

# *The geopolitical lessons from the Arctic to Antarctica*

A paper based on a presentation to the Institute in Hobart on 16 June 2022 by

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*The two Polar Regions Arctic and Antarctica are geographically different, the Arctic, an ocean covered by ice and Antarctica, a landmass surrounded by waters of the Southern Ocean. The Arctic is governed by the ‘Arctic Council’, comprising the five Arctic littoral countries who have their respective national jurisdictions over the Arctic region and function under various international treaties and conventions. The Antarctic continent does not belong to any single country as per the ‘Antarctic Treaty’; it “freezes” territorial claims of the continent and devotes Antarctica to peace and science. Though the Treaty takes a “bifocal” approach to neither recognise nor deny territorial claims, however there are currently 55 contracting parties associated to research activities on the continent. Though the Polar Regions are increasingly getting securitised due to their natural wealth and resources, this paper concludes that the regions should be a place of peace and cooperation to preserve its vulnerable and unique environment for humanity.*

**Key words:** Polar Regions; Arctic; Arctic Council; Antarctic; Antarctic Treaty; UNCLOS (United Nations Convention on the Law of the Sea).

The Arctic used to be an ice-covered ocean surrounded by land, while Antarctica is a continent with its adjacent waters – the Southern Ocean. These two regions are geographically different. However, on many occasions, they are mentioned as one – the “Polar Regions”. Questions therefore arise, such as whether the Arctic and the Antarctic are truly comparable and what happens in one Pole may affect the other. This article argues that although governance regimes of the two poles are significantly different, there are indeed geopolitical lessons to be learnt from each other.

## **Different Systems, Same Players**

Given the Arctic is largely an ocean covered by ice, the United Nations Convention on the Law of the Sea (UNCLOS) applies to the region, as do many other international treaties and conventions, e.g., the Convention on the Biological Diversity, and Minamata Convention on Mercury. There are eight countries’ territories that fall within the Arctic circle – Canada, Denmark (through Greenland), Finland, Iceland (Island of Grimsey), Norway, Sweden, Russia and the United States. These are so called Arctic States, who have voting rights in the Arctic Council – the most important regional forum for cooperation. Established by the Ottawa Declaration in 1996, the Arctic Council had a humble start as a forum for environmental protection. Nevertheless, the Arctic Council has been evolving towards a pivotal regional organisation on

Arctic affairs, with its permanent Secretariat set up in Tromsø, Norway in 2012.

The five Arctic littoral countries (Canada, Denmark, Norway, Russia, and the United States) or “Arctic Five” adopted Illunissat Declaration in 2008, claiming their stewardship of the Arctic environment. Indeed, the application of the UNCLOS to the Arctic serves the Arctic Five well, with most of the Arctic Ocean fall into national jurisdictions. On the other hand, the UNCLOS does offer certain rights and obligations as legal basis for non-Arctic States to get involved in Arctic affairs. For example, there are small portions of the Arctic Ocean that lie beyond national jurisdiction, especially the central Arctic Ocean around the North Pole. The resources rich Arctic has attracted attention from major economies, such as China, Japan, Korea and India. They were admitted as observers of the Arctic Council in 2013. Moreover, in 2018, the Arctic Five concluded the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic with key high sea fishing states – China, Japan, Korea, the EU and Iceland. This is the first time that Arctic and non-Arctic States equally negotiated a treaty that deals with Arctic affairs.

In contrast to the Arctic, the Antarctic does not belong to any single country, thanks to the Antarctic Treaty, which was adopted in 1958 by 12 countries in the climax of cold war between America and Soviet Union. The Antarctic Treaty takes a “bifocal” approach to neither recognise, nor deny territorial claims. Article IV of the Antarctic Treaty “freezes” territorial claims of the continent and devotes Antarctica to peace and science. Of course, claimant States – Australia, Argentina, Chile, France, Norway, New

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Zealand and the United Kingdom remain vocal and active about their claims.

So far, the Antarctic Treaty has 55 contracting parties, among which 29 countries are consultative parties with voting rights during the Antarctic Treaty Consultative Meeting (ATCM). In order to become a consultative party, the country must be able to conduct “substantial scientific research activities” (Article IX, para.2). Therefore, only a small group of countries are able to sustain expensive research stations and icebreakers in Antarctica, to ensure their seats in the decision-making club. For example, the United States boasts the largest Antarctic research program on earth, with three year-round Antarctic Stations on the icy continent. China, though a late comer, is currently building its third permanent station on the Ross Sea Ice Shelf. All seven claimant states maintain their strong presence in Antarctica as well.

The Antarctic Treaty was adopted before the entry into force of the UNCLOS and has maintained its uniqueness in the international legal system. It has since evolved with several legally binding instruments, altogether called the Antarctic Treaty System (ATS), including the Convention for the Conservation of Antarctic Seals, the Convention on the Conservation of Antarctic Marine Living Resources (CAMLR Convention) and the Protocol on Environmental Protection to the Antarctic Treaty (Madrid Protocol). The Madrid Protocol has an eye-catching provision to ban commercial mining activities in Antarctica (Article 7), which is subject to potential review in 2048, 50 years from the date of entry into force of the Protocol (Article 25).

