

Territorial Claims in North Polar Maritime Zone in View of International Security

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The main feature of the political relations, developed among the coastal states with strong interests over the North Pole region and the Arctic Ocean, have been the frequent interstate disputes over the last fifty years, as well as the efforts of these Arctic states during this period to cooperate in so that the sovereignty and sovereign rights of each coastal state over this region turn into a common benefit for the entire international community. Consequently, sovereignty and sovereign rights are considered fundamental factors for interstate relations in the Arctic Ocean region, for which coastal states have historically been willing to engage in political or military conflicts. The Arctic Ocean, including North Pole maritime region, is governed by customary international law and the law of the sea, which are largely represented by UNCLOS (1982) and the Geneva Conventions on the Law of the Sea (1958). Four Arctic coastal states, Canada, Norway, Denmark, and Russia have ratified these international conventions, while the US accepts its main provisions as norms of

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customary international law, but is also in the process of ratifying UNCLOS. The purpose of this article is to analyze and discuss the legal, practical, and political situation regarding the delimitation of maritime zones in the North Pole region and the Arctic Ocean, addressing interstate disputes over the major economic, strategic and geopolitical interests of this maritime area in the context of international security.

1. INTRODUCTION

UNCLOS specifies that coastal states may have sovereign rights over the extended continental shelf if the natural extension of the main continental part of the states towards the ocean depths is scientifically proven. As a result, the width of the continental shelf in the Arctic Ocean can extend from the baseline toward the high seas up to 350 miles. This legal situation has caused significant implications for the Arctic region, which have come as a result of the overlap of the EEZ maritime areas and the continental shelf between Russia, the US, Canada, and Denmark. Moreover, the adoption of UNCLOS legal norms has also caused many issues with the legal status of the Northwest Passage, a strategically important region for the global security and international shipping, as well as for the sovereign rights over maritime zones and the ocean area of the North Pole, which in addition to the considerable natural resources it possesses, also reflects a great symbolic, nationalist, and political significance for the Arctic states¹.

The developments of the last fifty years in the international system have shown that interstate relations in the Arctic region

1. Byers, Michael. *Understanding Sovereignty Disputes in the North: Who Owns the Arctic?*, Vancouver/Toronto, D & M Publishers Inc, 2009 74-85.

have been characterized by progressive crises, voluntary crises, as well as maritime cross-border disputes with considerable impact on the international system. The interstate conflicts that characterize the Arctic Ocean region, which includes the North Pole maritime area, relate mainly to the sovereignty and sovereign rights over the maritime zones defined in UNCLOS, as well as to the jurisdictional control over the Northwest Passage, which represents important political, economic, and strategic interests for the Arctic states. In recent years, interstate conflicts in the Arctic region have escalated due to disputes over the exploitation of natural gas and oil reserves discovered under the Arctic Ocean's seabed which, according to US Geological Survey, are estimated at about 90 billion barrels of oil², that are converted into billions of dollars in profits. These interstate disputes involve powerful actors of the international system, such as the United States, Canada, Russia, Norway, and Denmark, who have displayed their political and military strength in exercising sovereignty and sovereign rights over maritime areas, only recently freed from the Arctic polar ice caps.

The essence of these disputes, in light of the influence of marine technology and global warming, also includes the protection of the marine environment and the fragile ecosystem of the Arctic Ocean. The environmental protection has been taken into account by the Arctic states in the context of exploiting the major economic opportunities, presented as a result of the immediate melting of the ice of the Arctic maritime region. The safety and environmental issues is to a great extent resolved by the IMO International Code for Ships Operating in Polar Waters (Polar Code), adopted in 2014 by IMO and entered into force in 2017. The main purpose of the Polar Code "is to provide for safe ship operation and the protection of the polar environment by addressing the risks present in the polar waters and not adequately mitigated by other instruments of the IMO"³. Polar Code "has been developed to increase the safety of ships operation and mitigate on the people and environment in the remote, vulnerable, and potentially harsh polar waters of the Arctic"⁴. Apart from the recently adopted Polar Code, which reflects environmental protection issues and is yet to be proven efficient, the Arctic experts and international scholars and politicians, taking into account the above-mentioned factors, point out that the contradictory legal norms of a maritime nature governing human activities in the Arctic Ocean region, as well as historical disputes between states over natural resources and strategic factors reflecting the concrete region, have resulted in the emergence of a conflict situation between the Arctic states,

which in certain periods of time has been reflected in a certain degree of threat and danger towards the stability, peace, and order for regional and international security.

