THE RESOLUTION OF BOUNDARY ISSUES IN THE ARCTIC IS ONLY THE BEGINNING...

The Changing Arctic: Sovereignty, Resources and Security – KCIS 2011 Annual Conference

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Kingston, June 14, 2011
Main Themes

• The Resolution of Boundary Disputes in the Arctic is focal point of all discussions on conflict and cooperation in the Arctic
• Growing interest of Arctic States
• Establishment and Protection of Canadian Arctic Boundaries
• Issues are Overwhelmingly Maritime
• But…the Determination of boundaries is only the first stage… (It is not how big your territory is, but what you do with it..)
Why Care Now?

• The Arctic is a state of massive transformation
  – Climate Change
  – Resource Development – (was up to a high $140+ barrel of oil- now $97/ barrel)
  – Geopolitical Transformation/Globalization
Complicating Factors

• Existing and New Arctic Boundaries are maritime
• Arctic remains isolated, climatic challenging
• Arctic is not uninhabited
  – (Penikett/Roussel reminder)
• Arctic is framed by major powers
• Arctic is becoming “desired” by others
Issue 1: NWP

Issue 2: Beaufort Sea

Issue 3: Continental Shelf

Issue 4: Hans Island/Lincoln Sea

Issue 5: Davis Strait
Boundary Issue 1: NWP

• Canadian position – Internal Waters
• US/EU position – International Strait
• Issue is over Control of Trans-Polar Shipping
• 2 main incidents 1969/70; 1985
  – 1969 *Manhattan* was test run for Alaska Oil
  – 1985 *Polar Sea* was operational voyage
  – 1989 Grounding of *Exxon Valdez*
Northwest Passages
Canadian Policy: NWP

- Joe Clark’s 6 point Arctic Sovereignty Policy 1985
- Canadian Northern Foreign Policy – Chretien, Martin, Harper
- Mandatory Enforcement NORDREG
- Polar Code/IMO
Voyage of Berserk II – NWP 2007
Polarstern 2010
Sovereignty and Lands Claim
New Technologies: Arctic LNG/Ice-Capable Oil Tankers

Source: Samsung
Heavy Industries
Coming Issues

• “Mandatory” Enforcement of NORDREG
  – Is it Canadian rules, or International rules dressed up like Canadian

• Use of Land Claims by communities to “enforce” Canadian claims of Internal Waters

• Growing assertiveness of EU on NWP/NSR

• Impact of Russia efforts to control NSR
Boundary Issue 2: Beaufort Sea

• 1825 St. Petersburg Treaty – UK/Russia
• Has been “managed” by Canada and US
• Overlaps with numerous issues of importance outside of Arctic
• Talks began between US-Canada summer 2011
• Impacts of Norway/Russia settlement
Beaufort Sea Dispute
Canada - US
Maritime Boundary Issues: Oil and Gas
Canada-US - Beaufort Sea Boundary Issue

Map Source:
U.S. Department of Interior
Minerals Management Services
Alaska OCS Region
* Maritime Boundary Lines Added

Source: US Dept of Interior
US Moratorium on Commercial Fishing of the Beaufort Sea - 2009

Cross-hatched regions is claimed by both Canada and the United States.
1984 Western Arctic Claim
Inuvialuit Agreement
ABM – Defence Boundaries Fort Greely – Delta Junction
Coming Issues

• Resource Use – Fishing; oil, gas, gas hydrates; shipping
• Land Claims
• Relationships with local communities/northern peoples
• Defence Relations - ABM
• Impact on Extended Continental Shelf Claims
Issue 3: Extended Continental Shelf

• UNCLOS article 76
  – finished mid – 1970s/officially 1982
• Sovereign rights over soil and subsoil (oil and gas)
• Russia 2007+; Canada 2013; Denmark 2014; US ?
• Must resolve differences peacefully
• Ilulissat Declaration May 2008
Maritime jurisdiction & boundaries in the Arctic

www.dur.ac.uk/ibru/resources/arctic
Canadian Effort/Expected Russian Claim: Article 76
Coming Issues

• Impact on Oil and Gas Development
• Impact on Fishing Management
• Impact on Political Relationship Russia/Denmark/US – Canada
  – “Santa Claus nationality”
• Length of Time for Commission to evaluate submissions (25 years?)
Issue 4: Hans Island and Lincoln Sea

- Lincoln Sea Dispute
  - Technical basis
  - minor impact
- Hans Island
  - Minor impact
  - Does not impact maritime Boundary
  - But illustrates the political and public nature of disputes
  - Canada and Denmark have de facto division
Lincoln Sea Dispute
Canada - Denmark
Hans Island
Land Boundary Dispute: 
Hans Island
Coming Issues

- Limited
- Possible Public Backlash if de facto agreement re-enters media attention
Issue 5: Denmark-Canada Davis Strait

- 1973 Boundary Agreement
  - (Except Hans Islands)
- Discovery of geological indicators of oil and gas
1973 Agreement
Cairn Oil Discovery
Coming Issues

• If oil is discovered; and if the find is substantial; and if geological province does extend to Canadian side – what does Canada do

• Newfoundland vs Nunavut vs Federal

• Resource Development vs Conservation

• Independent Greenland
Conclusion

• New concerns are arising as Arctic is perceived/becoming more accessible
• Issues will be Maritime/Aerospace
• Canada has been preoccupied with resolution/determination of boundaries
• Canada will now need to deal with the real issues