Navigating Peace in the Arctic: An Evaluation of the Future of Arctic Exceptionalism

I. Introduction

Current discourse around multilateral cooperation and the deterioration of peace has led many to conclude that multilateralism and its frameworks like the United Nations (UN) are in crisis. The number of conflicts around the world has increased and led to a decline in world peace for the 12th time in 16 years (IEP 2024). Despite the high level of conflict, certain areas of the world called the global commons, which consist of the high seas, outer space, and the environment, have maintained peace even though they are seen as prime areas of strategic advantage (Garcia 2021). Peace in these spaces contributes to norm building and ensures that states place the common heritage of humankind, one of the defining principles of international law, above all else (Garcia 2023). An often overlooked yet highly notable global common is the Arctic. The Arctic contains an estimated 22% of the world's oil and natural gas reserves and is surrounded by geopolitical tensions, yet it has been a prime example of cooperation and peacekeeping (WWF 2024). The Arctic Eight (A8) states, which includes Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden, and the US are states that have territory in the region and have cooperated despite tensions between them (Arctic Council, 2024a). Arctic Exceptionalism has developed as a term to describe the extraordinary peace and cooperation in the region. It frames the Arctic as an apolitical space where the A8 cooperates despite engagements in various global conflicts (Gjørv & Hodgson 2019). The global commons and the Arctic specifically are essential in a world where the common view is one of Realist theories and increased conflict. However, concerns have risen around the future maintenance of peace in the commons. Climate change has begun to warm the Arctic, which experiences impacts four times that of areas below the Arctic Circle (Rantanen 2022). Climate models predict that the Arctic will be seasonally ice-free by the end of the 21st century (Aksenov 2017). As the ice in the Arctic melts and becomes the Arctic High Seas (AHS), access to new trade routes and increased resources will open, which in turn will increase geopolitical tensions both among Arctic states and between Arctic and non-Arctic states (Suslov & Kashin 2022). To prevent future conflict and fully protect the Arctic as an exceptional space of cooperation and peace, the question must be asked: *To what extent can current mechanisms maintain Arctic Exceptionalism?* Through an investigation of the current mechanisms that contribute to the maintenance of Arctic Exceptionalism and an evaluation of their effectiveness in the face of increased uncertainties, I will show that mechanisms that maintain Arctic Exceptionalism must be strengthened and become more inclusive of non-Arctic states to ensure their future success.

II. Current Mechanisms

The current mechanisms that guide Arctic governance and contribute to Arctic Exceptionalism include the Arctic Council, the *United Nations Convention on the Law of the Sea* (UNCLOS), and other agreements like the Central Arctic Ocean Fisheries Agreement (CAOFA) that focus on resource management. Discussions held in the

Arctic Council (AC) have resulted in three binding agreements on search and rescue (2011), pollution preparedness (2013), and scientific cooperation (2017) (Loukacheva 2020). The AC is the primary forum for discussing Arctic issues to further regional peace and cooperation. The AC consists of the A8 states and 13 other non-Arctic observer states (Arctic Council 2024a). The AC agreements were major milestones in the codification of peace in the Arctic under international law. The 2017 Agreement on Enhancing International Arctic Scientific Cooperation (AEIASC) specifically addresses the need for peace in the Arctic, the urgency of climate change adaptability, and the importance of scientific cooperation (Arctic Council 2017). The AEIASC is distinctly significant because it reinforces the importance of science diplomacy within Arctic state relations. Science diplomacy can be defined as "the application of scientific research … towards broader objectives beyond scientific discovery" (Devyatk 2022: p. 2). Science diplomacy has been a major contribution to the maintenance of Arctic Exceptionalism, as it allows for a "backdoor diplomacy" where states can cooperate and foster relationships without addressing harder issues that could cause tensions (Wood-Donnelly & Bartels 2022: p. 2). The AC relies on science diplomacy and positive peace initiatives to reinforce norms in the Arctic. The purely cooperative approach is by design, as the Ottawa Declaration that established the AC specifically mentions that it will not deal with military issues (Arctic Council 1996). However, this does not mean that a military presence does not exist in the region. Russia has continuously built up its military presence in the Arctic, stating in its National Security Strategy that while it is a peace-loving state, it must be prepared to defend itself against NATO's strong Arctic presence (Cooper 2021). Due to the gap between cooperative science endeavors and the realities of military buildup, some have found it necessary to analyze the nature and effectiveness of different science diplomacy endeavors (Zaika & Lagutina 2023). Nonetheless, the focus on science diplomacy has ultimately led the Arctic Council to be productive and make immense contributions to the maintenance of Arctic Exceptionalism.

Figure 1. Arctic state's EEZs and Arctic High Seas (Source: Arctic Portal, 2023).