2. INTERNATIONAL RELATIONS AND NATIONAL INTERESTS IN THE ARCTIC OCEAN

Sovereign rights over certain maritime zones of the Arctic Ocean are of fundamental importance for the reason that this region of great economic and strategic values, is becoming a central issue for international relations in general. The political decisions of the Arctic states, taking into account the importance that this region currently presents and its values in the future, are considered fundamental to the role and reputation of Russia, the United States, and Canada in the international system. Cooperation or disputes between these countries, regarding maritime zones and legally defined by UNCLOS, are an important indicator of the international political developments. The decision-making of these states regarding the protection of the sensitive Arctic ecosystem, the reduction of the effects of global warming, the resolution of interstate conflicts, and the management of political-strategic balances in NATO-Russia relations may affect regulation, destabilization, or maintaining the status quo in the international relations system, contributing as a result towards the respective consequences for the international system and world's politics. In this context, unblocking the Arctic Ocean's navigation routes and optimizing the natural resources of the North Pole maritime region could lead to intensification of interstate competition in the region. In a more increasingly open and multiple-use Arctic Ocean, political situations will depend on how regional states will legally define their maritime boundaries, as well as on the exercise of the national authority to enforce domestic legislation. If the status quo continues in the future, then the clearly undefined rights and obligations of states over the Arctic maritime zones could lead to deep-seated disputes and possibly conflicts of a military nature.

The Arctic Ocean region has historically been characterized by a considerable number of interstate incidents of a political and military nature. In February 2009, two military bombers of the Russian Armed Forces departed from Engels Air Base towards the international airspace of the Arctic Ocean, then headed over the Barents Sea, to the Svalbard Islands, around the North Pole, and took the direction south over the Beaufort Sea. During this time, in response to this serious provocation, two Canadian military aircraft took off in flight from Cold Lake Air Base located in Northern Alberta. They confronted Russian military aircraft over the Beaufort Sea, about 200 km north of the Meckenzie River estuary, conducting air manoeuvres that could not be considered peaceful and, in the spirit of friendly interstate cooperation. Canadian Defense Minister Peter MacKay, in connection with this incident, stressed that this provocation of the Russians occurred a

2. US Geological Survey 2008-3049, "Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle". <https://pubs.usgs.gov/fs/2008/3049/fs2008-3049.pdf>. Accessed 6 April 2022.

3. IMO, *International Code for Ships Operating in Polar Waters*, Preamble, p.5, London, IMO Publishing 2015 Edition.

4. IMO, *International Code for Ships Operating in Polar Waters*, Preamble, p.5.

day after the visit of US President Barack Obama to the Canadian capital Ottawa. Later, when asked by Canadian Prime Minister Stephen Harper about the incident, he noted that Russian planes had violated Canadian airspace, endangering relations between the two countries and creating a tense situation for the two countries' armed forces⁵.

On the other hand, Russian Defense Minister Serdyukov, expressed the concern of the Russian government over the comments of Canadian Prime Minister Harper, taking an unusual step by publishing a provocative article in the American newspaper National Post. He wrote that Canada's aggressive tones were troubling because they could trigger the start of a cold interstate war, and that these political statements place counterproductive and unnecessary restrictions on the development of good neighbourly relations⁶. This incident shows quite well the intention, tendency, and aggressive attitude of countries like Russia to appropriate as much maritime space and marine natural resources in the Arctic, using the concept of power based on the realistic approach, as well as the willingness to confront militarily other countries in order to achieve their ultimate objective⁷.

