

David López Morales

*Graduated in Law and Political Science from the Carlos III University of Madrid.
Masters of Laws (LLM) en King's College London*

E-mail: david.lopez_morales@outlook.com

TERRAE ULTIMA THULE: COOPERATION IN THE ARTIC REGION

Abstract

The Arctic is a region where some of the world's greatest superpowers coexist in relative harmony, even though diplomatic relations between many of them have been tense since the last century. And despite the increasing number of conflicts in other regions, Arctic cooperation remains stable and solid. How can we explain this? Several factors, such as the equitable sharing of natural resources under an international legal framework, soft-law institutions that enable dialogue and a terrain that is hostile to all of them alike, have not only created the conditions necessary for cooperation, but have also eliminated the possibility of conflict in this part of the world. This unusual situation has led to a decades-old debate among academia and the public as to whether cooperation will continue in the future.

Keywords

Arctic cooperation, UNCLOS, soft-law, stability, sovereignty claims, institutions, security.

TERRAE ULTIMA THULE: COOPERATION IN THE ARTIC REGION

INTRODUCTION

Since the dissolution of the USSR, we have been witnessing the re-emergence of the Russian Federation as a global power with a distinct nationalist and militarist language. This has caused tensions to escalate in recent years: Crimea's accession to the Russian Federation¹ prompted numerous European countries², in addition to Canada³ and the United States⁴, to impose sanctions on Russia, which sometimes retaliated with counter-sanctions. Furthermore, the Syrian Civil War, in which Russia supports the government of Bashar al-Assad and the West backs the rebel forces, led to Russian military intervention in Syria in September 2015. While the emergence of Daesh has not altered the support or sympathies of either bloc, it has highlighted the need to combat a common enemy. However, even in times that have called for greater cooperation, and after six years of war, the possibility of easing the tensions and increasing cooperation looks slim.

There is, however, a region of the world where these States, despite their considerable tension, have been cooperating peacefully for decades. And that place is the Arctic. Fergus FLEMING commences his excellent work, *Ninety Degrees North: The Quest for the North Pole*⁶, by pointing out that there are in fact five North Poles:

“ [t]he North *Geographical* Pole, the absolute, fixed cap of the globe; the North *Magnetic* Pole, to which our compasses point, and which is not stationary but rambles

1 EL PAIS, “Putin firma la anexión de Crimea a Rusia”, Published 18-03-2014. Available at: http://internacional.elpais.com/internacional/2014/03/18/actualidad/1395125826_603105.html (Accessed on 18-10-2015).

2 THE WALL STREET JOURNAL, “EU imposes sanctions on People, Institutions Involved in Ukraine Conflict”, Published: 16-02-2015. Available at: <http://www.wsj.com/articles/eu-imposes-sanctions-on-people-institutions-involved-in-ukraine-conflict-1424078782> (Accessed on 18-10-2015).

3 GOVERNMENT OF CANADA, “Canadian sanctions related to Russia”, Available at: <http://www.international.gc.ca/sanctions/countries-pays/Russia-Russie.aspx?lang=eng> (Accessed on 18-10-2015).

4 REUTERS, “UPDATE 6-Obama warns on Crimea, orders sanctions over Russian moves in Ukraine” Published: 7-03-2014. Available at: <http://www.reuters.com/article/2014/03/07/ukraine-crisis-obama-idUSLiNoM3oXQ20140307> (Accessed on 18-10-2015).

5 EL MUNDO, “El despliegue militar ruso en Siria alerta al Gobierno de Obama”, Published 7-09-2015. Available at: <http://www.elmundo.es/internacional/2015/09/07/55ec9427e2704e7b458b4589.html> (Accessed on 18-10-2015).

6 FLEMING, Fergus, *La conquista del Polo Norte*, Fábula Tusquets Editores, Barcelona, 2012.

at present through the Canadian Arctic; the North *Geomagnetic* Pole, which centres the earth's magnetic field and sits today over north-west Greenland; the Northern Pole of *Inaccessibility*, a magnificently named spot in the Arctic Ocean north of Alaska, which represents the point farthest in all directions from land (currently, 684 statute miles from the nearest coast); and there is even a Pole in the sky, the North *Celestial* Pole, the astronomical extension of a line drawn through the earth's axis which nearly-but not quite-hits Polaris.^{7*}

And yet there is another North Pole, the *Geopolitical* North Pole, which, for decades, has led hundreds of explorers to risk almost certain death in the quest to conquer this inaccessible pole and place it under the sovereignty of their State in a peaceful way and within the framework of international law. The situation in the North Pole has changed from one of confrontation during the Cold War to one of cooperation and non-violent disputes over the exploitation of natural resources, jurisdictional issues and the trade opportunities presented by new navigation routes.⁸ In his book *Decisive Moments in History*⁹, Stefan Zweig pointed out that there are a number of moments that can shape and change the fate of a people during the ensuing decades. In the case of the Arctic, it was the speech given by Mikhail Gorbachev in Murmansk in 1987. The then General Secretary of the Communist Party of the Soviet Union appealed to the common sense of the Arctic nations to make this a nuclear-free zone, a zone of peace and fruitful cooperation where stability and peace are guaranteed.¹⁰

Reduced tension following the collapse of the Soviet Bloc, the melting of the Arctic, technological advances in the extraction of resources and the promise of enormous wealth that these hold¹¹, in addition to the opening up of navigation and tourism routes, have undoubtedly contributed to bringing the region closer to what Gorbachev had envisaged. In 1996 an intergovernmental forum (the Arctic Council) was established to promote cooperation and interaction among the Arctic States. This has given rise to numerous reports, working groups and public policy recommendations that have subsequently been implemented by the Arctic States. However, in the current climate of tension, many are wondering whether cooperation in the Arctic will continue or whether it will be affected by the conflicts taking place elsewhere.

7 Ibid, p.25.

(*) The italics are the authors.

8 ØSTERUD, Øyvind and HØNNELAND, Geir, "Geopolitics and International Governance in the Arctic", *Arctic Review on Law and Politics*, vol. 5, 2, 2014, p.159

9 ZWEIG, Stefan, *Momentos estelares de la humanidad. Catorce miniaturas históricas*, Acanilado, Barcelona, 2002.

10 GORBACHEV, Mikhail: "Mikhail Gorbachev's speech in Murmansk at the ceremonial meeting on the occasion of the presentation of the Order of Lenin and the Gold Star to the city of Murmansk". Available at: http://www.barentsinfo.fi/docs/Gorbachev_speech.pdf (Accessed on 09-12-2015).

11 In the analytical framework, we will look at estimates of the Arctic's natural resources.

In conclusion, as the French writer Amiral Besnault has pointed out: “[g]iven the uncertainties of the future, a combination of economic needs, new opportunities, unresolved sovereignties and a spill-over from conflicts elsewhere, continuously made the Arctic an area for strategic concern”¹².

ARCTIC STATES: INTERESTS AT STAKE AND COOPERATION FACTORS

As pointed out earlier, while relations between a numbers of the superpowers are tense in the rest of the world, they cooperate peacefully in the Arctic. There are five coastal States [Russian Federation, United States of America, Canada, Norway and Denmark (through Greenland)]. These States are commonly known as “the Arctic Five” (hereinafter the A-5). All of the A-5 have made sovereignty claims to the Arctic on the basis of the provisions of the United Nations Convention on the Law of the Sea¹³ (hereinafter UNCLOS). The Arctic Council (hereinafter the AC) consists of the A-5 and three other - non-coastal - States: Sweden, Finland and Iceland, “the Arctic Eight” (hereinafter the A-8). In addition, six organisations representing Arctic Indigenous Peoples have permanent participant status, but these will not be covered in our work. As we will see later on, this distinction is important because not all stakeholders are involved in the different cooperation initiatives.

As mentioned earlier, the region holds numerous potential commercial interests and valuable natural resources for all these countries. All Arctic States have imposed economic sanctions on Russia and, except for Finland and Sweden, they are all members of NATO. Having described the tense situation between the Russian Federation and the Western Bloc, the question we will now attempt to answer is: *Why do States with tense relations in the rest of the world cooperate in the Arctic region?*

Interests at stake

When we speak of the Arctic, we are referring to the smallest of the world’s five oceans, with an ice-covered area of just over 14 million square kilometres and more than 45,000 kilometres of coastline. Díez de Velasco points out that the region is unique because the climate conditions make physical occupation of the territory unviable and because of the sovereignty claims made by certain neighbouring States. All of this means that the Arctic poses complex and delicate problems from a political,

12 BESNAULT, Amiral, *Geostrategie de l’Arctique*, Paris, Economica, 1992; in Øyvind Østerud and Geir Hønneland, *Geopolitics and International Governance in the Arctic*, p.173.

13 UN GENERAL ASSEMBLY, *United Nations Convention on the Law of the Sea, Montego Bay*, 10 December 1982.

geographical and legal point of view.¹⁴ To understand the problems mentioned by Professor Díez de Velasco, the authors previously mentioned all agree that a number of elements make the Arctic region unique from a geopolitical perspective and, depending on the analysis, can lead to conflict or cooperation. In addition to the *harsh climatic conditions* mentioned by Díez de Velasco¹⁵, problems are further compounded by the thinning of the polar ice cap (i), which provides easier access to natural resources (ii) and accessible navigational routes (iii) which will be the focus of our analysis¹⁶.

That the ice covering the Arctic Ocean is melting on account of climate change is a scientific fact that few people question any more. The latest IPCC report published in 2013 points out that the annual Arctic sea ice extent decreases each year and that, according to their calculations, the rate of this decrease was very likely between 3.5 and 4.1% per decade over the period 1979 to 2012.¹⁷

Ice extent in the Arctic from 1900 to 2015

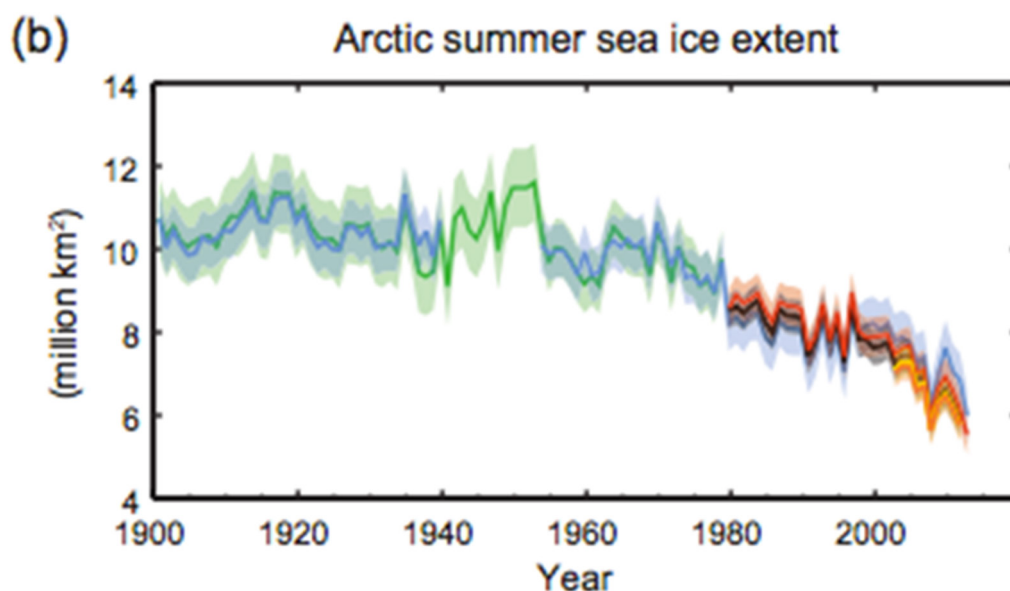


Figure 1. Source: IPCC, Summary for Policymakers. In: *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press, Cambridge, 2013.

