

India & the Central Arctic Ocean Region

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The Central Arctic Ocean (CAO) region covers approximately an area of 28,00,000 sq Km covering 19% of the Arctic Ocean. This region is beyond the territorial jurisdiction of any Arctic coastal state, even though there are claims of extending the continental shelf limits by the coastal states as the Arctic seabed is believed to hold up to 25 % of global oil and gas reserves, large quantities of tin, manganese, gold, nickel, lead, platinum and rough diamonds. There has been no commercial fishing happening in the region because throughout the year it is covered by thick sea ice. With anthropogenic global warming, there is a drastic change in the Arctic ecosystem resulting in a rapid decrease in sea ice.

Climate change in the future is likely to create a scarcity of resources globally and create new geopolitical scenarios. The unexploited CAO is rich in resources including marine organisms and hydrocarbons, which attracts both Arctic and non-Arctic players to the region. The

CAO region is also important from a maritime shipping perspective, the Transpolar shipping route (TSR) would pass through the CAO region which is beyond the territorial jurisdiction of any Arctic coastal states. Some studies suggest that the TSR will be equally or more viable than the Northern Sea Route (NSR) by 2050, however, this is questionable considering the limited access to ports. Countries like China are keen on asserting their influence in the regional governance of the CAO region. China is also keen to explore fish and Krill from the marine-rich CAO with the help of its large distant water fishing fleet. Considering the growing interest and activity in the region and the corresponding rapid decrease of summertime sea ice and loss of multiyear sea ice in the Arctic Ocean, there will be not only an impact on the Arctic ecosystem but also a severe impact on the monsoon in the Indian subcontinent.¹ Hence, it is also in India's genuine national interest to look into the CAO region and build its capacity

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¹ *Arctic Circle Assembly, M Ravichandran Secretary, Ministry of Earth Sciences, Govt of India* <<https://www.youtube.com/watch?v=8m6YnmRHp-Q>>

in the region, which is part of the 'global commons'.

India's interest in the region has been mainly in conducting scientific research, especially from a climate change perspective. India's Arctic Policy (IAP) acknowledges and emphasizes the need to study the linkages between the Arctic and the Himalayas, citing the IPCC's Special Report on Ocean and Cryosphere (2019) from a climate change perspective. India presents itself as a 'Tripolar state' with its presence in both the poles through its research facilities and in the Himalayas, through which it can contribute efficiently in the area of scientific and environmental research, especially in the area of climate change by harmonizing the Polar research conducted in both the poles and Himalayas. India's Arctic Policy (IAP) emphasizes the need for the conservation of marine flora and fauna, marine environmental protection, contribution towards environmental emergencies, and search and rescue efforts in the Arctic Ocean region. There is extensive scientific material available that discusses the 'teleconnection' between the Arctic and the rest of the world and its significant global economic impacts.² Hence, building

capacity and establishing India's presence is important to understand the unexplored region and at the same time to be the sane voice in a region where 'economic interest' outweighs the potential problems of Climate change. It is also in India's interest to protect the CAO region and protect the marine resources from exploitation and promote establishing a conservation regime in the region or even propose a marine protection area. India, due to its geographical positioning, is unlikely to use the TSR or fish in the CAO region; hence it is prudent for India to take a position toward Environmental protection and marine conservation.

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India's association with the Arctic dates back to 1920 as a party to the Svalbard treaty³, but it has never focused on commercially exploiting Svalbard or the CAO region, although there is recent criticism that Svalbard is utilized by non-arctic states to further their Arctic

² Stern 2007; Tol 2009; Hope 2013; Nordhaus 2013; Dietz and Stern 2014; IPCC 2014a, b; Burke et al. 2015 Whiteman et al. 2013; Hope and Schaefer 2016; Yumashev et al. 2019;

