

# The Pivot to the Arctic

## A Draft of White Paper for the Trump Administration

by Alexander Murinson (November 2016)



This paper will outline why the new Trump administration should pivot its global policy towards North, namely the Arctic region. It will provide recommendations about what measures the Trump administration should undertake in pursuing this “pivot to the North policy.”

### Background

Control over the Global Commons is going to be the defining feature of international politics in the 21<sup>st</sup> century. Experts predict that as early as 2040 due to global warming, a significant part of the Arctic Ocean will be free of ice, which will greatly facilitate the extraction of natural resources from the sea bottom and reduce the cost of global transportation. Chairman of the international organization for assessment of the impact of human civilization on the Arctic climate Robert Corell said recently that according to his calculations, “by 2050 the Northern Sea Route will be open 100 days a year instead of just twenty.” Global warming leads to thinning and possible disappearance of ice cover in polar region, both Arctic and Antarctic.[\[1\]](#) Since then the US National Snow and Ice Data Center confirmed that May’s this year ice extent is also the lowest ever recorded. This trend will re-shuffle American

strategic priorities and global policy. If now the Suez Canal remains one of the key global choke points, its significance is bound to decrease.<sup>[2]</sup> The focus of US global needs to be re-adjusted in view of this major geopolitical trend.

### **Race for the Arctic**

Nations across the world are hurrying to stake claims to the Arctic's resources, which might be home to 13 percent of the world's undiscovered oil and 30 percent of its untapped natural gas. There are emerging fisheries and hidden minerals. Cruise liners filled with tourists are sailing the Arctic's frigid waters in increasing numbers. Cargo traffic along the Northern Sea Route, one of two shortcuts across the top of the Earth in summer, is on the rise.

The U.S., which held the two-year rotating chairmanship of the eight-nation Arctic Council in 2015, has not ignored the Arctic, but *critics say the U.S. is lagging behind the other seven: Russia, Norway, Sweden, Finland, Iceland, Canada and Denmark, through the semiautonomous territory of Greenland.*

"On par with the other Arctic nations, we are behind – behind in our thinking, behind in our vision," Sen. Lisa Murkowski, R-Alaska, said. "We lack basic infrastructure, basic funding commitments to be prepared for the level of activity expected in the Arctic."

At a meeting before Thanksgiving with Secretary of State John Kerry, Murkowski suggested he name a U.S. ambassador or envoy to the Arctic – someone who could coordinate work on the Arctic being done by more than 20 federal agencies and take the lead on increasing U.S. activities in the region.

Murkowski is trying to get Americans to stop thinking that the Arctic is just Alaska's problem. "People in Iowa and New Hampshire need to view the U.S. as an Arctic nation. Otherwise when you talk about funding, you're never going to get there," Murkowski said. She added that even non-Arctic nations are deeply engaged, while the United States has three aging icebreakers. While developing nations such as India and China are investing in icebreakers.

*The melting Arctic also is creating a new front of U.S. security concerns.*

*Earlier this year, Russian President Vladimir Putin said expanding Russia's military presence in the Arctic was a top priority for his nation's armed forces. Russia this year began rehabilitating a Soviet-era base at the New*

*Siberian Islands and has pledged to restore a number of Arctic military air bases that fell into neglect after the 1991 collapse of the Soviet Union.*

*Putin said he doesn't envision a conflict between Russia and the United States, both of which have called for keeping the Arctic a peaceful zone. But he added, "Experts know quite well that it takes U.S. missiles 15 to 16 minutes to reach Moscow from the Barents Sea," which is a part of the Arctic Ocean near Russia's shore.*

While the threat of militarization remains, the battle right now is on the economic level as countries vie for oil, gas and other minerals, including rare earth metals used to make high-tech products like cellphones. There also are disputes bubbling up with environmental groups that oppose energy exploration in the region; Russia arrested 30 crew members of a Greenpeace ship in September after a protest in the Arctic.

China signed a free trade agreement with tiny Iceland this year, a signal that the Asian powerhouse is keenly interested in the Arctic's resources. And Russia is hoping that the Northern Sea Route, where traffic jumped to 71 vessels this year from four in 2010, someday could be a transpolar route that could rival the Suez Canal.

In the U.S., the Obama administration is consulting with governmental, business, industry and environmental officials, as well as the state of Alaska, to develop a plan to implement the U.S. strategy for the Arctic that President Barack Obama unveiled seven months ago.

The United States government made an incremental progress in pursuing its Arctic policy. Since the late 1990s and the early 2000s, the United States, without encountering any serious opposition concentrated its main efforts on the gradual limitation of opportunities for all competitors in the Arctic. The American anti-missile defense, which has its command and control Center in Alaska and its radars – in Greenland and Britain is a major contribution to securing its strategic interest in the Arctic. The United States shares with Norway its satellite communications center, located in the village of Longyearbyen on Svalbard, and designed to collect information from Polar orbiting environmental and weather satellites.