14 DIEZ DE VELASCO, M., *Instituciones de Derecho Internacional Público*, Tecnos, Madrid, 18 ed., 2013, p. 561.

15 Climatic conditions with temperatures of no more than 10°C in summer and as low as -45°C in winter, and a lowest recorded temperature of -65° C.

16 ØSTERUD, Øyvind and HØNNELAND, Geir, p.172.

17 IPCC, *Summary for Policymakers. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley eds, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 2013, p. 9.

With regards to the Arctic melt, we should not confuse the thaw caused by the change of seasons with that caused by climate change. In summer, large expanses of the Arctic Ocean have no ice cover and they freeze again in winter.¹⁸¹⁹ The problem is that the ice melt caused by climate change affects ice cover in all seasons. As NSIDC scientist Julienne Stroeve has pointed out:

“The really interesting thing is that we see these changes throughout all seasons. Ice loss in the Arctic was 2.6% per decade in winter and more than 13.4% per decade in summer”²⁰.

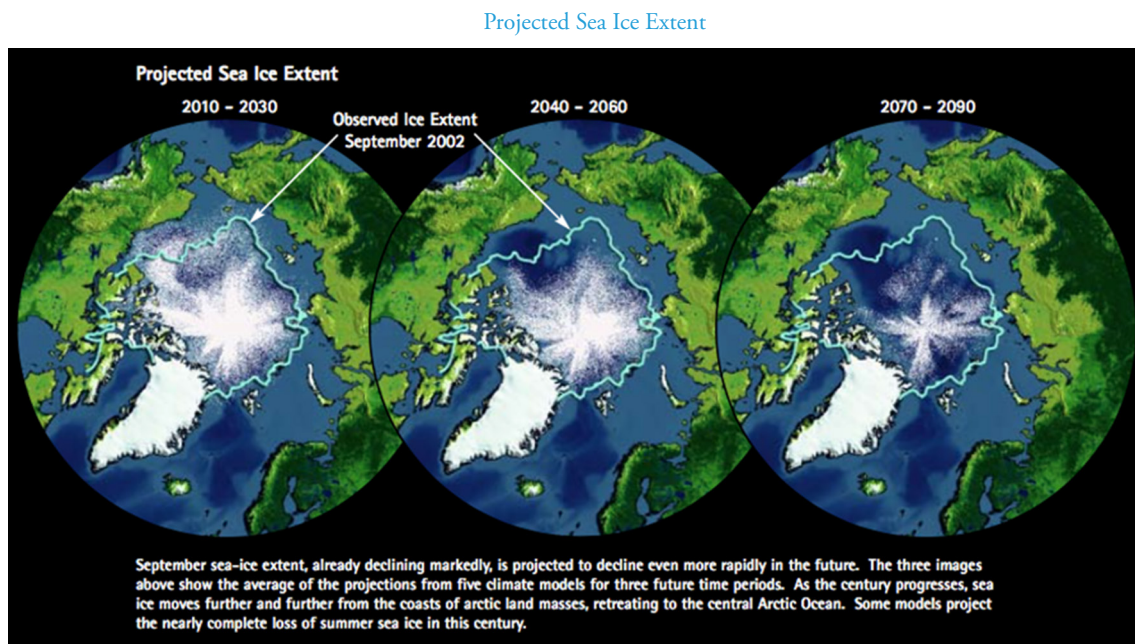


Figure 2. Source: STROEVE, Julienne, “Sea Ice and Climate”, Talk given at the Simposio Internacional: El Ártico: Oportunidades y riesgos derivados del cambio climático. Organised by Fundación Ramón Areces, Madrid, 12 November 2015.

If scientists’ calculations are correct - some claim that the Arctic Ocean will be ice free beyond the 21st century²¹, if not sooner²² - this will have numerous implications

18 “Maximum extent occurs in February/March (14-16 million km² or 5-6 million square miles), minimum extent occurs in September (7-8 million km² or about 3 million square miles)” in STROEVE, Julienne, “Sea Ice and Climate” talk given at the *Simposio Internacional: El Ártico: Oportunidades y riesgos derivados del cambio climático*. Organised by Fundación Ramón Areces and coordinated by Professor Elena Conde Pérez. Madrid, 12 November 2015.

19 STOKKE, Olav Schram, “Environmental Security in the Arctic. The Case for Multilevel Governance”, *International Journal*, autumn 2011, p. 838.

20 STROEVE, Julienne, “Sea Ice and Climate” talk given at the *Simposio Internacional: El Ártico: Oportunidades y riesgos derivados del cambio climático*. Organised by Fundación Ramón Areces and coordinated by Professor Elena Conde Pérez. Madrid, 12 November 2015.

21 ACIA, *Impacts of a Warming Arctic: Highlights*, Arctic Climate Impact Assessment, Canada, Cambridge University Press, 2004. Available at: <http://www.amap.no/documents/doc/impacts-of-a-warming-arctic-highlights/792> (Accessed on 12-11-2015).

22 NSIDC, “Models Underestimate Loss of Sea Ice”, Published 30-4-2007. Available at: http://nsidc.org/news/newsroom/20070430_StroeveGRL.html (Accessed on 09-11-2015).

for the region. Apart from having climatic and biological implications²³, various navigation routes will become accessible and States will finally have access to natural resources that are currently inaccessible.²⁴ Sadly, Borgerson may be right when he said that: “[i]t is no longer a matter of if, but when, the Arctic Ocean will open to regular marine transportation and exploration of its lucrative natural-resource deposits”²⁵.

With regard to *resources*, according to USGS estimates, 22% of the world’s undiscovered oil and gas reserves are to be found under the Arctic ice cap²⁶. This represents an estimated 90 million barrels of oil, 1.7 trillion square feet of natural gas and 44 million barrels of liquefied natural gas.²⁷ Access to these mineral resources would be a major booster for these superpowers, particularly Russia, as can be seen from the following table²⁸.

Distribution of the undiscovered hydrocarbon resources among the Arctic coastal states.

Table 1. Distribution of the undiscovered hydrocarbon resources among the Arctic coastal states, %.

Country	Oil	Natural gas
Russia	41	70
US (Alaska)	28	14
Greenland (Denmark)	18	8
Canada	9	4
Norway	4	4

Graph I. Source: SERGUNIN, Alexander, KONYSHEV, Valery, “Russia in search of its Arctic Strategy: between hard and soft power? *The Polar Journal*, 4:1, 2014, p.71.

23 Firstly, the more ice that melts, the more global warming the earth will experience (because ice has a high albedo that causes sunlight to bounce back towards space). Jet streams would lose their intensity, which would impact air currents and lead to a decline in flora and fauna and, hence, the region’s entire food chain, including the Arctic Inuit communities that subsist on hunting and fishing.

24 For a more detailed overview of the Arctic as an ever-changing region on account of climate change, we recommend reading the ACIA report: ACIA, *Impacts of a warming Arctic. Arctic climate impact assessment overview report*, Cambridge, Cambridge University Press, 2004.

25 BORGERSON, p.63.

26 UNITED STATES, *Strategic importance of the Arctic in U.S. policy: hearing before a subcommittee of the Committee on Appropriations, United States Senate, One Hundred Eleventh Congress, first session, special hearing, August 20, 2009, Anchorage, AK*. Washington, U.S. G.P.O. p.15.

27 STROEVE, Julienne, “Sea Ice and Climate” talk given at the *Simposio Internacional: El Ártico: Oportunidades y riesgos derivados del cambio climático*. Organised by Fundación Ramón Areces and coordinated by Professor Elena Conde Pérez. Madrid, 12 November 2015.

28 NAUMOV, Valery, NIKULKINA, Inga, *Osobennosty Razvitiya Rossiyskoi Arktiki*, 2012 in SERGUNIN, Alexander and KONYSHEV, Valery “Russia in search of its Arctic Strategy: between hard and soft power?” *The Polar Journal*, 4:1, 2014, p. 71.

Finally, ice melt in the Arctic would mean the progressive *opening up of navigation routes* that had hitherto been inaccessible and, hence, a potentially lucrative market²⁹. However, this could also create security issues for the States through which the navigation routes pass. Two of these routes stand out for their strategic importance: the Northern Sea Route (NSR) or the Northeast Passage (NEP) that traverses the Arctic following Russia's and Norway's coasts, and the Northwest Passage (NWP) along the Canadian Arctic Archipelago and Northern Alaska³⁰. And there is also a third route, known as the Transpolar Sea Route (TSR), that crosses the North Pole, but this is not usually taken into consideration because of the difficulty of breaking and crossing the ice³¹. The legal status of the NEP and NWP is a matter disputed by the Arctic States. Due to their proximity to Russian and Canadian territory, the latter regard them as inland routes under their sovereignty, basing their claims on the grounds that they are historical waters and the straight line method of delimitation³². The U.S. and the EU, on the other hand, claim they are international waters, access and free passage through which is guaranteed under Article 45 of the UNCLOS³³, which safeguards the right to innocent passage.³⁴ Although we are not going to study these disputes in this article, we recommend reading the chapters by Professors Conde³⁵ and Manero³⁶ for a more detailed insight into the legal implications and the various disputes that have arisen.

As stated earlier, with these new navigation routes, transport costs and distances between Asia and Europe would be significantly shorter and cheaper than current routes such as the Panama and Suez canals or around the coasts of Africa and the Americas.³⁷ For example, it is estimated that the NWP is 7,000 kilometres shorter than the Panama Canal route connecting Europe and the Far East.³⁸ In addition, shipping traffic is expected to increase in keeping with the trend observed in recent

29 LÓPEZ-IBOR MAYOR, Vicente, MARTÍNEZ MONTES, Luis Francisco, SÁNCHEZ DE ROJAS DÍAZ, Emilio, *Apuntes sobre el Ártico*, opera prima octubre 2014, p.54.

