of the country's continental shelf extends to the north pole, and as such should have sovereignty in that area.

Canada also claims that the Northwest passage, a shipping route seeing increased traffic due to reduced ice sheet coverage, is within its internal waters. While under UNCLOS, the argument can be made that Canada has the right to total jurisdiction over the passage, several maritime countries, notably the United States, disagree with this claim²⁰.

During the cold war, Canada relocated 92 Inuit from Quebec in the mainland country to the far north islands of Ellesmere Island and Cornwallis Island, in a highly controversial project called the High Arctic Relocation²¹. While this has been described as a humanitarian gesture to save indigenous communities, the descendants of the displaced Inuit stated “there is overwhelming evidence to suggest that the central, if not the sole, reasons, for the relocation of Inuit to the High Arctic was the desire by Canada to assert its sovereignty over the Arctic Islands and surrounding area”²²

Russian Federation

Russia claims that the Lomonosov ridge is an extension of the Siberian continental shelf, potentially giving it access to the largest territorial claim in the Arctic in terms of area, disputing with Denmark as it overlaps with massive sections of their territorial claims. In 2007, the Russian Arktika expedition descended to the seabed of the North pole, where they planted a Russian flag, leading to concern in the four other Arctic nations who feared it as an assertion of its sovereignty of the North pole

Similar to Canada, the Russian Federation also claims an increasingly important passage through the Arctic, called the Northeast passage. This is undisputed, however Russia having total control over a potentially incredibly important shipping route has caused some concern from other Arctic nations.

The Russian Federation is also militarising within the Arctic, with military bases being expanded in the northern Kola peninsula as recently as December 2022.

Denmark

Denmark's autonomous territory, Greenland, has the nearest coastline to the North pole. Because of this, the country claims its continental shelf extends to the Lomonosov ridge, creating dispute with Russia and Canada. As one of the smaller Arctic states, the country works with international partners such as the

²⁰ <https://theobserver-qiaa.org/territorial-claims-in-the-arctic-circle-an-explainer>

²¹ https://publications.gc.ca/collections/collection_2016/bcp-pco/Z1-1991-1-41-3-eng.pdf

²² https://books.google.co.uk/books?id=HVf9N3jdsP4C&pg=PA113&redir_esc=y#v=onepage&q&f=false

Arctic council to reduce military presence within the area. Denmark will also gain chairmanship of the Arctic in 2025, following Norway.

In 2022, Canada and Denmark signed an agreement over Hans island after 17 years of negotiation, splitting the small island in two, highlighting the end of land disputes within the Arctic circle. Today, all disputes are in reference to the water columns and seabed within the area.

Norway

Norway has submitted a request to extend its seabed claim across the Atlantic and Arctic ocean, creating minor disputes between itself and Denmark. Conversely, in 2010 Norway and the Russian federation signed a treaty over the Barents sea, ending a forty year dispute over the area due to its fishing and oil potential.

The government of Norway states that they seek to move towards deep sea mining within its EEZ, which includes water in the Arctic, as it shifts away from an economy reliant on the extraction of Hydrocarbons. As a result, it is against the proposed moratorium on deep sea mining within the Arctic. However, due to increased demand for energy security within the past two years, the government has begun increasing its pursuit for offshore oil exploration, including within the Arctic.

Arctic Council

The Arctic Council is an intergovernmental organisation consisting of the five arctic nations alongside Iceland, Sweden and Finland, established in 1996. The Arctic council notably includes indigenous permanent participants, which are Aluet International Organization (AIA), the Arctic Athabaskan Council (AAC), the Gwich'in Council International (GCI), the Inuit Circumpolar Council (ICC), the Russian Association of Indigenous Peoples of the North (RAIPON) and the Saami Council.

Despite rising military and political tension within the Arctic, the Arctic Council is often viewed as a positive political body, promoting cooperation and peacekeeping between the Arctic Nations.

Indigenous communities

The indigenous communities within the Arctic, often described under the umbrella term of the “Circumpolar peoples” are an incredibly diverse group of people from across the Arctic, that cannot be summarised well enough here. For example, the six indigenous groups in the Arctic council are all very distinct culturally and geographically, and that doesn't account for all of the Circumpolar peoples by far.

The native population of the Arctic and Subarctic regions have existed there for up to 15,000 years in several places, with up to and even today roughly 10% of the Arctic population are indigenous. Imperialism and Colonialism has not only affected the way of life of tens of thousands of these

communities, but systemic discrimination over the past centuries affects indigenous people of the Arctic to this day.