Climate trends in the Arctic have led to extreme sea ice loss. Recent data shows that there has been a 40% decrease in sea ice coverage at the end of the melt season since the 1980s (NSIDC 2021). As Arctic Sea ice melts and becomes the Arctic High Seas (AHS), the treaty that will guide state actions in the region's waters will be the UNCLOS. UNCLOS was adopted in 1982 and codified state claims in the ocean through different zone categories along with the principle of *mare liberum* (or free seas) in the high seas (Johns 2022). However, UNCLOS does not specifically mention the Arctic by name. The 20th-century view of the Arctic was purely one of Arctic Exceptionalism, and it was not until 2007 when Russia planted a flag on the Arctic seabed that discussions of Arctic delimitation became relevant (Koivurova 2011). In 2008, the Ilulissat Declaration was reached between the A8 which stated that UNCLOS would apply to the Central Arctic Ocean (CAO) ("Ilulissat Declaration" 2008). The reactions from states to Russian flag-planting are extremely significant. Rather than provoking military reactions and a scramble to lay claims to the Arctic, states came together to ensure that Arctic Exceptionalism remained in the region (Dodds 2013). Thus, the contribution of UNCLOS to Arctic Exceptionalism lies in its benchmarks for the maintenance of peace in the global commons and its development of norms that protect the common heritage of humanity. Additionally, the application of UNCLOS to the Arctic developed the boundaries of the Central Arctic Ocean (CAO). According to UNCLOS, states can claim up to 200 nautical miles past their low-tide line as their Exclusive Economic Zone (EEZ) (United Nations 1982). As Figure 1 shows, the CAO covers a 2.8 million square kilometer region that exists beyond the boundaries of the A8 EEZs (Romani 2021). Tensions

formed in the development of the Arctic EEZs, especially in the Barents Sea, but Article 298 allowed for states to resolve these disputes peacefully and agree to the delimitations that currently exist (Sim 2018). UNCLOS set the standards for current Arctic delimitation and norms of peace in the global commons and has significantly contributed to Arctic Exceptionalism.

The main concerns about the future of the Arctic revolve around resources. The potential of states to extract and exploit the Arctic's 90 billion barrels of oil and 1,670 trillion cubic feet of gas reserves is often cited as a major source of environmental and geopolitical concern (Larkin 2010). Other natural resources, notably the diverse fish population in the Arctic, also face potential exploitation and cannot be ignored. The basis for the regulation of fisheries exists in UNCLOS and the 1995 Implementing Agreement relating to the Conservation and Management of Straddling Fish Stocks (Marel et al. 20017). These instruments are interpreted and implemented by the Food and Agriculture Organization (FAO) in Geneva, which monitors and controls Illegal, Unreported, and Unregulated (IUU) fishing (FAO 2024). Presently, at least six species of Arctic fish have been identified as having a high potential to expand in the CAO, most notably polar cod, which states have expressed interest in exploiting (Rayfuse 2019). The marine ecosystem in the Arctic is uniquely diverse, complex, and largely undiscovered due to ice cover, so the limits of fishing and its impact on the Arctic ecosystem are largely unknown (Heath et al. 2022). Thus, major negative environmental risks and consequences could come from IUU fishing in the Arctic. Additionally, Russia is the second highest contributor to IUU fishing in the world behind China (GI-TOC 2023). As a result of these realities, the five Arctic littoral states (Canada, Denmark, Norway, Russia, USA), whose EEZ borders create the boundaries of the CAO, along with three non-Arctic states (China, Japan, South Korea), Iceland, and the EU came together in 2018 to develop the Central Arctic Ocean Fisheries Agreement (CAOFA) (Vylegzhanin 2020). The CAOFA is a highly innovative precautionary agreement that places a ban on commercial fishing in the CAO for 16 years after its entry into force ("CAOFA" 2018). The impacts of the CAOFA on Arctic Exceptionalism are immense. The CAOFA represents the first international Arctic agreement with non-Arctic states as signatories. It also contributes to good Arctic governance between the parties, as it stops potentially detrimental actions before vested interests develop (Rayfuse 2019). Thus, the CAOFA is a notable step towards the protection of future Arctic Exceptionalism.

