



ARCTIC SECURITY BRIEFING PAPERS

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Ilulissat and Arctic Amity: Ten Years Later

Ten years ago this month, the five Arctic Ocean states issued the Ilulissat Declaration.¹ In it they pledged to rely on existing international law, notably the Law of the Sea,² as the framework through which they would seek the “orderly settlement” of disputes in this rapidly changing region. In a welcome counterpoint to the persistent and sometimes overwrought warnings of a new Cold War set to engulf the Arctic along with the rest of the planet, the Denmark/Greenland governments have promised to host an anniversary meeting (Ilulissat II) commemorating the decade of “peaceful and responsible cooperation in the Arctic” that followed Ilulissat I.

When Danish Foreign Minister Ander Samuelsen insists that “a peaceful and stable Arctic” that “continue[s] on the track of dialogue and cooperation” is a prerequisite for durable northern development,³ he is essentially channeling Mikhail Gorbachev’s 1987 vision of the Arctic as a “zone of peace.” The former Soviet leader’s famous Murmansk speech is still understood to have marked the start of “a new era of Arctic Cooperation.” A recent University of Copenhagen study draws a direct line from that speech to the formation of the Arctic Council in 1996 and to the “mosaic” of regional agreements and institutions that function as “modest venues” for the “practical, low-politics cooperation”⁴ that the Arctic has enjoyed throughout the three post-Cold War decades.

If there is too much of Pollyanna in that account, reminders of Russia’s 2007 planting of a titanium Russian flag on the sea-bed at the North Pole, its determined northern military build-up, the region’s ongoing border disputes, and the competing continental shelf claims under the Law of the Sea, should together be more than enough to acknowledge that the Arctic’s “low-politics” are always in danger of morphing into a new version of the high politics or great game of strategic competition. But the Danes, by most measures the least likely of Arctic states to spearhead a paradigm-shifting initiative, helped to bend the arc of contemporary Arctic history toward cooperation when they hosted one of those modest, low-politics meetings in May 2008 in Ilulissat, Greenland.

The focus at Ilulissat was on the Arctic Ocean, so only the five states bordering on it were invited (Denmark-Greenland, Norway, Russia, United States, Canada), a controversial exclusion of the other three states in the Arctic Council (Iceland, Finland, and Sweden) and indigenous communities. And the meeting acknowledged only the obvious when it emphasized the global reality of climate change and its heightened impact on the Arctic. Its warning of the depth, speed, and impact of that change was also not news, neither to the inhabitants of the Arctic nor to much of the rest of the world. But, the Arctic Ocean Five had become concerned that a prominent feature of the global response was calls for an Arctic Treaty modelled at least somewhat on the 1959 Antarctic Treaty.⁵ They were concerned because a formula for collective action toward a region without any state presence, Antarctica, was unlikely to work in a region dominated by the presence of states, including superpowers, but also because collective global action on an Arctic Treaty would necessarily dilute the influence of the states in the region, and for the less dominant Arctic states it would be a radical dilution of influence over affairs in their own neighborhood.

Hence, the Ilulissat meeting's most far-reaching assertion was its insistence that existing international law was both a necessary and a *sufficient* framework for managing relations among Arctic states and for providing for the orderly settlement of conflicting claims. The Arctic Ocean states were obviously seeking to reinforce order and stability in the region, but they also wanted to head-off calls for an Arctic Treaty heavily shaped by states outside the region.

So, on existing international law as the "necessary" framework, the declaration says:

"...an extensive international legal framework applies to the Arctic Ocean.... Notably, the law of the sea provides for important rights and obligations concerning the delineation of the outer limits of the continental shelf, the protection of the marine environment, including ice-covered areas, freedom of navigation, marine scientific research, and other uses of the sea. We remain committed to this legal framework and to the orderly settlement of any possible overlapping claims."

