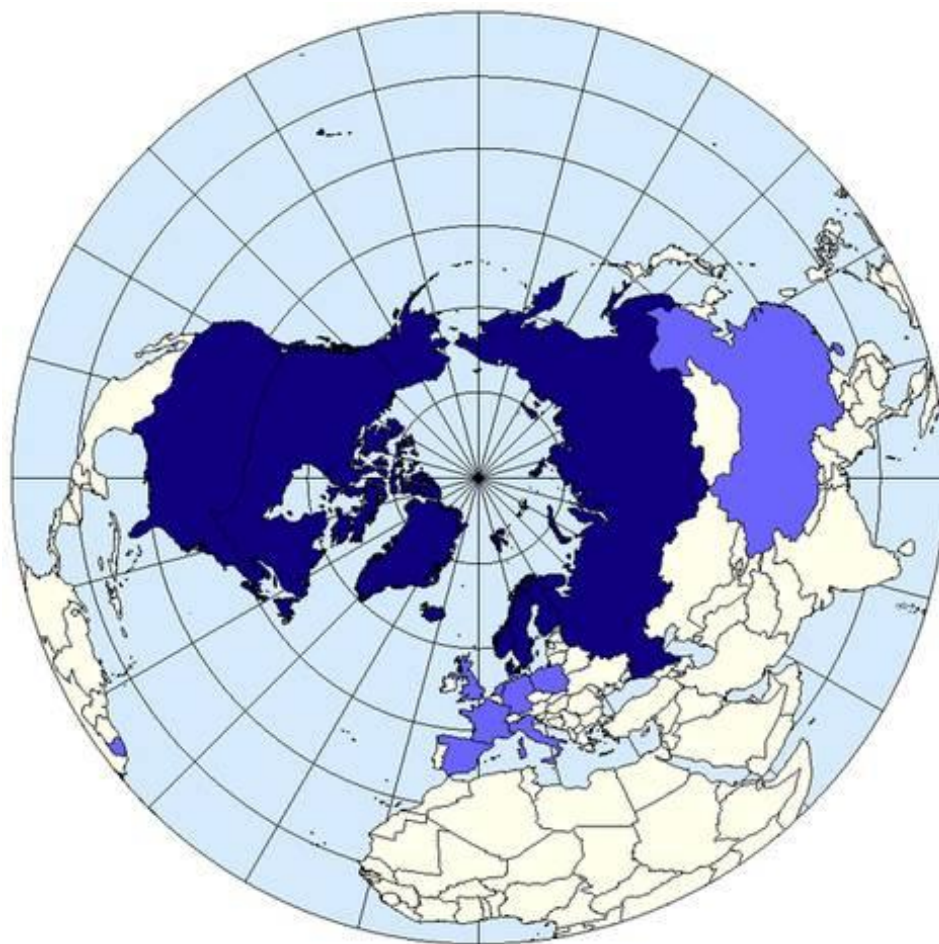


Sovereignty & Security Issues in the Arctic, 2011

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What are the main issues today?

▶ Climate change

- Northwest Passage = potential major shipping route
 - But diminished land transportation routes . . .
- Newly accessible Arctic resources
 - Cheaper to access hydrocarbons?

▶ Boundary disputes

▶ UNCLOS

- Exclusive rights within 200 nm of shoreline, & farther if continental shelf extends past 200 nm
- Arctic Ocean very shallow, claims overlap

