International Maritime Organization

Addressing the Claims to Waters and Resources Emerging from Melting Arctic Ice Caps

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INTRODUCTION

The International Maritime Organization (IMO) is a specialized UN agency. It is in charge of the "the global standard-setting authority for the safety, security and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented". ("IMO - The International…", 2018). However, a not so recent but rather urgent matter is requiring this agency to act as soon as possible.

This issue begins with Global Warming, which is the result of the excessive releasement of heat-trapping greenhouse gases into the atmosphere, in its great majority, by human activity. As a result, due to the drastic climate change that is taking place, its consequences range from the extinction of priceless ecosystems and species, to the melting of Arctic ice caps as well as the rising sea level. ("What is Global Warming?", n.d.). As a matter of fact, the Arctic sea ice extent for May 2018 was the second lowest in the satellite record. Above average temperatures and high sea level pressure prevailed over most of the Arctic Ocean, while some surrounding continental regions were colder than usual. ("Arctic Sea Ice…", 2018). Due to the accelerated melting of the Arctic ice caps, new territory and trade routes are becoming available for the neighbouring nations to claim and exploit. Here is where the conflict arises and the intervention of the IMO is required. The United Nations Convention on the Law of the Sea, which establishes the limit of each nation up to 12 nautical miles, does not convey anything regarding the claims of countries such as Russia, the United States, Greenland, Canada, Norway, Denmark and Iceland concerning the access to this brand new ocean. (It's time to…", 2017).

Therefore, these Arctic territories are now subject to international claim. According to the US Geological Survey, there is "at least a 10-percent chance of one or more significant oil or gas accumulations" ("Circum-Arctic Resource…", n.d.) and "at least 50 million barrels of oil and/or oil-equivalent natural gas" ("Circum-Arctic Resource…", n.d.). These potential resources are currently driving countries to investigate their continental shelf, and submit a claim to the U.N., to find out whether or not their claim is valid (Thornell, 2017). If it is, their territorial waters will extend, hence granting access for natural resources to be exploited. However, it is up to this committee to decide not only the viability of such claims, but whether or not the

Arctic territories, which have always belonged to no nation, should become claimable.

HISTORY OF THE PROBLEM

For a very long time it appeared impossible for science to track back the Arctic caps melting process, however, since this problem is directly linked to climate change caused by Global Warming, it is only natural that they share the same roots, the same historical patterns and the same man-made mistakes.

The Industrial Revolution took place during the late 1700's and early 1800's, in Britain, and further on spread to the rest of the world. This event not only impacted people's lives, technological advancements, and the way businesses operate, but also the planet's environment ("Industrial Revolution", n.d.). Unfortunately, humanity only found out about the dark side of what it considered "progress" until it was too late.

One of the most drastic impacts of Industrial Revolution, which were the large amounts of Carbon Dioxide released into our atmosphere, have modified our climate ever since its beginning. Unfortunately and quite ironically, this was not noticed until technological advancement allowed it. Therefore, in 1979, as satellites began to record Earth's activity from space, the human race was finally able to monitor the rapid melting process of the Arctic ice caps. It has been observed that since the 1980's, the polar region has been melting at a rate of 13.4% per decade on average. In fact, the main causes of this rapid decline in the Arctic territory include shifting wind patterns, ocean warming and especially rising air temperatures, which warm it twice as quickly as the global average, also known as the "Arctic amplification" phenomenon. (Horton, J., 2012).

This event has brought along devastating consequences. The polar region has always played an important role regarding Earth's temperature, since its surface of ice reflects sun rays back to space or for clouds to absorb. However, this self-regulating system has lost its balance. The rising greenhouse gas emissions, which have currently reached a level 260% greater since the Industrial Revolution's origins (Horton, J., 2012), thicken the atmosphere and do not allow the exceeding heat to leave. This leads to a positive feedback loop, or a never ending cycle, for the more

and more ice sheets melt, the less sun rays will bounce off the planet's surface, raising the temperature and melting more ice sheets, which, as if it was not enough, rise the ocean levels and negatively affect coastal communities by literally flooding them.

Since the previously mentioned discovery, scientists have been attempting to solve the following mystery: whether or not has this melting process been occurring since the peak of Industrial Revolution, and if so, if the melting rate has undergone any changes. Recently, however, the discovery of a dataset (which includes newspapers, ship and aircraft observations, diaries, etc.) on the observations of the general cartography of the Arctic from 1850 to 1978, more information on the Arctic is available for the scientific community. (Fetterer, F., 2016).

