

Research Report

General Assembly I

Establishing protocols concerning the militarization of the Arctic

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Introduction

The world's Polar Regions are internationally attractive places because of their rich resources. Although the Arctic (North) and the Antarctic (South) are both rich in natural resources, only the resources of the Antarctic are monitored by the international community in order to maintain peace and security. Antarctica is protected under the Antarctic Treaty, which has proven highly successful among nations that have similar interests as those that are currently militarizing the Arctic. Therefore a solution on the issue of militarization of the Arctic can be modelled after the solutions taken against this issue in the South.

Antarctica, like parts of the Arctic, is one of the few territories on earth that is not part of any jurisdiction nor under any recognized government. Although there have been many claims on Antarctic soil, none of these has been internationally accepted as being lawful, even if de facto some countries exercise power over parts of the continent. Antarctica is a continent without permanent inhabitants, that is to say, all the members of the human population on Antarctica are either part of a research mission to the continent, or tourists visiting the area.

There have been many land claims on the Arctic; most of which have been sustained for a long time. Some claiming countries recognize each other's claims mutually, but no universal acceptance of the claims has been achieved. The greatest fear of the international community during the Cold War was that the parties involved in the claims, would go to war with each other because of the territorial disputes. This is a large fear concerning the Arctic as well. It was mainly for that reason that in 1959, the Antarctic Treaty System (ATS) was installed. After the AT was signed, there have not been new land claims on the Antarctic continent, although the land claims from before the AT still exist. The Antarctic Treaty (AT) establishes that Antarctica can only be used for peaceful or scientific purposes, and not for military purposes.

One of the greatest implications of the ATS prohibiting military use of the continent is the prohibition of arms testing in Antarctica, as that was a purpose dreaded by the international community during the Cold War. The ATS ensures that the objectives of the AT are met. These objectives include: the freedom of scientific research; the non-disposal of nuclear waste in Antarctica; the peaceful cooperation on the continent.

The AT is a strategic document, and it is extremely special because it is one of the few treaties the United States and the USSR signed together during the Cold War (this is representative of the Western Block and the Eastern Block signing an agreement together in a time of crisis). The AT is a treaty that has achieved many objectives, but many reasons for dispute are still present in the Antarctic region.

The threats that arise from militarization of the Arctic are very large, and this Research Report will cover those and how a solution modelled after the AT will have to take those considerations into account.

Definition of Key Terms

The Arctic

The Arctic is commonly defined as the northernmost part of the earth, including the Arctic Ocean and parts of Canada, Russia, the United States, Greenland, Norway, Sweden, Finland, and Iceland. Scientifically, there are many definitions as well, including the region north of the Arctic Circle.

Territorial Claim/Dispute

When there is a land claim, a country claims sovereignty over a determined part of land. For example, in Antarctica there are seven countries claiming eight different territories. A land claim can be “backed up” with, according to legal scholars, eight different aspects of the claiming and the claimed territory:

- Treaty law (are there agreements that have already been established?)
- Geography (is a country part of the other in terms of geographical features?)
- Economy (is there a shared economy?)
- Culture (what people live in the claimed region?)
- Effective control (who is actually in control?)
- History (what historical backgrounds are present?)

- Uti possidetis juris (literally means “to whom possesses by law”, this refers to the doctrine that new boundaries are established along the lines of previously established borders)
- Ideology (why is this territory being claimed?)

Territorial claims are notorious for causing conflicts amongst countries, and it is because of that that there is a part of the United Nations Charter dedicated to it. Furthermore, territorial claims can cause or reflect existing or non-existing frictions between countries. The aim of the AT was to prevent any new territorial claims on Antarctica, which means that after 1961 no claims could be made. However, countries may still, under customary international law, recognize claims made by other countries.

When countries do not agree with territorial claims, there is a territorial dispute over a certain territory.

General Overview

This General Overview will consist of three parts. First, this Overview will sketch the situation in the Arctic region, with its history and politics. The second part will present a case-study of the measures taken to prevent militarization of the Antarctic. The last part will compare and contrast approaches in both regions. The conclusions thereof can be used in the possible solutions section.