30 BUIXADÉ FARRÉ, A. *et al.*, *Commercial Arctic shipping through the Northeast Passage: Routes, resources, governance, technology, and infrastructure*, Polar Geography, Taylor & Francis, 2014, p.2.

31 ØSTRENG, W. *et al.*, *Shipping in Arctic Waters: A Comparison of the Northeast, Northwest and Trans Polar Passages*, Springer, Berlin, 2013.

32 MANERO SALVADOR, Ana, *El deshielo del Ártico: Retos para el Derecho Internacional*, Editorial Aranzadi, Thomson Reuters, 2011. p. 94.

33 Article 45, UNCLOS.

34 CONDE, Elena, "Algunas cuestiones jurídico políticas derivadas del proceso del calentamiento global en el Ártico", *La Gobernanza de los Mares y Océanos. Nuevas Realidades, Nuevos Desafíos*, Andavira Editora, Scientia Jurídica, Santiago de Compostela, 2012. P.162.

35 *Ibid.* p.p. 161-165.

36 MANERO, *op. cit.*, p.p. 93-115.

37 EBINGER, Charles K., ZAMBETAKIS, Evie, "The Geopolitics of Arctic Melt", *International Affairs*, 85:1215-32, 2009.

38 CONDE, *op. cit.*, p.163.



Figure 3. Source: BUIXADÉ FARRÉ, A. et al., “Commercial Arctic shipping through the Northeast Passage: Routes, resources, governance, technology, and infrastructure”, *Polar Geography*, Taylor & Francis, 2014, p.3.

years³⁹, which raises a number of security issues, particularly in relation to Article 234 of the UNCLOS which recognises the coastal States’ right “to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions”⁴⁰.

Cooperation factors

The history of the Arctic is littered with amazing coincidences and events. In a similar way to Stanley and Livingstone’s chance encounter in Africa, the Norwegian explorer Fridtjof Nansen, while sailing south in search of Franz Josef Land (and to certain death after his chronometer stopped in a region where even the slightest error in calculating longitude and latitude meant never reaching the intended destination), came across the British explorer Jackson on an expedition to Cape Flora. It was an

39 As Professor Julienne Stroeve pointed out in her talk at the Fundación Ramón Areces: “In 2012, 48 vessels traveled through the NSR carrying more than 1.2 million tons of cargo, compared to 34 in 2011 and 4 in 2010.” In STROEVE, Julienne, “Sea Ice and Climate” talk given at the *Simposio Internacional: El Ártico: Oportunidades y riesgos derivados del cambio climático*. Organised by Fundación Ramón Areces and coordinated by Professor Elena Conde Pérez. Madrid, 12 November 2015.

40 Article 234, UNCLOS.

astounding coincidence that the two explorers met by chance within a thousand square kilometre radius of uninhabited, inhospitable and hostile ice⁴¹. In the same way that a series of fortuitous events led to this unlikely encounter, there are also a number of factors to explain why Canada, the United States, Russia, Finland, Norway, Sweden, Iceland and Denmark have been cooperating with one another for decades within the Arctic Council. They sign binding agreements on security, and despite the tension between them in other parts of the globe and the threat, according to some authors, of a new Cold War between Russia and the Western Bloc, nothing appears to dampen the spirit of cooperation in this region.

As pointed out earlier, ice melt in the Arctic opens up new opportunities for trade and the exploitation of natural resources for all of the Arctic States. As Professor Koivurova has pointed out, the region is “the superpowers’ backyard”⁴² or, to quote Professor Conde, “the inner courtyard of the superpowers or the Mediterranean of the North”⁴³. While it could be deduced that all of the above create fertile ground for conflict, the two theoretical problems and interests at stake that we mentioned earlier actually account for the *factors* underlying cooperation.

Firstly, while climate change and the consequent melting of the ice cap presents opportunities for enrichment, it also increases *scientific uncertainty* about the consequences for this fragile region and calls for cooperation between States in providing answers to these ‘unknowns’. Furthermore, due to the region’s harsh conditions, coordination is required to ensure the provision of humanitarian and environmental aid in the event of an oil spill or maritime accident, for instance. The need to create public goods gives rise to the need for cooperation; however, as we have seen, cooperation may not always be forthcoming because the mere need for a public good does not provide sufficient incentive for cooperation.

Article 193 of the UNCLOS recognises the sovereign right of States to exploit their natural resources⁴⁴. As we shall see later on, the UNCLOS also recognises the right of States to make sovereignty claims based on the extension of the continental shelf. If sovereignty over the territory is recognised, the State in question will have the exclusive right to exploit its natural resources. While many saw the opportunity to exploit natural resources as the starting pistol for a race to conquer the North Pole⁴⁵, it should be borne in mind that, despite advances in technology, the resources are

41 Ibid, p.278.

42 Extract from the interview with Professor Timo Koivurova on 12-10-2015 at the Fundación Ramón Areces during the *Simposio Internacional: El Ártico: Oportunidades y riesgos derivados del cambio climático*.

43 Extract from the interview with Professor Elena Conde on 30-10-2015 at the Complutense University of Madrid.

44 Article 193, UNCLOS.

45 BORGERSON, *op. cit.*,

not expected to be accessible in the short to medium term. Both the exploitation of the resources and their transportation would remain costly for a considerable period of time⁴⁶. As Helga Haftendorn has pointed out: “[i]t will take many tens of years to even know what can be exploited; like the Arctic melt itself, it will be a slow process”⁴⁷. Therefore, the *inaccessibility of natural resources* and the chances of optimal use of the navigation passages eliminate the possibility of conflict for the time being.

Another vital key to understanding why the Arctic States are eager to cooperate is the existence of a *favourable international legal framework*. The UNCLOS recognises the A-5s’ right to extend their continental shelves, thus guaranteeing them sovereignty over large expanses of maritime territory and, moreover, exclusive access to the natural resources beneath the polar ice cap. It is therefore in the A-5s’ interest to give the impression of a stable, conflict-free region and observe the international framework in order to ensure that they have access to these riches in the future and to prevent other States from accessing the undiscovered natural resources.

Finally, scientific uncertainty and the need to have access to the natural resources in a sustainable way have led the Arctic States to cooperate and work together on research, environmental protection and rescue tasks under the auspices of the AC. The AC is a *soft law institution*, a forum for dialogue and cooperation that was created by declaration. However, it does not have the legal power to deal with security matters, and focuses on what can be defined as *low politics*. However, it is precisely this *soft* structure that gives the AC enormous flexibility to adapt to the needs of the A-8.

As pointed out in the *Interests at stake in the Arctic Region* section, it is precisely the elements that make the Arctic a unique region that allow us to identify the factors underlying cooperation. The operationalisation of these factors will be addressed in the following sections. The very rules of the game facilitate cooperation. On this point, it should be stated that our theory contains two dimensions or two problems of analysis that are connected through cooperation. These dimensions will be studied using two different formulas which, in turn, respond to different institutional incentives and different motivations for setting the rules of the game. Let us assume that what we are about to study are two different forms of cooperation and that they are not connected (i.e., one does not lead to the other). We are therefore working with two different perspectives on the same issue: *cooperation in the Arctic can be explained, on the one hand, by soft institutions and, on the other, by a series of common interests and needs and a favourable international legal framework that guarantees peace and stability.*

46 ØSTERUD, Øyvind and HØNNELAND, Geir, *op. cit.*, p. 176; STOKKE, Olav Schram, “Environmental Security in the Arctic.” p. 839.

47 HAFTENDORN, Helga, *The Case for Arctic Governance: The Arctic Puzzle*, Institute of International Affairs, The Centre for Arctic Policy Studies, University of Iceland, 2013, p.7.

THE ARCTIC COUNCIL

In line with the recommendations made by Gorbachev in his speech in 1987, the A-8 did not only see the opportunities the region offered, but also the many obstacles that could not be overcome without cooperation. In 1990, the IASC⁴⁸ was set up, which laid the foundation for scientific cooperation⁴⁹, and was followed by the establishment of the AEPS⁵⁰ in 1991. The latter not only focused on scientific research, but also on the pooling of scientific data by the governments of the Arctic States and the performance of environmental impact assessment activities. The success of the AEPS in the ensuing five years paved the way for the establishment of the AC and the incorporation of new strategies in a very short period of time⁵¹.

This forum for intergovernmental dialogue was established at the initiative of Canada under the Ottawa Declaration⁵² with the goal of addressing the common issues of sustainable development and environmental protection in the Arctic⁵³, as indicated by the UNWCED in its report *Our Common future* (...):⁵⁴

“[s]ustainable development is not a fixed state of harmony, but rather a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are made consistent with future as well as present needs.”

The fact that it was established by a declaration and not a treaty demonstrates the A-8s' interest in it not being “[a] decision-making organization, but rather a decision-shaping body based on consensus.”⁵⁵ The distinction between *decision-making* and *decision-shaping* will be key when analysing the success of this soft-law institution.

48 International Arctic Science Committee.

49 BERKMAN, Paul Arthur, “Our Common Future in the Arctic Ocean”, *The Round Table*, 101:2, 2012, p.125.

50 Arctic Environmental Protection Strategy.

51 NOWLAN, Linda, “Arctic Legal Regime for Environmental Protection”, 2001, as cited in KOIVUROVA, Timo, “Limits and possibilities of the Arctic Council in a rapidly changing scene of Arctic Governance”, *Polar Record*, vol. 46, no. 237, 2001, p.147; STERLUND, P., “Lessons in Regional Cooperation from the Arctic”, *Ocean & Coastal Management* 45, 2002, p. 836.

52 *Declaration on the Establishment of the Arctic Council, and Joint Communiqué of the governments of the Arctic Countries on the Establishment of the Arctic Council*, 19 September 1996, Ottawa, Canada, Available at: https://oaarchive.arctic-council.org/bitstream/handle/11374/85/00_ottawa_decl_1996_signed%20%284%29.pdf?sequence=1&isAllowed=y (Accessed on 31-12-2015).

53 Article 1, Ottawa Declaration.

54 UNWCED, *Our Common Future: From One Earth to One World*. Report Transmitted to the General Assembly as an Annex to Resolution A/RES/42/187, United Nations, World Commission on Environment and Development, Geneva, 1987.

55 HAFTENDORN, *op. cit.*, p.19

Composition and operation

We have already indicated the countries comprising the select A-8 group, as well as the common interests they share, however it should be pointed out that: “[t]he action of each one of them has a noticeable effect on the interests and course of action of the others, therefore they all have an incentive to act strategically”⁵⁶. This strategic action by the actors seeking a public good is reflected in the fact that the A-8 have decided to keep certain matters outside the competency of the AC. For instance, the matter of military security is not dealt with at the insistence of the United States; Norway will not allow matters concerning the status of the fishery protection zone around Svalbard to be addressed; Iceland refuses to take part in debates on the management of Arctic fisheries; and Canada and Russia categorically refuse to discuss the legal status and control of the navigation passages, as we saw earlier⁵⁷.