And on the "sufficiency" of existing international law, the declaration specifically and pointedly added: "We therefore see no need to develop a new comprehensive international legal regime to govern the Arctic Ocean."

The declaration emphasized the Arctic as a region that relies especially on cooperation, notably in ensuring safe navigation and timely emergency responses with credible search and rescue facilities, and promised the collective development of mechanisms and arrangements towards that end:

"Cooperation, including on the sharing of information, is a prerequisite for addressing these challenges. We will work to promote safety of life at sea in the Arctic Ocean, including through bilateral and multilateral arrangements between or among relevant states."

Regional cooperation, including under the Law of the Sea, was understood by all five Arctic Ocean states as serving their vital national interests (that included the Americans, even though they have yet to ratify the United Nations Convention on the Law of the Sea), all recognizing that whatever benefits were to be derived from a more accessible Arctic, they would be available only if the region was one of enduring stability, through cooperation. A 2017 Rand Corporation Arctic study⁶ points out that Russia in particular recognizes the benefits from cooperation, its persistently demonstrated stance in the Arctic, for three main reasons:

"First, the difficulties of operating in such a rigorous environment make it inherently beneficial to collaborate; second, a number of key Arctic issues—oil spills, for instance—are transnational, therefore requiring collective responses; and third, economic development and investments benefit from a peaceful and cooperative environment—a factor of particular importance to Russia, which views the economic development of the Arctic as a key strategic objective."

The ongoing economic and strategic importance of the Arctic inclines Moscow toward reaffirming the Ilulissat Declaration, which it did in the 2016 Foreign Policy Concept of Russia. It declares Russia's "belie[f] that the existing international legal framework is sufficient to successfully settle any regional issues through negotiation."⁷ The University of Copenhagen study, "Learning from the Ilulissat Initiative," thus credits the Ilulissat Declaration with helping to "calm international fears of an unregulated Arctic."⁸

Regional stability depends on the behavior of individual states, on the development of regional institutions or agreements that win legitimacy and the confidence of regional stakeholders, and on global standards. In the Arctic, as elsewhere, regional management takes into account states acting unilaterally in their own interests but tempering that with awareness of and regard for the welfare of the neighborhood. It also increasingly involves collective arrangements and institutions to guide and regulate areas of common concern and responsibility. That dual imperative of national assertiveness and joint regulation has made the Arctic a region

of institutional entrepreneurship. The Arctic Council grew out of that dynamic and, reinforced by Ilulissat, that sense of being a coherent regional entity produced multiple region-wide agreements and institutions to “provide functional solutions to specific challenges.”⁹

Since 2008 and the Ilulissat Declaration there have been multiple examples of such “functional solutions to specific challenges.” The Polar Code of the International Maritime Organization was developed over the course of decades, entering into force in January 2017. It establishes mandatory regulations and standards for vessels operating in ice-covered waters to enhance safety and environmental protection. The Arctic Council brokered two key agreements: the 2011 Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic, and the 2013 Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic. During the 2013-2015 Canadian Chairmanship of the Arctic Council, the Arctic Economic Council was created as an independent organization to facilitate business activity and promote “responsible economic development through the sharing of best practices, technological solutions, standards and other information.”¹⁰ To these can now be added the November 2017 agreement in principle to Prevent Unregulated High Seas Fisheries on the Central Arctic Ocean, involving the five Arctic Ocean states plus Iceland and major fishing states, notably the EU, China, Japan, and South Korea.¹¹

Arctic states acting collectively have found the means, despite the serious differences that dog their relations in other parts of the world, to advance their own interests while also advancing the regional public good. They have managed, say Canadian scholars Heather Exner-Pirot and Robert W. Murray, to establish an “Arctic international society” in which “great powers and smaller powers [have] come together to form an order aimed at promoting norms and institutions not seen elsewhere in the world.”¹² In fact, some observers see in Arctic collaboration opportunities to influence the international strategic environment more broadly. The usual question is, do events and disputes elsewhere, beyond the Arctic, spill over into the Arctic and undermine cooperation there? The Danish study, however, makes the claim that the reverse actually can and does happen – that is, cooperation in the Arctic spills over into other regions and state-to-state relations to ease tensions and promote cooperation and therefore security. “Arctic institutions...have an impact that extends beyond the polar region, as they give Russia and Western diplomats an arena for communicating about broader non-Arctic questions, even as general East-West relations have grown strained since the Ukraine crisis.”¹³