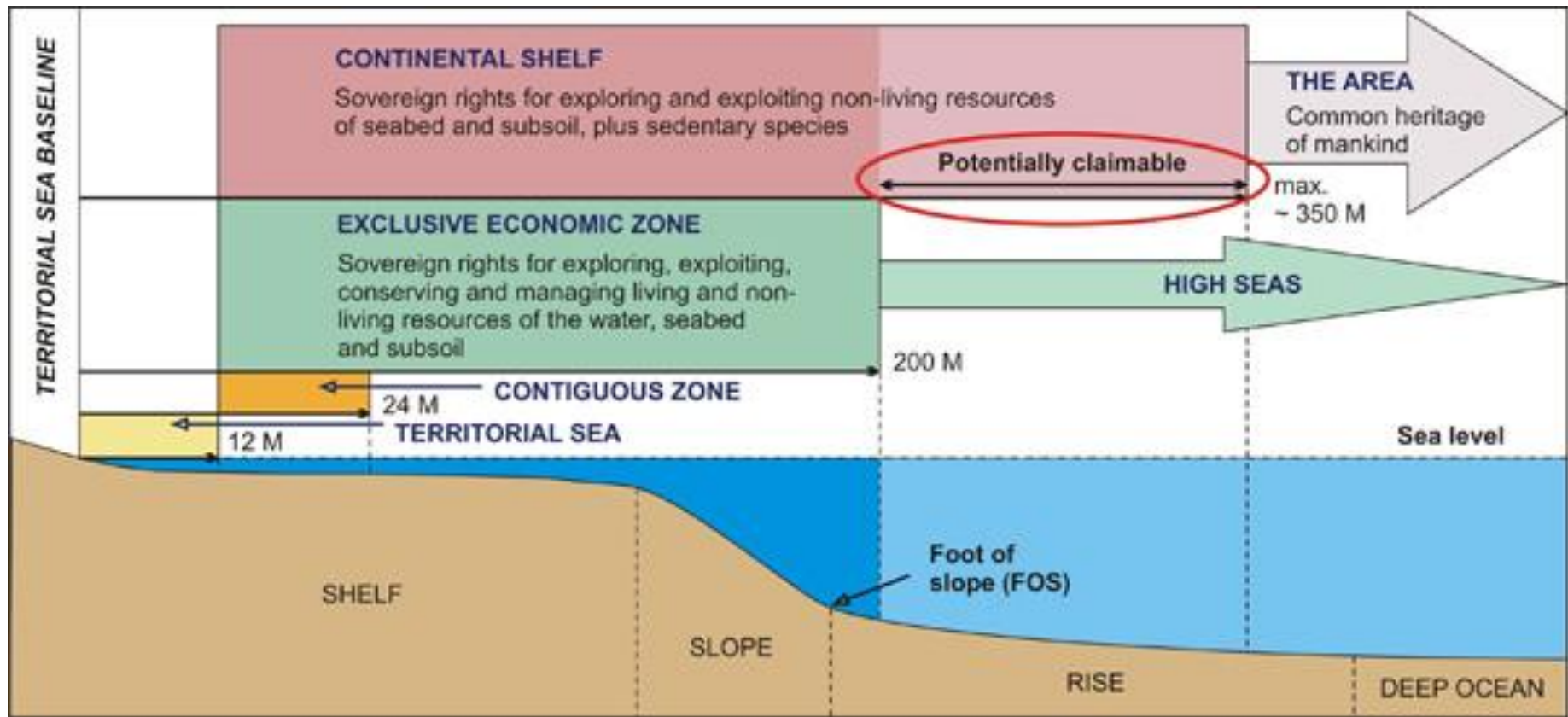
- ▶ "Popular perception holds that climate warming will mean an opening up of the Arctic, but our study shows that this is only partly so . . . Rising maritime access for ships will be severely countered by falling vehicular access on land."
 - Laurence C. Smith, UCLA professor of geography & author of "The World in 2050: Four Forces Shaping Civilization's Northern Future" (Dutton Books, 2010).

Maritime transport issues

- ▶ Northwest Passage = save 5000 miles in transport from Europe to US West Coast
- ▶ Passage of ships that must currently use the Suez Canal (security problem)







UNCLOS Timeline

- ▶ Customary law “freedom of the seas”
 - “reasonable” use and respect for rights of others
- ▶ 1945 Truman proclamation (oil)
- ▶ 1982 UNCLOS
 - Reagan Admin objections re deep seabed mining
- ▶ 1994 –Treaty re-crafted to meet US concerns & Clinton signed it
- ▶ SFRC approved 17-4 in fall 2007, but 2008 election derailed ratification (McCain)

Treaties: A Double-Edged Sword

- ▶ Abdication of some sovereignty . . .

- ▶ Example: US Navy exposed to risk of adverse tribunal decisions

- ▶ . . . But a seat at the table . . .