In addition, it should be pointed out that in the AC, there is such a thing as Observer States (hereinafter Observers) and this has given rise to numerous academic debates on the importance and role these States could play in the future. Prior to 2013, the role and choice of the Observers was not clear. However, since the Kiruna Declaration⁵⁸, it is understood that any country that has an interest in Arctic affairs (such as a polar research programme) and accepts and supports the AC’s goals, either through the contribution of funding or the performance of the duties imposed on them, may become an Observer.⁵⁹ Nevertheless, neither the declarations nor the rules of procedure provide a detailed explanation on the rights and duties of Observers. To quote Professor Koivurova: “[t]he observers cannot say anything during a meeting. They can only deposit written statements.”⁶⁰ To which Professor Conde has further added: “[T]he role of the Observer States is very limited. They are not very important.”⁶¹ The limited rights granted to Observers is no doubt due to the belief that new actors would dilute the influence of the traditional Arctic States⁶² and would make cooperation more difficult, given that “[a] small number of subjects that are very eager to obtain a certain public good will more often than not act together to achieve that good than a larger number of subjects with the same desire as the group”⁶³.

56 OLSON, *Auge y decadencia de las naciones*, Ariel, Barcelona, 1985, p.43.

57 INGIMUNDARSON, *op. cit.*, p.194.

58 Kiruna Declaration. The Eighth Ministerial Meeting of the Arctic Council. May 15, 2013. Kiruna, Sweden.

59 HAFTENDORN, *op. cit.*, p. 16.

60 Extract from the interview with Professor Timo Koivurova, *op. Cit.*

61 Extract from the interview with Professor Elena Conde, *op. cit.*

62 LÓPEZ-IBOR, *op. cit.*, p.103.

63 OLSON, 1985, p. 47.

What is interesting, nevertheless, is that any A-8 country can veto an application for observer state status under the current consensus decision-making system.⁶⁴ This was in fact what happened with the EU; it was first vetoed in 2013 by Canada (in response to the EU ban on seal products) and again in 2015 by Russia (in retaliation for sanctions imposed).

As we shall see, the AC strives to maintain the balance of power between the A-8 and to prevent other actors from influencing decision-making within the Council. Accordingly, the A-8 will maintain the AC and continue to introduce reforms as long as the institution helps them to further the members' goals⁶⁵ and ensures their stability as a cooperation group without outside interference.

The first mechanism used to ensure that no A-8 country obtains more benefits, power or influence than the others is the decision-making system. All decisions taken by the AC must be by *consensus*. All assessments and recommendations made by the A-8 by consensus are based on the work carried out by the working groups. The obligation to reach a consensus makes the A-8 *veto players*, which Tsebelis describes as “[i]ndividual or collective actors whose agreement is necessary for a change of the status quo. It follows that a change in the status quo requires a unanimous decision of all veto players.”⁶⁶ Therefore, any changes made to the AC, such as the acceptance of a new Observer, the creation of a new working group or a major reform of the Council's competencies (such as the power to deal with military security matters) must be approved by all A-8 countries. This system favours all A-8 members equally: on the one hand, smaller States such as Iceland and Finland have the power to make their demands heard, while more powerful countries like Russia and Canada can block changes to the status quo which currently works in their favour. However, the system also leads to a situation where “[g]iven the fact that decision-making in the Arctic Council requires consensus, the odds are generally stacked against regionalist approaches and in favour of intergovernmental cooperation”⁶⁷.

The most important event in relation to the AC is the *ministerial meeting*. The first round of meetings was recently concluded. Each A-8 member nation has held chairmanship of the Council and, following the ministerial meeting of April 2015, the United States took over as chair. Ministerial-level meetings are held every two years to decide on matters such as: the goals to pursue in the future; the creation of new working groups; presentation of the projects being carried out and, as mentioned earlier, any reforms and changes that the A-8 consider appropriate are negotiated

64 HAFTENDORN, *op. cit.*, p.17.

65 JERVIS, *op. cit.*, p.54.

66 TSEBELIS, George, *Veto Players: How Political Institutions Work*, Russell Sage Foundation, Princeton, N.J., Oxford: Princeton University Press, 2002, p. 36.

67 INGIMUNDARSON, *op. cit.*, p.193.

and a consensus reached. For example, to reinforce the AC's institutional power, a permanent secretariat was set up in Tromsø at the Ministerial Meeting in Nuuk⁶⁸.

In order to obtain public goods, the A-8 require that the AC divide the research work between various *working groups*. Each group has a chairperson from each of the permanent member states and is comprised of representatives of government agencies in each A-8 country. The following groups currently exist: ACAP, engaged in contaminant prevention activities; AMAP, for monitoring and assessment of the state of the environment in the Arctic; CAFF, devoted to the conservation of Arctic flora and fauna; EPPR, group specialised in the management of environmental emergencies and crises; PAME, responsible for recommending public policy for the protection of the Arctic marine environment and, finally, SDWG, which focuses on projects to advance sustainable development in the region⁶⁹.

With regards to the *funding* of the AC, Koivurova has pointed out that this is an ad hoc matter, given that there is no rule laying down the obligation for A-8 countries to provide funding⁷⁰. Indeed, the Council itself recognises that it does not have a set funding programme and that funds are contributed through the sponsorship of specific projects by one or more members.⁷¹ On the other hand, following the changes introduced at the Ministerial Meeting in Nuuk in 2011 it was decided that the Observers should make monetary contributions to guarantee the work of the AC and, to ensure that no Observer had the power to influence the work of the Council, their contribution cannot exceed that of the A-8.⁷² It therefore acts as a disincentive by ensuring that the Observers, “[b]efore investing a large amount of money and time... will think about what they are going to achieve in return for this considerable sacrifice.”⁷³ And this is how the A-8 deter other international actors from trying to influence or control their mechanism for the production of public goods.

The meeting house

We should mention one of the more recent roles assumed by the AC: to be a place where cooperation in research leads to the creation of binding treaties. By this, we do not mean that the AC has the power to make binding decisions, but that the activities and dialogue that take place within the Council have made it a “meeting place” for

68 *The Seventh Ministerial Meeting of the Arctic Council*. May 12, 2011. Nuuk, Greenland.

69 HAFTENDORN, *op. cit.*, p.p. 20-22.

70 KOIVUROVA, Timo, “Limits and possibilities of the Arctic Council in Arctic governance”, p.3

71 ARCTIC COUNCIL, “About us” Available at: <http://www.arctic-council.org/index.php/en/about-us> (Accessed on 18-12-2015).

72 HAFTENDORN, *op. cit.*, p.17.

73 OLSON, 1985, p.42.

the discussion and creation of multilateral treaties between the A-8. In particular, we are referring to the Search and Rescue Agreement⁷⁴ (hereinafter the S&R Agreement⁷⁵) and the Oil Spill Preparedness Agreement⁷⁶ (hereinafter the OSP Agreement⁷⁷). Both agreements stem from proposals made by working groups of the AC:

- The *S&R Agreement* stemmed from a proposal put forward in the AMSA report⁷⁸ by the PAME working group.⁷⁹ It was signed at the Ministerial Meeting in Nuuk in May 2011 and was the first legally binding agreement created under the auspices of the AC and the first to be signed by all of the A-8.⁸⁰ Despite being signed at a ministerial meeting of the AC, the latter is not mentioned in any part of the agreement. The accord constitutes a major step forward in crisis management and ensures that the relative gains of the States are equal. It defines areas of the Arctic where each A-8 member is responsible for organising a search and rescue response. It also obliges the parties to provide appropriate assistance in the event of an accident and to take the steps required to complete the rescue mission. Therefore, we can conclude that the goal is to guarantee the obtainment of a public good while ensuring that the gains of one Arctic State do not exceed those of the others or give rise to conflicts over maritime sovereignty⁸¹.
- The *OSP Agreement* was based on the work carried out by the EPPR⁸² working group. Like the *S&R Agreement*, this is also an intergovernmental treaty (in the sense that it was not created or promoted by the AC but multilaterally by the A-8 based on the results of the research carried out by the AC working groups) and provides that the parties may consult with relevant institutions, “[i]ncluding but not limited to the Arctic Council”⁸³, when making decisions.

Both agreements focus on maritime security issues, “[w]hose implementation will involve, in particular, the military and police forces.”⁸⁴ Thus, we can see that, to a certain extent, the AC is broadening its horizons on certain matters relating to security.

74 ARCTIC COUNCIL, *Agreement on Cooperation on Aeronautical and Maritime Search and Rescue*, May 2011.

75 Search & Rescue Agreement.

76 ARCTIC COUNCIL, *Agreement on Cooperation on Marine Oil Pollution, Preparedness and Response in the Arctic*. May 2013.

77 OSP Agreement or Oil Spill Preparedness Agreement.

78 Arctic Maritime Shipping Assessment Report.

79 Protection of the Arctic Marine Environment.

80 BERKMAN, *op. cit.*, p.129.

81 HAFTENDORN, *op. cit.*, p.23.

82 Emergency Prevention Preparedness and Response.

83 Agreement on Cooperation on Marine Oil Pollution, Preparedness and Response in the Arctic.

84 LÓPEZ-IBOR, *op. cit.*, pp.121-122.

Arctic Search and Rescue Agreement, Areas of Application.

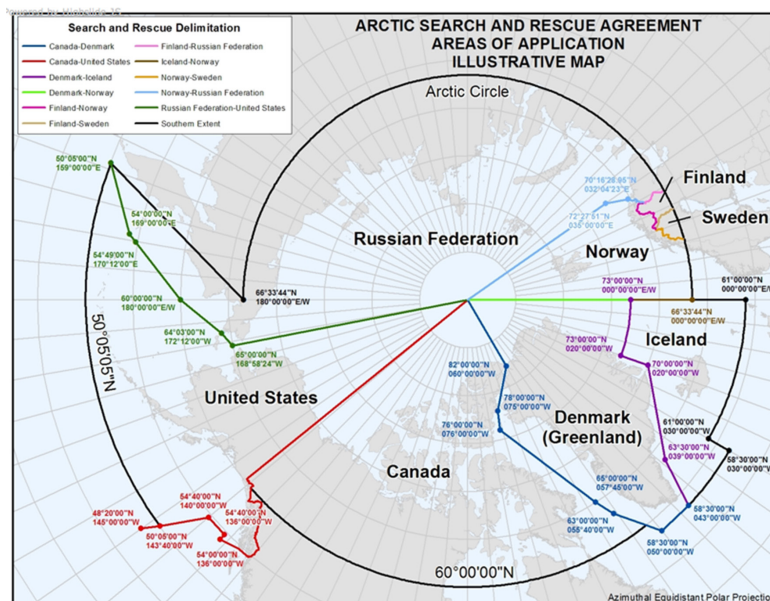


Figure 4. Source: Captain J. Ashley ROACH, “The Arctic and International Law”, September 2015, <http://cil.nus.edu.sg/wp/wp-content/uploads/2015/09/Ashley-Roach-Arctic-Deeply-roundable-Asia-and-the-Arctic-09162015.pdf> (Accessed on 28-12-2015).

