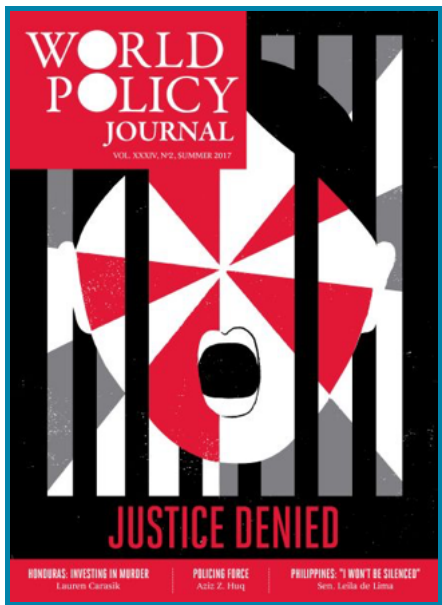


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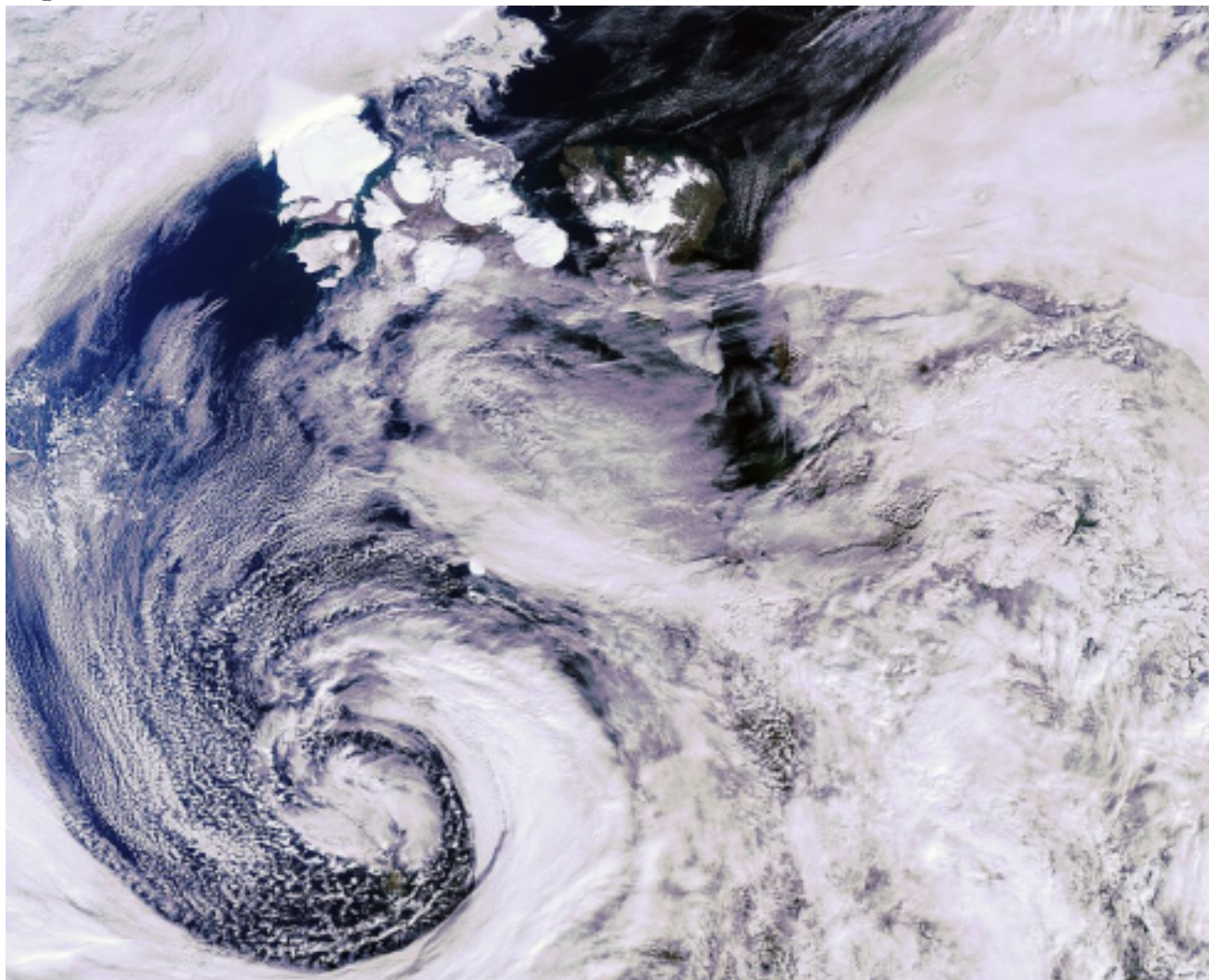
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## Is There a Dark Side to Arctic Cooperation?

September 28, 2017 - 8:43am | admin



By Hannes Hansen-Magnusson

The changing seascape in the Arctic has considerable implications for human activity in the region. While efforts are underway to develop new frameworks, particularly in terms of shipping and transit, some of these policies might also create challenges and sources of discord.

In the first week of September news broke of an ice-free Arctic passage along the Russian Arctic coast, referred to as the Northeast Passage or Northern Sea Route (NSR). This news spread as reports emerged that a tanker had successfully travelled the route without an accompanying icebreaker. Both events are newsworthy for a number of reasons. First, they exemplify the impact of a changing climate on the region. Second, they indicate what could lie ahead. If the NSR opens permanently—as opposed to only being accessible during the summer months—it could reshape global trade relations. The passage could eventually serve as a shorter or alternative shipping route to ones that rely on the Suez Canal, the Cape of Good Hope, or the Chinese Silk Road initiative.