The possession of sovereignty or sovereign rights over the maritime areas of the Arctic Ocean, based on UNCLOS legal concepts, is considered of great importance, given the considerable natural resources available to this oceanic region. In addition to data provided in 2008 by USGS and US Department of Interior, in May 2009 the U.S. Geological Survey released some other startling data on natural gas and oil resources in the northern Arctic Circle which, according to the institution, contains 83 million barrels of oil that are sufficient to meet current needs of the world market for three consecutive years, and 44 trillion cubic meters of natural gas, or the supply of the world market for fourteen consecutive years⁸. Most of these natural resource reserves are located in ocean areas legally uncontested by the Arctic border states, but again, the existence of the rest of the resources is considered a sufficient reason to rekindle old interstate conflicts or further strain difficult relations existing between the regional Arctic states. Currently the interstate conflicts that characterize the Arctic region have prevented some oil and natural gas drilling companies from operating in the disputed offshore areas between Canada, Norway, Denmark, the US, and Russia. Canada is characterized by interstate conflicts over the determination of maritime zones according to UNCLOS, including two important maritime border issues in the Arctic Ocean. One of these conflicts is with Denmark, and has to do with

the sovereign rights of a 220 km² ocean area in the Lincoln Sea⁹. The next most important conflict is the dispute with the US over an ocean area of 21,436 km in the Beaufort Sea¹⁰. Another political and military dispute is also considered the conflict between the US and Canada over the legal status of the Northwest Passage that pervades the archipelago of the northern islands under Canadian sovereignty. The US considers this sea route, according to UNCLOS, an international strait, while Canada, based on the national legislation, as part of its inland waters¹¹.

3. LEGAL STATUS OF NORTHWEST PASSAGE VS MARITIME CONFLICTS

The Northwest Passage is a network of sea lanes that penetrate the territory of the Upper Canadian Arctic, an archipelago of about nineteen thousand islands and a very large number of overwater cliffs. In 2004 the Arctic Climate Impact Assessment Authority reported that the average extent of the ice-covered area in the Northwest Strait had shrunk by 20% over the past thirty years¹². This phenomenon is thought to accelerate, so that after a few decades, the ice covering parts of this strait may completely melt during the summer season. Therefore, apart from the fact that transoceanic ships continue to sail during the spring-summer period, very soon the Northwest Strait will be navigable throughout all the months of the year for all merchant, industrial, and military ships. Consequently, maritime industry is forced to use the strait for its large ships because it offers a more economical route between East Asia and the Atlantic Ocean, which shortens the shipping route by about 7,000 km, shortening the voyage time, fuel, as well as shipping charges and fines¹³. The Strait's deep-water canal can also accommodate heavy industrial ships and aircraft carriers, which cannot use the Panama Canal because of their size. The passage waters after 2017 are governed by the IMO Polar Code which reflects mandatory safety and environmental protection legal norms for merchant ships navigating through this strategic and economic viable waterway of the Arctic¹⁴. The Code's introduction has assisted Arctic states to cooperate and harmonize their efforts towards the eradication of marine pollution in this sensitive area. Nevertheless, the Polar Code requires a ship owner to ensure that officers on SOLAS

5. Byers, *Understanding Sovereignty Disputes in the North: Who Owns the Arctic?*, 3
6. Byers, *Understanding Sovereignty Disputes in the North: Who Owns the Arctic?*, 3-4.
7. Klein, Natalie. *Dispute Settlement in the UN Convention on the Law of the Sea*, Cambridge University Press, 2009, 45.
8. Byers, *Understanding Sovereignty Disputes in the North: Who Owns the Arctic?*, 10.

9. David H. Gray, "Canada's Unresolved Maritime Boundaries," *IBRU Boundary and Security Bulletin*, 5(3), (Autumn 1997): 61.
10. Karin L. Lawson, "Delimiting Continental Shelf Boundaries in the Arctic, The United States-Canada Sea Boundary," *Virginia Journal of International Law* 22, (1981): 221.
11. Franklyn Griffiths, ed., *Politics of the Northwest Passage* (Kingston & Montreal: McGill-Queen's University Press, 1987), 122-124.
12. "National Snow and Ice Data Centre (U.S)," accessed January, 21, 2020, : <http://www.nsidc.org>.
13. Byers, *Understanding Sovereignty Disputes in the North: Who Owns the Arctic?*, 40.
14. IMO, *International Code for Ships Operating in Polar Waters, preamble, Part I-A, Part II-A*.

ships operating in polar waters have completed special training and have the necessary competence to carry out their duty (Article 12), as well as including certain acts and prohibitions for ships while operating in polar waters regarding ship safety and pollution prevention¹⁵.