The fact that the two agreements were created on the basis of the work carried out by the AC and signed at AC meetings, but that the A-8 are the sole parties responsible for implementing them, suggests that the AC is “[a] halfway house, occupying a space between an intergovernmental forum and a regional organization”⁸⁵.

The future of the Arctic Council

Before moving on to look at sovereignty claims, we would like to conclude this section with a brief summary of why the AC is not going to develop into an international body.

The main reason why the AC is likely to maintain its current composition and competencies was revealed on 28 May 2008 at the A-5 meeting at which the Ilulissat Declaration was announced. The Declaration was a reaction to the different voices that advocated an Arctic Treaty or greater strengthening of the AC and its conversion into an international body with legal powers. The Declaration pointed out that:

“[b]y virtue of their sovereignty, sovereign rights and jurisdiction in large areas of the Arctic Ocean *the five coastal States are in a unique position to address these possibilities and challenges*.* In this regard, we recall that an extensive international legal framework applies to the Arctic Ocean (UNCLOS)”⁸⁶.

85 INGIMUNDARSON, *op. cit.*, p.187.

(*) The italics are the authors.

86 *Ilulissat Declaration*. Arctic Ocean Conference. Ilulissat, Greenland, 27-29 May 2008.

While the A-5 underscored the importance of the AC in facilitating cooperation and the creation of public goods, the Declaration settled the issue; from this point forth, the voices that called for an Arctic governance regime were silenced somewhat. Scrivener's view on the AC is enlightening:

“[a] thing of the early 1990s': an immediate post-Cold War initiative that failed to spark sustainable high-level political interest. The Arctic Council remained a forum for coordinating Arctic environmental monitoring and science”⁸⁷.

The Ilulissat Declaration sparked tensions and a heated debate within the AC as to how to react to the declaration of five of the Council's eight members. Iceland was the Arctic State that showed the most concern at not being invited to the meeting in Ilulissat and at the fact that three of the A-8 States had been isolated.⁸⁸ Finally, it was through the *Nuuk Declaration* that the A-8 accepted that the role of the AC would not be that of an international body to address maritime governance issues and where all A-8 countries accepted the different issues⁸⁹ we mentioned in the operationalisation section. To quote Professor Koivurova:

“[t]he Ilulissat declaration seems to outline an agenda for cooperation between the littoral states of the Arctic Ocean over high level ocean policy issues, potentially challenging the Arctic Council, with its eight members, broad focus and soft work on environmental protection and sustainable development”⁹⁰.

While the AC has been indispensable in combating climate change⁹¹ and creating certain public goods, there is nothing to suggest that it will become an international body with a legal mandate and powers in the area of *security* as long as it continues to focus on *safety*, as pointed out by the Deputy Director of the Spanish Institute for Strategic Studies (IEEE), Ignacio J. García.⁹² This difference and the 'glass ceiling' to the Council's further development has raised numerous issues in relation to the future role of the Observers within the AC. We consulted Professor Koivurova on the matter and he had this to say:

“[I] think that's one of the future challenges of the Arctic Council. The pressures are growing. The observers cannot say anything during a meeting. They can only deposit written statements. Of course, this weakens the AC. So I think there will be a big controversy, waiting to be solved. But at the moment, it's a very strong position of

87 SCRIVENER, David, “Arctic Cooperation in Transition”, *Polar Record*, 35:51-8, (1999).

88 KOIVUROVA, 2008, p.6.

89 INGIMUNDARSON, *op. cit.*, p.189-192.

90 KOIVUROVA, 2008, p.6.

91 STOKKE, “Environmental security”, p. 844.

92 Extract from the interview with Navy Captain Ignacio J. Garcia and Deputy Director of the Spanish Institute for Strategic Studies (IEEE) attached to the Spanish Ministry of Defence on 4-12-2015 at the Higher Centre for National Defence Studies.

postponement. They made an interim solution but they have to find a proper solution in the future about the status of the Observer States”⁹³.

Although authors such as Stenlund believe that an AC with more members and more power for the Observers would be beneficial⁹⁴, if the A-8 continue to adhere to the collective action dilemma, everything seems to indicate that they will not allow the developments to diminish their power, given that “[l]arge groups are less able to act in the common interest than small ones”⁹⁵.

In conclusion, the AC has enabled the creation of knowledge and consensus for the implementation of cooperation agreements, but it has not allowed itself to adapt in a way that would make its agreements binding⁹⁶. The development of a “security community”⁹⁷ is highly unlikely as long as the A-8 continue to stick to the collective action approach and the A-5 keep the issues set out in the Ilulissat Declaration separate. In other words, this will not occur as long as there are no “[s]hared political security identities and values”⁹⁸.

The fact that it is a *soft law institution* should not be seen as a limitation, however, because it has been capable of making considerable contributions to the creation of public goods and sustainable development in the region⁹⁹ as well as laying the foundation for cooperation that has lasted more than 20 years. We will conclude with the desire for cooperation expressed at the ministerial meeting in Iqaluit in 2015, where the United States, on taking over the chairmanship of the Council, stated that the goals for the next four years would be: identifying shared opportunities, challenges and responsibilities to create a region highlighted by exceptional international cooperation¹⁰⁰.

SOVEREIGNTY CLAIMS

Finally, we are going to carry out a legal analysis to assess the tensions surrounding sovereignty claims to the extended continental shelf in the Arctic. Firstly, however,

93 Extract from the interview with Professor Timo Koivurova, *op cit.*

94 STENLUND, Peter, “Lessons in regional cooperation from the Arctic”, *Ocean and Coastal Management* 45, 2002, p.837.

95 OLSON, 1985, p.45.

96 STOKKE, Regimen interplay in the Arctic, 68-70.

97 INGIMUNDARSON, *op. cit.*, p.188.

98 EILSTRUP-SANGIOVANNI, Mette, “Uneven Power and the Pursuit of Peace: How Regional Power Transitions Motive Integration”, p. 102.

99 STENLUND. *op. cit.*, p.839.

100 PAPP, Robert J, Jr., Admiral, *US Arctic Council Chairmanship: Outlining Goals and Priorities*,

we will assess the theories and legal instruments used for sovereignty claims, focusing on the UNCLOS in particular. After providing a brief description of the procedure for the submission of claims and the work of the Commission on the Limits of the Continental Shelf (CLCS), we will assess the claims filed by the A-5.

Finally, we will study overlapping claims and look at the different solutions for the settlement of disputes.

Sovereignty claims to the Arctic - theories and legal instruments

Disputes over sovereignty in the Arctic have, according to Conde, always been “a source of controversy”¹⁰¹ for the A-5. In the past, States have put forward a number of different arguments to support their territorial claims to the Arctic, but none in particular has clearly prevailed over the others. There are three means of acquiring new territory: the “continuity” theory (adjacency of sectors); the “contiguity” theory (for example, a set of overseas territories), and the “sectors” theory (segmentation into specific areas)¹⁰².

In addition, it should be pointed out that for a State to demonstrate effective occupation of *terra nullius* (nobody’s land), the territory in question must be uninhabited (i), not under the sovereignty of another State (ii), there must be no other claims to it (iii) and, finally, the requesting State must have given peaceful signs of exercising sovereignty over that territory. This may call to mind the Russian expedition where a mini-submarine was sent to the Lomonosov Ridge to plant a Russian flag in the seabed to stake its claim to the territory. However, before allowing our imaginations to wander back to the 19th-century image of the Arctic States’ race to conquer the North Pole by planting their country’s flag in the ice, let us not forget that, nowadays, claims are filed in an orderly manner, backed up with scientific arguments, with respect for international law and under the close supervision of international commissions.

The UNCLOS, signed in Montego Bay in 1982, recognises that every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles and that the exclusive economic zone (EEZ) shall not extend beyond 200 nautical miles of their coastlines.¹⁰³ Within an EEZ, the coastal State has sovereign rights for the purpose of exploring and exploiting the natural resources provided for

101 Extract from the interview with Professor Elena Conde, *op. cit.*

102 MANERO, *op. cit.*, p.31-54.

103 Article 57, UNCLOS.

in Article 56.¹⁰⁴ Other States have the right to freedom of navigation and the laying of submarine cables and energy infrastructure¹⁰⁵ (such as oil and gas pipelines)¹⁰⁶.

All of the A-5 have an EEZ in the Arctic Ocean, pursuant to which, in addition to Article 76, they have filed sovereignty claims over the extended continental shelf. The above article sets out that:

“[t]he continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance”¹⁰⁷.

This does not mean that the A-5 can make an indefinite claim, but that they must meet two criteria to demonstrate that their continental shelf is within these limits, both of which are set out in paragraphs 4¹⁰⁸ and 6 of Article 76, which, moreover, provides that the extension shall not exceed 350 nautical miles “from the baselines from which the breadth of the territorial sea is measured.”¹⁰⁹

Definition of marine areas based on the UNCLOS.

All claims in relation to the limits of the continental shelf beyond 200 nautical miles shall be submitted to the CLCS¹¹⁰ set up under Annex II of the Convention of 1982.

104 Article 56, UNCLOS.

105 Article 58, UNCLOS.

106 LÓPEZ-IBOR, *op. cit.*, p.120.

107 Article 76, UNCLOS.

108 Article 76.4 of the UNCLOS states that:

(a) For the purposes of this Convention, the coastal State shall establish the outer edge of the continental margin wherever the margin extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by either:

(i) a line delineated in accordance with paragraph 7 by reference to the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 per cent of the shortest distance from such point to the foot of the continental slope; or

(ii) a line delineated in accordance with paragraph 7 by reference to fixed points not more than 60 nautical miles from the foot of the continental slope.

(b) In the absence of evidence to the contrary, the foot of the continental slope shall be determined as the point of maximum change in the gradient at its base.

109 Article 76.6 UNCLOS.

110 The Commission on the Limits of the Continental Shelf.

Definition of marine areas based on the UNCLOS.