This could also impact regions far from the Arctic. In response to the rise in piracy over the past 15 years, major Western-led initiatives have been launched to secure trade in the Indian Ocean. The Global Maritime Distress and Safety System, Regional Maritime Rescue Centers, and a number of other forums designed for knowledge exchange have been developed in cooperation with states in the global South, including those bordering the Indian Ocean. If the Arctic becomes an alternative to the Indian Ocean, it's uncertain whether Western states will commit to maintaining this infrastructure.

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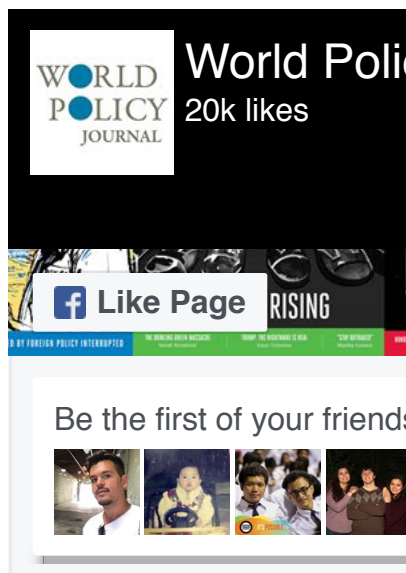
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A third issue concerns compliance with the Law of the Sea, which defines the rights and responsibilities of nations with respect to their use of the world's oceans. Arctic melting is a matter for states to resolve, and at present the Arctic states may not be equipped to handle the considerable hurdles that come with the opening of new sea lanes.

At first glance, it may seem as if the Arctic states committed to upholding the Law of the Sea when five of them signed the Ilulissat Declaration in 2008. That was the basis upon which all eight then negotiated and signed the so-called Search and Rescue (SAR) agreement in 2011, which legalizes investment in maritime domain awareness (MDA) infrastructure such as technical frameworks and vessels. As ice continues to melt, the aim of this infrastructure is to facilitate an understanding of elements that could impact security, safety, economic activity, and the environment within the maritime domain. SAR was hailed by the Arctic Council as a milestone in Arctic cooperation, and advocates claimed that it would result in closer collaboration between national coast guards and navies, and greater investment in sea infrastructure and icebreakers. Critics, however, pointed out that the agreement did little to build on previously existing treaties and conventions.

The development of MDA has historically had two sides, the darker of which targets the open use of international straits and passages. Consider the British example, which set the precedent for coast guard infrastructure around the globe. In the first decades of the 1800s, humanitarian concerns about shipwrecks in the Irish Sea triggered efforts by British philanthropists and businesses to develop rescue infrastructure. The Royal National Lifeboat Institute emerged from these endeavours. Around the same time, however, Britain sought to control its shores and prevent the influx of French liquor, which was funding Napoleon's war efforts. The HM Coastguard was created, and the organization eventually took on a search and rescue role. This development holds important lessons for us more than two centuries later. No one doubts that improved infrastructure will help SAR operations in the Arctic, but this infrastructure can also be used to enforce sovereignty at politically opportune moments.

The underlying problem is the unclear status of the NSR, a situation that mirrors the dispute between Canada and the United States over the Northwest Passage. There is no historical precedent in either case that would allow an entity to confidently claim that customary use makes the waterway an international straight rather than part of internal waters. In the case of the Northwest Passage, the United States has repeatedly challenged Canada's argument to this effect. The parties have agreed to disagree, though earlier this month China appeared to side with the US in declaring the Northwest Passage a new trade route.

One means forward would be for all the Arctic states to engage potential users in a dialogue over the status of the NSR. However, the Arctic Council seems ill equipped to organize such a discussion. Although it has successfully initiated a number of collective efforts in the region—including maintaining amicable relations between the United States and Russia on Arctic matters—when it comes to the NSR, the commitment to the Law of the Sea outlined in the Ilulissat Declaration is insufficient. The NSR is potentially global and its use could extend to states and non-state actors that are not represented in the Council. Therefore, a small circle of states cannot decide the status of the NSR among themselves. Having said that, should Arctic states with strong records of commitment to international law choose to initiate a broad conversation, that could initiate a speedy and fruitful dialogue. Scandinavian countries have a record upholding and developing international institutions, and they hold considerable clout. If they were to take a leading role in the dialogue it would also strengthen the international perception that these states are representatives of broader Arctic interests.

The Law of the Sea is a global matter, but because of changing seascapes it faces different challenges in different parts of the world. There is no guarantee that initiatives such as the development of rescue infrastructure will be used to further goodwill and cooperation. If states use waterways as bargaining chips to further national interests, it may result in their closure and in disputes over sovereignty. Should short-term thinking take over at some point, users might be in for an unpleasant surprise. As human activity increases in the Arctic Ocean, all parties must sustain a productive conversation.

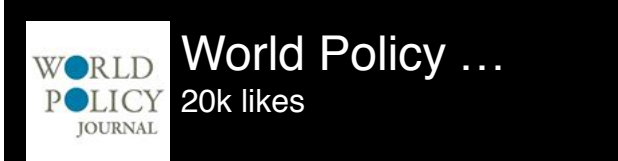
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