



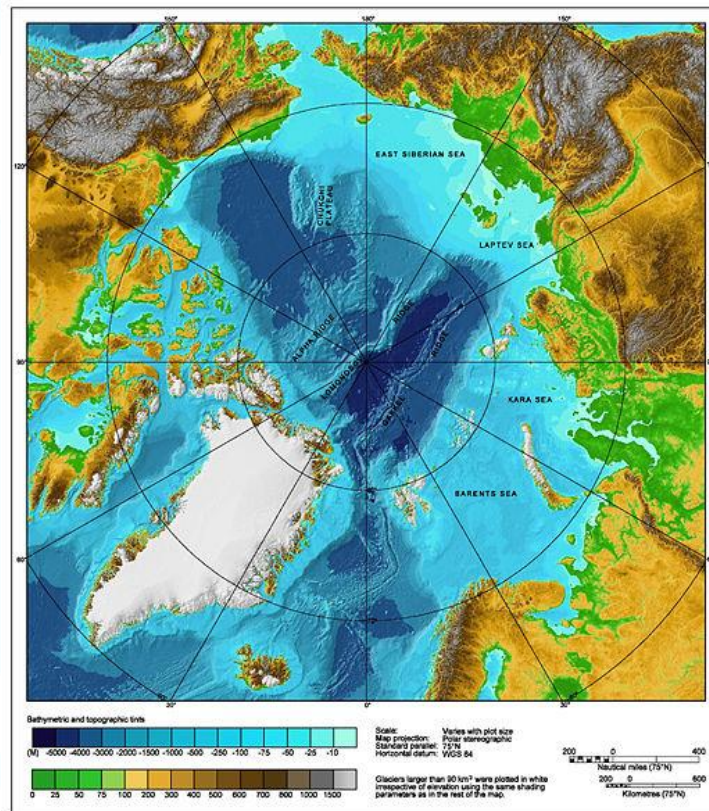
ODUMUNC 2011
Issue Brief for the
GA Sixth Committee: Legal

Review of the Law of the Sea with Regard to the Arctic

By: John Yuhas

Introduction

There are eight arctic nations: USA, Canada, Denmark (Greenland & The Faroe Islands), Iceland, Norway, Sweden, Finland and Russia. The large majority of the populations of these eight countries live in latitudes lower than the Arctic Circle.



Most of the governmental power in Arctic policy resides within the presidencies, legislative bodies, and agencies of the eight Arctic nations, and to a lesser extent other nations. The Arctic Council operates on consensus basis, mostly dealing with environmental treaties and not addressing boundary or resource disputes.

Though arctic policy priorities differ, every arctic nation is concerned about sovereignty/defense, resource development, shipping routes, and environmental protection. There is a long history of co-operation in the Arctic, especially among the Nordic countries.



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Current situation

The five Arctic littoral states have sovereignty within the Exclusive Economic Zone (EEZ) 200 nautical miles from their coasts, but the UN Convention on the Law of the Sea (UNCLOS) allows them to extend their economic zone if they can prove that the Arctic seafloor's underwater ridges are a geological extension of the country's own continental shelf.

In 2001 Russia was the first Arctic littoral state to submit a request to the UN to extend its continental shelf border beyond 200-miles. The UN turned down the request for lack of evidence, and Russia now plans to file again in 2013.

Denmark and Canada dispute ownership of Hans Island in the Nares Strait between Ellesmere Island and Greenland.

On April 27, 2010, Norway and Russia announced an end to their 40-year arctic border dispute in the Barents Sea. Future joint energy development is expected.

Maritime boundaries between Canada and the United States in the Beaufort Sea and between Canada and Denmark in Baffin Bay remain under dispute.

Denmark (Greenland), Russia and Canada have competing territorial claims over the sovereignty of the Lomonosov Ridge, an underwater mountain chain in the central Arctic Ocean.

Background

Under international law, no country currently owns the [North Pole](#) or the region of the [Arctic Ocean](#) surrounding it. The five surrounding [Arctic](#) states, [Russia](#), the [United States](#) (via [Alaska](#)), [Canada](#), [Norway](#) and [Denmark](#) (via [Greenland](#)), are limited to an exclusive economic zone (EEZ) of 200 [nautical miles](#) (370 km; 230 mi) adjacent to their coasts.