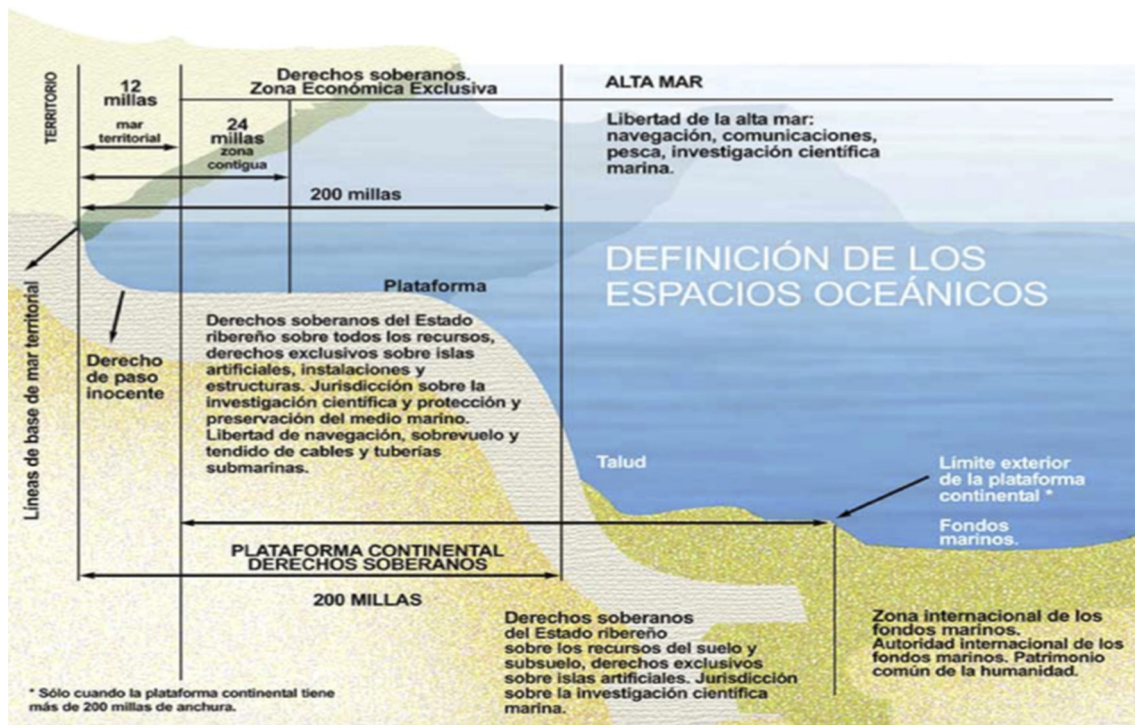


Figure 5. Source: CONDE, Elena, “El Derecho Internacional ante un proceso de cambio climático en el Ártico. Especial referencia al Derecho del Mar”, Documentos de Seguridad y Defensa 58, Escuela de Altos Estudios de la Defensa, Ministerio de Defensa, p.182.

In conclusion, the UNCLOS is the main reference¹¹¹ for the Arctic States because it ensures that the A-5 can make territorial claims and settle disputes peacefully. The Convention sets out the conduct, rights and duties of all States, thus creating a stable framework for balancing the national interests of the A-5 and common interests in the Arctic Ocean¹¹².

Commission on the Limits of the Continental Shelf (CLCS)

We will take a very brief look at how the CLCS works in order to understand the rationale behind the Tragedy of the Commons theory that the A-5 are pursuing.

The CLCS consists of 21 members who are experts in the field of geophysics and oceanography and are elected for a term of five years from among candidates that cannot be from a landlocked country.¹¹³ They meet twice a year in New York for working sessions that last between five and six weeks. All UNCLOS member states are obliged to contribute funding to the Commission. Claims submitted by States must meet the

¹¹¹ HAFTENDORN, *op. cit.*, p.14.

¹¹² BERKMAN, *op. cit.*, p.128.

¹¹³ RIDDELL-DIXON, Elisabeth, “Canada and Arctic Politics: The Continental Shelf Extension”, *Ocean Development & International Law*, 39:343-359, 2008, p.346.

scientific and technical requirements set out in the Commission's regulation before they will be considered. The formulas used for these calculations are the *Gardiner*¹¹⁴ and *Hedberg*¹¹⁵ formulas, at the discretion of the requesting State. Only two limits have been set by the UNCLOS: a State cannot claim rights to the seabed and sub-seabed beyond 150 nautical miles of its EEZ (350 nautical miles in total including the EEZ) or beyond a depth of 2,500 metres¹¹⁶. It is estimated that the research each State has to undertake to compile scientific data to demonstrate the extension of their continental shelves costs between five and fifty million dollars for data collection alone¹¹⁷.

After studying the claim, the CLCS makes a series of recommendations, either admitting the claim, requesting that further research be carried out or dismissing part or all of the claim. These recommendations are very important because if the claim is admitted, the State can set the limits of the extension on the basis of the recommendation in a final and binding manner.

The obligatory and costly work of compiling data has led many of the A-5 to set up joint projects for data collection, even when it relates to the division of territory.¹¹⁸

Sovereignty claims

We will now examine each sovereignty claim from the perspective of Garrett Hardin's *Tragedy of the Commons* theory. This theory holds that because all actors, being rational beings, wish to optimise the acquisition of resources, there is a risk that the resources will be depleted because we live in a finite world. Hardin used the example of grazing cattle on common land or commons to demonstrate how individual cattle herders could eventually deplete the land, given that if a herder made the rational economic decision to put more than his allotted number of cattle on the common, overgrazing could result.¹¹⁹ The solution that Hardin proposed was to privatise the commons on the grounds that each rational actor would be better able to manage the land without over-exploiting it. The theory, however, does not stem from a pessimistic view of human behaviour, "[T]he essence of dramatic tragedy is not unhappiness. It resides in the solemnity of the remorseless working of things"¹²⁰. Hardin expressly mentions the world's oceans, pointing out that:

114 Based on the depth and thickness of the sedimentary rock covering the continental shelf.

115 A distance formula where calculation begins from the foot of the continental slope.

116 DODDS, Klaus, "Flag planting and finger pointing: The Law of the Sea, the Arctic and the political geographies of the outer continental shelf.", *Political Geography* 29, 2010, p.68.

117 Ibid, p.67.

118 DODDS, *op. cit.*, p.68.

119 HARDIN, Garrett, "The Tragedy of the Commons", *Science* Vol.162, 1968, p.1244.

120 WHITEHEAD, A. N., *Science and the Modern World*, Mentor, New York, 1948, p.17.

“[T]he oceans of the world continue to suffer from the survival of the philosophy of the commons. Maritime nations still respond automatically to the shibboleth of the ‘freedom of the seas.’ Professing to believe in the ‘inexhaustible resources of the oceans’, they bring species after species of fish and whales closer to extinction”¹²¹.

This is something that appears to have been understood when drafting the UNCLOS and the reason why it is permitted to extend the continental shelf. In any event, it was clearly understood by the A-5: when cooperation is impossible and over-exploitation is a real threat, all States have something to gain from a special type of cooperation: the creation of a boundary that delimits territories and ensures access to resources. And, as we shall see, this does not mean that disputes will lead to conflict and that there are precedents for peaceful dispute settlement in the Arctic region.

Let us begin with a success story. Although Russia was the first country to submit a claim to the CLCS in 2001, Norway was the first to obtain a positive response. Norway submitted its claim in 2006 and its right to an area comprising 235,000 square kilometres was recognised in a favourable report.¹²² According to Norway’s Minister of Foreign Affairs, the recommendation sets a precedent, because it establishes “[A] precondition for future resource management, creates a firmer basis for investments and is an effective implementation in the High North of the legal order for the oceans set out in the law of the Sea Convention”¹²³.

The case of the *United States* is perhaps the most peculiar of all the A-5. It is the only country in the A-5 that has not signed the UNCLOS and is therefore not able to submit claims to the CLCS. However, it is working closely with Canada to compile scientific data, given that “[I]t’s in the U.S. national interest to collect accurate and precise data on the outer limits of its continental shelf in preparation for an eventual submission to the Commission.”¹²⁴ In the meantime, it bases its sovereignty claims to the Arctic on custom maritime law. The logical question, therefore, is to what extent the U.S. can continue to submit claims before it eventually signs the UNCLOS. In this regard, Conde believes that:

“[t]he UNCLOS raises so many uncertainties that it is not known whether the Extended Continental Shelf comes under the purview of maritime law. What is true is that maritime law provides that States have a right to a Continental Shelf of 200 nautical miles and that they have exclusive sovereign rights over this shelf. However,

121 HARDIN, *op. cit.*, p.4.

122 DODDS, *op. cit.*, p.67.

123 NORWEGIAN MINISTRY OF FOREIGN AFFAIRS, *Extent of Norway’s continental shelf in the High North clarified*, 2009, Available at: https://www.regjeringen.no/en/aktuelt/shelf_clarified/id554718/ (Accessed on 13-01-2016).

124 HOLE, Woods “Law of the sea – Outer Limits of the US Continental Margins”, United States, *Geological Survey*, 2008, p.1.

the Continental Shelf extends beyond those 200 nautical miles. Therefore, sovereignty may be exercised beyond 200 nautical miles”¹²⁵.

Sovereignty claims



Figure 6. Source: IBRU Revised Arctic Map (Polar Projection) August 2015, <https://www.dur.ac.uk/resources/ibru/resources/Arcticmap04-08-15.pdf> (Accessed on 12-01-2016).

With regard to *Denmark*, the doubts surrounding its claim do not relate to the claim per se, which was filed in December 2014¹²⁶, but to its relationship with Greenland in view of the latter’s possible independence from Denmark. In 2009 Greenland’s citizens approved the Greenlandic self-government referendum with a 75% vote in favour of independence. Currently there is tension between the Greenlandic and Danish governments because the former does not accept Denmark’s claims to the North Pole, stating that “the North Pole belongs to nobody”¹²⁷.

Canada’s position with regard to claims to the Arctic is an interesting one. As mentioned previously, *Canada* is very eager to secure its sovereignty in the Arctic. The country recently withdrew its claim to the CLCS to make a number of changes in light of new data that has been collected, and it is conducting various projects for the compilation of scientific data in conjunction with Russia and Denmark¹²⁸.

125 Extract from the interview with Professor Elena Conde, *op. cit.*

126 More details on Denmark’s claim can be found on the CLCS web page: http://www.un.org/Depts/los/CLPC_new/submissions_files/submission_dnk_76_2014.htm.

127 OSTERUD, Oyvind, HONNELAND, Geir, *op. cit.*, p.164.

128 RIDDELL-DIXON, *op. cit.*, p.346.

Finally, the *Russian Federation* is one of the countries most interested in obtaining a positive recommendation from the CLCS¹²⁹. It was the first country to submit a claim in 2001, in response to which the CLCS recommended a review of the ocean basin¹³⁰, which Russia submitted in August 2015¹³¹.