Moreover, according to the Code in Part II-A, MARPOL ships must comply with operational environment requirements which prohibit any discharge of oil, liquids, sewage, and garbage in polar waters and other limitations. The implementation of these stringent technical legal limitations, introduced by the Polar Code, an extra financial burden for the shipping industry, might have some implications regarding the relationships between Canada and other states whose flag ships navigate in the Northwest Passage, considered by Canada as part of its internal waters, based on UNCLOS' legal principles. The use of this particular strait for navigation of military ships may also have some other implications for Canada's national security and the legal status of the strait under the law of the sea. The legal dispute between Canada and the United States over the Northwest Strait is not related to Canada's sovereignty over the Strait, but to its legal status and the freedom of navigation of foreign ships.

The United States has historically considered the Strait, which crosses thousands of legally undisputed Canadian islands, as a region that, according to UNCLOS, meets the international Strait's legal criteria because it connects the Atlantic and Pacific Oceans as international waters, thus enabling their use for the international navigation of ships. According to the US interpretation, Canada, although it has sovereignty over the waters of the Strait, should allow foreign ships to exercise the right of transit passage under the customary law of the sea and UNCLOS¹⁶. Contrary to the US position, Canada has stated that it considers the Strait as part of Canadian internal waters, as well as inland rivers within the territory, such as the River Ottawa or Lake Winnipeg. Based on the Canadian point of view, foreign warships sailing in the Northwest Strait must obtain permission from the Canadian authorities before sailing towards it, being fully subject to the laws of Canada's domestic law. For decades during the twentieth century, this legal issue was hardly raised in Canada's relations with the rest of the world, including the United States, because the strait was closed to shipping due to Arctic ice blocking navigation routes. However, in recent years, with the melting of Arctic ice, the waterways of the Northwest Strait are free during the summer, thus enabling foreign ships to sail in its internal waters.

Nevertheless, the roots of the interstate conflict over the legal status of the Northwest Strait lie in the historical developments of the region. During the 1970 Canada officially

declared that the Arctic canals and straits passing through its northern islands, based on the legal provisions of the Geneva Conventions (1958), and later UNCLOS, were considered historic internal waters. Under international law, the state issuing such declarations must prove that it has effectively exercised its jurisdiction over these waters for a long period of time, and this jurisdiction has not been challenged by other regional states. Since 1906 the Hudson Bay has been considered one of these historic waters. It is a large body of water near the main entrance of the Northwest Strait, which the US has protested several times over the years because of its strategic and national interests. Canada, in continuation of its policy, has stated that the sea areas of the Northwest Strait also constitute historical waters. Canada supports this position by the three-century exploration of this strait by the British, which began in 1576 and ended with a number of naval expeditions to rescue the famous English explorer Franklin in 1850¹⁷. Moreover, Canada supports its legal right on the historic waters, also based on the historical possession of this region by the Aboriginal Inuit tribe, who have lived along the Northwest Strait for thousands of years. The US protested over the declaration of this strait as historic waters, and the dispute between Canada and the US became extremely tense, with the incident of the U.S. Coast Guard ship *Polar Sea*. The US authorities did not seek permission from Canadian government services to sail this warship in the Northwest Strait in violation of Canada's domestic maritime laws on the grounds that the US ship was exercising the right of transit in an international strait¹⁸.

Disputes between the US and Canada were exacerbated during this period, also due to the redefinition of straight baselines by the Canadian authorities for the Northwest Coast and its northern coast. The US, and at least ten other states, protested the demarcation of these straits of the Canadian coastlines. These protests were reflected in US and EU political decisions, which sent a note of protest to Canada, stating that there is no legal element in international law that supports Canada's position on the coastline. The United States did not accept Canada's legal position because it meant accepting Canada's jurisdiction of the Northwest Strait, thus impeding, under international law, the freedom of navigation of the American-flagged vessels in the Strait¹⁹. Consequently, the legal status of the Northwest Strait continues to be unresolved under international law²⁰, thereby providing grounds for the escalation of interstate conflicts.

15. IMO, *International Code for Ships Operating in Polar Waters, preamble, Part I-A*.

16. UN, *United Nations Convention on the Law of the Sea, UN Publishing, New York, 1982, Article 37 and 38*.

17. Byers, *Understanding Sovereignty Disputes in the North: Who Owns the Arctic?*, 49.

18. Ted McDorman, *Salt Water Neighbors: International Ocean Law Relations between the United States and Canada* (New York: Oxford University Press, 2009), 67-71.

