Conflicts or Cooperation in Arctic Waters?

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Climate change has meant that the living resources of the Arctic Ocean have become more accessible. Will this be a source of cooperation or conflict?

Author's Note: *The authors of this comment piece are involved in the scientific project called "Arctic Ocean ecosystems – Applied technology, Biological interactions and Consequences in an era of abrupt climate change" (Arctic ABC). This project is led by the Department of Arctic Marine Biology at University of Tromsø, The Arctic University of Norway, and comprises the development and operation of new technology for biological studies, as well as interdisciplinary components where researchers from the disciplines of Law of the Sea and international relations are deeply involved.*

Global warming is not only increasing temperatures on land and melting glaciers around the globe, but also resulting in rising water temperatures in the oceans. This is particularly true for the Arctic Ocean – the northernmost of the world's oceans – where temperatures are rising more rapidly than the global average. Warmer temperatures in the Arctic have triggered a northwards expansion of boreal marine organisms, including several commercially harvested fish species. Concomitantly to an increase in Arctic temperatures, the permanent ice cap is shrinking rapidly, possibly leading to ice free summers within a few decades. As the Arctic ice cover diminishes, the resources of the Arctic Ocean become more accessible for exploration and exploitation.

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The increased accessibility to now ice-free areas has led to speculations about a new “scramble” for potential unclaimed Arctic resources. Although such reports should generally be viewed as exaggerated alarmist warnings, the “high seas” of the Arctic Ocean – defined as areas beyond 200 nautical miles from Arctic costal states northernmost shores – do indeed comprise living resources beyond any state’s national jurisdiction. According to the UN Convention on the Law of the Sea, living resources of high seas belong to no one and could hence be exploited by anyone. The potential for conflicts between states regarding resource harvesting in the Arctic is therefore real. Interstate negotiations on how to regulate living resources in the “high seas” of the Arctic Ocean have been ongoing since 2010. The five Arctic Costal states (USA, Russia, Norway, Canada and Denmark – including Greenland and the Faroe Islands) are actively participating in the negotiations, together with five additional key stakeholders (Iceland, China, South Korea, Japan and the EU) and form the so called 5+5 group. While indigenous peoples have been represented in the delegations from Denmark (Greenland), Canada and the USA, their role have in practice been rather limited as the central part of the Arctic Ocean are very far away from the areas inhabited by these people and no historic rights exists.

The current format of state negotiations is evolving as a two-tier process, where scientists are actively involved. Because the central Arctic Ocean is, so far, permanently covered by ice and hardly accessible, knowledge of the extent and volume of marine organisms populating this area has been identified as an important data gap. Particularly, there is a need to assess the presence and abundance of both Arctic species adapted to this environment and boreal species migrating northwards. A key task in the negotiation process has

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therefore been to establish a joint scientific project, with the long-term goal of assessing the potential for future commercial fisheries. Discussions between scientists from the 5+5 stakeholder group have complemented meetings at the diplomatic level, demonstrating a practical example where science plays a major role in a political negotiation process.

The main fish species known to colonize the high Arctic Ocean is the polar cod Boreogadus saida. Polar cod is a small (<40 cm) mainly benthic fish with low commercial interest and high ecological importance for the ecosystem. Adult specimens seem to be restricted to the shelf region, but younger individuals are frequently encountered in connection with sea ice in the central Arctic Ocean. Despite its relative small size, its ecological importance is great as they can channel up to 75% of the energy between zooplankton and marine birds or mammals. So far, commercial fisheries of polar cod are limited and restricted to Russian waters. Being restricted to shelf regions, it is unlikely that it will extend its distribution into the central Arctic Ocean. As such, its direct economic importance is likely to be low. However, as commercially harvested boreal species, such as Atlantic cod and halibut, expand northwards, the region could possibly become of interest for fishermen from Arctic costal states as well as from other nations with expertise in high-sea fisheries, in particular from Eastern Asia. Through ecological cascading effects, the ecological and economical role of polar cod may also be shifted, with hitherto unknown consequences and influence on future fisheries in the Arctic Ocean.

Negotiating the Arctic Ocean's Living resources

Negotiations to regulate the harvesting of marine living resources in the Arctic Ocean comprise of several conflicting topics. As these negotiations involve resources with potentially significant commercial interest not owned by anyone

and a geopolitically important and highly symbolic region, it appears impossible to take for granted that the process will go smoothly. However, thanks to scientific cooperation and responsible state behavior, the negotiations are taking into account ecological vulnerabilities of the region and the need for maintaining peace and stability. While not concluded yet, signals from the negotiators indicate that a common declaration or agreement can be expected soon, perhaps even in 2017.

In a broader context, these negotiations represent an interesting first example where fisheries regulations could be implemented before harvesting takes place and where the precautionary principle could be applied. This result is also interesting as the participating state actors (+EU) have different interests, and the settlement of an agreement carries a high symbolic value. Why should for example Russia, which through sea and land possessions hold almost 50% of the Arctic, view a tiny stakeholder like Iceland, or the remote high sea fishing nations like S. Korea or China as equal legitimate participants in these negotiations? While the central part of the Arctic Ocean indeed is high seas, great powers like Russia or the US could have acted less constructive in the talks. Similarly, as different national priorities exist with respect to whether the potential resources should be utilized or protected, these obstacles have gradually have diminished. As the years of negotiations have shown, the states have concluded on a multilateral and including approach, giving scientific advice a key role, taking into account the many uncertainties and the vulnerability of the region, rather than only pushing forward narrow national interests. Obviously, further monitoring of the living resources inhabiting the “high seas” of the Arctic Ocean is critically needed to define this precautionary principle.

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