In September 2007, the US National Research Council on the instructions of the

Congress prepared a report, which states that "due to the geographical location of the Alaska, the United States is an Arctic country with significant geopolitical, economic, scientific and security interests in the Arctic, and therefore the interests of the United States the region need to be protected." The document also stresses that "the potential expansion of human activity in northern latitudes are likely to require the services the US Coast Guard to strengthen its presence on the borders of the ice cover to carry out missions in the area of security and law enforcement nature."

Currently 24 thousand US troops are stationed in Alaska, where three bases exist: Army (Ground Forces), and three Air Force bases, as well as several facilities of the Coast Guard. US icebreaking fleet consists of 3 ships ( "Healy" class and two of the "Polar" class). These ships belong to the 13th District of U.S. Coast Guard and based in Seattle (WA). However, it is believed that these forces are not sufficient. In 2008, US government allocated only US \$ 8.726 billion. fort the needs of the Coast Guard, US \$100m. Of which are intended for maintaining and operating the polar icebreakers. The goal was to increase the number of U.S. Coast Guard from the current 40 thousand To 45 thousand men.

Earlier in 2008, Defense Advanced Research Projects Agency (DARPA), which controls the allocation for defense projects, with a budget of 3.2 billion dollars, held a meeting on the possible consequences of warming in the Arctic. The experts concluded that if climate trends would continue, "perhaps the United States and other countries will have to address a number of foreign policy issues. This identification of the presence of energy and their production capabilities; development of fisheries; access to new sea routes; new claims under the law of the sea; national security and so on." DARPA conducted a competition for the creation of technologies that would assure the United States' military superiority in the polar regions. As a part of the build-up of the US presence in the North, a catalog of small-scale maps of the Arctic- both of the surface and underwater – is being created. For this purpose, accordingly, in August 7, 2007, the director of the Center for Coastal and Ocean mapping at the University of New Hampshire, has been actively using the information obtained by sonar studies of the seabed.

In 2008, an expedition was organized by one of America's leading centers of Oceanology – Woods-Hole Institute in Massachusetts. The official goal of US

scientists, sent from Norway to the Gakkel Ridge on board the Odeon, was no less “scientific than that of their Russian colleagues”: they are looking for “micro-organisms in hydrothermal fields of the ocean.”

## **The Arctic Ocean**

The 1.1 million square miles of open water north of accepted national boundaries – dubbed the Arctic Ocean “donut hole” – is considered the high sea and is therefore beyond the Arctic states’ jurisdictions.

As the Arctic ice melts, the area is predicted to become a center of strategic competition and economic activity. Last year, China signed a free trade agreement with Iceland and [sent](#) an icebreaker to the region despite having no viable claims in the Arctic.

The contested sovereignty claims over the waters may complicate future shipping through the region: the Canadian government considers the Northwestern Passages part of Canadian Internal Waters, but the United States and various European countries maintain they are an international strait and transit passage, allowing free and unencumbered passage. If, as has been claimed, parts of the eastern end of the Passage are barely 15 metres (49 ft) deep, the route’s viability as a Euro-Asian shipping route is reduced.

### *Wildly rich*

The region is stocked with valuable oil, gas, mineral, and fishery reserves. The U.S. [estimates](#) that a significant proportion of the Earth’s untapped petroleum – including about 15% of the world’s remaining oil, up to 30% of its natural gas deposits, and about 20% of its liquefied natural gas – are stored in the Arctic seabed.

And in terms of preparation, America is [lagging behind](#) its potential competitors.

In front is Russia, which symbolically placed a Russian flag on the bottom of the Arctic Ocean near the North Pole in 2007. The country, one-fifth of which lies within the Arctic Circle, has by far the most amount of developed oil fields in the region.

### *Russia’s increasing advantage*

Shipping throughout the Arctic will also take on unprecedented importance as the ice recedes – and the Kremlin has a plan for taking advantage of this changing geography.

CFR notes that many observers “consider Russia, which is investing tens of billions of dollars in its northern infrastructure, the most dominant player in the Arctic.”

Russia wants the Northern Sea Route, where traffic jumped from four vessels in 2010 to 71 in 2013, to eventually rival the Suez Canal as a passage between Europe and Asia. And it could: The Northern Sea Route from Europe to Asia takes only 35 days, compared to a 48-day journey between the continents via the Suez Canal.

At first stage, this will open the Arctic region for all year navigation. This gives Russia, the country with longest maritime Arctic border, a tremendous advantage in providing shipping and collecting passage and customs fees from international shipping as the Arctic becomes suitable for navigation without a need for ice-breaker fleet.