Upon ratification of the [United Nations Convention on the Law of the Sea](#) (UNCLOS), a country has a ten year period to make claims to an extended continental shelf which, if approved, gives it exclusive rights to resources on or below the seabed. Due to this, Norway (ratified the convention in 1996), Russia (ratified in 1997), Canada (ratified in 2003) and Denmark (ratified in 2004) launched projects to base claims that they have exclusive right to certain portions of the Arctic seabed. The United States has signed, but [not yet ratified](#) this treaty, although [George W. Bush](#) asked the [United States Senate](#) to pass a resolution of ratification on May 15, 2007 and on



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October 31, 2007, the [Senate Foreign Relations Committee](#) voted 17-4 to send the ratification vote to the full US Senate.

The statuses of certain portions of the Arctic sea region are in dispute for various reasons. Canada, Denmark, Norway, Russia and the United States all regard parts of the Arctic seas as "national waters" (territorial waters out to 12 nautical miles) or "[internal waters](#)". There also are disputes regarding what passages constitute "international seaways" and rights to passage along them, most significantly, the [Northwest Passage](#).

Country positions - Extended Continental Shelf Claims: 2006–present

- [Canada](#)

In response to the Russian *Arktika 2007* expedition, [Canada's Foreign Affairs Minister](#) said the following:

“ This is posturing. This is the true north strong and free, and they're fooling themselves if they think dropping a flag on the ocean floor is going to change anything. There is no question over Canadian sovereignty in the Arctic. We've made that very clear. We've established - a long time ago - that these are Canadian waters and this is Canadian property. You can't go around the world these days dropping a flag somewhere. This isn't the 14th or 15th century. ”

—[Peter MacKay](#), former Canadian Minister of Foreign Affairs

In response to MacKay's comments, [Sergey Lavrov](#), the Russian [Minister of Foreign Affairs](#), stated:

“ I read reports of the statements made by my Canadian colleague, Peter MacKay. I know him quite well – it's very unlike him. I was sincerely astonished by "flag planting." No one engages in flag planting. When pioneers reach a point hitherto unexplored by anybody, it is customary to leave flags there. Such was the case on the Moon, by the way. As to the legal aspect of the matter, we from the outset said that this expedition was part of the big work being carried out under the UN Convention on the Law of the Sea, within the international authority where Russia's claim to submerged ridges which we believe to be an extension of our shelf is being considered. We know that this has to be proved. The ground samples that were taken will serve the work to prepare that evidence. ”



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On September 25, 2007, [Prime Minister Stephen Harper](#) said, "President Putin assured me that he meant no offense ... nor any intention to violate any international understanding or any Canadian sovereignty in any way." Prime Minister Harper has also promised to defend Canada's claimed sovereignty by building and operating up to eight Arctic patrol ships, a new army training centre in [Resolute Bay](#), and the refurbishing of an existing deepwater port at a former mining site in [Nanisivik](#).

- [Denmark](#)

The Danish autonomous province of [Greenland](#) has the nearest coastline to the North Pole, and Denmark argues that the [Lomonosov Ridge](#) is in fact an extension of Greenland. Danish project included [LORITA-1](#) expedition in April-May 2006 and included tectonic research during [LOMROG](#) expedition, included into the 2007-2008 International Polar Year program. This expedition was held in August-September 2007. It consisted of the [Swedish icebreaker Oden](#) and Russian nuclear icebreaker [50 let Pobedy](#). The latter led the expedition through icefields to the place of research.

- [Norway](#)

On November 27, 2006, Norway also made an official submission into the UN Commission on the Limits of the Continental Shelf in accordance with the United Nations Convention on the Law of the Sea (article 76, paragraph 8). There are provided arguments to extend the Norwegian seabed claim beyond the 200 nm (370 km; 230 mi) EEZ in three areas of the northeastern [Atlantic](#) and the Arctic: the "Loop Hole" in the [Barents Sea](#), the Western Nansen Basin in the Arctic Ocean, and the "Banana Hole" in the [Norwegian Sea](#). The submission also states that an additional submission for continental shelf limits in other areas may be posted later.