You may be thinking that the sharing of this lucrative pie between the superpowers is an injustice, instead of going with the idea expressed by the Maltese Ambassador Arvid Pardo in 1967, who regarded the seabed as a “[c]ommon heritage of humankind and governed by an international mechanism that would share the economic benefits equitably between developing and developed states”.¹³² While this might well be true, HARDIN reminds us that “[t]he alternative of the commons is too horrifying to contemplate. Injustice is preferable to total ruin.”¹³³

Analysis of overlapping claim disputes and possible solutions

To conclude section four, we would like to provide a brief overview of the disputes that have arisen over the delimitation of borders and maritime spaces as a result of claims submitted, and describe the means through which the A-5 will reach consensus. This conclusion is very important given that the solution proposed by Hardin (privatisation of the commons to avoid a tragedy of the commons) does not mean that a conflict can be avoided. However, as mentioned previously, the existence of a favourable legal framework will facilitate the peaceful resolution of disputes.

When *Hardin's Tragedy of the Commons is applied to the Arctic*, we can see that there are overlapping claims between:

- The United States and Russia in the Bering Sea.
- The United States and Canada in the Beaufort Sea.
- Russia and Norway in the Barents Sea.
- Denmark, Canada and Russia for sovereignty of the Lomonosov Ridge.

In the case of the Bering Sea, a treaty was signed between the United States and the Soviet Union in June 1990 and it could be used in overlapping claims. Although the

129 SERGUNIN, Alexander, KONYSHE, Valery, “Russia in search of its Arctic strategy: between hard and soft power?”, *The Polar Journal*, 4:1, 2014.

130 In paragraph 41, Summary of the Recommendations, 2002.

131 More details on Russia's claim can be found on the CLCS web page: http://www.un.org/Depts/los/CLPC_new/submissions_files/submission_rus_rev1.htm.

132 KOIVUROVA, 2015, p.4.

133 HARDIN, *op. cit.*, p. 6.

Russian Duma has not yet ratified the treaty, experts are of the opinion that this would not pose a problem¹³⁴.

However, the biggest problem for the settlement of disputes with the U.S. is that it is not a party to the UNCLOS. Despite this, when questioned about the issue, Professor Conde believes that:

“[t]he only obstacle that the U.S. might encounter is that it would not be able to submit its delimitation to the CLCS. However, given that Article 76 of the UNCLOS is particularly confusing and complex, there is nothing preventing it from reaching agreements with neighbouring States for the resolution of overlaps in continental shelves”¹³⁵.

In relation to the dispute in the Barents Sea, in 2010, shortly after the CLCS recognised Norway’s sovereignty claim, Russia and Norway signed a bilateral agreement. The agreement defined the countries’ boundaries and it was agreed that the disputed area would be managed by an authority appointed by the two parties. Furthermore, it was agreed that any resources extracted in the future would be shared in equal parts between the parties¹³⁶ (as can be seen from the map in figure 7. Delimitation of the disputed area in the Barents Sea). Therefore, this demonstrates that the A-5 are committed to settling disputes in a peaceful manner in order to ensure peace and security in the region.

Delimitation of the disputed area in the Barents Sea.

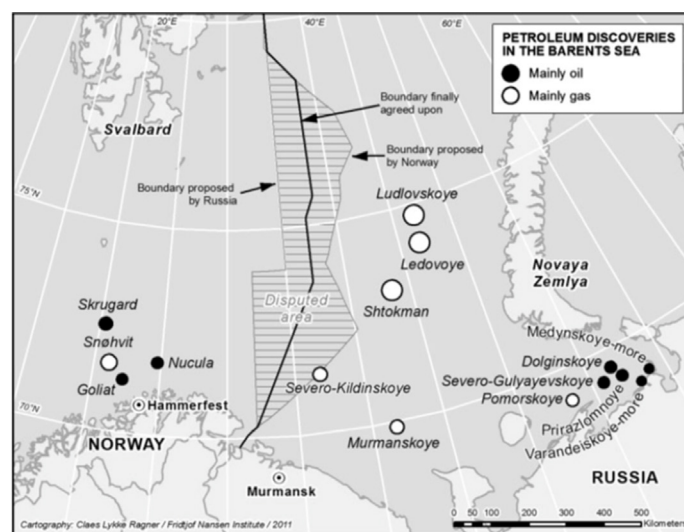


Figure 7. Source: MOE, Arild, et al., “Space and Timing: Why was the Barents Sea Delimitation Dispute Resolved in 2010?” *Polar Geography*, Vol. 34, No. 3, 2011.

134 Extract from the interview with Professor Timo Koivurova, *op cit.*

135 Extract from the interview with Professor Elena Conde, *op. cit.*

136 MOE, Arild, et al., “Space and Timing: Why was the Barents Sea Delimitation Dispute Resolved in 2010?” *Polar Geography*, Vol.34, No.3, 2011.

The most heated issue in dispute is perhaps the Lomonosov Ridge. However, while Koivurova and Conde believe that an agreement like the Barents Sea treaty is unlikely, they do believe that the dispute will be settled peacefully. The solutions most likely to put an end to the dispute involve the CLCS:

“[e]ither a joint proposal will be submitted, they will negotiate their respective delimitation lines or the proposal they submit to the CLCS will not address the sections that overlap so that these can be negotiated at the last minute. There is even the possibility that the issue will not be resolved and will remain open”¹³⁷.

The question now is what will happen to the territories not recognised as being under the sovereignty of any State. The answer to this question again lies with the UNCLOS, which has spoken of the creation of the ISBA¹³⁸ to manage those parts of the ocean known as the “common heritage of mankind”¹³⁹ in allusion to the Maltese Ambassador Arvid Pardo’s 1967 proposal to create an international organisation to oversee the management of the world’s seabeds¹⁴⁰.

Finally, we should mention the settlement of disputes by the International Court of Justice (ICJ). In 2009, in the case concerning *maritime delimitation in the Black Sea (Romania v Ukraine)*, the ICJ based its ruling on the equidistance principle¹⁴¹ (the same one used in the Barents Sea treaty). Hence, we can expect to see peaceful settlement of disputes based on the equidistance principle and delimitations similar to the ones provided for in the agreement between Norway and Russia.

CONCLUSIONS

For centuries, the most powerful nations dreamt of discovering and conquering the North Pole. Hundreds of brave explorers risked and lost their lives in a bid to reach the last unexplored territory on our planet or, to use the words of the Duke of the Abruzzi, “[a] bluish wall, which from afar appeared insurmountable. It was for us Terra Ultima Thule,” literally, “the last place on Earth”¹⁴².

137 Extract from the interview with Professor Elena Conde, *op. cit.*

138 Section 4 UNCLOS.

139 KOIVUROVA, 2008, p. 6.

140 KOIVUROVA, 2015, p. 6.

141 *Maritime Delimitation in the Black sea (Romania v. Ukraine)*, Judgment, I.C.J. Reports 2009, p.61.

142 DI SAVOIA-AOSTA, Luigi Amedeo, *Farther North than Nansen*, Howard Wilford Bell, London, 1901, p.60.

The question facing us in the 21st century is: after its mysteries have been revealed, who does it belong to? And, even more importantly, if it belongs to several States, how can we guarantee peace, security and stability in the region?

In this article we have tried to explain why the rules of the game are a sort of institutional balance that is conducive to cooperation. Why do States cooperate in the Arctic when they have tense relations in other regions of the world?

We answered this question by carrying out a detailed analysis of the interests at stake and assessing two dimensions of cooperation in the Arctic.

Despite the Arctic melt, the region remains a hostile place where any efforts to cooperate are nothing more than “a spectacle and a work for the cursed, which Dante might have held up to the coryphees of his infernal regions”¹⁴³. Others have seen the Arctic Ocean as an anarchical zone where any attempt at cooperation by States “emerges as a latter day Sisyphian challenge.”¹⁴⁴ However, we have demonstrated that the voices that foretell conflict and hear the beating of the war drums are wrong. After assessing the context, variables and balances brought about by the rules of the game, we can confirm our original theory:

Cooperation in the Arctic is driven by a combination of:

- (v) Interests shared by all of the Arctic States.
- (vi) The need to resolve scientific uncertainty and create public goods.
- (vii) A flexible institutional body that is capable of adapting itself to the needs of the stakeholders.
- (viii) And, finally, a favourable international legal framework for all States which guarantees the peaceful resolution of any disputes that arise.

A study as to why States cooperate in the Arctic is necessary in a world where global challenges cannot be met without cooperation between States. Still today, the challenges of cooperation remain a *latter day Sisyphian challenge*. Sisyphus was punished by the gods by being forced to roll an immense boulder up a hill, only to watch it come back to hit him. This punishment could be compared with the inevitability of conflict between States. However, we would like to conclude our article with Albert Camus' interpretation of the Myth of Sisyphus, where the latter embraces the boulder, accepts his fate and emerges victorious over the gods that condemned him. Similarly, in this universe without a master, where States are condemned to conflict and distrust, cooperation is neither sterile nor futile, but is a world unto itself. Camus concludes his essay as follows:

¹⁴³ KOLDEWEY, K., *The German Arctic Expedition of 1869-1870*, Sampson, Low, Marston, Low & Searle, London, 1874.

¹⁴⁴ DODDS, *op. cit.*, p.1.

“I leave Sisyphus at the foot of the mountain. One always finds one’s burden again. But Sisyphus teaches the higher fidelity that negates the gods and raises rocks (...) One must imagine Sisyphus happy”¹⁴⁵.

Let us conclude by also imagining Sisyphus happy. By demonstrating that no attempt at cooperation is doomed to failure, no matter how adverse the conditions. And, in particular, we conclude with the certainty that no matter how heavy the burden, international peace and security can be guaranteed even in regions where ice battles ice for survival.

BIBLIOGRAPHY

- ACIA, *Impacts of a Warming Arctic: Highlights*, Arctic Climate Impact Assessment, Canada, Cambridge University Press, 2004. Available at: <http://www.amap.no/documents/doc/impacts-of-a-warming-arctic-highlights/792> (Accessed on 12-11-2015).
- ARCTIC COUNCIL, “About us”. Available at: <http://www.arctic-council.org/index.php/en/about-us> (Accessed on 18-12-2015).
- ARCTIC COUNCIL, *Agreement on Cooperation on Aeronautical and Maritime Search and Rescue*, May 2011.
- ARCTIC COUNCIL, *Agreement on Cooperation on Marine Oil Pollution, Preparedness and Response in the Arctic*. May 2013.
- UN GENERAL ASSEMBLY, *United Nations Convention on the Law of the Sea, Montego Bay*, 10 December 1982.
- BERKMAN, Paul Arthur, “Our Common Future in the Arctic Ocean”, *The Round Table*, 101:2, 2012.
- BESNAULT, Amiral, *Geostrategie de l’Arctique*, Paris, Economica, 1992; in Øyvind Østerud and Geir Hønneland, *Geopolitics and International Governance in the Arctic*.
- BORGERSON, Scott S. “Arctic Meltdown: The Economic and Security Implications of Global Warming”. *Foreign Affairs*, 87:63-77, 2008.
- BUIXADÉ FARRÉ, A. *et al.*, *Commercial Arctic shipping through the Northeast Passage: Routes, resources, governance, technology, and infrastructure*, Polar Geography, Taylor & Francis, 2014.
- CAMUS, Albert, *El Mito de Sísifo*, Alianza Editorial, Barcelona, 2004.