## **Issues**

### *The US-Canada Contestation of the Arctic*

Thawing ocean or melting ice simultaneously opened up the Northwest Passage and the Northeast Passage (and within it, the Northern Sea Route), making it possible to sail around the Arctic ice cap. Awaited by shipping companies, this ‘historic event’ will cut thousands of miles off their routes. Warning, however, that the NASA satellite images indicated the Arctic may have entered a “death spiral” caused by climate change, Professor Mark Serreze, a sea ice specialist at National Snow and Ice Data Center (NSIDC), USA, said: “The passages are open. It’s a historic event. We are going to see this more and more as the years go by.”

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eastern end of the Passage are barely 15 metres (49 ft) deep, the route's viability as a Euro-Asian shipping route is reduced.

Canada pays attention to the Arctic it deserves. According to a former Prime Minister of Canada Stephen Harper, "the issue of sovereignty in the Arctic – it is not an issue." "This is our country. This is our property. It is our sea. Arctic – Canada," he said. Under the pretext that Russia had planted its flag at the bottom of the Arctic Ocean near the North Pole, Ottawa has committed itself to update the already deployed Canadian military facilities in the Arctic. Canadian authorities declared their intention to build in the Arctic, the first Canadian port, that will be able to serve deep-sea vessels. Training facilities in the village of Resolute were created to train Canadian troops to operations in arctic conditions.

In the late 1950s, Canada laid claim to the North Pole. Then the International Court of Justice ruled that the territory belonged to that country if, within 100 years, no one can prove that the Arctic Ocean belongs to other states. In 1977, Ottawa announced the straits between the northern Canadian islands the territorial waters of the country. The United States made a counter-claim that these straits are international waters and, therefore, they can be navigated without any limitation. In the mid-1980s between a diplomatic scandal broke out between the two neighboring countries, when the US Coast Guard cutter tried to pass in one of these passages. As the result, in 1988 an agreement between Washington and Ottawa was signed, according to which the US Coast Guard can use this northern route after notifying of the Canadian authorities. And as an argument in favor of his point of view on the Straits problem in Canada last year spent the most extensive in the history of the country's military exercises in the Arctic.

Currently, Ottawa is planning to spend \$7 billion USD for the construction and maintenance of the eight Arctic patrol ships. As the result, the Coast Guard of Canada, that possesses 17 icebreakers, will receive significant reinforcements. The ex-Canadian Prime Minister stressed that "this is intended to strengthen Canadian sovereignty in the Arctic." In addition, the number of border guards contingent increase by 900 people in the region.

The Government of Canada has sent to the Arctic some of their warships. They will patrol areas that Ottawa considers its territorial waters. In addition, it

is ill-concealed demonstration of intentions: Ottawa makes it clear that the Arctic is a zone of its vital interests, including in disputes with Copenhagen.

### *Legal Handicap*

UNCLOS is becoming a powerful legal mechanism for making and contesting claims in the Arctic. Even Arctic Council (a talking shop for governments with territories inside the Arctic Circle, and others who attend as observers) became much more influential and one of the few remaining border disputes there (between Norway and Russia) was settled. Russia is planning to use the legal weapon, using UNCLOS and the Arctic Council, to pursue its claims in the Arctic. Denmark has staked a claim to the North Pole, too. On December 15th, 2014, it said that, under the UN Convention on the Law of the Sea (UNCLOS), some 900,000 square kilometres of the Arctic Ocean north of Greenland belongs to it (Greenland is a self-governing part of Denmark). The timing was happenstance. Claims under UNCLOS have to be made within ten years of ratification—and the convention became law in Denmark on December 16th 2004. But its claim conflicts with those of Russia, which has filed its own case under UNCLOS, and (almost certainly) Canada, which plans to assert sovereignty over part of the polar continental shelf. The United States as non-UNCLOS nation can face problems in the future in pursuing its national interest in the Arctic.

### *Lagging behind in Arctic Fleet*

The funding battle often focuses on icebreakers. The Coast Guard has three: the medium-duty Healy, which is used mostly for scientific expeditions, and two heavy icebreakers, the Polar Sea and Polar Star.

Both heavy icebreakers were built in the 1970s and are past their 30-year service lives. The Polar Star, however, was recently given a \$57 million overhaul, was tested in the Arctic this summer and currently is deployed in Antarctica. About \$8 million has been allocated to study the possibility of building a new icebreaker, which would take nearly a decade and cost more than \$1 billion. In the meantime, lawmakers from Washington and Alaska want Congress to rehabilitate the Polar Sea too.

“A half-century after racing the Russians to the moon, the U.S. is barely suiting up in the international race to secure interests in the Arctic. Russia, Canada and other nations are investing heavily,” Rep. Rick Larsen, D-Wash.,



wrote in an op-ed published earlier this month. “We are behind and falling farther back.”