Furthermore, as the Arctic territory faces severe losses in size, it is not only affecting the environment, but also political relations, and not necessarily in a positive way. For more than 100 years, many countries surrounding the Arctic have been disputing over the jurisdiction of the Arctic region for rather military and political reasons, however such dispute gained a lot of weight since its change of landscape began, opening a whole new sector as to why a country should be interested in the Arctic, which will be introduced further on.

The first recorded attempt of establishing domain over the Arctic territory took place during 1909, when the famous American explorer Robert E. Peary successfully reached the North Pole for the first time. He and his crew left their country's flag and a note inside a glass bottle with the aim to claim US sovereignty upon the entire polar region. However, scientists argue that the validity of this trip, much less of this claim, is unclear. While the United States did not act upon this claim, the international community's interest was caught. In 1925, the Canadian government simply began to insist that its territory extended across the Arctic. A year afterwards the Soviet Union (Russia today) used that same method to claim it (Millstein, S., 2016).

In addition, more subtle methods in order to impose a presence on the polar region were developed. Such involve the occupation of northern islands primarily, and unfortunately in some cases, the militarization of the pole. This way, while the Soviet Union was at its peak in terms of power and international domain, it invaded Svalbard, a Norwegian island near the Arctic, and achieved to have "influence" upon it. Later on, Canada even used its flag to claim the island Hans, unfortunately a week

afterwards Denmark removed it and placed its own. Such back-and-forth has been happening for over 30 years, but has not caused any significant tension. (Millstein, S., 2016).

For almost 100 years, this tangled international dispute over the Arctic did not manage to reach any consensus, which urged the United Nations to intervene. As a result, the Convention on the Law of Sea (UNCLOS) was created and signed in 1982 by 168 parties, not including the US, and put into practice until 1994. Its key features include the establishment of each nation's limits (no further than 12 nautical miles or 200 miles) and specific regulations regarding each nation's continental shelf (United Nations, n.d.). On the other side, economic and territorial competition was never fully prohibited by this treaty, which led to the creation of an independent organization, the Arctic Council, in 1996. It is made up by the United States, Russia, Denmark, Norway, Canada, Finland, Iceland and Sweden, with its main purpose being to "promote cooperation and coordination in the [Arctic] region" ("The Rush to…", 2017).

Moreover, as this international dissension seemed to dissipate, new discoveries made by the United States Geological Survey reignited the almost extinguished desire to own the Arctic in many nations. Such discovery estimated that the Arctic may hold 13% of the world's undiscovered oil as well as 30% of its natural gas, making this territory rich and exploitable. Consequently, the Arctic Council found itself in a rush in order to own part of these resources, which is still generating debate with individuals and organizations who rather wish to preserve the now fragile Arctic ecosystem. ("The Rush to…", 2017).

The Convention on the Law of the Sea has allowed trade routes to take place within international waters (which includes the Arctic ocean), as well as for countries to extend their limits up to 350 miles in some cases specified within the document, but has not established anything regarding the Arctic resources exploitation, leaving the Arctic Council unable to proceed (King H.M., n.d.).

CURRENT SITUATION

As previously stated, the melting Arctic ice caps have only been the eye of a hurricane of issues of potential international concern, with its two main being the unbalance that would be unleashed upon the planet if the polar regions were lost and the restless international interest to claim the undiscovered resources hidden beneath the surface, a dilemma that has been going on for 100 years.

Currently, none of these issues seem to be reaching an end. As the Convention on the Law of the Sea (UNCLOS) was established, the rifts among the nations conforming the Arctic Council were expected to diminish. Nevertheless, such tension only ceased until the desired trade routes and resources found in the region, which had remained literally frozen in ice so far, became available due to the effects Global Warming has been casting upon the Arctic geography since the Industrial Revolution (as estimated).

Therefore, the main international need that the UNCLOS attempted to quench through its creation, which was to distinguish each nation's exploitable limits from international waters seems to have fallen to oblivion. Now, nations have been submitting territorial claims to the Convention on the Limits of the Continental Shelf (UNCLCS) aiming to "extend legitimate Arctic claims beyond the 200 nautical mile mark" (Birdwall, I., 2016) with the intention of having a say regarding the exploitation of its natural resources despite the fact that it was established that such extension could only take place during the ten years following the nation's ratification of UNCLOS. ("Birdwall, I., 2016).

