



## ATLANTIC MEMO #23

## ***International Law Is Critical for Alleviating Arctic Tensions***

The vast majority of Atlantic Community's authors and commenters agree that despite the increasing militarization in the region and regular squabbles, there is no significant risk of physical confrontation (Lawson). As the ocean becomes more open, the number of jurisdictional maritime disputes will likely rise (Corell), so tensions will still run high (Dodds). Stronger commitment to an already existing legal framework along with bilateral cooperation can help with confronting urgent challenges such as environmental protection and climate change, thus compelling transatlantic actors to take action towards comprehensive Arctic governance.

### **1. Strengthening the Arctic Council instead of the Arctic Five.**

The Arctic Council should be favored over the exclusive management by the five coastal nations of Canada, Denmark, Norway, Russia and the US. As a soft law institution, it needs to become more "than an advisory group" (Dodds). It should act as a coordinating legal body with the help of a permanent Arctic Council Secretariat (Bennett) and would need to integrate more actors including non-Arctic nations with growing interests in the region such as China and India (Kolesnichenko) as well as the indigenous people. Inclusive cooperation is key (Bennett) in order to tackle these multi-faceted and multi-level challenges.

There is a consensus among our members that comprehensive and sustainable governance will be completed only by favoring already existing intergovernmental institutions (Yalowitz, Virginia). Instead of the "Arctic Five" local management, we should focus on: the International Maritime Organization (IMO) for shipping routes, the United Nations Convention on the Law of the Sea (UNCLOS) for territorial disputes (Yalowitz, Virginia) and the Intergovernmental Oceanographic Commission (IOC) for disputes over scientific expeditions.

### **2. The US needs to ratify the UN Convention on the Law of the Sea.**

Conflict over resources and boundaries is unlikely because most affected areas are subject to the norms of the Law of the Sea. The existing law has proved to be very efficient in the last few years in resolving territorial claims but the regime cannot fully function until it is implemented by all coastal states (Schirmer). That includes the United States, which has still not ratified the United Nations Convention on the Law of the Sea (UNCLOS) (Lundestad). As US Secretary of State Hillary Clinton has recognized the ratification of the treaty as a priority, the Obama administration should now convince the Congress to ratify the convention as soon as possible.

### **3. The US and the EU must seize opportunity of bilateral cooperation with Russia.**

Parallel to enhancing the role of the Arctic Council, there is a broad consensus that bilateral cooperation among the "Arctic Five" will minimize tensions. Demilitarization and a sustainable management of natural resources will be made easier by favoring pragmatic cooperation. Norwegian companies helping Russia establish needed gas resource management infrastructure, is a good example of such practical partnership (Voronkov).

As the 2007 underwater flag planting demonstrated, Russia can be a challenging partner, but a partner nonetheless (Hilde). Cooperation is both feasible and desirable (Voronkov). The EU (Srichandan) and the US should focus on developing such partnerships with Russia.

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