- [Russia](#)

Russia is claiming a large extended continental shelf as far as the North Pole based on the [Lomonosov Ridge](#) within their Arctic sector. [Moscow](#) believes the eastern Lomonosov Ridge is an extension of the [Siberian continental shelf](#). The Russian claim does not cross the Russia-US Arctic sector demarcation line, nor does it extend into the Arctic sector of any other Arctic coastal state.

On December 20, 2001, Russia made an official submission into the [UN Commission on the Limits of the Continental Shelf](#) in accordance with the United Nations Convention on the Law of the Sea (article 76, paragraph 8). In the document it is proposed to establish the outer limits of



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the [continental shelf of Russia](#) beyond the 200 nautical mile Exclusive Economic Zone, but within the Russian Arctic sector. The territory claimed by Russia in the submission is a large portion of the Arctic, extending to the geographic North Pole. One of the arguments was a statement that Lomonosov Ridge, an [underwater mountain ridge](#) passing near the Pole, and [Mendeleev Ridge](#) are extensions of the [Eurasian continent](#). In 2002 the UN Commission neither rejected nor accepted the Russian proposal, recommending additional research.

On August 2, 2007, a Russian expedition called [Arktika 2007](#), composed of six explorers led by [Artur Chilingarov](#), employing [MIR submersibles](#), for the first time in history descended to the [seabed](#) at the North Pole. Here they planted the [Russian flag](#) and took water and [soil samples](#) for analysis, continuing a mission to provide additional evidence related to the Russian claim to the mineral riches of the Arctic. This was part of the ongoing 2007 Russian North Pole expedition within the program of the 2007–2008 [International Polar Year](#).

The expedition aimed to establish that the eastern section of seabed passing close to the pole, known as the Lomonosov Ridge, is in fact an extension of Russia's landmass. The expedition came as several countries are trying to extend their rights over sections of the Arctic Ocean floor. Both Norway and Denmark are carrying out surveys to this end. [Vladimir Putin](#) made a speech on a nuclear icebreaker on 3 May 2007, urging greater efforts to secure Russia's "strategic, economic, scientific and defense interests" in the Arctic.

In mid-September 2007, Russia's Natural Resources Ministry issued a statement:

“ Preliminary results of an analysis of the earth crust model examined by the Arktika 2007 expedition, obtained on September 20, have confirmed that the crust structure of the Lomonosov Ridge corresponds to the world analogues of the continental crust, and it is therefore part of the Russian Federation's adjacent continental shelf.

”

- [United States](#)

In August 2007, an American [Coast Guard](#) icebreaker, the [USCGC Healy](#), headed to the Arctic Ocean to map the sea floor off Alaska. Larry Mayer, director of the Center for Coastal and Ocean Mapping at the [University of New Hampshire](#), stated the trip had been planned for months, having nothing to do with the Russians planting their flag. The purpose of the mapping work aboard the *Healy* is to determine the extent of the continental shelf north of Alaska.



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NOTE: Claims to extended continental shelves, if deemed valid, give the claimant state exclusive rights to the sea bottom and resources below the bottom. Valid extended continental shelf claims do not and cannot extend a state's Exclusive Economic Zone (EEZ) since the EEZ is determined solely by drawing a 200 nautical mile line using territorial sea baselines as their starting point. This point is made because press reports often confuse the facts and assert that extended continental shelf claims expand a state's EEZ thereby giving a state exclusive rights to not only sea bottom and below resources but also to those in the water column. The Arctic chart prepared by Durham University clearly illustrate the extent of the uncontested Exclusive Economic Zones of the five states bordering the Arctic Ocean and also the relatively small expanse of remaining "high seas" or totally international waters at the very top of the planet.



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Author's Biography: John Yuhas is a retired U.S. Marine Corps officer, with extensive, real-world experience in managing and assisting in humanitarian aid programs world-wide. A student in ODU's Graduate Program in International Studies, he is also currently employed at U.S. Joint Forces Command, where he works NATO/Partnership for Peace issues.