III. Maintaining Arctic Exceptionalism

All the above-mentioned mechanisms have contributed to Arctic Exceptionalism, yet their ability to continue to do so when faced with future geopolitical and environmental realities is uncertain. Russia's full-scale invasion of Ukraine in 2022 has had detrimental impacts on the functions of the AC. Following the invasion, the other seven Arctic states issued a joint statement that paused all meetings and subsidiary bodies of the AC (Berkman 2024). Since then, partial work has resumed in the AC, but Russia is not allowed to participate. However, without Russia, the legitimacy of the AC has been questioned. Russian territory and claims in the Arctic

Ocean account for 53% of the Arctic coastline (Arctic Council 2024c), and Russia produces 91% of Arctic oil and gas worldwide (Statista 2024). Regardless of its actions, Russia's stake in the Arctic is undeniable. Without its participation in the Arctic Council, contributions to Arctic science will dramatically decrease at a time of utmost importance (Andreeva 2023). Additionally, its exclusion from the AC could lead to further military buildup and potentially spark regional conflict (Dyck 2024). The other seven Arctic states must find a way to disapprove of Russia's aggression against Ukraine while maintaining cooperation to put the Arctic in the best position to remain peaceful. Arctic Exceptionalism hinges on the ability of the A8 to develop an apolitical zone of peace and cooperate for the common heritage of humanity. The Arctic Council is the pillar of Arctic governance that ensures these ideas persist in the future. Its difficulties in functioning have already led some to question its effectiveness and necessity (Borozna 2024). Continued threats could have detrimental consequences to the future of Arctic Exceptionalism.

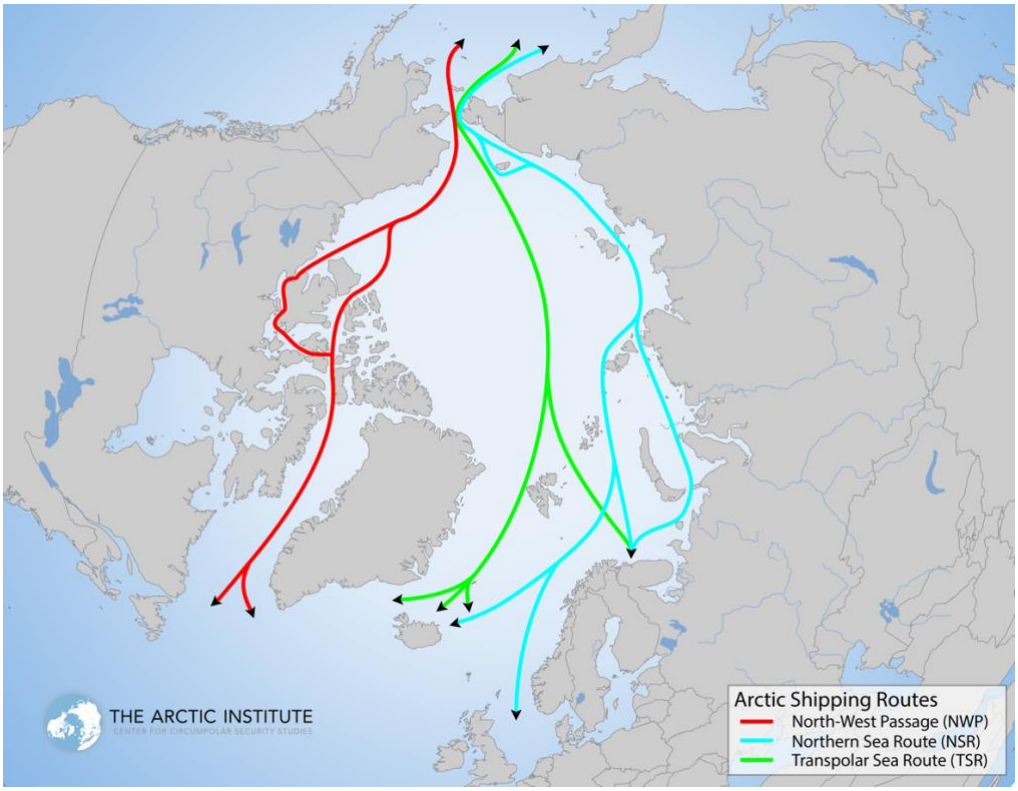

Figure 2. Arctic shipping routes. (Source: The Arctic Institute 2016).

While UNCLOS does not mention the Arctic by name, it does refer to ice-covered areas in Article 234 (United Nations 1982). Article 234 is the *lex specialis*, which is a specific rule that prevails over the general, of UNCLOS specially negotiated by Canada, Russia, and the US to prevent, reduce, and control vessels in ice-covered areas within an EEZ (Gavrilov 2019). As previously mentioned, there was no reason to believe that Arctic Sea Ice would melt to the present extent when UNCLOS was established. The melting of sea ice has made it easier to access polar shipping routes, most notably the Northern Sea Route (NSR), North-West Passage (NWP),

and Transpolar Sea Route (TSR) which are represented in Figure 2. These shipping routes in conjunction with Article 234 pose geopolitical threats. The NSR and NWP fall within Russia and Canada's EEZs respectively, both of which have argued that Article 234 should grant them the right to limit navigation in their EEZ as if it were internal waters (Hartmann 2018). Scholars and other states disagree with this interpretation, which could lead to future interpretive disputes (Dremliuga 2016). These disputes will become especially relevant as the TSR becomes a viable shipping option, which could contribute to distance savings of up to 41% (Humpert & Raspotnik 2012). The TSR primarily runs through the CAO but must pass through state EEZs to get there. Effectively, Article 234 could be used by Arctic states to bar non-Arctic states from using EEZ shipping routes and shipping routes that cross the high seas (Bennett et al. 2020). Thus, a standard interpretation of Article 234 must be set for UNCLOS to remain a mechanism that upholds Arctic Exceptionalism and ensures that geopolitical tensions do not rise further.