In the meantime, of course, military expansion remains a prominent Arctic reality. But to date the growing military presence has not altered the Arctic’s requirement for, or inclination towards, cooperation, it has also not challenged the pervasive assumption that military power holds little promise as a means to settling regional disputes.

Russia in particular is undertaking a significant military build-up and modernization – that applies to Russian Forces generally, but also to the Arctic. Indeed, the Arctic has always been at the centre of the Soviet Union’s and Russia’s global strategic posture – it is the primary location of its strategic sea-based nuclear deterrent, which operates out of its Kola Peninsula installations. The Arctic is the Northern Fleet’s passage way to the Atlantic and, with changing maritime conditions, its access to the Pacific. The Rand Corporation study characterizes Russia’s Arctic military build-up as supporting its strategic deterrent, but it also places greater emphasis on territorial security, given receding ice coverage of the Arctic Ocean and a more exposed northern frontier. Russia is nevertheless, says the Rand study, “still a long way from reestablishing the level of military capability it had in the Arctic during the Cold War.” In short, Russia’s expansion of military capabilities in the Arctic is consistent with Russia’s overall defence posture, “without signaling any particularly ominous intent in the Arctic.”¹⁴

In one obvious sense there is no foreseeable circumstance in which Russia will not be the dominant military, economic, and political power in the region. Russia has the longest northern frontier, its national economy is heavily linked to its Arctic region (the source of one-fifth of its national production), and the Northern Sea route's navigable season is expanding and as such requires a major system of emergency response and search and rescue centres. With that in mind, Russia's northern military build-up includes a string of airfields with search and rescue facilities from the Pacific side of the Bering Strait at Anadyr and Provideniya, to Cape Schmidt on the Arctic side. From there these airfields and search and rescue centres extend from Wrangle Island, moving east to Peyek, Kotelny Island, Tiksi, and Severnaya Zemlya. From there, at least another eight such facilities extend eastward to the Kola peninsula, the home of the strategic Northern Fleet).

Russia's dominance is a hard reality, and there is no foreseeable prospect of any other Arctic state, or group of states, challenging Russian capacity within the region. That is not a claim of Russian global strategic dominance (its primary claim to global prominence being its nuclear arsenal), but within the Arctic it is dominant, making cooperation with Russia in the Arctic a vital security interest of the rest of the Arctic community of states. Nevertheless, while military prowess can bring important infrastructure benefits to the region, it offers few geostrategic advantages – the extravagantly feared scramble for Arctic resources is still impractical, a point made effectively by Exner-Pirot and Murray:

“The idea of taking Arctic resources by force also defies logic. Those large-scale Arctic developments that have been realized are typically multi-billion-dollar capital investments which require decades-long lifespans to reap returns. Investors do not and will not fund billion-dollar Arctic projects under conditions of significant geopolitical uncertainty, for example where territories are under dispute. It is therefore in everyone's economic interest to maintain a peaceful and stable Arctic region which is rules-based and predictable.”¹⁵

Cooperation is a shared Arctic interest, and for it to endure requires a culture of increasing openness, transparency, and ongoing dialogue. That applies especially to Russian military operations, but also to all other military presence in the region. One way in which military transparency was at least somewhat served was by the annual meetings of the Arctic Chiefs of Defence Staff. Though reportedly valued by all states in the region, those meetings have happened only twice – having been suspended over Russia's action in Crimea.¹⁶ But it is these kinds of exchanges and confidence-building measures are clearly essential, not only to promote understanding of the rationales for military expansion and of the dangers of military mis-steps, but also for exposing the perils and opportunity costs of escalating conflict.