19. James Kraska, "The Law of the Sea Convention and the Northwest Passage," *International Journal of Marine and Coastal Law* (2007): 257.

20. Donat Pharant, "The Arctic Waters and the Northwest Passage: A Final Revisit," *Ocean Development and International Law*, 38, (2007): 3.

4. MARITIME JURISDICTION DISAGREEMENTS OVER THE NORTH POLE REGION

One of the fundamental issues within the international relations of the Arctic region, which has caused great political problems and may in the future generate conflicts of a military nature between the Arctic states, is also considered the jurisdiction over the North Pole. Artur Chilingarov, who led the naval expedition that positioned the Russian titanium flag on the ocean seabed of the North Pole, declared in August 2007 that the Arctic region is under jurisdiction of Russia²¹. On the other hand, only in December 2013, Canadian Prime Minister Stephan Harper stated that he had instructed senior state officials to include in the official request to the UN the right to exercise state sovereignty over the North Pole. Denmark, according to the Wall Street Journal, has also expressed interest in gaining sovereign rights over the North Pole²². Consequently, there is now a deep interstate dispute in the Arctic region over the possession of sovereign rights over the North Pole region which, given Russia's traditional aggression, as well as the alliance between Canada, the US, and the EU, and its impact on the international system, could escalate into a dangerous international crisis. Nevertheless, it is important to note that sovereignty over the North Pole cannot be an internal matter of just one country like Russia, Canada, or Denmark, because it directly involves relations with other regional states, which have economic supremacy, military power, and international influence close to these states.

By acting in this way, Russia and Canada could also negatively influence other fundamental issues within the international relation system that at first glance seem unrelated to the North Pole sovereignty, such as talks between the US and Russia on nuclear weapons. However, apart from the international political aspect, from the point of view of the law of the sea, it is important to note that no state can exercise sovereignty over the North Pole, which is located 750 km away from any land area or island, including Ellesmere Island, Greenland, and the Russian archipelago called Land Franz Joseph. This is because coastal states, according to UNCLOS, cannot exercise full sovereignty beyond territorial waters with a width of 12 nautical miles. Consequently, the states which are seeking to exert jurisdiction over this ice-covered oceanic region may have only a few sovereign rights up to 200 nautical miles (in some cases even beyond this extension) from the coastal state baseline that coincides with the EEZ and the continental shelf. If Canada, Russia, Denmark, and the US can scientifically prove that the North Pole is a natural extension of the continental shelf of these states, then they will have the exclusive right to exploit

the natural resources of the oceanic water column, as well as underground the seabed and nothing more. The ocean surface will remain part of international waters, meaning that ships can exercise the freedom of navigation and passengers from all over the world and can freely visit the North Pole site²³.

Notwithstanding the above arguments, because of the symbolism it represents, the North Pole may reflect nationalist and political values for states like Russia or Canada if these states manage to prove scientifically and legally the existence of sovereign rights over this region. However, the same phenomenon can occur in other parts of the Arctic Ocean, which may be subject to the jurisdiction of different states, resulting in disputes over maritime areas still legally contested. In this context, in the MN the factor of nationalism is considered an important mechanism that exerts a considerable influence in terms of the development of regional confrontations and conflicts between states, and the North Pole, precisely representing nationalist interests for Russia and Canada, might be at the epicentre of this interstate conflicts. Consequently, based on the political and legal arguments mentioned above, the North Pole should not be classified as a natural part of the continental shelf of the above states. This region, based on the legal principles of UNCLOS, should be defined as the common heritage of mankind, a term used to define those areas of the ocean's seabed that are outside any national jurisdictions and under the UN administration. However, large sums of dollars will be poured in to designate the North Pole region as national wealth due to the various states' nationalism and national politics.

5. INTERSTATE DISPUTES VIS-À-VIS MARITIME BOUNDARIES DELIMITATION

A significant interstate dispute over the delimitation of maritime boundaries in the Arctic region, which has existed for many years, has been characterized in relations between Canada and Denmark. The 1973 negotiations between Canada and Denmark over the delimitation of maritime zones in the Arctic Ocean brought to light disputes over the sovereignty of Hans Island, a small 1.3 km square rocky island located in the Kennedy Channel along the Nares Strait, between the Ellesmere Islands and Greenland²⁴. The delimitation of the continental shelf between these states, based on the Convention on the Continental Shelf (1958), aggravated the interstate situation, resulting in the contestation of the sovereignty of the island of Hans by both parties, a conflict which has remained unresolved

21. Byers, *Understanding Sovereignty Disputes in the North: Who Owns the Arctic?*, 88.

22. Byers, *Understanding Sovereignty Disputes in the North: Who Owns the Arctic?*, 88-90.

23. Christopher Stevenson, "Hans Off! The Struggle for Hans Island and the Potential Ramification for International Border Dispute Resolution," *Boston College International and Comparative Law*, 30, (2007): 263.