³ Treaty between Norway, The United States of America, Denmark, France, Italy, Japan, the Netherlands, Great Britain, and Ireland, and the British overseas Dominions and Sweden concerning Spitsbergen (The Svalbard Treaty 1920)

ambitions.⁴ For example, China has sought more autonomy on its research station and asserted its rights as a contracting party to the Svalbard treaty⁵. Interestingly the Chinese People’s liberation army is one of the main planners of the Chinese Polar science program. CAO will be of strategic and geopolitical importance and is very much under the radar of the Chinese, who are interested to establish a polar silk route in order to avoid the Malacca dilemma and commercially utilize Svalbard as a base in the High North. Chinese declaration as a “Near Arctic state’ and India’s interest as a “Tripolar state’ may sound similar, asserting their presence over the region. Although China’s stated interest is in research, especially climate change but China’s major focus on the region is predominantly based on its economic needs (blue economic passage...leading up to Europe via the Arctic Ocean)⁶ and to assert its right in the Arctic region⁷. On the other hand, IAP focuses on its research capability in all three poles and conducts research in a synergized manner to provide key solutions not only to its problems but also to the global climate crisis. India’s Arctic

Policy (IAP) also strongly highlights the impact of warming the Arctic on the rest of the world and vice versa through ‘teleconnection’ between the Arctic and the Himalayas. Hence India is in a ‘unique’ position to play a key role in Arctic Environment Protection, especially in the CAO region which is a region that falls under the high seas.

The CAO region is one of the few regions in the world where Commercial fishing has



Figure 1 Arctic Centre, University of Lapland. Data source: Arctic Biodiversity Data Service (ABDS)

⁴ Torbjørn Pedersen, ‘ The politics of research presence revisited: A response to Molenaar and Ulfstein’ (2021) Vol 11(2) The Polar Journal, Pg 438-440.

⁵ ibid

⁶ State Council Information Office: The people’s Republic of China, “Vision for Maritime Cooperation under Belt and Road Initiative,” 20 June 2017

<http://english.www.gov.cn/archive/publications/2017/06/20/content_281475691873460.htm /> accessed on 30 April 2022

⁷ The People’s Republic of China, The State Council of Information Office (2018)’ *China’s Arctic Policy, White Paper* <<https://www.uaf.edu/caps/resources/policy-documents/china-arctic-policy-2018.pdf>> accessed on 08 May 2022

not yet started due to the heavy presence of sea ice both in winter and summer and also because of the lack of commercially viable resources at the 'present moment', else the region would have been exploited long before the CAOFA⁸ was agreed and probably there would not be a CAOFA. However, due to climate change and the corresponding melting of sea ice and with the primary production of pelagic microalgae there will be an increase in the fish stocks including cod, capelin, and herring, etc, and hence the CAO is likely to attract large distance fishing vessels in the future⁹. Post the Donut hole fiasco (between the EEZ of Russia and the US in the Bearing Sea) due to which the fish stocks completely collapsed during the late 1980s, the Arctic coastal states (Arctic 5- US, Russia, Norway, Canada, and Denmark) decided to protect the CAO region from a similar catastrophe and stop exploitation by the distant water fishing vessels from other countries. But Iceland raised its concern about excluding it from the discussion to regulate the CAO region, followed by voices from China, Japan, the EU, and as well the Indigenous people in the Arctic region (See ICC Inuit circumpolar declaration of sovereignty).

The Agreement to prevent unregulated High seas fisheries in the Central Arctic Ocean (CAOFA)

This agreement has come into force on 25 June 2021. Although the intent behind this agreement is to protect unregulated fishing in the CAO region, through a joint scientific program the region would be explored to understand the ecosystem and the availability of fish stocks in the region. The agreement will be in force until 2037 and will be automatically renewed for a successive period of 5 years if no party raises any objection. The parties to the agreement may in the future negotiate to set up Regional Fisheries Management Organizations (RFMOs) for the CAO region. The moratorium imposed by the CAOFA is in fact on "unregulated" commercial fishing, not on commercial fishing per se. The parties to the agreement include the 5 Arctic Ocean littoral states Plus the EU, Iceland, China, South Korea, and Japan (Arctic 10). The only Arctic council observer states who are not parties to the agreement are India and Singapore. China has ratified the CAOFA which bans unregulated commercial fishing for the next 16 years in the Central Arctic Ocean at the same time China's 13th Five-Year (2016-2020) Plan states that "China will pay