Consequently, the members of the Arctic Council (Canada, Norway, Sweden, Finland, Greenland, Denmark, Russia, and United States), are attempting to form part of the now available exploitation of the Arctic. In addition, they have been creating oil-spill readiness plans and scientific endeavours, to the point of dividing their responsibilities geographically across the Arctic. (B)

As a result, the Arctic Council has been catching the interest of the international community for the past decade, since "the top of the world became a place where developed economies want to play" (B). Forasmuch as the Council's beginnings up until recently, organizations such as World Meteorological Organization and National Geographic along neighbouring nations have been made observers, including the UK, the Republic of China, and Switzerland, with the first

two having titled themselves as near-Arctic nations as well. So far, countries have the right to claim Exclusive Economic Zones (EEZ) under the Convention on the Law of the Sea and explore its seabed and waters without exploiting any discovered resources. Russia was the first to make this kind of claim, in 2001, and was followed by Denmark. (Birdwall, I., 2016).

Nevertheless, while no major political tensions have arisen from this topic, the Arctic does not only imply an economical gain for crafty governments. In fact, most of the members of the Arctic Council have already established several military facilities in their EEZ. Russia's facilities outnumber the rest's, followed by the United States. Consequently, the International Maritime Council must address all existent implications that this issue has arisen.

UN ACTIONS

To protect the environment and the people traveling through it, the International Maritime Organization has created the Polar Code. This set of rules aims to prevent further ocean pollution in both poles as well as to prevent accidents through the proper design of any vehicles that travel across them, the qualified training of the crew and any other safety measures (Langlois, 2017).

Activity in international waters is currently regulated by the United Nations Convention on the Law of the Sea. Among other matters, the convention "enshrines the notion that all problems of ocean space are closely interrelated and need to be addressed as a whole" (United Nations, n.d.). Through this international agreement, the UN seeks to regulate ocean activities, for no governmental laws for exist for multinational territory. In addition, it also seeks to solve international disputes regarding maritime domain and resources.

Specifically, articles 287 and 298 of the United Nations Convention on the Law of the Sea, address what a government can do in case of a territorial dispute (United Nations, n.d.). Member states of the convention can appeal to international courts that would settle down agreements among them.

Unfortunately, neither the creation of the Convention on the Law of the Sea (UNCLOS) and the Convention on the Limits of the Continental Shelf (UNCLCS) are able to address all the arising claims to the Arctic Region.

POSSIBLE SOLUTIONS

As it was previously addressed, it is fundamental for a global agreement to be reached. Therefore, this committee proposes as its main solution the creation of an Arctic Treaty that satisfies the claims of the Arctic nations within certain parameters, such as the consideration of the UNCLCS and the UNCLOS. Such Treaty would be based on the Antarctic Treaty, in the sense that it will serve for peaceful purposes only and international research in this land would not cease, but continue to be available.

Additionally, active members of the Arctic Council have been continuously submitting claims in order to extend their continental shelf and be able to exploit the Arctic resources. It is essential for this Treaty to address such claims, taking into account the potential endangering of international peace that might take place, as well as the risk for certain nations to take advantage of these territories and turn them into relevant militar spots instead of free-access trade routes, like it has happened previously in our history. (“The Rush to…”, 2017).

The committee of the International Maritime Organization also highlights the relevance of the role that the Arctic ecosystem plays. As a matter of fact, the Arctic region hosts a unique wildlife that cannot be found anywhere else in the globe, implying that it is currently endangered due to the shifting landscape and climate change. Consequently, it must become a priority for this Treaty to balance out any international activity aimed to enrich economic growth with the preservation of the Arctic species and ecosystems. (“Arctic Wildlife”, n.d.).

Furthermore, it is crucial to point out that the main reason why the Arctic region has caught governors’ interest is not only the political/military advantage that owning such a strategic territory represents, but rather the natural resources hidden beneath it, which become more approachable every minute as the ice sheets melt (“Who owns the…?”, 2016). Simultaneously, countries are currently attempting to decrease its dependence on non-renewable resources by setting realistic time-bound goals, for example, through the Paris Agreement, implying that there is no guarantee that the exploitation of the Arctic resources would in any way contribute to the cause, especially since some members of the Arctic Council are also signatories and/or parties of the Paris Agreement. A valid hypothesis would state that acquiring access to such natural storages would only nurture human reliability on fossil fuels.

As a result, it is important to take into consideration the development of sustainable methods that lead to the dependance on renewable resources in the future. (“How 11 countries are…”, 2016).