## **Recommendations**

A US strategy in the Arctic, under the Trump administration, should embrace a synergy of three reinforcing components. These are political component; legal component and practical or power projection component.

### *Political component*

In view of growing discrepancies between interests of US and Canada in the Arctic zone and competing claims with Denmark, US will be advised to pursue of policy of engagement with Norway since their national interests are aligned in the region. Russia obviously is adopting confrontational posture vis-à-vis Western countries of the Arctic basin. This issue should be confronted accordingly.

### Legal component: Joining UNCLOS

All of the uniformed services—and especially the U.S. Navy—are solidly behind UNCLOS. American military leaders have always been discriminating when it comes to treaties, traditionally resisting those (like the Rome Statute of the ICC) that might put U.S. servicemen and women at risk. But they support UNCLOS because it will *enable*, rather than complicate, their mission. Because the United States was the principal force behind the negotiation of UNCLOS, it contains everything the U.S. military wants, and nothing that it fears.

The treaty’s primary value to the U.S. military is that it establishes clear rights, duties, and jurisdictions of maritime states. The treaty defines the limits of a country’s “territorial sea,” establishes rules for transit through “international straits,” and defines “exclusive economic zones” (EEZs) in a way compatible with freedom of navigation and over-flight. It further establishes the “sovereign inviolability” of naval ships calling on foreign ports, providing critical protection for U.S. vessels. More generally, the treaty allows states party to exempt their militaries from its mandatory dispute resolution provisions—allowing the United States to retain complete military freedom of action. At the same time, the treaty does nothing at all to interfere with critical U.S.-led programs like the Proliferation Security Initiative (PSI). Nor

does it subject any U.S. military personnel to the jurisdiction of any international court.

Some have argued that UNCLOS has already become “customary international law,” and thus the United States has little to gain from formal accession. But custom and practice are far more malleable and subject to interpretation. Other states may soon push the Law of the Sea into new, antithetical directions if the United States does not ratify the treaty. China, a party to UNCLOS, rejects U.S. interpretations of the treaty’s freedom of navigation provisions, and continues to assert outlandish claims to control over virtually the entire South China Sea. But it is hardly alone. Countries as diverse as Brazil, Malaysia, Peru, and India have resisted freedom of navigation within their EEZs, in contravention of their obligations.

As it has for years, the United States Navy regularly conducts Freedom of Navigation Operations (so-called FONOPS) to challenge excessive claims of territorial exclusivity. But as non-party to the treaty, the United States lacks any legal standing to bring its complaints to an international dispute resolution body. More broadly, U.S. Navy and Coast Guard officials complain, non-membership complicates everyday bilateral and multilateral cooperation with scores of international partners.

If these security benefits were not enough, the U.S. business community is unified in its support for the treaty for two reasons. First, UNCLOS would protect U.S. rights to sole commercial exploitation to all resources on and under its extended continental shelf (that is, beyond two hundred miles). This area—estimated to be twice the size of California—is rich in oil, gas, and other exploitable resources. Second, accession to the treaty would allow the United States to sponsor its own national companies to engage in deep sea-bed mining. Last week, the chairman of Lockheed Martin sent a strongly worded letter to the Senate saying his company wanted to join the race for undersea riches, but could not assume investment risks until it was clear that it would have a clear legal title to its findings.

#### *Practical or power projection component*

The new administration should focus its efforts on creating a formidable polar fleet with new basing and maintenance facilities in order challenges of

international competition in the Arctic. The Council on Arctic Future should be formed that would combine Federal and private, non-profit sectors to formulate and monitor a cohesive and multi-pronged strategy on the Arctic, so the United States in this new race for the last frontier would not find in the position of the last to know.

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[1] It is not just over the Arctic Ocean that weather records are being broken. The warm weather has been apparent across much of the landmass within the Arctic Circle. The Barrow Observatory in Alaska, latitude 71.3 degrees north, just 3km from the shores of the Arctic Ocean, became snow-free on May 13, 2016. This is the earliest snow-free date in 74 years of record-keeping. Similar snow and ice melts are taking place across Canada and Russia, causing disruption to road transport as ice routes have melted. On Svalbard, the Norwegian archipelago between Norway and the North Pole, it is a similar story. The weather station at Svalbard Airport, 4km from Longyearbyen, has reported above-average temperatures for every month for more than one year. Not just marginally above average either; the most extreme example is February this year, when the average was -5.6C compared with a long-term average of -16.2C.

[2] The fastest way to get cargo from China to the U.S. East Coast is first by ship (15 days from China to the West Coast) and then by rail (six days from the West Coast to the East Coast), for roughly 21 days; more than 75% of U.S. imports from Asia reach the country via intermodal means, compared with 19% of all exports through the canal, which takes 26 days. Source: *The Economist*, October 2014.

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