

Setting the Stage for Arctic Law

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The Arctic is a unique place on Earth. Its natural environment has traditionally been pristine and supportive of local as well as global ecosystems. The planet's naturally sustained and balanced biosphere relies heavily on its ice-covered polar regions, including the Arctic. Hence, preserving the Arctic's natural conditions is crucial for sustaining the planet's environment and climatic system. The major challenges facing the Arctic are the impacts of climate change, which affect the region disproportionately given that records show the increase in temperature there is three-four times faster than the global average. Such an increase leads to melting of offshore and terrestrial ice sheets and glaciers. It is forecast that in the next few decades Greenland's glaciers will melt to a significant extent, and if the current pace of melting continues, it is likely that we will see not only an ice-free Arctic Ocean but an ice-free Arctic as a whole. This would entail environmental, socio-economic, and geopolitical consequences for the region and globally. For all of its negative ecological impacts, the melting Arctic is opening up new opportunities for intense commercial activities that would make the region one of the world's final economic frontiers.

The Arctic and its pristine environmental conditions provide a thriving ecosystem for thousands of unique and highly cold-adaptive species. The region is also home to over forty distinct groups of Indigenous peoples, the first of whom settled in the region forty thousand years ago. Generation after generation, these groups have maintained nature-dependent livelihoods. Their relationship with the land and biodiversity ties them uniquely to the area; indeed, these bonds formed the basis for the traditional norms of interaction in the Arctic's social and ecological governance. However, the sensitive and fragile Arctic ecosystem, made vulnerable by climate change, has deteriorated. This trend has been marked by catastrophic, extreme natural events both within the region and elsewhere, leading to environmental degradation, loss of biodiversity, imbalances in natural resource distribution, unsustainable demographic and political structures, peoples and communities losing their socio-cultural identity, and large-scale internal and external displacement.

All the while, the melting of sea ice in the Arctic has created the prospect of access to its marine areas and thereby of opportunities to tap their rich resources, among other possibilities. Offshore hydrocarbons, significant deposits of rare-earth elements in Greenland and the other Arctic areas, and sizeable mineral deposits elsewhere in the Arctic make it an immensely resource-rich region. Evidence of the abundant resources available can be seen in a report of the United States Geological Survey in 2008 stating that the Arctic contains one-fourth of the world's yet-to-be-tapped hydrocarbon resources. The Arctic Ocean also includes a wide variety of living resources, such as fisheries, although the resource stock, particularly in the central Arctic Ocean, is currently unknown.

The extraction of these resources and their transportation through the emerging Arctic sea routes made possible by the ice-free Arctic Ocean has led to the intensification of human activities. The Northern Sea Route, for example, has become more operational in recent years because of the much shorter distance and higher cost-effectiveness it offers compared to traditional routes, such as the Suez Canal. A gradual increase in cargo volume through the Route has intensified human activity, examples being infrastructural developments such as the building of new ports, support services for vessel operations, emergency centers for rescue and safety operations, and on-the-ground road and communication links. Additionally, the open Arctic increases the potential for nature tourism. Among other attractions, cruise shipping in the region has become more popular in recent years.

Furthermore, the ongoing process of laying undersea communication cables – fiber-optic lines – through the Arctic waters demonstrates another step forward in connecting the Arctic to the rest of the world. Much as in the case of sea routes, undersea cables laid through the Arctic entail shorter geographical distances, offering a grand promise for faster intercontinental communication networks. These in turn enhance business potential in the Arctic and engage actors from within and beyond the region. However, while these activities make the Arctic a new economic goldmine, they also accelerate climate change: More human activity means more greenhouse gas emissions into the atmosphere.

The Arctic's resource potential and the increase in human activities quickening issues of resource geopolitics have redefined local and global power politics. Locally, the interests of new actors and various interest groups engaged in land use, such as the extractive industries, often clash with those of national and regional bodies and of local and Indigenous communities. Consequently, their stake in decision-making as regards political participation, environmental and economic governance and maintaining socio-cultural autonomy has become increasingly critical in recent years.

Globally, the attractiveness of the economic potential of the Arctic today serves as a dominant feature in global power politics among emerging economies. The rise of states such as China in the global economy can be partially attributed to Russia's energy, much of which comes from the latter's Arctic region; this link brings China closer to Russia, increasing tension in great power politics. Additionally, China's linking of the Polar Silk Road to its "Belt and Road" initiative suggests a further extension of its economic dominance in the region. Russia's military invasion of Ukraine in early 2022 has further fueled the geopolitical rivalry between the Western Arctic countries and Russia. While the Western Arctic countries endeavor to restructure Arctic cooperation within a new framework – the so-called Arctic-7 (which excludes Russia but includes all seven other Arctic nations) – Russia is pulling China and India ever closer.

In sum, the Arctic remains at a crossroads between environmental governance and the expansion of economic development. The latter creates tension in great power politics, with implications for regional and global security. Therefore, the development of new Arctic law has embraced regulatory developments focusing on broader environmental issues, including climate change, biodiversity, land use, resource management, marine and ocean governance – in particular shipping, fishing and marine biodiversity – geopolitics and security, and human rights and human security.

For more on this, read...

Hønneland G, *International Politics in the Arctic: Contested Borders, Natural Resources, and Russian Foreign Policy* (IB Tauris 2017)