⁸ Agreement to prevent unregulated high seas fisheries in the Central Arctic Ocean region June 25, 2021, <
<https://www.mofa.go.jp/files/000449233.pdf>>

⁹ Euorfish magazine 6/2020

more attention to and join other parties in issues related to Arctic fisheries and participate in Arctic fisheries surveys and management." China which is a party to the agreement reserves the right to carry out harvesting activities in the agreement area. *It is important to note that the Joint program of scientific research under the agreement is not only applicable to just fish but to the entire marine ecosystem in the CAO region.* India's Arctic policy explicitly explains its interest in the conservation of the marine resources in the Arctic region, hence if India is a signatory to the treaty it can engage in a Joint scientific research program and participate in the regional governance of the CAO region.

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The agreement allows the expansion of new participants by invitation by the existing signatories to the treaty (Arctic 10) provided they have a 'real interest' in the CAO region (Art 10). To the question of real

interest, what should be considered a real interest? Usually coastal states and other states which have conventionally fished in the region become members of the RFMOs. However, this region has never seen commercial fishing, hence one cannot possibly argue that these 10 states alone have a real interest in the Central Arctic Ocean region. The Economic gains that China is interested though extraction and exploitation will result in serious environmental impact and vastly impact the marine biodiversity of the region.¹⁰ Indian Arctic policy, on the other hand, commits to research on Arctic Ecosystem values, and marine protected areas and contributes towards environmental management in the Arctic, and engages with the Emergency preparedness and response working group of the Arctic Council to contribute toward the environmental emergencies in the Arctic. India is supporting ACAP¹¹ with data on atmospheric aerosols and emerging contaminants from IndArc and Gruvebedat observatory. India is working with AMAP¹² in the monitoring of glaciers, Arctic Precipitation, and climate change studies. India also works with CAFF¹³ on microbial diversity in Svalbard and Arctic breeding

¹⁰ Po-Hsing Tseng and Kevin Cullinane, "Key criteria influencing the choice of Arctic shipping: a fuzzy analytic hierarchy process model," (2018), 45 (4) Maritime Policy and Management 422-438, <https://doi.org/10.1080/03088839.2018.1443225>.

¹¹ Arctic Contaminants Action Program

¹² Arctic Monitoring and Assessment Program

¹³ Conservation of Arctic flora and fauna

birds that visit India on a yearly basis.¹⁴ India is also a member of the International Arctic Science Committee. However, India needs to improve its participation in other working groups such as EPPR, PAME, and SDWG,¹⁵ and also increase its engagement with programs under the Expert

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group such as the Arctic Marine Biodiversity program (CAFF). The precautionary principle and the ecosystem-based approach form the basis for this agreement and the future Arctic RFMO so as to protect the CAO in such a manner so it does not end up like the Donut hole saga, hence it is important to have states that

have conservation and protection of marine ecosystem as a priority. Thirdly the CAO is part of the global commons, hence exploration, and protection of the region cannot be restricted just to the Arctic 10 alone even though the coastal states have the duty under the LOSC¹⁶ to protect the surrounding regions. Also, increasing India's presence in the region will give a strategic advantage to protect its own interest in the future and at the same time engage in regional governance in the region which is environmentally vulnerable. Hence, India needs to make a case for becoming a party to the unregulated fisheries agreement and any future overarching agreements or engagements in the ecosystem management and regional governance of the Central Arctic Ocean region.

¹⁴ Arctic Council, 'Republic of India- observer report 2019-2021' < https://oaarchive.arctic-council.org/bitstream/handle/11374/2721/SAOXIS2_Arctic-Council-Observer-REPORT-2019-2021_INDIA.pdf?sequence=1&isAllowed=y > accessed on 12 May 2022

¹⁵ Emergency prevention, preparedness and Response, Protection of Arctic Marine Environment and Sustainable development working group

¹⁶ United Nations Convention on the Law of the sea, 1982