

CONFERENCE EMPHASIZES COOPERATION, NOTES GAPS IN ARCTIC MANAGEMENT

By Bob Tkacz

SEWARD, Alaska--Government and unofficial representatives of the five countries with Arctic Ocean shorelines at a three-day conference here said existing international laws and treaties provide a sufficient framework to address fisheries, other commercial activity, and larger political and environmental questions in the polar sea.

Rejecting the proposition from non-Arctic countries that a new international pact, possibly based on the neutral territory model of the Antarctic should be considered, Arctic diplomats including a US ambassador acknowledged that regional fisheries management organization for the world's northernmost international waters could be necessary.

"We believe that the time has come to prepare for future fisheries in the Arctic on stocks that are shared by two or more nations," said David Balton, US State Department deputy assistant secretary for oceans and fisheries at the "Changes in the Arctic Environment and Law of the Sea" conference here May 20-23.

"It is possible to foresee, for example, the advent of commercial fisheries in the Russian, US and Canadian exclusive economic zones on transboundary stocks in the Chukchi and Beaufort Seas. We need to be thinking now about mechanisms for managing such transboundary fisheries in the future," Balton added.

Balton was one of seven ambassadors, among more than a dozen credentialed diplomats from 12 countries at the conference who also acknowledged continuing disagreements over freedom of access for and control of increasing ship traffic. The event was the 33rd annual conference of the Center for Ocean Law and Policy, a University of Virginia Law School think tank. More than 100 participants from 12 countries ranging from China to Monaco heard panel discussions on maritime boundary, transportation, marine safety and impacts to humans and the environmental.

The views of internationally recognized researchers contrasted with the consensus of cooperation from government officials. US and Canadian academicians warned that laws are only as good as the political will to respect or enforce them and said the speed of ice melt and other physical changes could easily overcome current preparations.

"All of the models that you saw of global warming are linear. They are predicting small amounts of increase in temperature and the effects. None bring into consideration abrupt climate change," Dr. Steven Macko, a University of Virginia geochemist, said during a discussion on environmental issues.

Methane released into the atmosphere as peat in the Arctic permafrost melts could have ten times the effect of carbon dioxide on earth temperature but the prospect is not being closely studied, Macko said. "If there is catastrophic loss of gas hydrate or methane from the Arctic we could see catastrophic change in earth's temperatures," he added.

Macko said he viewed the threat to crab, lobster and clam populations from ocean acidification as a more serious threat than climate change, which is also bringing impacts beyond current expectations. "Conservative" projections for long-term sea level rise in the range of "a few meters" are being replaced by estimates of more than 11 meters in the next century, Macko added.

"We're dealing with a rate of change to a region that is confounding everybody to such a degree that we are going to get it wrong," said Dr. Rob Huebert, associate director of the Center for Marine & Strategic Studies at the University of Calgary.

US and Danish diplomats chided Huebert after he observed that the combination of vast economic gain and increasing military power has commonly resulted in problems. "As a political scientist I looked historically in past for periods with a huge resource base and undetermined borders and asked, What type of environment occurs when you mix those two variables?"

With the exception of the development of the North Sea it is very difficult to find a period in which we do not have political dislocation," Huebert said.

"You seem to want to suggest there's conflict around every corner. I just don't see it," said Balton. Noting more than 150-years of US-Canadian maritime boundary disagreements from the Arctic line to the Strait of Juan de Fuca Balton added, "I don't expect we're going to be heading into any significant conflict over this one."

Thomas Winkler, undersecretary for legal affairs in the Danish Foreign Ministry, said academics should temper dire predictions because of unseen events.

"You have to look what's actually look at what's happening behind the surfaces and I work a lot behind the surfaces, behind the curtains," Winkler said. Unlike US speakers, however, he acknowledged the possibility of international difficulty: "If a conflict did break out I will gladly say, then the diplomats did a lousy job because right now we have all the possibilities for ensuring a peaceful and sustainable development in the Arctic."

Huebert backed his warnings with the substantial expansion of land and sea forces by Arctic nations.

Russia has publicly indicated plans to build at least six, Arctic-capable, carrier battle groups by 2030, Huebert said in a presentation entitled "Cooperation or Conflict in the Arctic." He said Norway has received delivery of three of five Spanish-built, ice-hardened frigates bearing US Aegis missile systems and, last November, announced the purchase of 48, US F-35 stealth fighter planes. Canada is matching Norway's patrol fleet expansion and spending \$720 million on new icebreakers and it and Russia are both expanding land-based Arctic military units and facilities.

"The Norwegians are talking cooperation but building a war-fighting force for the Arctic full stop," Huebert declared.

Among several others, Huebert noted that the adamant and long-held US position that the Northwest Passage above the Canadian mainland is an

unrestricted international waterway could potentially threaten US security interests.

"What happens when an Iranian research vessel decides that it wants to apply for permission under the regime of consent to engage in research in the American EEZ (exclusive economic zone)?" Huebert asked.