The AC and UNCLOS create difficulties for non-Arctic state's engagement in the Arctic. While there are 13 non-Arctic state permanent observers of the AC, they can only contribute to the AC through working groups (Arctic Council 2024b). States like China, the largest exporter in the world (OEC 2022), have expressed a strong desire to utilize the Arctic as sea ice melts. China's Arctic policy, established by the 2018 White Papers, clearly states its interest in mining and shipping in the Arctic to advance its global economic position (Mariia 2018). Without mechanisms to contribute to negotiations and increase Arctic involvement, the interests of non-Arctic states are placed below the A8, which could easily lead to geopolitical tensions. Additionally, Russia's use of Article 234 to restrict navigation in its EEZ could limit which non-Arctic states can access the AHS (Bennett et al. 2020). However, all non-Arctic states have the same rights to the AHS as they do in all the other high seas of the world. Thus, mechanisms that include non-Arctic states must be developed. Additionally, Arctic states often claim that non-Arctic state action should be limited in the region, as its increased usage could wreak havoc on the sensitive environment (Féron 2018). While these claims are based on genuine environmental concerns, they do not substantiate the exclusion of non-Arctic states from participation in the region altogether. Without mechanisms that include non-Arctic states, the divide between regional and non-regional states will increase. This divide contributes to the further politicization of the Arctic and takes the focus off cooperative efforts, which could be detrimental to Arctic Exceptionalism.

Despite difficulties for non-Arctic state involvement in the region, the CAOFA marks an important step towards their future Arctic engagement and provides avenues for the maintenance of Arctic Exceptionalism more generally. It recognizes that non-Arctic states have interests in the region and can utilize it for activities allowed under UNCLOS like commercial fishing. Even though it limits actions in the CAO, banning commercial fishing to ensure the protection of the marine ecosystem, the CAOFA is significant because it holds Arctic and non-Arctic states to the same standards of action (Sigurjonsson 2020). Additionally, it encourages further non-Arctic state

contributions to scientific research in the Arctic through the Joint Program of Scientific Research and Monitoring (JPSRM) (Schatz et al. 2019). These aspects of the CAOFA allow for trust to be developed between Arctic and non-Arctic states and simultaneously protect the Arctic environment. Scholars note that including non-Arctic states in the CAOFA could greatly contribute to Arctic Exceptionalism, as it promotes science diplomacy between states that otherwise face geopolitical tensions like the US and China (Pan & Huntington 2024). Thus, the CAOFA provides an excellent framework for future mechanisms to explicitly address existing issues in the Arctic without increasing tensions or furthering geopolitical imbalances. The emphasis on precautionary principles reinforces ideas of cooperation and peace and can be used as the basis for future Arctic agreements (Calderwood & Ulmer 2023). The CAOFA may not maintain Arctic Exceptionalism on its own, but its contributions are immense as an example of good Arctic governance.

IV. Conclusion

Arctic Exceptionalism is essential as a framework by which the possibilities of global peace and cooperation can be judged. In an international arena full of conflict, tension, and uncertainty, the global commons are reminders that multilateral cooperation remains a possibility. Climate change degrades the Arctic environment daily, which increases state access to abundant resources and efficient trade routes. As these impacts worsen, states face a dilemma. They can either take advantage of the strategic benefits or protect the Arctic as an exceptional space of peace. The mechanisms in place, namely the AC, UNCLOS, and resource management agreements like the CAOFA, indicate that the political will to maintain Arctic Exceptionalism is high. However, these mechanisms must adapt to the rapidly changing world. States must maintain the Arctic as an apolitical space and find ways to cooperate in bodies like the AC despite conflict outside the region. It is also essential to clarify Article 234 of UNCLOS as it will guide interactions in the AHS. Non-Arctic state involvement in the Arctic is imperative and will ease the growing tensions between Arctic and non-Arctic states. Agreements like the CAOFA provide the frameworks on how to do so and must be further expanded as environmental concerns continue to rise. With these adaptations, the cooperative efforts in the Arctic will be replicated globally. The Arctic will no longer be labeled exceptional as peace will be the norm.

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