24. Byers, *Understanding Sovereignty Disputes in the North: Who Owns the Arctic?*, 24.

to this day. Denmark defends its position based on the ruling of the International Permanent Court of Justice in 1933 recognizing Denmark's sovereignty over Greenland, which also meant gaining sovereignty over the island of Hans, as an integral part of the groups of islands located near Greenland²⁵. The dispute emerged in 1973, when the continental shelf between Greenland and Canada was at the center of negotiations between the parties. When an international legal dispute arises, subsequent attempts by the parties to the conflict to strengthen their respective positions have no legal effect. Under international law, a diplomatic protest, accompanied by an act of protest by one party (state), is normally sufficient to prevent the establishment of sovereign rights by another state over the land/sea territory or other maritime zones²⁶.

Despite this legal reality, interstate disputes over this small rocky island have resulted in significant financial costs for the parties, often including the presence of military ships and aircraft in the region²⁷. Interstate conflicts reflected by incidents of a political and economic nature over the exploitation of natural resources around Hans Island continued into 1981, when the Danish Minister of Greenland flew by helicopter and hoisted the Danish flag on the island²⁸. Tensions over the raising of the Danish flag on this small rocky island continued in 1995, 1998, 2002, 2003 and 2004, forcing the Canadian government to launch a series of diplomatic protests in the direction of Denmark, thereby straining the relations between the two countries²⁹. The main reason for the outbreak of the conflict on the island of Hans has to do with the interpretation of international maritime law, represented in this case by UNCLOS, which states that the presence of islands, in special circumstances, may affect the extension of maritime boundaries between coastal states opposing each other. Similarly, the ceding of the Hans Island's sovereignty by Canada, might cause other implications of international legal nature and set a dangerous precedent for Canadian interests over the Northwest Strait, the Lincoln Sea, and the Beaufort Sea. Moreover, international practice has shown that the issue of ceding territory, even maritime rocks, by insignificant diplomatic disagreements can ignite large-scale regional conflicts. The same situation is reflected in the political and military conflict between Turkey and Greece, when the latter, due to the presence of its many islands in the Aegean Sea at the limits of its maritime boundaries, has constantly requested the

extension of the maritime boundaries' line according to UNCLOS to the detriment of Turkish maritime sovereignty.

Another interstate conflict in the Arctic region, which involves the delimitation of maritime zones in the Beaufort Sea, is considered the one between Canada and the US over the demarcation of the EEZ and the continental shelf. The Beaufort Sea is considered the maritime zone within the Arctic Ocean between Alaska and the Canadian Arctic Archipelago. Scientific research has yielded data showing that the subsoil of the Beaufort seabed contains natural sources of oil and gas. Canada and the United States have historically been disagreeing over a vast maritime area of the Beaufort Sea, which first emerged during U.S. diplomatic protests against the coastal baseline that Canada established in the area in 1976, being repeated later when the two countries defined the boundaries separating the respective exclusive fishing zones up to 200 nautical miles towards the high seas²⁹. Canada's position on the Beaufort Sea is based on the 1825 treaty between Russia and Britain. However, Canada's position is hampered by the interpretation of the law of the sea, which tends to treat the division of maritime boundaries as case-specific. This situation also occurs when there are similar geographical, legal and political elements. For more than four decades the issue of boundaries demarcation in the Beaufort Sea has remained unresolved between the two coastal states, which today has included as well the Aboriginal Inuit population, greatly complicating the situation towards the normal development of international relations in the sensitive Arctic region.