The Arctic: difficult international cooperation

For a long time, the Arctic was an impenetrable region in the far north of the world. Recent technological advances and the opening up of many economies in the North (especially the Russian Federation, and to a lesser extent the People’s Republic of China), have led to a great interest in these regions.



Large population centres in the Arctic Region, Wikimedia Foundation

The many resources present, or thought to be present, in the region make it very attractive for nations to claim parts of the Arctic in order to be able to profit from all the wealth that can be found in the region. Making these claims is for these countries not very difficult, since there are continental shelves extending from their shores to the desired regions, and there are major population centers that surround the Arctic. The map to the right shows the major population centers in the Arctic region. Having these major centers makes it easier for states to claim parts of the Arctic.

Many initiatives have been in place to prevent conflict, since conflict is not in the interest of any country. One of these solutions is the Arctic Council, an organization that includes all eight Arctic Countries and provides a platform for international cooperation. There are problems with this approach however. One factor that greatly reduces international cooperation in the Arctic is that not all the states in the Arctic region have signed and ratified the UNCLOS, the United Nations Convention on the Law of the Sea, a treaty that outlines several protocols for the claiming of land and sea by member states of the United Nations. This is a significant problem, because this means that some of the Arctic Countries are bound by the treaty, while others are not.

Another problem is that there are some uses of the Arctic now allowed by the Arctic Council, but that other uses are not. Scientific exploration, for instance, is allowed, whilst the exploitation of natural resources is not. A problem occurs when countries claim to use the land for scientific purposes, while the real intention of the endeavor may be very different.

This leads to the final and biggest problem regarding the international cooperation concerning the Arctic region: that fact that there is always a risk of war. In the Arctic region, there are so many incentives for countries to pursue their own interests, that international cooperation receives a second place in the priorities of the countries' policies. Any solution that is sought or was sought tries or tried to solve that same problem.

Background of the Antarctic Treaty: a case study

Antarctica, like the Arctic region, has been a source of scientific curiosity and political dispute for a long time, even before its existence was confirmed. The belief that there was a continent in the south had long existed before the continent was discovered and explored. As early as the in the 1st century BCE, there were theories that there must be a continent in the south to "compensate" for the northern territories of Europe, Africa, and Asia. These theories led to a large enigma surrounding the continent, and there was no common definition of the land that was to be called the Antarctic.

In the 19th century, however, there were expeditions to explore Antarctica. The vast documentation that was made in that time led to the governments of the European powers that had sent the explorers to become interested in claiming the territories. Territorial expansion and control was one of the priorities of the countries that claimed Antarctic sections. More and more nations started showing their interest in the Antarctic, not in the least because of the prospect of the many natural resources in the continent. This is in essence not very different from the situation in the Arctic, where large explorations from Western powers started in a similar time period.

Exploration and claims

At the start of the 20th century, the territorial claims were ever more important. By 1942, all land claims now existing over Antarctica had been expressed by the nations. The first country to officially claim any territory was the United Kingdom, which did so in 1908. These land claims show the eagerness of the countries to possess a part of the Antarctic. During the Second World War, Nazi Germany also claimed a part of the Antarctic, but its legal successor states have not pursued this claim.

The fact that Antarctica has never had an indigenous population has been a double-edged sword. It has severely impeded negotiations over the territories, to the extreme that the AT was produced in order to settle the disputes. On the other hand, the lack of indigenous populations has made the exploration of the continent much easier. This is very different from the situation in the Arctic region, where there are indigenous populations, often colonized by several nations, most notably Greenland (by the Kingdom of Denmark) and northern Canada.

As mentioned in the paragraph above, the AT was implemented as an alternative to conflicts over the (overlapping) claims and their recognition. The AT is designed as an instrument of peace in a time when political tensions severely endangered peace in the region. This is the first point of criticism that has arisen against the AT. Its use is according to some outdated, seeing as the Cold War ended, and most tensions between the claimant states have been assuaged.

Effects of the Antarctic Treaty

After 1961, when the AT came into force, most of the problems that had surrounded the continent of Antarctica seemed to have been solved. This means that all states party to the AT had resolved not to pursue military interests on the continent, and not to dump nuclear fuel. Also, new claims have not been expressed since the AT.

However, one problem remained: the exploitation of the mineral resources in Antarctica.