When organisations and countries consider exploitative practices within the Arctic, the historic way of life and culture of the Circumpolar peoples is often not taken into enough consideration. For example, the Sámi people of Sápmi, encompassing Scandinavia and Russia, have been sidelined when the Swedish government opened several mining operations and wind farms within ancient Sami spaces and ecologically affected areas, affecting reindeer grazing and migratory patterns, severely hindering the way of life of the Sámi. This has been heavily criticised, particularly by the United Nations Racial Discrimination Committee, and the Human Rights Committee.

Increased economic activity, such as deep sea mining and maritime traffic, also affect the ecosystems within the arctic, which further impact the traditional ways of life of Arctic communities, an issue heightened by global warming and the recession of the polar ice cap.

TIMELINE OF EVENTS

Date of event	Description of event
20,000-15,000 BCE	First people cross the Bering strait into Alaska
2,500 BCE - 1,300 CE	Dorset culture/Paleo-Eskimo people inhabit Arctic Archipelago and Greenland
1492	Beginning of European colonisation of the Americas
1867	The United States purchases Alaska from the Russian federation
1925	Canada extends its maritime borders further North
1933	Denmark's sovereignty over Greenland is internationally recognised
1945	United Nations is established - interestingly, Canada joins as an independent state, despite not gaining total independence until 1982
1926-1939	USSR (Currently Russian federation), USA and Norway extend territorial claims
1953	Canada's High Arctic relocation project
1982	UNCLOS is adopted
1996	Arctic council established

1996-2007	Russian federation, Noway, Denmark and Canada ratify UNCLOS
2007-2014	Russian Federation, Canada and Denmark claim land including the North pole
2021	Central Arctic fishing moratorium entered into force
2023	Willow project in the Arctic approved
2023	ISA negotiations to allow commercial deep sea mining (in Nauru)

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Arctic cooperation (1988)

Despite the dispute between the USA and Canada in regards to the northwest passage, a practical solution called the Arctic cooperation was agreed, where the US government would require permission from Canada for its coast guard and naval vessels to pass through. However, this agreement was broken in 2005, when US nuclear submarines had travelled through the archipelago unannounced.

The International Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean (2021)

Commercial fishing in all signatory states (which includes all Arctic nations) has been banned in the central portion of the Arctic ocean, due to concerns over environmental damage, and a lack of knowledge on the marine ecosystem. This has been enacted under the Arctic council, and will be a legally binding agreement for the next 16 years.

However, no such moratorium exists for mineral exploitation.

POSSIBLE SOLUTIONS

Agreements on the Lomonosov ridge

One of the largest issues relating to Arctic ocean claims is the Lomonosov ridge, a massive continental crust claimed by Canada, Denmark and the Russian federation. While arguments for each country could be made, it could also be argued that this ridge in the centre of the Arctic should remain as totally international waters, or under the “Common Heritage of all Mankind” - though the economic potential of this area is incredibly high, being beyond national jurisdiction would encourage less industry that would harm the fragile physical environment of the Arctic, and would also mean that there aren't two states that would likely not recognise whichever country was chosen to claim the ridge.

International recognition of Canada's Arctic Archipelago

While this issue does break down to the US's lack of ratification of UNCLOS, a feasible option could be another practical solution that doesn't tackle the issue of sovereignty, similar to the Arctic cooperation, however on an international scale. With most countries recognising Canada's archipelago as internal waters, many would likely support this agreement, pressuring the US into also supporting it.

Regulation on deep sea mining

While the prospect of deep sea mining for minerals and energy would provide many benefits on a national and global scale, there are still far too few regulations to allow it on a commercial scale. In order for commercial deep sea mining to occur, scale, method and environmental impact would need to be highly regulated, in order to minimise safety hazards and ecological disruption.

Regulation on Maritime traffic and HFO

Solutions should be put in place to regulate maritime traffic in the Arctic ocean before it becomes too large a scale to effectively handle, as increased shipping containers and other vessels will affect the migratory and breeding patterns of organisms vital to not only the environment and the historic way of life of Circumpolar communities.

With the ban on heavy fuel oils on the opposite polar ice cap, Antarctica, an obvious solution would be a complete ban on all heavy fuel oil use within the Arctic ocean

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