A May 2009 report to the Canadian Parliament on challenges facing its coast guard said potential shipping lanes could be ice free in summer "perhaps even by 2015." In this context "ice free" means no longer solidly covered. The report said conditions would be comparable to the St. Lawrence Seaway in winter.

Both the US and Canadian Coast Guards have been already been surprised by the unannounced arrival of large passenger vessels. Last summer a westbound German cruise ship landed some 400 passengers for an unannounced day visit at Barrow. In 1999 the Chinese icebreaker *Xue Long*, or "Snow Dragon," made a surprise visit to the Nunavut village of Tuktoyaktuk.

The 167-meter (550-foot) Snow Dragon, considered the equal of any modern icebreaker, visited the Arctic again in 2003 and serves as the supply transport for two permanent Chinese research stations in Antarctica. No one from the small delegation from the Chinese Arctic and Antarctic Administration spoke on any panel but it delivered a 98-page report on its polar research activities.

Among several speakers from the US military establishment the head of the Coast Guard in Alaska said his attention is focused on more immediate infrastructure questions and the ongoing potential for a human and environmental catastrophe that could result from a single vessel.

"It's going to be ugly unless I can figure this out. I'm not prepared for the Exxon Valdez of the north," said Rear Adm. Arthur Brooks, Alaska district commander, during a panel discussion. Rescue vessels may have to be dispatched from as far away as Kodiak and could take day to arrive at the scene of an emergency or even weeks if they encountered difficult ice conditions.

How long it might take for oil spill clean-up equipment to arrive might not matter, Brooks acknowledged indirectly. "We know what to do with oil on the water. We have a lot of experience with mechanical collection and other things on the water. There are some options for oil on ice, solid ice, getting it, but broken ice is really, really tough," he said.

Macko, the University of Virginia scientist was more direct. "We have no clear way of cleaning up an oil spill in the presence of large amounts of ice," he said.

The US Coast Guard is in the midst of a multi-year waterways analysis to determine what aids to navigation are needed on likely Arctic sea routes and the US Army Corps of Engineers is taking a similar look at the prospects for port construction. Modern technology will reduce the need for floating buoys and other aids to navigation, Brooks noted, but he said funding for any infrastructure "is a Washington-level decision ... as yet unanswered."

"The big question for the northern and western Alaska is the larger one of how much investment is the United States willing to make in the Arctic?" Brooks said.

Several efforts to control Arctic marine traffic are already underway including passage of a Canadian law that will require international vessels 300 tons and larger to report to its Coast Guard before entering the Northwest Passage, which it claims in its entirety as internal, sovereign waters.

To reduce the potential for marine casualties Dr. Aldo Chircop, a professor of international law at Dalhousie University in Halifax, said specified and restricted shipping routes should be identified before the first Arctic sinking. "You can actually trace the history of maritime regulation through the history of marine casualties. That is exactly what we need to avoid," Chircop said.

He noted that MARPOL, the international treaty to prevent pollution for ships, provides for the establishment of marine protected areas and that huge

ocean expanses, including the Baltic and Caribbean Seas, have already received the designation.

Ashley Roach, a retired US Coast Guard captain and State Dept. official said a subcommittee of the International Maritime Organization is finalizing guidelines for vessel standards for Arctic operations that he said are expected to be adopted at its general meeting this fall. New requirements for special training of navigators and other crew on Arctic-bound vessels are also under consideration.

The core players in the Arctic debate are the coastal states of Russia, Canada, Norway, the US and Denmark, through its ownership of Greenland. Their existing 200-mile exclusive economic zones and so-called extended continental shelves (ECS) are believed to hold most of the oil, gas and mineral wealth that is becoming increasingly available.

Finland, Sweden and Iceland are virtually as involved as the other five countries because of their claims east of Greenland where there is no agreed boundary between the North Atlantic and the Arctic Oceans. Most of the rest of the world is interested because of shipping, fishing and security interests. The European Commission issued a statement last May calling on its member nations to support the principles of freedom of navigation in the Arctic.

The multiple overlapping Arctic maritime boundary claims are in various stages of resolution by the Commission on the Limits of the Continental Shelf (CLCS), a part-time panel of 21 international experts who administer a formulaic resolution process established under the United Nations Convention on the Law of the Sea (UNCLOS).

ECS claims beyond currently known limits may be based on what a country considers its most beneficial combinations of optional formulas in UNCLOS based on the sea floor's geographic structure, contours and sediment thickness. The US is believed to have an ECS the size of California off Alaska's coast, but it is ineligible to submit a claim or even to international recognition of its current 200-mile EEZ because the US Senate has not yet ratified UNCLOS.

Under the treaty a country must submit its boundary claims to the CLCS, and accept the panel's recommendations, to allow it to claim international recognition of borders. The CLCS is not a mediation agency and does not consider disputed claims like that between the US and Canada, which has existed since Alaska was purchased in 1867.

Canada sees the maritime boundary as an extension of the land boundary along the 141st Meridian to the North Pole. The land boundary stops at the shore, according to the US, which would get 6,700 square miles of Arctic EEZ under the equidistant line it claims is the maritime boundary.