¹⁴⁵ CAMUS, Albert, *El Mito de Sísifo*, Alianza Editorial, Barcelona, 2004, p.183.

- CONDE, Elena, “Algunas cuestiones jurídico políticas derivadas del proceso del calentamiento global en el Ártico”, *La Gobernanza de los Mares y Océanos. Nuevas Realidades, Nuevos Desafíos*, Andavira Editora, Scientia Jurídica, Santiago de Compostela, 2012.
- Declaration on the Establishment of the Arctic Council, and Joint Communiqué of the governments of the Arctic Countries on the Establishment of the Arctic Council*, 19 September 1996, Ottawa, Canada, Available at: https://oarchive.arctic-council.org/bitstream/handle/11374/85/00_ottawa_decl_1996_signed%20%284%29.pdf?sequence=1&isAllowed=y (Accessed on 31-12-2015).
- DI SAVOIA-AOSTA, Luigi Amedeo, *Farther North than Nansen*, Howard Wilford Bell, London, 1901.
- DIEZ DE VELASCO, M., *Instituciones de Derecho Internacional Público*, Tecnos, Madrid, 18 ed., 2013.
- DODDS, Klaus, “Flag planting and finger pointing: The Law of the Sea, the Arctic and the political geographies of the outer continental shelf.”, *Political Geography* 29, 2010.
- EBINGER, Charles K., ZAMBETAKIS, Evie, “The Geopolitics of Arctic Melt”, *International Affairs*, 85:1215-32, 2009.
- EILSTRUP-SANGIOVANNI, Mette “Uneven Power and the Pursuit of Peace: How Regional Power Transitions Motive Integration”, *Center for European Studies Working Paper Series 150*, 2007.
- EL MUNDO, “El despliegue militar ruso en Siria alerta al Gobierno de Obama”, Published 7-09-2015. Available at: <http://www.elmundo.es/internacional/2015/09/07/55ec9427e2704e7b458b4589.html> (Accessed on 18-10-2015).
- EL PAIS, “La bandera rusa ‘ondea’ bajo el Polo Norte”, Published 03-08-2007. Available at: http://internacional.elpais.com/internacional/2007/08/03/actualidad/1186092004_850215.html (Accessed on 07-12-2015).
- EL PAIS, “Putin firma la anexión de Crimea a Rusia”, Published 18-03-2014. Available at: http://internacional.elpais.com/internacional/2014/03/18/actualidad/1395125826_603105.html (Accessed on 18-10-2015).
- FLEMING, Fergus, *La conquista del Polo Norte*, Fábula Tusquets Editores, Barcelona, 2012.
- GORBACHEV, Mikhail: “Mikhail Gorbachev’s speech in Murmansk at the ceremonial meeting on the occasion of the presentation of the Order of Lenin and the Gold Star to the city of Murmansk”. Available at: http://www.barentsinfo.fi/docs/Gorbachev_speech.pdf (Accessed on 09-12-2015).
- GOVERNMENT OF CANADA, “Canadian sanctions related to Russia”, Available at: <http://www.international.gc.ca/sanctions/countries-pays/Russia-Russie.aspx?lang=eng> (Accessed on 18-10-2015).

- HAFTENDORN, Helga, *The case for Arctic Governance: The Arctic Puzzle*, Institute of International Affairs, The Centre for Arctic Policy Studies, University of Iceland, 2013.
- HARDIN, Garrett, “The Tragedy of the Commons”, *Science Vol.162*, 1968
- HOLE, Woods “Law of the sea – Outer Limits of the US Continental Margins”, United States, *Geological Survey*, 2008.
- Ilulissat Declaration*. Arctic Ocean Conference. Ilulissat, Greenland, 27-29 May 2008.
- INGIMUNDARSON, Valur, “Managing a contested region: The Arctic Council and the politics of Arctic governance”, *The Polar Journal*, 4:1, 2014.
- IPCC, *Summary for Policymakers. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley eds, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 2013.
- JERVIS, Robert, “Realism, Neoliberalism, and Cooperation” *International Security*, Vol. 24, No. 1, 1990.
- Kiruna Declaration. The Eighth Ministerial Meeting of the Arctic Council*. May 15, 2013. Kiruna, Sweden.
- KOIVUROVA, Timo, VANDERZWAAG, David L., “The Arctic Council at 10 years: Retrospect and Prospect”, *University of British Columbia Law Review*, Vol. 40, No.1, 2007.
- KOIVUROVA, Timo, KÄPYLÄ, Juha, MIKKOLA Harri, “Continental Shelf Claims in the Arctic. Will Legal Procedure Survive The Growing Uncertainty?”, *FIIA Briefing Paper 178*, Global Security Research Programme, The Finnish Institute of International Affairs, August 2015.
- KOLDEWEY, K., *The German Arctic Expedition of 1869-1870*, Sampson, Low, Marston, Low & Searle, London, 1874.
- LÓPEZ-IBOR MAYOR, Vicente, MARTÍNEZ MONTES, Luis Francisco, SÁNCHEZ DE ROJAS DÍAZ, Emilio, *Apuntes sobre el Ártico*, opera prima octubre 2014.
- MANERO SALVADOR, Ana, *El deshielo del Ártico: Retos para el Derecho Internacional*, Editorial Aranzadi, Thomson Reuters, 2011.
- Maritime Delimitation in the Black sea (Romania v. Ukraine)*, Judgment, I.C.J. Reports 2009.
- MOE, Arild, *et al.*, “Space and Timing: Why was the Barents Sea Delimitation Dispute Resolved in 2010?” *Polar Geography*, Vol.34, No.3, 2011.

- NAUMOV, Valery, NIKULKINA, Inga, *Osobennosty Razvitiya Rossiyskoi Arktiki*, 2012 in SERGUNIN, Alexander and KONYSHEV, Valery “Russia in search of its Arctic Strategy: between hard and soft power?” *The Polar Journal*, 4:1, 2014.
- NOWLAN, Linda, “Arctic Legal Regime for Environmental Protection”, 2001, as cited in KOIVUROVA, Timo, “Limits and possibilities of the Arctic Council in a rapidly changing scene of Arctic Governance”, *Polar Record*, vol. 46, no. 237, 2001.
- NORWEGIAN MINISTRY OF FOREIGN AFFAIRS, *Extent of Norway’s continental shelf in the High North clarified*, 2009, Available at: https://www.regjeringen.no/en/aktuelt/shelf_clarified/id554718/ (Accessed on 13-01-2016).
- Nuuk Declaration. The Seventh Ministerial Meeting of the Arctic Council*. May 12, 2011. Nuuk, Greenland.
- NSIDC, “Models Underestimate Loss of Sea Ice”, Published 30-4-2007. Available at: http://nsidc.org/news/newsroom/20070430_StroeveGRL.html (Accessed on 09-11-2015).
- OLSON, *Auge y decadencia de las naciones*, Ariel, Barcelona, 1985.
- ØSTERUD, Øyvind and HØNNELAND, Geir, “Geopolitics and International Governance in the Arctic”, *Arctic Review on Law and Politics*, vol.5, 2, 2014.
- ØSTRENG, W. *et al.*, *Shipping in Arctic Waters: A Comparison of the Northeast, Northwest and Trans Polar Passages*, Springer, Berlin, 2013.
- PAPP, Robert J, Jr., Admiral, *US Arctic Council Chairmanship: Outlining Goals and Priorities*, Published 2-07-2015. Available at: <http://www.uarctic.org/news/2015/7/us-arctic-council-chairmanship-outlining-goals-and-priorities/> (Accessed on 20-12-2015).
- REUTERS, “UPDATE 6-Obama warns on Crimea, orders sanctions over Russian moves in Ukraine” Published 7-03-2014. Available at: <http://www.reuters.com/article/2014/03/07/ukraine-crisis-obama-idUSL1NoM3oXQ20140307> (Accessed on 18-10-2015).
- RIDDELL-DIXON, Elisabeth, “Canada and Arctic Politics: The Continental Shelf Extension”, *Ocean Development & International Law*, 39:343-359, 2008.
- SERGUNIN, Alexander, KONYSHEV, Valery, “Russia in search of its Arctic Strategy: between hard and soft power?” *The Polar Journal*, 4:1, 2014.
- SCRIVENER, David, “Arctic Cooperation in Transition”, *Polar Record*, 35:51-8, (1999).
- Simposio Internacional: El Ártico: Oportunidades y riesgos derivados del cambio climático*. Organised by Fundación Ramón Areces and coordinated by Professor Elena Conde Pérez. Madrid, 12 November 2015.

- STENLUND, Peter, “Lessons in regional cooperation from the Arctic”, *Ocean and Coastal Management* 45, 2002.
- STOKKE, Olav Schram, HØNNELAND, Geir, *International Cooperation and Arctic Governance. Regime Effectiveness and Northern Region Building*, Routledge, 2007.
- STOKKE, Olav Schram, “Environmental Security in the Arctic. The Case for Multilevel Governance”, *International Journal*, Autumn 2011.
- STROEVE, Julienne, “Sea Ice and Climate” talk given at the *Simposio Internacional: El Ártico: Oportunidades y riesgos derivados del cambio climático*. Organised by Fundación Ramón Areces and coordinated by Professor Elena Conde Pérez. Madrid, 12 November 2015.
- THE WALL STREET JOURNAL, “EU imposes sanctions on People, Institutions Involved in Ukraine Conflict”, Published 16-02-2015. Available at: <http://www.wsj.com/articles/eu-imposes-sanctions-on-people-institutions-involved-in-ukraine-conflict-1424078782> (Accessed on 18-10-2015).
- TSEBELIS, George, *Veto Players: How Political Institutions Work*, Russell Sage Foundation, Princeton, N.J., Oxford: Princeton University Press, 2002.
- UNITED STATES, *Strategic importance of the Arctic in U.S. policy: hearing before a subcommittee of the Committee on Appropriations, United States Senate, One Hundred Eleventh Congress, first session, special hearing, August 20, 2009, Anchorage, AK*. Washington, U.S. G.P.O.
- UNWCED, *Our Common Future: From One Earth to One World*. Report Transmitted to the General Assembly as an Annex to Resolution A/RES/42/187, United Nations, World Commission on Environment and Development, Geneva, 1987.
- WHITEHEAD, A. N., *Science and the Modern World*, Mentor, New York, 1948.
- ZWEIG, Stefan, *Momentos estelares de la humanidad. Catorce miniaturas históricas*, Acantilado, Barcelona, 2002.

Submitted: January 3, 2017.

Accepted: April 18, 2017.