After extensive geographical investigation, it was revealed that Antarctica has many mineral resources. In this respect, Antarctica is very similar to the Arctic, since most claims on Arctic lands are based on resources. In 1989, there were calls for regulated mining in Antarctica, but many states part of the ATS, most notably Australia, refused this. As an alternative, the Madrid Protocol was drafted and signed in 1991. The Madrid Protocol is a legally binding system that regulates the mining in Antarctica and installs many more environmental measures, as does the Protocol on Environmental Protection to the Antarctic Treaty. The most important features of the Madrid Protocol is that it states that all mineral mining is prohibited except for scientific purposes, it prohibits the entry of any species (except for humans), and it commits member states to consult the environmental impact of its actions. These are all very important aspects, though they were not included in the original Treaty. This shows that the Treaty must be revised constantly in order to cope with recent developments. However, the fact that the next review will be in 2048 if nothing else happens, shows that the AT is designed to be static. A question that is therefore relevant for any solution that needs to be taken to prevent abuse and/or militarization could be: must the AT be something static, or must it be revised? In any case, who will either review a possible treaty or decide that it will not? And what happens if there is discord about this?

Major Parties Involved and Their Views

Canada

An important actor in this issue is Canada. Canada occupies much of the Arctic region and has well-defined plans to mine the region. The Canadian ministry of Foreign Affairs lists sovereignty over the Arctic as one of their priorities in international relations with fellow Arctic states. The Canadian state has expressed various claims, and Canada's foreign minister has expressed that his country is investigating the possibilities of scientific (geological) research to see to what extent the Canadian territory extends into the continental shelf. If the continental shelf from the Canadian mainland extends well into the Arctic, this could mean that the state of Canada has a rightful claim to the land, and its resources. A problem with this is that, even if the claim were legitimate, the other claiming countries would never recognize the claims expressed by Canada.

Russian Federation

Another state pursuing interests in the Arctic is the Russian Federation. The Russian Federation has a continental shelf that extends well into the Arctic. This means that the Russian Federation truly believes that the resources belong to them. Many Russian explorations have been undertaken in the area, and some Russian oil rigs are already in place. This has caused massive controversy, especially since it is often rumored that the oil platforms will be accompanied by serious military bases. This is seen as a threat for the security of the other Arctic states, and this is why all parties have an interest in preventing militarization, not just Russian, but of any state that is part to the conflict.

United States of America (Alaska)

The United States is also interested in the resources present in the Arctic regions. Alaska lies in part in the Arctic region, and the continental shelf of the US is thought to protrude into the Arctic region rather far. The US is, in terms of economic and military conflict, an adversary to other powers in the region, and historically there has been a lot of tension with the Russian Federation. De-escalation of conflicts in the region is of vital importance to prevent further conflict and future war.

Kingdom of Denmark (Greenland)

The Kingdom of Denmark is also a part in this conflict, since Greenland is part of the Arctic. Greenland is a part of the world with many resources, and under international maritime law, the resources in this land could pertain to the Kingdom of Denmark. This is however a source of controversy for the other states involved. A stalemate has been reached, where conflict can be a deterrent for actually exploring the Arctic region.

UN involvement, Relevant Resolutions, Treaties and Events

The influence of the United Nations is limited in this matter; however, it can be expanded with proper agreements. The main advantage of the United Nations is that the United Nations is a platform of international cooperation where all the voices of the parties involved can be heard. It is an existing organ that can help reform the Treaty, or at least call for reform. The United Nations of course also wants peace in the world and Antarctica, and can therefore be expected to cooperate with regards to this matter, and offer an alternative platform for the member states.

The United Nations was also a driving force behind the Antarctic Treaty, which means that the UN has the knowledge and the incentive to work on improving international cooperation concerning this issue.

Concerning treaties, resolutions, and other UN documents, there is rather little pertaining to the direct issue of the militarization of the Arctic Region. There is however, more on the well-being of the inhabitants of the region, and the sustainable development of the settlements, which is in the interest of the parties involved. There will be a discussion of the most relevant international legal documents in this section:

- The United Nations Convention on the Law of the Sea is, as mentioned in this research report, a very important legal document in this issue. It describes what sovereignty can be exercised by a member state over which parts of the sea. It also includes maritime law, which makes this document relevant when discussing issues of conflict over vessels and oilrigs for instance.
- Sustainable development of Arctic human settlements, 20th April 2007, **(HSP/GC/21/5)**

This resolution stresses the bad living conditions of the indigenous peoples of the Arctic. Included here are threats of climate change and unrest due to possible conflict.