Inclusivity joins cooperation and transparency as another key to Arctic stability. And in the Arctic, inclusivity obviously doesn't only mean states in the region, and stakeholder states and international organizations beyond the region, but means especially indigenous groups for whom the Arctic is home. The Inuit Circumpolar Council was critical of the Ilulissat Declaration as a purely state initiative that failed to recognize the self-government rights of indigenous peoples. When Canada, under the Government of Stephen Harper, hosted a meeting of Arctic coastal states in 2010, again without indigenous involvement, the US Secretary of State Hilary Clinton left the meeting before the closing news conference, having noted that “significant international discussions on Arctic issues should include those who have legitimate interests in the region.”¹⁷ Inclusivity is not optional, and the Danish Foreign Minister has rightly promised that the Ilulissat II conference to mark the 10th anniversary of the Ilulissat Declaration will be an “inclusive meeting.”¹⁸

While Ilulissat II is not expected to produce major new initiatives for Arctic cooperation, if it reaffirms the vision of a Gorbachevian “zone of peace” in the Arctic, where the existing legal framework, notably the UN Convention on the Law of the Sea, will continue to be respected and to guide the orderly management of the region's affairs, then it will still be more than worth the effort.

Notes

¹ <http://www.arcticgovernance.org/the-ilulissat-declaration.4872424.html>

² United Nations Convention on the Law of the Sea, www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

³ Speech to the Conference on the Arctic and SDGs, 01 December 2017. <http://um.dk/en/foreign-policy/the-arctic/the-sdgs-in-the-arctic/speeches/anders-samuelsen/>

⁴ Jon Rahbek-Clemensen and Gry Thomasen, "Learning from the Ilulissat Initiative: State Power, Institutional Legitimacy, and Governance in the Arctic Ocean 2007-2018," University of Copenhagen: Centre for Military Studies, February 2018.

⁵ Jon Rahbek-Clemensen and Gry Thomasen (2018).

⁶ Stephanie Pezard, Abbie Tinstad, Kristin Van Abel, Scott Stephenson, "Maintaining Arctic Cooperation with Russia: Planning for Regional Change in the Far North," Rand Corporation, 2017. https://www.rand.org/pubs/research_reports/RR1731.html

⁷ Anders Bjørn Larsen, "The Ilulissat Declaration ten years on," YATA Denmark, 26 October 2017. <http://yatadk.com>

⁸ Jon Rahbek-Clemensen and Gry Thomasen (2018).

⁹ Jon Rahbek-Clemensen and Gry Thomasen (2018).

¹⁰ <http://arcticeconomiccouncil.com/about-us>

¹¹ <http://www.thesimonsfoundation.ca/projects/arctic-security-briefing-papers>

¹² Heather Exner-Pirot and Robert W. Murray, "Regional Order in the Arctic: Negotiated Exceptionalism," The Arctic Institute and the Danish journal *POLITIK* (Vol. 20, No. 23, 2017). <https://tidsskrift.dk/politik/issue/view/6917/showToc> or <https://www.thearcticinstitute.org/regional-order-arctic-negotiated-exceptionalism/>

¹³ Rahbek-Clemensen and Gry Thomasen (2018).

¹⁴ Stephanie Pezard, Abbie Tinstad, Kristin Van Abel, Scott Stephenson (2017).

¹⁵ Heather Exner-Pirot and Robert W. Murray (2017).

¹⁶ Heather Exner-Pirot and Robert W. Murray (2017).

¹⁷ Rahbek-Clemensen and Gry Thomasen (2018).

¹⁸ Martin Breum, "Ilulissat Two, Why Greenland and Denmark are inviting Arctic governments back this May," *High North News*, 26 February 2018. <http://www.highnorthnews.com>