Exercising the right of the freedom of navigation in this ocean region, and rising world prices for oil, gas and minerals, might cause unrest in the international market by challenging the policies and governance capabilities of states that have ignored the Arctic for decades. In the context of improving the interstate conflicts of the region, with the aim of turning the Arctic Ocean into an area of cooperation and mutual benefit for all the countries interested in the development of trade and maritime technology, the Arctic states are involved in a system of negotiations and agreements to resolve their problems peacefully and in the long run. In this context, to resolve interstate conflicts in the Arctic region, in May 2008 in Ilulissat, Greenland, the Denmark's government convened an international summit with the participation of the five bordering states of the Arctic Ocean, in order to increase interstate cooperation and attain a peaceful settlement of disputes over the delimitations of Arctic's maritime zones. The meeting concluded with the proclamation of the Ilulissat Declaration, in which states reaffirmed their willingness to work together based on the existing framework of international law³⁰. In these regards, the implementation of the

25. Dixon, Martin. *E Drejta Ndërkombëtare, Tiranë: Instituti i Studimeve Ndërkombëtare. AII, 2009, 186-91.*

26. Byers, *Understanding Sovereignty Disputes in the North: Who Owns the Arctic?*, 26.

27. Stevenson, *Hans Off! "The Struggle for Hans Island and the Potential Ramification for International Border Dispute Resolution,"* 263.

28. Stevenson, *"Hans Off! The Struggle for Hans Island and the Potential Ramification for International Border Dispute Resolution,"* 263.

29. Karin L. Lawson, *"Delimiting Continental Shelf Boundaries in the Arctic, The United States-Canada Sea Boundary,"* 221.29.

30. Byers, *Understanding Sovereignty, Disputes in the North: Who Owns the Arctic?*, 89.

international maritime law, more specifically UNCLOS, to delimit maritime boundaries in the Arctic Ocean, can serve as a buffer element for interstate disputes³¹.

6. CONCLUSIONS

The Arctic, considered a vast oceanic region and populated by various nations, represents a small number of states, but with great potential and influence in the international system. This region has a number of international issues, which are reflected through significant interstate conflicts and disputes over the legal definition of ocean zones and the delimitation of maritime boundaries, based on international maritime law, represented mainly by UNCLOS. If human society and the governments of the Arctic states fail to cooperate, then international cooperation in other parts of the world will consequently become very difficult to achieve. In this view, the Arctic states should formulate policies and legal frameworks which should be in line with international norms and principles, and not focused on specific state interests and certain decisions over the Arctic maritime region. In order to achieve a normal development of international relations in the Arctic, the states of this region must cooperate with each other and seize every opportunity to resolve the regional disputes. The concept of sovereignty and that of international cooperation are not thought to be in conflict with each other. On the contrary, an uncontested and legally defined sovereignty can assist to achieve cooperation within the framework of international relations, by providing efficient jurisdictional authority over ship navigation rules, the use of natural resources, and the protection against threats and dangers by non-state actors. In this view, international law has been adopted as a result of international cooperation because states have defined maritime boundaries between the respective jurisdictions and have worked together in pursuit of common goals.

Resolving interstate disputes over the continental shelf in the Lincoln Sea and Hans Island between Canada and Denmark; the legal delimitation of maritime zones in the Beaufort Sea between the US and Canada; the redefinition of the overlapping continental shelf of Canada with those of Denmark and Russia in the Arctic Ocean; international recognition for the US-Russia and Norway-Russia maritime boundaries; establishing the legal status of the Northwest Strait according to UNCLOS and resolving the dispute between Canada and the US over the freedom of navigation in this strait under international maritime law, would lead to the establishment of a positive course for the diplomacy of the above states, thereby helping to resolve conflicts, as well as establishing good interstate relations in the region. Politicians of these states should create the grounds for avoiding diplomatic

aggression about the actions of other states with which they have disagreements, such as the case of Canada that should cooperate with Russia on the delimitation of the continental shelf in the Arctic Ocean. Canada-Russia cooperation can also contribute towards the establishment of efficient international relations on a world-wide scale by assisting Russia-US collaboration on fundamental issues of international politics, armaments, and economics. Looking at the Arctic Ocean from a legal point of view, it can be assumed that this economically and strategically important maritime region, bordered by the countries considered the world superpowers, should not be separated from the rest of the international system. On the contrary, the international relations of the Arctic states are very much related to the system of these relations in the rest of the world, characterizing the Arctic region as a laboratory of cooperation and international relations as a whole.

CONFLICT OF INTEREST

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

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