- General and complete disarmament, 15th December 1989, **(A/RES/44/116 L)**

This resolution handles the resolution of disputes between member states. It seeks to include a better way for member states to come to agreements over territorial claims.

- The issue of the peaceful settlement of disputes however, is also discussed in the United Nations Charter itself, more specifically, in chapter VI of the charter.

Evaluation of Previous Attempts to Resolve the Issue

The measures taken until now by the countries of the Arctic are very important, since they have prevented armed conflict in the Arctic. Problems and tensions, however, remain. The Arctic Region is home to many potential sources of conflict, and any solution must take this into account. The existing measures have been successful to a certain extent, but durable peace can only be ensured if the changes that occur on a regular basis can be incorporated in the undertaken solutions, by whichever organ they might be implemented.

Possible Solutions

As mentioned a number of times in this research report, a static solution is no solution at all for an issue like that of the Arctic. Any solution that is undertaken must be successful in the way that it must be able to respond to rapidly occurring changes in the situation of the Arctic.

Another problem with a solution that can be taken in the Arctic is that it might not be capable of coping with direct challenges and problems in a sustainable way, because it will be drafted without knowledge of future developments. This is partly a problem that is addressed in the previous paragraph, but also means that policy makers now must not have the impression that we can immediately solve the problem for once and for all. A reason for this is that many of the threats that we now face, will not even exist in the future, or will be much worse. This can lead a treaty we draft right now, outdated in the future.

The most controversial part of the Antarctic region is its enormous wealth in terms of mineral resources. The Arctic has an enormous supply of natural resources, which, if used for military means, can be tremendously dangerous for international security. All the members of a solution should agree to these terms, but there is a problem that awaits these countries. In the future, there will be a major lack of natural resources, due to the demand for them being greater than the supply. In the future, therefore, when all the other resources are almost depleted, the Arctic will hold a massive supply. An incentive to use the resources in the Arctic is therefore potentially larger than the agreements made with the other countries, especially if they are not binding and are not out of free will.

Delegates may also consider that it is wise for the states that have already undertaken measures regarding the issue of the Arctic to come up with a joint Treaty that replaces all the existing treaties with the characteristics mentioned above. If they do so, it is to be recommended that they consider who is going to sign the treaties, if countries are going to sign the treaties, and who becomes responsible for them. The delegates must also consider if creating a completely new treaty will make things more effective, or less effective. These are all things to consider.

Whatever the solution, the delegates must always consider a number of questions that are vital for this issue. Especially since this issue involved international cooperation, a number of questions is very important. These questions will help the delegates in determining if a solution is viable and sustainable:

- Will this solution make the situation in the Arctic more or less problematic? Will it cause friction between countries? What factors produce friction in the international community?
- How will this solution be amended if another approach turns out to be better?
- Will this solution be one that can be changed easily to cope with direct challenges, or is it static so that it provides a sturdy legal framework to base other options on? Can it be both?
- Why would member states of the United Nations cooperate with this solution? What is in it for them?
- What developments are likely to happen in the future? Will this affect the Arctic?
- What will climate change do to the solution in mind?

It is extremely important that delegates consider the role of the UN General Assembly in this issue, and realize that only the Security Council of the UN can force states to do things.

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Parts of this research report come from a research report by the same author on “the issue of the Antarctic Treaty” for LmunA 2013. The link to the research report has been removed from the LmunA site, but if requested, the research report can be provided.

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Appendix or Appendices

If delegates have any questions about this issue, they can contact the President of the General Assembly via mail: simonmartinaperez@gmail.com

- I. This is a link to the British Antarctic Survey's page that answers the most frequently asked questions about the Antarctic Treaty:
http://www.antarctica.ac.uk/about_antarctica/geopolitical/treaty/faq.php
- II. This is a link to a study about territorial claims:
http://www.cartercenter.org/resources/pdfs/news/peace_publications/conflict_resolution/Solving_Territorial_Conflicts.pdf