In conclusion, this committee urges its participants to address all the possible solutions and their international consequences, both in the short and long term, through the creation of an Arctic Treaty as the main solution. It is fundamental that they consider the preservation of the Arctic environment as its core, alongside the upholding of world peace.

REFERENCES

Birdwall, I. (2016, August). Rival claims to a changing Arctic. *The Maritime Executive*. Retrieved from https://www.maritime-executive.com/article/rival-claims-to-the-changing-arctic#gs.17UMGDI

Division for Ocean Affairs & the Law of the Sea. (2009). Commission on the Limits of the Continental Shelf. *Oceans & Law of the Sea United Nations*. Retrieved from http://www.un.org/depts/los/clcs_new/submissions_files/submission_nor.htm

Fetterer, F. (2016, August 11). Guest post: Piecing together the Arctic's sea ice history back at 1850. *Carbon Brief: Clear on Climate*. Retrieved from https://www.carbonbrief.org/guest-post-piecing-together-arctic-sea-ice-history-1850, on June 16th, 2018.

Guest Contributor. (February 14th, 2016). How 11 countries are leading the shift to renewable energy. *Clean Technica*. Retrieved from: https://cleantechnica.com/2016/02/04/how-11-countries-are-leading-the-shift-to-renewable-energy/

Horton, J. (2012, November 20). Greenhouse gas emissions rise by 260% since Industrial Revolution. In *The Scotsman*. Retrieved from https://www.scotsman.com/news/environment/greenhouse-gases-rise-by-260-since-industrial-revolution-1-2646644

Industrial Revolution. (n.d.). *Investopedia*. Retrieved from https://www.investopedia.com/terms/i/industrial-revolution.asp, on June 16th, 2018.

King H. M. (n.d.). Oil and Natural Gas Resources of the Arctic. *Geology*. Retrieved from: https://geology.com/articles/arctic-oil-and-gas/, on July 11th, 2018.

Millstein, S. (November 28th, 2016). Who owns the Arctic? And who doesn't? *Timeline*. Retrieved from https://timeline.com/who-owns-the-arctic-2b9513b3b2a3, on June 16th, 2018.

National Snow & Ice Data Center. (June 6th, 2018). Arctic Sea Ice News and Analysis. In *National Snow & Ice Data Center*. Retrieved from http://nsidc.org/arcticseaicenews/, on June 14th, 2018.

Langlois, K. [Producer]. (2017, May 16). *IMO in the polar environment: the Polar Code explained* [Online Video]. Retrieved from https://www.youtube.com/watch?v=X_x2_RTUiGM, on June 18, 2018.

Spohr, K. (2018). The scramble for the Arctic. *New Statesman*, *147*(5409), 22-27. Retrieved from http://search.ebscohost.com/login.aspx?direct=true&db=lfh&AN=128376085&site=ehost-live, on June 13th, 2018

Stauffer, P. (n.d.). *Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle*. [PDF file]. United States Geological Survey. Retrieved from https://pubs.usgs.gov/fs/2008/3049/fs2008-3049.pdf, on June 14th, 2018.

The Editorial Blog. (April 26th, 2017). Opinion: The Rush to Exploit the Arctic. *The New York Times.* Retrieved from: https://www.nytimes.com/2017/08/26/opinion/sunday/the-rush-to-exploit-the-arctic.html, on July 11th, 2018.

Thornell, C. (October 24th, 2017). *It's time to draw borders on the Arctic Ocean*. [Online video]. Retrieved from https://www.youtube.com/watch?v=Wx_2SVm9Jgo&t=14s, on June 14th, 2018.

United Nations. (n.d.). United Nations Convention on the Law of the Sea of 10 December 1982. In *United Nations*. Retrieved from http://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm, on June 18th, 2018.

United Nations. (n.d.). Settlement of disputes mechanism. In *United Nations*. Retrieved from http://www.un.org/depts/los/settlement_of_disputes/choice_procedure.htm, on July 25, 2018.

Watson, M. (January, 2009). An Arctic Treaty: A solution to the international dispute over the Polar region. *Ocean and Coastal Law Journal*. Retrieved from: https://digitalcommons.mainelaw.maine.edu/cgi/viewcontent.cgi?article=1100&context=oclj

What is Global Warming? (n.d.). *National Geographic*. Retrieved from https://www.nationalgeographic.com/environment/global-warming/global-warming-overview/, on June 16th, 2018.