Example: US can influence International Seabed Authority



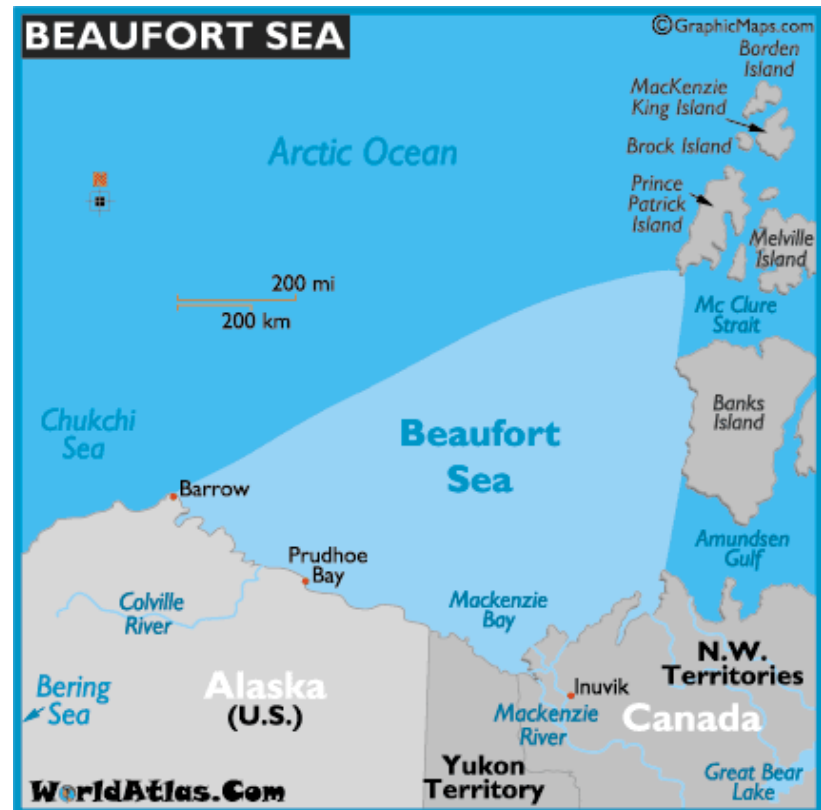
What do they say?

- ▶ Supporters
 - ▶ “It is better to be inside a flawed system where the US can assert its power to minimize the potential damage”
- ▶ Opponents
 - ▶ “It is better to be outside the system and be unfettered by international agreements”



Example: US v. Canada

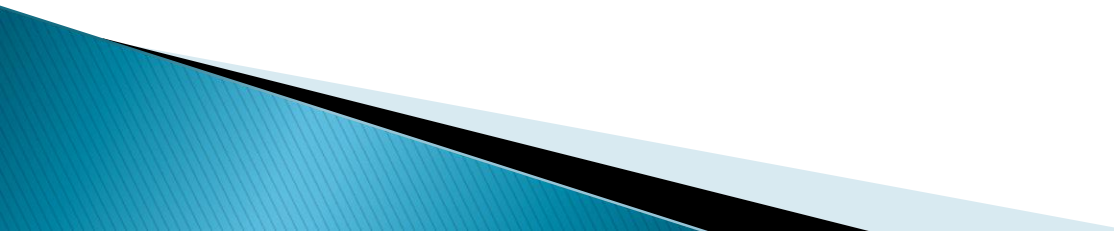
- ▶ Mineral rights in the Beaufort Sea?
 - Canada is in a position to steer UNCLOS rules in its favor



UNCLOS political issues

- ▶ “A top national security priority”
 - Peter Pace, former Chairman, US Joint Chiefs of Staff
- ▶ Obama Admin favors UNCLOS
- ▶ Leon Panetta = new US Sec Def
 - Former chair of Joint Ocean Commission Initiative
- ▶ Ratification debate in fall 2011?
 - Lugar, Corker worried about re-election
 - Kerry on Deficit Super Committee
 - SFRC hearings, but vote unlikely

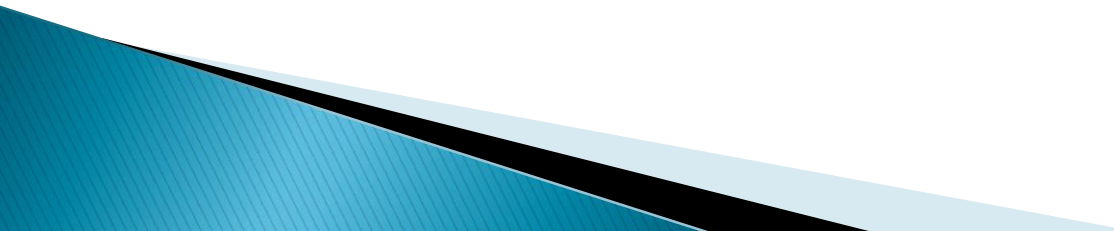
Benefits to UNCLOS?

- ▶ Codification of highly favorable navigation & economic rules
 - ▶ BUT
 - ▶ Everyone already follows UNCLOS, with a few exceptions
- 

Major benefits to UNCLOS

- ▶ Sovereignty established without a doubt over IECS and OECS
- ▶ US can reign in International Seabed Authority (ISA) and control distribution of revenues from the OECS and deep seabed mining
- ▶ US companies will be able to do deep seabed mining
 - Without ratification, US companies must use non-US affiliate

Ratification process can create new conditions:

- ▶ Condition ratification on lifting bans on offshore drilling?
 - ▶ Condition ratification on addressing worrisome international tribunals?
 - ▶ Place other legally binding measures into Senate Resolution on Advice and Consent
- 

Resource

- ▶ Council on Foreign Relations Special Report No. 46, May 2009, “The National Interest and the Law of the Sea”