Although the governing regimes of the Arctic and Antarctica are different, there are same major players in both Poles, e.g., China, the European Union (EU), Russia and the United States. Therefore, geopolitical tensions between powerful countries in one region can affect other regions. The latest example is the Russian invasion of Ukraine.

### **Russian Isolation in the Arctic**

Russia is an important Arctic state with the longest coastline in the region. The Arctic used to be a positive example for cooperation between Soviet Union/Russia and the West. In fact, it was Mikhail Gorbachev, the last leader of the Soviet Union, whose 1987 speech in Murmansk paved the way towards a peaceful and collaborative Arctic over the past three decades. Even during the Russian annexation of Crimea in 2014, when Russia was facing sanctions by the United States and the EU, the Arctic Council meetings were still going on among all eight Arctic States. Nevertheless, the Russian invasion of Ukraine has led to severe consequences in the Arctic, given its blunt violation of the fundamental principles of contemporary international law – respect countries’

sovereignty and territorial integrity. On 24 February 2022, seven out of eight Arctic states decided to pause their work and all official meetings under the Russian Chairmanship of the Arctic Council (US Department of State, 2022). Amid mounting security concerns, both Sweden and Finland submitted their applications to become members of the North Atlantic Treaty Organisation (NATO, 2022). NATO was established during the Cold War as a collective defense organisation against the Soviet led Warsaw pact. The Arctic, from a military perspective, is becoming confrontational again.

Moreover, the Russian Arctic is resources-rich with large reserve of oil and gas. The EU, which heavily relies on Russia for oil and gas is determined to phase out this reliance after the breakout of Ukraine war. For example, EU nations have agreed to stop importing oil from Russia that comes in by sea, which rules out about two-thirds of the total (France 24, 2022). Germany and Poland aim to stop importing Russian oil by pipeline by the end of 2022 (Reuters, 2022). Germany has also frozen plans for the opening of the Nord Stream 2 gas pipeline from Russia (Reuters, 2022). The US is banning all Russian oil and gas imports (The White House, 2022), while the United Kingdom will phase out Russian oil imports by the end of 2022 (Reuters, 2022).

Furthermore, ever since the Ukraine war, the scientific cooperation between Russian and western scientists has halted due to heated geopolitical tensions. This is particularly worrying for climate research because the Arctic is warming faster than the global average, while Russian Arctic accounts for almost half of the circumpolar Arctic (Nature, 2022).

### **Implications for Antarctic**

The securitised relationship between Russia and the West in the Arctic has profound geopolitical implications for Antarctica. Facing the West’s sanctions on importing gas and oil from the Russian Arctic, Russian oil giants such as Gazprom, Lukoil and Rosneft must look for new export routes and markets, primarily China, who has expressed strong interests in the Russian Arctic. China has announced its Polar Silk Road strategy (China’s Arctic Policy White Paper, 2018), aiming to connect Russian Arctic along the Northern Sea Route. Russia and China have been politically close in recent years. President Putin and President Xi, who met each other 38 times since 2013 (Reuters, 2022), seems to share similar views of the world order. Although officially China is not supportive of Russia’s war in Ukraine, there is no doubt that Russia is moving even closer to China for security and economic reasons following the Ukraine war.

So far, it is fair to say that there is no firm China-

Russia alliance on Antarctic affairs. Russia has its own version about the future of the Antarctic Treaty (ATCM XLII, 2019). In fact, even in the Arctic, Russia was cautious about China's ambition in the region and reluctantly agreed to accept China as an observer of the Arctic Council in 2013. In a global arena such as the United Nations Intergovernmental Conference on Marine Biodiversity in Areas beyond National Jurisdiction (BBNJ IGCs), China to a large extent aligns with the developing world – the Group of 77 in the negotiation, and leaves Russia alone. Nevertheless, within the ATS, for different reasons, Russia and China are both highly suspicious of proposals to establish Southern Ocean marine protected areas during the Commission for Conservation of Antarctic Marine Living Resources (CCAMLR)'s annual meetings. The decision-making process in ATCMs and CCAMLR is consensus-driven. The confrontation between Russia and the West, together with US-China rivalry may lead to further division between two camps in the ATS. This is not good news for making decisions for environmental protection in Antarctica, especially in an era of human-induced climate change.

### Conclusion

The Poles, though geographically far away, are not immune from geopolitics and climate change. Ideally, the Polar Regions should be a place of peace and cooperation, so as to preserve its vulnerable and unique environment for humanity. Thanks to its remoteness, the polar regions could even become a law and policy laboratory for achieving sustainability. Because of their established governance regimes under international law, there are still hopes that the Arctic and the Antarctic issues would not be completely securitised. In order to prevent forging clear-cut camps fighting against each other, the key is to maintain dialogue for every country involved, even in dark times, with focus on common concerns.

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